

LEGISLATIVE NEWS.

NEW BRUNSWICK.

HOUSE OF ASSEMBLY, April 15.

STATE OF THE PROVINCE.

DEBATE ON MR. RITCHIE'S RESOLUTIONS.

MR GRAY would call the attention of the Committee to a few remarks on the Resolutions then before them. He thought it useless to waste time in speaking of their importance, as this was generally admitted, but he would endeavor to show them why he thought each of these Resolutions should be supported and why the amendments were insufficient. With regard to the assertion of the honorable Provincial Secretary, of the impropriety of bringing up these questions now, no more constitutional course could have been adopted. This was no new matter; six weeks ago the hon. mover of the resolution had stated that this would take place, and though the Resolutions were not then laid on the table their purport was well known. The matter had been allowed to remain over until the Government had brought down every measure they wished to enunciate, and had carried through the House such of them as they could, in order that the public time may not be wasted, or necessary measures prevented from being brought in. They had waited until every measure had brought in, discussed and disposed of, and there was not on the table one government measure that required the time and attention of the government or the house. There was, therefore, no time when a great constitutional question could with more propriety be taken up or better discussed. Whether their time could be better disposed of in attending to other business, as had been stated, was another question altogether. This was not a mere question of time to be saved, but one of far more importance, as determining the great constitutional question, and so effecting a great public saving. The discussion of great constitutional points should be taken up in such a way as would leave the minds of hon. members calm and dispassionate when deciding the question before them. He would refer more particularly to the Resolution relative to Bounties, which, as his hon. friend had already intimated, he had chief hands in preparing, and show them why this should pass, and taking up the amendment at the same time, show why it should not be sustained. He would now call attention to the way in which the refusal of the Imperial Government, to accede to a Bill granting Bounties first arose. In the speech of Lord John Russell already referred to, it was declared that the local Governments were to have the entire disposal of the local revenues, in the way, and for such purposes as they may deem most advantageous and most likely to promote the interests of the country. The house determined, Session after Session, that the interests of the country could be promoted by granting Bounties on the production of several articles, and the Bills they passed for this purpose were not assented to by the Home Government, on the grounds that the system of Bounties was inconsistent with the general line of policy adopted by the Empire. He would call their attention particularly to this: that bounties could be shown not to be inconsistent with the general policy, and that they had the undoubted right to dispose of their revenues in the way they deemed best, and that the arguments of the Colonial Secretary were founded on the impolicy of granting bounties and not on any denial of their rights to do so. This question first arose relating to the growing of hemp. The house, believed, as was expressed in their resolution, that the growing of hemp would be advantageous to the country, and passed a Bill granting a bounty for its encouragement. To this bill the assent was refused, and the reason for that refusal was the alleged impolicy of the measure. This was to be found in the Journals of 1848. In 1849 the House reiterated their opinions; passed another bill and an address on the subject, but this bill was also rejected. The Imperial Government refused their assent on the ground of the impolicy of the bill, but he did not think this was a question for the Imperial Government at all. The question of policy was for their consideration alone. Suppose the house had ordered the Provincial Secretary to throw ten thousand pounds into the sea, no one would deny that it was impolite, foolish, absurd, yet no one would deny their right to do so. Allow the giving of bounties to be equally impolite, they had as much right to do one as the other. Take the speech of Lord John Russell in which he announced the constitution of the Colonies and there was not in it one word as to the right to give bounties. The amendment of the Attorney General, which admitted their right was inconsistent with the principle contained in the despatches. The object of the Resolution was, that if Great Britain gives the Colonies a Constitution, and they come forward by resolution and showed that the Despatch was inconsistent with that constitution that the Government would at once rescind that Despatch. But if they merely said, as was proposed by the amendment, that it was inconsistent with their interests, the Home Government may say they took a different view of the subject, while if they said it was a violation of their constitution, then the Imperial Government would immediately say they would not infringe that Constitution. Therefore they should not adopt this amendment. He asserted that they had the right to grant bounties, that in the circumstances of this country it was good policy to do so, and when the local government acceded to the contrary

doctrine laid down in the despatches that their doing so was detrimental to the interests of the country. The amendment of the hon. Attorney General, and when he spoke of him he spoke of the Government, was not responsible for the acts of the Colonial Secretary, was most artfully drawn, for while he acknowledged the correctness of the principle of giving bounties, he avoided all responsibility. He (Mr G.) did not hold the government responsible for the principles enunciated by the Colonial Minister, but for their adoption. See what the effect of adopting this amendment would be. No matter what the Minister thought fit to do, the local government would still continue in office and hold themselves in no wise responsible for it. The next question was that of the appointment of the Chief Justice and Puisne Judge, and here the government stood in a weak position. This was a more important constitutional question, though it may not have as great a bearing on the interests of the people in a pecuniary point of view. The question before the house was, admitting the appointment to be unconstitutional, for that was not denied, how were they to deal with it, by remonstrance or by resignation of the Government. The Attorney General said the constitutional course was remonstrance. They said the constitutional mode was resignation. This was the constitutional course according to the practice in other countries, which common sense pointed out and which the house itself had on a previous occasion adopted. The Lieutenant Governor was not in any way responsible. He had acted all through as a moderate and sensible man. He had taken the advice of his council, and they not having agreed, he was right in not taking the responsibility on himself. He relieved himself of all responsibility, and pointed out to the Colonial Minister the course that ought to be pursued. Six of the council had recommended that there should be but three judges. Though he (Mr G.) believed that this would be injurious, still he (the Colonial Secretary) was bound to adopt that advice. When two courses were pointed out by the Governor which were constitutional, the Colonial Secretary took a third course which was unconstitutional. If the Executive had pointed out a course, and asked that appointments should be staid until the action of the Legislature was taken on it, then surely when that advice was not taken they were bound to resign. He would call their attention to the precedent, but before doing so, he would endeavor to do justice to individuals, to one who had resigned because of that appointment, who, however wrong he may have been in some respects, and although he had been too much influenced perhaps by local and sectional feelings, had ever upheld constitutional principles, and had honorably resigned his seat in the council when those principles had been violated; and who had long been he would not say an ornament, but the ornament of the house, and whose place in that Assembly would long remain unfilled. A note had been placed in his hands in which the late Attorney General states his reasons to the Governor and the other members of the Council for having withdrawn his name from the minute of Council recommending that there should be only three Judges, which he had signed with the majority, and they all gave him credit for being actuated by the best motives. (here the hon. member read Judge Wilmot's note.) The hon. Attorney General had said what could the Government have done. Would they allow the house to meet without an Executive. On Christmas day, 1844, there was mourning in a house in Fredericton, Mr Odell who had filled the office of Provincial Secretary had that day died. Sir William Colebrooke, by the end of the month, without consulting his council, appointed his son-in-law, Mr Reed to the vacant office. What course did the Executive Council of that day pursue? He remembered well the expression of a member of that Council then in Saint John, when the news of this appointment arrived, that he would not hold office for a day after such a violation of their right, and four of that council did immediately resign. By reference to the Journals of 1845, it would be seen that the house had gone into committee on the State of the Province, and on the motion of Mr Partelow had passed a resolution, approving of the conduct of those who had resigned, and condemning the Government in the appointment. That resolution was supported by almost every member of the present Government. Which was the greater violation of the rights of the people, the appointment without consulting the council or the appointment after the Council had passed their opinion? (Hon. Mr Partelow.—It was the Governor who made that appointment, not the Colonial Secretary.) Did the hon. Secretary say this as a matter of triumph? (Hon. Mr P.—Yes I do.) Why it was worse that the appointment should be made by the Colonial Secretary, living three thousand miles away, and who could know little of them, than by the Governor who lived among them, and could surely better form an opinion as to the fitness of the person appointed. The Colonial Secretary then sent out a despatch approving of the conduct of the house on that occasion, and cancelled the appointment, and the present Provincial Secretary succeeded, and the members of the Government who remained since. If, on the present occasion, the Government had resigned, would not the people have justified them? Would they not, by doing so, have secured the sympathy and the support of the people? They should not look at the competency of the individuals appointed as affecting the question, as if the Colonial Secretary were competent to appoint one, he could appoint another; the question

was, whether there was a violation of a constitutional principle or not. Mr Reed's abilities and capacities for the office were not questioned; but the mode of his appointment aroused the opposition of the house and the country. Here was a precedent in their own colonial history, which the government should have followed. He had no personal feelings against the present government, and his opposition was caused by his belief of what was demanded of them by their duty towards their constituents. It was thought that there was a personal feeling in Saint John against Mr Partelow. He did not believe that this was the case, but that this opposition was on public grounds against the government, and not directed from private motives against him as an individual. He (Mr G.) would be sorry that the services of the honorable Secretary and his acknowledged abilities and talents should be lost to the country. He believed there were many offices in which his services could be employed with advantage to the country, and if it depended on his vote he would be sorry to deprive the country of those valuable services. But he thought it most important that the great constitutional question should be established. The Attorney General seemed to think that the resolutions passed a censure on the Governor. What was the amendment proposed? What would a remonstrance effect? If the House thought that constitutional right was involved and had been violated, and if the Colonial Minister had allowed four months to pass without noticing the remonstrance upon the appointment, what must they think of that mode of proceeding. If in 1775, when the stamp duty was imposed, the old Colonies had contented themselves with a calm remonstrance, what would they have effected? But they acted with energy and at once, and then burst forth a gleam that shed a light through Europe and the world, and had since continued to shed that light bright and unwavering. Lord John Russell had said that the contest with America was brought on by a series of errors and blunders, by the obstinate denial of just claims and concessions made too late. If in the present instance a watery remonstrance went home, then they too would have blunders and errors, and they would find themselves involved in a conflict that would separate them from the Mother Country. The Governor said they would resign in ordinary circumstances, but what were those extraordinary circumstances that prevented their resignation. Those they had adduced were such that neither the house nor the country could regard as a sufficient justification. The hon. member next reverted to the mutilating of the despatches. During the progress of a negotiation, perhaps there may be reasons why these should not be laid before the house, but after that was concluded, the house had the right to demand that they be laid in full before them, not parts cut out and selections made; and here the amendment partly acknowledging the principles, added that these documents were to be supplied as far as consistent with the public service. The reduction of salaries he next adverted to. The question was divided into two: the right and the policy. For the right to deal with salaries he contended, though the policy was questionable. It was stated that the compact was made, that they bound themselves to pay £14,500 a year for the Civil List, and it was understood that certain parties were to receive the present salaries. He believed they had a perfect right to reduce these salaries, having had the entire controul of their local affairs conceded to them; but he thought the best policy was, where a contract was made, to preserve the public faith inviolate. And if such a contract were made he would never consent to its infringement. Much had been said of the reduction of salaries, and a popular cry had been raised. He had never shrunk from the expression of his opinion on the subject, though he differed much on this point from many of those around him. He did not believe that salaries so much required reduction as was generally supposed. He thought that they should not enquire for how little they could get an office filled, but for what salary they could secure the services of those who would fill the office well. They could find persons if the office were put up for competition, who would do the business of Provincial Secretary for two hundred or even fifty pounds. But where they saved a few hundred pounds by such means they would find after a few years, that they had lost many hundreds, by having in the offices men incapable of performing the duties. If they were so to reduce the salaries as to make them lower than what men could reasonably make by their private business, then they could not find men of ability willing to sever all their business connexions and come to reside at Fredericton, and the consequences would be to throw these offices into the hands of wealthy men residing in Fredericton, who would care little about the salaries, or into the hands of ready speculators. Departmental Government was the only proper mode, but they never could have the Government filled properly, if they obliged the members to reside in Fredericton, unless they gave them a sufficient salary. This was his economy. He did not believe that the salaries of the Secretary, or of the Attorney General, which had been much tattered of, were too high. It was said that he was opposed to reduction, because he he was himself in expectation of office, but he had openly and fairly stated his opinions. He believed that all exorbitant salaries should be reduced, he asserted the right of the house to reduce all salaries, but he always said that he believed it was not for the interest of the country to reduce salaries so

red they had ruined it; but all creature comforts grew more abundant among us and jaunting became common to every class. Famous scenes and great cities, till now but distantly heard of, were visited by the humblest of our neighbours; and amid the general relation of wonders seen and heard, Grizzy's courage again rose, in spite of her former mishaps; in short, she resolved to try another jaunt.

Large towns and upland villages were not linked with the greatest recollections; but there was a sea side hamlet on that line of railway which it had suddenly promoted to all the honors and emoluments of a watering place for our district. The Saundersons over the way had been there, and from them Miss Grizzy learned so much of the history and character of a pair in whose domicile they had sojourned, that she determined to take a fortnight's sea-bathing at the same quarters. My aunt still retained her terror of jaunting with her sister; but Grizzy would take two of the young children, because they looked pale that summer; and, as my uncle couldn't spare time, and one was always the better of an escort in the shape of a man in a strange place, she at once elevated me to that dignity.

I was not a little proud of the trust and very happy to get from behind the counter. It was our first trip by railway; and after more prayers and cautions against risk than might have sufficed for a voyage in a balloon, we started from the station, and arrived without accident at Buckie's Bay. Having put ourselves up in two attic rooms, much smaller than any we had left at home—though Mrs Johnston, the proprietress, assured us they had been occupied by the best families—we strolled about, saw the wonders of the place: and but for Miss Grizzy's care of our garments, which were new for the occasion, the day would have passed pleasantly. But night came, and what a night it was! Mrs Johnston called her home a nice sea bathing cottage: I sincerely believe that all its partitions were canvass.

The occupants, besides ourselves, the good dame and her better half, whom nothing could or would disturb, consisting of a lady with two babies, and a gentleman with three Newfoundland dogs; between them a voluntary was sustained the live long night, the Newfoundland always taking up the strain where the babies left off; and when an armistice intervened, about the break of day, I started from the hard and ricketty sofa assigned for my rest, with a dream of being drowned, from the rain pouring upon me through the slates, while the cries of my little cousins apprized me that they and Miss Grizzy fared no better in the adjoining room. No shouting could arouse our landlady; and by the time our beds were removed beyond high water mark, by our united exertions, it was broad daylight. Mrs Johnston then said she was sorry to see there was something wrong with the roof; and sundry of her household utensils were put in requisition to receive the descending waters, which continued to fall the whole day, giving us the sound of eastern fountains in our garret.

We would willingly have added the contrast of fire, but Mrs Johnston declared her belief that there was something wrong with the chimney also, as no smoke ever went up; and those who have experienced wet weather in such quarters may imagine how that day went by. In the forenoon of the next, the rain ceased and the sun shone out; there was a high spring-tide coming in, and my little cousins took fright at the white curling waves; Grizzy, who was always kindly to the young, said they would soon get accustomed to the sight; and, committing them to my charge, stepped herself into one of those vehicles known as a bathing coach, to make her first acquaintance with the sea. It was a broad sandy beach, thickly strewn with shells, and sloping up to the hamlets, cottages and fields. We had wandered on its highest ground I know not how long, for the seashore had wonders for me as well as the children; but a cry of alarm from the group behind made us turn quickly. The waves were high and white where we had left the sun shining on the grey sands, and all the village were hastening down to gaze at something fast floating out to sea, which, as we came nearer, I discovered to be nothing less than the bathing coach, and Miss Grizzy making desperate signals from its window. The memory is now ludicrous, but the sensation of that moment was terrible. I felt as if our kindly, though sometimes troublesome aunt was about to be lost forever; when, with an encouraging cheer, a boat whose crew had descried her danger, swept round the neighboring point, and by far the most energetic rower there was Willie Wotherspoon. He had taken that form of jaunt, and I thought him invested with a halo of light as he stretched and strained gallantly towards the machine. Thanks to the tide, which had not yet turned, he neared it at length, and I saw Grizzy handed out of it by his vigorous arm. She was brought back in great triumph and thankfulness for having lost nothing but her gown, which was afterwards recovered with the machine, and Grizzy still keeps it in memory of her providential escape; which, she is wont to remark, took place just six months after the marriage of Miss Matty to the Irish ship captain, and three weeks before her becoming Miss Wotherspoon. Such being the conclusion of her third summer jaunt.

A fretful temper multiplies and magnifies every calamity. Profaneness is the sign of an ignorant and wicked mind.