

Provincial Parliament.

LEGISLATIVE COUNCIL.

FRIDAY, March 11, 1853.

The Council passed a Bill to increase the Capital stock of St. Stephens Bank in the County of Charlotte, to £25,000.

A Bill to extend the Charter of the President, Directors & Co. of the Commercial Bank of New Brunswick to August 16th, 1857, was next committed. (Hon. Mr. Botsford in the chair).—A lengthy discussion took place on this Bill. Hon. Solicitor General thought if the Bill passed without a suspending clause, it would be placing the Governor in an embarrassing position, as there was a despatch from the Colonial Minister in 1837 having reference to Banking Institutions in this Province—advising that no Bank issue notes under £1 currency. If he, (Hon. Solicitor General) should be called upon by the Lieut. Governor to give his opinion in the matter, as one of the Crown Officers, he could not advise his Excellency to sanction the Bill in its present shape, especially as it would be in direct opposition to the Despatch which he then held in his hand, unless, in the mean time, it was ascertained that there were subsequent despatches conceding to this country the right to legislate in such matters as they thought best.

Hon. Col. Hatch was in the habit of having frequent intercourse with Banks, and found none more willing to accommodate than the Commercial Bank, and felt disposed to give them every facility for the purpose of carrying on their Banking affairs, and did not think the Home Government had any right to interfere in their local matters, and considered the Local Legislature had a perfect right to say what kind of Notes the Banks in the Province should issue, whether five shilling notes or pound notes, or any other.

Hon. Mr. Hill would ask if there were not subsequent despatches conceding the right to the Colonies, to legislate in all local matters as they thought best; if such was the case he did not think there could be any objections to passing the Bill, unless the Home Government views the measure as partly Colonial and partly Imperial. If this view was taken of it, they then might find it necessary to interfere; if such view was not taken by the Imperial Government, and then they interfered with it, it would be an assumptive power without a right.

Hon. Mr. Hazen did not see any reasonable objections why the Bill should not pass, and did not see what right the Home Government had to interfere with the local affairs of the Colony; he for one did not feel disposed to submit to it, and thought it high time that proper remonstrances were sent home from the Government and Legislature deprecating such interference. He was surprised that the Hon. Solicitor General would refer to a Despatch written in 1837, and bring it up as an objection, just as if the Colonial Secretary could tell, fifteen years ago, what would be best for New Brunswick in 1853; he could see no good reason why the Commercial Bank should not be allowed to issue five shilling notes as well as any other Bank; he considered some measures should be adopted to ascertain what Despatches were in force in this Province, and what were not.

Hon. Mr. Connell was glad to hear the hon. member who had just sat down, express himself so firmly as to the interference of the Colonial Minister in matters of a local nature affecting the Colony; and as he was a Member of the Government, thought that he (the Hon. Mr. Hazen) ought to bring forward some measure to try and put a stop to it.

Hon. Mr. Brown said, he recollected very well why the Commercial Bank was established by Royal Charter; when in the Lower branch of the Legislature, an application was made to establish the Bank in the usual way, but the application was rejected; afterward the applicants applied to the Imperial authorities, and gained permission to establish the Bank by Royal Charter.

Hon. Mr. Chandler explained very clearly, why the application for the purpose of establishing the Bank was rejected in the Legislature; it was thought at the time by a majority

in the House of Assembly, that no more Banks were required in St. John—the same opinions prevailed when the Bank of British N. America was first established, and he thought that subsequent circumstances went to prove that perhaps it would have been just as well if those Banks had not been instituted quite so soon; however, he did not see any very great objections to the present Bill. (The Bill passed by striking out the 2d section. House adjourned.)

Hon. Mr. Connell from the Committee appointed to wait upon his Excellency, relative to the state of King's College, and the expenses incurred in erecting Government House, and also the expenses incurred from that time to the present, begs to report that they have attended to that duty, and that his Excellency was pleased to say that he would direct so much of the information as it may be practicable to produce, and so far as it can be obtained to be laid before the Legislature.

MONDAY, March 14.

A Bill to revive and continue an Act to incorporate the Tobique Boom Company (passed).

Progress was made in a Bill to repeal the law relative to Counties, Towns and Parishes, as far as the same relates to the County of Victoria.

Hon. Mr. Connell thought it would be the best plan to suspend the law for a year or two, rather than repeal it as far as relates to Victoria; there was a prospect of Municipal Institutions being introduced into that County, and if those persons who were anxious to have such institutions, succeeded, the present law would be unnecessary; if they did not succeed, by suspending the present law for a short time, they would perhaps be better able to understand what would be best for the interest of the County, although a petition had been introduced into the other branch of the Legislature, numerously signed, asking for its repeal. He did not think it advisable to do so at present, but wait and see whether Municipal Corporations would be accepted or not; he would inform their honors that a petition was before them from many respectable and influential inhabitants of Victoria, praying that the law may not be repealed, therefore he would vote for reporting progress, but would rather go for its postponement, and suspend the law for a short time.

Hon. Col. Minchin would have no objections to reporting progress, but would certainly object to postponing the Bill, as there was a Petition signed by upwards of 1,100 persons, inhabitants of Victoria, praying that the law may be repealed.

Hon. Mr. Harrison would not like to see the old law repealed, as it would deprive the Magistrates from making certain By-laws for regulating the local affairs of the County, such as having a uniform system of breaking winter roads and other things that was really necessary they should have the power to do.

Hon. Mr. Brown was well acquainted in the County of Victoria; their honors should take into consideration that the chief part of the inhabitants in that part of the County from the Grand Falls upwards, were French people, and that they were in the habit of driving one-horse teams, which were very destructive to winter roads. He would not like to repeal the present law, as it would deprive the Magistrates of the power of making By-laws for the government of this local affair; he thought some uniform system should be adopted, and that all great roads should be kept open by double teams and sleds of a proper width, particularly roads on which the mails were taken; he would be sorry to deprive the Magistrates of Victoria of the same powers and privileges that were given to Magistrates in other counties. (Progress reported.)

TUESDAY, March 15th.

Hon. Mr. Chandler said a question had been put to him yesterday by an Hon. Member, opposite as to what course the Government intended to pursue, relative to Mining Leases—he would inform their Honors that the Government scarcely knew what course to adopt—he thought the decision of the Supreme Court goes to prevent any man from entering on the land of another, without his consent; if he does so he is a trespasser to all intents and

purposes, and he could not see how any collision would be likely to take place. He thought the evil that existed would cure itself in a short time—parties would find it to their mutual advantage to come to some understanding, as a licence would be of no use to a man, unless he had the consent of the owner of the soil to operate, and neither could the owner of land work mines to advantage, were the Government had granted licences to another party, so that some amicable understanding would have to take place by the parties themselves. The Government did not intend to introduce any measure on the subject this season, even as suggested by one Honorable Member, if the Government, gave all the mines and minerals, to the owners of the land, what was to be done with those who had licences—one required protection as well as another. Take any view of the case there was a difficulty not easily to be got over.

Hon. Mr. Harrison observed that those persons in Queen's County had been working the mines more or less for the last 60 years. He would like to be informed whether the rights of the Crown were not limited as well as that of the subject. He thought such should be the case; if Mr. McMann and others, at the Grand Lake, found that they could not get any relief from the Government or Legislature they will go on and work the mines, and defend their operations as they best could. He thought it was the duty of the Government to introduce some measure at once for the purpose of having the question arranged.

Hon. Mr. Chandler would inform their Honors that if the Government introduced a measure at all it would have to be a general one, they could not interfere with the lessee any more than with the owners of the soil, in a Court of Law one of the best claims that could be set up was the fact that a man had been in possession of his land sixty years.

Hon. Mr. Steves thought the course pursued by the Legislature last year would have a tendency to embarrass the subject, rather than to lessen it. He thought however, the people of Queen's County had no reason to complain, as no act of Legislation would give them a stronger claim than 60 years possession.

Hon. Mr. Harrison said that if sixty years possession gave parties legal claims, the Government ought not to have granted Licences to another party. His opinion was that the Government ought to introduce a measure and give to those parties complaining at the Grand Lake, the right to all the surface coal subject to the same restrictions as the Lessees, and then make Mr. Berton good for costs incurred by him.

Hon. Mr. Gilbert would ask if there was no remedy for those who had been litigating for the purpose of protecting their rights. Last year it was said that the Government would introduce some measure this session to settle the difficulty. Now the Government refuse to do so and refer the matter to the Legislature. He did hope the Government would turn their attention to the matter and have it satisfactorily settled, if they wanted to prevent a civil war they would do so, for nothing had a greater tendency to alienate the minds of the people more than improper treatment from the Government.

Hon. Mr. Saunders understood that in all the Grants that had been issued by the Government of late, the right of mines and minerals had also been given to the Grantee's. He was glad to hear that such was the case, but thought they ought to go still further, and place old settlers and those who had made the Country what it was by bearing the burden and heat of the day upon the same footing as new settlers. In looking over the Gazette he found the Government was still granting licenses for Mining Purposes. He thought such a course wrong, and ought not to be continued, and considered it highly injudicious to grant Mining leases on granted land without the consent of the owners of the soil, and thought in every case the owners of the soil should have the prior right to work such mines. He thought the owners of the soil should have every advantage it afforded—such as Coal, Tin, and everything else, unless it was gold and silver, which might be considered as belonging to Royalty—he would except nothing else.

Hon. Mr. Chandler would inform the House that the Government had not granted any Mining Leases on granted lands since the difficulties had arisen referred to without the consent of the owners of the land. He did not anticipate anything like a Civil War or any collision as spoken of by the Hon. Mr. Gilbert, unless the people of the Grand Lake came out to attack the Government—headed by the Honorable Gentleman, for he would assure that Hon. Gentleman that the Government would not go to attack them. He considered it impossible for the Government to legislate in the matter, unless upon general principles. As to what had been said by one Hon. Gentleman that the Government ought to bring in a Bill and settle the matter, and give the owners all the Coal and Minerals five feet from the surface, that might do for the people at the Grand Lake, but it would not do for Albert, and other places, where they had dug 300 feet. As to the Government introducing a Bill, why does not that Hon. Gentleman introduce one himself, (the Hon. Mr. Harrison,) it was as much his duty to do so as it was that of the Government, and he had just as much time for that purpose; if he will turn his attention to it and bring in a proper Bill, he will find the Members of the Government ready and willing to aid him in carrying it through; even if the Government should grant Mining Leases, the owners of the soil had every advantage. Private sales could not take place, and if others rather than the owners of the soil should happen to out-bid them, the owners could say although you have got a licence I will not allow you to enter my land, and those holding the licence could not do so, without being considered trespassers. He would say it was not the intention of the Government to introduce any measure this session. Here the debate closed.

The Council went into Committee on the Hon. Mr. Hill's Bill, entitled an "Act additional, relating to Banks and Banking."

Hon. Mr. Hill did not think it necessary to make a long speech, as the Bill was to give effect to a law already in existence.

Hon. Col. Hatch thought the form of returns already in existence went quite far enough—it was incumbent that returns be made twice a year, under oath. He considered if the Bill passed it would have a tendency to produce suspicion. He thought the principles of the Banks were well protected, as the Government had the power to appoint persons to examine them and see that they were properly conducted, as to having the names of persons who had business with the Banks exposed to the public, it would have a very injurious effect. He did not think any further law was necessary as all the Banks in the Province were in a healthy state and as there was not one instance of a Banks ever failing in the Province, it was strong evidence that the system was good.

Hon. Mr. Hill thought there was nothing to fear by having ample returns. He had prepared an other Bill for authorizing the Government to appoint Commissioners to examine the Banks in order to have full reports made every year that the public may know what condition the Banks are in, and what they have been doing—there was nothing in the Bill to expose the names of parties, but merely what amount of paper had been issued and what amounts were on hand and all the business transactions done by them—for his own part he had no suspicion of any particular Bank, but believed that every Bank in the Province was in a healthy state, but there may be a reversion in trade and it might be otherwise with them—Banks were the creatures of creation, institute for the purpose of giving facilities to business and enable men of business to turn their property into cash sooner than they could otherwise do it.—For instance if a man has a load of deals on a wharf ready to ship for England, can go into a Bank and get the money for them and give a draft for the amount. He believed that Banks had in some instances been ready to discount for persons to go into whose sole dependance for carrying on a business depended on the accommodation they received, thereby injuring the Banks and persons they were anxious to accommodate—under the present system the Stockholders in some instances were too apt to help the