

# THE GLEANER:

AND NORTHUMBERLAND, KENT, GLOUCESTER AND RESTIGOUCHE  
COMMERCIAL AND AGRICULTURAL JOURNAL.

OLD SERIES]

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

[COMPRISED 13 VOLUMES]

New Series, Vol. X.

Miramichi, Monday Evening, April 21, 1851.

No. 26.

## LEGISLATIVE NEWS.

### NEW BRUNSWICK.

HOUSE OF ASSEMBLY, April 7.  
LOOSHATAUK AFFAIR.

The next grant which came up was that to remunerate Messrs. Letson and Williston for a balance due them as a committee of sessions for the county of Northumberland, in providing for the sick emigrants which arrived in the ship Looshtauk at Miramichi in 1847.—The total balance claimed was £139 odd.

The hon. ATTORNEY GENERAL, in moving the resolution said, that this was a claim which had already been before the house, and the circumstances on which the claim was founded was already a matter of history, but for the information of the hon. members he would briefly recapitulate those circumstances. In 1847 a ship called the Looshtauk, bound from a port in Ireland to Quebec, with passengers, put into the river Miramichi, in a most deplorable condition, more deplorable perhaps than any vessel that ever entered a port on this side of the Atlantic. She had, he believed, something like 400 passengers on board, almost all of whom were suffering with Typhus Fever of the very worst description, and then in a most loathsome condition. When the arrival of this unfortunate vessel was announced in Chatham, and the condition of her passengers made known to the authorities, a special session of the magistrates was immediately called, and Messrs. Letson and Williston were appointed a committee to take charge of the unfortunate sufferers, and do everything that the calls of humanity required to be done to relieve the terrible sufferings of those on board. These gentlemen acceded to the wishes of their brother magistrates and immediately proceeded to fulfil that onerous and disagreeable duty imposed upon them, and performed them with credit to themselves. A place a mile and a half below the town of Chatham called Middle Island was selected for their reception, temporary sheds were built for their accommodation, and everything which humanity could suggest consistent with the public safety was provided for them. In the performance of these duties the committee of the sessions were obliged to incur large liabilities. They were obliged to have persons to take charge of the sufferers, and to place a guard on the Island to prevent the escape of those infected from the place provided for them. They were also obliged to purchase provisions and other necessaries, and to employ a medical man to attend to the sick. The medical man a highly deserving young practitioner lost his life by contracting the disease, and another medical man had to be provided to take his place. After all these expenses had been incurred the accounts were presented to the bench of magistrates to be audited, and by them referred to another committee of the sessions who cut down the original amount upwards of £190. Some of the parties whose accounts had been thus reduced commenced an action against Messrs. Letson and Williston for the recovery of the sums which they thought themselves entitled to receive. And as these actions were commenced in the Court of Common Pleas the magistrates applied for a mandamus to prevent them from trying the cause as they were also members of the sessions, and might be held to be parties interested in the issue of the suit. The Court however refused this application, and the causes were accordingly tried before the Court of Common Pleas and a Jury of the County. The Jury found a verdict for the plaintiff's, holding that Messrs. Williston and Letson were personally liable for the fulfilment of the contract, which they had entered into with these parties. An execution was accordingly issued and these innocent parties were obliged to pay the money. It was to be remembered, for these sums, which they had paid, and for which they were liable, that the present application was made; and he did hope that the house would interfere, to prevent these innocent parties who had been ill-requited for their labor, from being harassed for the payment of money which they had expended by order of the bench of magistrates. He would say one word more and he had done. From what had come subsequently to his knowledge he believed that the committee of Sessions which audited the accounts did so in the full belief that Messrs. Letson and Williston were not personally liable for a single shilling of the accounts which these parties presented, and thinking these accounts too high they audited them as if they had been sitting on an arbitration on a disputed account between man and man. This was a particularly hard case, for in point of law these parties had been found personally liable and it would be cruel to allow them to suffer under circumstances such as he had described. (The Attorney General pointed out some

charges which he thought should not be altered.)

Mr HANNINGTON was well acquainted with the circumstances connected with this transaction, as it was not the first time that these accounts had come before the house, and had been adjudicated upon. These accounts were first audited by the sessions of Northumberland and reduced by the amount now sought to be granted to Messrs. Letson and Williston, but after they had been so audited the same accounts were submitted to the Provincial Auditor who reduced them to a still lower sum. If he rightly recollected, the amount passed by the Northumberland bench of magistrates was £84 4s 9d. That passed by the Auditor General of this Province amounted to £850, therefore this was prima facie evidence that the bench of magistrates had allowed all that the parties were entitled to receive. He would not oppose this grant if he could find any public ground upon which he could support it. He was on the committee who had refused to recommend this grant, and he understood that some surprise had been expressed at his serving on the committee, as he had on a former occasion expressed an opinion on the subject. A majority of the committee refused to entertain the application, but so convinced were they of the hardship of the case that they reported the petition in full, that it might be entered on the journals of the house. All that he had to say about the matter was that if this application was sustained they would find it difficult in future to get a bench of magistrates who would trouble themselves with the investigation of local accounts, for they would know that the parties had only to apply to the house and their claims however extravagant would be paid in full.

Mr PORTER was clearly of opinion that this should be a provincial charge, and that it ought to be paid. He would, therefore, support the resolution.

Mr RICHIE had already investigated this matter to his satisfaction. The expenses altogether connected with this unfortunate ship amounted to £2408.

Mr PARFELLOW.—£350 of which was paid by the ship.

Mr RICHIE.—That might be, but it was upon record that the present applicants received commissions on this sum, which amounted to something like £100. This, he thought was paying them handsomely for their trouble. It was perfectly true, as had been stated by the hon. member from Westmorland, that these accounts were first audited by the bench of magistrates, and afterwards by the Auditor General, who cut the first audit down some thirty or forty pounds. The house, however, passed them at their own audit, and he did not know upon what principle they could be called upon now to allow a further sum. The audited amount had been refunded by the British Government, and they had no emigrant fund out of which the applicants could be paid, for the emigrant fund was some £400 in debt. He could see no good reason why this sum should come out of the general revenues of the province, and he entirely agreed with the hon. member from Westmorland that if the house broke down this audit reimbursed those parties, there would be an end of local bodies managing their own local affairs.

Mr SCULLER had been on the committee that investigated this matter and had some difficulty in coming to a decision. The petition itself signed by a member of that house struck him as being particularly worded; it spoke of a new batch of magistrates being appointed, two of which had been selected to audit these accounts. He knew nothing further of the circumstances than had come before the committee, but he had heard that there were things charged in these accounts that never went to the island at all. There was something said about twelve barrels of flour, which he had heard were charged but never used at the island. He merely heard this and knew nothing of its truth or falsehood. One thing, however, was very certain—if this new batch of magistrates as they were called, did not do their duty the Government ought to investigate the matter.—He took it for granted, until the contrary was shown, that they had done their duty, and therefore he could not support the grant.

Mr RYAN thought that this case should be investigated. If the magistrates were right the House should not be called upon to refund the money; if they had not acted honestly and fairly they should be displaced and others appointed in their stead. He wished the saddle but on the right horse.

Mr GILBERT was also of opinion that this matter should be investigated and justice done between the parties. He would be willing to stay there until August rather than injustice should be practised and the parties not brought to an account.

Mr JOHNSON rose and said that he was in

favor of this grant, and before he sat down he would tell the house why he was in favor of it. The Looshtauk arrived in the Miramichi River in 1847, with four hundred passengers bound for Quebec, most of whom were in a deplorable state from typhus fever. The ship was reported at Chatham, and the Sessions met and appointed Messrs. Letson and Williston a committee to take charge of the sick, and to furnish them with shelter, food and medical advice. In pursuance of those instructions, these gentlemen proceeded under the direction of the Sessions, to erect sheds on Middle Island, and hired parties at five shillings a day to watch the island and attend upon the sick, when the same parties could have got six shillings, or six shillings and three pence a day for working about the shipping in the harbor. About this time some new magistrates, who had qualified some fortnight before the accounts spoken of were presented to the bench of magistrates, and two of the recently appointed magistrates were appointed a committee to audit Messrs. Letson and Williston's accounts. He did not know the reason why these new made magistrates were appointed on the audit committee; perhaps it was on the principle that a new broom sweeps clean. Be that as it may, the audit committee cut down the wages of those laborers from five shillings a day to three shillings and four pence, without even hearing the committee appointed by the sessions to hire these parties. He could not account for this on any other ground than that as they were new magistrates they must do something to distinguish themselves, and he hoped they had so distinguished themselves in this transaction that they would be remembered in Northumberland for years to come. The next thing to which he would call the attention of the committee was the article of Beef, the supply of which was taken by public contract, of which due notice was given; and there was a circumstance connected with this contract which should be publicly known. Messrs. Letson, and Williston found that no butcher to whom they had applied, would take this contract, unless they should receive their money weekly. Fresh beef must be had for the sick in some way or other, and they had no funds at their disposal to pay for it, as demanded by those who could furnish the article. In this emergency Mr Samuel, who happened to have some means, came forward, and without having a shilling of interest in the matter voluntarily agreed to guarantee the payment of the contract, and to furnish the committee weekly with the means of doing so. What did the audit committee do but cut down the contractor's price something like £18, although the humane gentleman who furnished the means had not the value of a single shilling in the transaction, and this also without hearing the gentleman who had charge of the business.—But the audit committee, and this immaculate bench of magistrates, did not stop here; the medical man in charge of Middle Island was taken sick and died. It was necessary to procure some other medical man to take his place; several were applied to and declined; a Sessions was called to deliberate on what should be done. Dr. Thomson was called upon to attend, and said that as he held an appointment as health officer, he would not feel himself at liberty to decline taking charge of the emigrants on Middle Island; but if he did so his charge would be three guineas a day—(£3 10s) and even at that price he would feel obliged to the bench if they would as speedily as possible, get some medical man from St. John, or elsewhere, to take his place, for he would much rather not be employed on Middle Island, as he must neglect his patients and endanger the health of his family by accepting the appointment. This was done in open court. He (Mr J.) heard the whole transaction, and the bench freely promised that he should have the sum which he named. In this case what did this same audit committee do but cut down Dr. Thompson's account one third, and instead of three pounds ten shillings allowed him two pounds ten shillings a day. The bench supported the recommendation and thus openly repudiated their own public act. Such had been the manner in which the public faith had been kept by the Bench of Northumberland, and not long ago an advertisement had been issued on behalf of the county for the purpose of obtaining a loan of £400, but no one was found to take the loan, and he believed the county was reduced to this pass in a great measure by the circumstances connected with this transaction. [After animadverting in severe terms on this part of the transaction, the hon. member continued.] It was in vain to talk of this amount coming out of the county funds, the county had nothing to do with it. Had the magistrates of the county been elected by the people, as he the other day wished them to be, and these magistrates acted in this way then he would have said at once—"Let the county pay it; you have placed the parties

in power and you must be answerable for their acts." But the people of Northumberland had no voice in this matter. The government of the Province appointed these magistrates; the charge was not a county but a provincial matter, and therefore the province at large should be called upon to protect those parties from loss who had performed the public duty diligently and faithfully. The arguments in favor of this resolution were few and simple. First, was the claim a just one? He (Mr J.) said it was and this could not be denied. Secondly, if a just claim should be taken from the county funds? This must be answered in the negative, for the county had no more to do with the Looshtauk coming into the harbor of Miramichi than the County of Saint John had. In the third place, if the county was not liable, from what other source than the public chest could these parties be reimbursed. He believed there was none other, and would therefore cheerfully support the bill.

Mr MONTGOMERY had listened to what had fallen from the hon. and learned member from Northumberland, with respect to this matter, and he would assure that hon. member that it would take more than anything he could say to fix a stigma on the bench of magistrates for the County of Northumberland. He had known some of them for twenty years, and, take them as a body, he doubted whether there was a more intelligent bench of magistrates to be found in the Province. He had every confidence in them.

Mr HANNINGTON did not wish to speak again to the question, but would simply say that the audit Committee was composed of three old magistrates and two of the newly appointed ones, and that their report was received by the bench without a division.

Dr. THOMSON animadverted in strong terms on the magistrates refusing to fulfil their agreement with the medical man whom they had publicly employed, and also in cutting down the pay of the laborers employed in taking care of the sick, laboring under a disease of the kind such as that which prevailed among the passengers of the Looshtauk was described to be.

Mr GRAY argued at great length that the hon. member from Northumberland (Mr Johnson) wished the committee to do the very thing which he complained of the bench of magistrates doing—that was to condemn these parties without a hearing. To pass this grant without an investigation, would be to condemn the magistrates; but if that petition was true, it was then time that an investigation should be had, and he thought the Government should institute that investigation.

Hon. Mr RANKIN rose and said, that he thought it a duty he owed to the highly respectable bench of magistrates in the county which he had the honor to represent, to defend them, to the best of his ability, from the charge brought against them by his hon. colleague. That body was twenty nine in number, and out of that number five were chosen to audit the public accounts. They did so, and their report was confirmed by the bench; two of those five were of the newly appointed magistrates, and the remaining three held seats on the bench previous to the time alluded to. His hon. colleague seemed to have made a mistake when he spoke of their unfitness to audit the public accounts. The reason why he objected to them must be because they were fit to audit accounts, for a more masterly audit had never come under his notice. There were separate columns in the report which he held in his hand, and on examination it would be found that many of the items were left untouched, others were reduced and some disallowed, which showed clearly that the committee could have no other end in view than to do justice to such accounts as were reasonable, and reduce such as were unreasonable to a reasonable amount. With respect to the article of beef, which his hon. colleague objected to as being cut down in price, he could only say that he had made a mistake in his figures. This account of Mr Samuel's was not reduced £18 as stated by his hon. colleague; it was reduced £11 6s 9d., or one penny per pound, and there was also a reduction on pork, making in all £13 17s 4d., instead of £18. He could also assure the committee that a better article of beef was selling in the public market for 5d. per pound than was furnished to the people on Middle Island for 6d. With respect to funds he could only say that he (Hon. Mr Rankin) proceeded to Fredericton and at once obtained £500 from the Government, to aid the committee appointed by the Sessions; at another time he procured £300 more for the same purpose, and although he was not aware that the credit of the county had fallen so low as was represented by his hon. colleague, he thought even if this had been the case the funds advanced would have been sufficient to procure provisions, if other matters should have to stand over. Instead of the great crea-