

[From Mr. Taylor's Reports.]

**Provincial Parliament.****LEGISLATIVE COUNCIL.**

MONDAY, March 28.

Hon. Mr. Harrison said there was a Bill introduced by him, which stood for a third reading, relating to assessments for the support of Parish Schools, he hoped as it was not customary to reject a Bill at its third reading this would be allowed to pass. One of the principles of the British Constitution was that the people could not be taxed without their consent. He believed that there were Parishes that contained a majority of rate-payers, who were not entitled to vote at the General Elections; such being the case, he thought it wrong to give rate-payers such power as given by the Bill that passed last year; to remedy the evil in a measure he had introduced the present Bill and would like to have it go down to the House of Assembly, and if they thought it an infringement upon their rights, they could deal with it as they thought proper.

Hon. Mr. Wark.—When the Bill was first under discussion, he did not express his views on the subject on account of what had fallen from the hon. Solicitor General, that such Bills could not Constitutionally originate with the Council, as it went to tax the people, the originating of such Bills belonged exclusively to the House of Assembly. If it was allowed to stand over for a day or two and then came up for discussion, he would be prepared to give his views on the subject.

Hon. Mr. Chandler was not present when the Bill was discussed, but supposed the reason why it was stayed at the third reading, was because it was thought by some hon. members that such measures should not originate with this House, but with the House of Assembly only. He was not prepared to give a decided opinion at present, but if the third reading was postponed until to-morrow morning, he would then be prepared on the subject.

To stand over.

Progress was made in a Bill to amend an Act to incorporate the Shediac Grind Stone & Manufacturing Mining Company.

Tuesday, March 29.

Hon. Mr. Harrison's Bill relating to Parish Schools—recommitted. The hon. gentleman said he would be one of the last persons who would wish to infringe upon the privileges of the House of Assembly; but did not think the passing of the present Bill would have that effect, as he had expressed his views fully on a former occasion, would not take up the time of their honors further at present.

Hon. Mr. Chandler thought that there could not be much diversity of opinion as to the necessity of such a Bill, but he was not quite clear but what the originality of it in the Council would be considered by the House of Assembly as an infringement upon their rights and privileges. He had no doubt but that it was open to objections; but if their honors desired to pass it, he would not object to its passing, and then the Lower Branch of the Legislature could deal with it as they thought proper.

Hon. Col. Hatch considered the Bill an important one, and would most certainly give it his support, if it had originated with the Assembly and passed that Branch of the Legislature; but having originated in this House he would have to oppose it, as he had no desire whatever of invading the privileges of the Lower House.

Hon. Mr. Hill observed that the Bill did not go to tax the people, but merely to amend a law already in existence. He did not think there would be any harm in passing it. If their honors acknowledged that it would be an infringement upon the rights of the Lower house, they might go on in this way until all the privileges of the Council were frittered away by that Branch of the Legislature.

Hon. Mr. Hazen did not think the passing of the Bill interfered with the rights of the Assembly; he thought that it went to relieve taxation rather than to impose it, and would vote for it.

Hon. Mr. Connell would go for passing the Bill. When it went down to the House of As-

sembly they could amend or reject it as they thought proper.

Hon. Mr. Brown thought that there were two things to be considered in the passing of the Bill—the first was whether such a Bill was necessary at all, and the other was whether it would not be an interference with the rights of the Assembly; he should vote against it, as he thought it unnecessary, and was entirely against its principles, as it went to effect a law already in existence that went to tax the people. Another thing, there was a great deal of ambiguity in it. The evils spoken of were only imaginary, as none as yet existed that he ever heard of.

Hon. Mr. Wark would oppose the Bill, as he thought it would have a tendency to retard education, and would vote against it on its principles. He had been for many years of opinion that the proper mode of supporting Schools was by taxation. He considered the law that passed last year, if carried into effect, was a salutary one, as it gave a premium of twenty-five per cent. to those places who carried out its principles. A great deal had been said about its bearing hard on men of property; his experience had taught him that those who were liable only to pay five shillings found more difficulty in doing so than the five-dollar men, and those who had property accordingly could pay five pounds easier than either. He would move the Bill be postponed for three months.

Hon. Mr. Steves thought the Bill under present circumstances altogether unnecessary; he did not fully agree with some of their honors, that the originating of it in the Council had a direct tendency of infringing upon the privileges of the lower branch of the Legislature, and would not oppose its passing on those grounds, but because he thought it uncalled for, as the difficulties spoken of were entirely imaginary; where evils have existed and when brought before this House, a remedy has been provided, as in the case of the Parishes of St. Stephens and St. Davids in the County of Charlotte.

Hon. Mr. Gilbert considered it a proper principle of legislation to prepare for evils, that there was fear might arise, and considered the Bill before their honors would have that tendency. He considered it unjust to place too much power in the hands of those who were mere rate-payers and had no property, by authorizing them to levy a tax upon their neighbors against their consent. Such persons would be sure to attend public meetings when called for, that purpose, and in many instances persons of property might not be able to do so from circumstances that they could not control at the time; therefore those who did attend would have everything their own way. The present Bill is not to make a law, but merely to amend one already in existence. He would be one of the last to infringe upon the rights of the House of Assembly, but did not think the passing of the Bill would have any such effect. He was as anxious to pass such salutary laws as would advance the education of the people, as any of their honors, but he wished to be consistent and do justice to all classes, the poor as well as the rich.

Hon. Mr. Odell would support the Bill if it was merely to attest whether this House had a right to pass it; but on the other hand, if the object was to amend a law that had not as yet had a fair trial, he would oppose it, as it was impossible to tell whether the law would work well or not until it went into operation by having been tried.

Hon. Mr. Botsford observed that the arguments of those who opposed the Bill were conclusive, and considered that the proper principle of supporting Schools was by taxing property. If persons of property wish to prevent being taxed, when a meeting is called for that purpose, let them attend; and then if they think the principle is a wrong one and will bear hard upon them, they will have an opportunity of opposing it. He would second and vote for the motion made to postpone the bill.

Hon. Mr. Hazen said, although he might think that the Taxation principle was the proper one for the support of schools, yet he thought the country generally was not prepared for such a measure, and that the law already passed for that purpose was far from being popular. He would support the Bill.

Hon. Mr. Harrison said that if it was the

wish of the country to have a law for direct taxation, why not bring in a Bill and make it general and imperative. He believed no Government could stand who would bring in such a measure. When meetings were called, interested persons were sure to attend those who had led an indolent and idle life, and had no property, and if they could, would impose taxes on their neighbors who had been industrious and had accumulated property. An attempt had been made in the Parish of Maugeville to put the law in force, but it was defeated. He would go as far as any one to make wholesome laws that would do equal justice to all parties, for the purpose of supporting Parish Schools, and thought it ought to be the first charge on the revenues of the country. All the people required in this country was a good English education, and ought to be satisfied with that. He would go for striking off the grants to the High Schools, and give the amount to support the Parish Schools. He hoped their honors would pass the Bill, it would show the Assembly what the Council required, if no other good was accomplished.

The motion for postponement being lost, the Bill was carried. Contents 10; non-contents 9.

The St. John City Charter Bill passed.—House adjourned.

WEDNESDAY, March 30.

Hon. Col. Hatch in the Chair, on a Bill to incorporate the St. Andrew's Gas Light Company.

Hon. Col. Hatch observed that the Bill was in his charge, and was an exact copy of the Fredericton Gas Light Company Act. Its object was to light up the town of St. Andrews with gas; it being a local measure, hoped that there would be no objections to it. (Agreed to.)

A Bill was committed to incorporate certain bodies of the Wesleyan Methodist Church in this Province. (Hon. Mr. Connell in the chair)

Hon. Mr. Chandler explained the objects contemplated by the Bill, it being to incorporate certain bodies of the Wesleyan Methodist Church in this Province. It was almost an exact copy of a Bill that had passed the Legislature of Nova-Scotia. It had been carefully examined, and thought that there could be no objections to its passing, after one or two alterations were made. He would move an amendment to the following effect:—That the Conference, as it would be incorporated by the present Bill, should not hold lands in amount to exceed the annual value of three thousand pounds.—(Reported as agreed to with the amendments.)

Thursday, March 31st.

A bill to protect the Banks on the river Saint John, in Sunbury and Queen's County—committed.

Hon. Mr. Harrison, (Chairman,) explained the objects of the bill, it being to authorize the Commissioners of Highways, to expend a part of the Statute Labor in the Parishes, of Maugeville, Sheffield, Canning, Gagetown, and Cambridge, for the purpose of protecting the Banks, and to extend the time for making their returns, in order that Stone, Brush, and other material may be provided for that purpose in the winter season; he thought progress had better be reported, for the purpose of making some amendments, as the bill was not as perfect as it ought to be.

Hon. Mr. Steves—I do not approve of the principle of giving the Commissioners of Highways the power of expending the Statute Labor on the monies arising therefrom for any other purpose than that of repairing the Highways, and do not think it just to take such labor or monies for the purpose of protecting Banks on private property.

Hon. Mr. Brown said the Highways in the locality in which the Bill intended to apply, was different from any other part of the Province—the land for farming purposes was amongst the best in the Province, and for a great road perhaps the worst, as it was of a nature that was easily washed away—and the Banks were more or less destroyed every year in consequence of which the great road on the Northern side of the river was affected by it. The objects contemplated by the Bill were good, as it went to give time to the Commis-

ioners to make their returns so that material can be hauled in the winter season from the opposite side of the river, to prevent the banks from being destroyed, and to authorize the Commissioners to have a part of the Statute Labor performed to protect the banks that are near the Highway.

Hon. Mr. O'Dell would go for the bill to have a part of the statute labor performed on the banks for their protection, but would have it defined, and would second the motion for reporting progress in order that amendments may be made.

Hon. Mr. Gilbert—The materials for repairing the Banks must be provided in the winter season, as they could not be had at a moment's notice. He would inform their honors that there were persons who lived on the Highland, but owned lands on the Intervals. One object was to compel such persons to do something toward the protection of the banks, and roads along their own property. The Bill does not ask for money, but the power to apply a part of the Statute Labor for the actual preservation of the Banks in order that the great road may not be destroyed leading from the mouth of the Nashwark to the Finger Board.

Hon. Mr. Hazen would support the bill and after the explanation given, did not think any reasonable objection could be urged against it.

Hon. Mr. Ryan thought that there was not the slightest necessity for such a measure, as the existing Laws gave the Supervisor and Commissioners of Highways all the power that was necessary for the repairing of roads and the protection of the banks near the Highways.

Hon. Mr. Saunders thought the keeping of such a great road in a proper state of repair required a great deal of consideration. He did not think the present bill would provide a sufficient remedy. This line of road was one on the great road establishment, and a great deal of labor had been expended to keep it in repair, but as yet in a great measure it had proved a failure. He considered that the Legislature and Government would be justified in expending a thousand pounds in aid of individual subscription for the purpose of placing the whole line of road from the mouth of the Nashwark to the Finger Board in a good condition by having the Banks well protected by Stone and other material as might be required.

Hon. Col. Hatch—It being a bill for local purposes, and as the parties living in those localities required it. He did not feel disposed to raise his voice against its passing, and considered it would only give the Commissioners that power which they required under the circumstances.

Hon. Mr. Botsford agreed with the Hon. Mr. Ryan that the present Laws gave the Supervisors of Highways all the power that was necessary for the repairing of roads, and laying out the money in their hands for that purpose. He did not see any use for reporting progress, as the Bill was of that kind which could not be amended in this House, and was prepared to vote upon it at once.

On motion the Chairman reported progress. A Bill to incorporate the Nackawick Boom Company.—Passed.

Friday, April 1.

After reading the Journals,

Hon. Mr. Chandler rose and said a duty devolved upon him of a painful nature, that of announcing to this House, the death of the Hon. Mr. Crane, who expired 10 minutes before 12 o'clock last night. He said that Mr. Crane had been a member of the Legislature for the last twenty five years, during which time he exhibited a mind of no ordinary kind—he had held many important positions in a public capacity, all of which he filled with credit to himself and advantage to the Country. He had on two occasions been chosen Speaker of the Assembly, and twice he had gone to England as a delegate on important business, and had once been a member of the Legislative Council, but resigned his seat in this House, and was afterwards returned at the head of the poll to represent the County of Westmorland in the General Assembly.—