THE Weekly Chronicle.

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The Chronicle,

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Weekly Almanack.

FEBRUARY.	R. SUN. S.	MOON.	H. W.
22 Saturday, - -	6 50 5 38	11 30	1 41
23 Sunday, -	6 49 5 39	MORN	2 21
24 Monday, -	6 47 5 40	0 36	3 4
25 Tuesday, -	6 45 5 41	1 40	3 56
26 Wednesday, - -	6 43 5 43	2 41	5 9
27 Thursday, -	6 41 5 45	3 36	6 21
28 Friday, - -	6 40 5 46	4 23	7 49

Last Qr. 25th. 6h. 11m. morn.

Public Institutions.

BANK OF NEW-BRUNSWICK.—Thos. Leavitt, Esq. President.—Discount Days, Tuesday and Friday.—Hours of business, from 10 to 3.—Notes for Discount must be left at the Bank before 3 o'clock on the days immediately preceding the Discount days.-Director next week: Chas. Hazen, Esq.

COMMERCIAL BANK.—Henry Gilbert, Esq. President.—Discount Days, Tuesday and Friday.—Hours of business, from 10 to 3.—Bills or Notes of Discount must be lodged before 1 o'clock on the days preceding the Discount days.—Director next week: A. S. Perkins, Esq.

BANK OF BRITISH NORTH AMERICA.—(Saint John Branch.)—R. H. Liston, Esq. Manager. Discount Days, Wednesdays and Saturdays. Hours of Business, from 10 to 3. Notes and Bills for Discount to be left before 3 o'clock on the days preceding the Discount Days. Director next week: James Kirk, Esq.

NEW-BRUNSWICK FIRE INSURANCE COMPANY.—John M. Wilmot, Esq. President.—Office open every day, (Sundays excepted) from 11 to 1 o'clock. [All communications by mail, must be post paid.]

SAVINGS BANK.—Hon. Ward Chipman, President.—Office hours, from 1 to 3 o'clock on Tuesday's. Cashier and Register, D. Jordan.

MARINE INSURANCE.—I. L. Bedell, Broker. The committee of Underwriters meet every morning at 10 o'clock, (Sundays excepted.)

MARINE ASSURANCE COMPANY.—Jas. Kirk, Esq. President.—Office open every day (Sundays excepted) from 10 to 3 o'clock. ☞All applications for Insurance to be made in writing.

Miscellany.

Numerical Force of the Armies and Navies of the Northern Powers.—According to the most recent authentic and official reports, (up to the months of January and February, 1839,) the actual military force of the Germanic Confederation, including Austria and Prussia, consists of 1,417,400 men, of which Austria furnishes 714,000, Prussia, 451,300, and the States of the second and third rank in the Confederation the remainder, amounting to 222,100 men.

The Navy of Austria consists of 8 ships of the line 8 corvettes, 6 brigs, 7 galliots, and several smaller vessels—total, 47 sail. Austria keeps, moreover, on the Danube, as the front cordon of Turkey, a flotilla of 25 boats, mounted with 113 pieces of artillery, and served by a regular battalion. The number of fortified cities in the empire is 28 and of fortresses 58. In the kingdom of Prussia there are 6 fortified towns and 21 fortresses.

The Russian Army consists of 1,020,000, including artillery, cavalry, and regular Cossacks. The Russian Navy consists of 36 vessels of the line, 28 frigates, 8 cutters, 10 brigs, 61 schooners, 27 galleys, 142 gunboats, 30 floating batteries, and 32 steamers; in all, 483 sail, 7,400 guns, 36,000 sailors, 11,000 marines, and 6,500 marine artillerymen.

SHAKING HANDS.—A writer, discoursing on the philosophy of shaking hands, says, "The ladies may rest assured of this, that a man who will not squeeze their hand when he gets hold of it, does not deserve to have a hand in his possession; and that he has a heart seven hundred and ninety-nine times smaller than a grain of mustard seed."

On a subject of great moment to newspaper publishers, the New York Atlas *sermonizeth* in the manner following, to wit:

A man who promptly pays his advertising and newspaper bills, is one of nature's noblest works. The fact established is at once a passport for him into society, which he ornaments by his virtues; but the wretch who advertises in a paper and does not pay, who remorselessly would cheat a printer, is unfit for any but the lowest and most depraved society—if known, he should be shunned by honorable persons. No good pretty girl would encourage the addresses of such a man for a moment, and when he dies, he tumbles into pi, rotten and corrupt leaving behind him no bright memory to sweeten his ashes.

Montreal Feb. 3rd.—THE GOVERNOR-GENERAL'S RETURN.—We learn that an endorsement on the Way-Bill of the Upper Canada Stage, which arrived on Saturday evening, directed that an open, doublesleigh should be prepared at Cotean-du-Lac, for His Excellency, on Thursday morning next. So that His Excellency may be expected here on Thursday evening.

The following is His Excellency's Reply to the joint Address of the Legislative Council and House of Assembly, on the transmission of the Clergy Reserve Bill to England:

Honourable Gentlemen and Gentlemen:

I will transmit the Bill for the Sale of the Clergy Reserves and for the distribution of the Proceeds thereof, together with your joint Address as required by law, without any delay, to Her Majesty's Principal Secretary of State for the Colonies.

Accept my warmest acknowledgments for the ready attention you have given to this important subject to which it was my duty to invite your consideration.

I congratulate you most sincerely upon having thus terminated, so far as depends on your exertions, the agitation of a question which has now for nearly twenty years been the fruitful source of disagreement in the Legislature, and of strife and contention among the People of this Province.

May the Great Author of all peace prosper your work; and, in the restoration of tranquility to the country, and the extension of the Blessing of Religious instruction amongst the People, may you reap the reward of your labours.

We copy the following from the *Toronto Patriot*:—

"PATRIOT" COMMISSIONS.—The following is a copy of the blank Commissions for the *Patriot* Army, found in the possession of Palmer, the "Sympathizer," who we understand, has been committed for trial:

HEAD QUARTERS, WINDSOR, U. C.

"SIR—*By authority of the Grand Council, the Western Canadian Association, the Great Grand Eagle Chapter of Upper Canada on Patriot Executive duty.—You are hereby commissioned to the rank in line of a of the Regiment of the Brigade of the Division Patriot Service in Upper Canada.*

Yours with respect,

H. S. HANDY.

Commander-in-Chief of the North Western Army on Patriot Service in Upper Canada, Adj. General, N. W. A. P.

The document is indorsed on the back thus:

John Montgomery, President of the Grand Eagle Chapter of Upper Canada on Patriot Executive Duty, Windsor, Upper Canada, Sept. 26, 1839.

ROBERT ROBERTSON,
Secretary."

It is all duly embellished with Eagles and other insignia of "patriotism;" on one side there is an Eagle lifting a Lion in his claws. He has just raised him from the ground, and is about to fly away with him! Over this device is the motto "Liberty or Death!"

We have compared the writing on the back with John Montgomery's autograph in a note of hand signed by him, and have no doubt that they are by the same hand. The two signatures are precisely alike.

REPORT OF THE DELEGATION FROM THE LEGISLATIVE COUNCIL OF NOVA-SCOTIA.

(*Continued.*)

On the general subject of the Civil List Bill, a discussion of considerable length ensued, in which Lord Normanby and Mr. Labouchere took part. At the close of it we observed—

That, although the Legislative Council was of opinion that the salaries allotted to the different Offices referred to in that Bill were not more than adequate, yet, we apprehend, if the rights of present incumbents were respected, the body to which we belong would be disposed to accede to the views of Her Majesty's Government, even though Her Majesty's Ministers should, upon hearing the Delegates from the House of Assembly on this branch of the general subject of their Mission, arrive at different conclusions from those to which the Legislative Council had already come; because it was for Her Majesty's Confidential Advisers to determine upon what terms her Casual and Territorial Revenues should be surrendered to the Provincial Legislature.

In the course of the discussion, Mr. Labouchere asked us our opinion as to a tax on Lands, to be applied in the encouragement and support of Emigration, to which we strongly objected—observing that the Provincial Legislature had commuted the Quit Rents, in order to avoid the collection of a Land Tax, which many of the people were too poor to pay, and that it had found great difficulty in devising a plan whereby large Tracts of Wild Lands, and those of Absentees, might be rendered liable to contribute to the Provincial Treasury, as he would perceive, from a report of a Committee of the House of Assembly, made in the year One Thousand Eight Hundred and Thirty-five, a copy of which we promised to send to him, and which we subsequently did transmit to him.

We annex it hereto, as it exhibits those difficulties at considerable length, in the hope that public attention may be drawn to the subject, with the view of making such Lands a source of Revenue to the Province.

In connexion with this subject, we adverted to a statement recently made and repeated in Parliament, as regards the state of our Cultivated Lands and Agricultural Population, which, as we knew it to be incorrect, and feared that it might discourage emigration, prevent the introduction of capital, and be in other respects injurious to the Province, we thought it our duty to contradict, viz:—"That our Agriculture, instead of advancing, was retrograding; that we were, in this respect, in the same state as the original Colonists, that our Peasantry were abandoning their Farms, which were becoming desolate and ruinous; and moreover that a portion of our population was leaving Nova Scotia in consequence of misgovernment:" we distinctly denied all these allegations, and as regarded the latter, we stated that we never heard that result of misgovernment urged, or even insinuated in the Colony.

Mr. Labouchere further mentioned that the House of Assembly had asked that the ungranted Crown Domain should not in future be sold, but given away in free grants, and asked our opinion thereon. We replied—

That the subject had not been considered by the Legislative Council, except in connexion with a Bill, which, in the year One Thousand Eight Hundred and Thirty-eight, the House of Assembly had sent to the Council, and which had not passed the upper House, because it was considered to be dependent upon the settlement of the general question of the surrender of the Casual and Territorial Revenue to the Province. That the question of settling the uncultivated Lands, and compelling Proprietors in the North American Colonies to cultivate their Lands, was exceedingly complex and difficult. That the Legislature of Nova-Scotia had, at the last Session, passed a law similar to that of one or two of the United States of America, called there the Law of Betterments, (the import of which we explained,) which, though contrary in its spirit and provisions to English Legislation, had been found useful in those States, and might be so in Nova-Scotia.

Mr. Labouchere said that Her Majesty's Government had, after most careful and extensive enquiries, adopted the principle of disposing of the Crown Lands by Sale; and that the result of free grants in the Colonies had been found, by universal experience, so injurious to themselves that the proposition of the House of Assembly to resort to that system had excited some surprise.

The Marquis of Normanby, being obliged to attend a meeting of the Cabinet, put an end to our interview, requiring us to submit our views in writing, and observing that he would cause copies of the Communications of Messrs. Young and Huntington to be furnished to us. His Lordship enquired if we had any objection to meet the Gentlemen from the House of Assembly, in order to afford to Her Majesty's Government such information, as it might be in our power to impart, relative to the various matters which that House had brought, or might bring, under the consideration of Her Majesty's Government. We expressed our willingness to do so, though we observed that our Mission was entirely unconnected with the Executive Government, requesting his Lordship to regard us as representing the Legislative Council only and such interests as were constitutionally confided to that branch of the Provincial Legislature.

We subsequently submitted to his Lordship written Communications, whereof Copies are annexed, and we had subsequent interviews with his Lordship and Mr. Labouchere, at which Messrs. Huntington and Young were present.

At the first of these, the Marquis of Normanby desired the Delegates from the House of Assembly to state their views upon those matters in reference to which different opinions were entertained by the Legislative Council and the House of Assembly; and his Lordship heard Messrs. Huntington and Young, and ourselves successively and at length in the course of those interviews.

From the difficulty which attends reporting oral Conferences, by those who take part in them, especially when they are subjected, as ours were, to frequent interruptions, and assume, as ours often did, a conversational character, we are unable to impart fully, and in detail, all that was said at those interviews; but we beg leave to refer to the annexed Document marked A, which we believe to be a correct statement, as far as it extends, of the substance of the Conferences in question, and which we have prepared, partly from notes taken at the time when they occurred, and partly by recalling to mind the remarks themselves, soon after the interviews at which they were made. We beg to observe, however, that, in preparing it, we have not paid particular regard to the times when, or the order in which, the discussions took place; nor have we deemed it necessary to distinguish, except in one or two instances, by which of us the sentiments detailed in it were respectively expressed.

With respect to such of the Resolutions of the Council as had reference to the Board of Trade, the Custom House and the Post Office, we have to state that we attended at those Departments, and advocated on behalf of the Body of which we are Members, the objects of those Resolutions; and we have the utmost pleasure in reporting that from the Right Honorable the Marquis of Normanby, Mr. Labouchere and Mr. Baring, and from James D. Hume, Esq., from the Commissioners of Her Majesty's Customs, the Officers of the Post Office Department, and every other Officer of Her Majesty's Government, with whom we had intercourse, we experienced the most courteous reception and the most ready attention to the various matters which we submitted to their consideration. We beg leave to add, that any further information that may be desired relative to the manner in which we have endeavoured to discharge the duties of our Mission, we shall be prepared to give in our places to the Legislative Council.

We trust the measures adopted by Her Majesty's Government on the various subjects referred to, will be beneficial to the Province. It will be gratifying to the Council to be informed that Her Majesty's Government, on all occasions, evinced an *anxious desire to comply with every request which the Delegates from both Houses concurred in making.*

It is not in our power to inform the Legislative Council of the determination of Her Majesty's Government as regards the question of its re-construction, or the tenure of the Office of a Legislative Councillor, or as to the complaints which the House of Assembly has preferred against the proceedings of the body to which we have the honor to belong.

We confidently trust, however, that Her Majesty's Government has decided upon those subjects in such a manner as will guarantee to the Upper Branch of the Provincial Legislature (whoever may be its Members) the right and the power to exercise an unbiassed and independent judgment upon all questions which shall, in the course of Legislation, be submitted to it. All which is respectfully submitted.

ALEX. STEWART,
LEWIS M. WILKINS.

A

Mr. Young observed, that the objects sought by the House of Assembly were, in its opinion, of great importance; and that that circumstance was sufficiently evinced by the fact, that it had, by a majority of thirty seven of its Members, opposed to a minority of seven only, authorized Mr. Huntington and himself to proceed to England, for the purpose of conferring with his Lordship. He complained of the composition of the Councils, in the formation of which, he said, the letter and spirit of Lord Glenelg's Despatch had been departed from, and of the predominance which had been given to the Uniacke Family in both.—He referred to the Members connected with it, and entered into other details on the subject. He said two instances had lately occurred, so strongly illustrative of the power and influence of that family, that he wished to bring them at once to the notice of the Colonial Secretary, viz., the appointment of Mr. Andrew Uniacke to the situation of Judge Advocate General, and the attempt now making to obtain the Office of Registrar of the Vice Admiralty in Nova-Scotia for Mr. Jeffery in preference to Mr. Tremain.

On the part of the Legislative Council, (first noticing that upon the question of the composition of the Councils, the majority was not thirty-seven to seven, but twenty-six to nineteen,) we strongly protested against that Body being regarded as connected with either of the cases mentioned by Mr. Young, and that nothing could be more unjust than to bring either as a charge against the Legislative Council. As regarded Mr. Tremain, we stated that several of its Members, (including ourselves) had recommended him for the Office, that the appointment itself had not yet been made, and that Mr. Tremain was also recommended for it by the Bar, including the Attorney and Solicitor Generals, the latter of whom was a Member of both Councils. That Mr. Dodd, a Member of the Executive Council had also concurred in soliciting for Mr. Tremain the favourable consideration of the First Lord of the Admiralty in whom was the Patronage of the Office in question. As little reason we observed was there for charging the Legislative Council with any connexion with the appointment of Mr. Andrew Uniacke, though Mr. Robie (a connexion of that gentleman) happened to be its President; that the office was a comparatively unimportant one, and that at all events the Legislative Council had nothing to do with it. That we had no communication with the Lieutenant-Governor on the subject of the Councils, and were not there to vindicate his proceedings on that or on any other matters connected with the Executive Government, far less to uphold the interest of any particular family or men; yet, that justice to the absent required it should be stated—that as regards Mr. Robie, he had been long a Member and Speaker of the House of Assembly, and afterwards a Member of the old Council—that Mr. Jeffery had presided over the Province, and had received the thanks of the House of Assembly for his conduct as President—that Mr. James Uniacke, as regards talent and standing in Society, was a Gentleman whom, in selecting Members from the House of Assembly for Executive Councillors, it was natural for the Governor to choose, and we entered into some further details as regards other Members of both Councils, stating the strong reasons which we conceived to exist for the appointments of them also. It was further objected to the composition of the Councils, that in each there was a majority of Members of the Established Church, that in the Executive Council there were eight belonging to that Church—that the Councils were well known to be in favor of the Official Faction—that they would rejoice in the accession of the Tories to Office and the removal of the present Ministry, and we were specifically included as entertaining those sentiments.—To this latter assertion we made no reply at the time, but on its being formally repeated at a subsequent interview, supposing that, if the statement were suffered to pass unnoticed, our mission might be injuriously affected, we thought it right to make the observations thereon which are hereafter mentioned. As regards the appointment of the Bishop to a seat in the Legislative Council, it was, on the part of the House of Assembly, observed, that "it was probable he was placed there "in compliment to the Established Church of Eng-"land, but that his being a Member was not per-"haps of much consequence one way or the other."

Mr. Young alleged that Mr. Morton, as an old Member of the House, and an eligible person for the honor, ought to have been appointed to a seat in the Legislative Council; and also, that Mr. Gaius Lewis, of Cumberland, was an eligible person for a seat in that body—to which Mr. Stewart replied, that if he had had the selection of its Members he should probably have chosen Mr. Morton as one; though, at the same time, the Lieutenant-Governor, for aught he knew, might have had sufficient reasons for not appointing him—that it was not even intimated by Messrs. Young and Huntington that the Lieutenant-Governor had not acted to the best of his judgment, or that he had acted in bad faith—that the fact therefore that he had apparently violated Lord Glenelg's Instructions, evinced that local or other circumstances had influenced that judgment, seeing that he could have had no personal interest to serve by disobeying them, but that a full explanation could only be given by himself. As regards Mr. Lewis, without intimating any opinion either in favor of, or against, his eligibility in other respects, and desiring to be understood as not intending the slightest disrespect to him, he said that he thought his circumstances were not such as to enable him to spend forty or fifty pounds a year, besides giving three months of his time in attendance on the Legislative Council, the Members of which served without any remuneration. These two were the only Gentlemen whom the Delegates named as persons who ought to have been appointed to either of the Councils.

(*To be continued.*)

Provincial Legislature.

"*Message to the House of Assembly, 5th Feb.* 1840

"J. HARVEY, *Lt. Governor.*

"The Lieutenant Governor informs the House of Assembly, that frequent applications have been made to him for Licences to practice Physic and Surgery, for the granting of which a previous examination is by Law required; but there is no properly constituted Board of Examiners, and in some instances the Gentlemen applied to for the purpose have declined to serve. The Lieutenant Governor therefore invites the attention of the House to this subject, and recommends that provision be made for the appointment of a Medical Board, to whom applicants for Licences may present themselves for examination, and authorizing reasonable compensation to the Members of that Board for their services.

"J. H."

FISHERIES AND LIGHT HOUSES, &c.

H. M. S. Ringdove, St. John, September 21st, 1839.

SIR,

I have the honor to inform you that H. M. Sloop under my command will have to return to Halifax in the course of next week. I am happy to say her presence in the Bay of Fundy has checked the encroachments of the Americans upon our Fisheries and Shores, their being few in the neighbourhood of Grand Manan compared to what there was when I first arrived there.

I have inspected the Light Houses in the Bay; they are in good repair, and attention appears to be paid to their Lights. The vertical Lights on Point Lepreau are too near each other. At a greater distance than five miles they appear in one. The Gannet Rock is only eighteen feet above high water. The Light House on it being built of Wood I do not consider secure. It should be raised on a Stone Tower ten or twelve feet high. In a gale last winter several shingles were washed off the lower part of the Light House; had it been Spring Tides at the time it would have gone. A Bell attached to each Light House would be of great service to Shipping in thick weather. These are the improvements I would suggest to Your Excellency.

There has been a decrease in the Lipe Fishery this year, but the vast quantity of Herring taken will compensate for it.

Previous to my departure I shall have the honor of waiting upon Your Excellency, when I hope to afford better information on these subjects.

I have the honor, &c.

(Signed) KEITH STEWART.

Major General SIR JOHN HARVEY,
K. C. B. K. C. H. &c, &c, &c.

Precis.

Honorable Captain Stewart, of Ringdove.

1. State of the Fisheries.—See Report of, September 21st, 1839.

2. State of Light Houses.—See do. do. Urge the necessity of a substantial Stone Building being erected on the Gannet Rock.

3. A couple of well found Provincial Schooners to be placed at his disposal—having each a Pilot on board—he will man and employ them—and will be answerable for their useful service.

4. The Law as it now stands, tends to encourage illicit trade: for example, the Plaister of Paris conveyed from the Bay of Mines to Eastport is paid for in Flour, &c., which articles cannot be seized at Sea, but only if found in the act of being landed without entry at a Custom House—consequently duty is scarcely ever paid upon them. Surely this points with great force to the necessity of repealing the Imperial duty on Flour, &c. *Illustration*—Captain Stewart detained and carried into Saint John on the 11th September, the Schooner "Industry," of Halifax, and "William," of St. John, each having several barrels of Flour, Gunpowder, &c. on board, though *cleared in ballast.* The Collector gives it as his opinion that under the Act regulating the Trade of the British Colonies, (viz. 3 & 4 W. 4, C. 59.) these vessels are not liable to seizure, he allows them to proceed detaining the goods to abide decisions from Home.—Quotes a similar case of Captain Dilkes of Her Majesty's Sloop Wanderer in 1836.

5. Every British *Boat* should have a licence, otherwise it is impossible to discriminate them from American. This should be a joint Legislative arrangement on the part of New Brunswick and Nova Scotia.

On motion of the Honorable Mr. Johnston. The House went into Committee of the whole, on a Bill to continue the several Acts now in force relating to insolvent confined Debtors.

HOUSE OF ASSEMBLY, Feb. 6.

The House was occupied in the reception of petitions, and considering Bills in Committee; several of which were passed.

Mr. Johnston presented two messages from His Excellency, communicating a despatch from the Nova Scotia and New Brunswick Land Company, and a recommendation that a Medical Board should be appointed to examine candidates, the members of which should have a reasonable compensation for their services.

Upon motion of Mr. Partelow, the House resolved itself into a Committee, for the consideration of a Bill to regulate the exportation of Lumber.

Mr. Harington said the Bill was one of great importance and worthy of more consideration than it seemed about to obtain.—It went to continue a Law which had been extremely unsatisfactory to the County of Westmorland. Whether that was their own fault or it had its origin in the customs of the place to which it was sent, he did not know. He should like to have the law so modified, that parties might receive a remunerating price for their labour and expenditure, but who now suffer materially from the mode of surveying at St. John.

Hon. Speaker said the House could not pass an act to regulate the price of deals at St John; that must be effected by the ordinary operations of trade. If there is an over supply owing to the multiplication of mills, the merchants will make their own terms; but if there were a limited supply the parties manufacturing deals will make theirs, and the limited nature of the supply would ensure a remunerating price. He believed it was the intention of the authorities at St. John, to afford information during the session to the House on the subject of survey; but he tho't the Committee had better go through with the Bill, as it would facilitate business; and if any new light should be thrown on the subject, it could subsequently be legislated upon.

Mr. Hill said probably there was another cause for the decrease in price than the effects of trade; which could not have their proper weight so long as the surveyors are placed beyond the controul of the law. A proposal had been formerly made, that a general surveyor should be appointed, and that neither the buyer or seller should have any thing to do with the employment of the surveyors, and should not exercise over them any controul; as at present that officer is chosen by the merchant, and will naturally have a bias in favour of his employer.

Mr. Barbarie saw no necessity for any such interference; the law is at present extremely strict, and surveyors had to take a very rigid oath. The great difficulty was caused by the circumstance of persons in the country, considering deals as unobjectionable which were not deemed such in St. John. He should like some alteration in the act however, by which unauthorised persons would be prevented from acting as surveyors; as is now the case. Although at present there is a penalty imposed on persons who act without being duly qualified, yet no person can be found who will complain. He would gladly see the Act altered in such a manner, that those so offending, should be presented by the Grand Jury, in the same manner as the tavern keepers, found selling without licence. Unless this were done, surveyors would not be qualified as the law directs, and consequently much injustice is done.

Mr. Jourdan said great complaint existed, and as had been stated by the learned member for Charlotte, it originated in the surveyors being employed by merchants; for although they were a very respectable set of men, yet the result of the same surveys in different places and in St. John, often differed so much, that it was evident they acted frequently in favour of their employers. The only remedy it appeared to him, would be to change the mode of survey as had been proposed by the hon. member for Charlotte. As respected deals brought down stream, they were not nearly as valuable as when sent direct from the mill to market; and would not bring as good prices when exported.

Mr. Partelow said evils did not exist to the extent which had been stated; the oath taken by Surveyors was very severe, and he would read it to the Committee. If any difficulty arose between parties, the surveyor was authorised to choose another, and upon their disagreeing they could choose a third; who might set aside the original decision. The subject had been repeatedly before the House; but as the hon. Speaker said, trade must regulate the price. Sometimes deals were sold in the lump, at other times the merchant would have the advantage arising from a superabundance of the article at market. The Bill before the Committee is a long one, and if it were not passed, the subject would then be referred to a Committee, who probably would report by bringing in the same Bill as was done before.

Mr. Wilson could not tell where the cause of complaint lay; but the mill owners were subject to very great loss and disappointment. They often heard of deals selling for nine pounds at St. John, and were satisfied they would pay well; and when a quantity was sent, what between merchants and surveyors, they did not realise three pounds ten shillings. It was a great pity that the law was not so explicit as to be understood, and to prevent those difficulties which so frequently arise. It was extraordinary that the enactments of the law did not refer to any difference of quality, and he understood that which was rejected by the surveyor, when sent home, brought as good a price as the merchantable. The effect of the law is such that mill owners have frequently to mortgage their property in consequence of the delusive prices, by which they had been induced to embark in lumbering pursuits; and it was to be regretted that the law or custom of St. John could not be altered, so as to protect persons who entered into such engagements. The hon. member said he was not sufficiently acquainted with the subject to suggest a remedy; and if other gentlemen were not prepared with amendments, probably it were as well to pass the law as it was, and have a better method prepared at a future period.

Mr. J. M. Wilmot said if parties would not get in debt, they could make out better with the merchant. The hon. Speaker he said had stated very properly that the price of an article could not be regulated by law. The people of Westmorland however had the least cause of complaint, because when the prices of deals are low, they pile them on the wharves, and wait till an advance shall have taken place.

Mr. Harington said the surveyors in St. John were doubtless respectable men; there was nevertheless a striking difference in the surveys, made there and in other parts of the Province. He had never wished for a law to fix the price of an article, nor could any thing be had said bear that construction; the state of the market every person knew must regulate the price; but that system must be a bad one which produces different results from the same causes. He regretted that the Bill had been committed in the absence of his hon. colleague, who was better acquainted than himself with questions of the nature then under consideration. He hoped some gentleman who understood the subject would be prepared to make amendments. The Act permitted refuse timber to be shipped, and he had understood that deals of an inferior quality which had been sent to England, had not been sold for a price reduced in proportion to what was deducted in St. John.

Mr. Taylor knew no necessity for the law. He had known deals which had been culled before they were sent to market, frequently fetch no more than those which had not been culled; and whether there was a law or not, it would make no difference to those who had them for sale.

Hon. Speaker said altho' it was an advantage to the merchant, when owing to the state of the home market deals of an inferior quality sold well, yet it was no disadvantage to the manufacturer, who get paid according to the quality.

Hon. Mr. Johnston said the same complaints that had been made of the survey on deals had been advanced with reference to timber. If the Legislature were to say that only the best quality should be exported, it would raise the character of the article abroad, but it would have a bad effect on the mill-owner. The hon. member for St. John had stated correctly, that if the committee were to report progress and the Bill were sent to a select committee, there would be the same delay as before, and the same Bill would probably be passed.

The Bill was then passed for five years.

Friday Feb. 7.

Mr. Hill moved for leave to bring in a Bill for the naturalization of foreigners.

Mr. End hoped that no such Bill would pass, unless a seven years quarantine were embraced in it; an act had already received the royal assent to that effect.

Mr. Hill replied that the Act alluded to would, have expired before that which he meant to introduce could be passed. There was already an Act of Parliament by which aliens might be naturalized but it contained certain tests which it were desirable to do away with, one of which was the taking the sacrament. It also provided that a residence of seven years should precede naturalization. The effect of the present Bill would be to do away with the test alluded to.

Mr. Brown presumed it was not the intention of hon. members to object to the Bill; he was not disposed to go farther than to allow naturalization to be granted upon a residence of seven years; that is the period provided for in the United States, and he was willing to grant them the same facilities as had been stated in the Act which had been already passed. That was about expiring, and it was desirable to renew it.

Mr. Beardsley said he had the honor to hold a seat in the Assembly of Upper Canada, when the subject came under discussion; and it was ultimately determined that no Colonial Legislature had the power of naturalizing aliens; but that the Imperial Parliament alone could do so. The subject of tests also came under consideration; but he recollected perfectly well, that the decided opinion of members was that any law which might be passed, would not enable parties to vote at elections or hold seats in the Legislature; and from the frequent agitation of the subject, he had come to the conclusion that the colonial legislatures had no power to naturalize aliens.

Mr. Hill had read the report upon the subject and his impression was that the Colonial Legislatures had not the power; although he had been assumed.

Mr. Beardsley was not opposed to the introduction of the Bill; but he threw out the observations he had made for the consideration of members.

Leave granted.

Monday, Feby. 10.

MILITIA LAW.

The House resolved itself into a Committee for the further consideration of a Bill continuing the Militia Law passed during the session of 1838 for enabling the Lieut. Governor to call out and equip a force of 1200 men, in case of emergency.

Mr. End suggested whether it would not be proper to introduce into the Bill an exception from serving in the militia, prayed for by the branch pilots in Miramichi.

Mr. Wilson enquired if it were necessary to re-enact a law which was passed at a time of great excitement, and under extraordinary circumstances.

Mr. Partelow said the object of the Bill was to enable the Lieut. Governor to raise a corps of 1200 men, in case any remote possibility should occur requiring his doing so; and which it was proposed to continue for three years. By so doing it might prevent the necessity for the Legislature being called together in case of emergency.

Mr. Fisher said it was a most extraordinary reason to adduce why a law should pass, that a remote possibility might exist for its being carried into effect. The preamble of the Bill then under consideration, states that which does not exist; and when the Legislature were about to pass a Bill investing the Executive with extraordinary powers, there should be some better reason adduced, than a remote possibility of its being required. When the present law originally passed, it was then contended that it was not wanted; although much stronger reasons could be adduced than at present. At that time there were no troops in the Province to any amount, there were serious disturbances in Canada, and there were movements of armed bands on our own borders. No such causes for passing the Bill exist now, and there was not even a remote probability of its occurrence. The affairs of Lower Canada were settling down, there was peace in Upper Canada, where the government of the country is being administered to the satisfaction of the people, and in this Province there is a larger military force than had ever been before. And under these circumstances he would ask gentlemen if the preamble of the Bill would apply. Indeed in the opening speech of the session, when the law was passed, which the present Bill was meant to continue, His Excellency had mentioned the critical situation of affairs, as a reason for his calling the Legislature together at that time. He Mr. F. certainly did hope that at the present time they would have been allowed to return to their homes, without being called upon to pass a Bill, which while it would probably require the expenditure of a large sum of money would do no good: and that the people of this Province would be allowed to devote their energies to the improvement of the country. He would ask if it were even expedient to pass the present Bill, altho' he did not like the word. He had been much engaged, and was not aware that such a measure was before the House. It is no light matter to call 1200 men from their homes and employments, and bring them together in barracks; where notwithstanding the care and surveillance which might be used, they were liable to contract habits, that would be pernicious to themselves, and the effects of which, on their return home, would operate injuriously upon their neighbourhood. He hoped the committee would pause before they passed the Bill.

Mr. End said the learned member for York in disliking the reasons which had been urged in favour of the Bill—a remote possibility of its being required, and the expediency of the measure, was sacrificing substance to sound. He trusted the Bill would not be opposed; it had not even popularity to recommend it; and he did not believe, even in the county which he represented, and where the burthen last year was most felt, that a majority would be found who would coincide with what one of their representatives had said. Was it to be endured that they should throw down their defences now; were our neighbours less vindictive or less enemies in heart? and with a disposition still to interfere on the Canadian frontier would any man say this Province was safe? When the people of Maine threaten to cross the border in a more extended line; when they are building block houses and constructing roads, should it be said that the Legislature would be expressing the sense of the people, if they were to reject the Bill before the Committee. On the contrary he felt they would by so doing betray the confidence that had been reposed in them, and disappoint those expectations