

TELEGRAPHIC.

LEGISLATIVE SUMMARY.

FREDERICTON, March 5.

The members of the Railway Committee commenced this morning the sitting of the House.

In the House, Mr. McMillan introduced a bill relating to the jurisdiction of the principal judicial officers of the Province.

Mr. Cudlip introduced a bill to alter the time of holding the Circuit Court in County of St. John.

The bill to incorporate the Victoria Suspension Bridge Company was committed, and gave rise to an animated discussion, which lasted all the afternoon.

The discussion occurred on the Section relating to limited liabilities. Lively debate followed. House adjourned at 5 1/2.

MONDAY, March 7.

No business done in the House between the hours of 10 and 12.

The Railway Committee sat two hours, and are making active progress with the work of investigation.

Messrs. McMillan, McAdam, and other members of the committee, urged the necessity of having the railway officials present for the purpose of eliciting from them information not found in the Railway Report and papers laid before the House.

Mr. Scovil presented a petition from Nelson Price, Robert Keith, and 87 other inhabitants of the County of Kings, praying for the passage of a bill to incorporate the Grand and Subordinate Orange Lodges of the Province.

A few minutes past 12, the House went into a committee of Supply, it being the order of the day.

Mr. Steadman in the chair. The appropriation of £5,865 as Legislative expenses, and large sums for other purposes passed.

The House continued in supply during afternoon session. A long discussion took place on motion to appropriate the usual amount for the collection and protection of the Revenue.

Mr. Desbrisay strenuously contending that the expense for this service was too great; motion was however carried.

Mr. Desbrisay moved on the motion to appropriate £35,350 for the public works. The item which gave rise to considerable debate, was in reference to the maintenance of steamboat communication on the North Shore. The appropriation was generally approved.

Mr. Willott complained that further information respecting the Grand Falls Bridge should be laid before the House, ere any further progress was made in supply.

A sharp debate followed, and a motion to report progress was carried.

The debate was renewed with more determined warmth after the Speaker resumed the chair.

The Secretary moved to resume Supply at 12 to-morrow. Messrs. Wilmot, McIntosh, McPhelin and Gray complained that further accounts should be laid before the House before any progress was again made in supply.

Messrs. Tilley, Mitchell and Smith replied, and Mr. Willott was kept up until nearly half-past 6, when Mr. Allan moved an adjournment, which was carried by a vote of 16 to 15.

Messrs. Tibbits, Chandler, Lewis and McClellan voted with the majority.

TUESDAY, March 8.

Lawrence from Committee to whom was referred a bill relating to imprisonment for debt, reported the bill.

Mr. Willott moved to amend the bill, so as to give Sheriff's additional powers in executing writs prima facie; one for the better protection and more effectual punishment of debt; and one to abolish imprisonment for debt, except in certain cases.

The principal feature of this latter bill being that imprisonment for debt should be abolished, and that a debtor being so engaged has privilege to show that he did not intend to leave, and thus obtain a discharge from imprisonment.

Tibbits gave notice of motion for resolution on Friday next. It provides for a resolution of the House, so far as relates to railway extension above Fredericton; to commence active operations at some point or points between the Canadian boundary line and Woodstock, and that all reasonable assistance and money and lands be given to the St. Andrews and Quebec Company to enable them to extend their line to some point above Woodstock, to be agreed upon between the Executive and Company.

Mr. McLeod presented a bill, with several provisions in favour, to remove Shire Town of King's to Hampton.

Vail and Scovil presented several common petitions.

Vail introduced bill to repeal Act relating to division Parish of Upham, and to alter name of Hammonds.

Prov. Secretary laid on table returns of Clerks of Peace relating to Insolvent Debtors.

Likewise a petition against the extension of King Street, Carleton Place.

Mr. Willott's bill relating to Insolvent Confined Debtors negatived on third reading by House in Committee. Yeas: Gilmore, Brown, Chandler, Tibbits, Tilley, Hamington, McIntosh, McAdam, Tapley, Lawrence, Read, Williston, McMillan, Steadman, Allan, 15. Nays: C. Perley, Fisher, Wright, Gilbert, Wilmot, McLeod, Vail, Scovil, Ferris, Kerr, Gray, End, Mc-Clellan, Lewis, Botsford, Smith, McPhelin, Desbrisay, 19.

Gray's Judicial bill committed. Mr. Wright in chair. Gray explained at length the policy and object of the bill. The Province by the Government had assumed the position of a common carrier, and compensation should be made responsible in the same way as common carriers. He desired the bill to be discussed, not as a Government or opposition measure, but upon the broad principles of Sound Law and Justice. The Bill did not involve the appropriations of Railway money to land, but the appropriations to encourage frivolous actions against the Province, but to redress the real wrongs by a Jury of the people.

Hon. Speaker contended that if the bill passed into Law property could not be touched after judgment was obtained. At present there was a remedy for all wrongs, as an appeal to the Legislature, the highest tribunal, a jury more responsible than any ordinary county one, a remedy instituted by the Bill of Rights. He thought the Bill would encourage litigation.

Willott said he would support the principle but not all the details of the Bill.

Progress was reported.

Allan asked if resignation of Hon. J. M. Johnson had been accepted?

Answer—yes, on the day it was tendered.

Copies of College despatches laid on table by Tilley. Despatch read gave reason for the violation of the law, and that it involved the violation of the law, and that it involved the violation of the law.

WEDNESDAY, March 9.

Mr. Gilbert moved for address asking for information, papers, correspondence, &c., relating to petition to Legislative Council since first day of June last.

Hon. Attorney General distinctly denied that there had been any provision made or correspondence of any matter or kind relating to the appointment of any gentlemen to the Legislative Council.

It was urged that the answer was sufficient, but address being insisted upon by the House divided. Yeas, Gilbert, Cudlip, Wilmot, McPhelin, Lawrence, McMillan, Allen, Botsford, Steadman, Gray, Fisher, Tibbits, C. Perley, Connell, Tilley, Hamington, Ferris, Vail, Smith, Mitchell, End, Ferris, Williston, Read, Gilmore, 21.

Hon. Provincial Secretary stated that an enquiry had been put afloat in one of the public papers which he desired to answer. It was asked where the £80,000 difference between the expenditure by the Railroad Commissioners and the sum shown by Provincial Secretary. The Secretary's statement shows the net proceeds of debentures sold for Railway purposes, not the expenditure; the difference is shown to be in the Messrs. Baring's hands, and in the hands of the Province Treasurer to the credit of Railway construction account.

general revenue. He agreed with his hon. friend that the Treasurer's accounts were not very clear at first sight; they required some little attention to understand the mode in which they were kept. [Here His Honor proceeded to explain the system, which he did very clearly and satisfactorily.] The difference then actually was, as he had represented it, between estimated revenue and actual receipts, only £15,000. With reference to the interest account, he premised his remarks by saying that, seen through blue glasses, grass would look blue; and so to his hon. friend looking at the account through a gloomy medium, they presented a very gloomy aspect, perhaps to himself was too sanguine. The amount of Provincial liabilities for railroads was £240,000; the interest, it was very easy to find, was £38,400; to meet which there was on hand, 1st November, £25,000. Estimated receipt of year, £230,000; which would leave a balance to the credit of £10,000 at the close of the year 1859, some £10,000. The interest on the floating debt, £8,500, was provided for in the estimate. The state of affairs in 1854 was not so satisfactory as his hon. friends had stated. The £40,000 paid the Bank of British North America that year was received from deposits made in the Savings Bank during two years previous. In 1855 the present Government had paid back to depositors a large sum. The Government found £42,000 to their credit and available when they came into office, in 1854; but they likewise found a debt of £60,000 to pay. The deposit, in Savings Bank, was £2,450,000, and the £42,000 could be met, he felt justified in saying, by the proposed Revenue Bill; and the country need not fear direct taxation, as the Government had no intention of inflicting a direct tax on the productive industry of the country, but believed that the 2 1/2 per cent. proposed, would be the least objectionable, and that the Government are prepared to extend the line to their border at any time they may see any reasonable prospect of being met with a line from this Province.

Mr. Tibbits gave notice of a resolution which he intended to move on Friday next. It is as follows: Whereas a resolution passed this House on the 30th June, 1857, setting forth that in the depressed state and future prospects of our public finances, that it was not expedient to proceed with the survey or construction of the extensions of the Railway from Fredericton to Woodstock and from Shediac to Miramichi:

And whereas since that time the Grand Trunk Railway Company have extended their line of Railway to River Du Loup, within sixty miles of the boundary between this Province and Canada, and whereas it is believed that the Canadian Government are prepared to extend the line to their border at any time they may see any reasonable prospect of being met with a line from this Province:

Therefore Resolved, That the resolution passed on the 30th June, 1857, be rescinded so far as it relates to the non-extension above Fredericton; and that instead of beginning at Fredericton that active operations should forthwith be commenced at some point or points between the Canadian Boundary and Woodstock, and that all reasonable assistance should be afforded to the New Brunswick and Canada Railway and Land Company in money and land, to enable them to construct their line to some point above Woodstock to be agreed upon between the Executive and said Company.

Having given the resolution, remarks upon it are unnecessary. Its whole force, reasonableness and desirability will come home at once to those who are at all our own affairs. We cannot hope that it will be discussed free from party, much less local feeling. Still let us anticipate it as much as we can at the hands of our Legislators, as it is possible for prejudiced men to bestow.

The discussion of the day arose on Mr. Gray's bill, which is—

That any person having a cause of action against this Province on any Contract made with any Public Officer, or any Provincial Officer in official capacity, or for any injury arising from the default or wrong of such department, may maintain an action and proceed to final judgment in the Supreme Court.

Such action shall be against the Provincial Secretary, and shall not be abated or suspended by any change of the Government, or person filling the office of Provincial Secretary.

Action shall be commenced by a Summons similar to that used in proceedings against Corporations *notis nisi mandatis*.

No such summons shall be issued, nor any copy served on the Provincial Secretary under and by virtue of this Act, until notice in writing of such intended action, addressed to him as such Provincial Secretary, shall have been served upon him, and he shall have ten days to answer the same.

Mr. Desbrisay was opposed to the payment of a large sum to the Deputy Treasurer of St. John, who had been charged with the duties of other Deputies, he considered to be very small. He could get plenty of competent men to discharge the same for £100.

Mr. HANINGTON attributed the course of action taken by the hon. gentleman to be of a personal character, defence, and position, and that, during the whole of his office, he had always discharged the duties of his office, he had always paid over the monies received by him in proper season, and he never in one single instance allowed himself to be called upon by the Government. When he could not discharge the duties of his office in a proper manner, he would either resign or expect to be put out of the same.

Mr. READ spoke of the duties which he had to perform, those of Deputy Treasurer and Comptroller, and as the law precluded him from pursuing any other avocation, the emoluments were so unremunerative, that he could not be expected to do so at any moment they saw proper to do so.

Several other hon. members spoke to the double duty which Deputy Treasurers had to perform, and that the pay was not at all commensurate. The general opinion was that every public officer should be properly paid.

Mr. Desbrisay offered no amendment, thereby leaving the impression that he really was actuated more by personal than patriotic motives. Such a mode of obtaining popularity a few years ago would have been called *lunatic*. The resolution was passed almost unanimously.

The next motion was a grant for Public Works such as Great Roads, Bridges, Public Buildings, By-Roads, clearing of impediments in River Saint John, Steam Communication, &c. This motion produced some excitement.

Mr. McPHELIN was opposed to the item for steam communication, because the steamer, in her course between Richibucto and Shediac, did not touch at the port of Bathurst.

Mr. Desbrisay viewed the whole steamboat affair as a farce, until the European and North American Railway was completed, altogether losing sight of the fact that the line of railway connecting the harbor of Shediac with the Bay of Fundy, which Mr. Wilmot had always advocated as the great work of the first rate working condition, and connected with St. John and the United States by steam communication during the season of navigation; thereby showing to his own and the constituents of other counties, north and south, that as a *blind follower of the Government opposition*, his feelings were not so much as those of the opposition which is highly detrimental to the best interests of his own section of the Province. Does he not know that great efforts have been made for many years past, to bring and bind together more closely the interests of the north and south? And that he is being brought into its completion, he would use his best, though feeble, endeavors, to prevent its consummation, does it not prove that factious opposition to the Government, and that alone, has induced such a course. Mr. Desbrisay did not like other opposition members, give as a reason for his vote, the want of better minds have leave to stay at home the better.

Mr. WILMOT commenced by stating that he was determined to oppose the passage of the resolution granting to the Board of Works an expenditure of some £35,000, until such information as has been asked for from the Government has been laid before the House. Mr. W. alluded to the steam communication between Quebec and Shediac; then step to the Grand Falls Bridge, and worked himself into quite a fever of passion at nothing. The Bridge had fallen and the Government was to blame.

The SURVEYOR GENERAL explained to the House the way in which all matters connected with the Grand Falls Bridge now stood; that it had fallen, lives had been lost, that it was a great mercy the sad event had not occurred during the demonstration, the day previous, when so many lives might have been destroyed—that the bridge was not taken off the land, but that his hon. friend was the best in the country; and that, in accordance with the terms of the contract, he was bound to give the Government such a bridge as would be to their entire satisfaction. The Surveyor General spoke of Mr. Burrow's report subsequent to the fall of the bridge, and that Mr. Tomlinson had called said report a mere error of fact.

Mr. Burrow wished to make it appear that it was the Surveyor General, and not Mr. Tomlinson, who had called Mr. Burrow's report wrong, but could not succeed.

Mr. GRAY was in favor of the steam communication between Shediac and Restigouche, but wanted the information asked for.

The PROVINCIAL SECRETARY was desirous that the fullest information on this and every other matter connected with the public departments should be given to the country.

Several members spoke as to the great accommodation which the steamer afforded to the business people of the North during the summer of 1858, and that many years would not elapse before profitable employment would be given to two or more steamers, judging from the latter terms of the route that would be taken by hundreds and thousands of the American and Canadian people, during the summer months, down the River St. Lawrence,

The Government he thought would be sufficiently protected by the bill from frivolous and vexatious claims, and in any appeal made to a jury were placed in as fair a position as the prosecuting party, because the Government in that capacity was the choice of the people—the very jury designed to try them. The Provincial Secretary was the officer designated to be the one against whom the action should be brought, because he was who had charge of the finances, while other officers of Government were necessarily more or less migratory—he was stationary,—(not that he would intimate the wish or the expectation that the present incumbent would remain stationary in the office.) He was always supposed to be at Head Quarters, therefore the notice had to be served at his official place of business. (Tilley.—My hon. friend does not contemplate removing the seat of Government, as he has Fredericton named in the bill.) So that he could not be arrested in the street, or just as he was stepping on board the steamer, to take perhaps a momentary trip to the United States or elsewhere. He concluded by again expressing the desire that the bill would be discussed on the principle of common right and justice to all parties.

Hon. SPEAKER rose to reply. He admitted with his hon. friend that for all wrongs a remedy should be provided, but contended that, for all wrongs committed, the bill contemplated redressing, there was by right a remedy, and a remedy readily available. Did his hon. friend forget that in the Legislature, a jury selected and empowered by the people themselves, there was a tribunal, the highest tribunal in the land, established, to which all who suffered from the violation of wrong could come? The verdict of that jury was not like one in the court of justice, final, but if a wrong verdict—one conflicting with the interests of the people, was rendered, the people had the right at least every four years (of late years much oftener) of electing a new jury, and the just claims of the injured party would be redressed. It was true that in other countries corporations and individuals were subject to legal penalties, and so in this Province were they, but in other countries Government was not so liable, and there was no reason why it should be here. Supposing his hon. friend had put in the word "Corporation" instead of "Province" what an extraordinary thing it would be. Ever since the Bill of Rights, the right to petition the Legislature had been recognized, and there was no difference in the result now between the present method, and that before the Institution was surrendered. All the difference was the petition came by another door—through the Government instead of directly to the House. The Legislature was surely competent to adjudicate upon claims against the Province as any County jury selected by a Sheriff. The principle of the bill was one which other countries had not adopted, even the United States had not yet done so. The bill in fact involved an impracticable principle, and he would tell the hon. mover that he could not touch one farthing of property even after judgment had been obtained under the bill, for what does a claim against the Province mean—its property would not be recognised in a court of law. (End hoped the surrender of the bill.) He did not know why his hon. friend had selected railways and molasses; in fact, the whole weight of the bill seemed to rest upon those two commodities, which might be damaged on the road to Shediac. Perhaps the molasses had been thrown in by way of sweetening. There was some humor in the fact that the bill was introduced through the Government, and that the surface all would be found to be wormwood and gall. Were he to consult his own pecuniary interest as a lawyer, he would go for the bill, because it would involve an amount of litigation which would be to himself worth more than the bill relating to imprisonment for debt, reported by the hon. mover. A fearful amount of trivial, paltry litigation would ensue, for it was well known that nineteen out of twenty of those who obtained contracts under Government would seek to obtain payment without fulfilling their contracts. In fact the bill if passed into a law would cost more than the Railroad.

Mr. WILMOT moved to amend the bill, so as to give Sheriff's additional powers in executing writs prima facie; one for the better protection and more effectual punishment of debt; and one to abolish imprisonment for debt, except in certain cases. The principal feature of this latter bill being that imprisonment for debt should be abolished, and that a debtor being so engaged has privilege to show that he did not intend to leave, and thus obtain a discharge from imprisonment.

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Hon. Provincial Secretary stated that an enquiry had been put afloat in one of the public papers which he desired to answer. It was asked where the £80,000 difference between the expenditure by the Railroad Commissioners and the sum shown by Provincial Secretary. The Secretary's statement shows the net proceeds of debentures sold for Railway purposes, not the expenditure; the difference is shown to be in the Messrs. Baring's hands, and in the hands of the Province Treasurer to the credit of Railway construction account.

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