



Opening Ceremonies

Second Session

*Fifty-Fifth Legislature
Province of New Brunswick*

Thursday, December 2, 2004

3 o'clock p.m.

PROCLAMATION

WHEREAS I have proclaimed that the first session of the fifty-fifth Legislative Assembly of this Province be prorogued on the second day of December, 2004, in the forenoon;

AND WHEREAS I have thought fit to call the second session of the fifty-fifth Legislative Assembly of this Province into session, I hereby issue a Proclamation that the same be called to meet on the second day of December, 2004, at 3:00 o'clock in the afternoon.

Given under my hand and the Great Seal of the Province at Fredericton this 19 day of November, 2004, in the fifty-third year of Her Majesty's Reign.

BY COMMAND OF THE LIEUTENANT-GOVERNOR

Bradley Green, Q.C.
Attorney General

Herménégilde Chiasson
Lieutenant-Governor

Officers of the House

Speaker of the Assembly
Hon. Bev Harrison

Premier
Hon. Bernard Lord

Leader of the Opposition
Shawn Graham



Permanent Officers of the House

Clerk of the Assembly
Loredana Catalli Sonier

Clerk Assistant and Clerk of Committees
Donald Forestell

Clerk Assistant and Committee Clerk
Shayne Davies

Sergeant-at-Arms
Daniel Bussièrès

Proceedings

- 2:15 p.m. His Honour, the Honourable Herménégilde Chiasson, Lieutenant-Governor of New Brunswick representing Her Majesty Queen Elizabeth II, arrives at the Legislative Building. His Honour's arrival at Parliament Square is signaled by the firing of a fifteen-gun Royal Salute. His Honour receives the military honours in front of the Legislative Buildings.
- 2:30 p.m. The military honours having been completed, His Honour enters the Legislative Building and is met at the main door by the Honourable Bernard Lord, Premier of New Brunswick, who escorts the Lieutenant-Governor into the Legislative Precincts.
- 3:00 p.m. The Members of the Legislative Assembly of New Brunswick having assembled, the Honourable Bev Harrison, Speaker, accompanied by the Clerks and the Sergeant-at-Arms, enters the Assembly Chamber. The Speaker takes the Throne and the Sergeant-at-Arms places the Mace upon the Clerk's table. The Sergeant-at-Arms retires to inform His Honour that the House is now ready. The Sergeant-at-Arms returns to the Assembly Chamber and informs the Speaker that His Honour has arrived by saying, "*Mr. Speaker, His Honour the Lieutenant-Governor is without.*" The Speaker then says to the Sergeant-at-Arms, "*Admit His Honour the Lieutenant-Governor.*"

The Sergeant-at-Arms will then bow and take the Mace from the Table, the Speaker will rise and leave the Chair and, preceded by the Sergeant-at-Arms carrying the Mace, and followed by the Clerk and Clerks Assistant, will leave the Assembly Chamber.

His Honour then enters the Assembly Chamber, preceded by the Sergeant-at-Arms and the military escort, and takes his place on the Throne.

The Speaker and the Clerks, accompanied by the Sergeant-at-Arms, reenter the Assembly Chamber and they take the seats provided for the occasion.

The Premier then leaves his seat in the House and takes the chair at the right of the Throne.

The Lieutenant-Governor opens the Session by reading the Speech from the Throne.

The Opening of the Legislature always begins with the Speech from the Throne. The Speech is read by the Lieutenant-Governor and sets forth the policies and programs the government intends to introduce during the session.

At the conclusion of the speech, the Premier bows to the Lieutenant-Governor and resumes his seat in the House. The Speech from the Throne is handed to the Clerk by the Lieutenant-Governor's Aide-de-Camp.

The Speaker, Clerks and Sergeant-at-Arms retire from the House.

The Sergeant-at-Arms returns to escort the Lieutenant-Governor and members of the Vice-Regal party from the Chamber.

The Speaker, accompanied by the Clerks and the Sergeant-at-Arms, reenters the Assembly Chamber and takes the Throne.

The Premier, the Honourable Bernard Lord, moves to introduce Bill 1, *An Act to Perpetuate a Certain Ancient Right*. This practice indicates that the House is not obliged to give precedence to matters mentioned in the Speech from the Throne.

The Speaker announces that in order to prevent mistakes, a copy of His Honour's speech has been procured. The Speaker offers to read the speech and the Reading is dispensed.

The formality of offering to reread the Speech survives from the days when the Legislature had an "Upper House" or Legislative Council. The Speech from the Throne was read first in the Council Chamber and later reread by the Speaker of the House of Assembly for the benefit of those Members of the "Lower House" who were unable to be present at the first reading.

Two Members previously chosen by the Government then respectively move and second a motion that the Speech of His Honour be forthwith taken into consideration. The motion having been put and carried, a second motion is at once made, and seconded by the same mover and seconder, that an Address be presented to His Honour thanking him for his Speech. The mover and seconder then deliver their speeches in support of the motion. At the conclusion of their speeches, the debate is usually adjourned by the Leader of the Opposition or some other Member.

The Honourable the Premier then moves the adjournment of the House.



Members of the Legislative Assembly

<i>Constituency</i>	<i>Member</i>	<i>Party</i>
Albert	Hon. Wayne Steeves	PC
Bathurst	Brian Kenny	L
Campbellton	Roy Boudreau	L
Caraquet	Hédard Albert	L
Carleton	Hon. Dale Graham	PC
Centre-Péninsule	Denis Landry	L
Charlotte	Rick Doucet	L
Dalhousie-Restigouche East	Donald Arseneault	L
Dieppe-Memramcook	Cy (Richard) Leblanc	PC
Edmundston	Hon. Madeleine Dubé	PC
Fredericton-Fort Nashwaak	Kelly Lamrock	L
Fredericton North	T.J. Bourque	L
Fredericton South	Hon. Brad Green, Q.C.	PC
Fundy Isles	Eric Allaby	L
Grand Bay-Westfield	Milton Sherwood	PC
Grand Falls Region	Ron Ouellette	L
Grand Lake	Eugene McGinley, Q.C.	L
Hampton-Belleisle	Hon. Bev Harrison	PC
Kennebecasis	Hon. Brenda Fowlie	PC
Kent	Shawn Graham	L
Kent South	Claude Williams	PC
Kings East	LeRoy Armstrong	L
Lamèque-Shippagan-Miscou	Hon. Paul Robichaud	PC
Mactaquac	Kirk MacDonald	PC
Madawaska-la-Vallée	Hon. Percy Mockler	PC
Madawaska-les-Lacs	Hon. Jeannot Volpé	PC
Miramichi Bay	Carmel Robichaud	L
Miramichi-Bay du Vin	Michael Malley	PC



Members of the Legislative Assembly

<i>Constituency</i>	<i>Member</i>	<i>Party</i>
Miramichi Centre	John Foran	L
Moncton Crescent	John Betts	PC
Moncton East	Hon. Bernard Lord	PC
Moncton North	Michael Murphy	L
Moncton South	Hon. Joan MacAlpine	PC
Nepisiguit	Frank Branch	L
New Maryland	Hon. Keith Ashfield	PC
Nigadoo-Chaleur	Roland Haché	L
Oromocto-Gagetown	Jody Carr	PC
Petitcodiac	Wally Stiles	PC
Restigouche West	Burt Paulin	L
Riverview	Hon. Bruce Fitch	PC
Rogersville-Kouchibouguac	Hon. Rose-May Poirier	PC
Saint John Champlain	Roly MacIntyre	L
Saint John-Fundy	Stuart Jamieson	L
Saint John Harbour	Elizabeth Weir	NDP
Saint John-Kings	Hon. Margaret-Ann Blaney	PC
Saint John Lancaster	Abel LeBlanc	L
Saint John Portland	Trevor Holder	PC
Shediac-Cap-Pelé	Victor Boudreau	L
Southwest Miramichi	Rick Brewer	L
Tantramar	Hon. Peter Mesheau	PC
Tracadie-Sheila	Hon. Elvy Robichaud	PC
Victoria-Tobique	Dr. Larry Kennedy	L
Western Charlotte	Hon. Tony Huntjens	PC
Woodstock	Hon. David Alward	PC
York	Scott Targett	L

Petitions

Recently, an old petition was discovered at the Legislature. Dusty, but in otherwise good condition, the cover reads:

*303 Petition to Governor-in-Council
re Prohibition of Liquor Traffic*

Signed by 9369 residents of New Brunswick

The petition is dated 20/3/02, and an article from the New Brunswick Reporter of March 26, 1902, sheds some light on the old relic:

On Saturday a delegation of temperance workers met a committee of the government in St. John, and presented a petition of some 9,000 names, requesting the government to enact a prohibitory law. The delegation made a strong appeal to the members of the Executive present in favor of such legislation, pointing out that recent decisions of the highest authority had made it unquestionably within the jurisdiction of local legislatures to deal with this subject. It is understood that Premier Tweedie would give no indication of the course the government was likely to pursue, but promised the delegation to give their request the fullest consideration, and that a written answer would be sent to the secretary of the committee.

The papers supporting the government give very scant attention to the matter, and it is very doubtful if the government have any intention of doing anything to strengthen the hands of the temperance people. Some excuse along the line of waiting to see how Ontario and Manitoba succeed in their attempted legislation on the subject, will doubtless be made. The temperance question is one that is being played fast and loose with by the politicians these days, and as many temperance voters have shown so little independence where party interests have been concerned, it will probably be some time before there is much real advance in the work.

A petition is a formal written request from one or more people to the Sovereign, the government, or to the Legislature. The right of the subject to petition the Monarch for redress of personal grievances existed before the reign of Edward I in the 13th century. Under Edward I petitions began to be addressed to the Crown. At that time, Parliament had not yet assumed its present form and there was no clear distinction between its judicial and

its legislative functions. As Parliament evolved into a purely legislative body, the nature of petitions addressed to it evolved as they came to concern themselves more with matters of national interest and less with personal matters.

Although it is the inherent right of every person to petition the Legislature, it is the latter's privilege to determine under what conditions it is willing to receive a petition. Every petition must reach the Assembly through one of its Members. According to the Standing Rules of the Legislative Assembly, Members may present petitions during the Daily Routine Business of the House when the Speaker calls for "Presentation of Petitions." The Rules which govern the presentation are strict. Members are not permitted to read the petition in its entirety, to comment on the merits, or to enter into debate or argument. They may make a brief statement naming the parties from whom it comes, the number of signatures attached to it, and the material allegations it contains.

Petitions must refer to matters within the legislative competence of the House. A Member who presents a petition is answerable that it does not contain impertinent or improper matter. The Standing Rules state "the signature of a Member desiring to present a petition shall be endorsed thereon". The endorsement identifies the Member as he or she is responsible for any improprieties and demonstrates that the Member consents to present the petition. In so doing, a Member does not necessarily commit himself or herself to the views contained in it. Many Members table petitions, not so much as a reflection on their position, but as a service to their constituents. It is not uncommon for Members to present, on behalf of their constituents, petitions of which they may not necessarily approve, because they feel it is their duty and responsibility to do so.

Written or printed petitions may be presented in either English or French. Photocopies are not acceptable. Under the Standing Rules, the government shall provide a written response within two weeks of the presentation of a petition.

A petition typically begins with a superscription identifying it as a petition addressed to the Legislative Assembly. This is followed by a statement identifying the petitioners, who then draw the attention of the House to a statement of grievance, generally set out in paragraph form. The final and essential part of the petition is a request, called a “prayer”, in which the petitioners specify the action they wish the House to take. Then follow the signatures and addresses of the petitioners.

The 1902 petition was presented to the Governor-in-Council. It reads:

*To His Honor the Lieutenant Governor of New Brunswick
in Council Assembled:*

WHEREAS at the Prohibition Plebiscite held some time ago, a large majority of the voters of New Brunswick cast their ballots in favor of Prohibition of the liquor traffic.

AND WHEREAS the Provincial Prohibitory Law passed by the Legislature of Manitoba has been declared legal (intra vires of the Legislature) by the highest court of appeal.

THEREFORE we the undersigned residents of the Province of New Brunswick respectfully request that the Executive Council of this Province do frame a Prohibitory Act for this Province on the same lines as the Manitoba Prohibitory Law and do introduce the same into the House of Assembly of New Brunswick at the earliest possible moment and use their utmost endeavors to have such an act made a part of the statute law of the Province.

A variety of petitions have been presented to the New Brunswick Legislature and recorded in the Journals of the House. Many of these petitions may be viewed at the Provincial Archives of New Brunswick.

Petitions are a valuable tool for researchers. The following are samples of the thousands of petitions indexed in the Journals of the Legislative Assembly over the years:

1786 Sundry inhabitants of Queens County complaining of an undue election. Elections were a common subject of petitions.

- 1787 Acadian women and men petition for and are granted land in the province.
- 1791 Jonathan Leavitt praying for an exclusive right to manufacture potash in his improved manner.
- 1792 French inhabitants of Tracaday in Northumberland County regarding fisheries.
- 1792 Inhabitants of Sunbury County petition for regulating marriage and divorce.
- 1799 Ephraim Betts on behalf of the inhabitants forming a settlement on the southwest branch of the River Miramichi regarding illegal fishing.
- 1796 Pierre Duperre complaining that he and other French Acadians were prevented from giving their votes in the last election.
- 1795 Luke Hammond of Parish of Sussex, Kings County, requesting assistance in the manufacturing of salt.
- 1802 Sylvanus Brown, Abraham Brown, and others praying for a school in Queensbury Parish.
- 1803 Andrew Crookshank praying to be reimbursed for drawback on rum.
- 1803 Sundry inhabitants of the Parish of Saint Mary praying that they not be compelled to go so far to labour on the public highways as they now do under the present road law.
- 1805 Thomas McNelley concerning the employment of his son as messenger of the House.
- 1808 Phebe McMonagle of Westmorland requesting assistance after her husband, a Member of the Legislature, drowned while making his way to Fredericton, leaving her with four small girls.
- 1810 Moses Gerrish of the Island of Grand Manan praying for an act for the preservation of moose.
- 1810 Elizabeth Tilton, widow of Clayton Tilton, who was killed by deserters from His Majesty's 101st Regiment whom he was apprehending, and praying for financial support.
- 1814 Inhabitants of Fredericton against the bill to establish a public market.

- 1816 Walter Bates, Sheriff of Kings County, praying remuneration of expenses in securing Henry Moore Smith as a prisoner.
- 1816 Sundry freeholders of Northumberland County praying for an increase in the number of members to the Legislature.
- 1800s Numerous petitions for a pension for widows of “old soldiers of the Revolutionary War” – men who had served the British in the American War of Independence.
- 1800s After teaching a term, both women and men teachers commonly petitioned the Legislature for their pay.
- 1800s and early 1900s: Many petitions lobbied for prohibition.
- 1867 Robert Young of Gloucester, signed by Fabien Aché, requesting that the debates of the Assembly be published in French.
- 1880s Town and city councils and small groups of women praying that an Act be passed to allow unmarried women to vote in municipal elections. There were also petitions from the Women’s Christian Temperance Union for women’s suffrage (the right to vote) and from women and men in several counties demanding the extension of the franchise to women.

There are literally thousands of petitions noted in the Journal indices.

There has been an increase in the number of petitions to the Legislature in recent years. This shows that the ancient practice does still have value to petitioners. It can be used as a means to mobilize opinion, and to create publicity locally, or indeed nationally, for an issue. Members can use it as a way of informing the government about an issue on which their constituents hold strong views, and thus it remains a valuable tool whereby Members can hold the executive to account.

Note: Much has been written about the history of prohibition in the province. For those who might be interested in obtaining additional information, material is available in the Legislative Library and at the Provincial Archives of New Brunswick.