

that it would be as widely spread as possible, and he would therefore wish for a Select Committee on the Bill.

Hon. Mr. HAZEN said that the sum being small, there was no necessity for making it the subject of deliberation for a Select Committee.

The Bills were then read without further discussion. Hon. Mr. HAZEN said he would direct the attention of the House to another subject which had appeared in the *Sentinel*, and which was the true state of the matter had not been given. He (Mr. HAZEN) referred to certain resolutions which had been laid on the table of that House, relating to changes in the Legislative Council, and which had never appeared on the Journals of the House. Now, such a thing as that could never have been the case, unless some of the hon. members in that House had given a copy of the resolutions to the printer; and it was his (Mr. HAZEN'S) opinion that hon. members could not be so careless how such subjects were dealt with. The resolutions had found their way to the newspapers in St. John, and were blazoned over the whole country. He did not mean to say that any hon. member in that House would do such a thing intentionally, but he would wish they would be more careful as to what they sent to the Press for publication.

Mr. FISHER said that if his learned friend wished to know the history of the resolutions, he would mention that two of them were written on Thursday evening just before he went to bed, the other on Friday morning, about an hour before he laid them on the Table. Mr. Ward was in the Legislative Library while he (Mr. F.) was copying the resolutions, and he allowed him (Mr. Ward) to take the copy that appeared in his paper, from which they had been copied by others. The printer had inadvertently stated that the resolutions were moved, while in fact, they were only laid on the Table of the House. (Mr. FISHER'S) assertion that he had a perfect right to give the printer a copy; and, upon reflection, he approved of his having done so. A similar case had occurred this Session, in relation to the Address from that House to Sir Charles Metcalfe; then the first notice was inserted on the Journals, which the public read, and pursuing the same course with respect to the resolutions, would produce the same results. He (Mr. FISHER) preferred a true copy being printed, so any contentions respecting Reports might give upon hearing him read them. He had been confirmed in the correctness of the course he adopted, from the circumstances of one of his constituents having been informed of the import of the resolutions by a member of that House, and mentioned his doubts with regard to their propriety, and he (Mr. FISHER) pulled the draft from his pocket, and read it to him, and the enquirer expressed his perfect satisfaction. He had explained all the matter to his hon. and learned friend that morning; and he regretted that the resolutions should annoy any one, but, as an honest man, he was bound to bring them forward, and no doubt he (Mr. F.) and they would be severely handled by some, but he would not shrink from the discussion.

Mr. J. A. STREET said there was no blame attached to the hon. member for York for publishing of the matter in question, and if the subject got wind in St. John it was not the hon. member's fault, but that of the printer; for of late days printers have not been very particular what they put in their newspapers, whether it was right or wrong. The *Sentinel* had given an editorial to the public in its last publication, which perverted the state of things, or at least would have people to believe what was not the case, by writing the article in a manner that admitted of a double meaning; and these, he would say, were not things of rare occurrence, but evils to which they were subjected every day.

Mr. END—An hon. member had said the resolutions had never been moved, he (Mr. E.) would differ from that hon. member, for the resolutions had been moved—yes; moved from the pocket of the hon. member for York to the Table (Laughter). Hon. SPEAKER said when a motion was laid on the Table it was no part of the days proceedings and was not entered on the Journals of the House, for it was merely a matter of form, and he thought it was wrong for any hon. member to take a copy of it for the purpose of giving it publicly, before it was entered on the Journal. He would give the House an instance of where such a proceeding had done a good deal of harm:—Four years ago a resolution had been laid on the Table of that House to the effect that it should be dissolved, and an hon. member had taken a copy of the resolution and given it publicly in the newspapers to Canada, St. John, and all over the country, while the fact was, that the resolutions had never been moved at all. Hon. members ought to be careful how they let things go abroad, which had not been made the regular business of the House, and particularly so when it was a question of moment.

Hon. Mr. HAZEN said if the *Sentinel* would correct what it had stated concerning the resolutions, it would set matters right again. (The subject here dropped.)

It was then moved that the petition from the Trustees of the Lunatic Asylum, St. John, be referred to a select committee.—Agreed to.

A select committee was also formed to take into consideration the export duty on timber.

Mr. PARTELOW then moved, that in accordance with his Excellency's message, relative to the acceptance by that House, as a loan, the fund raised for establishing a Bishop in this Province, they would appoint a select committee to take the matter into consideration.

Mr. BROWN moved an amendment that they would go into a committee of the whole, instead of appointing a select committee.—Agreed to.

The House then went into a Committee of the whole.—Mr. Hanington in the Chair.

Mr. J. A. STREET said that by taking the Bishop's Fund as a loan, it would be of great advantage to the Province, but whether the loan should be taken as a permanent loan, or whether it should be taken so that the principal could be returned when called on, was to be decided. The only objections he had to taking the Bishop's Fund as a loan, was that in after days the Church of England would be looked on with an envious eye by people of a different religious denomination, for after the lapse of twenty or thirty years people might look on the salary paid the Bishop as a grant from the House, and consequently coming off the Province. The question was worthy of deliberation, and he hoped they would weigh the matter well before they came to a decision. He thought he was not far wrong in his conjectures as to how the subject would be treated in after years, when they took into consideration the feelings of a great many people in the Province with regard to the grant to the college, and that would, he thought, apply to the Bishop's Fund. These, he said, were his objections to taking the Bishop's Fund as a loan.

Hon. SPEAKER said he thought it best, were his objections to do with the Fund whatever, but just pass a resolution thanking His Excellency for directing their notice to what would, for the present generation, be an advantage. The Fund was no government measure, but merely what the Bishops and noblemen of the Mother Country had, in their generosity, contributed towards having a Bishop in this Province, and they would say that the Province, as the best advantage they could only receive 3 per cent on the money, whereas it would be an advantage in this Province to get it at four, and it would take 4 per cent on the fund to pay what the Home Government would allow as the lowest annual salary for a prelate. He did not wish to create a permanent debt of £25,000 to the Province, for he doubted but in after years when the money would be owing out annually, posterity would look upon it in another light than the grant from the House, and that would tend to create jealous feelings among other denominations, and perhaps demagogues would arise in after days and tell the people the Legislature did this, and the Legislature did that with the public money, which would lead to nothing but bickerings and heart burnings. He (hon. Speaker) did not think it advisable, according to his views on the subject, to interfere with, or at all accept the Fund as a loan, but he thought the best course to pursue would be to return their thanks to His Excellency for his consideration, and have nothing more to do with the Bishop's Fund as a Loan.

Hon. Mr. WILMOT said there was one view of the case which hon. members ought to take into consideration; the chance they now had of getting a large sum of money at a low rate of interest, was one in a thousand, for they might wait a long time before they got the like again; a sum of £25,000 had been laid by for a length of time by the Bishops in England for the purpose of having a Bishop in this Province and they cannot raise sufficient on the interest of that money in England to pay a Bishop, for without a salary of £1,000 he secured, the Government will not appoint one. There was another view to be taken of the case: if the House did not accept of that as a Loan, the persons who so generously subscribed to that fund would think that the people of this Province did not care whether or not they had a Bishop, and that they would not exert themselves in any way to promote that end, and might consequently withdraw that sum from their reach. He (Mr. W.) would ask: would that sum would not be worth four per cent to them? Would the time ever come when money would not be worth four per cent, in this Province? Say even that they would not take it as a permanent loan, what would they have on to pay the interest, and never the principal. If they did not accept that as a loan, perhaps, in a few weeks they would have to take

another £25,000 at five and a half per cent, or even more, and now they could have that sum at 4 per cent. The hon. member for Northumberland (Mr. J. A. Street) had said it would be a permanent loan—that was the very thing he (Mr. W.) liked it for; he (Mr. Street) had said that people would look at it in a wrong light in after years, and think that the £1,000 given the Bishop was a grant from that House, and consequently coming out of their money; now he (Mr. W.) would ask his hon. and learned friend, would the time ever arrive when the Journals of that House would not be read? No; while there were Journals they would be read, and so the people could not be left in darkness on the subject for they would show to the people that the £1,000 the Bishop received, was the interest of £25,000 taken as a loan by this Province; could any man, knowing the facts of the case, be bold enough to stand up and tell people that the £1,000 was a voluntary grant from this Province to the Bishop—no, he could not have the hardihood to do that, so that the hon. gentleman's argument, on that head, would fall to the ground. Some honorable members might think it would be injurious to the establishment of the Province to accept the Bishop's Fund as a loan, on the supposition that it would be a "house of contention" in after years, that difficulty he had already satisfactorily answered, but for the establishment he (Mr. W.) cared nothing, it was for the good of the Province he wished the money accepted as a loan. A permanent loan of £25,000 on the Province was the biggest money the Bishop would receive, let him give warning beforehand, say five or six years—and he could have the principal, and then he might invest it wherever he thought most advantageous, and the Province would then be at no loss, on the contrary it would be a gain to a considerable amount, on account of the small rate of interest they would have to pay on the loan; and all these considerations he thought from the interest of the Province, he would like to see the money accepted as a loan, for in his opinion it would be of no benefit to the establishment, but rather otherwise, and he gave that as his opinion he being an humble member of that Church. (Here the hon. member presented a resolution; the purpose of which was to thank his Excellency for his consideration in pointing out to that House what he thought would be a benefit to the Province; but declining to accept of the Fund as a loan.)

Mr. FISHER seconded the motion. Mr. END hoped the hon. member would not press the resolution he had just handed in. The question was not a religious one, and he hoped hon. members would not take it in that light; it was in his opinion merely a matter of pounds, shillings, and pence. If any hon. member thought the Church would be injured by its Bishop receiving his annual salary from the Province, let them go against it, but for his part he would not be made a party to it, he would let them do so, but people would not be the fools to believe them, for they would know or ought to know that such characters do not always adhere to the truth, but try to make their means suit their ends. He (Mr. END) took it to be a great mistake to think that the good sense of the people of this Province, as it should be, would be so easily misled. They knew they passed a Loan Bill and hon. members must also know that there was no chance of competing it present, and now there were twenty five thousand pounds just ready for them to take and that at a very low per cent, and the question was, did they want money or did they not, if they did—as was the case—they now had an excellent opportunity if they embraced it, and not be making it as some hon. members were, a religious question, but that without delay, for if the opportunity now offered them were rejected, they might never meet with the like again. If the disturbances spoken of would arise—which he doubted would ever be the case—and the Bishop on that account not wish to receive his salary from them, let him give a notice of a few years, and he could receive the principal, and invest it where he liked, rather than it should be made a subject for animosities between the people of the Province, for it was his (Mr. END'S) opinion that they should immediately fall in with the bargain, for they would be wiser than if they would let slip such a favourable opportunity of receiving such a large amount at such a small interest.

Hon. Mr. HAZEN was against taking the Bishop's Fund as a loan, and said it would entail on posterity a lasting burden.

Mr. BOND said he was told by some hon. members that the Bishop's Fund as a loan would entail a permanent debt on posterity; he (Mr. B.) would say it would not matter whether or not; what he would ask, had posterity done for them? (An hon. member—Or they for posterity?) yes, they had wrought for posterity—they had made public roads and bye roads, and had cleared the way for them, and it was but reasonable posterity should do something in return. As to persons grumbling that they should have the Bishop would receive their money, he would say to some persons who could explain the matter. He would go for the money being accepted.

Mr. FISHER said he would oppose the money being accepted as a loan, for the more loans the more taxation, and by accepting the money they would fix a tax on posterity. It behooved them to weigh well the question for taking a loan that would weigh on posterity, no matter how small that loan might be, and the loan in question would weigh for ever, and would entail on posterity a heavy and burdensome tax.

Mr. THOMPSON said he fully agreed with the hon. member for Gloucester (Mr. END) that the question was merely a matter of pounds, shillings, and pence, and should be dealt with as such.

Mr. PATE said the money being offered at a very low rate, he was satisfied posterity would approve of their accepting it, rather than otherwise, so he would go for the money being taken as a loan.

Mr. W. J. STREET said he would move that the further consideration of the Bill be postponed for three months. With respect to the twenty-five thousand he did not understand how they could make it permanently secure; they had not secured the payment of the Loan Bill as yet, and he would ask were they better prepared for the one than the other? Could they, if they accepted it, rather than otherwise, secure the payment of the £1,000 per annum secured to the Home Government? He (Mr. S.) saw no possible way to have it permanently secured, and he was not prepared to see bad security, and he would first see that the one thousand pounds would be permanently secured, before he would give his vote for the acceptance of the money, for such a trust should be held sacred.

Mr. JORDAN said the question seemed to him to be, did they want the money or did they not, and if they did not, why should they pay for money that they would not use? Or should they pay 3 per cent for money that they would not use? And the lower rate they could get it at the better—these were his opinions, therefore he would be in favour of accepting the money.

Hon. Mr. SIMONDS said the hon. member for St. John (Mr. Street) thought there could not be adequate security given for the payment of the £1,000 annually, now he (Mr. S.) differed from his hon. colleague on that point. He would ask were not the Lands in the Province sufficient security for the amount? Surely they were a security to a greater amount than that. The next objection to receiving the Fund was, they would forget that the money paid out annually to the Bishop was the interest of money lent to the Province, and that disbursements would arise; now he thought that was a libel on the good sense of the inhabitants of the Province, for in his opinion a good many of the freeholders could guarantee on the subject as well as hon. members could, for the greater part of them were men of good understanding and sound sense, and he thought if the Legislature did not accept of the Loan it would give those men room to say that they might be good legislators but had those men business; and by taking this loan they would save £500, annually to the Province, which was so small a consideration these hard times. If they refused the money, it would be a loss to the country, besides the people in England who contributed towards raising it, would think they did not want a Bishop, and that they were ungrateful, and he would wish to prevent such impressions being made; and they also wished them to take it, for in England only 3 per cent could be found at the Banks on money, and consequently they would take £25,333 6s 8d to have it before a Bishop could be appointed, and he could be obtained without further cost to the Province, which would be a clear saving of 2 per cent, for money could not be got here at less than 6 per cent. If the persons who wanted the money wished to have the money withdrawn, let them give five or six years' notice and they could get the money again. He (Mr. S.) thought that in every view of the question, they would do well to take it as a loan, for it would be ungrateful to let John Bull take the fund as a loan, for it would be ungrateful to let John Bull take it as a loan, which must be the case, unless they took that sum as a loan.

Dr. EARLE was totally opposed to taking the Fund as a loan. Mr. BROWN agreed with Dr. Earle.

Mr. SCOTLAND said the question was, in his opinion, a mere matter of pounds, shillings, and pence, and it was their own interest to make the most of it. If they accepted the loan it would save 6000 a year to them, besides the money that it would cause to be expended in the Province, for the Bishop would have to support costs, and they would live in the Province. He was decidedly in favour of accepting the Loan, if it could be got.

Col. ALLEN agreed with his hon. friend Mr. Scoullar. Mr. J. A. STREET said the subject was one of great moment, and ought to be carefully handled. Every member that did not belong to the Establishment, considered it to be a mere matter of pounds, shillings, and pence, and to some extent it was. The Home Government did not intend sending out a Bishop to this Province, until sufficient means were procured to support him in his proper station and now, through the magnanimity and munificence of the nobility and gentry in England—which he knew was the admiration of people belonging to all denominations—that was almost accomplished, and were they going to frustrate the hopes of those generous people, who wished the immediate establishment of the Bishop, by refusing to take as a loan the money now so advantageously offered them? If they refused, it might engender a hostile feeling toward them in the breasts of the nobles of the Establishment, might lose the sum here altogether, side of the water, and thereby deprive the Province of the benefit of the money as a loan, on the consideration that it would do an immense good to the Province if it were accepted; and if, in after years, posterity found it burdensome to pay the Bishop, or that he did not wish to have his money coming from that source, a notice of five or six years could be given and the money would then be refunded, and ask leave to sit again.

Hon. SPEAKER he would call the attention of the House to what he found entered on the Journals of 1832: when a petition was got up, praying that a Bishop would be appointed in this Province, and he would call forth the most strenuous opposition to this petition. It would really be unwise to take that as a loan, for it would mix the funds of the Church with the business of the Province, be a serious injury to the best interests of the Church, and ultimately do the country no real service; he could foresee that if they took the loan, it would, in after years, create difficulties, and he would therefore strenuously advise them to have nothing to do with the subject in the same light as the hon. Speaker, and thought it would be better to dispose of the question at once, and not protract the Session by unnecessary discussions. He, as a member of the Church, would not wish to see Church matters mixed up with Provincial ones. He was against the amendment of the hon. member for Northumberland (Mr. J. A. Street).

Mr. END said he thought it would have been better had he just handed in. The question was not a religious one, and he hoped hon. members would not take it in that light; it was in his opinion merely a matter of pounds, shillings, and pence. If any hon. member thought the Church would be injured by its Bishop receiving his annual salary from the Province, let them go against it, but for his part he would not be made a party to it, he would let them do so, but people would not be the fools to believe them, for they would know or ought to know that such characters do not always adhere to the truth, but try to make their means suit their ends. He (Mr. END) took it to be a great mistake to think that the good sense of the people of this Province, as it should be, would be so easily misled. They knew they passed a Loan Bill and hon. members must also know that there was no chance of competing it present, and now there were twenty five thousand pounds just ready for them to take and that at a very low per cent, and the question was, did they want money or did they not, if they did—as was the case—they now had an excellent opportunity if they embraced it, and not be making it as some hon. members were, a religious question, but that without delay, for if the opportunity now offered them were rejected, they might never meet with the like again. If the disturbances spoken of would arise—which he doubted would ever be the case—and the Bishop on that account not wish to receive his salary from them, let him give a notice of a few years, and he could receive the principal, and invest it where he liked, rather than it should be made a subject for animosities between the people of the Province, for it was his (Mr. END'S) opinion that they should immediately fall in with the bargain, for they would be wiser than if they would let slip such a favourable opportunity of receiving such a large amount at such a small interest.

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assured that the Sheriff of Charlotte County would very gladly be released from it. He (Mr. Hill) thought that too much power and responsibility rested on the shoulders of the Sheriff at present. He was not aware that it had ever been abused, but they should be relieved. It was possible under the present system that the Sheriff might be careless, and interested parties would always be alert and count every chance. Sometimes perhaps when a trial was coming on they might bring their friends into Court so as to catch the Sheriff's eye, and thereby defeat the ends of justice.—He had not paid particular attention to the Bill, but he understood it had been prepared by the Sheriff of Charlotte with great care.

Hon. Mr. HAZEN said the main object of the Bill seemed to be to transfer the power of selecting juries from the Sheriff to the Magistrate in Session; but he (Mr. H.) did not think it desirable. If the Sheriff of any particular County was in the habit of packing juries, then for that particular County they might find it necessary to pass some such measure as this; but from his knowledge of the country generally he did not think such an alteration called for, and he should be sorry to see it carried into effect. The Magistrates assembled in Session have their prejudices and interests as well as other people, and would, he thought, be as likely to abuse the power as the Sheriff.—If the Committee should decide that the change was necessary he (Mr. H.) would cordially lend his assistance in order to make the Bill as perfect as possible, but he did not think the change was desirable.

Mr. JORDAN said that however the Bill might operate in other Counties, in St. John it would do no good at all. Most of the suits that County were between commercial men, and relative to commercial affairs, and as such could not be decided by those who were not well versed in such subjects. It was his opinion that the merchants of St. John would rather submit their cases to the arbitration of such commercial men as they might agree upon among themselves, than have them left to the decision of a jury summoned from the country. Besides, it would be very hard to take farmers and others away from their work, bring them to the City, and keep them there for several days to try a case for the merchants. The inhabitants of St. John were contented with the present system,—he had heard no complaint, and if the Bill was carried he should do his best to introduce a clause to exempt St. John.

Mr. BARBERE moved that the further consideration of the Bill be postponed for three months, which, after a few observations from Messrs. Hill and Payne, was put and negatived.

The day's Debates concluded in our next.

## LEGISLATIVE COUNCIL.

Friday, March 1.

(Friday's debates concluded from our fourth page.)

There was a pause of some minutes after the hon. Mr. Balfour had concluded his speech, and it was supposed that nothing further would be said on the subject.

Hon. SOLICITOR GENERAL then arose and said he had hoped that some hon. member of the Executive Council would have followed the hon. member who introduced the debate, and he had waited on purpose, fully expecting that such would be the case. But as they did not seem disposed to do so, he (hon. Mr. Street) took it for granted that they had been kept back by the Government from giving them any information respecting the late changes in that House, which information should have been laid before them. He therefore felt called upon to express his sentiments on the subject.—(He considered that when the Constitution was given to this Colony, providing for an Executive, a Legislative, and a Popular Branch, these Branches were intended to be analogous to the three Branches of Government in the Mother Country; namely, the King, Lords, and Commons. In the composition of the second Branch in the Colonies the members have held their seats during pleasure, whereas the Peers of Great Britain hold their seats by hereditary right; but although a difference must exist, the nature of the two countries requiring it, it was never intended by the Crown to displace a member at a minute's notice, unless some very good reason could be given.—But now for the first time a step had been taken, not by the Government, but by the House of Assembly, and the result had been that some of the oldest members of the Legislative Council had been summarily removed, and their seats filled by others. The House had not the least shadow of information as to why the changes had been made, only that the Mandamus says, that four new members have been appointed in the room of those who had been displaced. The Despatches from Lord Stanley said that all bankrupts and members who absent themselves from their Legislative duties beyond a given time, on any who may be guilty of any crime that would render their character infamous, shall retire before them; but there was not the slightest evidence before them that such was the case with either of the members who had been removed. His Lordship also recommends that the Council should be increased to twenty one, and that every leading denomination should be represented in that body by at least one member. Now he would ask if the meaning of the despatch had been complied with, in the recent appointments?—He (hon. Mr. Street) thought not. He contended that His Lordship by his despatches does not authorize the removal of any member, but recommends an increase in their number; and if the four old members had retained their seats, and four new ones had been appointed, still they would not exceed the number recommended. He believed the changes had been made in consequence of the address which sprung from the Lower House, for His Lordship in one of his despatches says a change had been insisted upon by the House of Assembly and corroborated by statements from the Executive Government. His Excellency the Lieut. Governor, no doubt from good reasons, had refused to lay all the correspondence with the Colonial Office on the subject before the House. He admitted that His Excellency had a right to do so if he thought proper, but he thought it would have been more satisfactory to the House to have had every information before them.—He considered that it behoved them to bring the matter under the consideration of the Legislature.—The construction which must be put upon the present despatches was that they gave the Lieut. Governor the power to displace a member of that house at any time. The lower house had adopted a course which he (Mr. S.) thought was a most extraordinary one, and had so far succeeded. He did not wish to question the right of the house of Assembly to do so for the purpose of making changes in the Legislative Council he thought they should have had the courtesy to inform that house of their intentions before they had taken any action on the same. He considered the mandamuses not in accordance with the despatches, as the latter recommended that the number of members should be increased to 21, and they had nothing before them to show why the four were dismissed, for some of them at least did not hold public offices of emolument. If either of them had been displaced in consequence of insolvency then the house would be able to judge whether the principle meant a man who could not pay 20s. in the pound, and who made the best arrangement with his creditors that he could. But if a man was able to pay 20s. in the pound, and had made his creditors believe that he could only pay them 8s. or 10s. in the pound, and had compounded with them in that way, he certainly was not an honest man. He thought the members of that house were the proper persons to judge whether any hon. member was solvent or not. He would ask hon. members to look into the other Branch, and see who decided there who were qualified to hold seats and who were not; and why should not the Legislative Council possess the same privilege? He considered they were the proper persons to decide upon such matters, and should do so before any action was taken by the Executive. He (the hon. Mr. S.) presumed the four members had been displaced without sufficient reasons, because they were dismissed without a hearing. He did not consider it fair dealing, for the law would condemn no man until he was tried. For aught they knew any one of their present number might be removed in the same manner, and he considered it the duty

of the house to make provision for the future.

Hon. Mr. BROWN said that he was not aware of the exact nature of the Mandamus, but he was sure that the House of Assembly had no right to displace a member of the Council at any time, and he would protest against any such course being pursued.

Hon. Mr. HAZEN said that he was not aware of the exact nature of the Mandamus, but he was sure that the House of Assembly had no right to displace a member of the Council at any time, and he would protest against any such course being pursued.

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