Provincial Legislature.

Reported for the Sentinel.

DEBATE ON THE ELECTION BILL.--Continued.

Mr. Watters arose and said that he would speak to the question under consideration but would first refer to what had been said in debate. He thought it was a melancholy state of things when a question of such importance to the rights and liberties of the people was under dicussion, that a gentleman holding the high position of a member of the Government could make use of such language and pursue such a course as the hon. gentleman (Mr. McPherson) who had proceeded him. Such language was not only degrading to the House, but it was disreputable to the gentleman who made use of it, and would be disgraceful if made use of in the very lowest house in the country. Were not they sent here to use such language as became gentlemen, but he would ask what the Assembly of New Brunswick would come to if they were compelled to listen to such degrading language from a member of the Government? What would the spectators think who were in the gallery and listened to such language from a representative of the people. He (Mr. W.) would say that if the measures of the Government were to be sustained by such disreputable speeches from its members, then the sooner they were swept away the better. They had not respect for themselves nor respect for the House by pursuing such a course. If the hon. members from a County differed upon matters relating to their constitutents let them call a public meeting and settle their troubles, but let them for the sake of preserving the credit of the House and the country say nothing of them here. He (Mr. W.) hoped it would be the last time he would have to refer to such undignified proceedings from a member of the Government, and he would only say that if the Legislature continued to be the scene of such disgraceful acts, the sooner the seat of Government was removed the better. In respect to the measure before the House he would now take occasion to comment upon it. It was such a measure as took us back to dark ages. The people of the country had long wished to get rid of the very Law the Government now sought to introduce, and when a new measure was brought up in '55 who did they see opposing it but the very men who sought to restore the old Law. He believed that the names of the men who had to have the country relieved from such a corrupt Law deserved an imperishable position on the Parliamentary Records. They had voted for an unpurchasable franchise, and the men who then opposed now sought to take away from the people the glorious privileges that were due to them as British Subjects. He asked what was the cause of this? How could any man who voted for giving the franchise to the people now vote for having it taken back. There was no guarantee that the privilege would be given back to them.—The Bill before the House was nothing less than a bold proposition to restore a law that had been a curse to the Country. In 1855, the present Election law was passed. In 1856, no petitions had been sent to this House for its repeal, but in 1857 we find the government making an effort to have the law taken from the Statute Book. It only showed that the same spirit now animated the present government, as that which animated the men who in 1855 raised their voices against any further extension of the franchise. Was there justice, he would ask, in a bill that took away the rights and liberties of the people. What did they now find? they found that 86 Parishes in the Province had complied with the law. Were they to be deprived of their rights, because the minority were negligent and had failed to comply with the provisions of the law? If so, then such a course was unfair and unjust; and he felt satisfied that if the Counties which had been vigilant in making this law operative could be appealed to to-morrow, they would pronounce an unmistakeable verdict against such a course. Where, he would ask, was the liberality of the Government when they sought to deprive 86 Parishes of rights which justly belonged to men who had striven to comply with the law and become enfranchised? He (Mr. W.) maintained that there was no justice in it. Even in the County of York no less than 600 or 700 men would be robbed of a privilege they had earned, in being disfranchised by this Bill. This was the way in which the government showed their liberality by taking away the liberties of the people, and he was satisfied that some ulterior object was at the bottom of it.

In the City of St. John it was provided that a person assessed for £25 property should be entitled to a vote. It appeared however that some freemen had not taken the trouble to have their names registered; and as they now stood, were disfranchised. But look at the number that would be disfranchised by the repeal of this law: in the City and County of St. John, not less than 1000 men would be deprived of their right and have their privilege sacrificed by the passing of this Bill; so that even admitting 400 of the citizens of St. John were disfranchised, he had satisfactorily shown that 1000 of them would be disfranchised by this Bill. In Charlotte two Parishes had failed to comply with the law, but were the other seven Parishes to be deprived of their rights because those two had been neglectful. The same might be said of Gloucester; and in Kings' where the people were intelligent, eight Parishes had complied with the Law, while but one had not; and he would ask hon. members if these eight were to be thrown overboard because the Parish of Sussex had neglected to perform a duty. The same might be said of Northumberland, where two parishes only had failed to comply with the law. In his own county (Victoria) most of the parishes had complied with the provisions of the law, and was he, as their representative, going to vote for a Bill that would deprive them of their legal rights. No! he should be very sorry to do so. But perhaps the government had a reason for bringing in such a Bill. It might be that the members for the county of St. John, if they had to meet their constituents, would sooner meet them under the old system. He (Mr. W.) had reason to believe there was something under all this, and he called upon those who voted for this measure in '55 to set their faces against the revival of this old and absurd law. In one Parish (Grand Falls) in his own county, nearly 100 men had become enfranchised under this law, and were entitled to vote. Could it be expected then that he would vote for a Bill that would take from them their right. In his county, where many of the people were French, they had hailed this extension of the franchise as a boon, and he (Mr. W.) would caution any member representing a French constituency not to vote against a bill that deprived hundreds of these people of their hard earnt rights. He was not surprised however at any thing that emanated from the present government. No one could tell what they were for on this question. The Surveyor Geueral was for the Freehold franchise, and his hon. friend the Attorney General was for enfranchising the intelligence of the country. In County of St. John, he could tell him that by far the largest amount of intelligence was among those who did not possess the freehold franchise. The enterprise and intelligence of that community were outside of the freeholders. The basis of the intelligence of the place was among those who had been enfranchised under the new law. He asked his honor the Speaker if he was going to vote for a Bill that deprived nearly 500 voters in his own parish of their rights. He thought that it would have been much better for the hon. member for Northumberland to have voted for the amendment than to have taken the position that one system should prevail in one county. He would give his hon. friend (Mr. Kerr) credit for good judgment but not for the unbiassed exercise of it. Respecting the dangers to which he alluded as liable from dereliction on the part of the Sheriff, he (Mr. W.) had no fears that those officers would diverge from the line of duty. They knew well what would be their fate if found out. He believed every man would prefer throwing themselves into the hands of the Sheriff and Clerk of the Peace than to fall back upon this old law. [The hon. gentleman here read a letter from a number of the Magistrates of Victoria, denouncing a return to the old law.] What was the case in that county applied to every other County in the Province? The people did not wish to take a retrograde step.

In the mother country the franchise had of late years been extended, and he believed no man would be bold enough to go into any County of this Province and advocate a return to the old law. The government were not justifiable in coming before this House with such a Bill. If it had been such a one as would have been in any way consistent with the present Act, he should feel it his duty to have supported it. But they had not even ventur- to ask the opinion of members of a County, as to what law would meet with the approval of their constituents; and those who supported it knew that they had constituents that would be deprived of their rights, and would prove recreant to their dbty. But they sought to make the House believe that it was for an "emergency" purpose that they introduced the Bill. It might do very well for them to urge this, but he believed they wished to accomplish certain ends by having this Bill continued on the Statute Book. He denied that they were actuated by party feelings in introduciug the Amendment. The Assessor's lists referred to in this Amendment were not made up for party purposes, but were taken from all who had paid their taxes. He believed the people of the country would prefer that the new Law should be carried out, and if the Government had introduced a Bill not interfering with the principles of this Law, it would not have met with opposition. He held, therefore, that it was dishonest legislation where the majority of the people of the country had prepared themselves to act under the new Law, and the Government now sought to sweep such a law away entirely.—The question simply was, shall we retrograde or go forward? The people considered that the late election was the last that would be tried under the old Law, and that at the next there would be a more desirable system. There was a feature in the new Law which he did not like, and that was the £25 property assessment as a necessary qualification tp vote in the City of St. John. This was a small matter and he would go for extending it to every freeman who paid his taxes. He would be willing to amend the new law, but he was not going to sweep away the 86 parishes who had complied with the Law. He was opposed to the Bill because it took away privileges dear to British subjects and he should therefore record his vote against it and in favor of the Amendment. [The hon. gentleman concluded his speech by referring to Mr. Lawrence and reading an amusing extract from a speech once delivered by Daniel O'Connell.]

The following is the letter addressed to the representatives of Victoria, refered to in the foregoing speech of Mr. W. It was signed by several of the Magistrates and Electors of that County:—

Grand Falls, N. B.
Monday afternoon, 9th March 1857.

Dear Sirs,—Having just learned with deep regret, that the Government have in contemplation the revival of the old and odious Election Law, we earnestly that you will use your united and most strenous exertions in opposing such an act, as one subversive to the dearest interests of your constituents in this County. Time will not allow of our carrying a Petition throughout this country; but we feel satisfied that in thus speaking and acting, we are coinciding with the views of all classes and denominations."

Mr. Gilbert said the Government supporters appeared anxious to have the impression go abroad that the opposition were factious, and were delaying the business of the country. He (Mr. G.) denied the charge, and said he was sincere in opposing them, though he had not taken up much time in making long speeches, nor did he intend to do so on the present occasion.

In the consideration of the question before the House, he was surprised to find such a difference of opinion. He could not see why a political problem was not as easily solved as a mathematical problem. There appeared however, from some cause or other, no analogy in the cases.

The learned Attorney General in opening the debate, had pourtrayed in eloquent and classic style, the evils sought to be remedied by his Bill, and tells us the object in view "is to enfranchise some hundreds who at this moment are not in a position to exercise their political rights, owing to the neglect of certain parties in not having the Register of voters properly executed in some Counties of the Province." "Take not away," says the Attorney General, "the rights of a single individual, but guard it as something sacred!" Now what does his Bill seek to accomplish? To deprive hundreds entitled to vote under the new Election Law of '55, of the extended franchise.

How does this comport with the doctrine that a political right as well as any other, should be held sacred and preserved inviolate? The amendment proposed, virtually meets every difficulty and preserves the franchise under the new law, and deprives no one apparently of his existing rights. If this declamation about preserving the rights of the people, be not all hypocrisy on the part of the Attorney General and his followers, they will most certainly support the amendment, which affords a better remedy than the revival of the old Election Law with its attendant evils—of scrutinies, and perjuries, and drunkenness, and such demoralizing influences. If the Solicitor General's description of the bribery practiced in York be correct, why endeavour to re-enact a law which produces so much evil? But further, by passing this Bill and rejecting the amendment, they not only disqualify and take away the right of those entitled to vote on personal property and income, but also ignore and repudiate the ballot—a mode of using suffrage that would effectually arrest most all the evils of the old system. The ballot, he (Mr. G.) wished tried.—He thought votes would be more judiciously given, without any danger of improper means being practiced to the extent hitherto pursued in some Counties. He (M. G.) thought home influence—the council and advice of those to be affected by the exercise of the vote, was an important feature to his mind in favour of the ballot. The ballot can be written out at home, and the voter may consult his wife, if he happens to have such a comfort and she has a taste for politics, as to who the favoured candidates shall be. (laughter.) The ticket so made up deliberately, will find its way to the ballot box, uninfluenced by fear, favour, bribery, or rum; and thus the best men will generally be selected by the people. He was for the amendment, because it was a better remedy than the bill; and he hoped the Attorney General and his friends would—irrespective of party feelings, adopt the least objectionable proposition.

One ground urged against the amendment was, that it placed too large powers in the hands of Clerks of the Peace and Sheriffs; and Mr. Kerr from Northumberland, had particularly referred to Westmorland, where the Clerk of the Peace was a prominent member of the Government, and the Sheriff a brother of one of the present members.—He (Mr. G.) admitted there was danger in entrusting so much power in such hands, but as it was only a temporary measure to meet an emergency, he thought no great wrong could be inflicted; and besides those officers would be governed by the Assessors' Lists which were on record and could not be altered, and would uot be made for manufacturing votes or the exclusion of any. He therefore did not consider this objection so very formidable, and the remedy arising by the amendment was more desirable than that sought by the government Bill

We are told by the Attorney General, that he intends to bring in an Election Bill to cover all defects in the present emergency bill; if so, why not bring it in and pass it, and not incumber our Statute Book with useless laws. He (Mr. G.) wished to see this proposed Bill, to know its principle and details, before he would consent to adopt retrograde legislation. But the Attorney General wished to gain support on the same principle that a kind mother urges her darling to take a dose of brimstone for his present good, and afterwards, she promises to give it bread and butter. (Laughter.) He (Mr. G.) would not give his voice for a bad measure, on the promise that a better one was intended; which would be to legislate on supposition.

The position of the Attorney General reminded him (Mr. G.) of a story told of Mahomet, who announced to his followers that on a day named he would move a certain mountain; and at the time he attended with his worshippers, and he—Mahomet the Great, commanded the solid earth to leave its base and come to him, but it moved not?—"Well," said the Prophet, addressing the stubborn mountain, "if you won't come us, we will come to you." Now he (Mr. G.) hoped as the Attorney General finds the Opposition will not support his Bill, and that they have a better, it would be wisdom for him and his followers to come over to us and assist with this amendment, and in fact, allow the Opposition to govern, and proceed with the business of the country?

The Atty. General excuses the defects in his Bill by urging that it is only temporary, to meet an emergency; as if as emergency would justify the passing of an unjust law. What excuse would it be for a man to meet another in the street and rob him of his purse, to say—Oh, 'tis only for an emergency! (Laughter.) How then can this House do an act more extended and of worse character than taking money. There can be no emergency to justify robbery—much less, legislative robbery! He (Mr. G.) would not support such a principle. He considered the amendment disfranchised no one, while the Bill would hundreds; and such being the fact, he should most cheerfully give his vote for the amendment.

Mr. Hatheway said it might be expected by some hon. members that he would avail himself of that opportunity to repel the slanderous charges made against him yesterday by his hon. colleague. Had he a disposition to do so, he believed that a majority of the House would give him a hearing. But he would forbear. He regretted the disgraceful scene, not on his own account, but on account of the dignity of the House. He regretted it the more on account of the constituency he represented; and further, on account of those gentlemen with whom his colleague was unfortunately associated in the Councils of his country. He should not then have answered, but for the attack made upon him by the hon. Attorney General, who, different from his colleague, understood the force of language, and he thought, had attempted to administer rather a severe castigation. He charged him with having received more from the Government which he now condemned, than had he (Attorney General.) Let the House look at it for a moment.—He having for four years services in the St. Andrews Railway as Director, received the paltry sum of £175, barely sufficient to pay his travelling expenses; while the Attorney General, for a trip to Canada, on the College Commission, which proved of no advantage to the country, received more than double that amount, together with his £600 a-year as Attorney General. He charged him with a breach of faith in telling that he was offered a Railway Directorship, while at the same time he admitted that they had themselves communicated the fact to numbers of his (Mr. H.'s) constituents, as well as to gentlemen in the city of St. John. The hon. Attorney General knew that if he (Mr. H.) could have been induced to take the bait, that up to the last moment of the giving his vote, he could have done so. And he now challenged him to deny that if he could have been base enough to desert the party, he might have retired from the halls of the Legislature, and been this moment with his family in a situation preferable to any political office.

The hon. Attorney General had taken great offence at the allusion made to the untutored Indian, and had justified himself on the ground that his contituents approved of his course. But what was the fact? The first opportunity that was afforded them, they showed their approval by returning three men in 1854, to hurl them from power. He (Mr. H.) charged him with having deserted his party, and the reasons for so doing were but too plain. He saw the declining health of a Judge. He knew that with the party he was then acting he could not rise to that position over the heads of superior talent, who were by their consistency placed where they were freed from political turmoil, and he deserted his first love, as was too plain to be mistaken, for the love of office.

He (Attorney General) spoke of his having voted to sustain the Government for three years in their measures. What were they to do? but ten left by his desertion from the camp. Weak and powerless, would the country have justified him in keeping up or joining a factious opposition. He further accused him of giving assurance of support to the Government, while at the same time he was acting with the Fisher party. But he challenged him to the proof of that assertion. If the Government felt that they were sure of his support, where the necessity for all the offers made him? He had made it a practice through life not to employ a man that had once deceived him, and therefore he could not give his support to any Government of which he was the leader. It was useless to take up the time of the House in recrimination. The Attorney General had to answer to his constituents for his conduct. So had he, and the only thing he regretted was that the Attorney General had not had the moral courage when defeated to have resigned his seat, and given place to more honest politicians.

The question was then taken on the proposed amendment, and the Committee divided as follows:

Yeas,—Messrs. Johnson, Smith, M'Clelan, Mitchell, Sutton, Harding, Watters, W. E. Perley, Tapley, Ferris, Fisher, Hatheway, C. Perley, Gillmor, M'Adam, Connell, Gilbert, M'Naughton, Tibbits.—19.

Nays,—Messrs. Speaker, Gray, Wilmot, Montgomery, Allen, M'Phelim, Macpherson, Barberie, Read, Kerr, Botsford, S. Earle, Scovil, Desbrisay, Lawrence, Godard, Boyd, Street, J. Earle, Landry, M'Monagle.

Upon motion the Bill was then read section by section

Mr. Hatheway moved an additional section as follows:—

"This Act shall not apply to or affect the Counties of York, Carleton, Sunbury, Albert, and Restigouche; and the list of Electors made up by the Secretary-Treasurer of the Counties of York and Carleton, and signed by the Wardens of the said Counties, shall be the Register of Electors for the said Counties of York and Carleton, and the same shall be as valid in every respect as if the same had been made up and signed by the Sheriffs of the said Counties respectively."

Upon this motion Mr. Tibbits spoke substantially as follows:—He would not on any account have gone for the Bill unless it was understood that the amendment proposed by the hon. member for York was to be incorporated with it. He had been sorry to find the question made a party one; he was anxious to have the business of the country proceeded with. It was evident that the Government intended to hold on to office as long as possible; he thought they should have retired when the vote on the want of confidence motion showed them not to be in a majority. There were some gentlemen in the Government whom he would like to see in any which should be formed; but it was evident there must be very soon a reconstruction of the Government. He was opposed to retrogade movements, and so was the country. He hoped the business of the country would now be proceeded with.

A somewhat lengthy discussion followed principally as to *where* the Hatheway amendment should