

AUSTRALIA—SYDNEY.

Where sixty-five years ago, Governor Philip looked upon a silent harbour from an open boat, Governor Fitzroy now dwells in a castellated structure, which cost about 60,000, with a tower seventy feet high, soaring stately above the wood and water of Farm Cove; and thence he looks out on a proud and stirring scene.

It was impossible at the hour when the despatch was forwarded, the fire still raging, to give any minute particulars of the catastrophe, or a description of the scene. The spectacle was awfully grand, and was witnessed by a great number of people. The destruction of the Legislative Hall is a loss which will be felt throughout Canada generally, but more particularly in Quebec.

A later account says that the fire was finally subdued without further damage. It is thought to have originated from one of the flues of the hot-air furnace. The building is said to be insured for £30,000 in offices in England.—New Brunswicker February 2

HOUSE OF ASSEMBLY—SUMMARY. THURSDAY, 9th Feb., 1854. SWEARING IN OF THE MEMBERS. The Commissioners.—The Hon. the Attorney General, Hon. Capt. Rice and Hon. Edward Haythorne—appointed by His Excellency the Lieutenant-Governor to swear in the returned Members—having discharged that duty, the next business was

ELECTION OF THE SPEAKER. At 2h. 5m. p. m. the House was summoned to the Council Chamber, and being directed to return to their own Chamber, and elect a Speaker, they returned for that purpose accordingly.

JOHN McNEILL, Esq., Clerk, having taken the Chair.—Mr. MACAULAY rose, and moved that the Hon. John Jardine be elected Speaker.

Mr. MOONEY then rose and proposed Mr. Macaulay. Mr. CLARK objected to Mr. Macaulay's motion, that the Hon. Mr. Jardine, being a member of the Government, was not (according to the principle recognised at the establishment of Responsible Government) eligible for the Speakership.

Mr. HAVILAND said, there could be found no statute, rule, or motion, by which such a principle was established. When Mr. Pope was Speaker, he was a member of the Government, and held various Government appointments besides. It was true, indeed, that a motion had once been submitted, although not carried, for the establishment of that principle; but beyond that, it had not been entertained by any previous Assembly.

Hon. Mr. WHELAN.—It was a principle recognised and established in the neighboring Provinces and in the mother country. When was it ever known, in the mother country, that a Collector of Excise was proposed as a fit and proper person to fill the Speaker's chair, in the House of Commons? In Nova Scotia, when a gentleman holding such an office was proposed to be elected Speaker of the Assembly, he himself declared his ineligibility, as being an Executive Officer.

Hon. Mr. PALMER.—He was aware that in some of the other Colonies, gentlemen filling certain important offices were held to be ineligible for the Speakership; and, to a certain extent, such objections might be very reasonable. He would not, therefore, in practice, support the motion of the hon. member for Georgetown, so far as to say, that the eligibility of members of the Government and holders of Government offices for the Speaker's chair should be recognised on all occasions. Reasonable objections would be listened to; but he was not aware of any statute, rule or practice against electing to the Chair of the Assembly any member so circumstanced with respect to office as the Hon. Doctor Jardine. It was not sufficient, to set his nomination aside, that any solitary member should declare him ineligible, unless his ineligibility were declared or established by some statute or rule. There was, in fact, no such statute or rule to restrain the House in their election of a Speaker; and the Hon. Mr. Jardine, he maintained, was then quite eligible for the Chair as any other member of the Assembly.

Mr. WHELAN.—He thought the inclinations of the hon. gentleman proposed ought to have been previously ascertained. That was the course pursued with respect to himself, when it had been intended to put him in nomination for the Chair. The House would, surely, not think of compelling any member to accept of office against his will.

tions of the Fireman and Military were beyond all praise. It is probable, however, that if the communication between the different portions of the block had been cut off by means of iron doors, the whole building would not so easily or rapidly have fallen a prey to the devouring element.

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Hon. Mr. WHELAN.—On the establishment of Responsible Government, it was an understanding with a large majority of the Assembly at that time, that the member filling the Speaker's Chair should hold no government office; and with respect to Mr. Ray, the Speaker of the last House, that understanding was acted upon.

If Mr. Palmer, however, would fairly state his real reasons for supporting the motion of the hon. member for Georgetown, it would be apprehended, he found to be his desire to deprive his (Hon. Mr. W's) side of a vote from the floor of the House. ("Hear!" from Mr. Mooney.)

Mr. MACAULAY.—A member of the Government proposed to me that I should aspire to the Speakership; ("Hear!" from Hon. Mr. Palmer) but I declined, alleging as my reason for so doing, that I was not sufficiently acquainted with parliamentary rules and proceedings to be able properly to discharge the duties of the office; at the same time observing that I thought the Hon. Doctor Jardine, as the oldest member of the Assembly, would be the most suitable member for the appointment. No member, however, in my opinion should be excused, if the choice of the House.

Mr. MOONEY.—The signs of the times appear to be strange and ominous. When crossing the Square in the morning he observed the Colonial Building to be white and dripping. He took it for a bad omen, and said the Building itself was lamenting the downfall of constitutionalism. (Much laughing) What would follow he knew not; but it was certainly strange to find an hon. member opposing the elevation of his colleague to the Speaker's Chair. And still stranger was it to hear that the Government had applied to the hon. member, Mr. Macaulay, to allow himself to be put in nomination for the Speakership. If they had done so, it was a mean and contemptible shuffle. What was a representative of the rotten borough of Georgetown, to be appointed the mouth-piece of the people of Prince Edward Island!

Mr. HAVILAND rose to order. He strongly condemned the language of the hon. member (Mr. Mooney) as highly indecorous and unparliamentary. It was not to be tolerated, as

grossly insulting to a most respectable constituency. He had hoped for better things—for some amendment in the tone and spirit of the debates of the House—he had hoped that members would speak and act as gentlemen; and he was extremely sorry to have to rise to order, on account of language so unwarrantable as that which had been used by the hon. member, at the very commencement of the Session.

Mr. MOONEY, then proceeded, and jocularly observed, that Mr. Longworth was, not only good-natured, but good-looking; and, as an old member, well acquainted with the usages of the House:—and, as he had told him, he would, therefore, if there was no chance of his being elected to the Speaker's Chair himself, cheerfully give his vote to place him there.

Mr. LONGWORTH.—If the Hon. Doctor Jardine be elected Speaker, he knows the conditions; he will not doubt be prepared to comply with them. He will not think of holding any office incompatible with his occupancy of the Speaker's Chair.

Mr. CLARK.—If the Hon. Mr. Jardine be willing, on his election to the Chair, to vacate his present appointment, I am quite willing that he shall be Speaker; but not otherwise.

Hon. Mr. LOSZ was of the same opinion as the hon. member who had spoken last. To elect to the Speaker's Chair a member who besides being one of the Executive Council, held an office of emolument under the Government, Comptroller of the Revenue, and a seat in the House of Assembly, was a breach of the Constitution which had lately been happily established. When Responsible Government was established, it was clearly understood, as one principle of it, that the Speaker of the Assembly should neither hold any Government office, nor act for one. It was measured and system they were called upon to support, motions. They had heard, it was true, a great deal about a change of Government; but what over a majority in the Assembly opposed, or the Responsible System might effect, or seek to effect, he was quite certain that so long as the establishment of the Responsible System was instrumental in the establishment of the Responsible System were left on the floor of the House, he would adhere to its principles, and he endeavored on all proper occasions, endeavor to be maintained. As for the Hon. Mr. Jardine, he was one of those who had consistently laboured for Responsible Government, but the House's going as such he was entitled to the same consideration. Not only was he well disposed to honor proposed to be conferred upon him, the salary of £60 attached to it, but he was equally deserving of it were the salary £100. (Cries of Question!)" He hoped the hon. gentleman would rise and avow his own intentions with respect to his nomination for the Chair.

Mr. HAVILAND. No! He can't. (Cries of "Spoken!")

Mr. CONROY.—The Speaker of the House of Commons, it is well known, is ex-officio, a member of the Privy Council. He might attend if he chose; but it is true he is never summoned. And, if we want a precedent here, do we not all know that when Mr. Pope was Speaker, he held nearly all the offices of the Colony. He was a member of the Government, Collector of Excise, &c., &c. (Cries of "Question!")

Mr. FARR.—It would be unbecoming to force the appointment upon any hon. member against his will. Unless they were satisfied that the Hon. Mr. Jardine was anxious or willing to fill the Chair, the motion, he thought, ought not to be pressed.

The question was then put; and the House divided.

Nays.—Mr. Wightman, Mr. McGill, Hon. E. Whelan, Mr. Clark, Mr. Fraser, Hon. Mr. Lord, Mr. Davies, Mr. Mooney, Hon. Mr. Warburton—9.

Yeas.—Mr. Palmer, Mr. Douce, Mr. Conroy, Mr. Yen, Mr. Montgomery, Mr. Longworth, Mr. Haviland, Mr. Macgowan, Mr. MacEachern, Mr. Macaulay, Mr. McLeod, Mr. Beer, Mr. Goff—13.

So it was carried in the affirmative.

Mr. MOONEY.—Mr. Clerk, will it not be necessary for the hon. Secretary to read the motion which was read upon the Speaker and force him to take the chair. We all know that one man may lead a horse to the well, but twenty cannot compel him to drink.

Hon. Mr. JARDINE.—If the House insist, I will comply.

The House adhering to the motion just carried, the hon. gentleman on being invited to do so, advanced to the Chair; and, having acceded to a couple of steps, he returned thanks for the honor conferred upon him, in a short but appropriate speech. He then took the Chair as Speaker of the House, and having done so, stated his resignation of his seat in the Executive Council, as he meant not to be the Speaker of a party, but of the whole House.

RETURN OF WRIT FOR THE FIRST DISTRICT OF QUEEN'S COUNTY.

Hon. COLONIAL SECRETARY, holding in his hand the Return of the Writ for the First District of Queen's County, moved that the same be received and read.

Mr. PALMER.—He would wish to know how that Writ was brought under the notice of the House.

Hon. COLONIAL SECRETARY.—As a member of the Government, I bring it before the House.

Hon. Mr. PALMER.—He would like the Hon. Colonial Secretary to explain a little further, and say for what purpose he brought it before the House in a Committee of Privileges.

Hon. COLONIAL SECRETARY.—That action may be taken upon it certainly.

Hon. Mr. PALMER.—In the case of a disputed return before the House, it must be asked for by the House; and all matters connected with it can only properly be investigated by the House in a Committee of Privileges.

The Hon. Colonial Secretary says that, as a member of the Government, he brings the Return of the Writ for the 1st District of Queen's County, under the notice of the House, and to the end that they may take action thereon. By his explanation, were they to understand that his action for the reception and reading of that Return, was to be considered as a Message from the Government directing the House to go into a Committee of Privileges thereon.

Hon. COLONIAL SECRETARY.—He was well aware that all matters connected with Elections could be taken into consideration, by the House, only in a Committee of Privileges; and, if the hon. member for Charlottetown had had a little patience, he would have found that the only object he (the Hon. Colonial Secretary) had in view, in making his motion, was that the Return in question should come under the consideration of the House in a Committee of Privileges. The Return was, in truth, a most extraordinary one; but at that time, he would forbear further comment upon its irregularity.

Mr. LONGWORTH.—That observation itself amounted almost to a breach of the privileges of the House. ("Hear!" from Doctor Conroy.) It surely required only a little reflection, on the part of the Hon. Colonial Secretary, to convince him of the impropriety of his motion, and to induce him to withdraw it.

Hon. Mr. WHELAN.—The Return was unprecedented and so irregular, that His Excellency, in his Speech, had justly spoken of it as one of an extraordinary character.

Doctor CONROY.—That remark of His Excellency amounted to a breach of the privileges of the Assembly, on his part.

Mr. MACAULAY.—That might be considered when the House should be in Committee on the reply to his Excellency's Speech. It would be irregular to take notice of it before.

Doctor CONROY.—If any gentleman has been unduly returned to this House, by a Sheriff, it is for the constituents injured by such return to come before the House; and, stating their grievance, to seek redress at our hands. None but those who have been properly sent to the Assembly, should be allowed to speak, or be heard in it. The Assembly was not to be dictated by the Government. The members were the representatives of the people; and to them were they responsible. They were not like a chain dangling from the neck of the Crown; and, when the Crown pressed to send them messages affecting their long established and known privileges, it was a descent from its due position by the Crown, and a direct innovation of the rights of the people. If constituents were aggrieved, let them, in the name of the people, apply to the House for redress, and it would undoubtedly be extended to them. The bare mention of the Sovereign's name, in the House of Commons, was, in some cases, held to be a breach of the privileges of the Commons—Hansard much more than anything affecting their privileges, approaching to the nature of a message from the Crown! He was a loyal subject of the Crown; but, in the Assembly, it would ever be his care and aim to maintain its allegiance to his people, and not to the Crown.

Mr. MOONEY.—He was not at all disposed to give the learned Doctor credit for his boasted patriotism. When he called to mind the conduct of the learned and honorable member, in the Session of 1848, when he was so anxious to get his name on the floor of the House, he (Mr. M.) could not but much regret his allegiance to the people in regard for their rights. Then (in 1848) he was only bent on the exclusion of Mr. Cole, and, even after a Committee of seven members had been appointed to prepare the draft of an Address in answer to the Governor's Speech, nothing would satisfy him but the House's going immediately into a Committee of Privileges, in the hope that, by their determination, he might effect his object, to the prejudice, not only of Mr. Cole's constituents. So great then was his regard for the rights of the people and the privileges of their parliamentary representation, that he desired, if the House asserted their power, they would cause Mr. Cole to stand outside of the Bar in his shirt sleeves, and quoted May on Parliament in support of the views expressed by himself! And was it he who would, if he had power, have proceeded in so arbitrary a manner with a representative of the people, who then so loudly decried their being trampled upon!

Mr. DAVES.—It had been asserted, by hon. members, that the presenting of the Return to the House by a member of the Government, was a breach of the privileges of the House; and that they ought to resent it, and petition the Governor for due enquiry touching the Return, before they allowed it to be brought under their notice. But he would like to know how it could possibly be a breach of the privileges of the House for the Government, when acquainted with what they believe to be an infringement of the elective privileges of the people, to seek to lay before the House any document, by a due examination and consideration of which, the House might be enabled justly to determine whether any such infringement had been made or not.

Mr. WIGHTMAN.—The course taken by the Hon. Colonial Secretary was unusual and irregular. If parties were aggrieved by the Return, they might petition the Governor, and the House would grant them a hearing. Then, and in that case, the House would ask for the Return, that, by due consideration of the facts set forth therein, they might justly decide concerning the prayer of the party or parties petitioning.

We feel assured, that the Majority of the House of Assembly, in their Address to Your Excellency on the 30th September last, contemplates no other or further change in the existing system of Responsible Government, than that which is opposed to a particular class of Salaried Officers being allowed to exercise Legislative, Administrative and Executive powers; and in reply thereto that Address, Your Excellency was pleased to express your determination "to discountenance unbecoming agitation on any subject from any source it may emanate."

We beg leave to represent to your Excellency, that the Memorial to which we have referred, has emanated from the Office of the Queen's Printer of this Colony, and by that individual, and by certain Members of Your Excellency's Government numerous printed copies have been distributed through the Colony for Signature; and although it may be difficult for these parties to disguise from Your Excellency the personal objects they have in view in their endeavours to procure a dissolution of the House of Assembly, we conceive that many persons have been unwittingly seduced into lending their names to the said Memorial, under persuasions which public rights and privileges will be endangered by the course of policy, which it is alleged, will be pursued by the majority of the new House of Assembly, in matters affecting the Constitution of the Colony.

We are by no means insensible to the extension of liberty conferred on the people of this Colony by the establishment of Responsible Government, nor have we heard, nor have we any reason to believe that it is the intention of the majority of the present House of Assembly, "to overturn the Constitution established under Your Excellency's auspices, or to introduce or re-establish a form of Government, not congenial to the wishes, and destructive of the best interests of a majority of the Inhabitants of this Colony." We are decidedly favourable to that system of Government which renders the Executive responsible to the Representatives of the People; but we are of opinion, that in order to give due and proper effect to the system of Responsible Government, it is necessary that the Representatives of the people should not be tempted to sacrifice the interests of the Country to their

own personal benefit, or by dividing amongst themselves the Offices of trust and thereby too often prostituting Executive powers and purposes calculated to be in office, instead of directing exclusively to the first welfare.

We believe Your Excellency well acquainted with the responsible Government, ordinary and unconstitutional memorialists to control majority of a newly elected assembly, or to deprive opportunity of carrying Government, in such will prove most conducive to the interests of the Inhabitants.

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The following Address to His Excellency the Lieut. Governor has recently been put in circulation, to counteract the effects of a certain Petition emanating from the extreme party of the Government:—

MAY I PLEASE YOUR EXCELLENCY;

We the undersigned Inhabitants of Prince Edward Island, being deeply interested in its present and future welfare, have ascertained that a Memorial to Your Excellency is in course of Signature, wherein it is asserted, that there is "a disposition on the part of a majority of the present House of Assembly to overturn the Constitution, established under Your Excellency's auspices, and to introduce or re-establish a form of Government not congenial to the wishes, and destructive," as the memorialists allege, "of the best interests of a majority of the Inhabitants of Prince Edward Island;" and "earnestly beseeching Your Excellency, that you will not admit of any change being effected in the Constitution of the Country, nor yield to any vote of a Majority of the Assembly which may have a tendency to alter the political complexion, and introduce different principles into Your Excellency's Government, from those by which it is at present influenced, without first affording to the Memorialists an opportunity, by means of another General Election, of rectifying the errors of the past, and deciding on the merits of the Party seeking to change Your Excellency's Government."

We feel assured, that the Majority of the House of Assembly, in their Address to Your Excellency on the 30th September last, contemplates no other or further change in the existing system of Responsible Government, than that which is opposed to a particular class of Salaried Officers being allowed to exercise Legislative, Administrative and Executive powers; and in reply thereto that Address, Your Excellency was pleased to express your determination "to discountenance unbecoming agitation on any subject from any source it may emanate."

We beg leave to represent to your Excellency, that the Memorial to which we have referred, has emanated from the Office of the Queen's Printer of this Colony, and by that individual, and by certain Members of Your Excellency's Government numerous printed copies have been distributed through the Colony for Signature; and although it may be difficult for these parties to disguise from Your Excellency the personal objects they have in view in their endeavours to procure a dissolution of the House of Assembly, we conceive that many persons have been unwittingly seduced into lending their names to the said Memorial, under persuasions which public rights and privileges will be endangered by the course of policy, which it is alleged, will be pursued by the majority of the new House of Assembly, in matters affecting the Constitution of the Colony.

We are by no means insensible to the extension of liberty conferred on the people of this Colony by the establishment of Responsible Government, nor have we heard, nor have we any reason to believe that it is the intention of the majority of the present House of Assembly, "to overturn the Constitution established under Your Excellency's auspices, or to introduce or re-establish a form of Government, not congenial to the wishes, and destructive of the best interests of a majority of the Inhabitants of this Colony." We are decidedly favourable to that system of Government which renders the Executive responsible to the Representatives of the People; but we are of opinion, that in order to give due and proper effect to the system of Responsible Government, it is necessary that the Representatives of the people should not be tempted to sacrifice the interests of the Country to their

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The following Address to His Excellency the Lieut. Governor has recently been put in circulation, to counteract the effects of a certain Petition emanating from the extreme party of the Government:—

MAY I PLEASE YOUR EXCELLENCY;

We the undersigned Inhabitants of Prince Edward Island, being deeply interested in its present and future welfare, have ascertained that a Memorial to Your Excellency is in course of Signature, wherein it is asserted, that there is "a disposition on the part of a majority of the present House of Assembly to overturn the Constitution, established under Your Excellency's auspices, and to introduce or re-establish a form of Government not congenial to the wishes, and destructive," as the memorialists allege, "of the best interests of a majority of the Inhabitants of Prince Edward Island;" and "earnestly beseeching Your Excellency, that you will not admit of any change being effected in the Constitution of the Country, nor yield to any vote of a Majority of the Assembly which may have a tendency to alter the political complexion, and introduce different principles into Your Excellency's Government, from those by which it is at present influenced, without first affording to the Memorialists an opportunity, by means of another General Election, of rectifying the errors of the past, and deciding on the merits of the Party seeking to change Your Excellency's Government."

We feel assured, that the Majority of the House of Assembly, in their Address to Your Excellency on the 30th September last, contemplates no other or further change in the existing system of Responsible Government, than that which is opposed to a particular class of Salaried Officers being allowed to exercise Legislative, Administrative and Executive powers; and in reply thereto that Address, Your Excellency was pleased to express your determination "to discountenance unbecoming agitation on any subject from any source it may emanate."

We beg leave to represent to your Excellency, that the Memorial to which we have referred, has emanated from the Office of the Queen's Printer of this Colony, and by that individual, and by certain Members of Your Excellency's Government numerous printed copies have been distributed through the Colony for Signature; and although it may be difficult for these parties to disguise from Your Excellency the personal objects they have in view in their endeavours to procure a dissolution of the House of Assembly, we conceive that many persons have been unwittingly seduced into lending their names to the said Memorial, under persuasions which public rights and privileges will be endangered by the course of policy, which it is alleged, will be pursued by the majority of the new House of Assembly, in matters affecting the Constitution of the Colony.

We are by no means insensible to the extension of liberty conferred on the people of this Colony by the establishment of Responsible Government, nor have we heard, nor have we any reason to believe that it is the intention of the majority of the present House of Assembly, "to overturn the Constitution established under Your Excellency's auspices, or to introduce or re-establish a form of Government, not congenial to the wishes, and destructive of the best interests of a majority of the Inhabitants of this Colony." We are decidedly favourable to that system of Government which renders the Executive responsible to the Representatives of the People; but we are of opinion, that in order to give due and proper effect to the system of Responsible Government, it is necessary that the Representatives of the people should not be tempted to sacrifice the interests of the Country to their