PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY—FREDERICTON,

Wednesday, February 11.

JUDGES' CIRCUIT EXPENSES.

This bill was this day committed for further consideration.—Mr. Ford in the Chair.—The debate was very long and animated, but a great portion of the arguments were merely repetitions of what had repeatedly been advanced in former discussions on the same subject, and particularly in committee on this same bill on Saturday, the 31st ult., which have been reported. We therefore briefly call the principal points.

Mr. Speaker, at very great length, repeated the objections made by him to this bill in committee the other day, the principal of which were, that the Judges received their salaries from the casual revenues over which the house had no controul, and that therefore they should receive all their emoluments from the same source; and that they should be wholly independent of any pecuniary grant or appropriation by the Legislature. With respect to the question, whether the present salaries of the judges were a sufficient payment for all salaries, there was considerable difference of opinion. The principle on which he (Mr. Speaker) wished to see all public officers was this:—in providing for the civil establishment, the judicial officers should be provided for most liberally, because they ought to be above every kind of suspicion of dependence or interest; and every other officer should be paid in proportion to the amount and responsibility of his duties. This rule would apply to all but the judges; because they, to fit themselves for their high and important offices, must prepare themselves by an expensive education and a long course of study and experience, which should therefore be considered in remunerating them. The question now to decide was, as to the amount of remuneration they should receive, and how they should receive it; and he (Mr. Speaker) thought, if the present amount received from the casual revenue was not sufficient, the house should address H. M. Government, to increase their payment from that revenue.—The hon. Speaker then detailed a history of the various progressions of the Judges' stipends from the first erection of the Province, and expressed his positive opinion, that the last additional sum of £150 sterling, (which was added to the previous allowance of £500 sterling, making the present salary of £650 sterling to each of the puisne judges,) was given in lieu of their former allowance of one guinea *per diem*, for travelling charges on the circuits, and that therefore any further allowance for such purpose was unnecessary.—The hon. Speaker stated the present emoluments of the Chief Justice to be about £1226 currency, per annum, and that of the Puisne Judges about £880 currency. The question then was, was this sum a sufficient payment for all services? If the question was taken on comparison with some other public officers, such as the Provincial Secretary and Commissioner of Crown Lands, certainly the Judges' salaries would sink into insignificance; and it was highly desirable that those officers should be cut down in their enormous emoluments, because he (Mr. Speaker) could not conceive how any public officers, under the Lieut. Governor himself, should receive more than the Judges. The judges, in fact, ought to be next to his Excellency in this respect; but it was impossible at present for the house to equalise or modify their salaries; and therefore, instead of continuing this unnecessary bill, they should address his Majesty, praying him to give the judges such an additional allowance out of the casual revenue as he might think proper. He regretted very much that the house had not obtained the controul of the whole casual revenue, which would have enabled them to make a proper and permanent provision for the judges; (for, in fact, the judges had not at present a permanent provision;) as all salaries of public officers ought to be such as would suit the present and future condition of the Province.—He (Mr. Speaker) felt great pleasure in stating his conviction, that the recent appointments to the Bench of the Supreme Court had given general satisfaction throughout the country; so much so, indeed, that he was sure the consideration of a few pounds would not weigh a feather in the scale, in the question of their remuneration. The first appointment he would notice was that of Mr. Justice Chipman to the Chief Justiceship. That hon. and upright judge would most assuredly fill his high office with credit to himself and to the general satisfaction of the province; he had been considered by H. M. Government as the person best qualified, of all others, to fill that important office, and he (Mr. Speaker) was sure their expectations would not be disappointed.—The next was Mr. Justice Carter. He had very high hopes, indeed, of the future career of Mr. Justice Carter, and fully expected he would also discharge his duties to the public satisfaction. He was selected for the office by a man of business, (Mr. Secretary Spring Rice,) and recommended to his Majesty as properly qualified; and there could therefore be no manner of doubt that he would be found fully to justify the choice. He came to the judicial office in this province, wholly free from all prejudice, partiality or bias, and from any influence or connection within it, and no doubt, therefore, he would make a good and impartial judge. His appointment, perhaps, might have given some little discouragement to the bar, and indeed, he (Mr. Speaker) would be sorry to see the principle followed up; but the appointment had now been made, and for the reasons he had already stated, he felt very greatly satisfied with it.—The last appointment was that of Mr. Justice Parker; and surely every one must agree, that there was no man in the country whom it would be more desirable to see raised to the Bench, than Mr. Parker. That gentleman was every where known and respected, and the greatest possible confidence was reposed in him throughout the country; and therefore, the question of a few pounds with respect to remunerating such a person, would never for a moment be considered. He, (Mr. Speaker,) indeed, would be glad to see Mr. Justice Parker possess as many thousands annually as he now did hundreds; because it was sure to be expended for the benefit of the whole country, and particularly of the poor. Was there a church to be built? Mr. Justice Parker was the first to contribute to the expense. Was a school-house to be erected, or were there destitute poor to be relieved? Mr. Justice Parker was sure to be at the head of the subscription list. And if the cause of *Temperance* was to be supported, Mr. Justice Parker would be seen to rise above the sneers that had been so often levelled at the cause of Temperance, and he would be found on the platform and in the committee, advocating that glorious cause. No appointment, therefore, could give greater public satisfaction than that of Mr. Justice Parker.—The hon. Speaker concluded by supporting the opinions advanced at the commencement of his speech, relative to the subject matter of the bill.

Mr. Johnston did not take the same view of this matter as the hon. Speaker. The committee were not now determining what should be the salary of the judges, but whether they should pass a bill to defray their expenses on the circuits. The house had nothing to do with the amount of their salaries.—The hon. member thought that Mr. Speaker had rated the emoluments of the judges too highly, and that their present salaries were by no means too large; and expressed similar opinions with the hon. Speaker, relative to the independence of the judges, and the propriety of their receiving the highest salaries in the province, next to the Lieut. Governor.—He thought, as this allowance had so long been granted, there was no reason for departing from it; but if the principle were admitted, that the whole amount of the judges' stipends should be paid from the casual revenue, he would be greatly pleased to see it so settled, if it could be effected, because it would be much more dignified and satisfactory to the judges, than the recurrence of such unpleasant debates on the subject. In the mean time, however, this allowance should be continued, and then the question could be properly taken up, and regular proceedings adopted to effect the object.

Mr. L. A. Wilmot conceived that the real question now was, whether the House should reduce the salaries of the judges, and not whether they should continue them; because, if this bill were not passed, to continue the present act, they actually would be reduced.—He (Mr. W.) responded most cordially and fully to the very handsome eulogium pronounced by the hon. Speaker on the newly appointed judges, and thought too much could not be said in favour of all the judges of the Supreme Court, with respect to their respectability, their integrity, their gentlemanly deportment, or their legal knowledge; and if he (Mr. W.) had hesitated at all about the necessity of paying those judges liberally, he would have hesitated no longer after hearing that just panegyric.—The hon. member then proceeded to contend in favour of the bill. He fully concurred in Mr. Speaker's idea, as to addressing H. M. Government, praying that the whole of the judges' stipends might be paid out of the Casual Revenue; but insisted that in the mean time they should be paid in the usual way, to the same amount as heretofore. He considered that if the House should now withhold this allowance, which had been given for nine years, it would be a case of extreme hardship. When the act was renewed in 1831, the judges had reason to expect that the allowance would be continued; and if they were now deprived of it, it would be very unfairly taking them by surprise.—He would be very glad to see the payment of it transferred to the Casual Revenue; but in the mean time, this bill ought to pass, to secure it till that could be effected.

Mr. Chandler concurred in Mr. Wilmot's ideas, and observed that he was quite disappointed, after hearing the high eulogium on the judges so justly pronounced by the hon. Speaker, to find that he still contended that this was the time to reduce their salaries. The hon. Speaker, however, had withheld any opinion as to what ought to be the amount of a judges' salary, but he had opposed giving this allowance. The judges of the Supreme Court now did more duty, by six times, than they ever did at any period from the first erection of the Province till 1816; their duties were of late very greatly increased, and if they did not receive independent salaries, men of such a stamp would not be found in the country, willing to fill those important and responsible offices.—The hon. member then contended, that the additional annual sum of £150 sterling, alluded to by Mr. Speaker, was not given in lieu of any travelling fees or charges whatever; because the allowance of a guinea per diem for travelling expenses was never taken by the judges at all after the year 1826, and the addition of £150 sterling per annum to their salaries was not made till 1829.—He (Mr. C.) was as anxious as any body could be, that the judges should be wholly provided for from the Casual Revenue, if it was only for the sake of avoiding the repetition of these unpleasant discussions on the subject; but if the committee were disposed to go against this bill, with respect to the judges, he should also be for rejecting the allowances to the Clerk of the Circuits, the Attorney and Solicitor General, and some others, and putting them all on the same footing, so that they might be wholly remunerated from the Casual Revenue. But till they could be provided for from that revenue, the House ought still to continue this provision.—The hon. member contended, also, that the House were at least bound to continue the payment of the Clerk of the Circuits, because it was given him in lieu of the fees which he formerly received for the same service, and which were so burdensome to the public, that they were superseded by this allowance; but which must be returned to, should the allowance be withdrawn.

Mr. Partelow said that he had always supported this bill, but always with great reluctance. It was renewed in 1831 for two years only, and the very fact of its having been for two years only, showed that the House were not much disposed then to pass the bill. In 1833 the question again came up, and he (Mr. P.) again voted for it with great reluctance; but in consequence of the state of the then pending negotiation respecting the Casual Revenue, the House once more passed it for two years only; and now the question again came up, and they were asked to pass it for two years more. The principal reason which had formerly weighed on his mind, and induced him to vote for the bill was, the fear that the circuits would be discontinued; but the circuits were fixed for next year, and he did not therefore think that would be the case. The hon. member then contended that all judges' fees ought to be abolished, and that the Clerk of the Circuits ought to be provided for as usual, because his allowance was in lieu of former very onerous fees, and his office was accepted on the faith of such a bargain; and concluded by expressing his dissent to this bill, with respect to the judges, and his concurrence in the proposition to address the Government at home to transfer the payment to the Casual Revenue.

Mr. Brown said that when the act granting this allowance was renewed in 1833, he was induced to vote for it, because it was considered that it was the last time the House would ever be called upon to pass it, but he made up his mind at the time not to vote for another of a similar kind; and he then proceeded to contend, at some length, that the judges were already sufficiently paid for all their services, and therefore he should go against this bill.

Mr. Street supported the bill, and insisted, that as this allowance had been given to the former bench of judges, it would be very invidious to withdraw it now there were new appointments.—The hon. member maintained similar views with those of Messrs. L. A. Wilmot and Chandler.

After replies and counter-replies from Messrs. L. A. Wilmot, Partelow, and Brown,

Mr. Clinch proceeded to oppose the bill, at considerable length, urging the same views and opinions as those advanced by him the other day, when the bill was first committed. With respect to the payment of this allowance from the casual revenue, he (Mr C) would be decidedly against praying H. M. Government to do any such thing. The house had nothing to do with it, and if they made such a proposition, they would thereby admit the propriety of the claim; and if they should at any time hereafter obtain the controul of that revenue, they would then be bound to continue the payment.

Mr. J. M. Wilmot briefly supported the bill, on principles similar to those of Messrs. L. A. Wilmot, Johnston, and Street.

Mr. Burns opposed it, for the same reason as Mr. Brown, viz.—that the salary of the judges was already amply sufficient for every purpose. He considered that the judges had no right to expect any notice as to the discontinuance of the grant, because it was formerly a mere boon, and was not intended to be permanent.

Mr. Hayward followed, briefly and emphatically, on the same side.

Mr. Woodward also expressed his dissent from the bill, on similar principles, though he concurred heartily in the eulogium on the present judges, and in all the sentiments expressed relative to the necessity for their being independent and liberally provided for, as well as in the propriety of paying the Clerk of the Circuits.

Mr. Weldon supported the same views as Mr. L. A. Wilmot, &c., in favour of the bill.

Mr. End agreed with all that Mr. Weldon had said, except in his concurrence with the proposition to address H. M. Government on this subject. He (Mr. E.) said that this £250 per annum, (the whole of which was never drawn, because only those judges who actually travelled the circuits drew their proportion of it,) was the only part of the civil list expenses paid by the house; and should they then be guilty of such an extreme act of meanness, as to request H. M. Government to relieve them from the payment of such a paltry sum?—The hon. member then proceeded to support the bill.

Mr. Stewart, in few words, opposed the bill; and immediately upon his ceasing, the cries of "*Question, Question*," became very loud and general, during which Mr. Partelow endeavoured to bring forward an amendment, confining the operation of the bill to the Clerk of the Circuits only, after suggesting that provision might be made for the judges' allowance for *one* year, in committee of supply, to prevent their being taken by surprise. The majority of the committee loudly called for the question on the bill, some members suggesting that a short separate bill might be introduced instead of Mr. Partelow's amendment.

Mr. Brown then moved, (to decide the question,) that the further consideration of this bill be *postponed for three months*, which being seconded, the question was immediately taken, and decided in the *affirmative*.—Yeas—*Mr. Speaker, Messrs. Freeze, Hill, Clinch, Brown, Morehouse, Taylor, Hayward, Miles, Connell, Burns, Partelow, Stewart, Woodward, Palmer, Hanington, Crane*—17. Nays—*Messrs. L. A. Wilmot, Robinson, Slason, J. M. Wilmot, Johnston, Chandler, Weldon, End, Street*—9.

Thursday, February 12.

ROADS.

Mr. Crane, from the Road Committee, brought in the following Report, which he read in his place:—

"Your Committee are of opinion that the sum of Seventeen Thousand, Five Hundred and Sixty Pounds should be applied towards the improvement of the Roads throughout the Province, and they recommend the same to be appropriated as follows:—

GREAT ROADS.

From St. John to the Nova-Scotia line, (*including £200 for the St. John Great Marsh, and £200 for the Westmoreland Marshes,*) -	£ 1400
St. John to St. Andrews, -	1000
Fredericton to St. John, via Nerepis,	450
Dorchester to Shediac, - -	150
Shediac to Bend of Petitcodiac,	150
Shediac to Richibucto, - -	450
Richibucto to Chatham, - -	300
Newcastle to Restigouche, -	1000
Fredericton to Canada Line, -	1250
Fredericton to Finger Board, -	250
Bellisle to St. John, - -	100
Dorchester Great Marsh, } St. John Great Marsh, } *Included above.*	
Fredericton to Newcastle, -	1500
Fredericton to St. Andrews, -	300
	£8400

BYE ROADS.

York, - - - -	£750
Carleton, - - - -	750
Sunbury - - - -	980
Queen's - - - -	730
Gloucester, - - -	750
King's, - - - -	950
Westmoreland, - - -	950
Charlotte, - - -	950
Kent, - - - -	550
Northumberland, - -	850
St. John, - - -	640
	£8250

(Signed by all the Committee.)

The following are recommended as Special Grants:

St. John Mill Bridge, -	£250
St. John to Hopewell, -	150
Oromocto to Nerepis Road, via Gagetown, }	250
Richmond to Houlton, -	200
Magaguadavic second Falls to the new settlement on the Fredericton road, }	60
	£910

(Signed by all the Members of the Committee but Mr. Street, who was absent in Supreme Court at the time.)

The Report was accepted, and, on the motion of Mr. Weldon, referred to the Committee of Supply.

POST OFFICE.

The House went into committee of the whole, in consideration of the bill for the management and regulation of the Post Office in New-Brunswick.—Mr. Partelow in the chair.

Mr. Johnston said, that the Committee to whom was referred the Message and Dispatch accompanying the Bill sent out from home, had paid every attention to the subject, but were of opinion that many parts of the bill were inapplicable to the present state of this Province, and they therefore could not advise its being passed by the House. One very serious objection was, the unlimited power proposed to be given by it to the Post-Master General of Great Britain, who was to appoint his own Deputies in these Colonies, (one for each Province,) and to pay their salaries and direct all the affairs and management of the Post Office Establishment at his sole will and discretion. He (Mr. J.) certainly thought it would not be at all advisable to put the entire direction of this establishment under one individual.—It appeared, also, from the dispatch, that there was a deficiency of about £6000 sterling per annum, in the Post Office receipts of the four Provinces, which deficiency the Provincial Legislatures were to make up, in due proportion; and such amount was to be drawn by warrant of the Lt. Governor, as it might be required. These were the principal objections to the bill which occurred to him, (Mr. J.); and although the Committee had thought it right to report the bill, as it had been recommended by Message, they certainly did not feel inclined to support it.

Mr. Weldon, (also one of the select committee,) said, that unless the present committee were to pass this bill entirely in conformity with the recommendations in the dispatch, it would be wholly useless. It appeared from the dispatch, that the funds of the Post Office establishment were insufficient to carry it on, and if this bill were passed, the House would have to take £600 sterling annually from the Provincial funds, to defray the deficiency in those expenses. It was true, that in many respects the rates of postage would be reduced by this bill, and it would also confer a great privilege of franking on the Members of both Houses of the Legislature, and the high Officers of Government; but this would only have a tendency to reduce the receipts of the Post Office establishment still lower; and he (Mr. W.) thought that the £600 already mentioned would not be sufficient to enable the Post-Master to keep up all the Post routes and lines as they were now kept up in the Province; and if so, the House would have to provide an additional sum for such purpose. If, then, the house were not prepared to do this, it would be inexpedient to pass this bill; because it must be remembered, that they could make no alterations in the bill; for if they did so, it would not meet the sanction of H. M. Government, by whom it had been recommended. He (Mr. W.) certainly could not apprehend that any benefit could arise to the colony from passing this bill. If it should pass into a law, all communications by the English Mail, instead of being brought to St. John, and distributed through the country from that city, must first all be brought to Fredericton, and then sent abroad, which would make a difference of from 7 to 10 days in the circulation of English news in remote parts of the Province. The section providing this mode, then, was highly objectionable; and if that section should be struck out, the whole bill would be gone. But there were many other equally objectionable sections, and the whole bill was altogether too strict in its enactments for such a very young Province as this.

Mr. End did not think hon. members had given as much consideration to this subject as it deserved. He (Mr. E.) had not, for one, having been hitherto too much engaged to do so. He thought it must be admitted that there had been very general complaints as to the manner in which the Post Office Establishment of this Province had been conducted, and he believed there really was, instead of a deficiency, actually a surplus revenue derived from it, if the house could but lay their hands on it.—As to the privilege of franking; it was very well known that that privilege was already very generally used by all the Post-Masters in the Province, to an unlimited extent; therefore that objection was answered. This privilege, indeed, was a great and growing evil; and as long as Post-Masters thus used it, it tended to increase the expense of postage to other persons.—The hon. member then moved for reporting progress, &c., but the motion was not seconded.

Mr. Johnston certainly did not wish to make any objection to reporting progress, if further time was wanted to consider the subject; but he really thought every hon. member must by this time have given the bill as much attention as he could during this session, because it had been printed some time, and must have made up his mind about it.—As to the question of franking, this bill would extend that privilege very much further than it was now enjoyed.—He did not wish to hurry the bill.

Mr. End thought it would not be very courteous to dispatch the bill at once, as it had been sent down by Message.—As to franking, the bill would give that privilege to Members of the Legislature only during the session.

Mr. Weldon considered it would be quite useless to report progress; and then added a few words in support of his previous observations; and concluded by moving, that the further consideration of this bill be postponed till the next session of the Legislature; which motion was accordingly adopted.

TEMPERANCE.

Mr. End, from the Committee to whom were referred the various petitions relative to the suppression of Intemperance, submitted and read the following Report, which was accepted by the House:—

"The Committee feel it their duty to bear witness to the great and lasting benefits which have already resulted, and may still, under Providence, be confidently expected to result, as well from the exertions of the Temperance Societies, as from the co-operation of persons friendly to the cause of Temperance; and your Committee are satisfied that a cause, whose single object it is, to dissolve that chain by which so many have been bound to infamy, vice and the neglect of every duty, civil and religious, must find a willing advocate in every reasonable member of the human family, without reference to country or creed or any of those prejudices which have too often paralysed the exertions of the benevolent and humane.

Your Committee however, cannot recommend the adoption of any Legislative measures of a mature prohibitory or coercive, which they think would tend rather to retard than advance the object of the petitioners.

Your committee have taken into consideration the Laws of the Province, enacted for the regulation of Inns and Taverns. They are of opinion that some amendments are necessary, and they have prepared a bill for that purpose; but they respectfully submit that all Legislative interference must be futile and insufficient, without the co-operation of the Benches of Magistrates in the several counties, who should perform the important duty devolving upon them in an independent and conscientious manner; and on this subject your committee do not hesitate to say, that many of the evils, now so justly complained of, arise in a great measure from the practice of granting Tavern and Retail Licences to persons by whom the public are rather distressed than accommodated.

WM. END, WM. CRANE,
L. A. WILMOT, JEDEDIAH SLASON.
J. M. CONNELL.

Saturday, February 14.

Mr. J. M. Wilmot, from the Committee of Trade, brought in a report, the gist of which was, that they recommended to the House that aid should be granted to the petitioners from Westmoreland, to assist them to build a Breakwater at Quaco Creek, as the Committee were of opinion that it would very much benefit the trade and navigation of the Bay of Fundy;—that they also recommended to the House for consideration, the petitions of R. W. Crookshank, and others, of St. John, relative to the duties on Wines, being of opinion that an *ad valorem* duty would be preferable to the present indiscriminate duty;—and the Committee also represented, that in their opinion it would be inexpedient at present to grant the prayer of Thomas Marjoribanks and others, bakers, of St. John, which petition prayed for the imposition of a duty on foreign biscuit imported into this Province.

The remainder of the day was occupied in receiving a great number of petitions.

EXTRACTS FROM THE JOURNALS.

Tuesday, February 10.

On motion of Mr. Wyer,

Whereas, The necessity of erecting Light Houses at the Southern entrance of the Gulf of Saint Lawrence is daily becoming more urgent, from the great increase of the trade of the North American Colonies, and from the frequent and fatal shipwrecks which occur in this part of the said Gulf; and

Whereas, Saint Paul's Island has been considered the most proper site for two Light Houses for the protection of vessels entering the Gulf; and it is necessary that renewed exertions should be made, in conjunction with Lower Canada and Prince Edward Island, to carry into effect an object so desirable for the preservation of property, and to the cause of humanity; Therefore

"*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency would continue the correspondence with the Governments of Lower Canada and Prince Edward Island, with a view to induce those Governments, in conjunction with this Province, to set about the erection of Light Houses upon the Island of Saint Paul's, for the safety of Vessels navigating in and through that part of the Gulf of Saint Lawrence, and with a further view of removing the reproach which necessarily attaches to the North American Colonies, in neglecting so necessary and humane an object."

Ordered, That Mr. Wyer, Mr. M'Leod, and Mr. Gilbert, be a Committee to wait upon His Excellency with the Address.

Mr. J. M. Wilmot, by leave, presented a Petition from Noah Disbrow, John Jordan, C. L. Hatheway, James Moran, George Brown, and 71 others, Freeholders of the County of Saint John, praying that such an alteration may be made in the Act for the Election of Members to serve in General Assembly, as may confine the voting for Members, in the said County, to the Freeholders thereof, and that the Freeholders of the City of Saint John may be precluded from voting for Members for the said County; and further, that the Representation of the said City and County be so altered by reducing that of the County to three Members, and adding one to the City Representation.—*Ordered*, That the Petition be received and lie on the Table.

Wednesday, February 11.

Mr. Partelow, by leave, presented a Petition from the Rev. Frederick W. Miles, Jarvis King, W. B. Kinnear, John T. Smith, George Miles, and Aaron Hartt, the managing Committee of the Baptist Education Society, and 48 others, Inhabitants of the City and County of St. John, praying pecuniary aid towards the erection of a Seminary at Fredericton.—*Ordered*, That the Petition be received and referred to the Committee of Supply.—[Similar Petitions were presented from the Counties of York, Charlotte, Queen's, and Sunbury.]

Mr. Morehouse moved for leave to bring in a Bill, in addition to an Act, intituled "An Act for the endowment of King's College at Fredericton, in the Province of New-Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province.—Leave granted.—The said Bill being brought in, was read a first time.

The Hon. Mr. Secretary Odell, by command of His Excellency, laid before the House, Returns from the Custom House at the Port of St. John, for the year ending 5th January last.

Mr. Johnston, by leave, presented a Petition from the Governor and Trustees of the Madras School in New-Brunswick, praying an additional grant may be made in aid of the Funds of that Corporation.—*Ordered*, That the Petition be received and referred to the Committee of Supply.

Mr. Street, Chairman from the Committee appointed to take under consideration the Statute Labour Laws, submitted a Report, which he read, and is as follows:—

"The Committee to whom was referred that part of His Excellency's Speech which relates to the Statute Labour on public Roads in this Province, report, that they have attended to that duty, and have prepared a Bill under the Title of 'A Bill to repeal all the Laws now in force for regulating, laying out and repairing the Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same,' which they now respectfully submit to this House."

J. A. STREET, *Chairman*, D. HANINGTON,
J. BROWN, Jr., PETER STEWART.
I. WOODWARD.

Ordered, That the Report be accepted.—The Bill reported by the Committee being then handed in was read a first time.

Mr. Connell, by leave, presented a Petition from John Bedell, Jun. and others, Inhabitants of Woodstock, in the County of Carleton, praying a grant may pass towards improving the navigation of the River St. John, between Fredericton and that place.—*Ordered*, That the Petition be received and referred to the River Navigation Committee.

Mr. Partelow, by leave, presented a Petition from the Justices of the Peace for the City and County of St. John, praying an Act may pass towards the Establishment of a Public Penitentiary at that place, and aid towards the erection of the same.—*Ordered*, That the Petition be received and referred to the Committee of Supply.

Mr. Partelow moved for leave to bring in a Bill, for the Establishment of a Public Penitentiary for the City and County of St. John.—Leave granted.—The said Bill being brought in, was read a first time.

Mr. Wyer, by leave, presented a Petition from James Rait, John M'Master, and others, Merchants, in the County of Charlotte, praying that the collection of the Provincial Duties may devolve on the Custom House Department in this Province.—*Ordered*, That the Petition be received and lie on the Table.

COUNCIL CHAMBER,
Thursday, 12th February.

Pursuant to notice, on motion made and seconded, the following Resolution was passed, to wit:

Whereas the security of Commerce and the safety of navigation, mainly depend upon accurate and comprehensive marine surveys of the Coasts and Harbours of Countries resorted to for the benefit of Trade: And Whereas there is not, at present in use, any well connected plan or Admiralty Chart of recent survey, including on one sheet the Bay of Fundy, the South shore of Nova Scotia, and the Islands in and adjacent thereto: And Whereas it is highly desirable and expedient for the purposes above mentioned, that an accurate and comprehensive survey should be made, and Charts constructed therefrom, on a scale of sufficient magnitude to embrace all dangerous Rocks and Shoals, and also to designate distinctly the many valuable Light-house establishments on our Coasts;

Thereupon—*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to bring a subject of such vast importance to the Shipping and Commercial interests of the United Kingdom and this Province, under the earliest consideration of His Majesty's Government.

Ordered, That the Hon. Messrs. Allanshaw and Hazen, be a Committee to present the same.

His Honor the President moved for leave to bring in a Bill, to provide for the more convenient administration of Justice in the Supreme Court.—The said Bill being brought in, was read a first time.

His Honor the President moved for leave to bring in a Bill, to facilitate the examination of Witnesses before trial in the Supreme Court.—The said Bill being brought in, was read a first time.

COLONIAL.

From the Halifax Novascotian, Feb. 11.

PROSECUTION BY THE MAGISTRATES.—We have received the following Letter, from His Majesty's Attorney General, and as the whole matter concerns the public more than ourselves individually, we print it for their information. Of course it would be highly improper, pending a trial, to make any use of the instrument in our hands, that might in the slightest degree bias the minds of men who may possibly be of the Jury. Refraining from all comment, therefore, upon the course pursued, we have merely to state, that though we have no such morbid love of notoriety as to leave the even tenor of our way to seek for it in a court of Justice, we shall meet this movement, as we endeavour to do all others, with decent firmness. Their worships may gain a victory—but we shall be mistaken, if they bear their banners unsullied from the field:—

SIR,

I am called upon in my official capacity, to institute a prosecution against you for the publication of an article signed "The People," in the Nova Scotian of the 1st January last, containing very gross charges against the Magistrates of Halifax; and as it is my intention to proceed against you in the ensuing Term, I have deemed it proper to give you this notice, that you may be prepared for trial in the same Term.

I am Sir,
Your humble Servant,
S. G. W. ARCHIBALD,
Attorney General.

Mr. Joseph Howe.

We understand that it is the intention of the Attorney General to proceed by indictment.

THE LEGISLATURE.—The Session will probably close towards the last of the week. A Resolution passed on Monday, upon which a bill is to be founded for withdrawing £10,000 of the Province paper, in addition to the £8,000 which is liable to be funded under a former act. This measure will, we believe, give very general satisfaction—and by the assurance it conveys that the Legislature intend to maintain the Treasury Notes, the character of such portion as remain in circulation will be considerably improved. We still think on principle that the whole ought to be withdrawn—but we are grateful for even a partial measure which brings us one step nearer to a sound currency. A Bill for incorporating a Marine Insurance Company, sent down from the Council, and in the fate of which the mercantile community was deeply interested, has been deferred. The road appropriations, rejected by the Council on the ground that the great roads had been almost entirely neglected, have been reconstructed and passed.—Total sum voted for Roads, £8600.—*Ib.*

A Jamaica paper states, that the flags of nearly all the vessels in port were displayed, when the news arrived of the dissolution of the Whig Ministry—and adds, "in all his Majesty's Colonies his loyal subjects are Tories." We are willing to admit that Slave holders generally ought to be—but it is something new to us that there is any excess of loyalty in Jamaica. At the breaking out of the rebellion in the old Colonies, more intemperate language was held by the planters of that island, than by the patriots of Massachusetts or Virginia—and ever since, if loyalty consists in giving His Majesty's government trouble, they must certainly "have their claim allowed."—*Ib.*

JAMAICA, DEC. 20.—*Proceedings of the Hon. House of Assembly.*—Mr. Guy gave notice that he would early next session move for a committee to prepare a memorial to His Majesty's Government praying for the removal of the Chief Justice, Attorney General, the Bishop, Commander of the Forces, and the Collector of the Customs. (Hear, Hear, and laughter.)

Mr. Barclay brought forward his resolution for the reduction of the Salary of all future Governors.

Mr. Hamilton Brown said as the British Government restrained His Excellency in the exercise of his duty, he considered that the Government ought to pay the whole of the salary; he felt satisfied, however, that if His Excellency were allowed to exercise his own discretion he would meet the views of the House. Considering the resolution premature and by no means complimentary to His Excellency, he would vote against it. The House divided—for the Resolutions 14,—against them 2. Dr. Whittaker and Mr. Marshall voting against them.

The following are the Resolutions:

Resolved—That the House will not, upon the appointment of another Governor, continue the Additional Salary of £[illegible] per annum, the relief of the inhabitants of the Colony being unable to bear it.

Resolved—That it be an instruction to the Commissioners of Correspondence to transmit a copy of the above Resolution to the Island Agent to be by him communicated to the Colonial Secretary.

A message was sent to the Governor, informing him that the house had closed the business of the session.

Shortly after the Provost Marshal appeared at the bar of the house, and summoned the house in the Council Chamber.

The House was then prorogued till Monday next, in the following abrupt Speech from the Marquis of Sligo:—

"Gentlemen of the Council,

"Mr. Speaker and Gentlemen of the Assembly,

"I have given my assent to all such bills as have been brought before me, with the exception of the Stamp Act; and as a clause has been introduced in that bill imposing on certain commodities a tax to