

# POOR DOCUMENT

## THE WEEKLY HERALD

CHARLES H. LEWIS, EDITOR AND PROPRIETOR.  
FREDERICTON, N. B., MARCH 4, 1882.

The WEEKLY HERALD will hereafter be issued on Thursday.

### MR. BLAIR'S CHARGE IS SUSTAINED.

It is with regret that we learn from the evidence given before the committee appointed to investigate the receipts of the Receiver General from the Clerk of the Peace that the charge made by Mr. Blair, and so emphatically denied by the Receiver General, namely, that larger sums had been received from the Clerk than were acknowledged in the public accounts, and had been paid out without sanction of law, has been fully sustained.

The evidence, which we publish elsewhere, will show how clearly the above facts have been made out, and with the emphatic words of Mr. Wedderburn yet ringing in our ears, when he hurled back the charge and pronounced it an unmitigated slander, we feel that the Government, and with it the country, has been humiliated. It is bad enough that the public accounts should not be correct; although people had got somewhat used to it; but it is a disgrace to representative institutions to have it established beyond a question that the declaration of the officer who is entrusted with the public funds—that the solemn declaration of such an officer, made to the Assembly with all the formality with which an official declaration can be invested, and upon occasion when a member of the Assembly has demanded a committee of enquiry into the act of the Government, that such a declaration is not worth the breath with which the words are spoken. No charge could have been more plainly made, more squarely denied and more fully proved. We refer our readers to the evidence for the details of the several years; but for the purpose of helping them to arrive at an understanding of the facts, we will explain them as they apply to the last fiscal year. The law says that all the fees received in the office of Clerk of the Peace shall be paid to the Receiver General. The receipts of 1881 were \$1,718.71. Mr. Carman under oath stated that of this sum he paid to the Receiver General in cash and by a check of some two or three years' standing, \$1,100; that by authority of the Government he paid \$200 to Mr. Bliss, and the balance was expended in office contingencies. The Receiver General only admitted in the public accounts the receipt of \$336.23, and denied in the House that he had received any more. Yet Mr. Wedderburn knows, if he knows anything, that he actually and in point of law received \$1,300. Every dollar of the \$1,718.71 should have gone into the Treasury and been drawn only by warrant; but without making any point of the fact that Mr. Carman was allowed to charge his office contingencies against the money he had in hand, a practice which, though reprehensible in principle, has not been abused by that gentleman; it is shown clearly that only one half the fees had been so paid out, and that the balance, public money, remember, which the House had a right to appropriate, has been used by the Government without sanction of law. Since 1874 the estimates have contained one item "for clerk to the Clerk of the Peace, \$400," and the Province thought that was all that was paid him; but every year he has received \$200 more, not by vote of the House, not by authority of an Act of Assembly, but by the mere motion of the Government. Anything more directly in violation of the constitutional privileges of the Legislature cannot be imagined. We are not discussing whether or not Mr. Bliss has enough salary. That is a question for the House to determine, and they have shown no disposition to be niggardly; but we wish to condemn in the strongest possible terms the payment of the people's money without authority of law. It will be remembered that in 1874 the Government undertook to displace Mr. Botsford from the Clerkship of the Legal five Council and put Mr. Bliss in his office. In this they were defeated, and now the country learns for the first time that the last named gentleman has been receiving ever since that time an addition to his salary which did not appear in the public accounts. Again we ask, how can the statement in the Auditor General's account of receipts \$336.23 be reconciled with Mr. Carman's statement that he paid \$1,100. The two cannot be reconciled by any possible evidence; so that the Provincial Secretary stands convicted of presenting an incorrect financial statement. We hope the House will hasten to mark this unconstitutional conduct with the strongest mark of disapproval possible under our legislative system. Men are not fit to be trusted in office an hour who will use the public funds without sanction of law, and have the brazen effrontery to deny it in the face of plain testimony.

The STORM.—The recent heavy rain storm is the most unprecedented at this season of the year, and it is feared that it will have a bad effect on lumbering operations. The snow rapidly disappeared under the steady rain, and the ice ran out of the Nashua River, breaking up the ice in the main river, directly opposite. In the city the walking has been very unsteady, and in some places dangerous from the slippery walks. The back streets are flooded in many places. Many cellars are filled, and in some instances apartments on the ground floors have been rendered too moist for occupation.

## HOUSE OF ASSEMBLY.

FRIDAY, Feb. 24.

AFTERNOON SESSION.

The House met at 2.30.

Mr. Barberie gave notice of enquiry if the Government intended making any change in the law relating to the mode and time of the system of licensing the same, and when such changes would come in force if such was done.

Mr. Colter gave notice of motion committing his lumber surplus bill for Tuesday next. House adjourned until 10 o'clock Saturday morning.

SATURDAY, Feb. 25.

The House met at 10 o'clock, and after routine the bill to incorporate the Auxiliary Bible Society of New Brunswick was passed and sent up to the Legislative Council for concurrence.

Mr. Hill reported from the Committee on Municipalities in favor of the bill relating to the election of County Councils.

The Speaker left the chair until 11.45.

The House met at 11.45, when the Hon. Surveyor General laid on the table the Report of the Crown Lands office for the year 1881.

The Order of the Day was then taken up. The following enquiry by Mr. White (Carleton) stood:

By what authority were the members of this Assembly paid \$6 each to buy stationery at the last session of the Legislature and also if any person or persons other than the Clerks and members of the House have been supplied with stationery from the Clerk's table during the present session; also is \$8 paid a servant or page of this House; if so what is the character of his work and how long has he been employed? Was the money paid him at the session in full for all services and if not what amount is still due?

Mr. Black moved as follows:—

Resolved, That a humble address be presented to His Honor the Lieutenant Governor praying that His Honor may be pleased to cause to be laid before the House a detailed statement of all sums of money received by the Provincial Government, from the Dominion Government, from the 1st day of January, 1881, to this date, with the dates of such payments, together with the rate of interest and amount of interest, if any, charged against this Province; also, copies of all accounts relating to and in any way connected with the financial relations of the two Governments, and a statement of any and all existing claims made by the Dominion Government against the Government of this Province.

Hon. Provincial Secretary said the papers of last year gave the hon. gentleman the information he needed, but the papers would be furnished if desired.

Mr. Black said he was satisfied with last year's papers, so far as they went, but he wanted further information, and would press his motion.

The rules were suspended in order to allow Mr. Hill to introduce a bill entitled an Act to incorporate the Riley Point Wharf Company.

Mr. Johnson moved as follows, and spoke at some length to it:—

That a committee be appointed, to consist of one member from each county to appoint the bye-road money for the ensuing year.

Messrs. White (Carleton) and Butler spoke in support of the motion.

Mr. Sayre said he was in favor of the resolution.

Mr. Willis thought that a thorough and accurate statement of the mileage of the by-roads of the Province should be furnished before this House was asked to take any action in this connection.

Messrs. Hanington and Hill spoke in support of the motion.

On being put to a vote, the motion was lost.

Rule 186 was suspended in order to allow Hon. Mr. Perley to introduce a bill to authorize the County Councils of the Parish of Blisville, Sunbury County, to sell certain lands.

Mr. Barberie moved for the return of the Engineer, now previously laid before the House, on which the Government had paid subsidy to the Grand Southern Railway.

The Hon. Provincial Secretary said the information would be furnished.

Mr. Black moved as follows:—

Resolved, That a humble address be presented to His Honor the Lieutenant Governor praying that His Honor may be pleased to cause to be laid before the House a detailed statement of all liabilities incurred by the Government in the construction of the new Parliament Buildings, and the names of all persons or corporations with whom such liabilities have been created, so that the full and complete cost for construction of said building shall be laid before the House; also a full and detailed statement of all moneys paid and dates of such payments, to whom paid, either on supervision or construction account, or any other account hereby referred to, and also a statement showing from whence the funds expended in the construction of the said Building or in any way expended in aid of or in connection with the construction account or any other account hereby referred to, and on what terms and under what authority.

Hon. Provincial Secretary said that the papers that had not been already laid on the table would be furnished.

Mr. Willis moved the following enquiry for Mr. Blair:—

Is it the intention of the Government to make appointments to fill all the vacancies, or any of them, in the Legislative Council, and if so, is it their intention to make such appointments before the close of this present session?

The Provincial Secretary said the Government intended making the appointments to the Legislative Council, and had the matter under their serious consideration.

Mr. Willis moved for Mr. Blair as follows:—

That a return, showing the nature and amount of the estate of John E. Woodford, which was in the hands of the Auditor General of the Province on the behalf of the Province from Mr. John Edwards, the administrator of the estate, the amount of cash paid over by the said administrator, the amount on deposit in the banks, together with the amounts of the mortgages, notes and other securities transferred to the Auditor General; and the sums now lying to the credit of that fund.

In the absence of Mr. Blair, the motion stood.

The House went into committee on Mr. Sayre's bill in regard to the contested elections of County Councils, Mr. Lytton in the chair.

The Committee rose for dinner at 1 o'clock.

AFTERNOON SESSION.

The House resumed its sitting in committee on Mr. Sayre's bill relating to the contested elections of Municipalities, Mr. Lytton in the chair at 2.30.

Mr. Sayre said the bill related to the trial of contested elections of Municipalities. The way provided under the present act was, he thought, insufficient. These Councils were important bodies, and he thought it right that some better provisions were made for trying their contested elections. Very often the causes were not of sufficient importance to go before the Supreme Court, and it would have a cheap and speedy local court. An objection to the power being vested in the Council itself was apparent in the fact that owing to the manner in which the business was carried on, the member whose seat was contested took part in the proceedings of two sessions of the Council before his case was settled one way or the other, which was wrong. The Clerk of the Peace, he thought, was the best and proper person to try these cases. The Judge of the County Court would perhaps be the best, but as there is usually only one Judge to four counties, and he was only resident in one, he had concluded that the Clerk of the Peace was the best person, providing being made in case he was disqualified. The provisions of the bill against bribery and corruption were stringent and, he thought, necessary, and he went on to state reasons for taking measures to secure the purity of these elections. He thought the principle of the bill would commend itself to this honorable House.

Hon. Mr. Hanington opposed the bill, and said he would go for upholding the present Act as it now stands until it had been proved inefficient. He held that the tribunal of the Council would be one in every case that would have the confidence of the country. The working of the bill would be found more expensive than if the cases were tried in the Supreme or County Courts, as those bodies were already established by law, with paid salaries. It would be found a different matter with the Clerks of the Peace, as they would not always be ready to leave their business, and it would be unfair to compel them to leave by law at any time the Municipality was called upon to try these cases. He could not see that the Clerk of the Peace was a proper officer simply because he was always on the spot any more than the Council or County Court Judge. Until the tribunals it is in the power of the Council to appoint, he could not see that the Clerk of the Peace was a proper officer simply because he was always on the spot any more than the Council or County Court Judge.

Mr. Blair said he was not desirous of pressing the bill at present, and perhaps another tribunal might be suggested, but it had occurred to his mind that the Clerk of the Peace was the fittest person. He would agree to report progress with leave to sit again.

Mr. Hanington wished to be understood as saying that, until the present system was proved inefficient, the law, as it now stands, should not be changed in any way, and he thought that the Councils were as fit to try these cases as any tribunal of delegated authority. The result of this bill would be to crowd out some young and deserving men who had not the means to fight these contested cases before the tribunal established by the bill. It would be an expensive tribunal any way, whether tried by the Clerks of the Peace or before a County Court Judge, and it would be better to have them tried before some responsible body than before a Judge who was responsible to no one but himself. We should hesitate before establishing such a tribunal under this bill, and the rights and privileges pertaining to the Council should not be shorn off from them until they have proved themselves incompetent. That there was no petition from any Municipality of the Province in favor of this bill before the House, was a reason that the Legislature should hesitate before passing this bill.

Mr. Davidson said they had thought in his opinion that it was better to endorse the evil they had "than fly to another that they knew not of." He thought that the tribunal should be paid by some other means than the fees arising from the cases they tried. He was opposed to this bill, as there was another measure before the committee on Municipalities in amendment of the law, which he thought would make it perfect, and render this proposed bill unnecessary.

Mr. Morton said he was in favor of the bill, and thought that the Clerks of the Peace were proper and fit persons to try such cases. He did not think it would be an expensive tribunal, as was held by the hon. gentleman from Westmorland.

Mr. Sayre said if the hon. members would look into the bill, they would find that the expense of trial before a Clerk of the Peace could not be large, as the cost of such trial was left blank and could be filled up with any sum by the honorable house. He held that the fact of the Clerk of the Peace getting his salary from the Council, or being appointed by that body, could not affect the question at all. The expense of bringing witnesses could not be any greater for a trial before Clerks of the Peace than before a committee of a Council, or before a County Court Judge. A remedy was needed in this respect and he did not care what tribunal was decided upon so long as it was not the County Council, as at present.

The Hon. Surveyor General said it would lead to more litigation, and the bill would compel the Clerk of the Peace to leave his own professional work and go somewhere and sit as a Judge, which was an injustice. He would favor a scale of fees instead of a lump sum, or so much per diem; but thought that the present law could meet all the exigencies that might arise at present.

Mr. Ritchie said that very few of these cases ever were contested. The committee of the Council was appointed to decide on whether or not one of their own number should sit or not. We all know what a friendly feeling there is among legislators. They have a long recess from January to June, and even then have not made up their minds, and the matter lays over until January again, and by that time another election is upon them. He cited a parallel case in civil politics in Saint John, and said he thought that procedure under this act was expensive. He thought, however, that the expense of such suggestions and amendments as had been proposed would enable the committee to prepare a practical law.

Mr. White (Carleton) thought that there would be a good deal of expense connected with the trial of contested elections before such a tribunal as would be established by the bill, and made the suggestion that the trial of contested elections to County Councils be tried by the Parish Court Commissioners, as a cheap and speedy means of arriving at a conclusion. With regard to bribery and corruption he suggested that this should be met in the same manner as provided for under the Dominion Election Act.

Mr. Hutchison said the law gave the Councils power to make regulations for the trial of cases of contested elections, but no regulations any of the Councils had made under this section, and, probably, if the House had these regulations before it, much light might be thrown on the subject. He would not go why after having given the Councils power to make the regulations, the Legislature should step in and say, "We shall make them for you," unless it appeared that the regulations they had made were not good ones, or were not properly carried out. On this ground he would oppose the bill.

Progress was reported with leave to sit again.

Mr. Johnson gave notice of motion for Thursday next.

Mr. Hill's bill to incorporate the Riley Point Wharf Company was read a first time.

Mr. McAllister introduced a bill entitled "An Act to amend 54th Victoria, Chapter 3, intituled an Act to authorize the Town of Portland to issue debentures to provide for the payment of debentures issued under the authority of the Common School Act 1871."

The House then adjourned until 10 o'clock Monday morning.

MONDAY, FEB. 27.

Debate on the Eastern Extension Claims.

After routine business the following resolutions were passed:—

That a humble address be presented to His Honor the Lt. Governor praying that His Honor will cause to be laid before the House a copy of all correspondence which has taken place between the Dominion Government respecting the eastern extension claim together with the report of any delegation on the subject and the expenses thereof; also any minutes of Council relating thereto.

Mr. Blair said that information respecting the Eastern Extension claims, had been asked for last year and although the Government had promised to bring it down, they had not done so. He would agree to report progress without any being given. On several occasions the Provincial Secretary had referred to this claim, and he had on one occasion at least gone somewhat fully into a discussion of it; but the House had not yet been put in possession of any definite information. The claims, as explained, seemed satisfactory, and the country had been for a long time looking forward to their early adjustment, but nothing had come of them, and to all appearances they were as far off being paid as ever. How comes it, he would ask, that notwithstanding the strong assurance of the Government that these claims were to be paid, assurances going so far that on one occasion we were told that the Dominion Government had promised to put them in the estimates of that year, how comes it, in view of this, that the claims have not been settled and the money found its way into the Treasury of the Province, where we are told of right it belongs. It seems as though there must be some difficulty in the way of the final adjustment of this matter, which the Government have not yet disclosed, and of which it is in its deliberate purpose to keep the House ignorant. There can be no good purpose served by a policy of concealment. If the Dominion Government, on investigating the subject, have come to the conclusion that the claim is not one which should be paid, the House ought to know it, in order that no further calculations might be made on the probability of this money being received. He would proceed to give what to his mind appeared to be the true state

of facts. These claims had grown out of a contract for the construction of what was known as the Eastern Extension, which contract was made with a Company called by some the International Contract Company and by others Clark, Punched & Co. To this Company the Government agreed to pay a subsidy of \$10,000 per mile with an additional allowance for land damages, amounting to \$200 per mile. There was one question which he had not been entirely able to settle to his satisfaction, and that was, whether the road when constructed was to be the property of the Government or of Clark, Punched & Co. If it was the property of the Government, then they were in a position to make a demand upon the Dominion authorities and receive the money—any amount which might be found due on a revaluation of the road—for the benefit of the Province; but if the road was the property of the Company, he could not see how the \$150,000, if it ever was paid, could find its way to the Provincial exchequer. Upon this point he wanted information, and he hoped the Government would be able to give it in such a manner as to set all doubts at rest. He did not wish to be understood as casting any doubt upon the right of the Province to receive the amount; but there had been a report afloat that the Government had agreed to take \$150,000 in full of all claims, which amount had been paid some time ago, and that by virtue of the agreement with those gentlemen, any balance which was received would go to the contractors whom he had named. The House was entitled to the fullest information upon this point. It may be that this amount of \$150,000 is to go to Clark, Punched & Co, according to the view which the Dominion Government takes, and that this is the reason of the delay in closing the matter up. Honorable members must feel satisfied that there exists some difficulty in the way about which the House has not been informed, otherwise the case would have been more promptly attended to by the authorities at Ottawa. The House ought to know if the \$150,000 is in fact claimed by Clark, Punched & Co, and it is due from the Government to the House and the country that the fullest information be given on the subject.

The Attorney General said that the claim arose as had been stated by his colleague from the County of York. In 1869 strong representation had been made to the Dominion Government, negotiations had been had with the contractors, and arrangements made by which Clark, Punched & Co. were settled with in full for their claims against the local Government. The Province had put \$400,000 into the road, and had got \$250,000 back.

Mr. Blair—Who were to be the owners of the road when it was completed?

The Attorney General—Clark, Punched & Co. In 1869 the Government had no option but to take the sum offered them, as they had sixty days only given them to decide whether they would take the amount offered or see the Intercolonial built as a rival line; but the Government has always insisted that they should get a better price. The Government is not aware that there has been any interference by Clark, Punched & Co. to prevent the payment of the \$150,000 to the Province. An order of Council was made at Ottawa in 1879 referring it to the Government Engineer, who had come to Fredericton, and had made a report. He (the Attorney General) did not feel at liberty to say what that report was; but the matter was under the consideration of the Dominion Government, and he expected a decided answer at an early day.

Mr. Blair—I would like to ask the honorable member if Clark, Punched & Co's receipt is not a qualified one such as the Province gave and if the \$250,000 which the Government received was not to induce them to say their influence to help the contractors get rid of the road?

Mr. Barberie said the House had heard of these claims ever since its first session and it was a wonderful thing that here at the eleventh hour they were not more fully advanced. The present state of things was very unsatisfactory to the House and the country. It looked as though the Government were saving the question as one to go to the country; but he was of the same opinion now as when he first came to the House, when he had expressed his fear that the Province would never see a dollar of the money.

The Provincial Secretary said the Dominion Government had not yet promised to pay the amount. The amount had been settled, but the abstract right of New Brunswick to receive it was an open question between the local and the Dominion Governments. All the papers on the subject had been submitted to the House in 1880 and would be found in the journals of that year. He proceeded to read extracts from the journals and when he had concluded doing so the House took recess until 2.30.

AFTERNOON SESSION.

The House met at 2.30, when the discussion on the enquiry respecting the Eastern Railway claim was continued.

Mr. Black said no one would regret more than he that the Province should not receive the money, but there should be, he thought, some more definite information in regard to this claim laid

before the House, at this its closing session.

Hon. Mr. Landry said he had expressed himself quite strongly on this subject once before. He saw reasons why the claims had not been paid up to the present time. The Government had done everything they could, and he was of the opinion that the matter would be adjusted—that it would be paid in a short time. He thought that it would be best for both sides of the House to join hands in the effort to get this claim. They had taken such steps that he fully believed that a final settlement would be made and the claim paid; and it was a just and equitable one. He thought that the information asked for by his hon. friend would be forthcoming, but it was thought advisable to have the discussion first. He believed that in a very short time—probably within this session—the claim would be adjusted in such a way that we would be in a fair way to receive the money. The negotiations were entirely between two Governments, and a limited time was given New Brunswick to accept the terms. The Dominion Government paid \$894,000 and of this Clark, Punched & Co. received all except the \$250,000 paid the Province. They were accepted as a matter in full of the claim, but the construction costs a good deal more—some \$8,000 a mile more. The Province has received no benefit out of this, and it was right the Dominion Government should pay over the amount thus paid out by New Brunswick. We say that they had taken the road away from us and made it a part of the Intercolonial Railway; we get no benefit from it and they should pay this claim.

Mr. Willis said he failed to gather that the full information was on our own records or on those of the Dominion Government. He did not see why there should be a disposition on the part of the Government to withhold any information. The claim was a good one and had frequently been laid before the Dominion Government, and he did not see why the Government should withhold anything concerning these negotiations. He was disposed to move an amendment to the resolution, as he thought that the hon. member should have gone further. He moved to add the following words to the resolution:—

"Together with all copies of all memoranda and agreements between the Government of this Province and Clark, Punched & Co., and of all receipts and memoranda signed by the latter and in possession of the Government."

The Hon. Mr. Hanington said, the hon. member who had just spoken seemed to think that the Government should give any information that might be desired. The Government of this country had no desire or intention to withhold any information that should be made public in accordance with the usage of responsible government. The Opposition were making a great mistake; and the course which they were taking is calculated to militate against the claims of the Province. There was no reason to doubt but what the claim would be settled. He believed that, at a very early day, it would be adjusted and that we would have the benefit of this money.

Mr. Blair said he would avail himself of the privilege of speaking to the amendment and in doing so would take up the remarks of the Chief Commissioner of Public Works in regard to the statement that he made bearing reference to the amount of money paid for this railway. He was indebted to the hon. gentleman for this piece of information, and he would acknowledge this indebtedness. When he had asked what the intentions of the Government were he was in search of information, and he could assure the hon. gentleman from Westmorland, (Hanington) that whenever he wanted any information he would not apply to him but would turn to some one of more authority if not of more power of lungs. No one had ever cast any doubts upon the validity of the claims; no hon. gentleman had said that they were not just, equitable and valid. He had heard members say that there were rumors abroad concerning these claims, and they wanted to know from the Government just how the matter stands; but the hon. gentleman from Westmorland had not thrown any light on the subject. They had failed to satisfy the House that any harm would be done the country from this opening up of the negotiations concerning these claims. He could not see how life and vitality could be brought into the claims by such assertions as had been made by the hon. gentleman from Westmorland, and he might have been better occupied with something else this afternoon—say his bill in reference to Municipalities, upon which he had been engaged. But he had brought out the fact that Clark, Punched & Co. had owned this road; that they made arrangements with the Dominion Government to take the road, and that the Government of this Province was induced to accept this agreement. The whole amount paid by the Dominion Government on this railway was \$894,000, and we have now the authority of the Chief Commissioner of Public Works for saying that the amount to be paid Clark, Punched & Company was the whole amount, with the exception of \$250,000, which was to go to this Province. We should be fully informed with regard to these facts; let us know the truth and let nothing be concealed. When he had approached the Government for information he went where, he thought he could get