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AND NEW BRUNSWICK GENERAL ADVERTISER.

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No. 17.

THE SENTINEL.

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The Debates of the House of Assembly.

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HEAD QUARTERS, FREDERICTON,
2d April, 1840.

MILITIA GENERAL ORDERS.

His Excellency the Lieutenant Governor and Commander in Chief has been pleased to make the following promotions and appointments, &c.

1st Battalion Kent.

Major David M'Almon, to be Lieutenant Colonel, vice M'Kean, left the Province.
Captain George Pagan, to be Major, vice M'Almon.

Lieutenant William Fitzgerald, to be Captain, vice Wm. Roach, deceased.

TO BE LIEUTENANTS.

Ensign James Gallagher, vice Fitzgerald, promoted, dated 2d April.

Ensign Robert M'Almon, vice Weldon, deceased, dated 3d April.

TO BE ENSIGNS.

William M'William, Gent. vice Gallagher, promoted 2d April.

John Rankin, Gent. vice M'Kay, left the Province, dated 3d April.

David Foster, Gent. vice Graham, left the Province, dated 4th April.

Peter Muzerol, Gent. vice M'Almon, promoted, dated 5th April.

3d Battalion Carleton.

TO BE CAPTAINS.

Lieutenant Joseph Cere, vice Beckwith, deceased, dated 2d April.

Lieutenant Thomas Nugent, vice Coombs, promoted, dated 3d April.

Lieutenant Raphael Martin, vice R. Michaud, who retires with his rank, dated 4th April.

Lieutenant A. B. Hammond, vice F. Violett, who retires with his rank, dated 5th April.

Lieutenant Vetal Thibodeau, of a new Company, dated 6th April.

Ensign Michael Mercure, vice Bellefontaine, dated 7th April.

TO BE LIEUTENANTS.

Ensign Romeo Violette, vice Nugent, promoted, dated 2d April.

Ensign Abraham Dufon, vice F. Durpos, retires with his rank, dated 3d April.

Ensign Joseph Michaud, vice Martin promoted, dated 4th April.

Ensign F. Thibodeau, vice V. Thibodeau, promoted, dated 5th April.

Ensign Regis Terris, Gent. promoted, 6th April.

Paul Cere, Gent. promoted, 7th April.

TO BE ENSIGNS.

Abraham Coombs, Gent. dated 2d April.

Joseph Cere, Jr. Gent. dated 4th April.

Oliver Cerions, Gent. dated 6th April.

James Kugan, Gent. dated 8th April.

Francis Godine, Gent. dated 3d April.

Simon Dufon, Gent. dated 5th April.

Beloni Terrio, Gent. dated 7th April.

James Smith, Gent. dated 9th April.

Paymaster Amiraux to have the rank of Captain.

John Emerson, to be Quarter Master, with the rank of Lieutenant, vice J. B. Souci, superseded for neglect of duty.

Captain G. Cere, and Lieutenant Xavier Cere to retire with their respective ranks.

2d Battalion Westmorland.

TO BE CAPTAINS.

Lieutenant Charles Dixon, Jr. vice Bowser resigned, dated 2d April.

Lieutenant James Maxwell, vice S. Bulmer, resigned, dated 3d April.

TO BE LIEUTENANTS.

Ensign William Chapman, vice W. Carter, resigned, 2d April.

Samuel F. Black, dated 3d April.

Thomas T. Chapman, dated 4th April.

William Bowser, vice C. Dixon, promoted, dated 5th April.

TO BE ENSIGNS.

Otha R. Sayre, Gent. 2d April.

William B. Weldon, Gent. 3d April.

Edwin Dixon, Gent. 4th April.

Thomas Weldon, Gent. 6th April.
Crane Charters, Gent. 5th April.
Gideon Maxwell, Gent. 7th April.
James Cassidy, Gent. 8th April.
Jonas Taylor, Gent. 9th April.
George Cochrane, Junr. Gent. 10th April.

1st Battalion King's.

TO BE CAPTAINS.

Lieutenant Gabriel Worden, vice Flewelling, resigned, 2d April, 1840.

Ensign Thomas A. Flewelling, vice Prince, resigned, 3d April, 1840.

TO BE LIEUTENANTS.

Ensign Isaac Vanwart, vice Worden, promoted, 2d April.

John L. Forrester, Gent. vice John Flewelling, who from infirmity and length of service is permitted to retire with his rank.

TO BE ENSIGNS.

John Vanwart, Gent. vice Isaac Vanwart, promoted, 2d April.

John H. Flewelling, Gent. vice T. A. Flewelling, promoted, 3d April.

Lieutenant William Gorum, having refused to attend at Drill and Inspection, is discontinued, and his Commission in the Militia is cancelled accordingly.

By His Excellency's Command,

GEO. SHORE, A. G. M.

From the Colonial Gazette, Jan'y. 29.

LORD JOHN RUSSELL'S DESPATCHES ON "RESPONSIBLE GOVERNMENT."

At length we have received, in the papers just laid before Parliament, the long expected despatch of Lord John Russell on the subject of Responsible Government. This document bears date the 14th of October:—a subsequent despatch, dated two days later, on the "Tenure of Crown offices in the Colonies," has already been made public in the Canada papers, and was copied from them into the Colonial Gazette of the 15th instant. These documents contain what we may call in the expressive language of Mr. Van Buren, the "sober second thought" of Lord John Russell on the great subject of the Executive Government of the colonies. We have already declared our entire concurrence with the Reformers of Upper Canada in this approbation of the second despatch. We waited we must confess with considerable anxiety, the appearance of the other, in which it was said that the noble Secretary's opinions on the whole subject would be found detailed more fully. And though we cannot express our concurrence with all the views put forth in this document, we are rejoiced to find that our differences of opinion are rather of a theoretical than of a practical nature, and that there is nothing in it to neutralize the great practical amendment which is secured by the despatch on the "Tenure of Crown Offices."

It is impossible to compliment Lord John Russell on the style or the logic of his disquisition on Responsible Government. The whole subject is disposed of in a few unconnected paragraphs, some of which touch on a few isolated points of the question, while those which appear to take a larger view of the matter are couched in phraseology so vague as to be almost uninteresting. But we will not be too hard upon Lord John for what appears to be rather a consequence of past than an indication of present errors. This is not the first time that Lord John Russell has in an unthinking moment committed himself by very unnecessary declarations of untenable opinions; nor is it the first time that, having had the good sense to adopt on reflection more correct views, he has been obliged to exercise a floundering ingenuity in reconciling imprudent language with prudent conduct. On the publication of Lord Durham's Report, Lord John seized the first opportunity of declaring that he did not agree with Lord Durham in his views of Responsible Government. Subsequent consideration appears to have induced him to take the trouble of understanding Lord Durham's views, and to refrain from dwelling on theoretical differences of opinion rather than a practical agreement in policy. He now ends the matter by issuing one despatch which takes the only practical step which Lord Durham ever proposed or could have taken where he in Lord John's place, namely, the substitution of a tenure at pleasure instead of the present permanent tenure of office; and another despatch in which he declares that he "sees little or no objection to the practical views of Colonial government recommended by Lord Durham, as he understands them." With one who comes to so right a conclusion, we will not quarrel for a few sophistries, by which he tries to make out the consistency of saying "No" and acting "Yes."

Indeed we are not sure that our present difference of opinion extends to any of the specific arguments used by Lord J. Russell in the despatch before us. We do not think him wrong in instructing Mr. Poulett Thomson "to refuse any explanations which may be construed to imply an acquiescence in the petitions and addresses upon the subject of Responsible Government." The adoption of a sound system of Executive Government must be shown by the acts and not by the answers of the Governor; and Mr. Poulett Thomson will satisfy every rational friend of Responsible Government much more by publishing the new tenure of offices, than by giving vague assurances on a subject which cannot be otherwise than vaguely treated in answers to addresses. "The very vagueness" of the term Responsible Government is, as Lord John Russell remarks, "a source of delusion; and if at all encouraged, would prove the cause of embarrassment and danger." And yet we know not what his Lordship does but encourage this dangerous vagueness, when he refers the Governor General to the Resolution of the two Houses of Parliament of the 28th April and 9th of May, 1837. This resolution in the vaguest manner declared the opinion of Parliament against some unexplained demands of the Assembly of Lower Canada on the subject of Responsible Government. It is literally nothing but a condemnation of a word which Lord John Russell declares to have no "very definite meaning;" and we cannot conceive that, with whatever emphasis Lord John may dwell on the "decisive judgement" of the British Parliament, he fortifies his instruction by appealing to the authority of an unmeaning decision on an indefinite phrase.

In his subsequent remarks, Lord John admits that the advocates of responsible Government do not extend their doctrines to "questions of foreign war and international relations whether of trade or diplomacy." But he argues that there are "cases of internal government, in which the honour of the Crown or the faith of Parliament, or the safety of the State, are so seriously involved, that it would not be possible for her Ma-

jesty to delegate her authority to a Ministry in a colony." He then puts by way of illustration an extreme case. We readily admit that there are extreme cases. These are met with in every form of Government. England has had experience of cases in which it has been found necessary to violate the most sacred principles of her own constitution. But no wise statesman contemplates these exceptional cases in his general principles of the ordinary government of a country. He makes no provision for them in his constitutional theory: he does not modify the every day rules of constitutional practice to provide a remedy for these evils, but leaves to the ready wit of the moment the adoption of the resources which unforeseen necessities require. No prudent statesman would not lay down a general rule excluding the Representatives of the People from their due influence over the administration of the Executive Government, on account of the possibility of their abusing that influence to the extent of perilling the safety of the empire. We may adopt the general rule of selecting the Ministry of a colony from the majority of its Assembly, without depriving ourselves of the power of deviating from that practice when such an extreme necessity as that supposed by Lord John Russell requires it. The Queen is bound by no law, and no specific declaration, to adopt the practice of Responsible Government at home. There may be cases in which she might possibly be compelled to deviate from it. But she says nothing of such cases and will say nothing until the necessity arises, but will go on changing Ministers according to the present practice. We see no reason why we should not do the same in the colonies, acting upon the safe principle of ordinary times, and expressing no opinion as to what she must do in an extreme case, until that case arises.

As for Lord John's case of the working of a responsible executive in such state of affairs as that produced by the war of races in Lower Canada, we wonder that he does not perceive that the illustration is just as hostile to representative as responsible government in a colony; and that if the apprehension of the recurrence of such a state of things is an argument against the one, it is just as much an argument against the other. A conflict of races is a calamity that shakes civilized society and free government to their very foundations. No precaution can avert its evils, when the conflict is once fairly commenced.—They must be stayed, as we have been forced to stay them in Lower Canada, by summarily suspending every representative institution, as well as every ordinary rule of administrative policy. At the same time it may be doubted whether, in the outset, Mr. Papineau's hostility to England might not have been prevented, or his influence diminished, by the early application of the principles of Responsible Government to his own case. Had he, when he first began to assert his predominance in the Assembly, been made Minister instead of demagogue, we much doubt whether he would not have been conciliated towards the government, of which he would have wielded the power and enjoyed the favour; whether he would not have exercised power with moderation or forfeited it by incapacity; and whether any command over the action of the Executive, could ever have given him an influence equal to that which he possessed when leading an opposition banded together by national animosities and perpetual exclusion from office.

As to Lord John's illustration of the incompatibility of a Responsible Executive with Sir John Colborne's proceedings in suspending the Judges, we cannot deal with arguments which appear to us so trifling. No friend of Responsible government ever maintained that the Crown could be expected to place the powers of the Executive in the hands of a party whose adherents were in open rebellion at the moment; or that the responsibility of the Executive can exist under martial law and the suspension of parliaments.

It is enough for us, however, that Lord John, in spite of those theoretical objections, this repugnance to words, and his susceptibility about extreme cases, admits that he concurs with Lord Durham's practical views of Colonial government; that he "has no desire to thwart the Representative Assemblies of British North America in their measures of reform and improvement;" that he has "no wish to make those provinces the resource of patronage at home;" that he wishes to open the career of public employment to talent and character in the Colonies, as in the United Kingdom;" and that he "has no desire to maintain any system of policy among her Majesty's North American subjects, which public opinion condemns." These declarations are vague; but they are rendered specific and substantial by the alteration of the present tenure of Colonial offices. When once the moral right to hold office on the tenure of good behaviour is abrogated—when it is established that not only will civil officers "be called upon to retire from the public service, as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the Governor will be considered a sufficient reason for any alterations which his successors may deem it expedient to make in the list of public functionaries"—the principle for which we have contended will virtually be established. To establish it permanently, and render it as available as we desire, we are content to leave to time and—the Parliament or United Canada.

THE DESPATCH.

Copy of a Despatch from Lord John Russell to the Right Honourable C. P. Thomson.

Downing Street, 14th October, 1839.

SIR.—It appears from Sir George Arthur's despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called "Responsible Government." I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses upon this subject. I cannot better commence this despatch than by a reference to the resolutions of both Houses of Parliament, of the 28th April and 9th May, in the year 1837.

The Assembly of Lower Canada having repeatedly pressed this point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the Secretary of State, but expressly called for the opinion of Parliament on the subject. The Crown and the two Houses of Lords and Commons having thus decisively pronounced a judgement upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

It does not appear, indeed, that any very definite meaning is generally agreed upon by those

who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and if at all encouraged, would prove the cause of embarrassment and danger.

The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched.

This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy and disturbed the peace of the country.

But if we seek to apply such a practice to a colony, we shall at once find ourselves at fault. The power for which a Minister is responsible in England, is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the Executive Council of a colony is in a situation totally different. The Governor, under whom he serves, receives his orders from the Crown of England. But can the Colonial Council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers for the same functions and with superior authority.

It may happen, therefore, that the Governor receives at one and the same time instructions from the Queen and advice from his Executive Council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails, if on the other hand, he is to follow the advice of his Council, he is no longer a subordinate officer, but an independent sovereign.

There are some cases in which the force of these objections is so manifest, that those who at first make no distinction between the constitution of the United Kingdom and that of the Colonies, admit their strength. I allude to the question of foreign war and international relations, whether of trade or diplomacy. It is now said that internal government is alone intended.

But there are some cases of internal government in which the honor of the Crown or the faith of Parliament, or the safety of the state are so seriously involved, that it would not be possible for her Majesty, to delegate her authority to a ministry in a colony.

I will put for illustration some of the cases which have occurred in that very Province where the petition for a Responsible Executive first arose—I mean Lower Canada.

During the time when a large majority of Lower Canada, followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the Province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any Minister to support, in the Parliament of the United Kingdom, the measures which a ministry, headed by M. Papineau, would have imposed upon the Governor of Lower Canada; British officers punished for doing their duty—British emigrants defrauded of their property—British merchants discouraged in their lawful pursuits, would have loudly appealed to Parliament against the Canadian Ministry, and would have demanded protection.

Let us suppose the Assembly as then constituted to have been sitting when Sir John Colborne suspended two of the judges. Would any Councillor possessing the confidence of the Assembly have made himself responsible for such an act? And yet the very safety of the Province depended on its adoption. Nay, the very orders of which your Excellency is yourself the bearer respecting Messrs. Bedard and Panet, would never be adopted or put in execution by a Ministry depending for existence on a majority led by M. Papineau.

Nor can any one take upon himself to say that such cases will not again occur. The principle once sanctioned, no one can say how soon its application might be dangerous, or even dishonourable, while all will agree that to recall the power thus conceded would be impossible.

While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them. The Queen's Government have no desire to thwart the representative Assemblies of British North America in their measures of reform and improvement. They have no wish to make those Provinces the resource of patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the Colonies, advantages similar to those which talent and character employed in the public service obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns.—In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the crown and the unity of the empire, I am at the same time instructed to announce her Majesty's gracious intention to look to the affectionate attachment of her people in North America as the security of permanent dominion.

It is necessary for this purpose that no official misconduct should be screened by her Majesty's representative in the Provinces; and that no private interests should be allowed to compete with the general good.

Your Excellency is fully in possession of the principles which have guided her Majesty's advisers on this subject, and you must be aware that there is no other way of earning the approbation of the Queen, than by maintaining the harmony of the Executive with the Legislative authorities.

While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power, is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The Sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse, to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelvemonth. So in a colony: the Governor thwarting every legitimate proposition of the Assembly, and the Assembly continually recurring to its power of refusing supplies, can but disturb

all political relations, embarrass trade, and retard the prosperity of the people. Each must exercise a wise moderation. The Governor must only oppose the wishes of the Assembly, where the honour of the Crown, or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain.

I have &c.

(Signed) J. RUSSELL.

HALIFAX, April 18.

Highly Important.—War with China.—An end to Hamburg about the North-Eastern Boundary.

The Acadian from Greenock, which arrived yesterday in 23 days, brought us dates from London to the 23d, and Glasgow and Greenock to the 25th ult. She brings news of the greatest importance to Europe. The Governor of India has declared war against the Emperor of China, His Majesty of the Celestial Empire, having interdicted all barter with the English throughout the whole of his dominions, whilst the Americans are allowed peaceably to continue their trade.

It is also currently reported that the proposition about to be made for the settlement of the North-Eastern Boundary question by the United States' Government will be rejected by the Imperial Government of England.

Death of two English Generals.—Sir William Wilkinson died by his own hand at Durham at the advanced age of 85. Same day, Sir Geo. Hewett expired at Portsmouth, in the 91st year of his age.

The Earl of Durham and Lord Lyndhurst have been suffering under severe indisposition, but were supposed to be fast recovering.

GLASGOW, March 14.

Declaration of War against China.—The news has arrived in London of the positive Declaration of War against China by the East India Government. We copy from the Times the following:—

Intelligence has just reached town that the Governor-General of India has, in the name of the British Government declared war against China. This important news is contained in despatches from Bombay, dated January 31, and was brought to Marseilles on the 7th instant, not by the Vulcan as already mentioned, but by the Volcano, Captain Volger.

Our information further states that the most extensive preparations were making in the Indian harbours. His Lordship had advertised for 40,000 tons of shipping, for the transport of the troops to China, 14,000 of which were to be supplied by Calcutta, and the rest by Madras and Bombay. The expedition was to rendezvous at and sail from Calcutta. Seven regiments quartered in this last Presidency had been ordered to prepare for embarkation, and the whole expedition was to consist of 16,000 men. Its destination was not known, but it was deemed probable that it would be directed against Canton or some other point on the coast, of which forcible possession would be kept until the Chinese Government should be brought to reason.

The last accounts from Canton are dated December 8th. The Emperor had addressed to Governor Lin a decree prohibiting the importation of all British Goods, and the trade with China was consequently at an end.

The Americans continued to pursue their trade unmolested, and their ships were arriving and departing as usual.

Excitement in London.—The most important intelligence this morning, which was received late yesterday afternoon, is the declaration of war by the Governor-General of India against the Chinese, with preparations on a large scale to bring his celestial Majesty to honourable terms. This news has caused great anxiety in the city. The merchants, speculators, and dealers in tea, are anxiously waiting for the regular despatches and letters from China on the subject, as the intelligence is doubted to the present hour by a great number of persons, and has had as yet but little effect in the British market. We have a report that the Chinese Government have issued letters of marque, that a great number of their warlike junks are out, and that British shipping and property to a great amount had been destroyed by the Chinese.

Half-past One.—Very great agitation still continues in the city, and many persons still doubt the intelligence from China owing to the despatches and letters not having yet been received; but the well-informed are of opinion that the information is correct, it being received by the French government by the telegraph from Marseilles, at least the greater part of it, and forwarded to a certain house in London.

LONDON, March 17.

Expedition to China.—We are enabled to lay before our readers this week a correct statement of the particulars of the vessels which have already sailed, and are yet to sail for the coast of China. The Blenheim 74 guns, sailed direct for China from Portsmouth, 17th February, Melville, 74 guns, from the Indian station; Blonde 46, direct from Plymouth, 26th February; Druid, 48, from the Cape, via Sidney, 5th November; Pyades, 18, direct from Plymouth, on the 23d February; Nimrod, 20, from Plymouth, on the 24th February (with duplicate instructions for Admiral Elliot); Modeste 18, from the Cape 5th November; Wanderer, 18, sailed for the Cape of Good Hope on the 12th of February, from Plymouth, with orders to Admiral Elliot to proceed with all his corvettes and take command in China. Besides these ships, another 74 has been despatched. At Portsmouth there are now waiting orders, the Pique 38; Andromache, 28; ten vessels from the Indian station from 18 to 28 guns each, part of the Indian navy; 2 vessels from the Cape station, 18 guns each; 2 from the South American station, 18 and 28 guns each 2 from the New South Wales station, 18 to 28 guns each; 2 large steamers, supposed to be the Sesostris and Queen.—Commercial Journal.