

# THE GLEANER:

AND NORTHUMBERLAND, KENT, GLOUCESTER AND RESTIGOUCHE  
COMMERCIAL AND AGRICULTURAL JOURNAL.

OLD SERIES]

*Nec araneorum sane textus ideo melior, quia ex se fila gignunt, nec noster vilior quia ex alienis libamus ut apes.*

[COMPRISED 13 VOLUMES.]

NEW SERIES, VOL. VI.]

MIRAMICHI, TUESDAY EVENING, MARCH 21, 1846.

[NUMBER 24.]

## Provincial Legislature OF NEW BRUNSWICK.

HOUSE OF ASSEMBLY.

### DEBATE ON THE LATE DESPATCH.

[Continued from our last.]

Dr. Earl followed Mr. Wilmot in a somewhat lengthy speech; but from his low tone of voice I found it almost impossible to report him connectedly.

He stood in a peculiar position before the Committee; being unused to public speaking, and from the eloquent speech just delivered he would appear to bad advantage. The hon. and learned member from York who had just sat down, had promised yesterday to give them something to go upon; but with the exception of two or three paragraphs, he had not redeemed his promise to his satisfaction. He denied that the principles of this Despatch were at all applicable to this small country; it was perfectly absurd to talk about it. The whole tenor of the hon. and learned member's speech, had been in favour of Departmental Government; the effect of this would be to turn out all the old and tried public servants, to make room for a few hungry political aspirants; this doctrine was far from being British. The hon. and learned mover of the resolution (Mr. Fisher) had omitted the most important part of the history of Responsible Government; he should have showed its tendency in the country, as introducing intrigue and corruption; and that the expense to the country in carrying on the Government under this system, would be about double to the old system: the love of country would merge into the love of office, and such a scene would ensue, as would cause every true and loyal British subject to turn away from it in disgust. Look to Nova Scotia, and see what a Liberal House had done there; they had been guilty of one of the most illiberal acts ever committed by any Assembly in the world: they had turned out several old and valuable public servants, not because they had been guilty of anything wrong, but merely to make room for some new aspirants. This was the effect of the principles of that Despatch; and now they were told that they must take it, and put up with it, merely to make way for some office seekers. These facts could not be denied. There was in this Despatch much to admire, and much to condemn: if it was to go into operation in this country, we would be saddled with a pension list—we would have to pay the Executive Council, and an endless machinery and expense would be entailed upon the people of this country. But they had been told that they must take it, whether they like it or not. He did not believe this; the Home Government would never force these principles upon this Country, if they did not want them; he denied that this Despatch was ever intended to be made applicable to this Province: it was left optional with them, whether to take it or not.

It was no use for hon. members to deny that this despatch would entail a pension list upon the people of this country—every word of the despatch contradicted this assertion. He contended that the Solicitor General and the Province Secretary did not take office under the tenor of this despatch, and if turned out of office, would have to be pensioned off; and notwithstanding all the sophistry that had been used against this conclusion it was plain as day—and if overlooked in this House, it would not be overlooked out doors—He was of opinion that before this despatch should go into operation, the assembly should be dissolved, and the people should have a voice in the matter. It had been sounded abroad that Public Officers did not perform their duty. Who, and where were they? why did not hon. members point them out, and this House would remove them, if the charge preferred should be sustained. The hon. member of the Government (Mr. Hazen) had said yesterday that some hon. members were still to be found on the floors of this House, who would deny that Responsible Government had ever existed in this Colony. He could not believe this; who were they? who so blind to the state of this country as to deny this? But there was yet another evil: under this despatch, an Executive Councillor upon resigning his seat would also lose his office, if he held one—office and all would go. The hon. and learned member from York had talked about being beset with enemies, and seeking a green spot wherein to rest—a good office was the 'green spot' he was seeking, and if he received that he would be satisfied. The principle sought to be introduced by the adoption of this despatch, was to turn out the public Officers, to make room for others; those going out to receive pensions, and all Executive Councillors to be paid. Now he would

ask hon. members, if they would go to their constituencies and tell them this. He could not sit still, and allow the question to be taken on this resolution, but would raise his voice against it, although labouring under physical disability. But he had a solemn duty to discharge, and would never shrink from expressing his opinions freely for fear of receiving a castigation, or from any other cause and if the hon. and learned member of the Government (Mr. Hazen) had deserted his principles, he, at least, would never desert them, if he stood alone in the minority. He was not made of such flexible stuff as to be turned round by every wind that blew. He would now wash his hands clean of this despatch, and should vote against both the resolution and the amendment.

His Honor the Speaker would make a few remarks. The Committee were rather in a peculiar position, with regard to the resolutions before them. The original resolution went to adopt the principles of this despatch; while the amendment went to make the tenure of office to be "integrity and talent." Now he thought the question was not fairly before them; who, around those benches, would deny that Public Officers should not be men of talent and integrity, he was not one of those who feared that talent and integrity would not be found under those principles; but if offices were sought, for the sake of place alone, then talent and integrity would not always be found. He could not agree with some hon. members as to the particular time Responsible Government was first introduced into this Province; for whilst some among them were busy themselves with putting forth abstract theories; others, in the meantime, were working them out. He looked upon the surrender of the Crown Revenues, and the establishment of a permanent Civil List, as the first step ever made in this Province, towards Constitutional principles; from that time up to the present day, they had been gradually progressing—step by step. In 1831 or 2 the Council was divided, this however, had not been asked for by the popular branch. What, he would ask, was members of the Executive brought into this branch of the Legislature for? Was it not to harmonize the different branches and assimilate them as near as could be, to the Constitution of England? At this time men were found to carry on the Government; but he would not say they always possessed the confidence of the country or the Assembly. He alluded to these things, to shew that these new principles were not of recent growth; they had been growing and strengthening for years, and would very soon have developed themselves, without the aid of this despatch: these remarks were also applicable to the sister Colonies. In 1843 another step towards the introduction of those principles had been made. The Executive members belonging to this branch, came down and stated that they were prepared to defend the appointments then recently made to the Legislative Council. This he was not prepared to say, was exactly correct. Soon after this a quarrel took place between the Assembly and the Government, upon the appointment of a gentleman to the office of Provincial Secretary. The Home Government was then appealed to—which resulted on the wishes of the Assembly being complied with; but so careful and unwilling was the Home Government to extend to them the full benefit of the Lord John Russell despatch, that they at that time refused to allow us the benefit of Departmental Government. This fact went to show that the Government was at that time doubtful, whether all these principles were necessary to be introduced into the Colony or not. In 1846 there was but one member of the Executive in that house; in 1847 the hon. Surveyor General was appointed to the Executive, and since that time, there had been two. Now if the people who held those Government offices were allowed to do the Government work, it would amount to the same thing as though the principle recommended in this Despatch were carried out; but his hon. and learned friend (Mr. Hazen) the hon. member of the Government, had, as the hon. and learned member from York (Mr. Wilmot) humorously described it, grown grey headed in the service without having received any remuneration therefor. Some hon. members during the present debate, had said, that if this despatch was adopted, as a whole, the initiatory right would have to be given up to the Government at once; he did not view it in this light; the Commons of England had yielded up this right to the Government when they found the state of the country demanded it, and the same reasons which had induced the people of England to surrender this power, would produce the same effect in New Brunswick; that time had not yet arrived; but that it would come was just as certain as that he then stood on the floor of that House (hear, hear.) The principal reason why the initiation of

Money Grants had been surrendered to the Government in England, was on account of the immense flood of petitions which poured into Parliament, from all parts of the Kingdom, praying money; it was a voluntary act on the part of the people, the Crown never asked for it. There was generally from four to five hundred petitions, of late years, praying money. These had to be adjudicated upon, and it was becoming more and more necessary that some restriction should be placed upon them; they required a powerful check. (Mr. End—we have the Supply Book.) The Supply Book was not sufficient. As to a Pension List, he thought that when an old and faithful Public Servant retired, he should be allowed a pension in his old days; they had taken office with this tacit understanding, and the Government, if it appealed to, would allow it. Earl Grey, he was satisfied, had recommended this, to act as a restraint upon them, and for nothing else; but if the terms of this despatch were carried out in a proper spirit, without any bitterness of feeling, there would be no need of this restraint. By the principles of this Despatch, certain Public Offices would be given to those men only who possessed the confidence of the country. These Heads of Departments would hold a seat in the Executive, and he would be willing to pay the remaining Executive Councillors to a certain extent; for if those Public Officers were called away from the duties of their offices, to attend to Government business, Clerks would have to be employed to perform that duty, which amounted to something as paying them salaries as Executive Councillors. But he was of opinion that the Government should always command the support and assistance of the Heads of Departments. He was willing to give every man credit for sincerity of intention, and was willing to believe that if they did err, they erred from conscientious motives; neither the majority, nor yet the minority were always right; but if the Government of this country carried out the principles of this despatch in good faith and sincerity, he had no fears but it would be productive of much good; the corrective at all events was with the people.

The unfortunate differences which had arisen in the Sister Colony of Nova Scotia, instead of deterring us from adopting those principles should have a contrary effect, and should serve as a warning—a beacon light, to guide them clear of the like difficulties. He would be extremely sorry to see anything like bitterness of feeling, and party strife obtaining in this country. He had no doubt but that the principles of this despatch would be found to work well, its timely arrival had, no doubt, saved them from much trouble; resolution upon resolution would have been moved, and party strife and bitterness would have been the result. He was sorry to hear an hon. and learned member [Mr. Ritchie's] remark Yesterday, that those who had formerly opposed these principles should give way and allow others to take the lead. This was decidedly wrong, in this poor infant Colony, where talent and ability was scarce, they wanted all the influence they could get to carry on the Government properly and harmoniously. He would now say, to those who feared, by the adoption of this despatch, a Pension List would be created and the initiation of the Money Grants given up—that they need not entertain any fears upon this point; there was nothing in the despatch to compel them to do either if done at all, it must be voluntary, on the part of this House. He was favourable to the despatch, and with these views, would support the original resolution and vote against the amendment.

Mr. Wark thought it wrong to mix up so many subjects in one debate; it was quite time enough to discuss the subject of money grants, or a pension list when it came before them in a proper shape: what they were called upon at present to discuss, was the principles of Colonial or Departmental Government laid down in that Despatch. He should not have risen at all, but for what had been said yesterday, that the resolution moved by his hon. and learned friend (Mr. Fisher) last session, was intended as a trial of strength; he could only say that he for one did not vote for it on that account. With regard to what had fallen from the hon. member from Kings [Col. McLeod] as to the different Branches being kept separate from each other, he could not see how the introduction of these principles would blend or mix them together. His hon. and learned friend the member of the Government (Mr. Hazen) represented the city of Saint John in this house; when he took his seat in Council he represented the province at large. As to the statement that his country was not fit to receive those principles, he for one would never utter so great a libel on his own constituents as to say they were not fit to receive these British principles—the right to manage their own affairs. This Province was perhaps peculiarly adapted for their

introduction, on account of their moderation with regard to party feeling in political matters. He would, with these few remarks support the resolution cheerfully.

Mr. Steeves would not have risen but for the remarks which had been made concerning the resolution of last session. Every thing had been said that could be said upon this subject, and all the arguments against the introduction of those principles had been fairly met and answered. It had been asserted that the resolution of last winter moved by the hon. and learned member from York, (Mr. Fisher) was a trial of strength. He wished to set himself right upon that question, he did not vote against the resolution upon that ground at all; neither did he oppose it in order to prevent the introduction of Responsible or Departmental Government, the latter he considered as a question of time entirely; the former was then in operation. He entirely concurred in the principles laid down in this Despatch. As to the subject of a pension list and the initiation question he could see nothing in the Despatch, to compel them to adopt either, that he also considered a question of time. As to the pay of the Executive Councillors, he did not at all infer, that men holding Public Offices, with a seat in the Executive would be entitled to a separate salary; therefore the country would be put to no additional expense. For these reasons he would support the resolution.

Mr. Carman said that since he had had the honour of holding a seat in that House, he had taken rather an active part in the business before them, and lest his conduct should be misconstrued in voting against the resolution, he would briefly state his reasons for so doing. He should vote against this resolution, because he was satisfied it would entail a heavy expense on the people of this country; and another reason was, it would be the means of moving the seat of Government! He would explain it—suppose a new Government was about being formed, the Governor would say to the present members of the Government, (Messrs. Hazen and Chandler) will you take such and such offices, and come into the Government? No! we cannot spend our time in Fredericton, our business leads us elsewhere. He did not pretend to say, there was no talent to be found in Fredericton, far from it; but in St. John, the commercial Emporium of the Province—there would always be found a larger number of influential men, who could be called in to assist in carrying out the Government. He did not wish to be understood as wishing to move the seat of Government; on the contrary he was prepared to shew when that question came up for discussion, that it was just where it should be and that to remove it would be an interference with vested rights, which could not be disturbed. This Despatch laid down an admirable constitution, if it could be carried out, but this he feared would be attended with much difficulty and trouble. As to the doctrine of a pension list, he contended that if these principles were carried out, the pensions must follow. It had been said that it was wrong for Executive Councillors to work for the good of the country for nothing, and that they should have an office too. But there was only three to get hold of—the Attorney and Solicitor General, and Secretary of the Province; but there would be three more to be provided for by salary. If the Crown Officers were to be employed by the Government in preparing Bills, and cutting out work for the Legislature, other gentlemen would have to be employed to conduct the Crown prosecutions, which would lead to another expense. He could not see how any hon. member could conscientiously oppose the amendment then before them, he feared the Conservatives were deserting their ranks, but he would hold on to his principles if he stood alone.

Hon. Mr. Hazen explained as to the word 'trick' which had been used in a debate last session. He would not say but he might have used it in the heat of debate, but it had done so he had no intention of wounding any hon. member's feelings; if it was not a 'trick,' it was a cunning device of the enemy. He was happy at seeing the debate conducted in such good feeling. With regard to what he had said on the hustings in 1843; he would not deny but that he then said he considered Responsible Government a piece of nonsense, and humbug then; but he also recollected of hearing his hon. colleague (M. Woodward) say at the same time—that free trade was very good, but he did not think St. John was hardly fit for it yet.

Mr. Jordan supported the resolution in a brief speech.

Hon. Mr. Baillie said there remained but little to say upon this subject. This Despatch had been sent out from the Colonial Office, and applicable to all the Colonies, and he hoped, they would be contented to receive it: it was part of a new and part of an old constitution.