PROVINCIAL LEGISLATURE.

House of Assembly, Feb. 23.

[*From the Fredericton Reporter.*]

DEBATE ON THE GOVERNMENT.

Mr. Fisher, after a few introductory remarks, moved the following Resolution:—

"*Resolved*, As the opinion of this Committee, that the House should approve of the principles of Colonial Government, contained in the Despatch of the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, of the 31st March, 1847, and of their application to this Province."

Mr. Fisher said, he made this the order of the day to prevent honourable members being taken by surprise. When he had given notice of the Resolution, his learned friend from St. John, Mr. Ritchie, read a Resolution he intended to move. He (Mr. F.) hoped he would move it as an independent proposition, not as an amendment, as he could vote for either, and if that or any other Resolution involving the same principles were moved, that would carry a larger vote than what he proposed, he would cheerfully consent to its substitution for his, as he was desirous of securing as great a degree of unanimity as possible. When he had moved to make this the order of the day, the member of the Government, Mr. Hazen, had jocularly stated that he (Mr. F.) had a Resolution every year. Mr. H. was too honourable a man to wish to misrepresent him, but such things were often repeated, and finally believed. Now this statement was not correct. [Here Mr. F. said that in addition to his Resolution moved last Session, and the Resolution in amendment to those on the Reade controversy, he had only moved a Resolution to reduce the salaries of the great Officers of Government, and one relating to the composition of the Legislative Council.] He continued, had not this Despatch been sent out, this would have been debatable ground; the occurrences in Nova Scotia would have compelled them to bring the question before the House and discuss it, and though they would no doubt act as hitherto—discuss these great principles with all the vigour and energy of men contending for their rights, and after the debate was over, unite like friends and brothers in carrying on the business of the House; still it could not be denied that there must have been great heat, great excitement, and perhaps a little bitterness. The Despatch had saved them from these consequences; the most zealous advocates of Responsible Government found in it an exposition of every principle for which they had contended, and that by the highest authority in the realm, these principles were to form hereafter the rule of Government in New Brunswick. It might be said that they required no action of the House. It was due to the Government, it was due to the country, for the House to express an opinion. It had always been usual to give an opinion upon every important subject, and one changing the mode of administering the Government in this Province, required it. He had conceived the Resolution in terms as free from objection as possible, in order to secure as large a vote as he could, for it was desirable to secure as much unanimity as they could: the only doubt he now had was whether he ought to take up the time of the Committee in further discussion. He had often debated the subject, and could trace the progress of these principles in the North American Provinces, but the propriety pressed strongly on his mind, as he did not wish to occupy time unnecessarily. (Here there was a general cry all round the House for Mr. F. to go on, and several cried out take an hour or more.) It had been stated by some who were opposed to these principles that we always had Responsible Government: he (Mr. F.) denied it: and if it were true, why oppose its further introduction? It was said by others that it was a dormant principle, that lay at the bottom of our institutions: that was perfectly true. And he (Mr. F.) and those who agreed with him—always contended that it was a necessary power to give it vigor and energy, and without which, with all our representative institutions, the minority rules. Governors came armed with the prerogative; the Assembly were powerless; they might make what regulations and Laws they pleased, they might pass what votes they pleased, they had no influence over the Government; the minority ruled; the Governor exercised the prerogative through the old back stairs influence in spite of them with all their representative institutions. The prerogative through the influence of a few families was something awfully mysterious and sacred. The idea of being a trust for the good of the people was in these Colonies a horrid innovation of modern times. Honourable members who had studied Colonial Government knew that the Constitution of these Colonies consisted of the Royal Instructions, Governors, Commissions, and Despatches from time to time sent out for the guidance of the Colonial Governors. Now, until the supreme power in the State prescribed a new rule for the guidence of the Colonial Governors, the principle under consideration remained dead, lifeless, and inert. It had been well observed that to effect this great change required no alteration in the form or framework of the Government, but only a different mode of Administration. Go back only twelve years, and see what an enlightened Statesman thought upon the subject. In 1836, Lord Glenelg, whose name will shine bright in British History as a Statesman, a Philanthropist, and a Christian, and who evinced a large degree of liberality in dealing with Colonial subjects, whose liberal and enlightened policy towards this Province had so endeared him to its inhabitants, that the representatives of the people had obtained his portrait to adorn this Hall, even he repudiated the idea of a Colonial Responsible Government. Before Sir Francis Head came to Canada in 1836, Upper and Lower Canada had been deeply agitated upon politics and theories of Government. He passed by Lower Canada, as the Leaders there did not appear to know what they wanted, unless it was to uproot British Institutions, and overturn British supremacy in the land. The most of their troubles grew out of a conflict of races, and they proposed, as remedies, organic changes, inconsistent with our monarchical form of Government. The principles of Responsible Government had been discussed in Upper Canada, in the country and in the Legislature, and had formed the subject of various Resolutions, and Addresses embodied in their Legislative proceedings long before the arrival of Sir Francis Head. Shortly after he assumed the Government of Canada, Messrs. Dunn, Baldwin and Bidwell formed his Council, under the belief that the principles were to be gradually introduced. It was not long before these gentlemen resigned, on the ground that they should be responsible, or that the Governor should allow it to be publicly known when he acted without their advice. Lord Glenelg, in the correspondence that grew out of these resignations, relating to the Assembly who affirmed the constitutionality of the position of the Council, repudiated the idea of a Colonial Responsible Government, and stated that they 'maintain the doctrine that as 'in this kingdom, the King acts on the advice of 'responsible ministers, so in the Canadas, the 'Governor is to act on the advice of a responsible 'Council. That no such principle could be recognized either as incorporated in the text, or 'exemplified in the practice of the Provincial Constitution; that the House was not justified in 'resorting to the extreme measure of stopping the 'supplies, for the purpose of attempting to enforce 'changes in the system of Government itself, 'which neither Her Majesty's Representative, nor 'her subordinate officers had power to introduce.' He (Mr. F.) referred to this to show that the Governors of these Provinces were so restricted by their Instructions, that it was impossible to give any efficacy to this admitted incident to representative institutions. The doctrine then was, that the Council were responsible to the Queen, or her Representative; and this effectually secured the back stairs influence.

He (Mr. F.) would pass over the Canadian troubles. The next important event was the mission of Lord Durham. The Imperial Government selected a nobleman—one of the hereditary Peers of the realm, to enquire into, and report upon the condition of Canada. That illustrious Statesman distinguished between the causes of grievance in Upper and those in Lower Canada; attributing the latter to the conflict of races, and the former to the want of a Responsible Government: and recommended the *Union*, and the concession of the principle of the responsibility of the Colonial Council to the Colonial Assembly. It required no organic change in the Government; nothing but an improved mode of Administration. A single Despatch—a Royal Instruction, requiring the Governor to surround himself with an Executive Council amenable to, and having the confidence of the Assembly, was all that was requisite. That in any controversy with the local Legislature a Governor, who violated that principle, should receive no sympathy from the Imperial Government, that it was too late to govern the American Colonies by a system of electoral fraud, and it was only necessary to give full effect to representative institutions in these great Colonies: that the same system that had worked so well in England should be tried there; and instead of allowing the minority to rule, as it had hitherto, let the Government be a Government in which the majority should rule. Had not the minority ruled in the country for a long time?—Lord Durham was succeeded by Mr. P. Thompson, a member of Her Majesty's Privy Council, an extraordinary man, who appeared to have been raised by Providence, almost for one purpose:—to unite the Canadas. For as soon as that union was effected and the machinery completed, he died. In his time Lord John Russell's Despatch came out, which went full further than the one under consideration; and abolished the old life-tenure. It is difficult to ascertain Mr. Thompson's opinions. He went to Halifax shortly after Mr. Howe had published his pamphlet, and there introduced a sort of Responsible and Departmental Government. In Canada the resolutions of 1841 were passed with his approbation; and he introduced there the Government by Heads of Departments, with acknowledging the necessary responsibility, but the mere fact of uniting the Canadas must necessarily have led to that responsibility, as 84 representatives, of nearly two millions of people, could never be convened long without having an important influence over the Government. He was succeeded by Sir Charles Bagot, who some months before the re-organization of his Council appointed Mr. Hincks Inspector General. Mr. H. in addressing the Electors of Oxford, expressly stated that when he lost the confidence of the country he would resign his office. He (Mr. F.) had watched these events narrowly at the time and regarded them as the first avowal of the new principles by an Officer of the Government, and as indicative of the policy of the Government. In a few months the Canadian Parliament met; and in consequence of the proceedings of the Legislative Assembly, the Council was re-organized; the old Council retired from their seats in the Council, and their offices; and a new set came in. This settled the principle in Canada. Here, for the first time, was full effect given to the Despatch of Lord John Russell: a Despatch which he believed was officially intended to assist Lord Sydenham in governing Canada, and which declared that an officer must be prepared to give up his office on any change of policy. He (Mr. F.) would now turn to New-Brunswick, and briefly review the progressive working of the principle here. In 1843, the House passed sundry Resolutions relative to the accounts and expenditure of the Crown Revenues; intended to influence and disparage the Executive Government. The consequence was, they resigned, and a new Council was formed. His learned colleague came in with his learned friend from St. John, and others, who admitted the popular influence. As the Executive Council was being re-organized, he thought it a fitting time to improve the composition of the other Branch, and brought forward an Address to the Queen, relating to the Legislative Council, which was transmitted to Lord Stanley, who in a Despatch assented to the main principles of the Address. And in the next Session, because he (Mr. F.) thought as he did now, that in remodelling the Legislative Council, the popular element should be strengthened, they were lost. But the Executive Council defended the appointments and admitted their responsibility to the House. In 1844, in consequence of a difference of opinion between Sir C. Metcalfe and his Council, the House stepped out of the way and forwarded an Address to Sir Charles, lauding the prerogative, and declaring if *he had given way to the Council, British supremacy and monarchical institutions would be annihilated in British America.* He (Mr. F.) should not inquire into the cause of those unhappy differences; but Messrs. Baldwin and others had complained of an important appointment being made without their advice, and resigned. In 1845, Sir William finding us so much in love with the darling prerogative, *took our Assembly at their word and appointed his Son-in-Law* Provincial Secretary. Four of the Council resigned. The act of resignation of three of them, he (Mr. F.) fully approved, but the reasons they gave were not satisfactory to him.

His learned colleague resigned on the distinct ground, that the Secretary should be brought into the Government, and he (Mr. F.) moved a Resolution embodying that principle: and it was a strange fact that Earl Grey had assigned the same reasons for making that office political, and in the same terms that the advocates of that Resolution had employed. This was rejected by a small majority; but every principle it contained was afterwards introduced in an Address to the Throne. And from that time it may be said that Responsible Government was established in this country. It was singular that so good a man as Sir Charles Metcalfe should have been hoodwinked; for when the Baldwin Government went out, it was succeeded by Mr. Draper and his associates, who carried out the very same principles, and who, on retiring from the Government last year, in his closing Speech in the Assembly, 24 hours before he was appointed Judge, described his political creed to be the same as his predecessors'; and so strong was the contrast to his professions on assuming the Government, that the Administration was described in one of the papers as "one monstrous lie" Turn to Nova-Scotia: four years ago they had a coalition Government. Mr. Johnston to a Council of 4 Conservative and 3 Liberal Members added a fifth Conservative in the person of his brother-in-law, Mr. Almon, and Lord Falkland had assigned his afficity to the Attorney General (Mr. J.) as the ground of his appointment. This led to the resignation of the Liberals, and to all the party feuds which had characterized Nova Scotia politics. Sir J. Harvey came to the Government, and endeavoured to effect a reconciliation, but failed: both parties put their views in writing, and they were forwarded to the Colonial Secretary. The late Council asked for an authoritative declaration of the future mode of administering the Government, and the Despatch under consideration *was that authoritative declaration.* In reading the Despatch, he (Mr. F.) called to mind the time when the present noble Lord, the first Minister of the Crown, under the Government of the father of the present Colonial Secretary, as an independent Member of Parliament, rose in his place in the British Commons, and introduced a Bill to reform the representation of the people of England and Wales, and Earl Gray, the father, then Prime Minister, introduced the same measure into the House of Peers. When pressed on all sides by the hereditary nobles of the land with the advocacy of a measure calculated to destroy the House of Peers, he replied that he should stand by his order. It will be a bright page in the history of this illustrious family, that as the father in the father-land was the means of restoring to the constitution of England some of its old Saxon principles, the son should in these great Colonies and Dependencies of the Empire, restore to the Anglo Saxon race, their Saxon institutions. That whilst the father secured in his day good government in the centre, the son in his day secured good government in the extremities of the Empire. Here Mr. F. took up the Despatch and discussed its various provisions, and urged that all who accepted office since Lord John Russell's Despatch, had no claim to a pension; but our space will not allow us to follow the learned Gentleman. He concluded by observing that Her Majesty having determined thus to fetter Her prerogative, it was in vain not to approve of it; and as she had declared she would appoint Her Officers from those who had a Parliamentary majority; it was a concession to popular rights. He concluded by thanking the Committee for their attention, and expressing a hope that they would discuss the question as they had always hitherto done, in a kindly spirit, and that they would secure peace and happiness and good government in the Province.

[*From Mr. Hill's Reports.*]

Mr. End hoped the hon. member (Mr. Fisher) had not done—he hoped he would finish his speech. He had spun out a fine *theory*, and he (Mr. End) would like to hear from him how it would work.—Let the hon. member go into, and explain its practical operation in this country. They could see how it was working in Nova Scotia; there it had hurried several public men out of office, and when they had asked what for,—do you find any fault with our *measures*? no answer had been returned, no fault had been found. Why should good men be turned out of office without a fault? The hon. member should have gone on and informed the House of what benefit this practice would be to the country—the practice of turning men out of office because they are not unprincipled enough to *coo* and *woo* for popularity! The Reformers of Upper Canada had been held up to admiration as men actuated by the spirit of the Anglo Saxon race. Was it Bidwell who was actuated by this noble spirit, or was it McKenzie? But to come back to the principle sought to be introduced; if we have got a good Solicitor General, and good Secretary, why should they be turned out without a fault, merely because some other persons wanted their offices? It reminded him of the story of the Cock in the fable. He was scratching in the dunghill one day, and found a precious stone; he turned it over, and eyed it as cocks are wont to do, and said 'Ha! this would have been a glorious prize for a lapidary, but for my part I would rather have one grain of corn than a thousand of them.' He (Mr. End) was the same.—The new principle may be in some hon. members' estimation, a precious stone, but he would rather have a grain of corn. He liked the hon. mover's speech, but wished to hear him go further and explain what benefits would arise from the system he advocated.

Hon. Mr. Hazen said the Despatch had been received, the instructions accompanying it—as he had stated on a previous occasion—were peremptory, and whoever were fortunate enough, or unfortunate enough, to be in the Government, must carry out the principles there laid down. He (hon. Mr. Hazen) had always been in favor of the responsibility of Executive Councillors to this House. He had first accepted office upon that principle in 1843, and had resigned upon the same principle in 1845, when the House had sustained him. In 1846 he again accepted office upon the same understanding. An hon. member had once accused him of always having an old paper to quote from, but he must now read from an old paper what he had said last year. He had then said "we have Responsible Government now, and whenever the House wish for the introduction of Departmental Government, no doubt but they will have it." But this Despatch had introduced it with or without the consent of the House. It had come, and could not be disputed. Upon its reception his course was plain; he either had to acquiesce, and assist in carrying on Government under its provisions, or to resign: and as he had not tendered his resignation he could not oppose the principles of the Despatch. Other hon. members were at liberty to do as they pleased. One of the hon. members for Charlotte had said the other day that there is no such thing as Responsible Government yet established in this Province, (a laugh.) and perhaps other hon. members would say the same thing. Of course they might say what they pleased about the adoption of Departmental Government, or pass what resolutions they pleased, but the power to appoint to office was vested in the Crown, and Her Majesty's Minister had informed them, by this Despatch, that upon filling up the vacant office of Attorney General, or other vacant offices, the recipient, instead of being appointed under the old tenure of *good behaviour*, shall henceforth be appointed *during the pleasure of the Colonial Secretary*, who would for the future confer certain offices under this tenure, and whether the House approved of the principle or not, it would not affect the question. Even the resolution then before the Committee was quite unnecessary; but as it was before them they might dispose of it. For his own part he could not vote against it, nor did he wish to; he should therefore support it. As to the questions of pensions, &c., that was not fairly before the House, and he should not go into the subject. But if the House were opposed to the principle of Departmental Government, it ought to have said so last year, when it was talked about. It was too late now, as the Fiat had gone forth, and any thing they might do or say could not affect the question.

Mr. Ritchie said his Resolution amounted to nearly the same as that offered by the hon. and learned member for York. But it was his opinion that upon the arrival of this Despatch, the hon. member of the Government who had just spoken, should—did he think the new form good—have expressed his approbation of it, and have explained to the House its practical working; and if he did not approve of it he was bound to resign. His hon. and learned friends opposite, (Messrs. Wilmot and Fisher) had for years advocated the principles of this Despatch, and it must be a pleasurable sensation to them now to contemplate this Despatch, which enjoins all they have been contending for. They had gone through the heat and burden of the day—they had been stigmatized as rebellious—as advocating a principle which was subversive of British supremacy, and it must be very pleasing indeed to them, to see the British Minister come down with a Despatch prescribing the very same system. He (Mr. Ritchie) was a young man; he had not had the honor to participate in the struggle; but from the period he first applied his mind to politics he had been in favor of liberal principles. He had differed with his nearest and dearest friends upon this subject, and with his personal acquaintances; but he was now in a position in which he could compliment his learned friends. If the hon. member of the Government (hon. Mr. Hazen) did not approve of the principles contained in the Despatch, he should have said so honestly and fearlessly, and not here accorded to it a sort of reluctant consent; for notwithstanding the fiat has gone forth, it was not irremediable. If the House did not wish to adopt the Despatch, no doubt but an address to Her Majesty's Government to that purpose would have the desired effect. But he remembered that in 1843, when he stood alongside the hon. member on the hustings at St. John, he had heard him say he did not understand what Responsible Government meant. It must, then, be a proud position for those to occupy who had at that time perfectly understood it. The credit of introducing the new system was theirs, and must remain theirs. It was very well for those who opposed the system till it was forced upon them by public opinion on both sides of the Atlantic, to wait for that period, and then jump at it, and say 'all is right,' and hold on to the power; but he (Mr. R.) would rather see that power in the hands of those who had always advocated this principle, than to see Government still carried on by the party who had always been opposed to it, and who were opposed to its introduction last year, and the year before. The Despatch mentioned three offices, as proper to be held under the new tenure; one of these is now vacant, and the gentlemen holding the other two had both taken office since the date of Lord John Russell's Despatch, and consequently under the new tenure. He should not reply to the hon. member for Gloucester (Mr. End) in defence of Departmental Government. The subject had been argued so frequently that it was needless,—every one was already acquainted with the arguments for and against. He would show what course that hon. member had always pursued. In 1837 a motion was moved by his hon. colleague (Mr. Partelow) to the effect that the Executive Council should possess the confidence of this House; to which the hon. member for Gloucester had moved as an amendment that the Government should be men of sufficient firmness and integrity to do what is right, in defiance of popular clamour —(Laughter.) This was the hon. member's opinion in 1837. (Mr. End,—'Yes, and is still; and will be until I die.') Well, since the hon. member had made that declaration he (Mr. Ritchie) would not talk him to death, without the chance even then of altering his opinion.

(Mr. End here arose to offer an Amendment, when there was a cry of order, and several members spoke to that point. It was at length decided by the Chairman that Mr. End was out of order, but by the indulgence of the Committee he was allowed to proceed.)

Mr. End would read an amendment he had prepared. (The amendment was to the effect that the qualifications necessary for office should be those of honesty and integrity, rather than the achievement of popularity.) The hon. mover of the resolution had argued upon the supposition that public opinion is always right. He (Mr. E.) believed the Despatch was intended purely to meet the position of affairs in Nova Scotia. He did not think the Colonial Minister intended to force it upon the people of this Province against their wishes, and thought a mere hint to the contrary from this House would put a check to it. The Minister would never be so crazy as to force it on them in opposition to the expressed wish of that House. The hon. and learned member for the County of St. John (Mr. Ritchie) had said he had always been a Liberal, and had differed with his friends. Probably he meant that high and honorable man, the late Attorney General of Nova Scotia, who had just been turned out of office for no reason that he (Mr. E.) knew of, except that they did not like his looks. Let the hon. member contrast his case with the position now held by the hon. member of the City, (hon. Mr. Hazen.) who he supposed had given a reluctant consent to the Despatch. This principle was a good one for those who wanted office. Agitation would follow, and the *outs* would constantly be endeavouring to get *in*; they would endeavour to upset the Government for their own selfish purposes. As to public opinion it was not immaculate. Let them look at Queen's. At one election they had turned out an excellent member, (Mr. Johnston,) and at the ensuing election, without an effort on his part, had returned him when he did not wish it. (Hear, Hear.)

The hon. member (Mr. Ritchie) had held him up to what he supposed public odium, for saying public Officers should be above popular clamour; but he would say so, and would add that he was proud of it; those were the principles he had been bred to. But adopt this Despatch, and the majority of the House might at any time turn out public Officers for no other reason than because some persons coveted their situations. He (Mr. E.) should now move the amendment, for he thought that public Officers should really be chosen for their integrity, talent and independence, rather than for their achievement of Legislative popularity. He was determined to divide the House upon it, and was sorry the Speaker was not in the Chair, in order that the names might be taken.

[*From the Morning News.*]

Mr. Street said he agreed entirely with that part of the amendment which said that public men should be possessed of independence, talent and integrity; he had himself moved a resolution, some years since, very similar to that in its construction. He perfectly agreed that public men should have all those qualities; but still with all their virtues, when they failed to sustain the Government, they should retire; but no man would deny, but that every Executive Council should be composed of such men. As to the resolutions then before them, he agreed with the hon. and learned member of the Government (Mr. Hazen) that there was no need of any resolution at all; for notwithstanding that this Despatch was first sent to Nova-Scotia, still the Colonial Minister had pronounced it applicable to all the Colonies. There was not a very great difference between the terms of this Despatch, and that laid down by Lord John Russell, familiarly known as the "Russell Purge," only the Despatch from Earl Grey had not gone quite so far. Every hon. member, notwithstanding all this, had a perfect right to place upon the journals his own particular views in the shape of a resolution; but all the resolutions they could offer would not make the slightest difference—the Despatch was in fact part of it; but must take the whole. He could well remember the time when Responsible Government was a watch-word in this country, and in that House. Hon. members differed as to its meaning, and it seemed to be a difficult matter to define what its real meaning was. But Departmental Government had now come; and he would now like to see the Constitution of the Country defined—what it really was, and not any longer to grope in the dark. The late Despatch was very clear to him; but the Government had not acted up to its principles; neither the Attorney, nor Solicitor General had been called to the Executive Council. In Nova Scotia, the Colonial Minister had said there was no great difference between the two parties; nothing he says to have prevented them from forming a coalition, or mixed Government. In that Province, both the Attorney and Solicitor Generals had resigned their offices with their appointments as Executive Councillors: in this they had but followed the example of Mr. Uniacke, who had previously resigned the office of Attorney General upon going out of the Executive. As he before remarked, the principles of this Despatch were very clearly defined; and any gentleman taking office, would have to go in under its tenure. There was, then, no need of the resolutions at all; and, in fact, they might have been productive of trouble, as involving the initiation question; but if the Constitution of this Country was to be made a *fac simile* of the British Constitution, then the initiation of money grants must be yielded up to the Government—and he, for one, had no objections to take a *fac simile* of the British Constitution and adopt it for this Country; they could not get a more perfect system, and Earl Grey seemed to be clearly of the opinion that this should be the case; it would be, at all events, decidedly preferable to the present *indescribable* system of Government. He thought the amendment offered by the hon. and learned member from Gloucester (Mr. End) aimed at the ability of the Executive, rather than any thing else; he meant their ability to sustain a majority in the Assembly—but this was not the way to carry on a Government.

The Government should be composed of such men as he had described; but when the Head of that Government done that which they could not conscientiously support, it should be their duty to retire; and who should be the best judges of this? Earl Grey had very wisely left it to the Assembly. In 1845, two members of the then Government, holding seats in this branch, (Messrs. Hazen and Wilmot,) had acted in this way, and they were sustained, almost unanimously, by the Assembly. A vote of want of confidence was then carried and the Government resigned; so far, the principles of Responsible Government were acknowledged. The present Government then went in, and his hon. and learned friend from York (Mr. Fisher) last session moved a resolution, which went, in effect, to say, that the Government should work; this was defeated. [Mr. Hazen—That was a trial of strength.] No! no! it was no such thing. [Mr. End—My amendment was intended as such.] No—it was distinctly declared that it was not bro't forward for a trial of strength; and he, for one, had not voted for it upon that ground at all; no hon member should ever vote upon that principle; if the resolution proposed was a good one, they should go with it, no matter who bro't it forward. [Mr. Hazen—I wanted to make it so, but you would'nt let me.] Had the hon. mover of the amendment been appointed Attorney General before the arrival of this despatch, he would have turned round now and said, I do not hold my office under the new tenure. [Mr. End—I certainly would.] Well, then it was high time the Constitution of this Colony was defined; they had groped in the dark quite long enough. He agreed with the terms of the despatch, taken as a whole, but might not agree as to some of the abstracts; he was willing, however, to take it as a whole. [Mr. End—What! imitation too?] Yes, and that too. As he before remarked, it would have been better not to have moved any resolution upon the subject at all; the present dynasty was now near at an end, and they would have a new Governor in a few weeks, and he would form his Government under the tenure of this despatch; and what to them might now appear dark and ambiguous, he would then define. But the resolutions were then before them, and they were called upon to vote one way or the other, and he was not disposed to vote against the original resolution. The despatch contained nothing new; it was only a little more definitive than that of Lord John Russell's.

On Thursday morning the debate was resumed by Mr. Woodward, followed by Mr. Brown and Mr. J. A. Wilmot. The Speaker, Messrs. Hannington, R. D. Wilmot, Steves, Baillie, and Jordan, also spoke in favor of the Resolution, and Messrs. Taylor, Dr. Earle, McLeod, Miles, Thomson, and Carman spoke against it.—Mr. End's amendment was lost, 28 to 6; after which the original resolution was carried, 23 to 11.

The House was much crowded in every part during the debate, which was listened to with great interest and attention. His Honor the Chief Justice and Judges Carter and Street were accommodated with chairs in the Speaker's room, and several members of the Legislative Council were also present. The greatest decorum prevailed in all parts of the House throughout the debate.

[*The remainder of the debate will be published in our next paper.*]

In the Assembly, Mr. R. D. Wilmot's bill to provide a greater supply of seamen, has been rejected.

The bill for taking a census of the Province during the present year, and collecting a variety of useful statistical information at the same time, has passed the Assembly, and been sent up to the Council, where, we trust, this most useful and desirable measure will meet with no difficulty or opposition.

Mr. Partelow has introduced a bill to revive the Act establishing Boards of Health in the several Counties of this Province, with an amendment which provides that Boards shall be established in such Counties only as the Governor may designate by proclamation. This will prevent the establishment of Boards in those Counties where they are not absolutely required, and confine them principally to the sea ports at which emigrants land in this Province.

Upon the application of the Common Council, a bill has passed the House for altering the Act amending the Charter of this City, by permitting the Common Council to reduce the salary of the Common Clerk and Clerk of the Peace to £350, for the performance of both offices.

The Committee on Railroads have not yet reported, but their proceedings are stated to be very important. It is said, that they will recommend the following grants and advantages to facilitate and encourage the Great Trunk Line from Halifax to Quebec. The interest of £400,000, at 4 per cent. per annum, (say £15,000) for twenty years, to be paid by the Province as a direct and absolute bonus toward the construction of the railroad; with the right to a strip of land, free of all expense, of 200 feet in width for the railway, and free grants of every third lot of 100 acres of the ungranted land on the line, and of 500 acres at every station required for Railroad purposes. Mr. Partelow is Chairman of the Committee, and we look for an able and interesting report on Colonial Railways.—*Cour.*

10th—Mr. Ritchie moved for leave to present a Petition from James Gallagher, Esquire, Solomon Hersey, Peter Bogan, James P. Payne, Charles Shiels, William H. Littlehale, Thomas M'Elroy, Francis Smith, Henry O'Brien, Alexander Ewing, John Allingham, and six hundred others, Freeholders and Inhabitants of the Parish of Portland, in the County of Saint John, setting forth, that the provisions of the Bill now before the House for the establishment of a permanent Police in the said Parish, are too expensive, complicated, and burthensome, and wholly unsuited to the limited means and circumstances of the said Parish, and praying that the said Bill may not pass into a Law, but that in lieu thereof, the Act 7 William IV., cap. 12, may be altered in the manner suggested in such Petition; such alterations being, in the opinion of the Petitioners, sufficient for affording full and ample protection for all classes of Her Majesty's subjects.—And upon the question, that the Order of the House, limiting the time for introducing Petitions, be dispensed with in this instance, and leave granted to introduce the Petition, it was carried in the affirmative, and the Petition then read.—*Ordered*, thereupon, That the said Petition be received and lie on the Table.

On Friday, the Committee of the Assembly appointed to take into consideration and report upon the best means to be adopted for encouraging the Agriculture, Fisheries, and other branches of Provincial industry, made their first report, but we have not yet received a copy of the document. We learn that it recommends an issue of Provincial Notes to the extent of the annual revenue, to serve as currency, and to be received in payment of duties, taxes, &c. After the report had been read, Brown, with a speech in favour of free trade, after which Mr. R. D. Wilmot spoke in reply to the arguments of Mr. B., and moved the following resolution:—

"Whereas the Trade of this Province is now labouring under a deplorable state of depression; and agriculture, the fisheries, and domestic manufacturing interests, are consequently languishing, the British market for lumber and ships, so far from offering encouragement, being ruinous to commercial enterprise; and whereas, the reduction of duty on Baltic timber and deals imported into Great Britain after the fifth day of April next, may be expected to aggravate the distress of the North American Colonies, by giving further advantages to European produce, the difference of freight being more than the duty; and whereas, this state of affairs renders it the imperative duty of the Colonial Legislature, to adopt such measures as may stimulate the material resources of the Province, and call into action those capabilities which it is believed to possess:—Therefore resolved, that the Committee in framing the Revenue Bill of the current year, be desired so to regulate the several imposts, that articles of Provincial growth and manufacture may be protected, and the industrial resources of the Province, in all their branches, may receive that Legislative encouragement which has been found in other Colonies to produce the happiest results."

Communication.

To the Editor of the Observer.

SIR,—In a report made in the 'Morning News' paper of the 16th February, under the head "The Legislature.—Reported expressly for the Morning News," the Reporter says: "Mr. Ritchie's Bill to provide for the more efficient "decision in matters relating to Seamen's wages was committed, and led to a tedious rambling discussion of some "two hours. Mr. Ritchie, in opening the debate, explained "the necessity for some alterations in the law relating "to the recovery of Seamen's wages; at present the different Magistrates were applied to under the Imperial Act, "and it was found that the Ship-masters or Owners were "generally defeated in these trials where seamen sued for "their wages; it was too great a temptation to place in "the way of Magistrates; the fact was if judgment went "against *Jack*, the Justice would get no fees. He then "took up the returns from the different Magistrates at Saint "John, and pointed to the written record in proof of his assertion; particularly the return from Mr. Peters, who done "the most business in that way. The most frivolous charges would be brought against the Ship-masters, and to "such an extent had this evil been felt, that the Port of St. "John had become celebrated for its heavy charges; the "disbursements were enormous; and had the effect of driving many ships from the harbour entirely. To remedy "this evil the Bill authorized the Government to appoint a "Commissioner, before whom all matters relating to Seamen's wages, &c., should be tried; said Commissioner "to have a salary to be chargeable on the ordinary revenue "of the Province, and all fees collected in such cases to be "paid into the hands of the Provincial Treasurer."

Mr. R. D. Wilmot is made to say that "he bore testimony to the statement made by his hon. colleague; the "difficulties experienced at the Port of St. John in this way "were found to be a great hardship;" and again "the returns shewn by his hon. and learned colleague, Mr. Ritchie, were quite conclusive—and the least said about them "the better."

Mr. Woodward "supported the Bill in a brief speech, "corroborating what had previously been stated."

The tenor of these observations is, clearly charging the Magistrates, to whom applications were made by and on behalf of the Seamen for the recovery of their wages (under the Imperial Act,) with being influenced by mercenary feeling, and with giving judgments *in favor* of the *Seamen for the sake of the fees*; regardless of their *oaths as Magistrates*, and their *honesty as men*. These, appear to me, charges of a very grave and serious nature, and, although we are not informed how many of the Magistrates for the City and County are chargeable; (as the number of reports alluded to is not mentioned) a broad allusion is made to "one from Mr. Peters"; and that appears to satisfy the *honorable* gentlemen as a ground work for their base slander. Why do they not put that Report in print before the public? that honest minded men might have an opportunity of judging how far *honor* and *truth* will support these *honorable* gentlemen in their unjust aspersions, either as to the cause they assign for the high Port charges resting upon the acts of the Magistrates, or the more barefaced falsehood that their judgments are influenced by the consideration of the *paltry fees*.

By reference to the Report made by direction of His Excellency under resolution of the Assembly, on the subject of actions brought before myself for the period of three years, —say from the first of January, 1844, to the first of January, 1847, (which I suppose to be the Report alluded to by Mr. Ritchie,) it will appear that 217 actions were commenced within that time. Of that number—

59 Cases were *dismissed*—no judgment given, and *the Seamen ordered to return to duty.*
20 Do. Judgments were given for *Defendants*, and *the Seamen ordered to return to duty.*
58 Do. No judgment—*the parties settling the claims before trial.*
30 Do. Judgment given for claimants.
—
217

Thus shewing that so far as the cases brought before me extend—by that report from which Mr. Ritchie spoke—out of *two hundred and seventeen*, only *eighty* judgments were given in *favor of the seamen*. So much for the truth of Mr. Ritchie's slanderous assertion in reference to "Mr. Peters' report" alluded to.

The amount of fees charged is particularly shewn in the Report, *in each case, including Constable's fees.* Total £118 9 6

Of this sum *Masters* and *Owners* upon judgment for plaintiffs, paid	£72 7 9	
Seamen paid for processes, and serving, &c. to Constables,	13 18 9	
Fees *not paid by any party—judgment being given for Defendants*,	32 3 0	
		£118 9 6

How far these facts bear out the extraordinary assertion of Mr. Ritchie—*with the Report in his hand at the time*, *vouched* for by Messrs. *R. D. Wilmot* and *I. Woodward*, I leave for the public to determine.

In speaking of the burthen thrown upon the Port of St. John, which the *Honorable* gentlemen, alike regardless of truth and reason, attribute to the Magistrates—I am somewhat astonished to find that, among the causes assigned, they have forgotten or *intentionally omitted the true and only one*, namely—the immense demand for Seamen, created by the number of new ships built and fitted out at the Port of St. John yearly, requiring crews; and, as no means are adopted by the merchants of St. John to provide seamen for this purpose, the natural result is, the fleet of *British* merchant vessels from Great Britain is required to furnish them; and the English merchants sending ships to this port not only have the seamen taken from them, but are obliged to make heavy advances to procure others in their place. For every case where a seaman receives his discharge in Saint John, under an action to recover wages, I have no doubt *fifty desert* without asking for or seeking to obtain their wages; Ten or Twelve pounds for the run to Great Britain being a greater consideration to them than £2 10s. or £2 15s. per month.

The Magistrates, to my knowledge, are not in the habit of seeking customers in the way of making claims for wages. The seamen are brought to obtain summonses for the recovery of their wages, to the Magistrate, by some of Mr. Ritchie's own profession; and he cannot suppose *they* would be anxious to proceed unless a justifiable cause of action under the Law authorised them to recover; and however unfairly the honorable gentleman may be disposed to act in casting unjust and false insinuations against Magistrates, he will not be found impugning the integrity of any of his legal brethren.

There is another statement I would make for the information of the Public; which may, in Mr. Ritchie's imagination, afford fresh ground for his false assertions, viz:—From 1st January, 1847, up to 1st January, 1848, there have been brought before me *twenty* cases of applications by seamen for the recovery of their wages. Of these—

Judgment for Claimants, in	9	Cases,
Judgment for Defendants,	2	"
Dismissed,	4	"
	6	"
No Trial—settled by parties,	5	"
	20	"

Thus, out of Twenty Cases, in Six the Claimants were defeated.—in Five, the parties themselves settled before Trial,—and in the remaining Nine only, was Judgment given for the Plaintiffs.

How far do these facts bear up Mr. Ritchie's assertions that "it was too great a temptation to place in the way of Magistrates?"

The Public have now an opportunity of judging between us; and I feel confident that my word for truth will have as much credit with the members of this community, as any statement of Mr. Ritchie's, unsupported in any other way than by his unfounded assertions.

BENJ. L. PETERS,

One of Her Majesty's Justices of the Peace for the City and County of St. John.

The Observer.

SAINT JOHN, FEBRUARY 29, 1848.

IMPORTANT DEBATE.—We have inserted in the preceding columns the first day's debate in our Provincial House of Assembly on Earl Grey's late despatch on the tenure of Office in the Colonies, which has been adopted by a large majority of the House, supported both by Tory and Whig members; and will give the second day's report of this highly important debate in our next paper. The resolution for the adoption of the principle of the despatch, was brought in by Mr. Fisher, Member for York, and carried, after a debate of two days, by a vote of 23 to 11,—amounting to 34 members, besides the chairman. There being 39 Members in all, 4 did not vote, or were absent.

IMPORTS OF THE PROVINCE IN 1847.—The total value of Imports at St. John, in the year 1847, amounted to £884,376 sterling,—of which £484,973 was from Great Britain, £4,532 from other places. At Miramichi, the imports were £109,144—of which £97,880 was from Great Britain, £12,232 from Br. N. Am. Colonies, £15,033 from the United States. At Dalhousie, £28,031—of which £16,000 were from Great Britain, and £17,136 from Br. N. Am. Colonies. At Bathurst, £16,624—of which £5,624 from Great Britain, and £11,200 from Br. N. Am. Colonies. At Caraquet, £5,536—of which £1,464 from Great Britain, £1,573 from Jersey, £2,499 from Br. N. Am. Colonies. At Richibucto, £24,139—of which £11,784 from Great Britain, and £12,355 from Br. N. Am. Colonies. At Dorchester, £1,180—of which L.75 from