

THE LOYALIST, AND CONSERVATIVE ADVOCATE.

"All I wish is to serve my Country"

Vol. 2

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To the Public.—During the Legislative Session we intend to publish a full sheet semi-weekly, which will contain impartial reports of the debates of both Houses, and as full as we shall be able to give in six pages per week, of closely printed matter. No extra charges will be made to our subscribers. Non-subscribers to the Loyalist may obtain the paper during the publication of the debates (probably about 20 numbers) by forwarding their names to the publishers, and on receiving the Committee and advances, but no such orders will be attended to unless accompanied by the cash or taken from the Post-office unless post-paid.—Terms, 12s. 6d. in advance for one year; Loyalist, with extra No. 50, containing the debates. Doak & Hill.

HOUSE OF ASSEMBLY.

(Tuesday's Debates concluded from our last.)

Mr. PARTELOW said he had never sat in such a disorderly Committee in his life, and if he had not done so he did not put an end to it he believed they would have sat there until next December. £5,000 was agreed upon as the amount which should be appropriated for the great roads, and they had got up to £3,855, when they all began to try who should get most out of the remainder; he then saw how the hon. members would go, and proposed £250 for the road leading from the Grand Falls to the Canada line, £25 for the road from Eel River to Oak Bay, £50 for the road to the County Westmorland, and then to add 25 per cent. to the other grants. This satisfied a majority of the Committee and they were enabled to bring their labours to a close; they would have been sitting there still if he had not done so.

Mr. CONNELL said hon. members need not find fault with the amount granted for the roads in the County of Carleton, for there were no roads in the Province that wanted repairs worse; and in his opinion they had not got a fair proportion yet. The road leading to the Canada line, for which the sum of £250 was granted, was not yet made—there was one part of it for several miles which had never been opened. No money had been granted for rebuilding the Restook Bridge, which was carried away by the last spring freshet. The County of Subury need not complain, for they had got a part of this bridge hauled up where one was wanted, and which would have cost them £100 to build. It was his (Mr. Connell's) opinion that justice had not been done Carleton because it was situated at one end of the Province, and that hon. members did not have to pass through it.

Mr. STURGEON said that the money had been granted without any scale at all, the majority doing what they liked with the minority. The hon. member for Gloucester was satisfied because he had got a grant for the road from Newcastle to Bathurst; but he cared nothing about the road from Bathurst to Campbelltown, which for a great part of the distance was totally impassable.

Mr. PALMER said the Select Committee sat with closed doors and he thought their proceedings would have been better if they had been open. He thought they had done well, but he thought they had better, another year, throw open the doors and admit the public to their deliberations. The reason why he had been induced to sign the report was simply this—the hon. members for Restigouche and Northumberland had opposed every grant he (Mr. Palmer) had contended for, by reason of which he was forced to join the other party, and make the best arrangement he could. He was not satisfied with the report, but it was the best he could get, and he should support it. He was not satisfied with the report, neither had he signed it. He thought the scale of last year very fair, and was the best they could adopt; but this scale was departed from, and the road from Fredericton to Newcastle had got but a small grant, while the road from Fredericton to Woodstock—which was in as good a state of repair as the other—had got a large one. With regard to the bill the hon. member for Gloucester had talked of bringing in, he (Mr. Street) introduced a similar measure some years ago, but it was lost by a majority of one. He thought if the bill had then passed it would have been of great benefit to the Province, provided they could have got a good man.

Hon. Mr. SIMONDS said he would not go for the report, unless the grant of £160 for the road from Fredericton to Petticoat was struck off. It was generally admitted that the road was not required, and would be abandoned. It ran through an unsettled wilderness, and he (Mr. Simonds) could not perceive why money should be expended on a road, which would never be travelled; it was like throwing it away.

Hon. Mr. WILSON said the money would not be thrown away; the road led directly to the saw-mills on Salmon River. A great many settlers had also gone in on the Grand Lake and its vicinity, who must have a road. The sum which had been granted would not be expended to open out the road to Petticoat, but to put it in a state of repair so far as settlers had gone in.

Mr. BARBERIE said that hon. members for St. John (Mr. Parlow) had got £250 for one road, £50 for another, and £25 for another, but because the money was wanted, but to induce the hon. members for these Counties to sign the report. He had acknowledged this himself! As for the hon. member for Carleton (Mr. Connell) who complained that that county being neglected because hon. members did not travel through it, if he would look back to the journals of 1840 he would find that no less than 10,000 ft. was granted for the great roads in that County in one year! As for himself he would rather see the money spent altogether, and not have a farthing expended on the roads, than to see it accepted; Restigouche wanted money for the roads, but he would rather get none for this year than to see such injustice done. Between Bathurst and Campbelltown there were several miles where there was no road at all; people travelling that way were obliged to wait for the tide, and taking advantage of low water, travel around the shore. But he would rather wallow in the mire another year than see this report accepted; the small sum granted for the road he had referred to would be of no use at all.

Mr. HANFORD said some hon. members who were on the Select Committee found fault with others because they signed the report in consequence of certain grants having been made. But in his opinion they had acted right. It was the principle hon. members of road committees had always acted upon; each having some particular grant in view, which if they obtained induced them to sign the report. He never knew the Committee to be unanimous except on one occasion, when they appropriated the sum of £240,000 for roads—then they were all agreed. The question was then taken whether or not the report be accepted, which was carried in the affirmative by a division of 21 to 9.

PRIVILEGE.

Col. ALEX. from the Committee on Privileges presented the report which had been rejected the preceding day.

Mr. BARBERIE wished to know if a report presented and rejected could be again brought forward, when it was known that the report was only signed by three members out of six.

Hon. SPEAKER said that as the report was now signed by the Chairman he was obliged to accept it, subject to the action of the House. If a Chairman of a Committee presented a report not in accordance with the views of the majority, he laid himself open to the action of the House, as such a procedure would be a breach of one of the rules.

Mr. J. A. STREET said only three members of the committee had signed the report. For his part he thought they had gone a step too far; he did not think they had any right to arrest or contempt committed out of door. If any hon. members were libelled they had their remedy by bringing an action at law. As for the law authorities which were quoted in the report, the same quotations had been brought forward in the arguments in the Newfoundland case, all of which were of no avail. He should record his opinions on the journals by offering the following resolution:—

Resolved, That inasmuch as there is no information before the House showing the cause or grounds upon which James Doak & Thomas Hill, who were committed by this House for an alleged breach of its Privileges, were discharged from prison under Habeas Corpus, by order of his Honor Judge Carter, the Committee of Privileges cannot, without such information, in considering of this matter, determine upon the legality or illegality of the discharge of the said Doak and Hill, or how far such discharge was an interference with the privileges of this House.

A considerable discussion then took place, in which the hon. Mr. Wilnot took part, and during the course of his remarks he made an allusion to the Loyalist, which he likened to "a reptile springing up out of the earth," and which he would put his foot on and crush.

As the remarks made were nearly the same as those made on the preceding day, a repetition of them in our reports would be needless. At the close of the debate the question for sustaining Mr. Street's resolution was put and decided in the negative 25 to 3; Messrs. J. A. Street, W. H. Street, and Rankin. Upon the

question for receiving the report it was decided in the affirmative, 22 to 6; Messrs. J. A. Street, W. H. Street, Rankin, Barberie, Botsford, and S. Earle.

Wednesday, March 27.

The House went into a Committee of the whole in consideration of Mr. Fisher's Resolutions in reference to the late

Changes in the Legislative Council.

Mr. FISHER said he had presented these resolutions, which had lain on the table for two or three weeks; and that he was now determined to record his opinions on the journals, and the resolutions also, whether the House agreed with them or not. He hoped, however, that members would all agree with the first; this one was necessary, owing to the fact that the hon. member for Carleton had requested the Governor to send him a copy of the Journals, and the request embodied in the address which passed at the last session; for as they addressed Her Majesty on the composition of the other Branch, he thought it was due from them to say whether or not they were pleased at the despatches which had been received from the Colonial Secretary. The Executive Government of this Province had acted upon the instructions contained in these despatches, but with the action they had taken upon it he was not satisfied; and he considered himself bound to bring the subject forward and express his dissatisfaction, as he was the person who had first moved in the matter of getting up the address which had led to these changes. It would be in the remembrance of the House, that early last Session the House passed a resolution which he had moved, declaring that the Legislative Council should be possessed of a property qualification; he then brought in a bill for the qualification of members for the Legislative Council, which contained all the provisions for vacating the seats of members comprised in the address which they had then given; but it was his opinion that if they rejected the bill because it came from another branch, they should have done something towards properly qualifying themselves of their own accord. A due regard to their own independence and importance, as an independent Branch of the Legislature, should have induced them to do so; they had not hesitated to raise the qualification of members of this House. He (Mr. F.) had looked forward with great anxiety for the answer to the address, as it had been denominated certain individuals as coming from the pen of a Radical; with that answer he was delighted, for Lord Stanley, in his despatch, had declared it to be entirely constitutional, and well calculated to promote the great end for which the constitution of this Province had been established by George III., the Grandfather of Her present Majesty. He was prepared to vindicate the course the House had taken in sending that address to Her Majesty. He had no idea, in now bringing the subject before the House, of interfering with the privileges of the Legislative Council; he well knew that the true method of preserving their own privileges, was to respect the privileges of others. Were the present case of a single appointment, the objection would arise, and such a measure should be dealt with, under the present system of Responsible Government, as one of a series of acts, for which the Executive Council might be affected by a general vote of no confidence. It was well known that he (Mr. Fisher) was favourable to the present Government, and in his humble way had sustained them as far as, in his limited sphere, he could; but the changes in the Legislative Council so overruled every principle upon which he supposed they should act, and being connected with the desire to give effect to their own petition, they should express an opinion; and if the course the Executive had adopted was affected by a majority, he was convinced that they could not select any other thirty-three gentlemen out of whom they could secure a majority. He (Mr. Fisher) had looked into the constitution of other British Colonies, as well as the old chartered Colonies which existed prior to the American Revolution, but among them all he had found no Legislative Branch constituted like the Upper House in this Province. In all those Colonies there were generally the three estates; in all cases the Assembly was elective—sometimes the Governor and sometimes the Legislative Council. In some Colonies there were two negatives and in others three; the Governor being without a negative in one Colony, and the Legislative Council in another. In Maryland and the other Colonies, the Legislative Council there was similar to ours in one respect; that it received pay, the remuneration being 150 lbs of tobacco a day. So it would be impossible to look into those Colonies for precedent as to the course of proceeding in cases like the present. They as colonists could not look to Great Britain for an example, for there the second branch is hereditary, and the members sit in their own right; and though changes are sometimes effected by an accession to their numbers, when ministers are determined to force measures through that House, yet those who are then elevated to the peerage are most generally the eldest sons of noblemen who, at all events, would have taken their seats in that House in a few years by the course of nature. These were the men mostly raised to the peerage, although the rank is sometimes bestowed on large landed proprietors, and other distinguished individuals. This Province is a Royal Government and intended to be as analogous to that of the Parent State as local circumstances will admit. When our fathers came here they were to establish that mixed form of government which contained the emanation of the true principles of virtue, honor, and power, and possessed within itself the elements of its own improvement, so that as wealth, population, and intelligence increased, the principles of the British Constitution should be more fully developed. The Constitution of the Legislature in this Province is regulated by the Royal Commission granted in the first instance, and by the Royal Instructions received subsequently from time to time; under these the Local Legislature possess powers in the Colony very similar to the power of Parliament over Great Britain. We have the three branches distinct: the Governor to represent the Monarchy, the Legislative Council the Aristocracy, and the House of Assembly the Democracy. If they would look back to the history of this Province, they would find that originally there was a Council of twelve, who performed both Executive and Legislative functions, amongst whom were the Judges. On the first settlement of the Province the Fathers of the Country were there, and down to the year 1824 they sat with closed doors. But in 1833 a change took place—the Judges were removed, and they were divided into two distinct bodies. He (Mr. F.) had searched through the records of the time to find out what led to that change, but he had been unable to ascertain the fact, and the removal of the Judges was stated by Sir Archibald Campbell in his Speech in 1833. He (Mr. Fisher) could find no reasons given why the Council had been divided at that time until he found on the Council Journals of 1835, a despatch from Mr. Spring Rice, in answer to their address, stating that the old Council were denuded of their Executive capacity, in order that some of the members of the Executive Council might hold seats in the House of Assembly. Now a question had come up in the Upper House, whether the House of Assembly has a right to interfere with the composition of the other Branch, by an address to the Throne or otherwise, and even whether or not the Government had acted right in making any alteration in consequence of the representations made, because the address had not emanated from both Branches conjointly. It was impossible for the reasons already stated to test the soundness of this opinion by reference to Great Britain or to the old Colonies, the consequence was that they could only refer to the Journals of their own or the neighbouring Colonies for precedents, and the principle of Colonial Government had undergone so great a change lately, that the whole reference was confined to a period of a few years. Now he (Mr. F.) had looked into a case which happened in Nova Scotia; it was during the administration of Sir Colin Campbell—do you know what became of him? He got a good lesson. (Mr. End—He got a good appointment at all events.)—Well, there had been complaints made in the Legislative Council of the interference of this House. (Hon. Speaker—The hon. member has no right to mention what takes place in the other.)—He (Mr. Fisher) thought otherwise; he was willing to pay due deference to the opinion of the hon. Speaker, but he contended that he had a right to speak of what took place in the Council Chamber two or three weeks ago, or even yesterday, and would proceed; it was matter of history. It was continually done in the Imperial Parliament. (Mr. J. A.

Street—The hon. and learned member for York is correct.)—(Here the hon. member referred to the Journals of the Nova Scotia Legislature at the time when there was but one Council in that Colony; the House of Assembly had passed an address to the Home Government on the composition of the Council, and this address the Council in their Executive capacity advised the Governor to send them in their Legislative capacity—a their Legislative capacity they had considered it, and forwarded an address to the King on the subject, comprising four or five pages of their journals which was a sort of commentary on the address of the Assembly. (This Mr. F. read from the Journals of the Assembly and Council of Nova Scotia of 1837 to show the character of the address.) Before the next session the despatches in answer came out; the Governor dissolved the old Council; the Councils were decided, and a provisional Legislative and Executive Council appointed. Five of the members of the old Council were not re-appointed in either of the new Councils. Sir Colin Campbell notified the change in his speech opening the session of 1838 under that clause of his speech addressed especially to the House of Assembly and which generally referred to some money matters, and in his despatch also alluded to the change in the Council and the receipt of the proceeding of the Legislative Council, and in his despatch to the reply of the Assembly; fully and entirely passed by the objections and the address of the Legislative Council, clearly recognizing the undisturbed right of the representatives of the people to enquire into the subject and to address the Sovereign. (Mr. F. read from the Nova Scotia Journals of 1838, the despatches.) (The hon. member then read the address of the House on the subject, from the Journals of last year.) Now, Mr. Chairman, that address passed this House almost unanimously. It was drawn up by my learned colleague the hon. member for Charlotte, the County of St. John, and the City (Messrs. L. A. Wilnot, Brown, Partelow, and Hazen) and myself, and the House generally agreed to it with the exception of that part respecting religious denominations. (Hon. Speaker—And that part concerning Crown Officers.) Yes; that was also objected to! But the clauses now in the address were almost unanimously retained, there being very little opposition and no division, and with the exception of a clause relating to the officers, and other more verbal alterations, the address passed as originally presented. Well, then came the despatches in reply, upon which he (Mr. F.) had founded his second and third resolutions. He did not know why Lord Stanley had concluded the second despatch in the manner he had done. (Here the hon. member read the paragraph to which he alluded.) The whole tenor of the despatch says it is gratifying to her Majesty's feelings to comply with the prayer of the address, as it was a step towards more fully the principles of the constitution. He (Mr. Fisher) by his first resolution would call upon the House to express the same sentiments.—One of the objections to the Council as it stood last year, which the address pointed out, and to which Lord Stanley had assented, was that there were too many officers in that House dependent upon the Crown. (Here there was a considerable want of order.) He hoped hon. members would listen; he did not discuss this question every day, nor fly off at random like some of the members did to speak of something unconnected with the subject of debate.—Lord Stanley had said in one of the despatches received in reply to the address that the Ministers were about to advise Her Majesty to revise the instruments under which the Legislative Council was formed; another despatch was waited for with some anxiety, but when it arrived they found that this had not been done. This Lordship saying that they found it was not necessary to do so, and the instruments were not yet revised. He now came to the objections pointed out in the address; one of these was the undue preponderance of Crown Officers in the Upper House. If an officer obtained either the whole or a part of his living from the Government, he cannot be independent; and it must be evident that the Council must be affected by too great a number of these officers holding seats in that House. Lord Stanley had assented to this, and laid down as a rule that they shall not exceed one-third, limiting them to seven when the Council contains its full number—twenty-one. Now there can only be two kinds of officers, those who hold their offices during good behavior, and those who are liable to be removed at the pleasure of the Crown. But by the construction of the instruments which the Executive Government in this Province he thought it was not properly understood,—it was a sort of refinement upon the English language, for the words were plain, meaning without doubt all officers at pleasure. He would enumerate the officers still holding seats in the Council; there was the hon. Attorney General, the hon. Solicitor General, and the Clerk of the Pleas; then there were the four officers of the Executive Council—for members of the Executive were nominated by the Governor, and the policy of the government, and Lord John Russell in his despatch on the tenure of office, said, that in Colonies where the Legislative Council was a distinct body from the Executive Council, the members of the latter were included as forming a part of the Crown officers, and subject to such regulations as might be laid down with regard to officers holding seats in the Legislative Council; and that as the Colony advanced it would be assimilated more and more to the British Government. He contended that the despatch meant just what he said; and that Lord Stanley when he said that but seven should retain their seats in the Council meant that the number, therefore, if out of 18 there were more than six, the terms of the despatch were not carried out. There was one singular feature in the late changes, one of the four who had retired did so it said in compliance with the terms of the despatch—as an office holder; but government had appointed another officer in his place; he alluded to Mr. Peters who is deputy Treasurer, and Keeper of the Rolls, and Clerk of the Peace, and the Court of common Pleas for the County of Northumberland.—This made eight officers in the Council; then there was the hon. Mr. Kinneer who holds some office in St. John, and the hon. Mr. H. H. Commissioner of Bankruptcy. This makes ten Crown Officers in the Council out of eighteen members! If this be submitted to, he would ask them of what use it was for Lord Stanley to say he assented to the principles of the address? There could still be six Officers of the Crown in the Council, besides the members of the Executive, and officers who drew small salaries, according to the construction put upon the despatch. There was a manifest inconsistency in the whole proceeding; the address of the House objected that there were too many officers of pleasure in the Council, and that the independence of that Branch was affected by it. Lord Stanley in his despatch stated that there was little conformity between the principles insisted upon, and fully recognised by the Queen, and the existing composition of the Legislative Council; and yet after all the changes there was only one office of pleasure less now, than at the time the despatch was transmitted; that was the conformity of principle allowed. The Executive Government had in their conduct not acted upon their first impression, and they certainly had in this respect also failed to give effect to Lord Stanley's opinion. It had been urged in another place, that the despatch did not refer to all offices of pleasure. He (Mr. F.) believed, if Lord Stanley did not mean what he had written he would have said so, and would have qualified his language if he intended to do so. Lord Glenelg's despatches in 1836 had been referred to. (Here Mr. F. read from the despatches.) Now in the Journals of 1836 and 1837 that despatch, if it could apply, settled the question against the Government, so far as relates to Executive Councilors. Apart from that, the rule laid down meant something or nothing, and if it could be broken at all it might be now, as it was completely overridden. It was idle to attempt to draw a line; Justices of the Peace did not come within the rule; they had not those offices for a living, but to assist in the administration of Justice, and were any removed, every officer came within the rule; a small salary to one man was of as much consequence as a great one to another and therefore could not affect it. No distinction could be drawn, for there must be a limit somewhere; and if it exceeded one pound the officer must go out, though the independence would only be affected 20s.; this proved the impossibility of drawing any line except what ——— on the prerogative had drawn. With regard to the object of his third resolution it was in the Province and the several leading denominations of Christians being represented in the Council, has been entirely overlooked in the late appointments. He contended that in this particular the

Executive Government of this Province had not carried out the principles of the despatch. Her Majesty's Government said a compliance with the prayer of the address was well calculated to carry out the principles of the constitution. Lord Stanley had intimated that it might be difficult to find the requisite number of independent gentlemen belonging to the different denominations, all qualified and willing to serve; but that the principles should be carried out as far as circumstances would permit. Now what he complained of was that there had been no attempt to carry out this assurance; for notwithstanding the changes, not one member of the unrepresented, or two partially represented, denominations had been selected; and of those there were the same two that sat there last year, and no more. If the House were serious in their address of last year they were bound to affirm this resolution; if they were not, they did wrong to expect the expectations they never wished to realize. He avoided referring to the new appointments, it would not be decent to discuss their qualifications; he felt as a whole, the principles acted upon and supposed to be in operation were disregarded. He would connect this with what fell from an hon. member of Govt, during the debate in the Upper House, who said they would probably have to serve there soon without any pay. There were some hon. members of the Upper House who had said that this part of the despatch had not been carried out. He (Mr. F.) had heard an hon. member of government say there were five great bodies of religious denominations in the Province; I suppose the principal denominations. The House in their address last year had not gone so far as the Nova Scotia Legislature did in theirs for they not only recommended that they should be represented, but inserted the number of inhabitants belonging to each denomination. It might have been considered invidious to go into particulars, except two, and the other great interests had been neglected; there was not one member from any part of the river Saint John except the city and the vicinity of Fredericton; however, two of the other denominations were represented there by one solitary member each, and two not at all. But what is the result after all the changes which have been made? why it is in precisely the same state! When the debate on the despatches between that House, the hon. Mr. Kinneer was the only member there representing one of the denominations alluded to in the address, and in that he (Mr. Kinneer) had spoken on the subject, and with the permission of the House he (Mr. F.) would read his speech, (Mr. Hazen—Is that a correct report?) yes; he (Mr. F.) was there and heard it, and it is substantially what was said. (Mr. Barberie—Whose report is it?) Doak and Hill's. (The hon. member then read Mr. Kinneer's speech, which will be found in our Council reports of Thursday, March, 6th, in which Mr. Kinneer said he regretted the different denominations had been overlooked.) He (Mr. Fisher) agreed with this; it was almost the very words made use of in the third resolution, and he regretted it too. (Here the hon. member referred to the address from the Nova Scotia Legislature.) To show that after the changes in the Legislative Council there were 8 of one denomination and 7 of all the others and yet the House complained and passed a strong resolution. (See Journals of 1838 of Nova Scotia.) He would not pursue further details, it would lead to two delegations, and finally the removal of the Government, a change in both the Councils; and the introduction of responsible government. He should say but little more on the subject, but he would refer the Committee to the address, and to the despatch received in answer thereto, and he contended that the House had a perfect right to affirm that the alterations recommended in the despatch were not carried out. He would conclude by moving the following resolutions:—

1st. Resolved, As the opinion of this Committee, That the House should express their unfeigned gratitude and satisfaction to Her Majesty, for the assent of the Crown to the principles of the address of the House upon the subject of the composition of the Legislative Council, expressed in the Despatch of the Right Hon. Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, of the 11th of July, 1843, evincing, as it does, a solicitude truly parental on the part of Her most Gracious Majesty, for the welfare of Her Royal subjects in New Brunswick.

2d. Resolved, As the opinion of this Committee, That the House should express their unfeigned gratitude and regret, that the Executive Government, in the recent changes made in the Legislative Council, have not given effect to the Despatches of the Right Hon. Lord Stanley, in answer to the Address of this House.

3d. Resolved, As the opinion of this Committee, That the House should express their opinion that the assurances of Lord Stanley, to bear in mind, in the selection of Legislative Councilors, the leading interests of the Province, as well as the principal denominations of Christians, as prayed for by the address of the House, has, in the recent changes, been entirely overlooked by the Executive Government, and the just expectations of the great and influential denominations of Christians now either too partially represented or altogether unrepresented in that House have been greatly disappointed.

He wished to make one further observation; he had not canvassed hon. members of that House for their votes—he did not trouble himself about the opinions of others on the subject; but he thought the resolutions were, for the Committee either to accept of, or reject them. But this he knew: that the recent changes had given a great deal of dissatisfaction throughout the country; in his County especially he was well aware that early in the session the late changes had been generally agreed upon, and he thought the subject he thought that every principle upon which the Council should have been constructed had been forgotten, and he thought it would be improper to leave the session go over without expressing the opinion of the House on the subject, for if this session were allowed to pass over without complaint, and the subject taken up another year when the other appointments were made, Government would tell them they were too late. They should not leave the session go over without offering their opinion; this is the way if they intended to do any thing, and he was very much mistaken if he thought he had offered did not embody the opinions of the people. At all events they were his (Mr. F.'s) opinions, and he should place them on the Journals. He had endeavored to discuss the subject with calmness; he felt bound in defence of his own principles, and due to consistency, to bring the subject forward. He had discharged his duty and endeavored to avoid saying any thing to give offence; if he had done so no one would feel it more sorely than himself, his moments of retirement, when he reiterated the proceedings of the day.

Mr. END said he had very great doubts whether the House should interfere by passing any resolutions, and he was convinced that it would have been much better if they had left the other branch alone and not passed the address last year. He should not say much against the hon. member (Mr. Fisher's) doctrines; no doubt but they were constitutional; but the case was this—this House had interfered with the construction of the Legislative Council by passing a bill relative to the qualification of members for that branch; this the other branch had rejected, denying the right of this House to interfere with them. The hon. member (Mr. Fisher) then got up the address, in consequence of which the country had lost the services of Mr. Baillie, a most efficient and hard-working member of the Council, and of a third who filled for several years the Chair of this House with credit to himself, and to the satisfaction of the other members. (Mr. J. A. Street—How do you know their services are lost in consequence of the address?) Will the hon. member say it is not so? With any hon. member in this House deny that such is the case?—Her Majesty has a right to appoint whoever she likes to a seat in the upper House, and it was for this only that he (Mr. End) was willing members of that branch should receive pay while attending to their legislative duties; lest Her Majesty might appoint some man every year qualified to serve in that body, but who could not afford to give his services gratuitously. He liked the system of having three branches—of having a mixed government—he admired it, as he supposed every hon. member in that House did; he considered it the only constitution fit for free men to live under; but with all this he did not think it right for the House to interfere between Her Majesty and her choice. The other House ought to be perfectly independent, not only of all undue influence from other quarters, but independent of this House, too. In the

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