

PARLIAMENTARY DEBATES.

FROM MR. TAYLOR'S REPORTS.

Monday, 19th February 1855.

Honble Mr. Ritchie, said that he held in his hand several Petitions, which arrived during his absence at St. John, but previous to the time expiring for receiving Petitions, and as he had mentioned the subject before leaving, to the House, he hoped that there would be no objection to it.

Mr. Connell thought that as other Honorable Members had to submit, by the House objecting to suspend the Rule for them, the case of J. Phillip's, particularly, in which he wished to present a Petition, he considered a hard one, still the House would not indulge him; and he could see no good reason why it should be done in this instance, unless there was a special agreement; they had better adhere to the Rule, and serve all alike.

It being pretty generally understood that there was an understanding in this case, the Petitions were allowed to come in.

Mr. Boyd moved his Resolution that the House, for the future, will not grant any money for the support of private, or sectarian Schools. He (Mr. Boyd) thought that the time had arrived when all such grants should be stopped, and if parties will have such Schools, they ought to support them out of their own pockets.

Mr. McPhelim remarked, that if all other denominations, are willing to abide by such a Resolution, he as a Roman Catholic, on the part of that denomination would agree to it, but unless all came to the same conclusion, he thought that there should be no distinction.

Mr. Taylor considered the matter of too great importance to pass over lightly; and as there were but few Members present, he hoped that the Honble Member would agree to report progress. (Progress reported, to be taken up on Monday next.)

A Bill brought in by Mr. McLeod to sell certain lands, in the Parish of Springfield, and invest the proceeds in other lands,—passed.

Mr. Wilmot would like to know if it was the intention to buy lands in another Parish, if so he did not think it proper to pursue in selling lands in one Parish, and buying in another.

Mr. McLeod, would inform the Committee that the present lands were almost valueless to the parties who sought to sell them, and their object was to purchase lands, that could be made immediately available.

Hon. Mr. Ritchie brought in a Bill to establish a Savings Bank in the City of St. John, and also presented a unanimously signed Petition in favour of it.

Mr. Hatheway moved two Resolutions, that the parties concerned in the Victoria and Albert Elections, receive from the Clerk of the House, copies of all papers filed in the House, on payment of the usual fees.

Mr. Harding's Bill to regulate the interest, on the loan or forbearance of money committed.—The Honble Member, said that such a Bill was required in every new and rising country. The present usury law was frequently evaded, and persons frequently did indirectly what they ought to be allowed to do openly and above board. If a man under the present law charged more than six per cent, the contract of whatever nature or kind became void, if it could be proved in a Court of Justice. He thought that money ought to be treated the same as any other commodity, and that persons should be allowed to receive for it, whatever it would bring. The Honble Gentleman gave an account of the existing Usury Laws in the United States and Great Britain, and asserted as his belief, that if we had in this Province a Law such as the present Bill contemplated, it would cause money to flow into the Country from other places to a much greater extent than under existing Laws.

Hon. Mr. Ritchie said a number of years ago a similar Bill was introduced into the House by Mr. Woodard, who then represented the City of St. John; he opposed it then, and he should follow the same course on this occasion; part of his Honble Colleague's argument was good in theory, and he agreed with him, but it would not do in practice, for if the present Bill passes, it would put a vast deal of power into the Banks, and a few money lenders in the Province. He considered the present Law a protection to the poor man, but do away with it, and pass the present

Bill, and those who hold mortgages, would close them up when due, to the ruin of many individuals, and they would be justified in doing so, for the Law would bear them out in it; and no one would blame them, as they could invest their money to a much better advantage. He had no money of his own to loan, but as an agent for others he frequently had, and a few years ago he had some 10 or 12 thousand pounds belonging to other parties, which at one time he could have hired for 10 or 12 per cent, but had never received above the lawful interest either directly or indirectly, but in one or two instances had lent some amounts at a less rate. He felt convinced that if the law would have allowed of it at the time he mentioned, and the money had been hired at 10 or 12 per cent interest, the parties would have been ruined, and the mortgages brought to the Auctioneer's hammer. He considered even six per cent quite enough, and a man has to look well after his affairs to be able to pay that.

Hon. Solicitor General agreed with the Honble Mover of the Bill in general principles, and considered the present Usury Law unsound, as at first established; and if they were going for the first time to make a Law, he probably would go for the present Bill, but to pass it under present circumstances, it would cause parties to force payments on mortgages which would be ruinous to many, but if we could have a jubilee, and square off all old accounts, he would go for such a measure, but at present he thought that it would be ruinous to the country.

Mr. Boyd had given the Bill some consideration, and thought its principles correct, and believed the present law in many instances was evaded. He believed that the day would come when such a measure as the present would pass, but at present he was afraid that it would cause distress, therefore he would have to vote against it.

Mr. Partelow could not support the Bill, as he believed that it would have a very injurious tendency if passed.

Mr. Gray was in favour of the principles of the Bill, and would vote for it, as he believed that if it became law, beneficial results would arise from it; as to payments being forced on Mortgages, Honble Members should bear in mind that they could not be collected, until they became due.—He knew men in St. John, who invested their money in stocks in New York and other places, where they could do better by it, than they could in this Province; for they could get from 8 to 10 per cent interest, while the present law in this country prevented their taking more than six per cent; but pass the present Bill and you will keep the money in the country.

Mr. McPhelim would vote against the Bill.—He had some experience both in borrowing and lending money, and felt convinced that the amount of interest allowed by the present law, was as much as a man could afford to pay. A man who might borrow from 10 to 12 thousand pounds, if the present Bill passed, would have to pay from 3 to 4 hundred pounds interest more than at the present time; and he did not believe that any business in the country would admit of such amount of interest as 10 or 12 per cent.—Pass the Bill, and those who hold Mortgages would call in their money as soon as due, for it would be to their advantage to do so, but it would cause a great deal of distress which he would be sorry to see. He did not believe that the day would ever come in this Province, when the passage of such a Bill would be a benefit.

Hon. Mr. Smith could not support the measure, as he did not believe that any business in the country that a man might choose to follow, would justify his paying more than six per cent interest. He would ask who are those men who generally fail in business, but they who borrow money at six per cent; even in such cases nine out of every ten fail, which was convincing proof to him that the business of the country would not bear so high a rate of interest as six per cent, unless the parties have some capital of their own to begin with. The Honble Member from St. John spoke of men in that City vesting their money in stock in New York, but it should be borne in mind, that it was such as Railroad stock, in which a great risk was run. He thought that if they could not get capital into the country, without paying 10, 15, or 20 per cent, they were better without such capital.

Mr. Botsford did not think that it would do to

pass the Bill under existing contracts, as it would cause ruin in many places. If there were no Mortgages in the country it would be a different thing.

Mr. Gilmour did not believe that such a Bill would answer either in theory or practice. Money is the root of all evil, and if men are allowed to charge just what percentage they please, there would be no bounds to the grasping disposition of some. He believed that six per cent was all that money was worth, and he did not know of men who failed who lent money at that rate, but generally they got wealthy.

Mr. Street could not agree with all the arguments made even against the Bill, still he did not think that it would answer to pass it just now; but if it could be altered so as merely to do away with the penalty attached to the present law, the same as it is in England, he would go for it.

Mr. Connell observed that the matter had been very fully discussed. He believed that if the Bill passed into a law, it would be the means of doing a great deal of injury, as there were a great many mortgages held in the country on property, and the parties are now quiet; but pass the Bill and you would find that very many would suddenly be in want of money, and would demand payment, which would result in distress and ruin to many. He had no doubt there were many persons who had mortgages on their property, if time were given them they would be able to pay them off; but force them at the present time when trade was depressed, and money hard to be got hold of, ruin in many instances would follow. He had no idea of lending his aid to a measure that would bear hard on the industrious classes in the Province. He thought that there was good sound reasoning in the arguments made by the Honble Member from Northumberland, (Mr. Street,) in reference to the penalty. In order to bring the question up, he would move that the further consideration of the Bill be postponed for three months.

Mr. Wilmot must oppose the Bill as he thought that the interest on money ought to be regulated by law in such a way so as to protect the poor man, such had been the case since the days of Solomon who said that the borrower was subject to the lender.

Hon. Mr. Brown intended to vote for the Bill. He had promised the Honble Mover that he would do so, still he believed that it would not pass, and he was sorry for it. He had voted for a similar Bill when introduced by Mr. Woodard, who represented the City of St. John some years ago, he would adopt the same course now, as he had not altered his mind on the subject, as he had long believed that money should be treated as any other article of commerce. His Honorable Colleague (Mr. Gilmour), had said that it would not do in either theory or practice. Now he believed that the theory was good, and that it could be well carried out in practice. When he was a lumberman he had frequently paid from ten to 12 per cent on money to pay his hired men, and carry on his business, and did not grumble at it, for he was very glad to get the money; and such was the case, as his Honble friend well knows in many instances in the County of Charlotte now. He would vote for the Bill and was sorry that it was not likely to pass.

Mr. Cutler would not consent to repeal any part of the present Usury Law, except the whole of it. He did not believe in the argument that the theory was good, and that it could not be carried out in practice. A law might be well carried out in an old country like Great Britain, and not be applicable to a new country. If he would vote for the Bill it would be for to give it a prospective operation in order to give parties five or six years to settle up their business. At the present time he should vote against it.

Mr. McAdam thought the Bill right in theory, as well as in practice. He considered that in many instances a man a man could do better by giving ten or fifteen per cent for money, and be allowed to go and get his supplies where he pleased, than to do as was generally done now,—that is to take supplies at such prices as the Merchant saw proper to charge. He should vote for the Bill.

Mr. Steadman believed the theory laid down to be correct, but did not think that it would be proper to abolish at present the existing Usury Laws; but if they were going now for the first time to make Usury Laws, he would vote for the

present Bill. He believed the reason why the Usury Laws in England were abolished, they became a dead letter, as money was very plenty, and easy to be had. Reference had been made to the great number of Mortgages held in the country. As to his County he had every reason to believe that parties would fare as well as in any other place if they were closed up.

Mr. Harding replied—when the question was taken on Mr. Connell's motion, for postponement and carried by a large majority.

The Bear Bounty Bill was again committed and lost by a small majority. House adjourned at 4 1-2 o'clock.

Tuesday, 20th Feby.

A Bill committed and passed, to enable the Magistrates of Westmoreland, to sell a school lot in the Parish of Sackville, and invest the proceeds in other lands.

Hon. Mr. Smith in explaining the objects of the bill, observed, that the present school lot was of little service for the objects contemplated, and it was the wish of the inhabitants to sell it, and purchase other lands for the same purpose, that would be of more advantage.

Mr. Tibbitts called the attention of the House, to the order of the day, which was to take up the subject of the Election in Victoria County, and strike a committee. Previous to doing so he would wish to bring under the consideration of the House, the Petition on the subject complaining of the return, as his name had not been mentioned in the petition; and the parties who had entered into bonds, being worth nothing, he would move that the petition be discharged.

His Honor the Speaker said the papers had been filed in the regular way.

Hon. Mr. Smith read some authority bearing on the subject, and said that the Hon Member was too late in making his objections.

Honble Mr. Ritchie took a similar view as that of Hon. Mr. Smith, that it was too late to make the objections, as the Hon Member had also filed his list of objectionable votes. Motion not complied with.

The following committee selected, viz: Honbles Messrs Johnston and Smith, and Messrs. Cutler Kerr and Gilmour. Mr. Wilmot, nominee for the sitting member, and Mr. Hatheway for the petitioning candidate. Counsel for the former, Mr. Street;—for the latter, Mr. Waters.

In the Albert scrutiny committee, Messrs. Purdy Harding, Connell, Ferris and McLeod. Nominee for the sitting member, Mr. Steadman, Counsel Mr. McLellan;—for the Petitioning candidate, Col Hayward, Counsel Mr. Street.

A motion made that the former committee proceed forthwith to the committee room, and proceed to business; and the latter in the morning.

Mr. End moved the House in committee on a Bill to authorise Aliens to hold real estate in this Province. The Hon Member stated that it was only asking to give the same privileges to foreigners in this Province, that had been granted to them by the Legislature of Massachusetts, Maine, New York, and the Western States. He considered that it would be the means of introducing a great deal of capital into the country, by purchasing the surplus lands, that our own people could not occupy in consequence of so few inhabitants, and the large quantity of wilderness lands.

His Honor the Speaker would not go for any such measure at the present time, or at any time until he was fully satisfied that the same privileges were given to the people of this Province by our neighbors of the adjoining Republic. He considered it an unfortunate time to introduce such a bill, when the feeling of the American people judging by the tone of the American press, was against England in the present war, and in favor of Russia. He had no idea of being the first to hold out the olive branch to them. In all the late treaties they had got almost every thing that they asked for, and had given nothing in return to speak of.

The Bill was supported by Hon Messrs Brown and Solicitor General, and Messrs. Boyd, McAdam, Harding, Gilmour and Partelow. And opposed by Hon Mr. Smith, and Messrs Street, Cutler and Ryan.

On motion of Mr. Street Progress was reported in order to give members time to think what the probable effects would be if such a Bill became law. Mr. Street said that he never knew until the motion was made to day, to go into committee on