

Tight Binding

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his hon. colleague. He (Mr. Steadman) had supported the Government staunchly in 1856. He knew that in the general election, which followed the dissolution in 1856, if his hon. friend had consented to take a non-committal course in the canvass, he might have been returned without expense, and probably at the head of the poll; but he refused to do so, and thereby lost his election, and had suffered much for the party, and was strongly attached to it. He would say something about the resolution before the committee. The resolution was said to reflect on the Governor himself; that could not be. The constitution of our country surrounded him by a council, who were obliged to defend all his despatches or acts respecting our Legislature, or the affairs of the Province, and so long as they were sustained by a majority of the representatives he was safe; but if he could get no Council to sustain him in his acts he could not remain. On the hustings in 1856, though not a candidate, he stated that the dissolution was the greatest outrage perpetrated on a free people. He would not go into that matter now, for fear he should go frantic. He had never heard the question raised that the Government should not see despatches emanating from the Governor at any time. Even Sir Archibald Campbell acted entirely under the advice of his Council; there was the freest communication between the Council and the Governor. He did not believe that at that time one despatch was sent without being seen by the Council. ("Name a case,"—from the Speaker.) He (Mr. H.) was astonished at such a question from the hon. Speaker, who had been in the Government, and knew his lips were sealed by an oath as to what was discussed there; but he could speak of the private despatches; they were shewn, and he did not believe any despatch relating to our Legislature, on matters connected with our interests, were ever secret until seen by the Council. He did not mean that they were laid before them by minute, but shown to the leading members, and the substance known to the Council when met, and he understood fully that they were responsible for them. He did not mean to say anything about what was done in the Government, as he would keep a long silence. But if he could be released from his oath, he could, from memory, give cases enough to satisfy them. Their responsibility was not doubted, and their right to be consulted was plain and undisputed. When the delegates in 1856 made the arrangement respecting the Civil List, and brought out to this Province a Bill framed in London to submit to the Legislature, he believed that Sir Archibald Campbell sent home a member of his Council as a delegate to endeavor to defeat the arrangement about being made. He thought that this was not the work of Sir Archibald himself, but that he was acting under the advice of two or three members of his Council. The first time that members of the Assembly went into the Council was in 1838.—Three of them then went into the Council. The question whether they were responsible to the House never was brought up until the appointment by Sir William Colebrooke of his private Secretary, Mr. Read, to be Provincial Secretary. The whole country was excited by that appointment, because His Excellency had made it without the consent of his Council.

The amendment of the Attorney General proposed to ask for that which we had always possessed; it was a right we had by our constitution. If not so he had been living for twenty-five years under one great continual illusion. He did not wish to be misunderstood, the Governor did not call a meeting of his Council, and submit the despatch to it, but showed it informally to members of his Council, and all understood what they were, and then became responsible for them. The question as to the right had, he believed, never been raised, because it never had been disputed, but always exercised. He had never conceived that Responsible Government could be carried on without it. It was incident to Responsible Government that the despatches should be shown to members of the Council; they could then take their course. In 1856 the Government recommended His Excellency to give his assent to the Liquor Law, notwithstanding that some of them had opposed it in the House.

his hon. colleague (Mr. Smith) was one of its opponents, and yet when the Bill had passed both branches of the Legislature he did precisely what he should have done—recommended the Governor to sanction it. There was no act of his, or of the whole Government, for which so much credit was deserved.

The Royal Instructions were, he believed, very much the same now as they were when he first saw them in 1835. The fourteenth section required the Governor to send home, "in the fullest manner, the reason and occasion of the passing of each Act." The Government seemed to think that these "reasons and occasion" were to be such as the Governor himself might conceive, but he thought they were to be such as were furnished by the Executive Council. ("You are wrong,"—from the Attorney General). Then, if he was wrong in this, he would repeat that his whole political life had been one great illusion.

He had given the reason why the Governor was surrounded by a Council—that they might furnish him with advice, take the whole responsibility of his acts, and thus on all occasions stand between him and the Legislature. He would put the other side of the case. He would suppose that the Governor should give to the Colonial Secretary with respect to Bills sent home for the Imperial sanction what information and what reasons he pleases. By information and opinions picked up outside the Assembly and forwarded to the Colonial Office the whole legislation of the Province might be destroyed. The effect would be to put all legislation in the power of strangers. After all their care and consideration had been given to the preparation and maturing of a measure for the benefit of the Province, a stranger who might have come here but yesterday, might inform the Colonial Secretary that people outside of the Legislature considered the Bill unnecessary, and the whole result of their labors might thus be swept away. A Governor could never have such an interest in the country as the members of this Council have; he could never be so well acquainted with the country and its wants as its public men are; he could never be so competent to advise the Imperial Government as any Bill sent home as his Council, who represented the Legislature, which in its turn represented the people of the country. There could be no greater merit in a Governor than to be able to say that he had allowed the people of the colony over which he had presided to govern themselves; ten thousand addresses from his admirers would not win him so much favor with his sovereign.

The Council never should have made application for the remonstrances from the College, because they should have been shown them without any application. By the last section of the memorandum from His Excellency of the 17th of April he had placed himself in a position in which he could clear himself from all blame. He would read it for the information of the Committee:—

"His Excellency, however, has no desire to throw any impediment in the way of the transmission by members of the Executive Council of any representation or arguments which they may desire to submit to Her Majesty's Government respecting the Act referred to; and he will forward by this mail to the Secretary of State, for his instructions, a copy of their memorandum."

The Governor could tell them that in this paragraph he had suggested to his Council to send home their arguments for the allowance of the Bill, and they had not done so.

What took place respecting the appointment by Sir Wm. Colebrooke of his Private Secretary, Mr. Read, to the office of Provincial Secretary, without the advice of his Council? Sir William felt that he had not done right; and he gave as an excuse that a very severe snowstorm which took place at that time had prevented him from calling his Council together for the purpose of consulting them. ("That was an appointment,"—from Mr. Tilley.) Well, he would talk about appointments directly. He would never have voted for the introduction of Responsible Government if he had thought it was nothing but this skeleton of no responsibility which his hon. friends presented to them. The only basis of Responsible Government was that the Council should answer for all acts of the

Executive. In 1851 he voted to make the Street Government responsible for the acts of the former administration in the matter of the appointment of the Chief Justice and Judge Wilmot by the Imperial Government. Here was the resolution which he supported on that occasion:—

Resolved.—That all Provincial appointments should be made in this Province by the Administrator of the Government for the time being, by and with the advice of the Executive Council, who are and should be responsible for the same; and that the late appointment of Chief Justice and Paine Judge by the Colonial Minister without reference to the Local Government were wholly inconsistent with the principles of Responsible Government, and an interference with the local concerns of this Province, and a direct violation of a principle heretofore solemnly conceded to the people of this Province; and that in the opinion of this committee it was due to the rights and interests of the people of this Province, and to the dignity of their own position, that the members of the Executive Council of this Province should forthwith upon the announcement of these appointments have resigned their seats.

It must be remembered that Mr. Street, the then Attorney General, was appointed after the appointment of Chief Justice and Judge Wilmot, and that other members of the Council were in the same position, and could not therefore be held directly responsible for the appointment. But he voted for the resolution notwithstanding its seeming harshness on the principle that by remaining in office after the appointments became known they virtually adopted the act. He felt that the moment the facts of the appointments came to their knowledge, notwithstanding that they had been made when another ministry was in power, they should have retired, and have left Sir Edmund Head to go home, as he would have had to do, for he could not have found another Council in the Province. But Sir Edmund felt as Sir William Colebrooke had felt—that he was in a wrong position; and he gave as a reason for not consulting his Council that the emergency required immediate measures, and that he could not call his Council together in time. This was the excuse which he (Mr. H.) adopted with respect to these appointments; and was an appointment half so important as the resignation of the court! There was nothing in the men appointed to which exception could have been taken: on a popular vote for Judge Mr. Wilmot would have at that time polled nine tenths of the votes in the Province. It was the principle which led him to make the stand; he voted for the resolution in 1851 with a strong feeling of reluctance, because it was censuring a Government which were not in power at the time at which the unconstitutional act was committed; but he felt then as he felt now—that the only safety for this country was that the Executive Council should be responsible for all the acts of the Governor. Which was the fundamental principle of responsible Government.

The Attorney General by his oath was obliged to make a report to the Governor upon the legal effect of all Acts passed by the Legislature, without reference to his political opinions. He did not wish to see the Attorney General's Report on the College Bill; he expected that he would report against it. But why were suspending clauses put to such Bills as these? Was it not that we had a right to legislate upon these matters, our legislation to be subject to the consideration of the Imperial Government? If fair representations had been made by the Council, with respect to this Bill, he believed it would have been sanctioned. But the representations made by His Excellency's despatch were all on one side, and the Government must be held responsible for them. He had never made King's College a canvass in Westmorland. In the eight or nine elections through which he had passed, he had never uttered one word about it, but he had done his duty here. ("I have,"—from Mr. Smith.) But in answer to the remarks on education in the despatch on the College Bill, he should quote a higher authority. He would quote the opinions of Lord Glenelg, who merited more respect from the people of New Brunswick than any other statesman. In a despatch of the 2d of March, 1837, he said:—

will be made by the Legislature of the Province for the purposes of education. The intimate acquaintance of the members of the Legislature with the wants of their fellow colonists will enable them to judge in what manner this important object may be best attained, while the ample funds at their disposal will afford them the means of carrying their decision respecting it into effect. The subject is one most interesting to every inhabitant of New Brunswick, and cannot be entrusted to better hands than those of the Provincial Legislature."

When he (Mr. H.) heard these words read in that House by the late Mr. Taylor, they ran through his breast like living fire. Lord Glenelg thought the Provincial Legislature the best judge of how their local educational institutions should be managed, and was not afraid to entrust to their hands the work of providing for these institutions. He would set his authority up in opposition to that of the despatch on the College Bill. Vested rights were talked about in relation to this matter. He was not the only person, or the first, who had called them vested rights. Yet the Professors, no doubt, had rights, but it would seem that the Legislature could not be entrusted with arranging with them.—The Province, too, had a vested right; and that was to use its own money for purposes of education in the way which it thought best. What was Responsible Government? It was that the people should have their affairs managed "according to their well understood wishes, as expressed through their representatives." What was the whole basis of Responsible Government? The Executive Council were the exponents of the public opinion of this country. The College question had become more complicated than ever; he scarcely knew what to do. ("Let us pass the Bill again,"—from Mr. Mitchell.) He was willing to do so, but could not do that without first sending home for Her Majesty's assent, as when a Bill was once disallowed the Royal Instructions required the Governor to withhold his assent to it unless the Royal assent to the Bill had been obtained previous to its introduction into the Assembly. If the Bill was passed the Attorney General would have to report to His Excellency to refuse his consent to it; the whole Legislature was intercepted by a despatch. In 1851 he was violent in his course; but his object was to show the Governor that he must not act without the advice of his Council. ("That is what we want by this amendment,"—from Mr. Smith.) No; the effect of the amendment was the reverse. They had now all that the amendment asked for, it had never been asked for, but was incident to our constitution.—("They have not the right in Canada,"—from Mr. Smith.) His hon. colleague did not know that, but he believed they had if exercised it; nothing could be plainer. But he held that no right of the Council to see the Governor's despatches previous to their being sent was incident to our constitution, — was indivisible from it—was a principle without which Responsible Government was a snare and a delusion. The hon. member from Albert (Mr. Lewis) had given as his reason for supporting the amendment that he wished to support the Government. But if when a Ministry went wrong, their supporters could not give them an admonition, party government would be good for nothing. The question did not affect the general policy of the Government. If they never had the courage to differ from the Government upon any particular question in which they went astray, the people would soon tell them of it. An admonition to the administration had better come from their friends than their enemies. The Derby Ministry did not resign when Lord Elenborough's despatch to Lord Canning was condemned by the House of Commons. It would be the destruction of the party to say that if they voted against the Government on a particular line of policy, the Government were therefore to resign. If he was opposed to the general policy of the Government he would not trust them with the expenditure of the public revenue. He had every confidence in the general policy of the Government. He was sorry that the hon. member (Mr. Lewis) had pronounced a proposition so monstrous. They might live to three times the age of their grandfathers and never see such a despatch again. The result of this debate

would be satisfactory to the country, it would do its work. Nevertheless he was sorry that the debate had occurred. When this case should go before the Colonial Secretary he would be perfectly satisfied that the constitutional question under consideration should ever have been raised.

The whole tone of the despatch was that the Professors should be provided for, would repudiate the idea in the despatch that the Legislature would douse the people without providing for them. In fact, and all other facts in connection with the matter, had been represented to the Imperial Government the Bill would have received the royal assent. If he could not be responsible for its failure on anything else he would do so, but he could find nothing to which to attach it. The Governor saw the leading members of the Council every day, and would make them aware of this despatch, and they could forward against it such representations as would have secured the passing of the Bill, had they chosen to do so. He endeavored to shew by despatches and journals that the representative of the Crown had always advised with the Executive Council, which could not be put; that the Executive Council were solely responsible, all the resolutions of 1837 to 1848 clearly shewed, and by reference to Lord Glenelg's despatch of 1837 shewed the Executive Council were found the acts of the Governor and to advise with him. Upon that despatch heads of departments were to be in Government when he went in, and responsibility was clearly understood; advice was surely implied; it was the foundation of responsibility. The Responsible Government system easily understood, and was obvious in all its parts. But a system allowed our Legislature to be intercepted by a despatch, for which no one was responsible, (for the Governor could not reach while surrounded by a Council made Responsible Government a higher character, and it would be in fact a snare, a delusion, and a snare. In conclusion, he would say that a strong sense of duty had compelled him in 1851 to sustain the responsibility of the Executive Council, and all he owed to himself, his constituents, and to the country against his personal friends, and to support the resolution and oppose the amendment.

DISEASE AMONG CATTLE.—We have considerable prevalence in some parts of this country, of a quick and fatal disease which has been recently noticed taking off many horses and neat cattle on our State. Several farmers in the town of Alton and vicinity have lost valuable stock in this manner. They were taken with shivering or swelling of the throat and body, or with both symptoms at once, and frequently die in a few hours. Upon being skinned we are told that the bodies present the appearance of having been beaten. What the disease is—whether "black tongue" as supposed by some, or what are the proper remedies—was not seen stated. If any has had a successful experience of remedies it would be a public benefit to make them known. [Bangor, Wis.]

THEIR BLESSED MASSACRE.—The New York Courier des Etats Unis, gives a long and interesting account of the massacre of 330 persons on board, both men and passengers. The St. Paul belonged to Havre and was making at the time of her loss a voyage from China to Australia, a load of Chinese emigrants. It was one of the numerous islands of the Looe Archipelago that the vessel was wrecked. The wreck took place on the 11th September, but the passengers escaped from the peril and an English vessel was hailed, was too small to carry away all the survivors and 330 were left till word was taken to Sydney and another vessel to their relief. The relief expedition arrived at the place in December or January, and found that of the 330 individuals, one, a Chinaman had been saved; all the others having been massacred by the natives amid most frightful tortures. These are all the particulars given.

A negro on being examined, was asked if his master was a Christian. "No, sir, he's a member of Congress," was the reply.

Correspondence.

The Editor of the Woodstock Journal.—Amongst the subjects treated in newspapers there is one class of which the public does not look for a fair and impartial view.—I.e., connected with party politics; but each newspaper represents generally a perfect view of its side. But on subjects it is too much to look for impartial views, and correct statements of facts during the last session of the Legislature very wisely abstained from the College Bill a party one. So important a subject as education, references should be laid aside, and could contribute up to the measure of its capacity to the educational progress of the Province. No country can be high without a well-regulated educational system;—a system founded upon common schools and culminating in a regulated University. It was well that the College Bill should be passed without reference to party. We find the *Sentinel* commenting with as much bitterness and obliquity as he would upon a successful want of confidence. Now without coming to pronounce upon the resolution "Judge Wilmot's Bill," I may be permitted to express the pleasure I feel that a University has been preserved to us, not still be all that the friends of education might desire, but it is comfortable to think that the materials are left for the construction of a high-class institution has not utterly been destroyed; and it is a further comfort to think that the opponents of the College have managed their power to injure it; that they manifested during the session.

It is sufficiently evident that one of the most urgent on the opposition to the College is the desire to secure confidence to denominational colleges; and that in the ordinary course of events, the standard of such schools. In words they deprecate the result as the establishment of a new college, but their acts belie them; they are the men who are striving for such a result. Do they not the injury they would inflict on the country? I trust for their own sakes they are not deceiving but deceived.

Read what the *Sentinel* says in its leading article of Saturday last: "I am painfully impressed with the fear that the effort has come too late, and that, now, if applied to, the large majority of people would express a decided confidence in any institution built on the foundation and of the material of King's College is composed." Another source of misrepresentation is this:—an admission—unreasonable—unreasonable—confidence in a reformed University.

Another choice morsel: "For years, at an expense of £3,000 to £4,000, all told, some three or four hundred have been educated (?) within its walls. Only three or four students during the course of thirty years (such would be the meaning of this lucid and even they received only a few years of education. Perhaps he means for a year. That is wearier the truth; yet that is short of the truth; we have at times been as many as 1000, and never less than three hundred; the results are diminished; the sense has been magnified.

He says still: "The result of thirty years' waiting has been to make of the people sick; to destroy every vestige of hope that the institution could be made useful." The hearts are not sick yet, for their expressed by the majority is that the College should stand. And pray hindered the usefulness of the reform who has prevented its reform? Results; but those who bemoan speeches and in print. A continuation of abuse has prevented many, not the real state of the case, for their sons to receive the benefit of education. A strong determination has for many years existed to reform.

I am sorry to have trespassed upon your space so long, and beg leave to myself Yours truly,