

LEGISLATIVE COUNCIL.

(From Mr. Blatch's Reports.)
MONDAY, March 30, 1846.

APPROPRIATIONS.

In Committee of the whole on Resolutions of Appropriation.—Hon. Mr. Saunders in the Chair.—Read the following:

"To Thomas Pickard, Esq. the sum of £300 to encourage him in the running of the Steamer 'Reindeer' on the Saint John River from Fredericton to Tobique."—The hon. Mr. STONE said, that this boat was built expressly for the River above Fredericton; she was launched last season, though too late to put her regularly on that route, and therefore she ran between Fredericton and St. John to try her qualities. Her machinery being found to work well, she was once up to the Tobique late in the season, and again up to the Grand Falls. It was impossible, however, for any boat to run safely to the Grand Falls, until the navigation of the River was improved, on account of the many dangers from rocks; but it was intended to run the Reindeer to Tobique this season as often as practicable from the height of the water. This was the first satisfactory experiment that had been made, with regard to that navigation; and therefore it deserved encouragement.

Hon. Mr. JOHNSTON said, the Province was in some measure pledged to support a project of this kind; because there was a grant made in 1835, of the sum of £300, payable to such persons as would run a steamer from Fredericton to Woodstock. An attempt was made by Mr. White to establish the line; but his boat was found to be too small and unsuitable, and the project was abandoned. Since then nothing more had been done till now, and the grant of £300, was still on appropriation. This boat was now built by Mr. Pickard expressly for the purpose; and as she was intended to run to Tobique, which was much farther than Woodstock, the limit originally intended, she would be fairly entitled to the bounty.

The Resolution was agreed to, *nem con.*
The following Resolution was read:—
"To the New Brunswick and Nova Scotia Land Company the sum of £400 for the roads through the settlement on the Company's lands, in aid of the appropriation made by the Company for that object; out of which £30 to be expended on the road leading to Campbelltown on the old road leading to Boiestown."

Hon. Capt. OWEN thought this was an improper grant.—The County of York had its full share of Bye-road money, in addition to their proportionate share. Why did not the members for the County of York appropriate part of their bye-road money to this line of Road?

Hon. Mr. STONE said, that this was a special grant to the Land Company, towards the Roads on their settlement in aid of expenditures made by them. But as the Grant now stood, he should oppose it; because wherever public money was to be expended, the Executive had a right to appoint Commissioners to see to its proper expenditure. He had it from good authority, that the money had not yet been expended under the superintendence of the Company's officers, on the road from Campbelltown to the Nashwalk, was very injudiciously and extravagantly expended: the Agent of the Company was his own Road Commissioner, and the money thus expended by him would be a much better road, if properly laid out. There ought, therefore, to be a proper Government Supervisor, to see to the laying out of the money on these roads; and as the resolution was now framed, he (Hon. Mr. S.) would go against it.

Hon. Capt. OWEN replied, that he objected to the expenditure of any additional sum of money of the Province on these roads, which were really bye-roads of the County of York, after the county had already had its due share of bye-road money allotted to it.

Hon. Mr. STONE replied, that if the Members of the Council were to suppose that the money of the bye-road money was to be expended on the Stanley settlement, no doubt they would have obtained a much larger appropriation of bye-road money for their county; but Stanley was not considered in that appropriation at all; this was a special grant made to the Company, but the Executive must be authorised to appoint proper Commissioners to lay it out, before he could consent to the grant.

Hon. Mr. JOHNSTON supposed the reason why the Resolution was so worded, was, that it was to meet a certain grant of money for the same purpose by the Company; so that the whole might be expended by the Company on the same roads. Therefore, although it was rather unusual, he would not go against it, as it was to be mixed up in the expenditure with the Company's money. He had heard complaints, that no part of the Bye-road money for the County was spent on the Company's land, and he thought it was a hardship that part of it should not be so spent. But he would not consider this as an extra bye-road grant; it was a special grant for a particular purpose; and it must be remembered, that such special grants in addition to the bye-road money, had been made to many other counties this Session. He thought, therefore it was as well to let this grant pass; because, if it were thrown out now, probably it would not come up again in another shape.

Hon. Mr. CHANDLER was disposed to go with it; because there could be no control at all over the expenditure of the money; it would be a mere bonus to the Company; and he thought it very objectionable.

Hon. Mr. HATCH opposed it for the same reasons.
The Resolution was negatived.

THURSDAY, March 31, 1846.

INSOLVENTS.

The House went into Committee of the whole, on the Bill further to amend an Act to afford relief to persons unfortunate in business.—Hon. Mr. Stone in the Chair.

This Bill met with no favor in the Committee, inasmuch as it appeared to be an attempt to patch up and continue the operation of an Act, absurd and mischievous in itself, and such as ought never to have passed the Legislature.—Their Honors, therefore evinced a general desire to get rid of the existing act altogether; rather than to piece and perpetuate it as proposed by this Bill.

Hon. Messrs. Chandler, Hatch, Attorney General and Solicitor General, severally opposed the Bill, and detailed the evils and difficulties arising from its operation; pointing out its continual tendency to encourage fraud in debtors and deprive creditors of their just rights; dwelling also on the inconvenience of having no less than four different laws on the Statute Book with regard to Bankrupts and Insolvents; and on difficulties that had been experienced in carrying into operation the Act in question.

Hon. Mr. BORSFORD expressed a desire rather to amend the Act, than to repeal it; and intimated his surprise that the Legislature should have passed an Act, so imperfect and injurious as had been alleged, and that the legal Members of this House should have assented to it.

Hon. Messrs. KIRK and CHANDLER, in reply, stated that the legal Members of this House did not assent to the passing of the Act; and that whatever might have been the ideas of other Members of the Legislature as to its probable operation, they now had the benefit of experience; and the experience showed that the Act was mischievous and objectionable, and ought to be repealed.—There was also a most respectfully signed petition on the subject before the House, from residents of Fredericton; which corroborated the sentiments already expressed, with regard to the Act in question, which had proved indeed to be a mere medium of fraud and dishonesty.

Hon. Mr. CHANDLER then moved some amendments to the Bill, the effect of which was, to exonerate the whole bill, and substitute in lieu thereof a provision for repealing the Act, of which it was intended to be an amendment; providing, however, that cases in which the Master of the Rolls might have made his order for proceeding, prior to the repeal of the Act, should be proceeded with notwithstanding.

The amendments being seconded, were agreed to without opposition or remark; and the Bill so amended, also agreed to.

THE RAILROAD.

The Bill, intitled "An Act to facilitate the making of a Railway from the City of St. John, through Fredericton and Woodstock to the Grand Falls of the River St. John, and from thence to the Boundary line of the Province of Canada by the New Brunswick Railway Company," was committed.—Hon. Mr. Stone said, that he had some doubts about this Bill; because, although an amendment had been added to the Bill for incorporating the Railway Company, to enable other lines of rail roads to join their's, yet this Bill contained no provision that such branch lines should partake of the benefits given to the main line by this Bill. There were grants of land and timber to this particular line of railroad; and there was also the sum of £7,500 per annum for a number of years to be bestowed on it; and as that money would come from every part of the Province, he thought it should be put on the same footing, and that these public donations should not be confined to one particular line of railroad, but should be equally given to all.—He heartily concurred with the other Bill, and felt much indebted to other hon. Members for having agreed to add to it the amendment to which he had alluded; but he also wished to see a corresponding amendment added to this Bill.

Hon. Mr. STONE thought the proposition entirely premature: when other branches or line of railroad should be actually projected, and the parties concerned should forward a bill to the Legislature for incorporation and encouragement, no doubt equal liberality would be shown to them as to this Company; but till then, there was no need of taking up the question as to encouraging other lines of railroad than the one now actually projected. An amendment had already been made to the incorporating Bill, meant to give other lines the privilege of joining the main one at any point; and when they were set on foot would be time enough to ask for Legislative encouragement.

Hon. Mr. HATCH replied, that he perfectly agreed with Hon. Mr. Stone as to other lines, not yet projected, or for the N. B. Company's Railway. But he could not see the necessity for making such an amendment to this Bill, though he entirely entered into the feeling and views of the hon. Member opposite, (Hon. Mr. Hatch,) with regard to the interests of the County of Charlotte.

Hon. Mr. CHANDLER said, that his objection was not answered, yet. There was no provision in this act, authorising grants of lands, or timber, to other lines of railroad than the main line; and he wanted some enactment to extend such privileges to all equally. Therefore, there could be no propriety in adding some amendment to this Bill, if they did not touch the money part of it.

Hon. Mr. CHANDLER briefly replied, urging the impropriety of interfering with this Bill; and after a few more words from hon. Messrs. Hatch and Owen.

Hon. Mr. MRSCHIN expressed his disapprobation of the non-benefit of this Bill, as he considered it improper to make such large grants of public money to any private company; but he concurred with the other parts of the Bill.

The Bill was then read section by section, and agreed to without further opposition.

THE S. W. MIRAMICHI BRIDGE.

The House went into Committee of the whole on appropriations, under the following Resolution being read:—
"To His Excellency the Lieutenant Governor, or administrator of the Government for the time being, the sum of £200 towards the erection of a bridge across the Southwest branch of the Miramichi River, on the Grand Road from Fredericton to Newcastle; £400 of which to be paid this year, and the remainder to be paid the year following."

Hon. Mr. BORSFORD strongly urged the propriety of proceeding with caution, not only with regard to this bridge, but as to bridges generally, in future. Very unfavorable accounts had already been received, from various parts of the country, of the destruction of bridges this season. The Aroostook bridge, which was scarcely finished rebuilding before it was taken off the hands of the Contractor, had now been entirely carried away a second time. There ought to be more care taken, to have ascertained whether it was likely to stand, before it was taken off the Contractor's hands; and it was high time that proper steps should be taken, in all cases of building bridges, to ascertain with certainty the best sites, and the probable expenses, before granting money for bridges.—Their Honors were not perhaps aware, of what an immense proportion of the appropriations for roads and bridges was annually expended on bridges only; and he believed that this year almost every bridge hence up to the Canada line had been carried away. No account had been taken, to have ascertained whether such casualties should be calculated on, in erecting bridges, and provided against accordingly. £2500 had been expended on two building the Aroostook Bridge; the last bridge cost £1200, and it was barely finished before it was carried away; so that the money was entirely thrown away. If a bridge would not stand on such a site, there should be none built there; it would be better to have only a ferry.—With regard to this bridge over the Southwest Miramichi, it was important that the site should be established, and a proper specification and estimate prepared, before granting money for it; and therefore, he was not disposed to throw out the resolution altogether; he wished to have further time for consideration before deciding on it.—Certainly, bridges should be built calculated to stand more than one year; he feared information would arrive, before the close of the Session, of the loss of many other bridges this Season; and therefore he wished to defer this question for the present, by reporting progress &c.

Hon. Mr. ATTORNEY GENERAL expressed similar sentiments, and also observed, that bridges were substitutes for ferries; and as ferries were always maintained by tolls, there was no reason why bridges should be built and maintained entirely at public expense, when that expense should be partly defrayed by establishing tolls. By granting to private parties the right to build bridges and take reasonable tolls for using them, there could be no doubt that much more substantial and enduring bridges would be erected, and the public funds would be relieved of the expense. Bridges would then be built of stone instead of perishable materials.

Hon. Mr. JOHNSTON reminded the committee, that when this grant was considered on a former day, it was objected to, partly because the sum of £400 only was granted "towards" building a bridge, which it was acknowledged would cost much more, and also because no plan or estimate was laid before the House, and not even the site had been determined on. The sum was now enlarged to £200, but the wording of this resolution was precisely the same as the other; the grant was still "towards" the erection of a bridge, which clearly implied that that sum was not intended as the whole expense. The resolution was still objectionable on that ground; but there were also such alarming accounts lately received of numerous and serious losses of bridges, and so much reason to dread the announcement of many

more; that although he was in favour of building this bridge, yet he wished the resolution to stand over for a day or two, till further information might be had.

Hon. Mr. STONE, after particularly various instances of bridges, which had been improperly constructed, and afterwards swept away, and expressing his opinion, that the system of building bridges hitherto pursued in this Province had been the cause of most of those casualties; strenuously contended for the expediency and necessity for building this bridge; and stated his conviction, that experience would teach the propriety of building it in a more substantial manner than others had been built.

Hon. Mr. HATCH also strongly supported the resolution. After some further observations by hon. Messrs. Borsford and Attorney General.

His honor the PRESIDENT, briefly expressed his cordial approval of the grant, and his conviction that that Executive would take proper steps to have the bridge properly constructed.

The Committee then agreed to report progress, &c., on the Resolution.

HOUSE OF ASSEMBLY.

(Continued From the last Loyalist.)

THURSDAY, March 26.

Mr. WILLIOT said it was with much reluctance, and under a feeling of embarrassment, that he rose to speak upon the present occasion; but before the question was taken he would make a few remarks. As far as personal feelings went in this matter, he could have no choice; but an important principle was involved in this question, and must now be disposed of one way or the other. He would not give way to any man, as far as the abstract principle of generosity went, in proportion to the means which God had given him; and he would not willingly, and cheerfully grant to Judge Botsford a retired allowance were it not establishing a precedent dangerous in itself, and one which he feared, if once established, the Province would never get rid of. He would now declare himself, as decidedly opposed to the principle of retired allowances. His Honor the Speaker had stated that this subject came before the House in the shape of a command from Her Majesty; and the hon. and learned member from Gloucester (Mr. End) had spoken of this, as being a peculiar case of Judge Botsford; but he (Mr. W.) could not look upon the matter in that light; it would be establishing the principle beyond a doubt. He (Mr. W.) could not regard that learned Judge with any other than almost parental feelings; in his (Mr. W.) first essays before the Bar of this Province he had ever been treated by him as a Father; ever courteous, ever kind, he was on the Bench all that could be wished; and of the Bench all that the Noblemen, or the People might desire. But notwithstanding all this it should not be forgotten that Judge Botsford had long been in the receipt of about £2000 a year; which was more than any Lawyer in this Province, however brilliant his legal acquirements might be, could upon an average, realize. It would be to be borne in mind that the Lawyer, the Merchant, the Mechanic, and all other classes, in the Province, were subject to the changes of the times; the Merchant might fail, money might become scarce, and all other classes of the community might almost be starved out; yet during all this time the salary of the Judges was secure. He would ask any hon. member on the floor of that House if they did not consider Judge Botsford well paid for all his services; he (Mr. W.) thought he was, and he had no doubt if the question was put to the Judge, he would say so himself. There was also another point to be taken into consideration; his honor had for many years been in the enjoyment of a large patrimony, and in consequence of his Salary, he had no doubt accumulated a handsome property; quite enough, he would suppose, to keep him comfortably during the remainder of his life. He (Mr. W.) could not divest himself of the idea, that by granting this allowance they would be establishing a precedent for future generations. He however would be perfectly willing to accede to the proposition of his hon. Colleague (Mr. Fisher) that if those large salaries officers would pay a yearly sum into the Civil List fund, he would have no objection to allowing a part to be taken therefrom for purposes of this kind. The great difficulty however would be, to get a fair start; if those officers were all to be filled up *de novo* there would then be no difficulty. With these views he regretted to say, that he should feel it his duty to oppose the resolution. His honor the Speaker had, during his remarks on this subject said that this fund was under a sort of tight hand control of the Home Government; this he (Mr. W.) denied was the case. When the subject of the hon. Thomas Baillie's retired allowance came up, the then Colonial Minister had positively stated, that no money could be taken out of this fund without the consent of the Legislature; and if any monies had since been taken out of it they had been abstracted wrongfully. With these remarks he should now conclude; he regretted as he said before, that he could not do it, otherwise he should have been glad to have tendered this mark of respect to Judge Botsford.

The question was then taken on Mr. Hanington's amendment which was carried by a majority of 2, the division being 13—15.

FRIDAY, March 27.

The House in Committee of the whole in Supply.
Mr. WILLIOT moved a grant of £300 to Thomas Pickard, Esq., to remunerate him for placing the Steamer Reindeer on the route between Fredericton and Woodstock.

Mr. BORSFORD said this in effect was picking up an inducement held out in the year '35, and applying it to the present undertaking, which after all could never attain the object which had been proposed. It was only on particular occasions that an attempt could be made to reach Woodstock by Steam; for not only must the water be found at a certain pitch, but the river must be clear of timber, circumstances which seldom took place at the same time.

Mr. HILL observed that if such speculations as that of building Steamboats did not pay the proprietors, it was absolutely wrong to encourage them by Legislative enactments. Mr. WILLIOT supported the Grant.—The proprietor of the Boat had, he said, displayed much public spirit in the undertaking, and considered as an effort of Genius, the Engineer (Mr. Tibbets) was entitled to the highest praise, in the construction of the machinery. The Boat had not only accomplished all that was expected, but much more, as she had gone twice to the Tobique and once to the Grand Falls.

Mr. PATELLO supported the Grant.—Encouragement had been given to persons in St. John for running Steamers to Boston; and besides, the House stood pledged to this Grant since the year 1835.

Mr. FISHER felt disposed to excuse the learned member (Mr. Hill) for he was convinced that individual did not know the importance of the subject which was in effect under consideration. It was a subject of no common interest; for an immense trade must be carried on in those upper districts from some quarter, and if not supported here, there was no doubt that it would be in Canada. He (Mr. F.) had received information while in Canada last year which left no doubt on his mind on that subject.—He had been informed by a person engaged in conveying goods through that part of the Country, that the facilities were much greater on the route from Quebec, than on that from St. John; and people would of course choose the cheapest conveyance. Such was the immense trade carried on in the upper districts of the Country, that the Americans had last year realized from the passage alone, an amount of 100,000 dollars; and was it to be supposed that a further effort would not be made to divert all the trade from the River St. John? It was only by efforts such as that made by the proprietor of the Reindeer, and by giving such efforts all due encouragement, that

the Trade could be supported in its legitimate course, and the only regretted that in the distribution of the present Session, this great subject

Mr. HILL contended that if the speculation would not make it so; and he thought a grant of money would be an inducement to a great many speculators to build boats on the River St. John. He would as an instance of a boat on the River St. John, which he thought was a good one, as had as ever.

Mr. J. EASTON begged leave to get the hon. member's attention directed to the fact, that the Steamer Reindeer, which had been built for the purpose of carrying out the lumber from the River St. John, had never been used.

The learned member then stated that the Steamer Reindeer, which had been built for the purpose of carrying out the lumber from the River St. John, had never been used.

Mr. PATELLO supported the Grant.—The Boat was a new one, and it was not to be expected that it would be used for the purpose of carrying out the lumber from the River St. John, which he thought was a good one, as had as ever.

Mr. FISHER supported it, as was no new thing, and it was not to be expected that it would be used for the purpose of carrying out the lumber from the River St. John, which he thought was a good one, as had as ever.

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