

ed upon me to do the same thing. I said, No! I do not see why you resigned; why could not you hang on to the ship; let us act like men and fight out this matter. It may be that they supposed they could not do anything; but that is not the way for political men to act. If I was in the Opposition, and only had two men with me, I would oppose them, and keep the snow-ball rolling, and it would gather in as it went. I do not believe it was right for those hon. members to resign, yet I got all the obloquy for not resigning. When I came to the House at the next session, we appointed two of our party to determine our platform, and when that was drawn only two out of the seventeen Liberals signed it. I then said I would offer no further factious opposition to the Government. My hon. friend (Mr. Connell) read a letter showing the necessity of pitching into the Government. (Mr. Newtham then read a couple of letters from his constituents, eulogizing the Government, saying they had done their duty faithfully, and continued.) I could give you more of these, and they contain the opinion of the men of York. My hon. friend has made a charge against the Government in regard to the appointment of the Judges. I believe if there are men in this country whose names ought never to be handled, or their actions made the subject of debate, it is the Judges. It has been the pride of this country, that its Bench and Ermine have been kept spotless. They have had men on that Bench from its earliest history to the present period, who by their integrity, honesty of purpose, and knowledge of law, have invariably covered that ermine with glory. I never will be the man to say or do anything to bring the Judges of the country into disrepute. My hon. colleague (Mr. F.) has charged the present Chief Justice with cabaling, and a more gross charge cannot be made against any Judge. I do not know a solitary instance of any of the members saying that in reference to Judge Wilmut. I believe the Government did right in appointing Judge Ritchie Chief Justice. At the last session of the Legislature, when the question of Confederation was up, I referred to His Honor Judge Wilmut, and I appeal to the members of this House whether I referred to him in a derogatory manner, yet I was represented as having made a great boast about it. What I say here I am prepared to say to Judge Wilmut, and I do not want to be misrepresented in regard to the matter. My hon. colleague has said he read out of the same book with him. I can almost say we were born in the same house; we ran and played in the same house, and my feelings of friendship for him were and are very strong. I have gone through mud and mire to canvass for him, without his knowing it, because I believed he was right, and I have asked no favors at his hands; and if I did I would not get them. All I want as a lawyer before him is justice, and that I will have. After the last session of this Legislature, I signed a document to the Government, asking them to appoint Judge Parker Chief Justice, and so on according to seniority. If I had not believed that Judge Wilmut would have made a good Chief Justice, I would not have done so, and that is enough in regard to his legal character. It is no detraction to a great man to say there is a greater. We know there

are stars differing in magnitude, and that all flesh is not the same kind of flesh. I acknowledge that Judge Wilmut has done a great deal for the country, and I acknowledge the country has done a great deal for him. If I devote twenty or thirty years to this country, and, in consequence, am placed on the Bench, with a competent income to sustain me and my family, I should consider the country had rewarded me for my services to the fullest extent. According to the principles of Responsible Government, of which he was the Gog and my hon. colleague was the Magog, he might have stepped from the Attorney Generalship to the Chief Justiceship. He did not do it. If the principles of Responsible Government were as strong in them as the principles of non-Confederation were in the anti-Confederates, they would never step to the Bench or anywhere else, until they had carried out those principles to their legitimate consequence. To carry out the principle of Responsible Government, he should have claimed the Chief Justiceship or remained on the floors of the House until the people put him there by acclamation. I feel bound, and proud to say, that the leader of the present Government has refused the office of Chief Justice for the sake of sustaining the principle of anti-Confederation against Confederation. (Mr. Wetmore.—Do you believe it?) I do not utter things in this House which I believe to be untrue. I have undoubted authority for stating that my hon. friend, the Attorney General, might this day have been Chief Justice had he chosen to accede to the offer of those who could have given it to him. He declined to accept that office because he had embarked his all in this grand, glorious, magnificent fight against selling the country to the Canadians. This will stand imperishable and indestructible in the records of the country, and when many of us are dead and forgotten, it will be told for the honor of New Brunswick that we had one man who sacrificed place and emoluments rather than sell his country. When Chief Justice Chipman resigned, my hon. colleague complained that the appointment was arranged between the Home Government and Sir Edmund Head, and my hon. colleague complained that they had to submit to the over riding of the Home Government, as they had not given Judge Wilmut the place of Chief Justice, but had directly interfered with the principles of Responsible Government by giving the place to Judge Carter. Therefore, he did not refuse to accept the office for the sake of carrying out the principles of Responsible Government.

Nothing was said in regard to the appointment of the other Judges, therefore I shall not say much about them, as I must take it for granted that these appointments have been received by the country as correct and good, and tuturity will justify them. I did not blame Judge Wilmut because on two occasions he expressed his opinion on the great constitutional question of confederation. I did not think it was prudent, but that was for himself to judge. I do not think he made himself a political partizan by doing so, and I shall give him credit where I think he was not blameable; but while I am quite willing to say this, I do contend that the moment Judge Wilmut voted for Mr.

Fisher, an avowed opponent of this Government, he showed himself hostile to the Government, and if any favors were to be given to one Judge more than another—if they had even acted upon the principle of distributing their favors to their friends, or upon the principle of carrying out the doctrine long held in this country, that "to the victors belong the spoils"—they should have given those favors to Judge Ritchie and not Judge Wilmut. Party Government necessarily involves this principle, they are bound to take care of their friends, and let their enemies take care of themselves. I am asked why my friends did not carry this out? There is a great difference between a constitutional question and a party political question. Confederation involves no party politics, for it is a great constitutional question, and I hold that in a great question affecting our constitution, every man, whether a Judge or a subordinate officer, has an undoubted right as a British subject, and a free man, to go the polls and calmly and quietly vote on that question, either for or against it, and that Government would be wrong when they got into power upon a question like this, to turn a man out of office because he voted against them. But on a party question, when a man holding office under the Government opposes that Government and votes against them, I say he ought to be turned out, and I believe no Government can sustain itself unless it does so. I know it is a necessary concomitant of a Federal Government, but I do not believe that it was a necessary concomitant of Responsible Government, though it seems to be of party Government. I hold that the former Government perpetrated a foul wrong when they turned men out of office for opposing them, without letting them know that that was the principle they were going to adopt. They set the example, and I tell this Government, or any other Government that may come on the floors of this House, that they never will be able to sustain themselves unless they do likewise. You have to sacrifice your feelings to sustain your party. No matter whether a man is a good officer or not, if he is a political partizan you have to give him the cold shoulder, and put a man in his place, even if he is inferior to him. That is the course which must now be pursued, for the former Government have set the example, and they must be bound by it. Judge Wilmut would have made a good Chief Justice, but when a Judge, for views of his own, comes down and opposes a Government by openly voting for an opponent of that Government, he should not expect to receive favors from them. The Attorney-General has stated that it was not upon those political grounds at all that this appointment was made, but was made at the request of the late Chief Justice Parker, a man whom you cannot eulogize too highly, and of whom it might be said, when he died in St. John, as it was said of a King of Israel when he died, "This day has a great man fallen in Israel." My hon. colleague said that the Hon. John A. Street expressed an high opinion of Judge Wilmut, in reference to the trial of a case in the County of Albert—that was correct, for I heard him express the same opinion—and he has so high an opinion of the judgment of Mr. Street, that he thinks that was a *carte blanche* for the appointment of Judge Wilmut to the Chief Justiceship. We will now see what Mr.