[PRO]VINCIAL LEGISLATURE.

House of Assembly, February 7.

After the Journals were read, several Bills had a second reading, and Mr. Baillie laid before the House the returns of the Supervisors of Great Roads for the past year.—A petition was presented from the Free Church Ministers in this Province, praying to be placed on the same footing as Ministers of the Episcopal, Scottish, and Roman Catholic Churches, as respects marriage, which was received and laid on the table.

Mr. L. A. Wilmot gave notice that he intended to bring in a Bill on this subject, the same, or nearly the same, as that of the last year.

PAYMENT OF PETIT JURORS.

On motion of Mr. Brown, the House went into Committee of the whole, on a Bill to increase the allowance of Petit Jurors.

After the Bill had been read over by the Chairman,

Mr. Brown rose and said, that he had introduced into this Bill provisions for the payment of Petit Jurors, which he believed were loudly called for by the country. Bill after Bill had been introduced on this subject, and it had also formed the subject of petitions to that House, but from some cause or other nothing had yet been accomplished to remedy the evil which they all saw, and which the country complained of. He did not introduce this measure supposing the Bill to be a perfect one, by any means. He was quite conscious that in some respects it might be found altogether deficient, as it could not be expected of a plain man like himself that those clauses relating to the practice of the Courts should be perfectly understood by him; he would therefore have to depend on the legal gentlemen who were members of that House, to supply any defects which it might be found to contain in that respect; but he was satisfied, beyond any doubt, of the correctness of the principle of the Bill, and if that should be carried, the details could be modified or altered to meet the views of a majority of the Committee, and which perhaps could best be done by those who had made the practice of Courts of Justice their study. They must all admit the great hardships to which Petit Jurors were subjected in travelling long distances, and spending their time and money in settling disputes among litigants with which they had nothing whatever to do, and in doing which they were the only parties who were not paid for their services, although they were the very parties who decided these disputes. The Judges were liberally paid, the Lawyers were well paid also—at least he believed so—although he thought that class of non-producers were now getting so numerous that they must soon eat one another up. There was now such a host of them in the Province, that he really thought their numbers injured each other, and the profession generally; but be that as it might, the Jurors should be paid, and the Lawyers could look after themselves. The Sheriff was also well paid, the Clerk of the Court was well paid, the Crier was paid, and the Constables had their Fees, all but the poor Juror had a fee, and in some instances a liberal allowance for their services. It was therefore to put the Juror on something like a fair footing with others concerned in the administration of Justice, that he had introduced this Bill. He believed they would all admit that the 1s. now allowed in civil cases was a mere nothing when compared with the expences which Jurors actually paid out of their own pockets while attending one of the Courts. That pittance, he believed, was founded on an English Law, about the year 1672, which they had heard of from an hon. and learned member opposite, when an ox could be bought for sixpence, and other things at the same rate, but the value of money had altered now, and one shilling then would have gone farther than ten would do now. He thought it would be admitted that the class of men who attended the Courts as Petit Jurors could not live away from their homes at less than 5s a day. Those coming from a distance [illegible] have some provision made for their [illegible]nces; he had, therefore, made a [illegible] 3d. a mile for that purpose, and in [illegible] obviate the complaints which might arise [illegible] the Jurors who were not drawn to serve, [illegible]ho were obliged to be in attendance, he had [illegible]d that this allowance should be made to all [illegible]ttendance, whether they were called or [illegible]h regard to Criminal Cases, he proposed [illegible] should try them without any charge [illegible] be left for the presiding Judge to say [illegible] days each Juror should be entitled to [illegible] n the trial of civil cases, deducting the [illegible] Court was employed in trying cases where [illegible]en was a party. The principal question in the Bill was how this expense was to [illegible]ded for, and he had come to the conclusion [illegible] parties litigant should pay the greater part [illegible] whole expence of the Jurors. The plan [illegible]ed in the Bill was this: that for every case [illegible] was to go [illegible] the Plaintiff [illegible] pay into the hands of the Clerk of the [illegible] sum of £3, to go to a fund for the pay[illegible] Jurors, before the Jury was called, and that this sum should be taxed by the presiding Judge, on either of the parties he thought proper; (laughter) he believed the Judges did tax these costs. (laughter, and cries of no, no, you are wrong,) very likely he was, he knew nothing of the practice of courts, but he thought in the days when he was a Juror such was the case. However, somebody taxed the costs, and whoever that somebody was, he could order this sum to be refunded to the Plaintiff, if he succeeded in his action. This money he would have paid into the hands of the County Treasurer, and when the Court was over each Juror should be entitled to call on that officer for his allowance, in conformity to the certified list furnished by the presiding Judge, with the respective sums to which each Juror is entitled. The hon. member then recapitulated the hardships of the present system, where Jurors, in some instances, had been called away in the spring, when their services were most wanted on their farms, and cases had occured where they had actually sold their seed wheat and seed potatoes to defray their expences while attending the Court, and save the fines which otherwise might have been imposed upon them.—*Head Quarters.*

Mr. End wished to support the Bill, although he did not know if the hon. mover would believe it. (Mr. Brown—"Oh, yes; I believe it.") As he belonged to that *non-productive* class the hon. member had alluded to as being far too numerous. [Laughter.] His learned friend the hon. member for York, (Mr. Wilmot) belonged to the same class; (Laughter,) but for the honor of the cloth, he begged leave to say they were not all unproductive; for instance there was his learned friend (Mr. Barberie) from Restigouche. (Laughter.) However, there was no doubt but the evils the hon. mover had pointed out, with regard to Jurors, did exist; but the hon. member had, in his opinion, taken a wrong view with regard to persons who, not going to law themselves, were called from their homes to try causes in which (he said) *they* had no interest., He (Mr. End) considered that, as links of the great social chain, every man had an interest in our Courts, and in the proper administration of justice; just as much as every man, whether he has children of his own or not, is interested in the education of the rising generation. He would go for the payment of Jurors, but by the County, and the fines for non-attendance of Jurors should go towards making up the fund. He thought that every man who obeyed the Sheriff's summons, and waited on the Court, was entitled to a dollar a-day; but it would not do for persons engaged in the suits to pay them. He would also go for paying Grand Jurors, for he thought that every man who performed public work should be paid for it. It was all very well to talk of gallantry and patriotism, but a *quid pro quo* was necessary to keep it up. Stop the pay, and there would be but little of it. It might happen at the time that persons were summoned to act as Jurors, their families would be dependant solely on their daily labour, and it was a horrid thing to compel a man to serve the public, gratis, while his family was starving.—*Loyalist Reports.*

Mr. Boyd had the high honor of being the first to bring in a Bill to pay Jurors which ever passed any branch of a Colonial Legislature. The Bill containing a section to pay Jurors, he would support the measure.

Hon. Col. McLeod remarked that the case of hardships had been fairly stated: but yet he thought the amount named in the Bill would be too great. On casting up the various items involved in the Bill, and estimating the travelling distances at the average of twenty miles, he found the expense in each instance would be £6, and it must be obvious that as that amount could not be raised on the respective cases, it must finally rest upon the different Counties. He thought it the better way to make people who go to law pay the costs, instead of fastening them by a County taxation upon those who have nothing to do with litigation. He thought however, that the sum of 2s. 6d. would be found sufficient, and if this were not thought enough, sooner than see the Bill defeated, he would raise the amount to four shillings, to be paid by the party losing; for if they had a right to lose any thing, they had a right to lose the whole.

Mr. Street had been appointed a Commissioner with His Honor Judge Parker, and the Hon. Mr. Chandler, to examine and report on several matters connected with the administration of Justice.—Among other things they had turned their attention to the payment of Petit Jurors. The hon. member then read from the report given by that commission in 1842, in which it was recommended to add a charge of 25s. for forming a Jury fund to pay Petit Jurors, to be charged on every action when the record was filed. If that was the principle of the Bill before the Committee, he would go with it, but not to the extent of £3, as proposed by the hon. mover.

Mr. Hayward was favourable to the principle of the Bill; and he was decidedly averse to putting the Jury Fund upon the Counties. The method suggested by the hon. member for Kings (Col McLeod)—that of paying 2s. 6d. to the Juror at the end of the case—would not suit; as many of the Jurors might be in attendance during the greater part of the Session, and not be placed on a single case for trial. He would support the whole amount named in the Bill; and let 'those who dance, pay the fiddler.'

Mr. Wark thought that as such a variety of opinion existed, there might be a compromise effected, by placing 2s. 6d. on the litigants, and the like sum on the County. Many persons cannot, under the Law, act as Jurors, and their exemption makes the duties more burthensome on their neighbours. He would not sanction the mode of making the Plaintiff pay before trial: for sometimes Juries get drunk and grow reckless, and so are discharged without a verdict; but he would make the pay contingent on the verdict.

Dr. Thomson would support a Bill to pay Jurors 5s. on rendering their verdict; but it was a hard case to summon a number of men from a distance, and place them in the way of being cooped up frequently for a night or two successively, and then give them no pay without discrimination; nor would he think it just to give the same remuneration to those who serve and those who do not.

Mr. Partelow thought that among the great variety of opinions which exist on this subject, the safest way would be to compel every Attorney on bringing a case to pay 30s., and let all the Jurymen who attend be entitled to an equal share.

Mr. Carman felt the difficulty last year, and it was not removed by the present Bill. The hon. member pointed out the danger which existed of giving additional power to Sheriffs, who already had too much discretionary power.

Mr. Barbarie was against adding to the expences of suitors, particularly in summary actions. It would in some cases amount to a denial of justice.

Mr. Hanington was not afraid of the additional expence deterring those who had a just and fair claim from bringing that claim into Court; but it might prevent those fond of going to Law from bringing actions for the purpose of annoying their neighbors.

Mr. Ritchie said, that so little did the hon. gentlemen who spoke last know about the practical working of these things, that he had come to an entirely erroneous conclusion. The expence would never deter the litigious or malicious from going to Law; but it might deter the honest creditor from pressing his claim. If this additional expence was heaped on him, he might think it better to abandon his claim altogether. He was in favour of paying Jurors, but he would go farther than that Bill contemplated; he would take a fund already in existence, which would be more than sufficient for this purpose. It was well known that the Judges had ample salaries for the performance of their important duties, and they ought to be well provided for, as the lives, character, and property of the inhabitants of this Province were in their hands, but he thought £750 a year was ample remuneration for a Puisne Judge, and £900 for the Chief Justice, was, in this young country, a handsome salary for these high functionaries without the fees; he would therefore take the fee of 6s. 8d., paid at the entry of an action, and 10s. paid on filing the record, from the Judges, and place it as a fund for the payment of Jurors, which would prevent any necessity of adding to the present expence of actions brought in the Supreme Court.

Mr. Partelow said, that he agreed with his hon. and learned colleague, about the adequacy of the present salaries of the Judges, without fees, but the fees were guaranteed to the present incumbents.

Mr. Ritchie said, he did not wish to interfere with the vested rights of the present incumbents, but in future appointments the principle should not be lost sight of.

Mr. Steves said it was rather surprising that while the Bill was so plain, simple, and easily followed out, it yet was met by numberless imaginary difficulties—he feared with a view of defeating it. He thought the proposal by the hon. member from St. John (Mr. Partelow) the best; as it was only right that those persons for whose use Law Courts were intended, should pay their costs.

[Here Mr. Partelow introduced a Resolution in accordance with his views already expressed; and after some further explanatory observations from Mr. Brown and others, progress was reported.]—*Reporter.*

On Friday last, Mr. Partelow made a long speech in favor of the above Bill. He contended warmly for the adoption of the amendments introduced by the hon. mover to meet the views of the committee; declared the bill to be loudly called for on every principle of justice and equity, and was of opinion that the provision made by the bill as now amended, would be in the County of St. John, at least more than sufficient to pay Jurors 5s. a-day while they attended Court trying civil cases.

ROAD APPROPRIATIONS.

The House went into Committee of the whole on several Despatches from the Secretary of State for the Colonies. In reference to the Despatches relating to the mode of distributing Road Monies.

Mr. L. A. Wilmot said the distribution of Road money, under the present system, is radically wrong. It was not distributed with regard to the wants of the respective roads, but each member of that House endeavoured to get all he could, and when he goes back to his constituents he says the House has granted such and such sums; but it was not the *House* at all, it was the *Road Committee* who did it. (Hear, Hear.) All those grants were decided upon by the Road Committee, and it was unconstitutionally done. The House were opposed to all enquiry upon the subject, and that was at the bottom of their opposition to the establishment of a Board of Works some years ago. He would like to see hon. members rise above this influence, and act consistently and constitutionally. Let them purify their practice from all that was impure, wrong, and mean, and hand down the constitution to posterity in its purity. The same principle of appropriating the public money, which was good in one Colony, was good in another, and the same principle which was good in a Colony, was good in a Nation. And if this be admitted, what would be the consequence if money was thus distributed in Great Britain! He would tell the House that they were going on year after year taxing,—even to the spectacles on a man's nose, and the shoes on his feet—indirectly, while they (the people) did not know it, and having swelled the amount in the public Treasury, came there annually to expend it in an unconstitutional manner. This was effected by combinations, and some hon. members, having managed to get more than they deserve, had thus fallen in love with the system. To show the imperfections of the present practice, he would advert to the Great Road leading to Canada; the House having refused to appropriate the amount sufficient to make this road passable, the British Government had been obliged to enter into contracts for the transmission of Mails through the United States. Had the road been made, the Mail would never have taken another route.

Mr. Brown said he must acknowledge that the present system was imperfect; but a great deal of good had been effected under it. It was a bad system to contend with, for when the Road Committee were shut up in a room, they know but little about the state of the several roads, or the sums necessary to put them in repair. You and I, Mr. Chairman, [Mr. Hayward was Chairman,] said Mr. Brown, have both been on the Road Committee, and having had the advantage of travelling over a great part of the Province, had considerable practical knowledge; but it was of no use, for they would not listen to us, they would not believe us. (Loud laughter.) He (Mr. B.) had held a conversation a few days since with a Supervisor, who had lately conversed with His Excellency the Lieutenant Governor, and his Excellency (so he Mr. B. had been told,) told the Supervisor that he could pay no regard to his report, as he, and all other Supervisors, were personally interested. (Hear.) And so it might be, for if a Supervisor had got a road in good repair, he might, in his report, recommend some alteration to be made, as he would receive a commission on all money laid out. (Hear.) They were all legislating in the dark, and he who could get most money for his County was the best fellow! (Hear hear, and laughter.) But there was one thing he must remark; the expenditure of money on Bye Roads, was called the worst part of the system, but he considered it the best. The members of the different Counties divided the grants to the best of their judgment. They travelled through the Country, and could tell pretty well the state of the several bye Roads; they were also responsible, for if they misapplied the money, their constituents would turn against them. They had tried other systems in this Province, but found they would not answer, and had been glad to go back to this. It was a responsibility, however, on the part of the members, which he for one would be glad to get rid of, as he was liable to give dissatisfaction, and incur censure; members in naming Commissioners, also endorse the character of the persons named, and must in some degree, hold themselves responsible for their actions. The Governor General had called this a corrupt system, and the papers had attacked it, but after all he did not know how a better could be found.

Mr. Jordan said he doubted if the Road system was better in Nova Scotia, or in Canada, or anywhere else. They had tried other systems in other Countries, said to be better than this, but were they any better off. (Hear, hear.) Our Roads (he said) are much better than the Roads in Nova Scotia; and a gentleman who was here lately from Canada said that they are better than the Roads in that Country. He (Mr. Jordan) had also seen a gentleman here lately from the United States, who came on purpose to see the Country, and he stated that the Roads here were better than in almost every portion of the United States. (Laughter.) The House might appoint a Committee to report upon the subject, but he doubted if they could improve the system better than it was at present. (The hon. member then made some remarks corroborating Mr. Brown's views upon the distribution of Bye Road money.)

Mr. Partelow moved that the subject be referred to a Select Committee.

Mr. Gilbert made a Speech, ridiculing the idea of Government making Roads, and quoted the Royal Road as an instance of their folly.

Mr. Hanington read the Despatches. "This Despatch," said the hon. member, is dated the 18th of June; but if Government considered the system so very bad, why did it not come down with some new measure at the opening of the Session? But here has the House been three weeks in Session, and have seen nothing of their improved system as yet. "Hon. Speaker,—That Despatch is dated June the 18th, one thousand eight hundred and *forty five!*" (Laughter.) Mr. Hanington,—"So much the worse, then, for they have had two years and a half to consider!" Mr. Partelow,—"Yes, but that was another Government!" (Roars of Laughter.) Mr. Hanington, after some confusion, went on to say that the plain unvarnished statement of the hon. member for St. John, (Mr. Jordan,) had more than refuted all the arguments of the eloquent members who had opposed the present system. If this matter were referred to a Select Committee, he thought the Road Committee would thereby be retarded in their work. As to the objection urged that the Road money was not equally distributed, he did not think it entitled to much weight, as the House had not the means of doing all that was necessary for the Roads, and instead of money having been misapplied, the most lavish grants were still insufficient. The present Bye Road system imposed an onerous duty upon members, and he would be glad to get rid of it if a better system could be found; but that he did not believe. As to Supervisors recommending grants where the money was not wanted, he did not believe it. He should not oppose the motion; but he hoped that if Government intended doing anything on this subject, they would soon bring in their measure.

Mr. Ritchie said hon. members might argue the question as they pleased, and turn it round as they pleased, but the system was wrong, and they could not make it right; it was corrupt both in theory and practice. The hon. member for Westmoreland (Mr. Hanington) had said that an hon. member's plain statements refuted all the opposition, merely because he had stated that the roads in this Province were in a better state than the roads in Nova Scotia. But they should take into consideration that this Province spent on roads £100, perhaps, where Nova Scotia spent 20s. (Cries of 'No, no!') Well they spent on their great roads ten pound to one. A new system was required, and he would go for refering the matter to a Select Committee.

Mr. Steves said, the hon. member who had just sat down had made certain assertions; but they were easier made than maintained. The Government, in the Despatch under consideration, had asserted that the appropriations were made without information before them. But this was not the case, for he held in his hand a report and survey of Albert, the County he represented, which afforded very considerable information. He also, and other hon. members, had a local knowledge of their respective Counties, and this, he thought, was considerable information, although more might be desirable. He (Mr. Steves) had only been in the House one Session before this, but had felt the duty of distributing Bye Road money a very onerous one, and had endeavoured to discharge it in an equitable and conscientious manner. He thought no hon. member would order the money to be laid out where it was not wanted, or neglect roads where it was wanted.—*Mr. Hill's Reports.*

Mr. End made a humorous speech about the little that was known of the hardships of new settlers in this country, in Downing Street, and gave an instance where he himself, while travelling in the wilderness on snow shoes, had been obliged to swim the river Musquodeelet, snow shoes and all. He also appealed to the hon. Chairman if he (the Chairman, Mr. Haward,) had not been at one time treed by a bear. (Roars of laughter.)

Mr. Wilmot followed in nearly the same strain, and concluded by saying that he had thrown the adventure of his hon. and learned friend into a verse, which runs thus:—

In olden times men doffed their clothes,
And swam the streams with no shoes;
Now Musquodeelet's stream is crossed
By End, with legs and snow shoes.

This impromptu was received with roars of laughter.

The House soon after resumed, and eight resolutions were reported, six of which were referred to a Select Committee.—*Head Quarters.*

A despatch from the Governor-General of Canada, enclosing two communications in French, relative to the jurisdiction of Canada on the upper St. John, have been communicated to the House, and ordered to be translated.—From these documents it appears that the Canadian government claims jurisdiction down to the Little Falls at the mouth of the Madawaska River, about forty miles only above the Grand Falls; and this assumption of jurisdiction is based on a despatch from Sir George Murray, dated in 1830, written, it is said, with an entirely different object. This extraordinary claim would probably lead to some sharp skirmishing, were it not understood that the Boundary Commissioners have already agreed upon, or recommended, a line of boundary between this Province and Canada.—*Cour.*

Feb. 8.—Mr. Partelow presented a Petition from John Owens, Alexander McLeod Seely, S. L. Tilley, Moses Tuck, Francis Jordan, and one hundred and twenty two others, of the Parish of Portland, in the County of Saint John, praying a Legislative Grant in aid of individual subscription towards the completion of a Building in course of erection, adapted for Literary and other useful purposes. *Ordered,* That the said Petition be received and lie on the Table.

The Honorable Mr. Hazen presented a Petition from Robert Jardine, Adam Jack, Solomon Hersey, Beverley Robinson, Esquires, and twenty nine others, praying that an Act may pass to incorporate the Saint John Rural Cemetery Company. *Ordered,* That the said Petition be received and lie on the Table.

Mr. Ritchie presented a Petition from the Reverend Robert Irvine, William Parks, George Hutchinson, Robert Richey, James Dunn, William E. Moore, Thomas Parks, and John Hawkes, Minister, Elders and Trustees of the First Free Presbyterian Church, praying that a Grant may pass to aid them in maintaining a School established under their superintendence and control. *Ordered,* That the said Petition be received and referred to the Committee for taking into consideration the subject of the education of the Youths of the Province, to report thereon.

Mr. Partelow, presented a Petition from the Reverend James Dunphy, V. G., the Reverend William Harrison, Rector of Portland, the Reverend Sampson Busby, Wesleyan Missionary, the Reverend Edward D. Very, Baptist Minister, Jacob Allan, J. P., Robert Payne, J. P., George Young, Thomas Allan, Hugh Sharkey, and one hundred and thirty seven others, Freeholders and Inhabitants of the Parish of Portland and County of Saint John, setting forth, that for the protection of the lives and property of Her Majesty's loyal subjects in that Parish, and for the safety of travellers, it became necessary the last Autumn, at a great expense, to establish an efficient Police, and praying Legislative aid towards relieving the said Parish from the burdens thus thrown upon it. *Ordered,* That the said Petition be received and lie on the Table.

Mr. Partelow presented a Petition from George Johnston Harding, Esq., M. D., resident Health Officer on Partridge Island, at the entrance of the Harbour of Saint John, praying that a Grant may pass for his services at the Quarantine Station during the past year. *Ordered,* that the said Petition be received and referred to the Committee for taking into consideration claims for the support of Emigrant Poor, to report thereon.

Mr. Partelow presented a Petition from James and Ann M'Gowan, resident persons in charge of the Sick at the Quarantine Station on Partridge Island, at the Harbour of Saint John, for the last thirteen years, praying that a Grant may pass to remunerate them for their services at that Establishment during the unparalleled Pestilence that prevailed there during the last Season. *Ordered,* that the said Petition be received and referred to the same Committee to report thereon.

Feb. 9.—Mr. Partelow presented a Petition from Henry Porter, Esquire, and nine other Magistrates, of the City and County of Saint John, together with Messieurs Edward L. Jarvis, James Pettingell, Thomas G. Hatheway, William D. Faucke, and one hundred and fifty others, qualified to serve as Grand and Petit Jurors, praying that an Act may pass to provide for an increased allowance to Petit Jurors.—*Ordered,* That the said Petition be received and lie on the Table.

Mr. Ritchie, by leave, presented a Petition from Jacob Allan, Esquire, Messieurs Israel Merritt, Robert Robertson, Joseph Lingley, James Travis, and thirty three others, Stockholders in the Portland and Lancaster Steam Ferry Company, setting forth, that they are building a superior Boat to ply on the Ferry between Indian Town and Lovett's Point, and that a considerable sum of money is required for erecting Landings; that the building of the Boat will absorb nearly all the capital, and the Company will be unable to appropriate a sum sufficient to erect such Landings, and praying that a Grant may pass to enable them to effect the desired object.—*Ordered,* That the said Petition be received and referred to the Committee for taking into consideration the sums required for the improvement of Roads throughout the Province, to report thereon.

COMMITTEE OF WAYS AND MEANS.

February 9.—The House, pursuant to the order of the day, resolved itself into a Committee of ways and means of raising a Revenue. Mr. Hayward in the chair.

The debate was opened by Mr. Wark from the select committee, in a speech which gave evidence of industry and care, in preparing and bringing before the House statistical information spread over a period of from five to ten years.

Mr. R. D. Wilmot, Mr. Brown, Mr. Woodward, Mr. Baillie, and Mr. Hannington, also spoke on the subject, after which—

Mr. L. A. Wilmot said he had a few suggestions to offer the Committee, previous to taking the question upon the resolution then before them. In speaking upon this subject he should not confine his remarks to our local trade; but should take a more extended view of the subject. In doing so he would take a glance at the present commercial policy of England: and what, Mr. Chairman, do we find here? We find, Sir, that the British North American Colonies are being sacrificed at the shrine of foreign treaties; the encouragement held out to foreign trade, was proving ruinous to the Colonial dependencies of Britian. And shall the Colonies content themselves with looking idly on, and witnessing their own destruction? Shall they not be heard? He was a British subject, and loved his Queen and Country; but as a Colonist he felt very great cause for being dissatisfied with the policy at present pursued by the mother country. He would repeat again that these Colonies were being sacrificed to the pound, shilling and pence interest of the cotton spinners of Manchester, (Hear! hear!) Were they to be told by a speaker in the Imperial Parliament that the sooner Great Britain got rid of her Colonies the better for her! As an individual subject of the British Crown, (and he considered himself as good a one as any man) he now most solemnly protested against this system, and this policy. He had some statistics to offer the Committee, concerning the East and West India trade, &c. &c.; but he would now enquire if our prosperity alone depended upon the amount of our revenue? No! the very integrity of the British North American Colonies, was wrapped up in the present commercial policy of Great Britain; and if that line of policy was carried out, he would live to see the day when she would cease to have a foothold on the North American Continent.

If, as the Duke of Wellington once said, England was ready to defend her Colonies with all her resources, surely she will not now be so blind to her own interests? The Colonies did not want her armies, her fleets, or her blood to defend them; all they asked for was fair play. This they should ask for at the foot of the throne; and before the present Session ended, he would be prepared with something upon this subject, which he would submit for their approval. The present commercial calculation of England was something like the following. She exported to the United States about twelve millions worth of her manufactured goods annually; and to the British North American Colonies about three millions annually; and as three was to twelve, so was the importance of the Colonies to that of the United States. This was the calculation.

What! said Mr. W., has Old England forgotten her national feeling! Had she no paternal solicitude for the welfare of her Colonies! When the great Napoleon stood on the heights of Austerlitz, and beheld the conquered legions of Germany defiling beneath his feet, he was asked what more he could wish for to perfect his glory, or his power! I want, said he, Colonies, Commerce and Ships! Yes, (continued Mr. W.,) and the next day beheld the united fleets of France and Spain, shattered to atoms in the Bay of Trafalgar, by British prowess and British seamen! Let then the united voice of the Colonies be heard at the foot of the throne. The history of the world, and of human nature, proved beyond contradiction, that self-interest swallowed up every other feeling; and if the present free-trade principles obtained, England would soon be told that she had lost her Colonies without firing a shot. (Here Mr. W. read from a speech of Sir Howard Douglas on the Corn Law Question.) Sir Howard says, give us free trade with each other, the Colonies to be treated as Counties of England, with a moderate protection from without; and then England could defy the combinations of the world.—But by her present policy, she was giving a bounty to foreign produce, and thus inducing her rural population to seek a home and a fireside in foreign countries; and the superior agriculturists of England were growing bread in a foreign land, to feed their countrymen in Old England.—Bye and bye, in case a war should break out, would not those very men fight for those homes, and those firesides? Yes, Mr. Chairman, this was the principle that was operating so powerfully against the Colonies. There was no field in the Colonies for ambition, enterprise, or genius.—We were circumscribed by the boundaries of our own individual Colony—met and hedged in on every side by an impassible barrier of protective duties. A hatter, for instance, in St. John, could manufacture his twenty thousand hats annually; but where could he find a market to take them? To England? No! To the United States? No! To Nova-Scotia; or Canada? No! Shut out in every direction by protective duties. Put that same man (continued Mr. W.) across the river to the town of Calais in the State of Maine, if you please, and he can find a ready market for his twenty thousand hats. He has from Maine to Florida; and from the Atlantic to the Pacific, for market—free of duty; while in New Brunswick he could not dispose of, perhaps, more than two thousand. The fact was, the Colonies were in a perfect state of stagnation. If a young man possessing genius, however high, sprung up among us—he could not remain here—there was no field for him in the Colonies, and he would be compelled to go to England or the United States. He would mention an instance in proof of this. A young man, a Woodworth—a native of Nova Scotia, left his home and went to Boston; where he found employment in one of the extensive Foundry establishments of that City. He had not been there long, before he made a very important discovery in the improvement of the Locomotive Engine; so important that in one week (after it became known) his employers received no less than seventy orders for new machinery, with this improvement.

Let us then break down the barriers to our onward progress—unloose the bands with which we were at present bound; give us fair play, and no restriction, and England and her Colonies against the world! (Hear, hear.) He thought the day was not far distant when the North American Colonies would be united in one great commercial confederacy. (Hear, hear.) Here the hon. gentleman went into facts and figures, showing the importance of the North American Colonies to Great Britain, in comparison with her other Dependencies. By these statistics, taking the aggregate amount of Ships, Tonnage and Sailors, employed in the different carrying trades, between England and her possessions abroad—the North American Colonies owned three fifths of the Ships, four sevenths of the tonnage, and gave employment to more than half the aggregate number of Sailors; and the North American Colonies employed in the carrying trade to England three hundred thousand tons more shipping, than all the other Colonies of Britain put together. Mr. W. then went into statistics to show the immense falling off in the West India trade, and the great increase in foreign imports into Great Britain and the Colonies. The British West Indies were utterly prostrated by the present policy of England. He had always been under the impression that New Brunswick owned more shipping, and that her exports were greater than Nova Scotia—he would have said twenty per cent. the most. But by recent returns it appeared that from 1834, down to 1841, the amount of exports from the Province of Nova Scotia, exceeded those of New Brunswick during that time, the astonishing amount of two millions seven hundred and seventy-nine thousand pounds—an average of £227,000 a year, over this Province. She also owned 12,000 tons more shipping than New Brunswick. This information was, no doubt, humiliating to many of them, who, with himself, had thought that we stood high up on the scale. As he before remarked—he hoped the Session would not be allowed to close without this subject being brought prominently under the notice of the British Government; and he trusted they would give it that attention and consideration which its importance demanded. These Colonies were an arm of strength to Great Britain; and he sincerely hoped she might long continue to maintain a strong foothold on the North American Continent. (Hear, hear!—and applause from the Gallery.)—*News.*

After some further debate, the following Resolutions were adopted,—

"*Resolved,* As the opinion of this Committee, That it is necessary to impose such Duties as will probably produce a Revenue sufficient to provide for Public objects, and that the House should appoint a Select Committee to prepare a Revenue Bill; and that in preparing such Bill, the said Committee be instructed to take into consideration the repeal of the Acts of the Imperial Parliament, by which Duties were heretofore enforced."

On motion of Mr. Partelow,—*Resolved,* That a Select Committee be appointed to prepare a Revenue Bill in accordance with the Resolution just reported from the Committee of Ways and Means, and submit the same to the House.—*Ordered,* That Mr. Partelow, Mr. Wark, Mr. Hanington, Mr. R. D. Wilmot, and Mr. Brown, do compose the said Committee.

Feb. 10.—The Hon. Mr. Hazen brought down a message, accompanied by a copy of a despatch addressed to the Lieutenant Governor of Nova Scotia, by the Secretary of State, on the subject of the tenure of public office in that Colony, and on Responsible Government. In presenting the message and despatch, Mr. Hazen remarked that although the despatch was addressed to the Lieut. Governor of Nova Scotia, the principles it involved were to be extended throughout the North American Colonies.—(Hear, hear.)

The despatch being read at the Clerk's table, Mr. Fisher said that as he had the honor of moving the address of that house, which brought down the despatch, he would give notice that at an early day he should move a resolution to the effect that the principles contained in that dispatch be immediately adopted by that House. He did not believe the resolution which he should move would be productive of any debate, for the days of talking had gone by. Responsible Government was at length established beyond cavil, and they had now nothing to do but to act upon it. He mentioned his intention of moving this resolution, that the hon. member who generally moved the House to go into committee on messages from His Excellency the Lieutenant Governor, might be apprised of his intention, and that a day might be named previous to the House going into committee on the despatch.

Mr. Partelow said that was all fair.

Mr. Brown congratulated the House and the country on the final settlement of this vexed question. Responsible Government was now established by the highest authority in the world. He had been one of its early advocates on the floor of that House, and had lived to see it established to the fullest extent.

Mr. Fisher moved that three hundred copies of the despatch be forthwith printed.

Mr. Brown seconded the motion, as the sooner the country knew that this matter was finally settled the better.

Mr. Partelow had no objection to have this number printed, and the Speaker gave the Clerk directions accordingly.—*Mail.*

On the 12th, Mr. Partelow moved an address, praying that His Excellency would be pleased to call on the Dy. Post Master General for returns, or rather copies, of any matters connected [illegible] the expense of establishing a tri-weekly Mail between this Province and Halifax. I do not know the terms of the resolution, but I think the principal object is to get at the additional sum which would be required to be paid to accomplish this most desirable object; and to procure copies of any offer of Mail contractors to perform this service, which may be in the possession of the Dy. Post Master General.—*D.*

After the presentation of a petition from the Rev. Richd. Knight, on behalf of the Sackville Academy, by Mr. L. A. Wilmot, the House went into committee of the whole on a Bill to incorporate the St. John Temperance Temple Company. But little opposition was given to this Bill; and that only in relation to a proposed clause for making the shareholders individually responsible, which was afterwards abandoned.

A bill for authorizing a survey for a railroad from St. John to Fredericton, was lost in committee; on a division, the numbers being equal, 15 and 15, the bill was rejected by the casting vote of Mr. Carman, the chairman of the committee, a result which excited great surprise, and was most unexpected.

A bill for facilitating the construction, through New-Brunswick, of the Great Trunk Railway from Halifax to Quebec, is said to be in preparation.

EXTRAORDINARY AFFAIR.

"Thieves sent to catch a Thief."

Saturday morning the public were astounded, with the intelligence that six prisoners from the Penitentiary were found on the night previous parading the streets, armed with battle-axes, pistols, bludgeons, &c., and who after assaulting the Watch, were finally captured and lodged in the lock-up house. An investigation took place, at 11 o'clock on Saturday morning, in the private office of the City Clerk, when, from the evidence adduced, it appeared that the six prisoners were sent with two of the keepers, to apprehend a fellow prisoner, who had escaped in the morning.—One or two of them, in charge of the Governor's son, gave him the slip and got into [illegible]lly's house, on the Tower road, and by their threats succeeded in getting some liquor of Mrs. Connelly, who was terrified by their very looks. They then proceeded to Town and seperated into different gangs—five of them going north, to a house where they expected to find Doherty, the escaped convict; and the two keepers and a prisoner, taking the street by the Poor-house burying ground. The Watchman seeing three persons armed—one with a naked sword, another with a battle-axe, and the third with a bludgeon, gave the alarm, and after a struggle, the party was captured and lodged in Limbo. Mr. Clarke, the City Clerk, hearing that the other five were also at large, proceeded with a party of the city guard and succeeded, after some hard fighting, in making prisoners of the remaining sub-division, somewhere in the north end of the City. We understand that His Worship and the Commissioners have suspended the present Governor of the Prison, until a further investigation can be had. It is without exception the most extraordinary affair that has been heard of for some time, and it is doubtful if the annals of any prison can produce a similar occurrence.—*Halifax Morning Herald, Feb.* 7.

The Observer.

SAINT JOHN, FEBRUARY 15, 1848.

The English Mail of the 29th January, per steamer *Hibernia*, now seventeen days out, had not arrived in this city at the time of our going to press.

The Bill to incorporate the "St. John Temperance Temple Company," was agreed to in the Assembly on the 8th inst. It received the cordial approval and support of Messrs. Ritchie, Partelow, Wark, Hazen, Hanington, Smith, Brown, Tibbits, and others. Mr. Hazen hoped a small grant would be made in aid of the building.—The cause of Temperance was spoken of as being a "glorious cause," and its rapid progress in St. John and other parts of the Province was evidently highly gratifying to several of the Hon. Members who spoke on the subject.

The Bill authorizing the exploration and survey of a line for a Railway between St. John and Shediac, and appropriating £1000 for that object, having passed the Legislature it is expected that measures will be taken for commencing the survey early in the ensuing spring.

On the 9th, Mr. Boyd moved a resolution pledging the House to appropriate the sum of £200 for reporting the debates of the present session, which, after some debate, was carried without a division.

MECHANICS' INSTITUTE.—Last Friday evening Dr. Paterson resumed the subject of Electricity, and exhibited, by various interesting and beautiful experiments, much to the gratification of a large and respectable audience, several of the phenomena that attend the electrical manifestations of the Atmosphere.

Last evening, Mr. John Boyd delivered a highly gratifying lecture on *Intellectual Improvement*, to a very large and respectable audience. It is pleasing to find a young man thus coming forward, and both by example and argument, endeavouring to stimulate his compeers in age and station to put forth the energies with which God has endowed them in improving their faculties both physical and mental, that they may take part in the grand moral and intellectual progress of the present age, instead of mis-spending their time in frivolous and insipid amusements or sottish and sensual pleasures, which can prepare them only for a premature grave or a despicable and useless manhood.

Next Friday evening, Mr. Foulis will enter upon an explanation of *Oxygen*, with experiments, administer the *laughing gas*, and explain how *Chloroform* is made and administered, &c.

Next Monday evening, Mr. James Agnew will deliver a lecture on *Horology*.

On Monday the 28th instant, Mr. LeSueur's subject will be "*The Potency of Female influence, especially in the Maternal Relation, and the consequent importance of its right application.* This we now mention, because it was not announced in the Programme.

The Concert given by Mr. Steven on Wednesday evening last, was one of the best ever given at the Institute; the execution of the various pieces by the Philharmonic Society were all of the highest order; the vocal performances also were very superior.—The House was crowded throughout, and all appeared to be remarkably well pleased with the whole entertainment.—We trust Mr. S. may be induced ere long to give *just* such another Concert.

A new Wesleyan Methodist Church, at the Bend of Petitcodiac, was opened and dedicated to Divine service on Sunday the 23d ult. Appropriate sermons were preached by the Rev. H. Pickard, M. A., Principal of the Sackville Academy. On the 30th, the Rev. Mr. Boyer, of the Church of England, conducted divine service in the Church.

The Centenary Methodist Chapel in this city, is now brilliantly lighted with Gas.—The fittings are splendid.

The Legislature of Prince Edward Island was opened by the new Governor, on the 1st inst. His Excellency refered in his speech to the future management of the Colonial Post Office, the Currency of the Island, the enactment of Laws to regulate future Emigration, the revision of the Election Laws of the Colony, &c., and assures the Legislature of his ready concurrence in all measures for the advancement of the prosperity of the Colony, and the welfare and happiness of its inhabitants; and invites their unreserved application at all times for necessary information.

A dreadful hurricane, with heavy rains, visited some districts of the island of Cuba on the 17th Dec., which caused an immense destruction of property at St. Jago, Sagua, Mayari, &c. The rivers were swollen to a great height, and overflowed the plantations in all directions, destroying the tobacco crops, cattle, &c.

NOVA SCOTIA.—The resolutions introduced in the Assembly, by the Hon. Mr. Huntington, on the subject of a retiring pension of £400 sterling, per annum, to Sir Rupert D. George, late Provincial Secretary, and a further sum of £160 sterling, per annum, should he resign the office of Registrar of Deeds, (as stated in our last paper,) was carried on the 7th inst. by a majority of 28 to 22.—The Halifax Royal Gazette of Wednesday last contains the following official announcement:—

His Excellency the Lieutenant Governor in Council, has been pleased to make the following appointments:

The Honorable Joseph Howe to be, provisionally, Secretary of the Province of Nova Scotia, in the place of Sir Rupert D. George, Bart., removed.

The Honorable Joseph Howe to be Clerk of Her Majesty's Executive Council, in the place of Sir Rupert D. George, Bart., removed.

The Honorable James B. Uniacke, to be Her Majesty's Attorney General, in the place of the Honorable James W. Johnston, resigned.

The Honorable William F. Des Barres to be Her Majesty's Solicitor General, in the place of the Honorable Edmund M. Dodd, resigned.

NEW PROVINCIAL OFFICERS.—In the Assembly, on the 9th inst. the Hon. Mr. Doyle announced that the Hon. Joseph Howe had accepted the office of Provincial Secretary, the Hon. J. B. Uniacke had accepted the office of Attorney General, and the Hon. Mr. DesBarres had accepted the office of Solicitor General, and, therefore, the seats of the constituencies which those members represented were vacant. He therefore moved that His Excellency be requested to cause writs to be issued for the election of members to fill the vacancies.—*Halifax Courier.*

The Rev. Messrs. Forrester, and Munro, of the Free Church of Scotland, arrived in Halifax by the last Steamer from England.

Among the "wonders" of the mild January weather, in Canada, Butterflies, alive and flying, were lately caught at Lachine.

Several Divisions of the "Sons of Temperance" have been organized in London and other parts of England.

Late accounts from Jamaica state that some of the planters were quitting the Island for New Orleans.

OPENING OF THE NORMAL SCHOOL.—This School was formally opened at Fredericton on Thursday last, in the new building which has been erected for the purpose. An

address was delivered by Mr.
recently arrived from Englan
ment, which was listened to w
those present were His Excell
or, His Lordship the Bishop,
Executive and Legislative C
The address was written in a
admirably delivered; the ma
ble, and but one opinion was
ciples which Mr. D'Avray s
guide his course. All prese
the superior talents of the tea
he brings to the good work.
The Normal School may th
menced under most favorabl
fully meet the most sanguine
ers.—[Courier.
It is stated that the vacancy
the late Attorney General Pe
after the arrival of the new
mund Head, who it is underst
steamer of the 26th instant, a
in this Province about the mi

EXTRAORDINARY OCCU
A CRIMINAL.—A most ex
occurred at the Provincial
afternoon. It appears
named Justus Hoyt, who
sitting of the Court of O
City, for stealing a coat
months' imprisonment in
ed to make his escape.
outside of the wall, whe
of the three persons appo
ers, who called after him
no attention, but continu
then fired in the air, to in
duced no effect. One of
shall, then aimed his gun
with slugs, and fired. T
back and side of Hoyt, w
He was afterwards conve
tiary, when it was found
of the slugs in his body
lingered until Sunday mo
New-Brunswicker.

ROBBERY.—We have
of robberies so recently
with such signal success
Brewery of R. Keltie, E
sum of £4, together with
ed by the thieves. The
creeping under the gat
window in the office.—

A CONCERT was give
the Hall of the Institute
presentation of a Banne
to the Gurney Division
The Hall was crowded

BIRTH EXTRAORDINA
tleman from Aylesford,
Joseph Dougan, of that
of four sons, about thre
baptized by the Lord B
named after the four Eva
Luke, and John. They
and a half pounds each.
dren were doing well.—

SUDDEN DEATH.—W
Golding, living near Ki
very suddenly on Wedn
he was coming to town,
on the way, where he d
started off again. On h
by an acquaintance who
in a sled, and who took
be rather drowsy, and h
was covered with the ho
an Inn an hour afterwar
He was about 74 years
been much addicted to

The Rev. Walter Ay
pointed by the Right
Catholic Bishop of New
of St. Andrews, in the
Donald, who has withd
Mr. Aylward was highl
gation in Fredericton,
of his ministrations.—S

SUPREME COURT.—
T. B. D. M'Elmen, G
Moore, and W. J. Gilb
of this Court, are call
sworn, and enrolled Ba
Samuel H. Gilbert,
men, having produced t
having been examined
pacity, are admitted, sw
of this honorable Court

QUEBEC, Feb. 4.—The
the political world, is the su
liament for the despatch of
Excellency's proclamation
in an extra of the Canada G
Electioneering excitement
of Members returned, [23
66 opposed to it, and 5 dou
administration is sealed;
with the eager politicians
being when their opponents

DEATH OF THE HON. J
The Hon. John Neilson,
Council of Canada, died at
Quebec, on the 1st instant
ny years at the head of th
proprietor of the Quebec
moral uprightness he was i
tive of Kirkcudbrightshire
at an early period of his li
part in the promotion of th
He was in the 71st year of
The Quebec Chronicle o
ety of Quebec and the co
heavy loss by the death of
melancholy event has cast
nity. As a public charact
joyed a larger share of res
ties of the country was pro
as communicated in brief b
cles, were warmly apprecia
His funeral takes place
press, and no better proof
respect entertained for his
by the large and respectab
sens who follow his honor
place, at the family burial
tlement he possessed a larg

Twenty-one new Vessel
are at present in course of
in all to 16,470 tons. Mes
building a floating dock."
The total tonnage of ves
the Port of Quebec is 57,9
Gaspe, 20 vessels, amount
Carlisle, 13 vessels, 656 to

GREAT FIRE AT TORO
clock in the morning of the
ronto, in the block bounde
the west by Church, and on
destroyed 23 buildings, nea
seventeen of the buildings
inburgh Castle; the Prince
ard; the Exchange; Reau
the Royal Saloon; the Ta

MEXICO.—A rumor prev
Jan. that the Mexican Com
peace—based upon Mr. Tr
which had been sent on to
ture from the *ultimatum* off
sed to be a demand for $3
sed to be surrendered to th
At the city of Mexico,
in-chief was informed of a
tack the quarters of the offi
ble, to take them prisoner
that the population, or so m
take part in the conspiracy
body of guerillas which w
hour, make the attack. D
in-chief informed all the c
tack, designated rallying p
and made every dispositio
rection. At night scarcely
streets—showing that the wh
of what was to be attempte
is supposed, prevented an a
A similar attempt was to
promptitude and determin
the bud.
It was reported that
mind of Gen. Bustamente.

NEW YORK Feb. 9.—T
flour, for Western Canal
the Eastward and the home
common Genesee and We
Genesee $6, to $6,25 and
in moderate demand at $2,
The market for Pork s
new mess at $9,75 and old
PHILADELPHIA, Feb. 8
Sales Corn Meal at $2,50,
CHARLESTON, Feb. 5.—
for cotton in square bags, a
SAVANNAH, Feb. 4.—Fr