

POLITICAL NOTES.

A Glance at the Leading Measures Carried in the House of Assembly of New Brunswick, from the Year 1854.

By G. E. FERRY, Fredericton, N. B.

No. 24. Debate on King's College—Conflicts of Opinion as to the Rights of the English Government and Dukes of a Governor—History of King's College—Its Past and Present Condition.

On the 23rd March Mr. Steadman moved a series of Resolutions in reference to the Imperial Government and King's College. [NOTE.—At the previous Session, the Legislature resolved, 27 to 12, to withdraw all aid from King's College,

that he had received remonstrances against the allowance of the Act, and he invited them to send Home counter remonstrances and giving their reasons why the Queen should give her assent to it. They failed to do so, and this was sufficient to deprive them of the confidence of the House and of the country. Mr. Lawrence here went over a history of the legislation that had taken place with reference to the College since 1854, down to last year, when the Act

1858, when the Bill to suspend the grant was introduced into the House of Assembly; during that or some preceding year, there had only been three or four students belonging to the College; these persons, probably the children of rich parents, cost the Province for their education nearly £1,000 each. Now that was an unbecomingly large sum for the Province to pay for the education of a few students, and the Government was determined to pull it up by the roots. Upon the introduction of the Bill to suspend the grant an amendment had been moved, the



University of New Brunswick, formerly King's College.

which was virtually to close its doors, but the English Government disallowed the Act, on the ground of the Civil List provision made for its maintenance. Hence Mr. Steadman's action, which were tantamount to a vote of want of confidence in the local government, for its subservience to dictates against the principles of Responsible Government. Mr. Steadman made an elaborate speech, quoting largely from authorities upon the constitutional principles involved. He assumed that the Executive knew the terms of his Excellency's despatch, and should therefore be held responsible. The despatch was adverse to the interests of the people and rights of the Legislature, and the Executive should have resigned. He moved his Resolution, which Mr. M'Adam seconded. The Attorney General followed. The proposition of Mr. Steadman he declared to be an error. It was not established here in Canada or Nova Scotia, that the Executive should be embraced in our Constitution. He defended the Governor, who had followed the only constitutional course pointed out for him, and contended there was no principle involved on which to appeal to the country, and declared that this was the first time in which a Governor had been re-elected on resolution of the House. He concluded by moving an amendment a resolution affirming that the Executive should see all despatches transmitted by His Excellency relating to any laws enacted, and that the Executive should use all constitutional means to obtain that right. Mr. Tilley explained that at a meeting of the College Council, soon after the Legislature had been prorogued, an Address was prepared for transmission to Her Majesty. The Hon. Attorney General and himself recorded their vote against this Address. Aware that the Address was to be sent home, they communicated the fact to their colleagues, a meeting of the Executive Council was called, and they asked His Excellency to furnish them with any remonstrances against the Act. His Excellency's reply was that in the history of the colony there was no instance of such a request having been made to the Lieutenant Governor; but he promised, to lay before the Colonial Secretary the memorandum of the Executive Council. The Government had been charged with allowing time to pass by without taking any further steps in the matter. Now, the fact was that the Government felt sure that if the decision of Her Majesty's Council was to be affected by these remonstrances, nothing definite would be done until copies of these remonstrances were first transmitted to the Executive Councils. But the decision of Her Majesty's Council was arrived at without reference to remonstrances at all; and it appeared from the Colonial Secretary's despatch of the 7th October, that if these were likely to have any influence upon the decision of the Colonial Secretary, they would have been forwarded by the Executive Council. But the matter was decided without any reference to these at all. Mr. Tilley went on to explain his views. The true reason of the rejection of the Bill was on account of the £1,100 in which the faith of the Crown was pledged. Mr. Lawrence said His Excellency's conduct in reference to the College had been perfectly constitutional, and it stood out in bold relief from the conduct of his advisers, commending itself to the favorable consideration of every right minded man in the country; he told his Council

for the withdrawal of the grant was agreed to.

The debate was one of the most spirited of the Session, and occupied several days. Almost every member spoke.

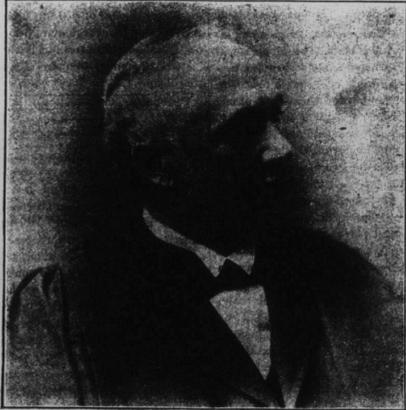
Mr. Steadman closed the debate in an able effort. The amendment was carried 28 to 18. Every member present, Speaker in the Chair.

On the 13th April His Excellency closed the Session in a speech of a dozen lines, after giving his assent to a large number of Bills.

RECAPITULATION AND EXPLANATION.

It may be here remarked that even up to this time the principles of Constitutional Responsibility had not been settled. In sending the College Act to the Colonial office, the Lieutenant Governor accompanied it by an address from the College Council, in opposition to the action of the Legislature, and assigning reasons why Her Majesty's assent should be withheld. This address His Excellency refused to submit to his Council. Therefore it was contented, even by supporters of the Government, that as the Executive Council were responsible for the acts of the Governor, they should have insisted upon seeing the letter, or resigning their offices. The effect of the discussion was the settlement of this proposition, and that in future all despatches, sent forward, should first be examined by the Ministry. Although Mr. Steadman's resolution failed to carry, the Attorney General's amendment affirmed

object of which was to renovate the Institution and put it on a more efficient footing. This amendment was lost by the casting vote of the Chairman only, but upon the question being taken upon the Bill, it was carried by a large majority. It received the concurrence of both branches of the Legislature. The Bill was passed on the 6th of April 1858; on the 14th, 15th and 16th of that month the College Council prepared a petition, and the Professors of the College wrote letters to the Colonial Secretary, urging reasons to Her Majesty against giving her assent to the Act. These were placed in the hands of His Excellency on the seventh of the same month for the purpose of being transmitted to the Colonial Secretary. On the same day the Executive addressed a Minute of Council to His Excellency, requesting copies of the petition and letters, which he refused to grant upon the ground that they had no constitutional right to make the demand. His Excellency soon afterwards transmitted the petition, letters and Minutes of Council to the Colonial Secretary. His Excellency on the 16th July wrote a long dispatch to the Colonial Secretary, setting forth in detail a great many objections to the passage of the Act. On the 7th of October the Colonial Secretary sent two despatches to His Excellency, in one of which he admitted the right of the Executive Government to be furnished with reasons for the passage of the law, and on any other occasion in which might arise when representations should be made against the Royal



DR. HARRISON, Chancellor of the University of N. B.

the main points of contention, and therefore, it was a virtual triumph for Steadman. With regard to the Institution itself, a short sketch of its history may prove to be interesting to those who have since graduated and all others who take an interest in the higher education. It has certainly run through several vicissitudes at the hands of the Legislators. Today (1894), however, it stands upon a far higher basis than it did formerly, and is doing good work under able Professors and management. A Bill had been brought into the House to suspend the grant to this Institution in the year 1858. The College was founded in the year 1800, and in 1829 it enjoyed from the Crown a grant of £1,000 per annum, and from the Province £1,100 per annum; it was clearly a Church of England establishment, and although it enjoyed a large revenue, amounting to between £3,000 and £4,000 per annum, its usefulness was extremely limited; it did not possess the affections of the people; it was considered to be of an exclusive, sectarian character; the friends of the College finding public opinion to be hostile to it, procured an Act of Assembly in 1845 to be passed, removing all religious tests, but the remedy came too late; it languished along in the state of the Church of Laodicea, neither hot nor cold, but lukewarm, until

assent; and in the other despatch he stated that Her Majesty had been advised to withhold her assent to the Bill, not upon the grounds set forth in the petition and letters, but upon a different one. The resolution then before the Committee condemned the Government for a dereliction of duty in allowing the despatch of His Excellency to be transmitted without being submitted to them. With respect to the petition and letters the Executive had acted with much promptitude. No men, it was contended, could have been more active, and therefore they stood perfectly free from censure. Nay, they were entitled to the approbation of the country. Then with respect to the important question of the Governor's despatch, the Opposition contended that that despatch defeated the Act, and as it proceeded from the Government, the Executive Council were upon the theory of Responsible Government, liable at all events by implication for its contents. The whole question is hinged upon this point; it was an undisputed fact that the Executive did not see the despatch. By the 14th section of the Royal Instructions the Governor in transmitting Acts of Assembly affecting Imperial interests, was directed to assign the reasons and occasion of their passage. It was true that His Excellency in this particular did not give the reason for the

passage of the Bill, but on the contrary put forth strong arguments why it should not pass. His Excellency stood in a very anomalous position; he was in the first place the representative of the Sovereign, and he had declared that independently of this relation he was her Minister. It was certainly a question of grave importance. In Canada and Nova Scotia, both colonies, alive to their rights, had not yet decided that they were entitled of right to see the despatches of the Governor to the Colonial Secretary. In matters affecting the passage of Provincial Acts, it was highly desirable that the Executive should have that power. [No such things can happen at the present day—the ground has all been cleared away by the old Reformers, in which the Press at the time played no unimportant part, although its services are scarcely remembered by the present generation.] At the present day the University of New Brunswick is fast becoming most popular and useful. On the re-opening next fall it is expected the whole number of students will be about sixty; and although it may not be all that it is desirable, it is fast working up into such a state of efficiency as will in a few years make it one of the leading Colleges in the Dominion. I here append the names of the Chancellors and the Professors all, men of the highest classical attainments and capable of teaching in any College known.

- Chairman of the Faculty and Professor of Mathematics, also Chancellor of the University. THOMAS HARRISON, M. A., LL. D., Trinity College, Dublin.
Professor of Chemistry and Natural Science. LORING W. BAILEY, M. A., Ph. D., F. R. S. C., Harvard College.
Professor of Classical Literature and History. HENRY SEABURY BRIDGES, M. A., Ph. D., Trinity College, Dublin.
Professor of English and French. WILLIAM FREDERICK STOCKLEY, M. A., Trinity College, Dublin.
Professor of Civil Engineering and Surveying. STEPHEN M. DIXON, B. A., B. A. I., Trinity College, Dublin.
Associate Member Institution of Civil Engineers. Alumni Professor of Mental and Moral Philosophy and Political Economy. JOHN DAVIDSON, M. A., Edinburgh University.
Professor of Practical and Electrical Engineering. GEORGE M. DOWNING, B. Sc., Pennsylvania State College.
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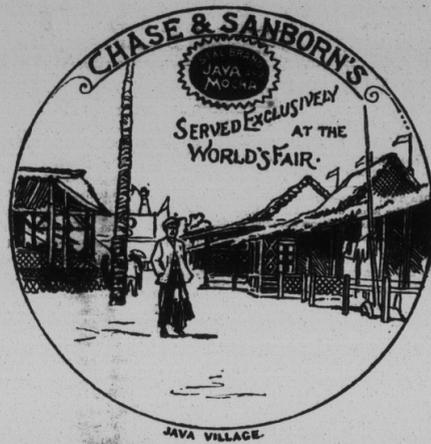
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