

Legislative News.

Extracts from the Journals.

Fredericton, February 28.

Downing Street, August 15, 1856.

Sir,—With reference to the correspondence which has taken place at different times between this Department and the Government of New Brunswick, respecting the accumulated Surplus of the Civil List Fund, and the rights of the Crown in relation to it, I think that the time has now arrived for an explicit statement of the views of Her Majesty's Government on the whole subject.

2. Earl Grey's Despatch, addressed to Sir Edmund Head on November 25th, 1850, fully explains what those views were at the date of his writing. It was thought very essential for the welfare of the Province, that a reform should take place in its financial institution, by the introduction of the principle of confining the initiation of money votes to the Executive; a principle well understood and in full operation in this Country and in almost all its more important Dependencies. And it was considered that the Crown ought not to abandon its controul over the Fund in question, unless satisfied that this principle was in course of adoption.

3. For my own part, I will not conceal my regret that the hopes entertained by Lord Grey have been hitherto disappointed. I hold, in common, I believe, with all those practically acquainted with the operation of Parliamentary Government, that the very important measure of introducing measures for the appropriation of public money ought to be confined to those on whom the responsibility of public administration devolves. It is clear that when this principle is not observed, the local Government can make no certain or probable estimate of the sums which may be required for the service of the year; and I believe that the uncertainty thus introduced is very injurious to the material progress of the community, by rendering it impossible to undertake plans involving systematic outlay of public money; and in addition that it greatly impairs the security of public credit. I find that these opinions are so generally accredited, that in all more recent Colonial Constitutions, as in those of Canada, Australia and Jamaica, the principle in question is incorporated in the Constitutional enactments. And, although its adoption may have been retarded in some cases by the jealousy entertained of Executive authorities, appointed by the Crown and irremovable, there can be no longer place for such jealousy when Government is administered by authorities responsible to the people.

But while persuaded of the truth of these views, I am by no means satisfied that it is either the duty of Her Majesty's Government authoritatively to enforce them, or their interest to retain any particular fund under their own control for the use of the Government of New Brunswick in case of emergency. It is the duty of the Representatives of the People of the Province to vote the necessary funds for the public service; Her Majesty's Government in relinquishing their former controul over the Executive Administration, became, as it appears to me, relieved from the duty of seeing these services supplied. And while the Home Government is thus relieved from responsibility, the Representatives of the People of the Colony are at the same time entitled, if they think proper, to maintain that they who supply the funds are the judges by whom, and in what manner, their expenditure ought to be proposed and sanctioned. The Province of New Brunswick has not for many years received any assistance from the Imperial Treasury, such as might justify interference in order to secure the interests of the British tax-payer. It has been always a self-supporting dependency of the Crown. I may regret that its Legislature does not adopt a regulation which, I believe, political experience has proved to be conducive to good government; but if they are wrong in this, it is for their constituents, and not for myself, to promote the required reform.

5. On these grounds, Her Majesty's Government have come to the conclusion no longer to retain any controul over the sum in question. You are therefore authorized to place the present accumulated amount of Surplus Civil List Fund, without reserve, at the disposal of the Assembly; and to follow the same course with regard to the accruing surplus of future years.

The discharge of the claim of Judge DesBarres out of this Fund, (as authorized by Mr Sidney Herbert's Despatch of the 16th February 1856,) is, of course, a prior obligation on it. And if there should be any other outstanding claims against Her Majesty's Government, properly devolving on the Civil List Fund, (which I do not anticipate,) they must also be dealt with before the final surrender, so as to render it impossible that any charge on the Imperial Treasury, in respect to past liabilities connected with the administration of Government in New Brunswick may be hereafter brought forward. I have, &c.,

(Signed) CLARENDON.

(In the absence of Mr Labouchere.)
His Excellency the Lieutenant Governor, &c.,
New Brunswick.

Downing Street, 31st December, 1855.

Sir,—Adverting to the last paragraph of my Despatch of the 15th August last, I have to inform you that in the opinion of Her Majesty's Government, the debt of nine hundred and twelve pounds four shillings and two pence, due

from New Brunswick in respect of the Railway Survey, as you were informed in my despatch of the 4th April last, is one of the charges properly devolving on the "Civil List Fund." It is one which would, according to ordinary arrangements, have been charged on the Territorial Revenue, had this been still at the disposal of Her Majesty, and which, therefore, devolves rightly on that fund which was granted to Her Majesty in exchange for the Territorial Revenue.

I have therefore to instruct you to defray this amount out of the Fund before it is finally placed at the disposal of the Assembly.

I have, &c.

(Signed) H. LABOUCHERE.

His Excellency the Lieutenant Governor, &c.,
&c., New Brunswick.

February 26.

Read a third time as engrossed, a bill to amend the Act to divide the Parish of Carleton, in the County of Kent, into two Parishes. Resolved, that the Bill do pass.

Mr Desbrisay, by leave, presented a petition from Docette Robichaud, Lazarus Robichaud, Oliver Robichaud, and three hundred and twenty nine other French inhabitants of the County of Kent, praying to be relieved from the taxation for the support of the Poor; which he read. Ordered, That the said Petition be received and lie on the Table.

On motion of Mr Sutton, the House again went into Committee of the whole on—A Bill to regulate the collection of Harbour Master's Fees within the County of Northumberland.

The Chairman reported, the Committee having the Bill again before them, had passed the following Resolution—Resolved, That the further consideration of this Bill be postponed for three months. Ordered, That the report be accepted, and the further consideration of the said bill accordingly postponed.

Mr Harding from the Committee appointed this day to take into consideration a Petition from James Murray, for an investigation to be had as to his claim for extra work performed on Miscoc Light House, submitted their report; and he having read the same, handed it in at the Clerk's Table, where it was again read, and is as follows:—The Committee to whom was referred the Petition of James Murray, of Newcastle, in the County of Northumberland, praying an investigation into a claim he has for extra work in building Miscoc Light House, amounting to £81 12s 6d, having had the same under their consideration, beg to report—That they have examined the Account, Certificates and affidavits to the Petition annexed, as also Mr Kerr, one of the Commissioners for Light Houses in the Gulf of Saint Lawrence, with Reports of the same on file in the Office of the Commissioner of the Board of Works, and find that the plastering Kitchen and Parlour of Keeper's House, £7 10s., and also building large Porch to Keeper's House, &c., £22 10s., are included in the Contract, or are only equivalent to work therein to be performed: That the men's time, waiting for copper, glass reflectors, &c. £36 10s., is not such a one as from the evidence before them they feel justified in recommending; but that the charge for additional iron straps and belts for Light House Tower, £12 17 6, loss for ventilating lanterns, 10s., landing and carriage of the copper, glass lamp chimneys, reflectors, &c. £1 5s., copper for rivets, 10s., in all amounting to £15 2s. 6d., be paid the Petitioner, in full, for extra work performed on the said Miscoc Light House.

JAMES A. HARDING.

L. P. W. DESBRISAY,

P. MITCHELL.

Committee Room, 26th February, 1857.

Ordered, That the report be accepted.
Mr Sutton moved for leave to bring in—A Bill to place the Road leading from Chatham, in the County of Northumberland, to Indian Town, on the great Road establishment. Leave granted.

The Honorable Mr Montgomery, by leave presented a Petition from Arthur Ritchie and Company, H. and J. Montgomery, J. L. Barbarie, and thirty eight others, inhabitants of the Town of Dalhousie, in the County of Restigouche, praying that a bill now before the House authorizing an assessment for the supply of the said Town with Water, may not pass into a Law; which he read. Ordered, That the said petition be received and lie on the Table.

Read a second time the following Bills. A Bill to provide for the incorporation of the Presbyterian Church of New Brunswick: A Bill to establish the Road leading from the Great Road in the Parish of Lukerman, in the County of Gloucester, via the Bridge over the South River of Pokemouche, to Shippegan Harbour, as one of the Great Roads of communication in this Province.

By Telegraph to the Reading Room.

FREDERICTON, March 7, 1857.

A bill to incorporate St. Stephen's Academy passed a third reading, also passed in committee the following bills, viz., one to amend entitled act to incorporate Northumberland Straits fishing Co. A bill to alter division line between parishes of Springfield and Studholm, in Kings, bill relating to payment of rates and taxes in parish of Wickham, Queen's County. A bill introduced by Harding, relating to hawkers and pedlars to obtain license by payment of certain sums, progress reported. The bill to incorporate Indian Town Railroad Co. postponed for 3 months. Bill to incorporate Miramichi Bank, and the bill relating to Office of Register of deeds and wills passed in committee. House adjourned at half-past 3 o'clock.

March 9.

After some routine business had been transacted, Watters rose, and reading from a newspaper the reported answer given by the Attorney General the other day with reference to the extension line between Fredericton and Woodstock, and Moncton and Miramichi, wished to know if the answer as read was correct, if it was to him (Mr W.) and the County, which he had the honour to represent, it was very unsatisfactory, it was a departure from the policy the Government had pledged themselves to pursue, and a violation of the law of the land.—He was particularly surprised that the Solicitor General would tell the honourable member for his satisfaction and that of the public, that Government intended soon as weather permitted to have the survey on the Fredericton and Woodstock line prosecuted, and when the best line was ascertained proceed with it, said the Solicitor General, there may be a prospect of St. Andrew's line coming in such direction as to render unnecessary 2 parallel lines. Mitchell did not wish to press these extensions upon the country, but would ask why the survey of the northern extension was forgotten altogether. Attorney General thought members had better wait until the Government defined their railway policy. Hatheway felt that his colleagues could not have been aware of the answer which was coming from the Government, thought it quite unnecessary to waste two summers in making survey. At 12 o'clock the order of the day, the election bill was gone into. Lewis in the chair; Attorney General opened, denying the statement that Government intended to return to the old system, insisting that the bill before the House was only a temporary provision to meet an emergency, and that Government intended to bring in a measure of a broad and liberal character, no law involving principle of registration could be carried out short of one year, and therefore temporary measure was necessary.

The propositions he intended to discuss were, do the returns from the various officers shew an existing state of things which demand an immediate remedy, and is the remedy proposed by the present bill sufficient. House separated for dinner.

Attorney General resumed, going into the various returns, and explaining what parishes in the various counties were competent according to law to vote, Albert, Restigouche and Sunbury were the only 3 Counties in the province in which the law has been fully complied with, in the rest of the counties had been partially complied with. Johnson rose to answer, one objection to the bill was that it could not be passed without a suspending clause. He should offer an amendment which would cover all difficulties and by which the county could in ten days be placed in a position to have a general election.

House adjourned at 20 minutes past 5 o'clock

March 10.

Several Bills received a third reading in the House this morning. Notice of an Address to His Excellency was given by Smith, relative to expenses incurred by the Board of Works department since the 1st of May last. C. Perley put a question to the Government as to whether any person had been appointed, provisionally, to a seat in the Legislative Council from the first of February, and from what County. Provincial Secretary replied that he was not prepared to give an answer. Messrs. Johnson, Mitchell and others, contended that it was the duty of the Government, either to answer the question now or state at what time the reply would be given. Perley gave notice of his intention to move an Address, providing the question was not answered. A few minutes after 11 o'clock the debate on the Government Election Bill was resumed; Johnson spoke for nearly one hour and a half, principally in reply to Gray, and in opposition to the revival of the old law. An amendment to the bill introduced by the Government was proposed by Johnson and seconded by Hatheway. The bill in amendment provides for the adoption of means whereby the existing law can easily be made available in incorporated and unincorporated Counties. Mr Allan spoke for half an hour in support of original bill and in opposition to amendment; Smith followed, and in speech denouncing first bill and supporting amendment. Boyd and Barbarie would sustain Government, and Hatheway spoke at some length in favour of the amendment proposed by opposition. Botsford made a lengthy speech, declaring himself in favour of ballot, but would support the bill proposed by the government. His Honor the Speaker would not state how he would vote on the bill until he had ascertained whether it was required to pass with suspending clause. Harding made a short speech denying that opposition was factious, and speaking in favour of the amendment. House adjourned at a quarter to 6 o'clock.

March 11.

Sutton asked Post-Master General when his report would be submitted—Post-Master General had answered question the other day, (very soon.) Smith moved Address to His Excellency, asking information to each following subjects—Amount due by estate of the late James Taylor, Deputy Treasurer for Fredericton, and what steps were taken to recover amount paid in connection with Public Buildings—for services performed before Mr Taylor's death—amounts paid for salaries, &c., in connection with Board of Works since May last. Mr Perley wished to lay on the table motion of address to His Excellency, with reference to rumoured appointment to Legislative Council. It was resolved, on motion, to take up Resolution of Perley to-morrow morning. Some

considerable discussion arose on question asked by Tapley, whether petitions relating to election bill would be received after it had been committed. The speaker thought such course decidedly unparliamentary. On motion, several petitions from Sunbury and York were received, praying that no law be passed to suspend operation of existing election law. The Attorney General laid on the table Railway papers, some of which he said would be at the full disposal of the House, but some referring to tenders, &c., while they would be laid under full inspection of Hon. members—he considered it inconsistent with public interest to publish. A very long and spicy discussion followed—some Hon. members warmly condemned the course pursued by the Government, others defending as warmly. Mr Connell laid on the table a resolution for Address to His Excellency, praying that all contracts, tenders, and other papers relating to Railway operations, be laid before the House, which, on motion, was received, and thus the discussion ended. The Provincial Secretary, by command of His Excellency, laid upon the table, following papers—Certain freight returns with regard to Shipping; Accounts of Portland Police; likewise a Message from His Excellency, relating to Canadian Boundary Commission. On motion, resolved, that the House do, on Friday next, go into consideration of His Excellency's message. After dinner, House resumed consideration of Election Bill and amendment. Boyd in the chair, Lewis being unwell. Tapley led off in a very clever speech, declaring himself bound by correct principles to sustain the amendment and oppose the Bill. Dr. Earle was impelled by a sense of duty to go for bill.

Provincial Secretary very eloquently dwelt upon the evils connected with the working of the law; the necessity of an immediate remedy, and the suitability of the remedy proposed; expressed his disapprobation of some features of election law, thought the ballot anti-British and allowing the Sheriffs to retain possession of ballot box for three days unsafe. Fisher followed in defence of the amendment, taking a review of various propositions and arguments advanced. Montgomery next spoke in opposition to the amendment, and was followed by Lawrence on the same side, who spoke very eloquently for about one hour. Mitchell came next, in opposition, warmly defending the present election law and amendment. House adjourned.

March 12th.

Progress reported on bill to amend Act to Incorporate South Bay Boom Company. Harding presented petition against passing of the bill. Several Members opposed it on the ground that it interfered with private rights. Long discussion on C. Perley's resolution for Address to His Excellency, respecting appointment to Legislative Council. Speaker took ground of resolution, out of order, which was sustained by Wilnot, Gray and others, who argued, that no instance similar to Resolution, was on imperial records. Johnson, Smith, Fisher and others took opposite views, arguing that it was right for any member of the House to put the question. Government interests, and the country required, it should be answered. Resolution passed to vote 22 to 18. Opposition all voting in favor, together with McMonagle and Kerr.

Debate on Election Bill and amendment, was resumed at half-past two. Kerr spoke briefly opposing Johnson's bill—he would support bill introduced by Government, with certain amendments. Gillmor spoke for some length in support of amendment, and against removal of law. He was followed by McLellan on same side. M. Plerson opposed amendment. Speech was principally taken up in matters referring to York and the last election. Watters spoke in support of amendment. Street spoke in favor of Government bill, McAdam spoke in opposition to bill introduced by Government.—House adjourned at 6 o'clock.

News of the Week.

YESTERDAY'S MAIL.

We make the following selection of news from papers received by the mail yesterday afternoon.

EUROPE.

New York, March 6.

The steamship Persia, Capt. Judkins, from Liverpool has arrived. She brings dates of the 21st ult.

Her news possesses several features of interest.

Mr D'Israeli, in Parliament, was to attempt on Friday night, the 29th, to overthrow the Ministry by moving an amendment to the financial budget; Mr D'Israeli proposing that the estimate should be adjusted over the period of the next three years, so as then to allow a total repeal of the income tax.

The Conference will meet early in March, but it is feared it will be protracted, and the matter difficult of adjustment.

There is nothing nearer towards the settlement of the Danubian principalities.

The Russians have resumed the war on the Caucasus, and are reported to have received a large cession of territory from Persia.

A report from the Russian Minister of War declares that the truce concluded with Schamyl during the Turkish war, expired in May of last year, and that operations against the Circassians