PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY,

Tuesday, February 12.

BANKS AND BANKING.

The Bill to regulate Banks and Banking in this Province, was this day committed.—Mr. J. Humbert in the Chair.

Mr. HILL stated the general principle of the bill. Its leading feature was to provide for the public security with respect to Banks. The debts of a Bank were never to exceed double the amount of its capital stock, and Directors were always to be liable to double their amount of stock. No Bank should be allowed to loan on pledge of its own stock; in order to prevent Banks from embarrassing their own operations. They should be liable to a penalty for neglecting to redeem their bills within fifteen days after demand; which penalty, however, they might avoid, by tendering the principal, interest and damages. There were some provisions in the bill, empowering Banks to make loans to the Province Treasurer, and the Province to demand such loans from Banks, to a certain extent—perhaps from £5 to £10 per cent. on their amount of stock; and also empowering the Province to become a stockholder in any Bank, to the amount of £10 per cent. on the capital stock: of these provisions, however, the hon. member would not be tenacious, should the opinions of the Committee be opposed to them.—The bill also provided, that the Cashier of any Bank should, on the requisition of his Excellency the Lieut. Governor, be liable to make a monthly return of the state of the Bank; in order that the public should at any time be informed of the true state of the affairs of Banks. Banks were the creatures of the public; and it was but reasonable, therefore, that the public should have the means, at all times, of looking into their affairs.—If such return were made only once in one or two years, a Bank might really be in a very bad state, and yet the public not be able to come at the necessary information. Its affairs might make a very fair shew on paper, and only on paper. In the United States it had been found that even a half-yearly return was ineffectual; and it was, therefore, there enacted, that every Bank should be required to make a return on a certain day in every month. It might be objected, that it would not be always safe to disclose the affairs of a Bank; but to remedy that, his Excellency might be allowed a discretion, as to whether he might with propriety expose to the public the accounts submitted for his inspection. But the creatures of the public should always be under public controul.—The bill also provided, that Directors should not be allowed to discount paper beyond a certain limited amount, say £20 or £25 per cent. on their amount of stock. This would prevent Directors from becoming borrowers of money, and would ensure the public being better accommodated; because Directors would always serve themselves first, and if they were allowed unlimited discount, there might be nothing left to accomodate the public with.—The bill likewise provided, that Directors should be liable for all losses from mismanagement, or excessive issues; that on the expiration of the charter of a Bank, the stockholdhers generally should be liable for the debts of the Bank, in proportion to their several interests in the same; that, in all cases where Banks were unable to pay their debts, Commissioners should be appointed by his Excellency, to take into their own hands the property of such Banks, with power to dispose of the same for the benefit of the creditors; and that Directors or Cashiers of Banks, refusing to deliver up any books or property of such Banks to Commissioners so appointed, should be liable to pay the debts of the Bank; and the Bill also contained provisions for the exoneration of absent and non-concurrring Directors.—The hon. member concluded by observing, that the provisions of the bill were founded on an extensive experience of the evils of the old system; evils, which would be likely to be consequent on any system that did not provide for the public safety; and that it was but reasonable and just, that persons applying for banking privileges should give perfect security to the public.

[Considerable discussion followed Mr. Hill's opening speech—most of the speakers agreeing that the provisions of the bill were important, and required further consideration. The Chairman was accordingly directed to report progress. On *Friday*, the Bill was again taken up, when]

Mr. PARTELOW observed, that he saw no necessity for such a bill as this, at this early day. There were now only two Banks in the Province, both of which had charters, by which to regulate themselves. Those charters contained many very salutary provisions, for the mutual security of the institutions and the public. He believed that the present bill was copied from an act of the State of Maine; which act was passed in consequence of the immense number of mushroom Banks which had sprung up in that State; and also in consequence of the very numerous failures among them. The act was, therefore, passed there, for the purpose of correcting that evil; but he (Mr. P.) thought there was no necessity for such a bill in this Province at present. The Banking bills now before the House, would no doubt contain all the necessary provisions that the subject would require; and, therefore, this bill would be superfluous. It might, perhaps, be useful 100 years hence, when the population might be fifty times what it now is; and it might also be very useful in the State of Maine. There was a kind of mania in the United States for incorporating every thing; and they therefore had many laws there, which were not applicable to this country.

[Several other hon. members expressed similar opinions on the subject, and it was finally resolved, on motion of Mr. Chandler, that the Bill be postponed until the next session of the Legislature; which was adopted, by a majority of 13 to 8.]

Thursday, February 14.

On motion of Mr. Simonds, the House went into Committee of the whole, in consideration of the two Messages, received yesterday, from His Excellency the Lieutenant-Governor—[*see last page*]—relative to the *expenses of the Legislative Council*, and the *claim of the Provincial Secretary, for Warrant fees.*—Mr. Ward in the chair.

No. 1.—LEGISLATIVE COUNCIL EXPENSES.

Mr. SIMONDS opened the debate, by observing, that he was rather at a loss what to say on this subject. He was certainly not surprised at it; because it was now a time of such strange things, that men ought not to be surprised at any thing. It appeared from this Message, that it was sent by his Excellency to the House, at the command of Lord Goderich; but his Lordship, as far as the House had any information on the subject, has not entered into any reasons why the Legislative Council should be paid for their services; and so far, therefore, he (Mr. S.) was at a loss to know what circumstances had occurred to change the opinions of his Majesty's Government in that respect; and he certainly thought his Lordship ought to have stated his reasons for this recommendation. It appeared that so lately as in 1822, a bill had passed the House of Assembly, to provide for the expenses of the Legislative Council. He could not tell how or why it had passed; but such was the fact, and it was sent home for his Majesty's approbation. There, no doubt, it received due deliberation from his Majesty's Ministers and Council, and for certain reasons stated by his Majesty's Government, the bill was disallowed. It was very extraordinary, then, that with all the despatches of his predecessors, lying in his office, Lord Goderich should now have sent out such extraordinary instructions. At that time, it was considered derogatory to the dignity of the Council to receive pay; and, also, that it might affect the independence of their character; and if such would have been the effect in those days, why would it not be so now? Nothing has happened since, to make a thing dignified now, which was considered dishonorable then; and it was therefore surprising that such a despatch should have been sent out. It was very wonderful, that his Majesty's Government should blow hot yesterday and cold to-day; but he (Mr. S.) saw no reasonable grounds for the change.—[The hon. member here read an extract from the dispatch of 1822; which represented, that it would be more suitable to the dignity and independence of the Legislative Council, for its members not to receive pay; and that there was no reason to suppose that the Province of New-Brunswick could not furnish persons, qualified and willing to discharge the duties of that honourable office, without remuneration.]—On constitutional grounds, therefore, the proposition was absurd. But it seemed that some under-current had been at work to induce the government to alter their opinion; and he very much feared that the recommendation had been made in consequence of the influence exercised by some interested persons in this Province; for he thought the government at home would never have so changed their opinions, unless some such influence had operated on them.—He did not hear that the House of Lords had ever received pay or any provision from the House of Commons; and by analogy, therefore, how could the Legislative Council expect or receive it from that House? Such a provision must inevitably cause an influence on the members of that hon. body, which ought not to exist. He (Mr. S.) as much wished to see the Council independent of the House of Assembly, as the House independent of them; and the House, therefore, could never permit such an allowance. But, even laying aside constitutional motives, there was no necessity for such a provision, for other reasons. Many of the hon. members of the Legislative Council held very lucrative offices in the Province; and it could, therefore, surely, be but a very little sacrifice, for them to attend to their legislative duties without remuneration. Many of them considered themselves highly honoured by their elevation; but if they did not think that honour of sufficient value without pay, it was easy for them to retire, and others would be readily found, who would think so. He hoped there would be but one mind in the Committee, to resolve at once, unanimously, that the recommendation of his Excellency could not be complied with.—The hon. member observed, that he would say no more at present on the subject, lest he should get too warm upon it, and would therefore now leave it for others to take up.

Mr. KINNEAR was decidedly against allowing any thing of the kind contemplated in this Message. If it was thought necessary that the Legislative Council should receive pay, because the members of the House of Assembly did so, he would rather strike off their own pay than allow it. The members of the Council were not the representatives of the people: they were all put in by the King, to represent the House of Lords. The House of Lords had no pay; they had never asked for it; and the Council here should never have asked for such a thing. If an act for such a purpose were to pass the House, the usefulness of the Council would be almost nugatory. They would be quite dependent on the Lower House; whereas, they ought to be entirely independent of it. The two Houses operated on each other as a mutual check; and together with the third branch of the Legislature, the King, formed the beauty and harmony of the British Constitution. * * It had been strongly urged in the course of this session, that retrenchment of all public expenses was absolutely necessary, and that they should begin with themselves. It would be a very extraordinary way, indeed, of doing it, if they should load the Province with an additional burden of £1500 or £2000.—The expenses of the Legislature were now about £3000 annually; and should the House add another £1000 to that amount? No: they would pause a long time before doing that.—The recommendation came to the House in a very extraordinary manner. It came primarily from Lord Goderich; and from the date of the dispatch, it appeared to have been forwarded long subsequent to the date of his Lordship's previous dispatch, which promised that an answer to the address of the House respecting the Casual Revenue should be speedily transmitted. It was certainly very strange, that though the House had not yet been put in possession of that resource, and though, in fact, no answer respecting it had yet been received, yet they were now recommended, out of their own small resources, to make provision for the Council!—He (Mr. K.) thought the time was now arrived, when the House were bound, before rising from this session, to ascertain what really were their privileges. They were much to blame for having so long suffered such an improper concession of them; and it was now come to the point, whether they were or were not to resume them. They should discuss that matter calmly and deliberately; but, if it was in any way in their power to resume the rights they had yielded, they should do it, now that so great an alteration had taken place in the Councils. Now was the time that they should resolutely resume their privilege, of putting all their money appropriations into one bill; and that they should no longer suffer mere detached resolutions to go up to the other House, to give them the opportunity of negativing what they pleased—a supervision of their appropriations, which actually prevented the representatives of the people from having the controul of their own money. He (Mr. K.) confessed, that he had not yet made up his mind, on the question whether the House could now resume rights so long conceded; but he had stated these arguments, because they certainly ought to do so, if possible; and they ought now to come to a resolute stand for that purpose. They had had sufficient reason to complain of the improper interference in money matters; and, indeed, the other branch might have had reason to say, that some of their appropriations had not been proper or beneficial. But it was not for the Council to judge of that: they, themselves, were the representatives of the people; and, as such, they had the sole right of disposing of the money collected from the people: they did with it what the people themselves would do with it; and they were accountable to them alone for its disposal.—He (Mr. K.) hoped there would not be one dissenting voice, on the question, with respect to allowing any appropriations to the members of the other House.

Mr. S. HUMBERT would not go on very broad grounds in considering this question; but it appeared to him that this was indeed a very modest message. It was certainly extraordinary in some respects; and the Committee had already heard wherein it was extraordinary; but they should now hear about its modesty from him. In the extract from the dispatch, it appeared, that Lord Goderich gave it as his *opinion* that the Legislative Council should be paid: it was only his Lordship's *opinion*. Was Lord Goderich a member of that House?—or was he a dictator to that House? Were they really got so low, as to bear dictation from the ministers of government? But if this was merely the *opinion* of Lord Goderich, his Lordship's opinion could have no force in that House. The opinion of the King himself could have no force there: His Majesty himself could not tell them what they should do; but the opinion of the country—the opinion of the people, was the only guide for them. It was hardly necessary to raise a debate on this question: they only need give a decided resolution on the message, and thereby shew his Excellency at once what they thought of it.—What did they want to hear from Lord Goderich as to what they should do? They were an independent House; they would act with independence, and would account to the people alone for their own acts.—The hon. member then proceeded to contend strongly for the resumption of the right of sending up appropriations by bill instead of resolutions; and observed, with respect to the message under consideration, that debates were nothing, but the Journals of the House were every thing. He would, therefore, put a resolution on the journals, to testify the opinion of the Committee respecting this message. They should shew the greatest respect towards his Excellency; but they should still put a most decided resolution on their journals.—The Council had no power whatever over the public money; and therefore, if they received pay, they must embrace the idea, that they were in some degree dependent on the lower House. There was no reason assigned in the dispatch, why the measure should be adopted, and therefore there was nothing to warrant it.

Mr. PARTELOW thought a great deal of time would have been saved, if his hon. colleague had not on this occasion uttered his almost daily speech respecting the appropriations; this was, he believed, the fifth time that hon. member had delivered it; and he was rather surprised that the hon. and learned member for the city had also referred to it at this time.—He (Mr. P.) would confine himself to the message. His opinion was decidedly in conformity with that of his hon. colleague who had spoken first on this subject; which was, that the House could not, or, rather, would not make the provision recommended. He did not believe, however, that if they were to make it, the members of the Council would accept it; and the House would then be placed in an awkward, and, indeed, ridiculous situation, if, after having made such an appropriation, it should be sent down to them again, disagreed to; and he was satisfied that such would be the case. Six of the Legislative Councillors resided in Fredericton; and four of those six held high and very lucrative situations under government, and drew more money from the public purse than any other four men throughout the Province. The hon. member then moved a resolution, to the effect, that "the recommendation contained in his Excellency's message be not complied with."—He would not say "*cannot*"; but "*be not*."

Mr. Simonds seconded the motion.

Mr. Weldon said the Message was such a one as the Committee could never for a moment entertain; because, in the early period of the history of the Province, such a request had never been made. In those days, men had always been found, able and willing to come forward and perform the duties of legislative Councillors without remuneration; men, quite as well qualified as any of the present day. It was then thought improper for them to receive any emolument at all; and therefore it was very extraordinary that the House were called on to allow it now. If a new era had dawned in New-Brunswick, he hoped, at all events, that the causes of the alteration would be explained. If the legislative Council bore the least analogy to the House of Lords, he would say, that he could find no instance on record, where any application had been made to provide for the services of the House of Lords. Should it be said, that gentlemen could not be found in New-Brunswick qualified and willing to do the duty without remuneration? He (Mr. W.) thought that plenty of such men might be found; and that if the House passed a resolution for the purpose recommended, it would be rejected by the Council in such a manner as such a grant would deserve. It never could be passed, without bringing the House lower than it ever ought or could stand in the estimation of the country. He would go heartily for the resolution which had been proposed, and would suggest that the word "*unanimously*" be inserted in it.

Mr. End said, that before the word "*unanimously*" was added, humble though he was, he would say a few words; as he never would be afraid to express sentiments on any question in that House. He cared nothing for the sneers or the laughs of any man: he came there to do his duty; and he would do it fearlessly, to the utmost of his ability. Whatever might be the result of their present deliberations, he trusted they would be founded, as all their deliberations should be, solely on facts; and if they ever went on false facts or assertions, their conclusions must naturally be tinctured with the same falsity.—The hon. Member who opened the debate, had quoted an extract from a dispatch, from the Journals of 1822; and it appeared that now, this Committee of the whole House, had, by their own act, deprived themselves of the benefit of receiving that dispatch as the ground of their arguments; because the very act of voting themselves pay was directly contrary to the spirit of that dispatch.—That dispatch used the term "*Representatives*," with reference to the inexpedience of receiving pay; it was unworthy the dignity of "Representatives" to receive pay. Had not the House, then, by their own act, by that act which gave themselves pay, virtually given the lie to that dispatch? They had thus declared that they did not concur in the remarks of His Majesty's Government, because His Majesty's Government did not in their dispatch refer to the Legislative Council only, but to the whole Legislature, being "Representatives." And yet, after having denied that doctrine, and voted themselves pay, they now founded a resolution on this message, the truth of which they had themselves denied. The premises, then, were decidedly erroneous; and the conclusion must be tinctured with the same error.—It had been said, that the House ought to be independent. They ought to be so; and if ever a colonial people would be well governed under the British Constitution, it would be, by keeping up the independence of the Legislature, and its analogy to the parent government. But he (Mr. E.) did not see a sufficient analogy between the legislative Council and the House of Lords. The Lords could vote by proxy: they went to their House to preserve their own rights; and they were their own servants alone. But the members of the Council could not vote by proxy; they did not meet to preserve their own rights, but to assist in framing laws, and to assist in legislating for the people, whose servants they were; and they had as good a right to be paid as the Members of the lower House. Whenever one man became paymaster to another, he became also completely master of that other; and so it appeared in this case. He (Mr. E.) had seen anxious eyes and anxious ears, waiting for the coming down of their own pay bill from the other House; and the Council, therefore, were their paymasters.—He was sure, on the other hand, that the hon. members of that body would take the pay if they could get it; but as long as they controuled the pay of the lower House, they were their paymasters, and the House were therefore always in danger of their influence. Let them, then, have an equal check on each other; let them become paymasters to each other; for, otherwise, they could not be on an equal footing. The hon. member then at some length descanted on the proceedings of the Legislature of Canada, and proceeded to observe, in reply to Mr. Simonds, that he (Mr. E.) was not afraid of the undercurrent mentioned by that hon. member. He thought there was nothing in the proceedings of the government, to cause any honest man to suspect its doings. The Committee were not met there to argue on probabilities, and "*perhaps's*," and "*may-be's*;" but on absolute facts. Let them see whether they would not be placing themselves on a more equitable footing with respect to the other House, if they too had some little to say with regard to the loaves and fishes that that body might get a share of. The hon. member concluded by contending for the necessity of paying the Legislative Council, as many of them had to travel a great distance to attend their duties; and by urging every hon. member to express his sentiments on the subject.

Mr. Weldon, in reply to Mr. End, and in support of his own idea, that the Legislative Council bore an analogy to the House of Lords, quoted a passage from "*Stokes on the British Colonies*," to the effect that the Colonial Legislative Councils were "*a humble imitation of the House of Lords.*"

Mr. Speaker was not quite friendly to the resolution, and thought it was not exactly such a one as should be adopted. He was by no means for making any such provision for the Legislative Council; but his objections to the resolution were, that he did not think the Committee were treating the message with that decorum and appearance of deliberation which it demanded. The character of that branch of the Legislature had been in some measure injured, by their having sometimes acted too hastily, and more on the impulse of their own feelings, than on mature and cool reflection; and though this message had been said to be merely the opinion of Lord Goderich, yet by its adoption and recommendation, it appeared to be also the opinion of His Excellency. It seemed that in some way or other, (for what reason or by what means, did not appear,) an opinion was entertained by the Government, that there was some necessity for a provision for the Legislative Council as well as for the House of Assembly. The hon. Speaker then, after referring to the Act formerly passed for that purpose, and disallowed, observed, that whatever might have been the necessity for such an act at that time, the same necessity did not now appear to exist, and that the Government were in error.—The hon. Speaker also further urged on the committee the necessity of taking deliberate and prudent measures, and of avoiding hasty decisions. He thought the House should take care to undeceive the Government, and to state the reasons why the same necessity for paying the legislative Council did not now exist. One important reason was that the most of them had high situations under Government, from which they derived large salaries. Members of the Lower House were not quite so fortunate; and perhaps it was better for the country that they were not; but they should show that reason, with such others as there might be, to the Government.

Mr. Simonds replied to the arguments of Mr. Speaker and Mr. End.

Mr. Partelow said, that if there was any thing indecorous in the language of the resolution, he would not press it. If any hon. member would move a proper amendment, he would withdraw it; because if His Excellency had not treated the House with proper respect, that was no reason why they should retaliate.

Col. Wyer was decidedly for the resolution as it was, and hoped it would not be altered.—The hon. member then made a few remarks, similar to what had been urged by Mr. Simonds; and observed, with reference to the new appointments in the Council, that he did not know whether any body had yet been appointed from the County of Gloucester; though perhaps there might be such an appointment soon. He thought, however, that the people would spurn at the idea of paying the Council, when so many gentlemen were anxious to get in there.

Mr. End briefly replied to Messrs. Simonds and Wyer; and particularly with reference to the latter, observed that the hon. and gallant Colonel's claims to promotion were far beyond his, (Mr. E's.); and that whatever that hon. member's expectations might be, his [Mr. E's.] were yet to come.

Mr. Chandler did not conceive it at all necessary for him to go over the arguments on this question. He would therefore move an amendment to the resolution, to the effect, that in the opinion of the committee, it was "*not expedient*" to comply with His Excellency's recommendation.—That was not quite so peremptory as the other.

Mr. Simonds, therefore, withdrew his original resolution, and Mr. Chandler's amendment was *resolved.*

No. 2.—PROVINCIAL SECRETARY'S CLAIMS.

Mr. SIMONDS thought this a still more extraordinary message than the other. No living man could ever have expected such a one could have come to that House. It was accompanied with a memorandnm from Mr. Odell, wherein he claimed 5 shillings for every warrant issued on the treasury; in fact, for every governor's warrant. This message was most extraordinary, because his Excellency stated that he had "*no doubt as to the legality of the claim.*" There might be no doubt on the subject, in the mind of His Excellency: His Excellency might have been made to believe so, because he was no lawyer; and he must, therefore, have had such advice, and perhaps from the very party interested, who was a lawyer, and a very able one too. Of course, that gentleman had no doubt as to the legality of his own claim; and then, upon such advice, His Excellency had sent to that Honse such an extraordinary message as this. But the Committee would have great doubts on the subject; and his (Mr. S's.) own opinion was, that the claim was altogether illegal. It appeared to him that the warrants mentioned in the ordinance fee table were of quite a different nature from those now issued by His Excellency on the Treasury. The words of the ordinance were, "*warrants for temporary services, other than surveys of lands for loyalists.*"—That ordinance was made before the legislature of the Province was established, and therefore with reference only to certain services, before such warrants were even contemplated as are now issued, for monies appropriated by the House of Assembly; and consequently, it could not apply to such warrants. The only warrants contemplated by the ordinance fee table appeared to have been, those for holding certain courts, and for certain surveys, other than of lands for loyalists. It could not apply to any other description of warrants, because no others were established or even contemplated at the time that it was framed. The grants annually made by the House to schoolmasters certainly were intended to be paid without any deduction; and if any deduction had been contemplated, it would have been provided for in the appropriation bills. Those warrants were new creations, long after the ordinance fee table was established; and for these reasons, the legality of the claim might very fairly be doubted. It was really very extraordinary, that such a claim as this should have been made, and recommended to the House, after all that had taken place. This appeared to be one of the first acts of the new Council; because, no doubt, the message had been sent down by their advice. He (Mr. S.) was too old to place confidence in them all at once: he would like to see how they managed the affairs of the Province, before he put much confidence in them; and he should look at all the measures now to be advised with great caution. Every one ought to do so, till it was seen whether the country placed confidence in them. They had not that confidence at present; but that they might acquire it by slow degrees, should their acts prove beneficial to the Province.—He would therefore receive this message with caution; and see whether what was called so undoubtedly legal, really was so. He thought it was not. By a great variety of acts of the province, certain services were appointed to be performed by magistrates, for which fees were allowed; and so, in this case, such allowance would have been made by an act of the legislature, had the Secretary been entitled to these fees.—By an act of the legislature it was provided, that all school warrants for one parish should be included in one warrant, and the fee apportioned among the claimants. But here, apparently with the view of increasing the fees, the warrants had been separated, and a fee was now demanded for every one respectively. Where was any public officer so well paid as this gentleman: he received fourfold more than the value of his services; and the Committee, therefore, might well be surprised at such a claim as this. His memorandum set forth a claim for the fee of five shillings on 1100 warrants issued within a certain time past. It was a most extraordinary claim; and he (Mr. S.) was sorry that His Excellency had ever been advised to send down such a message. He (Mr. S.) was always inclined to treat messages with respect; but the Committee must certainly in this instance come to the same conclusion that they did on the other message; that it could not be complied with. He thought it would be found, that this gentleman was receiving a very large amount of public money; perhaps exceeding £3000 annually; and yet he was unwilling even to countersign a governor's warrant without a fee of 5 shillings for every one. He did not believe the actual service was worth 5d.; and when an officer was so well paid, so overpaid as the Provincial Secretary, he hoped there would be no difference of opinion as to allowing this claim; and that the Committee would resolve not to comply with it.

Mr. END said there were two or three fundamental principles which the Committee ought to have before them, so as to enable them to do justice in this case. One of them was, whether the public expected deliberative bodies to be consistent; and another (which was in every man's, nay, in every fool's mouth,) was, that the labourer was worthy of his hire. If the Committee looked over the appropriation acts from 1816 to the year before last, they would find that Mr. Odell had always been allowed payment for these warrants; and if they looked at the appropriation act of the House, passed in 1817, they should be consistent, and follow its example. That act provided for the payment of 214 warrants, at 5s. each, amounting to £53 10 0; and that sum was not appropriated under the odious, pitiful ordinance fee table, which he (Mr. E.) always wished to see altered. But there was the principle laid down, that Mr. Odell had a right to the fee; although, afterwards, the number of warrants so greatly increased, that it was thought proper by the Honse, to pay a compensation annually to that gentleman.—The hon. member who had just spoken had insinuated, that this officer, for the base purpose of aggrandizing himself, had multiplied the warrants; and that the law of the land justified putting together all the school warrants in a parish. But the fact was, that the clerk of the peace was required to certify the statistics of each, and by virtue of such certificate, the warrant was issued for such school, and the law of the land merely said, that the warrant for four schools in every parish at the rate of £20 each, might be issued in favour of the trustees of schools for such parish. [The hon. member here quoted the law on the subject.] He (Mr. E.) however, had never heard of any such joint warrant having issued.—The hon. member concluded, by pointing out the alternative, should the House refuse the claim, of charging the fee on individuals; and the great inconvenience and hardship they would thereby sustain.

Mr. SPEAKER was not quite prepared to agree with Mr. Simonds, that the ordinance fee table did not apply to these warrants; or that, when that table was framed, such warrants were not in view; but he thought, that, if the ordinance were taken as it stood, and as it had so long been in operation, the letter of it would apply.—It was certainly a great misfortune that the province had so long labored under the oppression of that ordinance. He (Mr. Speaker) had only lately heard, that that ordinance was adopted merely as a temporary regulation, until the legislature of the province should enact some better provision; but, that the very moment that should be effected, the ordinance would be abolished. It was a great pity that it had not been done long ago. It was in the power of the House to do it; and they should effect it as speedily as possible. That table ought never to have been in operation, for one hour after the House of Assembly was formed. But it had unfortunately been in operation, and calmly allowed hitherto. The hon. Speaker here took a view of the claims of the Provincial Secretary during past years, and proceeded to say, that whatever where the opinions of the House as to the original contemplation of the ordinance fee table, yet how were they now to get over the difficulty; because Mr. Odell appeared to have obtained a kind of prescriptive right to these fees. He (Mr. Speaker) was as much against the claim as any man; but he could not see how it could be got over now, without making a provision for the past year at all events. He would be inclined to go as far as that.—The hon. Speaker concluded with a few remarks on the inconvenience accruing to the parties interested, by putting several school grants into one warrant, which might, perhaps, have been the reason for separating them.

Mr. SIMONDS, in reply to Mr. End, quoted the words of the Act above referred to by him, which said, with reference to four school grants being included in one warrant, that "*a sum of money shall be allowed, at and after the rate of £20 for each school,*" &c. "*which sum of money shall be drawn by warrant,*" &c. "in favour of the trustees of schools," &c. The hon. member contended, therefore, that his own position was completely borne out by the words of the law; and if it were not so, he confessed he did not understand the plainest words he ever saw. Nothing could be plainer. The words "*a sum of money*," "*at and after the rate, &c.*" must mean, that the grants for all the schools in a parish should be added together, and the whole sum of money drawn in one warrant, in favour of the trustees of such parish, who were to pay the same over to the respective schoolmasters; and therefore the separation of those warrants was a deviation from that provision, and contrary to the law of the province.

Mr. CHANDLER was inclined to continue the commuted allowance of £75 annually to Mr. Odell, because of the great inconvenience to individuals, which would arise from the fees being charged on them. He thought the charge as legal as any other in the ordinance fee table; but considered Mr. Simonds quite right as to the law, respecting school warrants being issued for a whole parish conjointly. Still, however, that practice was capable of great inconvenience, because the trustees never would be enabled to give a schoolmaster his warrant, but merely an order of their own, to receive his proportion of the warrant.—The hon. member, on the principle of the legality of the claim, and because a commutation had been given for two or three years, would be inclined to allow £75, as before, and would therefore be for referring the claim to the Committee of Supply.

Mr. PARTELOW was decidedly against the claim. He did not pretend to understand the law; yet he thought it very extraordinary, that while the ordinance fee table had been in existence ever since 1784, yet from that time till 1817, no such claim as this had ever been made, either by the present secretary or his father; and he therefore considered the presumption to be, that the claim was illegal; otherwise, no doubt, the present secretary, and his father before him, would not have omitted to make a charge for those 32 years. He (Mr. P.) should therefore resist any idea of compensation; because he did not think Mr. Odell entitled to any thing, on any legal principle.—He would treat this message quite respectfully, but also in the same manner as the previous one had been treated; by "giving it the go-by."

Mr. KINNEAR stated that last year he had voted for this claim, on a hasty impression that by the ordinance fee table it was a legal one. But on looking more carefully into it, he had entertained some doubt on the subject; and he thought if any such doubt existed, it would be extremely unwise in the House to make any such grant, and he should therefore hope the Committee would not comply with the recommendation. The hon. member reconciled the opinions of Messrs. Simonds and End, by observing that the former was right in the construction of the law, and the latter as regards the present practice of separating school warrants, which had arisen in consequence of the inconvenience alluded to by Mr. Speaker and Mr. Chandler.—The hon. member also considered the reason given by Mr. Partelow, relative to the long dormancy of the claim, as a strong and cogent argument against it.

Mr. SIMONDS suggested the propriety of inserting a clause in the annual appropriation bill, to provide that all warrants on the Treasury should be issued without fee or reward.

Mr. SCOTT thought every labourer worthy of his hire, and that therefore some compensation should be allowed for this claim.

Mr. SIMONDS moved a resolution, to the effect that the legality of the claim could not be supported, and that therefore the Committee could not recommend to the House to comply with His Excellency's recommendation.

Mr. S. HUMBERT thought Mr. Odell sufficiently paid for all his services, and that this claim should be merged in such general remuneration.

The question was then taken upon Mr. Simond's motion, and the Chairman declared that the *Yeas* had it; Mr. Scott, however, called for the names; whereupon nearly the whole discussion arose over again, in the course of which, Mr. Weldon moved as an amendment, that the claim be referred to the Committee of Supply.—Upon that amendment, the House divided, and it was *negatived* 15 to 5.

YEAS.—Mr. Speaker, Messrs. Weldon, Chandler, Smith, and Scott.—5.

NAYS.—Messrs. Hill, Kinnear, Simonds, Clinch, Brown, Wyer, Gilbert, Harrison, S. Humbert, Taylor, Connell, Partelow, Barlow, Vail, and J. Humbert.—15.

Mr. Simonds' motion was then put, and carried in the *affirmative;* upon which the Chairman left the chair, and reported the resolutions; and the report was accepted by the House.

Saturday, February 16.

MINING COMPANY.

On motion of Mr. Harrison, the bill for incorporating the New Brunswick Mining Company was recommitted, and the petition (lately presented by the hon. member,) against it, from certain freeholders of Queen's County, read.

Mr. Harrison said, that it appeared to him that the bill had not been understood by some hon. members; but in his opinion, it went to incorporate a company of persons, and to give them the power, to do, what?—To monopolize all the coal mines in the Province. He was opposed to the bill, on the broad principles of justice; because it tended to interfere with the private rights of individuals. The signers of the petition against it were the offspring of the old loyalists, and had the same loyal blood in their veins as their forefathers. They had long been settled on the spot where the Mining Company intended to operate; and should the House, by any act of theirs, deprive them of what they had so long enjoyed, and of that which they were so well entitled to? He (Mr. H.) had understood from one of those petitioners, that he had actually applied to His Majesty's government, about a twelve-month ago, for permission to work or enjoy the mines under his own soil; but he had not obtained any answer. He (Mr. H.) therefore hoped, that the matter would receive further consideration from the Committee; and that, at all events, time would be given the petitioners, before passing any such bill as the present, to lay their claims at the foot of the throne. They certainly had a greater right to consideration than the intended company, as owners of the soil were the mines were situated.

[Much discussion followed; and several resolutions and amendments thereto having been proposed,]

The question was finally taken on Mr. Simonds' amendment to Mr. Harrison's amended amendment; viz. as to confining the company to ungranted lands, for a certain term of years; and was negatived 15 to 8.—Names as follow:

Yeas.—Messrs. Simonds, Gilbert, Harrison, Allen, Miles, Slason, Clinch, Hill.—8.

Nays.—Mr. Speaker, Messrs. Brown, Wyer, Kinnear, J. Humbert, Taylor, Connell, Barlow, Ward, Partelow, Weldon, Vail, Smith, Chandler, Scott.—15.

The Chairman then left the Chair, and reported the resolutions and division; the bill remaining as before agreed to.

Monday, February 18th.

The *Committee of Grievances* were closely shut up, and busily engaged till nearly 2, P. M. this day; consequently, no important debate occurred in the *House;* which was occupied with formal business, and in receiving bills & petitions.

Mr. Partelow brought in the Report of the Committee on the Treasurer's accounts; which was very lengthy, and shewed a very considerable increase in the Revenue of the past year.—The Report was accepted, and ordered to be printed.

Tuesday, February 19.

COMMITTEE OF SUPPLY.

A resolution was passed, granting 647*l.* 7*s.* 5*d.* to reimburse the Justices of the Peace for the City and County of Saint John, for expenses incurred in the support of distressed Emigrants during the past year; and another resolution, granting 187*l.* 14*s.* 9*d.* for expenses incurred in support of aged, infirm and distressed Black Refugees, during the same period.

The principle of both these Grants was obstinately opposed by Mr. Humbert, against all the other Members for the City and County of St. John; and the former was passed with the understanding that the Head Money to be paid by Emigrants arriving at the port of St. John, is in future to be appropriated to the purpose for which the grant has been obtained. The latter grant was embodied in a resolution, stating it to be the opinion of the Committee that it was not expedient to continue the grant after the present year, *except under peculiar or special circumstances.* Mr. Humbert having pledged himself to bring before the House a petition from every white man settled on Loch Lomond, declaring their conviction that the grant was an improvident and improper one.

Wednesday, February 20.

DUTY ON BRITISH GOODS.

The House having this day resolved itself into a Committee of Ways and Means, a lengthy discussion ensued as to what articles of import that the Committee considered would bear a duty, and those on which the duty ought to be increased or decreased. We regret that it is not in our power to-day to give the report of the debate. The Committee finally closed its labors by passing a resolution—16 to 8—that certain articles of *British Manufacture* should be charged with an *ad valorem* duty of two and a half per cent. The division being as follows:

Yeas—Mr. Speaker, Messrs. Hill, Clinch, Brown, Harrison, Hayward, Slason, Taylor, Chandler, Weldon, J. Humbert, Scott, Smith, Allen, Connel, End.

Nays—Messrs. Simonds, Kinnear, Barlow, Partelow, Ward, Wyer, Gilbert, S. Humbert.

Some desultory discussion ensued as to the mode of proceeding, and whether the various minor alterations of duties should be specified in Committee or discussed in Committee on the Revenue Bill;—the latter mode of proceeding, however, adopted.

EXTRACTS FROM THE JOURNALS.

Wednesday, February 13th.

Mr. Partelow, from the Committee appointed under a resolution of this House, passed at the last session of the General Assembly, to join a Committee of His Majesty's Council in pursuance of the provisions of the Act intituled "An Act to Incorporate sundry persons by the name of the President, Directors, and Company of the Charlotte County Bank," to examine into the proceedings of the said Corporation, reported, that the Joint Committees appointed by the Council and Assembly had met, and attended to the business required of them, and he was directed to submit the following Report, which he read.

The Committee appointed at the last session of the Legislature, for the purpose of examining into, during the recess, the books, vaults, and proceedings of the Bank of Charlotte County, having attended thereto, beg leave to report, that on the 27th September last, the affairs of the Bank were as follows:—

BANK,	Dr.		
"Amount of Capital Stock Dollars at 5s. 4d. £15,000 should be £14,062 10 0 Cr. in Books,	£14,007	17	0
Bank Notes in circulation, - -	17,992	15	0
Amount of Discount Account, due Stockholders, since declaration of last dividend,	835	7	1
Profit and loss, - - -	180	15	10
Amount of individual Deposits, not bearing Interest,	1045	4	2
	£34,061	19	1

Cr.			
Amount due the Bank for notes discounted on personal security, (none doubtful,)	£26,484	13	5
Contingent Expenses Account, -	163	11	7
Gold and silver coin in vaults, -	1703	6	5
United States Bank Notes, - -	6	5	0
Drafts on Boston and New York, at 10 days sight,	2670	18	5
New-Brunswick Bank Notes, -	2984	12	0
Drafts on Saint John, - -	48	12	3
	£34,061	19	1

Of the above sum of £26,484 13 5 due the Bank for Notes discounted, the nine Directors were collectively

Promissors to the amount of	£5,396	9	6
Endorsers, - - -	7,609	11	0
	£13,006	0	6

"They hold 83 shares of the Stock, which amount to £4150, nearly 28 per cent. of the capital; and their liabilities as Promissors are about 20 per cent. of the debts due the Bank.

"The weekly discounts average £2000, and the semi-annual divided from 3 to 4 per cent.

"The institution appears to have been managed with good judgment, and a proper regard to the interests of the Stockholders and the public, and your committee are of opinion, that the proceedings have been conducted with impartiality.

"It may be proper to observe, that an exchange of paper took place between the Bank of New-Brunswick, and the Charlotte County Bank, immediately after the inspection of the latter, to the extent of about £2200, thereby reducing the amount of the Charlotte County Bank Notes in circulation to £15,792 15 0, and decreasing the claim on the New Brunswick Bank to £784 12.

"All which is respectfully submitted.

HARRY PETERS,
J. R. PARTELOW,
THOS. BARLOW."

The report being handed in at the Clerk's table, was there again read.

Ordered, That the report be received, and lie on the table.

Friday, February 15.

Read a second time the following bills:—A Bill to Incorporate sundry persons by the name of the President, Directors and Company of the Commercial Bank of New Brunswick.—A Bill to provide for the further increase of the Capital Stock of the Bank of New Brunswick, and to amend and continue the Act for incorporating the said Bank.

Resolved, That there be granted to the Commissioners of Light Houses in the Bay of Fundy, the following sums to pay for services in 1833:—For the keeper of the Light House on Campo Bello, for the year 1833, £120; for the keeper and assistant of the Gannet Rock Light House, £165; for the keeper of the Point Lepreau Light House, £100; for the keeper of the Light House on Machias Seal Island, 130*l.*; for contingent expenses of the Gannet Rock, & Point Lepreau Light Houses, for 1833, £450; for contingent expenses of the Campo Bello and Machias Seal Island Light Houses, for 1833, £450; to the Commissioners of the Light Houses at the entrance of the harbour of St. John, the sum of £350, for contingent expenses of 1833; to the Commissioners of Light Houses in the Bay of Fundy, the sum of £200, to be applied by them towards the support of the Cape Sable Seal Island Light House, in 1833; and also, the sum of £100 in aid of supporting the Light House on Brier Island, in the province of Nova Scotia.

Mr. Kinnear, by leave, presented a petition from Thomas P. Marter, Esq. of the City of St. John, praying remuneration for services as Provincial Tide Surveyor, for the City of St. John; which he read.—*Ordered*, That the said petition be received, and referred to a select Committee to report thereon.

Mr. Wyer, by leave, presented a petition from Stephen Humbert, Esq. praying compensation for services performed in the Treasury department at St. John; which he read.—*Ordered*, That the said petition be received, and referred to a select Committee to report thereon.

Resolved, That Messrs. Kinnear, Barlow, Weldon, Wyer, and Ward, be the Committee to report on the petitions presented to the House this day, from Thomas P. Marter, and Stephen Humbert, Esquires, praying remuneration for services.

COMMUNICATIONS.

[For the Courier.]

Mr. CHUBB,—Among the papers of an old friend, I have found the following scraps of an unfinished *Drama*, and as it represents proceedings very similar to those now in *rehearsal* in the theatre of a small village not one hundred miles distant; it may amuse your leisure moments to discover the affinity—and if you think them worth the reading, I will send you a few more '*Scenes*' from it. Your's, O. P.

THE TRIUMPH OF INTRIGUE.

Act 1. *Scene* 1.

A PUBLIC HOUSE—*a room in it, containing a table, an arm-chair, and twelve three-legged stools—twelve domestics seat themselves on the stools, they all rise, when a new overseer, the* SQUIRE, *enters.* (Enter Squire.)

Squire.—Gude mornin', gude mornin'—bra' lads o' the forest, I hope ye are a' weel—ye maun ken the Laird has sent me hither to superveese his praperty, collect the siller, and execute justice amang ye—he luves ye muckle, an' ye canna repay him, gif ye ware to live forever. I sal na fash ye wi' a lang speech, for breevity is the soul o' wark, ilk keeping to his ane, and nane rinnin' into anither's gait—it is aye true spoken, "whar there's new lairds there's new laws,"—but your auld Willy Guelph is still your ain Laird, though he has gi'en me a wee bit discreetionary power for the prosperity of the Estate, an' the true happiness o' the TENANTRY. Ye maun therefore, my laddies, wark like faithfu' bairns to a gude father, and ye maunna' be wilfu' if at any time ye are fash't wi' sma' troubles, so here's to our "better acquaintance." [*Nods to each.*]

Johnny Fairchild.—Your servant, Squire, we are all happy to see you among us, for we have heard of your fame in killing Alligators, and hope that equal success may attend you here, for our *forests* are infested with wolves in the shape and appearance of *watch dogs*, which our worthy master sent out for our protection, but they are more rapacious, than all the natural vermin of the country, and unless they are muzzled, they will ruin the Estate, and eat up all the profits of it. I have long been in the employ of my worthy master, as a kind of arbitrator in the disagreements among the tenantry; and as my name would seem to imply, it is my duty to see *fair play* among them—for which reason I have been called their *Chief*, and have always been considered the proper person to be the respectful adviser of the Squire.—I hope, Sir, I shall be found worthy of your confidence, and as in duty bound I shall always be at hand to assist you with my humble opinion.

Squire.—Thank ye, Jock, thank ye.

Wily oh' Deil.—(*Rises and bows nearly to the floor;*) your very humble servant, most sagacious and *judgematical* Squire.—We are all rejoiced to see you, and cannot sufficiently thank our worthy master for the blessing and treasure which he has sent us in such a celebrated overseer, for your fame in the East country has extended to the West; we have heard that the tigers fell before you, like sheep before wolves—doves before hawks—mice before cats—or like the undisciplined Burmese before the disciplined veterans of old England.—*I* anticipate prosperity from your wisdom, and as I am book-keeper to the Estate, I shall always be happy to *lead* you, I mean, to *direct* you; that is, to shew you the *right* road of affairs, for there are so many strange ways in this wild country, that a stranger would soon be bewildered, unless he were directed—will your Squireship take pot-luck with me to-morrow—I am an admirer of the *haggis.*

Squire.—(*Aside*—Chesterfeel could na' boo better, and he speaks unco bonny)—ye're right, Wully, ye're right—the deil himsel, after whom ye seem named, wad na find his way, gif ye did na direct him, and I dare to say that ye're a right gude guide—I'll tak ye at the word, Wully, baith for the haggis, and the road.

Dick.—(*aside*—the devil never sent a better guide to mislead a man, and if he does not will-o-the-whisp the poor Squire, my name is not Dick.)—You're servant, Squire, I am glad to see you over us, and hope you will be pleased with the Estate, and the workmen—there is much to be done in the way of *pruning*, uprooting, draining quagmires, clearing away nuisance, securing hedges and fences, opening new roads, clearing old ones and preventing *inroads;* discharging useless servants, like drones in a hive, and hiring better, quieting and encouraging the cottagers, and providing for the rough and stormy weather of our tedious winters—ours is a cold country, Squire, a stranger should be *well guarded* when he comes to it. The manners of the East will not answer in the West—an orange tree will not flourish upon an iceberg—nor will a muslin turban protect the "luggies" from the frost. The constitution and character of men are modified by climate; the perpetual influence of a burning sun relaxes and subdues, while the frigid zone gives firmness and determination. But I would not presume to give a hint, as your *General* experience, assisted by the local knowledge of our *Chief Johnny*, will sufficiently direct you. I am purse-holder to the Estate—but my bag is light—for the poor Farm is like a good milch cow badly fed, all going out, and nothing going in, or, saving your presence, Squire, like a sickly calf covered with vermin; or like a client with a lonely guinea in his fist in the presence of a score of hungry Lawyers; or like a Province with a Commissioner of Crown Lands, Topographers, Lithographers, and a *regiment* of other graphers, earning a penny and receiving a pound.

Squire.—Weel, weel, mon, we will na mak a fashery wi' sic things.

Tommy.—By St. Patrick, I am happy to see your honor among us—long life to you, and may you live forever, and then die comfortably in your bed. I am glad to hear that you have turned your *meat-skiver* into a pruning knife (*aside*—as long as I don't feel the edge of it) and your blunderbuses into a plough-share, for by my troth', you will need a sharp one to rip up the stumps, as fast as I rip down the trees—and as I am tould you have had a power of botheration with those alligators and elephants, and all the other two-footed bastes in that country where the sun shines all night; I will *allow* you to take your aise in this land of prosperity; for I am sure Wily oh' Deil, and Tommy, its myself I mane, will take care of your business—will you not, Wily? (*winks to Oh' Deil.*) Indeed and indeed your honor, nothing will give us more pleasure, and as I am Auctioneer to the Estate—*Department*, we would call it in the "Green Island," I shall do every thing in my power to sell it to the greatest advantage, (*aside*—for myself I mane.)

Squire.—Weel, Tammy, I dare say ye're a faithfu' laddie, and although I have heard in the far country that your enemies wad destroy ye like a lammie amang wolves, I'll "*rebut their statements*" to the Laird, for I feel my heart already warmin' towards ye—puir Tammy—puir Tammy—I'll '*rebut them*,' Tammy, 'I'll rebut them.'

Wily oh' Deil.—(*Aside, to the Squire*)—yes, most worthy Squire—jealousy has made all the domestics and labourers his enemies—I am rejoiced to find that his countenance has created such just impressions in his favour—you may safely depend upon him—his zeal is almost beyond his ability—his courage is daring, for he hews down the heaviest timber in the forest, and would not be seen putting his axe into a sappling.—I could say much in his favour, but I will tell you all at a more *convenient* time.

Tommy.—[*Aside, to Oh' Deil, whom he overhears.*]—Thank you, Wily—I hope the family are all well.

Nodad.—Permit me, Squire, to *address* you, and *sum* up all I have to say in a few words:—I have been a faithful servant [although I say it, who ought not to say it] to the Master, and have worked at the same business with Johnny, and my friends 'DAD' and 'FELICITY,'—but some hows or other, Sir, we felt a kind of squeamishness in the service, as the tenants consider us as "*poachers*" among the domestics; we therefore gave notice to the master some time ago, that we would quit this part of the service, if he should think proper to *order us out*.

Dad.—[*Aside, to Nodad.*] Do not say too much, good Nodad, for although we did not wish to quit, the Squire may take us at our words, as he says, he has a "*wee bit discreetionary power for the gude of the Tenantry.*" It is easy to get out, but not so easy to get in—once out; the fat will be in the fire—therefore my dear fellow, don't let "your heifer get over your milk pail, after she has filled it," for you know we have worded our notice in such a manner, that the master must see, that we do not want to quit the employ. It was enough for us to make a *pretence*, to quiet the grumbling of the tenantry.

Nodad.—[*Aside to Dad.*]—You are right, Dad, you are right. [*To the Squire.*] But yet I assure you, worthy Squire, that nothing but a positive order would induce us to withhold our ready advice and assistance, and do not think that our other duties will in any manner interfere with our domestic attentions here.—They are not so "*arduous*" as to cause the slighest inconvenience, and nothing will give us greater pleasure than to be about you.

Squire.—Vera' weel, vera' weel, Nodad—I ken, I ken.

Dad.—As my fellow-workman has spoken, so say I, most equitable Squire; and if your Squireship thinks that a stout and active lad, would be more serviceable in my stead, I would willingly make room, if you would be pleased to employ my son.

Squire.—[*Aside*—send the bairn to me, and let me see him.]

Felicity.—Squire, your most obedient—I love my master—I love the Estate, and I love the *tenantry*—I have lived a long life with them, and I hope I have their good wishes and esteem. But, Sir, I hate manœuvering—I never gave warning, that I would quit service—here I am, Sir, always ready to do my duty, and when the master turns me out, it will be because rogues have either deceived him, or belied me. I have acted as Deputy Squire over the Estate—and hope I have always fulfilled my duty to my master and to the tenantry—my conscience *acquits* me.

Squire.—[*Aside*—a hard-faced, high-mettled mon, this—there's na booing—booing till his head touches the floor.] When there's na' occasion for your presence, I will tell ye.—[*Several of the other domestics rise to speak, but the Squire interrupts them.*]—I ken weel enough, laddies, what ye wad say, and thank ye ance for a'—but as breevity is the soul o' wark, call ye the laborers fra' below.—[*A messenger is sent, who returns with* LONGNECK, *and 27 other laborers, who enter, and make their obeisance to the Squire*]—Aye, mon, your neck is as lang as a Crane's—a gude praperty in a head warkman, as