

THE GLEANER.

And Northumberland, Kent, Gloucester, and Restigouche Schediasma.

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Nec araneorum sane textus ideo melior, quia ex se fila gignunt, nec noster vilior quia ex alienis libamus ut apes.

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THE GLEANER.

PROVINCIAL LEGISLATURE.
NEW BRUNSWICK.

HOUSE OF ASSEMBLY, January 22.

It having been made the order of the day to take into consideration the Speech of His Excellency at the opening of the Session; the House resolved itself into a committee for that purpose—Mr Barberie in the chair; and as the subjects discussed are of the utmost importance, and the arguments used on both are probably the same as will be advanced when the measures shall come under review, we have reported the speeches more fully than otherwise we should have done.

The debate was opened by his honor the Speaker, who stated, that as a member of the government, some observations would naturally be expected from him with reference to the speech of his Excellency, and he would here remark, that owing to want of time, the speech had not been submitted to the Executive Council after it was prepared,—yet he, for one would not have suggested the slightest alteration, and he was prepared to give his cordial approval to all it contained. The objects which it embraced might be considered as novelties in this Province, but when properly understood, he felt assured they would be approved of by the House, and the people of the country. He would call the attention of the committee to the first paragraph in the speech, and which referred to municipal institutions, which might be introduced to the public,—as at least two thirds of the time of the House was taken up in legislating upon local affairs, which would be better decided upon by the people themselves. It was a well understood principle of the British constitution, that the people had a right to manage their own affairs, and the reason was obvious, from the impossibility that Parliament could provide for the local wants and requirements of communities. And so it was in this Province,—and if counties were incorporated, roads would be better provided for, and schools would be better conducted than at present. It was melancholy to witness the state of the common schools, notwithstanding the large sums that have been expended. His honor said he considered this as perhaps the most important measure which would be introduced during the present session: the subject he admitted was new, and the minds of members might not be prepared for it; but when they came to consider its advantages, he hoped they would come to the conclusion to adopt it, and not wait till all the other colonies had done so, and then come in last. A Bill would be submitted to incorporate counties, which provided that whenever two thirds of the inhabitants of any district should apply they might have a charter, and thus districts would be incorporated within a county. This had been found to be beneficial in England, and that which would work well there, ought to answer here. He said he understood there was already a feeling in favour of the proposed measure. It had been adopted in Canada:—was about to be introduced into Nova Scotia, where it would probably be carried, and he trusted this Province would keep pace with others in the race of improvement.

The next paragraph contemplated the establishment of a Board of Works, which would not be very expensive,—and would do away with the present system, which was the subject of much complaint. At present there was no conformity of system, such as the proposed measure would create. Still it was a subject for grave consideration, and should be received with caution. The present mode of auditing the Accounts, he said, was not good, and did not satisfy any member in the House,—it was proposed therefore, to introduce a remedy. The bill which had been prepared was a transcript of the Canada Bill,—and he recommended it to the consideration of hon. members. If after that they should be prepared to adopt the measure, they would sustain it,—if otherwise, they would reject it. In connection with this important subject, was the Great Road to Canada, the opening of a Canal from the Bay of Fundy, Dry Docks at Saint John, and other important subjects alluded to in the speech,—as such works would be carried on better if the Board were properly constituted, than in any other way. If these undertakings should receive the favorable consideration of the committee: they would then look out to find means,—and these could alone be obtained by obtaining funds at a low rate of interest, to be secured by a guarantee founded on the credit of the Province; and this could only be done by introducing an improved system of finance, as until that should take place, the guarantee of Parliament could not be procured in obtaining

funds for public improvement. A change was therefore necessary to induce the mother country to guarantee the payment of the interest, and ultimate extinction of the debt. This was also an important subject, and one to which members should attend,—because situated as the trade of the Province is at present, a speedy revival could not be anticipated, and the revenue must consequently fall short of what would be required for works of public improvement. It became absolutely necessary therefore, that the committee should look around, and obtain the requisite means to carry on the public works of the country. The next subject alluded to in the speech was that of Agriculture,—it was undoubtedly one of much importance, but he should leave it to members from rural districts to enlarge upon it, as they were better acquainted with the subject than he could possibly be. As to the Geological Survey which was referred to, he was satisfied that much benefit had resulted from it, and he should be sorry if it were not continued. Connected with this was a report upon the nature of the soil; he was satisfied that the gentleman who had been employed was every way capable of forming a correct opinion, and he felt assured the committee would be of opinion that his labours should be continued. The subject however would be more fully discussed when the grant came to be moved in committee of supply.

The next subject was the condition of the Indian Tribes.—It was one of difficulty, and would require much consideration before villages and schools could be established. If however, that could be done with any prospect of success, the attempt should be made, as this unhappy people had been much neglected, and were entitled to assistance from the white inhabitants of the country. The committee however could not form an opinion on this subject, or with reference to the lands which had been reserved, until the report of the commissioners should have been laid on the table.

A Bill had been prepared applicable to the criminal law, and assimilating it to that of England. Another relative to Insolvency had also been prepared,—this would form a subject of grave debate, and was one upon which there was much difference of opinion. It was thought however that the credit of the Province depended upon the passing of such a law, as all confidence had become extinct in that part of the Province which he represented. It would form however a prolific subject of debate among the legal gentlemen, who would be acquainted with its various enactments. Another subject that had been mentioned was the union of the Custom House and Revenue departments; and he was of opinion that the sooner this was effected the better, as it would effect an annual saving of several thousand pounds, while the revenue would be better collected than under the authority of the Provincial Legislature; and the saving thus effected would go far to pay the interest on a loan, by which the Province might have the use of thousands. The Treasurer also should reside at the Seat of Government, by which the operation of the revenue laws would be facilitated. He trusted the committee would give the subject their serious consideration, and that the measures would be adopted. The present mode of auditing the accounts he repeated, was unsatisfactory to members themselves,—who were convinced the duty could not be effectually performed, until an efficient Board of Audit should be established.

His Honor concluded by saying that some of the measures recommended were experimental; but until they were commenced, it was impossible to know what would be their effects; and they would be new whenever attempted. He would state again that he was favourable to the propositions that had been made, because they were in accordance with the principles of the British constitution, which he would have here in strong contrast with the republican institutions around. He hoped, therefore, the measures contained in the speech would be favorably received, as they were calculated to benefit the Province, and which the altered state of society rendered necessary.

Hon. Mr. Johnston said, that as his honor the Speaker had gone fully into the subject, he should not go over the same ground; but would make a few general remarks. He must express his agreement with what had fallen from the hon. Speaker, and acknowledge that the measures which were proposed in the speech met with his cordial approbation. To some of them, he admitted, he was more wedded than to others, but he thought they were all calculated to benefit the Province. The first in importance was the municipal bill for incorporating counties; he considered it important as it would save much general legislation upon local affairs. It contemplated that rural

parishes should return one or two councillors to a general council,—and persons so delegated would have the management of schools, the management of high ways, and various other subjects. These and other objects which take up the time of the Legislature, would be placed in the power of the councils. Other Bills he said, must be framed with reference to this; among these would be the School Act,—and the province would find the advantage of adopting a new system with reference to schools. When his mind was first drawn to the subject, he thought objections would be raised by the members of sessions; and he thought himself they had better be continued. But he found in doing so they had not the power of making assessments, as it would be taxation without representation. After seeing the Bill, he became satisfied that it would be an improvement upon the present system, particularly if as he before said, it were connected with other Bills. He had gone farther than he intended, as when the Bills came down, he should be prepared to make further explanation.

While he was up however, he would allude to another subject, and that was the repeal of the present laws for collecting the revenue by which it would be done more effectively, and at less expense. He had turned his attention to the subject, and he found the collection of the revenue cost upwards of £5000 annually. This was an unnecessary expense, as a large proportion was collected by the Officers of the Customs, and was only multiplying trouble, as respects men of business. A small addition to salaries might be required in outposts for sub-collectors, but no increase would be required elsewhere. Admitting the union of the services proposed did meet with the approbation of the House, still they must alter the present system by which time is allowed for the payment of duties; and petitions will be handed in from St. John for abolishing this practice. The fact is, bonds are given, the time runs on, the principal parties become embarrassed—the bonds become payable, and a writ of extent issues against the security, and his property is seized, for which he has paid a valuable equivalent. It would be found necessary to establish warehouses where they at present do not exist, in which goods may be deposited, and when they are taken out the duty must be paid. He mentioned this because a small additional expense would be necessary to erect warehouses in outposts where there are none now.

Mr STREET said that he was glad to find that so much unanimity prevailed among the members of the Executive Council. He was glad to have heard them express in such unequivocal language their unanimity upon the measures which had been recommended in the speech. That was as it should be, and he trusted that he would be permitted to express his satisfaction at seeing such a cordial understanding between them. The document under consideration embraced sixteen important subjects of legislation, many of which were of the utmost importance to the Province, and for which he was ready to go. Great consideration was necessary. They should not legislate hastily.

The introduction of municipal Government into the various counties in this Province was an important step. It had been recently introduced into Canada. He had read that bill, and how far this Province would admit of the introduction of such a measure would be a question for further consideration. He apprehended that there would be some difficulty in working the machinery of such a bill. A Board of Works had also been introduced into Canada. The two bills which had been recommended depended upon each other in a great measure. He would be glad that they should receive the fullest attention and discussion, and it would be for the Legislature to say whether the Province was in a fit state for the introduction of them.

The third subject was the surveying of lands by scientific persons, than which nothing was more necessary. Thousands of pounds had been expended for not having a sufficient exploration in the first instance made of the roads. It required scientific persons to regulate the rise of the roads. If the roads had been scientifically constructed they would not have so many hills to clamber over. (Laughter.)

Agriculture and emigration were of vital importance to the Province, the latter of which the Legislature should take into their own hands. They had trusted too much to companies in the old country who had injured the character of the Province. Those persons who had not any local knowledge of the Province, and who were ignorant of the nature of the people, had made representations which were not realized, and by having given the country a bad name had turned the tide of emigration

into the U. States, and to other places which could not boast of advantages superior to those of the Province. Some good plan for fostering emigration should be laid before that house. Emigrants had been obliged to leave the country in disgust. The object should be to introduce a good healthy class of emigrants, and to afford them every encouragement to come here. Such a grade of emigrants would not only settle the country but add to the Provincial Revenue.

As to the Geological Survey he had been the first to introduce that subject to the notice of the House, but he had great doubts whether the expenses which attended it were not greater than the benefit which had arisen from it would justify. With reference to the Indians he would remark that it should not be forgotten that they were the original possessors of the soil. If those lands fit for agricultural purposes and which were lying dormant, were surveyed and sold, the proceeds might go to constitute a fund to assist those of them who were aged and infirm, much good would accrue to that unhappy people who were entitled to the protection of the government.

The subject of education was a very important one, and he perfectly accorded with what had been said upon it in the speech. It should be placed on a different footing. There was no Province in British North America, according to its revenue and population, which had contributed a larger share to the support of the Schools than that Province, and for want of a proper system it had not done the good which was expected. He was in favor of the principle of assessment by which he thought that the present system only could be altered for the better.

Prison Discipline was a subject entitled to consideration, and he was glad to find that it had been brought before the House in the speech. The criminal law should keep pace with that of England. That which was not a capital offence there, should not be a capital offence in this province. The two should go hand in hand.

For an efficient Bankrupt Law there was the most imperious necessity. There would be much difficulty in legislating upon that subject, but something must be done. It must be obvious to every man that by the present anomalous state of things many valuable men had been compelled to leave the country. As the matter at present stood, after he got out of prison, another and another might arrest him and send him back there again, the consequence was that he was obliged to outrage his feelings by escaping from the rod of *terrorem* which was held over him by going to a foreign country where he might find means to live and pay his debts. Persons in that situation were more to be pitied than blamed.

Upon the subject of finance he would say that a great saving might be effected by the adoption of the mode which had been pointed out. He agreed with the proposal for repealing the law for collecting the revenue which would render it much more systematic and satisfactory. The law relating to statute labour was at present a dead letter. Little or no good resulted from it, and therefore there might as well be none as the one in existence. It would never be efficient until the principle of assessment was adopted. For the United States, although he was not fond of quoting republican institutions, that was the plan which had been pursued, and if they saw anything in them that was good in itself there was no reason why it should not be adopted in this province.

A proper Board of Audit was indispensably necessary, as the present mode of auditing the public Accounts was DISGRACEFUL TO THAT HOUSE. He held it to be so, for them to expend the money and to audit their own Accounts. He disliked to use harsh language, but he would repeat that the system was DISGRACEFUL TO THE HOUSE. A person should be appointed by the Province to audit the Accounts, after which they should be submitted to a committee of public and private Accounts, so that one would be a check against the other. As it was the Accounts were examined while there was no check upon the Audit.

That system had called forth the animadversion of Lord Sydenham and the home government, and it ought to have called forth the severe animadversion of their constituents long since. A well regulated system of appropriation was equally necessary. The present one was productive of injury to honorable members themselves. The appropriation of the public monies should be based upon strict principles, and not left to chance. Every member was anxious to get as much money as he could for his county. There ought to be such a system of appropriation as would secure to every part of the Province a fair proportion of the public money. They owed it to their constituents to remedy the evil, and if they did not,