

New Brunswick.

SAINT JOHN,
WEDNESDAY, APRIL 21, 1862.

In our paper of the 7th instant we stated, by way of apology, for not having published the Address of the House of Assembly in answer to His Excellency's Speech, that "we were obliged to wait until we received official Copies from the Office of the Secretary of the Province."—This should have been "from the Clerk of the House of Assembly," as it is from him that an official Copy of the Address of the House of Assembly should be forwarded.

The English MAIL for the Month of March, arrived at Halifax, on the 20th inst. but nothing of importance has transpired.—She has brought London papers to the 7th ult.—The Definitive Treaty was not signed; and, as is usual on such occasions, a thousand contradictory reasons were assigned.—The most satisfactory account is to be found in the following extract from Lord Hawkebury's Speech delivered in the House of Lords the 2d March:

"The only ground on which he thought it necessary now to say any thing, was the unusual length to which the negotiations for the Definitive Treaty were protracted, and the circumstances which caused it to be protracted. The House had certainly a right to inquire into these circumstances; but when it considered the variety and the complex nature of the interests to be adjusted, and when it looked to the length of some former negotiations, it would not say that the present treaty had been protracted to such an excessive length, as to justify or require Parliamentary interference. At the last peace, preliminaries had been signed on the 20th of Jan. and the definitive treaty had not arrived till the 3d of Nov. This, he stated, merely to show that the present delay was not so unusual as to warrant parliamentary inquiry; and having stated it, he would assure the House, that His Majesty's Ministers were as anxious as any other men in the country to bring the negotiations to a favourable issue; and, that no effort of theirs to this effect, had, or would be omitted."

Thursday last arrived the brig Friends, Capt. Crookshank, in 38 days from Savannah-la-Mar, (Jamaica).

Yesterday the sch'r. Mercury, Capt. Beatty, from Turk's Island.—Cargo, Salt.

FOR THE ROYAL GAZETTE.

MR. RYAN,

If you should deem the enclosed worthy of a place in your paper, I will thank you to insert it. AMICUS.

A Writer in your paper of Wednesday last, has been pleased to favor the public with some very ingenious strictures on the Laws of Trade, and undertaken to give a satisfactory answer to a Query which appeared in the Royal Gazette of the 7th instant, relative to a Clause in our provincial Revenue Act, making it necessary for Masters or owners of vessels coming into this port to enter at the Treasurer's office previous to their going to the Custom-House. Although the officers of His Majesty's Customs have not, it must be confessed, been treated with much ceremony in these strictures, they must nevertheless think themselves very much obliged to the learned author for the information they have derived from so masterly a performance, as well as for the flattering opinion he seems to have formed of their tempers and dispositions. I cannot however, entirely agree with him in the construction he has given to one or two of the Clauses, cited by him from these Statutes, on which his whole argument appears to be built; and notwithstanding the high opinion the gentleman seems to have entertained of his own abilities, I trust I shall be able to prove to the satisfaction of the intelligent reader, that he is not altogether infallible. The extract from the 7th George 3d, to which the above Query was subjoined, requiring Masters of vessels, on their arrival in any British colony or plantation in America, to come directly to the Custom-House, before they proceed to the place of unloading, the gentleman observes, "cannot by the most ingenious expounder of the Statutes or the most imperious Custom-House officer, be construed in any other way, than that the Master shall make a regular entry before

proceeding to the place of unloading, as no time is specified in the Act for vessels to lie in the stream." So according to this gentleman's ideas, a vessel arriving in this harbour, may remain in the place where she first cast anchor, and in sight of His Majesty's Custom-House a twelve month, or more, without making an entry or report to that office. I cannot but regret that the learned gentleman had not, before he ventured upon so bold an assertion, looked a little farther into the Statutes, he would probably then have discovered, that there is a time limited for such Master or owner to make a report or entry at the Custom-House, and that if he exceeds that time he will subject himself to a very heavy penalty. The clause he has extracted from the 26th George 3d I maintain, has no reference whatever to the Colonies; it is applicable only to Great-Britain, and the only part of the Act which can in the least apply to the Colonies, is the 3d section, in which they are particularly mentioned, and which relates solely to Manifests which the Masters of vessels are obliged to produce in England, under the hands and seals of the Collector and Comptroller of the Customs for the district from whence such vessels sailed. This Act requires that vessels should enter within twenty four hours after their arrival in Great-Britain. We will suppose that this regulation extended to America, and a vessel arrived at Campo-Bello or Beaver harbour, where she is to discharge her cargo, could the Master be certain of being able to make his entry at the Custom-House at Saint John, or Saint Andrews, within the time limited by this Act? Might he not at some seasons, be detained several days before he could accomplish this business? And would it be just to subject him to a penalty of One hundred pounds for not doing an impossibility? I mention this as one proof, among a number of others, that the extract which the gentleman has made from this Act, does not in the least apply to the Colonies. In Great-Britain where there is a Custom-House in almost every harbour, no difficulty of this sort can arise, as a Master of a vessel must be negligent indeed not to make his entry within twenty-four hours after his arrival; and notwithstanding so much time is there given for this purpose, it is expected that those vessels which may arrive in the vicinity of any Custom-House, do make an immediate entry at that Custom-House on their coming to anchor, and those that arrive at the out-ports, are not to exceed twenty-four hours in making such entry.

The clause cited from the 7th George 3d, requires that a Master of a vessel in the Colonies, shall come directly to the Custom-House before he proceeds to the place of unloading. No time is limited for this purpose, for the reasons I have already mentioned; but still he is strictly enjoined to come directly to the Custom-House, that is, to make no unnecessary delay, in entering his vessel there. He may take twenty-four hours or perhaps as many days, to get there, and yet make all the dispatch possible; or in other words come directly to the Custom-House. Had the learned gentleman, when he was quoting from the Act of the 7th and 8th William 3d, proceeded a little farther, he would have seen that this Act made the Masters and commanders of vessels in America liable only to the same rules and regulations, as the Masters and commanders of vessels in Great-Britain were subject to, by virtue of the Act of Parliament made in the 14th year of the reign of King Charles 2d, intitled, "an Act for preventing and regulating abuses in His Majesty's colonies;" but not to such rules and regulations as Masters and commanders of vessels should be made subject to by virtue of an Act to be passed in the 26th of his present Majesty, or at any subsequent period. The place of unloading at Saint John is, I conceive, the harbour, not this wharf, or that wharf; and it is well known that almost all the European vessels unlade in the stream, where they first drop anchor—others discharge at the wharves; none of them however, ever come to the Custom-House, until they arrive at the place of unloading, by which omission, strictly speaking, they incur a penalty of One hundred pounds sterling, by the 7th George 3d; but what Custom-House officer at this port ever had an idea of prosecuting for this penalty? None I will venture to say.

But if Masters of vessels have not been compelled to enter their vessels as directed by this Act, before they proceeded to the place of unloading, there surely can be no plea for their not com-

ing to the Custom House directly after they have arrived at such place of unloading. The Treasurer, I presume, even by the provincial Law, is not authorized to demand the Custom-House documents, from any Master of vessel entering at his office. All that he can require is, a true Manifest of the cargo, therefore it would be out of his power, even if such Master were to enter at his office before going to the Custom-House, to correct the Manifest by such documents, unless indeed the Master should think proper to produce them.

The difficulty with respect to the *Scipio*, as I am informed, arose entirely from the Master's neglect, in not making out a Manifest of his cargo, before he delivered his papers at the Custom-House, which he certainly ought to have done.

A Master of a vessel, a stranger, might incur the penalty under the provincial Act, before he could know that any such Law existed.—For example, immediately on landing, he would naturally, as directed by Act of Parliament, go to the Custom-House, and if the Collector should even inform him that he should have entered at the Treasurer's office before he came there, it would be too late to rectify the mistake, for he will have already incurred the penalty; the provincial Law does not say that he shall not enter at the Custom-House, but that he shall not go there before entering at the Treasurer's office.

The gentleman is pleased to observe, that the officers of the Customs in this port, and in this port only, have frequently told Masters of vessels, that they must enter at the Custom-House previous to going to the Treasurer's, &c.—How the gentleman obtained the knowledge of what injunctions may have been given to Masters of vessels at every other Custom-House in His Majesty's dominions, it is difficult to say, but this I suppose is to be considered only as a rhetorical flourish. The officer so pointedly alluded to by this gentleman, I dare say, will have no objection to give him any satisfaction on the subject of his question, when called upon in a proper manner.

I now take my leave of my learned friend, and if I were sure it would be well received, (as I take him to be a young man) I would offer him a piece of advice, that is, before he ventures again to give the public so peremptory an exposition of a Statute, to take care to examine it with a little more attention, as very serious consequences might result to the trading part of the community, particularly to those who are concerned in Navigation, from a false construction of an Act of Trade, especially when known to be the legitimate opinion of a gentleman of the Law. I would also recommend to him to be a little more cautious in future in the application of the epithet *imperious*, as it is seldom found in the gentleman's Vocabulary. AMICUS.

For the ROYAL GAZETTE.

MR. PRINTER,

By inserting the following in your next paper, you will oblige

A CORRESPONDENT.

BAD roads are a nuisance, a country Village ought to be ashamed of them. A Corporate Town where a multitude is assembled, and necessarily live in a compact body, is still less excusable for a deficiency of this nature.—The City of Saint John which has unlimited powers by its Charter for making, and compelling its Inhabitants to work, such Streets and Highways as the Common Council may think proper, should at least have them in decent repair.—That they are shamefully the reverse is a notorious fact.—Twice have the Corporation been indicted for their deficiency; and at twenty other times have been, and I take it still are, obnoxious to Indictments for the same cause.

From great privileges either to an Individual or body Corporate, great benefits to that person or that body Corporate ought to be the consequence. Our Charter affords many real and important advantages, by granting the liberty of making our own municipal arrangements. And foremost among them, stands that privilege which exempts the Inhabitants from the provincial regulations respecting Highways, and gives to the Mayor, Aldermen and Commonalty, the power of working their Streets and Highways, as they judge most advantageous.

We have within the City on the Eastern side of the Harbour, about 500 persons liable to Street work; compelling each Individual to perform the number of days labour required by an

Act of the Legislature from the Inhabitants of the different Counties (making allowances for different descriptions of persons) would amount to two thousand five hundred days labour, or if collected in money at four shillings per day to the sum of £500, as an annual expenditure on the Streets of this City: a sum sufficient in the course of five or six years, to pave the sides and gutters, of all the principal Streets—and even then the Inhabitants would have no just cause for complaint, as the quota or number of days' work, would not exceed their neighbours of Portland, and their advantages would be ten times greater.—But let us take only half the number, which will be somewhat less than three days for each individual—or say three, which has been the labour required for several years before the two last preceding, and is undoubtedly moderate in a new Country—the amount will be fifteen hundred days work or £300.

The Streets used, or that require any considerable improvements, are Prince-William Street, and Germain Street—St. Andrews' Street, James' Street, Duke Street, and King's Street, as far back as where they are intersected by Charlotte Street and Dock Street; making together about two and an half miles of Highway. Now Mr. Printer can you, or can the Public imagine that the sum of three hundred pounds, annually expended on this small distance, if wholly, and properly disposed of, would not make it decently passable—reduce the Hills and repair the Breast-works. Instead of which Hills that are difficult, nay for carriages dangerous, of ascent or descent, remain untouched, breast works which guard precipices, that endanger the lives of passengers, are in decay, and the face of the Streets a disgrace to our Police.

The cause of this evil, which produces public disgrace, or public inconvenience must exist somewhere.—It originates either with the Common Council, or its officers appointed to carry into effect its ordinances.—We have Inhabitants quite sufficient, without swelling the number of days beyond three, to do all the labour necessary for having our Streets in excellent order. The Common Council have power to call for that labour. If they have, and will not exert that power, the censure must abide with them. If they have exerted it, and charged persons with authority to carry their appointment into effect, it must be the fault of those officers.—For me to ascertain with whom lies the blame is impossible. The object of these few desultory observations, is to call the public attention to the shameful situation of our Streets. Some new regulations should be adopted—for as they have been managed for a considerable time past, instead of improvement, they grow worse. It is anxiously to be hoped the Common Council will take the matter into serious consideration, particularly that they shall call officers appointed by them to superintend the work, and receive monies collected, to a faithful account, and cause them to exhibit full and satisfactory vouchers, that all sums so collected have been properly and wholly expended.—They having the appointment of those officers whom they empower to receive the money of the Inhabitants, are in duty bound to cause themselves, and the public to be fully satisfied, that such money does not gild the pocket of an Individual or is not applied to purposes foreign to the Streets.—One sure means of preventing after difficulty, will be, for such responsible situations, to select and appoint responsible men, men of undoubted integrity.—I do not mean hear Mr. Printer to say, that any person or persons are guilty of embezzling the public Street money.—But I cannot help observing, that persons charged with the expenditure of public monies, should be brought to a severe and scrupulous account, and if the Common Council should be disposed to relax in this respect, which I hope and trust they never will—the interference of a Grand Jury would be highly commendable—who no doubt have a general superintendence over the conduct of all public officers, even those appointed by the Common Council, and whose duty it is to present for malfeasance.

A CITIZEN.

To CORRESPONDENT.

"Quid Nunc" is unavoidably postponed for want of room.

Advertisements, &c. omitted this week for want of room, will be carefully inserted in our next.