

Legislative Proceedings.

FREDERICTON, 4th March, 1848.

DEAR SIRS.—After reading the journals, the bill relating to the erection of two or more Parishes in the City of Saint John, was committed and read by the chairman, after which the Hon. Mr. Hazen moved to report progress; the other members from the City and County of Saint John being engaged on select committees.

A bill to alter and amend the Act relating to Highways, was then committed on motion of Dr. Earl. This bill was the result of the labor of one of the committees appointed to take into consideration the different paragraphs of His Excellency's Speech at the opening of the session, and was brought in by the learned doctor as chairman of that committee.

The principle of this bill is to substitute, as far as practicable, a money tax for the performance of statute labor, by substitute or in person, and the inducement held out to pay the money instead of performing the labor is very great. The sum per day being fixed at the low figure of 1s. 3d., in lieu of the labor; common labourers and journeymen mechanics are to be assessed four days' labor, and the scale then rises through a number of grades, until at last it reaches the amount of 75 days. During the debate, Dr. Thompson cautioned the committee to take care of their scale, and not adopt one which would assess any one more than 365 days, whatever was his property, as he thought there would be some difficulty in enforcing the law.

The debate on this bill continued throughout the day, and was the most tiresome and uninteresting which has occurred during the session. It ended in the bill being reported as agreed to.

A bill relating to the New-Brunswick Electric Telegraph Company, and another having reference to the Saint Andrews Railway Company were brought in, but I could not hear the title of either of the papers which were presented, in consequence of the confusion in the gallery by the retirement of those who had occupied it during the afternoon.

Mr. Ritchie then rose and addressed the chair in the following words:

Mr. Speaker, I crave the indulgence of the House for a few moments, to offer some observations upon a matter which concerns myself personally as a member of this House. I hold in my hand a newspaper containing a communication, purporting to be signed by Benj. L. Peters, a Justice of the Peace for the City and County of Saint John, which is couched in such objectionable and unbecoming language, and the whole tone of which is so offensive that I should have passed it over with the silent contempt it deserves, did I not feel it was my duty to my constituents and to this House, to offer some remarks upon the unwarrantable statements and indecent assertions made by the writer in question.

The returns furnished by Mr. Peters of suits instituted before him for Seamen's wages, exhibited facts to which I on a former occasion called the attention of the House, and which appeared to be equally startling and novel in the administration of Justice. It appeared by the returns that in all cases tried before Mr. Peters, in which he gave judgment in favor of the Plaintiff or Claimant, he received his fees amounting in the aggregate to £68, 14s. 3d. less £4, 1s. 6d. lost in consequence of the ship going to sea before the amount was levied, and in all similar cases in which he gave judgment in favor of the defendants, he lost his fees—amounting in the aggregate to £27, 2s. 0d. less 10s.—which may have been lost, but which is not so stated in the return, thereby clearly showing that he had a direct pecuniary interest in the result of every suit he determined inasmuch as when the Plaintiff recovered the Judge appeared uniformly to have received the remuneration allowed by law for his law. But when the defendant succeeded the Judge though equally entitled to remuneration appeared to have suffered by the result and become a losing party with the seamen, and the interest in some cases at any rate appear to have been nearly to the same extent, for if the two first cases in the return are taken, it will be found that the sums claimed by the seamen amounted to £5, 9s. 5d. the sum awarded by the Justice to £4, 3s. 8d. and the costs to £4, 0d. 6d.

It will no doubt be recalled by hon. members that in the debate referred to, I refrained from making any charges against any individual, and that I distinctly stated that I could not say that these considerations, or this apparent interest, had entered into or influenced in decision in any case; but this I did as distinctly say, and now repeat, that I think a Judge should not have any pecuniary interest in the result of any suit he may be called upon to investigate and decide, and that the administration of justice should not only be actually free from taint, but should likewise be free from any thing that could raise the slightest suspicion of partiality—and that I did not think this could be the case, when by the credence of this return before the House, the pecuniary interest of the Judge and the claimant appeared to be so inseparably allied, and that too in cases when the Judge's decision was final, and from which there could be no appeal.

I further stated, that so far as any means of information extended, the mercantile and shipping interests of Saint John, as well as the masters of foreign vessels resorting to that Port, had for a length of time been dissatisfied with, and had lost confidence in the present mode of administering justice in seamen's cases, and that the trade of that Port was injuriously affected thereby, and that I believed it to be the anxious

desire of the parties so interested, that the adjudication of such cases should be submitted to a tribunal, alike independent of the seaman, merchant, shipowner, or shipmaster, to be presided over by a person in no way interested in the result of the cause,—and, Mr. Speaker, for the accomplishment of this most reasonable, and to my mind, praiseworthy object, I shall, as a representative of the City and County of Saint John, continue my energies.

Mr. Speaker, I thank the House for the indulgence afforded me in thus enabling me to place my views and conduct fairly before my constituents, and I shall not trouble the House farther, but merely add, that I feel I can better serve my constituents by attending to their business in the Legislature than by entering into a controversy with Mr. Peters, or any other individual, whose personal interest in perpetuating a system so objectionable and so detrimental to the public good, seems but too apparent.

Mr. R. D. Wilmot said that he was placed in the same position with reference to the article in question as his hon. friend, and pointed out the libelous scurrility of its language, stating that his first intention was to treat it in another way, by a notification to the printer who had given publicity to such falsehood, as he had never used any language which warranted such gross scurrility. "He had made no attack on the Magistracy in St. John in general, nor on Benjamin L. Peters in particular." The hon. member then took a view of the proceedings in Seamen's cases as exhibited in the returns.

Mr. Woodward believed he was included in the attack; he had never seen the article nor did he wish to see it. It would be perfectly in the recollection of hon. members, that he distinctly stated, that he did not impugn the judgement of the Court in any of the cases tried. That he stated at the time, that he believed they had generally been decided on legal points, raised under the imperial act, and that he was anxious for the establishment of a Court for the trial of such causes, which should have an equitable as well as a legal jurisdiction. Nothing which he had said would warrant the language quoted by his hon. friend, Mr. R. D. Wilmot, nor was there anything said during the debate would justify it; he did not know whether the report could justify such an attack, for he had not seen it.

Hon. Mr. Hazen said both his hon. friends were wrong in adopting this course. If he was not mistaken there was a similar case came up before the House, when it was decided that it was improper to notice what appeared in News Papers, on the floor of that House. During the last year he had been grossly libelled almost every day. The foulest and most outrageous things had been said of him in the St. John papers, which his hon. friends must have seen, but he took no notice of them. The better way was not to read such articles. If he were to complain to the House of the libels which had been published of him during the recess, the public business must stop, they would be unable to get on, but if they treated those news paper scribbles in the way they deserved, they would refuse to read their articles and then their feelings would not be injured by what they wrote.

Mr. Ritchie said his hon. friend had misunderstood him; he did not come to that House to complain; he came to set himself right before his constituents; and as to feeling, he had no personal feeling whatever in the matter, unless a feeling of contempt for those capable of writing such a scurrilous paragraph, as that to which he had called the attention of the House.

Mr. R. D. Wilmot said that this differed from the ordinary course of newspaper slander; it was, or purported to be, signed by a magistrate of the City and County of St. John, and on that account as it referred to language, said to be used on the floor of that House, he thought his hon. friend right in noticing the matter in the way he had done.

After the matter was allowed to drop, the Finance committee reported through Mr. Brown, their Chairman, and a good deal of speaking took place. The Chairman reported that the gross revenue had been estimated at £81,000 for the present year. Mr. L. A. Wilmot made all sorts of fun of this Committee, and Mr. Hannington quizzed the Chairman about the rule by which they arrived at their conclusions. The House soon after adjourned.

Yours, &c. SYZIGIA.

FREDERICTON, 6th March, 1848.

DEAR SIRS.—This morning a number of Committees were sitting, in consequence of which little, except the reading of the Journal of the preceding day, was done in the House of Assembly until about 2 o'clock, when some of the committees rose, and the members having taken their places, the House went into a committee of the whole on a Bill to facilitate the settlement of the wild lands in this Province.

Mr. Baillie said that he had brought in this bill, as he thought it contained provisions which would have a salutary effect in facilitating the settlement of the wilderness lands, by allowing the purchaser of lands for settlement to pay for the same in labor on the roads. It was one of those measures which explained itself, and to which he did not anticipate much objection could be urged on any ground.

Mr. Taylor saw no benefit which could arise from the measure, because the parties who were willing to work on the roads could do so now, and get their money from the surveyor or the commissioner, whose certificate would be required

under the provisions of that bill, that the work had been performed.

A long debate then ensued, during which I gathered that the bill in its original state, provided that the labor, so to be performed, was to apply to the liquidation of any Crown debt now due, or which should afterwards become due on purchase of wild lands. His honor, the Speaker, was the first to take exceptions to the prospective operation of the bill; and stated that if it should be confined to a retrospect operation he would go with it, and allow Crown debtors, whether on bond or otherwise, to pay their debts in this way, but if it was contemplated to commence new settlements on this principle, by granting lands and to pay bonds, and then allowing these bonds to be cancelled on the certificate of a surveyor of highways, or a commissioner of bye roads, he should, however, certainly go against it.

This feature in the bill having been fully discussed, pro and con, it was finally put to the test of a vote, whether the bill should have a prospective operation, that is to say, whether its provisions should extend to land purchased after the passing of the bill, and on the question being taken it was decided in the negative. It appeared during the discussion there is at present due the crown, £21,000 on land, &c., which sum, or a part thereof, may perhaps be paid off in work on the roads; but I was struck with a remark which fell from Mr. Wark, that if they could get new roads for old debts he should be happy to make the exchange, but he feared those who would not work on the roads to get money to liquidate the debt, were by no means likely to go to work on the same terms to cancel a bond.

During this discussion there was quite sharp work between Mr. Fisher from York, and Mr. End from Gloucester. The former having said something when interrupted during the time he was addressing the chair which the latter did not like, when Mr. End sat down Mr. Fisher rose and before he sat down he certainly did not spare his antagonist who also put in a sort of running commentary as Mr. Fisher proceeded. The heat however soon subsided and matters went on quietly afterwards.

After the decision that the operation of the bill should be confined to the liquidation of debts, now due the crown, progress was reported to allow time to make other alterations in the bill before it should be again committed.

A discussion then arose on a Bill sent down from the Legislative Council, with amendments. The Bill was to establish the road from Woodstock to the mouth of the river de Chute, surveyed by Messrs. Brown and Hayward, as one of the great roads of the Province; and the amendment of the Council was to concur in this, but to establish that line in lieu of the road now travelled and used as the great road of communication between this city and Quebec.

Mr. Connell opposed the second reading of the amendment, and wished the Bill thrown out rather than make the exchange.

This was earnestly opposed by Mr. Brown, Mr. Hayward, and the Surveyor General; and the discussion ended in the amendment being read a second time, with the intention of discussing the subject again to-morrow.

Mr. Partelow, from the Committee on Trade, reported on upwards of thirty petitions that had been submitted for the consideration of that committee, and I observed that the prayer of a good many of them was not sustained by the committee. The House then adjourned, having been occupied from ten until six o'clock.

Yours, &c. SYZIGIA.

FREDERICTON, 7th March, 1848.

DEAR SIRS.—This morning the members of the select committees on Roads and Railways, were both sitting until after 1 o'clock, consequently no business of importance could be taken up until they came in and took their places in the House of Assembly.

On motion of Mr. Hazen, the bill in addition to and amendment of the Act relating to the Provincial Penitentiary was committed. Mr. Hayward in the chair.

In introducing this bill, the hon. mover went into a full detail respecting the absolute necessity of providing for the erection of a third tier of cells, stating that there were but sixty cells now in that prison, while there were at the present moment fifty-eight inmates under sentence for different periods of imprisonment. It would therefore be impossible to receive any more convicts, unless the House should think proper to permit additional means of accommodation, and the result would be that the Government would be obliged to notify the authorities in the different counties, that no more persons could be received in that establishment,—and the judges that the sentence to the Penitentiary could not any longer be carried into effect. The hon. member also stated the circumstances under which the Commissioners and the keepers were placed, with regard to a fence round the prison grounds. The fence had been blown down last year, and instead of appropriating the £200 which was granted last year for commencing the erection of a stone wall round the enclosure, they had been obliged to use that money in the erection of a picket fence, which was now in process of completion. That fence was of cedar kind, stood twelve feet from the ground, would last for many years, and was about one-third finished. The additional sum which would be required to complete this part of the work would be £250. Mr. Hazen insisted on the absolute necessity of completing this fence, to prevent the escape of the prisoners, as it could not be

expected that three or four keepers could take care of sixty men, such as were sent to the penitentiary, unless the grounds were thoroughly enclosed. He also alluded to the fate of the person who had lost his life in attempting to make his escape, by being shot down by one of the keepers, and although he concurred in the correctness of the verdict of Justifiable Homicide which was returned in that case, he insisted strongly for the adoption of such precautions as would render unnecessary a resort to the effusion of blood and loss of life.

The three principal points which Mr. Hazen sought to establish by the arguments which he used in favor of the Bill, were these. 1st, that an additional tier of cells must be erected, otherwise no more persons could be sent there, and that this would involve an expense of £500 at least. 2nd, that the picket fence must be completed; otherwise the present prisoners could not be kept at work in making bricks, &c., by a few keepers, and that would involve an additional expense of £250, which must be granted. 3rd, that the question of who was to pay the expense of conveying prisoners to the Penitentiary, should come broadly out and be finally settled by the Committee, either as provided for in the bill or in any other way the Committee might think proper. His opinion was heretofore and remained still the same, that the expense of transporting convicts to the prison, should be borne by the different Counties which sent them. The only other alteration made in the law to which Mr. Hazen deemed it necessary to direct the special attention of the Committee, was that he had provided a section making it felony for a prisoner to attempt to escape, and had fixed the legal custody of convicts in the keeper of the Penitentiary to settle any doubt which might exist on that head.

Mr. End followed Mr. Hazen at great length, in favour of the Province paying for the transportation of convicts from the different Counties, insisting on the great hardship which the counties of Northumberland, Gloucester, Restigouche, Kent, and other Counties, would have to bear in the expense of carrying persons under sentence of confinement in the Penitentiary from these counties to St. John; in some cases it would cost the County £25 each, and at a later period of the debate he moved as an amendment that this should be a Province charge. A warm debate ensued, in which Mr. Street and Mr. Barbicé adopted the views of Mr. End. Mr. Carman also followed in a speech of some length, on the same side, while Mr. Hannington and others supported the views of the hon. mover.

His worship the Mayor made a powerful speech against Mr. End's amendment, pointing out the effect which it would have, in inducing magistrates to sentence persons convicted of petty thefts and minor offences, over which they had jurisdiction, to the Penitentiary instead of to the County Goal; all they would have to do under that amendment would be to pass sentence, and then they were rid of the offender and of the expense of keeping him.

His Honor, the Speaker proposed that the amendment should extend only to prisoners convicted at the different courts of oyer and terminer, in the several counties, this suggestion was immediately acted upon by Mr. End, who amended his motion to suit the views of the Speaker. Mr. Partelow, however, still resisted, and the House divided, when the amended amendment was carried by a large majority. Mr. Partelow and Mr. Hannington demanded the names which were taken accordingly.

During this debate Mr. End made a proposition to throw a moral wall around the penitentiary, by authorizing the keepers to shoot parties attempting to escape, which was resisted by Mr. Hazen and Mr. Woodward as unheard of in a christian Country.

Mr. Woodward also directed attention to the fact that the prisoner who lately lost his life, had done so immediately after attending divine service, which was performed on Saturday instead of Sunday, a practice which Mr. W. contended ought to be discontinued, and if the gentleman who at present held the office, could not attend to the duty on Sunday, some one else should be appointed.

Hon. Mr. Hazen replied, that he had not before heard that this was the case, but at the very last meeting of the Commissioners, which he (Mr. H.) had attended, an order was made that divine service should be performed on Sunday—and that the order was made imperative. If the present incumbent did not comply with that order, he would of course be removed, and another appointed in his stead.

These were the principal topics which were discussed during this debate, which resulted in the Bill being finally passed by the Committee, and reported as agreed to—£750 in all being appropriated for building the cells, and completing the fence. I may mention also that Mr. Hazen found some fault with his colleague in the Government, who left him to conduct the whole business of the Government in that House, without assistance, and was replied to by Mr. Baillie, who seemed to think this was hardly a Government measure. This called for the same remarks from other hon. members, who were of opinion that the members of the Government had better settle their differences about their measures, before they came to that House. The House soon after adjourned.

Yours, &c. SYZIGIA.

FREDERICTON, 8th March, 1848.

DEAR SIRS.—As the business before the House to-day related to a number of different subjects, I shall dispose of each as briefly as possible.

The first matter which it is necessary to notice, is the bill to incorporate the Electric Telegraph Company, which, I understand, passed without opposition.

The bill which passed the Lower House for the payment of Petit Jurors, having been amended in the Council and sent down for concurrence, a ques-