

POOR DOCUMENT

BALANCE SHEET.

The following is the Balance Sheet of the Province to close of 16th February, 1882, submitted by the Provincial Secretary:

To balance 31st October, 1881	\$25,668 25
Domestic Subsidies	186,711 57
Territorial Revenue	115 06
Post Office Receipts	1,457 99
Miscellaneous Receipts	450 40
County Fund School Loan, North Co	878 07
Sundry balances of Warrants, Ac, held by Sec. Gen., special ser.	215,388 92
By Warrants to the 16th Feb, inclusive	215,388 92
Loans to and from School Boards	1,700 25
Loans to and from the Prov. Bank	1,400 00
Expenses of delegation to Ottawa	250 00
Eastern Extension claim	250 00
Balance due on Sales of Agriculture	1,484 40
Balance due on Sales of Agriculture	5,058 46
Balance due on Sales of Agriculture	638 44
Expenses incurred in connection with Down Exhibitions, Halifax, N.S.	1,000 00
Expenses connected with Stock Farm	400 00
Advance on account of Agriculture	5,438 10
Loans to County of Gloucester	404 14
Sundry advances connected with Administration of Justice	185 00
Sundry advances on account of Exec. Government, Legislators, Ac.	1,630 22
Advance George Eastford	2,171 40
Advance George Eastford	400 00
Cash Peoples' Bank	\$46,864 99
Cash Receiver Gen's Office	370 90
	47,235 89
	\$215,388 92

THE STATEMENT OF WARRANTS

issued since 31st October, 1881, to 16th February, 1882, inclusive, shows their total amount to be \$140,632.80.

The statement of fees received at the office of the Provincial Secretary during the fiscal year ended 31st October, 1881, showed that the total amount received from forty-two persons authorized to issue marriage licenses was \$5,768. Those of W. A. Lockhart, Saint John, were the largest, amounting to \$1,548. None of the others reached \$400, and only two were over \$300. The fees from numerous associations, liquor licenses, commissions, laws sold, copy grants and certificates was \$232.50—making a grand total of \$6,291.50.

COUNTY FUND SCHOOL LOANS

The following is a statement of the above to February 17, 1882:

Albert County	\$1,000 00
Gloucester County	1,000 00
York County	1,000 00
Total	\$3,000 00

LOANS TO SCHOOL BOARDS.

The following is a statement of the amounts due the Province on Loans to School Boards:

Parish of Saint George	\$15 46
Town of Saint Stephen	4,000 00
Town of Saint Andrew	400 00
Parish of Havelock	600 00
Parish of Saint Martin	400 00
Total	\$5,165 46

Mr White moved the House into Committee on a bill to amend chapter 68 of the Consolidated Statutes relating to Highways, so far as the same relates to the County of Carleton.

After routine, Mr Hill from the committee on corporations submitted a report, recommending the *Sun Publishing Company's* bill to the consideration of the House. The committee further reported that they could not recommend the bill to incorporate the Franco-American Credit Foncier to the consideration of the House.

Mr Davidson, from the law committee, reported, recommending the bill to amend chapter 59 Consolidated Statutes, Parish Courts, and bill to further amend chap 57 Consolidated Statutes, Portland Civil Court, with an amendment to the favorable consideration of the House.

The Hon Attorney General committed a bill to amend chap 49 Consolidated Statutes of Parish Courts, Dr Vall in the chair. The mover explained the bill was intended to create in York County an additional parish court in each parish. There was considerable discussion, which was still going on when the committee rose for dinner.

SPRATON'S MESSAGE.
The House met at 2.30, when it continued its session in Committee of the Whole on Mr. Fraser's bill for an additional Parish Court Commissioner. After some discussion Mr. Fraser proposed amending the bill so as to make it general. This was embodied in an amendment, which was lost when it came to a vote, and the bill carried.

A message was received from the Legislative Council stating that the bill to amend Chap. 59 of the Consolidated Statutes had been passed without amendment.

Hon Mr Hanington introduced a bill to incorporate the Young Men's Christian Association of Moncton, which was read a first time, and presented the usual petition praying that the same may pass and become law.

Mr Lynton introduced a bill to empower the Grand Southern Railway to extend their line of railway and to amalgamate with or transfer with any other company and for other purposes. It was read a first time.

Mr Elder introduced a bill entitled an Act to incorporate the New Brunswick Antimony Company, which was read a first time, and presented two petitions praying that the same may pass and become law.

The Speaker read the following:—
LONDON, March 8th.
Your telegram laid before the Queen. Her Majesty most graciously at the prompt expression by the House of Assembly of thankfulness at her providential escape.
(Signed) KIMBERLY.

On motion the Attorney General, seconded by Mr Blair, an entry of this message was ordered to be made in the Journals.

Mr Elder's bill to incorporate the New Brunswick Society for the Prevention of Cruelty to Animals was passed in committee with several amendments in wording and by the last section being struck out. The title was also amended by the insertion of the words, "and extend the provisions of" after the word amend, and now reads:—An Act to amend and extend the provisions of 44th Vic. Chap. 56, intitled an Act to incorporate the N. B. Society for the Prevention of Cruelty to Animals.

The House went into committee on the bill to legalize the elector's lists for Albert County for 1881, Mr McEllan in the chair. Progress was reported with leave to sit again, at 6 o'clock, when the House adjourned until 10 o'clock Tuesday morning.

TUESDAY, March 7.
The House met at 10 o'clock.
After routine several bills were advanced a stage, and referred to the Committee on Corporations.
Messrs Elder, Ritchie and Ryan gave notice of motion for Thursday next.
Mr Hutchison gave notice of motion for Thursday next in reference to the vacancies in the Legislative Council.
Mr Blair introduced a bill entitled an Act

to authorize the Municipality of York to erect sidewalks and to assess for the expense of the same and keep them in repair, and presented the customary petition praying that the same may pass and become law.

The House took recess at 11.50, when Mr. Vall submitted a report from the Committee on Standing Rules, and Mr. Hill the report of the Committee on Municipalities on several bills which had been under their consideration.

Mr Barberie made the following motion:—
Resolved, That humble address be presented to the Lieutenant Governor, praying that His Honor will be pleased to cause to be laid before the House a return of all correspondence between the Local Government and the Government of the Dominion, relating to the question of the rights of riparian proprietors in this Province, and touching the granting of license to fish and the leasing of rivers in this Province, and of any minutes of Council touching that question, and of all memorials or protests, if any, presented to the Government at Ottawa by the Government of this Province since the first day of July, 1867.

Mr Barberie, in speaking of his motion, said he would be able to show the House that the Dominion Government and the preceding Governments since 1867 had overlooked this matter—why he could not say—and he thought that this should not be so. The question of riparian rights should be settled one way or another. He was sustained in the position he took by an able judgment delivered by the late Judge Fisher. The courts had decided that the riparian owner had the full and only right to fish, and if this was so, why had our Government acted as it did? He cited the law as laid down in the judgment referred to, on the question, showing that the exclusive right to fish was incident to the ownership of the soil, and wanted to know how the Dominion Government could lease certain rivers in the face of it, and when the lands facing on the rivers were held in fee simple. The rights of ungranted Crown Lands were vested in the people of New Brunswick, and what right had the Dominion Government to lease any riparian privileges there which belonged to our own people. The Dominion Government has a hatchery, he was sorry to say, and they took salmon out of the river, which were lost, and our salmon fishery had decreased. The hatchery had been some two or three years in vogue, but had done no good. Our salmon rivers were second to none in the world. It was no wonder people were going away when the Government stood by and allowed such things to be done. The young salmon fry were thrown out the stream, and nine-tenths of them were destroyed. With these facts before them, he hoped the Government would take the matter into consideration and lay it before the Dominion Government. He quoted further from the judgment of the Supreme Court, and wanted to know why the Government were sleeping. Thousands of dollars were lost to this Province, and much damage was done to the salmon fishery by the large amount of small fish caught. If we had good Governments heretofore and at present—did he hold that it was the same Government today—this would have been remedied. He was told that a special case was being prepared for the courts, but he thought that there was sufficient law on the subject already, but the trouble was the Government was sleeping and would not avail themselves of it. He had shown by law, and what he had stated, that the Dominion Government had no right to interfere with these rights of the Province, and he hoped, in concluding, that the Government would sleep no longer while the vested rights of a majority of the people of this Province were being snatched up and taken away from them.

Mr Thompson seconded the motion.
Hon Provincial Secretary said the matter was worthy of consideration. As the hon gentleman had said the Government had not taken the matter under their consideration he would refer him to the very full statement made by the Hon Attorney General the other day. He would say nothing about the hatcheries, as they were out of his province, and said the Dominion Government were not trespassing on any vested rights, and that they were taking steps which would bring about a speedy solution of the matter. He would, however, have much pleasure in giving the information to the hon gentleman. Mr Blair said he did not think that mere conversation was a very substantial manner in which to bring a matter of such importance under the direct attention of the Dominion Government, and he would also ask for a return of all protests made against sales of lands on these rivers in order to preserve these lands for the future when they will be more valuable, as they must surely become in time. He moved in amendment as follows:—
"Together with a return of any protests or remonstrances presented to the Government against the granting of lands on the rivers in the northern part of this Province, which would soon become valuable fishing privileges and a source of revenue to this Province."

The Hon Provincial Secretary said he could not agree with the Hon Leader of the Opposition in saying that the Government had not used proper means to bring this matter in a substantial manner before the Dominion Government. He took exception to this, as he thought there could be no more substantial manner than that a formal delegation to confer on the matter.

Mr Blair—There is no record.
Hon Provincial Secretary—The hon gentleman will find when that delegation reports that there is a substantial record; and therefore both a substantial presentation and record of opinion on the question. He would furnish the information desired.

Mr Leighton, under suspension of rule 186, introduced a bill entitled an Act to empower the County Council of the Municipality of Carleton to issue debentures and make assessment for the purpose of purchasing land and erecting County buildings, and presented the usual petition praying that it may pass and become law.

Mr Blair moved the following enquiry of the Government:
1 Who was the contractor for the building of the bridge across and near the mouth of the River Keswick in York County?
2 Did he complete his contract?
3 What was the contract price?
4 Did the contractor give a bond with securities conditioned for the performance of this work?
5 If the contractor failed to perform the whole work how was it completed; that is

to say, was it performed by day's work or by contract let after tenders asked for and received?
7 What did the whole work cost?
7 Did the Government call upon the sureties to make good the increased cost?
The Chief Commissioner of Public Works made the following reply to this enquiry:
1 Andrew Rossborough, 2 No. 3, St. 1,545.
3 Days' wages, principally under supervision. (No. 6 will be answered tomorrow.) 7 No.

The House went into Committee of the Whole on Mr Fraser's bill to provide an extra Parish Court Commissioner for each of the Parishes of York County, Mr McEllan in the chair. The bill was amended and proposed progress.

The House went into committee on the bill to legalize the elector's lists for Albert County for 1881, and the debate on it was going on when the committee rose for dinner at 10 o'clock.

WEDNESDAY, March 8.
The House met at 10 o'clock this morning. After routine several bills were advanced a stage, and the bill relating to Parish Courts in the County of York was sent up to the Legislative Council for concurrence.

Mr Hill introduced a bill under suspension of rule 186, entitled an Act relating to the stock of the New Brunswick and Canada Railway Company, which was read a first time, and referred to the Committee on Corporations.

The House took recess until 11.50.
The House met again at 11.50.
The Hon Solicitor General introduced a bill to amend the Act incorporating the Water Company, and presented a petition praying that the same may pass and become law.

Mr Morton introduced a bill to alter the polling place in the Parish of Hammond King's County, for elections to the General Assembly, and presented the petition of A Sherwood and others praying that the same may pass and become law.

Hon Chief Commissioner Landry introduced a bill entitled an Act to amend an Act entitled an Act to incorporate the Bellevue Alberta Company, and presented the petition of Blair Botsford and others, praying that the same may pass and become law.

On the other day of the day being called, the House went into committee on Mr Butler's bill to amend Chapter 59 of Consolidated Statutes of Parish Courts, Mr Turner in the chair. The bill was agreed to with amendments and passed the House.

Mr Lynton presented the petition of the Municipality of Charlotte County against changing the boundaries of that county, and praying that a bill entitled an Act to alter the boundary of the City and County of St. John and the County of Charlotte, may not pass and become law; and the petition of W K Reynolds and forty-five ratepayers of the Parish of Leppes, Charlotte County, against the passage of the bill.

Hon Solicitor General gave notice of motion for Saturday.
The House went into committee on Mr. Killar's bill to amend the Act incorporating the Moncton Driving Park Association, Mr Hill in the Chair. The bill was agreed to.

The House went into committee on Hon Mr Fraser's bill to amend Chapter 100 of Consolidated Statutes, of Rates and Taxes, Mr Elder in the chair. The debate on the bill was going on when the committee rose for dinner at one o'clock.

The Enquiry into the Clerk of the Peace's Office.

The Committee met again at 1.30 on Friday evening, when Mr. J. Blair, Esq. was sworn and said:—I am Clerk of the Assembly and also a clerk in the office of the Clerk of the Peace. I have received as salary as Clerk of the Assembly \$1,000, payable quarterly, and \$200 for the office, and in the office of the Clerk of the Peace I receive \$400, payable quarterly, and \$300 extra. I receive the \$1,000 by warrant quarterly. I receive the \$200 for the office of the Clerk of the Peace by warrant quarterly. The \$300 extra I receive in the office of Mr. Carman. The \$200 from the office of the Clerk of the Peace is understood to be made up my salary as Clerk of the House of Assembly. I have been receiving that amount since 1873, when I was appointed Clerk of the House. I was at that time Clerk of the Legislative Council and resigned that clerkship to take the situation of Clerk of the House, under the impression that I was to receive the same salary that Mr. Wetmore, the then Clerk received—that salary was \$1,600 per annum. While I was Clerk of the Council and was asked to take a situation down stairs I stated that I would rather stay up stairs at £340 than take a situation down stairs at £200. I stated this to Mr. Fraser, and I understood he assented to that arrangement—that I was to have £400. That was in 1873, during the session of the Legislature. The arrangement was made with Mr. Fraser. Mr. Young, President of the Council, came to me and asked me to write out my resignation, and I did so. He was not present when the arrangement was made with Mr. Fraser. Mr. Fraser was the only person that discussed the subject with me, and with whom I had the understanding. He was then Provincial Secretary. From 1873 down to the present time I have been in receipt of the amounts named. Have made no renewal of this understanding with any of the gentlemen who are now in the Government, and the arrangement stands as it did in 1873. There has been no change.

Cross-examined by Mr. Hanington.—I was appointed Clerk of the Legislative Council in Feb. 1876. Geo. Botsford, Esq. was then Clerk. I did not perform the duties of Clerk of the Council in 1876, for the hon. members of the Council would not allow me to go in there, and it was not in 1871. About the middle of the session of 1871 I took my seat there, and acted for the rest of the session and the next, fixed up the index for the Journals of that session, and in 1873 I was then acting as Clerk until the 18th of March, when I was appointed Clerk of the House and took my seat in the House of Assembly on the 19th March. During that time there was a conflict between the Executive and the Legislative Council as to the Clerk. They claimed that Mr. Botsford was their Clerk up to the time I took my seat. The arrangement with Mr. Fraser was made during the session of 1873. Some time after

ward there was a difference of opinion between Mr. Fraser and myself as to the arrangement, he contending that he had not made an arrangement with me at all as to the amount of salary. This was after the session of 1873. I contended that I was to have the \$1,000, and would not have resigned if that arrangement had not been made. In 1873, 1874 and 1875 I received \$1,600 as Clerk of the House. I am speaking from memory. I think it was made up by \$400 for the index in three years, and since that time it has been \$200 less. I got in three years as Deputy Clerk of the Peace \$400 per annum. Since 1875 I have received from Mr. Fraser \$200 per annum for index to Journal. For the previous years I received checks from Mr. Fraser for the \$400 for index in different amounts. I contended I was entitled to \$400 for the index the same as Mr. Wetmore received, and that there was a balance due me with respect to those three years (73, '74, '75) of a considerable amount. Mr. Fraser thought I had been overpaid. I remonstrated with Mr. Fraser about 1875, and he said he had not made the arrangement which I claimed he had. I think it resulted in being referred to a committee of the Executive Council, consisting of Messrs. Stevenson, Kelly and Fraser. They met and got the state of his books, and he said he had not made the arrangement which I claimed he had. I think it resulted in being referred to a committee of the Executive Council, consisting of Messrs. Stevenson, Kelly and Fraser. They met and got the state of his books, and he said he had not made the arrangement which I claimed he had. I think it resulted in being referred to a committee of the Executive Council, consisting of Messrs. Stevenson, Kelly and Fraser. They met and got the state of his books, and he said he had not made the arrangement which I claimed he had.

Mr. Geo N Habbitt was sworn and said:—I am cashier to the Receiver General. I have not brought statements of accounts filed with me by Mr. Carman. The papers are filed with Mr. Smith the Deputy Provincial Secretary. I did for a portion of last year, 1881, receive fees from Mr. Carman. I merely took the fees and handed them to Mr. Carman. I was not witness to the retaining of the names of the parties who paid the same, or the amount. I know of no distinction between fees received by me as payable to Mr. Carman as Clerk of the Peace or Clerk in Equity. I gave a statement to Mr. Carman. The fees amounted to \$294.94. The amounts were entered as received them. The Baristers' Library fees which I did not understand by Mr Blair's question to be included was kept separate. At about the close of the year I received a note from Mr. Carman asking me to give him a statement of what I had received and to deduct 5 per cent, which he allowed me, and to pass the balance to the credit of the Province on account of fees. Witness says by examination of papers that Carman had included a check for \$280, which he handed to the Receiver General to refund the fees, which fees had been paid by the Receiver General. Witness had no entry of it in his cash receipts when received; he has when deposited in bank on 3rd Sept. 1880. It was in the cash box of the office all that time. The reason it remained so long was that the year I received a note from Mr. Carman asking me to give him a statement of what I had received and to deduct 5 per cent, which he allowed me, and to pass the balance to the credit of the Province on account of fees. 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