

Considerable desultory arguments now took place between the Members, as to the propriety of adjourning.

Dr. Smith contended that till a Speaker were elected, the Members were not a House; which argument was seconded by Mr. Crane.

Mr. Wetmore, the Clerk of the House reminded the Members that the same question could not be brought forward again the same day, and that, therefore, if the House were not adjourned, it must sit till the following morning, before the election of a Speaker could be resumed.

Mr. Scott considered it more advisable to adjourn. Mr. End insisted that the House had no right to adjourn, till they had elected a Speaker.

Mr. Slason contended for the adjournment.

Mr. S. Humbert also argued for the adjournment, on the ground, that though the Body was without a Head, yet that it still was a body; the House being to all intents and purposes a House, and so styled in His Honor the President's precept for the election of a Speaker; although no Speaker was yet chosen, and, therefore, having a right to adjourn under the present circumstances. Mr. H. also contended that the House was not commanded forthwith to elect a Speaker, but to elect a Speaker, and, having so done, forthwith to present him to His Honor the President; he insisted that it was advisable for the members to retire from the House, in order to consult how to act in this emergency.

Mr. Taylor and Mr. J. Humbert also advocated the adjournment.

Mr. Weldon considered it inexpedient.

After much uninteresting disquisition on this subject, the question was put and carried by a considerable majority, and a message was accordingly forwarded to the Council Chamber, to inform His Honor of the adjournment of the House, till to-morrow morning.

Some of the Members then left the House, but shortly after the House was summoned to the Council Chamber, where His Honor commanded them to proceed to the election of a Speaker at 12 o'clock to-morrow.—House accordingly adjourned, about 4 o'clock.

Tuesday, February 8.

The Members began to meet at 10 A. M. but it was half-past 11 when the business of the House commenced.

The Journal of the preceding day was then read; upon which considerable discussion took place among the members, as to the propriety of recording on the Journals the Message of His Honor the President, and the attendance of the House upon His Honor accordingly, after the House had formally adjourned.

Mr. Simonds rose, and stated, as the Journals then stood, it would appear that the House had no right to adjourn. Whether the House had, or had not a right to adjourn before they had elected a Speaker was a very important question. It was very easy to give up a right, but not so easy to gain it when ceded. He therefore contended that the House possessed that right of adjournment, under the circumstances, and quoted a case from the Journals of the House of Commons in support of the position. There was no doubt whatever in the matter. In the absence of a Speaker the House could do no business whatever, and the only alternative was to adjourn. The Hon. Member wished that the Journal could be so amended as that it should appear that the House had formally adjourned of its own right. He was unwilling to give up any right of the House. They were most undoubtedly a House assembled at Fredericton according to proclamation for the despatch of business, and being so assembled they were an important part of the Government of the Province, and in full possession of their privileges. He therefore wished that the Journal should be amended, but made no motion in the matter.

Mr. Partelow thought the Journals stood very well, inasmuch as they stated only the actual facts that had occurred.

Mr. Chandler considered that the House had full power to adjourn itself, and required no direction from the executive for such purpose.

Mr. End concurred with the hon. member for St. John, that under the present circumstances, the House possessed an exclusive power to adjourn itself. The doctrine was not only true that it had such power, but also that it possessed an exclusive power to adjourn itself.

Mr. S. Humbert was very sorry to perceive such a discussion at this stage of the business. He considered that although the house was not yet a perfect house, yet it was sufficiently strong to do what it had done, and any argument upon the subject was therefore premature.

Mr. Allen was of opinion that the Journals needed corrections very materially. No doubt existed in his mind as to the power of the house to adjourn itself. The Message of His Honor the President, ordering the attendance of the house the second time, after the house had actually adjourned, was therefore irregular and the Journal ought to be corrected in that respect.

The latter part of the Journal was then, at the request of some of the Members, read again by the Clerk, upon which—

Mr. Slason observed that it was plain that the house had been formally adjourned by itself, previous to the President's second message. The second attendance, therefore, of the house His Honor, and the second adjournment, was irregular, and the Journal ought so far to be amended.

The Clerk of the house stated that the question of adjournment was, it was true carried before the delivery of His Honor's Message; but at the same moment the messenger from the Council Chamber was at the door; he was admitted; the Members assembled, took their seats; the Message was delivered, and the Members did accordingly attend His Honor. Whatever was done in, or by that house must of necessity appear upon the Journals, and consequently, the acts in question were recorded. The President has a right to command the attendance of the house at any time, while the Members were assembled for the despatch of business.

Mr. Simonds denied the right under the circumstances, and proposed that that part of the Journal which recorded the second message, and the second attendance of the house after it had been adjourned should be expunged. It was of no importance that those subsequent occurrences should appear upon the Journals.

Mr. Weldon considered that the Journals ought to remain as they were: The President's command, that the house should meet again at 12 o'clock this day, must appear on the Journals.

Mr. Cunard seconded the views of the hon. Member for St. John, and considered the Journals were decidedly incorrect. The house had adjourned till 10 o'clock this morning, and could not therefore be there as a house until that hour. There was no power whatever to command the house to be there before the hour to which it had adjourned. The President's summons was therefore irregular. He (Mr C.) did not attend to that summons, and he considered that its appearance on the Journal was incorrect.

The Clerk of the house could not say how many members were required to go to the Council Chamber, but that they did go was a fact, and after the motion for adjournment had been carried. If therefore that fact was not recorded on the Journal of the day, a new Journal must be commenced on the same day, since it was necessary to record it.

Mr. Chandler observed that the house had certainly adjourned. The Journals could not stand as they then were. The house had frequently amended their Journals contrary to what the real facts were. Scarcely a session passed without such amendments. He thought it best to expunge the latter part of the Journal.

Mr. Partelow thought the adjournment of the house might have been made a private communication to the President, and that it might so appear on the Journals.

Mr. Simonds, in reply to a query from the Clerk, said that he wished to put no question on the matter. The Journals however were matter of public notoriety, and he could never give his vote for this Journal as it then stood.

Mr. S. Humbert said that the house had certainly adjourned itself. There could be no objection to that. He would recommend the expunging of the latter part of the Journal.

The Clerk of the house remarked that he had not been directed by the house to make a private communication to the President—he would not be permitted to do so. After the adjournment the house ceased. There was no house after adjournment until 10 this morning. The house certainly had a right to adjourn.

Mr. Weldon.—The house was quite competent to adjourn.

Mr. Cunard.—The house being so adjourned, the communication of the President, was made, not to the house, but to individuals.

Mr. Slason.—It would in my opinion be best to expunge the disputed part of the Journal. It is a very plain case, the house had adjourned itself, and nothing more could be done. Let the Journals commence this morning by stating the adjournment, and the President's subsequent communication.

Mr. Partelow seconded the views of Mr Slason.

Mr. Crane.—I confess I had my doubts about the adjournment of the house, although the house must necessarily under the circumstances have been adjourned. If the proceedings now recorded upon the Journals are expunged, what will be the inference.

Mr. S. Humbert recommended the expunging the disputed record, and beginning with it on this day's Journal. This would, in his opinion be consistent. Let it be entered on the Journals as a communication from the Clerk to the house as then sitting. No motion would be requisite for expunging the statement from yesterday's Journal.

Mr. Chandler proposed that the Journal of yesterday should not be read or considered as yet read, there being no particular occasion for it. Yet the Journals not be exposed to day at all. When a Speaker is elected, the house will have power immediately to adjourn, and the Journals need not be read to day.

After the above lengthened conversation, the Members left their seats, and remained about an hour, in that state, until the arrival of the President, at 12 o'clock, when Mr S. Humbert called the house to order.

Mr S. Humbert.—It is twelve o'clock, and we may quickly expect to hear 'a voice from above.' It is to me most astonishing that as yet we have no Speaker. It is utterly astonishing that this most important question has been delayed, not to the eleventh, but actually even to the very 12th hour. I may probably be answered that it is no delay—that the business of the house is proceeding. But I would ask how or where is it deciding or proceeding? Let us proceed upon principles of right and sound reason. This house is a constituent and important part of the head of the Province. Its rights, and the rights of the individuals who compose it, are sacred: The right of each here is tantamount to that of the whole cause. It is his honor and his duty to support that right? But what is the house doing? It is at a complete stop: A stop completely unknown to this house: Something must be done by this house, and that quickly: But nothing can be done without consideration: Proper measures must be immediately taken to elect a Speaker; but none must be forced in this house: This I say, that every one here ought to have an unbiased choice in the election of their Speaker: Their choice ought not be biased in any way whatever: This choice has already been exerted in the nomination of two gentlemen; and it has been negatived by an equality of votes: The question therefore is, can those two gentlemen be put in nomination again? I am of opinion that such a course could only produce a lengthened discussion: How then are we to get clear of this difficulty? Let us act parliamentarily, consistently and constitutionally: I feel greatly the dignity of mystation in this house, and am determined it shall not be compromised: The house, to get clear of the difficulty, may again nominate the two gentlemen, and proceed by ballot: But in my opinion it is a plain case: By all means avoid that path: It would be a direlection of duty: There is only one course to be pursued. The adoption by ballot would open the road to unknown inroads: Ballot is unconstitutional: We have no right to adopt that mode: We cannot do it innocently: By adopting it we should compromise the rights of ourselves, and our constituents: I feel for more than I can express in this matter. I feel deeply for the dignity of our station. Any gentleman in this house stands free for nomination: Shall we compromise their rights? I stand alone in this view, but I feel much on this subject: I do not intend to make a long speech, but the matter is an important one.

Mr Hayward observed that although his honorable friend considered it unparliamentary again to propose the same gentlemen, yet that he felt it his duty to propose Charles Simonds, Esquire, a Member for St. John, to be Speaker of that house; he (Mr H) conceived this nomination to be a duty he owed to his constituents, and the country, as the conduct of the honorable gentleman in this house, and in that chair, had ever been such as to entitle him in his opinion again to enjoy that honor: His integrity, independence, and straight forward conduct were well known to all the house:

dependence, and straight forward conduct were well known to all the house:

Mr Gilbert seconded the nomination of Mr Simonds:

Mr S. Humbert in reply to Mr Hayward, stated that he would shew to the honourable member for Sunbury, the course he had adopted was unparliamentary, and he read an extract to the effect, that the same question cannot be proposed the second time during the same session: He (Mr Humbert) had voted in favor of his honorable colleague from St. John, and so he ever would vote: He esteemed and respected him greatly, and would go any distance, or make any exertion to serve him: But he felt that he had a duty paramount to all that. He had exerted all his force he possessed for that gentleman. He had no spark of opposition to him: But the course now pursued was unparliamentary: Nevertheless, until the question was decided, he would remain as he was:

Mr Cunard opposed any proceedings by ballot. Every man ought openly and manfully declare for whom he voted. He, [Mr Cunard,] yesterday seconded the nomination of Mr Chandler for the Speakership, and he now proposed him for the honor of the Chair: For himself, he would not boast that he had not been canvassed, although he most decidedly would assert that he had been neither lectured or lessened, as some might imagine. Mr Chandler would support the dignity of the house, and assert its rights, without invading those of others. He was one who would never invade the rights of others; he would manfully guard the rights of both sides. His conduct was ever straight forward and impartial. It was on that ground alone that he [Mr Cunard] proposed him. It was from no private feeling or respect.

The question in favour of Mr Simonds, was then put, and the ayes found to be 12. After which,

Mr S. Humbert rose, and stated that although he had now again voted for Mr Simonds, on the question being put, yet that he felt it his duty to protest against this course of proceedings as unconstitutional.

The question in favour of Mr Chandler was then put, and the ayes again found to be 12.

Mr Weldon then rose, and reminded the House that the President had commanded their attendance at 12 o'clock, to elect a Speaker: It was high time, therefore, that a speaker should be elected; consequently, he begged leave to nominate William Crane, Esq. a Member for the County of Westmorland, for that honourable office. From his constant attention to the business of the House, and his knowledge of the usual forms, he [Mr Crane,] was well qualified for the situation of Speaker to that House.

Mr End seconded the nomination, and stated that he should warmly and firmly give Mr Crane a hearty vote.

Mr. Slason was sorry to rise in opposition to this nomination, but he wished to propose Rufus Smith, Esq. also a Member for Westmorland, an old Member of that House, and distinguished by his talents and ability, for the honour of the Speaker's chair.

The nomination was seconded by Mr. Simonds.

The question in favor of Mr. Crane was then put, and carried by a majority of one, the number of ayes being 13.

Mr Crane was then led forward to the steps of the Chair, by Messrs Weldon and End, and after the usual preliminaries, the honourable Member was duly installed in the Speaker's office.

MARRIAGES and DEATHS.

NOVA-SCOTIA.—Deaths.—At Halifax, Mr. Daniel George, Mr. George Hudson, Superintendent of the Isle of Sable, Miss Ann Farquhar. At Stewacks, Wm. Pollet, Wm. Johnston. At Granville, Robert Bath. At Sea, Miss Ann Purris of Pictou. At Pictou, Mrs. Mary Skinner. At Onslow, John Baird.

NEW-BRUNSWICK.—Marriages.—At St. John, Mr. Neil M. Glinchey to Miss Valleley. At Hampstead, Mr. John Case, to Miss Phæbe Golding. Deaths.—At St. John, George Edwin, Joseph, son of the late Rev. J. Wright.

SHIPPING INTELLIGENCE.

HALIFAX.—The brig Squaw, Capt. Evan, was totally lost on the Brake, near Ramsgate, on the 13th Dec. and the Captain and five of the crew perished. The ship Bainbridge, Wilson, from Cork, has arrived at Halifax.

NOTICE.

All persons having any just demands against the Estate of ANDREW STRAHORN, late of Bathurst in the County of Gloucester, deceased, are requested to tender the same duly attested, within three months from the date hereof, and all persons indebted to the said Estate are called on to make immediate payment to

JANE STRAHORN, Adm.
JOSEPH READ, Adm.

Bathurst, December 1.