

Provincial Legislature.

EXTRACTS FROM THE HOUSE OF ASSEMBLY JOURNALS, JANUARY 25, 1842.

On motion of Mr. Woodward,

Whereas there are great evils existing in the City of Saint John, arising out of the practice had in the City Court of the said City, and those evils call forth serious complaints from the inhabitants, inasmuch as the immense expense attendant upon proceedings had in that Court bears very hard upon the poorer classes of the inhabitants, and it being necessary that the House should be put in possession of certain information relative to the practice and proceedings in that Court, before they can take any action thereon; therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct that the Common Clerk of the said City do make returns to be laid before the House, at as early a day as possible, embracing a period of three months, ending on the 31st day of December last, shewing the number of Receipts, Summonses and Attachments issued—the number of Judgments entered or obtained thereon, with the amounts thereof, how the same were satisfied, whether by payment thereof or imprisonment, the whole amount of costs thereon, and by whom such costs were received—and also a statement of all the items of costs to which parties are liable, both Plaintiff and Defendant, under proceedings had in that Court, from the first Process to final Judgment and Execution.

Ordered, That Mr. Woodward, Mr. Hayward and Mr. Jordan, be a Committee to wait upon His Excellency with the Address.

The Honorable Mr. Johnston, by command of His Excellency the Lieutenant Governor, delivered the following Message:—

"New Brunswick.

"Message to the House of Assembly, 24th January, 1842.

"W. M. G. COLEBROOKE, Lt. Governor.

"The Lieutenant Governor lays before the House of Assembly, Extracts from three Despatches, which he has received from the Secretary of State for the Colonies, relating to the Financial affairs of the Province, and which, referring to the observations contained in his opening Speech, he recommends to their consideration.

"W. M. G. C."

The documents communicated to the Assembly by the foregoing Message, being then severally read at the Clerk's Table, are as follow:—

EXTRACTS FROM DESPATCH OF LORD STANLEY TO SIR W. COLEBROOKE,
Dated November 30, 1841.

"I have had under my consideration your Despatch, No. 60, of 29th September, in which, referring to your former Despatch to my predecessor, of the 15th July, which you enclose, and to the course which has been pursued in Canada, you request to be authorized to announce to the Legislature of New Brunswick, an offer on the part of Her Majesty's Government to guarantee a loan of £500,000, to aid the execution of such Public Works as will facilitate the improvement of the Agricultural and Maritime resources of the Province, on condition that the surplus of the Casual Revenue, and other incomes adequate to the object, be specially appropriated to the payment of the interest, and ultimate reduction of the principal."

"In this proposal, I recognize the same zeal for the Public Service which has always led your active mind to the consideration of projects likely to be beneficial to the Colony committed to your charge, and I assure you that I am fully sensible of the great natural advantages possessed by New Brunswick, and of the means which that Province possesses within itself, of making an ample return for a wise and liberal policy, in the development of its great but hitherto most imperfectly explored resources. But I am compelled to add, that this measure which you now suggest, is one, to which as applied to New Brunswick, I could not assent without much more information than I at present possess.

"It is to be remembered, that a great change was on the point of being effected in the Constitution of two (Canadian) Provinces, about to be united under one Legislature, and one of which objected to the Union, as involving it in possible Financial difficulties, arising out of the heavy debt previously contracted by the other, and in future to be charged on both, for the execution of Public Works locally within one Province exclusively. The debt, thus incurred, had been contracted at a high rate of interest, for which, however, adequate security had been given upon Colonial Revenues, and the effect of the guarantee of the British Government under such circumstances, was to enable that debt to be paid off, and a fresh debt contracted at a lower rate of interest, leaving the balance between the two rates an annual sum, available as a security for still more extensive public improvements. * * * And it is to be observed, that this relief to the Colony was not afforded, until among other important changes a provision had been made against any possible imprudent expenditure being authorized by the House of Assembly, which might have the effect of diminishing the security for the payment of the interest, by transferring from the Assembly to the Crown the initiation of all money votes.

"The enquiries which I have been led to make, with a view of ascertaining how far it might be possible to meet your wishes, have brought under my notice the observations contained in your Despatch of the 21st June, reporting on the Blue Book for the year 1840. As these papers have been referred for the consideration of the Lords of Her Majesty's Treasury, I am unwilling to anticipate any observations which their Lordships may have to make upon them; but I cannot help remarking that with reference to your present proposal of raising a loan, for the more rapid advancement of the Province, the unsatisfactory manner in which the financial business of the Colony is conducted, offers in itself and in its apparent results, a very serious impediment. From the papers before me it is very difficult to ascertain what is the real financial state of the Province, but it would appear from them that the deficiency of 1840, amounted to nearly £54,000, and that of 1841, is estimated at about £43,000. I am aware that these sums do not correctly represent the difference between expenditure incurred, and revenue received within the year, but that the expenditure really incurred on account of one year may appear to the charge of another, and that owing to this irregularity, it is very difficult to form a just idea of the real state of the case. I cannot but think that the mode adopted, whereby the expenditure of the year is voted as it were piecemeal, without any reference to the probable amount of revenue, without any statement of ways and means, or any exposition analogous to that which, in this country is familiarly called the Budget, above all without the check or sanction of any public officer or body taking a general yearly view of the whole financial condition of the Province, (the result of the system being the necessary creation of a perpetually fluctuating unfunded debt, in the shape of a running account with private Banks,) is open to serious objection, and must tend to diminish the power of the Province to avail itself of its resources by depreciating its credit, in consequence of the uncertainty from year to year whether there will be any real available surplus or not. I am aware of the jealousy with which the House of Assembly would probably view any proposition for restricting its powers as to granting public money, but I am persuaded that unless a restriction, analogous to that which has lately been introduced into Canada, in strict accordance with the practice of Parliament, be introduced into New Brunswick, and until more of method is introduced into the management of the financial business of the Colony, it will be unable to avail itself to the extent to which it might, of the resources which it undoubtedly possesses, and will be unable to hold out inducements to private capitalists to advance their money, except on very unfavourable terms, or to justify a British Minister in recommending the guarantee of Parliament to a loan for the promotion of local improvements. You will best judge how far it may be advisable to bring these views, as from yourself, under the consideration of the Legislature at its approaching Session, with any hope of inducing them to adopt any improvement of the existing system. I would willingly have devoted more time to the consideration of this and other topics which were brought under my notice by your Despatch of the 29th September, had you not expressed your wish to be put in possession of my views, if possible, before the opening of the Session.

"In the enclosure to that Despatch, you further speak of the construction of a 'Canal to connect the waters of the Saint Lawrence and the Bay of Fundy,' towards the preliminary survey of which it appears that the Legislature of New Brunswick had voted £1000, and that Lord Sydenham had contributed £500 from Canada, and you request that I will bring the matter under the consideration of the Board of Ordnance, with a view to the immediate execution of the Survey.

"On reference to the correspondence which has taken place on the subject, I find that your predecessor was informed that as soon as adequate funds were provided, a competent Engineer should be

sent out from this country, and he was directed to invite the co-operation of the neighbouring Colonies. It appears that the Legislature of Prince Edward's Island have intimated their readiness to consider the question in their approaching Session. From Nova Scotia it does not appear that any assistance has been promised, but Lord Falkland will be instructed to bring the subject again under their consideration, and should the Legislature of the Colonies interested, be prepared to guarantee a sufficient sum for the execution of the preliminary survey, I will, without delay, cause steps to be taken for ascertaining the practicability and probable expense of an undertaking, which has been favourably viewed by many competent judges, which appears to be desired by the Legislature of New Brunswick, and which certainly holds out prospects of considerable advantage to Her Majesty's North American Colonies.

(Signed) STANLEY."

Sir W. COLEBROOKE, &c. &c. &c.

EXTRACT FROM DESPATCH OF LORD STANLEY TO SIR W. COLEBROOKE,
Dated December 5, 1841.

"The employment of Emigrants in New Brunswick seems to depend in great measure on Public Works, and these on the funds which may be available for their execution. The financial question must therefore be first solved before any measures can properly be taken for attracting laborers to the Province."

(Copy)
"Downing Street, 9th December, 1841.
"SIR,—I have received your Despatch, No. 75, of 12th November, forwarding the Blue Book of New Brunswick for the year 1841, with your remarks on the returns contained in it.

"Your proposal to associate the Collectors of Customs at Saint John and at Saint Andrews in a Commission, to report in what manner the Imperial and Provincial Establishment at present charged with the receipt of that Revenue could be most advantageously consolidated, has been referred for the favorable consideration of the Lords Commissioners of the Treasury.

"In my Despatches, Nos. 17 — of the 30th ultimo and — instant, I have fully explained my views with regard to the measures proposed by you for developing the natural resources of New Brunswick by means of Public Works and Emigration.

"The disordered state of the finances of the Province demands an early remedy; I have therefore to instruct you to bring the subject under the serious notice of the Legislature, at its next meeting, with a view to the establishment of a more regular system by which the Revenue and Expenditure may be equalized, and the real balance between them be correctly ascertained. I have, &c.

(Signed)

STANLEY."

Lieut. Governor Sir W. COLEBROOKE, &c. &c. &c.

JANUARY 26.

The Honorable Mr. Johnston, by command of His Excellency the Lieutenant Governor, delivered the following Message:—

"New Brunswick.

"Message to the House of Assembly, 25th January, 1842.

"W. M. G. COLEBROOKE, Lt. Governor.

"The Lieutenant Governor lays before the Assembly, copies of various communications which he has addressed to the Clerks of the Peace, and to the Boards of Education in the several Counties, together with their Reports, and the Returns made by Trustees of Parish Schools.

"These Returns, though incomplete, have been compiled in a Tabular Form, with Abstracts of the Reports, and a general summary, which has been drawn up for the elucidation of the various and important information comprehended in them.

"The Lieutenant Governor has the satisfaction to inform the House, that having reported the state of the Common Schools of the Province to the Secretary of State for the Colonies, and the advantages to be derived from obtaining competent persons to conduct a training School for Teachers, the Committee of Her Majesty's Privy Council for Schools, to whom reference of the proposal was made, have instructed their Secretary to secure the services of a man and his wife, who will be prepared to come out, if adequate provision should be made for them.

"W. M. G. C."

On motion of Mr. Fisher,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to lay before the House, a detailed account of the expenditure of the sum of One thousand pounds, granted at the last Session of the General Assembly, for Provincial Contingencies.

Upon the question for sustaining the Resolution for this Address, the House divided, —Yeas, 12; Nays, 10. And so it was carried in the affirmative.

Mr. Woodward, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of the House of yesterday, praying that His Excellency would be pleased to direct certain information to be furnished relative to proceedings in the City Court of Saint John, reported—That they had attended to that duty, and His Excellency was pleased to say, that he would comply with the wishes of the House.

JANUARY 27.

Mr. Boyd, by leave, presented a Petition from the Reverend Jerome Alley, on behalf of the Board of Education for the County of Charlotte, praying that provision be made to defray the expenses of that Board; which he read.

Ordered, That the said Petition be received, and referred to a Select Committee to report thereon; and further

Ordered, That Mr. L. A. Wilmot, the Honorable Mr. Weldon and Mr. McLeod, do compose the said Committee.

Mr. L. A. Wilmot, from the Committee to whom was referred the foregoing Petition, 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 Select Committee, to whom was referred the Petition of the Reverend Doctor Alley, on behalf of the Board of Education in and for the County of Charlotte, setting forth, that that Board had discharged their duties pursuant to the provisions of the Act of the General Assembly relating to Parish Schools; and in so doing had incurred a Debt, for which the Members were individually responsible, and praying the House would make provision for the payment of—a Clerk—Stationery—Advertising, &c., reported—That they have attended to the duty imposed upon them, and are unanimously of opinion that the prayer of the said Petition should not be complied with.

"Your Committee find that the Board consists of the following Gentlemen:—The Reverend Archibald McLean, Honorable Harris Hatch, James Rait, James Douglas, Reverend Doctor Alley, Honorable Thomas Wyer, George D. Street, Samuel Frye, David W. Jack, Esquires, and the Reverend Albert Desbrisay.

"The Committee, on reference to the Act 7 Wm. IV. c. 8, find that the duties of the Boards of Education are 'to receive applications from such persons as may hereafter desire to obtain Parish School Licences for their respective Counties, and to appoint an early and convenient time to hold a personal Examination of the applicants, and to determine upon their applications, and to report thereon to His Excellency'—and they are also to report to the Government the dismissal of Teachers by the Trustees.

"The Committee cannot avoid expressing their regret and surprise that such an application should have been made as that referred to them; and they hope that no other Board of Education in the Country will seek for pecuniary assistance towards discharging the duties imposed upon them, and which should be cheerfully performed without fee or reward by every friend of Education throughout the Province.

"All which is respectfully submitted.

**"L. A. WILMOT,
J. W. WELDON,
WM. M'LEOD.**

Committee Room, 27th January, 1842."

Ordered, That the Report be accepted.