

low, as to make it impossible that they could secure the services of competent individuals to fill the offices. If he desired office, it was easy for him to join in the public cry against salaries, and on the strength of it make his way to office. He would not advert particularly to the amount which each contributed towards those salaries, as his hon. friend had prepared some statistics on this head. He was for economy and retrenchment, but it was not by the mere reduction of salaries, but by general economy in the management of our local affairs, that the welfare and advancement of the country was to be promoted. He had, since he came to the House, endeavored to carry out such measures as gave to the people the management of their own local affairs, so that the time of the house would not be wasted on matters that should never come before them. He every day more and more found how difficult it was to be a legislator, and every day more fully discovered his own ignorance; and he would call on other young members, who felt the same difficulty, to approach all questions such as this, calmly and steadily, and to do nothing rashly. If they legislated rashly, and without reflection, the country may yet curse the day they sent them there to represent them. Those hon. members who wished to see Responsible Government fully and fairly carried out, should vote for every one of these resolutions. If they did not, and the principles contained in them were not now vindicated, then posterity would demand of them, what had become of the rights now entrusted to their keeping.

Mr JOHNSON said as no hon. member appeared inclined to speak just then, he would say what he intended. The subject was one of vital importance, and involved political principles of the most interesting nature—principles which must be ever dear to British subjects, and which were identified with the best interests of the Province. It behoved the people's representatives to preserve inviolate that constitution which had been handed down by their ancestors in the mother country, and which belonged no less to them on this, than on the other side of the Atlantic. It had been asked whether the house should spend time in discussing this question, or whether they should not rather turn their attention to the business of the country. But if this was not, in a peculiar sense, the business of the country—if the principles of British liberty—the right of constitutional government, and free legislation on all local matters, was not the first business of a Provincial Assembly, it was indeed a mockery to elect or summon them together, and it were better to save time, trouble, and expense, by allowing every question of Provincial interest to be settled by Despatch from the Colonial Secretary. He was not a little surprised to hear those members decrying this discussion as a waste of time, who did not think it wrong to debate every grant to an old soldier's widow, or spend days upon matters of a mere private or local nature, which should be settled in the respective counties by municipal corporations. This discussion would not be time lost, and much as he desired to see railroads in the Province, he would rather forego all the good which must spring from them, than lose one tittle of those constitutional privileges which they had received from their forefathers, and were bound to deliver, unimpaired, to their children. So much had been said, and so ably said, by those who had preceded him in the debate, that there was nothing left for him but the odds and ends. He considered it unfortunate in some cases that the more able speakers took the lead, and left nothing for their inferiors but the scraps and gleanings. He would not task the committee by going over all the ground, but make his remarks as brief as possible. He would consider some of the objections raised by those hon. members who had defended the government. It had been said that these resolutions should not be taken up at this late period of the session. One hon. member for Restigouche (Mr Barberie), and another for Westmorland (Mr Crane), had called this a second trial. The first of these objections was the same as had been urged against the reduction of salaries when any question upon that subject had come up: first, they should not begin at this end, then not at that—it was always the wrong time and the wrong place to begin; and so here—when the vote of want of confidence came up on the 6th of February, it was too soon, and the government ought to have a trial; now on the 69th day of the session it was too late, and time too precious. Who could please hon. members who thus spoke. It was certain the country would not accuse the opposition of spending time for the sake of 15s. a day, because it was pretty certain they would get no pay this session. As to this being a second trial he admitted it was, but it was for separate and distinct offences. He would not arraign the Government twice for the same offence, and would prove that they did not seek to do so. He would put the case to the hon. member for Restigouche, as a lawyer. Could the Government have been tried on the 6th of February on the subject of mutilated despatches, when those despatches were not in existence until the 3rd of March following, could they be arraigned on the 6th of February for not resigning office in consequence of the unconstitutional appointment of the Chief Justice and a Puisne Judge, when the House only received the evidence of those appointments one month after that time, or on the bounty despatch which was not then before the house? Had these resolutions been brought up on the 6th of February, the Government might well have said, don't condemn until you hear us, wait until you get the despatches and minutes of Council and you may be convinced we are not wrong, you

cannot justly proceed upon out-door report or newspaper conjectures. The resolution relating to the Attorney General's Rural Economy doctrine, or his opinion on the salary question, propounded on the 23d or 24th of February, could not have been moved on the 6th of that month: but now when the session was drawing to a close and no measure on either of these subjects had been introduced by the Government, the opposition had a just right to presume that he had not changed his mind and was still opposed to reduction. They had given him ample time but the inclination was wanting. Even though he had not proved the present to be distinct from the first vote of want of confidence, it was surely bad policy in the government thus to beg the question, and he feared it would have a tendency to injure their cause in the eyes of the country; they should not thus blink the question, but defend themselves upon the broad principles of rectitude. Having shewn that these resolutions had been properly and fairly brought up, he would proceed to discuss their merits in connection with the amendments proposed by the government. The first resolution alleged, that Responsible Government had been conceded to this Province; and that the Assembly having the right to legislate for themselves in all local matters, should receive from the Government full copies of all despatches, &c., it then condemned the extracts sent down to the house, on the subject of salaries, bounties and judicial appointments as unsatisfactory; the amendment sought to confine the right by the words, "So far as consistent with the public service," and to strike out the condemnation of the extracts given. Now, as some hon. members had professed not to understand Responsible Government, and to make it appear an inconsistency, he would take the liberty of expressing what he understood it to be.—He did not think there was much difficulty in understanding it. It was the British Constitution, and members had but to study the one to understand the other. The difficulty with him was, to understand the old Colonial system, which was like nothing else in the world—there was no nation with such an absurd constitution, and consequently there could be no precedent to follow in carrying it out. Responsible Government was the pure constitution of Great Britain. The Governor was the Queen's Representative, and in all those matters which were purely local, he, like the Queen, "could do no wrong." He was responsible to the home Government and his council were not. They were responsible to the people, through the Assembly, and he was not. He was obliged to rule the colony by and with the advice of his Council; and they were called upon to advise according to the wishes and feelings of the Assembly. He (Mr J.) would refer to some passages from a paper by Montgomery Martin, Editor of the Colonial Magazine, speaking of Responsible Government in the Colonies, the author said, "What is it but the practical recognition of the colonist class as equally entitled with the metropolitan, to the enjoyment of the inherent political and civil rights of the British subject. It gives the colony, so favored, free institutions as nearly as may be resembling those of the mother country; the political institutions, which we have a right to take for granted, they will prefer before any others that could be offered them. It leaves them to manage their internal affairs, with no more interference than is in the nature of things inevitable."

As he should have occasion to refer to this article more than once, while considering these resolutions, he would take this opportunity to state why he considered it good authority. It was written during Sir Charles Metcalf's administration in Canada, when the question much engaged public attention. It treated the subject impartially, because while it showed that Baldwin and the other councillors were bound to resign, upon the Governor appointing a person to office without their advice, yet it condemned the course pursued by them in this particular instance, because the reasons they assigned were, appointments of a date sometime previous; whereas they must be presumed to have assented to all the acts of the Governor, which they had not repudiated by the only constitutional course—that of immediate resignation. But the authority was particularly strong and applicable to the resolutions now under consideration—the question of Downing Street dictation—because the Home Government had approved of the author's political opinions upon the subject, by appointing him to an important colonial situation in consequence of these very writings—they had endorsed his political opinions. He would cite again from the article, on the duty of the Colonial Secretary:—"As regards matters of a purely Provincial character, the rule of the Colonial Office ought to be that of absolute noninterference; and as regards matters which are half Provincial, or affect Imperial interests to no great degree, that of decided unwillingness to interfere."

He would now call the attention of the committee to the first resolution and amendment. The amendment admitted the necessity that existed for furnishing information to the house by extracts of the despatches; and if the necessity be thus far admitted, the necessity for the whole information must be apparent, provided the whole despatch related to the same subject. It were surely better to have no information laid before the House than to permit the Government to mislead, by giving just such parts as they pleased. Why did the house require information as to despatches written from this side of the water, if not for the purpose of see-

ing that their business had been properly managed, and faithfully represented to the Home Government; but on this point a somewhat singular argument had been raised by the hon. member from Restigouche. (Mr Barberie). He said the address only asked for copies of all despatches, and that if full copies had been asked for they might perhaps have been given. In the name of common sense, what was the difference between copies and full copies. The hon. member for the city of St. John (Mr Needham) had just hinted that full copies might mean that all the T's were crossed and the P's were dotted; he thought such an argument could only be met by mirth, and he (Mr Johnson) would fancy that an extract being a part and a copy of the whole, a full copy must be considered the "total of the whole." He could not consent to the amendment to introduce the words, "so far as consistent with the public service." 1st—Because there were no foreign treaties to be made by this Province, which required secrecy even during the pendency of the correspondence. 2nd—Because there could be no secrecy required between the Colonial Secretary and the Governor of this Province, or, if required, it was contrary to the public interests, that it was so. 3d—Because after the question had been determined, and the correspondence closed, the people had a right to know what had been done, and the reasons which induced the doing. Such words would nullify the whole resolution, because they made the parties, who might be interested in mutilating the despatches, the sole judges of what they should give and what they should retain. The house could not say how much was consistent with the public service, if they were not permitted to see the whole, and he could imagine that if the Government had written anything which militated against the people's interests, they might consider it not "consistent with the public service" to let them know it, because in that case a Vote of Want of Confidence might be the consequence, and the Province be deprived of the invaluable services of the present Executive Council. As to the striking out that part of the resolution which complained of the extracts given, was it contended that the Government had given all that was "consistent with the public service." They all referred purely to local matters: the appointment of the Judges, the reduction of the salaries and the bounty question. What secrecy did the public service require on these subjects, unless the Governor had written what would not bear the light, and what was in direct opposition to the public service. Why was it kept back? In the very middle of these despatches parts of paragraphs had been omitted. The despatch from the Governor to Earl Grey on salaries, referred to enclosures on the same subject, and these enclosures had not been given; the committee were justified in concluding that these very parts contained the arguments which induced the Colonial Secretary to act unconstitutionally in refusing to accede to the address of the Assembly on that subject, and the same argument would apply to the correspondence concerning the appointments. Unless some secret correspondence had been sent from this Province, the Committee had no reason to presume that the Colonial Minister had violated the principles of Responsible Government by appointing the Judges contrary to the advice of the Executive Council, which had been given to the Lieutenant Governor in writing. The Government had said that these despatches had been written without their knowledge, and that they were not responsible: but this made the case worse, because if that doctrine be admitted, every appointment could be made without their advice, the governor secretly recommending to the Colonial Secretary, and thus assume to himself all the patronage which had been expressly given up to the Colony by the Russell purge and by Lord Glenelg in his despatches. He considered the amendment, if carried, a complete destruction of Responsible Government, because it would make the Governor independent of his constitutional advisers, those advisers independent of the Assembly, and the Assembly again but blind and powerless representatives of an abused and insulted constituency. If the original resolution contained a reflection upon the head of the Government, the opposition could not help it, because it contained nothing more than a demand for the constitutional information to which the house was entitled and which the country required. He did not think, however, that the censure would fall upon the Governor, but upon his advisers. The house had nothing to do with him, they alone were responsible to the house, and such responsibility they could only avoid by resigning; they did not take this course, and the house must treat them as having consented. His acts were their acts, and the public act or declaration of each of them, the act and declaration of all. He would refer to the writer before quoted to prove this—the doctrine was as follows:

"The tendency of this system is to establish in each colony a council of resident colonists responsible to its Legislature for the Governor's acts, and more or less closely resembling our Cabinet Council. The closer the resemblance, the more perfectly has the system been introduced. Wherever it is in anything like full operation, the members of this responsible Cabinet must act together in the conduct of the administration; must all be answerable (except as may regard any open question) for the public acts and declarations of each of their number as well as for the public acts and declarations of the Governor whom they serve—whatever the Governor says or does is said or done by them, unless to es-

cape such responsibility they at the time retire from office. Whatever any one of them says or does is in like manner the word or deed of them all, unless at the time they unequivocally repudiate by either making him leave the ministry or leaving it themselves—as a matter of course, a Provincial Ministry once organized on anything like this, must undertake and be answerable for the satisfactory conduct of the parliamentary business of the country."

How then could it be denied that the Government were responsible for the mutilated and partial extracts sent down to this house. His acts were their acts, because they had not repudiated them, and they must bear the censure should the first Resolution be carried. He would next refer to the second Resolution and much of what he had already said would apply to this and to all the other Resolutions—"ab uno disce omnes"—the second Resolution referred to the appointments of the Judges contrary to the advice of the council, and alleged that they should have resigned, this could not of course apply to the present Attorney General, who was not then in the Government, but it was of the utmost importance that the Committee should take a stand—the Judges were local officers—their duties were local and so should their appointment be—the people of this Province paid the salaries—it was their lives, liberty and property which would be affected by the perfect or inefficient administration of justice, and therefore no Colonial Secretary should be allowed to appoint his favorite; he did no complain of the gentlemen who had received the appointments, they were probably such as would give satisfaction to the country; but this was not the question—a political principle had been violated, and the people of the Province were bound to resist such improper interference.

The Government had said, that had the appointment been made by the Governor, they would have resigned; but contended that they should not do so when Earl Grey appointed. This doctrine could not be admitted, because it would enable the Governor at any time to make appointments, by simply writing a private recommendation to the Colonial Secretary, and thus prevent his advisers resigning. They were either bound to resign, in order to preserve the public rights, and their own dignity, or they were not justified in resigning; and if not justified, then they became mere puppets, and the whole power was in the Governor, as under the old system of absurdity. Some hon. members had said that had they resigned, the country would be without a government, as no others could take office under these Despatches. This was true, and that was exactly what was required; because then the Colonial Secretary would be forced to recall the Governor and his Despatches, and another person would be sent out with directions to govern according to the Constitution—our rights would be established, and a lesson taught which neither future Governors nor future Colonial Ministers would forget. Another argument made and contained in the amendment offered by the government was, that the Council should remonstrate with the Colonial Secretary; and the hon. Provincial Secretary had said that they did remonstrate. Well, what had become of the remonstrance,—had it been read, much less answered by him; or had it not been filed away in the Colonial Office, never again to see the light. He (Mr J.) did not think that a remonstrance should not go from the Executive Council in any case, but should proceed from the Assembly; nor did he think this a case for remonstrance. Where the home government had a constitutional right to interfere, and such interference had been prejudicial to the province, there a remonstrance would apply—but in a case where no such right existed, and where, on the contrary, the constitution of this province, which excluded that right, had been violated, that constitution should be preserved by other means; we should not ask a favor, but demand justice, and this we could only do by acts. Lord Glenelg, Lord Stanley, and Lord John Russell, had defined our rights, and Earl Grey should not be permitted to interfere with, or trample upon them, with impunity. Every permitted aggression would hereafter be referred to as precedent, and that which could never be wrested from us at one stroke, would be filched away by piece-meal, unless we boldly expressed our determination to resist, and plainly avowed our political independence in all local matters. There was danger in such a course, said some hon. members, and we had been asked if we meant to rebel. He (Mr J.) thought the danger, if any, would arise from our not so acting. The full and free enjoyment of that noble constitution for which our ancestors had fought and died, would increase our loyalty to the Queen, and render us more worthy subjects of her crown. These resolutions contained the Great Provincial Charter, and the Bill of Rights;—the Great Charter, so far as they avowed our constitution, and the power of legislating for ourselves; and the Bill of Rights, by defining what course should be pursued, and what information be required from the government, in order to legislate. No doubt there were some courtiers in the reign of King John, weak enough to fear danger, when the Great Charter was obtained. Danger in exercising our constitutional rights! There was no danger that the loyalty of New Brunswick would be shaken by firmly maintaining constitutional liberty; it was the constant neglect of liberty which alone could lead to the degeneracy of rebellion. He would again quote Montgomery Martin, to show that resignation, not remonstrance, was the duty of Government. "Every minister has made