POETRY.

[For the Courier.]

A VALEDICTORY ADDRESS TO ARDENT SPIRITS.

Adieu, thou everlasting fiend,
The cause, and source, of all my sorrow;
Thou'st prov'd to me a treach'rous friend—
We part forever from to-morrow.*
Thou hast depriv'd me of some friends,
My pocket, too, you oft left empty,
And now, the way you make amends,
Drive me to want, who once had plenty.

Thou hast my children scatter'd wide,
To work with strangers for a living,
And stem misfortune's foaming tide,
When they might be the poor relieving.
'Tis true, you've left me something yet—
A threadbare coat, to mark thy plunder;
And oft you whisper'd, do not fret,
As you and I shall never sunder.

But now we part, to meet no more—
Thy rancid smell, and poisonous taste,
Unknown to honest men of yore,
Just fit to make the man a beast,
Shall ne'er pollute my lips again,
In shape of Bitters, Grog, or Toddy,
To make a puddle of my brain,
Besides emaciate my body.

Nor, will I bid my friends adieu,
Tho' I forbear to drink the *poison*,
I'll crack a joke with them its true,
O'er *Chocolate*, or may be, *Hyson*:
Perhaps I'd wish our Members back,
As their expense increases daily,
In giving us such useless clack,
About their neighbour, *Thomas Baillie*.

Adieu, my native *Mountain dew*,
Brandy, and juice of Sugar Cane;
I'd sooner take a dose of rue,
Than trash, call'd Gin, distill'd in *Maine*:
Oh, could I make my old friends do
The same as that I now am doing,
The number would not be a few,
It might hereafter keep from ruin.

* *St. Patrick's Day.* R. B.

Lancaster, 16th March, 1834.

COMMUNICATIONS.

[FOR THE COURIER.]

Mr. EDITOR,—I have long considered the situation of a Parish Officer in this County connected with peculiar hardships. His duties are numerous and generally gratuitous, for there are few instances in which any of the most important public services are provided for in the different Parishes. He is compelled to be sworn to the faithful discharge of his duty, agreeably to Law, and then to search and study that Law to find out what that duty is; and perhaps to purchase if he cannot borrow it. He is first selected for this duty, we may charitably suppose, on account of his ability to perform it, and is probably as truly respectable as those who appoint him, and afterwards judge of his actions.—His feelings are as acute, and his sense of honor and propriety of conduct equal.

In this situation he is placed, and toils through the year, combating the various evils and oppositions that are always met with in the path of his duty; but as a man guided by duty alone cannot avoid offending some who are unwilling to submit to it, or others who may differ with him in opinion, they will accuse him of misconduct, of erroneous judgment, or evil intentions;—his name may be handled before the General Sessions as an evil-doer, and all without his knowledge, and consequently without the possibility of his being heard in his own defence. Now, as all public actions should be liable to public investigation, a Parish officer should also be complained of if he does wrong, but he ought to have due notice that such a complaint is made, or will be made, in order that he may have an opportunity of justifying or explaining his conduct, if he is able.

Some observations from Members of the Legislative Assembly in Nova-Scotia, which appeared in the Halifax papers a few weeks ago, are worthy of remembrance. Mr. Stewart said he always required complaints against a Parish Officer to be made in writing, and took care that the party accused should be furnished with a copy of it, so that he might be prepared for his defence. And Mr. Uniacke would never consent to charge a Commissioner without manifest improper conduct or want of ability constrained him to do so.

The foregoing, arising from general observation, rather than particular circumstances, is most respectfully submitted to your consideration, Mr. Editor, by your very humble servant,

St. John, March 27. CANDOUR.

OXALIS CRENATA.

Mr. EDITOR,—In the "*Observer*" of the 18th inst. appeared the following brief paragraph, extracted from the *New York Standard*.—"A newly discovered vegetable, called the *Oxalis Crenata*, a rival to the potatoe, has lately been imported from Chili, and cultivated with great success in Suffolk, (England.) The flavour of the root is *decidedly superior* to that of the common potatoe, and it is equally prolific."—As the *decided superiority* thus unequivocally announced appears to be a *decided mistake*, I subjoin the following statement of an eminent English Botanist, who has both carefully cultivated and practically proved the virtues of the root in question, from which it will appear, that from the experiments hitherto made in England, the "*common potatoe*" as yet possesses considerably the advantage. The *Oxalis Crenata*, (says the *London Literary Gazette*, of Jan. 11, 1834,) was introduced into England, from Peru, in 1829: it is periodical, grows to the height of three feet, and flowers from July to September. It is thus described by Mr. *Maund*, in No. CIX of his "*Botanic Garden*:"—"*Oxalis* is a name deduced from the Greek *oxys*, signifying *sour*. *Crenata*, from the Latin, *notched*, in allusion to its flowers. The Oxalis Crenata is a far more robust plant than any other of the genus; but, notwithstanding this, its stems are tender, succulent, and admirably suited to the purpose of yielding a grateful acidity to salads, as well as forming a delicious tart, which, probably, no one but ourselves has tried. It is not on account of the flowers or herbage of the Oxalis Crenata that it becomes an object of peculiar interest, but from its tuberous roots. These bear a great resemblance to the potatoe. Their form and their colour is precisely similar to it; and they may also be divided into cuttings or sets, for propagation, as is the usual practice with our every-day vegetable. The most important consideration, however, is their value as food. We have boiled them, and found them to be *quite as agreeable* as the potatoe; *so similar*, that they may be eaten without *the difference being observed*." [This testimony implies no *superiority*, but merely a *great resemblance*.] "When roasted, they indicate a *deficiency of farinaceous substance*; therefore, to give the comparison of nutritive matter contained in the potatoe and oxalis some decided shape, we have separated the starch and gluten from a *like weight of each*. We find that one avoirdupois ounce of the oxalis produces 42 grains; whilst an ounce of potatoe, *similarly treated*, produces 106 grains; hence a great advantage appears *in favour of the potatoe*. An allowance ought, however, to be made for the Oxalis having been taken fresh from the earth, which was not the case with the potatoe. Future and more perfect culture may give to it an increase of solid matter, by the attainment of more perfect maturity. Time would not permit a separation of the pure starch by fermentation; but we intend hereafter to pursue the analysis. These tubers, when boiled, may be dried into a yellowish brown tenacious substance, fit for keeping any length of time. On boiling again, they soften into a somewhat farinaceous palatable mass. In regard to the culture of this newly introduced vegetable, very little knowledge has yet been acquired. Last spring, we submitted tubers of it to several different modes of treatment; but although our increase has been considerable—more than a hundred and fifty fold—still, on examination of what we now see to be the capabilities of this prolific plant, our culture we believe to be comparatively a failure. But we have made some progress towards a knowledge of its habits, so as to inform our readers what peculiarity of management is most likely to afford success." Hoping that the above brief account of an important vegetable may be interesting to some portion of your numerous readers, in a land where the encouragement of every profitable agricultural and horticultural object is of so much consequence, I am,

Mr. Editor, Yours, &c.

St. John, March 20. SOTHE-SAGA.

PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY,—Fredericton.

Monday, March 17.

Mr. Wyer, having moved that the house should go into committee of the whole in consideration of the *answer* given by his Excellency to the Address of the House of the 10th inst.

Mr. End hoped the "standing order" would not be moved—an hon. member (Mr. Weldon) had said he should move the standing order when that question came up—but he (Mr. E.) thought the public should hear the discussion.

Mr. Brown said that as the matter concerned the public at large it should be discussed publicly.

Mr. Simonds said if the standing order were moved he would beg leave to retire from the house during the discussion, as he would not be concerned in debating such a question with closed doors. He had no objection to the public hearing his opinion on the subject.

Mr. Weldon, with a good deal of warmth, said that whenever a question concerned the privileges of that house the doors should be closed during the discussion of it,—and he did not care what hon. members or the public thought of it, when he thought it proper so to do he would move the standing order.

Mr. Chandler said that as to the opinion of hon. members, what the house put on the Journals was their opinion,—it was not the speeches made there which was the opinion of the house.

The Speaker informing the hon. members that they were premature—the house went into committee.

The Chairman having read the Address to his Excellency upon the Marriage Bill, and his answer thereto,—

Mr. Brown opened the debate; he had voted for the previous question on the resolution moved by the venerable member from St. John. When that resolution was moved there was but one copy of the address and answer before the house, and they had not the same advantage as now when each member had a copy. In the course of his reading he had discovered a parallel case in the first volume of the Journals of that house. In that case a doubt existed in the house whether the Governor could pass a Bill without a suspending clause, and the house then addressed his Excellency (Governor Carleton,) upon the subject, praying him to inform them whether he had authority to pass a certain Bill without a suspending clause. His Excellency informed the committee who waited upon him that he would send an answer to the house in writing, which he did, informing them that he could not give his assent to the Bill mentioned by the House. His Excellency then had given the same kind of information which the house wanted now.—In his Excellency's reply before the house, he said—"the question put to me is, in my opinion, unparliamentary and unconstitutional."—In 1797, his Excellency then had come to a very different conclusion on a similar question, and had given an answer in the negative. The house had a right to presume that his Excellency would have pursued a similar course to his predecessors, and they had no right to expect such an answer as they had received. He (Mr. B.) then begged leave to propose a Resolution, lest there should be no better:—

"Whereas, an humble Address was presented to his Excellency the Lieutenant Governor, praying that his Excellency would be pleased to inform this house whether he could assent to a Bill then before the House, without reserving it for his Majesty's Royal approbation; and whereas his Excellency in his reply was pleased to say, that to put such question to him was both unconstitutional and unparliamentary, and also that he declined giving any pledge respecting a Bill not regularly before him; and whereas it appears by the Journals of this House of the 20th and 21st January, 1797, that a similar question was put by the Assembly to the Lieutenant Governor then administering the Government of this Province, to which his Excellency was pleased to say that he could not assent to the Bill then in question, without a suspending clause, unless a draught of it had previously been transmitted and approved,—thereby admitting the question put by the House to be parliamentary and constitutional. Therefore, *Resolved*, that the language of his Excellency the Lieutenant Governor. in reply to the Address of this House of the 10th inst., is at variance with all practice, precedent, and usage of this Province; and, further resolved, that this house did not request from his Excellency any pledge whatever respecting the Bill then before the house."

Mr. Humbert.—The House had simply asked his Excellency whether he had the power to give his assent to a certain Bill—the Address was humble and respectful, and to the question therein contained his Excellency had been pleased to say—it was "unconstitutional and unparliamentary." The house should look to the particular meaning of those words. He thought that the word "constitutional" referred to an act, not to the mode of doing an act: the word "parliamentary" was derived from the French *un Parlé*, (!!) a speech, (!!) and meant something.—If the house had done any thing unconstitutional it was illegal, and they had gone beyond their power, (for even the omnipotence of the house might go beyond its bounds.) If his Excellency was still of the same opinion as when he wrote that answer—and if he was right in his opinion—he had no other alternative but to dissolve the house—and in such case he would not be discharging his duty faithfully to his Majesty unless he did so. (cheers.) In a case where the Governor had dissolved the house in this Province some years ago, the house had invaded the King's rights, and it was then his Excellency's duty to dissolve them. It appeared that the Journals of that House furnished a precedent—and the house had a right to proceed as they had. They had not deserved such an answer as had been given—it should have been in affectionate terms and not in terms of reproach. They should not quietly submit to such an answer—they should express their opinion on their journals. As to their proceedings: the house said they were parliamentary—the Governor said they were not: who was to prove it—it must be settled by precedent, and that had been adduced. The Journal was their political Bible; by that they must be guided as to modes of proceeding. They had followed the parliamentary course, though the Governor was pleased to call it unparliamentary. He (Mr. H.) was disposed to think that his Excellency had written the answer in a moment of irritation.

Mr. End was against the Resolution, because it did not state facts. Although an hon. member had called the Journals the Bible of the house, yet it was not always infallible. It is contended (said Mr. E.) by those who are favorable to the resolution, that the case cited from the Journals of 1797 is directly in point, and supports the resolution, and therefore this house was justified in presenting the address to his Excellency. It will appear, upon examination, that the case cited is not in point. The address of the house in 1797 requested his Excellency to say whether the Royal Instructions were dispensed with in that case. The Royal Instructions are public property, and every man in the country I presume may have access to them in the Secretary's Office,—I have seen them there. Every man can see there what his Excellency is instructed to do, and how he must act in certain cases, and nothing can alter or amend those Royal Instructions but other Royal Instructions under the Sign Manual; and it was well in the case in 1797 to ask his Excellency whether he had received other Instructions. That case is then by no means in point; in fact it is as far from this as East from West. The case before us had nothing to do with the Royal Instructions. Our proceedings were an infringement on the rights of another branch of the Legislature, and therefore unconstitutional. We have endeavored to forestall the opinion of his Excellency. Is this constitutional? The definition which has been given of the word "constitutional," is a dark one—an incomprehensible one, and itself requires a definition. If we can not find a better authority than has been adduced, we must put up with his Excellency's answer. It speaks truth; and every one likes the truth; we must like it, in whatever shape it may come. Truth is a beautiful thing, and it matters not whether it comes in a russet gown or a friar's coat. I shall go dead against that Resolution.

Mr. Brown.—The hon. and learned member (Mr. End) sets out by saying that the Resolution before the house is not true—does not state facts. If the case cited from the Journals of '97, and the one before the house, are not parallel, he is correct. But they are parallel, and therefore he is incorrect. An orator who wishes to entangle the question he is discussing, lays down false premises, and then reasons logically upon them; the conclusions drawn appear so reasonable that one might be induced to think the argument sound, until he looks at the premises. So it is in this case—the reasoning is good, but the premises are wrong. I am but a plain farmer, Sir; I wish I could express myself as clearly as the hon. and learned member (Mr. E.) However, Sir, let us look at his argument: He says that the house in '97 merely wished to know whether the Royal Instructions, which were public property, were dispensed with. Sir, look at the case itself—the house asked the Governor (Carleton) whether he had any authority to pass a certain Bill, without a suspending clause—and the answer of the Governor was in the negative. We asked his Excellency whether he *could* pass the Marriage Bill without a suspending clause—we asked him whether he had the power—the house in '97 asked the Governor whether he had the "*authority*": where is the distinction? There is none—the cases are exactly parallel—not perhaps mathematically parallel, but as parliamentary proceedings they were alike. I will venture to say if the learned gentleman were before a Court of Law, and had an authority as much in point as the one before the house—he would contend that it could not be got over, and would consider himself quite secure with it. In the case of 1797, and the one of this house, a Bill was the subject matter of the addresses to the Governor, and the question in both cases was whether it could be passed without a suspending clause. The cases therefore are exactly parallel—the learned member for Kent has argued on false grounds, and the whole of his arguments must fall. (Expressions of applause from the lobby.)

Mr. Simonds.—The two cases are as nearly parallel as two cases can possibly be; the only difference is—the bill of '97 was a Money Bill, ours is a Marriage Bill (so called.) All this house wished to know from his Excellency was, whether he was authorized to give his assent to a Bill without a suspending clause,—the question was a simple and a parliamentary one. It is impossible that such a case can ever occur in the Imperial Parliament---it can not ever be necessary there as in a Colony two or three thousand miles distant from his Majesty. The question asked his Excellency involved no constitutional principle whatever—what effect has it upon the Constitution? none whatever; we merely asked his Excellency whether he *could* give his assent without a suspending clause. A precedent for such an application has been adduced, and I should like to see an authority adduced by those hon. gentlemen opposed to the Resolution before the house, to shew that our application was unparliamentary. It appears from Governor Carleton's answer, that *he* gave all the information which was required by the House; *he* said nothing about the request being unparliamentary and unconstitutional—and the Executive Council at that time was formed of as able and as talented men as ever were in this Province.—When his Excellency has said that he could give no pledge, it must be very manifest that he misunderstood the address of the house, for not an hon. member in this house can say that a pledge was asked. I do not think, however, that the reply is his Excellency's—but by his advisers, and he has not been well advised. It can not be supposed that his Excellency is thoroughly acquainted with parliamentary proceedings. I look upon the reply as that of his Council; and they have misunderstood the address. His Excellency would not nor could he say off-hand that the address was unparliamentary and unconstitutional. I would like to see something on our journals maintaining the dignity of this house; for if we suffer such replies as this to pass unnoticed, we must sink in the estimation of the people of this Province, and be pointed at with scorn by our constituents for having done that which we had tacitly admitted to be unparliamentary and unconstitutional. We ought to know what is right, and we have done what is right---and the house should never have received such an answer from his Excellency.

Mr. Partelow said the house should first consider whether the Address to his Excellency was proper, and next whether the language of the answer was duly courteous. As to the first offence in the way of uncourteous language, he said his Excellency had been guilty of that in 1832, in his answer to Col. Allen, who waited upon him with the address to his Majesty on the subject of the Casual Revenue and Civil List, when his Excellency said he should take care to rebut all the charges made in the address.—The address before the house had been passed unanimously. The morning after it was passed, he (Mr. P.) tho't it somewhat improper. He agreed with Mr. End, that the case from the Journals of '97 was not in point; in that case there was no bill before the house—in this case there was a bill; and it was an extraordinary request to make to his Excellency whether he could give his assent to a bill. How could his Excellency know whether the provisions of the bill would obviate the objections? and how could he know what alterations might be made in another branch of the Legislature? He (Mr. P.) had searched the Journals and could find nothing to warrant the proceeding of the house, and he was of opinion that the request was improper. With regard to the answer: it was not perhaps so courteous in its terms as it ought to have been. It was clear that his Excellency had misunderstood the object of the address, and he (Mr. P.) thought that something should be put upon the Journals of the House to say that his Excellency had misunderstood the address, and he therefore moved an amendment to the Resolution before the house:—

"Whereas, his Excellency the Lieutenant Governor, in his reply to the address of this house of the 10th instant, relative to his power to pass the Marriage Bill then before the House, without a suspending clause, has evidently misunderstood the said address, or he never would have construed the same as requiring a pledge for his assent to the said Bill, and consequently would not have termed it "both unconstitutional and unparliamentary." Therefore, *Resolved*, that in the opinion of this Committee the said reply was not in accordance with the language and meaning of the address, and that the words "unconstitutional and unparliamentary," used and applied by his Excellency in such reply, was inapplicable to the same."

Mr. Weldon—Before he could go with the resolution or the amendment, he must be satisfied that the proceedings of the house had been in accordance with the usage and practice of Parliament (!!!)—and until he heard some stronger authorities than had been offered he was not prepared to go with the resolution or amendment. [We know that before the resolution and amendment were proposed, from the disposition of Mr. W. to set us in motion by a "standing order."—Reporter.]—The case cited from the Journals of 1797 was not in point. There was no bill before the house when that address was presented. The address of this house was differently situated—there was a bill in its passage thro' the house when the address was presented. There was a great difference in addressing the Governor as to a matter before the house, and not before it. He found on reference to authorities, that the application of the house was unparliamentary and unconstitutional—he cited Blackstone's Comment.—[2 pages of the *index* would have been as much in *point*.—Rep.] He would ask whether if His Excellency had answered the address of the house in the affirmative it would not have influenced the decision of the house, and have induced them to strike out a section of the bill? [This was the most absurd argument that ever was offered in a senatorial assembly—the section which he argues would have been struck out had no more to do with the merits of the bill, than the *suspending* loop of my cloak has to do with the quality and fashion of it.—Rep.] Sir, (continued Mr. W.) we asked His Excellency for an opinion which would have influenced the decision of this house, and we have done that which if it were allowable would be subversive of the constitution. Mr. W. then cited from 3 Hatsell, 57. [About as apropos as a chapter of "Goody Two-Shoes."—Rep.] What did that authority say?—That neither a bill nor any part thereof could be communicated to His Majesty, (!!!) before it had passed the other two branches. How did that apply to the case? Had they not in their address informed His Excellency of the substance of the bill? [Mr. End—certainly.] Then, (said Mr. W.) we have asked His Majesty's opinion on a bill. (!!!) It was improper to inform His Excellency what the house had pending before it—and as he could find no precedent to justify the course which the house had adopted, he was clearly of opinion that their proceedings were unparliamentary.

Mr. Chandler.—[Before we proceed, we would remark that we are not sufficiently experienced in the reporting business to enable us to methodise this gentleman's speech *en passant*. Whoever has attempted reporting will readily admit that it is difficult to report a speech wherein are many parentheses—and Mr. C's. speeches abound in them.—Reporter.]—

——We should take up the question before us in a parliamentary view, (said Mr. C.) and examine it coolly—we should not examine into a question under the excitement of popular feeling—and I am sure that neither popular feeling nor clapping of hands nor any thing of that kind shall in any way influence me in my vote. The hon. and learned member from Gloucester has anticipated much that I would have said,—he has treated the question fairly, and brought it clearly before the house. I am satisfied that we asked an improper question of His Excellency, tho' we asked no pledge whatever. The moment the hon. member from St. John (Mr. Partelow,) brought his clear head to bear upon the address, he tells us he discovered that it was improper. As to the Royal Instructions they are well known by the house, and we know His Excellency's power under them. As to the dispatch relative to the Marriage bill, we had that before us, and we had as much information therefrom as His Excellency. Did we then ask His Excellency's opinion upon the dispatch? Surely we could have formed as correct an opinion thereon as His Excellency—and it was not proper to ask his opinion on the subject. But let me put it to the common sense of this house—and here I would say that we ought to be governed always by common sense—was it right to ask His Excellency's opinion at all? Suppose he had answered us that he would give his assent to the bill alluded to—and when the bill had come before him he should object to it without the suspending clause, because of some of its provisions—we would in such case say you have deceived us—the country would say that His Excellency had not acted fairly.—This, sir, is the common sense of the thing. And if this would be the construction of such an answer, the answer itself would be a pledge. Authorities have been read to shew that the King is not to be named in the House of Commons in debate—and an hon. member in this house was called to order the other day for mentioning His Excellency's name in debate. If the name of the Governor cannot be mentioned, much less his opinion, Sir, which would have much stronger effect on the house. An hon. member (Mr. Simonds) has said that he considered the answer as that of the Executive Council. Now we should remember that that hon. member has said that he would receive whatever came from that Council with a great degree of jealousy—and therefore his reasonings and opinion upon this question can have but little weight. I would ask what would the Legislative Council have said, had His Excellency answered our address in the affirmative? They would have said—"the house have thought proper to get a pledge from his Excellency—two branches are now agreed—this is improper." And sir, they could, and perhaps would have thrown out the bill altogether. I hope that when the hon. member for Charlotte, (Mr. Brown) comes to reflect more upon this question, he will discover his error. The words "unconstitutional and unparliamentary," are in every day use between different branches of the Legislature—and they are proper words in point of fact, when applied to any one branch infringing on the rights of another. I am prepared, sir, to give my opinion in any way publicly, or in any other way, and I care not whether it is followed by clapping or hissing, though I am of opinion the allowing of any such expression of feeling is disgraceful to this house.

Mr. Simonds—The learned member's speech is made up of himself—which is often the case; and as to clapping, we all know that that hon. member cares as much for popular applause as any of us.—Hatsel has been cited by an hon. and learned member, and the passage he has cited has no bearing at all upon the question before the house. We have not been asking for the opinion of the *King*, sir, but of the Lieutenant Governor, and we have not asked even the Governor's *opinion* upon a bill, but we have asked him for information as to his power. The hon. member for Kent thinks the authority directly in point—he has ransacked Hatsell from beginning to end, and the only authority he can find is one altogether foreign to the question. I am surprised that he has read that authority,—it says, "a bill or any part thereof." Now we have not laid a bill or any part of one before his Excellency for his opinion; we have only requested him to say whether if a bill were to pass so and so, he would require a suspending clause, and for such request we have a good precedent. I suspect another hon. and learned member [we think he alluded to Mr. Street,] will give a very different construction to the authority from Hatsell from what has been given. It is presumption in *me* to differ from learned members as to "authorities," but when they do not bear upon the question at all, I must differ.

Mr. Brown said that there were two descriptions of Laws for the King and his Excellency. His Majesty was not restrained by Royal Instructions, but his Excellency was. The power of the latter was delegated by written instructions, whereby he was ordered to reserve certain bills for the Royal consideration. In this case the house were doubtful whether they should add a suspending clause—and asked the Governor whether he could dispense with it. Such a case never could occur in Parliament; and therefore all the authorities as to the King and Parliament are inapplicable, and we are thrown back to the ground upon which we commenced. He (Mr. B.) would then say that he had not moved the resolution for the purpose of conveying a censure upon his Excellency, or saying any thing derogatory to him.

Mr. Street observed that if the authorities were such as to satisfy him that the address was unconstitutional and unparliamentary, he would go against the resolution and the amendment. What have we done? (said Mr. S.) Have we asked his Excellency for an opinion, which, had he given it, could have in any degree influenced this house in their vote upon the bill? Certainly not, sir. We respectfully asked his Excellency to inform us whether he *could* pass a bill without a suspending clause,—his answer in the negative or affirmative could not have influenced the vote of any one member—and therefore the authorities from Hatsell and Blackstone do not apply at all. We asked his Excellency whether he had the power to do a certain act,—was not that a constitutional question? It was,—and it might have been answered with propriety, without approving or disapproving of the merits of the bill,—and therefore the authorities do not apply. I am aware that it is improper to use the name of the King in debate—or that of his Excellency. His Excellency did not think the application unconstitutional and unparliamentary because we asked his opinion as to his power, but because he thought we asked a pledge; and I put it to every hon. member whether we asked for any pledge whatever? We did not, and it is impossible to construe the address in that light. His Excellency has misunderstood the address, and we should express on our Journals that opinion.

√Mr. Speaker—I am convinced that this difficulty has arisen from the address having been too hastily adopted. We were in a like difficulty once before in the case of the College,—we then asked for information we had no right to seek—and we were told so. [The hon. Speaker then read a long answer from his Excellency to an address of the house for information as to the College Accounts, to shew that his Excellency was disposed to go with the house even beyond their wishes.] The point now is, were we seeking proper information? I think not; and I am sorry that the authorities adduced by the hon. and learned member for Kent have not been answered—they are very much in point. His Excellency was of opinion that our address was unconstitutional and unparliamentary, and therefore he has said so. Suppose he had said he could pass the bill, would we not have considered it as an indirect pledge to pass it? And in that case we would have passed it without a suspending clause, which would have been a *material* (!!!) alteration in the bill. The address was improperly worded. It should have asked his Excellency whether he had received any instructions to pass the Bill without a suspending clause—which would have answered every purpose. [All the reasoning against the course adopted by the house will apply with equal force to the mode here prescribed by the hon. Speaker. Had the house applied as he says they should have done, and received an affirmative answer, what would have become of the suspending clause, that *material* part, as the hon. Speaker is pleased to call it? The modes are the same as to effect upon the house.—Rep.] I have taken pains in looking for authorities to support our proceedings, and can find none to satisfy me that we have acted rightly. In the case of 1797, the course I now recommend was adopted, and his Excellency was asked whether he had any instructions to dispense with the suspending clause. I hope we shall be cautious in future in framing our addresses. I shall not support the original resolution because it says we asked no pledge,—and I cannot support the amendment, because I think our application to his Excellency was unconstitutional and unparliamentary.

Mr. Allen said that he had voted for the previous question on a former day, on the resolution of the hon. member for St. John, (Mr. Humbert.) He was then under the impression that no precedent could be found on their Journals for such an application,—but it now appeared there was a precedent, and a case very much in point. I have listened attentively (said Mr. A.) to the hon. and learned members who are opposed to this resolution, but they have not satisfied me that there is any essential dissimilarity between the proceedings of the house in '97 and our address. The authorities cited by the hon. and learned member for Kent are not at all in point. The Parliamentary practice can have nothing to do with this question, for no such case ever has or ever can occur in Parliament. The address of '97 was as to a bill—and our address was the same—and it does not matter whether it was a Marriage bill or a Money bill, as to the principle of the question; and as the house had no idea whatever of extracting a pledge from his Excellency, we must look upon our address as neither unconstitutional nor unparliamentary.

After some sparring between Messrs. Simonds, Chandler, and Weldon, the question was put on Mr. Partelow's amendment, which was adopted,—*Yeas*, 14—*Nays*, 8. Names as follow:—Yeas, Messrs. Simonds, S. Humbert, Gilbert, Hill, Clinch, Brown, Wyer, Rankin, Allen, Harrison, Hayward, Barlow, Partelow, Street, J. Humbert. Nays: Mr. Speaker, Messrs. Vail, Scott, Chandler, Weldon, Ward, Slason, End.

Tuesday, March 18.

House in Committee on the Message from His Excellency, in answer to the Address of the House of the 10th March, instant, for copies of Correspondence relative to Casual Revenue, &c.

Mr. Wyer opened the debate, by saying that he had brought the question under the consideration of the Committee to take their opinion whether they had exercised a "new and comprehensive right,"—and he must say that he would be very sorry, for one, to address his Excellency in such a way as would be subversive of the British Constitution.

Mr. Weldon had hoped to receive some valuable information from the hon. member who opened the debate, but he was disappointed. He thought if precedents from the Canadas could have any weight in that house, the question would be very soon decided. He observed that in Lower Canada a similar request had been made of Lord Aylmer, to the one made by the house to his Excellency, and the Governor General had told the house that he was not authorised by the Government to comply with their request. A similar answer had been made to a like request in U. Canada, by Sir John Colborne. There were then two precedents to shew that the Governor was justified in not granting the request of the house. It was true that the answer to that house varied a little in the language from the answers given by the Governor General and Sir John Colborne: their answers were not expressed so full and so pointedly as the one to that house; but the house, he thought, should not dictate to his Excellency what language to use. He did not go so far as his Excellency, that the request of the house would be subversive of the British Constitution, but he thought the Governor had good precedents for denying the request of the house, and he had acted rightly in so doing.

(To be continued.)

EXTRACTS FROM THE JOURNALS.

Tuesday, March 18.

The engrossed joint Addresses of the Legislative Council and Assembly to His Majesty and the Imperial Parliament upon the subject of the existing Duties on Foreign Wood, were read as follows:—

"TO THE KING'S MOST EXCELLENT MAJESTY.

"*The Humble Petition of Your Majesty's Legislative Council and House of Assembly of the Province of New-Brunswick, in General Assembly convened:*

"May it please Your Majesty,

"The Council and Assembly of Your Majesty's loyal Province of New-Brunswick, fearing that during the present Session of the Imperial Parliament, an alteration of the Wood Duties may again be agitated, and apprehensive that such alteration would be productive of serious injury to the great interests connected with the Wood Trade, are once more induced to address Your Majesty on this all important subject.

"The Council and Assembly, on the 10th March, 1833, brought this matter, by a dutiful and humble Petition to Your Majesty and the Imperial Parliament, accompanied by one sent from them in 1831, under consideration,—which Petitions have been acknowledged by Your Majesty's Principal Secretary of State for the Colonies, and were duly presented during the last Session.

"Aware, that to the reasons there set forth, and to others which have been urged on the attention of Your Majesty by the numerous Petitions presented from other quarters, the Council and Assembly have little to add; they feel that they would be wanting in the high obligations they owe the Province, and the interests of so large a class as those engaged in the North American Wood Trade, whether with reference to the British Capital invested or British Shipping employed in it, if they did not again bring this deeply interesting subject under the notice of Your Majesty.

"The Council and Assembly assure Your Majesty that annually the outlays in this purely British Trade greatly increase,—large Establishments are made with a view to its continuance,—an immense capital has within a few years been invested in Saw Mills;—upwards of three hundred of which, some at a cost of many thousand pounds each, have been erected in the Country, and although the Whitewood Deals produced from them, can barely compete with those from the Baltic at the existing difference of Duty, they afford a valuable export—enable the Merchant to make remittances for his British Goods, and increase the number of British Ships engaged in the Wood Trade, independently of the immense advantages afforded by the employment this comparatively new and extensive branch of business gives to the British Emigrants arriving on these shores.

"The Council and Assembly earnestly implore Your Majesty to give this and their other dutiful Petitions Your Majesty's Most Gracious and favourable consideration, assuring Your Majesty, that by adhering to the protective policy so judiciously established in favor of Your Majesty's North American Colonies, Your Majesty's faithful subjects residing therein can be alone preserved from the disastrous consequences which its abandonment must inevitably produce.

"And Your Petitioners as in duty bound will ever pray."

[A similar Petition is also addressed to the House of Lords and the House of Commons.]

Wednesday, March 19.

The House in Committee on His Excellency's Reply to the Address of the House relative to copies of official correspondence on the subject of the Casual and Territorial Revenues and Civil List—the following Resolution was moved:

"*Whereas*, An humble Address was presented to His Excellency the Lieutenant Governor, praying His Excellency to lay before this House copies of all Official Dispatches and Documents relating to the subject of the Casual and Territorial Revenues and Civil List of this Province, to which Address His Excellency, in reply, was pleased to say, that this House had assumed a new and comprehensive right subversive of the principles and spirit of the British Constitution, and a dangerous encroachment not only on the independence of the Executive of this Province, but upon the Prerogatives of the British Crown: And whereas, this House, in such Address, sought for information which they considered necessary in determining the great question of establishing a Civil List then under consideration, and not with a view of making any encroachment upon the rights of the Executive Department of the Province, or of the British Crown, as expressed by His Excellency in such reply; therefore—Resolved, That the language of His Excellency the Lieutenant Governor in his reply to the Address of this House of the 10th instant, is at variance with all Parliamentary precedent and usage of this Province; and such as was not called forth by the said Address."

And the Committee divided—*Yeas*: Messrs. J. Humbert, Barlow, Vail, Allen, Street, Partelow, Ward, Hayward, Harrison, Gilbert, Simonds, Wyer, Brown, Hill, Rankin. *Nays*—Mr. Speaker, Messrs. Chandler, Scott, Weldon, Clinch, Slason, S. Humbert, End.

Thursday, March 20.

Mr. Partelow gave notice, that from the immense expences attendant upon supporting King's College, compared with the few Students availing themselves of the opportunity of obtaining Collegiate Education, which its establishment offers, and its consequent failure to answer public expectation, he would, on an early day next Session, bring the then existing state of that Institution under the notice of the House, in order that if its inefficiency should still continue, to move the House to Address His Majesty's Government with a view of withdrawing all further annual support towards its maintenance, except so much as may be necessary to provide compensation for such of the Professors as may have peculiar claims.

COLONIAL.

Petitions to the Imperial Parliament, on the Timber Duty Question, have been, or are about being forwarded from Halifax, St. Andrew's, Miramichi, and this city, independent of that from our Legislature,—also, from the Canadian cities.—Surely, if any good can be accomplished by numerously signed Petitions, the united voice and representations of the several British North American Colonies will not be without their proper weight in the British Parliament.—*Obs.*

Halifax, March 18.

The Assembly during the past week have passed the Currency Bill, which declares that Sterling shall be the standard of value in this Province after 1836, unless the operation of the law should be suspended by the Governor, with the advice of His Majesty's Council. In the mean time the British Sovereign is to pass for 25s. Currency, and the various parts of it at a proportionate value. It is needless here to remark, that this measure has been forced through the house, against the wishes of the mercantile part of the community, as far as we can learn; and will probably come down disagreed to by His Majesty's Council.

The subject of taxation has also been under consideration in the Assembly, and the numerous taxes which have been proposed, are only to be equalled in enormity by the prodigal expenditure of the public monies, which has been brought under the consideration of the House. Among other articles we notice a duty of ten per cent. upon all Teas imported into the Province; which in the present situation of the country ought not to be tolerated for a moment.—Do gentlemen recollect that this beverage is drank very generally in the country three times a-day, and that at dinner it has there taken the place of ardent spirits; and are they not aware that the clandestine introduction of the former article exists to a great extent, even in the vicinity of Halifax.

Unhappily, the lessons of experience are lost upon Legislators as well as other men; and instead of curtailing the extravagant expenditures, which have involved the Province in debt, there is a manifest determination on the part of some gentlemen to pursue a course, which can only be supported by enormous and onerous taxation.—*Free Press.*

We are not disposed to countenance intolerant measures; but think that ardent spirits might be taxed at a high rate, without leading to their illicit importation. Such a measure would meet with universal approbation throughout the country. It is almost impossible to take up a paper, without perusing an account of some individual who has fallen a victim to intemperance, or who has, while under its influence, been urged to the commission of crime. Our readers will recollect perusing an account of a murder committed by the mate of a brig near Jamaica; he has since been executed, and declared that he committed the act, while in a state of intoxication. Under the Prince Edward Island head, there will be found an account of a woman falling a victim to intemperance; and the Gazette contains a curious instance of imbecility of mind in a landed proprietor, who it seems has appointed different agents to receive his rents; and the unfortunate gentleman is reduced to the deplorable dilemma of declaring that one of them must have received authority while he was under the "influence of wine." On Friday morning last a man was found near the market house, quite dead; he had formerly been in a respectable situation in this Province, but had become unsteady, until he became an inmate of the alms-house; from whence he occasionally wandered out, and on the day of his death having obtained a supply of liquor, had lain down to sleep off its effects; but awoke no more.

Notwithstanding these melancholy instances of human depravity, we feel much pleasure in stating that the cause of Temperance is every where on the increase, and every day is making converts by its persuasive influence and the example of its supporters.

At a meeting of the Temperance Society recently held at Quebec, the Lord Bishop of the Diocese presided; and delegates were nominated to meet a Temperance Convention, shortly to assemble at Montreal.—*Ib.*

A Petition, numerouly signed, against any alteration in the present Timber Duties, was forwarded to his Majesty's Government by the last Packet.—*Halifax Journal.*

Provincial Secretary's Office.—In noticing, last week, the emoluments received by the Provincial Secretary, we stated that the sum of £512 16s. was received at his Office, in the shape of fees, but *that the Abstract did not state what become of them.* We understand, however, that the whole are carried to the amount of Casual Revenue, and cheerfully avail ourselves of this opportunity to make the correction. The whole sum received by the Secretary, therefore is £1652 16s. 11d.—*Novascotian.*

Distress in Cape Breton.—Every fresh account from the Island tends to confirm the statements previously received, of the distressed condition of some of the settlements on the north shore. We learn with pleasure that the Sydney miners have generously raised a subscription of £36 to be laid out in provisions for their relief.—*Ib.*

Jamaica.—Extract of a letter from Jamaica to a Mercantile House in Halifax, dated Feb. 11:

"I am inclined to *think* that there will be more consumption of Pickled Fish in this Island than formerly; after the new system takes place I do not think the planter will import his supplies from Britain if he can supply himself in this country; I am also of opinion that the change about to take place will work better than I ever could have supposed. The laws enacted for the government of the Negroes after emancipation, are much more rigid than the Slave Law was, and from the present appearances of their conduct I hope there will be less difficulty attending the change than most people imagined, one thing is certain there will be a deal more money in circulation than before—the hidden treasure of the *Slave* will make its appearance with that of the *free man*, indeed it is doing that already. There is no doubt but there will be a great falling off in the quantity of produce made in future, I should think half, but then that half will give the planter an equal return, as produce will then advance in an equal rate. We have a number of speculators in our produce market waiting for a fall in the present prices."

UNITED STATES.

Important Arrangement.—We are informed, that owing to the extreme pressure in the money market, and the consequent want of confidence between Creditor and Debtor, nearly all the Wholesale Merchants of this city, who are connected with the business of the country, have, with a commendable liberality, associated together for the mutual advantage of themselves and their customers: and have entered into an agreement not to sue for, or take security of their debtors, except in cases of clear necessity, and then only, for the benefit of parties so associated.

We feel confident, that this agreement among the Merchants of Boston, will have an important tendency to inspire confidence among the Merchants in the country, and prevent suspensions and failures, which otherwise might take place. It shews an honorable confidence of the merchants of this city in one another, as well as in their customers elsewhere, and we have no doubt that it will be carried into effect in a spirit which will show that this confidence has not been misplaced.—*Boston Daily Advertiser, March 14.*

The pressure of money is not so great as it was at the date of our last report. The Banks have discounted to the amount of $300,000 or $400,000. There is undoubtedly a better feeling pervading the trading portion of the city population, and we look for a more favorable prospect as the spring approaches. Confidence has returned, and the merchants show a disposition to accommodate and sustain each other. People are getting fast out of debt, and this circumstance alone will afford great relief to the money market. New contracts are made with great caution.—*From a Review of the Boston Market, received this week.*

The Board of Trade in New York have addressed a memorial to the Banks in the city, urging the propriety of making arrangements to discount country notes taken by the merchants for sales of merchandise.