

conversion to God. My inquiry is, which of these different kinds of preaching will best promote the great interests for which the gospel is given to men? I am aware that a practical use may be made of every doctrinal subject; still it will be seen that sermons designed to explain and defend any of the leading doctrines of the gospel, will be differently arranged, and differently written from those, the object of which is to spread out the most powerful motives before men for immediate repentance. Now, shall it be our aim in every sermon to do out utmost to persuade men *now* to repent, or shall we at sometimes, while that object is kept in view, labor to lead them into a correct knowledge of the "way of life?" Let me, Mr. Editor, invite some of your excellent correspondents, my old friend "E. D. K." or Dr. Cox, or any other pastor of experience, who has been successful in his labors, to give us his thoughts upon this subject. It will gratify and instruct many, and lead some, it is hoped, in the right direction, in order to promote most successfully and permanently the work of God in their congregations.—*N. Y. Evangelist.*

## Legislative Proceedings.

MONDAY, February 21.

Dear Sirs.—This morning several Bills were advanced a stage, and

On motion of Dr. Earle, the House went into a Committee of the whole on a Bill to establish a Road leading from Hampton Ferry as one of the Great Roads of this Province. Dr. Earle explained the objects of the Bill, and after a short discussion it was agreed to without a division.

Hon. Mr. Hazen, by command of His Excellency, laid before the House various reports.

Mr. Hayward, from the Committee to whom was referred the Petitions praying for relief in consequence of the failure of the potato and other crops, reported by Bill, which was read a first time.

On motion of Dr. Earle, the House went into a Committee of the whole on a Bill to regulate the navigation on small streams within the Province. Dr. Earle explained that the object of the present Bill was to authorize parties having lumber situated on small streams, on which mills have been erected, and over the dams of which no sluice-way had been provided, to notify the proprietors of such mills to erect a sluice-way to enable such proprietors of lumber to bring it to market, and that the proprietors should be required forthwith to erect such sluice-way, of the dimensions provided for in the Bill; but expense of such erection should be defrayed by the parties making the application, and not by the proprietor of the mill. It also contained a provision that no new dam should be thrown across any stream on which lumber could be floated down, unless such a sluice-way was provided in the erection of such dam. The hon. member contending that great hardship had been felt and complained of in consequence of owners of mills, damming navigable streams, by which lumberers and owners of lands situated above such mills, had been seriously damaged, and vexations and expensive law suits had been the consequence. He hoped, therefore, the House would pass the present Bill, which he thought would lessen and perhaps remove, all cause of complaint. A similar Bill had passed the House last year, and was rejected elsewhere; he hoped the present Bill would meet with a better fate.

Mr. Taylor had no particular objection to the Bill, provided there should be a clause added which would prevent interference with mills already erected, some of them perhaps, at very great expense. He would not, therefore, think it fair that parties having made these erections should be called upon to go to a great additional expense in erecting these sluices, but he had no objection to make it obligatory on those erecting new dams to provide a sluiceway.

Mr. J. Earle said that he did not think the hon. member from York (Mr. Taylor) understood the Bill. The parties making the application for the sluice were the parties who are required to pay the expense. He, therefore, did not see any objections to the bill on that score.

Dr. Thomson asked if the Bill was intended as a general measure, or if it merely related to a particular stream, and being answered that it was a general Bill, equally applicable to all parts of the Province, he said he should go against it. He was afraid a Bill like this would lead to much confusion and dissatisfaction. It would enable those owning lands above the mill, who might have a trifling supply of logs, to compel the mill owner to erect sluices which might ruin his property, and this, he might do, perhaps out of spite, if he owed the mill owner any grudge. A navigable river, he believed, in the general acceptance of the term, was a river on which sea going vessels could come up, but he believed all the small streams had been regulated in respect of driving lumber, by acts of the Assembly. He had never heard much complaint of the present arrangement and was of opinion that the Bill before the Committee would not answer at all.

Mr. Boyd was in favor of a similar Bill last year, and he was in favor of the present Bill this year. If any party was injured it surely was

the party owning the lumber, who, by this measure, was compelled to pay the expense of erecting a sluice before he could carry his lumber to market. The mill-owner surely could not complain, as he had, in the first place, been the aggressor, in damming up the stream, and he thought he should be obliged to either take away his dam or make the sluice, at his own expense. This Bill, however, provided that the expense should be paid by the applicant, and therefore, no shadow of hardship was inflicted on the mill owner in any way. The Bill was a very desirable one and should have his support.

Mr. Vail made some remarks which, in consequence of confusion in the gallery, we did not hear distinctly. We understood them to be in favor of the bill.

Mr. Hannington said there was some sections in the Bill which he did not exactly like. It seemed to be legalizing the damming up of any stream, and the only remedy against this was to give the mill owner twenty days notice, and if within that time, he did not cause the sluice to be erected, then the dam might be indicted as a nuisance and removed. That was the law at present. Any party shutting up any stream on which lumber or anything else had been conveyed, had a right to complain of such obstruction, the same as if it was on the highway, and if he made out a case the party obstructing the free use of the river or stream was liable to indictment.

Dr. Thomson again expressed his conviction that the bill would do no good. A party having forty or fifty logs might, for the purpose of annoyance, require a mill owner to make a sluice.

Mr. Woodward was in favor of the bill. He was well aware that great hardship had been inflicted by owners of lumber being unable to get it to market in consequence of erections such as had been spoken of. He had himself introduced a bill relating to this subject, and it was now on the files of that House. It was contended that the parties had their remedy at common law, but that remedy was a most expensive remedy, and in some cases would cost a great deal more than the lumber was worth. It was not parties owning 40 or 50 logs which were likely to complain; but he knew of parties having lumber to the amount of £400 or £500, which was useless to them in consequence of their being unable to carry it to market. The right of way had been stopped, and these parties must either lose their lumber or wade through a long and expensive law-suit. He did not think this was at all right. They should legislate in such a way as would prevent such hardship in future, and remove the present cause of complaint. It was not on small streams that the present bill was most wanted, for he knew of considerable rivers which had been stopped up in this kind of way, by damming the mouth, and effectually prevent the lumber cut on lands above the mills from coming to market. The parties making such illegal erection, should, he thought, be compelled to afford a right of way at their own expense; but in order to disarm the opponents of the bill of the shadow of an argument against this measure, they had come in and asked to be allowed a right of way, constructed at their own expense. The arguments in favor of the bill were unanswerable, and he would most cheerfully support it, and hoped it would pass by a large majority.

Mr. S. Earle. Although a mill-owner himself, he could never see what right any one man had to stop up a stream by the erection of a dam, to the injury of his neighbors living further up that stream. He had a dam himself, but he took care also to have a sluice-way, which he believed was 100 feet wide, instead of the narrow sluice contemplated by the present Bill. He did not see how mill-owners could complain when the Bill provided that the expense of erecting the sluice should come out of the pockets of those making the application for its erection.

Mr. Vail said, that the arguments against the Bill were not good. No man, for the sake of 40 or 50 logs, would, as had been suggested by an hon. member, make the application required by the Bill, and then go to the expense of erecting a sluice, such as the present bill contemplated. The thing was absurd, and never likely to occur. He would vote in favor of the bill.

Mr. Hayward would not only compel mill-owners to erect the sluice-way, but he would go further,—he would compel them also to provide tools by which those owning the lumber, which stopped by his erection, could drive that lumber through his sluice-ways. Parties in charge of the lumber might not find it convenient to provide themselves with what was necessary to drive their logs or timber over the sluice, and it was his opinion that the party which made the obstruction should also furnish the means of overcoming the difficulty.

Mr. Ritchie said, that he had listened attentively to what had been said respecting this bill, and he had now to inform the House that he had received a letter from one of his constituents, stating that he had notice of a similar Bill being before the House, which if passed into a law, most inevitably ruin him. That individual knew nothing of the present Bill being before the House, but he had just heard of the introduction of another, similar in its nature, which was to apply to a particular section of the Province, in which he was interested, and had not had time to come before the House, he had therefore written to him (Mr. Ritchie) intimating his intention of doing so, and begging that time might be allowed for him to come before the House with his documents and plans to show the position

in which such an act would place him. He did not like hasty legislation on any subject, but more particularly on a subject involving private rights. In England when any measure of this sort was sought to be introduced, all the publicity possible was given to the measure, that parties interested might have an opportunity to come in by petition or otherwise, and show cause why the Bill should not pass. He was of opinion that it was their duty to get all the information which they could in order that they might legislate with a full knowledge of the subject before the House;—he should therefore move that they report progress on the Bill, and when the matter came up again he would be prepared to express his opinion fully on the merits of the Bill.

Dr. Earle said, if the hon. and learned member from Saint John had any reasons to offer why the present bill should not pass, he would like very much to hear them. He knew of none; the mill-owner was not called upon to pay the expense, he was merely required to give the lumberer a right of way to market, and that he was obliged to pay for in cases where erections had already been made. He would be obliged to leave the House for a short time, in consequence of ill health, and would like to have the Bill disposed of before he left. He knew of no argument which could be brought against it, and would resist the petition to report progress.

Mr. Ritchie was surprised at the mode of reasoning adopted by the promoters of this bill. They seem to wish to legislate with a haste which amounted to a desire to get the bill through the House with a sort of secrecy. Hon. members brought in such bills, and instead of giving the House time to consider and investigate their contents, they were met with the assertion, "O you can say nothing against this bill, the arguments in its favor are so overwhelming, that it is useless for you to discuss the subject." That was not the way to legislate where the private rights of parties are to be affected. He protested against such heedless legislation. Would it be any answer to his constituents when he went home from the present session, and was asked why he consented to pass this bill, to tell them that he was informed the arguments in its favor were so overwhelming, that it was useless in him to oppose it. Oh, but your bill has ruined me, says his friend, and asks why he was not heard—had I been but heard, I could have furnished you with facts which all their arguments could not touch! Yet that man might be ruined—and ruined on what? on the word of the hon. and learned mover of the bill, who said that nothing could be said against it. He (Mr. R.) maintained that even in cases where the general rule might be correct, yet when particular cases arose, where it was impossible to deny the justice of affording relief, he was of opinion that it was their duty to consider such cases, and exclude them from the operation of the general rule. He hoped therefore, the House would pause before they asked for a motion of this importance, and allow the parties to be affected by the measure, to come in and show cause by petition or otherwise why the bill should not pass.

Mr. Street said, that however correct the principle of this Bill might be, he would certainly be in favor of reporting progress, for it was quite certain that there was an implied legalizing of damming streams and rivers, which it would never do to pass into a law. The hon. member contended at some length that it would never do to pass the Bill in its present shape, even supposing it necessary to legislate on the subject as the Legislature could never pass an act containing any clause which implied of private individuals to interfere with those of the public.

Mr. Boyd did not think that there was anything in the phraseology of the Bill under consideration which gave an implied right to interfere with the navigation on any stream or river, he believed that in this Province it had been held that every stream was navigable where they flooded a canoe, but he that as it might, he did not think that the wording of the present Bill would bear the construction put upon it by the hon. member who had just sat down. The effect of the present practice was to put the poor man who went into the woods to get a few logs entirely at the mercy of the mill owner below him. He must take his price, or his logs were worth nothing, unless he, at a great expense, hauled them round the mill, and in many cases they were obliged to take from 5s. to 6s. a thousand for their logs less than they were worth in the St. John market. He had no fear of any rights being interfered with unless what the mill owner might choose to think was his right to take a man's logs, the produce of his hard labor, for whatever price he pleased to give him for them.

Mr. R. D. Wilmot said, that this subject had been fully argued last year and the opponents of the Bill had said every thing which could be said against it. He believed the hon. and learned member of the Government (hon. Mr. Hazen) had taken an active part in opposing the Bill last year, but it passed that House by a large majority, and was thrown out in another place. He knew of parties in the County of St. John who had very great reason to complain of streams being shut up in this way, and he hoped the bill would pass to remove the cause of such complaints.

The debate was continued for some time longer, when it was agreed to report progress, which was done accordingly.

The House then went into a Committee of the

whole, on a bill to provide for a more efficient supply of seamen within this Province.

The Bill having been read over, the Chairman proceeded to read it section by section, and the first passed without opposition. The blanks were also filled, specifying the number of men which each vessel belonging to the Province should carry, arriving from the United Kingdom, and the number additional for which they should be entitled to receive a bounty of £2 10s. a head. When the section imposing a duty of 9d. a ton on all new vessels registered in this Province came up for discussion.

Mr. Hannington said that he did not like the Bill at all. He had nothing to do with ship building, but those of his constituents who had, were unfavourable to the measure; and unless he heard some hon. members who knew more of the subject than he did, support the measure, he would go against it.

Mr. Wark said, that to pass the Bill, would be to tax the shipbuilder in his part of the country, to furnish seamen for Nova Scotia and Prince Edward Island, unless they could get these Colonies to pass a similar measure. The premium raised by this tax could not benefit his constituents, as ships belonging to Great Britain were excluded from participating in the bounty proposed to be given. The ships built in that part of the country were almost all sent home as remittances to England, and few returned—therefore the seamen which manned the new vessels in that quarter, would necessarily be imported in British ships. Besides, the men so imported, he was sure, would run for the port where the highest wages were given, and whenever wages were higher in Nova Scotia or Prince Edward Island, the sailors would find their way there, after the bounty had been paid for them from a tax raised on the shipbuilder in this Province.

Mr. R. D. Wilmot said that this Bill did not make the shipbuilder pay the tax: it was the ship owner, whoever he might be. When his vessel was furnished, loaded, and ready for sea, he had to pay 9d. a ton, which he was sure would be more than repaid to him tenfold, by the increased importation of seamen, whom he could then get for two pounds ten shillings, or three pounds a month, instead of being obliged to pay fourteen or fifteen pounds each for the run home.

Mr. End was at a loss to understand why a protectionist like the hon. mover of this Bill should think of taxing the home industry of the people of this Province. It might be, perhaps, that the hon. member thought that ship building had already too much protection; that it was becoming so lucrative that it would be necessary to lay on a tax to keep it in a proper equilibrium with other pursuits. Seriously he was struck with the remarks which had fallen from the hon. member from Kent. He would ask for information, if ships built in this Province, and not registered here, were to be subjected to this tax? ("No," from Mr. R. D. Wilmot, "they would go home under certificate.") If that be the case, then they on the North shore would get rid of the tax, as he thought ships built in his part of the Province would go home under certificate. He saw there was a hole in the Bill which a coach wheel could go through ("aye, and the coach itself," from Mr. Hannington.) He was not in favour of the Bill, even if his constituents could rid themselves of it by this means, for he agreed with the hon. member from Kent, (Mr. Wark,) that it was really taxing the industry of this Province, to benefit our neighbours in Prince Edward Island and Nova Scotia. He would like to hear from the hon. member from Restigouche on this subject, (Mr. Montgomery) who was himself a merchant and a builder, for if the getting rid of this tax involved any mercantile irregularity, he should certainly wish that the House should be put in possession of the fact, that those interested in the matter out of St. John might govern themselves accordingly.

Mr. R. D. Wilmot thought that it would be madness to suppose that any ship owner would send home his vessel under a certificate, in order to avoid the payment of a tax of twenty or twenty-five pounds; besides, it would be for his interest to pay this tax, as by its means he could get seamen to man his vessel, for two pounds ten or three pounds a month, instead of being obliged to pay the enormous sum of fourteen or fifteen pounds a head for a crew.

Mr. Boyd was in favor of the Bill, as he believed it would secure an ample supply of seamen. The greatest evil which was now complained of by the shipowner, was the desertion of seamen, and this Bill he thought would effectually cure that evil. They must confine their legislation to ships belonging to the country, otherwise the act would be disallowed; they could not legislate for seamen who manned ships belonging to Great Britain, but he thought 9d. a ton on vessels belonging to the country would be amply sufficient to ensure a full supply of seamen, without interfering with ships belonging to the mother country. Mr. Wark had no doubt the intentions of the hon. mover were good, but he did not see how the Bill before the Committee could have the effect of attaining the object which he had in view.

Mr. Barbicote contended at length against taxing one of the most important branches of business which they had in the Province, and was surprised that such a proposition should come from a protectionist. He thought the Bill, if it passed, would have the effect of causing many Colonial ships to go home under certificate, which otherwise would be registered within the Province. The hon. member concluded by expressing his disapprobation of the Bill, and his hope that it would not pass into a law.

Mr. Ritchie said that he would cheerfully support the views of his hon. colleague, who had brought in this bill. Instead of its being a measure to tax the industry of the country, it was a strictly protective measure, by which ship-owners could procure, by a tax of twenty or thirty pounds on their new vessels, a supply of seamen to man them at two pounds ten shillings or three pounds a month, instead of his