

THE GLEANER:

AND
NORTHUMBERLAND SCHEDIASMA.

VOLUME II.]

"Nec araneorum sane laus valeo melior, quia es se fita gignunt nec noster vilior qui ex alienis libamus ul apes."

No. 25.]

MIRAMICHI, TUESDAY MORNING, MARCH 1, 1831.

THE GLEANER.

AMERICA.

New-Brunswick.

HOUSE OF ASSEMBLY, FREDERICTON;

Tuesday, February 8.

At 5 minutes before 1 P. M. the House was summoned to attend His Honor the President, in the Council Chamber, when His Honor read the following Speech to the Council, and House of Assembly, after confirming the election of the Speaker.

Mr. President and Gentlemen of His Majesty's Council,

Mr. Speaker, and Gentlemen of the Assembly,

I was induced, after due consideration, to defer meeting you in General Assembly, till now, in order to prevent, as much as possible, the business of the Supreme Court from interfering with your important deliberations in the ensuing Session.

I shall direct to be laid before you copies of the Official Despatches, which communicated the mournful tidings of the demise of our late Most Gracious and lamented Sovereign, and the auspicious accession of His present Most Excellent Majesty, King William the Fourth, to the Throne of His Ancestors.

With sincere satisfaction and a deep sense of Gratitude to the Author and Giver of all good, am I enabled to congratulate you on the condition of the Province. By the Divine Blessing, the late fine season has proved remarkably favourable to the agricultural pursuits, and the greatly increased enterprise and exertions of the people have, in general, been rewarded with the most bountiful returns; which will have the happy effect considerably to diminish the importation of foreign supplies for the consumption of the inhabitants. The gradual but steady improvement in the Commerce and Staple Trade of the Province, as indicated by the present state of Revenue, is also a most pleasing circumstance.

Mr. Speaker and Gentlemen of the Assembly,

I shall order to be laid before you, without delay, the Treasurer's Accounts and other documents therewith connected, which, I am happy to acquaint you, will be found highly gratifying; the Revenue of last year being more productive than had been anticipated, and largely exceeding that of the former. It will not, however, be prudent, to calculate on the permanency of this prosperous degree of the Provincial income; for without apprehending the adoption of any other measures affecting the Trade of the Northern Colonies; the commercial arrangement recently concluded with the government of the United States, must have an immediate tendency greatly to lessen the amount of Revenue to be collected in this Province, under the Acts of Parliament.

I rely with confidence on your making the usual provision for the Ordinary Services, and for such other objects of general utility as may be recommended to your favorable consideration.

Mr. President and Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the Assembly,

Upon the perusal of the documents to be submitted for your consideration, concerning the Grants of last Session for additional Light Houses, you will perceive that, by accurate Surveys and Estimates, it has been ascertained that the sums yet appropriated by Lower Canada and this Province, for the erection of the contemplated Light House on Saint Paul's Island are quite inadequate for that service. It has therefore been considered advisable, in concurrence with the opinion of the late Governor General, His Excellency Sir James Kempt, to defer the further prosecution of that important undertaking, (although much delay in such a case is to be regretted) until the deficiency can be provided for; it being likewise most desirable that the respective proportions of the expense for the future maintenance of the establishment, according to the comparative advantages therefrom to be derived from the Canadas and New-Brunswick should be agreed on.

Considering the vast importance of good Roads of Communication with all parts of the Province, I feel persuaded, that subject with all other objects and institutions which, for the welfare of the country, have been under the fostering care of the Legislature, will continue to receive the wisdom of your unremitting attention and liberal support.

The great want of a Public Penitentiary in this Province, so rapidly increasing in population, having on a former occasion been generally admitted, I need only now beg permission to recal to your wise consideration that important object.

To all your measures for promoting the true interest and prosperity of the Country, it will afford me great satisfaction to contribute my hearty concurrence.

Upon the return of the Members to their own House, the Speaker read the Speech of His Honor the President to the House; after which the various usual Committees for the present Session were appointed.

Mr. S. Humbert opposed the motion for printing 160 copies of the President's speech, as an unnecessary expense; the

same being sufficiently published in the public papers. The motion was however carried.

On the motion of Mr. Chandler, it was resolved that no new bill should be brought before the House after the 6th day of March next.

On the motion of Mr. End, that during the present session all letters to and from Members of the House should be free of postage, and the House should provide for the same.

Mr. Simonds opposed the motion, on the ground that, if the Bill for the payment of such little expenses would be derogatory to the dignity of the House; but the Hon. Member stated that if the Members' payment Bill should not pass, that then it would be time enough to bring forward the present motion; as in such a case it would be hard to add the expense of parliamentary letters upon the Members.

The motion was negatived.

Mr. S. Humbert moved that His Honor the President's speech be taken into consideration to-morrow morning.

The House then adjourned to ten o'clock to-morrow

Wednesday, February 9.

The House met at 10 A. M.—Journal of preceding day read.

On the motion of Mr. Weldon, the motion made yesterday by Mr. End, for the franking of Members' letters, was ordered to be taken off the Journal.

Mr. Partelow presented a Petition from W. H. Street, a wine and spirit merchant of St. John, praying that the house would take into their consideration, the propriety of altering the present duties on wine, and imposing instead thereof an ad valorem duty. Petition read and received.

Mr. Weldon read the report of the Committee appointed for revising the rules and regulations of the house, and on the motion of the hon. member, the house went into a Committee thereon, Mr. Taylor in the Chair.

The Chairman read the rules variation, and a variety of unimportant questions took place thereon.

On the question, how many days should be limited, in which the house should receive Petitions for scrutinies is controverted elections.

Mr. End proposed that six days, only, should be allowed on the ground that petitioners would be fully aware of their own intentions prior to the commencement of the session of the house, and that six days would therefore be ample allowance for the purpose.

Mr. Simonds proposed that the old number of 14 days should be allowed for this present session, and some modification of the rule adopted, so as to settle six days as the allowed time hereafter. The hon. member conceded that six days were enough inasmuch as petitioners must be sufficiently aware of their own intentions, to be able to present their Petitions within that time, but he thought that any alteration in the present session would be taken parties by surprise. It would be taken the freeholders of the county by surprise. Freeholders might now be deliberating about the expediency of petitioning against a return. In such a case it would be very inexpedient to alter the rule this session. He cannot vote for such an alteration at this time. It might so happen that freeholders might resolve to petition against a return, although the unsuccessful candidate might not wish to do so. They might insist on his coming forward to defend his own rights and theirs, and if this alteration now took effect, they might thus be debarred from their relief. Such a course would entirely cut them off from their rights, without their own default. He would have the intended alteration known all over the Province before it was put in force.

Mr. Partelow thought the matter might be effected by introducing a clause into the election law, during the session, regulating the time within which Petitions for scrutinies should be presented.

Mr. Browne remarked, that at the opening of the last house of Assembly, there was an unusual number of contested elections. The rule then stood, limiting the time of presenting to 14 days, but all those objections were actually brought forward within six days. The same limit was therefore sufficient on the present occasion.

Mr. Dow, Mr. Wyer, and Mr. Cunard, opposed the alteration. The latter gentleman stated, that on a former occasion, a petition against himself, which, however was founded on grounds which were proved not to exist, was actually presented on the 14th day. Petitioners might now be similarly situated. They might be unable to present their petitions till a late period, and any alteration in the time limited would take them by surprise. He conceived that 14 days were as requisite now as then.

Mr. Weldon stated that the Petition against Mr. Cunard, was solely a Petition of annoyance, and not of right. He believed it came in some days before it was presented. Petitioners certainly could as well come forward at once, as delay their proceedings so long. He saw no reason why they should not come forward at once. He would vote for the limitation of 6 days.

Mr. Cunard in reply, stated that the Petition came in by express on the 13th and was presented on the 14th day. Parties, at present, feeling themselves aggrieved would expect the same time for presenting their Petitions.

The question being put, the old limitation of 14 days was adopted.

On the rule, that if offensive matter be uttered in the heat of debate, the Member aggrieved shall note it down immediately, and that if neglected to be brought before the house during the same day, no notice should be taken.

Mr. End proposed as an amendment, that the offended Member should be required to bring the matter before the House within half an hour after its utterance.

Mr. Simonds thought that time should be given to the injured Member to compose himself, before requiring him to bring the offence under the notice of the house. No evil appeared to have yet arisen from the operation of the old rule, and he saw, therefore, no reason for altering it. The frequent occurrence of offensive matter when debating lessened the dignity of the house. All personal feeling should be left out of the house; it should never be brought within it. The rule was very good as it stood. There was no apparent necessity for altering it. He should be against any alteration of it. Let the rule stand as broadly as possible. Such offences did it was true, too often occur in the house, but they were derogatory to its dignity: Such things should have no place in that house.

Mr. Allen agreed with the Hon. Member for St. John. All the members did not possess equal sang froid with the hon. Member for Gloucester. Many of them might have such a delicacy of nerve as to note down an offensive speech at the moment. He had known members on such occasions so agitated by the utterance of offensive matter, as to be unable to do or attend to any thing at all. Let the rule stand as it is. No difficulty had yet arisen from it.

Mr. S. Humbert. We are all parties in this case. Offensive matter uttered by one member to another, is very unpleasant. If any offence is given, it should be settled with possible dispatch. [Here Mr. Humbert quoted a personal experience, wherein on a former occasion he had himself been insulted by another member, and had vacated his seat, on account of the delay of the house in vindicating his honour, but was immediately re-elected.] Would it not be better to settle all offensive matter instantaneously, and do away with it? It would be far better to decide the affair before any thing else was done. [Mr. H. quoted the practice of the House of Commons in such cases.]

Mr. Cunard observed that some members were sticklers for maintaining the House of Commons. He would move as an amendment, that if the aggrieved member should neglect to note the offence and to bring it under the notice of the House forthwith, that it should not be taken notice of by the House at all.

Mr. Simonds put the supposition that the Usher of the Black Rod might at the very time bring a message to the House, or many other impediments might prevent so immediate an attention. The amendment might therefore cause a grievance.

Mr. Partelow observed that the word 'immediately' in the rule meant 'as soon after as the offended member conveniently can.' Offensive matter should be immediately taken into consideration.

Mr. Simonds suggested that the rule should be varied 'as soon after as the member aggrieved conveniently can.'

Mr. End rejoined briefly in support of his amendment, which, however, was negatived, and the original rule adopted.

On the rule that no money shall be granted for the making or repairing of Bye Roads, until the proper certificates of the statute labour be produced, being read, considerable unimportant discussion took place, as to the propriety of continuing this as a rule, it being in fact a standing order of the house.

The rule was expunged, with the understanding that it was to be made a standing order of the house, or that a bill to the same effect should be brought in.

Mr. S. Humbert observed that the due and punctual attendance of members in that house was necessary to the dispatch of business. He thought some measures ought to be adopted to coerce members into their seats; and that any member not in his place when the Journal of the House was read, or not found by its Sergeant at Arms when a call of the House was made, should be deprived of his day's pay.

Mr. Dow briefly replied.

After which, upon motion to that effect, the Chairman left the chair, and reported the proceedings of the Committee to the House.

Mr. Partelow presented a Petition from B. L. Peters, Esquire one of the Candidates at the late election for the City of St. John, praying that a scrutiny might be maintained by the House of the votes respectively given for himself and the returned member, W. B. Kizer, Esq.—Petition Read.—The Petition stated that a great number of the votes given for the returned member were bad votes; that the Petitioner had requested the Under Sheriff of St. John, and subsequently the Sheriff, to scrutinize the votes, but that they had declined doing so; and that the Petitioner might be aided by his Council.—Mr. Partelow said, that as the returned member was not in his place, he should move that the petition