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ELECTION PETITIONS.

As the election petitions to Parliament are so numerous, we give a few particulars for the information of such of our readers as are acquainted with the subject.

And first, as to the appointment of a committee. On the day appointed for its consideration, means are taken to secure the attendance of one hundred Members, as a committee cannot be legally formed out of a less number. When the hundred Members are assembled, the petitioners, or their agents, are ordered to attend, and if not forthcoming in one hour, the whole business is ended, and the recognizances entered into for the due prosecution of the petition (two of £200 each) are forfeited. If the petitioner attend, the door of the House is locked, and no Member is suffered either to enter or depart, and all strangers are directed to withdraw. As soon as the door is locked, the order of the day for taking the petition into consideration is read, and the names of all the Members being written on distinct pieces of paper or parchment, of the same size, and rolled up in a similar manner, are in equal numbers put into six glasses, placed on the table; the glasses are then shaken, and the clerk of the House publicly draws out and delivers them alternately to the Speaker, who reads the names until forty-nine are drawn. But, if among these names is that of a Member who has given a vote in the election complained of, or who is himself a petitioner, or against whose return a petition is depending, or of a Member who is sixty years of age (suppose he wishes to be excused), such name is set aside, and another is drawn to supply its place, until forty-nine be selected. When the forty-nine are complete, the petitioner or his agent names a Member, and the sitting Member or Members another, from the Members present, to be added to those who are selected by lot, and these Members, so expressly chosen, are called nominees. The forty-nine, and the two Members being then selected, the respective parties, with their agents, &c., withdraw from the House, into one of the committee rooms, where the clerk of election, beginning with the first name, calls over the list, and when he comes to a name which the petitioner's counsel wishes to be out, he desires the clerk to strike it out, and then goes on calling the remaining names; and when he comes to one who on the counsel of the sitting Member wishes to strike out, it is taken out accordingly, and this is proceeded in, until the forty-nine are reduced to thirteen. When this is effected, the clerk returns to the House with the reduced list, which with the two nominees, are called over by the clerk at the table, and sworn. Well and truly to try the matter of the petition referred to them, and a true judgment to give according to the evidence. The committee are then ordered to meet forthwith, which they do, choose a chairman, and adjourn to the next day.

As much misconception prevails as to the result of certain petitions, we may here observe, that when the petition complains of a majority obtained by illegal votes, and they are proved to be so, or that a scrutiny takes away a majority from the sitting Member, the petitioner is declared duly elected without another election. The same thing also takes place if the returned Member is on any account unqualified, either by being under age, being deficient in property, or having previously been treated or bribed, &c. &c. Such person not being a legal candidate, is not considered a candidate at all, and his opponent, however small his number of voters, is declared the sitting Member. But in case, in that event the election is only declared void, and another takes place, in which he who has bribed or treated cannot become a candidate. A South-west election, about 22 years ago, settled all this matter. Mr. Thellusson was returned Member for that borough, by a majority over Mr. Tierney; but as he had notoriously treated, the latter petitioned, and the election was declared void. Another election took place, in which Mr. Thellusson and Mr. Tierney were again candidates, and Mr. Thellusson was once more returned by a considerable majority. Mr. Tierney, who knew his ground, immediately petitioned the House against the return, in consequence of the illegality of Mr. Thellusson to become a candidate after being convicted of treating, and his petition was successful. Mr. Thellusson not being a legal candidate, Mr. Tierney was declared the sitting Member, and sat accordingly.

If a petition be declared frivolous and vexatious, the sitting members' costs are borne by the petitioner; if the opposition be declared frivolous, the petitioner's costs are borne by the sitting member; if neither be declared so, each bears his own costs. Witnesses are allowed reasonable expenses, as assessed by a committee. Witnesses prevaricating are committed to the custody of the sergeant at arms during pleasure, and sometimes to Newgate. A commitment to the sergeant at arms, implies a heavy fine, the fees amounting to several pounds per day. A member declining to defend his return, must give notice within a certain time, or he will be saddled with the petitioner's costs.

THE FLAG OF ENGLAND.—Not a port have I visited since I left America that I did not see the flag of England. It was the first flag I saw on entering the waters of France; it was the only one floating in the ancient harbour of Rome, at Civita Vecchia. Again I saw it in the deserted harbour of the Piræus, where once rode the fleets of Themistocles. I first saw the dome and minarets of Constantinople from beneath a cloud of cannon smoke that issued from British line-of-battle ships, saluting the Mohammedan ally of Britain. The first object that met my eye on scaling the summit of the Pyramids was the cross of St. George, which some English traveller had planted there. Beyond the cataraacts, on the borders of the Desert of Nubia, the only sign of civilization that I saw was the English cross flying from the masts of a traveller's boat. Here, on the extreme verge of civilization, I stood before this emblem of the universal presence of that nation; and in the lawless regions it gave me a pleasing sense of security to find myself so near a representation of that Power beneath whose broad aegis there is protection abroad for the most humble fugitive from violence and oppression. *American Traveller's Journal.*

Something Must be Done.—Men may say that such and such a thing ought to be done, or that they wish it was done, but it is only when they say it must be done, that we can properly say "Labour conquers all things."

A few years ago a steamboat left the American shore of Lake Erie, with passengers for the Canadian side. An unexpected wind drove them into the current of the Niagara river. In their fright they wheeled about to gain the land, but the wind continued to blow, and the water to force its way, the steamer, drifted backwards down the stream. They had already gone some miles, and though the steam had been crowded, and the engines had used their utmost skill, they were carried faster and faster, as the strength of the water increased, till they approached the falls. The people from the neighbouring hills and fields had discerned the misfortune and gathered along the shore. They knew the steamboat, they saw the anxious passengers, and they saw their approaching fate. They saw that without a speedy remedy, the steamer, passengers, and crew would all be carried over the Falls of Niagara. They stood on the shore, concluding that nothing could be done, they durst not venture on any thing for fear of adding their number to those who seemed destined to be dashed to pieces.

There was a man more interested than the rest, he came running along, and out of breath with fatigue. In a loud voice, he asked them what they were doing, and whether they were going, to let the steamboat go over the Falls. They told him they could do nothing, but he had the privilege of doing all he could. Well said he, something must be done, for my wife and children are among the passengers. Near by the same beach, an anchor had been left with its cable coiled by its side. He hooked the anchor into the branch of a tree, took the cable into the boat, and away he went where man had never dared to go before, to the middle of that resistless tide, and waited the approach of the steamer. She soon drew near, when a rope was thrown which was made fast to the cable, and he and the cable were immediately drawn on board together. The steamboat was fastened and drawn to the shore; and thus by the sole energy of one man, whose interest prompted him to say that something must be done, all on board were rescued from the very verge of destruction.

Provincial Parliament.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 15.

The House having gone through some routine business, on motion proceeded to the order of the day, (the scrutiny being then Messrs. Street and Burns,) when Mr. End moved it be discharged, and made the order for the 27th, which after some opposition was decided for the 24th. Mr. Partelow by leave presented a Petition from Mr. Street, praying the scrutiny between him and Mr. Burns, might proceed without delay. Mr. Partelow explained that the Petition complained of an illegal oath being administered, and wished the Committee to be struck.

Mr. Burns denied some of the allegations set forth in the Petition; he said he had gone to the office of the Common Clerk with his Counsel, and taken notes from the Registry. He denied that he had gone round the town to get names to a Petition.

Mr. End corroborated the statement of the hon. member as to the visit to the Common Clerk's office.

Mr. Partelow asked, why object to the Committee being struck.

Mr. End said the Election may be upset, the law must take its course, the wheels of justice could not be accelerated. [Mr. End read an extract from the Law of the Elections, which pointed out that oaths administered to voters must be substantially the same, whereas the oath in this instance materially differed from the oath which should have been administered.]

Mr. Hazen explained that the oath was substantially the same in this instance, as it only required that the parties should be eligible to vote.

Mr. Barbic presented a Petition for a bounty on an Oatmeal Mill.

Mr. Payne presented a Petition from St. John, relative to drifting with Nets in the Harbour of St. John.

Hon. C. Simonds by command of His Excellency lays before the House extracts of a Despatch on the subject of the resignation of the Chief Justice, assigning as the cause, ill health.

The subject of Members pay being brought up, Mr. Partelow recommended retrenchment, in that item of the public expenses.

Mr. Williston recommended that 30¢ would be the amount for the season.

Mr. Hannington would recommend that the pay of the Council should be put on the same bill with the Members pay.

Mr. End, no, no, he would not like to see the pay of both Houses put in the same bill—the upper house should be as free as the lower house. Retrenchment to the amount of 25 per cent. was he thought all fair—he did not like figuring in print upon a large scale.

Mr. Brown would like to see the Members paid for the time they were actually in attendance at the House, and have no pay when absent.

Mr. Partelow would go for making it forty pounds for the season, or fifteen shillings per day.

Mr. Barbic coincided with Mr. Brown. The Country did not require their Representatives to come there to do the business of the Country without pay; he thought both houses should be put up on the same footing, fifteen shillings per day was a reasonable remuneration; by and bye thousands would be squandered without the consideration that was given to this minor question.

Mr. Partelow thought that house could vie with any house in the world as to the promptness of its members attendance.

Mr. Brown said his constituents thought he had extra pay, or the House would not keep so long in session, and all he could do or say would not persuade them to the contrary.

Mr. Scoullar said he thought fifteen shillings per day little enough for their attendance.

Mr. Wilmot hoped the pay of both Houses would not be put in the same bill.

Mr. Hannington thought it premature to talk of that now, the argument will come up when the bill is brought in.—The Bills should be amalgamated, there would be nothing invidious in that.

Mr. End said that the Council were provided for, for some years to come yet, he did not like the idea of cohesion, it was the duty of that body to act in all cases magnanimously.

Mr. Williston said if the House sat a long Session, 15s. a day would be no re-

trenchment; he thought the number of days should be limited. The Bill was then passed and ordered to be engrossed.

The House then went into a Committee of the whole on Finance.

Mr. Brown asked if the Despatches contained any thing relative to the Initiation of Money Grants, being placed in the hands of the Executive. If that should happen, he did not see that things were to be improved. It had been said that the extravagance of that House had ruined the Country. [Here the hon. gentleman described the progress of the Legislature, towards its present situation.] Formerly he said that the House had been eulogized by surrounding States for its system of Legislation, and he was inclined to think the House at that time deserved commendation. But what he would ask had been the cause of the present distress? It was not the system, it is the universal failures that have happened every place, any system, the best that ever was devised could not bear up against such a series of misfortunes as this Province had experienced. The Province was involved £100,000 that was no fault of the Legislature.—There had been an unheeded falling off in the Revenue, the Merchants had failed, the City of Saint John had suffered severely by fires, all these circumstances contributed to produce the present state of things. There was no remedy now but to borrow money, the question arises, shall we, or shall we not give up the Initiation of Money Grants? He thought not, the House should pledge itself to Lord Stanley not to exceed in future the resources. If they did not redeem that pledge, then let His Excellency refuse to pass the grants, he had the power to do so even now. He had told his Constituents so at the Hustings, and that if his views did not suit them, they need not send him.

His Honor the Speaker said there was a great deal which had fallen from the last speaker with which he could cordially agree; he did not attribute all the misfortunes of the Province to the misconduct, and extravagance of that House, a very great portion of the funds of the Country has been well applied, the House had kept pace with the seeming prosperity of the Country, very many and great improvements had been made to suit the requirements of the Country.—The terms of rottenness, extravagance, &c., which had been applied to that House, were undeserved, nor was the Country so deeply indebted after all, 50,000£ would put it on its legs again. There was a falling off in the House of 60,000£; there was a difficulty throughout the whole Province, fully as extensive and as bad as was the case with the Legislature. The Executive knew no better than that House how to provide against difficulties, they had recommended improvements fully as extravagant as had been done by that House. All had been mistaken as to the coming difficulties, no one contemplated it. With respect to the credit of the Province; he could not believe it was at so low an ebb as had been represented. He thought the House could effect a loan, without giving up any of its right.

Hon. Mr. Speaker said if the House passed an enactment to pay of the amount in a given period, the home Government, would be satisfied, they would have it in their power to make them honest when they were inclined to be so or not; what guarantee he would ask could the Executive give, even although the House should pass a vote to give up the initiation? They had still the power in their own hands, if they passed an annual Revenue Bill. There is really no security, but confidence in the Loyalty of the Country this was a good guarantee, for if they forfeited their Constitution then the home Government would make one for them—and make laws for them; repudiation has been talked of, and the United States mentioned, but there was no analogy between us and the United States. The Metropolitan Government had them in their hands, and can make them act up to their agreement. He would go for passing an act, and complying with it. When the Country cannot send honest men, then it will be time enough to give it up to the Executive.—The House could set apart a portion of its Revenue. If that was done satisfactorily, he did not doubt but the Bank of British North America would take up the necessary loan. Lord Stanley had given no promise that the Province should get the loan, even if the initiation of Money Grants was given up. The Country

term for the duration of Parliaments had been reduced to four years. If at the end of that period the people found their Representatives unfaithful, why they had a legal remedy; they could turn them out. Not so with the Members of the Executive, they could only turn them out by revolt. If the House should make an extravagant grant, let the people up stairs (the Council) check it. He could not attribute to his hon. friend from Charlotte, (Mr. Brown) the fable of the Woodsman and the wood, who when he asked only a small stick of wood out of the forest, and it was granted, he made an axe handle of it, and laid about lustily with his axe, no, that gentleman was an honest man, and only wants what he asks, but he is mistaken in some of his views. The Resolution if adopted would be entering the wedge. Municipal Corporations, Board of Works, and all sort of things would follow, ruinous to the people. He was not disposed to find fault with the members of the Council, perhaps they were as good as the Province afforded.

Hon. C. Simonds would ask that gentleman what portion of the Revenue of the Province would he pledge? He did not think any loan could be obtained on an Annual Revenue Bill.

Mr. Partelow was not prepared with a specific plan, the Committee would regulate that, he had no doubt, but the House could satisfy the people of England and get the money.

Mr. Wilmot thought there was no hurry, but he thought the Colonial duties were no security; who, he would ask would lend money on such a guarantee. He was among those who charged the late House with unneeded and lavish expenditure. By the old system, there was no kind of security, it was not defined; there was no limit set to its extent; this was the first time the country had fairly come down to the question of Finance. The acknowledgement of hon. Members condemn them, and unless a change was effected, things would go on in the same heedless way it formerly had. He was inclined to leave nothing to chance; he would like the House to decide what it would do. The country was in a deplorable state now, with Bills protested, Drafts dishonoured, and where is the remedy? The people in the British market won't look at us, unless we are limited as to expenditure; he would not consent to the House obtaining a loan unless its liquidation was to be properly secured. He would not go for a loan, until proper bounds are set to our expenditure, when that was done, and he cared not from whence it came, then he would be prepared to go for a loan; there had been no scheme as yet proposed, he had been expecting to see one introduced.

Hon. C. Simonds had already stated his views, and would not now trouble the House with much more on the subject. He would state that the only plan that he knew of to obtain a loan was to give up the initiation of Money Grants to the Executive. They will not lend the money unless it is given up, and if no loan be effected, why the Province must suffer seriously.

Hon. Mr. Speaker said if the House passed an enactment to pay of the amount in a given period, the home Government, would be satisfied, they would have it in their power to make them honest when they were inclined to be so or not; what guarantee he would ask could the Executive give, even although the House should pass a vote to give up the initiation? They had still the power in their own hands, if they passed an annual Revenue Bill. There is really no security, but confidence in the Loyalty of the Country this was a good guarantee, for if they forfeited their Constitution then the home Government would make one for them—and make laws for them; repudiation has been talked of, and the United States mentioned, but there was no analogy between us and the United States. The Metropolitan Government had them in their hands, and can make them act up to their agreement. He would go for passing an act, and complying with it. When the Country cannot send honest men, then it will be time enough to give it up to the Executive.—The House could set apart a portion of its Revenue. If that was done satisfactorily, he did not doubt but the Bank of British North America would take up the necessary loan. Lord Stanley had given no promise that the Province should get the loan, even if the initiation of Money Grants was given up. The Country

wanted no Board of Works. The whole extravagance of the house was said to consist in the grants made for the bye Roads, this he denied; the Bye Road Grants were nothing when compared to other extravagant grants of the house. Lord Stanley was mistaken as to the local appropriations, they were in reality no grievance. He would ask, if the members from the different Counties were not competent to say where roads were wanted, and where money should be laid out, who was? He for his part would give no such guarantee to the Executive.

Mr. Simonds, in explanation said he did not give his opinion then as a member of the Executive branch, but as a member of that house. He knew too well the difficulty in which the country was placed, and now it became them to get out of that difficulty in the best manner they could.

Mr. Burns said he would go for a loan, as he thought absolutely required, but he would pause before he would consent to give up the right of initiating the Money Grants—it was an important privilege of that house. The country was not so deeply involved after all, why a merchant in St. John would get credit for half the amount required, without any guarantee at all. If the Bank undertook to furnish the loan, it would be necessary to see that they imported it in specie. It is acknowledged on all sides that the money must be had—the people expect it—the merchants also require it in order to carry on the business of the country. [It was now proposed to report progress.]

Mr. Brown hoped they would not report progress but get through with it then. The hon. Executive member he then wants a plan; let the committee consider that, and furnish a plan. Put on a restraint, he would go for that, but not for giving up any of the privileges of the house. The Governor would look to it in the appropriation bill—a bill could be passed to restrain the house; a pledge of the Revenue to the payment of the loan would be as binding on the house as was the pledge for the College and the Civil List. He never would consent to give it up, and he hoped the house would not. The guarantee of the house was as good and as safe as the giving up of the initiation would or could be.

Mr. Partelow said the Loan must be had.

Mr. Gilbert wished to know if the Chancellor wished the money to pay the Province or the City debts, (order, order.) Here the hon. member named a number of Grants made by the house, which he said were lavish and extravagant, (cries of order, order.) He said the house had been drunk with extravagance and that not a member was found to act the sober Indian; he knew, he said, the act of the Chancellor, and would look after him; he hoped reform would be something more than a mockery. If the house was really in earnest in that matter they could do without a loan at all—a loan would only make things worse and worse, it would only allow the house to continue the old system of extravagance.

Mr. Williston said that it was quite evident that a loan must be effected, and the only difficulty that presented itself was how best to effect it with the least injury to the Province. The hon. gentleman then repeated most of the arguments used by Mr. Brown.

Progress was then reported and leave asked to sit again.

THURSDAY, February 16.

This day's business commenced with the Committee of a Bill for the destruction of Wolves and Bears, when after some discussion, as to its detail, it passed the House.

Mr. End presented a Petition from L. Burns, relating to the interference of the officers of Her Majesty's Customs, at the late Election in the City of St. John, which he wished to go to the House for discussion; he thought it highly improper for Government officers to interfere with popular rights.

Mr. Hazen said that they had an undoubted right to exercise their Elective franchise.

Mr. End said that they did not intend to deny that they had a right, but thought they should not interfere.

Mr. Williston moved that an Address be presented to His Excellency, praying that he would be pleased to give information to the House, relative to King's College, as to management, &c.

Mr. Brown said he understood that in-