PROVINCIAL LEGISLATURE.

House of Assembly—Fredericton,

Friday, February 13th.

STATUTE LABOUR, &c.

The House went into Committee of the whole, on the bill to repeal all the laws now in force, for the regulation, laying out, and repairing of highways and roads, and for appointing Commissioners and Surveyors of highways in the several towns and parishes in the Province, and to make more effectual provision for the same.—Mr. Johnston in the chair.

The consideration of this bill occupied the committee the major part of the day; but the discussion, though extremely lengthy, being altogether on details, was of so desultory and heterogeneous a nature, as to prevent no continuous debate, and to render it very difficult to select such points of interest as would be worth reporting.

No discussion of any interest arose, till the 17th section was read, which contains the proposed *scale of statute labour*, and on which, indeed, most of the debate occurred, though of a very dry and scattered nature. The *scale*, as recommended by the select Committee who prepared the bill, is as follows:—

Licensed Parish Schoolmasters,	-	2 days.
Apprentices, and Minors, (between the ages of 16 and 21,)	3	"
Journeymen Mechanics, hired Servants, and common Labourers,	4	"
Persons whose real and personal estate may be estimated at £50, and not exceeding £160,	5	"
" £160, and not exceeding £200,	6	"
" £200, " £400,	7	"
" £400, " £700,	8	"
" £700, " £1000,	9	"
" £1000, " £1500,	10	"
" £1500, " £2000,	11	"
" £2000, " £2500,	12	"
" £2500, " £3000,	14	"
" £3000, " £4000,	16	"
" £4000, " £6000,	18	"
And all exceeding £6000,	20	"

Mr. Street said, that in framing this scale, the select Committee had made as gradual a rise as they could devise, to apportion it more equitably than heretofore. The complaints against the present law were principally made in the country, where it operated most injuriously. In towns it worked pretty well; but the commutation price being so low, considerably less than labour was worth in the country, and the number of days having been reduced for all where property did not amount to £500, it was found that much labour was lost under the present law, because the small farmers would often rather pay the commutation than perform the labour, and it being impossible to get labourers for the same money, less work was consequently actually performed. It was therefore thought desirable to increase the commutation price from 2s. 6d. to 3s. per day, and to increase the number of days progressively, on all classes except parish schoolmasters.—With regard to the amount of property; there were many small farmers in the country, whose property did not much exceed in value £50; it was therefore thought better to commence the scale with £50, so as to apply to such persons, many of whom were to be found in back settlements in the country, and to whom roads are of as much importance as to any persons in the community, but who had hitherto contributed very little to the road work. On the same principle, the scale took a gradual rise up to the value of £1000, and included mostly all those country persons of various degrees of property, who were most interested in roads, and whose labour would be most productive; and this increased scale would prevent such a loss of statute labour as had hitherto been complained of.—Beyond the amount of £1000, it was not thought necessary to make quite so gradual a rise in the scale, because there were so very few persons possessing such extensive property, and especially in the country. This, however, was a totally new scale, and it ascended progressively up to £6000.—By the present law, it was provided, that all persons, whose property exceeded £5000 in value, should be assessed at 16 days; consequently, a person worth £40,000 would do no more labour than one worth only a trifle more than £5000; it was therefore thought better to propose a new scale, as contained in this bill.

Mr. Allen thought the scale was very well proportioned, but altogether too high: he would wish to see one day taken off throughout, except from the parish schoolmasters, who had only two days as before.

Mr. Crane was of a different opinion, and considered that the scale required an increase beyond the present law, for the same reasons as stated by Mr. Street.—The hon. member, however, was of opinion that the scale required amendment in one particular. The present law required all persons whose income exceeded £300, to work 12 days; but this bill began with directing that all whose income exceeded £500 should work 15 days; and by this means, many persons, who had no property, but who had incomes varying between £300 and £500, would escape altogether, and thus much labour would be lost. He thought there should be some amendment in this respect.

Mr. J. M. Wilmot concurred in Mr. Crane's suggestion.

Mr. Brown, after corroborating Mr. Street's statements relative to the formation of the scale, thought that it might, perhaps, be proper to introduce another step in that part relative to incomes, as suggested by Mr. Crane. Perhaps it might do, to say, all persons whose incomes did not exceed £300, should work 12 days, and all others 15 days.

Mr. End said, (in reference to the scale,) that complaints had been very general in the country, that persons holding official situations, and who were large partakers of the public money, were not proportionately assessed for statute labour; and the House had never yet been able to impose a sufficiently equitable scale, because they could never get it assented to elsewhere. He trusted, however, that there was now a disposition among all parties concerned, to increase the scale; because it was evident that the country required a considerable increase of statute labour, to keep the roads in a proper condition.—The hon. member concluded by strongly urging that parish schoolmasters and Clergymen of all denominations ought to be wholly exempt from statute labour.

Mr. Street concurred in Mr. End's views, as to Clergymen and parish schoolmasters; and also assented to Mr. Crane's suggestion, relative to an additional gradation in the scale, with respect to incomes. The hon. member, however, thought that Mr. Allen's proposal of a reduction of one day throughout the scale, would tend to defeat the principal object of the bill, which was, to obtain an increase of statute labour, and particularly from that class of small farmers who had hitherto not proportionately contributed to the road work.

Mr. Gilbert approved the scale generally.

Mr. Hayward objected to exempting parish schoolmasters.

Mr. Taylor thought two days quite enough for apprentices; because the whole burden fell on their masters, and not on themselves, and where a master had several apprentices, it was adding very heavily to his own statute labour; therefore he thought there ought to be no increase in this respect, nor with regard to other minors. Two days were enough for each.—The hon. member highly approved of the proposition to exempt Clergymen.

Mr. Partelow approved very much of the details of the bill throughout; the only thing which required alteration, as far as he had yet seen, was the scale. He was decidedly against increasing the rate for apprentices, for the reasons adduced by Mr. Taylor.—He thought the maximum of 20 days would do very well, but did not like the progression, because it would fall particularly hard on the lower classes of people. According to this scale, a man worth only £50 would have to work 5 days, while another worth £6000, would have to work only 20 days, which was very disproportionate. He did not think, certainly, that because the minimum was 5 days, a rich man should work all the days of his life, for the sake of exact proportion; that would be absurd; but there should be some better gradation than this. He did not like the scale.

Mr. End now moved that "*Licensed Parish Schoolmasters*" be struck out, which was seconded by Mr. Stewart; opposed by Messrs Brown and Slason, supported by Mr. Wyer, and, on the question being taken, was *negatived*. Mr. E. then declined following up his suggestion relative to Clergymen.

Mr. Wyer thought the scale altogether too high.

Mr. Crane moved as an amendment, an addition to the scale, as follows:—

Persons whose income (not arising from real or personal property,) should be estimated at £150, and not exceeding £300,	8 days.	
From £300 to £500, - - -	12	"
£500 and upwards, - - -	16	"

To which Mr. Partelow moved as a further amendment, as follows:—

From £500 to £700, -	16 days,	
And all exceeding £700,	20	"

Mr. Speaker then, before putting the question on these amendments, asked whether it was contemplated that this assessment on income, arising from salaries, was to be in addition to that on *property*, where property was also possessed by the party; and on being answered in the negative, the hon. Speaker suggested, that all persons holding valuable public offices should be rated for the amount of the incomes arising from such offices, and *also* for the amount of such real and personal property as they might possess.

Mr. Miles concurred with Mr. Speaker.

Mr. Partelow said that it would be a matter of impossibility. Some persons, holding no offices, possessed property to the value of £100,000; now it would be very hard to tax a person whose property amounted to only £1000, twenty days; and then, if he possessed an official income of £500, to tax him twenty more, making forty; when an individual worth £100,000 would be rated only at twenty days.

Mr. Speaker put a case to the committee:—suppose he (Mr. S.) had property worth £10,000; he would be taxed so many days' labour for it; then, suppose he should be such a favourite with government—[Mr. Partelow—*Not at all likely.*] Very true; it was not at all likely, indeed; but suppose it to be the case, that he should get appointed to an office worth £500 a year; should he not pay a proportionate tax for that income as well as for his own property? Certainly he ought; such a valuable consideration would be well worth paying a trifling tax for; and any other scale would be unjust in the highest degree. Both private property and incomes derived from public offices, ought to be taxed.

Mr. Slason agreed with Mr. Speaker, that if any thing like even a colour of justice was to be maintained, it ought to be so.

Mr. Partelow said there could be no question that the principle was right, but the practice of it could not be got at. If that suggestion should be adopted, this whole bill was wrong in principle, because they must then come entirely to a property tax, which really was the most equitable tax in the world.

Mr. Chandler exactly agreed with Mr. Partelow. But the difficulty was, that all our statute labour laws confounded personal service and property together. There were very few people in the country, who could come within the description suggested by the hon. Speaker; therefore their labour was of very little comparative value. It was the humbler classes who furnished the major part of all the statute labour, and for whom therefore the scale should be carefully graduated. No doubt the hon. Speaker's principle was the most fair and equitable of any; but it could not at present be made to operate in the country.—The hon. member thought it of great importance that the small farmers should do six days' labour, as they formerly did under the old law. This was the most important part of the bill for the country, though it would not affect towns much.

Mr. Speaker supported his proposition, and could see no reason why, if the principle was good, it could not easily be reduced to practice.

Mr. Allen agreed with Mr. Speaker, that such individuals as he contemplated, ought to pay according to their private property and official incomes both. It was perfectly just and equitable.—The hon. member considered that 5 days' labour for persons whose property ranged from £50 to £100, was entirely too much; and that apprentices were rated too highly in this bill.

Mr. Street contended that by adopting Mr. Speaker's suggestions, it would be carrying the scale too far, and would endanger the fate of the bill in another quarter.—Mr. S. replied to Mr. Allen, and defended the minimum of five days.

Mr. Speaker, in answer to Mr. Street, said, that the principal reason why the people now always performed their statute labour so unwillingly, was, because they were taxed so much more in proportion than rich men; and therefore his suggestion ought to be adopted.—The hon. Speaker then moved, as an amendment, that all persons in the receipt of an income derived from any public office, should, in addition to the rate fixed upon his private property, be rated for statute labour according to the following scale:—[*See scale below.*]

This amendment was opposed by Mr. Partelow, and supported by Mr. Speaker and Mr. Slason, and upon the question being taken, was carried in the *affirmative*. The blanks were then filled up, and the amendment stands as follows:—

Income of £100, & not exceeding £200,	4 days.	
" 200, " 300,	8	"
" 300, " 500,	12	"
" 500, " 750,	16	"
" 750, and upwards,	20	"

Mr. Hill then moved an amendment to the *original* scale in the bill, relative to *property*, that instead of "£6000 *and upwards, 20 days*," should be inserted, "*and for every* £1000 *above* £6000, *one additional day*," which amendment was also adopted.

Mr. Speaker highly approved of Mr. Hill's amendment, and thought this would now be the most equitable road bill ever agreed to by the House.

On motion of Mr. Brown, the rate for *nondescripts* was then reduced from six days to four days; and, on motion of Mr. Partelow, apprentices were reduced to *two* days.—A renewal of the discussion on the hon. Speaker's amendment was now brought on, by Mr. Weldon suggesting that it should be re considered. The hon. member took the same view of it as Messrs. Partelow, Chandler, and Street, and after some further argumentation, it was agreed to pass over the section containing the scale altogether, for the present, and to proceed with the remainder of the bill; in order to give time for more cool and dispassionate consideration of this most important part of the whole matter.

The next section, however, (the 18th,) appeared to present equally potent difficulties, it being that relative to non-residents, and as much difference of opinion and complicated discussion manifested itself, the Committee determined to gain time for consideration, by reporting progress, &c.—Progress was accordingly reported.

Saturday, February 14.

STATUTE LABOUR, &c.

The House were again occupied a principal part of the day in Committee upon the Road Bill, and proceeded to take up the *scale*, as left for consideration when progress was reported yesterday, and then to consider the remainder of the bill.—The discussion being altogether on details, was unavoidably of the same desultory and unconnected nature as yesterday; and affords but few points of interest.

[The Reporter has compressed the report of the debate into six pages of manuscript; but we are compelled to condense it still further, in order to make room for the insertion of other matter.]

On a suggestion made by Mr. Brown, which was concurred in by Messrs. Chandler and Street, the sections relative to the assessment of non-residents' property, were finally struck out of the bill.—Mr. Chandler moved for the re-consideration of the 17th section, (the *scales*,) which motion was carried; and Mr. Crane moved that Mr. Speaker's amendment be struck out. This motion was supported by Messrs. End, Brown, Chandler, and Partelow, and opposed by Mr. Speaker, and Messrs. Wyer and Street.—The motion, however, was carried, and the amendment struck out.

Another amendment was moved by Mr. End, to define more exactly by whom statute labour was to be performed; because he (Mr. S.) had been credibly informed, that in seaports it had been the practice, as soon as ever a ship-load of poor Irish emigrants arrived, for the road commissioners to lay hold of them and compel them to go and perform statute labour on the roads.—He was most credibly informed that this had been done in various places, and even in the neighbourhood of the "*Celestial City.*" [Mr. *Partelow*—No, No, No!] Yes it had; his (Mr. E's) authority was wholly unquestionable, and he therefore unhesitatingly asserted the fact.

Mr. Speaker and Mr. Street approved of Mr. End's motion: the former stating, that in the Parish of Portland, where he resided, he had often been called upon, as a Magistrate, to interfere in cases where persons who had only been two or three weeks in the country, were called upon to perform statute labour; and he always thought such cases to be very hard and cruel, and not at all contemplated by the law.

At a later stage of the bill, an amendment was adopted, upon the suggestions of Mr. End, exempting "*all denominations of regularly ordained Clergymen, not having property* for which they are liable to be assessed for statute labour, under the provisions of this act, and *emigrants arriving from Great-Britain and Ireland, who shall have arrived in this Province within the year for which the assessment is made.*"

Mr. Crane next moved an amendment, as an addition to the scale, which, after very considerable desultory discussion, was finally adopted, as follows:—

"And all other persons, whose yearly income amounts to £150, and does not exceed £200, shall work, - - -	8 days.	
"Exceeding £200, and not exceeding £500,	12 days.	
" 500, " 700,	16 days.	
" 700, - - -	20 days."	

Mr. Street proposed an amendment to Mr. Crane's amendment, specifying incomes, as derived from public offices, or professional or *mercantile* pursuits; but withdrew it after considerable opposition.

After a good deal more desultory conflict on various minor points, the scale was at length finally agreed to as now amended, and the other details of the bill proceeded with. The whole bill having been got through to the limitation clause, *to exclude the towns* from its operation; the Committee resolved to report progress, &c. so as to get the bill thoroughly perfected before finally agreeing to it.

Monday, February 16.

RETRENCHMENT.

Mr. Crane moved a resolution, the tenor of which was, that whereas the large appropriations annually made by the Legislature had caused great difficulty and delay in payments at the Treasury, and whereas the withholding of the usual bye road appropriations last year had caused great distress and privation, therefore resolved, that all the appropriations of this session, be made on such a scale as to prevent a difficulty of the like nature occurring for the future. Mr. Hannington seconded the motion.

Mr. Johnston thought the resolution a very good one, and well worthy the attention of the House; but it ought to have been brought in a little earlier, before any appropriations whatever had been determined on. The Road Committee, of which the Hon. Member was Chairman, had already reported a recommendation that £17,500 should be appropriated this year to roads; and he Mr. J. thought that was beginning on a pretty large scale, at any rate.

Mr. Hill was glad to find the Hon. Mover was become an economist at last, and that instead of wishing to raise an increased revenue, he was now willing to reduce the appropriations. That was beginning at the right end; and he (Mr. H.) congratulated him upon it.

Mr. Brown also considered this to be a very good and proper resolution, but he thought it would be quite ineffectual now, unless the sum recommended for roads could be reduced, and all other appropriations proportioned to a reduced scale. His hon. colleague had paid the hon. mover a very handsome compliment; but he (Mr. B.) was sorry to say that it was at present unmerited, because if the hon. mover had really intended such a reduction of all appropriations, he would have opposed such a large recommendation in the road report; but the Hon. Member was very strenuous in his exertions in that Committee to get a good share for Westmorland. It was the intention of the finance committee to recommend something of this kind, in their report; but he (Mr. B.) feared it would now be wholly ineffectual, if the Report of the Road Committee should be sustained.

Mr. End said that this resolution was merely an expression of general feeling and opinion, but it would certainly have no effect on the appropriations in Committee of Supply. He, however, did not agree with some of its expressions, because he did not believe that the withholding the bye road appropriations last year had caused such general distress as was represented. This resolution was, in fact, merely forestalling the opinion of the House.

Mr. Crane, in explanation, said that the resolution was not understood. It only stated two facts, viz. that the want of prompt payment at the treasury had greatly distressed the public creditor, and that the want of the usual bye road appropriations last year had very peculiarly distressed a great number of poor people, who had no other means of getting money; and it therefore recommended that all the appropriations of the House should be on such a scale this year, as to prevent such effects in future.

Mr. Partelow would like to know what could be the effect of the resolution, if adopted. After the road committee's report had been unanimously accepted by the House, this resolution could not possibly have any effect. He would be sorry to see it on the journals, because it would be a mere nullity, and he therefore now moved *the previous question*.

The previous question was then put, and the question on the resolution thereby *rejected*.

The order of the day being read, the House went into

COMMITTEE OF SUPPLY.

(Mr. Hayward in the Chair.)—The Committee proceeded to take up the usual preliminary ordinary services beginning with the various officers of the two Houses. The stipends to the two Chaplains were reduced from £25 to £20 each, and the salary of the Clerk to the Legislative Council from £260 to £150, while that of the Assistant Clerk of the House of Assembly was increased from £75 to £100 for the session.

Mr. Partelow now brought forward a resolution for the sum of £ to the Attorney General for his services for 1834, whereupon a very long and animated debate arose, of which the following is a digest.

Mr. Clinch said the Attorney General received a large salary from the Casual Revenue, besides a very considerable amount of fees, as costs on actions brought by him; and he (Mr. Clinch) thought these emoluments, together with the preference which his office gave him, of being engaged in all crown prosecutions, were a sufficient compensation for all his services.

Mr. Chandler said, as the hon. member had stated that the Attorney General was well paid for all his services, he (Mr. C.) would explain what services he was not paid for.—First, all crown prosecutions; next, he was constantly called on by all the Provincial authorities for opinions and legal advice; and in the cases mentioned by the hon. member for Charlotte County, the costs were confined to particular prosecutions, viz.—those for trespasses on crown lands, and on treasury bonds, and had nothing whatever to do with the various duties the Attorney General was called upon to perform for the province. He (Mr. C.) had never before heard the principle of this grant questioned, tho' the amount had sometimes been opposed; but the office of Attorney General was a very responsible and arduous one, and well deserving of all its remuneration.

Mr. Partelow said that this grant had been regularly and properly sustained for the last twenty years; but as it was contemplated by the finance committee to recommend that the House should endeavour to procure that the duties of Attorney and Solicitor General should in future be entirely remunerated from the Casual Revenue, the House would no longer be called on to make those grants, should that arrangement be effected; but the present motion was for remuneration for services which actually had been performed during the past year, and therefore it certainly ought to be sustained. He (Mr. P.) knew that the services of the Attorney General were frequently required by the Provincial authorities and officers: the Province Treasurer often had to consult him, and those services were not otherwise provided for.

Mr. Clinch, in reply, asked whether, if the House now had the whole casual revenue at their disposal, they would be inclined to give the Attorney General this annual sum of £100, in addition to the £500 sterling which he yearly receives from that fund. He trusted that no member on that floor would be willing to do so, but would say that that stipend from the Casual Revenue was an ample remuneration for all the services of that officer, even without any fees at all.

Mr. Brown said that it was time that the finance Committee intended to recommend that this grant should be discontinued for the future; but that was not to preclude enquiry in the present Committee, as to what had been the actual services of the Attorney General during the past year; and unless he (Mr. B.) could hear his hon. colleague's arguments contraverted, he would vote against the resolution.

Mr. Wyer said that the sum given annually by the House to the Attorney General and Solicitor General was for their services as legal advisers to the Province; and if those services were not so paid for, the Treasurer and Deputy Treasurers and all other officers would have to send a fee every time they had occasion to ask advice. These services were frequently required for the guidance of the provincial authorities; the grant had regularly been made for 20 years, and without being questioned, and it ought to be given now as usual.

Mr. Clinch said, that as his hon. colleague had so well explained what the £100 currency was given for, he (Mr. C.) would also like to hear him explain what the £500 sterling was paid for.—[Laughter.]

Mr. Crane thought the Attorney General was fully entitled to this grant; because he (Mr. C.) always understood that it was paid for his services in giving legal information and advice to His Excellency the Lieut. Governor, and to the subordinate officers of Government.—But if the House wished to get these payments transferred to the Casual Revenue, the question was, what was the best mode of doing so? He thought that if the House should continue going on from year to year, giving these grants, they never could get them so transferred; it appeared to him that all these services of a mixed nature should be wholly chargeable on the casual revenue; and therefore as they had already refused, on that principle, to pay the Judges' circuit expenses any longer, they must refuse this grant also. He was certainly at a loss what to do, but on the whole, he would not now vote for the resolution, unless he could ascertain more satisfactorily what course it would be best to pursue.

Mr. Partelow asked Mr. Crane whether he felt satisfied that the services had actually been performed the last year; because, if so, his (Mr. C's) arguments were good for nothing; because the provision for the Judges' expenses was always a prospective one, in contemplation of *future* services; they had actually been paid for last year, and if further provision had been agreed to, it would have been for the coming year; but this grant to the Attorney General was for *past* services, actually performed, and there was therefore no analogy between the cases.

Mr. Chandler contended that it would be a violation of public faith not to pay for the services of the past year; he (Mr. C.) felt pretty sure they would not be provided for from the casual revenue, and therefore the House must pay them as usual.

Mr. Crane said that if such should be the case, he would vote for them, and he admitted that Mr. Partelow's argument, as to the difference between this grant and the provision for the judges had great weight with him. Still he thought it would be better to defer the consideration of the question till after the finance committee had reported.

Mr. L. A. Wilmot asked whether, if the Attorney General were not now paid by the House for these past services, he would not still be bound, by virtue of his office, to perform these services next year? He (Mr. W.) believed that he would; and therefore unless it could be shown that the Attorney General had performed more duty than he was required or bound to perform, there could be no argument for this grant. He had the highest respect for the Attorney General as a lawyer, and was satisfied that he discharged his duty faithfully; but that was no reason why he should consent to throw away £100. He therefore wished to know what the Attorney General had done, to entitle him to this £100 beyond his fixed salary.

Mr. Chandler, in reply, admitted that the Attorney General would be bound to do his duty, even were this grant not given, because, if he accepted the office of Atty. General, he must discharge the duties of it. But surely it did not follow, that he should not call on the House to pay for his services, so far as rendered to the Province. He had performed very considerable services, as had already been explained, for which he received no other remuneration. The salary of £500 sterling was given him by His Majesty's Government, as a commutation in lieu of all fees on certain services rendered to the crown, and had nothing to do with the services rendered to the province, for which the House had always hitherto provided, and which provision they ought to continue. Certainly, all public officers were bound to perform their official duties, while holding office; but surely they must also expect to be compensated.

Mr. Johnston thought that the proper time to determine the question as to the continuance of these grants would be, after the finance committee had reported; but at all events, provision ought to be made this year for those services which had actually been performed; and this sum of £100 was always granted expressly as a remuneration for the numerous services rendered in advising magistrates, deputy Treasurers, the Provincial Treasurer, and other officers.

Mr. Wyer said, that formerly the Attorney General received a fee of £3 on every grant of land, and sometimes 200 or 300 grants were made in a year; but these fees were afterwards commuted by His Majesty's Government, by granting an annual salary of £500 sterling in lieu of them; and the House always gave £100 for other services, which had nothing to do with the duties provided for by that salary.

Mr. Street stated his impressions to be similar to those of Messrs. Chandler, Wyer, &c. but as yet, every thing advanced appeared to be mere conjecture, and no positive assertion or reason had been maintained, to support this grant. The Committee, therefore, should not go on conjecture and uncertainty, and as they now appeared to be really labouring in the dark, he thought it would be better to postpone the resolution for the present, till more satisfactory information could be obtained.

Messrs. J. M. Wilmot, Slason, and Partelow opposed Mr. Street's proposition, and briefly supported the resolution for the reasons already advanced.

Mr. L. A. Wilmot expressed his conviction that the Attorney General was already sufficiently well paid for all his services, and stated his intention, therefore, to vote against the grant.

The question was then taken on the resolution, which was decided in the *affirmative*; 15 to 11;—names as follow:—

Yeas:—Messrs. Wyer, M'Leod, Johnston, Taylor, Partelow, J. M. Wilmot, Robinson, Chandler, Street, Weldon, Crane, Allen, Stewart, Woodward, Slason.

Nays:—Messrs. L. A. Wilmot, Freeze, Brown, Hill, Clinch, Gilbert, Miles, Connell, Ford, Hanington, Palmer.

On the question for *filling up the blank*, the whole contest was renewed, till, finally, it was resolved that the resolution should be *withdrawn* for the present, on Mr. Street's suggestion.

The Committee then reported progress, &c.

Tuesday, February 17.

The Bill authorizing an assessment to be made on the inhabitants of King's County, for the erection of a new Gaol in said County, was, on motion of Mr. M'Leod, postponed until the next Session of the General Assembly.

The Statute Labour Bill was this day finally committed. The only point of discussion was, as to the commutation price of labour, *per diem*. The sum of 3s. *per diem* had been previously agreed to, but as it was intended to except the towns of Fredericton and Saint Andrews from that rate, it was now intended to insert 2s. 6d. for them, and on the motion of Mr. Speaker, that part of the Parish of Portland, westward of the Aboiteau of the city of St. John, was added to the excepting clause. Much discussion, however, arose, on the point whether 2s. 6d. or 3s. should be the sum for these places; Mr. Speaker, Messrs. Partelow, Allen, Brown, and Wyer, contending for 2s. 6d. for towns, and 3s. for the country, on the ground that labour was so much more valuable in the country than in towns; and Messrs. Hayward, Weldon, Street, Miles, and Crane, insisting on 3s. for both town and country. Messrs. Taylor, Slason, and (at first) Mr. Wyer proposed even a lower rate than 2s. 6d. for towns. The latter sum, however, was carried; upon which, Mr. Weldon moved for the re-consideration of the 3s. for the country, which was also carried, and the hon. member then proposed the substitution of 2s. 6d. so as to make both town and country alike. This was supported, also, by Messrs. Chandler, Allen, Street, and Crane, and strongly opposed by Mr. Brown; but was carried, upon a division, by 15 to 12. Names as follow:—

Yeas—Messrs. Gilbert, M'Leod, Hayward, Miles, Street, Chandler, Slason, Burns, J. M. Wilmot, Weldon, Partelow, Robinson, Allen, Crane, Stewart.

Nays—Mr. Speaker, Messrs. Freeze, Clinch, Brown, Wyer, Ford, Palmer, Hannington, Morehouse, Woodward, Connell, Taylor.

The Bill was then agreed to, with amendments.

GREAT ROADS.

Pursuant to the order of the day, the House went into Committee of the whole, to further consideration of Mr. Street's Bill, in addition to and amendment of the Great Road Law. The primary object of this bill was, to establish as a great road an alteration of the road between Fredericton and Miramichi, as explored and reported pursuant to an order of the House, in 1832; but when in Committee on a former day, after the original bill had been agreed to, Mr. Johnston moved, an amendment, in addition thereto, for similarly establishing the road from Fredericton to Gagetown, *via* Oromocto, and from Gagetown to the Nerepis Road; which amendment, eliciting a great deal of opposition, progress was reported, for the purpose of gaining time to consider the matter.

Mr. Johnston now brought forward his amendment in an altered shape, and observed, that as the Committee had, on a former day, appeared unwilling to establish two lines of road on this route, he had now so altered his amendment as to confine it wholly to the road from Gagetown to the Nerepis. By establishing this as a great road, communication would always be open between Gagetown, Saint John, and Fredericton, which it now was not, because in the Spring and Fall, for a considerable period, communication with Gagetown was wholly cut off. Gagetown was the shire town of the county, and he (Mr. J.) believed it was the only instance in the Province, where there was no good road to the shire town; and therefore this would not open any door to other applications for great roads, because there was no other such instance in the country. The length of this road was about 20 miles.

The statements and views of Mr. Johnston were corroborated, and the amendment supported, by Messrs. Gilbert, J. M. Wilmot, Partelow, Slason, Burns, and Wyer; and opposed by Messrs Crane, M'Leod, Chandler, Clinch, and Brown, on the ground that there were already too many great roads on the establishment, in proportion to the pecuniary means of the province; that there was no necessity for making this a great road, that the great roads of the province are intended to be the communicating *media* between the various extremities of the province and the seat of government, that all other descriptions of roads are to be only bye roads, that the annual appropriations to the support of this road, in the shape of special grants, were amply sufficient for its proper maintenance and repair, and that by adding it to the great road establishment it would open a wide door to similar applications from all parts of the Province. These arguments were unsuccessfully contraverted by the supporters of the amendment, and from the number of speakers and the frequent repetition of sentiments, the debate was prolonged to such an excessive degree, that if fully transcribed, it would occupy from 20 to 30 pages of pot paper. The above, however, is the gist of the whole. On the question being taken on the amendment, it was lost by a majority of *one*, the numbers being 13 to 12.

Mr. Connell then proposed an amendment, to establish the road from Woodstock Corner to Houlton, as a great road, which was also opposed, on the same principles, by Mr. Crane, but briefly supported by Messrs. Connell, Wyer, Partelow, Chandler, Street, Johnston, and Gilbert. The principal ground urged for its support was, that it was a road leading to a foreign country, and the only direct road of communication with the frontiers and great roads of the United States.

This amendment was carried in the *affirmative*, without a division.

Mr. Robinson moved an amendment, to establish a new line of Great Road from Sussex Vale to St. John, which would wholly avoid the Kennebeckasis river, and cross the Hammond River so high up, as to ensure a safe and permanent bridge at all times.

This amendment was supported by Messrs Robinson, Partelow, and J. M. Wilmot, and opposed by Messrs. Weldon, Chandler, and Brown.

Mr. Freeze said that the route had been explored two or three times, and the petitions which had come before the House respecting it were of such a conflicting nature, that he would certainly be disposed to wait till the parties interested were more agreed among themselves, before consenting to establish this as a new line of great road.

The amendment was negatived without a division.

Another long discussion now arose, on the suggestion of Mr. Chandler, that the proposals of the New Brunswick Land Company should be taken into consideration before finally agreeing to this bill. The company have surveyed a line of road from Fredericton to Miramichi, which they wish the Province to adopt as a great road, and which they propose to complete in the best manner, at the rate of £150 per mile, the Province to pay half the expense.

Mr. Chandler thought the subject was well worthy of consideration, because if the Company's proposed line of road was equally good with the Nashwaak road, and if it would be a saving of expense, he thought it would be a great advantage to the Province.

Mr. Street entered at very great length into a comparative examination of the merits of the two routes, the sum of which was, that, in his opinion, it would be no advantage to the Province to adopt the Company's road, because it would be at least six miles longer than the other, it would be much more expensive in the making, as the present route could be finished for £75 per mile, and, besides, if the Company's road were adopted, still the old road must be kept up as a bye road, so that there would then be two lines to maintain instead of one.

Mr. Johnston expressed himself decidedly in favour of the present road, as defined in this bill; for the reasons urged by Mr. Street.

Messrs. Slason and Taylor also strongly supported it, and decidedly opposed adopting the Land Company's road, alleging that it would be considerably longer, and that it would be carried over a very rough, hilly, swampy, and impracticable route, very greatly inferior to the road surveyed by order of the House.

Mr. Chandler thought the matter was of so important a nature, that the House should have time to investigate it fully, before coming to any decision upon it; and he therefore wished that this bill should not be finally agreed to at present, that hon. members might have an opportunity of obtaining information on the subject.

Mr. Speaker, and Messrs. J. M. Wilmot and End also thought that it would be advisable to have the matter thoroughly inquired into, before coming to any decision; but Mr. Street strenuously opposed any departure from the intention of this bill, which was, to establish the line of road already surveyed and laid out for the Province.

Mr. End moved for reporting progress, &c. and Mr. Street moved for reporting the bill as agreed to, with amendments, but withdrew his motion, on finding that Mr. Hill had a motion to propose, not interfering with the main feature of the Bill.

Mr. Hill then moved an amendment to establish that the great road from St. John to Saint Andrews should be extended from Saint Andrews to the lower bridge over the St Croix at St Stephen. The hon. member contended that this road was exactly of a similar nature to that from Woodstock to Houlton, and that the only object of the amendment was to get a portion of the money annually appropriated to the road between St John and Saint Andrews, expended on this extended line.

Mr. Partelow thought the present state of the Saint Andrews' road a conclusive argument against adopting this amendment at present, and that all the money would be wanted for some time to make that road what it ought to be.—The hon. member also expressed his opposition to the Land Company's proposal, and his wish that the bill should now be sustained as already agreed to.

Messrs. Crane and Street opposed the amendment; and Mr. Johnston supported; but from the lateness of the hour and the extreme length of time that this bill had been under discussion, the debate was now got so confused and complicated, that there appeared no probability of coming to any conclusion or determination; and the motion for reporting progress being therefore pressed, it was carried by acclamation.

EXTRACTS FROM THE JOURNALS.

Thursday, Feb. 12.

Mr. Wyer, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address of the House of the 10th instant, requesting that he would be pleased to continue the correspondence with the Governments of Lower Canada, and Prince Edward Island, relating to the erection of Light Houses on Saint Paul's Island, in the Gulf of Saint Lawrence, reported, that they had attended thereto, and His Excellency was pleased to say, that he should have great pleasure in doing every thing in his power in furthering the views of the House of Assembly, for the promotion of so laudable and humane an object.

Friday, 13th February.

Mr. Robinson, by leave, presented a Petition from William Mullin, Joseph M'Pherson, and 195 others, Inhabitants of the City of St. John praying for a repeal of the Act to regulate Vessels arriving from the United Kingdom with Passengers and Emigrants; which he read.—*Ordered*, that the said Petition be received and lie on the Table.

Mr. J. M. Wilmot, by leave, presented a Petition from William Cross, praying to be remunerated for extra work done on King's College, at the time of building the same; which he read. And on the question that the said Petition be received and referred to the Committee of Supply, the House divided, and it was decided in the negative.

Mr. End, from the Committee to whom was referred the subject of procuring a Revised Edition of the Laws, having attended thereto, submitted a report, which he read, and is as follows:—"The Committee appointed to take into consideration the propriety of procuring a Revised Edition of the Laws of this Province, and to report upon the expense of publishing the same, reports, that in the opinion of the Committee, a Revised Edition of the Laws of the Province is indispensably necessary, and recommended that an Edition of not less than Three Hundred Copies should be procured for the use of the Province. Your Committee have not been able to ascertain with precision what the expense may be, but think themselves warranted in reporting that not more than Six Hundred Pounds, at the most, would be required for the Revision, Printing and Binding of an Edition consisting of Three Hundred Copies, and your Committee recommend that measures be adopted for carrying this object into immediate effect.

W. END,
HUGH JOHNSTON,
JAMES TAYLOR,
J. W. WELDON.

Ordered, that the Report be accepted.

Saturday, February 14.

Mr. Partelow, by leave, presented a Petition from George Whitteker, John Hartt, James Adams, and 19 others, Manufacturers of Leather, in the City of Saint John, praying Legislative protection by having a Duty imposed upon Leather imported into the Province; which he read.—*Ordered*, that the said Petition be received and referred to the Committee of Trade.

Mr. Crane, by leave, presented a Petition from George Pitfield, Esquire, and 183 others, Magistrates and Inhabitants of the County of Westmorland, praying no act may pass authorizing a Division of the said County, as prayed for in a Petition presented to the House at this Session, and that they be not assessed therefor; which he read.—*Ordered*, that the said Petition be received and lie on the Table.

Mr. Woodward, by leave, presented, a Petition from the Reverend Benjamin G. Gray, and others, of the Clergy of the City and County of Saint John, William B. Kinnear, Esq. Recorder of the said City, Thomas Milledge, Esq. and others; some of the Magistrates, and upwards of 300 Inhabitants, praying Legislative interference in prohibiting the importation of ardent Spirits, or that such additional Duties should be imposed, as would effectually prevent its import and consumption in the Province; also that the Law regulating Taverns may be so amended as to bring the keepers thereof under more restraint; which he read.—*Ordered*, that the said Petition be received and lie on the Table.

Mr. Woodward, by leave, presented a Petition from Benjamin L. Peters Esquire, Mayor, William Boyd Kinnear, Esquire, Recorder, Daniel Ansley, and William Olive, Esquires, Aldermen, John Hooper, William H. Craft, and Edward Toole, Assistant Aldermen of the City of Saint John, and James White, Esquire, High Sheriff, John Ward, William Scovil, Thomas Millidge, Henry Gilbert, Robert W. Crookshank, Noah Disbrow, James Hendricks, Charles Ward, William H. Street, Ezekiel Barlow, and Robert Rankin, Esquires, Justices of the Peace for the City and County of Saint John, and 242 others, Freemen and Freeholders of the said City, praying that an Act may pass to amend the Charter as regards the Election of Charter Officers; which he read.—*Ordered*, that the said Petition be received and lie on the Table.

Mr. Robinson, by leave, presented a Petition from Joseph M'Pherson, and 196 others, Freemen and Freeholders of the City of Saint John, praying that no Act may pass to alter the Charter of the said City, as regards the Election of Charter Officers, and other matters as are therein set forth; which he read.—*Ordered*, that the said Petition be received and lie on the Table.

Mr. Woodward moved for leave to bring in a Bill, to regulate the Election of Charter Officers for the City of Saint John. Leave granted. The said Bill being brought in, was read a first time.

Tax on Emigrants.—From the reply of the late Colonial Secretary, (addressed to Sir John Colborne,) to an address from the House of Assembly of Upper Canada, on the subject of the Tax imposed by the Legislature of the Lower Province upon all Emigrants or Passengers arriving at the ports of Quebec and Montreal from the United Kingdom, we make the following extract:

If the tax to which they object, were imposed for the general exigencies of the Government of the Lower Province, the Act in question would have been most improper and unjust, and in my opinion, it ought not have been permitted to acquire the force of law. But so long as the funds are strictly limited for the relief of poor emigrants landed in the Lower Province, and are applied to such purposes only, and are subject to public enquiry and supervision, it does appear to me, that such an enactment is not objectionable, and that it cannot have any serious tendency to check that emigration from which His Majesty's Government, no less than the Assembly of Upper Canada, anticipate the most beneficial consequences.