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FOR THE SENTINEL.

MR. EDITOR:—An article in the "Chroni-
cle" of 14th ult. signed "Heber," in refer-
ence to a debate on a Bill relating to the observance
of the "Lord's Day," sets forth one of the
members of the House of Assembly as an
"infidel," "sceptic," and endeavours to connect his
character with principles which are as wicked
and as unchristian as the production, which is a
trifle of the most unmeaning slander, is nothing
more than a continuation of that warfare
which has been carried on in the County of
Charlotte against Mr. Brown ever since he ap-
peared in public life, and in defiance of which
he has been repeatedly elected by the freehold-
ers of that County.

What possible connexion can Mr. Brown's
speech have with the character or doings of
Byron, Bulwer, Aram, Voltaire, Pagan, Wyer,
Porter, Kneeland, or Carlisle, or how can Infideli-
ty be imputed to a man for his declaration of a
firm belief in all that is written in the new
Testament?

A Bill was brought into the House for the
better observance of "the Lord's Day" com-
monly called Sunday. Members as in duty
bound examined the Bill, and its provisions be-
came the subject of public discussion. The na-
ture of the obligation to observe the day, and
the extent to which it was necessary to enforce
that observance by legislative enactment was
the subject under examination, and it became
the duty of every conscientious legislator to con-
sider the matter fully, and to determine the
principle upon which the Bill was predicated.

At this stage of the enquiry the question
arises, whether the Sunday be a Religious in-
stitution enforced and regulated by Divine Com-
mandment, or a civil institution to be enforced
and regulated by the Municipal Law? In pur-
suing this necessary enquiry, it is certain that
the Law of Moses enforces the strict observance
of the seventh day of the week, and punishes
with death such persons as transgress it.

The seventh day, is specially pointed out, and
the reason specially given, that in six days the
work of creation was completed, and that the
Creator rested on the seventh day.

We trace the observance of this day through
the Old Testament, and down to the death of
our Saviour, who was lying in his grave on the
Sabbath, and on Sunday, the first day of the
week, arose from the dead. We find also that
the Jews continued to observe the Sabbath, and
that the Gentile converts to Christianity met
for public worship, &c. on the first day of the
week, and paid no regard to the Sabbath.

That there is no express commandment in
the New Testament for the observance of any
day, is fully admitted by the most orthodox
Divines. The fourth commandment of the deca-
logue, and other passages of the Old Testament,
are therefore the only Scriptural authorities
for the sanctification of the Sabbath, and all
these enjoin the observance, not of Sunday on
account of the Resurrection of our Saviour, but
of the Sabbath because on that day God rested
from the work of creation. It is plain then
that we observe another day, for another reason
and in another manner, and practically disre-
gard the fourth commandment of the decalogue,
as a part of that Mosaic code which has been
superseded by the introduction of the Gospel.

In the Creed of several denominations of
Christians, it is stated "that God appointed the
first day of the week" to be the weekly Sab-
bath, but of that appointment there is no account
in the Scriptures, and it is certain that "neither
our Saviour nor any of his apostles, left on record
any thing at all about the matter." I come
then to the unavoidable conclusion, that Sunday
is a civil institution, regulated by the Municipal
Law, as the state of Society may require.

Sunday is therefore set apart by the Law of the
land as a day of rest for man and beast, for the
important purpose of renovating the physical
system, which under the pressure of incessant
toil would soon break down; and for the more
important purpose of giving full scope to that
religious liberty which man, as a divine right,
is fully entitled to exercise.

"The toil worn cotter," the "Lording's
slave," and "the poor oppressed honest man,"
are thus, not only permitted to rest from their
labour, but also to enjoy the glorious privilege
of publicly uniting with their fellow men, in
the worship of their Maker in such form and
manner as their consciences may dictate. The
Law affords protection to them all, enforces the
decent and orderly observance of the day, and
hinders those who have no religion of their
own, from disturbing the religion of others.

Mr. Brown no doubt had this view of the mat-
ter when he referred to the proceedings of the
House of Commons, but how this could possi-
bly subject him to the charge of Infidelity I
have yet to learn.

Mr. Bulwer, from his writings and character,
is said by "Heber" and others, to be an Infid-
el. He says "there is no express command-
ment in the New Testament for the observance
of the Sabbath." Mr. Brown says that he is
not able to contradict this; therefore, says
"Heber," he is also an Infidel. The Rev. Mr.
Birkmyre of this town, is well known as a zealous
Presbyterian. He declared repeatedly in his
last sermon, "that there is no express com-
mandment in the New Testament for the observance
of the Sabbath." By Heber's logic, he
therefore is an Infidel also.

What possible effect could Bulwer's religion,
or his want of religion, have upon the truth or
falseness of the statement in question? The
declaration is either true or false in fact; and this
depends entirely upon what is written in the
New Testament, and is in no way affected by
the character of him who utters it.

In conclusion, I shall merely observe, that
"Heber's" sole object appears to be to vilify the
character of an honest and independent legisla-
tor, and although he comes shrouded in "hood
and cassock," the robe is too short to hide "his
cloven foot."

JUSTIN.

Fredericton, March 4, 1840.

LORD DURHAM AND THE MECHANIC.

To the Editor of the Quebec Mercury.

Sir,—I have seen for the first time the
second volume of "Trifles from my Portfolio,"
by a Staff Surgeon. In a note at the foot of
page 215, I find the following story:

"A key of one of his cabinets had been
lost, unknown to him, and fearing his tem-
per, some of the family sent for a smith to
pick the lock and make a new one. Unluckily
his lordship chanced to come into the room
when the man was busy, and without giving
him a moment's time for explanation, he
pounced on him like a tiger, dragged him
through the door and gave him a good kick-
ing; but a doucure to the astonished mechanic
hushed the matter up."

I believe I am the "Mechanic" alluded to
in this story, because I was employed to pick
the lock of a cabinet of Lord Durham's and
to make a new key for it, soon after his Lord-
ship's arrival: and because I heard at the time
a story similar to that repeated in the "Trifles,"
and took every opportunity of contradic-
ting it.—I think I performed the work well;
and as I was employed from time to time by
his lordship, down to the very day of his de-
parture, I think it unlikely that any other
mechanic was sent for to pick the lock of a
cabinet for him in Quebec.—I had unpacked
his Lordship's furniture, and a few days af-
terwards I received a message from his steward,
that the key of a cabinet was lost, and
that I was desired to come and pick the lock.

I went the next day. I was taken to the
room by Mr. Blaiklock. It was his Lord-
ship's dressing-room, and his private papers,
watch, and some jewels were lying loose on
his writing desk which was open. While I
was at work he came in—he seemed sur-
prised—but said nothing to me. He spoke to Mr.
Blaiklock and rang for his valet, who came.
After a few words of explanation from Mr.
Blaiklock and the valet, Lord Durham told
me to go on with my work again.—I did so
and was left alone in the room for some time.
Lord Durham then came in again and seeing
me still at work, told me to come and finish
the next day, which I did. He never spoke
an angry word to me.—I need scarcely add
that there was no "pouncing"—no "drag-
ging"—no "kicking" and no "doucure,"
I am, Sir,

Your obedient servant,
JAMES MCKENZIE.

Editors who wish to correct the misstate-
ment contained in the story above alluded to,
will oblige by copying my contradiction to it.

The standing in life and the character of
the author of these amusing "Trifles" render
his story the more necessary to be contradic-
ted, as he would hardly be suspected of
lightly relating an anecdote affecting the private
character of an absent Nobleman, with-
out having first fully satisfied himself that
there was sufficient foundation for the mat-
ter he thought proper to relate.

Important from Canton. The ship Talbot,
Capt. Story, has arrived at New York from
Canton and brings advices to the 6th of No-
vember.—The report that the English and
Portuguese had been driven from Macao by
the Chinese, after a skirmish in which about
20 lives were lost, is not confirmed. Capt.
Story, however, brings the following infor-
mation:

"The difficulty between the British and Chi-
nese was thought to have been settled, and that
two British merchant ships had gone to Wham-
poa, and were informed by the Chinese Gov-
ernor that he wished all the British vessels to
come and trade as they had done before, but a
man must be given up for a Chinese killed in a
village, some time since, by an English sailor,
Capt. Elliott declared he would not give the
man up, and immediately sailed for the Bogue,
in the sloop of war Volage, accompanied by a
number of British vessels from sailing for Wham-
poa.

Capt. E. sent a letter on shore to the Cumshih,
which he returned unopened. Shortly after the
Chinese gun and fire boats, to the number of
three hundred, came round the ship, and it was
thought with the intention of an attack. They
were ordered to leave the ship in thirty minutes,
and if they did not leave in that time would be
fired into. No attention, however, was given
to the order from the Volage, and a heavy fire

commenced from both sides of the ship, which
resulted in the destruction of a number of their
boats, and killing about five hundred of the
Chinese. They made no resistance, and those
that remained made off as fast as possible. It
was the intention of Capt. Elliott to blockade
the port of Canton immediately.

The above particulars Capt. Story learned
from an American and an English captain, at
Macao, who were eye-witnesses to the affair."

If this statement is true, the conduct of
Capt. Elliott has been unjustifiable, and will
probably bring on a disastrous war between
England and China.—The selection of that
man as Superintendent appears to have been
most unfortunate, he being but ill calculated
by temper or discretion, to conduct matters
entirely with such a people as the Chinese.
Further news from that quarter will be an-
xiously expected.

Capt. Strong, says the Americans appear
still to be on good terms with the Chinese,
and are doing a prosperous business.

Provincial Legislature.

HOUSE OF ASSEMBLY.

MONDAY, MARCH 9.

Mr. PARTELOW stated that there were va-
rious Returns of the Deputy Surveyors of Crown
Lands, which were not before the House; and
he was satisfied there were large quantities of
timber cut annually, which were not accounted
for. He did not think proper to mention names;
but he had made enquiry, and understood that
one party in particular, had cut during the last
year, at least a million and a half of timber, for
which he did not pay anything. He therefore
moved the following Resolution:

Resolved, That a humble address be pre-
sented to His Excellency the Lieut. Governor,
praying that His Excellency will be pleased to
direct the following returns to be laid before
the House:—

Particulars of the five years Licences granted
with the amount paid on each;—the quantity
of Timber and Logs cut under such Licences,
by the respective Deputy Surveyors;

Particulars of Timber and Logs cut upon land
for which agreements for purchase of the said
land have been made, and not completed, as
returned by the respective Deputy Surveyors;

Such returns to embrace the years 1838 and
1839 respectively;

Also a return from Her Majesty's Surveyor
General, particularizing what amounts (if any,) of
such excess and of such Timber and Logs
cut on land purchased, but not paid for or se-
cured, remain unpaid.

And it was ordered, That Mr. Partelow, Mr.
Huntingdon and Mr. Allen, be a Committee to
wait upon His Excellency with the Address.

Surplus Civil List Fund.

Mr. FISHER called the attention of the House
to the salary of the Master of the Rolls, which
at present is provided for annually by the House.

It should be remembered that Lord Glenelg,
at the time the Civil List was settled, expressed it
as his intention, that whenever any surplus oc-
curred, in consequence of a reduction of the sa-
laries, that such surplus should be directed to
purposes of public interest. There is at present
a surplus of £1000, and there could be no ob-
ject of more importance for which to provide,
than that to which he had alluded; and which
had received the approbation of the Legislature
and the Government. He trusted there would
be no difference of opinion upon the subject;
and therefore should move the following Reso-
lution:

Whereas there is already a large surplus of the
funds granted for the support of the Civil govern-
ment of this Province, after paying the Salaries
chargeable upon the Civil List, which surplus will
be materially increased by such further reductions
as may be made on the occurrence of vacancies
in any of the offices; and whereas the Right Ho-
norable Lord Glenelg did, upon the surrender of
the casual and territorial Revenues to the Legis-
lature of the Province, upon the condition of the
said Civil List being granted, signify it as the
most gracious intention of Her Majesty's Govern-
ment, that the Surplus arising from time to time
from the reduction of the Salaries chargeable up-
on the said Civil List, should be appropriated ex-
clusively to objects connected with the Province,
and with a view solely to public interests: And
whereas this House, being deeply impressed with
the paramount importance of rendering the Judicial
Institutions of this Province as efficient as possi-
ble, did freely grant the sum of eight hundred
pounds per annum, in perpetuity, as a Salary for
a master of the Rolls to the Court of Chancery:

And whereas, in the opinion of the House, the
appropriation of a part of the said Surplus to the
payment of the Salary of the Master of the Rolls
would be most beneficial, and secure greater uni-
formity in the fiscal concerns of the Province, by
providing for the payment of the Judges of the
Courts of Law and Equity from the same fund:

Resolved, That a humble address be pre-
sented to His Excellency the Lieut. Governor,
praying that His Excellency will be pleased to
bring under the notice of Her Majesty's Govern-
ment, the propriety and expediency of paying
the Salary of the Master of the Rolls from the
surplus arising after the payment of the Salaries
and other charges now chargeable on the Civil
List.

Hon. Mr. JOHNSTON said he was not favour-
able to the Resolution; and believed that when
the Civil List Bill was passed, it was expressly
understood, that His Excellency could appro-
priate it without even asking the consent of his
Council; and that it was placed exclusively in
the hands of the Governor himself. At present
he said there did appear to be a surplus; but
part of it was owing to a reduction in the salary
of the Commissioner of Crown Lands, which
had not been determined upon by the Home
Government. They could not therefore consid-
er the surplus as fixed. Besides there might be
other services which His Excellency would
prefer; and he did not perceive any difference
as to the fund from which they were to be paid.
He thought the present an unnecessary interfe-
rence.

Mr. FISHER said the hon. member for Queen's
had misunderstood his meaning. His object
was to bring the subject under the notice of Her
Majesty's Government; as he considered it
was there the application must be made.

Mr. PARTELOW thought the subject had
better be left alone during the present year,
until the surplus should have become ascertain-
ed. There might be some road or other useful
purpose to which His Excellency would wish
to apply it.

Mr. BROWN thought all public officers should
be permanently provided for; and if the sur-
plus would meet the salary of the Master of the
Rolls, it was necessary it should be provided for
in that way. He believed Lord Glenelg pro-
posed to pay an Auditor; and perhaps it would
be better to apply the amount saved from that
office, to providing for the Master of the Rolls.
He hoped there would be a majority of the
House to have that officer placed on the same
footing as the Judges.

Mr. HILL was of the same opinion, and the
present is the time to agitate the subject. He
did not know of a more legitimate appropriation
than that which was proposed. He thought
there should be no delay, but that the House
should move immediately.

Mr. WILMOT did not think the surplus fund
could be appropriated by the Executive here,
but that the appropriation must come from home;
and if the Governor could not expend it with the
advice of his Council, it must be done pursuant
to directions from the government at home.—
But he thought they had better wait and see
how that fund would hold out during another
year. He thought it unwise to agitate a ques-
tion which had only been settled two years.—
If at the expiration of another year, they should
find that any excess had been improperly ex-
pended, or that it was not otherwise required,
they could then address Her Majesty's govern-
ment on the subject. They had better therefore
allow the subject to remain.

Hon. Mr. JOHNSTON did not know what were
the views of His Excellency; but if he were in
his situation, he should deem such a motion as
indicating mistrust. He was still of opinion
that they had better let the subject rest; and if
in another year it should appear there was a
mal-appropriation of the surplus revenue, the
learned gentleman could come forward with
his motion.

Mr. L. A. WILMOT said the only question
with him was as to time; there was no doubt
in his mind that the salary of the Master of the
Rolls should be paid out of the surplus fund:
at present there is about £1000 on hand; but if
the House were hasty in moving for its appro-
priation, there might next year be that bal-
ance. With reference to the arrangement that
took place, at the time of the surrender of the
casual and territorial revenue; he recollected
perfectly it was stipulated that government
was to have the absolute control and power of
appropriating it; even the advice of the Coun-
cil which had been suggested was struck out,
and the account of its expenditure only was to
be submitted to the Legislature. Among the
contingencies, which that now before the House
contains, there is a charge for postage; and he
should like to know if in addition to the large
sums allowed for the Secretary's office, postage
is to be added. He thought himself the sub-
ject had better be allowed to lay over for an-
other year; and when it was found that there
was a fixed balance, application should be made
to have it transferred to the civil list. But for
fear in another year it might not be equally large,
the House had better let the question rest.

Mr. END was willing to fall back on a con-
tingent vote, for which a resolution was for-
merly passed. While he was up, he would
state, that he thought the proposition which
had been made to pay the salary of the Master
of the Rolls from the surplus fund, was rather
premature; altho' he did not see how the bal-
ance could be much less; as all the salaries
payable from that fund were provided for. The
other day when the House were debating with
closed doors, allusion was made to the reduction
in the salary of a public officer; it was an act of
injustice to suffer him to lose by his situation;
and he for one would like to see the salary of
that officer placed upon the old establishment;
it would be doing no more than what was right.
He thought the general feeling of the House
was in favour of restoring that salary; and that
the character of the House was involved; and
hoped some member would rise and make a mo-
tion upon the subject.

Mr. BEARDSLEY said all the members of the
House agreed that at some future period, it
would be proper to pay the Master of the Rolls
from the Surplus fund; and he did not see why
there should be any postponement. If it was
sufficient, why not apply it at once. It had
been properly remarked, that procrastination
was the thief of time; he did not see why any
delay should take place in making the applica-
tion.

Mr. WOODWARD agreed with the learned
member for Carleton. If gentlemen would look
at the account before the House, they would
find that the surplus next year would probably
be £1500. With regard to the officer alluded
to by the learned member for Gloucester; let
the question of his salary come fairly before the
country; and let it be taken from the funds of
the Province in an open way. He would agree
to the motion, as he considered the funds were
abundant this year.

Mr. J. M. WILMOT was favourable to the
Resolution. If there were not sufficient funds,
the deficiency must be provided for by the Pro-
vince.

Col. ALLEN was averse to agitating the sub-
ject at present; altho' this year the amount of
the surplus fund was very satisfactory. He
thought they should not increase the salary of
the officer alluded to, as it was not long since
the House reduced it.—It would look like incon-
sistency in doing so at present.

Mr. HANINGTON did not see any evil arising
from making application on the subject at the
present time. It was not his wish to embar-
rass the government, or that any Resolution
that might be passed, should be construed as
manifesting any mistrust or want of confidence.
He could not see any objection to passing such
a Resolution; which merely went to express
the opinion of the representatives of the people.

Mr. CONNELL said he took the same view of
the subject.

Mr. FISHER said it must be in the recollec-
tion of hon. members, that Lord Glenelg in giv-
ing an opinion as to the appropriation of the sur-
plus revenue, had declared that it should be ap-
propriated to objects connected with the Pro-
vince, and of public interest. Suppose the
Master of the Rolls was to be paid his salary
from that fund, and it should be found insuffi-
cient, they could easily fall back upon the pro-
vincial revenue. There would probably before
long, be a reduction in the salary of the Sec-
retary of the Province; and as to appropriating
any balance for a great road, His Excellency
would not do that. He did not look upon the
governor as Sir John Harvey, and meant noth-
ing personal; but he looked with a strictly con-
stitutional eye; and he saw no harm in provid-
ing against what might happen hereafter.

The Resolution was then put and carried—
11—9.

Mr. HILL pursuant to notice moved the fol-
lowing Resolution

Resolved, That the late Message from the
Right Hon. C. Poulett Thomson, Governor Ge-
neral, to the House of Assembly of Upper Can-
ada in answer to an Address from that House,
which Message contains the following language
—"that he had received Her Majesty's com-
mands, to administer the government of these
Provinces in accordance with the well under-
stood wishes and interests of the people; and to
pay to their feelings as expressed through their
Representatives, the deference that was justly
due to them;" fully meets the approval of this
House.

Hon. Mr. WELDON agreed perfectly with the
language of the Resolution; it was that
which had always been stated, and he did
not see how there could be a dissenting voice;
and he expected Her Majesty's ministers would
do nothing otherwise than had been expressed
by the Governor General.

Hon. Mr. JOHNSON said he was not aware
that such a Resolution had been laid upon the
table. He recollected reading a statement of
the language which had been used by the Go-
vernor in Chief, to which he could see no pos-
sible objections; and was decidedly in favour of
the Resolution.

Mr. BROWN trusted the Resolution would
pass unanimously; it was highly satisfactory
and could have no connexion with Lord John
Russell's despatch.

Mr. BEARDSLEY had not spoken when the
subject of that despatch was under consideration,
having been precluded by the sudden manner
in which the debate was closed. With refer-
ence to the present Resolution however, not-
withstanding what had been said by the hon.
member for Charlotte, he considered it was ve-
ry intimately connected with it; and every
member who voted for the Resolution which
was carried on a former day, to be consistent
must vote against the present one. The Reso-
lution he said contained a truism, as the Go-
vernor General had only stated what were the
acknowledged principles of the British constitu-
tion; and he was at a loss to know how any
gentleman could vote against the Resolution
introduced by his honor the Speaker on Friday,
and be in favour of the present one. During
the debate on the despatch many questions arose;
among which was the expediency of Executive
Councillors having seats in that House: and he
believed an opinion had been expressed as to
the propriety of their continuing; but he would
say for one that if they must have Executive
Councillors in the House, he hoped His Honor
the Speaker would always be one, as he was
made of the right stuff: he was in favour of re-
sponsible government, and he was glad to see
him there. With respect to the channel of com-
munication which these Councillors were to
form, it was a singular proposition. He never
knew that the channel had ever been closed;
and even if it had collapsed,—to use a medical
expression, it was decidedly better not to open
it in this way; and to introduce adverse prin-
ciples, and the mixing of Executive and Legisla-
tive power, which ought never to be blended.

Another objection had been urged, that as the
Governor possessed the power of creating as
many Executive Councillors as he pleased, he
might in that way force the House into his mea-
sures. With reference to His Excellency he
had no fear of him, and believed it was his wish
that every branch of the government, should
enjoy its fair share of power. But the Province
might have an arbitrary Governor; and then a
course might be pursued, in which there would
be danger. At the same time he considered
there would be a check so long as there was an
independent House; yet it might not be inde-
pendent, and in that case there would be a dif-
ficulty. The learned gentleman said he thought
the Resolution was a very important one, and
he was sorry that that which was proposed by
the learned member for Charlotte the other day
had not passed; he was in favour of this how-
ever, as it would show the government of Eng-
land it passed, that a majority of that House
approved of the responsible principle which was
contained in Lord John Russell's despatch. The
principle itself was strictly constitutional, but
had been suffered to lie dormant. It was how-
ever renewed by that document, but should al-
ways have been in operation.

Mr. STREET said it appeared from the Reso-
lution, that the object was to give an expression
of the House, with reference to a message which
was not before it; it having been communicated
to the Assembly of Upper Canada by the Gov-
ernor General, while administering the govern-
ment of that Province; and all they knew of
what had taken place had been obtained through
the public prints. Had a statement been laid
officially before the House, it could then have
been taken up; but it would be unparliamentary
and improper to do so otherwise. When he
recollected that the Resolution had been sub-
mitted by the learned member for the county of
Charlotte, he could not refrain from calling to
mind the language and spirit of that which he
introduced the other day. He apprehended it
arose out of that, and that he wished to get a
recognition of the principles which that Reso-
lution contained. He did not feel disposed how-
ever to place the same construction on the Mes-
sage as the learned member himself; but he
could not help thinking, that the object of the
Resolution was to get an opinion of the House,
which might be construed to be in favour of the
broad principle laid down, as to what he terms
responsible government, and expressed by Lord
Durham in his Report; in short to entrap the
House. He thought it would be more ingenu-
ous to state that the despatch recognised Lord
Durham's views, and in that case the House
could not misunderstand the object. Viewing
the message as not being before the House, he
should therefore move the previous question;
because he viewed it as an extraordinary mode
of expressing an opinion, upon that which had
not been properly introduced. If he were called
upon to express an opinion however, he
should arrive at a different conclusion as he be-
fore said, from that of the learned member for
Charlotte. He did not think the Governor Ge-
neral meant to express the same sentiments as
Lord Durham did in his report, or that the
House would recognise the broad principle of
responsible government which it contained. He
hoped therefore that members would consider
well before they voted, as otherwise they
would be entrapped into what is the object of
the Resolution.

The Resolution was carried unanimously.

Mr. HILL moved the following Resolution,
to which he said the learned member for New-
brunswick had been speaking, instead of
thundering about the House had passed. The ques-
tion which it involved he said had been discus-
sed two days; and the substance of the present