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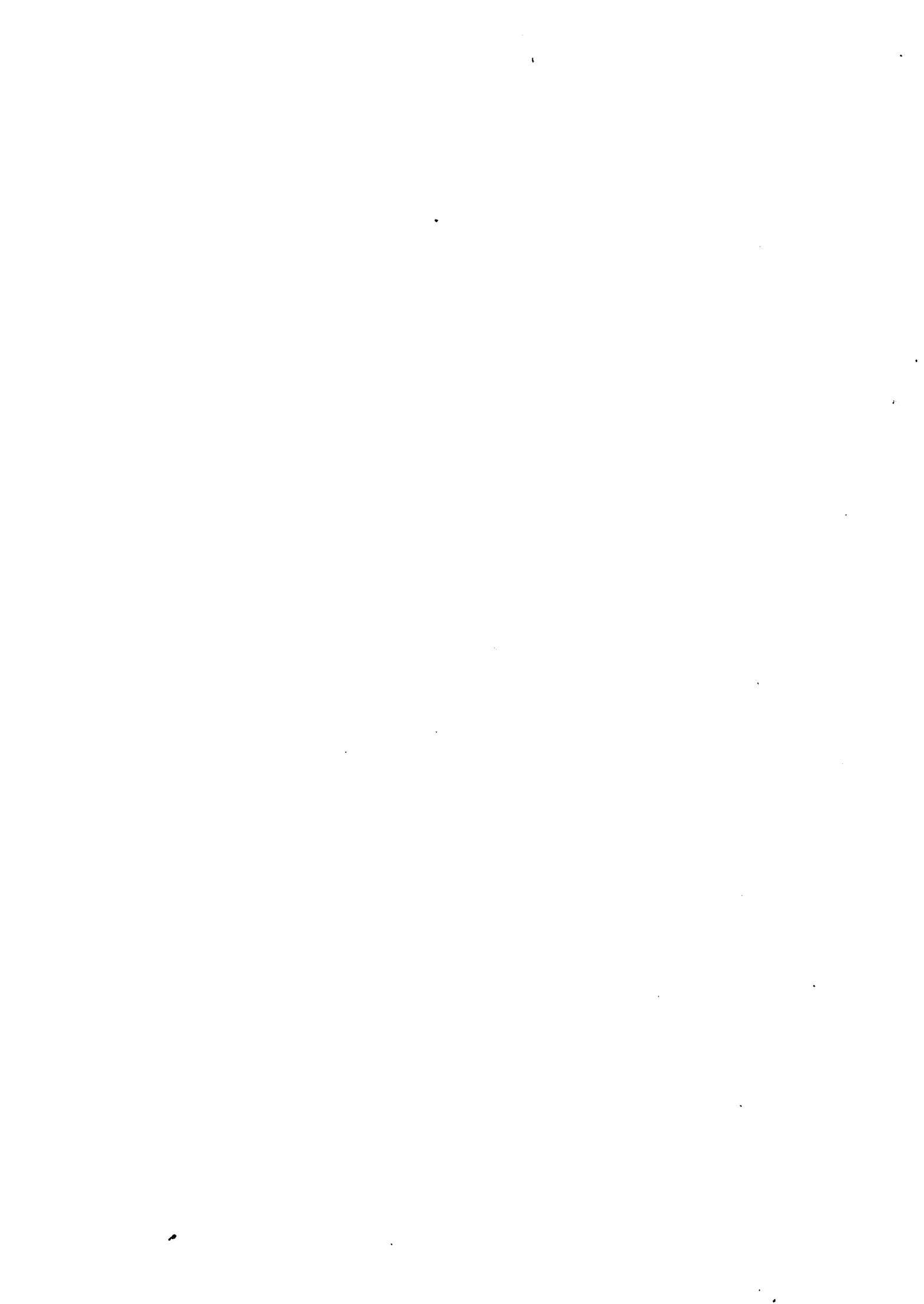
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JOURNAL

AND

PROCEEDINGS

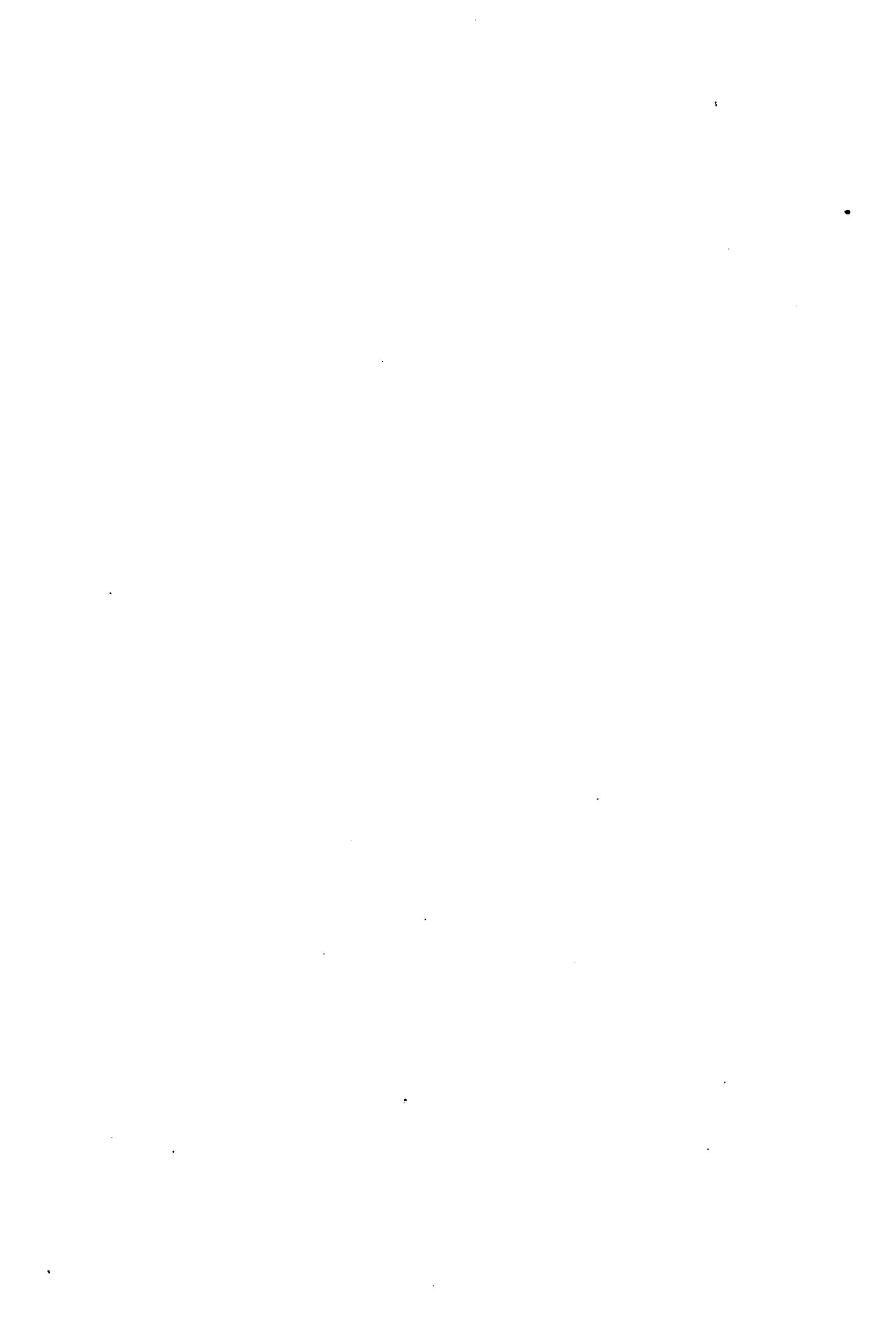
OF THE

HOUSE OF ASSEMBLY

OF THE

PROVINCE OF NOVA-SCOTIA.

SESS. 1839-40.





PROCLAMATION.

BY HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

C. Campbell.

WHEREAS, the General Assembly of this Province stands prorogued until Thursday, the 11th day of July next:

I have thought fit further to prorogue the said General Assembly until Thursday, the 10th day of October next—of which all persons concerned are desired to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms at Halifax, this 18th day of June, in the second year of Her Majesty's Reign, and in the Year of Our Lord 1839.

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.



PROCLAMATION.

BY HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

C. Campbell.

WHEREAS, the General Assembly of this Province stands prorogued until Thursday, the 10th day of October next:

I have thought fit further to prorogue the said General Assembly until Thursday, the 19th day of December next—of which all persons concerned are desired to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms at Halifax, this 16th day of September, in the third Year of Her Majesty's Reign, and in the Year of Our Lord 1839.

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.



PROCLAMATION.

BY HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

*Knight Commander of the Most Honorable Military Order
of the Bath, Lieutenant-Governor and Commander in
Chief in and over Her Majesty's Province of Nova-
Scotia, and its Dependencies, &c. &c. &c.*

C. Campbell.

WHEREAS, the General Assembly of this Province stands prorogued until Thursday, the 19th day of December next:

I have thought fit further to prorogue the said General Assembly until Tuesday, the 31st day of December next, then to meet for the **DISPATCH OF BUSINESS**—of which all persons concerned are desired to take notice and govern themselves accordingly.

*Given under my Hand and Seal at Arms at Halifax, this 5th
day of November, in the third Year of Her Majesty's
Reign, and in the Year of Our Lord 1839.*

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.

JOURNAL AND PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY

OF THE

PROVINCE OF NOVA-SCOTIA.

SESS. 1839-40.

TUESDAY, 31st DECEMBER.

ANNO TERTIO VICTORIÆ REGINÆ, 1839.

A Message from His Excellency the Lieutenant-Governor, by the Gentleman Usher of the Black Rod:

Mr. Speaker,

His Excellency the Lieutenant-Governor commands this Honorable House to attend His Excellency immediately in the Council Chamber.

Message commanding attendance of House on Gov.

Accordingly, Mr. Speaker, with the House, went up to attend His Excellency in the Council Chamber,

House attend Gov.

And being returned,

Mr. Speaker reported that the House had attended His Excellency the Lieutenant-Governor in the Council Chamber, where His Excellency had been pleased to make a Speech to both Houses of the Provincial Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy, which he read to the House as followeth:

Speaker reports Speech of Gov.

Mr. President, and Honorable Gentlemen of the Legislative Council;

Mr. Speaker, and Gentlemen of the House of Assembly;

I have been principally induced to call you together at this early period, from its having come to my knowledge, that the requisitions of the Act for the Regulation of Juries, which passed in the Session of 1838, have not been duly attended to, whereby important criminal proceedings have been already delayed for the want of legal Grand Juries, and great public inconvenience must necessarily follow, unless a speedy remedy shall be afforded by the Legislature. I therefore most earnestly request your immediate attention to this subject so important to the administration of Justice. Speech

I shall take an early opportunity of laying before you the Despatches which I have received from Her Majesty's Principal Secretary of State for the Colonies, in reply to the Addresses and Resolutions adopted by you in the last Session, and to the various other communications on the State of the Province, which were recently brought under the notice of Her Majesty's Government, by the Delegates selected from both Houses to proceed to England for that purpose. But I cannot forego the pleasure of immediately quoting the following expressions of the Right Honorable Secretary:

“ In discussing the subjects adverted to, it has been my anxious endeavour to arrive at the conclusion most calculated to meet the wishes and promote the interests of all classes of Her Majesty’s Subjects in Nova-Scotia. The attachment which they have invariably displayed to the Mother Country, the liberality and gallantry with which on a recent occasion, at a crisis of peculiar difficulty, they came forward to tender to Her Majesty their personal and pecuniary assistance, in the maintenance of Her authority on the North American Continent, entitle them to every consideration which it is in the power of the Crown to bestow.”

At the commencement of the last Session, I informed you that it was contemplated to substitute Steam Packets for the sailing vessels now employed in the conveyance of the Mails, between Great Britain and Halifax, and I have now the gratification to acquaint you, that an arrangement has been concluded, (at the annual charge of £60,000 sterling to the Mother Country,) for the running of Steam Packets, twice in every month, between Liverpool and Halifax, and also between Halifax and Boston, and between Pictou and Quebec, as long as the St. Lawrence is navigable; and I have peculiar satisfaction in adding that this arrangement, which must be attended with such important benefits to all these Colonies, was brought about by the enterprising spirit of a Nova-Scotian Merchant, at a time when difficulties had unexpectedly occurred which might have otherwise prevented its early accomplishment.

In my former Address to you on this subject, I intimated the expectation that was entertained, that this Colony would, as far as depended upon it, further the general object by improving the several Mail Routes to Quebec; and I have reason to believe, that, had there been any certainty that the scheme would be carried into effect in the ensuing season, ample provision would have been made by the Assembly in aid of the liberal views of Her Majesty’s Government.

The same expectation is repeated in the Despatch announcing the completion of the arrangement, which reached me some time after the close of the last Session. It thereupon became my duty to lose no time in endeavouring to prevent the disappointment of that just expectation, and the question arose whether I should convene the Legislature for the purpose of laying the Despatch before them, or, anticipating their appropriation of money, at once proceed with the necessary improvements, and thus save a year without putting the Province to the expense and inconvenience of an extra Session.

On consulting with my Council, I was induced to adopt the latter course; and though to draw money from the Treasury, without the sanction of a Law, is rarely justifiable, still I feel persuaded, that, under the circumstances I have mentioned, you will readily concur in providing for the small expenditure I have authorised on this service, and I have also the fullest conviction that the requisite funds will be placed at my disposal, for carrying on, along the whole extent of the several lines of communication with Quebec and New Brunswick, the improvements which on my own responsibility I have commenced.

Mr. Speaker, and Gentlemen of the House of Assembly,

I have directed the Public Accounts to be laid before you, with as little delay as possible, and I trust you will find that the Supplies granted to Her Majesty have been faithfully applied.

I have also directed the usual Estimates for the support of Her Majesty’s Government, to be prepared with every regard to economy, and I confidently rely, that, with an increasing Revenue under your control, you will grant the necessary Supplies with your usual liberality.

I rejoice to state, that I have not had occasion to avail myself, except to a very small amount, of the means, which at a period, as it was supposed, of impending hostilities, your loyalty and munificence placed at my disposal, for the equipment and organization of the Militia.

I feel convinced, should circumstances require the services of this Constitutional Force, that you will again display the same noble spirit which you evinced on that occasion.

*Mr. President, and Honorable Gentlemen of the Legislative Council,
Mr. Speaker, and Gentlemen of the House of Assembly,*

WEDNESDAY and THURSDAY, 1st and 2d JANUARY, 1840.

I rely on your proceeding with unanimity and despatch to the consideration of the various subjects requiring your attention; among those that chiefly merit it at the present period, are:—the re-enactment of the Law relating to Common and Grammar Schools, with such modifications and amendments as your experience of its operation in the several Counties may have suggested,—the more extensive diffusion of Religious Education among the people,—the encouragement of Agriculture and of the Fisheries, and the adoption of more effectual measures than have hitherto been resorted to, for preventing the encroachments of Foreigners upon our Fishing Grounds,—the improvement of our system of expenditure on the Main Roads, with a view to their being immediately placed and then maintained in a thorough state of repair,—and the establishment, in the town or vicinity of Halifax, of a Provincial Penitentiary—an Orphan House, and a House of Industry.

In the promotion of these and all other measures, which may tend still further to improve the resources, and to confirm the prosperity, which, under Divine Providence, this Colony now enjoys, you may depend on my hearty concurrence.

Mr. Doyle, pursuant to leave given, presented a Bill for limiting the duration or continuance of the General Assemblies; and the same was read a first time, and ordered to be read a second time.

Mr. Young, pursuant to leave given, presented a Bill to continue and amend the Act for the regulation of Juries, and render valid the proceedings of certain Grand Juries; and the same was read a first time and ordered to be read a second time.

Ordered, That Mr. Morton, the Hon. Mr. Uniacke, Mr. Fairbanks, Mr. Howe and Mr. W. Sargent, be a Committee to prepare an Address in answer to His Excellency's Speech.

Ordered, That Mr. Dickson, Mr. Fairbanks and Mr. Young, be a Committee to examine and report on the Expiring Laws.

Ordered, That no Petition of a private nature be received after Tuesday the 21st day of January next, unless by special leave of the House.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Wednesday, 1st January, 1840.

The House met; and, being counted by Mr. Speaker, it appeared that twenty-four Members, besides Mr. Speaker, were not present—yet, it being twelve of the clock, Mr. Speaker took the Chair and again counted the House, and twenty-four Members, besides Mr. Speaker, not being present:—The House was adjourned by Mr. Speaker, without a question first put, till to-morrow.

House meet and adjourn

Thursday, 2d January, 1840.

Mr. Morton reported from the Committee appointed to prepare an Address in answer to His Excellency's Speech, that the Committee had drawn up an Address accordingly; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:—

Report of Address in answer to Speech

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

May it please your Excellency;

We, Her Majesty's dutiful and loyal subjects the Representatives of Her Majesty's loyal people

Address

people of Nova-Scotia, thank your Excellency for the Speech with which you have been pleased to open the present Session, and regret that any impediment to the due administration of justice should have been the cause of convening the Legislature at an earlier period than usual.

The Despatches of Her Majesty's Principal Secretary of State for the Colonies, when submitted by your Excellency, shall receive the immediate attention and mature deliberation which their importance requires; and we are gratified that the loyalty which characterised this Province at an eventful crisis has obtained for its people the favorable consideration of Her Majesty's Government.

There is every prospect that the frequent intercourse by Steam Navigation with the Parent State, will cause the resources of this country to be more developed and productive, and induce a wholesome tide of emigration; and it affords us satisfaction that the liberal and generous disposition of Her Majesty's Government has been aided by the enterprising spirit of one of our own Merchants, and we fervently hope that it may be the means of uniting more closely Colonial and British interests.

When the Despatches which induced your Excellency to authorise an advance from the Treasury for the improvement of the Main Roads, with the accounts of that expenditure, are laid before us, we shall give the subject an attentive consideration.

We thank your Excellency for directing the Public Accounts to be laid before us, and will vote cheerfully the necessary supplies.

That the continuance of peace should have enabled your Excellency to abstain from any large expenditure in the Militia service, is a matter of congratulation, and we assure your Excellency that the spirit of loyalty and attachment to the Sovereign evinced on that occasion still pervades this Province.

We assure your Excellency of our disposition cordially and promptly to dispatch the public business—and by an improved system of education—suitable encouragement to all branches of industry—and judicious expenditure in the various services, to advance the true interests of this prosperous Colony; and we shall cheerfully co-operate in any measures to repress the flagrant encroachments on our Fishing Grounds by Citizens of Foreign States.

The establishment of a suitable Provincial Penitentiary has already commanded the attention of this House, and we shall concur with the other branches of the Legislature in every way to ameliorate the condition of the helpless and industrious poor, and in promoting all objects by which we may insure that happiness and prosperity which by the blessing of Divine Providence this Colony enjoys.

The House then proceeded to the consideration of the said Address, and the same was read clause by clause; and thereupon,

Address passed

Resolved, That the Address to pass.

To be presented by whole House Com. to ascertain when Gov. will receive Address

Ordered, That the Address as passed be engrossed.

Resolved, That the Address be presented to His Excellency by the whole House.

Grand Jury Bill referred to Select Com.

Ordered, That the Committee who prepared the Address to His Excellency the Lieutenant-Governor, be a Committee to wait on His Excellency to know his pleasure when he will be attended by the House with the Address.

A Bill to continue and amend the Act for the regulation of Juries, and render valid the proceedings of certain Grand Juries, was read a second time.

Ordered, That the Bill be referred to Mr. Fairbanks, Mr. Young and Mr. Dickson, to examine and report thereon to this House.

Resolution for enquiring into causes of Jury Act not having been carried into effect Com. named

On Motion of Mr. Forrester, *resolved*, that a Select Committee be appointed to enquire into the causes of the Act for the regulation of Juries, passed in the year 1838, not having been carried into effect in divers Counties, and to report thereon to this House.

Ordered, That Mr. Forrester, Mr. Holland, Mr. Forrestall, Mr. Morton and Mr. Bell, be a Committee for the above purpose.

Prisoner's Counsel Bill presented

Mr. McKim, pursuant to leave given, presented a Bill for enabling persons indicted for Felony to make their defence by Counsel; and the same was read a first time, and ordered to be read a second time. Mr.

Mr. McKim, also pursuant to leave given, presented a Bill for enforcing engagements in aid of Public Works; and the same was read a first time, and ordered to be read a second time.

Mr. Archibald, Member for Truro, being present in his place, and the attention of the House being called to the Resolution of the House, passed on the 30th March, in the last preceding Session, by which Mr. Speaker was directed not to sign any Pay Ticket for Mr. Archibald, and that the latter should be and remain under the censure of this House; and Mr. Archibald, in his place, having explained the circumstances which led to his absence on that occasion, and made his excuse to the satisfaction of the House; thereupon,

On motion of Mr. Dickson, *resolved*, that Mr. Speaker be now authorised to sign Mr. Archibald's Pay Ticket for the last Session, and that Mr. Archibald do now stand discharged from the censure of this House.

Then the House adjourned until To-morrow, at one of the clock.

Friday, 3d January, 1840.

PRAYERS.

Mr. Morton reported from the Committee appointed to wait on His Excellency the Lieutenant-Governor, to know his pleasure when he would receive the Address of the House in answer to His Excellency's Speech, that the Committee had, pursuant to order, waited on His Excellency, and that His Excellency was pleased to appoint to-day, at two of the clock, at Government-House.

Report when Gov. will receive Address J1

Mr. Speaker and the House attended His Excellency the Lieutenant-Governor with their Address to him, pursuant to the order of yesterday;

House wait on Gov. with Address

And being returned,

Mr. Speaker reported that His Excellency was pleased to give this answer to the Address of the House :

Mr. Speaker and Gentlemen of the House of Assembly,

I receive with infinite satisfaction this Address.—It breathes sentiments of loyalty to our beloved Sovereign and attachment to the Parent State, for both of which Novascotians have so long been conspicuous; and I consider it a presage of a cordial co-operation for the advancement and prosperity of the Province, and the promotion of its best interests.

Answer of Gov. to Address

A Petition of Elbridge G. Fuller was presented by Mr. Doyle and read, praying a return of duties paid by him at Yarmouth upon the importation from the United States of America of two Horses, subsequently exported to St. John, N. B. where duties were also paid thereon.

Petition of E. G. Fuller for return of duties

Ordered, That the Petition be referred to Mr. Huntington, Mr. Doyle and Mr. Morton, to examine and report thereon to this House.

Referred to Sel. Com.

A Bill for enforcing engagements in aid of Public Works, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Bill for enforcing engagements read 2d time and committed

On motion, the House resolved itself into a Committee of the whole House on the consideration of Bills committed.

Committee on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for enforcing engagements in aid of Public Works, which they had directed him to report to the House without any amendment; and he thereupon delivered the Bill in at the Clerk's Table.

Bill for enforcing engagements reported

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again on the consideration of Bills committed, which was agreed to by the House.

Ordered, That the Bill be engrossed.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Bill to be engrossed

Saturday, 4th January, 1840.

PRAYERS.

Public engagements
Bill read 3d time

An engrossed Bill for enforcing engagements in aid of Public Works was read a third time ; and thereupon,

Continuing clause
added as rider

On motion of Mr. McKim, *resolved*, that the following clause do pass, and be added to the Bill by way of rider, viz :

And be it further enacted, That this Act shall continue and be in force for three years, and from thence to the end of the then next Session of the General Assembly.

And the said clause having been added to the Bill accordingly,

Bill passed

Resolved, That the Bill do pass, and that the title be, An Act for enforcing engagements in aid of Public Works.

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Petition for Incorporation of, and aid to Queen's College

A Petition of William Crosby and others, Members of the Second Baptist Church and Congregation at Yarmouth, and others, was presented by Mr. Clements and read, praying that an Act may be passed to incorporate the Queen's College at Horton, with the power of conferring Collegiate Degrees, and that pecuniary aid be granted to that Institution.

Ordered, That the Petition do lie on the Table.

Report from Com. on Juries Bill
Juries Bill & amendments committed

Mr. Fairbanks, from the Committee to whom was referred the Bill to continue and amend the Act for the regulation of Juries, and render valid the proceedings of certain Grand Juries, reported that the Committee had made several amendments to the said Bill, which they had directed him to report to the House, and he delivered the Bill and amendments in at the Clerk's Table, where the said amendments were read.

Ordered, That the Bill, with the amendments, be committed to a Committee of the whole House.

Committee on Bills

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Juries Bill with amendments

The Chairman reported from the Committee that they had gone through the Bill to continue and amend the Act for the regulation of Juries, and render valid the proceedings of certain Grand Juries, and had made several amendments thereto, which they had directed him to report to the House with the Bill ; and he afterwards delivered the Bill and amendments in at the Clerk's Table.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which the House agreed to.

Amendments agreed to

The amendments reported with the Bill being then read by the Clerk, were agreed to by the House.

Bill to be engrossed

Ordered, That the Bill with the amendments, be engrossed.

Message from Lt. Gov. with Despatches and Papers

The Hon. Mr. Secretary George acquainted the House that he had a Message from His Excellency the Lieutenant-Governor to this House in writing, signed by His Excellency—which His Excellency had commanded him to deliver to the House ; and he read the said Message at the Bar of the House—all the Members being uncovered ; and afterwards delivered the said Message, in writing, to the House, together with the several papers therein referred to, and then withdrew.

The said Message was then again read by the Clerk, and is as followeth :

M E S S A G E.

C. CAMPBELL.

The Lieutenant-Governor lays before the House of Assembly Copies of the Despatches alluded to in his opening Speech, as well as of some other Despatches which he has received from Her Majesty's Principal Secretary of State for the Colonies.

Government-House, 4th January, 1840.

The

SATURDAY, 4th JANUARY, 1840.

The following Papers delivered in with said Message were also read by the Clerk, viz :
Despatch from the Marquis of Normanby to the Lieutenant-Governor, No. 34, with fifteen Inclosures, viz :

Despatches & papers relative to subjects of Delegation

- No. 1 From William Young and H. Huntington, Esquires, to Lord Normanby, 29th May, 1839, with a Letter to them from Mr. Labouchere, 25th June, 1839.
- 2 From Messrs. Young and Huntington to Lord Normanby, 30th May, with Mr. Labouchere's, of 8th June.
- 3 From Messrs. Young and Huntington to Mr. Labouchere, 7th June.
- 4 From Messrs. Young and Huntington to Mr. Labouchere, 10th June, with reply, 15th June.
- 5 From Messrs. Young and Huntington to Mr. Labouchere, 18th June, with Mr. Labouchere's, 19th June.
- 6 From Messrs. Young and Huntington to Lord Normanby, 11th July.
- 7 From Mr. Huntington to Mr. Labouchere, 17th July.
- 8 From Messrs. Young and Huntington, 24th July, with the draft of a Bill relating to the Crown Lands.
- 9 From Mr. Young to Mr. Labouchere, 24th August.
- 10 From the Hon. Alexander Stewart to Lord Normanby, June
- 11 From the Hon. Lewis M. Wilkins to Lord Normanby, 28th June.
- 12 From Mr. Stewart to Lord Normanby, 24th July.
- 13 From Mr. Baring to Mr. Stephen, 24th July.
- 14 From Mr. Baring to Mr. Stephen, 13th June.
- 15 From Mr. Pennington to Mr. Stephen, 8th July.

For the above mentioned Despatch and Papers—

(See Appendix, No. 1.)

Despatch (Circular) from Lord Normanby to Lieutenant-Governor, of 4th May—Steam Communication. Steam Communication

(See Appendix, No. 2.)

Despatch, No. 16, from Lord Normanby to Lieutenant-Governor, 23d May—Expenses of Assembly Delegates. Expenses of Assembly Delegates

(See Appendix, No. 3.)

Despatch, No. 18, from Lord Normanby to Lieutenant-Governor, 24th May—Council Delegates. Council delegates

(See Appendix, No. 4.)

Despatch from Lord John Russell to Lieutenant-Governor, No. 4, 23d September—School Lands. School Lands

(See Appendix, No. 5.)

Despatch from Lord John Russell to Lieutenant-Governor, No. 5, 24th September—Post Office. Post Office

(See Appendix, No. 6.)

Despatch from Lord John Russell to Lieutenant-Governor, No. 6, 25th September—Free Ports. Free Ports

(See Appendix, No. 7.)

Despatch from Lord John Russell to Lieutenant-Governor, No. 7, 29th September—Oaths of Office. Oaths of Office

(See Appendix, No. 8.)

Despatch from Lord John Russell to Lieutenant-Governor, No. 10, 28th October—Free Ports. Free Ports

(See Appendix, No. 9.)

Despatch from Lord John Russell to Lieutenant-Governor, No. 9, 16th October—Tenure of Office in the Colonies. Tenure of Office in the Colonies

(See Appendix, No. 10.)

Ordered, That the said Message and accompanying Papers do lie on the Table.

On

Papers to be printed

On motion of the Hon. Mr. Uniacke, *resolved*, that the several Papers accompanying said Message be printed.

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 6th January, 1840.

PRAYERS.

Mr. Upham relieved from Censure, &c.

Mr. Upham, Member for Onslow, being present in his place, and the attention of the House being called to its Resolution, passed on the 30th March, last Session, by which, Mr. Speaker was directed not to sign any Pay Ticket for Mr. Upham, and that the latter should be and remain under the censure of this House; and Mr. Upham, in his place, having explained the circumstances which led to his absence on that occasion, and made his excuse to the satisfaction of the House; thereupon,

On motion of Mr. Clements, *resolved*, that Mr. Speaker be now authorised to sign Mr. Upham's Pay Ticket for the last Session, and that Mr. Upham stand discharged from the censure of this House.

Leave of absence to Mr. Goudge

Ordered, That Mr. Goudge have leave of absence until Friday next, to return Home on urgent private business, and to attend the Court of Common Pleas, at Windsor, under Sub-pœna as a Witness.

Juries Bill read 3d time past and sent to Council

An engrossed Bill to continue and amend the Act for the regulation of Juries, and render valid the proceedings of certain Grand Juries, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Act for the Regulation of Juries, and to render valid the proceedings of certain Grand Juries.

Ordered, That the Clerk do carry the Bill to the Council and desire their concurrence.

Number of Copies of Papers to be printed

Ordered, That there be printed (pursuant to the Resolution of Saturday last,) 500 Copies of the Papers sent down on that day with the Message of His Excellency the Lieutenant-Governor.

Committee to wait on Gov. to report information as to non-compliance with Juries Act

On motion of Mr. Forrester, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor and respectfully request that His Excellency will be pleased to require the proper Officer or Officers in each County of this Province, to state whether or not the requisites of the Act, passed in the first year of Her present Majesty's Reign, entitled, An Act for the Regulation of Juries, in so far as respects returning Grand Jurors, have been complied with in such County; and if not, that such Officer or Officers shall state to His Excellency, for the information of this House, the reasons why such requisites have not been so complied with, and that His Excellency will be pleased to have such information laid before this House with as little delay as possible.

Ordered, That Mr. Forrester, Mr. Holland, Mr. Forrestall, Mr. Morton and Mr. Bell, be a Committee for the above purpose.

Prisoners Counsel Bill read 2d time & committed

A Bill for enabling persons indicted for Felony to make their defence by Counsel, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Choice of Com. of Public Accounts

The House proceeded to the choice of a Committee to examine the Public Accounts, jointly, with a Committee of the Council; and thereupon,

Mr. Huntington moved that Mr. Bell be Chairman of the said Committee of this House: which, being seconded,

Division as to Chairman

Mr. Fairbanks moved, as an amendment to the question, to leave out the words "Mr. Bell," and to insert in place thereof the words "the Hon. Mr. Dewolf": which, being seconded and put, and the House dividing thereon, there appeared for the amendment, nineteen; against it, ten. So it passed in the affirmative.

Ordered,

MONDAY and TUESDAY, 6th and 7th JANUARY, 1840.

Ordered, That the Hon. Mr. Dewolf, Mr. Bell, Mr. Goudge, Mr. Holmes, and Mr. Forrester, be a Committee of the House, for the purpose of examining the Public Accounts, jointly, with a Committee of the Legislative Council, and that the Clerk do acquaint the Council therewith. Committee named

On motion of the Hon Mr. Uniacke, *resolved*, that a Committee be appointed to enquire into the state of the Fisheries, and the privilege of the people of this Province, to resort to Fishing Grounds; and to investigate the encroachments of Foreigners thereon,—and the violation of subsisting Treaties and the Laws of this Province, with power to send for persons and papers, and to correspond through the legitimate channels with the Executive Governments of the adjoining Colonies, and such persons as they may think fit, with a view of obtaining a united system for protecting that valuable resource. Also, to report some more efficient means for protecting the Trade and Revenue of the Country, by the employment of small Armed Vessels, or otherwise. Committee on Fisheries, &c.

Ordered, That the Hon. Mr. Uniacke, Mr. Morton, Mr. Young, Mr. Huntington, and Mr. Forrestall, be a Committee for the above purpose.

On motion of Mr. Huntington, *resolved*, that His Excellency the Lieutenant Governor be requested to direct the proper Officer to lay before this House, an account of all Monies drawn out of the Treasury, as compensation for Land taken for new Roads, and altering old ones, stating particularly the names of the individuals to whom such Monies were paid, distinguishing the Counties and Roads for which the same were drawn for the last ten years. Gov. requested to direct account of Monies paid from Treasury for Land for Roads to be laid before House

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed. Committee on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for enabling persons indicted for Felony, to make their defence by Counsel, and had directed him to report the same to the House without any amendment, and he thereupon delivered the Bill in at the Clerk's Table. Report Prisoners' Counsel Bill

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed, which was agreed to by the House.

Ordered, That the Bill be engrossed. To be engrossed

Mr. Young, read in his place a Report from the Delegates of this House, to Her Majesty's Government in the year 1839, and then presented the same to the House. Report from Delegates

(See Appendix, No. 11.)

Ordered, That the report do lie on the Table, and that 500 copies thereof be printed. to be printed

On motion of Mr. Bell, *resolved*, that the thanks of this House are justly due, and be therefore given to Herbert Huntington and William Young, Esquires, for the diligence and ability displayed by them, during their mission to England, and for the zeal with which they have pressed upon the attention of Her Majesty's Government the various important matters entrusted to their care. Thanks to Delegates

Then the House adjourned until To-morrow, at twelve of the clock.

Tuesday, 7th January, 1840.

PRAYERS.

A Petition of Richard Huntington was presented by Mr. Huntington and read, praying a Return of Duties upon a Printing Press and apparatus, imported by him from Boston, United States, into Yarmouth. Petition of R. Huntington for return of Duty

D

Ordered,

TUESDAY, 7th JANUARY, 1840.

Referred to Select
Com.

Ordered, That the Petition be referred to the Select Committee on the Petition of Elbridge G. Fuller, to examine and report upon.

Petition Queen's
College

A Petition of the Rev. Silas T. Rand, and others, members of the Baptist Church and Congregation at Liverpool, and others, friendly to the objects of the Nova-Scotia Baptist Education Society, was presented by Mr. Fairbanks and read, praying that a Charter may be forthwith granted to the Queen's College at Horton, and other aid afforded.

Ordered, That the Petition do lie on the Table.

Pet. for aid to re-
move obstruction
near Liverpool
Harbor at Hartly's
Cove

A Petition of Eldad Nickerson and others, inhabitants of Queen's County, was presented by Mr. Fairbanks and read, praying aid towards removing a large rock obstructing the entrance of Hartly's Cove, near the mouth of Liverpool Harbor.

Ordered, That the Petition do lie on the Table.

Petition for Buoys
in Pubnico Harbor,
&c.

A Petition of Charles D'Entremont and others, inhabitants of Pubnico, in the Township of Argyle, was presented by Mr. D'Entremont and read, praying aid in the establishing of Buoys in Pubnico Harbor and Cockawit Pass.

Ordered, That the Petition do lie on the Table.

Petition Queen's
College

A Petition of the Members of the Baptist Church and Congregation at River Philip, in the County of Cumberland, and others, friendly to the objects of the Nova-Scotia Baptist Education Society, was presented by Mr. McKim, and read, and two Petitions, one of Joseph Denton and others, members of the Digby Neck Church and Congregation in the County of Digby, and others, friendly to the objects of the Nova-Scotia Baptist Education Society, and the other of Franklin Patten, and others, members of the Baptist Church and Congregation at Westport, and others, friendly to the objects of the Nova-Scotia Baptist Education Society, were presented by Mr. Holdsworth and read—said three Petitions, respectively praying that a Charter of Incorporation may be granted to the Queen's College at Horton, with pecuniary aid thereto.

Ordered, That the Petitions do lie on the Table.

Resolution for
Committee on High-
way Laws

On motion of Mr. Dickson, *resolved*, that a Committee be appointed to revise and amend the Laws relating to Highways and Highway labour, and report thereon to this House, by Bill or otherwise, and that the Committee have power to send for persons, papers and records.

Com. named

Ordered, that Mr. Dickson, Mr. Lewis, Mr. Forrestall, Mr. Morton, Mr. Huntington, Mr. Holland, and Mr. Elder, be a Committee for the above purpose.

Civil List Bill pre-
sented

Mr. Huntington, pursuant to leave given, presented a Bill to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenue, and the same was read a first time, and ordered to be read a second time

Crown Lands Bill
presented

Mr. Fairbanks, pursuant to leave given, presented a Bill to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia, and the same was read a first time.

Ordered, That the Bill be referred to Mr. Fairbanks, Mr. Young, Mr. Huntington, Mr. Dickson, and the Hon. Mr. Uniacke, to examine and report thereon to this House.

Com. to enquire
into union of Cus-
tom & Excise De-
partments

On motion of Mr. Young, *resolved*, that a Committee be appointed to enquire into the best method, and into all such measures as may appear to be necessary, for uniting the Departments of the Customs and Excise, so as to empower the Officers of the Customs to collect and pay into the Treasury all Duties imposed by the Acts of this Province, with power to send for persons and papers, and to report by Bill or otherwise, from time to time.

Com. named

Ordered, That Mr. Young, Mr. Huntington, Mr. Dickson, the Hon. Mr. Dewolf, and Mr. Bell, be a Committee for the above purpose.

Papers referred
thereto

On motion of Mr. Young, *resolved*, that such parts of the Despatches of the Colonial Secretary, and of the Report of the Delegates of this House, as relate to the uniting of the Customs and Excise Departments be referred to the said Committee.

Mr. Forrester reported from the Committee appointed to wait on His Excellency the Lieutenant

TUESDAY and WEDNESDAY, 7th and 8th JANUARY, 1840.

Lieutenant-Governor, and request that His Excellency will be pleased to require the proper Officer or Officers in each County of this Province to state, whether or not the requisites of the Act, passed in the first year of Her present Majesty's Reign, for the regulation of Juries, have been complied with, &c.—that the Committee had performed the duty assigned to them, and that His Excellency, in answer to the application, was pleased to say that the request of the House should be attended to.

Report from Com.
to wait on Gov. in
regard to Jury Law

Mr. McKim, pursuant to leave given, presented a Bill for enabling Justices of the Peace to try Actions of Tresspass and Trover in certain cases, and the same was read a first time.

Summary Tresspass
&c. Bill presented

Ordered, That the Bill be referred to Mr. McKim, Mr. Young, and Mr. Morton, to examine and report thereon to this House.

Referred to Select
Com.

Then the House adjourned until To-morrow, at twelve of the clock.

Wednesday, 8th January, 1840.

PRAYERS.

An Engrossed Bill for enabling persons indicted for Felony to make their defence by Counsel, was read a third time.

Engrossed Prison-
ers' Counsel Bill
passed, &c.

Resolved, That the Bill do pass, and that the title be, An Act for enabling persons indicted for Felony to make their defence by Counsel.

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

A Petition of Daniel Whitman, Junior, and others, members of the Baptist Church and Congregation at New Albany, County of Annapolis, and others, friendly to the objects of the Nova-Scotia Baptist Education Society, was presented by Mr. Whitman and read, and two other Petitions, one of James Soley and others, members of the Baptist Church and Congregation at Economy and Five Islands, and others, friendly to the objects of said Society, and the other, of David B. Lynds and others, members of the Baptist Church and Congregation at Onslow, and others, friendly to the objects of said Society, were presented by Mr. Upham and read—said three Petitions, respectively, praying for an Act of Incorporation of "the Queen's College at Horton," and for pecuniary aid to that Institution.

Petitions Queen's
College

Ordered, That the Petitions do lie on the Table.

On motion of Mr. Young, *Resolved*,

Whereas, as the Legislature of this Province has been authorised by Her Majesty's Government to pass an Act empowering the Officers of the Customs to collect and pay into the Provincial Treasury, all Duties now or hereafter to be imposed by the Provincial Acts, and this House is desirous of framing a Bill, with suitable Clauses and Provisions for that purpose, during the present Session. *And whereas*, the Officers of the Customs in Lower Canada collect both the Imperial and Colonial Duties, and have had the necessary forms of Entries, Bonds, and other Papers in use for many years, copies of which might be of essential service in framing the aforesaid Bill, and organising the new system proposed to be introduced into this Province—*Resolved therefore*, that a Committee be appointed to wait on the Lieutenant-Governor, and respectfully request that His Excellency would be pleased to apply to the Right Hon. the Governor-General, to direct the proper Officers at Quebec or Montreal to furnish to His Excellency the Lieutenant-Governor, with as little delay as possible, copies of all such Forms, Documents, and Papers, as may be thought most useful for the information and guidance of this House, in the premises, and the expence of preparing which this House will provide for.

Committee to re-
quest Gov. to ob-
tain Forms from
Custom House
L. Canada

Ordered, That the Hon. Mr. Dewolf, Mr. Dickson, and Mr. Fairbanks, be a Committee for the above purpose.

The Hon. Mr. Uniacke, pursuant to leave given, presented a Bill to provide for building a Bridewell, and the same was read a first time.

Bridewell Bill pre-
sented

Ordered,

WEDNESDAY, 8th JANUARY, 1840.

Ordered, That the Bill be referred to the Hon. Mr. Uniacke, Mr. Fairbanks, Mr. Huntington, Mr. Bell, and Mr. Morton, to examine, and report thereon to this House.

Message from Council

A Message from the Council by Mr. Halliburton :

Mr. Speaker,

Agree to Juries Bill with amendment

The Council have agreed to the Bill, entitled, An Act to continue and amend the Act for the Regulation of Juries, and to render valid the proceedings of certain Grand Juries, with an amendment, to which amendment they desire the concurrence of this Hon. House. And then the Messenger withdrew.

Amendment agreed to

The said amendment of the Council to the Bill, entitled, An Act to continue and amend the Act for the Regulation of Juries, &c., was read a first and second time, and is as followeth :

Fourth clause.—After the word “or” in the seventh line, insert the words “made valid.”

On motion, *resolved*, that the said amendment be agreed to.

Ordered, That the Clerk do carry the Bill and amendment back to the Council, and acquaint them that this House have agreed to the amendment.

Com. on Education appointed

On motion of Mr. Howe, *resolved*, that there be a Committee appointed on Education, to whom all Petitions and other matters now before the House, or hereafter coming before it, on the subject of Education, should be referred ; and that they do, from time to time, report to this House thereon, and upon the subject of Education generally, with a view of establishing a better system in regard thereto, in this Province, by Assessment, or otherwise.

Assessment for Education proposed

Ordered, That Mr. Howe, Mr. Fairbanks, Mr. Upham, Mr. Forrestall, Mr. Bell, the Hon. Mr. Dewolf, Mr. Holland, Mr. Young, and Mr. Lewis, be a Committee for the foregoing purpose.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Agree to amended Juries Bill

The Council have agreed to the Bill, entitled, An Act to continue and amend the Act for the Regulation of Juries, and to render valid the proceedings of certain Grand Juries, as amended.

Name their Com. on Public Accounts

The Council have appointed Mr. Almon, Mr. Campbell, and Mr. Ratchford, a Committee to join the Committee of this Honourable House, to examine the Public Accounts.

And then the Messenger withdrew.

Petition from Lunenburg against management of School Commissioners, &c.

A Petition of Edward James and others, also a Petition of Donald A. Fraser, were presented by Mr. Howe and read, respectively, complaining of the composition and proceedings of the Board of School Commissioners in the County of Lunenburg, especially in reference to the permanent continuance of the Rev. James C. Cochrane, of the Church of England, as teacher in the Academy there, receiving Provincial aid, he having been only temporarily appointed thereto, and devoting but little of his time to the Institution, and praying that Legislative enactments may be made for the better regulation both of said Academy, and the common School, called the National School, receiving Provincial aid in Lunenburg.

Referred to Education Com. with other Petitions

Ordered, That the Petitions be referred to the Committee on Education, together with all Petitions heretofore presented on the subject of Education.

Pet. of C. Hall Bounties to Masters of Whalers

A Petition of Charles William Henry Hall of Halifax, Master Mariner, and Master of the Barque Rose, of the Port of Halifax, was presented by Mr. Howe and read, setting forth that the Petitioner had been engaged in Whaling Voyages out of this Port, since the year 1828, and had been before the mast, Boat Steerer, Mate, and during the last Voyage, Master : that large sums of money have been paid under Acts of the Legislature, as Bounties to Officers and others, on Board of Whaling Vessels out of this Province, but that Petitioner had received nothing thereof : that said Acts do not provide any Bounty to the Master of the Vessel, and praying a Grant of a sum of money.

Ordered, That the Petition do lie on the Table.

WEDNESDAY and THURSDAY, 8th and 9th JANUARY, 1840.

A Petition of Andrew Henderson, Teacher of the Albion Academy, near Annapolis Royal, was presented by Mr. Holland and read, praying continued aid to that Institution.

Ordered, That the Petition be referred to the Committee on Education.

Pet. of Andrew Henderson for aid to Albion Academy
Ref. to Com. on Education

Then the House adjourned until To-morrow, at twelve of the clock.

Thursday, 9th January, 1840.

PRAYERS.

A Petition of Francis Walker and others, of the Eastern District of Dalhousie, was presented by Mr. Holland and read, praying aid in the erection of an Oat-Mill and Kiln.

Ordered, That the Petition do lie on the Table.

Petition for aid to Oatmill at Dalhousie

A Petition of the Overseers of the Poor for the Township of Yarmouth, was presented by Mr. Clements and read, praying reimbursement of the expenses of certain Transient Paupers.

Ordered, That the Petition be referred to Mr. Clements, Mr. Dickey, and Mr. Morton, to examine and report upon to this House.

Pet. of Overseers of Yarmouth
Referred to Select Com.

A Petition of Henry Greggs Farish, Collector of Colonial Duties for the District of Yarmouth, was presented by Mr. Huntington and read, praying that in the event of the proposed Union of the Customs and Excise Departments being carried into effect, provision may be made for the retiring Collectors.

Pet. of H. G. Farish Collector of Excise at Yarmouth

Ordered, that the Petition be referred to the Committee on the subject of uniting the Customs and Excise Departments.

Ref. to Sel. Com.

On motion of Mr. Allison, *resolved*, that a Committee be appointed to take into consideration, and report to this House, upon the best method of encouraging and promoting the Agriculture of the Province.

Com. on Agriculture

Ordered, That Mr. Allison, Mr. Young, Mr. Morton, Mr. Holmes, Mr. D'Entremont, Mr. McKim, and Mr. Waterman, be a Committee for the above purpose.

Ordered, That the Petition of Francis Walker and others, presented this day, be referred to the said Committee.

Pet. of F. Walker referred to the Com.

A Petition of the King's County Agricultural Society, was presented by the Hon. Mr. Dewolf and read, praying the Incorporation of a Provincial Agricultural Society, with adequate Funds, with Provisions for the Incorporation of all Agricultural Societies in the Province, or that, in case of such extensive measures not being adopted, the Petitioning Society may be aided by a Grant of Money or otherwise.

Pet. of King's County Agricultural Society

Ordered, That the Petition be referred to the Committee on Agriculture.

Referred to Com. on Agriculture

On motion of Mr. Lewis, *resolved*, that it is expedient to enquire into the causes and progress of the evils arising from the intemperate use of Ardent Spirits in this Province, with a view of discovering the best practical means of checking the progress of this evil, and to diffuse information respecting the true causes thereof; and therefore, *Resolved*, that a Committee be appointed to obtain information on this subject, to consist of not less than five Members, with power to send for persons and papers, and to report thereon to this House as early in this Session as possible.

Temperance Com. appointed

Ordered, That Mr. Lewis, the Hon. Mr. Dewolf, Mr. Waterman, Mr. McKim, and Mr. Holland, be a Committee for the above purpose.

Mr. McKim, pursuant to leave given, presented a Bill relating to Wheels employed for the Carriage of Timber and Lumber, and the same was read a first time.

Bill presented relating to Carriage Wheels

Ordered, That the Bill be referred to Mr. McKim, the Hon. Mr. Dewolf, Mr. Smith, Mr. Fairbanks, and Mr. Dickson, to examine and report thereon to this House.

Ref. to Sel. Com.

A Message from His Excellency the Lieutenant Governor, by the Gentleman Usher of the Black Rod,

Message from Lt. Gov. who assents to Juries Bill

Mr. Speaker,

His Excellency the Lieutenant-Governor, commands this Hon. House to attend His Excellency immediately in the Council Chamber.

E

Accordingly

THURSDAY and FRIDAY, 9th and 10th JANUARY, 1840.

Accordingly Mr. Speaker with the House attended His Excellency in the Council Chamber, and, being returned,

Mr. Speaker reported that the House had attended His Excellency in the Council Chamber; and that His Excellency was there pleased to give his assent to the Bill, entitled, An Act to continue and amend the Act for the Regulation of Juries, and to render valid the proceedings of certain Grand Juries.

Then the House adjourned until To-morrow, at Twelve of the clock.

Friday, 10th January, 1840.

PRAYERS.

Report on Petitions for Return of Duties Mr. Huntington reported from the Select Committee to whom were referred the Petitions of Elbridge G. Fuller and Richard Huntington, respectively, praying returns of Duties on Importations; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 12.)

Adopted *Resolved*, That the Report be adopted, and do lie on the Table.

Confession of Judgments Bill presented Mr. Archibald, pursuant to leave given, presented a Bill to reduce the Expences of Suits at Law on Judgments by Confession; and the same was read a first time, and ordered to be read a second time.

Douglas division Bill presented Mr. Smith, pursuant to leave given, presented a Bill to divide the Township of Douglas, and to establish the bounds thereof; and the same was read a first time, and ordered to be read a second time.

Rawdon bounds Bill presented Mr. Smith, also pursuant to leave given, presented a Bill to establish the Limits of the Township of Rawdon; and the same was read a first time, and ordered to be read a second time.

Justices' Jurisdiction Bill reported on Mr. McKim reported from the Select Committee to whom was referred the Bill for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases—that the Committee had made an amendment, which they had directed him to report to the House with the Bill; and he delivered the Bill and amendment in at the Clerk's Table, where the said amendment was read.

Motion to defer negative On motion, the said Bill and amendment were read a second time; and thereupon, Mr. Young moved, that the further consideration of the Bill and amendment be deferred until this day three months: which, being seconded and put, and the House dividing thereon, passed in the negative.

Bill, &c. committed *Ordered*, That the Bill and amendment be committed to a Committee of the whole House.

Report from Com. to wait on Gov. relative to union of Customs, &c. The Hon. Mr. Dewolf reported from the Select Committee appointed on Wednesday last to wait upon His Excellency the Lieutenant-Governor, and request His Excellency to apply to the Right Hon. the Governor General to direct the proper Officer at Quebec or Montreal to furnish Custom House Forms, &c.—that the Committee had performed the duty assigned to them, and that His Excellency, in answer to the application, was pleased to say that he would attend to the request of the House.

Pet. of Thos. Munro burnt Province Note A Petition of Thomas Munro, was presented by Mr. Holmes and read, praying that a Provincial Treasury Note of One Pound, which belonged to him, and was accidentally destroyed by burning, may be replaced by grant from the Treasury.

Ordered, That the Petition do lie on the Table.

Assemblies Limitation Bill read 2d time A Bill for limiting the duration or continuance of the General Assemblies, was read a second time; and thereupon,

Motion to defer negative The Hon. Mr. Uniacke moved that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, eight; against it, twenty-nine:

For

For the motion,

The Hon. Mr. Uniacke
Mr. Dickey
Mr. Fairbanks
Mr. Benjamin
The Hon. Mr. Dewolf
Mr. Whitman
Mr. Miller
Mr. J. Sargent

Against the motion,

<i>Mr. Waterman</i>	<i>Mr. Allison</i>	<i>Mr. Clements</i>
<i>Mr. Hatton</i>	<i>Mr. Forrester</i>	<i>Mr. Morton</i>
<i>Mr. Holdsworth</i>	<i>Mr. McLellan</i>	<i>Mr. Howe</i>
<i>Mr. Dickson</i>	<i>Mr. Smith</i>	<i>Mr. Holmes</i>
<i>Mr. W. Sargent</i>	<i>Mr. Holland</i>	<i>Mr. McKim</i>
<i>Mr. Archibald</i>	<i>Mr. Forrestall</i>	<i>Mr. Lewis</i>
<i>Mr. Elder</i>	<i>Mr. Bell</i>	<i>Mr. Chipman</i>
<i>Mr. McDonald</i>	<i>Mr. Young</i>	<i>Mr. Doyle</i>
<i>Mr. D'Entremont</i>	<i>Mr. Annand</i>	<i>Mr. Huntington</i>
<i>Mr. Thorne</i>	<i>Mr. Upham</i>	

So it passed in the Negative.

Ordered, That the Bill be committed to a Committee of the whole House.

Bill committed

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed. Committee on Bills

Mr. Speaker left the Chair,
 Mr. Smith took the Chair of the Committee,
 Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had gone through the Bill for limiting the duration or continuance of the General Assemblies, and had directed him to report the same to the House without amendment, and he thereupon delivered the Bill in at the Clerk's Table. Assemblies' Quadrennial Limitation Bill reported and ordered to be engrossed

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which was agreed to by the House.

Ordered, That the Bill be engrossed.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Saturday, 11th January, 1840.

PRAYERS.

Mr. Morton, pursuant to leave given, presented a Bill concerning the Judiciary of this Province, and the same was read a first time, and ordered to be read a second time. Judiciary Bill presented

A Petition of Medical Practitioners and other inhabitants of the Town of Halifax, was presented by Mr. Bell and read, praying the establishment of a Provincial Hospital at Halifax. Pet. for Hospital

Ordered, That the Petition be referred to Mr. Bell, Mr. Young, Mr. Howe, Mr. Forrester, Mr. Morton, Mr. Chipman, and Mr. Smith, to examine and report upon to the House. Ref. to Sel. Com.

An engrossed Bill for limiting the duration or continuance of the General Assemblies, was read a third time. Engrossed Quadrennial Bill passed, &c.

Resolved, That the Bill do pass, and that the title be, An Act for limiting the duration or continuance of the General Assemblies.

Ordered, That the Clerk do carry the Bill to the Council and desire their concurrence.

A Bill to reduce the expenses of Suits at Law upon Judgments by Confession.

A Bill to divide the Township of Douglas, and to establish the bounds thereof, and

A Bill to establish the limits of the Township of Rawdon, were severally read a second time. Judgments by Confession Bill Douglas division Bill And Rawdon limits Bill read 2d time and committed

Ordered, That the Bills be committed to a Committee of the whole House.

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed. Committee on Bills

Mr. Speaker left the Chair,
 Mr. Smith took the Chair of the Committee,
 Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases, and had Report Justices' Trespass Bill with amendments

Douglas and Rawdon Bill without amendment

had made sundry amendments thereto, which they had directed him to report to the House, with the Bill—that they had also gone through the Bill to divide the Township of Douglas, and to establish the bounds thereof, and the Bill to establish the limits of the Township of Rawdon, and had directed him to report the two last mentioned Bills to the House, without any amendment; and that the Committee had considered the Bill to reduce the expenses of Suits at Law on Judgments by Confession, and recommend to the House to refer said Bill to a Select Committee, to examine and report upon to the House.

Judgments by Confession Bill to Sel. Com.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which the House agreed to.

Orders on Bills reported

The amendments to the first mentioned Bill reported from the Committee were read by the Clerk, and upon the question put thereon, were agreed to by the House.

Judgments by Confession Bill referred to Sel. Com.

Ordered, That the Bill, with the amendments, be engrossed.

Ordered, That the Bills reported without amendment, be engrossed.

Ordered, that the Bill to reduce the expenses of Suits at Law on Judgments by Confession, be referred to Mr. Archibald, Mr. Fairbanks, and Mr. Young, to examine and report upon to the House.

Then the House adjourned until Monday next, at twelve of the clock.

Monday, 13th January, 1840.

PRAYERS.

Pet. from Five Islands for annexation to Colchester

A Petition of Jonathan Morrison and others, Freeholders and Inhabitants of Five Islands, in the Township of Parrsborough, King's County, was presented by Mr. McLellan and read, praying the annexation of that Settlement to the County of Colchester.

Ordered, That the Petition do lie on the Table.

Bill presented to annex Five Islands to Colchester

Mr. McLellan, pursuant to leave given, presented a Bill for annexing Five Islands to the County of Colchester, and the same was read a first time, and ordered to be read a second time.

Resolution for Com. on Trade and Manufactures

On motion of Mr. Young, *resolved*, that a Committee be appointed to consider and report upon all matters connected with the Trade, Commerce, and Manufactures of the Province.

Com. named

Ordered, That Mr. Young, Mr. W. Sargent, Mr. Bell, Hon. Mr. Uniacke, Mr. Huntington, Mr. Dickson, Hon. Mr. Dewolf, Mr. Forrester, and Mr. Morton, be a Committee for the above purpose.

Bill presented to abolish one sitting of Common Pleas in Truro

Mr. McLellan, pursuant to leave given, presented a Bill to abolish one sitting of the Inferior Court in Truro, and the same was read a first time, and ordered to be read a second time.

Judiciary Bill read 3d time
Motion to defer carried

A Bill concerning the Judiciary of this Province, was read a second time; and thereupon, Mr. Young moved that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-one; against it, fourteen:

For the motion,

Mr Fairbanks
Mr DesBurres
Mr Young
Mr Miller
Mr McDonald
Mr Dickey
Mr Smith
Mr Holmes
Mr Bell
Mr Hallon
Mr Waterman
Mr Holland
Mr Archibald
Mr McLellan
Mr Allison
Mr McHefly
Mr Upham
The Hon Mr Uniacke
Mr Thorne
Mr Whitman
Mr W Sargent

Against the motion,

Mr Dickson
Mr Holdsworth
Mr Forrestall
Mr Lewis
Mr D'Entremont
Mr Norton
Mr Howe
Mr McKim
Mr Benjamin
Mr Annand
Mr Clements
Mr Huntington
Mr Chipman
Mr Forrester

So it passed in the affirmative.

Bill deferred

Ordered, That the further consideration of the Bill be deferred until this day three months.

MONDAY and TUESDAY, 13th and 14th JANUARY, 1840.

- A Petition of the Overseers of the Poor for the Township of Economy, was presented by Mr. McLellan and read, praying reimbursement of the expences of a Transient Pauper. Pet. of Overseers for Economy
Ordered, That the Petition be referred to the Select Committee on the Petition of the Overseers of the Poor for Yarmouth; to examine and report upon. Ref. to Sel. Com.
- A Petition of William Johnson, Sen. was presented by Mr. Holdsworth and read, praying a Bounty upon the erection of an Oatmill and Kiln at Digby Neck. Pet. for Oatmill at Digby Neck
Ordered, That the Petition be referred to the Committee on Agriculture. Ref. to Com. on Agriculture
- A Petition of James Rogers, of Liverpool, in this Province, was presented by Mr. Howe and read, setting forth his services, losses, and loyalty on behalf of the British Government in the American Revolutionary War, and his subsequent employment as a Deputy Prothonotary and otherwise at Liverpool, and praying aid in his advanced old age. Pet. of James Rogers for aid
Ordered, That the Petition do lie on the Table.
- A Petition of Mary Bolman and others, heirs of Dr. Bolman, was presented by Mr. Howe and read, praying reimbursement of loss sustained by them in the taking of land for a Public Road, and otherwise in relation thereto. Pet. of heirs of Dr. Bolman for compensation for land taken for road
Ordered, That the Petition do lie on the Table.
- Mr. Howe, pursuant to leave given, presented a Bill to appoint a New Board of Governors for Dalhousie College, and the same was read a first time, and ordered to be read a second time. Bill presented to appoint Governors for Dalhousie College
- On motion of the Hon. Mr. Uniacke, *resolved,* that a Committee be appointed to revise the Laws relating to Insolvent Debtors, and to report on the policy of abolishing imprisonment for Debt in this Province. Com. on Insolvent Laws and Imprisonment for Debt
Ordered, That the Hon. Mr. Uniacke, Mr. Bell, the Hon. Mr. Dewolf, Mr. Fairbanks and Mr. Young, be a Committee for the above purpose.
- Mr. Dickey, pursuant to leave given, presented a Bill to regulate the Shad Fishery in the County of Cumberland, and the same was read a first time, and ordered to be read a second time. Bill to regulate Shad fishery Cumberland
- Mr. Young, pursuant to leave given, presented a Bill to improve the Administration of the Law, and to reduce the number of Courts of Justice to be holden within Nova-Scotia proper, and to diminish the expence of the Judiciary therein, and the same was read a first time, and ordered to be read a second time. Bill to improve administration of the Laws, &c.
- Then the House adjourned until To-morrow, at twelve of the clock.
-
- Tuesday, 14th January, 1840.*
-
- PRAYERS.**
- A Petition of Robert Roberts, High Sheriff of the County of Queen's, was presented by Mr. Fairbanks and read, praying compensation for his services and expence incurred in making a seizure of Smuggled Goods near Liverpool, the proceeds of which have been nearly absorbed in the payment of Customs Duties and expences of condemnation. Pet. of Sheriff of Queen's Co. for Compensation for expence of Seizure
Ordered, That the Petition be referred to Mr. Huntington, Mr. Goudge and Mr. Morton, to examine into the merits thereof and report thereon to this House. Ref. to Sel. Com.
- A Petition of Henry Holland and others, was presented by Mr. Holland and read, praying that an Old Road in the Western District of New Canaan Road, in Wilmot, may be shut up and appropriated by those whose lands have been taken for making a New Road, they having had no compensation therefor. Pet. to shut up old Road in Wilmot
Ordered, That the Petition be referred to Mr. Holland, the Hon. Mr. Dewolf and Mr. Fairbanks, to examine, and report upon to this House by Bill or otherwise. Ref. to Sel. Com.
- A Petition of Ebenezer F. Harding, M. D. was presented Mr. McHeffy and read, praying remuneration for Medical attendance and Medicines furnished to a Transient Pauper at Windsor. Pet. of Dr. Harding for remuneration for aid to Transient Pauper in Windsor
Ordered,

TUESDAY, 14th JANUARY, 1840.

Ref. to Sel Com.

Ordered, That the Petition be referred to the Committee to whom was referred the Petition of the Overseers of the Poor for the Township of Yarmouth, who are also to examine and report to the House upon the merits of this Petition.

Bill to provide for transient Paupers

Mr. McLellan, pursuant to leave given, presented a Bill to provide for the payment of expences incurred in the support and removal of Transient Paupers, in certain cases, and the same was read a first time, and ordered to be read a second time.

Pet. for Charter & aid to Queen's College

A Petition of the Rev. T. H. Porter and others, Members of the Baptist Church and Congregation at Port Medway, and others, friendly to the objects of the Nova-Scotia Baptist Education Society, was presented by Mr. Waterman; and a Petition of Harris Harding and others, Members of the Baptist Churches and Congregations at Yarmouth, and others, friendly to the objects of said Society, was presented by Mr. Huntington, and said Petitions were respectively read, praying that a Charter may be granted to Queen's College in Horton, with pecuniary aid to that Institution.

Ref. to Education Com.

Ordered, That the Petitions be referred to the Committee on Education.

Pet. for aid to Lunenburg Academy

A Petition of John C. W. Rudolf and others, was presented by Mr. Creighton and read, praying further aid to the Academy at Lunenburg.

Ref. to Education Com.

Ordered, That the Petition be referred to the Committee on Education.

Pet. of John Wile for payment for building LaHave Bridge

A Petition of John Wile, was presented by Mr. Creighton and read, setting forth his having built a Bridge over LaHave River by Contract with the Commissioners, and complaining of the withholding of part payment therefor, and praying redress.

Ref. to Sel. Com.

Ordered, That the Petition be referred to Mr. Waterman, Mr. Goudge, Mr. Holland, Mr. Elder and Mr. Young, to examine into the merits thereof, and report thereon to this House, with power to send for persons and papers.

Pet. of Mr. Hatton for return of duties

A Petition of Henry Hatton, was presented by Mr. Holmes and read, praying a return of duties paid by him upon articles destroyed by fire, upon the accidental burning of one of his Stores in Pictou.

Ref. to Com. on trade

Ordered, That the Petition be referred to the Committee on Trade.

Five Islands Bill read 2d time

A Bill for annexing Five Islands to the County of Colchester, was read a second time; and thereupon,

Pet. from Parrsborough to be made a County

A Petition of John Fisher and others, of Parrsborough, in King's County, was presented by the Hon. Mr. Dewolf and read, praying the erection of that Township, together with a part of the County of Cumberland, into a separate and distinct County.

Motion to refer Bill and Pet. to Sel. Com. negatived

The Hon. Mr. Dewolf then moved that the Bill and Petition be referred to a Select Committee to examine and report upon to the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, seventeen; against it, twenty-one. So it passed in the negative.

Bill and Petitions committed

Ordered, That the Bill and Petition, together with the Petition presented yesterday on the subject of annexing Five Islands to Colchester, be committed to a Committee of the whole House.

Pet. from Advocate Harbor in Parrsborough for annexation to Cumberland

A Petition of David Loomer, Senior, and others, of Advocate Harbour, in the Township of Parrsborough, was presented by Mr. Chipman and read, praying that Parrsborough may be annexed to the County of Cumberland, with the privilege of sending a Representative to the General Assembly.

Referred to Com. on Bills

Ordered, That the Petition be referred to the Committee of the whole House on Bills committed, to be there considered with the Bill for annexing Five Islands to the County of Colchester.

Com. on Bills

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The

TUESDAY and WEDNESDAY, 14th and 15th JANUARY, 1840.

The Chairman reported from the Committee that they had considered the Bill for annexing Five Islands to the County of Colchester, with the Petitions therewith referred to the Committee, and recommend that the Bill and Petitions be referred to a Select Committee, to examine and report upon to the House.

Recommend Five Islands Bill and Petitions to Sel. Com.

The Chairman further acquainted the House, that he was directed by the Committee to move for leave to sit again on the consideration of Bills committed, which the House agreed to.

Ordered, That the Bill and Petitions be referred to Mr. DesBarres, Mr. Huntington, Mr. Young, Mr. Annand, Mr. Goudge, Mr. Forrestall and Mr. McHeffy, to examine and report upon to the House.

Bill and Petitions referred to Sel. Com.

On motion of Mr. Benjamin, *resolved*, that a Committee be appointed to revise the Militia Act for the better defence of this Province, and to report by Bill or otherwise.

Committee on Militia Act

Ordered, That Mr. Chipman, Mr. Young, Mr. Bell, Mr. Creighton and the Hon. Mr. Uniacke, be a Committee for the above purpose.

Then the House adjourned until To-morrow, at twelve of the clock.

Wednesday, 15th January, 1840.

PRAYERS.

Ordered, That Mr. Annand be added to the Committee on Agriculture.

Mr. Annand added to Com. on Agriculture

A Petition of Hugh Smith was presented by Mr. Allison and read, praying aid in establishing a Manufactory at Newport, for Tanning Leather upon an improved principle.

Petition of Hugh Smith for aid in establishing Tannery at Newport Ref. to Agricultural Com.

Ordered, That the Petition be referred to the Committee on Trade and Manufactures.

A Bill to regulate the Shad Fishery in the County of Cumberland, was read a second time.

Cumberland Shad fishery Bill read 2d time

Ordered, That the Bill be referred to Mr. Huntington, Mr. DesBarres, the Hon. Mr. Uniacke, Mr. Dickey, and Mr. McDonald, to examine, and report thereon to this House: and that they be also a Committee to report, generally, in regard to the River and Shore Fisheries of this Province.

Ref. to Sel. Com. on River & Shore Shore Fisheries

A Bill to appoint a new Board of Governors for Dalhousie College, was read a second time.

Dalhousie College Bill read 2d time &

Ordered, That the Bill be committed to a Committee of the whole House.

Committed

On motion of Mr. Howe, *resolved*, that a Committee be appointed to consider the practicability and expediency of establishing a Daily communication with St. John, New Brunswick, by Stage and Steam Boats; also, a communication by Steam, with Causeau, Arichat, Sydney, and St. John, Newfoundland, and generally such other improvements as may be made in the Mail Routes, and internal communications of the Province.

Resolution for Com. on communication with New-Brunswick, &c. by Steam Boats, &c— & on Mail routes generally

Resolved, That the said Committee have power to call upon the Executive for information and co-operation, and to correspond with similar Committees that may be appointed by the Legislatures of the adjoining Colonies, and to report from time to time to the House.

Com. have power to call upon Executive for papers. &c.

Ordered, That Mr. Howe, Mr. Morton, Mr. Archibald, Mr. Huntington, and Mr. Fairbanks, be a Committee for the above purpose.

Com. named.

A Bill to improve the Administration of the Law, and to reduce the number of Courts of Justice to be holden within Nova-Scotia Proper, and to diminish the expense of the Judiciary therein, was read a second time, and thereupon,

Judiciary Bill read 2 time & committed on division

Mr. Young moved, that the Bill be committed to a Committee of the whole House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, thirty-two; against it, seven:

For

For the motion,			Against the motion,
<i>Mr Chipman</i>	<i>Mr Fairbanks</i>	<i>Mr Upham</i>	<i>Mr Whitman</i>
<i>Mr Goudge</i>	<i>Mr Smith</i>	<i>Mr Clements</i>	<i>Mr Miller</i>
<i>Mr Young</i>	<i>Mr Holdsworth</i>	<i>Mr W. Sargent</i>	<i>Mr McKim</i>
<i>Mr D'Entremont</i>	<i>Mr Allison</i>	<i>Mr Bell</i>	<i>Mr Dickson</i>
<i>Mr Archibald</i>	<i>Mr Waterman</i>	<i>Mr Thorne</i>	<i>Mr Norton</i>
<i>Mr Howe</i>	<i>Mr Forrester</i>	<i>Mr Annand</i>	<i>Mr Lewis</i>
<i>Mr McLaffy</i>	<i>Mr Forrestall</i>	<i>Mr Hutton</i>	<i>Hon Mr Dewolf</i>
<i>Mr Dickey</i>	<i>Mr Des Barres</i>	<i>Mr Holmes</i>	
<i>Mr Benjamin</i>	<i>Mr McLellan</i>	<i>Mr Elder</i>	
<i>Mr Creighton</i>	<i>Mr Holland</i>	<i>Mr McDonald</i>	
<i>Mr J Sargent</i>	<i>Mr Huntington</i>		

So it passed in the affirmative.

Ordered, That the Bill be committed to a Committee of the whole House.

Com. on Bills On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Judiciary Bill to be referred to Select Com.

The Chairman reported from the Committee, that they had had under consideration the Bill to improve the Administration of the Law, &c. and had agreed to recommend to the House, to refer the same to a select Committee, to examine and report upon to the House, and he delivered the Bill in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which the House agreed to.

Judiciary Bill ref. to Sel. Com.

Ordered, That the Bill to improve the Administration of the Law, &c. be referred to Mr. Young, Mr. Fairbanks, Mr. Huntington, Mr. Des Barres, Mr. Forrester, Mr. Dickey, and Mr. Smith, to examine and report upon to this House.

Then the House adjourned until To-morrow, at Twelve of the clock.

Thursday, 16th January, 1840.

PRAYERS.

Petition for Charter & aid to Queen's College

A Petition of Members of the Baptist Church and Congregation at Brookfield, in the Northern district of Queen's County and others, was presented by Mr. Fairbanks: a Petition of Members of the Baptist Church and Congregation at Tusket and Argyle and others, was presented by Mr. Huntington; and a Petition of Members of the Baptist Church and Congregation at Bridgetown, and others, was presented by Mr. Thorne; and the said Petitions were read, respectively praying that a Charter of Incorporation may be granted to the Queen's College at Horton, with pecuniary aid thereto.

Ordered, That the Petitions be referred to the Committee on Education.

Referred to Com. on Education

Pet. from Bridgetown for Lock-up House

A Petition of Magistrates and others, Inhabitants of Bridgetown, in the County of Annapolis, was presented by Mr. Thorne and read, praying the establishment of a Lock-up-house at that place.

Ref. to Mr. Thorne with leave to bring in Bill

Ordered, That the Petition be referred to Mr. Thorne, with leave to bring in a Bill in accordance with the prayer thereof.

Pet. for aid to Annapolis Academy Ref. to Com. on Education

A Petition of the Trustees of the Annapolis Academy, was presented by Mr. Whitman and read, praying further aid to that Institution.

Ordered, That the Petition be referred to the Committee on Education.

Pet. of E. Morton Collector of Excise Digby for annuity

A Petition of Elkanah Morton, Collector of Colonial duties for the Out Port of Digby, was presented by Mr. Holdsworth and read, stating the long and arduous services of Petitioner in that office, and, in contemplation of the office being united with the Customs department as proposed, and his being now Seventy-Eight Years of Age, praying that he may be allowed an Annuity during the remainder of his life.

Referred to Com. on union of Customs & Excise

Ordered, that the Petition be referred to the Committee on the subject of uniting the Customs and Excise Departments.

THURSDAY, 16th JANUARY, 1840.

A Petition of Members of the Baptist Church and Congregation, and others, at Sissiboo, in the Township of Digby, was presented by Mr. Holdsworth and read, praying that a Charter of Incorporation may be granted to the Queen's College at Horton, with pecuniary aid.

Pet. from Sissiboo for Charter & aid to Queen's College

Ordered, That the Petition be referred to the Committee on Education.

Ref. to Com on Education

Mr. McLellan, pursuant to leave given, presented a Bill for reducing the Interest on the Funded Debt of the Province; and the same was read a first time, and ordered to be read a second time.

Bill presented for reducing Interest on Funded Debt

A Bill to provide for the payment of expenses incurred in the support and removal of Transient Paupers, in certain cases, was read a second time; and thereupon,

Transient Pauper Bill read 2d time deferred 3 months

On Motion of Mr. Benjamin, *resolved,* that the further consideration of the Bill be deferred until this day three months.

A Petition of John F. Muncy, was presented by Mr. Howe and read, praying a grant of a bounty upon vessels employed by him during the last season in the Seal Fisheries, which bounty he had not received from the Treasury, in consequence of his Certificates having been sent in after the period limited by law.

Pet. of John F. Muncy for bounty on seal fisheries

Ordered, That the Petition be referred to the Committee on Trade.

Ref. to Com. on Trade

A Petition of Henry Green, was presented by Mr. Howe and read, setting forth his possessing an infallible cure for Cancers and Wens, and praying a grant of a sum of money for the disclosure of such secret or otherwise, for the attendance upon, and care of, poor persons.

Pet. of H. Green for Grant for disclosure of cure for Cancers & Wens

Ordered, That the Petition be referred to Mr. Clements, Mr. McKim and Mr. Goudge, to examine into the merits thereof, and to report thereon to this House.

Ref. to Sel. Com.

A Petition of William Crook, was presented by Mr. Howe and read, praying a grant of a sum of Fifteen Pounds expended by him in building a bridge at Lawrence Town, in the County of Halifax, under a commission for that purpose.

Pet. of W. Cook for sum expended in building Bridge at Lawrencetown

Ordered, That the petition be referred to Mr. Chipman, Mr. Lewis and Mr. Forrestall, to examine and report upon to the House.

Ref. to Sel. Com.

A Petition of Mary Bolman and Ann Bolman, was presented by Mr. Howe and read, setting forth the long services of their late Father Dr. Bolman as health officer at Lunenburg, without compensation, and praying some remuneration therefor.

Pet. of Mary Ann Bolman for remuneration for service of their father as health Officer

On Motion of Mr. Goudge, *resolved,* that Mr. Howe have leave to withdraw the Petition.

Pet. withdrawn

A Petition of Edward McLatchy and others, Inhabitants of Windsor, was presented by Mr. McHeffy and read, praying that a charter of Incorporation may be granted to Queen's College at Horton.

Pet. of Edw. McLatchy & al of Windsor for Charter & aid to Queen's College

Ordered, That the Petition be referred to the Committee on Education.

Ref. to Com. on Education

A Petition of Joseph Rickards, Acting Overseer of the Poor for the Township of Windsor, was presented by Mr. McHeffy and read, praying reimbursement of certain expences incurred there in the relief of Transient Paupers.

Pet. of J. Richards Overseer of the Poor at Windsor for transient pauper

Ordered, That the Petition be referred to the Select Committee on the Petition of the Overseers of the Poor for Yarmouth, who are also to examine and report upon this Petition.

Ref. to Com. on Pet. of Overseers of Poor for Yarmouth

A Petition of the Office Bearers and Committee of the Halifax Mechanics' Institute, was presented by Mr. Bell and read, praying further aid to that Institution.

Pet. of Halifax Mechanic's Institute

Ordered, That the Petition do lie on the Table.

A Petition of William Watt and others, was presented by Mr. W. Sargent and read, setting forth that William Watt, Junior, a Son of William Watt first named, had, in the past year, sustained severe wounds and injuries while employed in blasting rocks in working upon the Great Post Road through Barrington, by which his services had been lost to his Father for three months, and considerable expence had been incurred for Medical aid and

Pet. of W. Watt & al, for remuneration for injuries sustained by W. Watt jun while working on Roads

attendance, and praying some pecuniary allowance to the said William Watt therefor; and thereupon,

Motion for withdrawing Pet.

Mr. McLellan moved that Mr. W. Sargent have leave to withdraw the Petition: which, being seconded,

Amendment for reference to Select Com. carried on division

The Hon. Mr. Uniacke moved, as an amendment to the question, that the Petition be referred to a Select Committee, to examine and report upon the merits thereof to this House: which, being seconded and put, and the House dividing thereon, there appeared, for the amendment twenty; against it, fifteen. So it passed in the affirmative.

Com. named

Ordered, That the Petition be referred to the Hon. Mr. Uniacke, Mr. W. Sargent and Mr. Howe, for the above purpose.

Message from Council agreeing to Prisoners' Counsel Bill with amendments

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for enabling persons indicted for Felony to make their defence by Counsel, with an amendment—to which amendment they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Council's amendmt. to Prisoners' Counsel Bill read 1st and 2d time and agreed to

The amendment of the Council to the Bill, entitled, An Act for enabling persons indicted for Felony to make their defence by Counsel was read, and is as followeth:

“At the end of the Bill add the following clause:

“*And be it further enacted*, That this Act shall continue and be in force for two years, and from thence to the end of the then next Session of the General Assembly.”

The said amendment being then read a second time,

Resolved, That this House do agree to the amendment, and that the Clerk do carry the Bill and amendment to the Council, and acquaint them that this House have agreed to the said amendment.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Friday, 17th January, 1840.

PRAYERS.

Pet. of Rev. Mr. Uniacke for continuance of aid to School under his charge Referred to Com. on Education

A Petition of the Rev. R. F. Uniacke, was presented by Mr. Bell and read, praying a continuance of the aid to the Schools for poor children under his charge, in the North Suburbs of the Town of Halifax.

Ordered, That the Petition be referred to the Committee on Education.

Pet. for Custom House at Wilmot

A Petition of Isaac Landen and others, was presented by Mr. Holland and read, praying that a Custom House may be established in Wilmot, for the Entry and Clearance of Vessels on the Bay Shore there.

Ordered, That the Petition be referred to the Select Committee on the Union of the Customs and Excise Departments, to examine and report upon.

Referred to Com. on union of Customs and Excise

Pet. of H. Lyle for aid to Marine Railway

A Petition of Alexander Lyle, was presented by Mr. Howe and read, praying a grant of money in aid of the erection at Dartmouth of a Marine Slip or Railway, for the repair of Ships, upon an expensive and improved principle.

Ordered, That the Petition be referred to the Committee on Trade and Manufactures.

Referred to Com. on Trade, &c.

Com. to enquire into limits of Free Ports

On motion of Mr. Goudge, *resolved*, that a Committee be appointed to enquire into, and report, as to the Limits of the Ports of this Province, by order of Her Majesty, or of His late Majesty in Council, declared Free Ports, and to ascertain and report how, and by what authority, such Limits may be fixed and appointed.

Com. named

Ordered, That Mr. Goudge, Mr. Dickson, Mr. Fairbanks, Mr. Huntington, Mr. Doyle, Mr. Dickey, Mr. Smith, Mr. Creighton, and Mr. W. Sargent, be a Committee for the foregoing purpose.

Bridgetown Lock-up House Bill presented

Mr. Thorne, pursuant to leave given, presented a Bill to provide a Lock-up House at Bridgetown; and the same was read a first time, and ordered to be read a second time.

FRIDAY and SATURDAY, 17th and 18th JANUARY, 1840.

A Petition of James W. Nutting, Treasurer of the Nova Scotia Baptist Education Society, was presented by Mr. Chipman and read, praying a return of Duties paid at the Custom House, upon the importation from Boston, of certain Philosophical Apparatus for said Society.

Ordered, That the Petition be referred to Mr. Huntington, Mr. Doyle, and Mr. Morton, to examine and report upon to this House.

Pet. for return of duties on Philosophical Apparatus imported for N. S. Baptist Education Society

Ref. to Sel. Com.

A Petition of Charles McCarthy, was presented by Mr. Forrester and read, praying a return of Duties or a part thereof, paid by him at Bridgeport, in Cape Breton, and at Antigonish, upon a quantity of Shoes made by him and brought from St. John's, Newfoundland, he conceiving that such Duties were not legally due.

Ordered, That the Petition be referred to the Committee on Trade and Manufactures, to examine into the merits thereof, and to report thereon to this House.

Pet. of C. McCarthy for return of duties

Referred to Com. on Trade and Manufactures

A Message from the Council by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for enabling persons indicted for Felony to make their defence by Counsel, as amended.

And then the Messenger withdrew.

Message from Council agreeing to Prisoners' Counsel Bill as amended

A Petition of William C. Campbell and others, was presented by Mr. Chipman and read, praying aid in the erection of a School House in Cornwallis: and thereupon,

Mr. Goudge moved, that Mr. Chipman have leave to withdraw the Petition: which, being seconded and put, and the House dividing thereon, there appeared for the motion, sixteen; against it, ten:

So it passed in the affirmative.

Ordered, That Mr. Archibald have leave of absence during the next ensuing week, to attend the Court of Common Pleas at Truro, upon urgent business.

Pet. for School House in Cornwallis

Motion for withdrawing carried on division

Leave of absence to Mr. Archibald

Mr. Fairbanks, from the Select Committee on the Bill to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova Scotia, reported the said Bill without any amendment; and the same was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Report from Com. on Crown Lands Bill

Bill read 2d time and committed

Then the House adjourned until To-morrow, at twelve of the clock.

Saturday, 18th January, 1840.

PRAYERS.

Mr. McKim, pursuant to leave given, presented a Bill relative to the performance of Statute Labor by Owners of Lands; and the same was read a first time.

Ordered, That the Bill be referred to Mr. Holland, Mr. Morton, and Mr. Dickson, to examine and report upon to this House.

Bill relative to the performance of Statute Labor by owners of Lands
Ref. to Sel. Com.

A Petition of Doctors Grigor and Sterling, was presented by Mr. Bell and read, praying further aid to the Halifax Dispensary.

Ordered, That the Petition do lie on the Table.

Pet. for aid to Halifax Dispensary

A Petition of John McKay, was presented by Mr. Bell and read, setting forth the services of his late father and himself, in discovering, opening and working, the Coal Mines at Pictou, and his being entitled to payment of a sum of money therefor, upon the management of the Mines being taken from them by Government, of which sum he has only received a part, and praying relief and payment of the balance thereof.

Ordered, That the Petition be referred to Mr. Bell, Mr. Huntington and Mr. Dickson, to examine into the merits thereof, and report thereon to this House.

Pet. of J. McKay for sum of Money for working Coal Mines at Pictou

Ref. to Sel. Com.

A Petition of Members of the Baptist Church and Congregation at Nictau, and others, friendly

Pet. for Charter and aid to Queen's College

SATURDAY, 18th JANUARY, 1840.

friendly to the Interests of the Nova Scotia Baptist Education Society, was presented by Mr. Thorne; and a Petition of Members of the First Baptist Church and Congregation at Cornwallis, and others, friendly to the objects of the said Society, was presented by Mr. Chipman—and the same were read, respectively, praying a Charter of Incorporation for the Queen's College in Horton, with pecuniary aid thereto.

Ordered, That the Petitions be referred to the Committee on Education.

Ref. to Com. on Education

Pet. of Royal Acadian School Society for Act of Incorporation

A Petition of the Committee of the Acadian School, was presented by Mr. Forrester and read, praying an Act of Incorporation of the Royal Acadian School Society, for the purpose of enabling them to hold the lands upon which their School House is situate, the same being now vested in one individual in trust for the purposes of the Society.

Ref. to Mr. Forrester with leave to bring in Bill

Ordered, That the Petition be referred to Mr. Forrester, with leave to bring in a Bill pursuant to the prayer thereof.

Pet. of Baptist Association for Charter and aid to Queen's College

A Petition of Ministers and Messengers of Baptist Churches, assembled at the Annual Nova Scotia Baptist Association, held for the present year at Wilmot, in the County of Annapolis, was presented by Mr. Lewis and read, praying that an Act may be passed for Incorporating The Queen's College at Horton, with the power of conferring Degrees; and that a Grant may be made to the Nova Scotia Baptist Education Society, with such permanency as may be required for the encouragement of the objects of that Institution.

Referred to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

Message from Lt. Gov. commanding attendance of House

A Message from His Excellency the Lieutenant-Governor, by the Gentleman Usher of the Black Rod:

Mr. Speaker,

His Excellency the Lieutenant Governor commands this Honorable House to attend His Excellency immediately in the Council Chamber.

House attend Lt. Governor

Accordingly, Mr. Speaker, with the House, attended His Excellency in the Council Chamber; and being returned,

Governor assents to Prisoner's Counsel Bill

Mr. Speaker reported that the House had attended His Excellency in the Council Chamber, and that His Excellency was pleased to give his assent to the Bill, entitled, An Act for allowing Prisoners indicted for Felony to make their defence by Counsel.

Pet. of Joseph Read stating his having purchased a Lot of Crown Lands in Cumberland and his having been dispossessed thereof and praying relief

A Petition of Joseph Read, was presented by Mr. McKim and read, setting forth his having been dispossessed by writ of Intrusion, at the suit of the Crown, of a certain Grind-Stone Quarry and premises called Ragged Reef, at Minudie, in the County of Cumberland, which he had bought at a Public Sale of Crown Lands, and paid for, with promise of a Grant thereof, and praying reimbursement of his expences incurred, and compensation for his loss, by payment to him of the rents of said Quarry, since then received by Government, or other relief.

Ordered, That the Petition do lie on the Table.

Com. to wait on Gov. and request copies of papers connected with the purchase by Joseph Read of Crown Lands in Cumberland

On motion of Mr. McKim, *resolved,* that a Select Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request His Excellency will be pleased to cause to be laid before this House, Copies of all Papers, Documents and Petitions, relating to the purchase made by Joseph Read of a certain Lot of Crown Land upon the Joggin Shore, in the County of Cumberland, and from possession of which he was subsequently ejected at the suit of the Crown.

Com. named

Ordered, That Mr. Howe, Mr. Doyle and Mr. McKim, be a Committee for the above purpose.

Pet. of Cornwallis Agricultural Society for aid to import improved breeds of Stock, &c.

A Petition of the Cornwallis Agricultural Society, in King's County, was presented by Mr. Morton and read, praying the establishment of a Provincial Agricultural Society, supported by the Legislature, with ample funds, with pecuniary aid to the Petitioning Society, to enable them to import improved breeds of Stock, Sheep, Grain, &c.

Referred to Agricultural Com.

Ordered, That the Petition be referred to the Committee on Agriculture.

Pet. of S. C. Cochran & al. for bounty on Mills

A Petition of Samuel C. Cochran and others, was presented by Mr. McLellan and read, praying

SATURDAY and MONDAY, 18th and 20th JANUARY, 1840.

praying a Bounty upon Mills for manufacturing Wheat, Oats and Wood, erected by said Cochran and David Jenks, on the Little Bass River, in the lower part of Londonderry, adjoining Economy.

Ordered, That the Petition be referred to the Committee on Agriculture.

Ref. to Agricultural Com.

A Petition of Members of the Baptist Church and Congregation at Pugwash, and others, friendly to the objects of the Nova-Scotia Baptist Education Society, was presented by Mr. McKim and read, praying that an Act may be passed for Incorporating the Queen's College in Horton, with pecuniary aid thereto.

Pet. from Pugwash for Charter & aid to Queen's College

Ordered, That the Petition be referred to the Committee on Education.

Referred to Com. on Education

Mr. D'Entremont, pursuant to leave given, presented a Bill relative to Trespasses upon certain Islands in or near Argyle and Barrington, and the same was read a first time, and ordered to be read a second time.

Bill presented relative to Trespasses on certain Lands in Argyle

A Petition of Gilbert Totten and others, was presented by Mr. McLellan and read, praying that Folly Lake Settlement, in which Petitioners reside, may remain part of the County of Colchester, and not be annexed to the County of Cumberland.

Pet. of G. Totten & al. praying that Folly Lake Settlement may continue part of Colchester

Ordered, That the Petition do lie on the Table.

A Petition of James Brown and others, was presented by Mr. Archibald and read, praying a Grant in aid of providing a Ferry Boat for Horses, Waggons, &c. across the mouth of the Shubenacadie River, between Truro and Douglas.

Pet. of J. Brown & al. for aid to Ferry Boat over Shubenacadie River

Ordered, That the Petition do lie on the Table.

A Petition of Israel Embree and others, was presented by Mr. Lewis and read, praying that an Act may be passed for Incorporating Queen's College in Horton, with pecuniary aid therefor.

Petition of J. Embree and al. for Charter & aid to Queen's College

Ordered, That the Petition be referred to the Committee on Education.

Ref. to Education Com.

A Petition of Overseers of the Poor in Aylesford, was presented by Mr. Chipman and read, praying reimbursement of the expenses of certain Transient Paupers, supported by them during the two past years.

Pet. of Overseers of Poor Aylesford for expenses of Transient Paupers

Ordered, That the Petition be referred to the Select Committee on the Petition of the Overseers of the Poor for the Township of Yarmouth, who are also to examine into the merits of this Petition, and report thereon to this House.

Ref. to Sel. Com.

A Petition of Edmund Crowell, resident on the Seal Islands, was presented by Mr. J. Sargent and read, stating Petitioner's having increased his establishment of Boats and Apparatus for saving lives and property in cases of Shipwreck, and praying aid towards the expense thereof.

Pet. of E. Crowell of Seal Islands for aid to get Boats, &c.

Ordered, That the Petition do lie on the Table.

A Petition of John McLearn, of Horton, was presented by the Hon. Mr. Dewolf and read, stating that the Petitioner has charge of the Poor of that Township, by Contract with the Overseers, and praying payment to him from the Provincial Funds, of the expenses of certain Transient Paupers, not chargeable upon the Township.

Pet. of J. McLearn of Horton for expense of Transient Paupers

Ordered, That the Petition be referred to the Select Committee on the Petition of the Overseers of the Poor for the Township of Yarmouth, and that they examine into the merits of this Petition, and report thereon to the House.

Ref. to Sel. Com.

Then the House adjourned until Monday next, at ten of the clock.

Monday, 20th January, 1840.

The House met, and being counted by Mr. Speaker, it appeared that twenty-four Members, beside Mr. Speaker, were not present—yet, it being ten of the clock, Mr. Speaker took the Chair, and again counted the House, and twenty-four Members not being present, besides Mr. Speaker, the House was adjourned by Mr. Speaker, without a question first put, till to-morrow.

House adjourn for want of quorum

H

Tuesday,

TUESDAY, 21st JANUARY, 1840.

Tuesday, 21st January, 1840.

Pet. for Charter,
&c. to Queen's
College

A Petition of Joseph Dimock and others, Inhabitants of Chester, was presented by Mr. Creighton; and a Petition of Members of the Baptist Church, and others, at Antigonishe, was presented by Mr. McDougall; and the said Petitions were read, respectively, praying that the Queen's College at Horton may be incorporated, with pecuniary aid thereto.

Ordered, That the Petitions be referred to the Committee on Education.

Ref. to Com. on
Education

Pet. of E. Dewolf
& al. for Act to pro-
tect Fisheries in
Gaspereaux River
Horton

A Petition of Elisha Dewolf and others, Inhabitants of Horton, in King's County, was presented by Mr. Benjamin and read, praying that an Act may be passed to enforce the removal of obstructions in the Gaspereau River, in Horton, and to prevent the catching of Fish therein, for the space of three years—the Salmon and Gaspereau Fishery therein having been nearly destroyed by the erections of Walls, Wears, &c. for some time past.

Ordered, That the Petition be referred to the Committee on the River and Shore Fisheries.

Ref. to Com. on
River and Shore
Fisheries

Pet. of E. Freeman
& al. of Queen's
County for mea-
sures for suppress-
ion of Intemper-
ance

A Petition of Elisha Freeman and others, Freeholders of the Northern District of Queen's County, was presented by Mr. Waterman and read, praying that Dram Shops may be entirely interdicted and put down, or other measures adopted, leading to the final abolition thereof, with their concomitant evils.

Ordered, That the Petition be referred to the Committee on Temperance.

Ref. to Temperance
Committee

Pet. for Act to In-
corporate Marga-
retville Pier Com-
pany
Referred to Mr.
Holland with leave
to bring in Bill

A Petition of Patrick D. Scanlan and others, inhabitants of Wilmot and Aylesford, was presented by Mr. Holland and read, praying that an Act may be passed to Incorporate the Margaretville Pier Company in Wilmot.

Ordered, That the Petition be referred to Mr. Holland, with leave to bring in a Bill, pursuant to the prayer thereof.

Pet. of Officers of
the Light Infantry
Company of 1st Ha-
lifax Regiment of
Militia for privi-
leges

A Petition of William G. Anderson, Captain, and other Officers of the Light Infantry Company, of the First Halifax Regiment of Militia, was presented by Mr. Howe and read, setting forth the great expense of organizing said Company, and their desire to be formed into a Fire Company, under the direction of the Firewardens, for the purpose of working Engines at Fires, and other duties connected therewith, and praying the immunities and privileges granted to Fire Engine Companies, with the exception of non-attendance upon Militia Trainings.

Ordered, That the Petition do lie upon the Table, and be printed.

Pet. to be printed

Pet. of General
Mining Association
for Act for sum-
mary punishment of
persons obstructing
Rail Road

A Petition of the General Mining Association, was presented by Mr. Dickson and read, setting forth that the Company have constructed a Rail Road at great expence, to facilitate the Shipment of Coal from the Mines at the East River of Pictou, to the Harbour of Pictou, a distance of six miles, and that obstructions have been frequently placed across the Rails by evil disposed persons, and praying that an Act may be passed for the summary punishment of such Trespasses; and thereupon,

Mr. Doyle moved, that Mr. Dickson have leave to withdraw the Petition: which, being seconded and put, and the House dividing thereon, passed in the Negative.

Ordered, that the Petition be referred to Mr. Dickson, with leave to bring in a Bill for the protection of Railways.

Motion for with-
drawing Petition
negatived on divi-
sion
Ref. to Mr. Dick-
son with leave to
bring in Bill

Pet. of R. Nickerson
for aid to house
between Shelburne
and Barrington

A Petition of Reuben Nickerson, was presented by Mr. W. Sargent and read, praying further aid towards the House of Entertainment for Travellers kept by him at Beaver Dam, on the Main Post Road between Shelburne and Barrington.

Ordered, that the Petition do lie on the Table.

Pet. from Cornwallis
for Charter, &c.
to Queen's College
Ref. to Com. on
Education

A Petition of Members of the Baptist Church and Congregation at Pleasant Valley, Cornwallis, and others, was presented by Mr. Morton and read, praying that a Charter of Incorporation may be granted to the Queen's College at Horton, with pecuniary aid thereto:

Ordered, That the Petition be referred to the Committee on Education.

A Petition of the Overseers of the Poor for the Township of Antigonishe, was presented by Mr. McDougall and read, praying reimbursement of certain expenses of a Transient Pauper.

Ordered, That the Petition be referred to the Select Committee on the Petition of the Overseers for the Poor of Yarmouth, and that they report also upon this Petition.

Pet. of Overseers of Poor for Antigonishe for expense of Transient Paupers Referred to Sel. Com.

A Petition of Jane McKim and others, Females, living in the County of Cumberland, was presented by Mr. Lewis and read, setting forth that Petitioners are grateful for the blessings conferred on them by the march of civilization, and that they would consider their happiness in this world consummate, if the monster Alcohol was banished the Land—that he is an enemy to connubial happiness, paralyzes all paternal feeling, degrades human nature, destroys all fraternal affection, and is an enemy to the happy beings created in the image of God, and praying, that this monster, being within the grasp of the House, may be strangled.

Pet. from Ladies in Cumberland for measures to suppress Intemperance

Ordered, That the Petition be referred to the Committee on Intemperance.

Referred to Temperance Com.

Three Petitions—of Joshua Huestes and others—of Charles Baker and others—and of Charles Boss and others, all of the County of Cumberland, were presented by Mr. Lewis and read, respectively praying that increased Duties may be imposed upon the Importation of Distilled Spirituous Liquors, or the introduction thereof into this Province be prohibited.

Pet. from Cumberland for suppression of Intemperance

Ordered, That the Petitions be referred to the Committee on Intemperance.

Referred to Com. on Temperance

A Petition of John Pernette, Keeper of the Western Ferry at LaHave River, in the County of Lunenburg, was presented by Mr. Creighton and read, praying aid in procuring new Ferry Boats there.

Pet. of J. Pernette for aid in procuring new Ferry Boats across LaHave River

Ordered, That the Petition do lie on the Table.

A Petition of the Committee for the superintendance of the Wesleyan Day School, Brunswick Street, Halifax, was presented by Mr. Bell and read, praying a continuance of the aid to that Institution.

Pet. of Com. of Wesleyan School in Halifax for continuance of aid Referred to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

A Petition of the President and Members of the Halifax Mechanics' Library, was presented by Mr. Bell and read, praying further aid to that Institution.

Pet. of Halifax Mechanics' Library for continued aid Referred to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

A Petition of the Trustees of the Common and Combined Grammar School in the Town of Sydney, Cape Breton, was presented by the Hon. Mr. Uniacke and read, praying a continuance of the grant in aid of that Institution.

Pet. of Trustees of Sydney Grammar School for continuance of grant Referred to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

A Petition of Nicholas Henry Martin, Postmaster of Sydney, Cape Breton, was presented by the Hon. Mr. Uniacke and read, praying that a sum of money may be granted to rent an office for his Department, and that an additional compensation may be made to him from the Post Office Revenue for his services.

Petition of N. H. Martin, Postmaster at Sydney, C. B. for sum to pay Office Rent

Ordered, That the Petition do lie on the Table.

A Petition of the President of the Mechanics' Institute at Sydney, C. B. on behalf of the Society, was presented by the Hon. Mr. Uniacke and read, praying further aid to enable them to purchase books and Philosophical Apparatus.

Pet. of Sydney Mechanics' Institute for continued aid

Ordered, That the Petition do lie on the Table.

A Petition of Joshua Wingate Weeks, Sheriff of the County of Cape Breton, was presented by the Hon. Mr. Uniacke and read, praying that an annual allowance may be granted from the Provincial Treasury, in addition to the present emoluments of that office.

Pet. of J. W. Weeks Sheriff of Cape Breton for extra pay

Ordered, That the Petition do lie on the Table.

A Petition of the Trustees of the Sydney Academy, in the County of Cape Breton, was presented by the Hon. Mr. Uniacke and read, praying that they may be enabled to receive a

Pet. from Sydney Academy for change of appropriation

grant

- grant formerly made for the purpose of building a School House for that Institution, without being subject to the condition annexed to that grant.
Ordered, That the Petition be referred to the Committee on Education.
- Referred to Com. on Education**
Pet. of Jas. Moyler of 23d Regt. for pension
 A Petition of James Moyler, a private Soldier in the 23rd Regiment or Royal Welsh Fusiliers, was presented by the Hon. Mr. Uniacke and read, setting forth that Petitioner received a severe injury in his Spine, while working upon the Western Main Road in this Province, during the past season, which renders him incapable of labor for his support, and will occasion his discharge from the service, and praying pecuniary aid for his support.
Ordered, That the Petition do lie on the Table.
- Pet. of Wm. Donovan and al. for repair of Gerrish Strt.**
 A Petition of William Donovan and others, was presented by Mr. Forrester and read, praying the repair and improvement of Gerrish Street in Halifax.
Ordered, That the Petition do lie on the Table.
- Pet. of P. Holmes and al. for Light-House in the Bay of Fundy**
 A Petition of Peleg Holmes and others, was presented by the Hon. Mr. Dewolf and read, praying the erection of Light Houses, on Isle Haut, or Cape d' Or, in the Bay of Fundy, and on Partridge Island or Horton Bluff, in the Basin of Mines.
Ordered, That the Petition do lie on the Table.
- Resolution for appointment of Com. on Light Houses and Navigation Securities**
Com. named
 On motion of Mr. Huntington, *resolved,* that a Select Committee be appointed on the subject of Light Houses and Navigation Securities in general, to whom all Petitions and other matters connected therewith be referred, and that they do examine and report thereupon to this House.
Ordered, That the Hon. Mr. Uniacke, Mr. Huntington, the Hon. Mr. Dewolf, Mr. Creighton and Mr. Waterman, be a Committee for the above purpose.
- Pet. of P. Holmes referred thereto**
Ordered, That the Petition of Peleg Holmes and others, be referred to above Committee on Light Houses, &c.
- Pet. of S. Cunard & Co. for continuance of grant for carrying Mails between Pictou and Prince Edward Isld.**
 A Petition of S. Cunard, & Co. was presented by the Hon. Mr. Uniacke and read, praying a continuance of the annual grant for conveyance of the Mail, by Steam Boat, between Pictou and Prince Edward Island.
Ordered, That the Petition do lie on the Table.
- Report from Com. on Pet. of R. Roberts for compensation on seizure of Smuggled Goods**
 Mr. Huntington reported from the Select Committee on the Petition of Robert Roberts, Sheriff of Queen's County, on the subject of compensation for the seizure of Smuggled Goods; and he read the Report in his place, recommending such compensation, and delivered the same in at the Clerk's Table, where it was again read.
 (See Appendix, No. 13)
- Report adopted**
 On motion, *resolved,* that the Report be adopted by this House, and do lie on the Table with the Petition.
- Pet. for Academy at Bridgetown**
 A Petition of Richard James and others, inhabitants, of Bridgetown, in the County of Annapolis, was presented by Mr. Thorne and read, praying a grant in aid of the Academy at that place.
Ordered, That the Petition be referred to the Committee on Education.
- Referred to Com. on Education**
Pet. relative to Goods brought over to Annapolis and sold at Auction by persons not licensed
 A Petition of Richard James and William Spurr, Justices of the Peace for the County of Annapolis, was presented by Mr. Thorne and read, setting forth the evils arising from the Importation and Sale of Goods at Auction, by non-resident persons paying no Taxes, and praying the passing of an Act for remedy thereof.
Ordered, That the Petition be referred to Mr. Thorne, Mr. Fairbanks, and Mr. Chipman, to examine and report thereon to this House, by Bill or otherwise.
- Referred to Sel. Committee**
Pet. of J. A. Jost for aid to pottery
Withdrawn
 A Petition of John A. Jost, was presented by Mr. Miller and read, praying aid in the Manufacture of Earthenware by him at Lunenburg; and thereupon, Mr. Huntington moved, that Mr. Miller have leave to withdraw the Petition: which, being seconded and put, and the House dividing thereon, passed in the Affirmative.
Ordered accordingly. A

- A Petition of the Halifax Steam Boat Company, was presented by Mr. Bell and read, praying continued aid.
Ordered, That the Petition do lie on the Table. Pet. of Halifax Steam Boat Company
- A Petition of Henry Hall and others, was presented by Mr. Holland and read, praying aid in the erection of an additional Pier or Wharf, at Marshall's Cove in Wilmot, County of Annapolis.
Ordered, That the Petition be referred to the Committee on Navigation Securities. Pet. for aid to Pier at Marshall's Cove Wilmot
Ref. to Com. on Navigation Securities
- A Petition of James R. Lovett and others, inhabitants of the County of Annapolis, was presented by Mr. Whitman and read, praying aid to the Annapolis Academy.
Ordered, That the Petition be referred to the Committee on Education. Pet. for aid to Annapolis Academy
Ref. to Com. on Education
- A Petition of John Watt and George Watt, Manufacturers of Tobacco in Halifax, was presented by Mr. Howe and read, praying encouragement in that Manufacture, by continuing the Act granting a Bounty thereon, or by a Drawback on the raw material: and thereupon,
Mr. Howe moved, 'that the Petition be referred to the Select Committee on Trade and Manufactures: which, being seconded and put, and the House dividing thereon, there appeared for the motion, sixteen; against it, fourteen:
So it passed in the affirmative.
Ordered, That the Petition be referred to the Select Committee on Trade and Manufactures. Pet. of J. & G. Watt for Bounty on Manufacture of Tobacco
Motion for reference to Com. on Trade, &c. carried on division
Ref. to Com. on Trade, &c.
- A Petition of Harris Harrington and others, of Cornwallis, in King's County, was presented by Mr. Chipman and read, setting forth the advantages to be derived from the erection of a Pier or Public Wharf at Baxter's Harbour, in Cornwallis, to facilitate the daily transportation of the Mails between Halifax and St. John, New Brunswick, and praying a grant in aid thereof, and of the opening of a Road to shorten the distance thereto.
Ordered, That the Petition be referred to the Committee on Steam Navigation. Pet. for establishment of Baxter's Harbour, Cornwallis, as a part of communication with St. John, N.B.
Referred to Com. on Steam Navigation
- A Petition of Members of the Baptist Church and others at Rawdon, was presented by Mr. Smith—A Petition of Members of the Baptist Church and others at Newport, was presented by Mr. Allison—A Petition of Members of the Baptist Church and others at Horton, was presented by the Hon. Mr. Dewolf—and a Petition of Members of the Baptist Church and others at Hillsburg, was presented by Mr. Holdsworth, and the said several Petitions were read, respectively, praying that an Act may pass for Incorporating the Queen's College in Horton, with pecuniary aid thereto.
Ordered, That the Petitions be referred to the Committee on Education. Pet. for Charter and aid to Queen's College
Ref. to Com. on Education
- A Petition of the Rev. James C. Cochran of Lunenburg, was presented by Mr. Creighton and read, controverting the statements of the Rev. Donald A. Fraser, and of Edward James and others, contained in their Petitions presented to this House in the present Session, in relation to the Academy and National School at Lunenburg, and praying investigation and continuance of the aid to the Educational Institutions of that place.
Ordered, That the Petition be referred to the Committee on Education. Pet. of Rev. J. C. Cochran in relation to Petition of Rev. Donald A. Fraser and al.
Ref. to Com. on Education
- Mr. Chipman, pursuant to leave given, presented a Bill for incorporating the Queen's College at Horton; and the same was read a first time, and ordered to be read a second time. Queen's College Incorporation Bill presented
- A Petition of William Foster, of Halifax, Manufacturer of Tobacco, was presented by Mr. Howe and read, praying encouragement in that branch of Industry.
Ordered, That the Petition be referred to the Committee on Trade and Manufactures. Pet. of Wm. Foster for Bounty on Manufacture of Tobacco
Ref. to Com. on Trade, &c.
- A Petition of Ebenezer Kerr and others, Inhabitants of Parrsborough, in King's County, was presented by the Hon. Mr. Dewolf and read, praying Five Islands may not be annexed to Colchester, but that a New County may be formed comprising the Township of Parrsborough, with the addition of some adjacent parts of the Counties of Cumberland and Colchester.
Ordered, Pet. of E. Kerr & al. praying that Five Islands may not be annexed to Colchester, &c.

Ref. to Com. on
Five Islands Bill

Ordered, That the Petition be referred to the select Committee on the Bill for annexing Five Islands to the County of Colchester, and the Petitions relative to that subject.

Pet. of Infant
School Halifax
Referred to Com.
on Education

A Petition of the Committee of the Infant School in Halifax, was presented by Mr. Bell and read, praying continued aid to that Institution.

Ordered, That the Petition be referred to the Committee on Education.

Then the House adjourned until To-morrow, at twelve of the clock.

Wednesday, 22nd January, 1840.

PRAYERS.

Pet. of E. H. Harrington, Sheriff of Sydney for compensation for summoning Jurors, &c.

A Petition of Edward H. Harrington, of Antigonishe, High Sheriff of the County of Sydney, was, by special leave of the House, presented by Mr. McDougall and read, praying that an Act may be passed requiring the Assessors of County Rates in that County for the present year, to assess upon that County, in addition to the ordinary Assessment, such sum as may be deemed a reasonable compensation to Petitioner for his past services in summoning Grand and Petit Juries, to be collected by the Collectors of County Rates for the present year, or in some other manner; and further, that a law may be enacted making provision for future payment of similar services.

Ordered, That the Petition do lie on the Table.

Bridgetown Lock-up House Bill read 2d time

A Bill to provide a Lock-up House at Bridgetown, in the County of Annapolis, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Argyle Trespass Bill read 2d time & referred to Select Committee

A Bill relative to Trespasses upon certain Islands in or near Argyle and Barrington, was read a second time.

Ordered, That the Bill be referred to Mr. Fairbanks, Mr. W. Sargent, and the Hon. Mr. Uniacke, to examine and report thereon to this House.

Pet. of Jas. Bowes for return of duty on Printing Press

A Petition of James Bowes, Printer, was presented by Mr. Howe and read, praying a return of duties upon a Printing Press imported from Boston.

Ordered, That the Petition be referred to Mr. Huntington, Mr. Doyle and Mr. Morton, to whom was referred the Petition of James W. Nutting, and that they do likewise examine and report upon this Petition.

Ref. to Sel. Com.

Pet. of Jas. Fenerty for compensation for injuries to him from alteration of Road

A Petition of James Fenerty was presented by Mr. Howe and read, setting forth the injury sustained by him in the alteration of the Main Western Road between Halifax and Windsor, running through his land, and for which sufficient compensation has not been awarded him, under the proceedings had in pursuance of the law.

Ordered, That the Petition do lie on the Table.

Pet of John Ross of Truro complaining of Sheriff, &c.

A Petition of John Ross of Truro, was presented by Mr. Howe and read, complaining of the conduct of George R. Grassie, Esquire, Sheriff of the County of Colchester, in regard of Assaults made by him upon Petitioner; and also of certain alleged Malversations in office of the said Sheriff, and also complaining of the conduct of the Honorable the Chief Justice of the Supreme Court, upon complaint made to him by Petitioner, in relation to such conduct of the said Sheriff, and praying investigation and redress.

Ordered, That the Petition be referred to a select Committee, to examine into and report upon the merits thereof to this House.

Ref. to Sel. Com.

Mr. Fairbanks named as one of the Committee

It was then moved that Mr. Fairbanks be one of the said Committee, which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty two; against it, fifteen.

WEDNESDAY, 22d JANUARY, 1840.

For the motion,		Against the motion,	Division thereon
<i>Mr. Dickson</i>	<i>Mr. Holland</i>	<i>Mr. Waterman</i>	<i>Mr. Miller</i>
<i>Mr. Chipman</i>	<i>Mr. W. Sargent</i>	<i>Mr. McLellan</i>	<i>Mr. Young</i>
<i>Mr. Annand</i>	<i>Mr. Creighton</i>	<i>Mr. McDonald</i>	<i>Mr. Goudge</i>
<i>Mr. DesBarres</i>	<i>Mr. Thorne</i>	<i>Mr. Upham</i>	<i>Mr. Bell</i>
<i>Mr. Heckman</i>	<i>Mr. Holdsworth</i>	<i>Mr. Doyle</i>	<i>Mr. Benjamin</i>
<i>Mr. Clements</i>	<i>Mr. Elder</i>	<i>Mr. Howe</i>	<i>Mr. Huntington</i>
<i>Mr. D'Entremont</i>	<i>Mr. J. Sargent</i>	<i>Mr. Robichau</i>	<i>Mr. Forrester</i>
<i>Mr. Dickey</i>	<i>Mr. McHeffy</i>	<i>Mr. Morton</i>	
<i>Mr. Smith</i>	<i>Mr. Hatton</i>		
<i>The Hon. Mr. Uniacke</i>	<i>Mr. Lewis</i>		
<i>Mr. Whitman</i>	<i>Mr. Forrestall</i>		
So it passed in the affirmative.			Carried
Mr. Doyle then moved that Mr. Dickson be one of said Committee which, being seconded,			Mr. Dickson named
The Hon. Mr. Uniacke moved as an amendment of the question, that the words "Mr. Dickson" be left out, and the words "Mr. Howe" be inserted in place thereof: which being seconded and put, and the House dividing thereon, passed in the Negative.			Amendment to substitute Mr. Howe negatived
Mr. Young then moved as an amendment to the original question that the words "Mr. Dickson" be left out and the words "Mr. Holland" be inserted in place thereof: which, being seconded and put, and the House dividing thereon, passed in the affirmative.			Amendment to substitute Mr. Holland carried
The original question, as amended, was then agreed to by the House.			
The Hon. Mr. Uniacke then moved that Mr. Smith be one of the said Committee which being seconded,			Mr. Smith named
Mr. Goudge moved, as an amendment of the question, to leave out the words "Mr. Smith," and insert in place thereof the words "Mr. Creighton:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, ten; against it, twenty nine.			Amendment to substitute Mr. Creighton negatived on division
For the Amendment,		Against the Amendment.	
<i>Mr. Goudge</i>	<i>Mr. Thorne</i>	<i>Mr. McHeffy</i>	<i>Mr. Morton</i>
<i>Mr. Howe</i>	<i>Mr. Forrestall</i>	<i>Mr. Clements</i>	<i>Mr. Benjamin</i>
<i>Mr. Doyle</i>	<i>Mr. Holdsworth</i>	<i>Mr. Whitman</i>	<i>Hon Mr Dewolf</i>
<i>Mr. Heckman</i>	<i>Mr. Hatton</i>	<i>Mr D'Entremont</i>	<i>Hon Mr Uniacke</i>
<i>Mr. McKim</i>	<i>Mr. Annand</i>	<i>Mr. Holland</i>	<i>Mr Dickson</i>
<i>Mr. Huntington</i>	<i>Mr J Sargent</i>	<i>Mr Young</i>	<i>Mr Chipman</i>
<i>Mr McDonald</i>	<i>Mr W. Sargent</i>	<i>Mr Dickey</i>	<i>Mr McLellan</i>
<i>Mr Smith</i>	<i>Mr Allison</i>	<i>Mr DesBarres</i>	<i>Mr Upham</i>
<i>Mr Elder</i>	<i>Mr Bell</i>	<i>Mr Miller</i>	<i>Mr Forrester</i>
<i>Mr Waterman</i>	<i>Mr Holmes</i>	<i>Mr Robichau</i>	
So it passed in the Negative.			
The original motion, being then put, was agreed to by the House.			Original motion carried
On motion of Mr. Benjamin, <i>resolved</i> , that Mr. Goudge be one of the said Committee.			Mr. Goudge appointed
Mr. Goudge then moved, that Mr. DesBarres be one of the said Committee: which, being seconded,			Mr. DesBarres named
Mr. DesBarres moved, as an amendment of the question, that the words "Mr. DesBarres" be left out, and the words "Mr. W. Sargent" be inserted in place thereof: which, being seconded and put, and the House dividing thereon, passed in the affirmative.			Amendment to substitute Mr. W. Sargent carried
The original question, as amended, was then agreed to by the House.			
<i>Ordered</i> , That Mr. Fairbanks, Mr. Holland, Mr. Smith, Mr. Goudge and Mr. W. Sargent, be the Committee on the foregoing Petition of John Ross.			Com. on Pet. of J. Ross
Mr. Fairbanks moved that Mr. Smith be the Chairman of the said Committee: which, being seconded,			Motion that Mr. Smith be Chairman
Mr. Smith moved, as an amendment of the question, that the words "Mr. Smith" be left out, and the words "Mr. W. Sargent" be inserted in place thereof: which, being seconded and put, passed in the negative.			Amendment to substitute Mr. W. Sargent negatived
Mr. Goudge then moved, as an amendment of the original question, that the words "Mr. Smith" be left out, and the words "Mr. Fairbanks" be inserted: which, being seconded and put, and the House during thereon, there appeared, for the amendment, seventeen; against it, twenty one. So it passed in the negative.			Amendment to substitute Mr. Fairbanks negatived
The original motion, being then put, was agreed to by the House.			
<i>Ordered</i> , That Mr. Smith be Chairman of said Committee on the Petition of John Ross.			Original motion carried
A Message from the Council by Mr. Halliburton.			Mr. Smith chairman
Mr. Speaker,			The

WEDNESDAY and THURSDAY, 22d and 23d JANUARY, 1840.

Council agree to Summary Trespas Bill with an amendment

The Council have agreed to the Bill, entitled, An Act for enabling Justices of the Peace to try actions of Trespas and Trover in certain cases, with an amendment, to which they desire the concurrence of this Honourable House.

And then the Messenger withdrew.

Amendment read

The said amendment from the Council was read a first time and ordered to be read a second time.

Com. to wait on Governor relative to Military Guard at Sup. Court

On motion of Mr. Howe, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant Governor, and respectfully request that His Excellency will inform this House by whose authority a Military Guard was employed in attendance on the Supreme Court on Monday evening, the 20th January; and also to enquire what were the urgencies of the public service which rendered this extraordinary interference of the Military with the duties of the Civil Officers indispensable.

Com. named

Ordered, That Mr. Howe, Mr. Forrester and Mr. Bell, be a Committee for the above purpose.

Then the House adjourned until To-morrow, at twelve of the clock.

Thursday, 23rd January, 1840.

PRAYERS.

Pet. of Proprietors of Baptist Meeting House Yarmouth for Act to assess monies thereon

A Petition of Proprietors of the first Baptist Meeting House in Yarmouth, was, by special leave of the House, presented by Mr. Clements and read, praying that an Act may be passed, enabling them to assess owners of Pews in said Meeting House for repairs and ornamenting thereof.

Ordered, That the Petition do lie on the Table.

Bill presented to enable Congregation of Meeting House Yarmouth to raise Money

Mr. Clements, pursuant to leave given, presented a Bill to authorise the Congregation of the first Baptist Meeting House in Yarmouth to raise money from the Pews of the said Meeting House for the repairing and ornamenting thereof: and the same was read a first time.

Motion to refer Bill to Select Com.

Mr. Morton moved that the Bill be referred to a Select Committee to examine and report thereon, or to report, should they deem it proper, a general Bill for the raising of money from the Pews in Meeting Houses, for the purpose of repairing and ornamenting the same: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, fourteen; against it, fourteen:—whereupon,

Negatived by Speaker's casting vote

Mr. Speaker gave his casting vote against the motion, and it passed in the negative.

Ordered, That the Bill be read a second time.

Pet. relative to Clare Sessions House

A Petition of the Rev. J. M. Sigogne and others, Freeholders of the Township of Clare, and a Petition of Phineas Lovett and others, Freeholders of the Township of Digby, were, by special leave of the House, presented by Mr. Robichau and read, setting forth that, in pursuance of an Act of Assembly, successive Grand Juries of the County of Annapolis had made suitable provision for the erection of a building for holding a Court of Sessions in Clare of suitable dimensions, for which the Inhabitants had subscribed considerable sums of money, yet the Court of Sessions had disagreed thereto, and had directed a Building to be erected of a smaller and inadequate size, and praying that a special Act may be passed regulating the size of such Sessions House, and ensuring its speedy erection.

Leave to bring in Bill thereon

Ordered, That the Petitions do lie on the Table, and that Mr. Robichau have leave to bring in a Bill in accordance with the prayer thereof.

Pet. for aid to Pier at Clare

A Petition of the Rev. J. M. Sigogne and others, Inhabitants of Montagan or Meteghan, in the Township of Clare, was, by special leave of the House, presented by Mr. Robicheau and read, praying aid to extend a Breakwater at Montagan or Meteghan River, which they have erected there at their own expence.

Pet. for aid to extension of Pier at Clare

A Petition of the Rev. Abbè Sigogne, in the name and behalf of the settlers in the Township of Clare, about Whale Cove, was also, by special leave of the House, presented by

THURSDAY, 23d JANUARY, 1840.

by Mr. Robichau and read, praying a further Grant in aid of the extension of a Breakwater for which they have subscribed largely, in addition to the Provincial allowance received last year.

Ordered, That the Petitions be referred to the Committee on Navigation Securities.

Referred to Com.
on Navigation Securities

A Petition of the Trustees of the Yarmouth Academy, was, by special leave of the House, presented by Mr. Clements and read, containing a report of the state of that Institution, and praying the usual bounty in aid thereof.

Pet. from Yarmouth
Academy for con-
tinuance of aid

Ordered, That the Petition be referred to the Committee on Education.

Referred to Com.
on Education

A Petition of Thomas Timlin, of Windsor, in the County of Hants, one of the Commissioners of Streets for the Town of Windsor; also, a Petition of A. Torrey and others, Inhabitants of the Town of Windsor, were, by special leave of the House, presented by Mr. McHeffy and read, praying that an Act may be passed to authorise the said Thomas Timlin to be reimbursed from the funds of the Town of Windsor, usually set apart for the repair of Streets in Windsor, a certain sum paid by him upon a recovery had against him in the Supreme Court, on account of an act done by him in the performance of his duty as such Commissioner of Streets.

Pet. of T. Timlin
for compensation
for losses sustained
by him as Comr.
of Streets Windsor

Ordered, That the Petitions be referred to Mr. McHeffy, with leave to bring in a Bill pursuant to the prayers thereof; and thereupon,

Referred to Mr.
McHeffy with leave
to bring in Bill

Mr. McHeffy, pursuant to such leave given, presented a Bill to compensate one of the Commissioners of Streets in Windsor for a loss sustained in the exercise of his office; and the same was read a first time, and ordered to be read a second time.

Windsor Streets
compensation Bill
presented

A Bill to provide for the Civil List of Nova-Scotia, and commute the Casual and Territorial Revenue, was read a second time.

Civil List Bill read
2d time and com-
mitted

Ordered, That the Bill be committed to a Committee of the whole House.

Ordered, That this House do, on Thursday next, the 30th inst. resolve itself into a Committee on the consideration of the General State of the Province.

General State of
Province made Or-
der of Day

The Hon. Mr. Dewolf presented to the House an Account from Mr. Treasurer Wallace of all Monies received into, and payments made from, the Provincial Treasury, between the 1st January and 31st December, 1839, and the same was read.

Treasurer's Ac-
counts laid on Table

(See Appendix No. 14.)

Ordered, That the Account be referred to the Committee appointed to examine into and report upon the Public Accounts.

Ref. to Com. on
Public Accounts

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented several Copies of Despatches from the Right Hon. H. M. Principal Secretary of State for the Colonies, to His Excellency the Lieutenant-Governor, relative to Acts of the General Assembly of this Province, their confirmation, disallowance, &c., and the same were read by the Clerk.

Copies of Des-
patches relative to
Acts presented

(See Appendix No. 15.)

Ordered, That the Copies of Despatches do lie on the Table.

The Hon. Mr. Dewolf, also by command of His Excellency the Lieutenant-Governor, presented certain accounts from the Customs of this Province, for the last year ending the 5th instant, as required by a Resolution of this House of the 28th March in the last Session, shewing the amount of duties received at this Port and District; and on what articles the same were paid in that year; and the same were read.

Customs' Accounts
presented

(See Appendix No. 16.)

Ordered, That the said Accounts be referred to the Committee on Public Accounts.

Ref. to Com. on
Public Accounts

The Hon. Mr. Dewolf, also by command of His Excellency the Lieutenant-Governor, presented an Estimate of the expense of the Civil Government of the Province for the year 1840: and the same was read and ordered to lie on the Table.

Government Esti-
mate for 1840 pre-
sented

On motion of the Hon. Mr. Dewolf, *resolved,* that a Supply be granted to Her Majesty.

Supply granted

Ordered,

Com. of Supply made Order of Day	<i>Ordered</i> , That this House do, on Monday the 3d February next, resolve itself into a Committee to consider of the Supply granted to Her Majesty.
Government Estimate referred to Supply	<i>Ordered</i> , That the Estimate of the expense of the Civil Government for the present year, be referred to the Committee of Supply.
Com. on Expiring Laws report continuing Bills (in part) viz :	Mr. Dickson reported in part from the Committee on Expiring Laws, and thereupon presented Sixty-two Bills to continue various Acts of the General Assembly, and the said several Bills were read a first time—viz :
Nuisances in Rivers	A Bill to continue the Acts in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Wears and other incumbrances, obstructing the passage of Fish in the Rivers of this Province.
Shubenacadie Fishery	A Bill to continue the Act for regulating the Fishery in the River Shubenacadie.
Lunenburg Fisheries	A Bill to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill Dams, or any other obstruction.
Chedabucto Bay Fisheries	A Bill to continue the Act for the regulation of the Fisheries at Chedabucto Bay.
Survey of Timber and Lumber	A Bill to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.
Beef Weighing	A Bill to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof.
Road Expenditure	A Bill to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.
Schools	A Bill to continue the several Acts for the encouragement of Schools.
Militia	A Bill to continue the Acts respecting the Militia.
Smoked Herrings	A Bill to continue the Act for regulating the exportation of Red or Smoked Herrings.
Killing of Bears, &c.	A Bill to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.
Writs of Attachment	A Bill to continue the Act to restrain the issuing Writs of Attachment, in certain cases.
Stealing of Dogs, &c.	A Bill to continue the Act to make the Stealing of Dogs, Beasts and Birds, Larceny.
Guysboro' Town Lots	A Bill to continue the Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough, to open roads through the same.
Sea Manure Queen's County	A Bill to continue the Act to authorise the Sessions of the Peace for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County.
Pictou Poores' Rates	A Bill to continue the Act respecting the collection of Poores' Rates of Pictou.
Bite of Animals	A Bill to continue the Act to provide against the occurrence of Diseases from the bite of Animals.
Pugwash Harbour	A Bill to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.
Mortgage Foreclosure	A Bill to continue the Act for the more easy Redemption and Foreclosure of Mortgages.
Marriage Licenses	A Bill to continue the Act relating to Marriage Licenses.
Supervisors of Public Grounds	A Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes and the Act in amendment thereof.
Halifax Grammar School	A Bill to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.
Quarantine	A Bill to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.
Contagious Diseases	A Bill to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.
Nuisances	A Bill to continue the Act additional, concerning Nuisances.
Proof of Written Documents	A Bill to continue the Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province.
Annapolis Academy	A Bill to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.
Landings in King's County	A Bill to continue the Act to regulate certain Landings in the County of King's County.
Malicious Injuries	A Bill to continue the Act concerning Malicious Injuries to Property.
Importation of Cattle	A Bill to continue the Act to encourage the importation of improved Breeds of Cattle into this Province.

A Bill to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton.	Harbour Master Bridgeport
A Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and the Acts in amendment thereof.	Sydney Pilotage
A Bill to continue the Act to authorise the Sale of Coals by weight.	Sale of Coals by Weight
A Bill to continue the Act for the better regulation of Sable Island in this Province.	Sable Island
A Bill to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.	Trespasses
A Bill to continue the several Acts now in force in addition to, and amendment of the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.	Wills, Legacies, &c.
A Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.	Halifax Pilotage
A Bill to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.	Summary Trials
A Bill to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova Scotia, to the Island of Cape Breton.	Extension of Laws to Cape Breton
A Bill to continue the Act for the Summary Trial of Actions in the Island of Cape Breton.	Summary Trials Cape Breton
A Bill to continue the Acts for the support and regulation of Light Houses.	Light Houses
A Bill to continue the Act, entitled, An Act to provide for the Accommodation and Billetting of His Majesty's Troops or of the Militia, while on their march from one part of the Province to another, and also the Acts in amendment thereof.	Billetting
A Bill to continue the Act to preserve the Harbour of Cape Forchu in Yarmouth.	Cape Forchu Har- bour
A Bill to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof.	Passengers from Great Britain, &c.
A Bill to continue the Act respecting the exportation of Grind Stones from this Province,	Grindstones
A Bill to continue the Act in amendment of the Acts relating to Commissioners of Sewers.	Comrs. of Sewers
A Bill to continue the Act relative to the Assessment of Dyke Rates for the new or Wickwire Dyke in Horton.	Wickwire Dyke Rates
A Bill to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.	County Rates
A Bill to continue the Act in amendment of the Act for the settlement of the Poor, in the several Townships within this Province.	Settlement of Poor
A Bill to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.	Rates and Prices of Carriages
A Bill to continue the Act to prevent damage to the Nets of Fishermen, by Coasting Vessels.	Fishermens' Nets
A Bill to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.	Highways, &c.
A Bill to continue the Act concerning the Terms of the Supreme Court at Halifax.	Sup. Court Halifax
A Bill to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the time of holding the Circuits of the said Court, and the Acts in amendment thereof.	Circuit Courts
A Bill to continue the Act concerning the Inferior Courts of Common Pleas within this Province.	Com. Pleas
A Bill to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.	Disorderly Riding
A Bill to continue an Act relating to the Court of Commissioners at Halifax.	Comrs. Court Hal- ifax
A Bill to continue the several Acts concerning the Bridewell and Police in Halifax.	Halifax Bridewell and Police
A Bill to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.	Halifax Night Watch
A Bill to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.	Constable of Comrs. Court

- Cordwood Forestalling** A Bill to continue the Act to suspend the operation of the Act to prevent Forestalling, Regrating and Monopolizing, of Cordwood, in the Town of Halifax.
- Halifax Firewards, &c.** A Bill to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.
- Bills read 2d time** *Ordered, Nem. Con.* That the said several Bills be now read a second time. And the same were respectively read a second time accordingly.
- River Nuisance Bill, Shubenacadie Fishery Bill, Lunenburg Fisheries Bill, and Chedabucto Bay Fisheries Bill referred to Com. on River Fisheries** *Ordered,* That the Bill to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, &c. in Rivers; the Bill to continue the Act for regulating the Fishery in the River Shubenacadie; the Bill to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, &c.; and the Bill to continue the Act for the regulation of the Fisheries at Chedabucto Bay, be referred to the Committee on the River and Shore Fisheries.
- Bill to regulate Survey of Timber, &c. referred to Sel. Com.** *Ordered,* That the Bill to continue the Act to regulate the Survey of Timber and Lumber, &c. be referred to Mr. Huntington, Mr. Goudge, Mr. McLellan, Mr. Upham, Mr. Waterman, Mr. Hatton and the Hon. Mr. Dewolf, to examine and report thereon to this House.
- Beef Weighing Bill referred to Sel. Com.** *Ordered,* That the Bill to continue the Act to regulate the Weighing of Beef, be referred to the Hon. Mr. Dewolf, Mr. McHeffy, Mr. Bell, Mr. Forrester and Mr. Dickey, to examine and report thereon to this House.
- Road Expenditure Bill referred to Sel. Com.** *Ordered,* That the Bill to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads, &c. be referred to Mr. Dickey, Mr. Dickson, Mr. Morton, Mr. Waterman and Mr. Forrestall, to examine and report thereon to this House.
- School Bill referred to Com. on Education** *Ordered,* That the Bill to continue the several Acts for the encouragement of Schools, be referred to the Committee on Education.
- Militia Bill referred to Com. on Militia Laws** *Ordered,* That the Bill to continue the Acts respecting the Militia, be referred to the Committee appointed to revise the Militia Law.
- Remainder of Bills committed** *Ordered,* That the several other continuing Bills, be committed to a Committee of the whole House.
- Com. on Bills** On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed.
- Mr. Speaker left the Chair,
Mr. Smith took the Chair of the Committee,
Mr. Speaker resumed the Chair.
- Report Crown Lands Bill and Bridgetown Lock-up House Bill without amendment** The Chairman reported from the Committee that they had gone through the Bill to establish sundry regulations for the future disposal of Crown Lands, within the Province of Nova Scotia; and the Bill to provide a Lock-up House at Bridgetown, in the County of Annapolis, and had directed him to report the said Bills to the House, severally, without any amendment; and he afterwards delivered the Bills in at the Clerk's Table.
- The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed, which the House agreed to.
- Bills to be engrossed** *Ordered,* That the Bills be engrossed.

Then the House adjourned until To-morrow at twelve of the clock.

Friday, 24th January, 1840.

PRAYERS.

- Pet. of Overseers of Poor, Clements, for expense of Transient Pauper** A Petition of the Overseers of the Poor for the Township of Clements, in the County of Annapolis, was, by special leave, presented by Mr. Whitman and read, praying reimbursement of the expenses of maintaining a child of several months of age, found in that Township, whose Parents could not be ascertained.
- Ref. to Sel. Com.** *Ordered,* That the Petition be referred to the Committee on the Petition of the Overseers of the Poor for the Township of Yarmouth, who are also to examine into and report upon this Petition

A Bill to authorize the Congregation of the first Baptist Meeting House in Yarmouth to raise money from the Pews of said Meeting House, for the repairing and ornamenting thereof: also,

Yarmouth Baptist Meeting House Bill and

A Bill to compensate one of the Commissioners of Streets in Windsor for a loss sustained in the exercise of his Office, were severally read a second time.

Bill to compensate Commr. of Streets Windsor, read 2d time and committed

Ordered, That the Bills be committed to a Committee of the whole House.

A Petition of the Committee for the erection of the Piers at Givan's Cove, in Cornwallis, was, by special leave of the House, presented by Mr. Chipman and read, praying further aid in that undertaking.

Petition for aid to Piers at Givan's Cove Cornwallis Ref. to Com on Navigation Securities

Ordered, That the Petition be referred to the Committee on Navigation Securities.

A Petition of the Hants Agricultural Society was, by special leave, presented by Mr. Smith and read, praying a Grant towards the objects of the Society, in the introduction of Seeds, and for other purposes.

Pet. of Hants Agricultural Society praying grant

Ordered, That the Petition be referred to the Committee on Agriculture.

Ref. to Com. on Agriculture

A Petition of Members of the Baptist Church, and others, at Bill Town, Cornwallis, was presented by Mr. Chipman and read, praying a Charter of Incorporation for Queen's College in Horton, with pecuniary aid thereto.

Pet. from Bill Town Cornwallis for Charter, &c. to Queen's College Ref. to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

A Message from the Council by Mr. Halliburton:

Mr. Speaker,

The Legislative Council have appointed Mr. Cutler, a Member of the Committee of the Council, to examine the Public Accounts, jointly, with a Committee of this Hon. House, in the place of Mr. Campbell, absent with leave.

Message from Council announcing appointment of Mr. Cutler on Com. on Public Accounts

And then the Messenger withdrew.

A Petition of Abram Lent and others, Inhabitants of Tusket Village, in the County of Yarmouth was, by special leave, presented by Mr. D'Entremont and read, praying that an Act may be passed authorizing the raising of money from the Owners of Pews in a Meeting House at that place, for the purpose of repairing and ornamenting the same.

Pet. from Tusket for Act to raise Money from Pews of Meeting House

Ordered, That the Petition do lie on the Table, and that Mr D'Entremont have leave to bring in a Bill pursuant to the prayer thereof; and accordingly,

Ref. to Mr. D'Entremont with leave to bring in Bill

Mr. D'Entremont pursuant to such leave given, presented a Bill to authorize the Congregation of the Meeting House at Tusket Village, to raise money from the Pews of the said Meeting House for the repairing and ornamenting thereof; and the same was read a first time, and ordered to be read a second time.

Bill presented to authorise Congregation at Tusket to raise Money from Pews

Two Petitions of Members of the Baptist Church and others, at Clement's, were, by special leave, presented by Mr. Holland and read, praying that a Charter of Incorporation may be granted to the Queen's College at Horton, with pecuniary aid thereto.

Pet. from Clements for Charter, &c. for Queen's College

Ordered, That the Petitions be referred to the Committee on Education.

Ref. to Com. on Education

A Petition of Elkanah Morton and others, and a Petition of C. R. Bill and others, were, by special leave given, presented by Mr. Morton and read, setting forth the advantages of Hall's Harbour, in Cornwallis, on the South Shore of the Bay of Fundy, as a point of communication open to Steam Boats at all times of the year, for the speedy transmission of the Mails between Halifax, and St. John, New Brunswick, and praying that His Excellency the Lieutenant-Governor be authorized to appoint a Committee of disinterested persons to examine that site, and such other places, from Digby Gut to Cape Split, as may be recommended to their consideration, and to report as to the most eligible place for carrying the proposed object into effect.

Pet. from Cornwallis for establishment of Hall's harbour as point of Communication with New Brunswick

Ordered, That the Petitions be referred to the Committee on Steam Navigation, &c.

Ref. to Com. on Steam Navigation

A Petition of Simon Getreo, of the County of Cape Breton, was, by special leave of the House, presented by the Hon. Mr. Uniacke and read, setting forth the destruction by Fire,

Pet. of S. Getreo for aid in erection of Saw Mill

of a Saw Mill owned by him, at the head of the North-west Arm of Sydney, in said County and praying aid in the erection of another.

Ordered, That the Petition do lie on the Table.

A Petition of William Henry Munro, of Cape North, in the Island of Cape Breton, was, by special leave of the House, presented by the Hon. Mr. Uniacke and read, praying a Grant of a Bounty upon a Sealing Voyage, performed by a Vessel employed by him, the Certificates of which had been sent into the Treasury too late to enable him to receive the same by Law.

Ordered, That the Petition be referred to the Committee on Trade.

A Petition of James N. Crane and others, was presented by the Hon. Mr. Dewolf and read, praying that Returns may be ordered of the number of deaf and dumb persons within this Province; and that, when the extent of the calamity may be ascertained, a grant may be made for furnishing the blessings of Education to those children whose parents or relatives are unable to do so themselves.

Ordered, That the Petition do lie on the Table.

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to authorize the Congregation of the first Baptist Meeting House in Yarmouth to raise money from the Pews of said Meeting House for the repairing and ornamenting thereof; the Bill to compensate one of the Commissioners of Streets in Windsor for a loss sustained in the exercise of his office; the Bill to continue the Act for regulating the exportation of Red or Smoked Herrings; the Bill to continue the Act to encourage the killing of Bears, Loup-Cerviers and Wild Cats; the Bill to continue the Act to restrain the issuing Writs of Attachment in certain cases; the Bill to continue the Act to make the stealing of Dogs, Beasts and Birds, Larceny; the Bill to continue the Act to enable the Proprietors of Land, in the rear Blocks or Divisions of Land, in the Township of Guysborough, to open Roads through the same; the Bill to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County; the Bill to continue the Act respecting the collection of Poores' Rates of Pictou; the Bill to continue the Act to provide against the occurrence of Diseases from the bite of Animals; the Bill to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash; the Bill to continue the Act for the more easy Redemption and Foreclosure of Mortgages; the Bill to continue the Act relating to Marriage Licenses; the Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof; the Bill to continue the Act to amend an Act for establishing a Public School in the Town of Halifax; the Bill to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof; the Bill to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof; the Bill to continue the Act, additional, concerning Nuisances; the Bill to continue the Act to lessen the expense of the proof of Written Documents, in Actions depending in any of the Courts within this Province; the Bill to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis; the Bill to continue the Act to regulate certain Landings in the County of King's County; the Bill to continue the Act concerning Malicious Injuries to Property; the Bill to continue the Act to encourage the importation of Improved Breeds of Cattle into this Province; the Bill to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape Breton; the Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape

Pct. of Wm. H. Munro for bounty on Sealing Voyage

Ref. to Com. on Trade

Pct. of J. N. Crane & al. respecting Deaf & Dumb persons

Com. on Bills

Com. report without amendment
 Bill to enable congregation of Baptist Meeting House at Yarmouth to raise Money
 Bill to compensate Comms. of Streets Windsor
 And 33 continuing Bills, viz :
 Exportation of Smoked Herring
 Killing of Bears &c.
 Writs of Attachment
 Stealing of Dogs, &c.
 Guysborough Town Lots
 Sea Manure
 Queen's Cy.
 Pictou Poores' Rates
 Bite of Animals
 Pugwash Harbor
 Mortgage Foreclosure
 Marriage Licenses
 Supervisors of Public Grounds
 Halifax Grammar School
 Quarantine
 Contagious Diseases
 Nuisances
 Proof of Written Documents
 Annapolis Academy
 Landings in King's Cy.
 Malicious injuries to Property
 Importation of Cattle
 Harbor Master at Bridgeport
 Sydney Pilotage

FRIDAY and SATURDAY, 24th and 25th JANUARY, 1840.

Cape Breton, and the Acts in amendment thereof; the Bill to continue the Act to authorise the sale of Coals by weight; the Bill to continue the Act for the better regulation of Sable Island, in this Province; the Bill to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses; the Bill to continue the several Acts now in force in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates; the Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto; the Bill to continue the Act for the Summary Trial of Actions, and the several Acts in amendment thereof and additional thereto; the Bill to continue the Act in amendment of an Act made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova Scotia to the Island of Cape Breton; the Bill to continue the Act for the Summary Trial of Actions in the Island of Cape Breton; the Bill to continue the Acts for the support and regulation of Light Houses; and the Bill to continue the Act, entitled, An Act to provide for the Accommodation and Billeting of His Majesty's Troops, or of the Militia, while on their march from one part of the Province to another—and had directed him to report the said Bills to the House, severally, without any amendment; that they had also gone through the Bill to continue the Act to preserve the Harbor of Cape Forchu, in Yarmouth, and had made amendments thereto, which they had directed him to report to the House with the Bill—and he afterwards delivered the Bills and amendments in at the Clerk's Table.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again on the consideration of Bills committed—which the House agreed to.

The amendments to the last mentioned Bill, reported from the Committee, were read and agreed to by the House.

Ordered, That the Bill, with the amendments, be engrossed.

Ordered, That the Bills reported without amendment be engrossed.

Then the House adjourned until To-morrow, at twelve of the clock.

Saturday, 25th January, 1840.

PRAYERS.

An Engrossed Bill to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova Scotia, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova Scotia.

An Engrossed Bill to provide a Lock-up House at Bridgetown, in the County of Annapolis, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis.

An Engrossed Bill to authorise the Congregation of the first Baptist Meeting House in Yarmouth to raise money from the Pews of said Meeting House for the repairing and ornamenting thereof, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to authorise the Congregation of the first Baptist Meeting House in Yarmouth to raise money from the Pews of said Meeting House for the repairing and ornamenting thereof.

An Engrossed Bill to compensate one of the Commissioners of Streets in Windsor, for a loss sustained in the exercise of his Office, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to compensate one of the Commissioners of Streets in Windsor for a loss sustained in the exercise of his Office.

An Engrossed Bill to continue the Act to preserve the Harbor of Cape Forchu, in Yarmouth, was read a third time.

Resolved,

Sale of Coal by Weight
Sable Island
Trespasses
Wills, Legacies &c.
Halifax Pilotage
Summary trials
Extension of Laws to Cape Breton
Summary Trials Cape Breton
Light Houses
Billeting
And Cape Forchu Harbour Bill with amendments

Amendments to Cape Forchu Harbour Bill agreed to & Bill to be engrossed
Bills to be engrossed

Engrossed Crown Lands Bill read 3d time

Passed

Bridgetown Lock-up-House Bill read 3d time

Passed

Engrossed Baptist Meeting House Bill read 3d time

Passed

Engrossed Windsor Streets compensation Bill read 3d time

Passed

Engrossed Cape Forchu Harbor Bill read 3d time

SATURDAY, 25th JANUARY, 1840.

- Passed *Resolved*, That the Bill do pass, and that the title be, An Act to preserve the Harbor of Cape Forchu, in Yarmouth.
- Bills sent to Council *Ordered*, That the Clerk do carry the Bills to the Council and desire their concurrence.
- Tusket Meeting
Bill read 2d time & committed
A Bill to authorise the Congregation of the Meeting House at Tusket Village, to raise money from the pews of the said Meeting House, for the repairing and ornamenting thereof, was read a second time.
Ordered, That the Bill be committed to a Committee of the whole House.
- Bill presented relative to Polls at Elections
Mr. Annand, pursuant to leave given, presented a Bill for establishing the Times and Places of holding the Polls at Elections of Representatives; and the same was read a first time, and ordered to be a second time.
- Pet. of Wm. McNutt & al. relative to relief Bill
A Petition of William McNutt and others, was, by special leave, presented by Mr. McKim and read, stating that they had become indebted to the Province for a supply of Potatoes, under the Act for the relief of distressed Settlers, and praying that they may be allowed to pay the amount by labour on the Public Roads.
Ordered, That the Petition do lie on the Table.
- Com. on General State of Province
On motion of Mr. Huntington, the House resolved itself into a Committee on the consideration of the General State of the Province.
Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.
- Report Resolution
The Chairman reported from the Committee that they had come to a resolution, which they had directed him to report to the House: and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:
- Resolution for paying off part of Funded Debt
Resolved, That it is the opinion of this Committee, that His Excellency the Lieutenant Governor be requested to pay off £5,000 of the oldest portion of that part of the Funded Debt, bearing an Interest of five per cent. per Annum, as soon as the notice required by Law can be given to the Creditors.
- Resolution agreed to
The Resolution was then, upon the question put thereon, agreed to by the House.
- Com. to wait on Gov. with Resolution
Ordered, That the Hon. Mr. Dewolf, Hon. Mr. Uniacke, Mr. Bell, Mr. Howe and Mr. Dickson, be a Committee to wait upon His Excellency the Lieutenant Governor and communicate to him the foregoing Resolution.
- Bill presented to amend Election Law
Mr. McKim, pursuant to leave given, presented a Bill to amend the Act for regulating Elections of Members to serve in General Assembly: and the same was read a first time, and ordered to be read a second time.
- Pet. of W. Reagh & S. Parker relative to proceeding against them as Collectors of Cy. Rates at Annapolis
A Petition of Wesley Reagh and Stephen Parker, was, by special leave, presented by Mr. Holland and read, setting forth their having been in the year 1836 appointed Collectors of a County Rate in the Township of Wilmot, but having an insufficient authority, had not proceeded to collect the same, the Taxpayers refusing to pay, for which they the Petitioners were summoned to appear before two Justices of the Peace, and there compromised the matter, by agreeing to pay the costs of the proceedings—for which costs they have now been sued, and failing to appear, Judgment and Execution have been awarded against them, and praying relief.
- Referred to Select Com.
Ordered, That the Petition be referred to the Select Committee on the Petition of John Ross, who are also to examine into the merits of this Petition, and report thereon to this House.
- Bill presented to vacate the seats of Members in certain cases
Mr. Doyle, pursuant to leave given, presented a Bill to vacate the seats of Members in certain cases, and the same was read a first time, and ordered to be read a second time.
- Amendments of Council to Summary Trespass Bill read 2d time & agreed to with an amendment
The amendment of the Council to the Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Trespass and Trover in certain cases; was read a second time,—and is as followeth:
"3d Clause—Leave out this clause."

On

On motion, the said Third Clause of the said Bill was read, and is as followeth: "And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to the Counties of Cape Breton, Richmond or Inverness."

On motion of Mr. Young, *Resolved*, that the said amendment of the Council be amended by adding thereto the words following, viz: "and insert in place thereof the following Preamble and Clause—And Whereas, the Act empowering Justices of the Peace to summon a Jury does not extend to the Counties of Cape Breton, Richmond and Inverness, and a distinct Act for the Summary Trial of Actions is in force therein: *Be it therefore enacted*, That nothing in this Act contained shall extend, or be construed to extend, to the said Counties of Cape Breton, Richmond or Inverness."

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to their amendment of said Bill, with the foregoing amendment. Bill & amendment sent back to Council

Mr. Howe, from the Select Committee appointed on the 18th inst. to wait on His Excellency the Lieutenant Governor and request Copies of Papers, &c. in relation to the case of Joseph Read, reported, that the Committee had performed the duty assigned them, and that His Excellency, in answer to the application, was pleased to say, that he would give his attention to the request of the House, and direct the required papers and documents to be laid before the House. Report from Com. to wait on Gov. relative to papers connected with Pet. of Jos. Read

Mr. Howe, also from the Committee appointed to wait upon His Excellency in reference to the employment of a Military Guard in attendance upon the Supreme Court, reported, that the Committee had so done, and that His Excellency was pleased to say, that the Guard was obtained at the request of the Sheriff, without any reference to Him. Report from Com. to wait on Gov. as to Military Guard at Sup. Court

Mr. McKim, pursuant to leave given, presented a Bill to repeal the Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery, and the Act in addition thereto: and the same was read a first time, and ordered to be read a second time. Bill presented to repeal Act relative to Church rates

On motion of Mr. Forrester, *resolved*, that a Committee be appointed to investigate into the causes of a Military Guard having been called in to aid the Civil Power attending the Supreme Court on Monday last, the 20th inst. and to report thereon to this House. Com. to investigate causes of Military Guard being in attendance at Sup. Court

Ordered, That Mr. Howe, Mr. Forrester and Mr. Bell, be a Committee for the above purpose. Com. named

Mr. DesBarres reported from the Select Committee to whom was referred the Bill for annexing Five Islands to the County of Colchester, with the Petitions relating thereto, and he read the report in his place, and afterwards delivered it in, together with the Bill and Petitions, at the Clerk's Table, where the report was again read. Report from Com. on Five Islands Bill

(See Appendix, No. 17.)

Ordered, That the Bill be recommitted to a Committee of the whole House, together with the Report and Petitions. Report Bill & Petitions referred to Com. of whole

A Petition of S. Cunard and Co., was, by special leave, presented by the Hon. Mr. Uniacke and read, setting forth their having fitted out the Ship Rose of four hundred and twenty one Tons, in March 1837, on a Whaling Voyage, from which she returned in April 1839, with a Cargo of Black Oil, and that, upon application at the Treasury to receive the Bounty of two Pounds per Ton, found that there was only the Sum of £570 of the Grant of 1833 undrawn, which is all they have been enabled to receive, and praying payment of the Balance. Pets. of S. Cunard & Co. for payment of bounty on Whale Voyage

Ordered, That the Petition be referred to the Committee on Trade. Refd. to Com. on Trade, &c.

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 27th January, 1840.

PRAYERS:

A Petition of John Morse and others was, by special leave, presented by Mr. Dickey and Pet. of John Morse & al. for aid to Oat Mill at Pugwash

MONDAY, 27th JANUARY, 1840.

- and read, praying aid to John Fillmore, towards completing and putting into operation an Oat Mill on Pugwash River.
Ordered, That the Petition be referred to the Committee on Agriculture.
- Referred to Agricultural Com.
 Petition of H. Curzon & al. for aid to open Channel in Antigonish Harbor Refil. to Com. on Navigation Securities
 Pet. of Eldad Nickerson ref. to Com. on Navigation Securities
 Polls Bill read 2d time & committed
 Bill for amending Election Law Read 2d time
 Motion to defer carried on division
- A Petition of Horatio Curzon and others was, by special leave, presented by Mr. McDougall and read, praying aid to further open a Channel at the Head of Antigonish Harbour.
Ordered, That the Petition be referred to the Committee on Navigation Securities.
Ordered, That the Petition of Eldad Nickerson and others, presented to this House on the 7th Inst., be referred to the Committee on Navigation Securities.
- A Bill for establishing the Times and Places of holding the Polls at Elections of Representatives was read a second time.
Ordered, That the Bill be committed to a Committee of the whole House.
- A Bill to amend the Act for Regulating Elections of Members to serve in General Assembly, was read a second time; and thereupon,
 Mr. Young moved, that the further consideration of the Bill be deferred until this day three months; which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty; against it, sixteen:
- | | | | |
|-----------------------|-----------------------|----------------------|---------------------|
| For the motion, | | Against the motion, | |
| <i>Mr. Goudge</i> | <i>Mr. Heckman</i> | <i>Mr W. Sargent</i> | <i>Mr Allison</i> |
| <i>Mr McDougall</i> | <i>Mr Whitman</i> | <i>Mr Dickey</i> | <i>Mr Clements</i> |
| <i>Mr Des Barres</i> | <i>Mr Thorne</i> | <i>Mr Elder</i> | <i>Mr Lewis</i> |
| <i>Mr Fairbanks</i> | <i>Hon Mr Uniacke</i> | <i>Mr Holdsworth</i> | <i>Mr Morton</i> |
| <i>Mr Benjamin</i> | <i>Mr Hatton</i> | <i>Mr McDonald</i> | <i>Mr Robicheau</i> |
| <i>Mr Forrester</i> | <i>Mr Holmes</i> | <i>Mr McLellan</i> | <i>Mr Waterman</i> |
| <i>Mr Miller</i> | <i>Mr J Sargent</i> | <i>Mr Holland</i> | <i>Mr Chipman</i> |
| <i>Mr Forrestall</i> | <i>Mr Dickson</i> | <i>Mr McKim</i> | <i>Mr Smith</i> |
| <i>Mr McHeffy</i> | <i>Mr Howe</i> | | |
| <i>Mr D'Entremont</i> | <i>Mr Huntington</i> | | |
- So it passed in the affirmative.
Ordered, That the further consideration of the Bill be deferred until this day three months.
- Bill deferred
- A Message from the Council by Mr. Halliburton :
 Mr. Speaker,
 The Council have passed a Bill, entitled, An Act concerning Wills, to which Bill they desire the concurrence of this Honourable House.
 And then the Messenger withdrew.
 The said Bill from the Council was read a first time.
Ordered, That the Bill be referred to Mr. Young, Mr. Fairbanks, the Hon. Mr. Uniacke, Mr. Des Barres, and Mr. McDougall, to examine and report upon to this House.
- Council send down Bill concerning Wills
 Read &
 Refd. to Sel. Com.
- A Petition of Isaac Brown and others, Inhabitants of Wallace, was presented by Mr. McKim and read, praying the adoption of a System of Responsible Government in this Province.
Ordered, That the Petition be referred to the Committee of the whole House, who are, on Thursday next, to take into consideration the General State of the Province.
- Pet. of Jas. Brown & al, for Responsible Government
 Referred to Com. of whole on General state of Province
- A Petition of Overseers of the Poor for the Township of Pictou, for the year 1839, was, by special leave, presented by Mr. Dickson and read, praying reimbursement of the expenses of certain Transient Paupers.
Ordered, That the Petition be referred to the Committee on the Petition of Overseers of the Poor for Yarmouth, and that they do also examine into the merits of this Petition, and report thereon to this House.
- Petition of Overseers of Poor, Pictou for expenses of Transient Paupers
 Refil. to Sel. Com.
- A Petition of the Rev. Robert Willis, D.D., Rector of St. Paul's Church, in behalf of the Colored Peple of Halifax, was, by special leave, presented by Mr. Bell and read, praying further aid to the African School, in Halifax.
Ordered, That the Petition be referred to the Committee on Education.
- Pet. for continued aid to African School
 Refil to Com. on Education

A Petition of Office Bearers of the Antigonish Library, was, by special leave, presented by Mr. Forrestall and read, praying aid to enable them to procure Books for that Institution. Petition from Antigonish Library for aid to procure Books

A Petition of Colin MacKinnon and others, was also, by special leave, presented by Mr. Forrestall and read, praying further aid to the Academy at St. Andrews, in the County of Sydney. Petition for continued aid to St. Andrews Academy

Ordered, That the Petitions be referred to the Committee on Education. Refd. to Com. on Education

A Petition of Overseers of the Poor for the Township of Manchester, in the County of Guysborough, was, by special leave, presented by Mr. DesBarres and read, praying reimbursement of the expenses of certain Transient Paupers. Petition of Overseers of Poor Manchester for expenses of Transient Paupers

Ordered, That the Petition be referred to the Committee on the Petition of Overseers of Poor for Yarmouth, to examine and report upon. Refd to Sel. Com.

On motion, the House resolved itself into a Committee on Bills. Com. on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again on the consideration of Bills—which the House agreed to. Report progress

Then the House adjourned until To-morrow, at Twelve of the clock.

Tuesday, 28th January, 1840.

PRAYERS.

Two Petitions of Members and Congregation of the Baptist Church at Lower Granville, and others, were, by special leave, presented by Mr. Holland and read, praying an Act to incorporate the Queen's College at Horton, and pecuniary aid thereto. Petition for Char & aid to Queen's College

Ordered, That the Petitions be referred to the Committee on Education. Ref. to Com. on Education

A Petition of Barry Hamilton and others, Freeholders of Upper Stewiacke, was, by special leave, presented by Mr. Annand and read, praying aid to Daniel Fisher in the completion of an Oat Mill and Kiln on Creelman's Brook, in that Settlement. Pet. of B. Hamilton for aid to Oat Mill at Stewiacke

Ordered, That the Petition be referred to the Committee on Agriculture. Ref. to Com. on Agriculture

A Petition of Edward Morgan and others, was, by special leave, presented by Mr. Holdsworth and read, praying aid towards removing obstructions from the western branch of Bear River. Pet. of Edward Morgan and al. for aid to clear out Bear River

Ordered, That the Petition be referred to the Committee on Navigation Securities. Ref. to Com. on Navigation Securities

An engrossed Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof, was read a third time. Engrossed Supervisors Bill read 3d time

Ordered, That the Bill be referred to Mr. Morton, Mr. Creighton and Mr. Upham, to examine and report thereon to this House, with amendments thereto, or otherwise. Ref. to Sel. Com.

An engrossed Bill to continue the several Acts now in force in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, was read a third time. Engrossed Bill to continue Wills Act read 3d time

Ordered, That the Bill be referred to the Committee appointed yesterday on the engrossed Bill from the Council, entitled, An Act concerning Wills. Ref. to Sel. Com.

An Engrossed Bill to continue the Act for regulating the exportation of Red or Smoked Herrings, was read a third time. Engrossed continuing Bills read 3d time and passed, viz. Exportation of Smoked Herrings

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings. An

TUESDAY, 28th JANUARY, 1840.

- Killing of Bears, &c.** An Engrossed Bill to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.
- Writs of Attachment** An Engrossed Btll to continue the Act to restrain the Issuing Writs of Attachment in certain cases, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to restrain the Issuing Writs of Attachment in certain cases.
- Stealing of Dogs** An Engrossed Bill to continue the Act to make the Stealing of Dogs, Beasts and Birds Larceny, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to make the Stealing of Dogs, Beasts and Birds, Larceny.
- Guysboro' Town Lots** An Engrossed Bill to countinue the Act to enable the Proprietors of Land, in the Rear Blocks or Divisions of Land, in the Township of Guysborough, to open Roads through the same, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to enable the Proprietors of Land in the Rear Blocks or Divisions of Land, in the Township of Guysborough, to open Roads through the same.
- Sea Manure Queen's County** An Engrossed Bill to continue the Act to authorise the Sessions of the Peace, for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to authorise the Sessions of the Peace, for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County.
- Pictou Poors' Rates** An Engrossed Bill to continue the Act respecting the collection of Poor's Rates of Pictou, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act respecting the collection of Poors' Rates of Pictou.
- Bite of Animals** An Engrossed Bill to continue the Act to provide against the occurrence of Diseases from the Bite of Animals, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to provide against the occurrence of diseases from the Bite of Animals.
- Pugwash Harbour** An Engrossed Bill to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.
- Mortgage Foreclosure** An Engrossed Bill to continue the Act for the more easy Redemption and Foreclosure of Mortgages, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages.
- Marriage Licences** An Engrossed Bill to continue the Act relating to Marriage Licenses, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act relating to Marriage Licenses.
- Halifax Grammar School** An Engrossed Bill to continue the Act to amend an Act, for establishing a Public School in the Town of Halifax, was read a third time.
Resolved, That the Bill do pass, and that title be, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.
- Quarantine** An Engrossed Bill to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof, was read a third time.
Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.

An Engrossed Bill to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof, was read a third time. Contagious Diseases

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in the Province, and the Act in amendment thereof.

An Engrossed Bill to continue the Act additional, concerning Nuisances, was read a third time. Nuisances

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act additional, concerning Nuisances.

An Engrossed Bill to continue the Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province, was read a third time. Proof of Written Documents

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province.

An Engrossed Bill to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis, was read a third time. Annapolis Academy

Resolved, That the Bill do pass, and that the title be, An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.

An Engrossed Bill to continue the Act to regulate certain Landings in the County of King's County, was read a third time. Landings in King's County

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to regulate certain Landings in the County of King's County.

An Engrossed Bill to continue the Act concerning Malicious Injuries to Property, was read a third time. Malicious Injuries

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act concerning Malicious Injuries to Property.

An Engrossed Bill to continue the Act to encourage the Importation of improved Breeds of Cattle into this Province, was read a third time. Importation of Cattle

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to encourage the Importation of improved Breeds of Cattle into this Province.

An Engrossed Bill to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape Breton, was read a third time. Bridgeport Harbor Master

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape Breton.

An Engrossed Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and the Acts in amendment thereof, was read a third time. Sydney Pilotage

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and the Acts in amendment thereof.

An Engrossed Bill to continue the Act to authorise the Sale of Coals by Weight, was read a third time. Coals by Weight

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to authorise the Sale of Coals by Weight.

An Engrossed Bill to continue the Act for the better regulation of Sable Island, in this Province, was read a third time. Sable Island

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for the better regulation of Sable Island, in this Province.

An Engrossed Bill to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses, was read a third time. Trespasses

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.

An Engrossed Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax Pilotage of

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of Halifax, and the several Acts in amendment thereof and additional thereto, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.

Summary Trials

An Engrossed Bill to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.

Extension of Laws to Cape Breton

An Engrossed Bill to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova Scotia to the Island of Cape Breton, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova Scotia to the Island of Cape Breton.

Summary Trials Cape Breton

An Engrossed Bill to continue the Act for the Summary Trial of Actions in the Island of Cape Breton, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for the Summary Trial of Actions in the Island of Cape Breton.

Billeting Troops, &c.

An Engrossed Bill to continue the Act entitled, An Act to provide for the Accommodation and Billeting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another, and also the Acts in amendment thereof, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to provide for the Accommodation and Billeting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another, and also the Acts in amendment thereof.

Bills sent to Council

Ordered, That the Clerk do carry the said several Bills to the Council, and desire their concurrence thereto.

Further report of expiring Laws—viz

Mr. Dickson reported further from the Committee on the expiring Laws; and thereupon, presented,

Continuing Suspension of Fore-stalling Acts

A Bill to continue the Act to suspend the operation of the several Acts of the General Assembly, passed to prevent Forestalling, Re-grating and Monopolising.

Town Officers Acts

A Bill to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and Regulating of Townships, and the Acts to alter and amend the same; and

Pickled Fish Inspection Read 1st time

A Bill to continue the Acts in force, relative to the Inspection of Pickled Fish. And the said Bills were severally read a first time.

Ordered, That the two first mentioned Bills be read a second time.

Pickled Fsh Inspection referred to Sel. Com.

Ordered, That the last mentioned Bill to continue the Acts in force relative to the Inspection of Pickled Fish, be referred to Mr. Dickson, Mr. Des Barres, Mr. Bell, Mr. Clements, and Mr. W. Sargent, to examine and report thereon to this House.

Petition of Jos. Read referred to Sel. Com.

Ordered, That the Petition of Joseph Read, presented to this House on the 18th Inst., be referred to Mr. Huntington, Mr. Howe, and Mr. McDonald, to examine into the merits thereof, and report thereon to this House, with power to the Committee to send for Persons, Papers, and Records.

Petition of E. H. Harrington referred to Select Committee

Ordered, That the Petition of E. H. Harrington, Sheriff of the County of Sydney, presented to this House on the 22d Inst., be referred to Mr. Fairbanks, Mr. Chipman, and Mr. Dickson, to examine and report thereon to this House, by Bill or otherwise.

Petition of Dr. Pike for payment of expenses of Transient Poor

A Petition of F. Carter Pike of Windsor, Surgeon, was, by special leave, presented by Mr. McHeffy and read, praying payment for Surgical aid and Medicines, furnished by him to a Transient Pauper in Windsor, at the request of the Overseers of the Poor of that Township.

Ordered,

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- Ordered*, That the Petition be referred to the Select Committee on the Petition of the Overseers of the Poor for Yarmouth, to examine and report upon. Ref. to Sel. Com.
- Mr. Chipman reported from the Select Committee on the Petition of William Crook, which prayed payment of the expense of building a Bridge some years since, at Lawrence Town; and he read the Report in his place, recommending payment of the sum claimed, and afterwards delivered the Report in at the Clerk's Table, where it was again read. Report on Pet. of Wm. Crook
(See Appendix, No. 18)
- Ordered*, That the Report and Petition be referred to the Committee of Supply. Refd to Com of Supply
- Mr. McLellan, pursuant to leave given, presented a Bill for the Registry of Names of Persons entitled to Vote at future Elections, for Members to serve in General Assembly, and for Assessing County Rates in the several Counties within this Province; and the same was read a first time, and ordered to be read a second time. Bill for registry of Voters and assessing County rates
- A Petition of Major Chipman and others, Inhabitants of the Township of Wilmot, and the Settlements of Dalhousie and New Albany, was presented by Mr. Holland and read, praying that the Representation of the County of Annapolis may be equalized, by three Members being allowed to the County, instead of one County and two Township Members, as at present. Petition for equalization of representation of County of Annapolis
- Ordered*, That the Petition do lie on the Table.
- A Petition of Overseers of the Poor for Macan and Napan, was, by special leave, presented by Mr. Lewis and read, praying reimbursement of the expenses of a Transient Pauper. Petition of Overseers of Poor for Macan
- Ordered*, That the Petition be referred to the Committee on the Petition of the Overseers of the Poor for Yarmouth, to examine and report upon. Refd. to Sel. Com.
- Mr. Waterman reported from the Select Committee on the Petition of John Wile, praying payment of a balance due him for building LaHave Bridge; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read. Report from Com. on Pet. of John Wile
(See Appendix, No. 19.)
- Ordered*, That the Report do lie on the Table.
- Mr. Young then moved, that the House do come to a Resolution, as followeth:
Resolved, That it is the opinion of this House, that John Wile, the Contractor for La Have Bridge, ought to be paid the full balance of £220, still owing to him, on his giving a Bond, with sufficient Sureties, to be approved of by His Excellency the Lieutenant-Governor, in the amount and form reported by the Committee, for a period of ten years; which, being seconded; after debate thereon, Resolution for payment to John Wile for Lahave Bridge
- Mr. Miller moved, that the question be not now put; which, being seconded and put, and the House dividing thereon, passed in the negative. Previous question
- The original motion being then put, and the House dividing thereon, there appeared for the Resolution, twenty-eight; against it, nine. So it passed in the affirmative. Resolution passed
- On motion of Mr. Young, *resolved*, that a Select Committee be appointed to wait on His Excellency the Lieutenant-Governor, to communicate to him the foregoing Resolution, with a copy of the Report of the Select Committee on the Petition of John Wile.
- Ordered*, that Mr. Young, Mr. Heckman, and Mr. Creighton, be a Committee for the foregoing purpose. Com. to wait on Gov. with resolutions
- On motion of Mr. Young, *resolved*, that a Committee be appointed to examine and report, from time to time, on all matters relating to the Post Office. Committee on Post Office
- Ordered*, That Mr. Young, Mr. Goudge, Mr. Dickson, Mr. Chipman, and the Hon. Mr. Uniacke, be a Committee for the above purpose.
- On motion of Mr. Lewis, *resolved*, that the Committee on Temperance, have power to correspond with such Committees as have been, or may be, appointed by the Assemblies of New Brunswick, and Prince Edward's Island; for promoting the same beneficial ends. Com. on Temperance to correspond
- Then the House adjourned until To-morrow, at twelve of the clock.

Wednesday,

Wednesday, 29th January, 1840.

PRAYERS.

Bill to continue suspension of Forestalling Acts

A Bill to continue the Act to suspend the operation of the several Acts of the General Assembly, passed to prevent Forestalling, Re-grating, and Monopolizing.

Bill to continue Town Officers Acts and

A Bill to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Acts to alter and amend the same; and

Bill for Registry of Votes read 2d time &

A Bill for the Registry of the Names of Persons entitled to Vote at future Elections, for Members to serve in General Assembly, and for Assessing County Rates, in the several Counties of this Province, were severally read a second time.

Committed

Ordered, That the Bills be committed to a Committee of the whole House.

Order for consideration of Private Petitions

Ordered, that this House will, on Tuesday next, proceed to the consideration of Private Petitions.

Committee on Bills

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Tusket Meeting House Bill without amendment

The Chairman reported from the Committee that they had gone through the Bill to authorise the Congregation of the Meeting House at Tusket Village, to raise money from the Pews of the said Meeting House, for the repairing and ornamenting thereof, and had directed him to report the said Bill to the House without any amendment: That they had also gone through the Bill for annexing Five Islands to the County of Colchester, and the Bill for establishing the times and places of holding the Polls at Elections of Representatives, and had made several amendments to the said Bills respectively, which they had directed him to report to the House; and he afterwards delivered the said three Bills, with the amendments to the two last mentioned Bills, in at the Clerk's Table.

Five Islands Bill & Polls Bill with amendments

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills, which the House agreed to.

Ordered, That the Bill reported without amendment be engrossed.

The amendments to the Bill to annex Five Islands to the County of Colchester, being read by the Clerk, were agreed to by the House.

Ordered, That the Bill with the amendments be engrossed.

Motion to recommit Polls Bill negatived on division

Mr. Benjamin moved, that the Report from the Committee upon the Bill for establishing the times and places of holding the Polls at Elections of Representatives, be not received by the House, and that the Bill be re-committed, in order that the same may be so amended, that the Sheriff, at any General Election, may be enabled to open the Poll at the same time, as well for the County of King's, as for the Township of Horton, first at some central and convenient place, in the centre of Horton, to be there held and continued for three days, and thence to be adjourned to the Court House in Kentville, there to be held and continued for four days: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nine; against it, seventeen:

For the motion,

Mr. Annand
Mr. Clements
Mr. Howe
Mr. Huntington
Mr. Benjamin
Mr. McLellan
Mr. Lewis
Mr. Waterman
Mr. Creighton

Against the motion.

Mr. Forrester	Mr. DesBarres
Mr. Thorne	Mr. Robichau
Mr. Dickey	Mr. McKim
Mr. McDonald	Mr. Chipman
Mr. W. Sargent	Mr. Morton
Mr. Heckman	Mr. Dickson
Mr. Upham	Mr. Fairbanks
Mr. Goudge	Mr. McDougall
Mr. Holmes	

So it passed in the Negative.

The amendments to the Bill were then read by the Clerk, and agreed to by the House.

Ordered, That the Bill, with the amendments, be engrossed.

Mr.

WEDNESDAY and THURSDAY, 29th and 30th JANUARY, 1840.

Mr. Goudge, pursuant to leave given, presented a Bill relating to Registrars of Deeds: and the same was read a first time, and ordered to be read a second time. Bill relating to Registrars of Deeds

A Petition of Charles McAlpine, of Louisburg, in Cape Breton, was, by special leave, presented by the Hon. Mr. Uniacke and read, setting forth the shipwreck of the Schooner Defiance, of Pugwash, in the gale of the 13th September last, near to Louisburg, by which all persons on board perished; and several dead bodies having been picked up, were buried by Petitioner's direction, and praying reimbursement of the expenses incurred by him therein, with compensation to the persons employed. Petition of Chas. McAlpine for expenses of burying Shipwrecked Seamen

Ordered, That the Petition be referred to the Committee on the Petition of the Overseers of the Poor for Yarmouth, to examine and report thereon. Refd. to Sel. Com.

A Petition of the Trustees of the Public School, situated on the north side of the Northwest Arm, in the County of Cape Breton, was, by special leave, presented by the Hon. Mr. Uniacke and read, praying a grant of a balance due for building a School House at that place. Petition for aid to Public School in Cape Breton
Ordered, That the Petition be referred to the Committee on Education. Refd. to Com. on Education

A Petition of Mark F. Bigney and others, Inhabitants of Pugwash, and its vicinity, was presented by Mr. McKim and read, praying that the expediency of prohibiting the importation and manufacture of Intoxicating Liquors may be taken into consideration. Petition against importation of Spirituous Liquors

Ordered, That the Petition be referred to the Committee on Temperance, with leave to report thereon by Bill or otherwise.

Mr. Holland, pursuant to leave given, presented a Bill to Incorporate the Margaretville Pier Company: and the same was read a first time, and ordered to be read a second time. Bill to Incorporate Margaretville Pier Company

Ordered, That Mr. Allison have leave of absence from Friday next until Tuesday next, to return home on urgent private business. Leave of absence to Mr. Allison

Ordered, That the Petition of Charles D'Entremont and others, praying aid in the establishment of Buoys at Pubnico and Cockawit, presented to this House on the 7th inst. be referred to the Committee on Navigation Securities. Petition for Buoys at Pubnico referred to Com. on Navigation Security

Then the House adjourned until To-morrow, at twelve of the clock.

Thursday, 30th January, 1840.

PRAYERS.

Mr. Clements reported from the Select Committee on the Petition of Henry Green, in relation to the curing and removing of Cancers and Wens: and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read. Report on Petition of Henry Green

(See Appendix, No. 20.)

On motion, *resolved*, that the Report be received and adopted by this House. Adopted

A Petition of Freeholders, and other Inhabitants of the County of Digby, was, by special leave, presented by Mr. Robichau and read, praying aid to a Grammar School or Academy at Digby. Pet. for aid to Academy at Digby

Ordered, That the Petition be referred to the Committee on Education. Refd. to Education Com.

A Petition of James Gray and others, was presented by Mr. Whitman and read, praying aid in improving and establishing as a Mail Route the Road laid out from Halifax, through the Settlements of Wellington, Sherbrooke and Dalhousie, to Annapolis and Bear River, in contemplation of those latter places being points of a speedy Steam Boat Communication with St. John, New Brunswick, throughout the year. Petition for Mail route through Dalhousie &c.

Ordered, That the Petition be referred to the Committee on Steam Navigation. Refd to Com. on Steam Navigation

On motion of Mr. Young, *resolved*, that a Committee be appointed to wait on the Lieutenant-Governor and respectfully request that His Excellency will cause the accounts of Accounts of Casual Revenue and Blue Book requested from Gov.

THURSDAY, 30th JANUARY, 1840.

the receipts and expenditure of the Casual Revenue, and a copy of the Blue Book for last year, to be laid on the Table of the House with the least possible delay.

Ordered, That Mr. Young, Mr. Creighton and Mr. Heckman, be a Committee for the above purpose.

Engrossed Tusket Meeting House Bill read 3d time & passed

An Engrossed Bill to authorise the Congregation of the Meeting House at Tusket Village, to raise money from the pews of the said Meeting House, for the repairing and ornamenting thereof, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to authorise the Congregation of the Meeting House at Tusket Village to raise money from the pews of the said Meeting House for the repairing and ornamenting thereof.

Ordered, That the Clerk do carry the Bill to the Council and desire their concurrence.

Engrossed Five Islands Bill read 3d time

An Engrossed Bill for annexing Five Islands to the County of Colchester, was read a third time; and thereupon,

Motion to recommit Bill negatived

The Hon. Mr. Dewolf moved, that the Bill be recommitted to a Committee of the whole House which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen; against it, twenty-three.

So it passed in the negative.

Rider added

On motion of Mr. McLellan, *resolved*, that the following enacting clause do pass, and be added to the Bill by way of rider, viz:

And be it further enacted, That the Line between said Counties of Colchester and Cumberland, shall be continued and run from the North-west corner of the Township of Economy, Eastwardly in a direct Line to the North Line of Robert Sterritt's North Farm, in Castlereagh; thence East in a direct Line until it strikes the Line of the Township of Westchester; thence Southerly along said Line, until it comes to the South corner of said Township; thence Easterly along the Line of said Township until it comes to the South-east corner of the Lot of Land set off to Horton and Williams, on the plan of the County of Cumberland; thence Easterly in a direct Line until it strikes the South side of Sutherland's Lake; thence Easterly in a direct Line until it strikes the North side of the Folly Lake; thence Easterly in a direct Line until it strikes the Line at Daniell's Clear, which was run between part of said Counties of Cumberland and Colchester, in the year 1833.

And the said enacting clause being accordingly added as a rider to the Bill:

The usual question was put, that the Bill do pass, and be sent to the Council for concurrence: whereupon,

Bill passed on division

The House divided, when there appeared for so passing the Bill, twenty-nine; against it, fourteen.

For the Affirmative,

Mr Smith	Mr McDougall	Mr Forrester
Mr McKim	Mr Annand	Mr Waterman
Mr McLellan	Mr Robicheau	Mr Elder
Mr Doyle	Mr Clements	Mr Holland
Mr Chipman	Mr McDonald	Mr Dickson
Mr DesBarres	Mr Howe	Mr Forrestall
Mr Upham	Mr Morton	Mr D'Entremont
Mr Goudge	Mr Bell	Mr McHeffy
Mr Huntington	Mr Heckman	Mr Holdsworth
Mr Dickey	Mr Lewis	

Against it,

Mr Creighton	Mr Young
Mr J Sargent	Mr Miller
Mr Hatton	Hon Mr Dewolf
Mr Holmes	Mr Benjamin
Mr Thorne	Mr W. Sargent
Mr Whitman	Mr Fairbanks
Mr Allison	Hon Mr Uniacke

So it passed in the affirmative.

Resolved, That the Bill do pass, and that the title be, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland respectively.

Bill sent to Council

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Letter from Delegates

Mr. Young, by leave of the House, presented a Letter addressed to Mr. Speaker by him and Mr. Huntington, the late Delegates of this House to the Home Government, controverting and explaining certain statements made by the Delegates of the Legislative Council, set forth in the printed statement, and the same was read and ordered to be printed.

(See Appendix No. 21.)

Ordered, That the Letter do lie on the Table.

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THURSDAY, 30th JANUARY, 1840.

A Petition of Messrs. Gossip and Coade, of Halifax, Printers, was, by special leave, presented by Mr. Forrester and read, praying a return of Duties paid by them, upon the Importation of an Iron Printing Press, from the United States of America.

Pet. of Gossip & Coade for return of duties

Ordered, That the Petition be referred to the Committee on the Petition of J. W. Nutting, to examine and report upon.

Referred to Com. on Drawback Petitions
Registrars of Deeds Bill
Margaretville Pier Bill
Read 2d time & committed

A Bill relating to Registrars of Deeds: also,
A Bill to Incorporate the Margaretville Pier Company,
Were severally read a second time.

Ordered, That the Bills be committed to a Committee of the whole House.

Mr. Bell reported from the Select Committee on the Petition of Medical Practitioners and others, of Halifax, in relation to the establishment of a Hospital, and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report on Medical Practitioners Petition for Hospital

(See Appendix No. 22.)

Ordered, That the Petition do lie on the Table.

A Petition of Trustees of the National School in Halifax, was, by special leave, presented by Mr. Howe and read, praying a continuance of aid to that Institution.

Petition for National School

Ordered, That the Petition be referred to the Committee on Education.

A Petition of John Jack and others, of the Township of Windsor, was, by special leave, presented by the Hon. Mr. Uniacke and read, praying that the funds available for the repair of the Streets of Windsor may not be made applicable to the payment of the expenses of Thomas Timlin, in the suit against him by Mrs. Amelia McKay.

Petition from Windsor against applying Street Funds to pay Thos. Timlin

Ordered, That the Petition do lie on the Table.

A Petition of Members of the Baptist Church and others, at Wilmot, was, by special leave, presented by Mr. Thorne and read, praying a Charter of Incorporation for the Queen's College at Horton, with pecuniary aid to that Institution.

Petition of Baptist Church at Wilmot for Charter to Queen's College

Ordered, That the Petition be referred to the Committee on Education.

A Petition of Isaac Willett and others, was, by special leave, presented by Mr. Thorne and read, complaining of the operation of the Act relating to Fires and Firewards, as extended to Bridgetown, in the County of Annapolis, and praying relief therefrom.

Pet. from Bridgetown against Firewards Acts

Ordered, That the Petition be referred to Mr. Clements, Mr. Thorne and Mr. Creighton, to examine and report upon to this House.

Referred to Sel. Com.

A Petition of Freeholders, and other Inhabitants of the upper part of Granville, was, by special leave, presented by Mr. Thorne and read, praying aid in the erection of a Pier or Breakwater at Chute's Cove, on the Shore of the Bay of Fundy, in that Township.

Pet. for aid to Chute's Cove Pier in Granville

Ordered, That the Petition be referred to the Committee on Navigation Securities.

Refd. to Com on Navigation Securities
Com. of whole on General state of the Province order of day postpd.
Committee on Bills

The order of the Day being read,

Ordered, That this House do, on Monday next, the 3d February, resolve itself into a Committee of the whole to consider the General State of the Province.

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to Incorporate the Margaretville Pier Company, and had directed him to report the same to the House without any amendment and he thereupon delivered the Bill in at the Clerk's Table.

Report Margaretville Pier without amendment

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again on the consideration of Bills—which the House agreed to.

Ordered, That the Bill be engrossed.

Mr.

Report from Com.
on Agriculture

Mr. Allison reported in part from the Committee on Agriculture; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 23.)

Ordered to be printed

Ordered, That the report do lie on the Table, and that 500 Copies thereof be printed for the use of Members.

Then the House adjourned until To-morrow, at Twelve of the clock.

Friday, 31st January, 1840.

PRAYERS.

Petition of Colchester
Agricultural Society
Refd. to Com. on
Agriculture
Engrossed Polls
Bill read 3d time

A Petition of the Colchester Agricultural Society, was, by special leave, presented by Mr. Upham and read, praying aid towards the objects of that Institution.

Ordered, That the Petition be referred to the Committee on Agriculture.

Amended

An engrossed Bill for establishing the times and places of holding the Polls at Elections of Representatives, was read a third time: and thereupon,

On motion of Mr. Robicheau, resolved, that the Bill be amended in that part of it regulating the holding of the Poll for the County of Digby, by leaving out the word "four," and inserting in place thereof the word "six," and by leaving out the word "three," and inserting in place thereof the word "four."

And the said amendments were accordingly made.

Another amendt.
negatived

Mr. Benjamin then moved, that the Bill be further amended in that part of it which regulates the holding of the Poll for the Township of Horton, by leaving out the word "central," and inserting instead thereof the word "fit,"—which, being seconded and put, and the House dividing thereon, there appeared, for the motion, ten; against it, seventeen.

So it passed in the negative.

Bill passed

Ordered, That the Bill, as amended, do pass, and that the title be, An Act for establishing the times and places of holding the Polls at Elections of Representatives.

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Engrossed Margarettville Pier Bill
read 3d time
Rider added

An engrossed Bill to Incorporate the Margaretville Pier Company, was read a third time: and thereupon,

On motion of Mr. Thorne, resolved, that the following clause do pass, and be added to the Bill by way of Rider:

"Provided always, and be it further enacted, That in every case when any person shall have, before the passing of this Act, actually contributed to the said Pier the sum of Two Pounds Ten Shillings, or upwards, the said person shall be deemed a Shareholder of said Corporation, and be entitled to a share for every Two Pounds Ten Shillings of the amount by him so actually contributed as aforesaid.

And the said clause being accordingly added as a Rider—

Bill passed

Resolved, That the Bill do pass, and that the title be, An Act to Incorporate the Margaretville Pier Company.

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Papers relative to
Joseph Read's
claim laid before
House

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented copies of Papers relative to Joseph Read's claim to a Lot of Crown Land upon the Joggin Shore, in the County of Cumberland, required by Resolution of this House on the 18th January, 1840.

(See Appendix No. 24.)

Referred to Sel.
Com.

Ordered, That the Papers be referred to the Committee on the Petition of Joseph Read.

Custom House Pa-
pers laid before
House

The Hon. Mr. Uniacke, also, by command of His Excellency the Lieutenant-Governor, presented a Letter from the Hon. Thomas N. Jeffery, Collector of Her Majesty's Customs at the Port of Halifax, to Mr. Secretary George, relative to certain Returns from the Custom House required by a Resolution of this House, accompanied by a part of such Returns

turns

turns, viz:—An account of all articles entered for the use of the Fisheries, for the years 1835, 1836, 1837, 1838 and 1839; and the same were read.

(See Appendix No. 25.)

Ordered, That the Letter and Returns do lie on the Table.

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill relating to Registrars of Deeds, and had made amendments thereto, which they had directed him to report to the House with the Bill; and he afterwards delivered the Bill and amendments in at the Clerk's Table.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again on the consideration of Bills—which the House agreed to.

The amendments to the Bill were then read, and agreed to by the House.

Ordered, That the Bill, with the amendments, be engrossed.

A Message from the Council by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the several Bills following, without any amendment, viz:

A Bill entitled, An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis.

A Bill, entitled, An Act to continue the Act to preserve the Harbour of Cape Forchu in Yarmouth.

A Bill, entitled, An Act to authorise the Congregation of the first Baptist Meeting House in Yarmouth, to raise Money from the Pews of said Meeting House, for the repairing and ornamenting thereof.

A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.

A Bill, entitled, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.

A Bill, entitled, An Act to continue the Act to make the Stealing of Dogs, Beasts and Birds, Larceny.

A Bill, entitled, An Act to continue the Act to enable the Proprietors of Land, in the rear Blocks or Divisions of Land, in the Township of Guysborough, to open Roads through the same.

A Bill, entitled, An Act to continue the Act to authorise the Sessions of the Peace, for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County.

A Bill, entitled, An Act to continue the Act respecting the collection of Poor's Rates of Pictou.

A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals.

A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.

A Bill, entitled, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.

A Bill, entitled, An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.

A Bill entitled An Act to continue the Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.

A Bill entitled, An Act to continue the Act additional concerning Nuisances.

A Bill entitled, An Act to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.

Committee on Bills

Report Registrars of Deeds Bill with amendt.

Message from Council
Council agree to Bills
Bridgetown Lock-up-House Bill
Cape Forchu Harbour Bill

Yarmouth-Meeting House Bill.

Also Bills to continue Acts relating to Smoked Herrings

Bears, &c.

Stealing Dogs

Guysborough Back Lands.

Queen's County Manure

Pictou Poor Rates.

Bite of Animals

Pugwash Harbor

Halifax Grammar School

Quarantine

Infectious Diseases

Nuisances

Annapolis Academy

Landings in King's County	A Bill entitled An Act to continue the Act to regulate certain Landings in the County of King's County.
Importation of Cattle	A Bill entitled, An Act to continue the Act to encourage the Importation of Improved Breeds of Cattle into this Province
Bridgeport Harbor Master	A Bill, entitled, An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape Breton.
Sydney Pilotage	A Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton.
Sale of Coals by Weight	A Bill, entitled, An Act to continue the Act to authorize the Sale of Coals by Weight.
Sable Island	A Bill, entitled, An Act to continue the Act for the better Regulation of Sable Island, in this Province.
Halifax Pilotage	A Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.
Summary Trials	A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions and the Acts in amendment thereof.
Extension of Laws to Cape Breton	A Bill, entitled, An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova Scotia to the Island of Cape Breton.
Summary Trials Cape Breton	A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions in the Island of Cape Breton.
Billeting Troops, &c.	A Bill, entitled, An Act to continue the Act, entitled An Act to provide for the Accommodation and Billeting of His Majesty's Troops or of the Militia, when on their March from one part of the Province to another.
Have agreed to Bills with amendts. viz: to continue Writs of Attachment	The Council have also agreed to the Bills following, viz : A Bill, entitled, An Act to continue the Act to restrain the Issuing Writs of Attachment, in certain cases.
Forclosure of Mortgages	A Bill, entitled, An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages.
Marriage Licences	A Bill, entitled, An Act to continue the Act relating to Marriage Licences.
Proof of Written Documents	A Bill, entitled, An Act to continue the Act to lessen the expense of the proof of Written Documents in Actions depending in any of the Courts within this Province.
Malicious Injuries to property	A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property, and
Trespasses	A Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses ; Severally with amendments, to which amendments they desire the concurrence of this Honourable House. And then the Messenger withdrew.
Council's amendt. to contg. Bills read	The said amendments of the Council to the six last mentioned Bills, were severally read a first time, and ordered to be read a second time.

Then the House adjourned until To-morrow, at twelve of the clock.

Saturday, 1st February, 1840.

PRAYERS.

Report from Com. on Pets. of J. W. Nutting Jas Bowes & Gossip & Coade

Mr. Huntington reported from the Committee on the several Petitions of James W. Nutting, James Bowes, and Messrs. Gossip and Coade; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix No. 26.)

Report, &c. refd. to Com of Supply

Ordered, That the Report and Petitions be referred to the Committee of Supply.

Engrossed Registrar's Bill read 3d time & recommitted

An engrossed Bill relating to Registrars of Deeds, was read a third time; and thereupon,
On motion of Mr. Huntington, *resolved*, that the Bill be recommitted to a Committee of the whole House.

A Petition of Israel Barker and others, Inhabitants of the County of Cumberland, was presented by Mr. Lewis and read, setting forth the evils of the present system of the Common School's Education, and urging that they possess greater claims upon the attention of this House, than the establishment or support of Academies for the education of a few individuals, and praying the adoption of a better system of common education.

Pet. of I. Barker & al. of Cumberland on subject of Education

Ordered, That the Petition be referred to the Committee on Education.

Referred to Com. on Education

A Petition of the West River Pictou Library Society, was, by special leave, presented by Mr. Dickson and read, praying a Grant of Money in aid of the objects of that Institution.

Pet. of Pictou Library Society Ref. to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

A Petition of Elijah Purdy, was, by special leave, presented by Mr. Lewis and read, praying remuneration for Medical attendance upon a Transient Pauper at Napan, in the County of Cumberland.

Pet. of Dr. Purdy for remuneration for attendance on Transient Pauper. Ref. to Sel. Com.

Ordered, That the Petition be referred to the Select Committee on the Petition of the Overseers of the Poor for Yarmouth, to examine and Report upon.

On motion, the House resolved itself into a Committee on Bills.

Committee on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee that they had again gone through the Bill relating to Registrars of Deeds, and had made several amendments thereto—which they had directed him to report to the House, with the Bill; and he thereupon delivered the Bill and amendments in at the Clerk's Table.

Report Registrars Bill with amends:

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills,—which the House agreed to.

The amendments reported with said Bill were read, and agreed to by the House.

Amends. agreed to & Bill to be engrossed

Ordered, That the Bill be re-engrossed with the amendments.

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 3d February, 1840.

PRAYERS.

A Reingrossed Bill relating to Registrars of Deeds, was again read;—and thereupon.

Re-engrossed Registrars Bill read 3d time Motion to re-commit Bill

Mr. McLellan moved, that the Bill be recommitted for the purpose of reducing the fees, so as to make the Net income of the Registrars of Deeds throughout the Country just the same as they now are and no more, and for the purpose of providing a place of deposit for the Abstract of Deeds to be lodged, to guard against accidents or Fire:—which, being seconded,

Mr. Huntington moved, that the question be amended, by leaving out all the words thereof after the word "that" and substituting therefor the words following: to "recommit the Bill, is unnecessary, as the fees are actually and respectively reduced by this Bill:" which, being seconded and put, and the House dividing thereon, there appeared for the amendment, twenty-one; against it, eight:

Amendt thereto carried on division

For the Amendment,

Against it,

Mr. McDougall
Mr. McKim
Mr. Huntington
Mr. Dickey
Mr. McHefly
Mr. Holmes
Mr. Dickson

Mr. Annand
Mr. Goudge
Mr. Smith
Mr. D'Entremont
Mr. Benjamin
Mr. W. Sargent
Mr. Whitman

Mr. Upham
Mr. McDonald
Mr. Forrestall
Mr. Bell
Mr. Elder
Mr. J. Sargent
Mr. Creighton

Mr. Forrester
Mr. Robichau
Mr. Holdsworth
Mr. Thorne
Mr. Miller
Mr. McLellan
Mr. Morton
Mr. Lewis

So it passed in the affirmative.

On motion of Mr. Huntington, *resolved*, that the following enacting clause do pass, and Rider added be added to the Bill by way of rider, viz:

And

MONDAY, 3d FEBRUARY, 1840.

And be it further enacted, That every Registrar of Deeds to be appointed under this Act, shall, before he enters upon his Office, be sworn to the faithful and impartial discharge of his duty, by Affidavit in writing, which shall be sworn before a Judge of the Supreme Court, or if there be no Judge of such Court in the County wherein such Registrar may be when appointed before the Commissioner for taking Affidavits in such Supreme Court, resident in such County, and such Affidavit, signed by the Registrar, and sworn to and attested before such Judge or Commissioner, shall be transmitted to the Office of the Secretary of the Province, to be there kept and filed.

And the said clause having been added accordingly,

Resolved, That the Bill do pass, and that the title be, An Act relating to the Registrars of Deeds.

Bill passed

Bill sent to Council

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Pet. of Thos Glencross & al. for increased pay to Mail Courier between Antigonish & Sherbrooke
Ref. to Committee on Post Office

A Petition of Thomas Glencross and others, Inhabitants and Freeholders in the Settlement on the St. Mary's River, County of Guysborough, was, by special leave of the House, presented by Mr. DesBarres, and read, praying an increase of the allowance to the Mail Courier between Antigonish and Sherbrooke.

Ordered, That the Petition be referred to the Committee on the Post Office.

Council agree to Tuskent Meeting House Bill without amendment

A Message from the Council by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to authorise the Congregation of the Meeting House at Tuskent Village to raise money from the pews of the said Meeting House, for the repairing and ornamenting thereof, without amendment.

And then the Messenger withdrew.

Order of Day Com. on General State of Province

The Order of the Day for considering the General State of the Province in Committee of the whole House being read :

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report progress

The Chairman reported from the Committee that they had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Ordered, That this House do, to-morrow, again resolve itself into a Committee to consider the General State of this Province.

Order of Day Com. of Supply postponed

The Order of the Day being read for the House to resolve itself into a Committee to consider of the Supply granted to Her Majesty.

Ordered, That this House do, to-morrow, resolve itself into the said Committee.

Report from Com. to wait on Gov. in reference to LaHave Bridge

Mr. Young, from the Select Committee appointed to wait upon His Excellency the Lieutenant-Governor, in reference to the Resolution for payment to John Wile of the balance due for building La Have Bridge, reported that the Committee had complied with the Order of the House, and that His Excellency was pleased to intimate to the Committee that the Resolution should be attended to, and payment made upon the Execution of the Bond referred to in the Resolution.

Report from Com. to wait on Gov. & request Blue Book, &c.

Mr. Young also reported from the Committee appointed to wait upon His Excellency and request accounts of the Receipt and Expenditure of the casual Revenue, and a copy of the Blue Book, to be laid before this House; that the Committee had performed the duty assigned to them, and that His Excellency, in answer to the application, was pleased to say, that the accounts requested should be furnished without delay, but that the Blue Book could not be laid before the House this Session.

Then the House adjourned until To-morrow, at Eleven of the Clock.

Tuesday,

Tuesday, 4th February, 1840.

A Petition of Cornelius Craig, was, by special leave, presented by Mr. Spearwater and read, praying aid towards the Ferry kept by him over Sable River in the County of Shelburne. Pet. of C. Craig for aid to Shelburne Ferry

Ordered, That the Petition be referred to the Committee on Navigation Securities, to examine and report upon. Ref. to Com. on Navigation Securities

A Petition of Overseers of the Poor for the Township of Shelburne, was, by special leave, presented by Mr. Spearwater and read, praying payment of the expences of Transient Paupers. Pet. of Overseers of Poor Shelburne

Ordered, That the Petition be referred to the Committee on the Petition of Overseers of the Poor for Yarmouth, to examine and report upon. Ref. to Sel. Com.

A Petition of James Geddes and others, Freeholders and Inhabitants of Clyde River, was, by special leave, presented by Mr. Spearwater and read, praying aid in the removal of certain Rocks obstructing that River. Pet. for aid to clear out Clyde River Shelburne

Ordered, That the Petition be referred to the Committee on Navigation Securities to examine and report upon. Ref. to Com. on Navigation Securities

A Petition of Members of the United Baptist Churches at Lunenburg and Bridgewater, and others, was presented by Mr. Miller and read, praying that a Charter of Incorporation may be granted to the Queen's College in Horton, with pecuniary aid thereto. Pet. from Lunenburg for Charter and aid to Queen's College

Ordered, That the Petition be referred to the Committee on Education. Ref. to Committee on Education

Mr. Dickson, to whom was referred the Petition of the General Mining Association, reported and presented a Bill to regulate and prevent Injury to Rail Roads, and the same was read a first time, and ordered to be read a second time. Report on Pet. of Gen. Mining Association, Railway Bill presented

The Order of the Day being read, for further considering the General State of the Province in Committee of the whole House.—The House resolved itself into the said Committee. Order of Day, Com. on General State of Province

Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress, and had directed him to move for leave to sit again, on the consideration of the General State of the Province which the House agreed to. Report progress

Ordered, That this House do, To-morrow, again resolve itself into a Committee on the further consideration of the General State of the Province.

The Order of the Day being read, for the consideration of the Supply granted to Her Majesty in Committee of the whole House. Com. of Supply postponed

Ordered, That this House do, To-morrow, resolve itself into the said Committee.

The Order of the Day being read, for the consideration of Private Petitions. Consideration of Private Petitions postponed

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Then the House adjourned until To-morrow, at twelve of the clock.

Wednesday, 5th February, 1840.

PRAYERS.

A Petition of the Committee of the Colchester Literary Society, was presented by Mr. Archibald and read, praying a Grant to enable them to procure Philosophical Apparatus, and otherwise advance the objects of that Institution. Pet. of Colchester Literary Society

Ordered, That the Petition be referred to the Committee on Education. Ref. to Com. on Education

A Bill to regulate and prevent Injury to Rail Roads, was read a second time. Rail Road Bill read 2d time and comtd.

Ordered, That the Bill be committed to a Committee of the whole House.

WEDNESDAY, 5th FEBRUARY, 1840.

- Com. on Supervisors' Bill report amendments thereto
 Mr. Morton reported from the Select Committee, to whom was referred the Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof; that the Committee had considered said Bill, and had prepared amendments thereto, which they recommend to the House to adopt; and he delivered said amendments in at the Clerk's Table with the Bill, and the amendments were read by the Clerk.
- Bill and amnts. re-committed
Ordered, That the Bill be re-committed, with the amendments to a Committee of the whole House.
- Orders of Day Supply postponed
 The Orders of the Day being read,
Ordered, That this House do, To-morrow, resolve itself into a Committee to consider of the Supply granted to Her Majesty.
- Private Petitions postponed
Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.
- Com. on General State of Province
Ordered, That this House do now again resolve itself into a Committee to consider the General State of the Province; and accordingly,
 The House resolved itself into the said Committee.
 Mr. Speaker left the Chair,
 Mr. Clements took the Chair of the Committee,
 Mr. Speaker resumed the Chair,
- Report Resolutions
 The Chairman reported from the Committee that they had come to four Resolutions, which they had directed him to Report to the House; and he delivered the same in at the Clerk's Table.
 The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, which the House agreed to.
- Resolutions read
 The Resolutions reported from the Committee, were then read by the Clerk, and are as follow:
 1st. *Resolved*, That it is the opinion of this Committee, that for many years the best interests of this Province have been jeopardized and its progress retarded by the want of harmony between the different Branches of the Government, and the absence of that cordial co-operation between the Representatives of the People and those who conducted the Local Administration, which, in the view of this Committee, is highly desirable, if not indispensable, in every British Colony, to which a Constitution, modelled after that of the Mother Country, has been granted by the Crown.
- Assembly thwarted by patronage of Government
 2d. *Resolved*, That it is the opinion of this Committee, that in the course of the struggle which, since 1837, the House of Assembly has maintained, with a view to reduce the expenses, improve the Institutions, and purify the Administration of the Country, it has been met, at every step, by an influence which, while it was beyond the control of the Assembly, has wielded the whole power and patronage of the Government to baffle its efforts and thwart the wise and benevolent policy avowed by Her Majesty's Ministers.
- No satisfactory settlement until Executive Council remodelled
 3d. *Resolved*, That it is the opinion of this Committee, that, in approaching many of the important questions to be disposed of in the present Session, the House of Assembly feels embarrassment and difficulty, which it would be unwise to conceal, either from the Government or the Country at large, and that it can anticipate no satisfactory settlement of those questions until the Executive Council is so re-modelled as to secure to the House of Assembly the aid of the Local Administration, in carrying out the views of the Assembly and in facilitating any Negotiations which it may be necessary to conduct with Her Majesty's Government.
- Executive Council do not enjoy the confidence of Commons
 4th. *Therefore resolved*, That it is the opinion of this Committee, that the House of Assembly, after mature and calm deliberation, weary of seeing the Revenues of the Country and the time of its Representatives wasted—the People of Nova-Scotia misrepresented to the Sovereign—and the gracious boons of the Sovereign marred in their transmission to the People, do now solemnly declare, that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons.
- 1st Resolution passed upon division
 The first of said Resolutions, being read a second time, and the House dividing thereon, there appeared for agreeing to the Resolution, thirty; against it, twelve:

For

WEDNESDAY and THURSDAY, 5th and 6th FEBRUARY, 1840.

For the Resolution.

Mr Huntington	Mr Young	Mr McDougall
Mr Goudge	Mr Annand	Mr Doyle
Mr McKim	Mr McHefly	Mr Howe
Mr Clements	Mr Holland	Mr Archibald
Mr Dickson	Mr Smith	Mr Forrestall
Mr Chipman	Mr D'Entremont	Mr Robichau
Mr Lewis	Mr Spearwater	Mr Holdsworth
Mr Upham	Mr McDonald	Mr Bell
Mr DesBarres	Mr Benjamin	Mr Forrester
Mr Morton	Mr McLellan	Mr Waterman

Against the Resolution.

Mr Whitman	Mr Hatton
Mr Allison	Mr Holmes
Mr J Sargent	Mr W. Sargent
Mr Elder	Mr Miller
Mr Heckman	Mr Fairbanks
Mr Thorne	Mr Dickey

So it passed in the affirmative.

The second Resolution being then read a second time, and the House dividing thereon, there appeared, for agreeing to the Resolution, thirty; against it, twelve. 2d Resolution passed upon division

For the Resolution.

Mr Huntington	Mr Young	Mr McDougall
Mr Goudge	Mr Annand	Mr Doyle
Mr McKim	Mr McHefly	Mr Howe
Mr Clements	Mr Holland	Mr Archibald
Mr Dickson	Mr Smith	Mr Forrestall
Mr Chipman	Mr D'Entremont	Mr Robichau
Mr Lewis	Mr Spearwater	Mr Holdsworth
Mr Upham	Mr McDonald	Mr Bell
Mr DesBarres	Mr Benjamin	Mr Forrester
Mr Morton	Mr McLellan	Mr Waterman

Against the Resolution.

Mr Whitman	Mr Hatton
Mr Allison	Mr Holmes
Mr J Sargent	Mr W Sargent
Mr Elder	Mr Miller
Mr Heckman	Mr Fairbanks
Mr Thorne	Mr Dickey

So it passed in the affirmative.

The third Resolution being then read a second time, and the House dividing thereon, there appeared, for agreeing to the Resolution, thirty; against it, twelve. 3d Resolution passed upon division

For the Resolution.

Mr Huntington	Mr Young	Mr McDougall
Mr Goudge	Mr Annand	Mr Doyle
Mr McKim	Mr McHefly	Mr Howe
Mr Clements	Mr Holland	Mr Archibald
Mr Dickson	Mr Smith	Mr Forrestall
Mr Chipman	Mr D'Entremont	Mr Robichau
Mr Lewis	Mr Spearwater	Mr Holdsworth
Mr Upham	Mr McDonald	Mr Bell
Mr DesBarres	Mr Benjamin	Mr Forrester
Mr Morton	Mr McLellan	Mr Waterman

Against the Resolution.

Mr Whitman	Mr Hatton
Mr Allison	Mr Holmes
Mr J Sargent	Mr W Sargent
Mr Elder	Mr Miller
Mr Heckman	Mr Fairbanks
Mr Thorne	Mr Dickey

So it passed in the affirmative.

The fourth Resolution being then read a second time, and the House dividing thereon, there appeared, for agreeing to the Resolution, thirty; against it, twelve. 4th Resolution passed upon division

For the Resolution.

Mr Huntington	Mr Young	Mr McDougall
Mr Goudge	Mr Annand	Mr Doyle
Mr McKim	Mr McHefly	Mr Howe
Mr Clements	Mr Holland	Mr Archibald
Mr Dickson	Mr Smith	Mr Forrestall
Mr Chipman	Mr D'Entremont	Mr Robichau
Mr Lewis	Mr Spearwater	Mr Holdsworth
Mr Upham	Mr McDonald	Mr Bell
Mr DesBarres	Mr Benjamin	Mr Forrester
Mr Morton	Mr McLellan	Mr Waterman

Against the Resolution.

Mr Whitman	Mr Hatton
Mr Allison	Mr Holmes
Mr J Sargent	Mr W Sargent
Mr Elder	Mr Miller
Mr Heckman	Mr Fairbanks
Mr Thorne	Mr Dickey

So it passed in the affirmative.

Then the House adjourned until To-morrow, at twelve of the clock.

Thursday, 6th February, 1840.

PRAYERS.

Mr. Robichau, pursuant to leave given on a former day, presented a Bill to amend the Act to establish the County or Shire Town in the County of Digby—and the same was read a first time, and ordered to be read a second time. Bill to amend Digby County Act

A Petition of Benjamin Potter and others, of Hillsburg and Digby, was, by special leave, presented by Mr. Holland; and a Petition of John Ditzmars and others, of Clements, was, by special leave, presented by Mr. Whitman, and said Petitions were respectively read, praying that an Act may be passed to prevent the Bridge over Bear River, on the Main Post Pet. against Bear River Bridge being obstructed

- Post Road in the Counties of Annapolis and Digby, being obstructed by Cordwood and other articles placed upon it for Shipment.
- Leave to bring in Bill *Ordered*, That the Petitions be referred to Mr. Holland, with leave to report and bring in a Bill pursuant to the prayer thereof.
- Queen's College Bill read 2d time and committed A Bill for incorporating the Trustees of the Queen's College at Horton, was read a second time.
- And made Order of Day *Ordered*, That the Bill be committed to a Committee of the whole House.
- Bill to prevent delay in Causes after issue joined *Ordered*, That this House do, to-morrow, proceed to the consideration of said Bill, in a Committee of the whole on Bills.
- Bill to prevent Members of Legislature from being Counsel in certain cases Mr. Young, pursuant to leave given, presented a Bill to prevent inconveniences arising from delay of Causes, after Issue joined, and the same was read a first time, and ordered to be read a second time.
- Bill for making Lands liable to Debts Mr. Benjamin, pursuant to leave given, presented a Bill to prevent Members of the Legislature from being employed as Counsel, in certain cases, and the same was read a first time, and ordered to be read a second time.
- Bill to Incorporate the Royal Acadian School Mr. Des Barres, pursuant to leave given, presented a Bill for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force, and the same was read a first time, and ordered to be read a second time.
- Message from Council agreeing to Crown Land Bill & Margaretville Pier Bill with amnds. Mr. Forrester, pursuant to leave given on a former day, presented a Bill to Incorporate the Royal Acadian School Society, and the same was read a first time, and ordered to be read a second time.
- Council do not agree to amdt. of House to Council's amnds. of Justices' Trespass Bill A Message from the Council, by Mr. Halliburton :
Mr. Speaker,
The Council have agreed to the Bill entitled, An Act to establish sundry regulations for the future disposal of Crown Lands, within the Province of Nova Scotia, and to the Bill, entitled, An Act to Incorporate the Margaretville Pier Company, with amendments to the said Bills respectively—to which amendments they desire the concurrence of this Honorable House.
- House go into Com. on Bills The Council do not agree to the amendment of this House to the amendment of the Council, to the Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases, but adhere to their own amendment.
And then the Messenger withdrew.
- Civil List Bill recommended to Sel. Com. On motion, the House resolved itself into a Committee on Bills.
Mr. Speaker left the Chair,
Mr. Smith took the Chair of the Committee,
Mr. Speaker resumed the Chair.
- Address to Lt. Gov. on subject of Resolutions relative to Executive Council passed The Chairman reported from the Committee, that they had had under consideration the Bill to provide for the Civil List of Nova Scotia, and to commute the Casual and Territorial Revenue, and had agreed to recommend to the House to refer the same to a Select Committee, to examine and report upon to the House ; and he delivered the Bill in at the Clerk's Table.
The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which the House agreed to.
- Com. on Civil List Bill *Ordered*, That the Bill to provide for the Civil List, &c. be referred to Mr. Huntington, the Hon. Mr. Uniacke, Mr. Young, Mr. Doyle, Mr. McDougall, Mr. Dickson, Mr. DesBarres, Mr. McLellan, Mr. Lewis, Mr. Goudge, Mr. Chipman, Mr. Holland, Mr. Holdsworth, Mr. Spearwater, Mr. Waterman, Mr. Creighton and Mr. Howe, to examine and report upon to this House.
- On motion of Mr. Howe, *resolved*, that the following Address to His Excellency the Lieutenant-Governor do pass :

THURSDAY, 6th FEBRUARY, 1840.

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

May it please your Excellency,

We, Her Majesty's dutiful and Loyal Subjects, the Representatives of Her Majesty's Loyal People of Nova-Scotia, having, under a solemn sense of duty, passed the annexed Resolutions, beg leave to recommend them to your Excellency's favorable consideration.

Address and resolution to be presented by whole House

Ordered, That the Address, with the Resolutions therein referred to, to be annexed thereto, be engrossed and be presented to His Excellency the Lieutenant-Governor by the whole House.

On motion of Mr. Howe, *resolved,* that a Select Committee be appointed to wait upon His Excellency the Lieutenant-Governor, to know His Excellency's pleasure when he will receive the House with the Address and Resolutions passed by this House on the subject of the Executive Council.

Com. to know when His Ex. will receive House with Address

Ordered, That Mr. Howe, Mr. Huntington, Mr. Chipman, Mr. Young and Mr. McHefly, be a Committee for the foregoing purpose.

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented a Letter from the Collector of Her Majesty's Customs at Quebec to His Excellency, with several Documents and Papers therein referred to; and the said Letter was read, and is as followeth:—

Letter from Customs at Quebec laid before House with Papers required on subject of uniting Customs & Excise

*Customs, Quebec, 27th January, 1840.**May it please your Excellency,*

In obedience to the commands of His Excellency the Administrator of the Government, conveyed to me in his Secretary's Letter of the 22d instant, enclosing copy of an Address, from the House of Assembly of Nova-Scotia, (received the preceding day from your Excellency,) applying for certain information regarding the method pursued by the Customs' Department in this Province in collecting and accounting for the Public Revenue—I have the honor of transmitting to your Excellency herewith the following Documents in relation to the objects of the Address, which I trust may be of service to the House of Assembly in framing their Bill for organizing the new system proposed to be introduced into the Province of Nova-Scotia.

- No. 1.—Copy of the Provincial Act 35th, Geo. III, Cap. 9, which contains the fullest detail of the regulations under which the Duties imposed by that and other Provincial Acts are levied and accounted for.
- No. 2.—Form of an entry, shewing the manner in which the Duties imposed by Imperial and Colonial Authority are calculated and ascertained on the one document.
- No. 3.—Form of an entry for Goods paying the Advalorem Provincial Duty of 2½ per Cent.
- No. 4.—Form of Bonds for Duties under the five Provincial Acts, by which Duties are imposed and levied.
- No. 5.—Form of a Book, in which an Account is kept of Goods paying Provincial Duties by Weight or Measure.
- No. 6.—Form of Book in which an Account is kept of Goods paying Provincial Duties Advalorem.

THURSDAY and FRIDAY, 6th and 7th FEBRUARY, 1840.

No. 7.—Form of “Quarterly Account,” according to which the Provincial Duties are accounted for, and which is prepared from the Books kept according to the Forms No. 5 and 6.

No. 8.—Form of a Quarterly Abstract of the said Account.

The whole of which have been prepared without incurring any expense.

I have the honor to be

Your Excellency's

Most obedient Humble Servant,

HY. JESSOPP, Collr.

To His Excellency Lieutenant General

SIR COLIN CAMPBELL, K. C. B.

Lieutenant Governor of Nova-Scotia,

&c. &c. &c.

Referred to Com.
on Union of Customs
and Excise

Ordered, That the Letter and other Papers and Documents accompanying the same, be referred to the Committee on the subject of Uniting the Customs and Excise.

Order of Day Com.
of Supply postponed

The order of the Day being read, for the Committee of Supply.

Ordered, That this House do, To-morrow, resolve itself into the said Committee.

Order of Day Private
Petitions postponed

The order of the Day being read, for the consideration of Private Petitions.

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Then the House adjourned until To-morrow, at Twelve of the clock.

Friday, 7th February, 1840.

PRAYERS.

Amendment of
Council to Crown
Lands Bill agreed
to

The amendment proposed by the Council to the Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia, was read a first and second time, and considered by the House, and is as followeth :

2nd Clause. After the word “been” in the 10th line, insert the words “actually and bonâ fide.”

On motion of Mr. Fairbancks, *resolved*, that this House do agree to the amendment.

Amendments of
Council to Margareville
Pier Bill agreed to

The amendments proposed by the Council to the Bill, entitled, An Act to Incorporate the Margareville Pier Company, were read a first and second time, and considered by the House, and are as follow :

4th Clause. After the word “of” in the 8th line, insert the words “Dockage and.”

10th Clause. At the end of the clause, add the following words, “and also to one vote for every such share.”

On motion of Mr. Holland, *resolved*, that this House do agree to the amendments.

Ordered, That the Clerk do carry the Bills and amendments to the Council and acquaint them that this House have agreed to the several amendments of the Council to said Bills.

Bills read 2d time
Digby County Bill

A Bill to amend the Act to establish the County or Shire Town in the County of Digby.

Nonsuit Bill

A Bill to prevent inconveniences arising from delay of Causes after Issue joined.

Lands Bill

A Bill for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force; and

Acadian School Bill

A Bill to Incorporate the Royal Acadian School Society—were severally read a second time.

Ordered, That the Bills be committed to a Committee of the whole House.

Report from Com-
mittee on Civil List
Bill

Mr. Huntington reported from the Select Committee to whom was referred the Bill to provide

FRIDAY, 7th FEBRUARY, 1840.

provide for the Civil List of Nova Scotia, &c; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 27.)

Ordered, That the Bill be recommitted to a Committee of the whole House, with the Report. Bill recommitted with Report

Mr. Bell reported from the Select Committee on the Petitions of John McKay, in relation to the Coal Mines of Pictou, unfavorably to the prayer of the Petition, which sought further compensation for his Outlay during his former occupancy thereof;—and Mr. Bell read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read. Report from Com. on Petition of John McKay

(See Appendix, No. 28.)

On motion, *resolved*, that the Report be received and adopted by this House. Adopted

Mr. Clements reported from the Select Committee on the Petition of the Overseers of the Poor for the Township of Yarmouth, and the several other Petitions praying reimbursement of the expenses of Transient Paupers, &c. referred to the same Committee; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read. Report from Com. on Expenses of Transient Paupers

(See Appendix No. 29.)

Ordered, That the Report and Petitions (with the exception of the Petition from the Overseers of the Poor for the Township of Digby) be referred to the Committee of Supply. Petitions and Report referred to Com. of Supply.

Mr. Howe, from the Select Committee appointed yesterday to wait on His Excellency the Lieutenant Governor, to know his pleasure when he would receive the House with their Address and Resolutions relative to the Executive Council, reported that the Committee had performed the duty assigned to them, and that His Excellency was pleased to appoint Monday next, at one of the clock, at Government House, for that purpose. Report from Com. to wait on Gov. to know when he would receive House

A Petition of Samuel Chesley and others, was, by special leave, presented by Mr. Thorne and read, praying that an Act may be passed for investing in Trustees, for the use of the Township of Granville, certain waste lands, forming a part thereof. Pet. relating to Waste Lands in Granville

Ordered, That the Petition do lie on the Table.

Mr. Thorne, also pursuant to leave given, presented a Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same; and the said Bill was read a first time, and ordered to be read a second time. Bill for disposing of Waste Lands in Granville

Mr. McDonald, pursuant to leave given, presented a Bill to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct district, and the same was read a first time, and ordered to be read a second time. Bill to make a District of St. Mary's

A Message from the Council by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova Scotia, and to the Bill entitled, An Act to Incorporate the Margareville Pier Company, severally, as amended. Message from Council

The Council have agreed to the Bill entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, with amendments; to which they desire the concurrence of this Honourable House. Council agree to Crown Lands Bill & Margareville Pier Bill as amended. Agree to Polls Bill with Ams.

And then the Messenger withdrew.

The Order of the Day being read, for considering the Bill to Incorporate the Trustees of the Queen's College at Horton in Committee of the whole House. Order of Day Com. on Queen's College Bill

The House resolved itself into the said Committee.

Mr.

Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.

- Progress reported** The Chairman reported from the Committee that they had had said Bill under consideration, and had made some progress thereupon, and had directed him to move for leave to sit again on the consideration of said Bill—which the House agreed to.
- Further Order thereon** *Ordered*, That this House do again, to-morrow, resolve itself into a Committee on the consideration of the Bill to Incorporate the Trustees of the Queen's College at Horton.
- Despatch from Col. Sec. laid before House with correspondence of the Lord Bishop relative to School Lands** The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant Governor, presented a copy of a Despatch from Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency the Lieutenant Governor of this Province, dated 10th October, 1839, accompanied by several other Documents, containing a correspondence between the Colonial Department and the Bishop of Nova Scotia on the Question of the Nova-Scotia School Lands: and the same were read.
(*See Appendix, No. 30.*)
Ordered, That the copy of Despatch and other Papers do lie on the Table.
- Returns relative to Grand Juries laid before House** The Hon. Mr. Uniacke, also by command of His Excellency, presented several Returns from various Counties required by a Resolution of this House of the 6th of Jan. last, relative to the Grand Juries' Law not having been carried into effect.
Ordered, That the foregoing Returns be referred to the Select Committee appointed to investigate the Causes of the Juries' Act not having been carried into execution in regard to Grand Juries.
- Ref. to Sel. Com.**
- Account of monies drawn for land taken for roads** The Hon. Mr. Uniacke, also by command of His Excellency, presented an Account of all Monies drawn out of the Treasury, as Compensation for Land taken for New Roads and altering old ones, for the last ten years, and the same was read.
(*See Appendix No. 31.*)
Ordered, That the Account do lie on the Table.
- Leave of absence to Mr. McHeffy** *Ordered*, That Mr. McHeffy have leave of absence to-morrow, to return home on urgent private business.
- Order of Day Com. of Sup. postponed** The Order of the Day being read for the Committee of Supply,
Ordered, That this House do, to-morrow, resolve itself into the said Committee.
- Order of Day Private Petitions postponed** The Order of the Day being read for the consideration of Private Petitions.
Ordered, That this House do, to-morrow, proceed to the consideration of Private Petitions.
- Then the House adjourned until To-morrow, at Twelve of the Clock.

Saturday, 8th February, 1840.

PRAYERS.

- Council's Ams. to Polls' Bill read 1st time** The Amendments proposed by the Council to the Bill entitled, An Act for establishing the Times and Places of holding the Polls at Elections of Representatives, were read a first time, and ordered to be read a second time.
- Report from Com. on Judiciary Bill** Mr. Young, from the Select Committee to whom was referred the Bill to improve the Administration of the Law, &c., reported that the Committee had considered the Bill and prepared some Amendments thereto, which they recommend to the House with the Bill; and he delivered the Bill and amendments in at the Clerk's Table, where the amendments were read.
Ordered, That the Bill, with the amendments, be re-committed to a Committee of the whole House.
- Bill & Ams. re-committed**
- Pet. for aid to Academy at Guysboro'** A Petition of Murdoch McLean, and others, Inhabitants of Guysborough, was, by special

cial leave, presented by Mr. DesBarres and read, praying aid to the Grammar School or Academy at that place.

Ordered, That the Petition be referred to the Committee on Education.

Refd. to Com. on Education

A Petition of James Whitney, was, by special leave, presented by Mr. Howe and read, praying a continuance of the Grant for conveyance of the Mail by Steam Boats and Sailing Packets between Annapolis and St. John, New Brunswick.

Pet. of Jas. Whitney for continuance of Grant for carrying Mail from Annapolis to St. John

Ordered, That the Petition do lie on the Table.

Petition of Merchants of Halifax relative to Vice Admiralty Court

A Petition of Merchants and Ship Owners of Halifax, was presented by Mr. Howe and read, setting forth the injury resulting from the Vice Admiralty Court having cognizance of small Suits for Seamen's Wages, &c., the expence of the Court being so great as to induce a Settlement of unjust Demands, and praying that measures may be taken for affording relief in such cases.

Ordered, That the Petition do lie on the Table.

A Petition of William Fowler and others, of the County of Cumberland, was presented by Mr. Dickey and read, praying that Amherst, Fort Lawrence, Minudie, and Napan, may be the places to which the Order allowing Free Ports in said County may be applicable.

Pet. of Wm. Fowler & al. relative to Free Ports in Cumberland

Ordered, That the Petition be referred to the Select Committee on the subject of the Limitations of Free Ports.

Refd. to Com. on Free Ports

A Petition of Thomas Blackie, of Green Hill, in the Township and County of Pictou, was, by special leave, presented by Mr. Dickson and read, praying a Bounty upon a Threshing Machine, invented by him upon a new and improved principle, or that he may have a Patent therefor; and thereupon,

Pet. of Thomas Blackie for Bounty on Threshing Machine or Patent therefor

Mr. Goudge moved, that Mr. Dickson have leave to withdraw the Petition: which, being seconded,

Motion to withdraw

Mr. Young moved, as an amendment to the question, to leave out all the words thereof after the word "that," and to substitute for the words so left out, the following: "the Petition be referred to the Committee on Agriculture:" which, being seconded and put, was agreed to by the House.

Am. to refer to Com. on Agriculture carried

Ordered, That the Petition be referred to the Committee on Agriculture, to examine and report upon.

Refd. to Com. on Agriculture

Mr. Huntington, from the Committee on the River and Shore Fisheries, reported without amendment the Bill to continue the Act for the Regulation of the Fisheries at Chedabucto Bay; and thereupon,

Report from Com. on Chedabucto Bay Fisheries Bill

Ordered, That the Bill be committed to a Committee of the whole House.

Bill committed

A Petition of Peter De Carteret and others, Inhabitants of Isle Madame, St. Peters' Bay, Chedabucto Bay, &c., was, by special leave, presented by Mr. Doyle and read, praying a Grant in aid of Subscriptions for cutting a passage through a narrow Beach which divides Rocky Bay from the Harbor of Petit de Grat.

Petition of Peter DeCarteret & al. for aid to cut a passage from Rocky Bay to Harbor of Petit de Grat
Refd. to Com. on Navigation Securities

Ordered, That the Petition be referred to the Committee on Navigation Securities.

A Petition of the Rev. J. Courteau and others, was, by special leave, presented by the Hon. Mr. Uniacke and read, setting forth difficulties that have occurred in obtaining payment of a Grant made in aid of building a Breakwater at the Mouth of Margaree River, in the County of Inverness, owing to a restriction thereto annexed, and praying the removal of such restriction.

Pet. of Revd. J. Courteau & al. for removal of restriction upon Grant for Margaree Breakwater
Refd. to Com. on Navigation Securities

Ordered, That the Petition be referred to the Committee on Navigation Securities.

The Order of the Day being read for the consideration of the Bill for Incorporating the Trustees of the Queen's College at Horton, in Committee of the whole House,

Order of day Com. of whole on Queens' College Bill

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Report Bill with an
amdt.

Motion to defer Bill
Negatived on divi-
sion

The Chairman reported from the Committee that they had gone through the Bill referred to them, and had made an amendment thereto, which they had directed him to report to the House with the Bill; and he thereupon, delivered the Bill in at the Clerk's Table.

The Hon. Mr. Uniacke then moved, that the further consideration of the Bill and amendment be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, fifteen; against it, twenty seven:

For the motion.

The Hon. Mr. Uniacke *Mr. Bell*
Mr. Miller *Mr. Forrestall*
Mr. Heckman *Mr. Hatton*
Mr. Archibald *Mr. W. Sargent*
Mr. DesBarres *Mr. J. Sargent*
Mr. McDougall *Mr. Annand*
Mr. Holmes *Mr. Forrester*
Mr. Young

Against the motion.

Mr. Howe *Mr. Robichau*
Mr. Smith *Mr. Benjamin*
Mr. Waterman *The Hon Mr Dewolf*
Mr. Spearwater *Mr. Huntington*
Mr. McDonald *Mr. D'Entremont*
Mr. Lewis *Mr. Fairbanks*
Mr. Thorne *Mr. Goudge*
Mr. Holdsworth *Mr. Chipman*
Mr. McLellan *Mr. Morton*
Mr. Holland *Mr. Dickson*
Mr. Elder *Mr. McKim*
Mr. Clements *Mr. Upham*
Mr. Allison *Mr. Dickey*
Mr. Whitman

So it passed in the Negative.

The amendment reported from the Committee being then read, was agreed to by the House.

Bill to be engrossed

Ordered, That the Bill, with the amendment, be engrossed.

Bill presented to
prevent overholding
of Real Estate

Mr. Chipman, pursuant to leave given, presented a Bill to prevent illegal detainer and overholding of Real Estate, and the same was read a first time, and ordered to be read a second time.

Bill presented res-
pecting Office of
Prothy. in Cape
Breton

The Hon. Mr. Uniacke, pursuant to leave given, presented a Bill respecting the Office of Prothonotary for the County of Cape Breton, and the same was read a first time and ordered to be read a second time.

Bill presented to
authorize sale of
Blue Bell Farm

Mr. Howe, pursuant to leave given, presented a Bill to authorise the Sale of Real Estate lying on the Peninsula of Halifax, called "The Old Blue Bell Farm," and the same was read a first time, and ordered to be read a second time.

Bill presented to
amend Pictou Har-
bor Act

Mr. Holmes, pursuant to leave given, presented a Bill to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou, and the same was read a first time, and ordered to be read a second time.

Petition from Digby
for appointment of
Sheriff there

A Petition of the Magistrates of the County of Digby, was, by special leave, presented by Mr. Holdsworth and read, praying that provision may be made, by Law, for the appointment of a Sheriff for that County.

Ordered, That the Petition do lie on the Table, and that Mr. Holdsworth have leave to bring in a Bill pursuant to the prayer thereof; and accordingly,

Digby Sheriff's Bill
presented

Mr. Holdsworth presented a Bill in addition to the Act to divide the County of Annapolis, and to regulate the representation thereof, and the same was read a first time, and ordered to be read a second time.

Bill presented to
regulate fencing of
salt Marsh Land

Mr. D'Entremont, pursuant to leave given, presented a Bill to regulate the Fencing of Salt Marsh Lands, and the same was read a first time, and ordered to be read a second time.

Petition of Hy. A.
Gladwin & al. of
Musquedoboit
against Responsible
Government

A Petition of H. A. Gladwin and others, Inhabitants of Musquedoboit and Meagher's Grant, was presented by the Hon. Mr. Uniacke and read, setting forth their satisfaction with the present Constitution, and praying that encouragement may not be given to the proposition of, the so called, Responsible Government; and that the House may firmly resist any endeavour to introduce such a dangerous innovation.

Ordered, That the Petition do lie on the Table.

Pet. of J. J. Mar-
shall & al. the
Grand Jury of
Guysboro' com-
plaining of their

A Petition of John Joseph Marshall and others, the Grand Jury of the County of Guysborough for the year 1838, was, by special leave, presented by Mr. McDonald and read, complaining of the conduct of Mr. Justices Sawers, in having fined them £5 each upon a

presentment

SATURDAY and MONDAY, 8th and 10th FEBRUARY, 1840.

presentment made by them in the course of their Investigation into the conduct of W. O. Heffernan, Clerk of the Peace for that County, and also, of the manner of imposing such fine, and of other proceedings in relation thereto, and praying that a Committee may be appointed to inquire into the matter, and that redress may be afforded.

Ordered, That the Petition do lie on the Table.

The Order of the Day being read for the Committee of Supply.

Ordered, That this House do, on Monday next, resolve itself into the said Committee.

Order of Day
Supply postponed

The Order of the Day being read for the consideration of Private Petitions.

Ordered, That this House do, on Monday next, proceed to the consideration of Private Petitions.

Order of Day
Private Petitions
postponed

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 10th February, 1840.

PRAYERS.

A Petition of William Rutherford and others, of Stewiacke, in the County of Colchester, was, by special leave, presented by Mr. Annand; and a Petition of Donald McKay and others, of Earl Town; a Petition of John McIntosh and others, of New Annan; a Petition of Alexander Conkey and others, of Tatamagouche; and a Petition of Francis R. Parker and others, of Shubenacadie, Lower Stewiacke and Gay's River, all in the County of Colchester, were, by special leave, presented by Mr. Archibald, and the said several Petitions were read, respectively praying that the Representation of the said County of Colchester may be equalized, either by allowing to it four County Members, instead of the present Representation, or else by opening the Franchise of the Township of Truro, Onslow and Londonderry, to the Settlements respectively adjacent.

Petitions fm. Colchester for equalisation of representation

Ordered, That the Petitions do lie on the Table.

A Petition of George McQuarrie and others, of Tatamagoushe; a Petition of Donald McDonald and others, of Earl Town; and a Petition of James Byers and others, of New Annan, all in the County of Colchester, were, by special leave, presented by Mr. Archibald and read, respectively complaining of the unequal division of the Road Money allotted to said County, and praying that justice may be done in the division thereof for this year, by those Settlements being allowed to receive a fair proportion thereof, with the Represented Townships, according to their population and extent of Country.

Petitions from Colchester for more equal division of Road Money

Ordered, That the Petitions do lie on the Table.

A Petition of the Presbyterian Congregation of Truro, was, by special leave, presented by Mr. Archibald and read, praying that a Grant of Money may pass in aid of paying off the Debts of the Pictou Academy.

Pet. from Presbyterian Church Truro for aid to pay off Pictou Academy debt
Refd. to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

The House, pursuant to order, attended His Excellency the Lieutenant-Governor with their Address to His Excellency, and the Resolutions relative to the Executive Council.

And being returned,

Mr. Speaker reported that His Excellency was pleased to give this answer to the Address of the House to His Excellency:

House attend Gov. with Address & Resolutions as to Executive Council
Ans. of H. E. reported thereto

Mr. Speaker, and Gentlemen of the House of Assembly,

The subject you have presented to my consideration in this Address, has, in all essential respects, been already brought under the notice of Her Majesty's Government in Resolutions of the House of Assembly, passed in its last Session.

Her Majesty's Ministers, after full consideration of the subject, and personal conference with Delegates from your Body, authorised to advocate your views, have expressed in the

Despatch

MONDAY, 10th FEBRUARY, 1840.

Despatch which, by Her Majesty's command, I recently laid before you, the judgment to which they had come on the matters of your complaint.

Having no reason to believe that any alteration has taken place in the sentiments of Her Majesty's Government in this respect, I do not feel myself at liberty to adopt any other course than to refer you to the Despatch already alluded to, as containing their decision.

Justice, however, to the Executive Council, leads me to say, that I have had every reason to be satisfied with the advice and assistance which they have at all times afforded me.

It has ever been, and shall continue to be, my earnest desire to concur in every measure which appears to me to be conducive to the best interests of this Province.

Com. on Genl. State of Province made Order of Day

On motion of Mr. Howe, *resolved*, that this House will, to-morrow, again resolve itself into a Committee on the consideration of the General State of the Province.

Mr. Uniacke resigned Office of Executive Councillor

Mr. Uniacke acquainted the House that he had resigned his Office as one of Her Majesty's Executive Council of this Province.

Motion for reference of Pet. of Grand Jury of Guysboro' to Com. on Pet. of John Ross

Mr. McDonald moved that the Petition of John Joseph Marshall and others, the Grand Jury of the County of Guysborough, for the year 1838, presented on Saturday last to this House, be referred to the Select Committee on the Petition of John Ross, to examine into and report upon to this House, with power to send for Persons and Papers : which, being seconded,

Amdt. of reference to Com. on Grand Juries moved and negatived. Original passed

Mr. Smith moved, as an amendment to the question, to leave out the words, "Petition of John Ross," and in place thereof, to insert the words "on the non-compliance with the Law, as regards the Selection and Appointments of Grand Juries in various Counties : " which, being seconded and put, passed in the negative.

The original question being then put, was agreed to by the House.

Ordered, That the Petition be referred to the Select Committee on the Petition of John Ross, to examine into, and report upon to this House, with power to send for Persons and Papers.

Engrossed Queen's College Bill read 3d time passed and sent to Council

An engrossed Bill for Incorporating the Trustees of the Queen's College at Horton, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act for Incorporating the Queen's College at Horton.

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Bill to vacate seats of Members and St. Mary's District Bill read 2d time & committed

A Bill to vacate the Seats of Members, in certain cases ; and
A Bill to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District—were severally read a second time.

Ordered, That the Bills be committed to a Committee of the whole House.

Bill presented to change name of Township of Ramsey

Mr. Dickson, pursuant to leave given, presented a Bill to change the name of the Township of Ramsey, in the County of Colchester, to that of Stirling ; and the same was read a first time, and ordered to be read a second time.

Com. on Bills

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Civil List Bill with amdts.

The Chairman reported from the Committee that they had gone through the Bill to provide for the Civil List of Nova Scotia, and to commute the Casual and Territorial Revenue, and had made sundry amendments thereto, which they had directed him to Report to the House with the Bill—and he thereupon delivered the Bill and amendments it in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills—which the House agreed to.

The said amendments being then read, were agreed to by the House.

Amdts. agreed to

Ordered, That the Bill with the amendments be engrossed.

The

MONDAY and TUESDAY, 10th and 11th FEBRUARY, 1840.

The Order of the Day being read for the Committee of Supply,
Ordered, That this House do, To-morrow, resolve itself into the said Committee.

Order of Day
Supply postponed

The Order of the Day being read for the consideration of Private Petitions,
Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Order of Day Pri-
vate Petitions post-
poned

Then the House adjourned until To-morrow, at twelve of the clock.

Tuesday, 11th February, 1840.

PRAYERS.

The following Bills were respectively read a second time, viz :

A Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same.

Bills read 2d time
Granville Waste
Lands

A Bill to prevent illegal detainer and overholding of Real Estate.

Overholding
Cape Breton Pro-
thonotary
Blue Bell Farm

A Bill respecting the Office of Prothonotary for the County of Cape Breton.

A Bill to authorise the Sale of the Real Estate lying on the Peninsula of Halifax commonly called the "Old Blue Bell Farm."

A Bill to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou.

Pictou Harbor

A Bill to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling.

Ramsay Township

Ordered, That the Bills be committed to a Committee of the whole House.

A Petition of certain Inhabitants of Economy, was, by special leave, presented by Mr. Archibald; and a Petition of certain Inhabitants of Londonderry, signed John Wier, Chairman of a meeting of the Presbyterian Congregation held at Londonderry, 5th February, for the consideration of the aforesaid Petition, and David Flemming, Secretary, was, by special leave, presented by Mr. McLellan; and the said Petitions were read, respectively, praying that aid may be granted towards paying off the Debts of the Pictou Academy.

Petitions for aid to
Pictou Academy

Ordered, That the Petitions be referred to the Committee on Education.

Mr. Huntington, from the Committee to whom was referred the Bill to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, reported the said Bill without any amendment.

Report from Sal.
Coin. on Bill to
continue the Act for
the Survey of Lum-
ber.
Bill committed

Ordered, That the Bill be committed to a Committee of the whole House.

A Petition of Hugh Fraser, Senior, of Harriott's-Field, in the County of Halifax, Farmer, was, by special leave, presented by Mr. Howe and read, praying relief from Imprisonment under Execution for Debt—he having been refused the benefit of the Insolvent Debtor's Acts, in consequence of having conveyed his Real Estate to his Sons for his maintenance; and thereupon,

Pet. of H. Fraser
for relief from Im-
prisonment

On motion of Mr. McDougall, *resolved*, that Mr. Howe have leave to withdraw the Petition.

Withdrawn

Mr. Uniacke moved, that the Bill to provide for the Civil List of Nova Scotia, and commute the Casual and Territorial Revenue, be re-committed to a Committee of the whole House, for the purpose of substituting in place of the present provisions thereof, enactments granting to Her Majesty for years or for her Reign, in commutation of the Casual and Territorial Revenue of Her Majesty the sum of £4,700 Sterling, in addition to existing appropriations to be applied to defray the Civil List of this Province, with provisions to be inserted in such Bill for reducing said sum prospectively as the present Incumbents of Office shall be succeeded by others;

Motion to recom-
mit Civil List Bill
for the purpose of
granting a Gross
Sum; negatived on
division

Which, being seconded and put, and the House dividing thereon, there appeared, for the motion, four; against it, thirty-seven:

For the motion,

Mr. Uniacke
Mr. Miller
Mr. Bell
Mr. Thorne

Against the motion,

Mr. Holland	Mr. Doyle	Mr. D'Entremont	Mr. Robichau
Mr. Dickey	Mr. Creighton	Mr. Annand	Mr. Young
Mr. Huntington	Mr. Whitman	Mr. Upham	Mr. Morton
Mr. J. Sargent	Mr. Spearwater	Mr. Heckman	Mr. Archibald
Mr. Forrestall	Mr. Holdsworth	Mr. Chipman	Mr. Goudge
Mr. W. Sargent	Mr. Fairbanks	Mr. Benjamin	Mr. Lewis
Mr. Albion	Mr. McDougall	Mr. Clements	Mr. Smith
Mr. McLellan	Mr. Dickson	Mr. McKim	Mr. DesBarres
Mr. Hatton	Mr. McDonald		
Mr. Waterman			

So it passed in the negative.

Com. to wait on Lt. Gov. to obtain information as to exploration of Canal from Bay of Fundy to Gulf of St. Lawrence

On motion of Mr. McKim, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully enquire if His Excellency has received any Despatches or information from the Colonial Secretary, relative to the Exploration of a Canal to unite the Waters of the Bay of Fundy with those of the Gulf of St. Lawrence, which His Excellency may feel himself at liberty to communicate to this House, and if so, to request that His Excellency will lay the same before the House.

Ordered, That Mr. McKim, Mr. Dickson, and Mr. Lewis, be a Committee for the above purpose.

Bill presented to regulate Landings in County of Digby

Mr. Holland, pursuant to leave given, presented a Bill to regulate certain Landings in the County of Digby and the same was read a first time, and ordered to be read a second time.

Com. on Bills

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,
Mr. Smith took the Chair of the Committee,
Mr. Speaker resumed the Chair,

Report progress

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again, on the consideration of Bills committed, which the House agreed to.

Order Day postponed viz. Com. of Supply

The Orders of the Day being read,
Ordered, That this House do, To-morrow, resolve itself into a Committee to consider of the Supply granted to Her Majesty.

Private Pet.

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Gen. State of Province

Ordered, That this House do, To-morrow, resolve itself into a Committee on the consideration of the General State of the Province.

Then the House adjourned until To-morrow, at twelve of the clock.

Wednesday, 12th February, 1840.

Engrsd. Civil List Bill read 3d time & passed

An Engrossed Bill to provide for the Civil List of Nova Scotia, and to commute the Casual and Territorial Revenue, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to provide for the Civil List of Nova Scotia, and to commute the Casual and Territorial Revenues.

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Digby Landings Bill read 2d time & committed

A Bill to regulate certain Landings in the County of Digby, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.

Committee on Bills Report Bills without Am. on following subjects, Chedabucto Bay Fisheries

The Chairman reported from the Committee that they had gone through the Bill to continue the Act for the Regulation of the Fisheries at Chedabucto Bay; the Bill to continue the

WEDNESDAY, 12th FEBRUARY, 1840.

the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force; the Bill to amend the Act to establish the County or Shire Town in the County of Digby; the Bill to prevent inconveniences arising from delay of Causes after Issue joined; the Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same; the Bill to divide and set off the Township of Saint Mary's in the County of Guysborough, as a separate and distinct District; the Bill respecting the Office of Prothonotary for the County of Cape Breton; the Bill to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou; the Bill in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof; and the Bill to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling—and had directed him to report the said Bills to the House severally, without any amendment—That they had also gone through the Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof; the Bill to continue the Act respecting the Exportation of Grindstones from this Province—and the Bill to regulate and prevent injury to Rail-roads, and had made sundry amendments to the three last mentioned Bills, respectively, which they had directed him to report to the House with the Bills; and he afterwards delivered the said several Bills with the amendments to the three last mentioned Bills, in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which the House agreed to.

The said amendments reported to the last three mentioned Bills, were then severally read, and, upon the question respectively put thereon, were agreed to by the House.

Ordered, That the Bills, with the amendments, be engrossed.

Ordered, That the Bills, reported without amendment, be engrossed.

Mr. McKim reported from the Select Committee appointed yesterday to wait upon His Excellency the Lieutenant-Governor in reference to the proposed Canal between the Gulf of St. Lawrence and the Bay of Fundy—that the Committee had performed the duty assigned to them, and that His Excellency in answer to the application, was pleased to say to the Committee, that he did not recollect of any Despatches or information having been received by him in regard to the subject referred to, but that if there should be any, he would communicate the same to the House.

On motion of Mr. Howe, the Order of the Day for the Committee of the whole House on the General State of the Province, was read; and thereupon,

On motion of Mr. Howe, *resolved*, that the said order be discharged.

On motion of Mr. Howe, the Answer of His Excellency the Lieutenant Governor to the Address and Resolutions of this House, relative to the Executive Council, presented to His Excellency by the whole House on Monday last, the 10th Instant, was read; and thereupon,

Mr. Howe, moved, that the following Address of this House to His Excellency the Lieutenant-Governor do pass, viz :

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

May it please your Excellency,

We, Her Majesty's dutiful and Loyal Subjects, the Representatives of the Province of Nova Scotia, cannot but express our unfeigned regret at the tenor of the reply made by Your Excellency to the Resolutions passed, by a large majority of this House, on the 5th Instant.

Survey of Timber
Amendts. of Digby
Shire Town Act
Delay of causes
Granville waste
lands
St. Mary's District
Bill
Cape Breton Proth.
Bill
Pictou Navigation
Addition to Anna-
polis division Act
Change of name
of Ramsay
With amendts.
Supervisors of
Roads
Grind stones
Rail Roads

Report from Com.
to wait on Gov.
relative to Bay
Verte Canal

Order for Com. on
State of Province

Answer of Lt. Gov.
Address read

Address to Lt. Gov.
on subject of Exe-
cutive Council
moved

It

It is true that some of the complaints urged in those Resolutions had been pressed upon the attention of Her Majesty's Government in former communications,—but we humbly conceive that the Despatch of Lord John Russell, dated 16th October, and not that of his Predecessor in Office, dated 31st of August, to which Your Excellency refers, is the one by which all parties in the Colonies now, and hereafter, are to be governed.—We believe that that Despatch, not only gives to Your Excellency the power to re-model the Executive Council, but makes such changes as are required to ensure harmony between the Executive and Legislative Branches of the Government imperative.

This House are at a loss to conceive any "Motives of Public Policy" more "sufficient" to render an application of the principles of that Despatch to this Province advisable, than the fact that a majority of thirty to twelve of the Members of the Representative Branch have avowed their want of confidence in Officers, expressly referred to by the Colonial Secretary,—that they have declared it impossible to deal wisely with measures of great importance to the Government and the Country, until confidence between the Executive and the Legislature be established,—and that while the only efficient Representative of the Local Government in this House has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the Government, while a majority of the Executive Council persist in retaining their Seats, and Your Excellency declines to exercise the powers confided by Lord John Russell's Despatch.

It is to this House a subject of deep mortification, that while, in a neighbouring Province, His Excellency Sir John Harvey recognizes the Despatch of the 16th October as conferring a new and improved Constitution on the Colonies, and has expressed his determination to act upon it,—while in Canada the Governor General declares that "he has received Her Majesty's Commands to administer the Government of these Provinces in accordance with the well understood wishes and Interests of the People, and to pay to their feelings, as expressed through their Representatives, the deference that is justly due to them," that the People of Nova Scotia are to be treated worse than the people of New Brunswick, and that, under cover of a Despatch, written before the New Policy was adopted, by a Nobleman who no longer presides over the Colonies, principles are to be applied to Nova Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution, than those which have been promulgated for the Government of a Province but recently agitated by Disaffection and Rebellion.

Should your Excellency, upon re-considering this subject, upon referring to the Governor General's Message of the 14th January, in which he declares, "his earnest and anxious desire to discharge the trust committed to him in accordance with the principles announced," still feel compelled to disappoint the just hopes of the people of Nova Scotia, this House will most reluctantly lay their grievances before the Governor General and at the foot of the Throne; but, in the meantime, they trust they need not assure Your Excellency of their desire to preserve the tranquillity of the Province, and to ensure the harmonious action of the different branches of the Government:

Which motion being seconded,

On motion, the said Address was read clause by clause; and thereupon,

The four first clauses of the Address being read, were respectively agreed to by the House.

The fifth, being the last clause, being then read,

On motion of Mr. Howe, *resolved*, that the said last clause be amended by leaving out the words "most reluctantly lay their grievances before the Governor General, and at the foot of the Throne," and inserting in place thereof, the words "feel unfeigned sorrow," which amendment being seconded, and put, was agreed to by the House.

The question being then put by Mr. Speaker, that the Address, as amended, do pass; the House divided thereon, when there appeared, for so passing the Address, thirty-one; against it, ten:

Address read Clause
by Clause
Four Clauses a-
greed to
Last Clause amended.

Address passed as
amended

WEDNESDAY and THURSDAY, 12th and 13th FEBRUARY, 1840.

For passing the Address,

Mr Huntington	Mr Young	Mr Dickson
Mr Benjamin	Mr Lewis	Mr Bell
Mr Doyle	Mr McDonald	Mr Clements
Mr Upham	Mr D'Entremont	Mr Spearwater
Mr Dickey	Mr Chipman	Mr Forrestall
Mr Archibald	Mr Forrester	Mr Waterman
Mr Goudge	Mr Howe	Mr McKim
Mr Morton	Mr Holland	Mr Creighton
Mr DesBarres	Mr McLellan	Mr McDougall
Mr Annand	Mr Holdsworth	Mr McEeffy
Mr Smith		

Against it,

Mr Hatton
Mr J Sargent
Mr Thorne
Mr Allison
Mr W Sargent
Mr Whitman
Mr Holmes
Mr Fairbanks
Mr Miller
Mr Heckman

So it passed in the affirmative.

Ordered, That the Address, as amended, be engrossed.

The Orders of the Day being read,

Ordered, That this House do, To-morrow, resolve itself into the Committee of Supply.

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Orders of Day
postponed
Com. of Supply
Private Petitions

Thursday, 13th February, 1840.

PRAYERS.

Ordered, That Mr. Upham have leave of absence from Saturday next, for one week, on urgent private business.

Leave of absence
to Mr. Upham

A Petition of J. W. Ruggles and others, was, by special leave, presented by Mr. Upham and read, praying aid to the Proprietors of Marsh Lands near the Bridge over Allan's River, Annapolis, to keep up the Dikes for protection of the Road adjoining the Bridge; and thereupon,

Petition for aid to
Dike Lands on
Road at Annapolis

Mr. Goudge moved, that Mr. Whitman have leave to withdraw the Petition: which, being seconded,

Motion for with-
drawal of Petition.

Mr. Benjamin moved, as an amendment to the question, to leave out all the words there- of after the word "that," and in place of the words so left out to substitute the following: "the Petition be referred to a Select Committee, to examine and Report upon:" which, being seconded and put, passed in the negative.

Amendment for re-
ference to Select
Com. negatived

The original question being then put, was agreed to by the House.

Withdrawal carried

Ordered, That Mr. Whitman have leave to withdraw the Petition.

An engrossed Bill to continue the Act for the Regulation of the Fisheries at Chedabucto Bay, was read a third time.

Engrossed Bills
read third time
Chedabucto Bay
Fisheries

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.

Passed

An engrossed Bill to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, was read a third time.

Survey of Timber,
&c.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.

Passed

An engrossed Bill to regulate and prevent Injury to Rail Roads, was read a third time.

Rail Roads

Resolved, That the Bill do pass, and that the title be, An Act to regulate and prevent Injury to Rail Roads.

Passed

An engrossed Bill to amend the Act to establish the County or Shire Town in the County of Digby, was read a third time.

Amendment of
Digby Shire Town
Act

Resolved, That the Bill do pass, and that the title be, An Act to amend the Act to establish the County or Shire Town in the County of Digby.

Passed

An engrossed Bill to prevent inconveniences arising from delay of Causes after issue joined, was read a third time.

Non Suit Bill

Resolved, That the Bill do pass, and that the title be, An Act to prevent inconveniences arising from delay of Causes after issue joined.

Passed

An engrossed Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, was read a third time.

Granville Waste
Lands

T

Resolved,

Passed	<i>Resolved</i> , That the Bill do pass, and the title be, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same.
Addition to Annapolis division Act	An engrossed Bill in addition to the Act to divide the County of Annapolis, and to regulate the representation thereof, was read a third time.
Passed	<i>Resolved</i> , That the Bill do pass, and that the title be, An Act in addition to the Act to divide the County of Annapolis, and to regulate the representation thereof,
Ramsay Township name	An engrossed Bill to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling, was read a third time.
Passed	<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling.
Bills sent to Council	<i>Ordered</i> , That the Clerk do carry the Bills to Council, and desire their concurrence.
Report from Com. on Pet. of John Ross	Mr. Smith reported from the Select Committee on the Petition of John Ross; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.
	(See Appendix, No. 32.)
Adopted	On motion of Mr. Forrestall, <i>resolved</i> , that the Report be received and adopted by this House.
Report on Petitions of Reagh & Parker	Mr. Smith also reported from the Select Committee, on the Petition of Wesley Reagh, and Stephen Parker; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.
	(See Appendix No. 33.)
Adopted	On motion of Holland, <i>resolved</i> , that the Report be received and adopted by this House.
Poor House accounts presented	Mr. Bell presented to the House, an aggregate list of Articles purchased for the use of the Halifax Asylum for the Poor, during the year 1839—also an Account of the Funds received for the use of the Halifax Asylum for the Poor, during the year 1839, and from whence received, and the same were read.
	(See Appendix, No. 34.)
Message from Council desiring Conference on General State of the Province	<i>Ordered</i> , That the Papers do lie on the Table. A Message from the Council, by Mr. Halliburton: Mr. Speaker, The Council desire a Conference, by Committee, with a Committee of this Honorable House, on the General State of the Province. And then the Messenger withdrew.
Conference agreed to	On motion, <i>resolved</i> , that this House do agree to the Conference desired by the Council, and that the Clerk do acquaint the Council therewith.
Managers	<i>Ordered</i> , That Mr. Young, Mr. Morton, Mr. Dickson, Mr. Uniacke, and Mr. Howe, do manage the said Conference.
Held, &c.	So they went to the Conference, And being returned, Mr. Young reported that the Managers had been at the Conference, and stated the substance of the Conference to the House.
Committee on Bills	On motion, the House resolved itself into a Committee on Bills. Mr. Speaker left the Chair, Mr. Smith took the Chair of the Committee, Mr. Speaker resumed the Chair.
Progress reported	The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again, on the consideration of Bills—which the House agreed to.
Orders of Days postponed viz. Committee of Supply Private Petitions	The Orders of the Day being read, <i>Ordered</i> , That this House do, To-morrow, resolve itself into the Committee of Supply. <i>Ordered</i> , That this House do, To-morrow, proceed to the consideration of Private Petitions.
	Then the House adjourned until To-morrow, at Twelve of the clock.

Friday, 14th February, 1840.

PRAYERS.

Ordered, That Mr. Elder have leave of absence on account of ill health, until his health shall be sufficiently re-established to permit his attendance upon the House. Leave of absence to Mr. Elder

Mr. Thorne reported from the Select Committee, upon the Petition of Isaac Willett and others, and thereupon presented a Bill for providing Fire Engines for the Town of Bridgetown, and the same was read a first time, and ordered to be read a second time. Bill reported for providing Fire Engines for Bridgetown

A Petition of Charles Jones, of Westport, Brier Island; Merchant, in behalf of himself and others, was presented by Mr. Young and read, praying the establishment of a Custom House at that place, which might be effected at a small expense by uniting the Customs and Excise. Petition for Custom House at Westport Brier Island

Ordered, That the Petition be referred to the Committee on the uniting of the Customs and Excise Departments. Refrd. to Com. on Union of Customs and Excise

Mr. McKim, pursuant to leave given, presented a Bill to prevent the sale and use of Spirituous Liquors, in certain cases; and the same was read a first time; and thereupon, Bill presented to prevent Sale of Spirits

Mr. Goudge moved, that the Bill be withdrawn:

Which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen; against it, sixteen. So it passed in the affirmative. Withdrawn

Ordered accordingly.

On motion, the Address to His Excellency the Lieutenant-Governor, on the subject of the Executive Council, passed on the 12th Inst., was read as engrossed, and is as followeth: Engrossed Address to Lieut. Gov. read

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY.

May it please your Excellency,

We, Her Majesty's dutiful and Loyal Subjects, the Representatives of the Province of Nova Scotia, cannot but express our unfeigned regret at the tenor of the reply made by Your Excellency to the Resolutions passed, by a large majority of this House, on the 5th Instant.

It is true that some of the complaints urged in those Resolutions had been pressed upon the attention of Her Majesty's Government in former communications,—but we humbly conceive that the Despatch of Lord John Russell, dated 16th October, and not that of his Predecessor in Office, dated 31st of August, to which Your Excellency refers, is the one by which all parties in the Colonies now, and hereafter, are to be governed.—We believe that that Despatch, not only gives to Your Excellency the power to re-model the Executive Council, but makes such changes as are required to ensure harmony between the Executive and Legislative Branches of the Government imperative.

This House is at a loss to conceive any "Motives of Public Policy" more "sufficient" to render an application of the principles of that Despatch to this Province advisable, than the fact that a majority of thirty to twelve of the Members of the Representative Branch have avowed their want of confidence in Officers, expressly referred to by the Colonial Secretary,—that they have declared it impossible to deal wisely with measures of great importance to the Government and the Country, until confidence between the Executive and the Legislature be established,—and that while the only efficient Representative of the Local

Local Government in this House has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the Government, while a majority of the Executive Council persist in retaining their Seats, and Your Excellency declines to exercise the powers confided by Lord John Russell's Despatch.

It is to this House a subject of deep mortification, that while, in a neighbouring Province, His Excellency Sir John Harvey recognizes the Despatch of the 16th October as conferring a new and improved Constitution on the Colonies, and has expressed his determination to act upon it,—while in Canada the Governor General declares that “he has received Her Majesty's Commands to administer the Government of these Provinces in accordance with the well understood wishes and Interests of the People, and to pay to their feelings, as expressed through their Representatives, the deference that is justly due to them,” that the People of Nova Scotia are to be treated worse than the people of New Brunswick, and that, under cover of a Despatch, written before the New Policy was adopted, by a Nobleman who no longer presides over the Colonies, principles are to be applied to Nova Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution, than those which have been promulgated for the Government of a Province but recently agitated by Disaffection and Rebellion.

Should your Excellency, upon re-considering this subject, upon referring to the Governor General's Message of the 14th January, in which he declares, “his earnest and anxious desire to discharge the trust committed to him in accordance with the principles announced,” still feel compelled to disappoint the just hopes of the people of Nova Scotia, this House will feel unfeigned sorrow; but, in the meantime, they trust they need not assure Your Excellency of their desire to preserve the tranquillity of the Province, and to ensure the harmonious action of the different branches of the Government.

Mr. Howe then moved, that the said Address be presented to His Excellency the Lieutenant-Governor, by the whole House, and that a Committee be appointed to wait upon His Excellency, to know his pleasure, when he will receive the House with the Address: which, being seconded,

Mr. W. Sargent moved, that the question be amended, by leaving out all the words thereof after the first word “that,” and by inserting in place of the words so left out, the following; viz: “the House do come to a Resolution as followeth:”

“Whereas the present mode of administering the Government of the Colonies is liable to many abuses, and open to serious objections, and whereas, there is at present no stable System or Constitution, to which all parties may appeal, as the acknowledged Charter of the Rights and Privileges of the People, as well as the rule and standard by which the different parts of the Government are to be guided, in their several and distinct operations; and whereas, it is highly desirable and necessary in order to the peace, tranquillity and well-being of the Province, and the amicable and cordial co-operation of the various parts of the Government with each other, that such a Constitution should be secured for this Colony, and that proper means should be taken to procure the same from the source whence alone it can emanate. *Resolved therefore,* that a humble Address be presented to Her Majesty's Government, praying Her Majesty to take such steps as may be necessary to give to this Colony such Constitution, sanctioned by Act of Parliament, and subject to the acceptance of the Legislature of the Province, as shall not only define the Powers and Rights of the different Branches of the Government, but as shall also secure to the Legislature such a responsibility of the Executive, as, guarded by proper checks, shall give to the same a wise and salutary influence over the affairs of Government.”

Which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, nine; against it, twenty-seven:

Motion for presenting Address by whole House and for Committee to know when Lieut. Gov. will receive same

Resolution moved as amended, setting forth defective Constitution and proposing Address to H. M. Government for remedy by Act of Parliament, &c.

Amendment negatived or division

For the amendment,

Mr Fairbanks
Mr W Sargent
Mr Miller
Mr Holmes
Mr Allison
Mr Heckman
Mr J Sargent
Mr Thorne
Mr Creighton

Against the amendment,

<i>Mr Forrester</i>	<i>Mr Robichau</i>	<i>Mr Lewis</i>
<i>Mr Morton</i>	<i>Mr Waterman</i>	<i>Mr Benjamin</i>
<i>Mr Young</i>	<i>Mr McHeffy</i>	<i>Mr Howe</i>
<i>Mr Spearwater</i>	<i>Mr D'Entremont</i>	<i>Mr McKim</i>
<i>Mr Dickson</i>	<i>Mr McLellan</i>	<i>Mr Chipman</i>
<i>Mr Forrestall</i>	<i>Mr Bell</i>	<i>Mr DesBarres</i>
<i>Mr Holland</i>	<i>Mr Dickey</i>	<i>Mr Smith</i>
<i>Mr Clements</i>	<i>Mr Huntington</i>	<i>Mr Archibald</i>
<i>Mr McDonald</i>	<i>Mr Annand</i>	<i>Mr McDougall</i>

So it passed in the negative.

The original question being then put, the motion was agreed to by the House.

Original question carried

Ordered, That the said Address of this House to His Excellency the Lieutenant-Governor, be presented to His Excellency by the whole House, and that Mr. Howe, Mr. Chipman, Mr. Huntington, Mr. Young, and Mr. McHeffy, be a Committee to wait upon His Excellency, to know his pleasure when he will receive the House with the Address.

Committee to wait on Lieut. Gov.

Mr. Archibald, pursuant to leave given, presented a Bill to regulate the Representation of the County of Colchester, and the same was read a first time, and ordered to be read a second time.

Colchester representation Bill presented

A Petition of David Power and others, Inhabitants of Havre au Bouche, was, by special leave, presented by Mr. Forrestall and read, praying aid in the erection of a Pier or Breakwater at that place.

Petition for Break water at Havre au Bouche

Ordered, That the Petition be referred to the Committee on Navigation Securities.

Refrd. to Com. on Navigation securities

Mr. Archibald reported from the Select Committee on the Bill to reduce the expences of Suits at Law on Judgments by Confession, that the majority of the Committee disapprove of the principle of the Bill, and have therefore directed him to report the Bill to the House without any amendment, that the same may be disposed of as the House may think proper; and he thereupon delivered the Bill in at the Clerk's Table.

Report on Judgments by Confession Bill

Ordered, That the Bill do lie on the Table.

An engrossed Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof, was read a third time.

Engrossed Bills read 3d time and passed, viz. Supervisors Bill

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.

An engrossed Bill to continue the Act respecting the Exportation of Grindstones from this Province, was read a third time.

Grindstones Bill

Resolved, That the Bill do pass, and that the title be, An Act respecting the Exportation of Grindstones from this Province.

An Engrossed Bill to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District, was read a third time.

St. Mary's District Bill

Resolved, That the Bill do pass, and that the title be, An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District.

An engrossed Bill respecting the Office of Prothonotary for the County of Cape Breton, was read a third time.

Cape Breton Prothonotary Bill

Resolved, That the Bill do pass, and that the title be, An Act respecting the Office of Prothonotary for Cape Breton.

An Engrossed Bill to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou, was read a third time.

Pictou Navigation Bill

Resolved, That the Bill do pass, and that the title be, An Act to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou.

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

Bills sent to Council

The Hon. Mr. Dewolf reported from the Committee appointed to join a Committee of the Legislative Council, to examine the Public Accounts; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table.

Report from Committee on Public Accounts

(See Appendix, No. 35.)

Ordered, That the Report do lie on the Table.

Report from Committee to wait on Lieut. Gov. to know when he will receive House with Address

Mr. Howe, reported from the Committee appointed to wait on His Excellency the Lieutenant-Governor, to know his pleasure when he would receive the House with their Address to him, passed on the 12th Inst., that the Committee had, pursuant to order, waited on His Excellency, and that His Excellency was pleased to appoint to-morrow at one of the clock, at Government House.

Pet. from Middle River Pictou for aid to pay debt of Pictou Academy
Ref. to Com. on Education

A Petition of Inhabitants of Middle River, in the County of Pictou, was, by special leave, presented by Mr. Dickson and read, praying that aid may be granted towards paying off the Debts of the Pictou Academy.

Ordered, That the Petition be referred to the Committee on Education.

Orders of Day postponed, viz: Com. of Supply & Private Petitions

The Orders of the Day being read,

Ordered, That this House do, To-morrow, resolve itself into the Committee of Supply.

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Then the House adjourned until To-morrow, at twelve of the clock.

Saturday, 15th February, 1840.

Bills read 2d time
Bridgetown Fire Engines
Colchester Representation

PRAYERS.

A Bill for providing Fire Engines for the Town of Bridgetown; also,

A Bill to regulate the Representation of the County of Colchester, were severally read a second time.

Ordered, That the Bills be committed to a Committee of the whole House.

Report of Cumberland Shad Fishery Bill

Mr. Huntington reported from the Select Committee on the River and Shore Fisheries, that the Committee had considered the Bill to regulate the Shad Fishery in the County of Cumberland, referred to them, and had made an amendment thereto, which they had directed him to report to the House with the Bill; and he delivered the Bill and amendment in at the Clerk's Table, where the amendment was read.

Ordered, That the Bill and amendments be committed to a Committee of the whole House.

Amdts. of Council to Bill to continue Mortgage Foreclosure agreed to by House

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages, were read a second time, and are as follow:

"In the title—In the first line, instead of the word, "continue," insert the words, "make perpetual."

1st Clause—After the word "be," in the 8th line, leave out the remainder of the clause, and insert the words, "made perpetual, and the same are hereby made perpetual."

On motion, *resolved*, that the said amendments be agreed to by this House.

Amdts. of Council to Proof of Written Documents Bill agreed to

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province, were read a second time, and are as follow:

"In the title—In the first line, instead of the word "continue," insert the words "make perpetual."

1st Clause—After the word "be," in the 9th line, leave out the remainder of the Clause, and insert instead thereof, the words "made perpetual, and the same are hereby made perpetual."

On motion *resolved*, that the said amendments be agreed to by this House.

Amdts. of Council to Malicious Injuries Bill (continuing) not agreed to

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property, were read a second time, and are as follow:

"In the title—Instead of the word "continue" in the first line, insert the words "make perpetual."

In

SATURDAY, 15th FEBRUARY, 1840.

In the Clause—After word “be” in the 8th line, leave out the remainder of the Clause, and insert instead thereof the words “made perpetual, and the same are hereby made perpetual.”

On motion, *resolved*, that the said amendment be not agreed to.

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act to restrain the Issuing of Writs of Attachment, in certain cases, were read a second time, and are as follow :

Amdts. of Council to Restraining Attachments Bill not agreed to

“In the title—leave out the word “continue” in the first line, and insert instead thereof, the words “make perpetual.”

1st Clause—After the word “be” in the 8th line, leave out the remainder of the Clause, and insert instead thereof, the words “made perpetual, and the same are hereby made perpetual.”

On motion, *resolved*, that the said amendments be not agreed to by this House.

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act relating to Marriage Licenses, were read a second time, and are as follow :

Amdts. of Council to Marriage License Bill (continuing) not agreed to

“In the title—in the first line, instead of the word “continue,” insert the words “make perpetual.”

1st Clause—After the word “be” in the 7th line, leave out the remainder of the Clause, and instead thereof, insert the words “made perpetual, and the same are hereby made perpetual.”

On motion, *resolved*, that the said amendments be not agreed to by this House.

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses, were read a second time, and are as follow :

Amdts. of Council to Trespass continuing Bill not agreed to

In the title—in the first line, instead of the word “continue,” insert the words “make perpetual.”

In the Clause—after the word “be,” in the 9th line, leave out the remainder of the clause, and instead thereof, insert the words “made perpetual, and the same are made perpetual.”

On motion, *resolved*, that the said amendments be not agreed to by this House.

Ordered, That the Clerk do carry the said several Bills and amendments to the Council, and acquaint them with the Resolutions of this House, in regard to the said amendments, respectively.

Bills and amndts. sent back to Council

Mr. Speaker and the House attended His Excellency the Lieutenant-Governor with their Address to him, pursuant to the Order of Yesterday.

House attend Lt. Gov. with Address

And being returned,

Mr. Speaker reported that His Excellency was pleased to give this answer to the Address of the House :

Mr. Speaker and Gentlemen of the House of Assembly.

Answer of Lt. Gov. to Address of House

I have given to this Address the deep consideration to which the opinion of the Representatives of the People is justly entitled.

By adopting the course you suggest, I should practically recognise a fundamental change in the Colonial Constitution, which I cannot certainly discover to have been designed by the Despatch of the Right Honorable the Secretary of State for the Colonies, of the 16th October, in the manner, and to the extent, supposed by you.

In exercising the solemn trust committed to me by my Sovereign, I feel it to be my duty not to establish a principle, involving consequences of deep moment, on which any uncertainty rests, until Her Majesty’s Ministers shall have been consulted, and the judgment of the Queen ascertained.

It is therefore my intention immediately to bring to the notice of Her Majesty’s Government the Addresses and Resolutions you have lately passed on the subject.

In the mean time, I shall be constantly ready to yield my concurrence to any measures you

you may adopt, which, in my judgment are calculated to promote the welfare of Her Majesty's Loyal Subjects the People of this Province, whom you represent.

Com. to enquire of
Lt. Gov. as to Hon.
A. Stewart's stay in
England

On motion of Mr. Doyle, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request him to inform this House, whether the Hon. A. Stewart, one of the Delegates selected by His Excellency, at present in England, remains there, invested with the powers originally committed to him when he left this Province, or with any powers from His Excellency to make any representation at the office of Her Majesty's Secretary of State for the Colonies, or at any other office of Her Majesty's Government.

Ordered, That Mr. Doyle, Mr. Goudge, Mr. Annand, Mr. Lewis and Mr. M'Kim, be a Committee for the foregoing purpose.

A Message from the Council by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for Incorporating the Trustees of the Queen's College at Horton, without any amendment.

And then Messenger withdrew.

Council agree to
Queen's College
Bill

Com. on Bills

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again, on the consideration of Bills committed, which the House agreed to.

Report from Com.
in relation to Hon.
A. Stewart

Mr. Doyle, from the Select Committee appointed this day to wait upon His Excellency the Lieutenant Governor in relation to the powers committed to the Hon. A. Stewart, one of the Delegates selected by His Excellency, at present in England, reported that the Committee had performed the duty assigned to them, and that His Excellency in reply to the request of the House was pleased to say that he named the gentlemen of that Delegation solely in accordance with the Resolution of the Legislative Council,—that those Gentlemen proceeded thither without any instructions or powers from him,—that he was not aware of the cause of Mr. Stewart's detention in England, and that he is in no way authorised by him to make any representation on the affairs of the Colony.

Orders of Day

The Orders of the Day being read,

Com. of Supply

Ordered, That this House do, on Monday next, resolve itself into a Committee of Supply.

Private Petitions

Ordered, That this House do, on Monday next, proceed to the consideration of Private Petitions.

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 17th February, 1840.

PRAYERS.

Pet. of J. Dawson
for payment into
Treasury of pro-
ceeds of cargo of
brig Joseph wrecked
at Cape Breton

A Petition of James Dawson, of Pictou, was, by special leave, presented by Mr. Dickson and read, setting forth that in May, 1829, the Brig Joseph, of Whitehaven, was wrecked at the Bird Islands, with a cargo of Goods for Montreal, a quantity of which were brought to Cheticamp, C. B. and sold, and the proceeds thereof remain in the hands of John L. Tremain, Esq. a Collector of Colonial Duties, and are claimed by Petitioner as Agent for the Underwriters at Lloyd's, who are entitled thereto, and praying that the same may be paid into the Province Treasury according to Law.

Ordered, That the Petition be referred to Mr. Dickson, Mr. Forrester and Mr. DesBarres, to examine and report upon to this House.

Ref. to Sel. Com.

MONDAY and TUESDAY, 17th and 18th FEBRUARY, 1840.

A Petition of Inhabitants of the Town of Pictou,—a Petition of Inhabitants of Fisher's Grant, in the County of Pictou, and a Petition of Inhabitants of Tatamagouche, in the County of Colchester, were, by special leave, presented by Mr. Dickson and read, respectively, praying that aid may be granted towards paying off the Debt of the Pictou Academy. *Ordered*, That the Petition be referred to the Committee on Education.

Pet. for aid to pay debt of Pictou Academy

Ref. to Com. on Education

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have passed a Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company—to which Bill they desire the concurrence of this Honorable House.

Message from Council with Bill to Incorporate Bay of Fundy Steam Co.

And then the Messenger withdrew.

The Order of the Day for the Committee of Supply, being read,

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Order of day Com. of Supply

The Chairman reported from the Committee, that they had come to several Resolutions which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

Report of Resolutions being passed

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of the Supply—which the House agreed to.

Ordered, That the Report of the Resolutions from the Committee be received at a future day.

Report to be received hereafter

Ordered, That this House do again To-morrow, resolve itself into the Committee of Supply.

Further order for Com. of Supply

The Order of the Day being read for the consideration of Private Petitions.

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Order on Private Petitions postponed

A Message from the Council by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, now entitled, An Act to make perpetual the Act for the more easy Redemption and Foreclosure of Mortgages, and to the Bill, now entitled, An Act to make perpetual the Act to lessen the expense of the Proof of Written Documents, in Actions depending in any of the Courts within this Province, severally, as amended.

Message from Council agreeing to Continuing Bill, viz:

Foreclosure Act made perpetual
Proof of Written Documents Act made perpetual

The Council do not adhere to their amendments respectively, proposed to the Bill, entitled, An Act to continue the Act to restrain the Issuing Writs of Attachment, in certain cases; to the Bill, entitled, An Act to continue the Act relating to Marriage Licences; to the Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property; and to the Bill, entitled, An Act in further amendment of, and additional to, the Acts relating to Trespasses; but agree to those Bills respectively, without any amendment.

Amendment to following Bills not adhered to & Bills agreed to, viz :
Restraining attachments
Marriage Licences
Malicious injuries
Trespasses

And then the Messenger withdrew.

Then the House adjourned until To-morrow, at Twelve of the clock.

Tuesday, 18th February, 1840.

PRAYERS.

An engrossed Bill from the Council, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company, was read a first time and ordered to be read a second time.

Council's Bay of Fundy Steam Navigation Bill read 1st time

Mr. Clements reported from the Committee of the whole House, to whom it was referred to consider of the Supply granted to Her Majesty, the Resolutions which they had directed him to Report to the House; and the same were read, and are as followeth :

Resolutions reported from Com. of Supply

200. Speaker 1.—*Resolved*, That the sum of Two Hundred Pounds be granted and paid to the Speaker of the House of Assembly, in full, for his Salary as Speaker, during the present year.
600. Treasurer 2.—*Resolved*, That the sum of Six Hundred Pounds be granted and paid to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the present year.
200. Clerk of House 3.—*Resolved*, That the sum of Two Hundred Pounds be granted and paid to the Clerk of the House of Assembly, for his services in the present year.
25. Chaplain of Council 4.—*Resolved*, That the sum of Twenty Five Pounds be granted and paid to the Venerable Archdeacon Wills, Doctor in Divinity, for his services as Chaplain to the Legislative Council, during this Session.
25. Chaplains of House 5.—*Resolved*, That the sum of Twenty Five Pounds be granted and paid to the Clerk of the House of Assembly, to enable him to pay Twelve Pounds Ten Shillings to each of the Clergymen who have attended the House of Assembly as Chaplains, during this Session.
100. Assistant Clerk of House 6.—*Resolved*, That the sum of One Hundred Pounds be granted and paid to the Assistant Clerk of the House of Assembly, for his services during this Session.
50. Sergeant at Arms 7.—*Resolved*, That the sum of Fifty Pounds be granted and paid to Matthew Forrester, for his services as Sergeant at Arms to the House of Assembly, for this Session.
50. Assistant Sergeant 8.—*Resolved*, That the sum of Thirty Pounds be granted and paid to John Jennings, for his services as Assistant Sergeant at Arms to the House of Assembly, for this Session.
40. Messenger to Governor, &c. 9.—*Resolved*, That the sum of Forty Pounds be granted and paid to the Messenger of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Executive and Legislative Councils, for the present year.
50. Messenger of House 10.—*Resolved*, That the sum of Thirty Pounds be granted and paid to John Gibbs, for his services as Messenger to the the House of Assembly, during the present Session.
45. Clerk of Revenue 11.—*Resolved*, That the sum of Forty-Five Pounds be granted and paid to the Clerk of the Commissioners of the Revenue, for his services for the present year.
200. Gauger and Weigher 12.—*Resolved*, That the sum of Two Hundred Pounds be granted and paid to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the present year.
- Allowance to Impost Waiters 13.—*Resolved*, That there be granted and paid, on the Certificate of the Commissioners of the Revenue, at the rate of Seven Shillings and Six Pence per day, to such person or persons as shall be employed, during the present year, by the Collector of Impost and Excise for the District of Halifax, as extra Waiter or Waiters for the Port of Halifax; Five Shillings per day to such extra Waiter or Waiters when unemployed, and at the rate of Five Shillings per day to temporary Waiters.
600. Transient Poor at Halifax 14.—*Resolved*, That the sum of Six Hundred Pounds be granted and paid for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax.
550. J. Howe, for printing 15.—*Resolved*, That the sum of Three Hundred and Fifty Pounds be granted and paid to John Howe, Esquire, Printer, for Printing for Government and the General Assembly, for the present year.
60. Keeper of Assembly Rooms 16.—*Resolved*, That the sum of Sixty Pounds be granted and paid to the Keeper of the Assembly House and Council Chamber, and Law Library, for the present year.
50. Parrsboro' Packet 17.—*Resolved*, That the sum of Fifty Pounds be granted and paid to the owners of the Packet running between Windsor and Patridge Island, to encourage the running of the said Packet, between the said places, under such Regulations as may be made and ordered by the Justices in their Sessions, for the County of Hants, for the present year.
50. Guysboro' Packet 18.—*Resolved*, That the sum of Fifty Pounds be granted to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such Regulations as shall be established by the General Sessions of the Peace for the County of Guysborough—to be paid upon the Certificate of the said General Sessions, that such Packet has been properly kept and run during the present year; Provided, that the Judge or Judges of the Supreme Court shall be taken without

without

charge, if required, from Guysborough to Arichat, and from Arichat to Guysborough, on their Circuit to Cape Breton.

19.—*Resolved*, That the sum of Four Hundred Pounds be granted and paid to the Commissioners of Sable Island, for the support of that establishment for the present year. 400l. Sable Island

20.—*Resolved*, That the Sum of One Hundred and Fifty Pounds be granted and paid, towards supporting and maintaining the Steam Boat between Pictou, Prince Edward's Island, and Miramichi, for the present year, upon the same conditions as last year, and upon condition that the Mail shall be Weekly transported in the Boat, during the same year, between the same places. 150l. Steamboat to P. E. Island

21.—*Resolved*, That the Sum of One Hundred Pounds be granted to James Whitney, for running the Steam Boat between Annapolis and Digby, and St. John, for the present year, under the same Regulations, and in the same manner as heretofore, to be paid only upon its being certified to His Excellency the Lieutenant-Governor, or Commander in Chief, by the Post Master General, that the Mail has been regularly carried in each week of the year. 100l. Steamboat Annapolis to St. John

22.—*Resolved*, That the Sum of Three Hundred Pounds be granted and paid to the Nova-Scotia Baptist Education Society, in aid of the Academy at Horton, for the present year. 300l. Horton Academy

23.—*Resolved*, That the Sum of Fifty Pounds be granted and paid to Doctors Grigor and Stirling, in aid of the Halifax Dispensary, for the present year, provided they keep during the year, a sufficient quantity of Vaccine matter. 50l. Halifax Dispensary

24.—*Resolved*, That the Sum of Twenty Pounds be granted and paid to aid the Inhabitants of Cape Breton, in supporting a suitable Boat or Scow to run between McMillan's Point, in Cape Breton, and Auld's Cove, in the County of Sydney—the said Boat or Scow to be placed under the Regulation of the General Sessions for the County of Inverness. 20l. Gut of Canso Ferry

25.—*Resolved*, That the Sum of Twenty Pounds be granted to aid the Inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place—the said Boat to run under the Regulation of the General Sessions, for the County of Hants, to be paid by Warrant from His Excellency the Lieutenant-Governor, upon Certificate from said Sessions, that such Boat has been running at least twice a week for six months, to the satisfaction of the said Sessions, under their Regulations. 20l. Shubenacadie Ferry

26.—*Resolved*, That the Sum of Ten Pounds be granted and paid to Cornelius Craig, to enable him to keep up the Ferry across the Narrows at the entrance of Sable River, in the County of Shelburne. 10l. Sable River Ferry

The said several Resolutions being then read a second time,

Mr. Waterman moved, that the Resolution for granting the Sum of Three Hundred Pounds to the Nova-Scotia Baptist Education Society, be not received by the House: which, being seconded and put, passed in the negative. Motion not to receive Horton Academy Vote negatived

The said Resolutions were then agreed to by the House. Resolution agreed to

Ordered, That the Clerk do carry to the Council the said Resolutions, except such as are for ordinary services, not usually sent to the Council, and desire their concurrence to the Resolutions so sent to them. Resolutions not ordinary sent to Council

Mr. Holland, pursuant to leave given, presented a Bill to repay to two Collectors of Rates, in the County of Annapolis, certain expenses incurred by them, and the same was read a first time, and ordered to be read a second time. Bill presented to repay Annapolis Rates Collectors

Mr. Holland reported from the Select Committee on the Petition of Henry Holland, in relation to shutting up an Old Road in Wilmot, recommending the shutting up thereof; and he delivered the Report in at the Clerk's Table, where it was read. Report on Pet. for shutting up Road in Wilmot

(See Appendix, No. 36.)

On motion, *resolved*, that the Report be received and adopted by the House. Adopted

Mr. Howe, pursuant to leave given, presented a Bill to raise an additional Sum in aid of the Fund for repairs and sinking of Wells and Pumps in Halifax, by laying an Annual Tax on Bill presented for taxing Fire Insurance Companies

on certain Fire Insurance Companies, and the same was read a first time, and ordered to be read a second time.

Pet. from Economy for equalizing representation in Colchester

A Petition of Silas H. Crane and others, of Economy, was presented by Mr. McLellan and read, praying that the Representation of the County of Colchester may be equalized, either by allowing four County Members, instead of the present Representation, or by extending the Elective Franchise of the Townships to the Settlements, respectively, adjacent thereto.

Message from Council
Agreeing without amdt. to Bills, viz: Quadrennial Assemblies Bill
Bill to continue Chedabucto Fisheries Act
Bill to continue Surveyors of Timber and Lumber Act
Rail Road Bill
Bill to amend Digby Shire Town Act
Bill in addition to Annapolis division Act
Bill to change name of Ramsay Township
And agreeing with amdt. to non-suit Bill

Ordered, That the Petition do lie on the Table.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies; the Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay; the Bill, entitled, An Act to continue the Act to Regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force; the Bill, entitled, An Act to Regulate and prevent Injury to Rail Roads; the Bill, entitled, An Act to amend the Act to establish the County or Shire Town in the County of Digby; the Bill, entitled, An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof; and the Bill to change the name of the Township of Ramsay, in the County of Colchester to that of Stirling; severally without any amendment.

The Council have agreed to the Bill, entitled, An Act to prevent Inconveniences arising from delay of Causes, after Issue joined, with amendments—to which they desire the concurrence of this Honorable House.

And then Messenger withdrew.

Order of Day Com. of Supply

The Order of the Day being read, for the further consideration of the Supply in Committee of the whole House,

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee that they had come to a Resolution which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again,—which the House agreed to.

The said Resolution was read as followeth :

Report of Resolution granting 28,000l. & 14,000l. for Road Service

Resolved, That the Sum of Twenty-eight Thousand Pounds be granted and applied, by Bill, upon the principle of Tender and Contract, in 1840 and 1841, for the improvement of the Great Roads, and that the further Sum of Fourteen Thousand Pounds be granted for the Ordinary Road service of the Province for the present year.

The said Resolution being then read a second time: thereupon,

Motion not to receive Resolution carried in affirmative

Mr. Goudge moved, that the Resolution be not received by the House, which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-two; against it, twenty-one:

For the motion,

Mr Goudge	Hon Mr Dewolf
Mr McHefly	Mr D'Entremont
Mr W Sargent	Mr Lewis
Mr Clements	Mr Spearwater
Mr Morton	Mr Huntington
Mr Holland	Mr Whitman,
Mr Robichau	Mr Dickey
Mr Benjamin	Mr J Sargent
Mr Fairbanks	Mr Holdsworth
Mr Waterman	Mr Thorne
Mr McLellan	Mr Chipman

So it passed in the affirmative.

Against the motion,

Mr Forrester	Mr McDonald
Mr Smith	Mr Archibald
Mr Creighton	Mr Howe
Mr Hatton	Mr Young
Mr Holmes	Mr DesBarres
Mr Heckman	Mr Annand
Mr Miller	Mr McKim
Mr Forrestall	Mr Doyle
Mr Bell	Mr Dickson
Mr Allison	Mr Uniacke
Mr McDougall	

On

TUESDAY and WEDNESDAY, 18th and 19th FEBRUARY, 1840.

On motion of Mr. Huntington, the House again resolved itself into the Committee of Supply. House again in Com. of Supply

Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had come to a Resolution, which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The Resolution was then read, and agreed to by the House, and is as followeth:

Resolved, That the Sum of Eighteen Thousand Pounds be granted for the Service of Roads and Bridges for the present year. Report of Resolution granting 18000*l* for Road Service.

Ordered, That the Clerk do carry the Resolution to the Council, and desire their concurrence. Resolution ordered to Council.

The Order of the Day being read for the consideration of Private Petitions,
Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions. Order of day Private Petitions postponed.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Wednesday, 19th February, 1840.

PRAYERS.

The Hon. Mr. Dewolf reported from the Select Committee appointed on the 25th day of January last, to wait upon His Excellency the Lieutenant-Governor, and request that £5000 of the Funded Debt of the Province may be paid off; that the Committee had performed the duty assigned to them, and that His Excellency, in answer to the application, was pleased to say, that he would attend to the wishes of the House. Report from Com. to wait on Gov. and request payment of part of Funded Debt.

An engrossed Bill from the Council, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company; and
A Bill to repay to two Collectors of Rates in the County of Annapolis, certain expenses incurred by them, were severally read a second time. Council's Bay of Fundy Steam Navigation Bill and Annapolis Collectors' Bill read 2d time, and com.

Ordered, That the Bills be committed to a Committee of the whole House.

The Hon. Mr. Dewolf, pursuant to leave given, presented a Bill to enable the Proprietors of an old line of Road in the Township of Horton, to shut up the same; and the same was read a first time, and ordered to be read a second time. Bill presented to shut up old Road in Horton

Mr. Allison, pursuant to leave given, presented a Bill respecting the Members of General Assembly, representing Townships of the County of Hants; and the same was read a first time, and ordered to be read a second time. Hants County representation Bill presented

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to preserve and regulate the Navigation of the Harbor of Pictou, without any amendment.

And then the Messenger withdrew. Council agree to Pictou Harbor Navigation Bill

On motion, the amendments proposed by the Council to the Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, were read a second time, and considered by the House; and thereupon, Amendments of Council to Polls Bill read and considered

Mr. Young moved that the said amendments be not agreed to by this House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, Nineteen; against it, Nine. So it passed in the affirmative. Not agreed to

Ordered, That the said amendments be not agreed to by this House.

WEDNESDAY, 19th FEBRUARY, 1840.

- Conference thereon
to be requested
- On motion of Mr. Young, *resolved*, that a Conference be desired with the Council, by Committee, on the subject of the amendments to said Bill.
- Instructions to
Com. of Conference
- On motion of Mr. Young, *resolved*, that the Committee appointed to hold a Conference with the Legislative Council on their amendments to the Bill for establishing the times and places of holding the Polls at Elections of Representatives, be instructed to state to the Committee of the Council, that the House have disagreed to the amendments proposed by the Council, because the sole objects of such amendments is to provide for holding the Poll on the same day, at the several places, in which it is required to be opened in the respective Counties and Townships; and while the House readily acknowledge the advantages which have been experienced from the adopting of this system in England, and the propriety of extending it, were it practicable, to this Province, they apprehend that it could not be carried into effect without a registration of Votes, which the House have been deterred from attempting to introduce into this Country, by the expense and difficulty of organizing it. They conceive that the number of bad Votes that would be Polled in Contested Elections, and consequently the number of Scrutinies and Trials would be largely increased; Besides, Candidates would be unable, in many cases, to find parties competent and willing to protect their Interest, and that of the Electors, at the several places, and a contest might be going on, while the Election, in point of fact, had terminated, by the withdrawing of Candidates or otherwise; and for these and other reasons, the House have been reluctantly obliged to disagree to the proposed amendments, and to postpone, to an after period, the introduction of a more improved system, for holding Elections, into this Province.
- Ordered*, That the Clerk do request said Conference.
- Com. on Bills
- On motion, the House resolved itself into a Committee on Bills.
- Mr. Speaker left the Chair,
Mr. Smith took the Chair of the Committee,
Mr. Speaker resumed the Chair.
- Report Digby
Landings Bill and
Annapolis Collec-
tors' Bill without
amendment
- The Chairman reported from the Committee that they had gone through the Bill to regulate certain Landings in the County of Digby, and the Bill to repay to two Collectors of Rates in the County of Annapolis, certain Expenses incurred by them, and had directed him to report the said Bills to the House, severally, without any amendment; and he afterwards delivered the Bills in at the Clerk's Table.
- The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.
- Bills to be engross-
ed
- Ordered*, That the Bills reported from the Committee be engrossed.
- A Message from the Council, by Mr. Halliburton:
Mr. Speaker,
- Council agree to
Conference on a-
mendments to Polls
Bill
- The Council agree to the Conference desired by this Honourable House, by Committee, on the subject of the amendments proposed by the Council to the Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives; and the Committee of the Council are now ready to meet the Committee of this Honorable House.
- And then the Messenger withdrew.
- Com. of Conference
- Ordered*, That Mr. Young, Mr. McDougall and Mr. Chipman, do manage said Conference.
- Conference held &
reported
- So they went to the Conference,
And being returned, Mr. Young reported that the Managers had been at the Conference, and had complied with the Instructions of the House.
- Amdts. to Polls
Bill sent back to
Council not agreed
to
- Ordered*, That the Clerk do carry to the Council, the Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, with the amendments proposed by the Council thereto, and acquaint them that this House have not agreed to the said amendments.
- Com. of Supply
- On motion of Mr. Howe, the House resolved itself into the Committee of Supply.

Mr.

Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to a Resolution, which they had directed him to report to the House; and he delivered the same in at the Clerk's Table. Report Resolution
Resolution for
granting £26,000
for Great Roads

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The said Resolution being then read, is as followeth:

Resolved, That the sum of £26,000 be granted for improvement of the Great Roads of the Province, to be expended by Tender, Contract and Survey, in the years 1840 and 1841, to be apportioned and applied as follows:

From Keys' to Brookfield,	£4,050
Road round Cumberland Mountain,	900
From Parrsborough to Amherst	450
Westchester to Amherst	360
Ditto to Wallace	90
Truro to Salmon River	1620
Salmon River to Pictou	630
Sydney line to Gut of Canso	700
Main Road through Guysborough	300
From Upper Stewiacke to Pictou	200
Cape Breton, Inverness and Richmond	4500
Eastern Road	1800
Eastern Shores	450
Pictou to Pugwash	400
Road from Halifax to Windsor	£800
Hawes' Hill	400
	1200
Falmouth to Gaspereau	100
Mount Denson Road	800
Main Roads through Kings	450
Do through Annapolis	450
Sissiboo Falls to Yarmouth line	450
Main Roads in Yarmouth	450
Bridge at South Joggin	450
Halifax to Chester	2500
Chester to Liverpool	800
Nictau to Brookfield	175
Liverpool to Shelburne	800
Shelburne to Yarmouth	500
Windsor to Chester	200
Newport to Shubenacadie	225

£26000

The Resolution being read a second time, and the question put thereon, that the House do agree to the same—the House divided, when there appeared, for agreeing to the Resolution, twenty-five; against it, eighteen: Agreed to on division

For the Resolution.

Mr Dickson	Mr Miller	Mr Waterman
Mr Archibald	Mr McDonald	Mr Hatton
Mr McKim	Mr Bell	Mr Doyle
Mr Forrester	Mr Forrestall	Mr Annand
Mr DesBarres	Mr Allison	Mr McDougall
Mr Howe	Mr Unsacke	Mr Creighton
Mr Young	Mr Fairbanks	Mr Holmes
Mr Smith	Mr Lewis	Mr Spearwater
Mr Heckman		

Against the Resolution.

Mr Thorne	Mr Benjamin
Mr W Sargent	Mr Robichau
Mr J Sargent	Hon Mr Dewolf
Mr Holdsworth	Mr Morton
Mr Dickey	Mr McHefly
Mr Whitman	Mr Huntington
Mr Holland	Mr Chipman
Mr D'Entremont	Mr Clements
Mr McLellan	Mr Goudge

So it passed in the affirmative.

Ordered,

Committee to bring
in Bill on Resoluti-
on

Ordered, That Mr. Howe, Mr. Uniacke, Mr. Creighton, Mr. Dickson and Mr. Smith, be a Committee to prepare and bring in a Bill, in accordance with the foregoing Resolution.

Order of Day Pri-
vate petitions post-
poned

The Order of the Day being read for the consideration of Private Petitions.

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Then the House adjourned until To-morrow, at twelve of the clock.

Thursday, 20th February, 1840.

PRAYERS.

Engrossed Bills
read and passed
viz. Digby Landings
Bill

An Engrossed Bill to regulate certain Landings in the County of Digby, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to regulate certain Landings in the County of Digby.

And Annapolis
Collectors of Rates
Bill

An engrossed Bill to repay to two Collectors of Rates in the County of Annapolis, certain Expenses incurred by them, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to repay to two Collectors of Rates in the County Annapolis, certain Expenses incurred by them.

Ordered to Council

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

Petition from Wil-
mot for aid to re-
build Mills destroy-
ed by fire

A Petition of Major Chipman and others, was, by special leave, presented by Mr. Holland and read, praying aid to enable Peter Middlemiss to commence the rebuilding of his Grist and Oat Mills and Kiln, at Handley's Mountain, in Wilmot, lately destroyed by fire.

Ordered, That the Petition do lie on the Table.

Petitions for pay-
ment of debts of
Pictou Academy

A Petition of the Presbyterian Congregation of Newport and others, was, by special leave, presented by Mr. Goudge; a Petition of the Presbyterian Congregation of Onslow, was, by special leave, presented by Mr. Howe; and Petitions of the Presbyterian Congregations of Upper and Middle Musquedoboit and others, were, by special leave, presented by Mr. Annand, and the said Petitions were read, respectively, praying that aid may be granted towards paying off the Debt of the Pictou Academy.

Ordered, That the Petitions be referred to the Committee on Education.

Referred to Com.
on Education

Fencing of Marsh
Bill and
Bill to shut up old
road in Horton
Read 2d time &
Committed

A Bill to regulate the Fencing of Salt Marsh Lands; also,

A Bill to enable the Proprietors of an old line of Road in the Township of Horton, to shut up the same, were severally read a second time.

Ordered, That the Bills be committed to a Committee of the whole House.

Petition from
West River Pictou
against Commis-
sioner for building
Bridges

A Petition of David Fraser and others, was, by special leave, presented by Mr. Howe and read, praying an investigation of the conduct of the Commissioner for building the Ten Mile Bridge and the Salt Spring Bridge, over the West River of Pictou—the Petition charging gross malversation and misconduct in the proceedings of the Commissioner in regard thereto; and thereupon,

Ref. to Sel. Com.

Mr. Young moved, that the Petition be referred to a Select Committee, to examine into the merits thereof, and report thereon to this House: which, being seconded,

The Hon. Mr. Dewolf moved, as an amendment to the question, that all the words thereof, after the word "that," be left out, and that instead thereof, the words following be inserted, "Mr. Howe have leave to withdraw the Petition:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, eighteen; against it, nineteen;

So it passed in the Negative.

The original motion being then put, was agreed to by the House.

Ordered, That Mr. Creighton, Mr. Morton, and Mr. Forrester, be a Committee to examine the Petition, and report upon the merits thereof to this House.

THURSDAY, 20th FEBRUARY, 1840.

A Petition of Scott Tremain, Barrister at Law, was, by special leave, presented by Mr. Forrester and read, praying payment for his services as Registrar of a Court of Special Commission of the Admiralty, for the Trial of Offences on the High Seas, performed by him upon the Trial of John Longmire.

Pat. of Scott Tremain Reg. of Special Court of Admiralty

On motion of Mr. Fairbanks, *resolved*, that the Petition be referred to the Committee of Supply.

Refd. to Com. of Sup.

Mr. Dickey, from the Select Committee, on the Bill to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the Service of Roads, &c., reported that the Committee had examined into the matter referred to them, and had made some amendments to the Bill, which they recommend to be adopted by the House; and he delivered the Bill and amendments in at the Clerk's Table, where the amendments were read.

Rep. fm. Com. on Road Expenditure Bill

Ordered, That the Bill and amendments be committed to a Committee of the whole House.

Bill and amds. committed

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have passed a Bill, entitled, An Act to repeal an Act entitled, An Act respecting the exportation of Grindstones from this Province, to which Act, they desire the concurrence of this Honourable House.

Message fm. Council sending down Bill to repeal Grindstone Act

The Council have agreed to several Resolutions of this Honourable House, for granting Monies for the following Services, viz :

And agreeing to Money Resolutions

£600 for the Transient Poor at Halifax.

50 for the Parrsborough Packet.

50 for the Guyston Packet.

400 for the establishment at Sable Island.

150 for the Steam Boat to Prince Edward's Island.

100 to James Whitney, for Steam Boat between Annapolis and St. John, New Brunswick.

300 for the Horton Academy.

50 for the Halifax Dispensary.

20 for the Ferry at the Gut of Canso.

20 for the Shubenacadie Ferry.

10 to Cornelius Craig, for the Sable River Ferry.

18000 for the Service of Roads and Bridges, for the present year.

And then the Messenger withdrew.

Mr. Bell, pursuant to leave given, presented a Bill for the better securing the payment of Light Duties, and the same was read a first time.

Bill presented Light House duties

Ordered, That the Bill be referred to the Select Committee on Light Houses and Navigation Securities.

Refd. to Com.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council do not adhere to the amendments proposed by them to the Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, but agree to the said Bill without any amendment.

Message fm. Council

Do not adhere to amends to Polls Bill & agree to Bill

And then the Messenger withdrew.

On motion, the House resolved itself into a Committee on Bills.

Com on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee that they had gone through the Bill to reduce the Expenses of Suits at Law, on Judgments by Confession; the Bill for making Lands and Tenements, liable to the payment of Debts, and to repeal the Acts now in force

Report Bills without amendments. viz. Judgment by confession Bill Lands Bill

Acadian School
Bill
Overholding Bill
Sale of Blue Bell
Farm Bill
Bridgeport fire En-
gine Bill

force; the Bill to Incorporate the Royal Acadian School Society; the Bill to prevent illegal Detainer and overholding of Real Estate; the Bill to authorize the Sale of the Real Estate lying on the Peninsula of Halifax, commonly called the "Old Blue Bell Farm," and the Bill for providing Fire Engines for the Town of Bridgetown; and had directed him to report the said Bills to the House, severally, without any amendment; and he afterwards delivered the Bills in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

Ordered, That the Bills reported from the Committee be engrossed.

Report from Com.
on Jas. Dawson
relative to proceeds
of wrecked Goods
in hands of John L.
Tremain
Adopted

Mr. Dickson reported from the Select Committee on the Petition of James Dawson; and he delivered the Report in at the Clerk's Table, where the same was read.

(See Appendix, No. 37.)

On motion, *resolved*, that the Report be received and adopted by the House.

Ordered, That the same Committee to whom was referred and who reported on said Petition, be a Committee to wait on His Excellency the Lieutenant-Governor and respectfully request that he will be pleased to direct a compliance with the recommendation contained in said Report.

Order of day Pri-
vate Petitions post-
poned

The Order of the Day for the consideration of Private Petitions, being read.

Ordered, That this House do, To-morrow, proceed to the consideration of Private Petitions.

Then the House adjourned until To-morrow, at twelve of the clock.

Friday, 21st February, 1840.

PRAYERS.

Report from Com.
as to Military
Guard

Mr. Howe reported from the Select Committee appointed to enquire into the cause of a Military Guard having been called in to assist the Civil Force in attendance upon the Supreme Court in January last; and he delivered the Report in at the Clerk's Table, where the same was read.

(See Appendix No. 38.)

Ordered, That the Report do lie on the Table.

Bill presented to
shut up old Road
in Wilmot

Mr. Holland, pursuant to leave given, presented a Bill to enable certain Proprietors of Land to shut up and enclose an old Road in the Township of Wilmot, in the County of Annapolis, and the same was read a first time, and ordered to be read a second time.

Petition from Liver-
pool on subject of
Intemperance

A Petition of James Gorham and others, of the Town of Liverpool, in Queen's County, was presented by Mr. Waterman and read, praying that further Legislative enactments may be passed for the suppression of Intemperance.

Referred to Com.
Intemperance

Ordered, That the Petition be referred to the Committee on Intemperance.

Bill from Council
to repeal Grind-
stone Act read 2d
time
Committed

An engrossed Bill from the Council, entitled, An Act to repeal an Act entitled, An Act respecting the Exportation of Grindstones from this Province, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Bill for Monies on
Great Roads re-
ported

Mr. Howe reported from the Select Committee appointed on Wednesday last, to bring in a Bill for the appropriation of certain Monies upon the great Roads; and thereupon presented a Bill for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province, and the same was read a first time, and ordered to be read a second time.

Message from
Council agreeing to
Cape Breton Pro-
thonotary Bill with
amendments

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act respecting the Office of Prothonotary for the County of Cape Breton, with amendments—to which they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

The

FRIDAY, 21st FEBRUARY, 1840.

- The said amendments from the Council were read a first time, and ordered to be read a second time. Amtds. read 1st time
- The Order of the Day being read,
The House proceeded to the consideration of Private Petitions. Order of day Private Petitions
- The Petition of Elbridge G. Fuller was read, with the Report of the Select Committee thereon, which had been adopted by the House. Petition of E. G. Fuller withdrawn
- Ordered*, That the Petition be withdrawn.
- The Petition of Richard Huntington was read, with the Report of the Select Committee thereon, which had been adopted by the House; and thereupon, Pet. of Richd. Huntington referred to Com. of Supply
- Ordered*, That the Petition and Report be referred to the Committee of Supply.
- The Petition of Charles W. H. Hall, was read; and thereupon, Pet. of C. W. H. Hall refd. to Com. on Trade
- On motion of Mr. Howe, *resolved*, that the Petition be referred to the Committee on Trade and Manufactures, to examine and report upon to this House.
- The Petition of Thomas Munro was read; and thereupon, Pet. of Thomas Munro for replacing of £1 Pro. note withdrawn
- Mr. Holmes moved that the Petition be referred to the Committee of Supply: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen; against it, twenty.
- So it passed in the negative.
- Mr. Huntington then moved that the Petition be withdrawn: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-four; against it, fifteen. So it passed in the affirmative.
- Ordered*, That the Petition be withdrawn.
- The Petition of Medical Practitioners and others, in Halifax, for aid in the erection of a Public Hospital, with the Report of the Select Committee thereon, being read— Petition for Hospital in Halifax to lie on Table
- Mr. Bell moved that the Petition be referred to the Committee of Supply: which, being seconded,
- Mr. Goudge moved, that the question be amended, by leaving out the words "referred to the Committee of Supply," and inserting instead thereof the word "withdrawn": which, being seconded and put, passed in the negative.
- On motion of the Hon. Mr. Dewolf, *resolved*, that the question be amended, by leaving out the words "be referred to the Committee of Supply," and inserting instead thereof the words "do lie on the Table for further consideration at a future day."
- Ordered* accordingly.
- The Petition of James Rogers was read, and ordered to be withdrawn. Petition of Jas. Rogers withdrawn
- The Petition of Mary Bolman and others, was read; and thereupon, Pet. of Mary Bolman & al referred to Members for Lunenburg
- Ordered*, That the Petition be referred to the Members for the County of Lunenburg, to examine and report thereon by Bill, or otherwise.
- The Petition of Robert Roberts, Sheriff of Queen's County, and the Report of the Select Committee thereon, were read, and referred to the Committee of Supply. Petition of Robert Roberts ref. to Sup.
- The Petition of Office Bearers and Committee of the Halifax Mechanics' Institute was read, and referred to the Committee of Supply. Pet. of Halifax Mechanics' Institute ref. to Supply
- The Petition of James Brown and others, for aid to provide Boats for a Ferry at the Mouth of Shubenacadie River, was read, and referred to Mr. Smith, Mr. Archibald, Mr. Dickey, Mr. Morton and Mr. McHeffy, to examine and report upon the merits thereof to the House. Pet. for aid to Shubenacadie Ferry ref. to Sel. Com.
- The Petition of Edmund Crowell was read, and referred to the Committee of Supply. Pet. of Edmund Crowell ref. to Sup.
- The Petition of the Officers of the Light Infantry Company of the First Halifax Regiment of Militia was read, and ordered to lie on the Table for further consideration. Pet. of Officers of Lt. Infy. Com. of Militia to lie on Table
- The

Petition of R. Nickerson ref. to Com. of Sup.

The Petition of Rueben Nickerson was read; and thereupon, Mr. D'Entrement moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Archibald moved, as an amendment to the question, to leave out the words "referred to the Committee of Supply," and to insert instead thereof the word "withdrawn:" which, being seconded and put, passed in the negative.

The original question being then put,

Ordered, That the Petition be referred to the Committee of Supply.

Pet. of J. Pernette ref. to Sup.

The Petition of John Pernette was read; and thereupon,

Mr. Creighton moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Goudge moved, as an amendment to the question, to leave out the words "referred to the Committee of Supply," and to insert instead thereof, the word "withdrawn:" which, being seconded and put, passed in the negative.

The original question being then put,

Ordered, That the Petition be referred to the Committee of Supply.

Pet. of N. H. Martin ref. to Com. on Post- Office

The Petition of Nicholas Henry Martin was read, and referred to the Committee on the Post Office.

Pet. of Sydney Mechanic's Institute ref. to Com. on Education

The Petition of the President of the Mechanics' Institute at Sydney, C. B. on behalf of the Society, was read, and referred to the Committee on Education.

Pet. of J. W. Weeks Shff. of Cape Breton withdrawn

The Petition of Joshua Wingate Weeks, Sheriff of the County of Cape Breton, was read; and thereupon,

Mr. Uniacke moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Benjamin moved, as an amendment to the question, to leave out the words "referred to the Committee of Supply," and insert in place thereof the word "withdrawn:" which, being seconded and put, passed in the affirmative.

Ordered, That the Petition be withdrawn.

Pet for repair of Gerrish Street Halifax withdrawn

The Petition of William Donovan and others, complaining of the want of repair of Gerrish Street, in Halifax, was read,

Ordered, That the Petition be withdrawn.

Pet. of Halifax Steam Compy. ref. to Sup.

The Petition of the Halifax Steam Boat Company was read; and thereupon,

Mr. Bell moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Dickey moved, as an amendment to the question, that the words "referred to the Committee of Supply" be left out, and the word "withdrawn" inserted in place thereof: which, being seconded and put, passed in the negative.

The original question being then put,

Ordered, That the Petition be referred to the Committee of Supply.

Ordered, That this House do, To-morrow, proceed to the further consideration of Private Petitions.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Saturday, 22d February, 1840.

PRAYERS.

An engrossed Bill to reduce the expenses of Suits at Law, on Judgments by Confession was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to reduce the expenses of Suits at Law, on Judgments by Confession.

Judgment by Confession Bill read 2d time
Passed

An

An engrossed Bill for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force, was read a third time.	Lands and Tenements Bill read 3d time
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force.	Passed
An engrossed Bill for providing Fire Engines for the Town of Bridgetown, was read a third time.	Bridgetown Fire Engine Bill read 3d time
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes.	Passed
<i>Ordered</i> , That the Clerk do carry the Bills to the Council, and desire their concurrence.	Bills sent to Council
On motion of Mr. Young, <i>resolved</i> , that all matters relating to the collection and amount of Revenue, during the present year, be referred to the Committee on Trade.	Revenue matters referred to Com. on Trade
Mr. Uniacke reported from the Select Committee on Light Houses and Navigation Securities; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.	Report from Com. on Light Houses and Navigation Securities
(See Appendix, No. 39.)	
<i>Ordered</i> , That the Report, together with the Petitions therein favorably reported upon, be referred to the Committee of Supply.	Referred with Pets. to Com. of Supply
A Bill to enable certain Proprietors of Land to shut up and enclose an Old Road in the Township of Wilmot, in the County of Annapolis, was read a second time.	Bill to shut up road in Wilmot read 2d time and committed
<i>Ordered</i> , That the Bill be committed to a Committee of the whole House.	
Mr. Young reported from the Select Committee on Trade and Manufactures; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.	Report from Com. on Trade
(See Appendix, No. 40.)	
<i>Resolved</i> , That the Report be received and adopted by this House.	Adopted
<i>Ordered</i> , That the Report, together with the Petitions of Charles McCarthy, Henry Hatton, John F. Muncy and William H. Munro, therein favorably reported upon, be referred to the Committee of Supply.	Referred to Com. of Supply with Pets.
A Petition of Samuel Dodge, was, by special leave, presented by Mr. Holland and read, setting forth that the Petitioner, during the last season, expended the sum of Fifteen Pounds, as a Road Commissioner in Wilmot, and became duly entitled to receive the same from the Provincial Treasury, and requested the Treasurer to remit the same to him in a Letter, per Mail, which the Treasurer states was done, but such Letter has miscarried, and never come to the hands of Petitioner, and therefore praying reimbursement of his said outlay.	Pet. from Samuel Dodge for payment of Road Expenditure Money having been lost
<i>Ordered</i> , That the Petition be referred to Mr. Holland, Mr. Fairbanks and Mr. Dickey, to examine into the merits thereof, and report thereon to this House.	Ref. to Sel. Com.
Mr. Uniacke reported from the Select Committee on the Petitions of William Watt and James Moyler; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.	Report from Com. on Petitions of Watt and Moyler
(See Appendix, No. 41.)	
<i>Ordered</i> , That the Report be received, and referred, with the Petitions, to the Committee of Supply.	Ref. to Com. of Supply
The Order of the Day being read—	
The House again resumed the consideration of Private Petitions.	Order of Day Private Petitions
The Petition of Simon Getreo, for aid to rebuild his Saw Mill, destroyed by Fire, was read; and thereupon,	Pet of Simon Getreo withdrawn
Mr. Benjamin moved that the Petition be withdrawn: which, being seconded,	
Mr. Uniacke moved, as an amendment to the question, that the word "withdrawn" be	left

left out, and the words "referred to the Committee of Supply," inserted instead thereof: which, being seconded and put, passed in the negative.

The original question being then put,
Ordered, That the Petition be withdrawn.

The Petition of William M'Nutt and others, praying that they may be allowed to pay the amounts respectively due by them for Potatoes received under the Act for the relief of distressed Settlers, by labor on the Public Roads, was read; and thereupon,

Mr. Huntington moved, that the Petition be referred to the Members from the County of Cumberland, to make provision for the prayer thereof: which, being seconded,

Mr. Young moved, as an amendment to the question, to leave out all the words thereof, after the words "referred to," and in place of the words so left out, to insert the words "a Select Committee, to examine and report thereon; and also, generally, on the subject of the sums due under the provisions of the Act to afford relief to the poor Settlers in this Province:" which, being seconded and put, passed in the affirmative.

Ordered, That Mr. Fairbanks, Mr. DesBarres, Mr. Dickson, Mr. Annand and the Hon. Mr. Dewolf, be a Committee for the foregoing purpose.

The Petition of Merchants and Ship Owners at Halifax, relative to the Vice Admiralty Court, was read; and thereupon,

Ordered, That the Petition be referred to Mr. Young, Mr. Bell and Mr. Howe, to examine and report upon the subject matter thereof to this House.

The several Petitions from the County of Colchester, complaining of the parts of said County, without the limits of the represented Townships not receiving their due share of Road Money; also, the several Petitions from the said County, praying for an equalization of the Representation thereof, were respectively read; and thereupon,

Ordered, That the Petitions be referred to the Committee of the whole House on Bills, to be considered with the Bill to regulate the Representation of the County of Colchester.

The Petition of Major Chipman and others, for aid to Peter Middlemiss, to enable him to commence re-building his Grist and Oat Mills, destroyed by fire, at the Settlement of Handley Mountain, in Wilmot, County of Annapolis, was read; and thereupon,

Mr. Huntington moved, that the Petition be withdrawn: which, being seconded,

Mr. Holland moved, as an amendment to the question, to leave out the words "withdrawn," and to insert instead thereof, the words "referred to the Committee of Supply:" which, being seconded and put, passed in the negative.

Mr. Young then moved as an amendment to the original question, to leave out the words "of Supply," and to insert in place thereof, the words "on Agriculture:" which, being seconded and put, passed in the affirmative.

Ordered, That the Petition be referred to the Committee on Agriculture.

Mr. Huntington moved, that the House do now resolve itself into a Committee on Bills: which, being seconded,

Mr. Howe moved, as an amendment to the question, to leave out all the words thereof, after the word "that," and to insert in place of the words so left out, the following: "the Bill for applying certain Monies therein mentioned, for the improvement of the Great Roads in this Province, be now read a second time:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-four; against it, eighteen. So it passed in the affirmative.

Ordered, That the said Bill be now read a second time.

And the said Bill was accordingly read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House.

A Petition of Inhabitants of the East and West Branches of the East River of Pictou, and its vicinity; a Petition of other Inhabitants of the East River of Pictou and its vicinity; and a Petition of Inhabitants of River John and its vicinity, were, by special leave, presented

Pet. of Wm. McNutt and al. relative to repayment of Monies under Relief Act referred to Sel. Com.

Pet. relative to Vice Admiralty Court ref. to Sel. Com.

Pets. from Colchester relative to distribution of Road Monies and equalization of Representation Ref. to Com. on Bills

Pet. for aid to P. Middlemiss in erecting Oatmill refd. to Com. on Agriculture

Motion for Com. on Bills

Amendment for 2d reading of Great Roads Bill Carried on division

Great Roads Bill read 2d time & committed

Pet. for aid to pay debts of Pictou Academy

sented by Mr. Dickson, and read, respectively, praying that aid may be granted towards paying off the debts of the Pictou Academy.

Ordered, That the Petitions be referred to the Committee on Education.

Ref. to Com. on Education

On motion, the House resolved itself into a Committee on Bills.

Com. on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to enable the Proprietors of an old line of Road in the Township of Horton, to shut up the same, and had directed him to report the said Bill to the House, without any amendment; that the Committee had also gone through the Bill to improve the Administration of the Laws, &c.; and had made sundry amendments thereto, which the Committee had directed him to report to the House with the Bill; and he afterwards delivered the Bills and amendments in at the Clerk's Table.

Report Bill to shut up old road in Horton without amds. and Bill to improve the administration of the Law, &c. with amds.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which the House agreed to.

Mr. Morton moved, that the report from the Committee in regard to the Bill for improving the administration of Justice, &c. be not received by the House, and that the Bill be recommitted: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seven; against it, twenty-four:

Motion to recommit Justice Bill negatived

For the motion.

Mr Chipman
Mr Whilman
Mr Morton
Hon Mr Dewolf
Mr Miller
Mr McKim
Mr Hickman

Against the motion.

Mr Clements	Mr McLellan	Mr Young
Mr Waterman	Mr Archibald	Mr D'Entremont
Mr J Sargent	Mr McDonald	Mr McHeffy
Mr Thorne	Mr Benjamin	Mr Upham
Mr Lewis	Mr Spearwater	Mr Smith
Mr Allison	Mr W Sargent	Mr Huntington
Mr Bell	Mr Annand	Mr Forrester
Mr Holmes	Mr Holland	Mr Dickey

So it passed in the negative.

The amendments reported to the Bill being then read, were agreed to by the House.

Amdts. agreed to

Ordered, That the Bill, with the amendments, be engrossed.

Bill to be engrossed

Ordered, That the Bill, reported without amendment, be engrossed.

On motion of Mr. Allison, *resolved*, that this House will, on Monday next, resolve itself into a Committee on the General State of the Province, to consider the Agriculture of the Province.

Agriculture made Order of Day

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 24th February, 1840.

PRAYERS.

An engrossed Bill to authorise the sale of the Real Estate lying on the Peninsula of Halifax, commonly called the "Old Blue Bell Farm," was read a third time.

Engrossed Blue Bell Farm Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to authorise the sale of the Real Estate lying on the Peninsula of Halifax, commonly called the "Old Blue Bell Farm."

Passed

An engrossed Bill to enable the Proprietors of an Old Line of Road in the Township of Horton, to shut up the same, was read a third time.

Engrossed Bill to shut up Road in Horton read 3d time

Resolved That the Bill do pass, and that the title be, An Act to enable the Proprietors of an Old Line of Road in the Township of Horton, to shut up the same.

Passed

An engrossed Bill to prevent Illegal Detainer and overholding of Real Estate, was read a third time.

Engrossed overholding Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to prevent illegal Detainer and overholding of Real Estate.

Passed

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence thereto.

Bills sent to Council

The

MONDAY, 24th FEBRUARY, 1840.

Message from Lt. Gov. relative to system of Road expenditure, &c.

The Hon. Mr. Secretary George acquainted the House that he had a Message from His Excellency the Lieutenant-Governor to this House, in writing, signed by His Excellency, which His Excellency had commanded him to deliver to the House; and he read the said Message at the Bar of the House, all the Members being uncovered; and he afterwards delivered the same to the House, together with a certain Paper annexed to said Message, and therein referred to, and then withdrew.

The said Message was then again read by the Clerk, and is as followeth:

MESSAGE.

C. CAMPBELL.

The Lieutenant-Governor having, in the Speech with which he opened the present Session, urged the great importance of improving the Mail Routes towards New Brunswick and Quebec, in connexion with the establishment of the anticipated Steam Communication between the United Kingdom and the Port of Halifax, and seeing, by the Journals of the House of Assembly, that it is intended to appropriate large Sums of Money for the Service of the Roads and Bridges, he thinks it his duty to suggest the necessity of amending the present System of Road Expenditure, and that he cannot bring the matter more forcibly to the consideration of the House, than by referring it to the annexed copy of a Message, which Sir James Kempt, when Lieutenant-Governor of this Colony, sent to the House of Assembly in the Session of 1828.

Should the House of Assembly not be disposed to adopt Sir James Kempt's suggestions, in regard to the employment of the Surveyors of Highways, to lay out the Appropriations on the Bye Roads, the Lieutenant-Governor would strongly recommend that the expenditure of such Appropriations should be entrusted to a smaller number of Commissioners than have heretofore been nominated for that purpose.

Government House, 24th Feb., 1840.

The Paper annexed to said Message, was then read by the Clerk.

(See Appendix, No. 42.)

Ordered, That the said Message and accompanying paper do lie on the Table.

Engrossed Judiciary Bill read 3d time

An engrossed Bill to improve the Administration of the Law, and to reduce the number of Courts of Justice, to be holden within Nova-Scotia proper, and to diminish the expence of the Judiciary therein, was read a third time; and thereupon,

Clauses added as rider

On motion of Mr. Young, *resolved*, that the following enacting Clauses do pass, and be added to the Bill by way of Rider, viz:

And be it further enacted, That all Writs, Process, Recognizances, Complaints, or other proceedings whatsoever, which are now or shall be made returnable to the Supreme Court, or to any Court of General Sessions of the Peace in the several and respective Counties of this Province, (Halifax excepted) at the next Term or Sitting of any of the said respective Courts, shall be returned, and be held, and deemed to be returnable, on the respective days herein and hereby appointed for the next Term or Sittings of the said Supreme Court and Courts of Sessions in the said several Counties respectively; and all Parties, Witnesses, Officers or Persons, who are summoned or bound to appear, or who ought to appear, at the said several Courts, or any of them respectively, at the next Terms or Sittings thereof respectively, in any of the said Counties, shall be held and obliged to appear at such Courts at the days and times on which such Terms or Sittings are hereby directed to be held.

And be it further enacted, That all Writs, Process, Recognizances, Complaints and proceedings whatsoever, which now are or shall be made returnable to the Supreme Court at Halifax, in the next Easter Term thereof, shall be returned, and be held, and deemed returnable, at the next ensuing Trinity Term thereof, hereby appointed, and all Parties, Witnesses, Officers and Persons whatsoever summoned, held, or bound to appear, or who ought to appear, at such next ensuing Easter Term of the said Court, shall be held and obliged to appear at the next ensuing Trinity Term of such Court, as hereby appointed.

And Whereas, certain causes have been argued before the Supreme Court at Halifax, brought

brought from the Circuit Courts thereof, by rule, wherein it is convenient that Judgment, if not already delivered, may be had before the next ensuing Circuit of said Court.

Be it therefore enacted, That it shall and may be lawful for the Justices of the Supreme Court to order and direct by any order to be by the said Justices, or any of them, made, that a Sitting out of Term be held of the said Supreme Court for the purpose of delivering Judgments in causes already argued before them previous to the next ensuing Circuit Courts hereby appointed; and a Copy of such order, stating the day or days of such Sitting, shall be twice published in the Royal Gazette Newspaper, in Halifax, as notice of such Sitting, and the Judgments delivered on such day or days shall be as valid and binding and may be entered up as if delivered in Term.

And be it further enacted, That no imparlance in any cause shall be granted in the Supreme Court at Halifax, from and after the passing of this Act, but only in such cases where the Court shall, upon application of the party Defendant, order the same, by rule, made in such cause.

And be it further enacted, That in order to prevent delay in causes removed to Halifax, by rule or otherwise, from the Circuit Courts of the said Supreme Court, for argument, it shall and may be lawful for the said Supreme Court at Halifax, at any of the Terms thereof, to be held, after the passing hereof, to appoint by order or rule of said Court, to be publicly read by the Prothonotary in open Court on the last day thereof, a certain day or certain days after Term, to be in such order or rule named, for delivering Judgments in such causes as may have been theretofore argued, either during the same Term or any former Term, and wherein the Court shall not be then prepared to deliver Judgment, and upon such day or days the said Court shall sit, and every Judgment and decision delivered, or rule or order made on any such day or days out of Term, shall be as valid, binding and sufficient, as if delivered or made in Term, and every rule, or order of Court, made upon any such day or days, shall be deemed a rule or order of the Term previous, and bear date on the last day thereof.

Provided always, and be it further enacted, That any Writ or Writs, or Suit or Suits, issued, or brought or commenced, or which shall or may after the passing of this Act, be issued, or brought or commenced, returnable to any next ensuing Term or Sitting of the Inferior Court of Common Pleas, in any County in this Province, shall be, and be deemed, returnable, and shall be returned to the next ensuing Term or Sitting of the Supreme Court, for the same County, as hereby appointed, and shall be, and be held, and deemed to be, a Writ or Writs, Suit or Suits, issued, or brought or commenced in the Supreme Court, and be proceeded with accordingly, and all persons by or under such Writ or Suit, held bound, or summoned to appear in any such Inferior Court of Common Pleas at its next Term or Sitting thereof, shall be held, bound and required, to appear at the next ensuing Term or Sitting of the Supreme Court.

And be it further enacted, That, hereafter it shall not be necessary at the opening of any Court of General Sessions of the Peace, to read any Act or Acts of the General Assembly, any Law, usage or custom, to the contrary notwithstanding.

And be it further enacted, That if it shall be made satisfactorily to appear to the Supreme Court that the transfer of any Action or Suit from the Inferior Court of Common Pleas to the Supreme Court, by virtue and under the operation of this Act, has been attended with such consequences as will prejudice any party in the Trial of such Cause, it shall and may be lawful for the said Supreme Court to grant a continuance in any such Action or Suit.

And be it further enacted, That this Act may be amended by any Act or Acts to be passed in this present Session of the General Assembly, any Law, usage or Custom, to the contrary thereof, notwithstanding."

And the said Clauses having been accordingly added to the Bill,

Mr. McDougall moved that the Bill be re-committed to a Committee of the whole House, for the purpose of so altering it as to postpone its operation until February, 1841: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nine; against it, twenty-eight.

Motion to re-commit Bill

So it passed in the negative.

- Bill passed** *Resolved*, That the Bill do pass, and that the title be, An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice to be holden within this Province, and to diminish the expence of the Judiciary therein.
Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.
- Motion for Com. on Bill** Mr. Howe moved, that the House do now resolve itself into a Committee on Bills: which, being seconded,
- Amendment for Order of Day Com. of whole on Agriculture** Mr. Allison moved the previous question, that the Order of the Day for the House to resolve itself into Committee on the General State of the Province, in order to consider the Agriculture of the Province, be read: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, eighteen; against it, eighteen.
- Negatived by Speaker's casting vote** Whereupon, Mr. Speaker gave his casting vote against the motion, and it passed in the negative.
Original passed The original question being then put, passed in the affirmative.
- Message from Council** A Message from the Council; by Mr. Halliburton:—
Mr. Speaker,
The Council have agreed to the Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland respectively, without any amendment.
And then the Messenger withdrew.
- Agree to Parrsborough Division Bill** *Ordered*, That the House do now resolve itself into a Committee on Bills; and accordingly,
The House resolved itself into the said Committee.
Mr. Speaker left the Chair,
Mr. Smith took the Chair of the Committee,
Mr. Speaker resumed the Chair,
The Chairman reported from the Committee that they had gone through the Bill to enable certain Proprietors of Land to shut up and enclose an old road in the Township of Wilmot, in the County of Annapolis, and had directed him to report the Bill to the House, without amendment; that the Committee had also gone through the Bill for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province, and had made sundry amendments thereto, which they had directed him to report to the House with the Bill; and he afterwards delivered the Bill and amendments in at the Clerk's Table.
The Chairman also acquainted the House, that he was directed by the Committee, to move for leave to sit again—which the House agreed to.
- Com. on Bills** The said amendments to the last mentioned Bill being read, were agreed to by the House.
Ordered, That the Bill with the amendments, be engrossed.
Ordered, That the Bill reported without amendment, be engrossed.
- Report without amdt. Bill to shut up Road in Wilmot** Mr. Smith reported from the Select Committee on the Petition of James Brown and others, for aid to a Ferry at the Mouth of Shubenacadie River; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.
(See Appendix, No. 43.)
- Great Roads Bill with amendments** *Ordered*, That the Report and Petition be referred to the Committee of Supply.
- Amendts agreed to** Mr. Huntington moved that the House do come to a Resolution as followeth:
Resolved, That the sum of £18,000 granted for the service of Roads and Bridges, be applied as followeth, viz: that £1058 16s. 8d., out of the said sum, be applied to repair and improve the Roads in each respective County in the Province: which, being seconded,
- Report on Pet. for aid to Ferry at Shubenacadie** Mr. Smith moved, as an amendment to the question, to leave out all the words thereof after the words "followeth," and in place of the words so left out, to insert the following, viz:—
- Ref. to Com. of Supply**
- Resolution moved for division of road money**
- A scale moved as amendt.**

Halifax	£1700	Sydney	£ 880
Hants	1370	Guysborough	880
Kings	1370	Capé Breton	1000
Annapolis	850	Richmond	860
Digby	850	Inverness	1030
Yarmouth	870	Lunenburg	1030
Shelburne	800	Colchester	1280
Queen's	800	Cumberland	1000
Pictou	1330		

Which, being seconded :

Mr. Chipman moved the previous question, that the House do now adjourn : which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty nine ; against it, fourteen ;—and accordingly, Previous question of adjournment carried

The House adjourned until To-morrow, at twelve of the clock.

Tuesday, 25th February, 1840.

PRAYERS.

An engrossed Bill to Incorporate the Royal Acadian School Society, was read a third time. *Engrossed Acadian School Bill read 3d time*
Resolved, That the Bill do pass, and that the title be, An Act to Incorporate the Royal Acadian School Society. *Passed*

An engrossed Bill, to enable certain Proprietors of Land to shut up and enclose an Old Road in the Township of Wilmot, in the County of Annapolis, was read a third time. *Engrossed Bill to shut up old road in Wilmot Passed*

Resolved, That the Bill do pass, and that the title be, An Act to enable certain Proprietors of Land to shut up and enclose an Old Road in the Township of Wilmot, in the County of Annapolis.

An engrossed Bill, for applying certain Monies therein mentioned, for the improvement of the Great Roads in this Province, was read a third time ; and thereupon, *Engrossed Great Roads Bill read 3d time*

Mr. Huntington moved, that the House do come to a Resolution as followeth, viz : *Motion for re-committal negatived*

Resolved, That Ten Thousand Pounds of the Twenty-six Thousand Pounds, granted to improve the Great Roads of the Province, be placed at the disposal of His Excellency the Lieutenant-Governor, to improve the Mail Routes, East and West, to New Brunswick, and the remainder be applied towards paying off the Funded Debt of the Province, and that the Bill be re-committed, to be made conformable to this Resolution ; which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen ; against it, twenty-five. So it passed in the negative.

Mr. Goudge then moved, that the following enacting clause do pass, and be added as a rider to the Bill, viz : *Rider negatived*

Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize the application of any part of the Monies herein before mentioned and appropriated, to the payment of any expenditure heretofore made on the Great Eastern or Western Roads of this Province, whether by, or under the authority of, His Excellency the Lieutenant-Governor of this Province, or otherwise : which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen ; against it, twenty-five :

For the motion,

Mr. Chipman
 Mr. Huntington
 Mr. Goudge
 Mr. Dickey
 Mr. Clements
 The Hon Mr Dewolf
 Mr. Benjamin
 Mr. Morton
 Mr. Holland
 Mr. Robichau
 Mr. Whitman
 Mr. D'Estremont
 Mr. Elder

Mr. W. Sargent
 Mr. McLellan
 Mr McHefly
 Mr. Thorne
 Mr. J. Sargent
 Mr. Holdsworth.

Against the motion,

Mr. McDougall
 Mr. Young
 Mr Creighton
 Mr. Dickson
 Mr. Waterman
 Mr. Spearwater
 Mr. Annand
 Mr. Heckman
 Mr. Lewis
 Mr. Miller
 Mr. Albison
 Mr. Uniacke
 Mr. Holmes

Mr. Hatton
 Mr. Forrestall
 Mr. McDonald
 Mr. Bell
 Mr. Forrester
 Mr. Fairbanks
 Mr. Upham
 Mr. Howe
 Mr. Archibald
 Mr. McKim
 Mr. Smith
 Mr. DesBarres

So it passed in the negative.

The

Division on passage of Bill

The question being then put that the Bill do pass, to be sent to the Council for concurrence, and the House dividing thereon, there appeared, for the affirmative of the question, twenty-four; against it, twenty:

For the affirmative,

Mr McKim	Mr Uniacke
Mr Smith	Mr Allison
Mr Forrester	Mr Miller
Mr DesBarres	Mr Heckman
Mr Howe	Mr Annand
Mr Archibald	Mr Young
Mr Bell	Mr Lewis
Mr Fairbanks	Mr McDougall
Mr McDonald	Mr Spearwater
Mr Forrestall	Mr Dickson
Mr Halton	Mr Creighton
Mr Holmes	Mr Upham

Against it,

Mr Holdsworth	Mr Robichau
Mr Waterman	Mr Holland
Mr Thorne	Mr Morton
Mr J Sargent	Mr Clements
Mr McHefly	Mr Benjamin
Mr Elder	Mr Dickey
Mr W Sargent	Hon. Mr Dewolf
Mr McLellan	Mr Goudge
Mr Whitman	Mr Huntington
Mr D'Entremont	Mr Chipman

So it passed in the affirmative.

Bill passed

Ordered, That the Bill do pass, and that the title be, An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province.

Bills sent to Council

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

Report from Com. on Pet. of Sam. Dodge
Report and Pet. ref. to Com. of Supply

Mr. Holland reported from the Select Committee on the Petition of Samuel Dodge, and delivered the Report in at the Clerk's Table, where the same was read.

(See Appendix, No. 44.)

Ordered, That the Report and Petition be referred to the Committee of Supply.

Blue Book presented

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented the Blue Book for the year 1838, also the several Documents, Plans and Papers, following, viz:

Casual Revenue Accounts

Account of the Casual Revenue for the year 1839.

(See Appendix, No. 45.)

Plan of Eastern Shore Road

Letter from James Kent, Esq., with a Plan of a proposed Road along the Eastern Shore.

(See Appendix, No. 46.)

Plan of Road from Blue Bell to Margaret's Bay

Mr. Faulkner's plan of the several Roads from the Blue Bell to Margaret's Bay, with the Report and Estimates, &c.

(See Appendix, No. 47.)

Mr. Purdy's report as to alteration of road round Cumberland Mountain
Mr. Stevens' plan of road round Cumberland Mountain

Mr. Jacob G. Purdy's Report on alteration of the road to avoid Cumberland Mountain.

(See Appendix, No. 48.)

Mr. Andrew N. Stephens' Plan and Report of a section of the proposed Road round Cumberland Mountain.

(See Appendix, No. 49.)

Report of Proceeding on Windsor Road

Mr. Daniel Wier's Report of proceedings as Commissioner on the Windsor Road last year, with some suggestion of an improved plan of repairing the roads.

(See Appendix, No. 50.)

Mr. Doyle's claim for conducting Criminal Prosecutions

Note from L. Doyle, Esqr. representing his claim to be remunerated for conducting certain prosecutions on the part of the Crown, with the recommendation of His Excellency, that the House would provide for payment of the Account.

Digby Revenue Boat

Mr. Sims' Letter, with Journal of the Revenue Boat at Digby.—For the Letter

(See Appendix, No. 51.)

Sydney, C. B. Revenue Boat

Mr. Leonard's Letter, reporting his proceedings in protecting the Revenue, &c. at Sydney, Cape Breton.

(See Appendix, No. 52.)

Coals exported

Statement of Coals sold and exported at H. M. Coal Mines in Nova-Scotia, in 1839.

(See Appendix, No. 53.)

Indians Liverpool

Petition of Hugh O'Riley, Catholic Pastor of the Parish of Liverpool, in behalf of 200 Indians in said Parish.

(See Appendix, No. 54.)

Expences of Shipwrecked Emigrants in Aid-de-Camp

Abstract of expenses incurred under the superintendance of a Committee of Magistrates, in relieving nearly 300 Emigrants, who were wrecked last Summer on Briar Island, in the Ship Aide-de-Camp, with His Excellency's recommendation, that provision be made for payment thereof.

See

(See Appendix No. 55.)

The said several Papers and Documents were read ; and thereupon,
Ordered, That Plans, Documents and Papers do lie on the Table.

A Petition of Inhabitants of Fort Lawrence, Amherst, &c. in the County of Cumberland, was, by special leave, presented by Mr. McKim and read, setting forth the necessity and advantage of draining a large body of Marsh Land, which is crossed by the Main Road leading from Amherst to Fort Lawrence and on to New Brunswick and Canada, being the Mail Route ; and in order to effect which, it would be necessary to cut a Canal or a large ditch across said Road, requiring a Bridge of considerable dimensions over the same, and praying that leave may be given, by Legislative enactments, to cut across said Main Road or Highway ; and also that aid may be granted to said undertaking, by a grant for building said Bridge, or otherwise, as the House may deem proper.

Petition from Cumberland for leave to cut Canal across Road from Amherst to Fort Lawrence and aid to build Bridge &c.

Ordered, That the Petition be referred to Mr. Dickson, Mr. Young, Mr. Dickey, Mr. McKim and Mr. Morton, to examine into the merits thereof, and to report thereon to this House, by Bill, or otherwise.

Ref. to Sel. Com.

Mr. Archibald moved that the House do come to a Resolution as followeth :

Resolved, That the sum of Eighteen Thousand Pounds, granted for the service of Roads and Bridges, be divided as followeth :

Road Scale moved

For the County of Halifax	£1750
Colchester	1300
Pictou	1370
Cumberland	1240
Hants	1220
King's	900
Annapolis	900
Digby	900
Yarmouth	900
Shelburne	870
Queen's	900
Lunenburg	1080
Sydney	900
Guysborough	900
Cape-Breton	1020
Richmond	850
Inverness	1000

£18000

Which, being seconded,

Mr. DesBarres moved that the proposed Resolution be amended, by leaving out all the words thereof after the word " followeth," and inserting, in place thereof, the words following, viz.

Amendment moved and negatived

County of Halifax	£1750
Colchester	1300
Pictou	1350
Cumberland	1200
Hants	1150
King's	1000
Shelburne	900
Queen's	900
Yarmouth	900
Guysborough	900
Sydney	900
Lunenburg	1100
Annapolis	860

TUESDAY, 25th FEBRUARY, 1840.

County of Digby	£860
Cape Breton	1050
Inverness	1050
Richmond	830

£18000

Amendment moved

Which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, sixteen ; against it, twenty-seven.

So it passed in the negative.

Mr. Goudge then moved that the proposed Resolution be amended, by leaving out all the words thereof after the word "followeth," and inserting in place thereof, the words following, viz :

Inverness	£1000
Cape-Breton	1000
Richmond	800
Guysborough	800
Sydney	800
Pictou	1000
Colchester	950
Halifax	1400
Cumberland (including Parrsborough)	1300
Hants	1450
King's (exclusive of Parrsborough)	1300
Lunenburg	1200
Annapolis	1000
Digby	1000
Queen's	1000
Shelburne	1000
Yarmouth	1000

£18000

Amendment passed on division

Which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-four ; against it, twenty-one :

For the amendment,

Mr Clements	Mr W Sargent
Mr Dickey	Mr Lewis
Mr Smith	Mr Spearwater
Mr Goudge	Mr Whitman
Mr Benjamin	Mr Elder
Hon. Mr Dewolf	Mr McHeffy
Mr Huntington	Mr Waterman
Mr McKim	Mr Holdsworth
Mr Morton	Mr Thorne
Mr Robichau	Mr W Sargent
Mr D'Entremont	Mr Chipman
Mr Allison	Mr Holland

Against it,

Mr Heckman	Mr Annand
Mr Creighton	Mr Forrester
Mr Halton	Mr Young
Mr McDougall	Mr Fairbanks
Mr McLellan	Mr Howe
Mr Holmes	Mr Archibald
Mr McDonald	Mr Upham
Mr Bell	Mr Uniacke
Mr DesBarres	Mr Dickson
Mr Forrestall	Mr Doyle
Mr Müller	

So it passed in the affirmative.

The Resolution, as amended, was then agreed to by the House.

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair.

Mr. Smith took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Report progress

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again—which the House agreed to.

Order of day Agriculture postponed

The Order of the Day being read for the House to resolve itself into Committee on the General State of the Province, for the consideration of the Agriculture of the Province.

Ordered,

Ordered, That this House do, To-morrow, resolve itself into the said Committee.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Wednesday, 26th February, 1840.

PRAYERS.

Mr. Howe moved, that the Resolution passed yesterday, for dividing and applying the sum of £18,000, granted for the service of Roads and Bridges, be rescinded : which, being seconded and debated,

Motion for rescinding Road Scale passed yesterday

On motion of Mr. Doyle, resolved, that the question be now put—and accordingly, The question for rescinding said Resolution being put, the House divided thereon ; when there appeared, for rescinding the Resolution, twenty-two ; against it, twenty-three.

Question to be put
Question for rescinding negatived

For rescinding,

Against it,

Mr McDougall
Mr Archibald
Mr Doyle
Mr DesBarres
Mr Fairbanks
Mr Uniacke
Mr Young
Mr Annand
Mr Upham
Mr McDonald
Mr Hatton

Mr Howe
Mr Miller
Mr McKim
Mr Forrester
Mr Holmes
Mr Creighton
Mr McLellan
Mr Beckman
Mr Bell
Mr Forrester
Mr Dickson

Mr Spearwater
Mr Elder
Mr Waterman
Mr Thorne
Mr J Sargent
Mr Holland
Mr Huntington
Mr Lewis
Mr Whitman
Mr Holdsworth
Mr Goudge

Mr D'Entremont
Mr Clements
Mr Dickey
Mr Allison
Mr Smith
Mr Benjamin
Mr Robichau
Hon Mr Dewolf
Mr Morton
M Chipman
Mr McHefly

So it passed in the negative.

Ordered, That the several Members from the respective Counties of this Province, do prepare and report to this House, on or before Tuesday next, the 3d March, Scales of Sub-division of the respective sums allotted to each County, out of the sum of £18,000 voted for the service of Roads and Bridges, for the present year.

Order for Members to report scales of sub-division

Ordered, That the several Ordinary Petitions, praying aids for Roads and Bridges, laid upon the Table of the House this Session, (and by the course and practice of the House, not entered on the Journal at the time of presentation) be referred to the several Members from the Counties, respectively, from which such Petitions have been sent.

Road Petitions referred to Members

For a list of those Petitions,
(See Appendix, No. 56.)

A Petition of Freeholders of the Township of Wilmot, in the County of Annapolis ; also, A Petition of Inhabitants of the Township of Annapolis and of New Albany, Dalhousie, Grinton, and other Settlements in the County of Annapolis, were, by special leave, presented by Mr. Holland and read, respectively praying that the Representation of said County may be equalized, either by allowing the whole County to vote for their County Members, or by the portions of the County not now entitled to vote for County Members, having extended to them the elective franchise for the Townships of Annapolis and Granville, respectively.

Petitions from County of Annapolis for equalization of Representation

Ordered, That the Petitions do lie on the Table.

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented to the House a Petition addressed to His Excellency by Charles R. Ward, Clerk of the Peace for the County of Cape-Breton ; and also a Letter from the latter to the Honorable the Provincial Secretary, dated 23d November, 1839, setting forth that the Grand Jury of the County of Cape-Breton had twice refused to make any Assessment for payment of the sums due to several Persons for taking the Census of that County, under the Act of the Assembly, and praying relief in the premises, with the recommendation of His Excellency thereon to this House, to make provision for defraying the expenses of taking such Census, by passing a Bill for amercing the County for that purpose, or by any other mode which may be deemed preferable ; and the said Papers were read, and ordered to lie on the Table for further consideration.

Papers laid on Table by Command of His Excellency relative to payment for taking Census in County of Cape Breton with recommendation to pass Bill, &c.

WEDNESDAY and THURSDAY, 26th and 27th FEBRUARY, 1840.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Request Conference
on Gen. State of
Province

The Council desire a Conference, by Committee, with this Honorable House, on the General State of the Province.

And then the Messenger withdrew.

Conference agreed
to and held

On motion, *resolved*, that this House do agree to the Conference as desired by the Council, and that the Clerk do acquaint the Council therewith.

Ordered, That Mr. Uniacke, Mr. Huntington, Mr. Howe, the Hon. Mr. Dewolf and Mr. Young, do manage the Conference,
So they went to the Conference.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council do not agree
to Civil List
Bill

The Council have not agreed to the Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues.

And then the Messenger withdrew.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council agree to
Digby Landings
Bill

The Council have agreed to the Bill, entitled, An Act to regulate certain Landings in the County of Digby, without any amendment.

Council agree to
Supervisors Bill
with amds.

The Council have agreed to the Bill, entitled, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes, with amendments—to which they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Amdts. to Supervi-
sors Bill agreed to

The said amendments proposed by the Council to the last mentioned Bill, were read a first and second time, and considered by the House, and are as followeth :

At the end of the Bill insert the following Proviso and Clause.

Provided always, That nothing herein contained shall extend to any Private Road, Bridleway or Foot Path.

And be it further enacted, That this Act shall continue and be in force for two years, and from thence to the end of the then next Session of the General Assembly.

On motion of Mr. Chipman, *resolved*, that the said amendments be agreed to by this House.

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the said amendments.

Bill presented con-
cerning Registrars
of Deeds

Mr. Goudge, pursuant to leave given, presented a Bill concerning the Registrars of Deeds throughout this Province, and the same was read a first time, and ordered to be read a second time.

Order of Day Agri-
culture postponed

The Order of the Day being read for the consideration of the Agriculture of the Province in Committee of the whole House on the General State of the Province.

Ordered, That this House do, To-morrow, resolve itself into the said Committee.

Then the House adjourned until To-morrow, at Twelve of the clock.

Thursday, 27th February, 1840.

PRAYERS.

Pet. in aid of Pic-
tou Academy

A Petition of Inhabitants of the West River of Pictou, was, by special leave, presented by Mr. Dickson and read, praying that aid may be granted towards paying off the debt of the Pictou Academy.

Ref. to Com. on
Education

Ordered, That the Petition be referred to to the Committee on Education.

A Petition of Inhabitants of the County of Inverness was, by special leave, presented by Mr. Young and read, praying aid in the establishment of an Academy at Port Hood, in that County.

Pet for aid to establish Academy in Inverness

Ref. to Com. on Education

Ordered, That the Petition be referred to the Committee on Education.

A Petition of James Pringle, Junior, was, by special leave, presented by Mr. Young and read, praying a bounty upon the erection of an Oatmill and Kiln at St. George's Channel, in Cape Breton.

Pet. for bounty on Oatmill at St. George's Channel, C. B.

Ref. to Com. on Agriculture

Ordered, That the Petition be referred to the Committee on Agriculture.

A Bill concerning the Registrars of Deeds throughout this Province, was read a second time.

Registrars' Bill read 2d time and comtd.

Ordered, That the Bill be committed to a Committee of the whole House.

A Message from the Council, by Mr. Halliburton :

Message from Council

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes, as amended.

Agree to Supervisors' Bill

The Council have agreed to the Bill, entitled, An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes; and to the Bill, entitled, An Act to authorise the Sale of the Real Estate lying on the Peninsula of Halifax, commonly called the "Old Blue Bell Farm," severally, without any amendment.

Bridgetown Fire Engine Bill and Blue Bell Farm Bill

And then the Messenger withdrew.

The Order of the Day being read, for the consideration of Agriculture, in Committee of the whole House, on the General State of the Province.

Order of Day Com. of whole on Agriculture

The House resolved itself into the Committee.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again.

Ordered, That this House do, again, To-morrow, resolve itself into Committee on the General State of the Province, for the further consideration of Agriculture.

Further order thereon for to-morrow

Then the House adjourned until To-morrow, at twelve of the clock.

Friday, 28th February, 1840.

PRAYERS.

A Petition of William McKim and others, Inhabitants of the Great Village, Londonderry, was presented by Mr. McLellan and read, praying the suppression of Intemperance, by prohibiting the Importation of Ardent Spirits, or otherwise.

Pet. from Londonderry relative to importation of Ardent Spirits

Ordered, That the Petition be referred to the Committee on Intemperance.

Referred to Temperance Committee

Mr. Dickson reported from the Select Committee, appointed to wait upon His Excellency the Lieutenant-Governor in relation to the Report of the Select Committee on the Petition of James Dawson—that the Committee had so done, and communicated to him the wish of the House in regard thereto, and that His Excellency was pleased to say, in answer to the application, that he would attend to the request of the House.

Report from Com. to wait on Lt. Gov. relative to payment of amount of Shipwrecked Goods into Treasury

On motion of the Hon. Mr. Dewolf, *resolved,* that the Petition and Letter of Charles R. Ward, Clerk of the Peace for the County of Cape Breton, laid before the House on Wednesday last, by His Excellency's command, with His Excellency's recommendation thereon, be referred to a Select Committee to examine and report upon, by Bill, or otherwise.

Petition, &c. of C. R. Ward sent from Lt. Gov. referred to Select Com.

Ordered, That the Hon. Mr. Dewolf, Mr. McDougall, and Mr. Fairbanks, be a Committee for the above purpose.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Agree to St. Mary's
District Bill with
amds.

The Council have agreed to the Bill, entitled, An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District, with amendments—to which amendments, they desire the concurrence of this Honourable House.

And then the Messenger withdrew.

Order of Day
Agriculture
Com. of whole
thereon

The Order of the Day being read, for the further consideration of Agriculture, in Committee of the whole House, on the General State of the Province.

The House resolved itself into the Committee.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Resolution reported
from Com. of grant
for Agricultural
purposes

The Chairman reported from the Committee that they had come to a Resolution, which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The Resolution reported from the Committee being read, is as followeth :

Resolved, That the Sum of £2000 be granted to Import Grain, Cattle, and Agricultural Implements, of the most approved description; also, to Import Publications on Agricultural Subjects, suitable to the state of this Province—the same to be sold, with proper regulations for ensuring the greatest benefit.

Motion not to re-
ceive Resolution
negatived

Mr. Young moved, that the Report of the Resolution from the Committee be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen; against it, twenty-two :

For the motion,

Mr. McKim
Mr. McLellan
Mr. Morton
Mr. Holmes
Mr. Young
Mr. Lewis
Mr. Upham
Mr. Whitman
Mr. Annand

Mr. Smith
Mr. Allison
Mr. Bell
Mr. Forrestall
Mr. Hatton
Mr. Waterman
Mr. Thorne
Mr. Spearwater

Against the motion,

Mr. Archibald
Mr. J. Sargent
Mr. Miller
Mr. Dickey
Mr. Goudge
Mr. Fairbanks
The Hon Mr Dewolf
Mr. McDougall
Mr. McHeffy
Mr. D'Entremont
Mr. McDonald

Mr. Huntington
Mr. Robichau
Mr. Benjamin
Mr. DesBarres
Mr. Uniacke
Mr. Howe
Mr. Doyle
Mr. Dickson
Mr. Chipman
Mr. Clements
Mr. Forrester

So it passed in the negative.

Res. agreed to

The Resolution being then read a second time, was agreed to by the House.

Com. to carry Re-
solution into effect

Ordered, That Mr. Uniacke, Mr. Doyle, Mr. Young, Mr. McDonald, Mr. Forrestall, Mr. Holmes, Mr. Archibald, Mr. Annand, Mr. Allison, Mr. McKim, the Hon. Mr. Dewolf, Mr. Robichau, Mr. Holland, Mr. Huntington, Mr. Spearwater, Mr. Fairbanks, and Mr. Creighton, be a Committee for carrying into effect the object of the foregoing Resolution, with leave to report, by Bill or otherwise.

Then the House adjourned until To-morrow, at Twelve of the clock.

Saturday, 29th February, 1840.

PRAYERS.

Motion for rescind-
ing grant for Agri-
culture negatived

Mr. Lewis moved, that the Resolution of yesterday, for granting £2000 for Agricultural purposes, with the proceeding thereunder, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen; against it twenty-four :

For

SATURDAY, 29th FEBRUARY, 1840.

For the motion,

Mr Morton	Mr McLellan
Mr Annand	Mr Whitman
Mr Holmes	Mr Allison
Mr Holland	Mr Halton
Mr Waterman	Mr Forrestall
Mr Upham	Mr Bell
Mr Young	Mr Spearwater
Mr Smith	Mr W. Sargent
Mr McKim	Mr Creighton
Mr Lewis	

Against the motion.

Mr Thorne	Mr Clements
Mr Dickey	Mr Benjamin
Mr Heckman	Mr Robichau
Mr Holdsworth	Mr DesBarres
Mr Elder	Mr Chipman
Mr McDonald	Mr McDougall
Mr J Sargent	Mr Dickson
Mr Huntington	Mr Howe
Mr Goudge	Mr McHeffy
Mr Archibald	Mr Uniacke
Mr Miller	Mr Fairbanks
Mr D'Entremont	Mr Forrester

So it passed in the negative.

Mr. Smith, pursuant to leave given, presented a Bill in further amendment of the several Acts relating to Poors' Rates, and the same was read a first time, and ordered to be read a second time. Bills presented, viz:
To amend Poor Rates Acts

Mr. Fairbanks, pursuant to leave given, presented a Bill to Incorporate sundry Persons, by the name of the President, Directors, and Company of the Bank of Queen's County; and the same was read a first time, and ordered to be read a second time. To incorporate Bank in Queen's County

Mr. Morton, pursuant to leave given, presented a Bill, to provide for the application of certain Fines and pecuniary Penalties, and the same was read a first time, and ordered to be read a second time. To provide for application of Fines, &c.

Mr. Holland, pursuant to leave given, presented a Bill to regulate the Representation of the Townships of Annapolis and Granville, and the same was read a first time, and ordered to be read a second time. To regulate Representation of Annapolis and Granville

Mr. Uniacke, pursuant to leave given, presented a Bill, to enable the Nova-Scotia and Halifax Marine Insurance Companies, to compensate the Directors and Auditors thereof, and the same was read a first time, and ordered to be read a second time. To enable Marine Insurance Companies to pay Directors, &c.

Mr. Uniacke, also pursuant to leave given, presented a Bill to repeal the tenth clause of the Act for settling titles in a certain tract of Land, called the Mire Grant, and the same was read a first time, and ordered to be read a second time. To repeal clause of Mire Grant Act

Mr. Uniacke, reported from the Committee of Conference, held on Wednesday last, with a Committee of the Council, on the General State of the Province, that the Managers had been at the Conference, and he stated the substance of a communication made thereat, by the Committee of the Council, in regard to the Civil List Bill of this Session. Report from Com. of Conference

On motion of Mr. Uniacke, *resolved*, that this House cannot receive or consider the Report now made from the Committee of Conference on the General State of the Province; as this House cannot, consistently, with a due regard to its own privileges, entertain suggestions from the Council, in regard to the Supply contained in a Bill sent up from this House. Report not received being against: privileges of House

Mr. Goudge moved, that the House do come to a Resolution as followeth:

Whereas, the meeting of the Legislature, in the Town of Halifax, has a tendency to lengthen the Session, and greatly to retard the public business, operating prejudicially to the Interests of the Province, as well as to increase the amount of Salary required and demanded by individuals who perform public Duties. Resolution for Meeting of Legislature in the Country negatived

Resolved, As the opinion of this House, that the interests of this Province, pecuniary and otherwise, would be benefitted to a great extent, if the Meetings of the Legislature were held in some central and convenient place, in the Country parts of the Province:

Which, being seconded and put, and the House dividing thereon, there appeared, for the Resolution, fourteen; against it, twenty-two:

For the Resolution,

Mr Chipman	Mr Robichau
Mr McKim	Mr D'Entremont
Mr Clements	Mr Waterman
Mr Dickey	Mr McLellan
Mr Goudge	Mr Huntington
Mr Morton	Mr Upham
Mr Benjamin	Mr Thorne

Against the Resolution.

Mr Heckman	Mr Allison	Mr Archibald
Mr Whitman	Mr Forrestall	Mr Fairbanks
Mr J Sargent	Mr Bell	Mr Dickson
Mr Annand	Mr Miller	Mr Forrester
Mr Elder	Mr Lewis	Mr DesBarres
Mr Spearwater	Mr Howe	Mr Young
Mr Holmes	Mr Smith	
Mr McDonald	Mr McHeffy	

So it passed in the negative.

On

Order for referring matters of Revenue to Select Committee discharged

On motion of Mr. Young, *resolved*, that the Order made on Saturday last, for referring all matters relating to the Collection and Amount of Revenue during the present year, to the Committee on Trade, be discharged.

Committee of Ways and Means made Order of Day

Ordered, That this House do, on Tuesday next, the 3d March, resolve itself into a Committee on the consideration of Ways and Means, for raising the Supply granted to Her Majesty.

Motion for Committee of Supply

Mr. Dickson moved, that the House do now resolve itself into the Committee of Supply : which, being seconded,

Amendment for Committee on Bills carried

Mr. Young moved, as an amendment to the question, to leave out the words "of Supply," and to insert instead thereof, the words "on Bills:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-four; against it, eighteen :

So it passed in the affirmative.

House in Com. on Bills

The question, as amended, being then put, was agreed to by the House, and accordingly, The House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Bill to continue Road Expenditure Acts and

The Chairman reported from the Committee, that they had gone through the Bill to continue the Act to regulate the expenditure of Monies, hereafter to be appropriated for the Service of Roads and Bridges, and the Acts in amendment thereof; and the Bill to appoint a new Board of Governors for Dalhousie College, and had directed him to report the said Bills to the House, severally, without any amendment: That the Committee had also gone through the Bill to regulate the Shad Fishery, in the County of Cumberland; the Bill to regulate the Fencing of Salt Marsh Lands; and the engrossed Bill from the Council, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company, and had made amendments to the said three last mentioned Bills respectively, which they had directed him to report to the House with the Bills; and that the Committee had also considered the Bill for reducing the Interest on the Funded Debt of the Province, and recommend to the House to defer the further consideration thereof to this day three months; and he afterwards delivered the several Bills and amendments in at the Clerk's Table.

Dalhousie College Governors' Bill without amdt.

Cumberland Shad Fishery Bill
Bill for Fencing Salt Marsh and Council's Bill to incorporate Bay of Fundy Steam Company with amds.
And Bill to reduce interest on Funded Debt to be deferred 3 months

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again, on the consideration of Bills—which the House agreed to.

Amdts. to Bills agreed to

The amendments reported from the Committee to three of the Bills, were respectively read, and agreed to by the House.

Bills with amds. to be engrossed

Ordered, That the Bill to regulate the Shad Fishery, in the County of Cumberland, and the Bill to regulate the Fencing of Salt Marsh Lands, with the amendments respectively reported thereto, be engrossed.

Amdts. to Council's Bill to be engrossed

Ordered, That the amendments reported to the engrossed Bill from the Council, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company, be engrossed.

Motion to recommit Road Expenditure Bill negatived

Mr. Dickey moved, that the Report from the Committee on the Bill to continue the Act to regulate the expenditure of Monies, hereafter to be appropriated for the Service of Roads and Bridges, &c., be not received by the House, and that the Bill be re-committed to a Committee of the whole House on Bills, for further consideration thereon: which, being seconded and put, passed in the negative.

Bills to be engrossed

Ordered, That the Bills, reported without amendment, be engrossed.

Bill to reduce interest on Funded Debt deferred 3 months

Ordered, That the further consideration of the Bill for reducing the Interest on the Funded Debt of the Province, be deferred until this day three months.

Amdts. reported to Bill to continue Pickled Fish Inspectors Acts and committed with Bill

Mr. Dickson reported from the Select Committee on the Bill to continue the Acts in force relative to the Inspection of Pickled Fish, that the Committee had made amendments to the Bill, and he delivered the Bill and amendments in at the Clerk's Table, where the amendments were read.

The

SATURDAY and MONDAY, 29th FEBRUARY and 2d MARCH, 1840.

The Bill was then read a second time, with the amendments.

Ordered, That the Bill and amendments be committed to a Committee of the whole House.

Mr. Howe, pursuant to leave given, presented a Bill in further amendment of the Act to regulate the Packing and Re-packing of Salted Beef and Pork for exportation, and the same was read a first time, and ordered to be read a second time.

Bill presented to amend Act for packing of Salted Beef and Pork

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 2d March, 1840.

PRAYERS.

The engrossed amendments to the engrossed Bill from the Council, entitled, An Act to incorporate the Bay of Fundy Steam Navigation Company, were read, and agreed to by the House.

Engrossed amendt. to Council's Bay of Fundy Steam Navigation Bill finally passed

Resolved, That the Bill, with the amendments, be agreed to.

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the Bill, with the amendments.

Bill & amndt. sent back to Council

An engrossed Bill to appoint a new Board of Governors for Dalhousie College, was read a third time.

Engrossed Dalhousie College Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to appoint a new Board of Governors for Dalhousie College.

Passed

An engrossed Bill to regulate the Shad Fishery in the County of Cumberland, was read a third time.

Engrossed Cumberland Shad Fishery Bill read 3d time Passed

Resolved, That the Bill do pass, and that the title be, An Act to regulate the Shad Fishery in the County of Cumberland.

An engrossed Bill to regulate the Fencing of Salt Marsh Lands, was read a third time.

Engrossed Salt Marsh Fencing Bill read 3 time

Resolved, That the Bill do pass, and that the title be, An Act to regulate the Fencing of the Marsh at Pubnico.

Title altered and Bill passed

An engrossed Bill to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof, was read a third time; and thereupon,

Engrossed Bills to continue Road expenditure Acts read 3d time

The Hon. Mr. Dewolf moved that the Bill be re-committed to a Committee of the whole House: which, being seconded and put, passed in the negative.

Motion to re-commit negatived

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.

Passed

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

Bills sent to Council

The amendments proposed by the Council to the Bill, entitled, An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District, were read a first and second time, and are as follow, viz:

Councils' amendt. to St. Mary's District Bill read

"At the end of the Bill insert the following Clauses:

Provided always, and be it further enacted, That all arrears of County Rates due by the Inhabitants of the said District of Saint Mary's shall be collected, under the direction of the General Sessions of the Peace for the District of Saint Mary's, and paid to the County Treasurer at Guysborough; and that the amount so to be collected and paid to the said County Treasurer, shall be ascertained by the Justices of the Peace for the County of Guysborough, at the General Sessions of the Peace to be held at Guysborough, during the present year.

And whereas, the Grand Jury has been drawn, and all Officers have been appointed for the County of Guysborough for the present year:

Be it further enacted, That this Act shall not go into operation until the first day of January, in the year of Our Lord One Thousand Eight Hundred and Forty-one"; and thereupon,

MONDAY, 2d MARCH, 1840.

House refuse to consider 1st amdt.

Resolved, That this House cannot consider the first amendment proposed by the Council to said Bill, as it touches the mode of collection and payment of monies raised by assessment on the people.

2d amndt. agreed to

The second remaining amendment being then considered by the House,

Bill &c. sent to Council

On motion of Mr. DesBarres, *resolved*, that the amendment be agreed to by this House.

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them with the foregoing Resolutions of this House in regard to said amendments.

Bill to amend Poors' Rates Act read 2 time

A Bill in further amendment of the several Acts relating to Poors' Rates, was read a second time; and thereupon,

Motion to defer negatived on division

Mr. Clements moved, that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, fourteen; against it, seventeen. So it passed in the negative.

Bill committed

Ordered, That the Bill be committed to a Committee of the whole House.

Fines & Penalties Bill read 2d time & committed

A Bill to provide for the application of certain Fines and pecuniary Penalties, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Council agree to overholding Bill with amdts &

The Council have agreed to the Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate, with amendments—to which they desire the concurrence of this Honorable House.

Council agree to great Road Bill & Royal Acadian School Bill

The Council have agreed to the Bill, entitled, An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province; and to the Bill, entitled, An Act to Incorporate the Royal Acadian School Society, severally, without any amendment.

And then the Messenger withdrew.

Council's amndts. to overholding Bill read 1st time

The amendments of the Council to the Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate, were read a first time, and ordered to be read a second time.

Annapolis representation Bill read 2d time & Pets. against it presented

A Bill to regulate the Representation of the Townships of Annapolis and Granville, was read a second time; and thereupon,

A Petition of Inhabitants of the Township of Granville, was, by special leave, presented by Mr. Thorne; and four Petitions of Freeholders of the Townships of Annapolis, Clements, Perot and Dalhousie, in the County of Annapolis, were, by like special leave, presented by Mr. Whitman, and the said several Petitions were respectively read, praying that the Representation of the Townships of Annapolis and Granville may not be extended, and that their Franchise may not be opened to other parts of the County of Annapolis.

Ordered, That the Petitions do lie on the Table.

Motion to defer Bill carried on division

Mr. Thorne then moved, that the further consideration of the Bill to regulate the Representation of the Townships of Annapolis and Granville, be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-one; against it, eighteen:

For the motion,

Mr Dickey	Mr McJeffy
Mr Thorne	Mr Forrester
Mr Goudge	Mr Bell
Mr Upham	Mr Benjamin
Mr Fairbanks	Hon Mr Dewolf
Mr Clements	Mr J Sargent
Mr D'Entremont	Mr Hatton
Mr Whitman	Mr Elder
Mr Holmes	Mr Crighton
Mr Miller	Mr Morton
Mr Heckman	

Against the motion,

Mr Dickson	Mr Howe
Mr McDonald	Mr DesBarres
Mr Spearwater	Mr Young
Mr Holdsworth	Mr Holland
Mr Allison	Mr Robichau
Mr Lewis	Mr Annand
Mr Smith	Mr Forrestall
Mr Huntington	Mr Chipman
Mr Waterman	Mr Archibald

So it passed in the affirmative.

Ordered,

Ordered, That the further consideration of the Bill be deferred until this day three months. Bill deferred

A Bill, to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate the Directors and Auditors thereof; also, Marine Ins. Directors' Bill

A Bill to repeal the tenth clause of the Act for settling titles in a certain Tract of Land, called the Mirè Grant; and Mire Grant Bill &

A Bill, in further amendment of the Act to regulate the Packing and Re-packing of Salted Beef and Pork for Exportation—were severally read a second time. Bill to amd. Salted Beef and Pork Bill read 2d time & committed

Ordered, That the Bills be committed to a Committee of the whole House.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the amendments proposed by this Honourable House to the Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company. Council agree to amndts. of House to Bay of Fundy Steam navigation Bill

And then the Messenger withdrew.

Resolved, That this House do agree to the said Bill, as amended. Bill finally agreed to

Ordered, That the Clerk do carry the Bill to the Council, and inform them that the House have agreed to the Bill, as amended. Sent to Council

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a Letter from the Deputy Post Master General, at Halifax, with four Papers, containing the Post Office Accounts for the last year; also, Papers laid before House viz: Post Office Accts. &c.

A Paper, containing the claim of Thomas McLellan, for compensation for Lands, required to carry a Road through his Property, at the foot of the Cobequid Mountain, with a Letter of Jacob G. Purdy, relative thereto; and the recommendation of His Excellency, that to save further expense and trouble, the amount of Damages may be granted by this House; also, Claim of Thomas McLellan for compensation for Lands taken for road round Cumberland Mountain

A Letter from Wentworth Taylor, Esq., to the Hon. the Provincial Secretary, dated Guysborough, 24th February, 1840, with a Plan and Report of his Survey of the Line for the New Eastern Road from St. Mary's to Guysborough, and an account of the expense thereof, with a recommendation of His Excellency that provision be made therefor. W. Taylor's Letter & Plan of Guysborough Road

The Letter from the Deputy Post Master General, and the accompanying accounts, being read,

(See Appendix No. 57.)

Ordered, That the same be referred to the Committee on the Post Office. Post Office Accts. ref. to Post office Com.

The claim of Thomas McLellan and recommendation, and the Report and Account of Mr. Taylor, being read; for which latter, Thos. McLellan's claims ref. to Sel. Com.

(See Appendix, No. 58.)

Ordered, That the same, respectively, with Mr. Taylor's Plan, be referred to Mr. Dickey, Mr. Chipman, and Mr. Elder, to examine and report thereon to this House.

A Petition of Angus McLellan, of Lake Ainslie, in the County of Inverness, was presented by Mr. Young and read, setting forth that Petitioner had employed a Courier to carry the Mail between the Mouth of Mabou Harbour and Whyccomah, for several years past—for two years of which, no allowance had been granted, and praying compensation to the Courier for the time not so allowed for. Papers of A. McLellan for grant to Courier between Mabou & Whyccomah

A Petition of Inhabitants of the Counties of Cumberland and King's, was presented by the Hon. Mr. Dewolf and read, praying that a Company may be authorized to run a Vehicle for the conveyance of Passengers and the Mail, between Parrsborough and Amherst, with a grant of money to carry such arrangement into effect. Pet. for aid to conveyance for Passengers & Mail between Parrsboro' & Amherst

Ordered, That the Petitions be referred to the Post Office Committee. Ref. to Com. on Post Office

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of Bills committed. Com. on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The

Report Fines & Penalties Bill
Marine Ins. Directors Bill and Bill to amend Salted Beef & Pork Act without amdt. and Colchester Representation Bill with amnds.

The Chairman reported from the Committee that they had gone through the Bill to provide for the application of certain Fines and pecuniary Penalties; the Bill to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate the Directors and Auditors thereof; and the Bill in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork for Exportation, and had directed him to report the said Bills to the House, severally, without any amendment—that the Committee had also gone through the Bill to regulate the Representation of the County of Colchester, and had made amendments thereto, which they had directed him to report to the House with the Bill; and he afterwards delivered the several Bills and amendments in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills—which the House agreed to.

The amendments to the last mentioned Bill being read, were agreed to by the House.

Ordered, That the Bill, with the amendments, be engrossed.

Ordered, That the Bills, reported without amendment, be engrossed.

Halifax Hotel Bill presented

Mr. Forrester, pursuant to leave given, presented a Bill to Incorporate an Hotel Company in Halifax, and the same was read a first time, and ordered to be read a second time.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Tuesday, 3d March, 1840.

PRAYERS.

Motion to rescind the deferring of the Annapolis representation Bill negatived

Mr. Holland moved, that the order of yesterday, for deferring the further consideration of the Bill to regulate the Representation of the Townships of Annapolis and Granville, until this day three months, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, eighteen; against it, twenty-five:

For the motion,

Mr Archibald	Mr Waterman
Mr McDougall	Mr Smith
Mr Young	Mr Huntington
Mr DesBarres	Mr McDonald
Mr Holland	Mr Allison
Mr Chipman	Mr Annand
Mr Dickson	Mr Forrestall
Mr Howe	Mr Robichau
Mr Lewis	Mr Holdsworth

Against the motion.

Mr Miller	Mr Thorne
Mr W Sargent	Mr Whitman
Mr Hatton	Mr Morton
Mr J Sargent	Mr Upham
Mr Creighton	Hon Mr Dewolf
Mr Holmes	Mr Spearwater
Mr Dickey	Mr D'Entremont
Mr Bell	Mr Benjamin
Mr Elder	Mr Forrester
Mr Clements	Mr McLellan
Mr Uniacke	Mr Fairbanks
Mr Heckman	Mr Goudge
Mr McTeffy	

So it passed in the negative.

Engrossed Colchester representation Bill read 3d time Pet. from Onslow against Bill

An engrossed Bill to regulate the Representation of the County of Colchester, was read a third time; and thereupon,

A Petition of E. F. Munro and others, Freeholders, Inhabitants of Onslow, in the County of Colchester, was, by special leave, presented by Mr. Upham and read, praying that the Elective Franchise of that Township may not be opened to the Settlements of New Annan, Earltown and Tatamagouche, as proposed by the Bill.

Ordered, That the Petition do lie on the Table.

Bill deferred 3 mos.

Mr. Upham then moved, that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-two; against it, twenty-one:

For the motion,

Hon Mr Dewolf	Mr Goudge
Mr Fairbanks	Mr Uniacke
Mr Benjamin	Mr McTeffy
Mr D'Entremont	Mr W Sargent
Mr Spearwater	Mr Forrester
Mr McLellan	Mr Elder
Mr Upham	Mr Dickey
Mr Morton	Mr J Sargent
Mr Whitman	Mr Clements
Mr Bell	Mr Heckman
Mr Thorne	Mr Creighton

Against the motion.

Mr Miller	Mr Waterman
Mr Forrestall	Mr McDougall
Mr Hatton	Mr Howe
Mr Holmes	Mr DesBarres
Mr Annand	Mr Dickson
Mr Allison	Mr Young
Mr McDonald	Mr Chipman
Mr Holdsworth	Mr Huntington
Mr Smith	Mr Lewis
Mr Archibald	Mr Robichau
Mr Holland	

So it passed in the affirmative.

Ordered,

TUESDAY and WEDNESDAY, 3d and 4th MARCH, 1840.

Ordered, That the further consideration of the Bill to regulate the Representation of the County of Colchester be deferred until this day three months.

Ordered, That the Bill be published in the Royal Gazette, Newspaper, at Halifax.

Bill to be published

An engrossed Bill to provide for the application of certain Fines and pecuniary Penalties, was read a third time.

Engrossed Fines
Bill read 3rd time and

Resolved, That the Bill do pass, and that the title be, An Act to provide for the application of certain Fines and pecuniary Penalties.

Passed

An engrossed Bill to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate the Directors and Auditors thereof, was read a third time.

Engrossed Ins.
Companies
Bill read 3^d time &
Passed

Resolved, That the Bill do pass, and that the title be, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate the Directors and Auditors thereof.

Engrossed Bill

An engrossed Bill in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork for exportation, was read a third time.

Packing of Salted
Beef &c. read 3^d
time &
Passed

Resolved, That the Bill do pass, and that the title be, An Act in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork for exportation.

Bills sent to Council

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

A Bill to incorporate an Hotel Company in Halifax, was read a second time.

Halifax Hotel
Bill read 2^d time
and committed

Ordered, That the Bill be committed to a Committee of the whole House.

Mr. Fairbanks reported from the Select Committee to whom was referred the Petition of Edward H. Harrington, and thereupon presented to the House a Bill to enable the Courts of Sessions and Grand Juries to grant compensation to Sheriffs for certain services; and the same was read a first time, and ordered to be read a second time.

Committee on Peti-
tion of E. H. Har-
rington
Report Bill for
compensation of
Sheriffs

The Order of the Day being read for the Committee of the whole House to consider of Ways and Means for raising the Supply granted to Her Majesty,

Order of day Com.
of Ways and
Means

On motion, the House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to sundry Resolutions, which they had directed him to report to the House.

Resolutions passed

Ordered, That the Report be received To-morrow.

To be reported to-
morrow

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again.

Ordered, That this House do, again, To-morrow, resolve itself into the Committee of Ways and Means.

Further order on
Ways and Means

The Order of the Day being read for the presentation of the Scales of Subdivision of the sum of £18,000, appropriated for the service of Roads and Bridges,

Order for present-
ing Road Scales
postponed

Ordered, That the said Scales be presented To-morrow.

Then the House adjourned until To-morrow, at Twelve of the clock.

Wednesday, 4th March, 1840.

PRAYERS.

A Petition of Trustees of the Pictou Academy, was, by special leave, presented by Mr. Dickson and read, praying that aid may be granted towards paying off the Debt of that Institution.

Petition of Trustees
of Pictou Academy

Ordered, That the Petition be referred to the Committee on Education.

Referred to Com.
on Education

Mr. Howe reported in part from the Committee on Education; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from
Committee on Edu-
cation

Refd. to Com. of
Sup.

(See Appendix, No. 59.)

Ordered, That the Report be received, and referred to the Committee of Supply.

Com. to request of
Lt. Gov. appoint-
ment of new Board
of School Commis-
sioners for Lunen-
burg

On motion of Mr. Howe, *resolved*, that a Select Committee be appointed to wait upon His Excellency the Lieutenant-Governor and respectfully state to His Excellency that recent investigations, conducted by the Committee on Education, has impressed this House with the necessity that exists for the appointment of a New Board of Commissioners of Schools for the County of Lunenburg, free from the imputation of Sectarian feelings, which are profusely urged, with some degree of reason, against the present Board.

Ordered, That the Committee on Education be a Committee for the above purpose.

Bill presented to
regulate Lunen-
burg Grammar
School

Mr. Howe, pursuant to leave given, presented a Bill for the regulation and management of the Combined Common and Grammar School at Lunenburg: and the same was read a first time, and ordered to be read a second time.

Paper and Pamph-
let presented in re-
ference to Hospital
in Halifax

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a paper containing an explanation in relation to the proposed Hospital in Halifax, submitted to the consideration of this House, with His Excellency's earnest recommendation of the object in view—a Public Institution of this kind being one of the greatest Provincial wants; also, a Pamphlet containing the Charter of the Society of the New York Hospital, granted by His late Majesty George the Third in 1771, with the Laws relating thereto, with the Bye Laws and Regulations of the Institution; and the said first mentioned paper was read by the Clerk.

(See Appendix, No. 60.)

Ordered, That the Paper, Recommendation and Pamphlet, do lie on the Table.

Com. of Supply

On motion, the House resolved itself into the Committee of Supply.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Resoluti-
ons viz.

The Chairman reported from the Committee that they had come to several Resolutions, which they had directed him to report to the House: and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The said Resolutions were then read as followeth:

£25 School in
Poor House

1. *Resolved*, That the sum of Twenty Five Pounds be granted and paid to the Commissioners of the Poor in Halifax, to defray the expenses of continuing the School in the Poor House for the present year, for the benefit of Orphans and Poor Children in that establishment.

£100 Arichat Acca-
demy

2. *Resolved*, That the sum of One Hundred Pounds be granted in aid of the Arichat Academy for the present year, to be placed in the hands of Trustees appointed by His Excellency the Lieutenant-Governor.

£100 Rev. R. F.
Uniacke

3. *Resolved*, That the sum of One Hundred Pounds be granted and paid to the Reverend R. F. Uniacke, to enable him to defray the expenses incurred to support Schools for Poor Children, in the North Suburbs of the Town of Halifax.

£135 Yarmouth
Academy

4. *Resolved*, That the sum of One Hundred and Thirty-five Pounds be granted and paid to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year.

£100 Methodist
School Halifax

5. *Resolved*, That the sum of One Hundred Pounds be granted and paid to Hugh Bell and others, to support a School in connexion with the Methodist Church in Halifax.

£100 Sydney
School.

6. *Resolved*, That the sum of One Hundred Pounds be granted and paid to the Trustees of the Combined Common and Grammar School in the Town of Sydney, in aid of the said School for the present year.

£50 Infant School

7. *Resolved*, That the sum of Fifty Pounds be granted and paid to the Ladies' Managers of the Infant School at Halifax, in aid of that Institution for the present year.

£40 African School

8. *Resolved*, That the sum of Forty Pounds be granted to pay the Salary of the Female Teacher in the African School, for the present year.

9. *Resolved*, That the sum of Forty Pounds be granted and paid to enable the Trustees of the Grammar School at Truro to procure an Usher for said School. £40 School at Truro
10. *Resolved*, That the sum of Fifty Pounds be granted and paid to the Mechanics' Institute and Mechanics' Library, at Halifax,—Thirty Pounds to the Institute and Twenty Pounds to the Library, for the support of those establishments for the present year. £50 Mechanics' Institute & Library
11. *Resolved*, That the sum of Fifty Pounds be granted and paid in support of an Academy at St. Andrews, in the County of Sydney. £50 Academy at St. Andrews
12. *Resolved*, That the sum of Thirty Five Pounds be granted and paid to the Trustees of the Annapolis Academy for the present year; and such further sum to Andrew Henderson, in addition to the Provincial allowance, as will make in the whole Sixty Five Pounds, in aid of his Academy for the present year. £35 Annapolis Academy & £65 A. Henderson's Academy
13. *Resolved*, That the sum of Fifty Pounds be granted and paid to the Trustees of the Academy at Digby, in aid of that Institution. £50 Digby Academy
14. *Resolved*, That the sum of Two Hundred and Thirty Three Pounds, annually, for three years, be granted and paid to the Trustees of the Pictou Academy, to be applied by them exclusively towards payment of the present debt of that Institution; to be drawn in each year, upon its being satisfactorily certified to His Excellency the Lieutenant-Governor, that One Hundred and Thirty Two Pounds for that year has been raised by Private Subscription, and applied towards payment of said debt. £233 annually for 3 years to Pictou Academy
15. *Resolved*, That the sum of Fifty Pounds be granted and paid to the Trustees of the Guysborough Grammar School or Academy, in aid of that Institution for the present year. £50 Guysboro' Academy
16. *Resolved*, That the sum of Fifty Pounds be granted and paid in aid of the Liverpool Academy, in pursuance of the Report of the Committee. £50 Liverpool Academy
17. *Resolved*, That the sum of Fifty Pounds be granted in aid of the Grammar School or Academy at Port Hood, pursuant to the Report of the Committee on Education. £50 Port Hood Academy
- Mr. McLellan moved that the House do now adjourn: which, being seconded and put, passed in the negative. Adjournment negatived
- Mr. McLellan then moved that the 9th Resolution for granting £40 in aid of the Grammar School at Truro, be not received by the House: which, being seconded and put, and the House dividing thereon, passed in the negative. Motion not to receive Truro Grammar School vote negatived
- Mr. McLellan then moved that the 18th Resolution for granting £50 to the Halifax Mechanics' Institute and Library, be not received by the House; which, being seconded and put, passed in the negative. Motion against Halifax Mechanics' Institute vote negatived
- Mr. Thorne moved that the 12th Resolution for granting £35 to the Annapolis Academy, and £65 to Andrew Henderson's Academy, be not received by the House, but that the same be recommitted for the purpose of considering of amending the same, by leaving out all the words thereof after the words "sum of," and inserting after the words so left out the following, viz: "One Hundred Pounds to be divided into three equal parts, and to be paid and applied equally towards the support of the Annapolis Academy, the School under the charge of Mr. Andrew Henderson, and the Bridgetown Grammar School": which, being seconded and put, and the House dividing thereon, there appeared, for the motion, thirteen; against it, twenty-two. Motion to recommit Annapolis School vote to substitute another negatived

For the motion,

Mr. D'Entremont	Mr. Holmes
Mr. Fairbanks	Mr. Heckman
Mr. Thorne	Mr. Holdsworth
Mr. Whitman	Mr. Uniacke
Mr. Benjamin	Mr. Hatton
Mr. Clements	Mr. J. Sargent
Mr. Dickey	

Against the motion,

Mr. Doyle	Mr. Goudge	Mr. McHeffy
Mr. Allison	Mr. Bell	Mr. Chipman
Mr. W Sargent	Mr. Huntington	Mr. Howe
Mr. Armand	Mr. Lewis	Mr. Smith
Mr. Archibald	Hon Mr Dewolf	Mr Forrester
Mr. Upham	Mr. Miller	Mr. DesBarres
Mr. McDonald	Mr. Young	Mr. Dickson
Mr. Forrestall		

So it passed in the negative.

Mr. Uniacke then moved that the said Resolution be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen; against it, sixteen: So it passed in the affirmative. Motion not to receive Annapolis Schools Vote carried

Ordered, That the Resolution be not received by the House.

Mr.

Motion against
Digby Grammar
School vote negati-
ved
Motion against
Pictou Academy
vote negatived

Mr. Goudge moved that the 13th Resolution for granting £50 for the Academy at Digby be not received by the House : which, being seconded and put, passed in the negative.

Mr. Uniacke moved that the 14th Resolution for granting £233 annually, for three years, towards paying off the debt of the Pictou Academy, be not received by the House : which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen ; against it, twenty.

For the motion,

Mr Doyle	Mr Dickey
Mr Waterman	Mr Holmes
Mr Whitman	Mr Lewis
Mr Smith	Mr Uniacke
Mr Thorne	Mr Holdsworth
Mr Forrester	Mr W Sargent
Mr Miller	Mr Hatton
Mr Benjamin	Mr J Sargent
Mr D'Entremont	

Against the motion.

Mr Morton	Mr Clements
Mr Annand	Mr Goudge
Mr Allison	Hon Mr Dewolf
Mr Archibald	Mr Huntington
Mr Upham	Mr Young
Mr Heckman	Mr McHeffy
Mr McDonald	Mr Chipman
Mr Forrestall	Mr Howe
Mr Bell	Mr Fairbanks
Mr Dickson	Mr DesBures

So it passed in the negative.

Resolutions agreed
to

The said several Resolutions reported from the Committee, (with the exception of the Resolution for granting sums for Academies at Annapolis, not received by the House,) were then again read, and, upon the question respectively put thereon, were agreed to by the House.

Ordered to Coun-
cil

Ordered, That the Clerk do carry the Resolutions to the Council, and desire their concurrence.

Order of Day Post-
poned

The Orders of the Day being read,

Ordered, That this House do, To-morrow, again resolve itself into the Committee of Ways and Means.

Ordered, That the report from the Committee of Ways and Means of yesterday, be received To-morrow.

Ordered, That the Scales of Sub-division of Road Monies be presented To-morrow.

Then the House adjourned until To-morrow, at twelve of the clock.

Thursday, 5th March, 1840.

PRAYERS.

Petition from Inn-
keepers of Yar-
mouth referred to
Com. on Ways and
means

A Petition of the Innkeepers and others, of the Township of Yarmouth, was presented by Mr. Clements and read, praying that Innkeepers throughout the Country may be allowed to sell Merchandize as well as those in Halifax, and may be allowed also to sell Liquor, to be taken out of the house in quantities above one quart.

Ordered, that the Petition be referred to the Committee of Ways and Means.

'Temperance Peti-
tions from London-
derry referred to
Com. of Ways and
Means

A Petition of John Peppard and others, Inhabitants of Deburt River, in Londonderry ; a Petition of Samuel Wilson and others, Inhabitants of Portapique, in Londonderry ; and a Petition of Thomas Morrison and others, Inhabitants of Londonderry, were presented by Mr. McLellan and read, respectively praying the suppression of Intemperance, by prohibiting the importation of Ardent Spirits or otherwise.

Ordered, That the Petitions be referred to the Committee of Ways and Means.

Report from Sel.
Com. on claim of
Thos. McLellan

Mr. Dickey reported from the Select Committee on the claim of Thomas McLellan, for compensation for his Land taken for making a Road round Cobequid Mountain ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 61.)

Adopted

On motion of Mr. Archibald, *resolved*, that the report be received and adopted by this House.

Lunenburg Gram-
mar School Bill
read 2d time

A Bill for the regulation and management of the combined Common and Grammar School at Lunenburg, was read a second time ; and thereupon,

Mr.

Mr. Heckman moved, that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, five; against it, thirty-four: Motion to defer neg-
gated

For the motion,

Mr Heckman
Mr Miller
Mr Thorne
Mr Whitman
Mr J Sargent

Against the motion.

Mr Robichau
Mr Waterman
Mr Halton
Mr Elder
Mr Chipman
Mr McDougall
Mr Holdsworth
Mr D'Entremont
Mr Spearwater
Mr Allison
Mr Holmes
Mr Smith

Mr Bell
Mr Creighton
Mr Dickey
Mr Huntington
Mr Dickson
Mr Lewis
Mr McDonald
Mr Holland
Mr Forrester
Mr Morton
Mr Annand
Mr Howe

Mr Benjamin
Mr Archibald
Mr Clements
Hon Mr Dewolf
Mr Upham
Mr Des Barres
Mr Goudge
Mr McHefly
Mr Fairbanks
Mr Young

So it passed in the negative.

Ordered, That the Bill be committed to a Committee of the whole House.

Bill committed

A Bill to Incorporate sundry Persons by the name of the President, Directors, and Company of the Bank of Queen's County, was read a second time; and thereupon, Queen's County
Bank Bill read 2d
time

Mr. Young moved, that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-six; against it, fourteen: Deferred 3 months

For the motion,

Mr Goudge
Mr Archibald
Mr Chipman
Mr McHefly
Mr Forrester
Mr Annand
Mr Upham
Mr W Sargent
Mr Doyle

Mr Huntington
Mr Des Barres
Mr Holmes
Mr Young
Mr McDonald
Mr Dickey
Mr Clements
Mr Forrestall
Mr Bell

Mr Holland
Mr Robichau
Mr McLellan
Mr Lewis
Mr Hatton
Mr McDougall
Mr Allison
Mr Holdsworth

Against the motion,

Mr J Sargent
Mr D'Entremont
Mr Morton
Mr Creighton
Mr Thorne
Mr Whitman
Mr Heckman
Mr Waterman

Mr Miller
Mr Spearwater
Mr Smith
Mr Fairbanks
Hon Mr Dewolf
Mr Benjamin

So it passed in the affirmative.

Ordered, That the further consideration of the Bill be deferred until this day three months.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof; and to the Bill, entitled, An Act to regulate the Shad Fishery in the County of Cumberland, severally, without any amendment. Message from
Council

And then the Messenger withdrew.

A Bill to enable the Courts of Sessions and Grand Juries to grant compensation to Sheriffs for certain services, was read a second time; and thereupon, Agree to Bill
to continue Road
expenditure Acts
and to Cumberland
Shad Fishery Bill
without amendt.

Mr. McLellan moved that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty seven; against it, sixteen: So it passed in the affirmative. Sheriffs' compensa-
tions Bill read 2d
time

Ordered, That the further consideration of the Bill be deferred until this day three months. Motion to defer car-
ried on division

The amendments proposed by the Council to the Bill, entitled, An Act to prevent illegal detainer and overholding of Real Estate, were read a second time, and considered by the House, and are as followeth: Bill deferred

2d Clause—7th line, after "and" insert "in cases where notice to quit shall, by Law, be requisite."

8th line—leave out "manner" and insert "writing."

9th line—after "directed" insert "and in cases where notice to quit is not requisite, then after the expiration of his term, and after demand of possession, in writing, made at or after such expiration of his term."

15th and 16th lines—leave out "and shall not be subject to pay rent."

Councils amendts.
to Overholding Bill
read, &c.

THURSDAY, 5th MARCH, 1840.

16th line—leave out “and” and insert “or.”

36th line—after “Tenant” insert “by law entitled to notice to quit.”

37th line—after “given” insert “in writing and.”

57th line—after “Justices” insert “if they shall think it proper, after hearing the case.”

After this Clause insert the following Clause :

And be it further enacted, That in any case where the relation of Landlord and Tenant exists, if the Landlord charging the Tenant with wrongfully overholding and refusing to surrender possession of the Real Estate whereof he is Tenant, shall, in addition to the complaint and information on Oath hereinafter mentioned, make Oath also before such two Justices as aforesaid, at the time of demanding such Warrant as aforesaid, that he verily believes that such Tenant is not overholding and refusing to surrender possession of such Real Estate, from a conviction or belief that he has a legal right to do so, then, and in such case, such two Justices shall issue a Warrant and cause such Tenant to be brought before them; and if such Tenant shall refuse to surrender possession of such Real Estate, and shall not make Oath before such Justices that he verily believes that he has a good and legal right to refuse to surrender possession thereof, and shall not also give sufficient security for his appearance at the next Term or Sitting of the said Court, and for the payment of costs, as required by this Act, then it shall and may be lawful for such Justices to issue a Warrant, directed to the Sheriff, commanding him to remove such Tenant from possession of such Real Estate without delay; and it shall not in such case be necessary for such Landlord at the then next Term or Sitting of the Supreme Court, in the County wherein the said Real Estate lies, to proceed, by ejectment or otherwise, in prosecution of his complaint against such Tenant.

3d clause—leave out this clause.

4th clause—leave out this clause.

5th clause—10th line—leave out “Monthly Tenancy” and insert “Tenancy for a less period than a month.”

14th line—after “required” leave out the remainder of the clause and insert the following Proviso :

Provided, That nothing in this Act contained shall be construed to require notice to quit to be given in any case where, by Law, notice to quit is not now required.

6th clause—6th line—after “shall” insert “on or before the first day of such Term or Sitting of the said Court.”

10th line—after “thereto” leave out all the words to “Court” in the 14th line, and insert instead “and also shall lodge for the said Defendant, and directed to him in the Prothonotary’s Office of said Court, in the said County, a copy of such declaration and.”

15th line—after “appear” insert “and enter Special Bail.”

28th line—after “the” leave out all the words to “unless” in the 30th line, and insert instead “Court shall have power to order the discharge of the security given by the Defendant as aforesaid, and also the Special Bail inserted in said Action.”

33d line—after “trial” leave out the remainder of the clause, and insert instead “and the defendant shall be entitled to the same proceedings for obtaining judgment as in case of a Non-Suit for not proceeding to Trial in Actions under this Act, as may be had in ordinary cases.”

7th clause—1st line, after “if” insert “on the first day of the said Term or Sitting of the said Court, the Defendant shall not appear and enter Special Bail, or such Bail shall not be duly justified upon exception, according to the practice of the said Court in like cases, or shall not plead as aforesaid, or if.”

10th clause—At the end of the clause insert the following words “and where the word “owner” is used in this Act it shall be construed to mean and include any person or persons entitled to the possession of the Real Estate mentioned or referred to, or any person or persons having a determinate or other interest or estate therein, according as the context may require for the giving effect to the clause, provision or enactment, where such word is used.”

At

THURSDAY and FRIDAY, 5th and 6th MARCH, 1840.

At the end of the Bill add the following clause :

And be it further enacted, That this Act shall continue and be in force for three years, and from thence to the end of the then next Session of the General Assembly."

On motion of Mr. Chipman, *resolved*, that the said amendments be agreed to.

Amendts. agreed to

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the said amendments.

Mr. Dickey reported from the Select Committee on the Letter of Wentworth Taylor, and his Report and Account of expenses of Survey of the Line for the New Eastern Road from St. Mary's to Guysborough, with His Excellency's recommendation thereon ; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Select Com. on expenses of survey of new Road from St. Mary's to Guysborough

(See Appendix, No. 62.)

Ordered, That the Report be received, and referred, with the Papers reported on, to the Committee of Supply.

Referred to Com. of Supply

The Hon. Mr. Dewolf reported from the Select Committee on the Petition of Charles R. Ward, and the Papers accompanying the same, with the recommendation of His Excellency thereon ; and thereupon presented a Bill to make provision for payment of the expenses of the Census of the County of Cape Breton ; and the same was read a first time, and ordered to be read a second time.

Report on Pet. &c. of Charles R. Ward and Bill presented for payment of expenses of Census of County of Cape Breton

The Orders of the Day being read,

Ordered, That this House do again, To-morrow, resolve itself into the Committee of Ways and Means.

Orders of Day postponed

Ordered, That the Report from the Committee on Ways and Means of a former day be received to-morrow.

Ordered, That the several Scales of Subdivision of Road Money be presented To-morrow.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Friday, 6th March, 1840.

PRAYERS.

Mr. Huntington, from the Committee on the River and Shore Fisheries, reported that the Committee had considered the following Bills referred to them, viz : the Bill to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, &c. in Rivers ; the Bill to continue the Act for regulating the Fishery in the River Shubenacadie ; and the Bill to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, &c. and had directed him to report the said Bills to the House, severally, without any amendment.

Bills reported from Com. on River Fisheries and committed

Ordered, That the Bills be committed to a Committee of the whole House.

A Bill to make provision for payment of the expenses of the Census of the County of Cape Breton, was read a second time.

Cape Breton Census Bill read 2d time and committed

Ordered, That the Bill be committed to a Committee of the whole House.

On motion, the House resolved itself into a Committee on Bills.

Com. on Bills

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, &c. in Rivers ; the Bill to continue the Act for regulating the Fishery in the River Shubenacadie ; the Bill to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, &c. ; the Bill to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels ; and the Bill for the regulation and management of the

Report River Fishery Bill (continuing) Bill to continue Act for preventing damage to Nets of Fishermen and Lunenburg School Bill without amendt.

Combined

FRIDAY, 6th MARCH, 1840.

Combined Common and Grammar School at Lunenburg—and had directed him to report the said Bills to the House, severally, without any amendment; and he thereupon delivered the Bills in at the Clerk's Table.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again—which the House agreed to.

Bills to be engrossed *Ordered*, That the Bills be engrossed.

Com. of Supply neg- *Mr. Archibald moved that the House do now resolve itself into the Committee of Supply: which, being seconded and put, passed in the negative.*

Order of Day *The Order of the Day being read for the House to again resolve itself into the Committee of Ways and Means,*

Ways and Means *The House resolved itself into the said Committee.*

Com. of Ways and Means *Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.*

The Chairman reported from the Committee that they had come to several other Resolutions, which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The Order of the Day being read for reporting the Resolutions from the Committee of Ways and Means of a former day,

Ordered, That the Chairman of the Committee do now report said Resolutions, together with the Resolutions from the Committee of Ways and Means of this day; and accordingly,

Resolutions report- *Mr. Clements reported the several Resolutions, which were read, and are as followeth:*

ed from Com. of *1. Resolved*, That it is the opinion of this Committee, that the system of Revenue now

Ways and Means existing be continued for the present year, with the exceptions to be hereafter enumerated.

Revenue the same *2. Resolved*, That it is the opinion of this Committee, that a duty of Two Shillings,

as last year with ex- *Sterling, per Barrel, should be imposed on all Foreign Wheat Flour, whereon the Imperial*

ceptions *Duty of Five Shillings, Sterling, a Barrel, shall not have been actually paid.*

Flour Duty *3. Resolved*, That it is the opinion of this Committee, that a drawback of Three Shillings,

Drawback of Flour *Sterling, per Barrel should be allowed on all Foreign Wheat Flour, whereon the Imperial*

Duty *Duty of Five Shillings, Sterling, a Barrel, may have been actually paid—so as to make the*

duty on all Foreign Wheat Flour, imported into this Province, Two Shillings, Sterling, per

Barrel; and that an Act should be framed for that purpose, subject to the Royal Assent.

4. Resolved, That it is the opinion of this Committee, that a duty of Two-pence half-

penny, Sterling, per Gallon, should be imposed on all Foreign Molasses, imported during

the present year, where the Imperial Duty shall not have been paid thereon.

5. Resolved, That it is the opinion of this Committee, that Molasses, imported from the

British West Indies, be admitted free of Provincial Duty.

6. Resolved, That it is the opinion of this Committee, that Iron Spikes, imported for

Ship Building, should be exempt from all Colonial Duty.

7. Resolved, That it is the opinion of this Committee, that all Coffee of Foreign growth

or production, should, when exempted from Imperial Duty, pay a Colonial Duty of Five

Shillings, Sterling, per cwt., instead of the Duty now by law payable.

8. Resolved, That it is the opinion of this Committee, that the several duties imposed

upon Licensed Houses and Shops, should be respectively continued from the 31st March

next, at the amount and rates as at present, both in the Town of Halifax and elsewhere

in this Province.

Mr. Huntington moved that the second Resolution for imposing a duty of Two Shillings,

Sterling, per Barrel, on Foreign Wheat Flour, not paying the Imperial Duty, be not received

by the House: which, being seconded and put, and the House dividing thereon, there

appeared, for the motion, ten; against it, thirty.

Motion not to receive Resolution for Duty on Flour neg-

ated

For

FRIDAY, 6th MARCH, 1840.

For the motion,

Mr DesBarres
Mr Huntington
Mr D'Entremont
Mr McDonald
Mr Clements
Mr Uniacke
Mr McLellan
Mr Robichau
Mr Spearwater
Mr Fairbanks

Against the motion,

Mr Morton	Hon Mr Dewolf	Mr Forrester
Mr Goudge	Mr Waterman	Mr Howe
Mr McDougall	Mr Elder	Mr Dickey
Mr Creighton	Mr Chipman	Mr Young
Mr Thorne	Mr Upham	Mr Heckman
Mr J. Sargent	Mr Lewis	Mr Annand
Mr Whitman	Mr Allison	Mr Smith
Mr Hatton	Mr McHeffy	Mr W Sargent
Mr Holland	Mr Archibald	Mr Dickson
Mr Forrestall	Mr Miller	Mr Benjamin

So it passed in the negative.

The said several Resolutions reported from the Committee were then again read, and, upon the question respectively put thereon, were agreed to by the House. Resolutions agreed to

Ordered, That Mr. Young, Mr. Dickson and Mr. Annand, be a Committee to prepare and report Bills, in accordance with the foregoing Resolutions from the Committee of Ways and Means. Com. to prepare Revenue Bills

On motion of Mr. Uniacke, the Petition of S. Cunard, and Co., relative to Bounty on the Whaling Ship Rose, was read; and thereupon, Pet. of S. Cunard & Co. read
Mr. Uniacke moved, that the Petition be referred to the Committee of Supply: which, being seconded and put, passed in the negative. Motion to refer it to Com. of Supply negatived

The Petition of Alexander Lyle, relative to a Marine Railway at Dartmouth, was read; and thereupon, Pet. of Alex. Lyle read

Mr. Bell moved, that the Petition be referred to the Committee of Supply: which being seconded and put, passed in the negative. Motion to refer it to Com. of Supply negatived

The claim of L. O. C. Doyle, Esq., for remuneration for the expenses of Criminal Prosecutions conducted by him, and the recommendation of His Excellency the Lieutenant-Governor thereon, were read; and thereupon, Claim of Mr. Doyle

On motion of Mr. Uniacke, *resolved*, that the same be referred to the Committee of Supply. Referred to Com. of Supply

The account of the expenses incurred on account of persons Shipwrecked in the Ship Aid-de-Camp, with His Excellency's recommendation for payment thereof, being read, Account of expenses of persons shipwrecked in Aide-de-Camp referred to Sel. Com.
Ordered, That the same be referred to Mr. Dickey, Mr. Morton, and Mr. Chipman, to examine and report thereon to this House.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to sixteen Resolutions of this Honorable House, for granting sums of Money for the following services, viz: Message from Council agreeing to 16 Resolutions for granting aid to Schools, &c.

£25 for the School in the Poor House at Halifax.

100 for the Arichat Academy.

100 for Schools under the charge of the Rev. R. F. Uniacke.

135 for the Yarmouth Academy.

100 for the Methodist School in Halifax.

100 for the Grammar School at Sydney, C. B.

50 for the Infant School in Halifax.

40 for the African School in Halifax.

40 for the Truro Grammar School.

50 for the Halifax Mechanics' Institute and Library.

233 annually, for three years, towards paying off the Debt of the Pictou Academy.

50 for the Academy at St. Andrew's.

50 for an Academy at Digby.

50 for an Academy at Guysborough.

50 for an Academy at Liverpool.

And then the Messenger withdrew.

FRIDAY, 6th MARCH, 1840.

Com. of Supply

On motion, the House again resolved itself into the Committee of Supply.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to several Resolutions, which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The said Resolutions were read by the Clerk, and are as follow:

150l. Salmon River
Bridge Guysboro'

1 *Resolved*, That the sum of One Hundred and Fifty Pounds be granted in aid of the erection of a Bridge over Salmon River, on the Post Road from Guysborough to Canso.

98l. 16s. 7d. Bridges
Cy. of Sydney

2 *Resolved*, That the sum of Ninety-eight Pounds Sixteen Shillings and Seven Pence be granted to the Members of the County of Sydney, to repay His Excellency the Lieutenant-Governor, the sum advanced by him to repair the Bridges in that County, injured or destroyed by the storm of September, 1839.

200l. French River
Bridge Colchester

3 *Resolved*, That the sum of Two Hundred Pounds be granted for finishing the French River Bridge, in the County of Colchester.

300l. Roads and
Bridges Pictou

4 *Resolved*, That the sum of Three Hundred Pounds be granted for the Service of Roads and Bridges within the County of Pictou, to be appropriated as follows, that is to say: One Hundred and Fifty Pounds to aid in re-building the Bridge over the River John, on the Post Road from Pictou to Wallace, and the remaining One Hundred and Fifty Pounds in repairing or re-building the Bridge over Sutherland's Brook on the Post Road, and in completing the first section of the new line of Road through Merigomish, according to Crerar's Report.

250l. County of
Halifax

5 *Resolved*, That the sum of Two Hundred and Fifty Pounds be granted and paid to repair the Main Eastern Road, from Taylor's to Keys', and Forty Pounds to complete the New Road past Petpiswick, commenced last year.

Motion not to re-
ceive 1st Resolution
negatived

Mr. Doyle moved, that the first Resolution for granting £150 in aid of Building a Bridge over Salmon River, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen; against it, twenty-four.

For the motion,

Mr Goudge	Mr W Sargent
Mr Dickey	Mr Thorne
Mr Young	Mr Lewis
Mr Benjamin	Mr Whitman
Mr Huntington	Hon Mr Dewolf
Mr McHeffy	Mr J Sargent
Mr D'Entremont	Mr Clements
Mr Spearwater	Mr Doyle
Mr Robichau	

Against the motion,

Mr Forrestall	Mr Upham
Mr Waterman	Mr Holmes
Mr Chipman	Mr DesBarres
Mr Hatton	Mr Annand
Mr Fairbanks	Mr Forrester
Mr Allison	Mr Howe
Mr McLellan	Mr Morton
Mr Creighton	Mr Miller
Mr McDonald	Mr Dickson
Mr Holdsworth	Mr Archibald
Mr Bell	Mr McDougall
Mr Heckman	Mr Smith

So it passed in the negative.

Motion not to re-
ceive 2d Resolution
negatived

Mr. Doyle then moved, that the second Resolution for granting £98 16s. 7d. to repay an advance for Bridges in the County of Sydney, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty; against it, twenty-two. So it passed in the negative.

Motion not to re-
ceive 3d Resolution
negatived

Mr. Uniacke moved, that the third Resolution for granting £200 for finishing French River Bridge, in the County of Colchester, be not received by this House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen; against it, twenty-three. So it passed in the negative.

Motion not to re-
ceive 4th Resolution
negatived

Mr. Young moved, that the fourth Resolution for granting £300 for Roads and Bridges in the County of Pictou, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty; against it, twenty-two.

So it passed in the negative.

Mr.

FRIDAY and SATURDAY, 6th and 7th MARCH, 1840.

Mr. Doyle moved, that the fifth Resolution for granting £299 for making and repairing Roads in the County of Halifax, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-two; against it, twenty. So it passed in the affirmative.

Fifth Resolution not received

Ordered, That the Resolution be not received by the House.

The said four first Resolutions being then again read, were, upon the question severally put thereon, agreed to by the House.

Four first Resolutions agreed to

The Order of the Day being read, for presentation of the Scales of Sub-division of Road Money,

Order on Road Scales postponed

Ordered, That the same be presented To-morrow.

Then the House adjourned until To-morrow, at Twelve of the clock.

Saturday, 7th March, 1840.

PRAYERS.

Mr. Huntington moved, that the first Resolution, reported yesterday from the Committee of Supply, and agreed to, for granting £150 in aid of the erection of a Bridge in the County of Guysborough, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-four; against it, twenty. So it passed in the affirmative.

The several Resolutions of yesterday for extra Road Votes rescinded

Ordered accordingly.

Mr. Huntington then moved, that the second Resolution, reported yesterday from the Committee of Supply, and agreed to, for granting £98 16s. 7d. to repay an advance for Bridges in the County of Sydney, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-four; against it, twenty.— So it passed in the affirmative.

Ordered accordingly.

Mr. Huntington then moved, that the third Resolution, reported yesterday from the Committee of Supply, and agreed to, for granting £200 to finish the French River Bridge in the County of Colchester, be rescinded: which, being seconded and put, passed in the affirmative.

Ordered accordingly.

Mr. Huntington then moved that the fourth Resolution reported yesterday from the Committee of Supply, and agreed to, for granting £300 for Roads and Bridges in the County of Pictou, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-eight; against it, sixteen:

For the motion,

Mr Doyle	Mr Thorne	Mr Bell
Mr Goudge	Mr Holland	Mr Howe
Mr Chipman	Mr Lewis	Mr Whitman
Mr Young	Mr McLellan	Mr Robichow
Mr Clements	Hon Mr Dewolf	Mr Dickey
Mr McHeffy	Mr Waterman	Mr Huntington
Mr Benjamin	Mr Spearwater	Mr Holdsworth
Mr Annand	Mr Eider	Mr Forrestall
Mr W Sargent	Mr J Sargent	
Mr D'Entremont	Mr Uniacke	

Against the motion,

Mr Creighton	Mr McDougall
Mr Hatton	Mr Fairbanks
Mr Heckman	Mr Dickson
Mr Miller	Mr Smith
Mr Allison	Mr Morton
Mr Upham	Mr Archibald
Mr McDonald	
Mr Holmes	
Mr DesBarres	
Mr Forrester	

So it passed in the affirmative.

Ordered accordingly.

Ordered, That the Order for sending the foregoing Resolutions for granting monies to the Council for concurrence, be discharged.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force, with amendments—to which they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Council agree to Lands & Tenements Bill with amendments

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented

Account of expenditure of Monies on Main Roads presented

SATURDAY, 7th MARCH, 1840.

sented various accounts of the expenditure of the sum of £2,369 0 8 upon the Main Roads, East and West, during the past Season, by direction of His Excellency, and included in the Estimate of the Civil Expences of the Province for the year, laid before the House by order of His Excellency ; and thereupon,

Motion to refer Accounts to Sel. Com.

Mr. Uniacke moved that the Accounts now submitted to the House be referred to a Select Committee, to examine and report upon to the House : which, being seconded,

Amendt. that expenditure is unconstitutional, &c.

Mr. Huntington moved, as an amendment to the question, to leave out all the words thereof after the word "that," and in place of the words so left out, to substitute the following : "whereas, certain Accounts have been submitted to this House, shewing a large expenditure on the Main Roads in the immediate neighbourhood of the Capital, which was not authorized by a vote of this House : *Resolved*, that such expenditure by His Excellency the Lieutenant-Governor, without the consent of this House, was unconstitutional, and subversive of the rights of the people of this Province : which, being seconded, and debated,

Previous questions negatived

Mr. Forrester moved that this House do now adjourn : which, being seconded and put, passed in the negative ; and after further debate upon the proposed amendment,

Mr. Chipman moved that the question be not now put : which, being seconded and put, passed in the negative.

Amendt. negatived

The question upon the amendment was then put, and the House dividing thereon, there appeared, for the amendment, ten ; against it, thirty-two :

For the Amendment,

Mr Chipman
Mr Morton
Mr Goudge
Mr Benjamin
Mr McLellan
Mr D'Entremont
Mr Huntington
Mr Lewis
Mr Dickey
Mr Clements

Against the Amendment.

<i>Mr Thorne</i>	<i>Mr Creighton</i>	<i>Mr Miller</i>
<i>Mr Spearwater</i>	<i>Mr Robichau</i>	<i>Mr Howe</i>
<i>Mr J Sargent</i>	<i>Mr Whitman</i>	<i>Mr McHeffy</i>
<i>Mr W Sargent</i>	<i>Mr Allison</i>	<i>Mr Upham</i>
<i>Mr Uniacke</i>	<i>Mr Heckman</i>	<i>Mr Dickson</i>
<i>Mr Waterman</i>	<i>Mr DesBarres</i>	<i>Mr Doyle</i>
<i>Mr Fairbanks</i>	<i>Mr McDonald</i>	<i>Mr Archibald</i>
<i>Mr McDougall</i>	<i>Mr Bell</i>	<i>Mr Forrester</i>
<i>Mr Forrestall</i>	<i>Mr Holland</i>	<i>Mr Annand</i>
<i>Mr Hatton</i>	<i>Mr Holmes</i>	<i>Mr Smith</i>
<i>Mr Holdsworth</i>	<i>Mr Young</i>	

So it passed in the negative.

2d amendt. carried

Mr. Howe then moved, in amendment of the original question, that all the words thereof after the word "that" be left out, and instead thereof, that the following be inserted : "whereas, certain Accounts have been submitted to this House, shewing a large expenditure on the Main Roads in the immediate neighbourhood of the Capital, which was not authorized by a vote of this House : *Resolved*, that such expenditure by His Excellency the Lieutenant-Governor, without the consent of this House, was unconstitutional, and, if drawn into precedent, would be subversive of the rights of the people of this Province : which, being seconded and put, and the House dividing thereon, there appeared, for the proposed amendment, thirty ; against it, eleven :

For the amendment.

<i>Mr Annand</i>	<i>Mr Benjamin</i>	<i>Mr Holland</i>
<i>Mr Smith</i>	<i>Mr McLellan</i>	<i>Mr McDonald</i>
<i>Mr Forrester</i>	<i>Mr McHeffy</i>	<i>Mr Bell</i>
<i>Mr Doyle</i>	<i>Mr D'Entremont</i>	<i>Mr Allison</i>
<i>Mr Archibald</i>	<i>Mr Heckman</i>	<i>Mr Robichau</i>
<i>Mr Huntington</i>	<i>Mr Lewis</i>	<i>Mr McDougall</i>
<i>Mr Chipman</i>	<i>Mr Howe</i>	<i>Mr DesBarres</i>
<i>Mr Dickson</i>	<i>Mr Dickey</i>	<i>Mr Waterman</i>
<i>Mr Morton</i>	<i>Mr Clements</i>	<i>Mr Spearwater</i>
<i>Mr Upham</i>	<i>Mr Young</i>	<i>Mr Forrestall</i>

Against it.

Mr Uniacke
Mr Thorne
Mr Fairbanks
Mr Hatton
Mr Holdsworth
Mr Creighton
Mr J Sargent
Mr Whitman
Mr W Sargent
Mr Holmes
Mr Miller

So it passed in the affirmative.

The question upon the Resolution, as amended, being then put,

Resolved, That, whereas certain Accounts have been submitted to this House, shewing a large expenditure on the Main Roads in the immediate neighbourhood of the Capital, which was not authorized by a vote of this House : *Resolved*, that such expenditure by His Excellency the Lieutenant-Governor, without the consent of this House, was unconstitutional, and, if drawn into precedent, would be subversive of the rights of the people of this Province.

Mr.

Mr. Howe then moved that the House do come to the following Resolution :

Resolved, That this House, having already declared its want of confidence in the Executive Council, cannot, for the present, consent to vote any sum of money advanced in violation of its privileges, by the advice of that Council : which, being seconded,

Mr. Uniacke moved, as an amendment of the proposed Resolution, to leave out all the words thereof after the words " Resolved that," and instead of the words so left out to insert the following : " the Accounts this day presented to this House, by command of His Excellency the Lieutenant-Governor, of expenditure upon the Main Roads, be referred to the Committee of Supply : which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-four ; against it, eighteen :

For the Amendment.

Mr Archibald	Mr Heckman
Mr Forrester	Mr Fairbanks
Mr Chipman	Mr Bell
Mr Dickson	Mr Allison
Mr Morton	Mr Uniacke
Mr Benjamin	Mr McDougall
Mr McHeffy	Mr DesBarres
Mr Miller	Mr Spearwater
Mr Holmes	Mr Halton
Mr W Sargent	Mr Forrestall
Mr Whitman	Mr Creighton
Mr Thorne	Mr J Sargent

Against it.

Mr Waterman	Mr Howe
Mr Holdsworth	Mr Dickey
Mr Robichau	Mr McLellan
Mr Holland	Mr Lewis
Mr Goudge	Mr Upham
Mr McDonald	Mr Annand
Mr Young	Mr Huntington
Mr Clements	Mr Doyle
Mr D'Entremont	Mr Smith

Resolution moved that House will not at present grant amount, &c.

Amendt. for reference of Accounts to Com. of Supply carried

So it passed in the affirmative.

The question upon the amended Resolution being then put,

Ordered, That the Accounts be referred to the Committee of Supply.

The Order of the Day being read for the presentation of the Scales of Sub-division of Road Money,

Ordered, That the said Scales be presented on Monday next.

Then the House adjourned until Monday next, at Twelve of the Clock.

Order of Day presentation of Road Scales postponed

Monday, 9th March, 1840.

PRAYERS.

Mr. Dickey reported from the Select Committee, to whom was referred the account of the expenses of persons Shipwrecked in the Aide-de-Camp ; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 63.)

Report from Com. on expenses of persons wrecked in Aide-de-Camp

Ordered, That the Account and Report be referred to the Committee of Supply.

Referred to Com. of Supply

Mr. Allison reported further from the Committee on Agriculture ; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Agriculture

(See Appendix, No. 64.)

Ordered, That the Report, together with the Petitions for aids to Oatmills therein favourably reported upon, be referred to the Committee of Supply.

Referred to Com. of Supply with Pets. for aid to Oat Mills

An engrossed Bill to continue the Acts in addition to, and in amendment of, the Act to prevent Nuisances, by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province, was read a third time.

Bills read 3d time, viz : To continue River Nuisance Acts

Resolved, That the Bill do pass, and that the title be, An Act to continue the Acts in addition to, and in amendment of, the Act to prevent Nuisances, by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

Passed

An engrossed Bill to continue the Act for regulating the Fishery in the River Shubenacadie, was read a third time.

To continue Shubenacadie Fishery Act

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for regulating the Fishery in the River Shubenacadie.

Passed

MONDAY, 9th MARCH, 1840.

To continue Lu-
nenburg Fisheries
Act
Passed

An engrossed Bill to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill Dams, or any other obstruction, was read a third time.

Resolved, That the Bill do pass, and the title be, An Act to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.

To continue the
Act to prevent da-
mage to Fishermen's
Nets
Passed

An engrossed Bill to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.

Lunenburg Gram-
mar School
Passed

An engrossed Bill for the regulation and management of the Combined Common and Grammar School at Lunenburg, was read a third time.

Resolved, That the Bill do pass, and the title be, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg.

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

Councils amends.
to Lands and Te-
nements Bill refer-
red to Sel. Com.

The amendments proposed by the Council to the Bill, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force, were read a first time, and thereupon,

Ordered, That the amendments be referred to Mr. DesBarres, Mr. Young and Mr. McDougall, to examine and report thereon to this House.

Leave refused to
present Bill to en-
able Maxwilton and
Egerton to send
Representatives

Mr. Holmes moved for the leave of the House to present a Bill to enable the Townships of Maxwilton and Egerton to send Representatives to the General Assembly: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, eight; against it, nineteen:

For the motion,

Hon Mr Dewolf
Mr Holmes
Mr Forrestall
Mr Allison
Mr Whitman
Mr J. Sargent
Mr Hatton
Mr Thorne

Against the motion,

<i>Mr Heckman</i>	<i>Mr Bell</i>	<i>Mr Upham</i>
<i>Mr Waterman</i>	<i>Mr McKim</i>	<i>Mr Howe</i>
<i>Mr McLellan</i>	<i>Mr Huntington</i>	<i>Mr Young</i>
<i>Mr Creighton</i>	<i>Mr Dickey</i>	
<i>Mr Forrester</i>	<i>Mr Anand</i>	
<i>Mr Morton</i>	<i>Mr Benjamin</i>	
<i>Mr Clements</i>	<i>Mr Chipman</i>	
<i>Mr D'Entremont</i>	<i>Mr Archibald</i>	

So it passed in the negative.

Report from Com.
on Resolution
granting money for
Agricultural pur-
poses

Mr. Uniacke reported from the Select Committee appointed to carry into effect the object of the Resolution granting £2000 for Agricultural purposes; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 65.)

Ordered, That the Report do lie on the Table.

Motion to send to
Council Resolution
granting £2000 for
Agricultural pur-
poses

Mr. Uniacke then moved, that the Resolution of this House granting £2000 for Agricultural purposes, be sent to the Council for concurrence: which, being seconded,

Amendt. thereto
negatived

Mr. Morton moved, as an amendment to the question, to leave out all the words thereof after the word "that," and to insert in place of the words so left out the following: "it be referred to the Committee of Supply, to consider of granting the sum of £3000 for the advancement and encouragement of Agriculture throughout the Province—£1000 of said sum to be drawn from the Treasury yearly, for three years, and to be divided among the various Agricultural Societies in the Province, in proportion to the amount subscribed and actually paid over to the Treasurers of such Societies respectively, by the Members thereof, every year; and that the said funds shall be expended and appropriated in the respective Counties in such way, and for such objects as may be determined on by the local Societies, as best calculated to promote the Agricultural Interests; and that to enable the Agricultural Societies to import from Great Britain, or elsewhere, the requisite supply of Cattle, Farming Implements, Seeds, Books, &c.—the Secretary of each and every Society shall be required to transmit to _____ on or before the first

day of August, annually, a certified statement of the sum then subscribed and paid into the hands of the Treasurer—stating the objects for which said Society may wish it appropriated, when added to their proportion of the Provincial allowance; and it shall, thereupon, be.

MONDAY, 9th MARCH, 1840.

be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to draw his Warrant upon the Treasury in favour of the Secretary of said Society, for the amount to which they shall be entitled, of the said £1000:” which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, four; against it, forty-one

For the Amendment,

Mr Morton
Mr McKim
Mr Holland
Mr McLellan

Mr Elder
Mr J Sargent
Mr Holdsworth
Mr Doyle
Mr Spearwater
Mr Smith
Mr Thorne
Mr Forrestall
Mr Allison
Mr Halton
Mr Waterman

Against the amendment,

Hon Mr Dewolf
Mr McDonald
Mr Forrester
Mr W Sargent
Mr Whitman
Mr Howe
Mr Bell
Mr Huntington
Mr Archibald
Mr Clements

Mr Creighton
Mr Miller
Mr Goudge
Mr Chipman
Mr Heckman
Mr Uniacke
Mr McDougall
Mr D'Entremont
Mr Holmes
Mr McHeffy

Mr Young
Mr Robichau
Mr Annand
Mr Dickey
Mr Benjamin
Mr Lewis
Mr Dickson
Mr DesBarres
Mr Fairbanks
Mr Upham

So it passed in the negative.

Mr. Young then moved, as an amendment to the original question, to leave out all the words thereof after the word “that,” and instead of the words so left out, to insert the following: “Whereas, in the Report of the Committee on Agriculture, no provision is suggested for the careful selection of the Stock proposed to be imported, and the same, when imported, will not be under the care of any Central Board, or other persons competent and authorised to take charge thereof, and for these, and other reasons, there is just ground to apprehend that the expenditure of the sum of £2000 will not confer on the Agricultural body, throughout this Province, the advantages that ought to arise therefrom; Resolved therefore, that the vote for granting the aforesaid sum be not sent to the Legislative Council for their concurrence:”—which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, sixteen; against it, twenty-seven.

Another amendt.
negatived

For the amendment,

Mr Smith
Mr Upham
Mr Lewis
Mr Annand
Mr Holland
Mr McKim
Mr Young
Mr Robichau
Mr Clements

Mr McLellan
Mr Waterman
Mr Whitman
Mr Holdsworth
Mr Bell
Mr Hatton
Mr W Sargent

Against the amendment,

Mr Forrestall
Mr McDonald
Mr Doyle
Mr Thorne
Mr J Sargent
Mr Howe
Mr Spearwater
Mr Archibald
Mr Creighton

Mr Miller
Mr Chipman
Mr Heckman
Mr D'Entremont
Mr Holmes
Mr McHeffy
Mr Allison
Mr Uniacke
Mr McDougall

Hon. Mr Dewolf
Mr Dickey
Mr Benjamin
Mr Dickson
Mr DesBarres
Mr Forrester
Mr Fairbanks
Mr Goudge
Mr Huntington

So it passed in the negative.

Mr. Doyle then moved, as an amendment to the original question, that all the words thereof, after the word “that,” be left out, and the following substituted therefor: “the Resolution for granting £2000 for Agricultural purposes, be not sent to the Council during this Session:” which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-three; against it, twenty-two.

Amendt. not to send
Resolution to Council
carried on division

For the amendment,

Mr Smith
Mr D'Entremont
Mr Upham
Mr Lewis
Mr Annand
Mr Holland
Mr McKim
Mr Young
Mr Robichau
Mr Clements
Mr Creighton
Mr McLellan

Mr Huntington
Mr Waterman
Mr Whitman
Mr Elder
Mr Doyle
Mr Holdsworth
Mr Bell
Mr J Sargent
Mr Hatton
Mr W Sargent
Mr Spearwater

Against the amendment,

Mr Forrestall
Mr McDonald
Mr Thorne
Mr Howe
Mr Archibald
Mr Miller
Mr Chipman
Mr Heckman
Mr Morton
Mr Holmes
Mr McHeffy

Mr Allison
Mr Uniacke
Mr McDougall
Hon Mr Dewolf
Mr Dickey
Mr Benjamin
Mr Dickson
Mr Forrester
Mr DesBarres
Mr Fairbanks
Mr Goudge

So it passed in the affirmative.

The question as amended, being then put,

Resolved, That the Resolution for granting £2000 for Agricultural purposes, be not sent to the Council, during this Session.

Agricultural Grant
not to be sent to
Council

Mr. Young reported from the Select Committee on the Petition of C. W. H. Hall; that, on reference to the Acts for granting Bounties on the Whale Fishery, the Committee regret they cannot recommend any grant of money to the Petitioner.

Report from Com.
on Pet. of C. W. H.
Hall

On motion, resolved, that the Report be received and adopted by this House.

Report adopted.

Mr.

MONDAY and TUESDAY, 9th and 10th MARCH, 1840.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Agree to amended
overholding Bill

Mr. Speaker,
The Council have agreed to the Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate, as amended.
And then the Messenger withdrew.

Com. of Supply

On motion, the House resolved itself into the Committee of Supply.

Mr. Speaker left the Chair,
Mr. Clements took the Chair of the Committee,
Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to four Resolutions, which they had directed him to report to the House.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of the Supply—which the House agreed to.

Adjournment

Mr. Doyle then moved, that House do now adjourn: which, being seconded and put, and the House dividing thereon, passed in the affirmative; and accordingly,

The House adjourned until To-morrow, at Twelve of the clock.

Tuesday, 10th March, 1840.

PRAYERS.

Motion to rescind
Resolution not to
send Agricultural
Vote to Council ne-
gated

Mr. Chipman moved, that the Resolution passed yesterday, for not sending the Resolution granting £2000 for Agricultural purposes, to the Council this Session, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen; against it, twenty-five.

For the motion,

Mr Uniacke	Mr McHefly
Hon Mr Dewolf	Mr Goudge
Mr Archibald	Mr Elder
Mr Chipman	Mr Heckman
Mr McDougall	Mr Thorne
Mr Morlon	Mr Dickey
Mr Howe	Mr Allison
Mr Fairbanks	Mr Forrestall
Mr Benjamin	

Against the motion,

Mr Waterman	Mr Holmes	Mr Creighton
Mr Hatton	Mr Smith	Mr Huntington
Mr J Sargent	Mr Holland	Mr Robichau
Mr Holdsworth	Mr Upham	Mr DesBarres
Mr Whitman	Mr Annand	Mr McKim
Mr McLellan	Mr D'Entremont	Mr Forrester
Mr Spearwater	Mr McDonald	Mr Young
Mr Clements	Mr W Sargent	
Mr Bell	Mr Miller	

So it passed in the negative.

Standing Order pas-
sed for division of
Road Monies by
Com. to be ballotted
for in future

On motion of Mr. Howe, *resolved*, that a Committee of Five Members be selected in future by Ballot (to be drawn from the Ballot boxes in the same manner that Committees are drawn to try controverted Elections) to agree upon, and report a Scale of sub-division of, the Road Monies, whose report shall, in all cases, be final, except when rejected by a majority of two thirds of the Members present.

Bill to prevent
Members of Legis-
lature acting as
Counsel in certain
cases read 2d time
and committed

A Bill to prevent Members of the Legislature from being employed as Counsel, in certain cases, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Hants County Re-
presentation Bill
read 2d time

A Bill respecting the Members of General Assembly representing Townships of the County of Hants, was read a second time; and thereupon,

Pets. in favor of
Bill

The following Petitions were, by special leave of the House, presented by Mr. Smith and read, viz:—a Petition of J. Withrow and others, Inhabitants of Rawdon and Douglas; a Petition of Arthur M. Cochran and others, Inhabitants of Maitland; a Petition of John Graham and others, Inhabitants of Upper Shubenacadie; a Petition of Joseph McLellan and others, Inhabitants of the Eastern part of Hants' County; a Petition of Francis Parker and others, Inhabitants of Kempt; a Petition of John Ettinger and others, Freeholders of the Township of Douglas; a Petition of William McPhee and others, Freeholders of the Township of Douglas; and a Petition of John Densmore and others, Inhabitants of Rawdon

don and Douglas, all in the County of Hants, respectively praying that the representation of the Townships now represented may be thrown open and extended to other parts of the County, as contemplated by the foregoing Bill, or that such arrangement may be made as will give an equal and fair representation throughout the County.

Ordered, That the Petitions do lie on the Table.

Mr. McHefly then moved, that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-three; against it, fifteen.

For the motion,

Mr Chipman	Mr McLellan
Mr Clements	Mr Dickey
Mr DesBarres	Mr Thorne
Mr Miller	Mr Forrestall
Mr Lewis	Mr J Sargent
Mr Heckman	Mr Whitman
Mr Forrester	Mr Spearwater
Mr D'Entremont	Mr Dickson
Mr Upham	Mr Creighton
Mr McHefly	Mr Fairbanks
Mr Benjamin	Hon Mr Dewolf
Mr Goudge	

Against the motion,

Mr Waterman	Mr Archibald
Mr Holdsworth	Mr Howe
Mr Hatton	Mr Robichau
Mr Young	
Mr Holmes	
Mr Holland	
Mr Bell	
Mr Smith	
Mr Allison	
Mr Huntington	
Mr McDonald	
Mr Annand	

So it passed in the affirmative.

Ordered, That the further consideration of the Bill be deferred until this day three months.

A Petition of Robert N. Henry and others, Inhabitants of Antigonish, in the County of Sydney, was, by special leave of the House, presented by Mr. Forrestall and read, praying that persons holding Shop Licence, may be allowed to sell Spirituous Liquors by the quart. Pet. from Antigonish for Shopkeeper to sell Liquors by quart

Ordered, That the Petition do lie on the Table.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork for Exportation, with an amendment to which they desire the concurrence of this Honorable House. Message from Council
Agree to Bill to amend Beef packing Act with amendt.

And then the Messenger withdrew.

The amendment proposed by the Council to said Bill, was read a first and second time, and considered by the House, and is as followeth: Council's Amendt. to Beef & Pork Bill disagreed to

“Leave out the last clause.”

On motion of Mr. Bell, *resolved*, that the said amendment be not agreed to by this House.

Ordered, That the Clerk do carry the Bill and amendment to the Council, and acquaint them that this House have not agreed to the amendment.

Mr. Young reported from the Committee appointed to prepare Revenue and License Bills, pursuant to the Resolutions reported from the Committee of Ways and Means agreed to by the House; and thereupon, presented, Revenue Bills, viz:

A Bill, for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof. Impost

A Bill to continue the Act for the general regulation of the Colonial Duties. Colonial Duties regulation

A Bill to continue the Act concerning Goods Exported, and for granting Drawbacks. Drawbacks

A Bill to continue the several Acts for the prevention of Smuggling. Smuggling

A Bill to continue and amend the Act for the Warehousing of Goods. Warehousing

A Bill to continue and amend the Act for regulating the Importation of Goods. Importation

A Bill to grant a Drawback on Foreign Wheat Flour, in certain cases. Drawbacks on Foreign Wheat Flour

A Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same. General Licence Duties

A Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same. Halifax Licence Duties

TUESDAY and WEDNESDAY, 10th and 11th MARCH, 1840.

Bills read &c.

And the said Bills were severally read a first time, and ordered to be read a second time.

Report on Pet. of Mary Bolman & al. by Bill to shut up old Road in Lunenburg

Mr. Miller reported from the Members for the County of Lunenburg, to whom was referred the Petition of Mary Bolman and others, and thereupon, presented, a Bill to enable the Devises or Representatives of John Bolman, to shut up an Old Road in Lunenburg, and the same was read a first time, and ordered to be read a second time.

Bill relative to Halifax Police Office Fees

Mr. Forrester, pursuant to leave given, presented a Bill to define and ascertain the Fees to be taken at the Police Office in Halifax, and the same was read a first time, and ordered to be read a second time.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council do not adhere to amndts. to St. Mary's District Bill

The Council do not adhere to their first amendment to the Bill, entitled, An Act to divide and set off the Township of Saint Mary's as a separate and distinct District, but agree to the Bill, with the second remaining amendment proposed by the Council, and agreed to by this Honorable House.

Council do not adhere to amndts. to Beef & Pork Bill

The Council do not adhere to the amendment proposed by them to the Bill, entitled, An Act in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork for Exportation, but agree to the Bill without any amendment.

And then the Messenger withdrew.

St. Mary's District Bill finally agreed to

Resolved, That the Bill, entitled, An Act to divide and set off the Township of Saint Mary's, as a separate and distinct District, do pass as amended.

Ordered, That the Clerk do carry the Bill to the Council, and acquaint them with the foregoing Resolution.

Motion for Com. of Ways & Means negatived

Mr. Bell moved, that the House do now again resolve itself into the Committee of Ways and Means: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, eighteen; against it, twenty.

So it passed in the negative.

Motion for report of Resolutions passed in Com. of Supply

Mr. Dickson moved, that the Chairman of the Committee of Supply do now report the Resolutions from the Committee of yesterday: which, being seconded,

Amendt. to go into Com. of Supply carried

Mr. Howe moved, as an amendment to the question, that all the words thereof, after the words "that the" be left out, and the following inserted instead thereof "House do now resolve itself into the Committee of Supply:" which, being seconded and put, passed in the affirmative; and accordingly,

Com. of Supply

The House resolved itself into the Committee of Supply.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report from Com. of Supply

The Chairman reported from the Committee that they had come to several Resolutions, which they had directed him to report to the House.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

Resolutions to be received at a future day

Ordered, That the report of the Resolutions, together with the report of the Resolutions from the Committee of Supply of yesterday, be received at a future day.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Wednesday, 11th March, 1840.

PRAYERS.

Bills read 2d time viz. General Impost Bill

The following Bills were read a second time, viz :

A Bill for granting Colonial Duties of Impost for the support of Her Majesty's Government

WEDNESDAY, 11th MARCH, 1840.

ment within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

A Bill to continue the Act for the general regulation of the Colonial Duties.	Regulation of Colonial Duties
A Bill to continue the Act concerning Goods exported, and for granting Drawbacks.	Goods exported & Drawbacks
A Bill to continue the several Acts for the prevention of Smuggling.	Prevention of Smuggling
A Bill to continue and amend the Act for the Warehousing of Goods.	Warehousing
A Bill to continue and amend the Act for regulating the Importation of Goods.	Importation
A Bill to grant a Drawback on Foreign Wheat Flour, in certain cases.	Drawbacks on Foreign Flour
A Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same.	Licenses generally
A Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.	Halifax Licenses
A Bill to enable the Devises or Representatives of John Bolman to shut up an old Road in Lunenburg; and	Shutting up old Road in Lunenburg
A Bill to define and ascertain the Fees to be taken at the Police Office in Halifax.	Fees at Police Office Halifax
<i>Ordered</i> , That the Bills be committed to a Committee of the whole House.	Bills committed
Mr. Creighton reported from the Select Committee on the Petition of David Fraser and others, complaining of an improper expenditure of Monies in re-building Bridges on the West River of Pictou; and he read the Report in his place, exonerating John McKay, the Commissioner for re-building said Bridges, from the charges made against him in the said Petition, and afterwards delivered the report in at the Clerk's Table, where it was again read. (See Appendix, No. 66.)	Report from Com. on Pet. against expenditure on Bridges West River Pictou
On motion of Mr. Holmes, <i>resolved</i> , that the Report be received and adopted by this House.	Adopted
On motion of Mr. Holmes, <i>ordered</i> , that the Report be published.	To be published
The Hon. Mr. Dewolf, from the Select Committee on the Bill to continue the Act to regulate the Weighing of Beef, reported the Bill without any amendment.	Beef weighing Bill reported & committed
<i>Ordered</i> , That the Bill be committed to a Committee of the whole House.	
Mr. Howe, pursuant to leave given, presented a Bill to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places, and the same was read a first time and ordered to be read a second time.	Bill to amend Dartmouth Streets Act
A Message from the Council, by Mr. Haliburton :	Message from Council
Mr. Speaker,	
The Council have agreed to the Bill, entitled, An Act to regulate the Fencing of the Marsh at Pubnico, without any amendment.	Agree to Pubnico Marsh Bill
The Council have passed a Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors—to which Bill they desire the concurrence of this Honorable House.	And send down Bill for pay of Directors, &c. of Marine Insurance Cos.
And then the Messenger withdrew.	
On motion, the House resolved itself into the Committee on Bills.	Com. on Bills
Mr. Speaker left the Chair,	
Mr. Clements took the Chair of the Committee,	
Mr. Speaker resumed the Chair.	
The Chairman reported from the Committee that they had gone through the Bill for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof; the Bill to continue the Act for the general regulation of the Colonial Duties; the Bill to continue the Act concerning Goods exported, and for granting Drawbacks; the Bill to continue the several Acts for the prevention of Smuggling; the Bill to continue and amend the Act for the Warehousing of Goods; the Bill to continue and amend the Act for regulating the Importation of Goods; the Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act	Report Revenue & License Bills and Misc Grant Bill

Act to alter the same ; and the Bill to repeal the tenth clause of the Act for settling Titles in a certain Tract of Land called the Miré Grant—and had directed him to report the said Bills to the House, severally, without any amendment.

That the Committee had also gone through the Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same ; and the Bill to grant a Drawback on Foreign Wheat Flour, in certain cases, and had made amendments to the said Bills respectively, which they had directed him to report to the House with the Bills ; and he afterwards delivered the several Bills and amendments in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of Bills committed—which the House agreed to.

Amndts. to Gen. License Bill

The amendments to the Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same, were read, and are as followeth : “ in the first clause of the Bill, after the words One Thousand Eight Hundred and Forty, occurring the second time thereon, insert the words “ except as hereinafter altered or amended ;” and add to the Bill the following clause : “ *And be it further enacted*, That any person holding a Shop Licence shall and may, from and after the passing of this Act, sell any quantity of Wine or Wines, not less than one quart, at one and the same time, any thing in any Act or Acts contained to the contrary notwithstanding ;” and thereupon,

Motion not to receive amendments negatived

Mr. Waterman moved, that the said amendments be not received by the House : which, being seconded and put, and the House dividing thereon, passed in the neagtive.

The said amendments were then, upon the question put thereon, agreed to by the House.

Motion to re-commit Bill negatived

Mr. Goudge then moved, that the Bill be recommitted, for the purpose of therein extending to other parts of the Province the system of General License, by Law, now in force in Halifax : which, being seconded and put, and the House diving thereon, there appeared, for the motion, seven ; against it, thirty.

For the motion,

Mr Holmes
Mr Goudge
Mr Huntington
Mr McDougall
Mr Uniacke
Mr Halton
Mr Whitman

Against the motion,

Mr Thorne	Mr Allison	Mr McHeffy
Mr W Sargent	Mr Holland	Mr Clements
Mr McLellan	Mr Miller	Mr Chipman
Mr J Sargent	Mr McDonald	Mr Annand
Mr Holdsworth	Mr Upham	Mr Lewis
Mr Archibald	Mr Heckman	Mr Dickson
Mr Fairbanks	Mr Benjamin	Mr Robichau
Mr Waterman	Mr Morton	Mr Smith
Mr Spearwater	Mr Bell	Hon Mr Dewolf
Mr Forrestall	Mr Dickey	Mr Forrester

So it passed in the negative.

2d Motion to re-commit Bill negatived

Mr. Goudge then moved, that the Bill be recommitted for the purpose of altering the second clause thereof, added by way of amendment, and before set forth by inserting the words “ Porter, Ale, Beer or Spirituous Liquors,” after the word “ Wines” therein ; which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twelve ; against it, twenty-six. So it passed in the negative.

Ordered, That the Bill, with the amendments, be engrossed.

Amendts. to Flour Drawback Bill not agreed to

The amendments to the Bill to grant a Drawback on Foreign Wheat Flour, in certain cases, were read ; and thereupon,

On motion of Mr. Young, *resolved*, that the said amendments be not agreed to.

Bills to be engrossed

Ordered, That the Bill be engrossed, without the amendments.

Ordered, That the several Bills reported, without amendments, be engrossed.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Agree to amended St. Mary's Bill

The Council have agreed to the Bill, entitled, An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District, as amended.

And then the Messenger withdrew.

The

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a copy of Despatch from His Excellency the Lieutenant-Governor of Prince Edward Island, with a copy of an address from the House of Assembly of the Island to His Excellency the Lieutenant-Governor thereof, in relation to a proposed Steam Navigation establishment between Pictou, Charlottetown and Miramichi, and His Excellency's the Lieutenant-Governor of this Province recommendation thereon, as followeth: the Lieutenant-Governor recommends the subject of these Papers to the early consideration of the House of Assembly, and is confident that Nova-Scotia. will readily co-operate with New-Brunswick and Prince Edward Island, in promoting an object of such great importance, as the establishment of a more frequent communication by Steam between the Ports of Pictou, Charlottetown and Miramichi; and the same were read by the Clerk—for the copies of Despatch and Address,

(See Appendix, No. 67.)

Ordered, That the Papers be referred to the Committee on Steam Navigation.

The Hon. Mr. Dewolf, also by the like command of His Excellency, presented an application addressed to His Excellency by the Provincial Treasurer, requesting an allowance for extra services performed by him, in addition to the usual duties of his Office, with the following recommendation of His Excellency thereupon, viz: the extra services which the Treasurer has performed, and his constant attention to all the duties of his Office, and the inadequacy of his Salary, justify, in the Lieutenant-Governor's opinion, this application, which is therefore strongly recommended to the favorable consideration of the House of Assembly; and the Lieutenant-Governor earnestly hopes that the House will see the propriety of at once fixing this Officer's Salary at such a rate as shall relieve him from the unpleasant necessity of occasionally renewing his claim for additional remuneration; and the said application and recommendation were read by the Clerk—for the application,

(See Appendix, No. 68.)

Ordered, That the application and recommendation do lie on the Table.

A Petition of Richard Smith and others, Ship Owners, Traders and other persons, residing in the Township of Douglas, in the County of Hants, was, by special leave of the House, presented by Mr. Smith and read, praying that the Port of Douglas may be made a Free Port, and a proper Officer stationed there to collect the Duties and enforce the Laws against those who violate them.

Ordered, That the Petition be referred to the Select Committee on the subject of the limits of Free Ports.

Ordered, That the Chairman of the Committee of Supply do now report the several Resolutions from the Committee not heretofore reported, and accordingly.

Mr. Clements reported the following Resolutions, which were read by the Clerk, viz:

1. *Resolved*, That the sum of One Thousand Pounds be granted and paid to Herbert Huntington and William Young, Esqrs., the Delegates appointed by this House to conduct certain Negotiations with Her Majesty's Government, to reimburse them the expences of that Delegation.

2. *Resolved*, That the sum of Five Hundred Pounds Currency per Annum, be granted and paid for three years, to encourage the running of a Steam Boat between Halifax and St. John's, Newfoundland, twice in each month, touching at Arichat, Sydney, and such other Ports as may be selected by the Owner or Owners of said Boat. The said sums to be drawn by Warrant on the Treasury, and paid to any Individual or Company on its being certified, to the Lieutenant-Governor, that a Vessel of not less than eighty horse power has performed this service, whenever the Navigation has not been obstructed by Ice.

3. *Resolved*, That the sum of Two Hundred and Fifty Pounds be granted and paid, towards finishing the Bridge across the French River in the County of Colchester.

4. *Resolved*, That the sum of One Hundred Pounds be granted and paid in aid of the erection of a Bridge over Salmon River, on the Main Post Road from Guysborough to Canso.

Copy of Despatch from Lt. Gov. of P. E. Island with Address of Assembly there relative to Steam Communication laid before House

With Lieut. Gov. recommendation

Ref. to Com. on Steam Navigation

Application from Provincial Treasurer for increased allowance laid before House with recommendation from Lt. Gov.

Pet. from Douglas for Free Ports, &c.

Referral to Com. on Free Ports

1000l. Delegates

500l. Steam-Boat NF.

250l. Bridge French River

100l. Bridge Salmon River.

981. Bridge Sydney 5 *Resolved*, That the sum of Ninety-eight Pounds be granted and paid to the County of Sydney, to pay for the necessary repairs made on the Bridges of that County, damaged or destroyed by the gale of September, 1839.
2301. Roads in Pictou 6 *Resolved*, That the sum of Two Hundred and Eighty Pounds be granted for the Service of Roads and Bridges within the County of Pictou, to be appropriated as follows: that is to say—One Hundred and Forty Pounds to aid in Re-building the Bridge over the River John, on the Post Road from Pictou to Wallace, and the remaining One Hundred and Forty Pounds in Repairing or Rebuilding the Bridge over Sutherland's Brook, on the Post Road, and in completing the first section of the New Line of Road through Merrigomish, according to Crerar's Report.
2001. Great Eastern Road 7 *Resolved*, That the sum of Two Hundred Pounds be granted and paid, to be expended on the Great Eastern Road, between Taylor's and Gay's River.
201. 11s. 4d. Scott Tremain 8 *Resolved*, That the sum of Twenty Pounds Eleven Shillings and Four Pence be granted and paid to Scott Tremain, to defray the following charges incurred in the prosecution of John Longmire, tried and acquitted on a charge of Murder on the High Seas, in the year 1838, viz :
- | | |
|------------------|----------------|
| Deputy Registrar | £14 17 4 |
| Marshall | 1 1 0 |
| Crier | 1 0 0 |
| Sheriff | 3 13 0—20 11 4 |
- 201 Ed. Crowell 9 *Resolved*, That the sum of Twenty Pounds be granted and paid to Mr. Edmund Crowell, to enable him to keep up his Establishment at the Scal Islands, for the relief of Shipwrecked Mariners, for the present year.
151. R. Nickerson 10 *Resolved*, That the sum of Fifteen Pounds be granted and paid to R. Nickerson, to aid him in keeping up his Establishment for the reception of Travellers at Beaver Dam County of Shelburne.
71. 10s. Ferryman LaHave River 11 *Resolved*, That the sum of Seven Pounds Ten Shillings be granted and paid to each of the Ferryman employed on the La Have River, to be expended in procuring two Horse Boats; the said sums to be paid when it shall be certified by the Court of General Sessions of the Peace, for the County of Lunenburg, that such Boats have been procured.
121. Importation of Books 12 *Resolved*, That the sum of One Hundred and Twenty Four Pounds be granted to Herbert Huntington and William Young, Esqrs. to repay the balance due them on the Importation of Books, and other necessary services for the Assembly.
2001. Steam-Boat Company 13 *Resolved*, That the sum of Two Hundred Pounds be granted and paid to the Halifax Steam Boat Company for the present year.
141. 16s. 10d. Richard Huntington 14 *Resolved*, That the sum of Fourteen Pounds Sixteen Shillings and Ten Pence, be granted and paid to Richard Huntington as a return of Duties on a Printing Press and Machinery imported into Yarmouth.
151. R. Roberts 15 *Resolved*, That the sum of Fifteen Pounds be granted and paid to Robert Roberts, Sheriff of Queen's County, for payment of expenses incurred by him, and as compensation for his services in seizing a quantity of Foreign Goods attempted to be smuggled into Liverpool; pursuant to Report of the Committee.
151. W. Crook 16 *Resolved*, That the sum of Fifteen Pounds be granted and paid to William Crook, for the expence of Building a Bridge, as reported by the Committee.
241. 2s. 9d Baptist Ed. Society 17 *Resolved*, That the sum of Twenty-four Pounds Two Shillings and Nine-pence be granted and paid to the Baptist Education Society at Horton, for a Return of Duties by them paid, on the Importation of a Philisophical Apparatus, for the use and benefit of Queen's College.
21. 7s. 7d. Jas. Bowes 18 *Resolved*, That the sum of Two Pounds Seven Shillings and Seven Pence, be granted and paid to James Bowes, being amount of Duty on a Printing Press imported.
101. 4s. 9d. Gossip & Conde 19 *Resolved*, That the sum of Ten Pounds Four Shillings and Nine Pence be granted and paid to Gossip and Conde, being the amount of Duty paid by them on the Importation of a Printing Press.
1001. Jas. Moyler 20 *Resolved*, That the sum of One Hundred Pounds be granted and paid to James Moyler,

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ler, crippled by the falling of a bank upon him, whilst employed at work on the Roads, to enable him to conduct some business by which he may be sustained.

21 *Resolved*, That the sum of Twenty One Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to pay to Lawrence O'Connor Doyle, Esqr., certain charges incurred in Criminal Prosecutions at Halifax. 21l. Lt. Governor

22 *Resolved*, That the sum of Twenty Nine Pounds be granted and paid to the Overseers of the Poor for the Township of Economy, to enable them to pay James Moore, the sum of Five Pounds, for balance of his account for board and attendance for a Transient female Pauper, found in the Woods near that place; and also to pay Dr. R. F. Crow Twenty Four Pounds in full of his account for amputation of the legs, and Medical attendance on said Pauper, pursuant to the Report of a Committee of this House. 29l. Overseers of Poor Economy

23 *Resolved*, That the sum of Seven Pounds Ten Shillings be granted and paid to Dr. E. F. Harding, agreeably to the Report of the Committee on the claims for Transient Poor. 7l. 10s. E. F. Harding

24 *Resolved*, That the sum of Seven Pounds Ten Shillings be granted and paid to Dr. F. C. Pike, agreeably to the Report of the Committee on Transient Poor. 7l. 10s. Dr. Pike

25 *Resolved*, That the sum of Twenty-one Pounds Five Shillings and Nine Pence be granted and paid to the Overseers of the Poor of the Township of Windsor, agreeably to the Report of the Committee on Transient Poor. 21l. 5s. 9d. Overseers of Poor Windsor

26 *Resolved*, That the sum of Four Pounds Fourteen Shillings and Four Pence be granted and paid to Charles McAlpine, Esq., for interring Shipwrecked Mariners at Louisburg, agreeably to his Petition and the Report of the Committee thereon. 4l. 14s. 4d. C. McAlpine

27 *Resolved*, That the sum of Eleven Pounds Seven Shillings and Six Pence be granted and paid to the Overseers of the Poor of the Township of Aylesford, agreeably to the Report of the Committee on Transient Poor. 11l. 7s. 6d. Overseers of Poor Aylesford

28 *Resolved*, That the sum of Forty Pounds Eleven Shillings be granted and paid to the Overseers of the Poor for the Township of Manchester in pursuance of the Report of the Committee to repay the said Overseers the sums of money advanced by them for the support of Transient Paupers. 40l. 11s. Overseers of Poor Manchester

29 *Resolved*, That the sum of Fifteen Pounds Seventeen Shillings be granted and paid by John McLearn of Horton, in payment of expences incurred in maintaining Transient Paupers, agreeably to the Report of the Committee on Transient Poor. 15l. 17s. J. McLearn

30 *Resolved*, That the sum of Twelve Pounds Ten Shillings be granted and paid to A. B. Pipes, agreeably to the Report of the Committee on Transient Poor. 12l. 10s. A. B. Pipes

31 *Resolved*, That the sum of Ten Pounds be granted and paid to Dr. B. Page, agreeably to the Report of the Committee on Transient Poor. 10l. Dr. Page

32 *Resolved*, That the sum of Thirty-three Pounds Twelve Shillings and Six Pence be granted and paid to the Overseers of the Poor for the Township of Yarmouth, to reimburse them in part for sums expended on Transient Paupers, pursuant to the Report of the Committee. 33l. 12s. 6d. Overseers of Poor Yarmouth

33 *Resolved*, That the sum of Five Pounds Thirteen Shillings and Six Pence be granted and paid to Dr. Elijah Purdy, agreeably to the Report of the Committee on Transient Poor. 5l. 13s. 6d. Dr. E. Purdy

34 *Resolved*, That the sum of Three Pounds One Shilling and Seven Pence be granted and paid to John Stewart and others, formerly Overseers of the Poor for the Township of Antigonish, in accordance with the prayer of their Petition, and the Report of the Committee thereon. 3l. 1s. 7d. Overseers of Poor Antigonish

35 *Resolved*, That the sum of Eight Pounds Eleven Shillings and Three Pence be granted and paid to the Overseers of the Poor for the Township of Shelburne, for Money expended by them in relief of Transient Paupers. 8l. 11s. 3d. Overseers of Poor Shelburne

36 *Resolved*, That the sum of Seven Pounds Ten Shillings be granted and paid to Dr. Edward L. Brown of Horton, for attendance upon Indians sick with the Small Pox. 7l. 10s. E. Brown

37 *Resolved*, That the sum of Twenty Pounds be granted and paid to the Ferryman for the River Shubenacadie appointed by the Court of Sessions for the County of Colchester, for the building and fitting up of a proper Boat for the Transportation of Horses and Carriages. 20l. Ferry Shubenacadie

Carriages across said Ferry, to be paid on the Certificate of the said Sessions, that such Boat is actually provided and in use, which Boat is to be Public Property, and held by the duly Licensed Ferryman for the time being.

151. S. Dodge

38 *Resolved*, That the sum of Fifteen Pounds be granted and paid to Samuel Dodge, according to the Report of the Committee on his Petition.

711. Ss. 61. Lt. Gov.

39 *Resolved*, That the sum of Seventy-one Pounds Eight Shillings and Six Pence be granted and placed at the disposal of His Excellency the Lieutenant-Governor, in pursuance of the Report of the Committee, to enable him to pay Wentworth-Taylor's charges for Exploring, Surveying, and marking part of the Line for the New Eastern Road from Dartmouth to the Gut of Canso, from the termination of the Survey formerly made by Messrs. Taylor and McKenzie, and also for making a Plan thereof, and to pay the balance of £50 advanced by His Excellency the Lieutenant-Governor under the Vote of this House.

71. C. McCarthy

40 *Resolved*, That the sum of Seven Pounds be granted and paid to Charles McCarthy being a Return of Duty overpaid by him at Bridgeport, as appears by the Report of the Committee on Trade and Manufactures.

121. 17s. 6d. Henry Hatton

41 *Resolved*, That the sum of Twelve Pounds Seventeen Shillings and Six Pence be granted and paid to Henry Hatton, Esq., as a return of Duties on Sails, accidentally burnt, pursuant to the Report of the Committee on Trade.

501. J. F. Muncey

42 *Resolved*, That the sum of Fifty Pounds be granted and to John F. Muncey, being his proportion of Bounties on Sealing Voyages, pursuant to the Report of the Committee on Trade.

111. W. Munro

43 That the sum of Eleven Pounds be granted and paid to William H. Munro, being his proportion of Bounty on a Sealing Voyage, pursuant to the Report of the Committee on Trade.

331. 6s. 8d. Breakwater in Wilmot

44 *Resolved*, That the sum of Thirty-three Pounds Six Shillings and Eight Pence be granted and paid to aid the Inhabitants of Marshall's Cove, Wilmot Mountain, to finish the Breakwater in that Township, to be drawn from the Treasury, when His Excellency the Lieutenant-Governor shall be satisfied that £100 already subscribed by the Inhabitants has been expended in that undertaking, and the site secured for the use of the Public.

1331. 6s. 8d. Pier at Well's Cove

45 *Resolved*, That the sum of One Hundred and Thirty-three Pounds Six Shillings and Eight Pence be granted and paid to aid the Inhabitants to complete the Pier or Breakwater at Well's Cove, in Clare, when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor, that, in addition to any former Subscription, the sum of £400 has been raised by private Subscription, and expended in the same work, and that the site and use of the Breakwater has been secured to the Public.

331. 6s. 8d. Pier at Givan's Cove

46 *Resolved*, That the sum of Thirty-three Pounds Six Shillings and Eight Pence be granted to aid the Inhabitants to complete the Pier or Breakwater at Givan's Cove, in Cornwallis, to be drawn when His Excellency the Lieutenant-Governor shall be satisfied, that an additional subscription of £100 over and above all subscriptions formerly made, has been raised by private contribution, and expended in the same work, and the site and use of the said Pier or Breakwater have been secured to the Public.

1661. 13s. 41. Pier at Chute's Cove

47 *Resolved*, That the sum of One Hundred and Sixty-six Pounds Thirteen Shillings and Four Pence be granted to aid the Inhabitants to complete the Pier or Breakwater at Chute's Cove, in Granville, whenever it shall be certified and made satisfactorily to appear to His Excellency the Lieutenant-Governor, that the sum of £500 has been raised by private contribution and expended in the same work, and the site and use of the said Pier or Breakwater have been secured to the Public.

201. Pier at Havre au Bouche

48 *Resolved*, That the sum of Twenty Pounds be granted to aid the Inhabitants in completing the Pier or Breakwater at Havre au Bouche, to be drawn from the Treasury, when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor, that the sum of £60 has been raised by private contribution, and actually expended in the said work, and the site and use of the said Pier or Breakwater have been secured to the Public.

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49 *Resolved*, That the sum of One Hundred and Sixty-six Pounds Thirteen Shillings and Four Pence be granted to aid the Inhabitants at Montagan, in completing the Pier or Breakwater at Montagan River, to be drawn when it shall be certified and made satisfactorily to appear to His Excellency the Lieutenant-Governor, that the sum of £500 has been raised by private contribution and expended in the said work, and the site and use of the Pier or Breakwater secured to the Public. 166l. 13s. 4l. Pier at Montagan River

50 *Resolved*, That the sum of Ten Pounds be granted and paid to erect and place five Buoys in Pubnicō Harbour and Cockawit Pass, agreeably to the Report of the Committee on Navigation Securities. 10l. Buoys in Pubnico Harbour

51 *Resolved*, That the sum of Twenty Pounds be granted and paid for the removal of an obstruction at the entrance of Hartly's Harbour, in the County of Queen's, pursuant to the Report of the Committee. 20l. To remove obstruction at Hartley's harbour

52 *Resolved*, That the sum of Fifty Pounds be granted to enable the Inhabitants of the County of Richmond, to re-open the old Channel between Rocky Bay and Petit de Grat, thus connecting the waters of St. Peter's Bay with those of the Atlantic. 50l. To re-open old Channel Petit de Grat

53 *Resolved*, That the sum of One Hundred Pounds be granted and paid to the Trustees of the Lunenburg Academy, for the support of that Institution for the present year. 100l. Trustees of Lunenburg Academy

54 *Resolved*, That the sum of Sixty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of continuing the Revenue Boat, at the entrance of Annapolis River, during the present year, under directions of the Collector of the Customs at Digby. 60l. Revenue Boat at Annapolis

55 *Resolved*, That the sum of Two Hundred and Thirteen Pounds Six Shillings and Seven Pence be granted and placed at the disposal of His Excellency the Lieutenant-Governor, in addition to the balance of the Passengers' Fund, now in the hands of the Treasurer, £64 15s. 1d. in order to enable His Excellency to defray the expenses of Shipwrecked Passengers, wrecked in the Ship Aid de Camp. 213l. 6s. 7d. Expenses of shipwrecked passengers

The said several Resolutions having been read a second time,

Mr. McLellan moved, that the second Resolution for granting £500, annually, for three years, to encourage the running of a Steam Boat between Halifax and St. John's Newfoundland, be not received by the House: which, being seconded and put, passed in the negative. Motion against Vote for Steam Boat to St John N. F. negatived

Mr. Dickey moved, that the third Resolution for granting £250 to finish the Bridge over the French River, in the County of Colchester, be not received by the House: which, being seconded and put, passed in the negative. Motion against Vote for French River Bridge negatived

Mr. Dickey moved, that the twelfth Resolution for granting £200 to the Halifax Steam Boat Company, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen; against it, twenty-four. Motion against 200l. Halifax Steam Boat negatived

So it passed in the negative.

Mr. McLellan moved, that the twentieth Resolution for granting the sum of £100 to James Molyer, be not received by the House: which, being seconded and put, passed in the negative. Motion against vote for J. Molyer negatived

Mr. Goudge moved, that the fifty-first Resolution for granting £20 to remove a Rock at the entrance of Hartley's Harbor, in Queen's County, be not received by the House: which, being seconded and put, passed in the negative. Motion against vote for removing Rock at Hartley's Cove negatived

The said several Resolutions were then, upon the question respectively put thereon, agreed to by the House. Resolutions agreed to

Ordered, That the Clerk do carry the Resolutions to the Council, and desire their concurrence.

Then the House adjourned until To-morrow, at Twelve of the clock.

Thursday, 12th March, 1840.

PRAYERS.

Mr. Uniacke, from the Committee to whom was referred the Bill to provide for building a Bridewell, reported that the Committee had considered the Bill, and had directed him to report Bridewell Bill reported & committed

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report the same to the House, without any amendment; and he delivered the Bill in at the Clerk's Table.

The Bill was then read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Com. to wait on
Gov. with Light
House Report

On motion of Mr. Uniacke, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, with a copy of the Report of the Committee on Light Houses, and respectfully to request His Excellency to carry such Report into effect, by directing the various services required therein, to be discharged faithfully.

Ordered, That the Committee who reported on Light Houses, be a Committee for the foregoing purpose.

Dartmouth Streets
Bill read 2d time &
committed

A Bill to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and other places, was read a second time.

Ordered, That the Bill be committed to a Committee of the whole House.

Applications for
payment of ex-
pences of Transient
Poor to be proper-
ly vouched, &c.

On motion of Mr. Young, *resolved*, that no application will hereafter be received by this House for grants of Money in respect of Transient Paupers, unless the Accounts have been rendered, under Oath, by the Overseers of the Poor, with the vouchers and items, and unless the necessary examinations have been taken and returned with the Petitions to the Assembly, and the other requisitions of the Law, in that behalf, have been strictly complied with, or very peculiar circumstances be stated and proved to excuse the nonfulfilment thereof.

Ordered to be pub-
lished after and be-
fore Session

Ordered, That the foregoing Resoulution be published for one month, respectively, after the close of the present Session, and before the commencement of the next Session of Assembly.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Agree to Bills relat-
ing to River Fish-
eries

The Council have agreed to the Bill, entitled, An Act to continue the Acts in addition to, and in amendment of, the Act to prevent Nuisances, by Hedges, Wears or other Incumbrances, obstructing the passage of Fish in the Rivers of this Province; the Bill entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie; the Bill to continue the Act for regulating the Fisheries within the County of Lunenburg, by Mill Dams, or any other obstruction; and the Bill to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels, severally without any amendment.

And nets of Fish-
ermen

And then the Messenger withdrew.

Council's Bill Ma-
rine Insurance
Companies read 2d
time

The engrossed Bill from the Council, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors, was read a first time, and ordered to be read a second time.

School Bill report-
ed and committed

Mr. Howe, from the Committee on Education, reported that the Committee had considered the Bill referred to them, to continue the several Acts for the encouragement of Schools, and had agreed to report the same to the House, without any amendment; and he delivered the same in at the Clerk's Table.

Ordered, That the Bill be committed to a Committee of the whole House.

Report fin. Com.
on ans. to Lands &
Tenements Bill
made by Council

Mr. DesBarres, from the Committee to whom was referred the amendments made by the Council to the Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force, reported that the Committee had considered the said amendments, and recommend to the House to agree to certain thereof without amendment, and to the remainder thereof with certain amendments—and he stated the same respectively to the House, and afterwards delivered the amendments of the Council, with the amendments proposed thereto, in at the Clerk's Table.

House proceed to
consider ans. of
Council as follow

The House then proceeded to take into consideration the said amendments; and the amendments made by the Council were read as follow :

1st.—“ 2d. clause”—leave out this clause.

2d.

2d.—“3d clause”—leave out this clause.

After the 6th clause insert the following clauses :

3d.—*And be it further enacted*, That an Advertisement, of similar tenor and effect, shall be posted in some public and conspicuous place or places near the Land to be Sold, at least twenty days before the time of Sale ; and, in cases where the Defendant resides within the Province, an Advertisement of similar tenor and effect shall be served on him, or left at his place of abode with some person there, at least thirty days before the time of Sale.

4th.—*And be it further enacted*, That the return of the execution by the Sheriff, by whom such Sale shall be made, shall state the Newspapers in which such Advertisement was inserted, and the time of its continuance therein ; and also, the place or places where, and the time or times when, such Advertisement was so posted ; and also, shall state the time and manner of service of such Advertisement on the Defendant, or at his abode, and that such return shall be, and be held, and received to be, *prima facie* proof of the facts so stated.—*Provided*, that when the Defendant resides in a County different from that in which the Lands lie, the Sheriff or his Deputy of the County where the Defendant resides, shall make return of the service of such Advertisement on him, or at his abode as aforesaid, and the same shall be, and be accepted as *prima facie* proof of the facts aforesaid.

5th.—7th clause—leave out all the words between the word “said” in the 3d line and the word “the” in the 7th line, and insert instead the word “Advertisement.”

6th.—10th clause—12th line after the word “accrued” insert “and in respect to determining such Tenancy by notice, entry, or otherwise.”

At the end of the clause insert the following Proviso :

7th.—“*Provided*, That in case such Tenant or Tenants shall pay any such Rent to the said Defendant or other his original Landlord, without notice of such Sale, he shall not be answerable to pay the same again to such purchaser or purchasers, but such purchaser or purchasers shall have remedy for the same, against the said Debtor so having received the same.

8th.—11th clause—12th line after the word “Act” insert the words “so far as to transfer to the purchaser all the right of the person against whom the Execution shall have issued.”

9th.—12th clause—leave out this clause.

10th.—13th clause—leave out this clause and the preamble to it.

11th.—14th clause—15th line after the word “Judgment” insert the words “to redeem such prior judgment or otherwise.”

12th.—29th line after the word “shall” leave out the remainder of the clause, and insert instead the following words :

“Cause the same to be Sold under the provision of this Act, but subject to the preferable payment of such prior judgment or judgments, out of the proceeds of such Sale, agreeably to the priority thereof ; and provided also, that such prior judgment Creditor may after such notice and before such Sale, entitle himself to an assignment of any such subsequent judgment, by payment of the full amount of principal, interest, and expenses due thereon.

13th.—19th clause—leave out this clause.

At the end of the Bill add the following clauses :

14th.—*And be it further enacted*, That in all cases where Judgment is or shall be registered as herein provided, and any Lands of the Defendant subject to the lien of such Judgment, shall be under Lease, or in the possession of a Tenant, it shall be lawful for the judgment Creditor, at any time after registering his judgment, to give notice of his lien under such judgment to the Lessee or Tenant, and to require the payment of the rent or other equivalent in nature of rent reserved or payable by such Lessee or Tenant, to be made to the said judgment Creditor, and after service of such notice in writing, the said Lessee or Tenant shall be answerable to the said judgment Creditor for all such rent as may, at the time of such service, be in arrear, or may thereafter accrue, towards satisfaction of the interest, expenses, and principal sum due on such judgment.—*Provided*, that when there shall be more than one registered judgment or lien on such Land, the service of any such notice
by

THURSDAY, 12th MARCH, 1840.

by a subsequent Incumbrancer, shall not preclude the right of any other previous Incumbrancer to adopt a similar proceeding, by notice, for recovering of any such rents or other equivalent, and the notice given by any such prior Incumbrancer shall be effective from the time of such service, notwithstanding the service of any notice as aforesaid, by a subsequent Incumbrancer.

15th.—*And be it further enacted*, That, after such notice, any such judgment Creditor shall have the like remedies against any such Lessee or Tenant, by distress or otherwise, for recovering of any such rent or equivalent, in nature of rent, as a Landlord, now by Law, has against his Tenant.

16th.—*And be it further enacted*, That if, upon the Sale of any Lands, the same shall sell for more than the original Debt, Costs, Charges and Interest, upon the judgment, the overplus shall be paid to the Debtor or Debtors, their Heirs, Executors, Administrators or Assigns."

First and second
ams. agreed to

The first and second of said amendments being again read, were agreed to.

Third am. amended

The third amendment being again read, an amendment was made thereunto, by leaving out all the words in that amendment after the word "Sale" in the sixth line; and the said amendment so amended was agreed to.

Fourth am. agreed
to

The fourth amendment being again read, an amendment was made thereunto, by leaving out all the words between the word "posted" in the 8th line, and the word "and" in the 11th line, and by leaving out the Proviso at the end of that amendment; and the said amendment so amended was agreed to.

Ams. from 5th to
9th agreed to

The amendments from the fifth to the ninth, (both inclusive,) being again read, were agreed to.

Tenth am. amend-
ed

The tenth amendment being again read, an amendment was made thereunto, by omitting the words "leave out" before the word "this" in that amendment, and instead of the words so omitted inserting the words "at the end of," and after the word "clause" in that amendment, leaving out all the rest of the amendment, and instead of the words so left out, inserting add the following words, that is to say, "and that the party as against whose title such informality, irregularity or defect, as aforesaid, may be alleged and proved, shall be in the actual possession and occupancy of the Lands and Premises that have been levied upon and sold in Execution as aforesaid;" and the said amendment so amended was agreed to.

Remainder of
amndts. agreed to

The remainder of said amendments made by the Council, being then again read, were agreed to.

Sent to Council

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them with the foregoing proceedings and determination of this House thereon; and desire the concurrence of the Council to the amendments made by this House to certain of their amendments.

House in Com. on
Bills

On motion, the House resolved itself into a Committee on Bills.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Rep. without am.
Bridewell Bill
Beef weighing Bill
Schools Bill
Pickled Fish In-
spection Bill &

The Chairman reported from the Committee, that they had gone through the Bill, to provide for Building a Bridewell; the Bill to continue the Act to regulate the Weighing of Beef; the Bill to continue the several Acts for the encouragement of Schools; and the Bill to continue the Acts in force relative to the inspection of Pickled Fish, with the amendments proposed thereto, by the Select Committee, and referred to this Committee with the Bill; and that the Committee had directed him to report the said Bills to the House, severally, without any amendment—that the Committee had also gone through the Bill to make provision for payment of the expenses of the Census of the County of Cape Breton, and had made an amendment thereto, which they had directed him to report to the House with the Bill; and he afterwards delivered the Bills and amendment in at the Clerk's Table.

Cape Breton Cen-
sus Bill with am.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The

THURSDAY and FRIDAY, 12th and 13th MARCH, 1840.

The amendment reported to the last mentioned Bill, was read, and agreed to by the House.

Ordered, That the Bill, with the amendment, be engrossed.

Ordered, That the Bills reported without amendment, be engrossed.

Ordered, That the several Members from the respective Counties of this Province, do report to this House on Saturday next, the 14th inst., Scales of Subdivision of the respective sums allotted to each County, out of the sum of £18000 voted for the service of Roads and Bridges for the present year.

Order of Day for
presenting Road
Scales

Then the House adjourned until to-morrow, at twelve of the Clock.

Friday, 13th March, 1840.

PRAYERS.

An engrossed Bill for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province and for promoting the Agriculture, Commerce and Fisheries thereof, was read a third time.

Engrossed Bills
read 3d time viz :
General Impost Bill

Resolved, That the Bill do pass, and that the title be, An Act for granting Colonial Duties of Impost, for the support of Her Majesty's Government within this Province and for promoting the Agriculture, Commerce, and Fisheries thereof.

Passed

An engrossed Bill to continue the Act for the general regulation of the Colonial Duties, was read a third time.

Duties regulation
Bill

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for the general regulation of the Colonial Duties.

Passed

An engrossed Bill to continue the Act concerning Goods exported, and for granting Drawbacks, was read a third time.

Drawback Bill

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act concerning Goods exported, and for granting Drawbacks.

Passed

An engrossed Bill to continue the several Acts for the prevention of Smuggling, was read a third time.

Prevention of
Smuggling Bill

Resolved, That the Bill do pass, and that the title be, An Act to continue the several Acts for the prevention of Smuggling.

Passed

An engrossed Bill to continue and amend the Act for the Warehousing of Goods, was read a third time.

Warehousing Bill

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Act for the Warehousing of Goods.

Passed

An engrossed Bill to continue and amend the Act for regulating the Importation of Goods, was read a third time.

Regulating impor-
tations Bill

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Act for regulating the Importation of Goods.

Passed

An engrossed Bill to grant a Drawback on foreign Wheat Flour, in certain cases, was read a third time.

Drawback on Flour

Resolved, That the Bill do pass, and that the title be, An Act to grant a Drawback on foreign Wheat Flour, in certain cases.

Passed

An engrossed Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same, was read a third time.

General Licenses
Bill

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and the Act to alter the same.

Passed

An engrossed Bill to continue the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same, was read a third time.

Licenses in Halifax

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act for granting

Passed

FRIDAY, 13th MARCH, 1840.

granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.

Bill to repeal
Clause of Mirè
Grant Act

An engrossed Bill to repeal the tenth clause of the Act for settling Titles in a certain Tract of Land, called the Mirè Grant, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to repeal the tenth clause of the Act for settling Titles in a certain Tract of Land, called the Mirè Grant.

Bridewell Bill

An engrossed Bill to provide for building a Bridewell, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to provide for building a Bridewell.

To continue Beef
Weighing Act

An engrossed Bill to continue the Act to regulate the Weighing of Beef, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the Weighing of Beef.

Bill to continue
School Acts

An engrossed Bill to continue the several Acts for the encouragement of Schools, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to continue the several Acts for the encouragement of Schools.

Bill to continue
Pickled Fish In-
spection Acts

An engrossed Bill to continue the Acts in force relative to the Inspection of Pickled Fish, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to continue the Acts in force relative to the Inspection of Pickled Fish.

Cape Breton Cen-
sus Bill

An engrossed Bill to make provision for payment of the expenses of the Census of the County of Cape Breton, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to make provision for payment of the expenses of the Census of the County of Cape-Breton.

Bills sent to Council

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

Message from
Council

A Message from the Council, by Mr. Haliburton :

Agree to Lunen-
burg Academy Bill
with amendts.

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for the regulation and management of the combined Common and Grammar School at Lunenburg, with amendments—to which they desire the concurrence of this Honourable House.

And then the Messenger withdrew.

Amndts. agreed to

The said amendments were read a first time, and the House proceeded to take the same into consideration, and they were read a second time as follow :

“2d clause”—after the word “Commissioners,” in the seventh line, leave out the remainder of the clause.

At the end of the Bill add the following clause :

And be it further enacted, “That this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.”

On motion of Mr. Howe, *resolved*, that the said amendments be agreed to.

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the amendments.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Desire Conference

The Council desire a Conference, by Committee, with a Committee of this Honorable House, on the General State of the Province.

And then the Messenger withdrew.

Conference agreed
to and held

On motion, *resolved*, that this House do agree to the Conference as desired by the Council, and that the Clerk do acquaint the Council therewith.

Ordered, That Mr. Young, Mr. Huntington and Mr. Fairbanks, do manage the Conference. So they went to the Conference.

Com. of Supply

On motion, the House resolved itself into the Committee of Supply.

Mr.

FRIDAY, 13th MARCH, 1840.

Mr. Speaker left the Chair,

Mr. Elements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to sundry Resolutions, which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The said Resolutions were then read as follow:

1. *Resolved*, That the sum of Fifteen Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to employ three Schooners for repressing encroachments on the Fishing Grounds of this Province, and to Seize Vessels violating the Rules, Regulations and Laws, for the protection of the Fisheries; and also, to carry into effect the Revenue Laws, and the Laws for the prevention of Smuggling, in this Province.

Report Resolutions
1,500l. to employ
vessels to protect
fisheries

2. *Resolved*, That the sum of Seventy-nine Pounds Six Shillings be granted and paid to the Overseers of the Poor for the Township of Pictou, for the current year, to remunerate said Township, for expenses incurred in the support and relief of Transient Paupers, during the year 1839.

79l 6s. Overseers
Pictou

3. *Resolved*, That the sum of Two Thousand Three Hundred and Sixty-nine Pounds and Eight Pence be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to repay the amount advanced by His Excellency's direction on the Great Eastern and Western Roads, during the last year.

2369l. 0s. 8d. Mo-
nies expended by
Lt. Governor on
Great Roads

4. *Resolved*, That the sum of Sixty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of placing a Revenue Boat in the Basin of Mines, for the present year, under the direction of the Excise Officer at Windsor.

60l. Revenue Boat
Windsor

5. *Resolved*, That the sum of Thirty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat and Tide Waiters or Boatmen at Pictou, to aid in the protection of the Revenue, to be under the direction of the Collector of Excise at that Port.

30l. Revenue Boat
Pictou

6. *Resolved*, That the sum of Three Hundred and Fifty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to cause a Light House to be erected on the Coast at or near Cape George, after actual survey, to ascertain the most eligible situation, in conformity with the Report of the Committee on Light Houses.

350l. Light House
Cape George

7. *Resolved*, That the sum of Six Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to erect a Light House at the entrance of the Basin of Mines, and another Light House at the Head of the Bay of Fundy, after actual Survey, to ascertain the most eligible sites, in conformity with the Report of the Committee on Light Houses.

600l. Light Houses
Basin of Mines and
Bay of Fundy

8. *Resolved*, That the sum of Four Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to cause a Light House to be erected between Sambro and Canso Lights, after actual Survey, to ascertain the most eligible position for the same, agreeably to the Report of the Light House Committee.

400l. Light House
between Sambro &
Canso

The said Resolutions being then read a second time,

Mr. Dickey moved, that the third Resolution, granting £2,369 0s. 8d. to repay the amount expended on the Great Roads, be not received by the House, which, being seconded and put, and the House dividing thereon, there appeared, for the motion, sixteen; against it, nineteen:

Motion not to re-
ceive Resolution
for grand of expen-
diture on Great
Roads negatived

For

FRIDAY and SATURDAY, 13th and 14th MARCH, 1840.

For the motion,

Mr Lewis
Mr Upham
Mr Dickey
Mr Huntington
Mr Annand
Mr Smith
Mr Holdsworth
Mr D'Entremont

Mr Robichau
Mr Spearwater
Mr Goudge
Mr McLellan
Mr Benjamin
Mr Waterman
Mr Clements
Mr Morton

Against the motion,

Mr Halton
Mr Heckman
Mr Holmes
Mr W Sargent
Mr J Sargent
Mr Forrester
Mr DesBarres
Mr Archibald
Mr McDonald
Mr Fairbanks

Mr Thorne
Mr Allison
Hon Mr Dewolf
Mr Forrestall
Mr Uniacke
Mr Bell
Mr Whitman
Mr Miller
Mr Dickson

So it passed in the negative.

Motion not to receive grant for Pictou Revenue Boat negatived

Mr. McLellan moved, that the fifth Resolution, granting £30 for a Revenue Boat at Pictou, be not received by the House: which, being seconded and put, passed in the negative.

Resolutions agreed to

The said several Resolutions were then, upon the question respectively put thereon, agreed to by the House.

Ordered, That the Clerk do carry the Resolutions to the Council, and desire their concurrence.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Saturday, 14th March, 1840.

Motion to rescind Resolution for grant of advance on Great Roads negatived

Mr. Lewis moved, That the Resolution agreed to yesterday, for granting £2,369 0s. 8d., for the expenditure on the Great Roads during the last year, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, sixteen; against it, twenty-six:

For the motion,

Mr Lewis
Mr Upham
Mr Dickey
Mr Huntington
Mr Annand
Mr Smith
Mr Holdsworth
Mr D'Entremont

Mr Robichau
Mr Spearwater
Mr Goudge
Mr Clements
Mr Holland
Mr McLellan
Mr Benjamin
Mr Waterman

Against the motion,

Mr Fairbanks
Mr J Sargent
Mr Uniacke
Mr W Sargent
Mr Thorne
Mr Elder
Mr Halton
Mr Holmes
Mr Dickson

Mr Forrestall
Mr Young
Mr Morton
Mr Creighton
Mr McDonald
Mr DesBarres
Mr Allison
Hon Mr Dewolf
Mr McHefly

Mr Bell
Mr Howe
Mr Miller
Mr Heckman
Mr Whitman
Mr Forrester
Mr Archibald
Mr Chipman

So it passed in the negative.

Treasurer's Claims referred to Com. of Supply

On motion of the Hon. Mr. Dewolf, resolved, that the application of the Provincial Treasurer for compensation for extra services, with the recommendation of His Excellency the Lieutenant-Governor thereon, be referred to the Committee of Supply.

Leave to present Bill to Change sittings of Courts at Arichat refused

Mr. Uniacke moved for leave to present a Bill to change the time of sitting of the Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond: which, being seconded and put, passed in the negative.

Pet. of Comrs. for issuing of Treasury Notes

A Petition of James Foreman, Esqr., the Hon. William Lawson, and Lawrence Harts-horne, Esq., Commissioners for issuing and cancelling Provincial Treasury Notes, was, by special leave, presented by Mr. Bell and read, praying remuneration for their services in that Department, during the last three years.

Referred to Com of Supply

Ordered, That the Petition be referred to the Committee of Supply.

Message from Council

A Message from the Council, by Mr. Halliburton:
Mr. Speaker,

Agree to amended Lunenburg Academy Bill
Agree to some Amendments to amts. of Council to Lands & Tenements Bill

The Council have agreed to the Bill, entitled, An Act for the Regulation and Management of the combined Common and Grammar School at Lunenburg, as amended.

The Council have agreed to the amendments proposed by this Hon. House, to the third and fourth amendments of the Council to the Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force; and

have

have not agreed to the amendments proposed by this Hon. House, to the tenth amendment of the Council to said Bill. And disagree to other amtds.

And then the Messenger withdrew.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to Forty-four Resolutions of this Hon. House, for granting Monies for the following services, viz : Message from Council agreeing to Money Votes

£500	0	0	For three years, annually, to encourage the running of a Steam Boat between Halifax and St. John, Newfoundland.
250	0	0	To finish the Building of the Bridge over French River, in the County of Colchester.
100	0	0	For the Salmon River Bridge, in the County of Guysborough.
98	0	0	To pay expenditure for Bridges in the County of Pictou.
280	0	0	For Roads and Bridges in the County of Sydney.
200	0	0	For the Great Eastern Road between Taylor's and Gay's River, in the County of Halifax.
20	11	4	To Scott Tremain, to defray expences in the Court of Special Sessions of Admiralty.
20	0	0	To Edmund Crowell.
15	0	0	To R. Nickerson.
15	0	0	To the Ferrymen at La Have River.
124	0	0	To Messrs. Huntington and Young, to pay for Books, &c., procured for the Assembly.
200	0	0	To the Halifax Steam Boat Company.
14	16	10	To Richard Huntington, return of Duties.
15	0	0	To Robert Roberts, Sheriff of Queen's County.
15	0	0	To William Crook.
24	2	9	Return of Duties to the Nova-Scotia Baptist Education Society.
2	7	7	Return of Duties to James Bowes.
10	4	9	Return of Duties to Gossip and Coade.
100	0	0	To James Moyler.
21	0	0	To L. O. C. Doyle, Esqr.
29	0	0	To the Overseers of the Poor for Economy.
7	10	0	To Dr. Harding.
7	10	0	To Dr. Pyke.
21	5	9	To the Overseers of the Poor for Windsor.
4	14	4	To Charles McAlpine, Esq.
40	11	0	To the Overseers of the Poor for Manchester.
11	7	6	To the Overseers of the Poor for Aylesford.
15	17	0	To John McLearn.
12	10	0	To A. B. Pipes.
10	0	0	To Dr. Page.
33	12	6	To the Overseers of the Poor for Yarmouth.
5	13	6	To Dr. Purdy.
3	1	7	To the late Overseers of the Poor for Antigonish.
8	11	3	To the Overseers of the Poor for Shelburne.
7	10	0	To Dr. Brown.
20	0	0	For the Shubenacadie Ferry.
15	0	0	To Samuel Dodge.
71	8	6	To Wentworth Taylor, Esq., expences of Survey of Road between St. Mary's and Guysborough.
7	0	0	To Charles McCarthy, return of Duties.
12	17	6	To Henry Hatton, Esq., return of Duties.
50	0	0	To John F. Muncey.

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£11	0	0	To William H. Munro.
33	6	8	For Breakwater, Marshall's Cove, Wilmot.
133	6	8	For Breakwater, at Wells' Cove, Clare.
33	6	8	For Breakwater at Givan's Cove, Cornwallis.
166	13	4	For Breakwater at Chute's Cove, Granville.
20	0	0	For Breakwater at Havre la Bouche.
166	13	4	For Breakwater at Montagan River.
10	0	0	For Buoys at Pubnico and Cockawit.
20	0	0	To remove Rock at entrance of Hartley's Cove, in Queen's County.
50	0	0	To open a Channel between Rocky Bay and Petit de Grat, in the County of Richmond, C. B.
100	0	0	For the Lunenburg Academy.
60	0	0	For a Revenue Boat at Digby.
213	6	7	and £64. 15s. 1d. for expences of persons Shipwrecked in the Ship Aid de Camp.

And then the Messenger withdrew.

Com. of Supply

On motion, the House resolved itself into the Committee of Supply.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Resolution for granting Monies

The Chairman reported from the Committee that they had come to several Resolutions, which they had directed him to report to the House, and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The said Resolutions reported from the Committee, were read a first and second time, and are as follow :

50l. Annapolis Academy & 50l. Andrew Henderson's Academy, &c.

1 *Resolved*, That the sum of Fifty Pounds be granted and paid to the Trustees of the Academy in Annapolis, for the support of that Institution for the present year; and that the sum of Fifty Pounds be granted and paid to Andrew Henderson, Principal of the Academy at Albion Vale, near Annapolis, for the support of his Academy for the present year.

30l. to each County for Oat Mills

2 *Resolved*, That the sum of Fifteen Pounds be granted for each County for the encouragement of building Oatmills, where there shall be only one Applicant, and when more than one Applicant in any County, the sum of Thirty Pounds to such County, to be expended among the several Applicants—said sums to be drawn on the recommendation and upon the conditions stipulated for similar bounties last year.

30l. Oat Mill Dalhousie

3 *Resolved*, That the sum of Twenty Pounds be granted to Francis Walker and others, in aid of the erection of an Oatmill in the Dalhousie Settlement, in the County of Annapolis—said sums to be drawn upon the conditions stipulated in regard to similar bounties being complied with.

10l. Ferry Gut of Canso

4 *Resolved* That the sum of Ten Pounds be granted and paid to Richard Carter, to enable him to run a suitable Ferry Boat or Scow between his landing, on the Western side of the Gut of Canso, and David McPherson's, on the Eastern side thereof—the said Ferry Boat or Scow to be run under the Regulations of the General Sessions for the County of Guysborough.

100l. Commrs. for issuing Treasury Notes

5 *Resolved*, That the sum of One Hundred Pounds be granted and paid to the Commissioners for singing Treasury Notes, for their services in that department for the last three years.

15l. W. Watt

6 *Resolved*, That the sum of Fifteen Pounds be granted and paid to William Watt, of Barrington, in consequence of injuries sustained by him in the Public Service, agreeably to the prayer of his Petition, and the Report of the Committee thereon.

150l. Indians

7 *Resolved*, That the sum of One Hundred and Fifty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to be applied in such way as he may deem most proper, for the relief of the Indians of this Province.

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- 8 *Resolved*, That the sum of Nine Hundred and Fifty-five Pounds Eight Shillings and Ten Pence be granted and paid to the Commissioners of Public Buildings, to defray the expenses incurred to that amount, in and about the Public Buildings during the last year. 955l. 8s. 10d. Commissioners of Public Buildings
- 9 *Resolved*, That the sum of Ten Pounds, each, be granted and paid to the two Chairmen of Committees on Bills and of Supply, for their services in the present Session. 10l. each to Chairmen of House
- 10 *Resolved*, That the sum of One Hundred Pounds be granted and paid to the Adjutant General of Militia for his services for the present year. 150l. Adjutant General of Militia
- 11 *Resolved*, That the sum of Fifty Pounds be granted and paid to the Quarter Master General of Militia, for his services for the present year. 50l. Quarter Master Gen. Militia
- 12 *Resolved*, That the sum of Twelve Shillings and Six Pence per day be granted and paid to each and every Member of the House of Assembly, for their attendance in General Assembly for the present Session, to be paid on the Certificate of the Speaker; also, the travelling charges as heretofore—Provided, that no Member shall receive pay for more than Sixty four Day's attendance. Members' Pay
- 13 *Resolved*, That there be granted and paid to the Secretary of the Province, such sum as will enable him to pay Three Pounds Ten Shillings to each of the Clerks of the Peace within this Province, to whom His Excellency directed Road Commissions and Bonds, in the year of our Lord One Thousand Eight Hundred and Thirty Nine. 3l. 10s. each to Clerks of Peace
- 14 *Resolved*, That the sum of Ten Pounds be granted and paid to John James Sawyer, Esquire, High Sheriff for the County of Halifax, for his expenses as such Sheriff at the opening and closing of the present Session of the General Assembly. 10l. J. J. Sawyer
- 15 *Resolved*, That a sum not exceeding Sixty Pounds be granted and paid to the Clerk of the House of Assembly, to defray the expenses of Stationary and Binding of Journals and Laws for the House of Assembly, during the present Session. 60l. Stationary
- 16 *Resolved*, That a sum, not exceeding One Hundred and Eighty Pounds, be granted to defray the expenses of extra Messengers, and other services and articles for the House of Assembly, and for Fuel, according to Estimate—the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the Speaker. 180l. Contingencies of House
- 17 *Resolved*, That the sum of One Hundred Pounds, each, be granted and paid to the Clerk and Assistant Clerk of their House of Assembly, for their extra services, during this present Session. 100l. each extra vote to Clerks
- 18 *Resolved*, That the sum of Fifteen Pounds be granted and placed at the disposal of the Honorable the Speaker, to procure various Works and Publications necessary for conducting the business of this House. 15l. publications for House
- 19 *Resolved*, That the Collector of Impost at the Port of Halifax shall, and he is hereby authorised and required and directed to, keep a distinct Account of all Duties by him collected upon the Importation from the United States of America, of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in this present Session, entitled, An Act for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof; and that the said Duties, upon the above specified articles, during the present year, shall be paid quarterly to the Commissioners of the Poor for the use of the Poor of the Town of Halifax—*Provided*, such payment do not exceed the sum of One Thousand Pounds during the present year. Duties on Live Stock, &c. for use of Halifax Poor
- The said Resolutions being read a second time,
- Mr. Whitman moved, that the first Resolution for granting £50, each, for the Annapolis and Albion Vale Academies, be not received by the House: which, being seconded,
- Mr. Thorne moved that the question be amended by adding at the end thereof, "but be re-committed for the purpose of considering of substituting the following Resolution in place thereof, viz: *Resolved*, that the sum of One Hundred Pounds, re-commended by the Committee on Education for the County of Annapolis, be equally divided between the Annapolis, the Henderson, and the Bridgetown Academies, so that with the Combined Grammar School allowance, will give each an equal sum:" which, being seconded and put, passed in the negative.
- The original question being then put, passed in the negative. Motion net to receive Annapolis Academies Resolution
Arndt. moved for re-committal to consider Resolution providing for Bridgetown Academy negatived
- The Original question negatived

Resolution agreed to
Resolution sent to Council

The several Resolutions were then agreed to by the House.
Ordered, That the Clerk do carry the Resolutions to the Council, (except the ordinary Resolutions not usually sent to the Council,) and desire their concurrence to the Resolutions so sent to them.

Report from Com. of Conference of yesterday

Mr. Young, from the Committee of Conference held yesterday with a Committee of the Council on the General State of the Province, reported that the Managers had been at the Conference, and he stated the substance of the Conference to the House.

Not considered Communication from Council interfering with privileges of House

Resolved, That this House cannot receive nor consider the report made from the said Committee, as the communication of the Council suggest Grants of Money, and therefore interfere with the privileges of the House.

Com. on subject of proposed Channel at Bras d'Or Lake

On motion of Mr. Doyle, *resolved*, that a Committee be appointed to report to this House whether any, and what action shall be exercised by this House upon the contemplated measure of a Channel between the Waters of the Atlantic Ocean and Inland Sea of the Bras d'Or Lake, confining the same solely to suggestions (if any) to patronage and support, after the Navigation of the same has been applied to acknowledged and practical uses, upon due proof to this House.

Ordered, That Mr. Doyle, Mr. Huntington, Mr. DesBarres, Mr. Morton, Mr. Howe, Mr. Dickson and Mr. Creighton, be a Committee for the foregoing purpose.

Order of Day Road Scales postponed

The Order of the Day being read,
Ordered, That the several Scales of division of Road Monies be presented on Monday next.

Then the House adjourned until Monday next, at Twelve of the Clock.

Monday, 16th March, 1840.

PRAYERS.

Motion for Survey of Bay Shore in Cornwallis of site for Low Water Wharf for Steam Communication negatived

Mr. Morton moved that the House do come to a Resolution as followeth :
Whereas, in the opinion of many persons, it is desirable, and would be productive of much advantage to the Government and to the Inhabitants of this and the neighbouring Province of New-Brunswick, as well as for the protection of the lives and property of Mariners in the Bay of Fundy, that a Low Water Harbor should be made on the south shore thereof in Cornwallis ; and as it is further desirable for the purpose of effecting a daily communication between Halifax and St. John, which would tend greatly to the advantage of both the Mercantile and Agricultural interests, and to the convenience of Strangers and Traders visiting the British American Provinces :

Resolved therefore, That a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request him to employ some competent person or persons to examine said shore, and the road leading thereto, and to ascertain the practicality of the undertaking, and the probable expense thereof, and this House will provide for the expense of the survey :

Which, being seconded and put, passed in the negative.

Report from Com. on Militia Acts Amdts. to Bill to continue Acts Committed

Mr. Chipman, from the Committee appointed to revise the Militia Acts, reported the Bill to continue the Acts respecting the Militia, with sundry amendments, proposed by the Committee to be made thereto, and the same were read.

Ordered, That the Bill, with the amendments, be committed to a Committee of the whole House.

Bill presented to Incorporate Halifax Gas Light & Water Company

Mr. Uniacke, pursuant to leave given, presented a Bill to Incorporate the Halifax Gas Light and Water Company, and the same was read a first time, and ordered to be read a second time.

Report from Com. on Uniting Customs and Excise

Mr. Young reported from the Select Committee on the subject of uniting the Customs and Excise Departments ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table.

See

MONDAY, 16th MARCH, 1840.

(See Appendix, No. 69.)

On motion of Mr. Lewis, *resolved*, that the Report be received and adopted by this House.
Ordered, That the Report be published in the Royal Gazette.

Report adopted
 Ordered to be published in Royal Gazette

On motion of Mr. Huntington, *resolved*, that a Committee be appointed to prepare an Address to Her Majesty on the subject of the Law, passed last year by the Imperial Parliament, relating to Deck Loads of Timber from the British Provinces in North America.

Committee to prepare address to Her Majesty on subject of Imperial Act concerning Deck loads

Ordered, That Mr. Uniacke, Mr. Huntington and Mr. Young, be a Committee for the above purpose.

Mr. Young reported from the Committee, to whom were referred the Post-Office Accounts, and other matters relating to that Department; and he read the report in his place, and afterwards delivered it in at the Clerk's Table.

Report on Post Office accounts and Department

(See Appendix, No. 70.)

On motion of Mr. Huntington, *resolved*, that the Report be received and adopted by this House.

Report adopted

Ordered, That the Report be referred to the Committee of Supply.

Referred to Com. of Supply

On motion of Mr. Young, *resolved*, as followeth :

Resolutions as to Post Office Department and Revenue

Whereas, the Right Honorable Lord John Russell, in his Despatch of the 24th September last, which has been communicated by the Lieutenant-Governor to the Assembly, directed His Excellency to lay before the House a Letter from the Board of Treasury, as containing the decision of Her Majesty's Government on the representations which were made by the Assembly, through their Delegates, in the management and Revenue of the Local Post-Office; And whereas, in such Letter the Lords of the Treasury have declared it to be their opinion that, so long as the Revenue derived from the Internal Postage is sufficient to meet the expenditure for the Internal Communications, no demand for this object should be made upon the Provincial Funds, and that the Legislature should be informed that no vote will be required for maintaining the present lines of Post-Office Communication, so long as the Postage Receipts shall continue, as they would now appear to be, adequate to meet the expenditure; but that should the Legislature deem it advisable that the present lines should be increased, their Lordships will, in that case, rely upon provision being made by the House of Assembly for defraying any expense of such additional communication that may not be covered by increased Postage; And whereas, this House gratefully accede to the proposition contained in the said Despatch and Letter; And whereas, by an Abstract of the Post-Office Accounts for the year ending the 5th of January last, prepared on the same principle with the Abstracts for several years past, which have been approved of as correct by Her Majesty's Government, it appears that the Revenue derived from the Internal Postage was sufficient to meet the expenditure for the Internal Communications, and left a surplus of £240 or thereabouts, independently of the Provincial Grant of £1,562 Currency, the whole of which was paid therefore with the excess of Packet Postage into the Military Chest; And whereas, there is no reason to apprehend that the amount of Revenue to be derived from the Internal Postage or of the necessary expenditure for maintaining the present lines of Post Communication and Ferries, heretofore paid out of the Post-Office Funds, will be materially varied during the present year :

Resolved therefore, as the opinion of this House, that no vote of money for the maintenance of these lines will require to be made during the present Session; but if it should be made satisfactorily to appear at the next Session of Assembly that the aforesaid Revenue for the present year has been inadequate to meet the necessary expenditure for maintaining the lines of Post Communication now established, this House will, in such case, provide for any deficiency thereof, so as such lines shall not be interrupted or diminished.

On motion of Mr. Young, *resolved*, that this House will provide for defraying the expense of such additional Post Communications that may not be covered by increased Postage, as this House may approve of and confirm, during the present Session.

On motion of Mr. Young, *resolved*, that this House will be ready to bestow their best attention on the draft of any Bill which may be submitted by Her Majesty's Government at any

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any future Session, for the regulation of the Post-Office in the Colonies, and trust that the objections which lay against the measure that was passed in 1835, may be re-considered and obviated.

Com. to wait on
Gov. with Copies of
Resolutions re-
lative to Post Office

On motion of Mr. Young, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and present to His Excellency copies of the foregoing Resolutions, and of the Report of the Select Committee in relation to the Post Office Department and Accounts, and request His Excellency's favourable consideration thereof, and that he will transmit the same for the information of Her Majesty's Government.

Ordered, That the Select Committee who reported upon the matters relating to the Post Office Department, be a Committee for the above purpose.

Com. to search
Journals of Council
relative to pro-
ceedings on Judi-
ciary Bill

On motion of Mr. Young, *resolved*, that a Committee be appointed to search the Journals of the Legislative Council, and report such Entries as may be found therein, touching the Bill, passed by this House during the present Session, entitled, An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice to be holden within this Province, and to diminish the expense of the Judiciary therein.

Ordered, That Mr. Young, Mr. Fairbanks, and Mr. DesBarres, be a Committee for the above purpose.

Rep. fm. Com. on
Pet. of E. Dewolf
and al. by Gaspe-
reaux Fishery Bill

Mr. Huntington, from the Committee on the River and Shore Fisheries, reported on the Petition of Elisha Dewolf, and others, and thereupon, leave being given, presented a Bill to regulate the Gaspereau and Salmon Fishery in Horton, and the same was read a first time, and ordered to be read a second time.

Ams. to Councils'
ams. to Lands &
Tenements Bill ad-
hered to

The amendments proposed by this House to the tenth amendment of the Council, to the Bill, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force, were read and re-considered by the House; and thereupon,

On motion of Mr. DesBarres, *resolved*, that this House do adhere to their said amendments.

Conference to be
asked thereon

On motion of Mr. DesBarres, *resolved*, that a Conference be desired by Committee with a Committee of the Council, on the subject of said amendments.

Ordered, That the Clerk do request such Conference.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Council agree to
Conference on
Lands & Tene-
ments Bill

The Council have agreed to the Conference desired by this Hon. House, and the Committee of the Council are ready to meet the Committee of this House.

And then the Messenger withdrew.

Com. of Confer-
ence

Ordered, That Mr. DesBarres, Mr. Fairbanks, and Mr. Archibald, do manage the Conference.

Instructions to Com
of Conference

Resolved, That the Committee on such Conference, be instructed to state, that the Bill, as it is now concurred in, with the exception of one very material clause, has swept away all the unnecessary, perplexing, and cumbersome forms, which embarrass the proceedings for making Lands and Tenements liable to the payment of Debts, and which are mixed up with so many technical requirements and legal niceties, as to render it almost impossible to make a perfect title under the Statutes now in force—that although many hundreds, if not thousands, of Properties in Land are held by this species of Title, throughout the Province, and the possessors hold the same by purchase at Sheriff's sale, without fraud or collusion, still the title by which they hold is, in nineteen cases perhaps out of twenty, so defective, by reason of some one or more of the numerous requisitions, in the Statutes, having been not strictly complied with, that it would be impossible for them to defend their possessions as against the original owner or persons claiming under him, in a Court of Law. The thirteenth clause in the Bill, as it was passed by the House, was intended to remedy this evil, and was guarded by a proviso that it should apply only where the purchaser, at a Sheriff's sale, should have actually paid the purchase money. The House, in their amend-

ment

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ment to the amendment of the Council, have guarded it still further by a proviso that it should apply only to a party in actual possession, having paid the purchase Money into the hands of the Sheriff, and they have adhered to this amendment, because they conceive the advantages of such clause, in quieting bonâ fide possessors, and confirming titles to be infinitely greater than the evils it may, perhaps, in some few cases, occasion. It seems to the House inequitable to leave such possessions exposed to the danger of being disturbed for want of some one or more of the technical niceties and forms which the Legislative Council and Assembly have concurred by this Bill in condemning; substituting therefor, an improved and similar mode of proceeding in such cases, which the House are anxious to carry into effect by the thirteenth clause, as amended, being agreed to, and the Bill, thereupon, receiving the assent of both Houses.

And thereupon the Managers went to the Conference.

And being returned, Mr. DesBarres reported that the Managers had been at the Conference, and had complied with the Instructions given them by the House.

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House adhere to their amendments to the tenth amendment of the Council to the said Bill. Bill &c. sent to Council

On motion, the House resolved itself into a Committee on Bills. Com. on Bills

Mr. Speaker left the Chair,

Mr. Smith took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to continue the Act relative to the Assessment of Dyke Rates, for the New or Wickwire Dyke in Horton; the Bill to enable the Devises or Representatives of John Bolman to shut up an old Road in Lunenburg; and the Bill to define and ascertain the Fees to be taken at the Police Office in Halifax; and had directed him to report the said Bills to the House, severally, without any amendment. That the Committee had also gone through the Bill to continue the Acts respecting the Militia; the Bill to continue the Act in amendment of the Acts relating to Commissioners of Sewers; and the Bill to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and had made sundry amendments to the said Bills respectively, which they had directed him to report to the House with the Bills; and he afterwards delivered the several Bills and amendments in at the Clerk's Table. Rep. Wickwire Dyke rate Bill
Bill to shut up old Road in Lunenburg
Halifax Police Office Fees
Militia
Commrs. of Sewers
Town Officers

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again on the consideration of Bills committed—which the House agreed to.

The several amendments reported from the Committee to the three last mentioned Bills were read, and respectively agreed to.

Ordered, That the Bills with the amendments be engrossed. Bills to be Engrossed

Ordered, That the Bills, reported without amendment, be engrossed.

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a copy of a Despatch from the Right Hon. Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency the Lieutenant-Governor of Nova-Scotia, dated 14th December, 1839, with a copy of a Letter from the Secretary to the Board of Treasury, announcing the constituting of the Port of Yarmouth, and the Free Warehousing Ports of Pictou and Liverpool, in this Province, to be Ports of Registry; and the same were read. Dispatch concerning Ports of Registry

(See Appendix, No. 71.)

Ordered, That the Papers do lie on the Table.

Mr. Miller, pursuant to leave given, presented a Bill for protecting Bridges, which was read a first time; and thereupon, Bill presented for protecting Bridges

Mr. Benjamin moved, that the further consideration of the Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, fourteen; against it, ten. Deferred 3 months

So it passed in the affirmative. *Ordered*,

MONDAY and TUESDAY, 16th and 17th MARCH, 1840.

Ordered, That the further consideration of the Bill be deferred until this day three months.

Bill to amend Polls Bill

Mr. Lewis, pursuant to leave given, presented a Bill to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives, and the same was read a first time, and ordered to be read a second time.

Leave refused to present Engine House Bill

Mr. Forrester moved for leave to present a Bill respecting the Engine House at Halifax, which, being seconded and put, passed in the negative.

Order of Day Road Scales postponed

The Order of the Day being read,

Ordered, That the several Scales of sub-division of Road Monies be presented To-morrow.

Then the House adjourned until To-morrow, at Twelve of the clock.

Tuesday, 17th March, 1840.

PRAYERS.

The Order of the Day being read,

The undermentioned Members presented to the House Scales of sub-division accordingly, for the respective Counties set against their names, viz:

Mr. Annand for the County of Halifax.

Mr. Archibald for the County of Colchester.

Mr. Dickson for the County of Pictou.

Mr. Lewis for the County of Cumberland.

Mr. Smith for the County of Hants.

The Hon. Mr. Dewolf for King's County.

Mr. Forrestal for the County of Sydney.

Mr. DesBarres for the County of Guysborough.

Mr. Thorne for the County of Annapolis.

Mr. Robichau for the County of Digby.

Mr. Clements for the County of Yarmouth.

Mr. W. Sargent for the County of Shelburne.

Mr. Fairbanks for Queen's County.

Mr. Creighton for the County of Lunenburg,

Which being respectively read,

Mr. Miller moved, that the Scale of sub-division presented for the County of Lunenburg, be not received by the House, which, being seconded and put, passed in the negative.

Motion not to agree to Lunenburg scale negatived

The said several Scales of sub-division were then respectively agreed to by the House. For the same as agreed to,

Road scales agreed to

(See Appendix, No. 72.)

Inverness Road Money placed at disposal of Lt. Gov.

On motion of Mr. Young, *resolved*, that the sum of £1,000 granted for the Road and Bridge Service, in the County of Inverness, in the present Session, be placed at the disposal of His Excellency the Lieutenant-Governor.

Cape-Breton Road Money placed at disposal of Lt. Gov.

On motion of Mr. Uniacke, *resolved*, that the sum of £1,000 appropriated for the Service of Roads and Bridges, in the County of Cape Breton, and not specifically appropriated, be applied and expended in such manner as His Excellency the Lieutenant-Governor or Commander in Chief for the time being, shall direct.

Richmond Road Money placed at disposal of Lt. Gov.

On motion of Mr. Doyle, *resolved*, that the sum of £800, appropriated for the Service of Roads and Bridges in the County of Richmond, and not specifically appropriated, be applied and expended in such manner as His Excellency the Lieutenant-Governor or Commander in Chief for the time being, shall direct.

Road Scales sent to Council

Ordered, That the Clerk do carry to the Council the scale of General Division of the sum of £18000 granted for the Service of Roads and Bridges; and the several Scales of subdivision

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sub-division thereof, with the Resolutions in regard to the sums allotted to the Counties of Inverness, Cape Breton, and Richmond, and desire the concurrence of the Council to the same, respectively.

An engrossed Bill, to continue the Acts in force, respecting the Militia of the Province, was read a third time. Engrossed Bill read 3d time viz : Militia

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Acts in force respecting the Militia of the Province. Passed

An engrossed Bill to continue the Act in amendment of the Acts relating to Commissioners of Sewers, was read a third time. Commrs. of Sewers

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers. Passed

An engrossed Bill to continue the Act relative to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton, was read a third time. Wickwire Dyke rates

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act relative to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton. Passed

An engrossed Bill to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Acts to alter and amend the same, was read a third time. Town Officers

Resolved, That the Bill do pass, and that the title be, An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Acts to alter and amend the same. Passed

An engrossed Bill, to enable the Devises or Representatives of John Bolman, to shut up an Old Road in Lunenburg, was read a third time. Old Road in Lunenburg

Resolved, That the Bill do pass, and that the title be, An Act to enable the Devises or Representatives of John Bolman, to shut up an Old Road in Lunenburg. Passed

An engrossed Bill to define and ascertain the Fees to be taken at the Police Office in Halifax, was read a third time. Halifax Police Office Fees

Resolved, That the Bill do pass, and that the title be, An Act to define and ascertain the Fees to be taken at the Police Office in Halifax. Passed

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence. Bills sent to Council

The following Bills were read a second time, viz :

The engrossed Bill from the Council entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors. Bills read 2d time and committed viz : Council Marine Insurance Directors

The Bill to Incorporate the Halifax Gas Light and Water Company. Halifax Gas Light and Water Company

The Bill to regulate the Gaspereau and Salmon Fishery at Horton; and Gaspereau Fishery

The Bill to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives. To amend Polls Bill

Ordered, That the Bills be committed to a Committee of the whole House.

Mr. Young, from the Select Committee on the engrossed Bill from the Council, entitled, An Act concerning Wills, reported that the Committee had considered the Bill, and had made some amendments thereto, which they recommend to the House to be adopted with the Bill; and he thereupon, delivered the Bill and amendments in at the Clerk's Table. Report from Com. on Council's Wills Bill

The Bill was then read a second time, with the amendments. Amend. thereto

Ordered, That the Bill and amendments be committed to a Committee of the whole House. Bill and amends. committed

Mr. Dickson, from the Select Committee on the Petition of Inhabitants of Fort Lawrence, Amherst, &c., reported, and presented a Bill to enable the Proprietors of the Amherst Marsh to drain the upper part thereof, and the same was read a first time; and thereupon, Committee on Pet. of Inhabitants of Amherst report Bill to drain Amherst Marsh

On motion of Mr. McKim, *resolved*, that the further consideration of the Bill, be deferred until this day three months. Bill deferred 3 months

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Messrs. John Howe & Son's Account for Printing presented

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented an Account of Messrs. John Howe and Son, for Printing for Government and the Legislature in the year 1839, and the same was read.

(See Appendix, No. 73.)

Referred to Select Committee

Ordered, That the Account be referred to Mr. Forrester, Mr. Dickson, Mr. Forrestall, Mr. Young, and Mr. Chipman, to examine and report thereon to this House.

A Message from the Council, by Mr. Haliburton :

Mr. Speaker,

Council agree to Bridewell Bill

The Council have agreed to the Bill, entitled, An Act to provide for Building a Bridewell, without any amendment.

And then the Messenger withdrew.

Com. of Supply

On motion, the House resolved itself into the Committee of Supply.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Resolutions viz.

The Chairman reported from the Committee that they had come to sundry Resolutions, which they had directed him to report to the House ; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of the Supply—which the House agreed to.

The said Resolutions were then read as follow :

£100 Negroes

1 Resolved, That the sum of One Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to relieve the distresses of the Colored Population of this Province.

£100 Treasurer for extra services

2 Resolved, That the sum of One Hundred Pounds be granted and paid to the Treasurer of the Province, for extra services during the past three years.

£521 4s expenses of Council

3 Resolved, That the sum of Five Hundred and Twenty-one Pounds and Four Shillings be granted and paid to defray the expenses of the Legislative Council, during the present Session.

Grants for additional Mail routes, viz
£25 between Liverpool and Brookfield

4 Resolved, That there be granted the sum of Twenty-five Pounds, or such sum, not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a Line once a week from Liverpool to Brookfield, the distance being twenty-seven miles ; also the sum of Seven Pounds Ten Shillings, in addition to the sum of Twenty Pounds now allowed to the Courier from Londonderry to Economy, in order to extend such Line to Moose River, and to pay the Courier for passing on his way up through the Settlement at Kerr's Mountain ; also, the sum of Twelve Pounds, or such sum not exceeding the same as will be sufficient, with the increase of Postage thereon, to establish a Line once a week from West River to New Glasgow, the distance being twelve miles ; also, the sum of Five Pounds, in addition to the sum of Fifteen Pounds now allowed, being Twenty Pounds in all, or such sum not exceeding the same, as will be sufficient with the increase of Postage thereon, to keep up the Line now established between Guysborough and Country Harbor ; also, the sum of Five Pounds, in addition to the sum of Twenty Pounds, now allowed for the Line from Wolfville to Cornwallis, being Twenty-five Pounds in all, or such sum not exceeding the same, as will be sufficient with the increase of Postage thereon, to extend such Line from Cornwallis, through the North part of Aylesford to Willis Foster's ; also, the sum of Forty Pounds, or such sum, not exceeding the same, as will be sufficient with the increase of Postage thereon, to establish a Line once a week, from Parrsborough to Amherst, being a distance of thirty-eight miles ; also, the sum of Twenty Pounds, or such sum, not exceeding the same, as will be sufficient with the increase of Postage thereon, to establish a Line between the Straits of Barra and East Bay, in the County of Cape Breton.

£7 10 from Londonderry to Economy

£12 West River to New Glasgow

£5 Guysboro' to Country Harbor

£5 Wolfville to Cornwallis

£40 Parrsboro' to Amherst

£20 Straits of Barra to East Bay Cape Breton

£25 Angus McLellan

5 Resolved, That the sum of Twenty-five Pounds be granted and paid to Angus McLellan, for services rendered by him as a Mail Courier.

The said Resolutions being then read a second time,

Mr.

TUESDAY and WEDNESDAY, 17th and 18th MARCH, 1840.

Mr. Archibald moved, that the first Resolution for granting £100 for the relief of the Colored Population be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twelve; against it, seventeen.

Motion against Negro grant negatived

So it passed in the negative.

The said several Resolutions were then agreed to by the House.

Resolutions agreed to

Ordered, That the Clerk do carry the Resolutions to the Council, and desire their concurrence.

Sent to Council

Ordered, That Mr. Creighton have leave of absence, after Friday next, on account of the death of a relative.

Leave of absence to Mr. Creighton

Mr. McKim, pursuant to leave given, presented a Bill relative to the performance of Statute Labor by owners of Lands, and the same was read a first time.

Statute Labor Bill presented

On motion of Mr. Goudge, *resolved*, that the further consideration of the Bill be deferred until this day three months.

Deferred 3 months

Then the House adjourned until To-morrow, at Twelve of the clock.

Wednesday, 18th March, 1840.

PRAYERS.

Mr. Huntington reported from the Select Committee on the Petition of Joseph Read; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Petition of Jos. Read

(See Appendix No. 74.)

Ordered, That the Report do lie on the Table.

Mr. Smith reported from the Select Committee on the Petition of John Joseph Marshall and others, late the Grand Jury for the County of Guysborough, in the year 1838; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Petition of Guysboro' Grand Jury

(See Appendix, No. 75.)

Ordered, That the Report do lie on the Table.

An engrossed Bill to continue the Acts for the support and regulation of Light Houses, was read a third time; and thereupon,

Engrossed Light House Bill read 3d time

On motion of Mr. Uniacke, the following engrossed, enacting, and declaratory Clause passed, and was added to the Bill by way of Rider, viz:

Rider added

And whereas, by the eighth clause of the said Act herein first mentioned, and hereby continued, passed in the fourth year of the reign of His said late Majesty, it is enacted, that the duty of Four Pence per Ton hereby imposed, shall be paid by every Ship or Vessel liable to pay the same forthwith, after the arrival of such Ship or Vessel into any port or place within this Province; *And whereas*, it hath been attempted to make a question whether any Ship or Vessel, passing through the Strait, dividing the Counties of Richmond and Inverness, in the Island of Cape-Breton, from the County of Guysborough, commonly known as and called the Gut of Canso, and not anchoring therein, is liable to duty under the said recited clause. To prevent difficulty:

Be it therefore declared and enacted, by the Lieutenant-Governor, Council and Assembly, That, under the said eighth clause, all Ships and Vessels liable to pay the duty therein mentioned, passing through the said Gut of Canso, are, and shall be held and deemed to have arrived within a port or place in this Province, whether such Ships or Vessels shall or shall not come to anchor within the Gut of Canso.

Resolved, That the Bill do pass, and that the title be, An Act to continue, and in addition to, the Acts for the support and regulation of Light Houses.

Passed

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Sent to Council

The

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Councils amend.
to Summary 'Tres-
pass Bill reconsider-
ed

The amendment of the Council to the Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases, and the amendment of this House to said amendment were again read and re-considered by the House; and thereupon,

Motion to agree to
amendment

Mr. McKim moved that this House do not adhere to their said amendment, but do now agree to the said amendment of the Council to the Bill: which, being seconded,

Amendment to defer
Bill and amendment
until next Session

Mr. Uniacke moved, as an amendment to the question, to leave out all the words thereof after the word "that," and in place of the words so left out, to insert the following: "the further consideration of said Bill and amendments be deferred until the next Session:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, nineteen; against it, fifteen. So passed in the affirmative.

Carried on division

Ordered, That the further consideration of the Bill and amendments be deferred until the next Session.

Bill &c. deferred

Light Duties Bill
reported from Com.
on Light Houses
without amendment

Mr. Uniacke, from the Committee on Light-Houses and Navigation Securities, to whom was referred the Bill for the better securing the payment of Light Duties, reported the said Bill without amendment, and delivered it in at the Clerk's Table; and thereupon,

Bill deferred 3
months

On motion of Mr. Huntington, *resolved*, that the further consideration of the Bill be deferred until this day three months.

Message from Lt.
Governor relative
to payment of ex-
penses of Councils
Delegation

The Hon. Mr. Secretary George acquainted the House, that he had a Message from His Excellency the Lieutenant-Governor to this House, in writing, signed by His Excellency, which His Excellency had commanded him to deliver to the House; and he read the said Message at the Bar of the House, all the Members being uncovered, and afterwards delivered the said Message, in writing, to the House, with the copy of Address therein referred to, and then withdrew.

The said Message was then again read by the Clerk, and is as followeth:

M E S S A G E.

C. Campbell.

The Lieutenant-Governor lays before the House of Assembly a copy of an Address, which he has received from the Legislative Council, and recommends the subject of it to the favorable consideration of the House.

The House of Assembly having already passed a vote to pay the expenses of the Delegates, whom they lately sent to confer with Her Majesty's Government on various subjects of public importance, the Lieutenant-Governor cannot but think that the Gentlemen who proceeded thither on a similar mission on the part of the Council, have an equal claim to be reimbursed the expenses incurred by them in that service.

The Lieutenant-Governor trusts that the House will readily admit this claim, and thereby meet the expectation expressed in the Marquis of Normanby's Despatch of the 24th May last, "that provision will be made to defray the unavoidable expenses of the mission from the Council."

Government-House, 18th March, 1840.

The copy of Address referred to in said Message was also read by the Clerk.

(See Appendix, No. 76.)

Ordered, That the Message and copy of Address do lie on the Table.

Return from School
Commissioners

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented several Returns from Boards of School Commissioners throughout the Province, with an Abstract thereof; and the said Abstract was read by the Clerk.

(See Appendix, No. 77.)

Ordered, That the Returns and Abstract do lie on the Table.

Report from Com.
to search Council's
Journals relative to
Judiciary Bill that
Bill had been defer-
red 3 months

Mr. Young, from the Select Committee appointed to search the Journals of the Council in reference to the Bill, entitled, An Act to improve the administration of the Law, &c. reported that the Committee had attended to that duty, and had obtained Minutes from the Journals

WEDNESDAY, 18th MARCH, 1840.

Journals of the Council in relation thereto, which he read, and delivered in at the Clerk's Table, and are as follow :

"A Bill, entitled, An Act to improve the administration of the Law, and to reduce the number of Courts of Justice to be holden within this Province, and to diminish the expense of the Judiciary therein.

Received and read a first time, 25th February, 1840.

Read a second time, and ordered to Committee, 26th February.

Referred to a Select Committee 2d March.

Select Committee report, and Bill ordered to Committee of whole, 5th March.

Bill recommended by Committee to be deferred three months.

Motion not to receive report negatived—four to six :

For the motion,

Mr. Johnston,

Mr. Smith,

Mr. Campbell,

Mr. Cutler.

Against the motion,

Mr. McNab, Mr. Almon,

Mr. Rudolf, Mr. Lawson.

Mr. Morse,

Mr. Wilkins,

Report received, and Bill deferred three months, 14th March."

Ordered, That the said Minutes do lie on the Table.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to twenty-five Resolutions of this Honorable House for granting Monies for the following services, viz :

Message from Council

Agree to 24 Resolutions for granting Monies

£1500 0 0 For the employment of Vessels to protect the Fisheries, &c.

79 6 0 To Overseers of the Poor at Pictou.

2369 0 8 repay the expenditure on the Great Roads.

60 0 0 For a Revenue Boat.

30 0 0 a Revenue Boat at Pictou.

350 0 0 a Light House at Cape George.

600 0 0 Light Houses in the Basin of Mines and the Bay of Fundy.

400 0 0 a Light House between Sambro and Canso.

100 0 0 Academies in the County of Annapolis.

15 0 0 or £30 0 0 For Oatmills in each County.

20 0 0 For Bounty on Oatmill at Dalhousie.

10 0 0 a Ferry Boat at the Gut of Canso.

100 0 0 To the Commissioners for issuing Treasury Notes.

15 0 0 William Watt.

150 0 0 For the relief of Indians.

955 8 10 repairs of Public Buildings.

3 10 0 Each to Clerks of the Peace.

10 0 0 To the Sheriff of Halifax.

60 0 0 For Stationary and Binding for the House of Assembly.

10 0 0 Each to the Chairmen of the House of Assembly.

180 0 0 For expenses of the House of Assembly.

100 0 0 Each to the Clerk and Assistant Clerk of the House.

15 0 0 To procure Publications for House of Assembly.

100 0 0 the Adjutant General of Militia.

50 0 0 the Quarter Master General of Militia.

The Council have also agreed to eighteen Resolutions of this Honorable House for dividing, sub-dividing and appropriating, the sum of £18000 granted for the service of Roads and Bridges.

Agree to division of Road Monies

The Council have passed a Bill, entitled, An Act to authorise the Shutting up of an Old Road in Horton; and a Bill, entitled, An Act for establishing the times and places of holding the Poll at Elections of Representatives, for the County and Township of Digby—to which Bills they desire the concurrence of this Honorable House.

Have passed Bill for shutting up Road in Horton And Bill for Polls at Elections in County of Digby

The Council have agreed to the Bill, entitled, An Act for granting Colonial Duties of

Agree to Bills, viz: Impost Duties

WEDNESDAY, 18th MARCH, 1840.

- Impost for the support of Her Majesty's Government, within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.
- Colonial Duties regulation The Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties.
- Drawbacks The Bill, entitled, An Act to continue the Act concerning Goods exported, and for granting Drawbacks.
- Smuggling The Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling.
- Warehousing The Bill, entitled An Act to continue and amend the Act for the Warehousing of Goods.
- Importation The Bill, entitled, An Act to continue and amend the Act for regulating the importation of Goods.
- Flour Drawback The Bill, entitled, An Act to grant a Drawback on foreign Wheat Flour, in certain cases.
- General Licenses The Bill, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and the Act to alter the same.
- Halifax License The Bill, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.
- Pickled Fish The Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish.
- Schools The Bill, entitled, An Act to continue the several Acts for the encouragement of Schools.
- Beef Weighing The Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof—and
- Cape-Breton Census The Bill, entitled, An Act to make provision for payment of the expenses of the Census of the County of Cape Breton.
- Without amdt. Severally without any amendment.
- Agree to Miré Grant Bill The Council have agreed to the Bill, entitled, An Act to repeal the tenth clause of the Act for settling titles in a certain Tract of Land called the Miré Grant, with an amendment thereto; and to the Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College, with amendments—to which several amendments they desire the concurrence of this Honorable House.
- And Dalhousie-College Bill with amtds. And then the Messenger withdrew.
- Amtd. to Miré Grant Bill agreed to The amendment to the first mentioned Bill was read a first and second time, and considered by the House, and is as followeth:
- "At the end of the Bill add the following clause:
And be it further enacted, That this Act shall not go into effect until Her Majesty's pleasure shall be signified thereon."
- On motion of Mr. Uniacke, *resolved*, that the said amendment be agreed to.
- Ordered*, That the Clerk do carry the Bill and amendment to the Council, and acquaint them that this House have agreed to the said amendment.
- Amtds. to Dalhousie College Bill read 1st time, &c. The amendments proposed by the Council to the Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College, were read a first time, and ordered to be read a second time.
- Council's Bill shutting up Road in Horton read 1st time, &c. The engrossed Bill, from the Council, entitled, An Act to authorize the shutting up of an Old Road in Horton, was read a first time, and ordered to be read a second time.
- Council's Bill Digby Polls read 1st time The engrossed Bill from the Council, entitled, An Act for establishing the times and places of holding the Poll at Elections of Representatives for the County and Township of Digby, was read a first time; and thereupon,
- And deferred 3 months On motion of Mr. Robichau, *resolved*, that the further consideration of the Bill be deferred until this day three months.
- Com. on Bills On motion the House resolved itself into a Committee on Bills.
- Mr. Speaker left the Chair.
- Mr. Smith took the Chair of the Committee.
- Mr. Speaker resumed the Chair.
- The Chairman reported from the Committee, that they had considered the Bill in further

WEDNESDAY and THURSDAY, 18th and 19th MARCH, 1840.

ther amendment of the several Acts relating to Poores' Rates, and recommend to the House, that the further consideration thereof be deferred until this day three months; that they had gone through the Bill to Incorporate an Hotel Company in Halifax; the Bill to Incorporate the Halifax Gas Light and Water Company; the Bill to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other Provisions in lieu thereof; and the Bill to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives, and had made sundry amendments to the said Bills, respectively, which they had directed him to report to the House, with the Bills; that the Committee had also gone through the Bill to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof; the Bill to continue the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Acts in amendment thereof; the Bill to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province; the Bill to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages; the Bill to continue the Act in amendment of the Act relating to Highways Roads and Bridges; the Bill to continue the Act concerning the Terms of the Supreme Court at Halifax; the Bill to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Acts in amendment thereof; the Bill to continue the Act concerning the Inferior Courts of Common Pleas within this Province; the Bill to continue the Act to prevent disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned; the Bill to continue the Act relating to the Court of Commissioners at Halifax; the Bill to continue the several Acts concerning the Bridewell and Police in Halifax; the Bill to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night; the Bill to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax; the Bill to continue the Act to suspend the operation of the Act to prevent Forestalling, Regrating and Monopolizing of Cord Wood in the Town of Halifax; the Bill to continue the Act to suspend the operation of the several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing; and the engrossed Bill from the Council to repeal an Act, entitled, An Act concerning the Exportation of Grindstones from this Province, and had directed him to report the said Bills to the House, severally, without any amendment—and he afterwards delivered the Bills and amendments in at the Clerk's Table.

Report Poores' Rates Bill to be deferred
And Bills with amdt. viz: Hotel Bill
Gas Light Bill
Firewards Bill
Polls Bill
Bills without amdt. continuing
Passengers' Act
Assessments
Poor
Prices of Carriages
Highways
Sup. Court Halifax
Circuit Courts
Common Pleas
Disorderly Riding
Comrs. Court Halifax
Halifax Police
Halifax Night Watch
Constable of Comrs. Court
Cordwood Forestalling
Forestalling and
Council's Grindstone Bill

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again on the consideration of Bills committed—which the House agreed to.

The several amendments reported from the Committee, were read by the Clerk, and upon the question severally put thereon, were respectively agreed to by the House.

Ordered, That the Bills, with the amendments, be engrossed.

Ordered, That the Bills reported without amendment, be engrossed.

Ordered, That the engrossed Bill from the Council, to repeal An Act, entitled, An Act respecting the Exportation of Grindstones from this Province, be read a third time to-morrow.

Ordered, That the further consideration of the Bill in further amendment of the several Acts relating to Poores' Rates, be deferred until this day three months.

Bill to amend Poor Rates Acts deferred

Then the House adjourned until To-morrow, at Twelve of the clock.

Thursday, 19th March, 1840.

PRAYERS.

The amendments proposed by the Council to the Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College were read a second time, and considered by the House, and are as follow :

Amtds. of Council to Dalhousie College Bill considered
3d

THURSDAY, 19th MARCH, 1840.

Alteration in mode
of filling up vacan-
cies in Board of
Governors

3d clause—after the word "Supply," in the 14th line, leave out all the words to the word "be" in the 25th line, and insert the following words :

"The first vacancy that may occur, the Legislative Council, by Resolution, shall nominate three persons for such first vacancy, whereof the House of Assembly shall select two by Resolution, to be passed in the said House of Assembly, of which two persons, the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall nominate one to supply such vacancy ; in order to supply the second vacancy that may occur, the House of Assembly, at the then next Session of the General Assembly, happening after such second vacancy, in order to supply such vacancy, by Resolution, shall nominate three persons for such second vacancy, whereof the Legislative Council shall select two by Resolution, to be passed in Council, of which two persons, the Governor, Lieutenant-Governor or Commander in Chief, for the time being, shall nominate one to supply such vacancy, and so in like manner shall every subsequent vacancy from time to time happening, be supplied—the Council and the House of Assembly alternately nominating the three persons from whom such vacancy shall"

Suspending clause
added

At the end of the Bill add the following clause :

And be it further enacted, That this Act shall not go into effect until Her Majesty's pleasure shall be signified thereon.

Amtds. agreed to

On motion of Mr. Howe, *resolved*, that the said amendments be agreed to.

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the said amendments.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Agree to five Reso-
lutions

The Council have agreed to five Resolutions of this Hon. House, for granting Monies for the following services, viz :

£100 0 0 For the relief of the Colored Population.

100 0 0 To the Provincial Treasurer.

521 4 0 For the expences of the Legislative Council.

The Resolution for granting several sums of money for lines of Post Communication.

25 0 0 To Angus McLellan.

And then the Messenger withdrew.

Engrossed Bill to
Incorporate Hotel
Company
Passed

An engrossed Bill to Incorporate an Hotel Company in Halifax, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to Incorporate an Hotel Company in Halifax.

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence.

Res. for Com. to
wait on Lt. Gov. to
enquire into ap-
pointments to the
Councils

On motion of Mr. Holland, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request that he will be pleased to inform this House, whether any, and what, appointments have been recently made, either to the Executive or Legislative Councils.

Com. named

Ordered, That Mr. Holland, Mr. Bell, Mr. McDonald, Mr. Howe and Mr. Lewis, be a Committee for the above purpose.

Res. for Com. to
request Lt. Gov. not
to appoint Judges in
case of vacancies

On motion of Mr. Huntington, *resolved* as followeth :

Whereas, it is in contemplation to lessen the expense of the Judiciary of this Province, by reducing the number of Judges ; therefore *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request that in case any vacancy shall occur, on either the Supreme or Inferior Court Benches, during the Recess, His Excellency will be pleased not to fill up the same by other appointments.

Ordered, That Mr. Holland, Mr. Bell, Mr. McDonald, Mr. Howe, and Mr. Lewis, be a Committee under the foregoing Resolution.

Com. named

Engrossed Bills
read 3d time and
passed, viz
Halifax Gas Light
Bill

An engrossed Bill, to Incorporate the Halifax Gas Light and Water Company, was read a third time. *Resolved*,

THURSDAY, 19th MARCH, 1840.

<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to Incorporate the Halifax Gas Light and Water Company.	Passed
An engrossed Bill to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof, was read a third time.	Passengers
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof.	Passed
An engrossed Bill to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, was read a third time.	County Rates
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.	Passed
An engrossed Bill to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province, was read a third time.	Settlement of Poor
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.	Passed
An engrossed Bill to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages, was read a third time.	Prices of Carriages
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.	Passed
An engrossed Bill to continue the Act in amendment of the Act relating to Highways, Roads and Bridges, was read a third time.	Highways
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act in amendment of the Act relating to Highway Roads and Bridges.	Passed
An engrossed Bill to continue the Act concerning the Terms of the Supreme Court at Halifax, was read a third time.	Terms of Supreme Court Halifax
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.	Passed
An engrossed Bill to continue the Act concerning the Inferior Courts of Common Pleas within this Province, was read a third time.	Common Pleas
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act concerning the Inferior Courts of Common Pleas, within this Province.	Passed
An engrossed Bill to continue the Act to prevent disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, was read a third time.	Disorderly Riding
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act to prevent disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.	Passed
An engrossed Bill to continue An Act relating to the Court of Commissioners at Halifax, was read a third time.	Halifax Commissioners Court
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue An Act relating to the Court of Commissioners at Halifax.	Passed
An engrossed Bill to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, was read a third time.	Halifax Night Watch
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at night.	Passed
An engrossed Bill to continue the Act to regulate the Fees of the Constables of the Court of Commissioners at Halifax, was read a third time.	Commissioners' Court Constable
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.	Passed
An engrossed Bill to continue the Act to suspend the operation of the Act to prevent	Cordwood Fore-

Forestalling

Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to suspend the operation of the Act to prevent Forestalling, Regrating and Monopolising, of Cord Wood, in the Town of Halifax.

Passed

Forestalling

An engrossed Bill to continue the Acts to suspend the operation of the several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolising, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to suspend the operation of the several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolising.

Passed

Bills sent to Council

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence.

Engrossed Bill from Council to repeal Grindstone Act read 3d time

The engrossed Bill from the Council, entitled, An Act to repeal An Act, entitled, An Act respecting the exportation of Grindstones from this Province, was read a third time.

Bill agreed to

Resolved, That this House do agree to the said Bill.

Sent back to Council

Ordered, That the Clerk do carry the Bill to the Council, and inform them that this House have agreed to the Bill, without amendment.

Engrossed Bill to amend Polls Act read 3d time

An engrossed Bill to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives, was read a third time; and thereupon,

Motion for re-commitment carried on division

Mr. M'Kim moved, that the Bill be re-committed, for the purpose of so altering it, as that the Poll at Elections for the County of Cumberland may be finally closed at Wallace instead of Parrsborough: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-two; against it, twenty. So it passed in the affirmative.

Bill committed

Ordered, That the Bill be re-committed to a Committee of the whole House.

Com. of whole on Bill

On motion, the House resolved itself into a Committee on the further consideration of the said Bill.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Bill with further amts.

The Chairman reported from the Committee that they had again considered the said Bill, and had made a further amendment thereto—which they had directed him to report to the House with the Bill; and he delivered the Bill with the several amendments thereto in at the Clerk's Table.

The said amendments being read,

Motion not to receive amts. negatived

The Hon. Mr. Dewolf moved, that the amendment which provides for finally closing the Poll for Elections of Representatives for the County of Cumberland at Wallace, instead of Parrsborough, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen; against it, twenty-two:

For the motion,

Against the motion,

Mr Uniacke
Mr Chipman
Mr Morton
Mr Archibald
Mr Benjamin
Hon Mr Dewolf
Mr Fairbanks
Mr Heckman
Mr Miller

Mr Holmes
Mr Whitman
Mr Allison
Mr Thorne
Mr W Sargent
Mr Dickey
Mr J. Sargent
Mr Creighton

Mr Huntington
Mr McHeffy
Mr McDougall
Mr Waterman
Mr Holland
Mr McDonald
Mr Lewis
Mr Forrester

Mr Bell
Mr McLellan
Mr Annand
Mr Goudge
Mr Forrestall
Mr McKim
Mr Howe

Mr Spearwater
Mr Smith
Mr Young
Mr Upham
Mr Dickson
Mr Doyle
Mr Clements

So it passed in the negative.

Amdts. agreed to & Bill to be engrossed

The several amendments to the Bill were then agreed to by the House.

Ordered, That the Bill, with the amendments, be re-engrossed, and be again read.

Council's Bill to shut up old road in Horton read 2d time and agreed to

An engrossed Bill from the Council, entitled, An Act to authorize the Shutting up of an old Road in Horton, was read a second time, and considered by the House; and thereupon,

On motion of the Hon. Mr. Dewolf, *resolved*, that this House do agree to the Bill.

Ordered,

THURSDAY, 19th MARCH, 1840.

Ordered, That the Clerk do carry the Bill to the Council, and acquaint them that this House have agreed to the Bill, without amendment.

On motion of Mr. Young, *resolved*, that the order for referring to a Committee of the whole House, the engrossed Bill from the Council, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors, be discharged.

Order for referring Council's Marine Insurance Bill to Com. of whole discharged

On motion of Mr. Young, the Bill was then read a third time, and considered by the House ; and thereupon,

Bill read 3d time & Agreed to

On motion of Mr. Young, *Resolved*, that the Bill be agreed to by this House.

Ordered, That the Clerk do carry the Bill to the Council, and acquaint them that this House have agreed thereto, without amendment.

The amendments proposed by the Council to the Bill, entitled, An Act to prevent Inconveniencies arising from delay of Causes, after issued joined, were read a first and second time, and considered by the House ; and thereupon,

Council's amds. to Non-suit Bill disagreed to

On motion of Mr. Young, *resolved*, that this House do not agree to the said amendments, and that the Clerk do carry the Bill and amendments to the Council, and acquaint them therewith.

Mr. Holland from the Select Committee appointed this day to wait upon His Excellency the Lieutenant-Governor, in reference to the supposed late appointments to the Legislative and Executive Councils, reported that the Committee had performed the duty assigned to them, and that His Excellency, in reply to the enquiry, had been pleased to say that he had not any information to communicate to the House upon the subject referred to.

Report from Com. to wait on Gov. relative to appointments to Councils

Mr. Holland also reported to the House that the Select Committee appointed this day, to wait upon His Excellency in reference to appointments to the Bench of the Supreme and Inferior Courts, that the Committee had complied with the Order of the House, and that His Excellency in answer to the application contained in the Resolution, was pleased to say that he would give it due consideration.

Report from Com. to wait on Gov. relative to appointment of Judges

On motion of Mr. Uniacke, *resolved*, that a Conference be requested by Committee, with a Committee of the Legislative Council on the General State of the Province, and that the Committee of this House be instructed to suggest on such Conference, to the Committee of the Council, the propriety of an Address to Her Majesty on the subject of the Act of the Imperial Parliament, relative to the lading of Timber on the Decks of Vessels clearing from the British North American Colonies, and for avoiding the vexation and loss occasioned by the various constructions put on such Act, at different Ports, by the Collectors of the Customs, and to request the concurrence of the Council in said Address.

Res. for Con. with Council to propose Address to Queen on subject of Timber Deck Load Law

Ordered, That the Clerk do desire such Conference.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to repeal the tenth clause of the Act for settling Titles in a certain Tract of Land, called the Miré Grant, as amended.

Council agree to Mire Grant Bill as amended and agree to Conference

The Council agree to the Conference as desired by this Honorable House on the subject of the General State of the Province, and the Committee of the Council are now ready to meet the Committee of this Honorable House thereon.

And then the Messenger withdrew.

Ordered, That Mr. Uniacke, Mr. Huntington and Mr. Howe, do manage the Conference. So they went to the Conference.

Com. of Conference

And being returned, Mr. Uniacke reported that the Managers had been at the Conference, and had complied with the instructions of the House.

Report from Com. of Conference

Mr. Doyle, pursuant to leave given, presented a Bill to Incorporate a Company to be called "the St. Peter's Canal Company," and the same was read a first time.

St. Peter's Canal Bill presented

Ordered,

THURSDAY and FRIDAY, 19th and 20th MARCH, 1840.

- Refd. to sel. Com. *Ordered*, That the Bill be referred to the Select Committee to whom was referred on the 14th instant, the subject of a Channel between the Atlantic and the Bras d'Or Lake.
- Com. to prepare answer to Govr's Message relative to payment of Council's Delegation expenses
On motion of Mr. Howe, *resolved*, that a Committee be appointed to prepare and report to this House, an answer to the Message of His Excellency the Lieutenant-Governor, in regard to payment of the expenses of the Delegation from the Legislative Council to England.
- Ordered*, That Mr. Howe, Mr. DesBarres and Mr. McDougall, be a Committee for the above purpose.
- Com. on Bills
On motion, the House resolved itself into a Committee on Bills.
Mr. Speaker left the Chair,
Mr. Smith took the Chair of the Committee,
Mr. Speaker resumed the Chair.
- Report Council's Wills Bill with amendments and Dartmouth Streets Bill and Gaspereau Fishery Bill without amdt.
The Chairman reported from the Committee that they had gone through the engrossed Bill from the Council, entitled, An Act concerning Wills, and had made sundry amendments thereto, which they had directed him to report to the House with the Bill; and had also gone through the Bill to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places; and the Bill to regulate the Gaspereau and Salmon Fishery in Horton; and had directed him to report the said two Bills to the House, severally, without amendment; and he afterwards delivered the several Bills and amendments in at the Clerk's Table.
- The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.
- Amdts. to Wills Bill agreed to
The amendments to the engrossed Bill, entitled, An Act concerning Wills, were read and agreed to.
- Ordered*, That the amendments be engrossed, and that the Bill be read a third time, To-morrow, with the amendments.
- Ordered*, That the Bills, reported without amendment, be engrossed.
- Report from Com. to prepare answer to Governor's Message relative to pay of Council's Delegation
Mr. Howe reported from the Select Committee appointed this day to prepare an Answer to the Message of His Excellency the Lieutenant-Governor, in regard to payment of the expenses of the Delegation from the Legislative Council to England; that the Committee had prepared a draft of such Answer, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.
- Ordered*, That the draft of Answer do lie on the Table.
- Motion relative to Light Duties at Gut of Canso negatived
Mr. DesBarres moved, that the House do come to the following Resolution:
Resolved, That it is expedient to farm out the collection of the Light Duties at the Gut of Canso, Little Canso, and at the Port of Pictou—*provided*, than an adequate sum can be obtained for the privilege for the present year: which, being seconded and put, passed in the negative.

Then the House adjourned until To-morrow, at Twelve of the Clock.

Friday, 20th March, 1840.

PRAYERS.

- Council's Wills Bill read 3d time with amendments
Passed
The engrossed Bill from the Council, entitled, An Act concerning Wills, was read a third time, with the engrossed amendments thereto.
- Resolved*, That the Bill be agreed to, with the amendments.
- Sent to Council
Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the Bill, with the amendments—to which they desire the concurrence of the Council.

An

An engrossed Bill to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the time of holding the Circuits of the said Court, and the Acts in amendment thereof, was read a third time. Engrossed Circuit Courts continuing Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act respecting the Trial of Issues, in the Supreme Court, and for regulating the times and places of holding the Circuits of the said Court, and the Acts in amendment thereof. Passed

An engrossed Bill to continue the several Acts concerning the Bridewell and Police at Halifax, was read a third time. Engrossed Halifax Police Court Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to continue the several Acts concerning the Bridewell and Police at Halifax. Passed

An engrossed Bill to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, was read a third time. Engrossed Firewards continuing Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, and additional thereto. Passed

An engrossed Bill to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places, was read a third time. Engrossed Dartmouth Streets Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places. Passed

An engrossed Bill to regulate the Gaspereau and Salmon Fishery at Horton, was read a third time. Engrossed Gaspereau Fishery Bill read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to regulate the Gaspereau and Salmon Fishery at Horton. Passed

An engrossed Bill to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives, was read a third time. Engrossed Bill to amend Polls Act read 3d time

Resolved, That the Bill do pass, and that the title be, An Act to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives. Passed

Ordered, That the Clerk do carry the Bills to the Council, and desire their concurrence. Sent to Council

Mr. Bell moved, that Mr. Holland have leave of absence after Monday next, on account of ill health: which, being seconded,

Mr. Howe moved, as an amendment to the question, to leave out all the words thereof after the word "that," and to insert instead of the words left out, the following, "the question be postponed until Monday next:" which, being seconded and put, passed in the affirmative. Ordered accordingly. Leave of absence refused to Mr. Holland

Mr. Doyle, from the Select Committee to whom was referred the Bill to Incorporate a Company, to be called, the St. Peter's Canal Company, reported the Bill without amendment. Report from Com. on St. Peter's Canal Bill

The said Bill was then read a second time.

Bill read 2d time & committed

Ordered, That the Bill be committed to a Committee of the whole House,

Mr. Waterman moved, that the House do come to a Resolution as followeth:

Whereas, the present system of appropriating Public Money for the welfare of Education in this Province, is partial and unfair, and whereas, in strict justice, all the Public Monies applied for the benefit of Education in this Province, should be dealt with as common stock, and so applied, that every child in this Province, from four to fourteen years old, should receive its exact proportion of Public Monies without distinction. Resolution moved relative to Education

Therefore resolved, That, hereafter, one General System of Education be established, by which the children of the Poor shall be placed on an equal footing with the children of the rich, and that no part of the Public Funds be appropriated to give classical learning to a small portion of the youth, until it is ascertained that every child in Nova-Scotia, by some scheme devised, shall be in possession of the means for common Education: which, being seconded,

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Amendment there-
to carried on divisi-
on

Mr. Huntington moved, as an amendment to the proposed Resolution, to leave out all the words thereof, except the word "Resolved," and instead thereof, to insert the following after the said word "Resolved," "that it is the opinion of this House, that such a system ought to be adopted in this Province, as would insure the benefits of a Common School Education to all classes of Society:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-five; against it, fourteen:

So it passed in the affirmative.

Resolved, That it is the opinion of this House, that such a system ought to be adopted in this Province, as would insure the benefits of a Common School Education to all classes of Society.

Mr. Huntington then moved, that the House do come to a Resolution as followeth:

Subject of Educa-
tion postponed to
next Session

Resolved, That the further consideration of the subject of Education be postponed to the next Session: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-five; against it, fourteen:

So it passed in the affirmative.

Resolution for Com.
to wait on Gov. re-
lative to appoint-
ments of Collectors
of Excise

On motion of Mr. Young, *resolved*, as followeth:

Whereas, it is proposed, at the next Session of the Assembly, to unite the Custom House and Excise Departments, pursuant to the Despatch of the Right Honourable the Colonial Secretary, and the Report of the Committee in that behalf; *Resolved, therefore*, that a Committee be appointed to wait on His Excellency the Lieutenant Governor, and respectfully request, that in case any vacancies shall occur during the recess, in the Office of any of the Collectors of Excise throughout the Province, His Excellency would be pleased either to make no appointments thereto, or to make only temporary appointments to such Offices as may have become vacant.

Ordered, That Mr. Young, Mr. Dickson and Mr Goudge, be a Committee for the foregoing purpose.

Abstract of Militia
Expenses presented

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented an abstract of expenses incurred for Militia Services, in the year 1839, and the same was read.

(See Appendix, No. 78.)

Ordered, That the abstract do lie on the Table.

Resolution as to
Meeting of Legisla-
ture negatived

Mr. Goudge moved, that the House do come to a Resolution as followeth:

Whereas, the meeting of the Legislature, before the twentieth day of January, has been found productive of inconvenience. *Resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request that the Legislature may not be convened earlier than the 20th day of January, unless some particular emergency may require otherwise: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, sixteen; against it, eighteen:

So it passed in the negative.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Council desire con-
ference

The Council desire a Conference by Committee on the General State of the Province. And then the Messenger withdrew.

Conference agreed
to

On motion, *resolved*, that the Conference desired by the Council be agreed to by this House, and that the Clerk do acquaint the Council therewith.

Com. of conference

Ordered, That the Committee of this House who managed the last Conference, do manage this Conference.

So they went to the Conference.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Council agree to
Town Officers Bill

The Council have agreed to the Bill, entitled, An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating

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regulating of Townships, and the Acts to alter and amend the same; the Bill, entitled, An Act to continue and amend the Acts respecting the Militia; the Bill, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers; the Bill to continue the Act relative to the assessment of Dyke Rates for the New or Wickwire Dyke in Horton; and the Bill to enable the Devises or Representatives of John Bolman to shut up an Old Road in Lunenburg, severally, without any amendment.

Militia

Comrs. of Sewers

Wickwire Dyke rates and Bolman Road Bill

And then the Messenger withdrew.

On motion, the House resolved itself into a Committee on Bills.

Com. on Bills

Mr. Speaker left the Chair.

Mr. Smith took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had gone through the Bill to Incorporate a Company, to be called the St. Peter's Canal Company; and the Bill to vacate the Seats of Members, in certain cases, and had made amendments to the said Bills, respectively, which they had directed him to report to the House with the Bills; and he thereupon, delivered the Bills and amendments in at the Clerk's Table.

Report St. Peters' Canal Bill and Bill to vacate seats of Members with am.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The amendments reported to the said Bills were read, and respectively agreed to by the House.

Ordered, That the Bills, with the amendments, be engrossed.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College, as amended.

Council agree to amended Dalhousie College Bill

And then the Messenger withdrew.

Mr. Forrester reported from the Select Committee on the Account of Messrs. John Howe and Son, for Printing, in 1839; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Rept. from Com. on Acct. of Messrs. John Howe & Son for printing

(See Appendix, No. 79.)

Mr. Young moved that the Report be received and adopted: which, being seconded and debated,

Motion to receive & adopt Rept.

On motion of Mr. Uniacke, *resolved*, that the question be now put.

Previous question

The main question being then put, and the House dividing thereon, there appeared, for the motion, eighteen; against it, nineteen.

Motion negatived

So it passed in the negative.

Mr. Uniacke then moved that the Account of Messrs. John Howe and Son, for Printing, in 1839, be referred to the Committee of Supply: which, being seconded,

Motion to refer Messrs. Howe's Acct. to Com. of Supply

Mr. Young moved, as an amendment to the question, that all the words thereof, except the words "that the" be left out, and that instead of the words so left out, the following be inserted: "House do now resolve itself into the Committee of Supply:" which, being seconded and debated,

Amendment to go into Com. of Supply

Mr. Uniacke moved the previous question, that the House do now adjourn: which, being seconded and put, passed in the negative.

Adjournment negatived

The question upon the proposed amendment being then put, passed in the affirmative.

Am. carried

And the question being then put, upon the question as amended,

Resolved, That this House do now resolve itself into the Committee of Supply; and accordingly,

Com. of Supply

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Clements took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The

Rept. Resolution
viz.

The Chairman reported from the Committee that they had come to a Resolution, which they had directed him to report to the House; and he delivered the same in at the Clerk's Table.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again, on the consideration of a Supply—which the House agreed to.

The said Resolution reported from the Committee was then read and agreed to, and is as followeth:

£200. 13. 6. J.
Howe & Son for
printing

Resolved, That the sum of Two Hundred Pounds Thirteen Shillings and Six-pence, be granted and paid to Messrs. John Howe & Son, in full, of their Printing Account for last year, in addition to their Salary of Three Hundred and Fifty Pounds.

Ordered, That the Clerk do carry the Resolution to the Council, and desire their concurrence.

Motion for receiving
Rept. of Com.
of Acct. of J. Howe
& Son

Mr. Young moved, that the report of the Select Committee on the account of Messrs. John Howe and Son, for Printing, in 1839, be received, and do lie on the Table: which, being seconded,

Adjournment nega-
tived

Mr. Uniacke moved the previous question, that the House do now adjourn: which, being seconded and put, passed in the negative.

The main question being then put,

Main question car-
ried

Resolved, That the report of the Select Committee on the Account of Messrs. John Howe and Son, for Printing, in 1839, be received, and do lie on the Table.

Resolution for
printing by Tender
& Contract carried
on division

Mr. Goudge moved, that the House do come to a Resolution as followeth:

Whereas, it is expedient that the Printing for the Legislature should be done by Tender and Contract:

Resolved, That a Committee be appointed to enquire as to the best manner in which the wish of the House, in this respect, can be carried out, and report thereon to this House.

Which, being seconded and put, and the House dividing thereon, there appeared, for the Resolution, twenty-two; against it, sixteen.

For the Resolution,

<i>Mr Robichau</i>	<i>Mr McKim</i>	<i>Mr McJeffy</i>
<i>Mr Smith</i>	<i>Mr McLellan</i>	<i>Mr Allison</i>
<i>Mr Fairbanks</i>	<i>Mr Goudge</i>	<i>Mr W Sargent</i>
<i>Mr Chipman</i>	<i>Mr Benjamin</i>	<i>Mr Waterman</i>
<i>Mr Archibald</i>	<i>Mr Huntington</i>	<i>Mr Bell</i>
<i>Mr Doyle</i>	<i>Mr Whitman</i>	<i>Mr Holdsworth</i>
<i>Mr Annand</i>	<i>Mr Forrester</i>	<i>Mr Clements</i>
<i>Mr Young</i>		

Against the Resolution,

<i>Mr Dickey</i>	<i>Mr McDonald</i>
<i>Mr Spearwater</i>	<i>Mr Miller</i>
<i>Mr Forrestall</i>	<i>Mr Upham</i>
<i>Mr Lewis</i>	<i>Mr Holmes</i>
<i>Mr Thorne</i>	<i>Mr Heckman</i>
<i>Mr J Sargent</i>	<i>Mr Morton</i>
<i>Mr Dickson</i>	<i>Mr DesBarres</i>
<i>Mr Uniacke</i>	<i>Mr McDougall</i>

So it passed in the affirmative.

Com. named

Ordered, That Mr. Goudge, Mr. Young, Mr. Forrester, Mr. Chipman and Mr. Doyle, be a Committee for the above purpose.

Then the House adjourned until To-morrow, at Twelve of the clock.

Saturday, 21st March, 1840.

Engrossed Bill to
vacate seats of
Members read 3d
time

PRAYERS.

An engrossed Bill to vacate the Seats of Members, in certain cases, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to vacate the Seats of Members, in certain cases.

Engrossed St. Pe-
ter's Canal Bill
read 3d time

An engrossed Bill to Incorporate a Company to be called the St. Peter's Canal Com-
pany, was read a third time.

Passed

Resolved, That the Bill do pass, and that the title be, An Act to Incorporate a Com-
pany to be called the St. Peter's Canal Company.

Resolution for Com.
to wait on Gov.
with Pet. of Jas.
N. Crane & al. re-
lative to returns of
Deaf & Dumb

On motion of the Hon. Mr. Dewolf, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor with a copy of the Petition of James N. Crane

Crane and others, praying that provision may be made for the education of Deaf and Dumb Persons, and respectfully request His Excellency to direct the Clerks of the Peace in the several Counties throughout the Province, to ascertain the number of such Deaf and Dumb Persons within their respective Counties, and make due return thereof to the Office of the Provincial Secretary, on or before the first day of January next, stating the ages and circumstances of said Persons, and their capability of attending a place for such Education, should one be provided, that full information on this subject may be afforded to the Legislature at its next meeting.

Ordered, That the Hon. Mr. Dewolf, Mr. Fairbanks and Mr. McHeffy, be a Committee for the above purpose.

On motion of Mr. DesBarres, *resolved*, as followeth :

Whereas, The sum of Nineteen Pounds was granted by the Legislature in the Session of 1837, to such person or persons as should, within two years, erect and put in operation the first Oatmill and Kiln on the North West Branch of Salmon River, in the County of Guysborough; *And whereas*, the said Oatmill has not been erected in consequence of a more eligible site having been since discovered at or near the Salmon River Bridge, on the Main Road from Guysborough to St. Mary's, and the said sum remains unpaid. *Resolved*, That the said sum of Nineteen Pounds granted as aforesaid, be paid to such person or persons as shall, within two years, erect and put into operation the first Oatmill and Kiln at or near the said Salmon River Bridge, in the County aforesaid. -

Resolution for change of Appropriation to Oat Mill in Guysborough

Ordered, That the Clerk do carry the Resolution to the Council, and desire their concurrence.

On motion of Mr. Howe, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request His Excellency to lay before this House, with as little delay as possible, any Despatches which may have been received from the Colonial Office during the present Session, and which may require the consideration of this House; and that the same Committee do also respectfully request His Excellency to inform the House whether, by the February Packet, His Excellency has been officially informed that any and what appointments have been, or are intended to be, made to the Executive or Legislative Councils.

Com. to wait on Gov. & request Despatches & also information relating to appointments to Councils

Ordered, That Mr. Howe, Mr. Goudge and Mr. Chipman, be a Committee for the above purpose.

Com. named

On motion of Mr. Howe, the draft of an Address to His Excellency the Lieutenant-Governor, reported from the Select Committee, in answer to His Excellency's Message in relation to the expences of the Delegation of the Legislative Council, was read, and is as followeth :

Draft of Address in Answer to Gov. Message relative to Delegation expences

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY :

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects the Representatives of Her Majesty's loyal people of Nova-Scotia, having maturely considered your Excellency's Message, recommending a grant of Money for the payment of the expenses of certain persons named by your Excellency, at the desire of the Legislative Council, to proceed on a Mission to England, beg leave most respectfully to decline granting any portion of the funds entrusted to our care for that purpose.

The House of Assembly at the last Session, before these Delegates were appointed, expressed

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expressed their opinion on this subject—they thought a Delegation from the other Branch of the Legislature unnecessary, and that the reasons assigned for it were not such as would justify the expenditure of the Public Money, and they can find nothing in the claims of the persons appointed, nor in the manner in which they executed their Mission, to entitle them to the favorable consideration of this House. They appeared to have used their best endeavours to render the deliberate action of this House, on various subjects involving the welfare of the people of this Province, nugatory and inoperative, and this House would but ill perform their duty to the Country by lavishing its resources upon those by whom they feel that it has been deeply injured.

Motion to adopt
Address

Mr. Chipman moved, that the Address, as reported, be adopted, and do pass; which, being seconded and debated,

Previous question
negatived

Mr. Goudge moved, that the question be now put: which, being seconded and put, passed in the negative.

Address passed on
division

And, after further debate, the question being put, and the House dividing thereon, there appeared, for the motion, that the Address be adopted and do pass, twenty-five: against it, thirteen:

For the motion,

Mr Doyle	Mr Archibald
Mr Forrester	Mr Lewis
Mr Upham	Mr Smith
Mr Goudge	Mr McDonald
Mr Dickson	Mr Bell
Mr McDougall	Mr Allison
Mr Annand	Mr McLellan
Mr McHefly	Mr Holdsworth
Mr Chipman	Mr D'Entremont
Mr Howe	Mr Spearwater
Mr McKim	Mr Waterman
Mr Robichau	Mr Clements
Mr Benjamin	

Against the motion,

Mr Heckman
Mr W Sargent
Mr Creighton
Mr J Sargent
Mr Halton
Mr Whitman
Mr Thorne
Mr Dickey
Mr Uniacke
Mr Holmes
Mr Miller
Hon Mr Dewolf
Mr Fairbanks

So it passed in the affirmative.

Address to be en-
grossed, &c.

Ordered, That the Address be engrossed, and be presented to His Excellency the Lieutenant-Governor by the Committee who prepared and reported the same.

Report from Com.
of conference on
gen. state of Pro-
vince

Mr. Uniacke, from the Committee of Conference held yesterday with a Committee of the Council on the General State of the Province, reported, that, upon such Conference, the Committee of the Council had communicated to the Committee of this House, the following Resolutions of the Council, viz:

Legislative Council Chamber, 19th March, 1840.

Resolution of
Council for Com.
to join Com. of
House in preparing
Address on Timber
Deck Load Law

Resolved, That a Committee of this House be appointed to join a Committee of the House of Assembly, to prepare an Address to Her Majesty on the subject of the Act of the Imperial Parliament, relating to the Lading of Timber on Decks of Vessels clearing from the British North American Colonies, and for avoiding the vexation and loss occasioned by the various constructions put on such Act at different Ports, by the Collectors of the Customs.

Com. of Council

Resolved, That Mr. Smith, Mr. Rudolf and Mr. Campbell, be a Committee for that purpose.

Resolution of
Council for Com.
of conference

Resolved, That a Conference be desired with the House of Assembly, by Committee, on the General State of the Province, and that the Committee of this House, appointed to manage the said Conference, do communicate the foregoing Resolutions to the House of Assembly.

Ordered, That Mr. Smith, Mr. Rudolf and Mr. Campbell, be a Committee of this House to manage the said Conference.

Report from joint
Com. on Timber
Deck Load Law

Mr. Uniacke also reported further, that the same Committee being also the Committee appointed by this House on Monday, to prepare the Address to Her Majesty, on the subject of the Act of the Imperial Parliament passed last year, relating to Deck Loads of Timber from the British Provinces in North America, had, jointly, with the Committee of the

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the Council appointed for that purpose, prepared an Address accordingly; and he read the same in his place, and afterwards delivered it at the Clerk's Table, where it was again read, and is as follows:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty:

We, your Majesty's Council and House of Assembly, of this your Majesty's Loyal Province of Nova-Scotia, now convened in General Assembly, beg leave to approach your Majesty's Throne, and most respectfully to submit, for the consideration of Your Majesty's Government, the injury they have sustained by the construction placed on a certain Statute of the Imperial Parliament, entitled, An Act to prevent Ships, clearing out from a British North American Port, loading any part of their cargo of Timber upon deck.

Address to Her Majesty on subject of Timber Deck Load Law

We are fully sensible, from the Preamble of said Statute, that the intention of Parliament was benevolent and humane; but the interpretation of the Law is prejudicial to the Commerce of this Province, the Ships having been built for the express purpose of conveying cargoes on deck, both for safety and facility of lading and unlading—a Colonial Vessel of twenty-two feet beam not being more than ten or twelve feet deep in the hold, while an English Ship of said breadth generally runs fifteen or sixteen feet, and the latter is equally crank without a plank on deck as the former would be with a full deck load.

The principal export from the Southern and Western Ports of this Province is Lumber, which is chiefly carried to the West Indies, and all the Tonnage, or the greater part employed therein, is constructed as above stated; and, since the passing of the said Statute, the owners have been subjected to the loss of large sums of money in many instances, and in addition to the loss of Freight.—The construction of the Law is so different at the various Ports of Entry that Merchants are rendered liable to penalties incurred by the ambiguity of the Statute—for instance, while in the Province of New-Brunswick, the Officers of the Customs refuse to clear Vessels with Deals, Boards, Staves, and other light Lumber on deck, those of this Province pursue a contrary course, and, while several Vessels with deck loads of such description are admitted to entry in Ireland and other Ports of Great-Britain,—in the West Indies, in several instances, the Masters of Vessels, with similar cargoes, are considered violaters of the Law, and prosecuted for heavy penalties, and most eminent Lawyers of this Province construe the Statute to apply only to Vessels laden in whole or part with Ton Timber, and not to those with cargoes of Deals, Boards, Staves, Shingles, and light Lumber, maintaining that Timber means a species of Lumber, and is not a generic term co-extensive with the term "Wood."

That the application of said Statute to Vessels employed in the West India Trade is destructive of that branch of Commerce, and will compel the Merchants of this Province to dispose of a large class of Vessels, constructed in conformity with the new Registry Act, broader of beam and more shallow in the hold, whereby they can carry deck loads with equal safety in tempestuous weather.

That the Law may be productive of benefit and ameliorate the sufferings of a hardy class of men, whose preservation and comfort ought to be among the first duties of the Legislature, in a Trade like that of Canada, where the Vessels are large and deep in the hold, and if Ton Timber be placed on the deck may become more liable to upset in heavy gales, but deck loads of light Lumber can be easily removed, if necessity requires, and the fact of few lives being lost in this trade in Vessels constructed for carrying deck loads, shews their safety and promotes the very object of the Statute.

We are convinced that it was not the intention of Parliament that such Statute should apply to Vessels carrying Lumber between Colonial Ports, in the British Possessions, or to the West Indies—and therefore earnestly and respectfully pray that your Majesty will be pleased to direct the said Statute to be modified, or an uniform interpretation thereof to be given at the different Custom-Houses of the Empire, in conformity with the opinion entertained in this Province, and by allowing Vessels not laden with Ton Timber to carry loads on deck as heretofore, particularly to the West Indies, restore to the Merchants of Nova-Scotia

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Scotia a lucrative trade, affording employment to an industrious class of your Majesty's Subjects, and not coerce them by a continuance of the present system, to abandon Ships and Vessels which can no longer be profitably employed and thus involve them in ruin.

Address agreed to

On motion, *resolved*, that the said Address be agreed to by this House.

Com. to prepare Address to Gov. rel. to Timber Deck Load Address

Resolved, That the same Committee of this House who joined in preparing the foregoing Address, be also a Committee to prepare and report to this House an Address to His Excellency the Lieutenant-Governor, praying His Excellency to forward the said foregoing Address to be laid at the Foot of the Throne, with His Excellency's favorable recommendation of the prayer thereof.

Resolution for further Com. of conference on subject of Timber Deck Load Law

On motion of Mr. Uniacke, *resolved*, that a further Conference be desired with the Council, by Committee, on the subject of the last Conference, and that thereupon the Committee of this House do inform the Committee of the Council that this House have agreed to the Address to Her Majesty reported from the Joint Committee, and request that a Committee of the Council may join the Committee of this House in framing and reporting an Address to His Excellency the Lieutenant-Governor, praying His Excellency to forward the first mentioned Address to be laid at the Foot of the Throne, with His Excellency's favorable recommendation of the prayer thereof.

Ordered, That the Clerk do request such Conference.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council agree to Conference

The Council agree to the Conference desired by this Honorable House on the subject of the last Conference, and the Committee of the Council are now ready to meet the Committee of this Honorable House.

And then the Messenger withdrew.

Com. of Conference

Ordered, That the Committee who managed the last Conference do manage this Conference.

So they went to the Conference.

And being returned,

Report therefrom

Mr. Uniacke reported that the Managers had been at the Conference and had complied with the Instructions of the House.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Message from Council disagreeing to Delegation Res. accompanied by Message in writing rel. thereto

The Legislative Council have directed me to deliver to this Hon. House, a Message, which is in writing ; and he then read the said Message at the Bar, and delivered it in to the House ; and also acquainted the House that the Council had not agreed to the Resolution for granting £1000 to Messrs. Huntington and Young, Delegates of the House.

And then the Messenger withdrew.

The said Message from the Council was then read by the Clerk, and is as followeth :

Legislative Council Chamber, 21st March, 1840.

Council's Message on subject of Delegation expenses

Resolved, That the Resolution for granting the sum of £1000 for defraying the expenses of the Delegates from the House of Assembly to England, which has been disagreed to by this House, be returned to the House of Assembly by the Clerk, with the following Message, viz :

That this House has not agreed to the said Resolution, but is prepared to concur with the House of Assembly in any constitutional measure for securing a just provision for that service, and for a similar service performed by Delegates from this House.

JOHN C. HALLIBURTON. C. L. C.

House refuse to consider same

On motion of Mr. Doyle, *resolved*, that inasmuch as the Message from the Council contains a suggestion of a grant of Monies, this House cannot take the same into consideration.

A Message from the Council by Mr. Halliburton :

Mr. Speaker,

The

The Council desire a further Conference, by Committee, on the subject of the last Conference.

Council desire conference

And then the Messenger withdrew :

On motion, *resolved*, that the House do agree to the Conference as desired by the Council.

Conference agreed to

Ordered, That the Clerk to acquaint the Council that this House have agreed to the Conference, as desired by the Council, and that the Committee of this House are ready to meet the Committee of the Council, on such Conference.

Ordered, That the Committee who managed the last Conference, do manage this Conference.

Com of conference

So they went to the Conference.

On motion of Mr. Young, *resolved*, that a Conference be desired with the Council, by Committee on the General State of the Province.

Resolution for Com. of conference to suggest joint Address on Foreign Wheat Flour Drawback Bill

On motion of Mr. Young, *resolved*, that, at such Conference, the Committee of this House be instructed to suggest to the Committee of the Council, the propriety of passing a joint Address to Her Majesty, on the allowance of a Drawback on Foreign Wheat Flour, and also on the injurious operation of the Imperial Act upon some branches of the Manufactures and Trade of this Province ; and request that a Committee of the Council may join a Committee of this House, in preparing such Address.

Ordered, That the Clerk do request said Conference.

Mr. Goudge moved, that the House do now proceed to the consideration of the Report of the Select Committee on the Petition of John Joseph Marshall and others, late the Grand Jury for the County of Guysborough : which, being seconded,

Motion to consider Report of Com. on Pet. of Guysboro' Grand Jury

Mr. McLellan moved, as an amendment to the question, to leave out all the words thereof, after the word "now," and to insert instead thereof the words, "resolve itself into the Committee of Supply : " which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, fifteen ; against it, nineteen.

Amendt. for Com. of Supply negatived

So it passed in the negative.

The original motion was then agreed to, and accordingly,

Main question agreed to

The House proceeded to the consideration of said Report, and the same being read,

Mr. Goudge moved, that the House do come to the Resolutions following, viz :

House consider Report relative to Guysboro' Grand Jury Resolutions moved thereon

Whereas, in June Term, 1838. the Grand Jurors of the County of Guysborough were fined Five Pounds each, by the Court of Sessions, Mr. Justice Sawers presiding, for an alleged contempt in certain presentments made by them, as to the expenditure of Public Monies, which it was their duty to enquire into ; and whereas, Warrants have been issued to enforce the Collection of such Fines, from a certain number of said Grand Jurors, who, thereupon, have complained to this House, asking its interposition in their behalf ; and whereas, this House is of opinion, that the said Court had no constitutional right or power to impose such Fines, there being no precedent for the imposition of Fines on a Grand Jury under circumstances at all analogous to the present, either in the Mother Country or this Province, and the said Grand Jurors having made such Presentments, in the due exercise of their Official Functions, and whereas, the power of Fining Grand Juries for acts done in the course of their Public duty, by the Courts of Law or Sessions, would be subversive of the usefulness of that body, the independence of which, and exemption from pecuniary or personal infliction, is as essential to perfect the object of their Institution, and protect the life and liberty of the subject, as is the independence and free action of Courts of Law or Equity.

Resolved therefore, That, in the opinion of this House, such Fines ought never to have been imposed, and ought not now to be exacted from said Jurors.

Resolved, That a Committee be appointed to wait upon the Lieutenant-Governor, and respectfully request that he will be pleased to remit the said Fines, in compliance with the views of this House, as herein before expressed.

And the first of said Resolutions being seconded,

SATURDAY and MONDAY, 21st and 23d MARCH, 1840.

Amendt, to adopt
report of Select
Com

Mr. Holland moved, that the same be amended, by leaving out all the words thereof, except the word "Resolved," and inserting instead of the words so left out, the following after the said word "Resolved," "that the Report of the Select Committee on said Petition be adopted:" which, being seconded and debated,

Debate adjourned

Ordered, That the Debate be adjourned until Monday next.

Report from Com.
to wait on Gov. rel.
to Despatches &
appointments
to Councils

Mr. Howe, from the Select Committee appointed this day to wait upon His Excellency the Lieutenant-Governor in reference to any Despatches that may have been received during this Session, and the appointments to the Executive and Legislative Councils, reported that the Committee had performed the duty assigned to them, and that His Excellency, in reply to the Communication, was pleased to say to the Committee, that he had not received any Despatches that required the consideration of this House, which had not been already communicated. That some Mandamuses had been received, authorizing one appointment to the Executive, and six to the Legislative Council; but that His Excellency was not yet aware whether those Gentlemen would accept the seats.

Then the House adjourned until Monday next at Eleven of the clock.

Monday, 23d March, 1840.

Leave of absence to
Mr. Holland & Mr.
Elder

Ordered, That Mr. Holland have leave of absence after Wednesday next, and Mr. Elder, after this day, respectively, on account of ill health.

Report from Com.
to wait on Gov. rel.
Lunenburg School
Commissioners

Mr. Howe reported from the Select Committee appointed on the 4th March Inst., to wait upon His Excellency the Lieutenant-Governor, in reference to the Board of School Commissioners for the County of Lunenburg, that the Committee had performed that duty, and that His Excellency, in reply to the application, was pleased to say to the Committee that he would give the subject his best consideration.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Council agree to
Conference on
General State of
Province

The Council agree to the Conference desired by this Honorable House on the General State of the Province, and the Committee of the Council are ready to meet the Committee of this Honorable House at such Conference.

And then the Messenger withdrew.

Com. of Conference

Ordered, That Mr. Young, Mr. Howe, Mr. Bell, Mr. Huntington and Mr. Uniacke, do manage the Conference.

So they went to the Conference,

And being returned, Mr. Young reported that the Managers had been at the Conference, and had complied with the instructions of the House, in regard to the proposed joint Address to Her Majesty, upon the subject of the drawback upon foreign Wheat Flour, &c.

Message from Gov.
announcing
Queen's Marriage.

The Honorable Mr. Secretary George acquainted the House that he had a Message from His Excellency the Lieutenant-Governor to this House, in writing, signed by His Excellency, which His Excellency had commanded him to deliver to the House; and he read the Message at the Bar of the House, all the Members being uncovered; and he afterwards delivered the same to the House, and then withdrew.

The Message was then read by the Clerk, and is as followeth:

M E S S A G E .

C. Campbell.

The Lieutenant-Governor has the highest gratification in announcing to the House of Assembly the Marriage of Her Most Gracious Majesty the Queen with the Prince Albert of Saxe Coburg and Gotha, and is confident that the House will cordially participate in the joy which that auspicious event has diffused throughout the United Kingdom.
Government House, 23d March, 1840.

Ordered, That the Message do lie on the Table.

On.

MONDAY, 23d MARCH, 1840.

On motion of Mr. Uniacke, *resolved*, that a Committee be appointed to prepare an Address to Her Majesty, congratulating Her Majesty upon the auspicious event of Her Marriage, as announced in said Message. Rez. for Com. to prepare Address on Queen's Marriage

Ordered, That Mr. Uniacke, Mr. Miller, Mr. Howe, Mr. Fairbanks, Mr. Young, Mr. Goudge and the Hon. Mr. Dewolf, be a Committee for the foregoing purpose. Com. named

A Message from the Council, by Mr. Halliburton:—

Mr. Speaker,

The Council desire a further Conference, by Committee, on subject of the last Conference. Council request further conference

And then the Messenger withdrew.

On motion of Mr. Young, *resolved*, that the Conference desired by the Council be agreed to.. Agreed to

Ordered, That the Committee who managed the last Conference do manage this Conference. Com. of conference

Ordered, That the Clerk do acquaint the Council that this House have agreed to the Conference, as desired by the Council, and that the Committee of this House are ready to meet the Committee of the Council on such Conference.

And the Managers went to the Conference.

The House, according to order, resumed the adjourned Debate upon the question proposed on Saturday last, that the first Resolution moved by Mr. Goudge, in reference to the fining of the Grand Jury for the County of Guysborough, in the year 1838, be amended, by leaving out all the words thereof except the word "*Resolved*," and inserting instead of the words so left out the following, after the said word "*Resolved*:" "that the report of the Select Committee on said Petition be adopted." House resume Adjourned Debate on Guysboro' Grand Jury question

And the question being again proposed and put, that the said amendment be made, the House divided, when there appeared, for agreeing to said proposed amendment, sixteen; against it, twenty-two. So it passed in the negative. Amend. to adopt report negatived

Mr. Uniacke then moved, that the proposed Resolution be amended, by leaving out all the words thereof except the word "*Resolved*," and in place of the words so left out, inserting the following after the said word "*Resolved*," "that this House is of opinion that the Grand Jury who have petitioned this House for remission of certain fines imposed at the Sessions at Guysborough, might have adopted, and still may adopt, the legal course for redress and adjudication of the Courts, constitutionally created for such purposes, and that this House declines deciding, or giving judgment, on the merits of the Petitioners, until it is made apparent that such redress has been withheld or denied them by such Courts:" Another amndt. declining decision on subject negatived

Which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, thirteen; against it, twenty-three.

For the amendment,

Mr. McDougall
Mr D'Entremont
Mr McDonald
Mr Uniacke
Mr Fairbanks
Mr Miller
Mr Heckman

Mr Thorne
Mr J Sargent
Mr Whitman
Mr Forrestall
Mr Dickson
Mr Halton

Against the amendment.

Mr Waterman
Mr Creighton
Mr Spearwater
Mr Holdsworth
Mr McLellan
Mr Clements
Mr Dickey
Mr Allison

Mr Howe
Mr Benjamin
Mr Robichau
Mr Holland
Mr Upham
Mr McHefly
Mr McKam
Mr Bell

Mr Lewis
Mr Goudge
Mr Forrester
Mr W Sargent
Mr Doyle
Mr Young
Mr Archibald

So it passed in the negative.

On motion of Mr. Howe, *resolved*, that the said proposed Resolution be amended, by leaving out all the words thereof except the word "*Resolved*," and by inserting instead of the words so left out the following words after the word "*Resolved*," viz: "That this House, without expressing any opinion upon the merits of the case brought before them by the Grand Jury of Guysboro', can never recognize the right of any Court to fine a Grand Jury for a free and respectful expression of their opinions." Another amndt. agreed to

And the Resolution, as amended, being then put,

Resolved,

Amended Resolu-
on

Resolved, That this House, without expressing any opinion upon the merits of the case brought before them by the Grand Jury of Guysboro', can never recognize the right of any Court to fine a Grand Jury for a free and respectful expression of their opinions.

Resolution for
Com. to wait on
Gov. & request re-
mission of fines
of Guysboro' Grand
Jury passed on
division

Mr. Howe then moved, that the House do come to a Resolution as followeth :

Resolved, That a Select Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request His Excellency to remit the Fines imposed upon the Grand Jury of Guysboro', for an alleged contempt by the Court of Sessions : which, being seconded and put, and the House dividing thereon, there appeared, for the Resolution, twenty-five ; against it, eleven :

For the Resolution,

<i>Mr Goudge</i>	<i>Mr Young</i>	<i>Mr Howe</i>
<i>Mr Forrester</i>	<i>Mr Fairbanks</i>	<i>Mr McLellan</i>
<i>Mr Lewis</i>	<i>Mr W Sargent</i>	<i>Mr Allison</i>
<i>Mr Doyle</i>	<i>Mr McHaffy</i>	<i>Mr Dickey</i>
<i>Mr Archibald</i>	<i>Mr Upham</i>	<i>Mr Spearwater</i>
<i>Mr D'Entremont</i>	<i>Mr Holland</i>	<i>Mr Holdsworth</i>
<i>Mr McDonald</i>	<i>Mr Robichau</i>	<i>Mr Craighton</i>
<i>Mr Waterman</i>	<i>Mr Clements</i>	
<i>Mr Huntington</i>	<i>Mr Benjamin</i>	

Against Resolution.

<i>Mr Halton</i>	<i>Mr Miller</i>
<i>Mr Forrestall</i>	<i>Mr Heckman</i>
<i>Mr Dickson</i>	<i>Mr McKim</i>
<i>Mr J Sargent</i>	<i>Mr Bell</i>
<i>Mr Uniacke</i>	
<i>Mr Whitman</i>	
<i>Mr Thorne</i>	

So it passed in the affirmative.

Ordered, That the Committee who reported upon the Petition be a Committee to wait upon His Excellency the Lieutenant-Governor, and communicate to him the foregoing Resolution.

Dispatch with com-
munication from
Treasury

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a copy of a Despatch from the Right Honorable Her Majesty's Principal Secretary of State for the Colonies, to His Excellency the Lieutenant-Governor, dated 29th January, 1840, with a copy of a communication from the Secretary of the Board of Treasury, containing their decision on the application of the Assembly that the duties levied at the Customs may be collected in Sovereigns, &c. &c.

(See Appendix, No. 80.)

Ordered, That the copies of Despatch and Communication do lie on the Table.

Council agree to
Bills without amds.
viz :
Halifax Hotel Bill
continuing Bills
Passengers
Poor
Highways
County Rates
Prices of Carriages
Terms of Supreme
Court Halifax
Com. Pleas
Disorderly riding

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to Incorporate an Hotel Company in Halifax ; the Bill to continue the Act relating to Passengers from Great-Britain and Ireland, and the Acts in amendment thereof ; the Bill to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province ; the Bill to continue the Act in amendment of the Act relating to Highways, Roads and Bridges ; the Bill to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof ; the Bill to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages ; the Bill to continue the Act concerning the Terms of the Supreme Court at Halifax ; the Bill to continue the Act concerning the Inferior Courts of Common Pleas within this Province ; the Bill to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned ; the Bill to continue an Act relating to the Court of Commissioners at Halifax ; the Bill to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night ; the Bill to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax ; and the Bill to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax.

Commissioners
Court Halifax
Halifax Night
Watch
Constable of Court
of Commissioners
Forestalling Cord-
wood
And agree to reso-
lution granting
£200. 13 6 to J.
Howe & Son for
printing

The Council have also agreed to the Resolution for granting £200 13 6 to Messrs. John Howe & Son, for Printing, during the year 1839.

And then the Messenger withdrew.

MONDAY, 23d MARCH, 1840.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to continue and in addition to the Act for the support and regulation of Light Houses, with amendments—to which they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Message from Council agreeing to Light House Bill with amendts.

Mr. Uniacke reported from the Committee of Conference held on Saturday last on the General State of the Province, in reference to the Timber Ships Deck Load Law, that the Managers had been at the Conference, and that, thereupon, the Committee of the Council had communicated to the Committee of this House the following Resolutions of the Council on said subject, to be submitted to this House.

Report from Com. of Conference

“ *Legislative Council Chamber, 21st March, 1840.* ”

On motion, *resolved*, that a further Conference be desired with the House of Assembly on the subject of the last Conference, and that the Committee of this House do communicate to the Committee of the House of Assembly, that this House have agreed to the Address to Her Majesty on the subject of the Act of the Imperial Parliament, entitled, “ An Act to prevent Ships, clearing out from a British North American Port, loading any part of their Cargo of Timber on Deck,” reported from the Joint Committee of this House and the House of Assembly; and that this House have appointed the same Committee to prepare and report to this House an Address to His Excellency the Lieutenant-Governor, praying His Excellency to transmit the Address to Her Majesty to the Right Honorable the Secretary of State for the Colonies, to be laid at the foot of the Throne.”

Council agree to address on Timber deck load Law

And appoint Committee to frame address to Lt. Gov. thereon

Ordered, That the Committee of this House to prepare the Address to His Excellency the Lieutenant-Governor to the foregoing effect, do join the Committee of the Council for that purpose.

Committee of House to join

Mr. Young reported from the Committee of Conference, held this day, on the General State of the Province, that the Managers had been at the Conference, and that thereupon the Committee of the Council had communicated to them the following Resolutions of the Council :

Report from Conference of this day

“ *Legislative Council Chamber, 23d March, 1840.* ”

Resolved, That this House will join the House of Assembly in an Address to Her Majesty, on the allowance of a Drawback on Foreign Wheat Flour; and also, on the injurious operation of the Imperial Act upon some branches of the Manufactures and Trade of this Province.

Council join in address to Her Majesty on Flour Duty and Drawback

Ordered, That Mr Johnston, Mr. Campbell and Mr. Rudolf, be a Committee of this House to join the Committee of the House of Assembly in preparing the said Address.

Committee of Council thereon

Resolved, That a Conference be desired with the House of Assembly, by Committee, on the General State of the Province, and that the Committee of this House do communicate the foregoing Resolutions to the Committee of the House of Assembly.”

Ordered, That the Committee of this House who managed said Conference, be a Committee to join the Committee of the Council in preparing the Address to Her Majesty, mentioned in said Resolutions.

Com. of House to join

On motion of Mr. Howe, *resolved*, that a Committee be appointed to prepare and report to the House an Address to Her Majesty on the State of the Province, in reference to the subjects of complaint entertained by this House.

Com to prepare address to Queen on state of Province

Ordered, That Mr. Howe, Mr. Bell, Mr. Goudge, Mr. Huntington, Mr. Forrester, Mr. Holland and Mr. Young, be a Committee for the above purpose.

Com. named

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council adhere to their amendments to the Bill, entitled, An Act to prevent inconveniencies arising from delay of Causes, after issue joined.

Council adhere to amendts to Non-suit Bill

And then the Messenger withdrew.

- Com. of Supply On motion, the House resolved itself into the Committee of Supply.
 Mr. Speaker left the Chair,
 Mr. Clements took the Chair of the Committee,
 Mr. Speaker resumed the Chair.
- Report Resolutions The Chairman reported from the Committee that they had come to sundry Resolutions, viz. which they had directed him to report to the House ; and he delivered the same in at the Clerk's Table.
- 995l. Delegates The said Resolutions were then read by the Clerk, and are as follow :
- 1 *Resolved*, That the sum of Nine Hundred and Ninety-five Pounds be granted and paid to Herbert Huntington and William Young, Esquires, the Delegates appointed by this House to proceed to England, to represent the views of this House to Her Majesty's Government, to defray the expenses of their mission.
- 60l. Revenue Boat 2 *Resolved*, That the sum of Sixty Pounds be granted and placed at the disposal of His Gut of Canso Excellency the Lieutenant-Governor, for the purpose of continuing a Revenue Boat for the collection of Light Duties and other services at the Gut of Canso, during the present year.
- 32l. 14 0 Commissi- 3 *Resolved*, That the sum of Thirty-two Pounds Fourteen Shillings be granted and plac- oners of Public ed at the disposal of the Commissioners of Public Buildings, to pay J. Burton's Account Buildings for 1839.
- 30l. Revenue Boat 4 *Resolved*, That the sum of Thirty Pounds be granted and placed at the disposal of His Sydney, C. B. Excellency the Lieutenant-Governor, for the purpose of continuing the Revenue Boat at Sydney, in the County of Cape-Breton, to aid in the protection of the Revenue, and for the collection of Light Duty and other services at that Port.
- 10l. Geo. R. Gra- 5 *Resolved*, That the sum of Ten Pounds be granted and paid to George R. Grassie, ssie Esquire, High Sheriff of Colchester, to reimburse him his expenses in attending a Com- mittee of this House.
- Motion not to re- Mr. Lewis moved, that the Resolution for granting £10 to pay the expences of George ceive vote of 10l. to George R. Gra- ssie negatived
- Resolutions agreed The said Resolutions were then agreed to by the House. to Ordered, That the Clerk do carry the Resolutions to the Council, and desire their concurrence.
- Motion for leave of Mr. Chipman moved, that Mr. Heckman have leave of absence after Wednesday next, absence to Mr. Heckman on account of urgent private business : which, being seconded,
- Adjournment car- Mr. Goudge moved the previous question, that the House do now adjourn : which being ried scoded and put, passed in the affirmative ; and accordingly,
- The House adjourned until To-morrow, at Twelve of the Clock.

Tuesday, 24th March, 1840.

PRAYERS.

- Leave of absence Ordered, That Mr. Waterman have leave of absence after this day, on account of to Mr. Waterman urgent private business.
- Leave of absence Mr. Chipman moved, that Mr. Heckman have leave of absence after to-morrow, on ac- to Mr. Heckman count of urgent private business : which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen ; against it, sixteen :
- So it passed in the affirmative.
- Ordered accordingly.
- Leave of absence Mr. McDougall moved, that Mr. Forrestall have leave of absence after Thursday next, to Mr. Forrestall on account of urgent private business : which, being seconded and put, and the House di- viding thereon, passed in the affirmative.
- Ordered accordingly.
- Amendts. of Coun- The amendments proposed by the Council to the Bill, entitled, An Act to continue, and in

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in addition to, the Act for the support and regulation of Light Houses, were read, and are as follow: Bill to Light-House Bill

"3d Clause—5th line, leave out "passing" and insert, "in case of arrival within a Port or Place within this Province, which shall pass."

8th line, after "Province," insert, "and to be liable to pay the Duty imposed in and by the said eighth section."

At the end of the Bill, add the following clause:

Provided always, and be it further enacted, That all Vessels passing through, or anchoring in, the said Gut of Canso, which shall be cleared for, and bound to, any Port or Ports within this Province, shall not be called upon to pay such Duty at the said Gut of Canso, but shall be liable to pay the said Duty on their arrival at any of the said Ports within this Province, for which such Vessels may be cleared and bound as aforesaid."

Resolved, That this House cannot consider the amendments, as they relate to, and alter the mode of, collection of a Tax. Not considered

Ordered, That the Clerk do carry the Bill and amendments to the Council, and acquaint them with the Resolution of this House, in regard to said amendments.

On motion of Mr. Huntington, *resolved,* that the Treasurer of the Province, together with the Commissioners for the signing of Province Notes, be authorised to obtain Copper Tokens, consisting of Pence and Half-pence, to the amount of £500 Sterling, of the same weight and fineness as those issued from the Treasury in the year 1832. Copper Coin to be obtained for Province

Ordered, That the Resolution be sent to the Council for concurrence.

The Honourable Mr. Dewolf by command of His Excellency the Lieutenant-Governor, presented a Letter dated 20th March, 1840, and addressed by the Honorable the Collector of H. M. Customs, at the Port of Halifax, to the Honorable the Provincial Secretary, desiring to be furnished with evidence in support of some parts of the Report of the Select Committee of this House on the union of the Custom House and Excise Departments, such parts relating to the character and conduct of certain Officers of the Customs, in this Province:—said letter being accompanied by His Excellency's request, that this House will supply the required evidence; and the said Letter was read by the Clerk, with the recommendation. For the Letter, Letter fm. Collector of Customs laid before House by command of Gov.

(See Appendix No. 81.)

Ordered, That the Letter and Recommendation do lie on the Table for future consideration.

Mr. Smith moved, that the House do come to a Resolution as followeth:

Whereas, The practice, as hitherto, of sending Road Commissions to Clerks of the Peace, has been found inconvenient, particularly to those districts situated at remote distances from those Officers: *Be it therefore resolved,* that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request that His Excellency will be pleased to direct that in future the Road Commissions for each respective County, be sent to some one or more of the Members of the County, or to one of the Magistrates residing within the limits of each Township, where Money is to be expended upon the Roads: which, being seconded and put, passed in the negative. Motion to change mode of forwarding Road Commissions negatived

Mr. McLellan moved, that the House do come to a Resolution as followeth:

Resolved, That His Excellency the Lieutenant-Governor be respectfully requested to direct the proper Officer to enforce the payment of all balances due the Province, from Counties in arrear for Money obtained out of the Province Chest under the Relief Act of 1837: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, seventeen; against it, twenty: Motion for enforcing payment of money due under relief Act negatived

For

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For the motion,

Mr Huntington Mr Forrester
 Mr Fairbanks Mr McLellan
 Mr Upham Mr Clements
 Mr Robichau Mr Whitman
 Mr D'Entremont Mr Holdsworth
 Mr Benjamin Mr J Sargent
 Mr Smith Mr Thorne
 Mr Allison Mr Spearwater
 Mr Morton

Against the motion,

Mr Uniacke Mr McDonald Mr Dickson
 Mr Howe Mr Dickey Mr DesBarres
 Mr Forrestall Mr Archibald Mr McHaffy
 Mr Creighton Mr Miller Mr Chipman
 Mr Halton Mr Heckman Mr Lewis
 Mr Holmes Hon Mr Dewolf Mr Young
 Mr Bell Mr McKim

So it passed in the negative.

Com. to prepare
 answer to Messages
 &c. of Lt. Gov.

On motion of Mr. Fairbanks, *resolved*, that a Committee be appointed to prepare and report an Answer to such of the Messages and Recommendations of His Excellency the Lieutenant-Governor to this House, as have not been already answered.

Ordered, That Mr. Fairbanks, the Honorable Mr. Dewolf and Mr. DesBarres, be a Committee for the foregoing purpose.

Rep. from Temper-
 ance Com.

Mr. Lewis reported from the Select Committee on the subject of Temperance, and the several Petitions in relation thereto, referred to the Committee; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix No. 82.)

Ordered, That the Report do lie on the Table.

Message from
 Council

A Message from the Council, by Mr. Halliburton:
 Mr. Speaker,

Agree to Polls Bill
 Horton Fishery Bill
 Circuit Courts Bill
 Firewards Bill

Bridewell and Po-
 lice continuing Bill,
 without am.

Agree to change of
 Appropriation for
 Oat Mill in Guys-
 borough

The Council have agreed to the Bill, entitled, An Act to amend the Act for establishing the Times and Places of holding the Polls at Elections of Representatives; the Bill, entitled, An Act to regulate the Gaspereau and Salmon Fishery, at Horton; the Bill, entitled, An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times and places of holding the Circuits of the said Court, and the Acts in amendment thereof; the Bill, entitled, An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, and additional thereto; and the Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police at Halifax, severally, with-

out any amendment.
 The Council agree to the Resolution for altering the terms of appropriation of the sum of £19, for the erection of an Oatmill at Salmon River, in the County of Guysborough. And then the Messenger withdrew.

Message from Gov.
 as to payment of
 expenses of Dele-
 gates out of Casual
 Revenue

The Honourable Mr. Secretary George acquainted the House that he had a Message from His Excellency the Lieutenant-Governor to this House, in writing, signed by His Excellency, which His Excellency had commanded him to deliver to the House; and he read the Message at the Bar of the House—all the Members being uncovered; and he afterwards delivered the same to the House, and then withdrew.

The Message was then read by the Clerk, as followeth:

M E S S A G E.

C. Campbell:

The House of Assembly having declined to provide for the expenses of the recent Delegation from the Legislative Council; and the Council having, in consequence, rejected the

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the vote sent for their concurrence for the payment of the expenses of the Delegation from the House of Assembly, the Lieutenant-Governor acquaints the House that, to prevent any interruption of the harmony which should be maintained between the two Houses, he will be prepared to advance from Her Majesty's Casual Revenue, the sum of £1000 Currency, to each Delegation—provided, such an arrangement be consistent with the wishes of the Council and Assembly.

Government House, 24th March, 1840.

Ordered, That the Message do lie on the Table.

A Message from the Council, by Mr. Halliburton:
Mr. Speaker,

The Council adhere to their amendments to the Bill, entitled, An Act to continue, and in addition to, the Act for the support and regulation of Light-Houses.

The Council have directed me to deliver a Message to this Honourable House, in writing; and he read the Message at the Bar, and then withdrew.

The Message from the Council was then read by the Clerk, and is as followeth:

Legislative Council Chamber, 24th March, 1840.

The Council having already decided, for the reasons assigned, in a Message sent to the House of Assembly on the 21st instant, that they could not agree to the vote of the House of Assembly for granting £1000 to the Delegates of that House, cannot again consider any vote sent to them for the same service.

And then the Messenger withdrew.

Council adhere to
ams. to Light House
Bill
Written Message
from. Council

Council refuse to
consider Delegation
vote

A Message from the Council, by Mr. Halliburton:
Mr. Speaker,

The Council have agreed to the Resolutions of this Hon. House for granting sums of Money for the following services:

£60 0 0 for a Revenue Boat at the Gut of Canso.

32 14 0 to the Commissioners of Public Buildings, to pay J. Barton's account.

30 0 0 for a Revenue Boat at Sydney, C. B.

10 0 0 to defray the expenses of George R. Grassie.

Also, to the Resolution authorising the obtaining of £500 Sterling worth of Copper Coins.

And then the Messenger withdrew.

Council agree to
Money Resolutions
and obtaining Cop-
per Coins

On motion of Mr. Uniacke, *resolved*, that a Conference be desired with the Council, by Committee, on the General State of the Province.

Resolved, That, at such Conference, the Committee of this House do communicate to the Committee of the Council a request, that the Council will join this House in an Address, congratulating Her Majesty upon the auspicious event of Her Marriage, and that the Council will appoint a Committee to join the Committee of this House for the purpose of preparing such Address.

Ordered, That the Clerk do request such Conference.

Resolution for Com.
of Conference with
Council to request
joint Address on
Queen's Marriage

A Message from the Council, by Mr. Halliburton:
Mr. Speaker,

The Council agree to the Conference desired by this Hon. House, and the Committee of the Council are now ready to meet the Committee of this House.

And then the Messenger withdrew.

Council agree to
Conference

Ordered.

Com. of Conference *Ordered*, That the Committee appointed to prepare said Address, congratulatory to Her Majesty, do manage said Conference.

Report therefrom *So they went to the Conference,*
 And being returned, Mr. Uniacke reported that the Managers had been at the Conference, and had complied with the instructions of the House.

A Message from the Council, by Mr. Halliburton :
 Mr. Speaker,

Council desire further conference *The Council desire a further Conference, by Committee, on the General State of the Province.*
 And then the Messenger withdrew.

Agreed to and held *Resolved*, That this House do agree to the Conference desired by the Council.
Ordered, That the Clerk do acquaint the Council that this House have agreed to the Conference, and that the Committee of this House are ready to meet the Committee of the Council.

Ordered, That the Committee of this House who managed the last Conference do manage this Conference.
 So they went to the Conference.

Resolution moved relative to constitution of Legislative Council *Mr. Huntington moved, that the House do come to a Resolution, as followeth :*
Resolved, That the rejection of the Bills relating to the Registration of Deeds, and for granting a Civil List to Her Majesty, by the Legislative Council, has but confirmed the apprehension which this House expressed when that Body was constituted. They could not believe that such a wide departure from the commands of Her Majesty would have been hazarded in the appointments to the Council, had not those interested in keeping up extravagant Salaries, and who advised the Lieutenant-Governor at the time, wished to deny justice to the Country : which, being seconded,

Am. for postponement of question negatived *Mr. Uniacke moved, as an amendment of the proposed Resolution, that all the words thereof, after the first words "Resolved that the" be left out, and that the following be inserted in place thereof, "Consideration of the subject of the constitution of the Legislative Council be deferred until the next Session": which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, ten; against it, twenty-eight.*

For the amendment.

- Mr Uniacke*
- Mr Fairbanks*
- Hon Mr Dewolf*
- Mr Miller*
- Mr Holmes*
- Mr Heckman*
- Mr Thorne*
- Mr J Sargent*
- Mr Hatton*
- Mr Whitman*

Against the amendment.

- | | | |
|-----------------------|----------------------|----------------------|
| <i>Mr Forrester</i> | <i>Mr Dickey</i> | <i>Mr Holland</i> |
| <i>Mr D'Entremont</i> | <i>Mr Holdsworth</i> | <i>Mr Annand</i> |
| <i>Mr W Sargent</i> | <i>Mr Archibald</i> | <i>Mr Chipman</i> |
| <i>Mr Waterman</i> | <i>Mr Lewis</i> | <i>Mr Huntington</i> |
| <i>Mr Allison</i> | <i>Mr Clements</i> | <i>Mr McHefly</i> |
| <i>Mr Spearwater</i> | <i>Mr Benjamin</i> | <i>Mr DesBarres</i> |
| <i>Mr Forrestall</i> | <i>Mr Young</i> | <i>Mr Doyle</i> |
| <i>Mr McDonald</i> | <i>Mr McLellan</i> | <i>Mr Goudge</i> |
| <i>Mr Bell</i> | <i>Mr McKim</i> | |
| <i>Mr Robichau</i> | <i>Mr Howe</i> | |

So it passed in the negative.

The question on the Resolution being then put, and the House dividing thereon, there appeared, for the Resolution, twenty-one ; against it, seventeen.

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For the Resolution,

Mr McHeffy
Mr Chipman
Mr Doyle
Mr Huntington
Mr Annand
Mr McLellan
Mr Holland
Mr Howe
Mr Goudge
Mr McKim
Mr Benjamin

Mr Young
Mr Clements
Mr Archibald
Mr Holdsworth
Mr Dickey
Mr Robichau
Mr Lewis
Mr Waterman
Mr D'Entremont
Mr Forrester

Against the Resolution.

Mr Whitman
Mr J Sargent
Mr W Sargent
Mr Hatton
Mr Allison
Mr Spearwater
Mr Forrestall
Mr McDonald
Mr Bell
Mr Thorne
Mr Heckman

Mr Holmes
Mr Miller
Hon Mr Dewolf
Mr Unipeke
Mr DesBarres
Mr Fairbanks

So it passed in the affirmative.

Mr. Goudge moved, that the House do come to a Resolution as followeth :—

Resolved, That this House believe that Sir Rupert D. George, the present Provincial Secretary, has, during the five years preceding 1838, that he has held the situation conjointly with that of Registrar of Deeds, derived from the industry of this Country the enormous sum of £8,785 16, besides a large allowance for the Clerks, and contingencies of his office. That this House know that one third of the sum would have been an ample compensation for services, by no means laborious, and responsibilities much less onerous than those discharged by the Treasurer of the Province, whose annual Salary during all that time never exceeded £600. per annum : which being seconded,

Resolution moved relative to emoluments of Sir R. D. George

Mr. Uniacke moved, as an amendment of the proposed Resolution, that the figures "£8,785" be left out, and the figures £8,125 be substituted therefor : which, being seconded and put, passed in the negative.

Amendt. negatived

The question upon the resolution, as originally moved, was then put, and the House dividing thereon, there appeared, for the resolution, twenty-nine ; against it, ten.

Resolution carried

So it passed in the affirmative.

Mr. Howe moved that the House do come to a Resolution as followeth,

Resolved, That the House do not believe that any such extravagant sums would have been given to that office had the Representative Branch possessed its due influence in the Government, nor that they would have been continued to the present time, but the whole executive power in the Province has been in the hands of a narrow and exclusive party, with whom that officer has generally acted, in opposition to the often expressed wishes and feelings of the Assembly : which, being seconded and put, and the House dividing thereon, there appeared for the Resolution, twenty-four ; against it, fifteen.

Resolution relative to Local Government being carried on by minority carried on division

So it passed in the affirmative.

Mr. Huntington moved, that the House do come to a Resolution as followeth :

Resolved, That while the House contemplate with deep regret such a lavish waste of the resources of a young and poor Colony upon a single office, they cannot believe that, because three times as much as was necessary has hitherto been received, more than double what they believe to be a fair compensation should continue to be given, particularly when it is admitted on all hands that the sum of £700 is enough for any future incumbent of the same office, even with the advanced state of the Funds and more extended duties an increased population must occasion : which, being seconded and put, and the House dividing thereon, there appeared, for the Resolution, twenty-eight ; against it, eleven.

Resolution relative to Salary of Prov. Secretary carried on division

So it passed in the affirmative.

On motion of Mr. Huntington, *resolved*, that the whole arrangement with respect to the permanent settlement of the Judiciary has been hitherto delayed, and is still embarrassed, by alleged claims arising out of certain Fees, which were repeatedly declared by this House to be illegal, and have since been abolished.

Resolution on subject of Judiciary and Judges' Fees

Mr. Huntington moved, that the House do come to a Resolution as followeth :

Resolved, That whatever shadow of claim to receive those Fees may have been possessed by the Chief-Justice, the rights of the Puisne Judges to receive or to divide any portion of them, with the exception of those sanctioned by the Provincial Statutes, was no stronger than

Resolution moved relative to Judges' Fees

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than their right to exact a per centage upon all sums sued for in the Supreme Court : which, being seconded,

Amendr. carried on
division

Mr. Young moved, as an amendment of the proposed Resolution, to leave out all the words thereof after the word "Resolved," and to insert instead thereof the words "that while the Salary of the Chief-Justice, exclusive of those Fees, was but £1,062 10, the Bill rejected provides for him £1,100 ; that while the former Salaries of the Puisne Judges was but £600, under that Bill they were to receive £700, all of them being allowed, in addition, a Guinea a day for travel—sums which, in the deliberate judgment of this House, are an ample and fair provision. If more has been demanded by Her Majesty's Government, they believe it is because, while these negotiations have been pending, this House has had the whole influence of the Executive against them, by which the clear and reasonable equities of the case have been studiously overborne" : which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-three ; against it, six.

So it passed in the affirmative.

Amended Resolu-
tion agreed to

The question, as amended, being then put,

Resolved, That while the Salary of the Chief-Justice, exclusive of those Fees, was but £1,062 10, the Bill rejected provides for him £1,100 ; that while the former Salaries of the Puisne Judges was but £600, under that Bill they were to receive £700, all of them being allowed, in addition, a Guinea a day for travel—sums which, in the deliberate judgment of this House, are an ample and fair provision. If more has been demanded by Her Majesty's Government, they believe it is because, while these negotiations have been pending, this House has had the whole influence of the Executive against them, by which the clear and reasonable equities of the case have been studiously overborne.

Resolution relative
to settlement of
Civil List

On motion of Mr. Young, *resolved*, that this House would but ill perform its duties, if it did not, with this plain expression of its opinion, again refer the subject to Her Majesty's Government and to the constituency they represent. If the former compel them to yield, by withholding the Casual and Territorial Revenue, or if the latter consent to the sacrifice, an arrangement which for the present appears to be impracticable may hereafter be made.

Resolution relative
to permanence of
Salaries

On motion of Mr. Huntington, *resolved*, that with respect to the permanence of certain Salaries, this House feel that as a Colony, the Army and Navy, and all the Imperial Officers, including those connected with the Customs, Post-Office and Courts of Admiralty, are beyond their control—that while the Master of the Rolls and other Officers enjoy Salaries under enactments which cannot be repealed, and the Governor, Provincial Secretary and Judges, were to have been made permanent by the Bill—it would be most unwise to increase the list of permanent Officers, unless it be intended that the Colonial Government shall have no inducement to sympathise with the Popular Branch, but may at any time set it at defiance.—If that be intended, on this point also the House may be compelled ultimately to submit, but they will do so only after every constitutional mode of resistance has been tried—and then yield, with a consciousness of their inability to contend, but with a firm reliance of the correctness of their views.

Mr. Howe moved, that the House do come to a Resolution as followeth :

Resolution relative
to appointment of
Hon. Alex. Stewart
to Executive Council
carried on di-
vision

Whereas, the Hon. Alexander Stewart has been appointed, or it is in contemplation to appoint him, to the Executive Council, *therefore resolved*, that in order to guard Her Majesty's Government, against committing an error, that must have a tendency still further to embarrass the Queen's Representative in this Colony, this House conceive it to be their duty, to state distinctly, that there are few men in Nova-Scotia, who enjoy so little of their confidence, and that they should regard his appointment as a direct insult to this House,

Which, being seconded and put, and the House dividing thereon, there appeared, for the Resolution, eighteen ; against it, eleven :

For

For the Resolution,

Mr Doyle
Mr Chipman
Mr Archibald
Mr Lewis
Mr Anmond
Mr Upham
Mr McKim
Mr Huntington
Mr McLellan

Mr Howe
Mr Clements
Mr Goudge
Mr Bell
Mr Forrestall
Mr McDonald
Mr Waterman
Mr Forrester

Against the Resolution,

Mr Thorne
Mr Spearwater
Mr Whitman
Mr Allison
Mr Dickey
Mr Benjamin
Mr Miller
Hon Mr Dewolf
Mr Fairbanks
Mr Uniacke
Mr W Sargent

So it passed in the affirmative.

Mr. Uniacke, from the Joint Committee, to prepare an Address to His Excellency the Lieutenant-Governor, in reference to the Imperial Act, to prevent Vessels carrying Deck Loads of Timber, reported that the Committee had framed such Address; and he read the same in his place, and afterwards delivered it at the Clerk's Table.

Report from joint Com. on Address to His Excellency relative to Timber Deck Load Law

Ordered, That the Address do lie on the Table.

Mr. Uniacke, from the last Conference on the General State of the Province, reported that the Managers had been at the Conference, and that the Committee of the Council had thereat, communicated to the Managers on the part of this House, the following Resolutions of the Council:

Report from Com. of Conference on Queen's Marriage

" Legislative Council Chamber, 24th March, 1840.

Resolution of Council relative to Address on Queen's Marriage

Resolved, That this House will join the House of Assembly in an Address, congratulating Her Majesty upon the auspicious event of Her Marriage.

Ordered, That Mr. Johnston, Mr. Wilkins, Mr. Tobin, Mr. Almon and Mr. Starr, be a Committee of this House, to join a Committee of the House of Assembly to prepare the said Address.

Com. of Council

Resolved, That a further Conference be desired with the House of Assembly, by Committee, on the General State of the Province, and that the Committee of this House be instructed to communicate to the Committee of the House of Assembly the foregoing Resolutions."

Council request further Com. of Conference

Ordered, That the Clerk do prepare and present an engrossed Bill for appropriating such part of the Supplies granted in the present Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Order for presentation of Appropriation Bill

Then the House adjourned until to-morrow, at eleven of the clock.

Wednesday, 25th March, 1840.

PRAYERS.

Mr. D'Entremont moved, that Mr. J. Sargent have leave of absence after Thursday next, on account of urgent private business: which, being seconded and put, and the House dividing thereon, passed in the affirmative.

Leave of absence to Mr. J. Sargent

Ordered accordingly.

Mr. Upham moved, that Mr. Morton have leave of absence after Friday next, on account of sickness in his family: which, being seconded and put, and the House dividing thereon, passed in the affirmative.

Leave of absence to Mr. Morton

Ordered accordingly.

The Hon. Mr. Dewolf, from the Select Committee appointed to wait upon His Excellency the Lieutenant-Governor, with a copy of the Petition of James N. Crane and others, and in reference to return of numbers of deaf and dumb persons, reported, that the Committee had performed the duty assigned to them, and that His Excellency in answer, was pleased to say, that he would attend to the wishes of the House in that respect.

Report from Com. to wait on Gov. with Pet. of J. N. Crane & al. &c.

The

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Appropriation Bill presented

The Clerk, pursuant to Order, presented an engrossed Bill for appropriating such part of the Supplies granted in the present Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province, and the same was read a first time, and ordered to be read a second time.

Resolution relative to appropriation from Sackville to Scott's

On motion of Mr. Goudge, *resolved*, that whenever Bonds, to the satisfaction of His Excellency the Lieutenant-Governor, shall be given for the expenditure of Subscriptions to the extent of £500, upon the Road from Sackville to Scott's, simultaneously with the sum granted by the Legislature last Session, that His Excellency be authorized to expend the sum of £1,500 in completing said Road.

Sent to Council

Ordered, That the Clerk do carry the Resolution to the Council, and desire their concurrence.

Resolution relative to Bounty on Chocolate

On motion of Mr. Howe, *resolved*, that His Excellency the Lieutenant-Governor, be authorized and requested to allow, and pay to the Manufacturers of Chocolate, until the next Session of the Provincial Legislature, such sum, as shall be equal to Three Shillings, for every Hundred Pounds thereof, that shall be Manufactured in this Province, and proved to the satisfaction of His Excellency, to have been exported therefrom, and this House, at its next Session, will provide for the same.

Ordered, That the Clerk do carry the Resolution to the Council, and desire their concurrence.

Further report from Com. on union of Customs and Excise

Mr. Young reported further from the Select Committee on the subject of uniting the Customs and Excise Departments; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 83.)

Received and adopted

Resolved, That the Report be received and adopted by this House.

Com. to wait on Gov. with copy of Report

On motion of Mr. Young, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor with a Copy of the foregoing report, and respectfully request His Excellency's attention to the suggestion contained in the same.

Com. named

Ordered, That Mr. Young, Mr. Dickson and Mr. Bell, be a Committee for the above purpose.

Report on Pet. of Joseph Read adopted

On motion of Mr. M'Kim, *resolved*, that the report on the Petition of Joseph Read, be adopted by this House.

Resolution moved relative to Parrsborough School Money

Mr. M'Lellan moved that the House do come to a Resolution as followeth :

Whereas the Township of Parrsborough has, by a Bill, passed in the present Session, and agreed to by the Legislative Council, been divided into two parts, and one part thereof annexed to the County of Colchester, and the other to the County of Cumberland, and if such Bill pass into Law, provision ought to be made for the Schools in said Township.

Resolved, That out of the Money appropriated for Schools and allotted to the County of King's, the Commissioners of Schools for the County of Colchester, shall be entitled to receive out of the Treasury of the Province Sixteen Pounds for the encouragement of Common and Combined Schools, as the Law directs in that part of Parrsborough annexed to Colchester, for the present year, and the sum of Sixty-six Pounds to the Commissioners of Schools for the County of Cumberland for the present year, for the encouragement of Common and Combined Schools, as the Law directs, in that part of the Township of Parrsborough annexed to the County of Cumberland : which, being seconded;

Amdt. carried on division

Mr. Chipman moved, as an amendment to the proposed Resolution, to leave out all the words thereof after the first word "Whereas," and instead of the words so left out, to insert the following after the said word "Whereas," "a Bill having passed this House, and been agreed to by the Legislative Council for dividing the Township of Parrsborough, and annexing parts thereof to the Counties of Cumberland and Colchester, respectively, it is necessary, if such Bill should come into operation as an act of the Assembly, to make provision for Schools in said Township of Parrsborough.

Resolved, That the Commissioners of Schools for the County of King's County, shall be, and they are hereby authorised and required, from and out of the Monies allotted for the

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the support of Schools in said County for the present year, to pay to the Commissioners of Schools for the County of Cumberland such amount as hath heretofore been paid for the support of Schools in that part of the said Township of Parrsborough annexed to the County of Cumberland; and the Commissioners of Schools for the County of Cumberland shall, and they are hereby required to, make provision for Schools in that part of the Township of Parrsborough annexed to the said County of Cumberland in common with the other Schools of said County; and the said Commissioners of Schools, for the County of King's County are hereby, in like manner, required, from and out of the said Monies, to pay over such amount as has heretofore been paid for the support of Schools in that part of the Township of Parrsborough annexed to the County of Colchester, to the Commissioners of Schools for that County, who are hereby required to provide for the Schools in that part of the said Township annexed to the said County of Colchester in common with the other Schools of said County :” which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, sixteen; against it, fourteen.

So it passed in the affirmative.

Ordered, That the Clerk do carry the Resolutions to the Council, and desire their concurrence. Amended Resolution sent to Council

Mr. Smith, from the Select Committee appointed to wait upon His Excellency the Lieutenant-Governor, and request the remission of the fines imposed by the Court of Sessions upon the Grand Jury for the County of Guysborough in 1838, reported that the Committee had performed the duty assigned to them, and that His Excellency, in answer to the application, was pleased to say, that he would give the subject the full consideration it was entitled to; that he was desirous of carrying into effect the recommendations of the House of Assembly, but that he did not at the present time possess the necessary information to enable him to come to any decision upon the subject. Report from Com. to wait on Gov. & request remission of Fines of Guysboro Grand Jury

Mr. Goudge reported from the Select Committee on the subject of opening the Printing for Government and the Legislature to Tender and Contract; and he read the report in his place, and afterwards delivered the same in at the Clerk's Table, when it was again read. Report from Com. rel. to Printing by Tender & Contract

(See Appendix, No. 84.)

Mr. Goudge then moved that the report be received and adopted by the House: which, being seconded, Motion to adopt report

Mr. Young moved, that the question be amended by adding at the end the following words: “except so much thereof as relates to the Printing of the Laws:”—which, being seconded and put, and the House dividing, there appeared, for the amendment, fourteen; against it, twenty-two. Amendment moved and negatived

For the amendment,

Mr Clements
Mr Fairbanks
Mr Chipman
Mr Smith
Mr Forrester
Mr Allison
Mr Young

Mr Robichau
Mr Annand
Mr Lewis
Mr McLellan
Mr Goudge
Mr Huntington
Mr Holdsworth

Against the amendment,

Mr Waterman
Mr D'Entremont
Mr J. Sargent
Mr Hatton
Mr Heckman
Mr Whitman
Mr Creighton
Mr Thorne

Mr Spearwater
Mr Forrestall
Mr Dickey
Mr Holmes
Mr Bell
Mr Holland
Mr McDonald

Mr Miller
Mr Morton
Mr DesBarres
Mr Dickson
Mr Uniacke
Hon Mr Dewolf
Mr McDougall

So it passed in the negative.

The main question being then put, and the House dividing thereon, there appeared, for the motion, seven: against it, thirty. Main question negatived

For the motion,

Mr Forrester
Mr Young
Mr Lewis
Mr Waterman
Mr Goudge
Mr Huntington
Mr Holdsworth

Against the motion,

Mr McLellan
Mr D'Entremont
Mr Allison
Mr J Sargent
Mr Hatton
Mr Heckman
Mr Whitman
Mr Creighton
Mr Thorne
Mr Spearwater

Mr Forrestall
Mr Dickey
Mr Holmes
Mr Bell
Mr Holland
Mr McDonald
Mr Miller
Mr Annand
Mr Morton
Mr DesBarres

Mr Dickson
Mr Uniacke
Hon Mr Dewolf
Mr McDougall
Mr Robichau
Mr Clements
Mr Chipman
Mr Fairbanks
Mr McEeffy
Mr Smith

So it passed in the negative.

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Address to Gov. on
Timber Deck Load
Law
Agreed to

The Address to His Excellency the Lieutenant-Governor, reported from the Joint Committee on the subject of the Imperial Act relating to Deck Loads of Timber, was read, and agreed to by the House, and is as followeth :

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia and its Dependencies, &c. &c. &c.

THE JOINT ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF NOVA-SCOTIA.

May it please Your Excellency ;

The Council and Assembly have adopted and passed a Joint Address to Her Majesty the Queen, praying the repeal, modification or uniform interpretation, of a certain Statute of the Imperial Parliament, entitled, " An Act to prevent Ships, clearing out from a British North American Port, loading any part of their cargo of Timber upon Deck," and as the objects sought by such Address are important to the Commercial class of Her Majesty's subjects in this Province, we respectfully request that Your Excellency will be pleased to transmit the said Address, with Your Excellency's favorable recommendation, for Her Majesty's Royal compliance with the prayer thereof.

Order for Com. to
present same

Ordered, That the Committee of this House, who reported said Address, be a Committee to join a Committee of the Council to present said Address to His Excellency, together with the Joint Address to Her Majesty on the same subject.

Conference desired
with Council to ac-
quaint them with a-
greement to Ad-
dress, &c.

Resolved, That a further Conference be desired with the Council, by Committee, on the General State of the Province ; and that upon such Conference, the Committee of the Council be informed that this House have agreed to the Address reported from the Joint Committee, appointed to prepare an Address to His Excellency the Lieutenant-Governor, on the subject of the Imperial Act relating to Deck Loads of Timber, and have appointed the same Committee of this House to join a Committee of the Council in presenting said Address to His Excellency, with the Joint Address to Her Majesty.

Ordered, That the Clerk do request such Conference.

Message from
Council agreeing to
Conference

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council agree to the Conference desired by this Honorable House, and the Committee of the Council are ready to meet the Committee of this House.

And then the Messenger withdrew.

Conference held
and reported

Ordered, That the Committee appointed to join in presenting the Addresses do manage the Conference :

So they went to the Conference,

And being returned, Mr. Uniacke reported that the Managers had been at the Conference, and had, thereupon, complied with the instructions given them by the House.

Message from
Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Agree to Dart-
mouth Streets Bill
as amended

The Council have agreed to the Bill, entitled, An Act to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places, as amended.

Agree to Bill to va-
cate seats of Mem-
bers

The Council have agreed to the Bill, entitled, An Act to vacate the Seats of Members, in certain cases, without amendment.

The

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The Council have agreed to the Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, with amendments—to which they desire the concurrence of this Honourable House.

Agree to Gas Light Company Bill with amends.

And then the Messenger withdrew.

The amendments proposed by the Council to the last mentioned Bill were read and considered by the House, and are as follow :

Amendt. of Council to Gas Light Company Bill read, &c.

1st.—2d clause, last line—instead of "Five," insert "Ten."

2nd.—7th clause—omit this clause.

3d.—8th clause, first line—leave out "Provided always."

4th.—Eighth line—after "case," leave out the remainder of the clause, and insert the following words : "the said agreement shall be obligatory upon all who shall be parties thereto ; and if any persons shall neglect to pay the sum of Money agreed to be paid by him, in respect of the Street being so lighted, then the said Company shall and may sue for and recover the same, in the like manner that debts of the like amount are now recoverable.

5th.—At the end of the Bill add the following clause—*And be it further enacted*, That unless the said Company shall go into operation within five years from the passing of this Act, then this Act, and every matter and thing therein contained, shall be of no effect."

The first of said amendments was read a second time, and agreed to by the House.

1st amendt. agreed to
Amends. not agreed to
Last amcdt. agreed to

The second, third and fourth, of said amendments, were read a second time, and were not agreed to by the House.

The fifth being the last of said amendments, was read a second time, and agreed to by the House.

Ordered, That a Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the first and last of said amendments, and have not agreed to the second, third and fourth thereof.

Bill and amends. sent back to Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Resolution for altering the condition attached to the Grant of Money, made last Session, for opening the Road from Sackville to Scott's, in Dartmouth ; the Resolution, authorizing a Drawback of Duties on the exportation of Chocolate ; and the Resolution for appropriating a part of the King's County School Money, to the aid of Schools in Parrsborough.

Message from Council

The Council do not adhere to their second, third, and fourth amendments to the Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, not agreed to by this Hon. House, but agree to the Bill, with the other amendments agreed to by this Hon. House.

Agree to Res. rel. to grant for road from Sackville to Scott's to Chocolate bounty Resolution & Parrsborough School Money Resolution
Do not adhere to amendments to Gas Light Bill disagreed to by House but agree to Bill as amended
Agree to St. Peters' Canal Co. Bill
And agree to amds. of House to Wills Bills

The Council agree to the Bill, entitled, an Act to Incorporate a Company, to be called the St. Peter's Canal Company, without amendment.

The Council agree to the amendments proposed by this Hon. House to the Bill, entitled, An Act concerning Wills.

And then the Messenger withdrew.

Resolved, That the Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, do pass as amended.

Gas Light Bill finally agreed to

Resolved, That the Bill, entitled, An Act concerning Wills, be agreed to as amended.

Wills Bills agreed to
Bills sent to Council

Ordered, That the Clerk do carry the Bills, as amended, to the Council, and acquaint them with the foregoing Resolutions of this House, as regards the same, respectively.

Mr. Howe, reported from the Select Committee appointed to prepare an Address to Her Majesty on the State of the Province, in reference to the subjects of complaint by this House ; and thereupon, presented a draft of an Address accordingly ; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth :

Report from Com. to prepare Address to Her Majesty on State of Province

TO

WEDNESDAY, 25th MARCH, 1840.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Address

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY OF THE PROVINCE OF NOVA SCOTIA.

May it please Your Majesty,

1 We, Your Majesty's dutiful and loyal subjects, the Representatives of your loyal Province of Nova Scotia, are reluctantly compelled again to approach Your Majesty with a statement of grievances, which, while they have been annually, during the last three years, laid at the foot of the Throne, still remain unredressed.

2 The chief cause of all the evils of which the British North American Colonies have complained, has been the want of harmony between the Executive and Representative Branches of the Government. The state to which this Province has been brought by the Official Compact, who had, for many years, monopolized all the power and patronage within it, was fully disclosed by this House in 1837. Your Majesty at once recognized the justice of our complaints, and gave positive orders to your Representative in this Colony to obviate the possibility of their recurrence, by calling around him, into the Executive and Legislative Councils, those who possessed the confidence of the country.

3 Had this been done, and had Your Majesty's commands, conveyed in the Despatches of Lord Glenelg, been executed by the Lieutenant-Governor, the hopes they raised among a loyal and intelligent population, would have been realized, and Your Majesty would not have been, at this time, called upon to vindicate your high authority, and do justice to your People, between whom and your Royal favour subordinate functionaries have hitherto interposed.

4 In almost every essential particular the principles laid down by Lord Glenelg, in 1837, were violated by Sir Colin Campbell; and directions, too plainly expressed to admit of their being misunderstood, were either overlooked, or so perverted as to strengthen and consolidate the power of the small and exclusive party, of whose acts, and dangerous ascendancy, the Representatives of the People had complained.

5 This Assembly, being most anxious to avoid any appearance of disrespect to Your Majesty's Representative, did not, in their subsequent remonstrances, venture to attribute this daring violation of Your Majesty's express commands to His Excellency the Lieutenant Governor. They charged it, as they conceived they had a right to do, upon his advisers; and they sympathized with an Officer, surrounded by a Council and Heads of Departments, who, their tenure of office being permanent, under the Colonial Constitutions as then understood, had nothing to fear and every thing to hope, from sacrificing his reputation to protect their own emoluments and power.

6 Your Majesty will, therefore, readily conceive with what delight and satisfaction this House read the Despatch of Lord John Russell, of the 16th October, by which the power was given to the Lieutenant-Governor to shake himself free of the influences by which he had been trammelled. They recognized, in that document, no new and dangerous experiment, but a recurrence to the only principles upon which Colonial Governments can be safely carried on. They saw that while great powers were to be confided—while an unlimited range of selection was to be given to the Lieutenant-Governor, in order to make the exercise of the Prerogative most beneficial and satisfactory to the People, he was to be held responsible to the Sovereign for the tranquillity of the Colony committed to his charge, and for the harmonious action of the Executive and Legislative Branches of the Government. In order, therefore, that His Excellency Sir Colin Campbell might, without unnecessary delay, exercise the powers confided, for the redress of grievances of which this House had so frequently complained, we passed, on the 5th February last, the following Resolutions which were presented to His Excellency on the 10th of the same month:

Resolved, That for many years the best interests of this Province have been jeopardized, and its progress retarded, by the want of harmony between the different Branches of the Government; and the absence of that cordial co-operation between the Representatives of the People and those who conducted the local administration, which, in the view of this Committee is highly desirable, if not indispensable, in every British Colony, to which

which a Constitution, modelled after that of the Mother Country, has been granted by the Crown.

Resolved, That during the struggle, which, since 1837, this House has maintained, with a view to reduce the expenses, improve the Institutions, and purify the Administration of the Country, it has been met at every step by an influence, which while it was beyond the control of this Assembly, has wielded the whole power and patronage of the Government, to baffle its efforts, and thwart the wise and benevolent policy avowed by Her Majesty's Ministers.

Resolved, That in approaching many of the important questions to be disposed of in the present Session, the House of Assembly feels embarrassment and difficulty, which it would be unwise to conceal, either from the Government or the Country at large; and that it can anticipate no satisfactory settlement of those questions, until the Executive Council is so remodelled, as to secure to the House of Assembly, the aid of the local Administration in carrying out the views of the Assembly, and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's Government:

Therefore resolved, That the House of Assembly, after mature and calm deliberation, weary of seeing the Revenues of the Country and the time of its Representatives wasted, the People of Nova Scotia misrepresented to the Sovereign, and the gracious boons of the Sovereign marred in their transmission to the People, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons."

The following Answer was returned:

"*Mr. Speaker, and Gentlemen of the House of Assembly,*

The subject you have presented to my consideration in this Address, has in all essential respects been already brought under the notice of Her Majesty's Government, in Resolutions of the House of Assembly passed in its last Session.

Her Majesty's Ministers, after full consideration of the subject, and personal conference with Delegates from your body authorized to advocate your views, have expressed, in the Despatch which, by Her Majesty's command, I recently laid before you, the judgment to which they had come, on the matters of your complaints.

Having no reason to believe that any alteration has taken place in the sentiments of Her Majesty's Government in this respect, I do not feel myself at liberty to adopt any other course, than to refer you to the Despatch already alluded to, as containing their decision. Justice, however, to the Executive Council, leads me to say, that I have had every reason to be satisfied with the advice and assistance which they have at all times afforded me.

It has ever been, and shall continue to be, my earnest desire to concur in every measure which appears to me to be conducive to the best interests of this Province."

Astonished and grieved, that, while no notice had been taken by His Excellency of Lord John Russell's Despatch, or of other public Documents, illustrative of the wise policy announced by the new Colonial Secretary, reference only had been made to a Despatch of a prior date, breathing a different spirit, and written by a nobleman who had retired from the Colonial Office, this House called His Excellency's attention to those important State Papers in the following Address:

" TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY:

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Representatives of the Province

of Nova-Scotia, cannot but express our unfeigned regret at the tenor of the reply, made by your Excellency to the Resolutions passed by a large majority of this House, on the 5th instant.

It is true that some of the complaints, urged in those Resolutions, had been pressed upon the attention of Her Majesty's Government in former communications,—but we humbly conceive that the Despatch of Lord John Russell, dated 16th October, and not that of his predecessor in Office, dated 31st of August, to which Your Excellency refers, is the one by which all parties in the Colonies, now and hereafter, are to be governed. We believe that that Despatch, not only gives to Your Excellency the power to re-model the Executive Council, but makes such changes as are required to ensure harmony between the Executive and Legislative Branches of the Government, imperative.

This House are at a loss to conceive any "motives of public policy" more "sufficient" to render an application of the principles of that Despatch to this Province advisable, than the facts, that a majority of thirty to twelve of the Members of the Representative Branch have avowed their want of confidence in Officers, expressly referred to by the Colonial Secretary,—that they have declared it impossible to deal wisely with measures of great importance to the Government and the Country, until confidence between the Executive and the Legislature be established,—and that, while the only efficient Representative of the Local Government, in this House, has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the Government, while a majority of the Executive Council persist in retaining their seats, and Your Excellency declines to exercise the powers confided by Lord John Russell's Despatch.

It is to this House, a subject of deep mortification, that while, in a neighbouring Province, His Excellency Sir John Harvey recognizes the Despatch of the 16th October, as conferring a new and improved Constitution on the Colonies, and has expressed his determination to act upon it,—while in Canada the Governor General declares, that "he has received Her Majesty's commands to administer the Government of these Provinces, in accordance with the well understood wishes and interests of the People, and to pay to their feelings, as expressed through their Representatives, the deference that is justly due to them," that the people of Nova-Scotia are to be treated worse than the people of New Brunswick; and that, under cover of a Despatch, written before the new policy was adopted, by a Nobleman who no longer presides over the Colonies, principles are to be applied to Nova-Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution, than those which have been promulgated for the Government of a Province but recently agitated by disaffection and rebellion.

Should your Excellency, upon re-considering this subject—upon referring to the Governor General's Message of the 14th January, in which he declares "his earnest and anxious desire to discharge the trust committed to him in accordance with the principles" announced, still feel compelled to disappoint the hopes of the people of Nova-Scotia, this House will feel unfeigned sorrow; but, in the meantime, they trust they need not assure your Excellency of their desire to preserve the tranquillity of the Province, and to ensure the harmonious action of the different branches of the Government."

The following Answer was given:

"Mr. Speaker and Gentlemen of the House of Assembly—

I have given to this Address the deep consideration to which the opinion of the Representatives of the People is justly entitled.

By adopting the course you suggest, I should practically recognize a fundamental change in the Colonial Constitution, which I cannot certainly discover to have been designed by the Despatch of the Right Hon. the Secretary of State for the Colonies, of the 16th October, in the manner and to the extent supposed by you.

In exercising the solemn trust committed to me by my Sovereign, I feel it my duty not to establish a principle involving consequences of deep moment, on which any uncertainty rests, until Her Majesty's Ministers shall have been consulted, and the judgment of the Queen ascertained.

It

It is, therefore, my intention, immediately to bring to the notice of Her Majesty's Government, the Address and Resolutions you have lately passed on the subject.

"In the meantime, I shall be constantly ready to yield my concurrence to any measures you may adopt, which, in my judgment, are calculated to promote the welfare of Her Majesty's loyal subjects, the People of this Province, whom you represent."

This Reply, the Assembly are most reluctant to avow, withered all the hopes which they had cherished. It told them that the Officer who had violated the plain letter and spirit of Lord Glenelg's Despatches in 1837, was determined either not to understand, or not to act on, the Despatch of Lord John Russell, and convinced them that the views of your Majesty's Government would never be carried out by Officers hostile to its policy, and who, when commanded to call around them those who possessed the confidence of the People, were determined to persist in governing by the aid of those in whom the People had no confidence.

7. If, up to the period when their final remonstrance was made to Sir Colin Campbell, this House conceived that there was reason for dissatisfaction and distrust, the recent appointments to the Legislative and Executive Councils, have furnished further evidence of a determination to perpetuate the system, of which this House has so frequently complained. Of six appointments to the former, not one Member has been selected from the Assembly; while, in the appointment to the Executive Council, the House recognize a studious determination to pass over every man possessing influence, and enjoying the confidence of the people, to do honor to an individual, of whose political conduct this House will not trust itself to speak, but who certainly cannot bring to the aid of a Government, which has been for years in a minority, the smallest portion of influence in the Commons.

8. This House, notwithstanding these gross violations of the sound principles laid down by Your Majesty, for the government of British North America, have made ample provision for all branches of the public service, and for carrying out what they believe to be the policy of the Imperial Parliament, in order to bind in closer connection with each other, and with the Parent State, Your Majesty's Colonies on this Continent. They have not even declined to grant a sum, drawn in violation of their privileges, by Your Majesty's Representative. But these supplies have been voted because the Representatives of the people of Nova Scotia confidently relied upon the justice and firmness of their Sovereign. This House are most reluctant to believe that Your Majesty will turn a deaf ear to the complaints of your people—that, while the Governor General has been told that there is "no surer way of earning the approbation of the Queen, than by maintaining the harmony of the Executive with the Legislative authorities"—a different rule will be permitted to prevail in Nova Scotia; or that the favour of the Crown will be extended, in one Province, to policy the very reverse of that laid down for the government of another.

9. It is true, that Nova-Scotia is a small Colony, and that your Majesty may, if you see fit, govern it by the strong hand of power, relying, in no degree, upon the affectionate attachment of its inhabitants—but it is also true, that in no portion of your Majesty's dominions, are the powers of the Crown and the rights of the People better understood; and in none is there a more determined spirit of resistance, by all constitutional means, to a system of Government founded on mere favoritism or injustice. From the position the people of Nova-Scotia occupy in the centre of the lower Colonies, and availing themselves of the influence which their loyalty, their intelligence, their firmness and their moderation, have acquired for them among the population of British North America, they will never cease to appeal to the public opinion around them—to contend against that system,—and to vindicate and assert, by every means in their power, their rights as British subjects.

10. That your Majesty will join with this House in obviating the necessity for such appeals—that you will repress these absurd attempts to govern Provinces by the aid and for the exclusive benefit of minorities, this Assembly confidently believe—and, in asking your Majesty to remove Sir Colin Campbell, and send to Nova-Scotia a Governor who will not only represent the Crown, but carry out its policy with firmness and good faith, the Representatives of Nova-Scotia perform a painful duty to their Sovereign, and to their Constituents—but recommend the only remedy which, they fear, can now be applied to establish harmony between the Executive and Legislature of this Province.

Mr.

WEDNESDAY, 25th MARCH, 1840.

Motion to consider
Address to-morrow

Mr. Uniacke moved, that the said Address be considered To-morrow: which, being seconded,

Amdt. that 1st
clause do pass car-
ried on division

Mr. Howe moved, as an amendment of the question, to leave out all the words thereof except the words "that the" and after the latter words to insert "first clause of said Address, do pass;" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-seven; against it, fifteen.

For the amendment,

Mr Forrester	Mr McHefly	Mr Lewis
Mr McKim	Mr DesBarres	Mr D'Entremont
Mr Robichau	Mr Archibald	Mr Upham
Mr Benjamin	Mr Young	Mr Bell
Mr Dickson	Mr Huntington	Mr Bell
Mr Goudge	Mr Chipman	Mr Forrestall
Mr Annand	Mr Howe	Mr Waterman
Mr Doyle	Mr McDonald	Mr Morton
Mr McDougall	Mr McLellan	Mr Clements

Against the amendment.

Mr Thorne	Mr Spearwater
Mr W Sargent	Mr Whitman
Mr Allison	Mr Holmes
Mr Creighton	Mr Fairbanks
Mr Halton	Hon Mr Dewolf
Mr J Sargent	Mr Uniacke
Mr Dickey	Mr Miller
Mr Heckman	

So it passed in the affirmative.

And the amended question being then put,

1st clause passed

Resolved, That the first clause of the Address do pass.

The second clause of the Address was then read: and thereupon,

2d clause passed on
division

Mr. Howe moved, that said second clause do pass; which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-nine; against it, thirteen.

For the motion,

Mr Forrester	Mr DesBarres	Mr Upham
Mr McKim	Mr Archibald	Mr Smith
Mr Robichau	Mr Young	Mr Bell
Mr Benjamin	Mr Huntington	Mr Forrestall
Mr Dickson	Mr Chipman	Mr Waterman
Mr Goudge	Mr Howe	Mr Morton
Mr Annand	Mr McDonald	Mr Clements
Mr Doyle	Mr McLellan	Mr Spearwater
Mr McDougall	Mr Lewis	Mr Dickey
Mr McHefly	Mr D'Entremont	

Against the motion,

Mr Thorne	Mr Whitman
Mr W Sargent	Mr Holmes
Mr Allison	Mr Fairbanks
Mr Creighton	Hon Mr Dewolf
Mr Halton	Mr Uniacke
Mr J Sargent	Mr Miller
Mr Heckman	

So it passed in the affirmative.

The third clause being then read,

3d clause passed on
division

Mr. Howe moved, that the same do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-nine; against it, thirteen.

So it passed in the affirmative.

The fourth clause being then read,

4th clause passed on
division

Mr. Howe moved, that the same do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-eight; against it, fourteen:

For the Motion,

Mr Forrester	Mr DesBarres	Mr Upham
Mr McKim	Mr Archibald	Mr Bell
Mr Robichau	Mr Young	Mr Forrestall
Mr Benjamin	Mr Huntington	Mr Waterman
Mr Dickson	Mr Chipman	Mr Morton
Mr Goudge	Mr Howe	Mr Clements
Mr Annand	Mr McDonald	Mr Spearwater
Mr Doyle	Mr McLellan	Mr Dickey
Mr McDougall	Mr Lewis	
Mr McHefly	Mr D'Entremont	

Against the Motion.

Mr Thorne	Hon Mr Dewolf
Mr W Sargent	Mr Uniacke
Mr Allison	Mr Miller
Mr Creighton	Mr Smith
Mr Halton	
Mr J. Sargent	
Mr Heckman	
Mr Whitman	
Mr Holmes	
Mr Fairbanks	

So it passed in the affirmative.

The fifth clause being then read,

5th clause passed on
division

Mr. Howe moved, that the same do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-nine; against it, thirteen.

For the motion,

Mr Forrester	Mr DesBarres	Mr Upham
Mr McKim	Mr Archibald	Mr Smith
Mr Robichau	Mr Young	Mr Bell
Mr Benjamin	Mr Huntington	Mr Forrestall
Mr Dickson	Mr Chipman	Mr Waterman
Mr Goudge	Mr Howe	Mr Morton
Mr Annand	Mr McDonald	Mr Clements
Mr Doyle	Mr McLellan	Mr Spearwater
Mr McDougall	Mr Lewis	Mr Dickey
Mr McHefly	Mr D'Entremont	

Against the motion,

Mr Thorne	Mr Whitman
Mr W Sargent	Mr Holmes
Mr Allison	Mr Fairbanks
Mr Creighton	Hon Mr Dewolf
Mr Halton	Mr Uniacke
Mr J Sargent	Mr Miller
Mr Heckman	

So it passed in the affirmative.

The

The sixth clause being then read,
 Mr. Howe moved that the same do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-nine; against it, thirteen. 6th clause passed on division

So it passed in the affirmative.

The seventh clause being then read, 7th clause amended

Mr. Howe moved, that the said clause be amended, by leaving out the words "of six appointments to the former, not one Member has been selected from the Assembly," and inserting in place thereof, the words following "To some of these appointments to the Legislative Council grave objections might be urged:" which said proposed amendment being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-five; against it, fifteen. So it passed in the affirmative.

Mr. Howe then moved, that the said clause as amended, do pass; which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-six; against it, fifteen. So it passed in the affirmative. Passed as amended on division

The eighth clause being then read,

Mr. Howe moved, that the same do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-eight; against it, fourteen. 8th clause passed on division

So it passed in the affirmative.

The ninth clause being then read,

Mr. Howe moved, that the same do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-eight; against it, thirteen. 9th clause passed on division

So it passed in the affirmative.

The tenth (and last) clause being then read.

Mr. Howe moved, that the same do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-five; against it, sixteen: Last clause passed on division

For the motion,

Against the motion,

Mr Goudge	Mr McHefly	Mr Lewis	Mr Thorne	Mr Heckman
Mr McDougall	Mr DesBarres	Mr McLellan	Mr J Sargent	Mr Whitman
Mr Clements	Mr Archibald	Mr D'Entremont	Mr Morton	Mr Holmes
Mr Forrester	Mr Young	Mr Spearwater	Mr Allison	Mr Smith
Mr Annand	Mr Benjamin	Mr Bell	Mr Halton	Mr Fairbanks
Mr Chipman	Mr Huntington	Mr Forrestall	Mr W Sargent	Hon Mr Dewolf
Mr Dickson	Mr Howe	Mr Upham	Mr Dickey	Mr Uniacke
Mr McKim	Mr McDonald	Mr Waterman	Mr Creighton	Mr Miller
Mr Doyle				

So it passed in the affirmative.

Mr. Howe then moved, that the Address, as amended, do pass: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-five; against it, sixteen. Address passed as amended

For the motion,

Against the motion,

Mr Goudge	Mr McHefly	Mr Lewis	Mr Thorne	Mr Heckman	Division thereon
Mr McDougall	Mr DesBarres	Mr McLellan	Mr J Sargent	Mr Whitman	
Mr Clements	Mr Archibald	Mr D'Entremont	Mr Morton	Mr Holmes	
Mr Forrester	Mr Young	Mr Spearwater	Mr Allison	Mr Smith	
Mr Annand	Mr Benjamin	Mr Bell	Mr Halton	Mr Fairbanks	
Mr Chipman	Mr Huntington	Mr Forrestall	Mr W Sargent	Hon Mr Dewolf	
Mr Dickson	Mr Howe	Mr Upham	Mr Dickey	Mr Uniacke	
Mr McKim	Mr McDonald	Mr Waterman	Mr Creighton	Mr Miller	
Mr Doyle					

So it passed in the affirmative.

Ordered, That the Address, as passed, be engrossed. Address to be engrossed

Then the House adjourned until to-morrow, at Twelve of the clock.

Thursday, 26th March, 1840.

Ordered, That Mr. Thorne have leave of absence after To-morrow, on account of Sickness in his family. Leave of absence to Mr. Thorne and

Ordered, That Mr. Allison have leave of absence after To-morrow, on urgent private business. Mr. Allison

THURSDAY, 26th MARCH, 1840.

Answer to Lt. Gov.
in reference to con-
duct of Collectors
of Customs

On motion of Mr. Young, *resolved*, in reference to the request of His Excellency the Lieutenant-Governor, that this House should supply the evidence as to the character, conduct, and responsibility of certain Collectors of Customs, that the facts relating thereto, in the report of the Committee on the proposed Union of the Customs and Excise, did not require any evidence in support thereof, being well known to many Members of this House and to the Public, and that no evidence was taken by the said Committee thereon.

Answer to Message
of Lt. Gov. as to
paying Delegates
from Casual Reve-
nue

On motion of Mr. Holland, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, in reference to his Message on the subject of paying the expenses of Delegates from the Casual Revenue, and respectfully state to His Excellency, that this House approve of the proposal of His Excellency, as regards paying the expenses of the Delegates of this House, from that source.

Ordered, That Mr. Holland, Mr. Lewis and Mr. Bell, be a Committee for the foregoing purpose.

Com. to wait on
Lt. Gov. with Re-
port on Petition of
Joseph Read

On motion of Mr. McKim, *resolved*, that a Select Committee be appointed to wait upon His Excellency the Lieutenant-Governor, with a Copy of the Report of the Committee on the Petition of Joseph Read, and respectfully request His Excellency to carry the recommendations contained in said Report into effect.

Ordered, That Mr. McKim, Mr. Upham and Mr. Lewis, be a committee for the above purpose.

Engrossed Address
to Her Majesty
on state of Pro-
vince

The engrossed Address to Her Majesty, on the state of the Province, in reference to the subjects of Complaint by the House, was read; and is as followeth;

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY OF THE PROVINCE OF NOVA SCOTIA.

May it please Your Majesty :

We, Your Majesty's dutiful and loyal subjects, the Representatives of your loyal Province of Nova Scotia, are reluctantly compelled again to approach Your Majesty with a statement of grievances, which, while they have been annually, during the last three years, laid at the foot of the Throne, still remain unredressed.

The chief cause of all the evils of which the British North American Colonies have complained, has been the want of harmony between the Executive and Representative Branches of the Government. The state to which this Province has been brought by the Official Compact, who had, for many years, monopolized all the power and patronage within it, was fully disclosed by this House in 1837. Your Majesty at once recognized the justice of our complaints, and gave positive orders to your Representative in this Colony to obviate the possibility of their recurrence, by calling around him, into the Executive and Legislative Councils, those who possessed the confidence of the country.

Had this been done, and had Your Majesty's commands, conveyed in the Despatches of Lord Glenelg, been executed by the Lieutenant-Governor, the hopes they raised among a loyal and intelligent population would have been realised, and Your Majesty would not have been, at this time, called upon to vindicate your high authority, and do justice to your People, between whom and your Royal favour subordinate functionaries have hitherto interposed.

In almost every essential particular the principles laid down by Lord Glenelg, in 1837, were violated by Sir Colin Campbell; and directions, too plainly expressed to admit of their being misunderstood, were either overlooked, or so perverted as to strengthen and consolidate the power of the small and exclusive party, of whose acts, and dangerous ascendancy, the Representatives of the People had complained.

This Assembly, being most anxious to avoid any appearance of disrespect to Your Majesty's Representative, did not, in their subsequent remonstrances, venture to attribute this daring violation of Your Majesty's express commands to His Excellency the Lieutenant-Governor. They charged it, as they conceived they had a right to do, upon his advisers; and

and they sympathised with an Officer, surrounded by a Council and Heads of Departments, who, their tenure of office being permanent, under the Colonial Constitutions as then understood, had nothing to fear and every thing to hope, from sacrificing his reputation to protect their own emoluments and power.

Your Majesty will, therefore, readily conceive with what delight and satisfaction this House read the Despatch of Lord John Russell, of the 16th October, by which the power was given to the Lieutenant-Governor to shake himself free of the influences by which he had been trammelled. They recognized, in that document, no new and dangerous experiment, but a recurrence to the only principles upon which Colonial Governments can be safely carried on. They saw that while great powers were to be confided—while an unlimited range of selection was to be given to the Lieutenant-Governor, in order to make the exercise of the Prerogative most beneficial and satisfactory to the People, he was to be held responsible to the Sovereign for the tranquillity of the Colony committed to his charge, and for the harmonious action of the Executive and Legislative Branches of the Government. In order, therefore, that His Excellency Sir Colin Campbell might, without unnecessary delay, exercise the powers confided, for the redress of grievances of which this House had so frequently complained, we passed, on the 5th February last, the following Resolutions which were presented to His Excellency on the 10th of the same month :

Resolved, That for many years the best interests of this Province have been jeopardized, and its progress retarded, by the want of harmony between the different Branches of the Government ; and the absence of that cordial co-operation between the Representatives of the People and those who conducted the local administration, which, in the view of this Committee, is highly desirable, if not indispensable, in every British Colony, to which a Constitution, modelled after that of the Mother Country, has been granted by the Crown.

Resolved, That during the struggle, which, since 1837, this House has maintained, with a view to reduce the expenses, improve the Institutions, and purify the Administration of the Country, it has been met at every step by an influence, which while it was beyond the control of this Assembly, has wielded the whole power and patronage of the Government, to baffle its efforts, and thwart the wise and benevolent policy avowed by Her Majesty's Ministers.

Resolved, That in approaching many of the important questions to be disposed of in the present Session, the House of Assembly feels embarrassment and difficulty, which it would be unwise to conceal, either from the Government or the Country at large ; and that it can anticipate no satisfactory settlement of those questions, until the Executive Council is so remodelled, as to secure to the House of Assembly, the aid of the local Administration in carrying out the views of the Assembly and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's Government :

Therefore resolved, That the House of Assembly, after mature and calm deliberation, weary of seeing the Revenues of the Country and the time of its Representatives wasted, the People of Nova Scotia misrepresented to the Sovereign, and the gracious boons of the Sovereign marred in their transmission to the People, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons."

The following Answer was returned :

Mr. Speaker, and Gentlemen of the House of Assembly,

The subject you have presented to my consideration in this Address, has in all essential respects been already brought under the notice of Her Majesty's Government, in Resolutions of the House of Assembly passed in its last Session.

Her Majesty's Ministers, after full consideration of the subject, and personal conference with Delegates from your body authorized to advocate your views, have expressed, in the Despatch which, by Her Majesty's command, I recently laid before you, the judgment to which they had come, on the matters of your complaints.

Having no reason to believe that any alteration has taken place in the sentiments of Her Majesty's

THURSDAY, 26th MARCH, 1840.

Majesty's Government in this respect, I do not feel myself at liberty to adopt any other course, than to refer you to the Despatch already alluded to, as containing their decision. Justice, however, to the Executive Council, leads me to say, that I have had every reason to be satisfied with the advice and assistance which they have at all times afforded me.

It has ever been, and shall continue to be, my earnest desire to concur in every measure which appears to me to be conducive to the best interests of this Province."

Astonished and grieved, that, while no notice had been taken by His Excellency of Lord John Russell's Despatch, or of other public Documents, illustrative of the wise policy announced by the new Colonial Secretary, reference only had been made to a Despatch of a prior date, breathing a different spirit, and written by a nobleman who had retired from the Colonial Office, this House called His Excellency's attention to those important State Papers in the following Address :

" TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY :

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Representatives of the Province of Nova-Scotia, cannot but express our unfeigned regret at the tenor of the reply, made by your Excellency to the Resolutions, passed by a large majority of this House, on the 5th instant.

It is true that some of the complaints, urged in those Resolutions, had been pressed upon the attention of Her Majesty's Government in former communications,—but we humbly conceive that the Despatch of Lord John Russell, dated 16th October, and not that of his predecessor in Office, dated 31st of August, to which Your Excellency refers, is the one by which all parties in the Colonies, now and hereafter, are to be governed. We believe that that Despatch, not only gives to Your Excellency the power to re-model the Executive Council, but makes such changes as are required to ensure harmony between the Executive and Legislative Branches of the Government, imperative.

This House are at a loss to conceive any " motives of public policy" more " sufficient" to render an application of the principles of that Despatch to this Province advisable, than the facts, that a majority of thirty to twelve of the Members of the Representative Branch have avowed their want of confidence in Officers, expressly referred to by the Colonial Secretary,—that they have declared it impossible to deal wisely with measures of great importance to the Government and the Country, until confidence between the Executive and the Legislature be established,—and that, while the only efficient Representative of the Local Government, in this House, has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the Government, while a majority of the Executive Council persist in retaining their seats, and Your Excellency declines to exercise the powers confided by Lord John Russell's Despatch.

It is to this House a subject of deep mortification, that while, in a neighbouring Province, His Excellency Sir John Harvey recognizes the Despatch of the 16th October, as conferring a new and improved Constitution on the Colonies, and has expressed his determination to act upon it,—while in Canada the Governor General declares, that " he has received Her Majesty's commands to administer the Government of these Provinces, in accordance with the well understood wishes and interests of the People, and to pay to their feelings, as expressed through their Representatives, the deference that is justly due to them," that the people of Nova-Scotia are to be treated worse than the people of New Brunswick ; and that, under cover of a Despatch, written before the new policy was adopted, by a Nobleman who no longer presides over the Colonies, principles are to be applied

to

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to Nova-Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution, than those which have been promulgated for the Government of a Province but recently agitated by disaffection and rebellion.

Should your Excellency, upon re-considering this subject—upon referring to the Governor General's Message of the 14th January, in which he declares "his earnest and anxious desire to discharge the trust committed to him in accordance with the principles" announced, still feel compelled to disappoint the just hopes of the people of Nova-Scotia, this House will feel unfeigned sorrow; but, in the meantime, they trust they need not assure your Excellency of their desire to preserve the tranquillity of the Province, and to ensure the harmonious action of the different branches of the Government."

The following Answer was given:

"Mr. Speaker and Gentlemen of the House of Assembly—

I have given to this Address the deep consideration to which the opinion of the Representatives of the People is justly entitled.

By adopting the course you suggest, I should practically recognize a fundamental change in the Colonial Constitution, which I cannot certainly discover to have been designed by the Despatch of the Right Hon. the Secretary of State for the Colonies, of the 16th October, in the manner and to the extent supposed by you.

In exercising the solemn trust committed to me by my Sovereign, I feel it my duty not to establish a principle involving consequences of deep moment, on which any uncertainty rests, until Her Majesty's Ministers shall have been consulted, and the judgment of the Queen ascertained.

It is, therefore, my intention, immediately to bring to the notice of Her Majesty's Government, the Address and Resolutions you have lately passed on the subject.

In the meantime, I shall be constantly ready to yield my concurrence to any measures you may adopt, which, in my judgment, are calculated to promote the welfare of Her Majesty's loyal subjects, the People of this Province, whom you represent."

This Reply, the Assembly are most reluctant to avow, withered all the hopes which they had cherished. It told them that the Officer who had violated the plain letter and spirit of Lord Glenelg's Despatches in 1837, was determined either not to understand, or not to act on, the Despatch of Lord John Russell, and convinced them that the views of your Majesty's Government would never be carried out by Officers hostile to its policy, and who, when commanded to call around them those who possessed the confidence of the People, were determined to persist in governing by the aid of those in whom the People had no confidence.

If, up to the period when their final remonstrance was made to Sir Colin Campbell, this House conceived that there was reason for dissatisfaction and distrust, the recent appointments to the Legislative and Executive Councils, have furnished further evidence of a determination to perpetuate the system, of which this House has so frequently complained. To some of these appointments to the Legislative Council, grave objections might be urged; while, in the appointment to the Executive Council, the House recognize a studious determination to pass over every man possessing influence, and enjoying the confidence of the people, to do honor to an individual, of whose political conduct this House will not trust itself to speak, but who certainly cannot bring to the aid of a Government, which has been for years in a minority, the smallest portion of influence in the Commons.

This House, notwithstanding these gross violations of the sound principles laid down by Your Majesty, for the government of British North America, have made ample provision for all branches of the public service, and for carrying out what they believe to be the policy of the Imperial Parliament, in order to bind in closer connection with each other, and with the Parent State, Your Majesty's Colonies on this Continent. They have not even declined to grant a sum, drawn in violation of their privileges, by Your Majesty's Representative. But these supplies have been voted because the Representatives of the people of Nova Scotia confidently relied upon the justice and firmness of their Sovereign. This

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House are most reluctant to believe that Your Majesty will turn a deaf ear to the complaints of your people—that, while the Governor General has been told that there is “no surer way of earning the approbation of the Queen, than by maintaining the harmony of the Executive with the Legislative authorities”—a different rule will be permitted to prevail in Nova Scotia; or that the favour of the Crown will be extended, in one Province, to policy the very reverse of that laid down for the government of another.

It is true, that Nova-Scotia is a small Colony, and that your Majesty may, if you see fit, govern it by the strong hand of power, relying, in no degree, upon the affectionate attachment of its inhabitants—but it is also true, that in no portion of your Majesty’s dominions, are the powers of the Crown and the rights of the People better understood; and in none is there a more determined spirit of resistance, by all constitutional means, to a system of Government founded on mere favoritism or injustice. From the position the people of Nova-Scotia occupy in the centre of the lower Colonies, and availing themselves of the influence which their loyalty, their intelligence, their firmness and their moderation, have acquired for them among the population of British North America, they will never cease to appeal to the public opinion around them—to contend against that system,—and to vindicate and assert, by every means in their power, their rights as British subjects.

That your Majesty will join with this House in obviating the necessity for such appeals—that you will repress these absurd attempts to govern Provinces by the aid and for the exclusive benefit of minorities, this Assembly confidently believe—and, in asking your Majesty to remove Sir Colin Campbell, and send to Nova-Scotia a Governor who will not only represent the Crown, but carry out its policy with firmness and good faith, the Representatives of Nova-Scotia perform a painful duty to their Sovereign, and to their Constituents—but recommend the only remedy which, they fear, can now be applied to establish harmony between the Executive and Legislature of this Province.

Resolved, That the foregoing Address be signed by Mr. Speaker, and be by him transmitted in duplicate to the Right Honorable Her Majesty’s Secretary of State, for the Colonies, to be laid at the foot of the Throne.

Resolved, That a Committee be appointed to communicate a Copy of said Address to His Excellency the Lieutenant-Governor.

Ordered, That Mr. Howe, Mr. DesBarres, Mr. McDougall, Mr. Holland and Mr. Lewis, be a Committee for that purpose.

An engrossed Bill for appropriating such part of the Supplies granted in the present Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province, was read a second time, and thereupon,

Resolved, That the following engrossed enacting clauses do pass, and be added to the Bill by way of Rider, viz :

And be it further enacted, That whenever Bonds to the satisfaction of His Excellency the Lieutenant-Governor, shall be given, for the expenditure of Subscriptions to the extent of Five Hundred Pounds, upon the road from Sackville to Scott’s, simultaneously, with the sum granted by the Legislature last Session, that His Excellency be authorised to expend the sum of Fifteen Hundred Pounds in completing said Road.

And whereas, a Bill having passed the House of Assembly and been agreed to by the Legislative Council, for dividing the Township of Parrsborough and annexing parts thereof to the Counties of Cumberland and Colchester, respectively; it is necessary if such Bill should come into operation as an Act of Assembly, to make provision for Schools, in said Township of Parrsborough.

Be it therefore enacted, That the Commissioners of Schools, for the County of King’s County, shall be, and they are hereby authorised and required, from and out of the Monies allotted for the support of Schools in the said County, for the present year, to pay to the Commissioners of Schools for the County of Cumberland, such amount as hath heretofore been paid for the support of Schools in that part of the said Township of Parrsborough, annexed to the County of Cumberland; and the Commissioners of Schools for the County of Cumberland shall, and they are hereby required, to make provision for Schools in that

part

Address to be signed by Speaker and transmitted to be laid at foot of Throne
Copy to be sent to Lt. Gov.

Com. therefor

Appropriation Bill read 2d time

Clauses added as rider

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part of the Township of Parrsborough annexed to the said County of Cumberland, in common with the other Schools of said County; and the said Commissioners of Schools for the County of King's County, are hereby in like manner required, from and out of the said Monies, to pay over such amount as has heretofore been paid for the support of Schools in that part of the Township of Parrsborough annexed to the County of Colchester, to the Commissioners of Schools for that County, who are hereby required to provide for the Schools in that part of the said Township annexed to the said County of Colchester, in common within the other Schools of said County.

And the said clauses having been accordingly added to the Bill,

Resolved, That the Bill do pass, and that the title be, An Act for appropriating such part of the Supplies granted in the present Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province. Appropriation Bill passed and

Ordered, That the Clerk do carry the Bill to the Council, and desire their concurrence. Sent to Council

On motion of Mr. Lewis, *resolved*, that Joseph Howe, William Young, Lawrence O'Connor Doyle, Hugh Bell and Thomas Forrester, Esquires, be appointed Agents to conduct any correspondence which they may consider necessary, either with Her Majesty's Government or His Excellency the Governor General, upon the matters contained in the Address and Resolutions of this House upon the subject of the Councils, the Civil List, and the Administration of His Excellency Sir Colin Campbell. Agents appointed to correspond on matters of complaint

On motion of Mr. Doyle, *resolved*, that a Committee be appointed to search the Journals of the Council, and report to this House the proceedings of the Council upon the two votes sent up this Session for paying the expenses of the Delegates of this House. Com. to search Journals of Council on Resolutions for paying Delegates

Ordered, That Mr. Doyle, Mr. Chipman and Mr. Clements, be a Committee for the above purpose.

A Message from the Council, by Mr. Halliburton :
Mr. Speaker,

Message from Council

The Council have passed a Bill, entitled, An Act in addition to an Act, entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax—to which Bill, they desire the concurrence of this Honorable House. Council have passed Bill to amend Cemeteries Act

The Council have agreed to the Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, as amended. Council agree to Halifax Gas Light and Water Company Bill

The Council desire a further Conference by Committee on the subject of the last Conference. Council desire Conference

And then the Messenger withdrew.

On motion, *resolved*, that this House do agree to the Conference desired by the Council and that the Clerk do acquaint the Council therewith, and that the Committee of this House are ready to meet the Committee of the Council. Conference agreed to

Ordered, That the Committee of this House who managed the last Conference, do manage this Conference:—So they went to the Conference. Com. of Conference

And being returned, Mr. Uniacke reported that the Managers had been at the Conference, and that the Committee of the Council had thereupon communicated to the Committee of this House, the following Resolution of the Council. Report therefrom

“ *Legislative Council Chamber, 26th March, 1840.* ”

Resolved, That a further Conference be desired with the House of Assembly, by Committee, on the General State of the Province; and that upon such Conference, the Committee of this House inform the Committee of the House of Assembly, that this House have agreed to the Address reported from the joint Committee to His Excellency the Lieutenant-Governor, on the subject of the Imperial Act relating to Deck Loads of Timber, and that this House have appointed the same Committee to join a Committee of the House of Assembly to present the said Address to His Excellency, with the joint Address to Her Majesty. Council agree to Joint Address to Lt. Gov. on Timber Deck Load Address

And appoint Com. to join

JOHN C. HALLIBURTON, C. L. C.

Ordered,

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Com. of House to
join

Ordered, That the Committee already appointed, do join the Committee of the Council, for the purposes mentioned in said Resolution.

Council's Cemeteries
Bill read 1st time,
&c.

The engrossed Bill from the Council, entitled, An Act in addition to an Act, entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, was read a first time, and ordered to be read a second time.

Report from Joint
Com. on congratulatory
Address that
Lt. Gov. should
join

Mr. Uniacke from the Joint Committee appointed to prepare the Address of Congratulation to Her Majesty on the auspicious event of her Marriage, reported that the Joint Committee having ascertained that the usual course on such occasions is that His Excellency the Lieutenant-Governor do join in such Address, he had been directed by the Committee to report the same to the House: and thereupon,

Com. to wait on
Gov. to know if he
will join

Ordered, That the Committee of this House in reference to said Address do join the Committee of the Council thereon, in waiting upon His Excellency to know his pleasure as to joining in said Address.

Joint Com. report
Address to the
Queen on subject
of Flour Duties

Mr. Young from the Joint Committee of the Council and this House, appointed to prepare an Address to Her Majesty on the subject of the Duties and Drawback of Duties upon Foreign Flour, and other matters connected with the Trade of the Province, reported that the Joint Committee had prepared such Address accordingly: which he had been directed to report to the House; and he read the same in his place and afterwards delivered it in at the Clerk's Table, where it was again read and is as followeth:

Address as reported

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL AND THE HOUSE OF ASSEMBLY
OF THE PROVINCE OF NOVA-SCOTIA:

May it please Your Majesty:

We, your Majesty's dutiful and loyal Subjects the Legislative Council and House of Assembly of Nova-Scotia, now convened in General Assembly, beg leave most respectfully to submit for the consideration of Your Majesty's Government, the injurious effect, in some particulars, hereafter to be specified, of the Imperial Act, for regulating the Trade of the British Possessions abroad, entitled, the 3d and 4th, Wm. IV. Chap. 59. By the 11th sec. any sort of Craft, Food and Victuals, except Spirits, and any sort of Clothing, and Implements and Materials, fit and necessary for the British Fisheries in America, imported into the place at or from whence such Fishery is carried on are admitted free of Duty.—In the Island of Newfoundland, all the articles that are imported and come within the terms of this section, are exempt from Duty, without any special entry of such articles as are intended for the Fisheries, and it has been thought by some that the same principle should extend to this Province, as being the seat of an extensive Fishery. A different practice however has prevailed, and the Officers of the Customs have admitted free of Duty, under the Act, only such Goods as were entered specially for the use of the Fisheries. In the year ending the 5th January last, 167,132 gallons of Foreign Molasses and 26,096 barrels of Foreign Wheat Flour were so entered, though it is notorious that a large proportion of both were not used in the Fisheries, but passed into general consumption. Of these two articles only 39966 gallons and 2320 barrels respectively, were charged with the Imperial Duty. Certain classes of persons have been thus induced to make declarations on the importation of these and other articles inconsistent with the real truth, and large quantities have been thrown into the market on which no Duty whatever has been paid. The Act imposes a Duty of 5 Shillings Sterling a barrel on all Foreign Wheat Flour imported into this Province, which Duty is universally regarded as too high, and the Legislature are desirous that, instead thereof, an uniform Duty of Two Shillings Sterling a barrel should be levied thereon. In the Revenue Bills of this Session the Council and Assembly have therefore agreed in imposing a Colonial Duty of Two Shillings Sterling a barrel on all Wheat Flour, imported from Foreign parts, whereon the Imperial Duty of

Five

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Five Shillings Sterling a barrel shall not have been actually paid, and by a separate Bill they have granted a drawback of Three Shillings Sterling a barrel on all such Flour whereon the Imperial Duty shall have been actually paid. Should these Bills receive the assent of His Excellency the Lieutenant-Governor, the former will go immediately into operation, but the latter cannot, until it receive also the assent of Your Majesty. We beg therefore humbly to represent to Your Majesty that the allowance of such a Drawback will not contravene the objects or policy of the Imperial Act, but will assure to the Agricultural interest, a moderate protection, will remove the temptation for fraudulent entries of Flour as intended for the Fisheries, and will leave a considerable Revenue to the Province. We hope, therefore, that your Majesty will be graciously pleased to assent to this Act, as there seem to be objections to any partial repeal of the Imperial Duty on Flour imported into these Lower Provinces.

We beg also to represent to your Majesty, that the Custom House Officers in this Province collect, in addition to the Imperial Duties on Foreign Spirits and Sugar, the Colonial Duty payable on British Spirits and Sugar, on the principle that the same is incorporated with, and becomes a part of, the Imperial Duty by the terms of the Statute. But we are informed that a different practice has always obtained in Canada and New-Brunswick, and as it is more convenient to have the Colonial Duties secured or paid, under the Provincial Acts, whereby a credit is allowed to the importer, we humbly hope that the same construction of the Imperial Act may be extended to this Province, as to the other Colonies in British North America.

We would beg to suggest also, that it would be of great advantage to the Agriculture and Manufactures of the Province, if Seeds of all kinds, Barilla and Corkwood, were admitted free of Duty under the Imperial Acts, all of these being exempted from Colonial Duty by the policy of the Legislature, founded on considerations which apply equally to the Imperial Duties. We respectfully hope therefore, that a Proviso to that effect may be recommended to Parliament by your Majesty's Government.

On motion, *resolved*, that the said Address be agreed to by this House.

Address agreed to

On motion of Mr. Young, *resolved*, that a further Conference be desired with the Council, by Committee, on the General State of the Province, and that upon such Conference, the Committee of this House do acquaint the Committee of the Council, that this House have agreed to the Joint Address to Her Majesty, on the subject of the Duties upon Foreign Wheat Flour and other matters, relating to the Trade of the Province; and request that the Council will appoint a Committee to join a Committee of this House in preparing, reporting and presenting, an Address to His Excellency the Lieutenant-Governor, with the said Address to Her Majesty, praying His Excellency to forward the latter to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne, with His Excellency's favourable recommendation of the prayer thereof.

Resolution for Com. of conference to request Council to join in Address to Lt. Gov. on subject of Drawback upon Foreign Wheat Flour

Ordered, That the Clerk do request said Conference.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council agree to the Conference desired by this Honorable House, and the Committee of the Council are ready to meet the Committee of this Honorable House.

And then the Messenger withdrew.

Ordered, That the same Committee who managed the last Conference on the foregoing subject do manage this Conference. So they went to the Conference.

And being returned, Mr. Young reported that the Managers had been at the Conference, and had complied with the instructions of the House.

Message from Council

Agree to conference

Com of conference Conference held &

reported

The engrossed Bill from the Council, entitled, An Act in addition to an Act, entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds, in the Town of Halifax, was read a second time, and considered by the House; and thereupon,

Council Cemeteries Bill read 2d time & agreed to

Resolved, That the Bill be agreed to by this House.

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Sent to Council

Ordered, That the Clerk do carry the Bill to the Council, and acquaint them that this House have agreed to the said Bill, without any amendment.

Resolution relative to exports of Fish and Fish Oil

On motion of Mr. Uniacke, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, to respectfully request His Excellency to direct the proper Officers at the respective ports of this Province, to keep a correct account of the quantity of Dried, Pickled and Smoked Fish, exported and to where; distinguishing the quantity of Fish Oil, Seal Skins and Peltry exported, and to where.

Ordered, That Mr. Uniacke, Mr. Clements and Mr. DesBarres, be a Committee for the above purpose.

Resolution declaring Messages of Council unparliamentary

On motion of Mr. Uniacke, *resolved*, as followeth:

Whereas, This House refused to consider the message from the Council, accompanying the disagreement of that body to the vote of £1000 for the expenses of the Delegates of this House, inasmuch as the same contained suggestions of a grant of Money, and the Council having again sent down a message in reference to the vote of £995, that the Council having already decided, for the reasons assigned in said first mentioned Message, that they could not agree to the vote of this House for granting £1000 to the Delegates of this House, cannot again consider any vote sent to them for the same service; *Resolved*, that this House hold and declare, those Messages of the Council to be unparliamentary, unconstitutional, and in violation of the privileges of this House.

Report from Com. to prepare answer to Messages, &c. of Governor

Mr. Fairbanks reported from the Select Committee appointed to prepare an answer to the Messages and Recommendations of His Excellency the Lieutenant-Governor, not heretofore answered; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

Answer

The Committee appointed to prepare an Answer to the several Messages of His Excellency the Lieutenant-Governor to this House, not heretofore answered, report as follows:

That in compliance with the recommendation of His Excellency the Lieutenant-Governor communicated to this House at the opening of the Session, this House have made provision for the expenditure authorised by His Excellency for the several Mail Routes to Quebec.

The House, by the passage of a Bill, placing at the disposal of His Excellency, the sum of Twenty Six Thousand Pounds for the improvement of the Great Roads through this Province, have enabled His Excellency to adopt such system of expenditure, as it is hoped, will prove beneficial to the Province, and meet the recommendation of His Excellency on this important subject.

The House have likewise, by addition to the accustomed annual grant, responded to His Excellency's Message, on behalf of the distressed Indians.—They have likewise provided for the extra services of the Treasurer, and for the services of those Gentlemen who were employed in signing the Provincial Notes.

The House have further considered of the claim of Thomas McLellan, to be remunerated for Land, through which a new road had been laid out, and have declined making provision therefor, as from the report of a Committee, appointed to enquire into the same, evidence of any actual damage being sustained was not afforded to them, and a previous survey and report upon the whole line was deemed requisite before any further sum either for improvement or damages was expended.

The House have also provided, by Bill, for the expense of taking the Census in Cape Breton.

In consequence of the want of the necessary information on the subject, the House have deemed it prudent to postpone, to a future Session, the consideration of His Excellency's recommendation for establishing a Hospital in Halifax.

With respect to the Despatch of the Lieutenant-Governor of Prince Edward Island, accompanied by the Address of the House of Assembly of that Island, also recommended by His Excellency the Lieutenant-Governor, this House having, in the present Session, made liberal provision for the internal communication of the Province, and the extension of Steam Boats, have not deemed it advisable, by a further expenditure, to incur any additional expense in aid of the intercourse between Pictou, Charlotte Town and Miramichi.

Lastly

Lastly.—In reference to the request of His Excellency the Lieutenant-Governor, that the House should supply the evidence, as to the character, conduct, and responsibility of certain Collectors of Customs, the House have considered that the statement relating thereto in the report of the Committee on the proposed union of the Customs and Excise, did not require any evidence in support thereof, the same being well known to many of the Members and to the public, and accordingly no evidence was taken by the Committee thereon.

S. P. FAIRBANKS, Chairman.

Resolved, That the Report be received and adopted.

Ordered, That the Committee who prepared the Report be a Committee to wait upon His Excellency the Lieutenant-Governor, and present him a copy thereof, in answer to the several Messages and Recommendations of His Excellency to this House, not hitherto answered.

A Message from the Council, by Mr. Halliburton ;
Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Forty, and for other purposes therein specified.

And then the Messenger withdrew.

Mr. Young, from the Committee appointed yesterday to wait upon His Excellency the Lieutenant-Governor with a copy of the Report made that day from the Select Committee, on the subject of uniting the Customs and Excise Departments, and to request His Excellency's attention to the suggestion therein contained, reported that the Committee had performed the duty assigned to them, and that His Excellency had replied that he would give his attention to the Report.

Mr. Howe reported from the Committee appointed to wait upon His Excellency the Lieutenant-Governor, with the Address of this House to His Excellency, in answer to His Excellency's Message, in relation to the expenses of the Delegation of the Legislative Council, that the Committee had waited upon His Excellency accordingly, and had presented to him the said Address.

Mr. Young, from the Committee appointed on the 20th inst. to wait upon His Excellency the Lieutenant-Governor, in reference to appointments that may occur during the recess in the office of any of the Collectors of Excise, reported that the Committee had complied with the order of the House, and had delivered a copy of the Resolution to His Excellency, who had been pleased to say he would give it his best attention.

Mr. Young, also from the Committee appointed on the 16th instant, to wait upon His Excellency the Lieutenant-Governor, and present to him copies of the Resolutions of that day relative to the Post Office Department and Revenue, and of the report of the Select Committee in relation to that Department and the Accounts thereof, and to request His Excellency's favorable consideration thereof, and that he would transmit the same for the information of Her Majesty's Government, reported that the Committee had so waited upon His Excellency, and otherwise performed the duty assigned to them, and that His Excellency, in answer thereto, was pleased to say that he would give the subject his attention.

Mr. Uniacke reported from the Joint Committee appointed to wait upon His Excellency the Lieutenant-Governor, with the Joint Addresses on the subject of the Imperial Act relative to the loading of Timber on the Decks of Ships ; that the Committee had so waited upon His Excellency, and had presented to him the said Addresses, and His Excellency, in answer to the Address to him, was pleased to say, that he would forward to the Right Hon. the Colonial Secretary, as requested, the Address to Her Majesty, with his best recommendation.

Mr. Uniacke, also reported from the Committee appointed this day to wait upon His Excellency the Lieutenant-Governor, to request him to direct an account to be kept of Fish, &c. exported ; that the Committee had performed that duty, and that His Excellency was pleased to say, that he would attend to the request of the House.

Report received & adopted
Com. to wait on Gov. therewith

Message from Council

Agree to appropriation Bill

Report from Com. to wait on Gov. with copy of report on Union of Customs & Excise

Report from Com. to wait on Gov. with Address in Answer to Message relative to Delegation expenses

Report from Com. to wait on Gov. relative to appointments of Excise Officers

Report from Com. to wait on Gov. with Post Office resolutions

Report from Com. to wait on Gov. with Timber Deck Load Addresses

Report from Com. to wait on Gov. with Resolution relative to exports of Fish and Fish oil

Mr.

THURSDAY and FRIDAY, 26th and 27th MARCH, 1840.

Report from Com. to wait on Gov. and request him to join in Address to Congratulation on Queen's Marriage

Mr. Uniacke reported from the Joint Committee appointed to prepare an Address of Congratulation to Her Majesty, on the auspicious event of Her Marriage; that the Committee had, pursuant to order, waited upon His Excellency the Lieutenant-Governor, to know his pleasure, if he would join in such Address, and that His Excellency had been pleased to say to the Committee that he should be most happy to join with the Council and House therein.

Com. to request Lt. Gov. to prosecute Collectors

On motion of the Honorable Mr. Dewolf, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, with a Copy of such part of the recommendation of the Committee on Public Accounts, as relates to the conduct of the Collectors of Impost and Excise, and of Light Duties, at the Out Ports generally, and especially as relates to the Collector of Excise at Guysborough, and Collectors of Light Duties at Canso, and respectfully request that His Excellency will cause the necessary directions to be given, and enquiries made to secure the accomplishment of the suggestions of that Committee.

Ordered, That the Honorable Mr. Dewolf, Mr. Forrester and Mr. Goudge, be a Committee for the above purpose.

Resolution with regard to Collectors in arrear, &c.

On motion of the Honorable Mr. Dewolf, *resolved*, that the Treasurer of the Province be requested to furnish each Collector of Impost and Excise, and of Light Duties, at the Out Ports within this Province, with a Copy of such part of the recommendation of the Committee on Public Accounts, as relates to the duties of those Officers, and request their compliance with the suggestions therein made; and that he also be instructed to call upon such Collectors of Impost and Excise, and of Light Duty, as are in arrears for Monies received, or that should have been collected by them previous to the 31st December last, to assign the reason for such delay in payment, and demand from them an early remittance of all Balances due up to that time, and if any of them neglect or refuse to comply therewith, to report them to His Excellency the Lieutenant-Governor, that they may be prosecuted as the Law directs.

Then the House adjourned until To-morrow, at Eleven of the clock.

Friday, 27th March, 1840.

Report from Com. to wait on Gov. with answer to Messages

Mr. Fairbanks, from the Committee appointed to wait upon His Excellency the Lieutenant-Governor, with the Answer to His Messages and Recommendations reported that the Committee had performed that duty.

Resolution on Governor's Message relative to Cross Road expenditure

On motion of Mr. Fairbanks, *resolved*, that this House having taken into consideration the Message of His Excellency the Lieutenant-Governor, respecting the mode of expenditure of the Monies appropriated for the Cross Roads, do not think it advisable to recommend any alteration of the system during the present Session.

Com. to wait on Gov. therewith

Ordered, That the same Committee, who reported the Answer to the Messages and Recommendations of His Excellency, be a Committee to wait upon His Excellency and communicate to him the foregoing Resolution.

Com. to wait on Gov. with Chocolate Drawback Res.

On motion of Mr. Fairbanks, *resolved*, that the same Committee do present to His Excellency a Copy of the Resolution upon the subject of a drawback of Duties upon Chocolate exported, and request his favorable attention to the terms thereof.

Timber Deck Load Addresses to be published

On motion of Mr. Huntington, *resolved*, that the Address to Her Majesty on the subject of the Act of the Imperial Parliament, relative to Timber Laden on the Decks of Vessels, be published in the Royal Gazette, and one other Newspaper at Halifax.

Message from Lt. Gov. relative to Delegation expenses

The Honorable Mr. Secretary George acquainted the House, that he had a Message from His Excellency the Lieutenant-Governor to this House, in writing, signed by His Excellency, which His Excellency had commanded him to deliver to the House; and he read the Message at the Bar of the House, all the Members being uncovered; and he afterwards delivered the same to the House, and then withdrew. The

The Message was then read by the Clerk as followeth :

M E S S A G E .

C. Campbell.

The Lieutenant-Governor, in his Message of the 24th instant, offered to pay the expenses of the Delegates from the Legislative Council and House of Assembly, out of Her Majesty's Casual Revenue, if that mode of payment should meet the wishes of both Houses.

The Council have concurred in this proposal, but the House of Assembly having signified their acceptance of it only as relates to the Delegates from their own House, the Lieutenant-Governor regrets to be compelled to state, that he does not feel himself at liberty to make any advance from the Crown Revenue to either Delegation.

Government House, 27th March, 1840.

Ordered, That the Message do lie on the Table.

Mr. Uniacke, from the Joint Committee to prepare an Address of Congratulation to Her Most Gracious Majesty, reported an Address from His Excellency the Lieutenant-Governor, the Council and House of Assembly, which had been prepared accordingly by the said Joint Committee ; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read ; and is as followeth :

Report from Com. to prepare Address on Queen's Marriage

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The joint Address of His Excellency Lieutenant-General Sir Colin Campbell, K.C.B. Lieutenant-Governor, and Commander in Chief, in and over Your Majesty's Province of Nova-Scotia, and its Dependencies ; of the Honourable the Legislative Council of the said Province, and of the House of Assembly of the said Province, in their several Legislative capacities, now convened in General Assembly at Halifax.

Address on Queen's Marriage

MAY IT PLEASE YOUR MAJESTY :

We, the Lieutenant-Governor, Legislative Council, and House of Assembly, now convened in General Assembly, with the liveliest feelings of joy and devotion to their illustrious Queen, most cordially participate in the universal expression of the happiness of Your Majesty's loyal Subjects the Inhabitants of Nova Scotia, upon being informed that Your Majesty has been graciously pleased to ally yourself in marriage with His Royal Highness Prince Albert of Saxe Cobourg and Gotha.

We humbly approach Your Majesty with our most respectful and cordial congratulations on this interesting and auspicious event, and fervently pray that Your Majesty and the illustrious Prince may long live in the richest enjoyment of every political and domestic blessing.

Resolved, That this House do agree to the said Address.

Address agreed to

Ordered, That the same Committee of this House who reported said Address be a Committee to join a Committee of the Council, to wait upon His Excellency the Lieutenant-Governor therewith.

Com. to join Com. of Council to wait on Gov. with Address

Resolved, That a Conference be desired with the Council, by Committee, on the General State of the Province, and that, on such Conference, the Committee of this House do communicate to the Committee of the Council the foregoing Resolutions of this House in reference to the said Address.

Conference thereon to be asked with Council

Ordered, That the Clerk do request such Conference.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council agree to the Conference desired by this Honourable House, and the Committee of the Council are ready to meet the Committee of this Honourable House thereon.

Council agree to Conference

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- Com. of Conference *Ordered*, That the same Committee who managed the last Conference on this subject, do manage this Conference.
- Conference held & reported So they went to the Conference. And being returned, Mr. Uniacke reported that the Managers had been at the Conference, and had complied with the instructions of the House.
- Report from Com. on Fisheries Mr. Uniacke reported from the Select Committee, appointed on the 6th January last, to enquire into the state of the Fisheries, and the privilege of the people of this Province to resort to Fishing Grounds, and to investigate the encroachments of Foreigners thereon, &c. and he read the Report in his place, and afterwards delivered it at the Clerk's Table. (*See Appendix, No. 85.*)
- Report adopted On motion, *resolved*, That the Report be received and adopted by this House; and thereupon,
- Address to Her Majesty on subject of Fisheries, &c. On motion of Mr. Uniacke, *resolved*, That the following Address, to Her Majesty, on the subject of the foregoing Report, in relation to the Fisheries, be agreed to and do pass, viz. :

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty;

We, Your Majesty's dutiful and loyal Subjects, the Representatives of Your Majesty's loyal People of Nova-Scotia, humbly approach Your Majesty with their complaints against the Citizens of the United States of America, who continue to disregard the terms and provisions of Treaties existing between the two Nations, by encroaching on the reserved Fishing Grounds of this Province and the adjoining Colonies, to the detriment and injury of the Inhabitants thereof.

Your Majesty's Council and Assembly, in 1838, approached Your Majesty's Throne with an Address, humbly referring Your Majesty to the convention of 1818, between Your Majesty's Government and that Republic, and to the Report of this House of 1837, as exhibiting the gross violation of the rights of the Inhabitants of the Lower Provinces, and Your people regret that the defective state of the regulations for the protection of the British North American Fisheries still permits such infringements with comparative impunity.

Although the convention of 1818 secured to the people of Great Britain and of Your Majesty's Dominions in America, certain rights of exclusive Fishery on the Shores of such Provinces, and the citizens of the United States renounced for ever any liberty enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure fish, on, or within three marine miles of any of the Coasts, Bays, Creeks, or Harbours, not included within certain limits mentioned in said Convention, no rules or regulations were adopted to prevent the abuse of the privileges ceded to the United States, until 1836, when his late Majesty William the Fourth, signified his Royal assent to a Statute of this Province, embodying rules and regulations for the Fishery thereof, the operation of which has been most wholesome, and has curbed the illegal trespasses of Foreigners, by subjecting their Vessels to forfeiture on detection, and condemnation in the Court of Vice Admiralty of Nova-Scotia.

That no regulations having been adopted (as Your House of Assembly believe) for the same salutary purposes in the Provinces of New Brunswick, Prince Edward Island, the Canadas, and Newfoundland, the Revenue Vessels employed by the Government of this Province, cannot make seizures, because the encroachments are beyond the operation of the said Law, which is confined to the Province, and therefore it becomes indispensable, for the preservation of the valuable source of wealth with which Providence has blessed these Colonies, that similar regulations should be granted by Your Majesty for all the Colonies, and Your Assembly solicit Your Royal attention to the accompanying code as well adapted for such important purpose.

That

That the Citizens of the United States pass through the Strait of Canso, a narrow strip of water, completely within and dividing several Counties of this Province, whereby they violate the letter and spirit of the Treaty or Convention of 1818, to the detriment of Your Majesty's people, and on the Shores of the Magdalene Islands they conduct the Fishery in a manner destructive thereof, by taking Herring, which swarm on those shores, at the time they are casting their spawn.

Aware of the solicitude of Your Majesty for the happiness and welfare of Your faithful North American Subjects, Your Assembly humbly pray encouragement and protection of their Commerce and Fishery, and as they have appointed Revenue Cutters for such purpose, that Your Majesty will order armed Vessels to aid them in such laudable undertaking, and extend to Your loyal Subjects of Nova-Scotia that protection which may be consistent with the claims of other portions of Your Majesty's extensive dominions.

For Code of Regulations referred to in the foregoing Address,
(See Appendix No. 86.)

Address to Lt. Gov.
relative to Fishery
Address

On motion of Mr. Uniacke, *resolved*, That the following Address to His Excellency the Lieutenant-Governor, in relation to the foregoing Address to Her Majesty, be agreed to, and do pass, viz :

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY
CONVENED.

May it please Your Excellency ;

The House of Assembly have passed an Address to Her Majesty, praying Her Majesty for the encouragement and protection of the Fisheries of this Province, which Address they respectfully request may be transmitted by your Excellency to be laid at the foot of the Throne, with your Excellency's favourable recommendation of the prayer thereof.

Com to wait on
Gov. with Address-
es

Ordered, That Mr. Uniacke, Mr. Miller, Mr. Howe, Mr. Fairbanks, Mr. Young, Mr. Goudge and the Honorable Mr. Dewolf, be a Committee to wait upon His Excellency the Lieutenant-Governor, and present to him the foregoing Addresses in relation to the Fisheries.

Mr. Forrester reported from the Committee appointed in relation to the execution of Law relating to Juries, and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com.
on subject of non-
compliance with
Jury Law

(See Appendix No. 87.)

On motion, *resolved*, that the report be received and adopted by this House.

Received & adopt-
ed

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Message from
Council

The Council desire a Conference, by Committee, with this Honorable House, on the General State of the Province.

Desire conference

And then the Messenger withdrew.

On motion, *resolved*, that this House do agree to the Conference desired by the Council

Conference agreed

Ordered, That the Clerk do acquaint the Council therewith, and that the Committee of this House are ready to meet the Committee of the Council, on such Conference.

Com. of conference

Ordered, That the Committee of this House, who managed the Conference in relation to the Duties on Foreign Wheat Flour, &c., do manage this Conference.

So they went to the Conference.

And being returned, Mr. Young reported that the Managers had been at the Conference, and that thereupon, the Committee of the Council had communicated to the Committee of this House, the following Resolution of the Council.

Report from Com.
of conference

Legislative

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“ Legislative Council Chamber, 27th March, 1840.

Council agree to
Address rel. to
Drawback on Fo-
reign Wheat Flour

Resolved, That a further Conference be desired with the House of Assembly, by Committee, on the General State of the Province, and that, at such Conference, the Committee of this House do acquaint the Committee of the House of Assembly, that this House have agreed to the Joint Address to Her Majesty, on the subject of the Imperial Duties upon Foreign Wheat Flour, and other matters, relating to the Trade of the Province, and that this House have appointed the same Committee to join a Committee of the House of Assembly, in preparing, reporting and presenting, an Address to His Excellency the Lieutenant-Governor, with the said Address to Her Majesty, praying His Excellency to forward the latter to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne, with His Excellency's favourable recommendation of the prayer thereof.

JOHN C. HALLIBURTON, c. l. c.

Ordered, That the Committee of this House, already appointed, do now join the Committee of the Council for the above purpose.

Report from Com.
to prepare Address
to Lt. Gov. on sub-
ject of Drawback
on Foreign Wheat
Flour

Mr. Young, from the Joint Committee of the Council and House, reported an Address to His Excellency the Lieutenant-Governor, on the subject of the Address to Her Majesty, in relation to the Duties upon Foreign Wheat Flour, &c. ; and he read the Address in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth :

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

Address

May it please your Excellency ;

The Legislative Council and House of Assembly have adopted and passed a Joint Address to Her Majesty the Queen, praying that certain modifications may be made in the Imperial Act, for regulating the Trade of the British Possessions abroad, and that the allowance of a Drawback on Foreign Wheat Flour may be approved of by Her Majesty ; and we respectfully request that your Excellency will be pleased to transmit the said Address, to be laid at the foot of the Throne, with your Excellency's favourable recommendation thereof.

Resolved, That the Address be agreed to by this House.

Address agreed to
Com. to join Com.
in presenting Ad-
dress

Ordered, That the Committee of this House who reported said Address, do now join the Committee of the Council in presenting said Address to His Excellency the Lieutenant-Governor, with the Address to Her Majesty on the same subject.

Report from Com.
on Pet. of Mer-
chants, &c. of Hali-
fax relative to Vice
Admiralty Court

Mr. Young reported from the Select Committee to whom was referred the Petition of Merchants and Shipowners of Halifax, in relation to the Court of Vice Admiralty ; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix No. 88.)

Ordered, That the Report do lie on the Table.

Report from Com.
to wait on Gov.
with Chocolate
Drawback Res.

Mr. Fairbanks, from the Committee appointed to wait upon His Excellency the Lieutenant-Governor, with a copy of the Resolution requesting an advance of drawback of Duties upon Chocolate exported, reported that the Committee had complied with the order of the House, and that His Excellency was pleased to say that he would give the subject his attention.

Report from Com.
to wait on Gov.
with answer to
Message

Mr. Fairbanks also, from the Committee appointed to wait upon His Excellency the Lieutenant-Governor, with the Answer of the House to His Excellency's Message upon the

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the subject of the Cross Roads, reported that the Committee had communicated the same to His Excellency.

On motion of Mr. Uniacke, *resolved*, that the sum of £150 formerly granted for the erection of the Breakwater at Margaree, and not to be drawn until the sufficiency of the work be certified by the General Sessions, shall and may be drawn, when and so soon as it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor that the said Breakwater has been completed, and the work sufficient.

Resolution relative to grant for Margaree Breakwater

Mr. McKim, from the Committee appointed to wait upon His Excellency the Lieutenant-Governor, with a copy of the Report of the Select Committee on the Petition of Joseph Read, and the request of the House in regard thereto, reported that the Committee had performed the duty assigned to them, and that His Excellency, in reply to the request conveyed by the Committee, was pleased to say, that he would give it his consideration.

Report from Committee to wait on Gov. with copy of report on Petition of Joseph Read

Mr. Howe, from the Committee appointed to present to His Excellency the Lieutenant-Governor a copy of the Address of this House to Her Majesty, on the subjects of complaint, reported that the Committee had performed that duty.

Report from Com. to present copy of grievance, Address to Lt. Gov.

Mr. Uniacke, from the Committee appointed to present to His Excellency the Addresses in relation to the protection of the Fisheries of this Province, against the encroachments of Foreigners, reported that the Committee had so presented the Addresses, and that His Excellency in reply to the Address to him, was pleased to say, that he would forward the Address to Her Majesty, with his best recommendation.

Report from Com. to wait on Gov. with Fishery Addresses

Mr. Uniacke also, from the Joint Committee appointed to wait upon His Excellency the Lieutenant-Governor, with the joint Address of His Excellency, the Council and House of Assembly, of congratulation to Her Majesty, on the auspicious event of Her Marriage, reported that the Committee had so waited upon His Excellency, who had signed the Address, and would forward the same to the Right Hon. Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Report from Com. to wait on Gov. with Address on Queen's Marriage

Mr. Young, from the Joint Committee to wait upon His Excellency the Lieutenant-Governor, with the Joint Addresses to Her Majesty and His Excellency upon the subject of the Duties and Drawback upon Foreign Flour, and other matters, in relation to the Trade of the Province, reported that the Joint Committee had presented the said Addresses to His Excellency, who, in reply to the Address to him, was pleased to say, that he would cheerfully comply with the prayer of said Address.

Report from Com. to wait on Gov. with Flour Drawback Address

Mr. Morton moved, that the House do come to a Resolution as followeth :

Whereas, instead of a fifth volume of the Province Laws, which will be soon required, it is more desirable that a general volume of all the Acts should be printed ; for which purpose it is requisite, that they should be revised and consolidated with much care—the doing which, and passing the Bills, to be prepared for the purpose, will probably take some years. *Resolved*, that the Clerks of this House do proceed, during the vacation, to prepare for the action of the House at its ensuing Session, and so on, in each following vacation, until the same shall be completed ; Bills for consolidating the Poor Laws, the Criminal Laws, the Militia Laws, the Acts relating to Commissioners of Sewers, Common Fields, Laying out Highways, Expenditure of Money upon Roads, Trespases, River Fisheries, and all such other matters as may require the same, and to submit such revisions thereof as may appear expedient and proper, and this House will provide remuneration for such their services : which, being seconded,

Resolution moved for consolidation of Laws

Mr. Young moved, as an amendment of the proposed Resolution, to leave out all the words thereof, except the word "Resolved," and to insert the following words after the word "Resolved," "that the Clerks of this House be authorized to prepare for the consideration of the Legislature, at its next Session, Bills, consolidating and improving in the simplest form, and so as the same may serve as models for a general revision of the Laws of the Province, the Laws on the subjects of the Distribution of Intestate Estates, the Mi-

Amendment for consolidation of part of Laws carried

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litia and Trespasses, and this House will provide for the expence thereof:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-one ; against it, nineteen.

So it passed in the affirmative.

The amended Resolution being then put,

Amended Resolution agreed to

Resolved, That the Clerks of this House be authorized to prepare, for the consideration of the Legislature, at it its next Session, Bills, consolidating and improving in the simplest form, and so as the same may serve as models for a general revision of the Laws of the Province, the Laws on the subjects of the Distribution of Intestate Estates, the Militia and Trespasses, and this House will provide for the expence thereof:

Message from Lt. Gov. commanding attendance of House

A Message from His Excellency the Lieutenant-Governor, by the Gentleman Usher of the Black Rod :

Mr. Speaker,

His Excellency the Lieutenant-Governor commands this Honorable House to attend His Excellency immediately in the Council Chamber.

House attend His Excellency, who assents to Bills, viz: Continuing Acts—

Accordingly, Mr. Speaker with the House, attended His Excellency in the Council Chamber, where His Excellency was pleased to give his assent to the several Bills following, viz :

Exportation of Red Herrings

A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.

Killing Bears, &c.

A Bill, entitled, An Act to continue the Act to encourage the Killing of Bears, Loup Cerviers and Wild Cats.

Stealing Dogs

A Bill, entitled, An Act to continue the Act to make the Stealing of Dogs, Beasts and Birds, Larceny.

Queen's County Sea Manure

A Bill, entitled, An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.

Guysborough Town Lots

A Bill, entitled, An Act to continue the Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same.

Summary Trials, Cape-Breton

A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions in the Island of Cape-Breton.

Poors' Rates, Pictou

A Bill, entitled, An Act to continue the Act respecting the collection of Poors' Rates of Pictou.

Bite of Animals

A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.

Pugwash Harbor

A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.

Halifax Grammar School

A Bill, entitled, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.

Quarantine

A Bill, entitled, An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.

Contagious Diseases

A Bill, entitled, An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Acts in amendment thereof.

Nuisances

A Bill, entitled, An Act to continue the Act additional concerning Nuisances.

Grammar School, Annapolis

A Bill, entitled, An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.

Landings King's County

A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County.

Breeds of Cattle

A Bill, entitled, An Act to continue the Act to encourage the Importation of improved Breeds of Cattle into this Province.

Harbour Master, Bridgeport

A Bill, entitled, An Act to continue the Act for establishing a Harbour Master at Bridgeport in the Island of Cape-Breton.

Coals by Weight

A Bill, entitled, An Act to continue the Act to authorise the Sale of Coals by Weight.

A

A Bill, entitled, An Act to continue the Act for the better regulation of Sable Island in this Province.	Sable Island
A Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney in the Island of Cape-Breton, and the Acts in amendment thereof.	Pilotage, Sydney
A Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.	Pilotage, Halifax
A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions and the Acts in amendment thereof.	Summary Trials
A Bill, entitled, An Act to continue the Act in amendment of an Act made and passed in the first and second years of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.	Laws and Ordinances, Cape-Breton
A Bill entitled, An Act to continue the Act, entitled, An Act to provide for the accommodation, and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof.	Billeting
A Bill, entitled, An Act to authorize the Congregation of the Meeting House in the Town of Yarmouth, near the Parade, to raise money from the Pews of such Meeting House for the repairing and ornamenting thereof.	Meeting House, Yarmouth
A Bill, entitled, An Act to preserve the Harbor of Cape Forchu in Yarmouth.	Cape Forchu Harbor
A Bill, entitled, An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis.	Lock-up House, Bridgetown
A Bill, entitled, An Act to authorize the Congregation of the Meeting House at Tusket Village to raise Money from the Pews of the said Meeting House for the repairing and ornamenting thereof.	Meeting House, Tusket Village
A Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia.	Crown Lands
A Bill, entitled, An Act to Incorporate the Margaretville Pier Company.	Margaretville Pier Company
A Bill, entitled, An Act for Incorporating the Trustees of the Queen's College at Horton.	Queen's College, Horton
A Bill, entitled, An Act to make perpetual the Act for the more easy Redemption and Foreclosure of Mortgages.	Mortgages
A Bill, entitled, An Act to make perpetual the Act to lessen the expenses of the Proof of Written Documents, in Actions depending in any of the Courts within this Province.	Proof of Written Documents
A Bill, entitled, An Act to continue the Act to restrain the issuing Writs of Attachment, in certain cases.	Writs of Attachment
A Bill, entitled, An Act to continue the Act relating to Marriage Licenses.	Marriage Licenses
A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property.	Malicious injuries
A Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.	Trespasses
A Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies.	Quadrennial Parliaments
A Bill, entitled, An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.	Fisheries, Chedabucto Bay
A Bill, entitled, An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.	Survey Timber and Lumber
A Bill, entitled, An Act to change the name of the Township of Ramsay, in the County of Colchester to that of Stirling.	Stirling Township
A Bill, entitled, An Act to regulate and prevent injury to Rail Roads.	Rail Roads
A Bill, entitled, An Act to amend the Act to establish the County or Shire Town in the County of Digby.	Digby Shire Town
A Bill, entitled, An Act in addition to the Act to divide the County of Annapolis and to regulate the Representation thereof.	Digby Sheriffs
A Bill, entitled, An Act to amend the Act to preserve and regulate the Navigation of the Harbour of Pictou.	Navigation, Harbor of Pictou
A Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives.	Polls at Elections

Parrsborough Division	A Bill, entitled, An Act to divide the Township of Parrsborough and to annex parts thereof to the Counties of Colchester and Cumberland, respectively.
Landings, Digby	A Bill, entitled, An Act to regulate certain Landings in the County of Digby.
Fire Engines, Bridgetown	A Bill, entitled, An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes.
Real Estate Halifax	A Bill, entitled, An Act to authorize the Sale of the Real Estate, lying on the Peninsula of Halifax, commonly called the Old Blue Bell Farm.
Supervisors Public Grounds	A Bill, entitled, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.
Acadian School	A Bill, entitled, An Act to Incorporate the Royal Acadian School Society.
Great Roads	A Bill, entitled, An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province.
Roads and Bridges	A Bill, entitled, An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the Service of Roads and Bridges, and the Acts in amendment thereof.
Cumberland Shad Fishery	A Bill, entitled, An Act to regulate the Shad Fishery, in the County of Cumberland.
Overholding of Real Estate	A Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate.
Salted Beef and Pork	A Bill, entitled, An Act in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork, for exportation.
Marsh, Pubnico	A Bill, entitled, An Act to regulate the fencing of the Marsh at Pubnico.
Saint Mary's District	A Bill, entitled, An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District.
Nuisances in Rivers	A Bill, entitled, An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish, in the Rivers of this Province.
Fishery, Shubenacadie	A Bill, entitled; An Act to continue the Act for regulating the Fishery in the River Shubenacadie.
Fisheries, Lunenburg	A Bill, entitled, An Act to continue the Act to prevent injuries to the Fisheries, within the County of Lunenburg, by Mill Dams or any other obstruction.
Nets of Fishermen	A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen, by Coasting Vessels.
School, Lunenburg	A Bill, entitled, An Act for the regulation and management of the Combined, Common and Grammar School at Lunenburg.
Bay of Fundy Steam Navigation	A Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company.
Goods exported	A Bill, entitled, An Act to continue the Act concerning Goods exported, and for granting Drawbacks.
Weighing of Beef	A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof.
Colonial Duties	A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties.
Colonial Impost Duties	A Bill, entitled, An Act for granting Colonial Duties of Impost, for the support of Her Majesty's Government, within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.
Warehousing of Goods	A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods.
Schools	A Bill, entitled, An Act to continue the several Acts for the encouragement of Schools.
Importation of Goods	A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods.
Smuggling	A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling.
Pickled Fish	A Bill, entitled, An Act to continue the Acts in force, relative to the Inspection of Pickled Fish.
Flour Drawback	A Bill, entitled, An Act to grant a Drawback on Foreign Wheat Flour, in certain cases.
Halifax Licenses	A Bill, entitled, An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.
General Licenses	A Bill, entitled, An Act to continue and amend the Act for granting Duties on Licences, for the Sale of Spirituous Liquors, and the Act to alter the same. A

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A Bill, entitled, An Act to make provision for payment of the expenses of the Census for the County of Cape-Breton.	Census Cape-Breton
A Bill, entitled, An Act to repeal the tenth Clause of the Act for settling titles in a certain tract of Land in Cape-Breton, called the Miré Grant.	Miré Grant
A Bill, entitled, An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Acts to alter and amend the same.	Town Officers
A Bill, entitled, An Act to continue and amend the Acts in force respecting the Militia of the Province.	Militia
A Bill, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers.	Commissioners of Sewers
A Bill, entitled, An Act to continue the Act relating to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton.	Dyke Rates
A Bill, entitled, An Act to enable the Devisees or Representatives of John Bolman to shut up an old road in Lunenburg.	Old road, Lunenburg
A Bill, entitled, An Act to appoint a New Board of Governors for Dalhousie College.	Governors Dalhousie College
A Bill, entitled, An Act to regulate the Gaspereau and Salmon Fishery in Horton.	Gasperenu and Salmon Fishery
A Bill, entitled, An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing of Cord Wood in the Town of Halifax.	Monopolizing of Cordwood
A Bill, entitled, An Act to Incorporate a Company to be called the St. Peter's Canal Company.	St. Peter's Canal Company
A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.	Constables Court of Commissioners
A Bill, entitled, An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.	Watch at Night
A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax.	Bridewell
A Bill, entitled, An Act to Incorporate an Hotel Company in Halifax.	Hotel Company
A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.	Roads and Bridges
A Bill, entitled, An Act to continue the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Act in amendment thereof.	County Rates
A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.	Inferior Courts
A Bill, entitled, An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof.	Passengers
A Bill, entitled, An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.	Settlement of Poor
A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.	Rates and Prices of Carriages
A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.	Terms of Supreme Court
A Bill, entitled, An Act to continue an Act relating to the Court of Commissioners at Halifax.	Comrs. Court
A Bill, entitled, An Act to vacate the seats of Members, in certain cases.	Seats of Members
A Bill, entitled, An Act to continue the Act to prevent Disorderly Riding and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.	Disorderly Riding
A Bill, entitled, An Act to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives.	Polls at Elections
A Bill, entitled, An Act to amend the Act to extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, and certain other places.	Comrs. of Highways
A Bill, entitled, An Act to continue the Act to repeal the Act to amend the Acts respecting Fire Wards and Fires in Halifax, and to substitute other provisions in lieu thereof and additional thereto.	Fires in Halifax

FRIDAY, 27th MARCH, 1840.

- Trial of Issues** A Bill, entitled, An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof.
- Gas Light Halifax Cemeteries** A Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company.
A Bill, entitled, An Act in addition to an Act entitled, An Act additional to, and in further amendment of, the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.
- Old Road Horton** A Bill, entitled, An Act to authorise the shutting up of an Old Road in the Township of Horton.
- Bridewell** A Bill, entitled, An Act to provide for building a Bridewell.
- Marine Insurance Companies** A Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors.
- Wills** A Bill, entitled, An Act concerning Wills.
- Grindstones** A Bill, entitled, An Act to repeal an Act, entitled, An Act respecting the exportation of Grindstones from this Province.
- After which, Mr. Speaker spake as followeth :

May it please your Excellency,

- Speaker presents Appropriation Bill** I beg leave to present to your Excellency, on behalf of Her Majesty's faithful and loyal Subjects, the People of Nova-Scotia, a Bill for appropriating the Supplies granted in the present Session, for the support of Her Majesty's Government for the present year, and to request your Excellency's assent to the same.

His Excellency was pleased to give His assent to the Bill following, viz :

- Governor assents to Appropriation Bill** A Bill, entitled, An Act for applying certain Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Eight Hundred and Forty, and for other purposes therein specified.

His Excellency was then pleased to make the following SPEECH :

- Lt. Governor's Speech** *Mr. President and Honourable Gentlemen of the Legislative Council ;
Mr. Speaker and Gentlemen of the House of Assembly ;*

As the Public business is now brought to a close, I have great pleasure in releasing you from your Legislative labors.

It would have afforded me much gratification if the important business which it became my duty to bring under your consideration at the commencement of the Session, in obedience to Her Majesty's commands, had been satisfactorily arranged, and I cannot but express my regret that a subject of such interest to the tranquillity and prosperity of the Province should remain unadjusted.

I have to convey to you my thanks for the liberal Supplies which you have granted to Her Majesty for the Public Service, and you may rely that they shall be applied with the utmost care, to the objects to which they have been appropriated.

Afterwards, the President of the Legislative Council, by His Excellency's command, said,

Gentlemen,

- Prorogation** It is His Excellency's will and pleasure, that this General Assembly be prorogued to Thursday, the 9th day of July next, then to be here held : and this General Assembly is accordingly prorogued to Thursday, the 9th day of July next.

JOHN WHIDDEN, }
Clerk of the House of Assembly. }

APPENDIX

TO THE

JOURNAL

OF

THE HOUSE OF ASSEMBLY

OF

THE PROVINCE OF NOVA-SCOTIA.



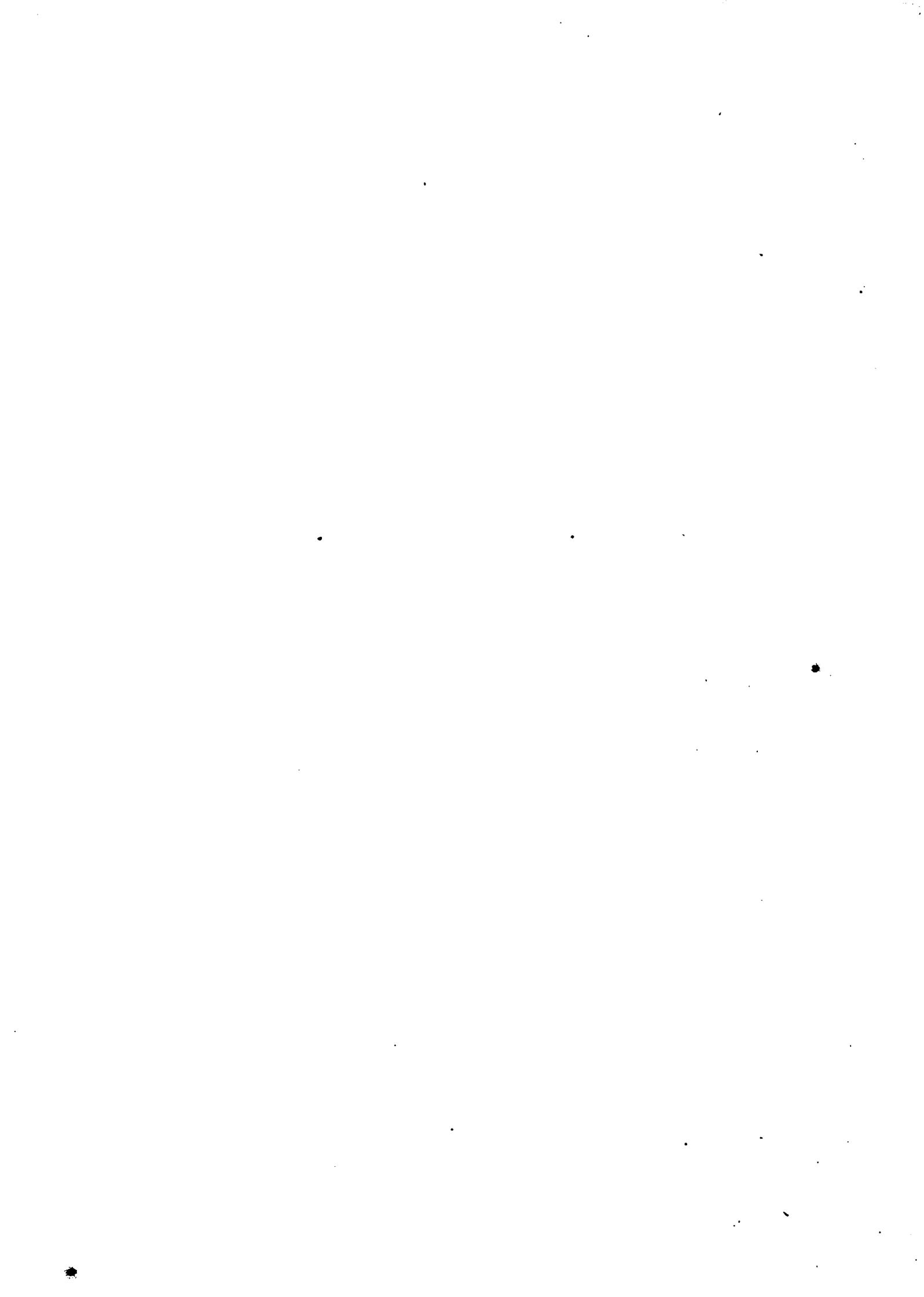
FOR THE SESSION,

Commencing the 31st December, 1939, and ending the 27th March, 1940.



HALIFAX:

PRINTED AT THE ROYAL GAZETTE OFFICE.



APPENDIX

No. 1.

(See Page 649)

(Copy.)

No. 34.

Downing Street, 31st August, 1839.

SIR—

I have had the honor to receive your Despatches of the 7th and 8th April last, Nos. 14 and 16, transmitting a copy of the Resolutions of the Legislative Council of Nova-Scotia on the state of the Province, together with a copy of an Address, and of the Resolutions adopted by the House of Assembly, with reference to my Predecessor's Dispatch of the 27th September, 1838. I have since been in repeated communication, both orally, and in writing, with Mr. Young and Mr. Huntington, the Delegates appointed by the Assembly to represent their views to Her Majesty, as well as with the Gentlemen selected by you from the Legislative Council. I herewith transmit, for your information, copies of the Correspondence which has passed between those Gentlemen and this Office.

In discussing the subjects adverted to in the Resolutions of the Council and Assembly, it has been my anxious endeavour to arrive at the conclusion most calculated to meet the wishes, and promote the interests, of all classes of Her Majesty's Subjects in Nova-Scotia. The attachment which they have invariably displayed to the Mother Country—the liberality and gallantry with which, on a recent occasion, at a crisis of peculiar difficulty, they came forward to tender to Her Majesty their personal and pecuniary assistance in the maintenance of Her authority on the North American Continent, entitle them to every consideration which it is in the power of the Crown to bestow. It has been in this spirit that I have approached the questions now brought under my notice; and if my decisions shall not altogether coincide with the views of the popular branch of the Legislature, I am yet confident that they will accept my assurance that I have been actuated by the single desire to promote the welfare of the Colony, not with reference to temporary considerations alone, but also with reference to those more permanent and essential interests which are involved in these discussions:

1st. Upon the subject of the Civil List, the House of Assembly, adverting to my Predecessor's Dispatch of the 27th September last, express their astonishment and concern that he should have abandoned the position which he had originally taken; and that having in the first instance submitted, as a fit subject for their decision, the amount of the salaries to be granted to Public Officers, he should have subsequently withdrawn that question from their consideration. It appears to me that the meaning of Lord Glenelg's Dispatches of 31st October, 1837, and 27th September, 1838, has been misunderstood by the Assembly. Throughout the former Dispatch, Lord Glenelg constantly expressed his intention of maintaining, in their existing emoluments, the actual possessors of Office. In stating the amount of the Revenue, which, after paying the Civil List, would be placed at the disposal of the Assembly, he observes that this must be subject, in the first instance, to those charges, which, though "not intended to be placed on the Civil List, have hitherto been defrayed from the Crown Revenues in Nova-Scotia, and which cannot at once be abandoned without a violation of existing interests, which I am confident the Provincial Legislature will be equally anxious with Her Majesty's Government to respect."

With reference, however, to the salaries of future Officers, he stated that Her Majesty's Government were not anxious to stipulate for any precise amount; but that if fixed at such a rate as should be "adequate to the proper maintenance of the Officers, they must not be rejected, even though the Assembly should differ from you in opinion as to the amount of the sum which ought to be assigned for the entire support of any one or more of these Officers."

The decision of Lord Glenelg, communicated in his Dispatch of 27th September, 1838, appears to me no wise inconsistent with these instructions. The Civil List Bill passed by the Assembly of Nova-Scotia, not only made a very great reduction in the emoluments of existing

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existing Officers, but altogether excluded from a permanent appropriation several of those whose dependence on an annual vote Lord Glenelg had declared to be "incompatible with the firm and impartial discharge of their public duties." His Lordship, therefore, in advising Her Majesty not to accede to such an arrangement, so far from assuming a new position, appears to me only to have carried out the principle which he had laid down from the beginning. It is true that, in Sept. 1838, he directed that a specific sum should be asked from the Assembly instead of a detailed vote, not, however, with a view of increasing the salaries to be placed on the Civil List, but in order to put a stop to those personal discussions which must always be inconvenient and detrimental to the public service.

I have thought it necessary to enter into this explanation, not only in justice to my Predecessor, but also in vindication of my own decision.

After fully considering the Resolutions of the Council and Assembly, and the oral and written representations of the Delegates from those bodies, I am compelled to state that I adopt the decision contained in Lord Glenelg's Despatch of the 27th September, 1838.—You will therefore announce to the Assembly, that until the Legislature of Nova-Scotia shall concur in an Act granting to Her Majesty for a term of years, or during Her Majesty's Reign, the annual sum of £4,700 Sterling, in addition to existing appropriations, Her Majesty will continue to apply to the public service of the Colony the Revenues which, by virtue of Her Royal Prerogative, are at Her command. With respect to the actual occupants of Office, Her Majesty's Government feel bound to maintain them in their present emoluments; but whenever vacancies occur they will be prepared to take into their favorable consideration any representation from the House of Assembly respecting the Salary to be attached hereafter to the Office.

2d. The Assembly next express their "astonishment and regret" at the terms on which their complaint respecting the composition of the Executive and Legislative Councils was answered. On this subject it is impossible not to attach great weight to the observations contained in your Despatch No. 16, as well as in the Resolutions of the Council, and in the communications from Messrs. Stewart and Wilkins. After the most anxious consideration of it, I feel that I cannot explain my views more clearly than by stating that I entirely adopt the principles laid down in Lord Glenelg's Despatches of 30th April and 31st October, 1837. I think it of the utmost importance that the Members of each Council should be selected from those who command the esteem and possess the confidence of the great body of the inhabitants of Nova-Scotia—that they should be men connected with all the great interests of the Province, and residing in its various Districts, and that, if possible, no ground should be afforded for even a plausible complaint, that any particular profession, locality, or religious community, had been unduly favored in their selection. I am well aware of the impediments to carrying these principles into practical effect—of the difficulty of prevailing on Gentlemen engaged in Agricultural or Commercial pursuits, and living at a distance from the capital, to devote their time and attention to the duties of a Legislative or Executive Councillor, and of the impossibility of making such a selection, with reference to the profession or religious creed of the Members, as shall be exactly proportioned to the numbers of that profession or creed in the Province. But I am most anxious that in the nomination of Gentlemen to fill any vacancies which may from time to time occur, those principles should be kept in view, and should as much as possible be your guide. I cannot, however, advise Her Majesty to reconstruct the Legislative Council, on the ground that they have not concurred in all respects in the views of the House of Assembly, especially when I consider how short an experience the Province has had of the conduct of that body in its existing form. With regard to the Executive Council, I feel very strongly how desirable it is that it should be composed in a manner to command the co-operation of the popular branch of the Constitution, and although I do not desire to fetter your discretion upon this subject, yet I shall be glad to learn that you shall have thought it expedient to offer, as the occasion for doing so may present itself, seats in it to some of the leading Members of the House of Assembly.

3d. With regard to the Bill for the Regulation of the Post-Office, and to the Bills for Incorporating Insurance Companies and allowing certain Bounties, I have considered it advisable to place the Delegates in communication with the Heads of those Departments to which the

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the consideration of such questions more immediately belongs. It will afford me much satisfaction if they shall be able to mature such arrangements in regard to these matters as may meet the wishes of the people of Nova-Scotia, without infringing on the regulations which have been established with a view to the general interests of the Empire.

4th. In respect to the Salaries of the Officers of the Customs, and the collection by them of the Duties payable under Colonial Acts, I transmit herewith for your information the copies of two Letters addressed to this Department, by direction of the Lords of the Treasury, with reference to the Address from the Assembly of——1838. I also enclose the copy of a further Letter, stating that directions have been issued to the Commissioners of the Customs to give effect to the Order recently made by Her Majesty, in Council, for extending the privileges of Free Warehousing Ports to Digby and Arichat. I trust that this measure, which appears to be in accordance with the views of the Legislative Council, will be satisfactory also to the Assembly of Nova-Scotia.

5th. The Assembly express their earnest hope that in the selection of Officers to fill vacancies in the Customs Department, the prayer of their Address to the Throne of 1836 may not be overlooked. On this point it is only necessary to refer you to my Predecessor's Despatch of 4th February, 1838.

6th. The illegal and oppressive encroachments of American Citizens on the British Fishing Grounds, are the next subject adverted to by the Council and Assembly, and pressed on my notice by the Delegates of the latter body in their Letter of the 11th July. I have the honor to inform you that the Admiral commanding on the North American Station has already been instructed to take the necessary steps for the protection of Her Majesty's Subjects.

7th. In respect to the Bill for the disposal of the Crown Lands, which was passed by the Assembly in their Session of 1838, but not assented to by the Council, I have been in repeated communication with the Assembly's Delegates. Her Majesty's Government at once acknowledge that this is a subject of great importance to the inhabitants of Nova-Scotia, and in which much weight is due to their local knowledge. But a very long and attentive observation, extending over all the Dependencies of the Crown, has convinced Her Majesty's Government that a system of free grants, so far from stimulating the advance of a new Country, is calculated to retard its progress, and to repress its natural resources. They have therefore an insuperable objection to any measure in which, as in the Bill of 1838, that system is incorporated. But the Delegates of the Assembly have since submitted to me the draft of a Bill on this subject, (a copy of which is enclosed,) which, while it contains many of the provisions embodied in the former Bill, rejects the objectionable clause to which I have adverted. The principal provisions of this Bill are, first—that actual occupiers of land who have made improvements on it should have a right to purchase to the extent of 200 acres on favorable terms—second, that three Commissioners should be appointed in each County to constitute a Land Board, and to report to the Governor and Council on the value and price of the ungranted Lands within their County, and the best means of promoting their settlement—and third, that, with the exception of the Land in possession of actual occupiers, all Lands should hereafter be sold by Public Auction at an upset price, such upset price to be in no instance less than 1s. Sterling per acre. The Bill contemplates that the services of the Commissioners to be appointed in the several Counties would be rendered gratuitously, but it does not appear in any way to interfere with the control of the Executive Government, which is so necessary to preserve uniformity of system, nor does it alter or affect the duties of the existing Land Department. I am not aware that any conclusive objection can be urged against such a measure, and if, after fully considering it, the Legislature of Nova-Scotia should be of opinion that the interests of the Province would be promoted by its enactment, I should be prepared to advise Her Majesty to give her assent to it. But, as it embodies some principles of a novel description, it would be desirable that, if adopted, it should be passed in the first instance for a limited period, in order that an opportunity may be given of reconsidering its provisions, after they shall have been exposed to the test of experience.

8th. I concur in the anxiety of the Legislative Council and Assembly that the oaths appointed to be taken by persons accepting Office in Nova-Scotia should be so framed as not to be offensive to any class of Her Majesty's Subjects. I have accordingly brought this subject a-
again

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gain under the consideration of the Law Officers of the Crown, directing them to report to me their opinion whether it is possible, consistently with the Acts of the Imperial Parliament, so to modify the oaths in question as to meet the wishes of the people of Nova-Scotia.

9th. I have referred for the consideration of the Queen's Advocate, the documents connected with the Act relating to Merchant Seamen, in order to ascertain his opinion whether the introduction of a provision for limiting or regulating the jurisdiction of the Court of Vice Admiralty, was within the competency of the Local Legislature, and, if so, whether the proposed limitation would be conducive to the public benefit.

10th. The Bill for the appointment of Trustees of School Lands, although not noticed in the Resolutions of the Assembly, has been brought under my notice by the Delegates of that House, who have submitted to me a further Resolution, of the 30th March last, authorizing them to take such measures as may be necessary to obtain the Royal Assent to it. On this subject I am in correspondence with the Society for the Propagation of the Gospel. I found, on accepting the Seals of this Office, that my Predecessor, after communicating with the Bishop of Nova-Scotia, and consulting with the Law Officers of the Crown, had prepared instructions for your guidance, which, on the application of the Society, he abstained from sending. I have since had repeated interviews on the subject with members of the Society, and with the Bishop of Nova-Scotia, but, as I was informed that a second Bill had been passed by the Provincial Legislature, during their last Session, I had proposed to defer my decision respecting it until I should hear from you. The official transcript of that Bill reached me on the 5th inst., and I trust, therefore, that I may be able to inform you of my decision upon it at an early period.

11th. The Bill for the settlement of claims on Real Estate, which has been laid before me by the Delegates from the Assembly, reached me also on the 5th inst., and it has therefore been impossible for me, as yet, to submit to Her Majesty any advice in respect to it. I shall, on a future opportunity, communicate to you Her Majesty's decision respecting this Act.

I have, &c.

(Signed) NORMANBY.

Lt. General Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

No. 1.

(Copy.)

16, Prince's Street, Hanover Square,
May 29th, 1839.

MY LORD,

In obedience to your Lordship's suggestion, at the interview with which we were honored on Friday last, We beg to bring under the notice of Her Majesty's Government the views of the House of Assembly of Nova-Scotia, as to the expense of maintaining the Custom House Establishment of that Province, and the practicability and advantage of combining the collection of the various Impost Duties levied on Importations, under the authority of Imperial, as well as of our own Provincial Acts. Knowing the value of your Lordship's time, and the benefit of a clear and succinct statement, we shall compress what we have to offer on these points into the smallest space, consistent with a thorough apprehension of the opinions and wishes of the Assembly.

The Imperial Duties collected at our Custom House under the Act 3rd and 4th Wm. 4, chap. 59, produced in the years 1835, 1836 and 1837, only the sum of £14,623 Currency, equal to £11,570 Sterling, being the annual average; and the official return we handed to your Lordship on Friday, shews that this amount approximates very nearly to the average gross proceeds of these duties for a period of years. The only other duties collected at our Custom House are under the authority of Acts of Parliament previous to the 18th Geo. 3rd, and yield on an average, about £2,000 Sterling. It appears by the Blue Books that they produced in the year 1837, £2,124, and in the year ending 5th January last, they produced only £1,490 10 4. The whole amount of duties, therefore, collected by the Custom House Officers of Nova-Scotia does not exceed, on an average, the comparatively trifling sum of £13,500. The

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The duties collected under our Colonial Acts are usually called, by way of distinction, Excise Duties, but are, in fact, Duties of Customs levied almost entirely on the Importation of British and other Goods, with the privilege of Warehousing, and on a system assimilated as near as possible to the regulations in the Imperial Acts: These duties produced in the years 1835, 1836 and 1837, the sum of £38,155 Currency, equal to £30,525 Sterling, being the annual average, and which the gross proceeds of last year somewhat exceeded.

The average of Light-House Duties in the same year was £3,629 Currency, equal to £2,905 Sterling per annum.

Whether the imposition of Imperial Duties, the proceeds whereof are paid into the Provincial Treasury, be any real advantage to the Trade and Manufactures of the Mother Country, is a question we will not presume to discuss, as it is not included in the Resolutions with which we were charged by our Assembly. But we cannot help expressing our gratification at the progress, which we have had occasion to observe since our arrival in London, of the sounder and more enlightened opinions, as we individually conceive them to be, on this head. Convinced, as we are, that the more the principle of a Free Trade, and the system of imposing Duties for the purpose of Revenue alone, are extended by the wisdom of the Imperial Legislature to the North American Colonies, the more rapid and certain will be their growth, and our people will become better able to purchase the proceeds of British Manufacturing industry and skill.

Whatever difference of opinion may still exist upon this point, it will not be denied that the only service performed by the Custom House Officers in Nova-Scotia, is the collection and paying over of the small amount of Duties above mentioned, and the enforcing of the Acts 3 and 4 Wm. 4, in relation thereto, and to the Registration of Shipping.

We beg then, in the first place, to contrast the service and remuneration of the Officers of Customs with those of the other Public Officers in Nova-Scotia.

With a population of about 200,000 souls, and a Provincial Revenue not much exceeding £30,000 Sterling, independently of the Imperial and Light-House Duties, with numerous claims on the Legislature for aid to facilitate the means of communication between the Settlements of an extensive Territory, and to help also in educating the children of thousands, too poor to maintain Schoolmasters without aid; your Lordship will readily apprehend, that, though our Colony is in a healthy and flourishing condition, one of the first duties required of the Legislature by the people, and which the present House of Assembly has repeatedly recognized, is an exact but liberal economy in the appropriation of the Revenue and the payment of the Public Officers. The habits of a young Country, besides, either are, or ought to be, economical, that Capital may be accumulated and extravagant expenditure discouraged by the example of the Public Officers who are paid from the Public Purse, and stand at the head of Society. We consider, therefore, our Collector of Excise, who was a Member of the last Council, and receives about double the amount of Duties which pass through our Custom House, more than sufficiently paid by a Salary of £700 Currency, equal to £560 Sterling, a year; out of which he pays his own Clerks.—The Treasurer of the Province, who receives and pays out of the proceeds of both Departments, has but £600 Currency, equal to £480 Sterling, a year, out of which he pays his Clerk.—The Puisne Judges of our Supreme Court, and the Master of the Rolls, receive from the Province but £600 Currency, equal to £480 Sterling, a year; and the former enjoyed, till of late, certain fees, adding about £100 a year respectively to their incomes: These, it is true, were last year considerably increased by the action of the Home Government, but the wishes of the Assembly pointed to more moderate Salaries, and would not have assigned even to these high Officers above £500 Sterling a year; and the Judges of the Court of Common Pleas, which has equal jurisdiction with the Supreme Court in the Civil Suits receive but £320, and one of them £400 Sterling, per annum, independently of Travelling Fees. In their 4th Resolution of 6th February last, the Assembly declares that the Salaries which are assigned by permanent Acts, or by the accustomed annual Votes, to the Public Officers paid from the Provincial Funds, are adequate for the independent and respectable maintenance of such Officers; and as the House of Assembly would not be disposed to increase the same, they conceive it unjust and improper that other Officers of corresponding rank and discharging duties not more laborious or of higher responsibility should be remunerated by larger Salaries

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Salaries—thus creating an invidious and unwise distinction between the Public Officers paid by the Crown, and by the Provincial Legislature.

With these views your Lordship will not be surprised that the Assembly have declared in their 6th Resolution, “that the Salaries enjoyed by the principal Officers of the Customs at Halifax, are extravagantly high.” The Collector receives £1,500 Sterling a year, besides an allowance from the Home Government of £500 a year for past services, and reduction of income by the abolition of Fees. The Comptroller and Landing Surveyor receives £750 Sterling a year, which Salary, with an additional allowance of £100 a year, is still continued, though the Comptrollership has been abolished, and, for many years, has been a mere sinecure. The Landing Waiters at Halifax receive £350 Sterling a piece; and the Collector and Comptroller at Sydney, Cape-Breton, receive respectively no less than £400 and £250 Sterling per annum. Several of the Salaries in the Out-ports are also out of all proportion to the duties to be performed, though in some they are not too high.

The Letter addressed by Mr. Lack to Mr. Hay, 7th June, 1834, expresses the opinion of the Honorable the Commissioners of Customs, as to the future establishment in our Province; no part of which, we believe, has yet been acted on.

We beg, therefore, respectfully, but earnestly to represent that some of the Salaries, even in the reduced Scale, are still extravagant. We are aware of no good reason for assigning a higher Salary to the Collector at Halifax than to a Judge of the Supreme Court. The Collector at Sydney seems to us overpaid at £400 a year. The Comptrollership there, we presume, has been, or will be abolished; and we trust that the Comptroller at Halifax will either be appointed to some other Office whose duties will be adequate to his Salary, or be induced to accept remuneration adequate to the duties he is expected to perform.

We are the more solicitous on this head, because one of the chief objects of our mission is to procure, if possible, an increase in the number of Free Ports, and, consequently, of Custom House Officers, and the main difficulty hitherto has been the means of providing for them. In the year 1829, our Legislature granted, by a permanent Act, the very large sum of £7144 18 9 Currency, for the support of the Customs Establishment. This amount is under the control of the Government, and cannot be reduced, nor its appropriation interfered with or altered, without the assent of the Government: But, in the opinion of both branches of our Legislature, it is amply sufficient, if judiciously and fairly distributed, for the maintenance of all the Officers who would be required for many years, for the protection of the Trade, and the collection of all the Revenue, whether under the Imperial or Provincial Acts, in our Province. We abstain from going further into details, but will be most happy to communicate our views, and such local knowledge as we possess, in person, to the Lords Commissioners of the Treasury, or the Commissioners of Customs, that a scale of the Salaries may be framed suitable to the circumstances of the Colony, or to the position which the Officers of the Customs should hold in Society. We assure your Lordship that the Assembly are equally solicitous with the Home Government that its Officers should be made independent, and be respectably, but not extravagantly, paid.

Should we succeed in our second object already referred to, we have the most direct interest indeed, in maintaining the character and independence of the Officers of the Revenue. It is the opinion of the Assembly, as expressed in their seventh Resolution, that the Imperial, Colonial, and Light-House Duties might be effectually and easily collected by one set of Officers at Halifax; and, in the Out-ports, with great convenience and facility to the Merchants, without imposing any unreasonable or onerous duties on such Officers. There seems to be no reason why this should not be done in Nova-Scotia, as well as in Lower Canada and Newfoundland. It is the universal opinion, we believe, of the Merchants in our Province, that the proposed change would greatly facilitate the transactions of business, the multiplied Entries, Bonds and Permits, at the two Offices, being exceedingly complicated. Before we left Halifax, we endeavoured to ascertain the simplest and least objectionable mode of carrying out this improvement, and will be most

happy

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happy to be favored with an opportunity of personally communicating to the Officers of the respective Departments the views we have been led to entertain on this head.

We have the honor to be,

With great respect,

Your Lordship's most obedient,

Humble Servants,

[Signed]

WM. YOUNG,
HERBERT HUNTINGTON.

To the Most Noble
The Marquis of NORMANBY,
Her Majesty's Principal
Secretary of State for the Colonies.

(Copy.)

Downing Street, 25th June, 1839.

GENTLEMEN—

With reference to your letter of the 29th ultimo, I am directed by the Marquis of Normanby to transmit herewith, for your information, the copy of a letter from the Lords Commissioners of the Treasury, relative to the establishment of Free Ports in Nova-Scotia, and to the collection of Duties payable under Local Acts by the Officers of Her Majesty's Customs. 13th June

I have, &c.

(Signed)

H. LABOUCHERE.

WM. YOUNG, Esqr. and H. HUNTINGTON, Esqr.

No. 2.

(Copy)

*16 Prince's Street, Hanover Square,
30th May, 1839.*

MY LORD,

We beg to inclose a letter on the affairs of the Custom House, which we have been unable to prepare till now for want of the documents and papers that were delivered to us yesterday. We have no reason to expect the arrival of Delegates from the Legislative Council, no hint of their appointment having been given by the Lieutenant-Governor, though His Excellency held a conversation with one of us on the day we left Halifax. Unless your Lordship has been otherwise informed, we are not aware of any such nomination being intended, and, if made, we cannot suppose that it could materially influence the decision of Her Majesty's Government, on the various points comprehended in the Resolutions of the Assembly. We are naturally anxious at this season of the year to proceed with the business entrusted to our care, and which alone detains us in London; and would feel gratified in being favoured with a second interview at your Lordship's earliest convenience.

We are, &c.

(Signed),

W. YOUNG,
H. HUNTINGTON,

THE MARQUIS OF NORMANBY, &c. &c. &c.,

Downing Street, 8th June, 1839.

GENTLEMEN,

I am directed by the Marquis of Normanby to acknowledge your letter of the 30th ult. in which you enquire whether any intimation has been received of the intention of the Legislative Council of Nova-Scotia to send Delegates to this Country to confer with Her Majesty's Government; and you also request to be favored with another interview with His Lordship.

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In answer, I am to acquaint you, that, on the 15th ult. a Despatch was received from Sir C. Campbell, dated the 16th April, in which he reported, that, in conformity with a Resolution of the Legislative Council, he should nominate "two Gentlemen as Delegates on the part of the Legislative Council, and that they would probably take their departure in the next Packet."

Under these circumstances, Lord Normanby considers that he would be deficient in the respect due from him to the Legislative Council, if His Lordship should proceed to adjust with you the questions, which, as Delegates of the Assembly, you have brought under his notice, without awaiting the arrival of the Delegates of the Legislative Council, or at least affording them a sufficient time, either to fulfil or to announce the abandonment of their purpose of repairing to this Country.

I have, &c.

(Signed,)

H. LABOUCHERE.

WILLIAM YOUNG, H. HUNTINGTON, Esqrs.

No. 3.

(Copy.)

16, Prince's Street, Hanover Square,
7th June, 1839.

SIR—

In reply to your favour of yesterday, we beg to offer our best thanks to the Marquis of Normanby, for having requested the interview we desired with the Right Honorable the Lords Commissioners of Her Majesty's Treasury, and whom we will be ready to attend at whatever time their Lordships may appoint. We would beg to suggest also, that it will be difficult, if not impossible, to apprehend the object and views of our Assembly, as to the management of the Internal Postage, without some personal explanation of the Reports of the Committees, and the Bill which passed both branches of the Legislature, in 1838, and it will greatly oblige us, if the Marquis of Normanby will have the kindness to introduce us for that purpose to the Officers having charge of the Post Office Department. We will be happy also to renew our application with regard to the settlement of a Civil List, and the Constitution of the Council in Nova Scotia, so soon as his Lordship or yourself can afford us another interview on these matters, in which the Assembly and People of our Province are so deeply interested.

We have, &c.

(SIGNED)

W. YOUNG.

HERBERT HUNTINGTON.

The Right Honble. HENRY LABOUCHERE, &c. &c. &c.

No. 4.

(Copy.)

16, Prince's Street, Hanover Square,
10th June, 1839.

SIR—

The intimation conveyed to us in your letter of Saturday, the 8th inst. that Sir Colin Campbell had determined, on the 16th April, to nominate two Delegates on the part of the Legislative Council to Her Majesty's Government, throws a new light on our past correspondence. We stated to the Marquis of Normanby in our interview of the 24th ultimo, that we had no reason to expect the arrival of Delegates from the Council, and as we are now informed that their nomination had been actually decided on by Sir Colin Campbell, we can only express our regret that His Excellency thought fit to abstain from dropping the slightest hint of his intention in two conversations held by him with Mr. Young, just before our departure, and in which the leading objects of our Delegation were freely discussed.—We regret that we were thus misled, and that the course His Excellency pursued, disingenuous as it was, has had the effect, though perhaps it was not intended, to obstruct the progress of our negotiation. On referring to the Journals of the Assembly of the present year,

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pages 629, 631, (our copy of the Journals of the Council being imperfect) you will perceive that the principal motive assigned by the Legislative Council for authorising His Excellency to select two Members of their body as Delegates, was the dread of a Federal Union of the British North American Colonies, as originally proposed by the Earl of Durham. His Lordship's Report was received at Halifax subsequently to the rising of the Assembly, on the 4th April, and several days before our departure on the 18th, and, as the plan of a Federal Union is therein abandoned, and a Legislative Union recommended only with the consent and after the most ample deliberation of the Legislatures and People of the Lower Provinces, the main purpose of a Delegation from the Legislative Council of Nova Scotia, as assigned by themselves, is at an end, and we still incline to the opinion that the Delegates will not be sent. If they be, our suspicion will be confirmed that the real object of their mission is to protect the interest and inordinate power of a small official faction, and it will be for Her Majesty's Government to determine how much of deference or respect is due to their representations when opposed to those of the Assembly. Under present circumstances we will cheerfully await the arrival of the Packet from Halifax. But, if the Delegates on the part of the Council do not then make their appearance, we earnestly hope that the Marquis of Normanby will not think it incumbent on him to postpone to a more distant period the adjustment of the various important matters entrusted to our care as Delegates from the Assembly, and representing the wishes and views of the vast majority of the People of Nova Scotia.

We have, &c.

(Signed,)

WM. YOUNG,
HERBERT HUNTINGTON,

THE RIGHT HONBLE. HENRY LABOUCHERE, &c. &c. &c.

(Copy)

Downing Street, 15th June, 1839.

GENTLEMEN,

In answer to your letter of the 10th instant, I am directed by the Marquis of Normanby to inform you, that, from a Despatch dated the 12th May, it appears that Sir C. Campbell has selected two Gentlemen as Delegates from the Legislative Council of Nova Scotia, and that they were to proceed to England by the Packet which brought that despatch. These gentlemen have not yet presented themselves at this Office, but Lord Normanby has reason to believe that they have reached England. His Lordship therefore must suspend his discussion of the questions entrusted to you until he shall have an opportunity of receiving the Delegates from the Council.

Lord Normanby desires me to state, in conclusion, that he regrets that, in referring to the conduct of the Governor of Nova Scotia, you should have made use of an expression which, from his general knowledge of the character of that Officer, Lord Normanby feels assured is perfectly undeserved.

I have, &c.

(Signed)

H. LABOUCHERE.

WM. YOUNG, Esq., H. HUNTINGTON, Esqr.

No. 5.

(Copy.)

*16, Prince's Street, Hanover Square,
18th June, 1839.*

SIR—

We have to acknowledge the receipt of your letter of Saturday the 15th instant, which was put into our hands last night. The opinion we expressed to the Marquis of Normanby in our interview of the 24th, and repeated in our note of the 30th ultimo, as to the appointment of Delegates from the Council, being in direct opposition, as it now appears, to the determination of Sir Colin Campbell, before we left Halifax, placed us in rather a painful position, because it might have been supposed that there was on our part a want of

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the openness and candour which it is our purpose to maintain, and Lord Normanby and yourself have a right to expect from us in the conduct of this negotiation. The expression His Lordship has referred to, we used with reluctance, not from any impulse of hasty resentment, but because we deemed it essential to our own justification with His Lordship and with the Assembly. We beg to assure you that nothing is further from our thoughts than to mingle any personal feelings with this correspondence, and having said all that seems to be necessary on this subject, we trust we may be pardoned for dismissing it, and turning our attention to the business we have in hand.

Messrs. Wilkins & Stewart, the two Delegates selected by our Governor on the part of the Legislative Council, arrived in London two or three days after the date of our last letter, and will enter, we presume, into immediate communication with the Colonial Office. As it will be indispensable for one of us to leave England by the middle of August, we earnestly hope that the discussion of the questions committed to us by the Assembly will not be postponed longer than is absolutely necessary.

Referring to our Note of the 7th instant, we take this opportunity also of mentioning that we have not yet been favored with interviews by the Right Honorable the Lords Commissioners of the Treasury, nor by the Officers having charge of the Post Office Department, either or both of whom we are anxious and ready to wait upon at any time that may be appointed.

We have, &c.

(SIGNED)

WM. YOUNG.

HERBERT HUNTINGTON.

The Right Honorable HENRY LABOUCHERE, &c. &c. &c.

(Copy.)

Downing Street, 19th June, 1839.

GENTLEMEN—

Having laid before the Marquis of Normanby your Letter of the 18th instant, I am directed by his Lordship to acquaint you that Mr. Baring, the Secretary to the Treasury, has expressed a wish to have some conversation with you, on the subject of the Post Office in North America, at any time which may suit your convenience. Mr. Baring will then be happy to give you an introduction to the authorities at the General Post Office.

I have, &c.

(SIGNED)

HENRY LABOUCHERE.

Wm. Young, Esq. and H. Huntington, Esq.

No. 6.

(Copy.)

*16, Prince's Street, Hanover Square,
11th July, 1839.*

MY LORD,

In the interview which has been appointed by your Lordship for Saturday next, we are desirous of bringing under your notice the various matters that have been committed to us by the Assembly of Nova-Scotia, and with that expectation, as suggested by Mr. Labouchere, will now proceed to refer to them in their order, and state succinctly the views and wishes of the Assembly thereon:—

1st. We have already put your Lordship and Mr. Labouchere in possession of almost all the facts that touch the defective composition of the Executive and Legislative Councils, and the proposed surrender of the Casual and Territorial Revenues; and, as we expect to go at large into these important matters on Saturday, we conceive it unnecessary to do more than merely to refer to them now.

2nd. As the questions which affect the Customs and Excise Departments and Post Office are under the consideration of the Lords of the Treasury, we will abstain also from entering upon them.

3rd. We have to solicit your Lordship's attention to the 11th resolution of the Assembly with regard to the continued illegal and oppressive encroachments of American Citizens upon our Fisheries. We are not aware of the steps that may have been taken by Her Majesty's Government during the present summer, but are perfectly satisfied, that the evil cannot be checked by any but an armed force of one or other of the kinds recommended by the Assembly. The violation of the existing treaties by American Fishermen are committed to an enormous extent and without disguise; and exercise a most injurious influence on the industry and trade of the lower Provinces.

4th. We have already laid before your Lordship, the Documents shewing the proceeds, for several years past, of the Crown Lands in Nova Scotia and Cape Breton; and which, as these documents also show, have been swallowed up almost entirely in the payment of the Commissioners' salaries, and of other expenses and outlays. In the session of 1838, the Legislature were induced by the terms of Lord Durham's commission, to pass an Act establishing certain regulations for the disposal of Crown Lands; and which, as the Assembly are still of opinion, contains the best system that now can be devised. We beg to enclose a certified copy of it, as also of the report of a Committee appointed in the last Session, in which they have already exhibited the injurious tendency of the present system, and the inapplicability of any general plan for the other North American Colonies to the peculiar condition of Nova-Scotia,—entertaining a strong opinion on this head, we earnestly hope that Her Majesty's Government will sanction the passing of an Act, not materially varying from the one in question. Scarcely any boon, we are convinced, would be more acceptable to the people, not only as eradicating, if honestly and fairly executed, one of the most intolerable abuses in the Colony; but from the immediate operation it would have in opening and improving the country.

5th. The Bill which the Legislative Council and House of Assembly passed in 1838, for establishing the form of Oath thereafter to be taken by Her Majesty's Subjects in Nova Scotia, instead of the oaths of abjuration and supremacy, appears by my Lord Glenelg's Despatch of June 19th, 1838, to have been objected to as inconsistent with the provisions of the Imperial Act, 6th Geo. 3rd, Cap. 53. There seems to the Assembly, to have been some misapprehension on this head, as the Imperial Act referred to by the law officers of the Crown, does not enjoin that part of the Oath now required, which is offensive to Protestants. We beg leave to enclose a certified copy of the Provincial Act, and respectfully to request that it may be examined anew, and the object of the Legislature effected, either by the allowance of such an Act, or by an imperial Statute.

6th. In my Lord Glenelg's Despatch of the 20th April, 1838, the 5th clause of the Act No. 1800, relating to the Merchant Seamen of the Province, as recommended to be repealed for the reasons set out in Judge Fairbanks' letter, of the 24th of August, 1837,—these have been attentively considered by the Assembly, and they are convinced that your Lordship will not disagree with them in the conclusion they have come to. To repeal the 5th clause of the Act, would be equivalent to a repeal of the whole; its main object being to take out of the jurisdiction of the Admiralty Court, petty suits by Seamen for wages, the cost of litigating which has been found to be most oppressive. So much was this the case, that the threat of proceeding in the Admiralty was enough, in most instances, to induce Ship Owners to submit to unjust and improper demands on the part of Seamen, who had failed to perform their duty, but were often enabled by this means to extort the wages they had not earned. Besides, the Admiralty Court sitting in Halifax is scarcely accessible as a tribunal for the disputing or recovery of small amounts of wages in the various outports,—the distance, as well as the expense, being insurmountable obstacles. The Provincial Act, No. 1800, was framed with great care, in order as well to protect the Ship-owner and Master from imposition, as to afford an easy and effectual remedy to the Seaman, when his wages are unjustly withheld from him. The Act was, of necessity, confined by the terms of the Imperial Statute to the shipping of our own Province, and as it has been in operation for two years, and has been found to work well—not a single complaint that we are aware having been made of it—we trust that Her Majesty's Government will permit our Legislature to extend its provisions to the Seamen of vessels not registered in, or belonging to, the Province, but coming within the same.

7th. In the same Dispatch of April 20th, 1838, my Lord Glenelg animadverts on several other Acts of our Legislature, which very materially affect the Trade and Manufactures of the Province. We beg, therefore, to offer the following observations upon them:

7 Wm. IV, Cap. 4. 1st. The principle involved in the 2d clause of the Act, No. 1748, has formed a part of our Revenue Law since 1826, when it was first introduced by 7th Section of Geo. IV, Cap. 4, (Prov. Laws, Vol. 3. p. 246.) The object of the Legislature was to encourage our own Fisheries, and the export of products in Vessels owned and registered in the Province, or belonging to British Merchants engaged in, and carrying on, the Fisheries within the same. In the course of the years 1837—8, and before the receipt of the Dispatch, the exemption was found, however, to be open to abuse; and in 1838, by the 2d Clause of 1st Vic. Chap. 9, it was subjected to certain restrictions requiring the Foreign Goods, exempted from Colonial Duty, to have been shipped in some port or place in S. America or in Europe; and the Fish or Fish Oil to have been exported to some port or place in South America, or in Europe, and there sold. The Clause contains also two new provisoes, and in this modified shape was believed to have a beneficial tendency. In consequence of the Dispatch it was omitted in the Act of this year, but with reluctance; and we would submit to your Lordship the propriety of allowing the Legislature to restore it in such shape as may appear to be consistent with sound principle.

2d. In remarking on the Act, No. 1753, Lord Glenelg lays down the general rule, "that Her Majesty cannot be advised to sanction any Act which involves the principle of Bounties." The wisdom of this rule when applied to an established trade under ordinary circumstances has been long recognized and acted upon by the Assembly. But when any new manufacture or branch of Industry is about to be introduced, the Legislature surely should be at liberty to foster or protect it by bounties for a limited period. They are very desirous, for example, to have a Whale Fishery established in Nova Scotia, and when a Company was about to be formed in 1838, they offered £2000 in Bounties for the first six Vessels that should be fitted out under certain conditions specified in the Grant. It is only of late years that the Bounty on the Whale Fishery has been withdrawn in this Country, where it has been long prosecuted as a regular Trade; with us it is, comparatively speaking, untried, though it has enriched our neighbours; and if the Legislature, by a reasonable and moderate Bounty, could induce persons of capital to embark in it, a general rule that would prohibit all Bounties, ought not, on the received principles of modern science, to extend to such a case. Other exceptions of the general rule will sometimes, though rarely, occur, and we trust that Her Majesty's Government will sanction the relaxation of the rule whenever the Local Legislature concur in thinking that a proper case has been made out. During the last Session, a Committee of the House Assembly enquired minutely into the operation of the Act, No. 1753, for granting a Bounty on Chocolate. In their report a certified copy of which accompanies this letter, they have explained the peculiar circumstances of this Manufacture, which induced both branches of the Legislature to concur unanimously in thinking that a Bounty, or, more properly speaking, a Drawback of Three Shillings for every hundred pounds of Chocolate manufactured within the Province, and exported therefrom, ought to be allowed: they did not, however, conceive it prudent to incorporate the Grant in the Appropriation Act, but passed a Resolution, March 21st, 1839, authorising the Governor to allow and pay the same, and pledging the Assembly to provide for it at the next Session. As this is the only means of saving the Manufacture from utter ruin, it will be gratifying to the Assembly should your Lordship's approval be obtained. 3d. The Act for incorporating the Nova-Scotia Marine Insurance Company, with a Capital of £20,000, was thought by the Legislature an improvement on the old system, which threw the business of Marine Insurance into the hands of American Companies, or of individual Underwriters, who had sometimes failed in making good their engagements. The Company has been eminently successful, and has paid very large dividends. Two other Companies were incorporated in 1838, each with a Capital of £40,000 paid up or secured, and which is regarded as an ample fund for any losses than can possibly be anticipated, the Stock Holders besides are made liable for any deficiency to the extent of their respective shares; and considering the amount of business, and the division of risks, there is not perhaps an individual in the Province who has a doubt of the stability and credit

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credit of any one of the three Companies, though there are some who would have preferred, on principle, that no such Acts of Incorporation had passed. The power of investing that part of their Capital which is paid up in Mortgages of Real Estate, seems, however, indispensable to their existence. The joint amount held by these three Companies is £34,000. So large a sum cannot be allowed to lie idle : capital is too valuable with us to remain unproductive : it is worth, and ought, therefore, to yield from 5 to 6 per cent. The English funds, independently of the heavy loss on remittances, would yield a less interest : our own Provincial Debt is all taken up ; and the safest mode of investment open to these Companies, as to individual Capitalists, is a lending on Real Securities. In practice the objections so forcibly put by Lord Glenelg are very unlikely to occur : it is neither the interest nor wish of a numerous body of Shareholders to engage in speculations foreign to the object to which they are associated ; and more injury we are persuaded would arise to the public interests by denying the privilege that is sought than by conceding it.

4th, We abstain from any remark on the Acts for Incorporating the Whaling and the Shubenacadie Canal Companies, as neither of them has gone as yet into operation.

8th. We are instructed by Resolutions of the Assembly to take such measures as may be necessary for obtaining the Royal Assent to the accompanying Acts, passed in the last Session, for appointing Trustees of School Lands, and for the Settlement of Equitable Claims upon Real Estate in certain cases. The illustration of these Acts would extend over too wide a field for a Letter of this kind, and we will, therefore, reserve them for a personal interview.

There are two or three other matters which we will also take the liberty of touching on when we have an opportunity of seeing your Lordship ; and in the meanwhile, apologizing for the length to which we have thought it necessary to extend this Letter,

We are, &c.

[Signed]

W. YOUNG,
H. HUNTINGTON.

The Marquis of NORMANBY, &c. &c. &c.

No. 7.

(Copy.)

8, Maddox Street, Hanover Square,
17th July, 1839.

To the Right Hon.

HENRY LABOUCHERE,

Upon looking over my papers, I find the circumstances attending the appointment of Commissioners of Schools in the County I represent in the Assembly, to be somewhat different from the way in which I stated it before the Marquis of Normanby and yourself, at the interview with which you were pleased to favor us, and am happy to be able to correct the testimony I gave in that particular, before any decision has been come to upon the subject. The two first applications for a new Commission of Schools were, I find, made to the former Executive Council ; and the Commission I mentioned came out a short time before the appointment of the present Council, which contains six of the old Members.

After the appointment of the present Executive Council, I renewed the application respecting the School Commission, recommending a Member of each Religious Persuasion ; and to this application no answer has been returned, nor has any alteration taken place.

I beg to be understood that I do not desire any interference of the Government here on the subject of the School Commission, as the School Act will expire in March next, and, on its renewal, an opportunity will be afforded of correcting any mistakes.

I intended my remarks to apply to a reformation of the Executive Council, if Her Majesty's Ministers should deem any change advisable. I was anxious to make this explanation at our last interview yesterday, but your time had been so much occupied with our matters, that I felt unwilling to detain you longer, and concluded to send it in writing.

I have, &c.

[Signed]

HERBERT HUNTINGTON.

P. S. The Marquis of Normanby and yourself will perceive that this statement is equally strong

strong as that made verbally at the interview, because a clear majority, including the Governor, was composed of the same men who had refused the former applications on the same principle.

No. 8.

(Copy.)

16, Prince's Street, Hanover Square,
24th July, 1839.

Sir,

In pursuance of our last conversation on the subject of the Bill which passed the House of Assembly of Nova-Scotia, in One Thousand Eight Hundred and Thirty-eight, for regulating the sale and disposal of Crown Lands, and finding from what was said by Lord Normanby and yourself, at our several interviews, that Her Majesty's Government would not be disposed to sanction gratuitous or free grants under any modifications, we have prepared, and now beg leave to enclose the draft of a Bill to be submitted to the Assembly, in lieu of the Bill of One Thousand Eight Hundred and Thirty-eight, and which, as it incorporates the suggestions for the disposal of Crown Lands that are recommended by our local knowledge of our own Province, would, in our opinion, be acceptable to the Legislature, while it violates none of the principles which have received the sanction of Her Majesty's Government and been applied to the other Colonies.

We have the honor to be,

Your most obedient, humble Servants,

[Signed]

W. YOUNG,
H. HUNTINGON.

The Right Hon. HENRY LABOUCHERE, &c. &c. &c.

A Bill, to be entitled, An Act to establish sundry Regulations for the future disposal of Crown Lands within the Province of Nova-Scotia.

WHEREAS, numerous Settlers, subjects of Her Majesty in this Province, have gone into possession of Lands belonging to the Crown, and have built on, and otherwise largely improved the same, and it is just and proper that such persons should be enabled to acquire title to the Lands so occupied and improved by them, on paying a reasonable purchase money therefor. And whereas, it will greatly facilitate the settlement and cultivation of other portions of the Crown Lands in this Province to establish regulations for the valuing and disposal thereof :

Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three or more persons in each and every County of this Province, who shall constitute a Land Board within the same, and the said persons, or any of them, from time to time, at pleasure, to remove, and to supply any vacancies caused by such removal, or by death, resignation or absence, by further and other appointments. And it shall be the duty of such Boards respectively to receive and collect all information within their said Counties, touching the ungranted Lands therein, their quality, situation and description, and the real bona fide value of the buildings and improvements on such portions thereof as are occupied by any person or persons whomsoever, and to receive all applications that may be made for grants thereof; and to ascertain and to determine what ought, to the best of their judgment, to be the upset price of each and every Lot so applied for, when the same has not been occupied or improved as hereafter mentioned. And when the same has been occupied and improved to the value of not less than Twenty Pounds Sterling Money of Great-Britain, by a subject or subjects of Her Majesty occupying the same previous to the first day of January, in the year of our Lord One Thousand Eight Hundred and then to ascertain and determine, to the best of their judgment, what ought to be the price or purchase Money of such Lot with reference to the original value, independently of such improvements. And it shall further be the duty of such Boards respectively to transmit from time to time to the Lieutenant-Governor, or Commander in Chief for the time being, all such information, applications

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tions and reports, as to the value and price of ungranted Lands, accompanied with such remarks, as in their judgment will tend to facilitate the acquiring of title by bona fide and actual occupants as aforesaid, and the settlement and improvement of such portions of Land as are fit for cultivation, and the sale for the best price of Timber Lands within such County respectively.

And be it further enacted, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to determine and settle, by an Order in that behalf, the price or purchase money to be estimated as aforesaid, of all such Lots of ungranted Land as have been actually and bona fide occupied and improved to the value, and at the time hereinbefore mentioned, by a subject or subjects of Her Majesty, on the payment of which said price or purchase money so to be determined and ordered within months from the date of such Order, by such bona fide and actual occupants—such occupants, their respective heirs or assigns, shall be entitled to receive a grant of such number of acres, not exceeding Two Hundred in all, as may be specified in such Order.

And be it further enacted, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to determine and settle, by an Order in that behalf, the upset price of all such Lots of ungranted Land as have been applied for and have not been occupied and improved as aforesaid, such upset price to be in no case less than One Shilling Sterling per acre—at which said upset price, so to be determined and ordered, all such Lots shall be offered for sale to the highest bidder at Public Auction, within the County wherein the Lands respectively lie, due notice having been first given thereof in the Royal Gazette, and in three of the most public places in the County. And the purchaser or purchasers, at such sales, their respective heirs or assigns, shall be entitled to receive a grant of the several Lots knocked down to them at such Auction, on paying the full consideration money therefor, in such manner as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, may direct and appoint.

No. 9.

(Copy.)

(Private.)

London, 24th August, 1839.

DEAR SIR,

As the settlement of the Civil List has been defeated, I would beg to suggest the propriety of a suitable reduction in the Salaries of the Commissioners of Crown Lands at Halifax and Sydney. Her Majesty's Government surely cannot mean that these are to continue, as heretofore, to swallow up nearly the whole proceeds. If one half the amount of Sales, instead of five-sixths, were allowed, the sum not to exceed £500 a-year, the people would be better satisfied than they possibly can be with the present anomalous and extravagant system. This abuse, at all events, might be redressed, and the principle of the Despatch of 1837 so far observed in practice.

Allow me to urge the sanctioning of the Bill for amending the practice of the Court of Chancery. I feel a warm interest in it as a Practitioner and Advocate in that Court, and know, from my own experience, the absolute necessity of such a Bill.

The Journals of Parliament are to be supplied to the Assembly under the Despatch of last year, and it would be a convenience if they were sent during the next week, that is any time before the 30th instant, to Messrs. Begg & Son, Parliament Street, to be shipped along with a set of the Debates and other Books I have procured for the Assembly.

I have, &c.

(Signed) Wm. YOUNG.

The Hon. HENRY LABOUCHERE, &c. &c. &c.

No.

(Copy)

202, Picadilly, June, 1836.

MY LORD MARQUIS,

Mr. Wilkins and myself having deemed it expedient to make separate communications to your Lordship, I now do myself the honour to address you on the subject of our mission, and the gracious manner in which your Lordship attended to us on Saturday, assures us that the Legislative Council of Nova Scotia will be regarded with a kind and considerate desire to accede to their wishes if they be not inconsistent with the welfare of the Colony.

But I shall be comparatively brief, for one of the objects of the Legislative Council, in authorising a Delegation, was that, by personal conference with the Colonial Secretary, a more intimate knowledge of our domestic affairs might be afforded him than he could obtain from written communications.

It is known to your Lordship, that the Legislative Council was constituted on the present basis in the year 1838: I can truly say, that its Members accepted their Seats with an anxious desire to legislate beneficially for the Province, and, in nearly all the important measures which have been presented for our consideration by the House of Assembly, we have cordially concurred.

If your Lordship will have the goodness to advert to the proceedings of the Legislature, since the recomposition of the Legislative Council in that year, you will perceive how very trifling is the difference of opinion that now exists between the two Houses. Thus it is our duty to co-operate with the Delegates of the House of Assembly in their endeavours to obtain an extension of our Foreign Trade—as regards the Post Office—the Act for rendering the School Lands beneficial to all classes of the community, and that for abolishing the Oath taken by Protestants as a qualification for offices in the Province, your Lordship will observe that our resolutions and those of the House of Assembly are in substance the same. I support those measures with peculiar pleasure. The Act to abolish the Oath offensive to Catholics was originally introduced into the House of Assembly by myself, and in that House, as in the Council, I have advocated the other objects to which I have adverted. Whatever information, or aid also, we can afford towards the adoption of a system for making the wild lands available, we shall be glad to give.

It is true the Legislative Council differs with that House as to the sum which should be retained for a Civil List out of the Royal Revenues proposed to be surrendered. But as respects this subject, and indeed all others in which there is any difference of opinion, I can only say that we shall be most happy to discuss them with the gentlemen of the House of Assembly in your presence; and, as we cannot differ upon the fact, we shall willingly leave the conclusions to your Lordship.

My Lord, unless the Legislative Council has the power to assert and vindicate an independent judgment upon all measures which come constitutionally before it, it must cease to be of any benefit in the work of legislation.

In 1838, in reply to an address from the House of Assembly, Lord Glenelg states, in substance, that our continuance in office will depend upon the measures we may pursue; none have yet been adopted which can afford any legitimate ground of censure, yet it is one of the objects of the House of Assembly to effect a re-composition of the Legislative Council.

The Legislative Council did, both in the last and present session, humbly assure Her Majesty's Government that, highly honoured as they had felt themselves by their appointments, it is their anxious desire that their personal feelings shall be entirely disregarded in considering the prayer of the House of Assembly.

The Legislative Council is, however, impressed with an anxiety, that I cannot adequately express, to obtain for the Body itself, a stable and permanent character without which they are persuaded it will speedily fall into contempt, the Colony be exposed to the mischief of incessant agitation, and Her Majesty's Government to the annoyance of repeated remonstrances and delegations from both branches of the Legislature.

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Nor, as it appears to me, will there be any danger in conceding what the Legislative Council seeks, since it only requires the addition of Members at any time to correct its errors or its obstinacy.

The Legislative Council has at best but an ungracious task to perform. To repress hasty or imprudent legislation, and occasionally to resist popular impulses, will give it but little favour with the people, until they shall have had time for reflection. In the interim, the House of Assembly, more sensibly alive to their wishes, the dispensers of the public monies, and having constitutionally the initiation in many Acts of Legislation, will naturally regard even the useful opposition of the Legislative Council as pernicious, and make it the subject of remonstrance and complaint.

Thus, my Lord, the rejection of the Quadrennial Bill, and that for abolishing two of the Judicial Offices by the Legislative Council in 1838, was the subject of strong remark in the House of Assembly, and of a distinct charge against the Legislative Council, although in the recent Session that House itself declined to pass the one or the other.

When the Legislative Council is thus situated with respect to the House of Assembly, any one, or all, of its Members may be summarily dismissed by the Lieutenant Governor of the Colony. It may become their duty to speak and act offensively to him; to complain of his proceedings or of those of the Executive Council.

That the remonstrances of the Legislative Council, under these circumstances, would have but little weight, I need hardly affirm.

Upon the character of the Legislative Council too, its present position will have a most injurious tendency. A seat in it will cease to be an object of ambition to those whose talent and character, or standing in society, would render them useful members.

It is very true, that every officer in the Colony, the highest judicial officers included, are subject to the pleasure of the Sovereign; but it has always been felt and understood in the lower Colonies that their tenure was for life,—and that, therefore, these remarks would not be so strongly applicable to the present position of the Legislative Council, were it not for the impressive nature of the events of the last two years. All the members of the old Council were summarily dismissed at the instance of the House of Assembly. That House is again desiring that the Legislative and Executive Councils shall be once more re-organized, while the members of the Legislative Council are informed that they hold their seats only until by their conduct they shall have shewn themselves worthy of confidence.

I will not further dilate upon the subject, as I hope on personal conference to be able to do so more conveniently to your Lordship, and more beneficially for the object the Legislative Council desire to obtain.

I deem it proper to avail myself of the present occasion to bring to your Lordship's notice, the fact, that several regulations which have become obsolete, and are in practice disregarded in the lower Colonies, such as that no law shall be enacted to continue for a less period than two years, no Militia Bill, unless it be a perpetual one, shall be assented to, &c., are still in the Royal Instructions.

These have a tendency to bring the Representative of the Sovereign into collision with the Assembly; for, if one portion of the Instructions may be disregarded, it will be enquired why another may not, and no contingency, I think, is more carefully to be avoided than that of compelling the Lieutenant Governor to exercise, what I may designate a deliberative Veto upon measures in which the Legislative Council and House of Assembly concur. If he advises with the Executive Council, the Legislation of the Colony will be done in secret, and if he acts without their advice, he will subject himself to the ill will of the Legislature.

These Instructions are the basis of our Provincial Constitution, and, in these and other respects, require some revision. I respectfully suggest that a power to withhold a Bill for the expression of the Royal Pleasure, similar to that which exists in the Canadas, might be beneficially conferred upon the Governor.

I solicit your Lordship's consideration of the Resolutions which the Legislative Council have passed, relative to a Union of the Lower Colonies with the Canadas.

I am satisfied any such measure, whether Legislative or Federal, would be extremely repugnant to the People of Nova Scotia,—contented, loyal, and peaceable as they now are; prospering

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prospering in every branch of industry, having an ardent attachment to their own form of Government, as it is an epitome of that of the Country whence their fathers came, they deprecate all connexion with Colonies in which discord has long reigned, and where rebellion has been but recently suppressed.

We shall solicit another interview at your Lordship's perfect convenience, and we shall be happy to afford any explanation or information upon any subject connected with our mission which your Lordship may desire.

I have, &c.,
(Signed)

ALEXANDER STEWART.

THE MARQUIS OF NORMANBY, &c., &c., &c.

No. 11.

(Copy.)

London, June 28th, 1839.

MY LORD,

Mr. Stewart and myself having been invited by your Lordship to communicate, in writing, the nature and objects of the mission upon which we have been sent to London by His Excellency the Lieutenant-Governor of Nova-Scotia, in compliance with a Resolution of the Legislative Council of that Province, I have the honor respectfully to submit, for your Lordship's consideration, the following observations, premising that my associate and myself do not trouble your Lordship with separate communications from any difference of opinion existing between us, but because it was considered that, under the particular circumstances of our mission, it was proper that our sentiments should be made known to your Lordship independently of each other.

Important, above all other subjects to which I feel it necessary to call your Lordship's attention, is, in my apprehension, the constitution of the Legislative Council, to which it appears to me in the highest degree essential that the character of stability should be attached.

Your Lordship is aware, however, that the nominations recently made to it by the Executive of the Colony, and subsequently confirmed by Her Majesty, have been made the subject of a remonstrance to Her Majesty's Government on the part of the House of Assembly.

His Excellency Sir Colin Campbell having communicated to your Lordship's Predecessor in Office the reasons which induced the particular appointments which he made to the Council in question, as well as the difficulties which he found to exist in making the requisite selections, it is only necessary for me to add my firm conviction, that Her Majesty's Representative in Nova-Scotia, in discharging the delicate and difficult duty which then devolved upon him, conscientiously endeavored fully to carry out the instructions which he received, and, with such materials as the Province afforded, to construct a Council that would give satisfaction to the Colony, by legislating faithfully for its interests.

Although, it is true, My Lord, that in the Legislative Council of Nova-Scotia, as at present constituted, all the different Religious Denominations which exist in the Province are not, in reference to their respective numbers, equally represented; and supposing that such a state of its constitution were, in the first place, practicable, and secondly, that, in a body designed in some measure to counterbalance the popular branch it were desirable, yet I think it must be abundantly evident to your Lordship's mind that mere theoretical and speculative objections to the constitution of this branch of our Legislature ought not to have much weight until experience has shewn that practically it has operated adversely to the public good.

In connection with this subject, I beg leave also to state, that, whilst I would deprecate most earnestly any preference in the distribution of the patronage of Government of the members of the Church of England to any other of Her Majesty's Subjects in the Colony, professing a different religious creed but having equal civil rights, I am convinced, in my own mind, that a reference to facts will evince that no such preference has, in reality, been given; although many reasons undoubtedly existed, in the earlier periods of the history of the Colony, why offices of trust and emolument naturally fell into the hands of members of the Episcopal Church.

And,

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And, here, I may be permitted to observe to your Lordship, that the existing Members of this Council are not, and, from the nature of things existing in the Colony, could not, be an order or class of men distinct from the community, or having interests at variance with theirs.

There is not among them one who has either a title to transmit to his child, or even a fortune to bequeath to him, that would leave the latter at the death of his Parent, independent for his support upon his own personal exertions. On the contrary, they have, one and all, in respect of themselves and their Children, the deepest interest in good Laws and good Institutions, and the general prosperity of their common country.

I have, My Lord, the utmost respect for the Representatives of the People of the Colony to which I belong. I most sincerely desire that the two Houses may be enabled to legislate harmoniously and usefully—and I fully assent to the sentiment expressed in one of the Resolutions of the House of Assembly, passed in the last Session, that the temper and spirit of the Local Administration should be in accordance with the opinions and wishes of the great majority of the people. But I do conceive that an attempt to construct a Legislative Council merely with a view to insure an accordance in its legislation with the sense of a majority of the House of Assembly, necessarily fluctuating in its character, would involve an impossibility, or, if practicable, would render the former body perfectly useless.

The Members of the Legislative Council of Nova-Scotia, at present, hold their seats during Her Majesty's pleasure, which, on the supposition of the faithful discharge of the duties attached to the situation, has always been regarded as equivalent to a tenure for life, inasmuch as it is known that it would not be the pleasure of the Sovereign to remove a Member unless he proved himself unfaithful to the trust reposed in him. And I submit to your Lordship that, if Her Majesty's Government shall not deem it advisable to make the appointments for life, it, in the highest degree, imports the interests of the Province, that the seats should continue to be held on the existing tenure.

To limit the duration of the Legislative Councillor's Office to a term of years, renewable by the Crown, according to the suggestion made by Mr. Stewart and myself at the late interview with which we were honored by your Lordship, and which I understood to refer to Nova-Scotia, would not, in my opinion, be an improvement in the Constitution of the Colony, nor do I think that such a modification of it would be found practicable.

A Member of this Council, although sensible of the immense difference which exists in dignity and power between his own humble situation in a Colony and the exalted rank of a Hereditary Peer, enjoying his high privileges and exercising his important duties in the great Councils of this Kingdom, has yet been led to regard his own inferior station in the Upper House of our Local Legislature, over which the Representative of Majesty presides, as a faint resemblance at least of its high original; and were this allusion, if it be one, dissipated, as it would be by reducing to a term of years the enjoyment of his seat, which he now regards as, in effect, co-extensive in duration with that of individual Peers in the House of Lords, the value of the honor attached to it would be so much diminished, that probably it would be declined by those who were best qualified to perform the duties attached to it.

I would observe further, that, in the event of the continuance of the office in question being limited to a term of years renewable by the Crown or otherwise in its discretion, one or other of the two consequences, alike to be dreaded, would, I apprehend, be the result. First, that the Member knowing that when his term of office expired he was liable to be superseded without any reason given, by the mere appointment of another to succeed him, would naturally, in the exercise of his duties, be liable to be unduly swayed by a bias towards the Government from which his office emanated; or, secondly, that if, during his continuance in his seat, his measures or opinions, how wise or honest soever they might be, should not meet with the concurrence of the House of Assembly, the circumstance of his having advocated the one and expressed the other, would, at the expiration of his term of office, constitute the ground of an application to the Crown to remove him, and so induce a collision between the Sovereign and the Representatives of the People.

I have dwelt the more at length on this subject, My Lord, because I conceive that little more is required to advance the happiness and prosperity of Her Majesty's subjects in Nova-Scotia, who are devotedly attached to Her Royal Person and Government, than to secure to them a Constitution in form and spirit as nearly as possible assimilated to that of the Pa-
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rent State, thus enabling them freely and independently, by means of their local legislation, subject only to such restrictions as are necessarily incidental to the relation between a Colony and the Metropolitan State, and aided by the fostering care and protection of the great nation to which they belong—to develop their own resources—control and manage their own Revenues—improve their own local institutions—and, in a word, to ameliorate their own social and political condition.

The Civil List Question, as connected with a surrender to the Local Legislature of the Casual and Territorial Revenues of the Crown, is one that has been much discussed in both Branches of our Colonial Legislature, and is, expressly, of much importance.—The Legislative Council having had, in the Session preceding the last, the subject under its deliberation, and having expressed its opinion thereon to Her Majesty's Government, I need not now trespass on your Lordship's time by remarking further upon it than by stating, that Mr. Stewart and myself will be prepared at a future interview, with which, we trust, we shall be honoured, to enter into such a detailed statement of our respective views on the points involved in it, as your Lordship may desire. At present, I shall merely offer a few observations in reference to it.

The difficulty experienced in adjusting this question, has arisen from the different views entertained by the two Houses, as to the amount of the Salaries to be attached to certain Offices borne, or proposed to be borne, on the Civil List required to be granted to Her Majesty, in lieu of the Revenues now at her disposal, which have recently been offered to be surrendered to the people of Nova Scotia.

The whole Provincial Revenues which would be under the control of the Legislature, even with the addition of such further amount as might be derived from these particular sources, would be but small, and as, of course, the general advancement of the Colony mainly depends upon an Appropriation for the service of Roads, Bridges, and other Public Works, of as large a proportion of them as may possibly be applied to such objects, it is extremely desirable that all prudent economy should be observed in the distribution of such a part of them, as is necessarily required to compensate the Public Servants.

It may not be unimportant in this connexion to observe, that many of the Public Officers of the Colony must reside in the Capital, wherein the style of living and the degree of expenditure in private life, are far above what prevails in the interior of the Province, and that, therefore, to fix the amount of Salary which should be attached to any one of the Offices referred to, in reference merely to the expenditure required of the Officer in a Country Town, would be to proceed upon an erroneous principle of judgment. Your Lordship will also perceive, that, in reference to many Public Officers, who, in order to the efficient discharge of their duties, should not merely possess a considerable degree of intellectual culture, as well as of mental acquirements, but should be exempt from the cares and anxieties inseparable from narrow and pecuniary circumstances, it would not be a wise policy to fix their incomes on the very lowest possible scale consistent with the means of mere existence; and that, as regards the holders of Offices generally, under a Government like that by which it is our happiness to be ruled, it is expedient that they should possess at least the means of living with decency and respectability.

As respects the particular Resolutions passed by the Legislative Council in the last Session, and designed to be brought under the particular consideration of Her Majesty's Government, I do not consider it necessary for me, at present, to trouble your Lordship with any remarks; but I shall content myself with respectfully referring your Lordship to the printed Journals of the Council, in which they will be found; trusting, however, that Mr. Stewart and myself may, at your Lordship's earliest leisure, be favoured with an opportunity of calling your Lordship's attention more particularly to them, and of leaving the decision of Her Majesty's Government on the various subjects to which they refer.

Mr. Stewart and myself having been charged with the duty of imparting to your Lordship such information, connected with the Province of Nova Scotia, as your Lordship may desire to receive, and as we may be enabled to afford, I beg leave, on the behalf of that Gentleman and myself, to assure your Lordship that we shall be prepared to discharge this office at your Lordship's convenience and pleasure.

(Signed)

I have, &c.
LEWIS M. WILKINS.

THE MARQUIS OF NORMANBY, &c. &c. &c.

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No. 12.

(Copy.)

202, Picadilly, July 24, 1839.

MY LORD MARQUIS,

So soon as Messrs. Young and Huntington shall have submitted the statement they proposed to make in writing, regarding the Civil List, and we shall be furnished with a copy, we will lose no time in handing in such statements and reasons as occur to us, that your Lordship may be enabled to come to a final conclusion thereon. I beg to repeat that Mr. Wilkins and myself will hold ourselves ready to repair hither a moment's notice, whenever you may require our attendance. We have already solicited that your Lordship would acquaint us, for the information of our Legislative Council, with such determination as your Lordship may adopt, in reference to the various matters, connected with the Colony, mentioned in the Resolutions of the Legislative Council, which are now under your Lordship's consideration.

But this we ask only in case you think it expedient to make such a communication to the Delegates from the House of Assembly. For we ourselves feel that, as well with reference to the present mode of communicating with the Colonial Office, as on other accounts, it is of much importance that the sentiments of your Lordship should be announced, at the opening of the ensuing Session, to both Branches of the Legislature by the Representative of the Sovereign; otherwise, they will, in all probability, become the subject of newspaper controversy, and, probably, pre-judged before they are discussed in the Legislature. But we do not enter further into reasoning upon this, because the proper mode of informing the Colony of your Lordship's views is for your Lordship's decision only.

I have, &c.

(Signed)

ALEXANDER STEWART.

To the MARQUIS OF NORMANBY, &c. &c. &c.

No. 13.

(Copy.)

Treasury Chambers, 24th July, 1839.

SIR—

I am commanded by the Lords Commissioners of Her Majesty's Treasury, to acknowledge the receipt of the Order of Her Majesty in Council, dated 11th inst. for extending the privileges of Free Warehousing Ports to the Ports of Digby and Arichat in the Province of Nova-Scotia, and to acquaint you, for the information of Lord Normanby, that it has been forwarded to the Commissioners of Customs, with their Lordships directions that they will take the requisite steps for giving effect to the provisions thereof.

I am, &c.

(SIGNED)

F. BARING.

J. STEPHEN, Esq. &c. &c. &c.

No. 14.

(Copy.)

Treasury Chambers, 13th June, 1839.

SIR,

With reference to your Letter of the 19th June last, and to the Despatch therein enclosed from the Lieutenant-Governor of Nova-Scotia, with extract of an Address of the House of Assembly and Report of the Privy Council of the Province, and other documents relating to the constitution of Free Ports in that Province, and to the employment of the Officers of the Customs Department in the collection of the Duties payable under Acts of the Local Legislature, I am to request you will observe to the Marquis of Normanby, that it was obvious from the proceedings of the Council, and from the Lieutenant-Governor's Despatch, that considerable difference of opinion prevailed among the Colonial Authorities upon the points adverted to in the Address, and his Lordship will have been aware, from the letter addressed to you on the 9th of August last, that in order

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order to any satisfactory decision being come to thereon, a reference to Nova-Scotia for some detailed information relating to the state of the Trade in the different Ports of the Province had become necessary. This information having been recently transmitted to my Lords, as regards the application respecting Free Ports, it has appeared to them, that the objections of the Colonial Council to the opening of every Port at which an Officer of the Customs might be stationed, were well founded, and no sufficient grounds have at present been adduced for going beyond the recommendation of the Council, whereby the Ports of Digby and Arichat would be constituted Free Warehousing Ports, in addition to those of Halifax, Liverpool, Yarmouth, Pictou and Sydney, already privileged for the purpose. My Lords have given the necessary directions, in order to the issue of Orders of Her Majesty in Council, with respect to the Ports of Digby and Arichat.

As regards the suggested employment of the Officers of the Customs for the collection of Duties imposed by the Provincial Legislature, I am to request you will further observe to Lord Normanby, that the ready concurrence of my Lords' Board, in arrangements of this description which have already been made and are in force in many of Her Majesty's other Colonial Possessions, as well as various communications made by my Lords' directions to his Lordship's Predecessors, relating to those arrangements, and to the general principles on which they might be adopted, must have sufficiently evinced the disposition of this Board to afford every assistance and facility in giving effect to any measure in this respect, which should meet with the concurrence of the different branches of the Local Legislature, but it must obviously rest with that Legislature to pass the requisite enactments for empowering the Officers of the Customs to collect the Provincial Duties, and for making provision for the payment of any extra expense that might attend the execution of this service, either in respect of the employment of additional Officers or the reasonable remuneration of those on whom any considerable labor or responsibility, not contemplated by their previous appointments, or incommensurate with their previous emoluments, might devolve.

(SIGNED) F. BARING.

JAMES STEPHEN, Esq.

Digby and Arichat constituted Free Warehousing Ports at Nova-Scotia.

No. 15.

(Copy.)

Treasury Chambers, 8th July, 1839.

SIR—

The Lords Commissioners of Her Majesty's Treasury having had under their consideration your Letter of the 7th ultimo, with the representation accompanying it from the Delegates of the House of Assembly of Nova Scotia, strongly urging upon the attention of Her Majesty's Government the subject of the Address to Her Majesty from that House, of which the Extract praying for a reduction of the expense of the Customs' Establishment in that Province, and for an extension of the number of Free Ports, was forwarded to this Board in your Letter of the 19th of June, 1838. I have received their commands to state to you in reply, that the Letter from this Board of the 13th ultimo, having already put Lord Normanby in possession of the views of their Lordships, in regard to those propositions of the House of Assembly, which relate to the extension of the number of Free Ports, and to the Collection of the Provincial Duties by Officers of the Customs, they only consider it necessary to add, with reference to the last mentioned subject, that should any Act be passed by the Legislature of Nova Scotia for empowering the Officers of the Customs to Collect the Colonial Duties, it will be advisable, with a view of preventing the inconvenience which has been experienced in other cases from the inadvertent insertion in Enactments of this description of Provisions at variance with those of British Statutes, that the Act should not come into operation until Her Majesty's Assent thereto shall have been signified.

With reference to the remarks of the Delegates, on the remaining subjects adverted to, in the Address of the House of Assembly, viz., the reduction of the emoluments of the Custom House Officers, and to the expression of Lord Normanby's opinion that the demand

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mand of "the House of Assembly will not be relaxed, and of his Lordship's wish if my Lords cannot yield to this demand, to be furnished by them with such reasons for the opposition to it, as ought to convince all dispassionate and impartial persons of the justice of that course of proceeding, and as will enable him to controvert the arguments in the communication from Messrs. Young and Huntington." I am to request you will observe to the Marquis of Normanby, that so far as regards the propositions in the Address their Lordships apprehend the proceedings already adopted by them to have been calculated in a great measure to meet the views and anticipate the suggestions of the House, inasmuch as the Address submitted "the propriety of sanctioning a prospective reduction of the expenses of the Customs' Department," and stated that, "without attempting to interfere with the emoluments of the present Officers, or seeking to diminish their incomes, the House strongly recommends that the scale of Salaries for future Incumbents should be revised, with a view to such reduction as, while it will amply maintain the establishment and secure obedience to Acts of Parliament, and the enforcement of the Provisions of Provincial Statutes, will not consume so large a portion of the Public Revenue, nor excite dissatisfaction and complaints among the people, from whose industry the Taxes, both Imperial and Provincial, are raised;" and that, by their Lordship's Minute of the 23d of April, 1833, such directions were given in regard to the establishment of the Customs' Department in Nova Scotia, and to prospective reductions in the Salaries of all the superior Officers, as would place that Establishment on the scale specified in the accompanying schedule, and would reduce the charge for the aggregate Salaries and Allowances of the Department from £8,142 9s., to £6,192 9s. per Annum.

You will also state to Lord Normanby, that, although the consideration due to the claims of old Public Servants, induced their Lordships to defer the enforcement of the intended reduction of Salary as long as the then Incumbents might continue to hold their Offices, and the adoption of arrangements of the same description with respect to the Customs Establishments of all the other North American and West Indian Colonies, may have hitherto prevented the occurrence of opportunities for the removal of the whole of those Incumbents—the Colony has not been burthened in this respect, as the contribution of £7,144 currency from the Colonial Funds, has not been equivalent to the Amount of the Salaries of the Establishment on the reduced Scale, and the whole of the surplus Salaries above that scale, as well as all the incidental expenses of the Department, have consequently been provided for by the Commissioners of Customs from other sources.

Their Lordships, therefore, trust that the circumstances now stated, together with the communication made by their direction to his Lordship on the 13th ultimo, will remove much misapprehension which appears to have prevailed, as to any indisposition on the part of Her Majesty's Government to grant the assistance of the Officers of the Customs for the collection of the Colonial Imposts in Nova Scotia, or to effect in the manner so considerably urged by the House of Assembly, every practicable reduction in the expense of that Department; and they have only to add, that they would at all times be willing, as regards Nova Scotia, as well as other Colonies, to attend to any specific suggestions from the Local Authorities respecting the Salaries of the Officers of the Customs, or of any other Establishments under their control, but that, at the present moment, they are not prepared to direct any reduction of the Customs' Establishment, beyond those provided for in the enclosed Schedule, until they shall have had some experience of the effects which the contemplated arrangements for Steam Packet Communication, by way of Halifax, with other parts of North America, as well as the addition which has been made to the Free Warehousing Ports, and any assistance the Officers may be called upon to give in the collection of the Colonial Duties, may produce upon the business of the Department.

I am, &c.

(Signed)

G. J. PENNINGTON,
Pro. Secretary.

To JAMES STEPHEN, Esq., &c., &c., &c.

CUSTOM

APPENDIX Nos. 1, 2.

CUSTOM ESTABLISHMENT, NOVA-SCOTIA.

Persons.	Offices.	Salary.	Persons.	Offices.	Salaries.
1	Collector	£800 0	1	Sub-Collector at Liverpool	£200 0
4	Clerks—1 at	250 0	1	Landing Waiter and Searcher at do*	100 0
	1 at	200 0	1	Sub-Collector at Yarmouth	200 0
	1 at	150 0	1	Landing Waiter do.†	150 0
	1 at	100 0	1	Sub-Collector at Lunenburg	150 0
1	Landing Surveyor	400 0	1	Do. at Windsor	150 0
1	Landing Waiter and Searcher	300 0	1	Do. at Cornwallis	150 0
3	Landing Waiters, Searchers & Tide Surveyors at £150 each	450 0	1	Do. at Digby	120 0
1	Warehouse Keeper	300 0	1	Do. at Annapolis	120 0
1	Locker, at 4s. per day when employed	66 19	1	Do. at Parrsborough	120 0
2	Tide Waiters £20, 3s. per day each when employed	149 10	1	Do. at Guysborough	120 0
2	Boatmen, 4s. each per day when employed	146 0	1	Do. at Shelburne	100 0
1	Sub-Collector at Pictou	250 0	1	Do. at Argyle	100 0
1	Warehouse Keeper and Landing Waiter	150 0	1	Do. at New Edinboro'	100 0
			1	Do. at Cumberland	100 0

* Salary increased to £150 by T. O. of 27th Nov. 1832.
 † This Office placed on the Establishment by Treasury Order of 27th November, 1832.

CAPE-BRETON.

Persons.	Offices.	Salaries.	Persons.	Offices.	Salaries.
1	Collector and Landing Surveyor	£350 0	1	Sub-Collector at Arichat	£200 0
1	Landing Waiter, Searcher & Tide Surveyor	200 0	1	Tide Surveyor at Spanish Mines	100 0

No. 2.

(See Page 649.)

(Copy.)
Circular.

Downing Street, 4th May, 1839.

SIR,

With reference to my Predecessor's Circular Despatch of 24th October last, I have the honor to transmit, herewith, for your information, an extract of a Letter from the Secretary to the Lords Commissioners of the Treasury, stating the arrangements which have been made by their Lordships for establishing Steam Communication between Great Britain and British North America.

I also inclose an extract of a Report, addressed to the Post Master General by the Deputy Post Master General at Quebec, on the route by which the Mails may be most conveniently carried from Halifax to Quebec. On this point I do not feel competent to express any decided opinion, more especially as I have not before me any late report on the state of the Metis Road; but I request you to take the subject into your early consideration, and to report to me your opinion as to the route which it would be most advisable to select for the conveyance of the Mail, not only with reference to rapidity of Communication, but with reference to security, in the event of collision between this Country and the United States.

I have the honor to be, &c. &c.

(Signed]

NORMANBY.

Lieut. General SIR COLIN CAMPBELL, K. C. B., &c. &c. &c.

Extract

Extract of a Treasury Letter, dated 29th April, 1839.

“ With reference to your Letter of the 3rd inst. and its enclosure from Sir John Harvey, urging the importance of establishing a Steam Communication between this Country and British North America, at the earliest possible moment, and to the correspondence which has previously taken place on the subject of Steam Communication with Halifax, I have it in command from the Lords Commissioners of Her Majesty’s Treasury to request you will state to the Marquis of Normanby that my Lords have not failed to use their earnest efforts to carry the views expressed in their former Communications into effect.

In furtherance of this object the Lords of the Admiralty, in communication with this Board, advertised for Tenders, but no offer was made, on conditions which answered the Advertisement, or which my Lords considered it would be satisfactory to accept.

Subsequently, however, my Lords have been able to conclude an arrangement by which a Communication by Steam, twice every Month, will be effected; and they have every reason to believe this arrangement will be carried into effect in June, 1840.

With reference to this point, my Lords herewith transmit copy of a Letter, dated 12th instant, from the Board of Admiralty, which will furnish Lord Normanby with the detailed information.

Their Lordships would further add that they have directed a considerable reduction to be made in the Packet rate of Postage on Letters from and to the British Colonies in North America, which has already come into operation.

These arrangements, my Lords trust, will carry into effect the expectations held out by them in their former Communications. But much of the benefit to be derived therefrom will depend upon the efforts made in the Colonial Possessions of Her Majesty, in improving the Roads; and their Lordships cannot too earnestly press this subject upon Lord Normanby’s attention.”

Extract of a Letter from T. A. Stayner, Esquire, to Lieutenant-Colonel Maberly, dated General Post Office, Quebec, 30th November, 1838.

“ The route from Quebec to Halifax, at present travelled, after leaving the River St. Lawrence, at St. Andre, 108 Miles below Quebec, passes for about 100 miles, through the the Territory in dispute between our Government and that of the United States. The greater part of this route is undeserving the name of a road:—It comprises precipitous mountains, forests, and swamps, over, and through which, at certain periods of the year, the unfortunate Couriers have to convey the Mail Bags on their Backs, no other mode of conveyance being practicable; and I will leave you, Sir, to fancy the toil and misery which must attend the transport of fifteen or sixteen hundred pounds weight of Mails (for an English Mail now amounts to this enormous weight) through such a wilderness. This line of communication, as already observed, passes through a portion of the Territory in dispute between Great Britain and the United States, and, on this account, Her Majesty’s Government may not deem it advisable to incur a heavy expense in improving it. It is, nevertheless, the natural channel to New-Brunswick and Nova-Scotia, for it leads through the heart of the former Province, taking in Fredericton, the seat of Government. Should it become absolutely necessary to adopt another route, there is only one choice, and that is the neglected road partially opened by His Excellency Sir James Kempt, which, leaving the St. Lawrence at Metis, 207 miles below Quebec, strikes the Restigouche River near the Village of Campbell Town, New-Brunswick, and bears the name of the Metis, or Kempt Road.— This road was never completed, and is now almost filled up by a secondary growth of trees, and is, consequently, in such a state as to be barely practicable for a foot post, which I established some few years ago, and which now travels weekly. The distance from the St. Lawrence to the Settlements on the Restigouche, by this route, is about 95 miles. It will cost from £15,000 to £18,000, *judiciously laid out*, to make this a good carriage road. After reaching Dalhousie, on the Restigouche, the Roads become better, and continue so along the shore of the Gulf of St. Lawrence, and thence to Halifax. The journey from Quebec to Halifax, by this route, (after the Metis Road is improved) may be accomplished in from 7 to 8 days; but then it must be recollected that Fredericton is left out, and that that

Vide P. O. Map.

APPENDIX Nos. 2, 3.

City can only be communicated with by a lateral route from Miramichi, a distance of about 100 miles. As a preliminary step to a thorough amelioration of the Post to Halifax, it will be for the Government to decide which of the two roads, the Temis Cuata, or the Metis, is to be permanently improved. The advantage of the Metis Road is, that it runs through a Territory *not as yet* disputed by the United States, and free from every risk of hostile interruption from the Americans, unless they overrun the whole of New-Brunswick.—In a military point of view, this Road is especially deserving the support of Government, (whether the Temis Cuata Road is abandoned or not) because supplies of Troops and Arms may be brought up the Restigouche by water from Halifax, to within 300 miles from Quebec, at periods when the River St. Lawrence is not practicable. I beg leave here to refer to a Communication from me to you, dated 25th August last, conveying copy of a Memorial to the Governor General, which details, at some length, my views on the Post Road to Halifax.

Whichever of the two Roads Her Majesty's Government may permanently improve, the Mails may be carried through in from 7 to 7½ days, probably seven. I would not undertake to pledge myself to a shorter course of Post than 7 days. A light Express with a small Valise of Letters may, under very favorable circumstances, get through in six days, or six days and a half. It has already once been accomplished in 6 days on good Winter Roads; but it is a very different thing travelling light to carrying a Mail weighing a thousand or fifteen hundred pounds.

Admiralty, 12th April, 1839.

SIR

With reference to your Letter of the 27th February last, respecting the conveyance of the Mails in Steam Vessels by Contract, between this Country and the North American Colonies, I am commanded by my Lords Commissioners of the Admiralty, to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that my Lords have concluded an agreement with Mr. Cunard for the conveyance of the Mails, &c. twice in each Calendar Month, between Liverpool and Halifax, (Nova-Scotia), and between the latter place and Boston, United States; and also between Pictou, New Brunswick and Quebec, as long as the St. Lawrence is open, for the sum sanctioned by the Lords of the Treasury, viz: £55,000, in Vessels of not less than 300 Horses power for the Transatlantic passage, and not less than 150 Horses power for the other passages;—the service to commence 1st June, 1840, or sooner if possible.

I am, &c.

(SIGNED)

JNO. BARROW.

Lieutenant General SIR COLIN CAMPBELL, &c. &c. &c.

No. 3.

(See page 649.)

(Copy.)

(No. 16.)

Downing Street, 23d May, 1839.

SIR,—

I have received your Despatch, No. 17, of the 9th April, reporting the proceedings in the Legislative Council and the House of Assembly, on the subject of the expenses of the Delegates proposed to be sent to England, to confer with Her Majesty's Government on the affairs of the Province.

I sincerely regret that any differences should have arisen between the Council and Assembly on this question; and I hope, that each House will, in their next Session, concur in the adoption of such measures, as may be best adapted for bringing this inopportune discussion to an amicable close.

APPENDIX Nos. 3, 4, 5.

I approve your decision to decline under the circumstances of the case, to accede to the application of the House of Assembly, for an advance out of the Public Treasury of the sum required for the expenses of the Delegates from that Body, the Council not having concurred in the vote.

I have the honor to be, &c. &c. &c.

(Signed)

NORMANBY.

To Lt. General Sir COLIN CAMPBELL, &c. &c. &c.

No. 4.

(See page 649.)

(Copy.)

(No. 18.)

Downing Street, 24th May, 1839.

SIR,—

I have received your Despatch, No. 22, of the 16th April, informing me that, pursuant to a Resolution of that Body, you were about to select two Members of the Legislative Council of Nova Scotia, to proceed as Delegates to this Country, to confer with Her Majesty's Government on matters of importance to the interests of the Province. I need not assure you, that I shall be prepared to bestow my best consideration on the representations which these Gentlemen may think it their duty to submit to me; and I trust that provision will be made by the Provincial Legislature for defraying the unavoidable expenses of their Mission.

I have the honor to be &c. &c. &c.

(Signed)

NORMANBY,

To Lieutenant General Sir C. CAMPBELL. &c. &c. &c.

No. 5.

(See page 649.)

(Copy)

(No. 4.)

Downing Street, 23d September, 1839.

SIR,—

Among the subjects which have come under my view since I received the charge of this Department, my attention has been especially directed to the pending question relating to the School Laws in Nova Scotia. Various circumstances have prevented Her Majesty's Government arriving at a decision on this important subject at an earlier moment. The Act passed by the Assembly, during their last Session, for the appointment of Trustees of School Lands, was only received on the 5th ultimo, and much time has necessarily been occupied in weighing the representations against the confirmation of that Act which have been submitted by the Bishop of Nova Scotia, and in obtaining the opinions of the Law Officers of the Crown on those points of Law in which the question was involved.

Those representations and opinions having been fully considered, I am now enabled to communicate to you the views of Her Majesty's Government upon this subject.

The real points which the Government have had to determine, have been the value and extent of the claims which have been preferred by the Bishop of Nova Scotia, on behalf of the Society for the propagation of the Gospel, to the possession of these Lands for the use of Schoolmasters of the Established Church. The decision of the Crown as to the confirmation or disallowance of the Act recently passed by the Provincial Legislature, has necessarily been dependent, in a great degree, on the success or failure of that claim; and I shall proceed, therefore, in the first place to explain to you the opinions which have been formed on these points by Her Majesty's Government, after a most careful examination of the whole subject.

The

The claim advanced by the Bishop of Nova Scotia, extends to the whole of the Lands set apart for Educational objects, whether already appropriated to those purposes, or already vested by the Provincial Act of 1766, in the hands of Trustees for the use of Schools. Her Majesty's Government are of opinion, that the Society for the Propagation of the Gospel, although not possessed of a strictly Legal Right, have established an equitable claim to that portion of the Land which is already occupied and improved; and they consider that the Society should be left to the entire and unreserved possession of it, for the purpose to which it is at present dedicated; setting aside any other consideration, the Society in connexion with the Established Church of England and Ireland, have, by the extent and efficiency of their arrangements, for dispensing the benefits of Education throughout the Province, entitled themselves to the full enjoyment of the Property.

You will have collected from what I have now stated, that it is not my intention to advise Her Majesty's Government to assent to the Act passed in the last Session of the Provincial Legislature, entitled "An Act to provide for the Selection and Appointment of Trustees of Lands granted or reserved or otherwise allotted as School Lands, or for Schools in this Province." The legal opinions which have been taken on this Act, confirm the doubt which was entertained by the Government as to the competency of the Local Legislature to exercise this Jurisdiction over the Lands in question. The Act passed is open to the strong objection that it extends to all Lands originally reserved or granted for the purposes of Schools which must be plainly improper, so far as relates to Lands vested in Trustees appointed from time to time by the Governor. Even if the claim of the Society had been altogether rejected, still the property, not having been found to be with them, would devolve on the Crown, and be disposable by the Crown, and not by the Local Legislature. But, independently of what I have already stated, it appears to me that the Act is liable to this other grave objection, that it seeks, by a direct exercise of power, to enforce a settlement of a question embodying many important points of proprietary right and equitable consideration which could only be satisfactorily arranged, after a full examination of the grounds on which the claims of the parties were founded. At the same time I should wish it to be distinctly understood that Her Majesty's Government do not express any dissent from the general views which the Legislature appear to entertain, were they to be applied to a matter upon which they could be allowed to operate, with justice to the Crown, and fairness to other parties.

Should the Provincial Legislature undertake the settlement of the rules for the application of future Grants, Her Majesty's Government will readily concur in the Provisions of this Act for the management of any Lands which may hereafter, from time to time, be devoted to Educational purposes.

I will even go further to meet the views of the Legislature of Nova Scotia.

With reference to the unoccupied portion of the Lands already granted, Her Majesty's Government are not prepared to admit the claim of the Society. Neither are they prepared to state the mode of Appropriation which it would be just and proper to adopt with regard to this portion of the Lands. I entertain strong doubts, whether, in departing from the view taken by the Society as to their equitable title to these Lands also, it might not be proper in a certain degree to qualify that dissent, and to admit their claim to a portion of them. Her Majesty's Government feel every disposition to meet the views of the Society, and to aid their exertions for this great public object; and it would prove highly satisfactory to them, if, by mutual concession on the part of the parties interested, this embarrassing question could be satisfactorily arranged. I would, therefore, suggest for your consideration, whether it might not be practicable to relieve the Government from the further discussion of this question by the appointment of a Commission which might distinguish those Lands, upon which the care and the Funds of the Society had been bestowed, from those which had been left altogether waste and unprofitable. Upon the Report of such Commission, might be founded some measure in the Provincial Legislature, with the concurrence of the Government, by which a partition of these reservations should be made, leaving one portion for the support of the Schoolmasters of the Society, and the other for the purposes of Education generally. Some such arrangement, provided it were so clearly defined as not to lead to litigation, although it would not meet the claims of either party, might

APPENDIX Nos. 5, 6.

might be accepted by both, as a means of reconciling those differences which cannot be protracted without injury to the Province generally, and more particularly to that important object which all parties have in view.

I have the honor to be, &c., &c., &c.

(Signed)

J. RUSSELL.

To Lieutenant-General Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

No. 6.

(See Page 649.)

(Copy.)

No. 5.

Downing Street, 24th September, 1839.

SIR,

With reference to Lord Normanby's Despatch, No. 34, of the 31st August, I have the honor to transmit to you the inclosed Copy of a Letter from the Board of Treasury, stating the result of the Communication which had taken place between that Department, the Post Master General, and the Delegates from the Assembly of Nova-Scotia, on the subject of the Provincial Post-Office.

3d September

You will have the goodness to communicate that Letter to the House of Assembly, as containing the decision of Her Majesty's Government on the representations which have been made by that Body in regard to the management and Revenue of the Local Post Office.

With respect to the concluding Paragraph of Mr. Pennington's Letter, I have not failed to call the attention of Mr. Poulett Thomson to the offer which the Lords of the Treasury have therein made; and I trust that it will be in his power to remove the obstacles which have hitherto frustrated the efforts of the Government to render the North American Post Office Department more adequate to the growing wants of the Colonists.

I have the honor to be, &c. &c. &c.

[Signed]

J. RUSSELL.

Lieutenant-General Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

(Copy.)

Treasury Chambers, 3d September, 1839.

SIR,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Marquis of Normanby, that my Lords have had under their consideration representations submitted to them by Messrs. Young and Huntington, on behalf of the House of Assembly of Nova-Scotia, relating to the Post Office arrangements and Revenues in that Colony, and have communicated with Her Majesty's Post Master General, as well as with Messrs. Young and Huntington, on the subject of those arrangements, and of the reasons which occasioned the rejection of the Provincial Act, respecting which, they observe a correspondence had taken place during the last year between the Secretary of State and the Post Master General.

I am further to request you will state to the Marquis of Normanby, that it has appeared to my Lords that some misapprehension has occurred on the subject of the Post Office Revenue in Nova-Scotia, as my Lords find that while sums are from time to time paid into the Military Chest at Halifax for remittances to this Country, as surplus accruing from the Post Office Revenue in the Province, annual votes have been granted by the Local Legislature for defraying expenses of the internal Post Office Communication.

You will likewise state to the Marquis of Normanby that my Lords being anxious to meet the wishes of the House of Assembly, so far as may be consistent with the important and indispensable objects as regards the Post Office Communications of the Province;

They are of opinion that so long as the Revenue derived from the internal Postage is sufficient to meet the expenditure for the internal Communications; no demand for this object should be made upon the Provincial Funds; and in conformity with these views, I am to request that you will suggest to Lord Normanby that the Lieutenant-Governor of Nova-Scotia

APPENDIX Nos. 6, 7.

Scotia may be instructed to inform the Legislature that no vote will be required for maintaining the present lines of Post Office Communication, so long as the Postage Receipts shall continue, as they would now appear to be, adequate to meet the expenditure; but that should the Legislature deem it advisable that the lines of Communications should be increased, my Lords will, in that case, rely upon provision being made by the House of Assembly for defraying any expense of such additional Communication that may not be covered by increased Postage.

I am further to request you will apprise Lord Normanby that my Lords will be ready to place the Packet Postage received in the North American Colonies at the disposal of the respective Local Governments, whenever they shall have the requisite authority, under the Provisions of the Act 4 and 5, Wm. 4, c. 7, for this purpose, and that with this view my Lords will be prepared, in conjunction with Her Majesty's Post Master General, to reconsider the draft of the Bill which was forwarded to the Colonies in the year 1835, for the adoption of the Colonial Legislatures, in the hope that the objections which were considered to attach to the measure, then proposed, may be obviated; and that it may be found practicable to frame such a Bill as will meet with the assent of the respective Legislatures.

I am, &c.

[Signed]

G. J. PENNINGTON.

No. 7.

(See Page 649.)

(Copy)
No. 6.

Downing Street, 25th September, 1839.

SIR—

With reference to Lord Normanby's Despatch, No. 34, of the 31st August, I have the honor to transmit to you, for your information and guidance, the enclosed copy of a further Letter from the Secretary to the Lords Commissioners of the Treasury, stating that, at the instance of the Delegates of the House of Assembly, their Lordships have agreed to increase the number of Free Ports in Nova-Scotia.

1728. Sept. 9, 1839

In communicating this information to the Provincial Legislature, you will not fail to draw the attention of the House of Assembly to the expectation entertained by the Lords of the Treasury, that the Local Legislature will provide the means of defraying any additional expenditure which may now or hereafter arise out of this extension of the Free Ports of the Province.

I have the honor to be, &c. &c. &c.

(Signed)

J. RUSSELL.

SIR COLIN CAMPBELL, K. C. B. &c. &c. &c.

Treasury Chambers, 3d September, 1839.

SIR—

With reference to the Communications which have recently been made to the Marquis of Normanby, by the direction of the Lords Commissioners of Her Majesty's Treasury, relating to the establishment of Free Ports in Nova-Scotia, I am to request you will acquaint His Lordship, that, on considering representations on this subject which have been submitted to this Board by Messrs. Young and Huntington, on behalf of the House of Assembly of that Province, it has appeared to my Lords that some extension of the existing number of Free Ports might take place, without occasioning, at present, any increased expense for the appointment of additional Officers or otherwise in the Customs Department; and my Lords have accordingly directed the requisite steps to be taken for permitting the entry of Foreign Vessels under the Provisions of the 2nd Sec. of the Act, 3, 4, Wm. 4, c. 59, at the Ports of Windsor, Parrsborough, Cumberland, Shelburne and Lunenburg, in addition to the Ports to which that privilege has already been accorded. I am further to request that you will move the Marquis of Normanby, in notifying to the Lieutenant-Governor of Nova-Scotia, the adoption of these arrangements, for the information of the Local Legislative Bodies, to observe to him, that in the event of the extension of the Trade of the Ports in question, rendering it necessary to employ additional Officers, or in other respects to encrease the charge

APPENDIX Nos. 7, 8, 9, 10.

charge of the Customs Department, my Lords entertain no doubt, but that the Legislature of the Province will be prepared to make any requisite provision for defraying the increased charge.

I have the honor to be, &c. &c. &c.

(SIGNED)

G. J. PENNINGTON.

JAMES STEPHEN, Esq. &c. &c. &c.

No. 8.

(See Page 649.)

(Copy.)
No. 7.

Downing-Street, 29th September, 1839.

SIR,

Messrs. Young and Huntington, the Delegates from the House of Assembly of Nova-Scotia, having requested the re-consideration of the question relating to the Act of the Provincial Legislature of 1838, for establishing the form of Oath hereafter to be taken in the Province instead of the Oaths of Abjuration and Supremacy, that subject has been again submitted to the Law Officers of the Crown, for the purpose of ascertaining whether they saw any ground for altering or modifying the opinion which they expressed on the subject in June, 1838, and whether there is any manner in which the Legislature of Nova-Scotia might effect the alteration which they desire of the Oaths in question, without contravening the Acts of the Imperial Parliament.

I have now to inform you that the Law Officers report to me, that they see no ground for altering or modifying their former opinion, and that the Legislature of Nova-Scotia has clearly no power to alter the form of the Oath of Abjuration. The form of that Oath was fixed by the 6, Geo. III. C. 53, which expressly enacts that the Oath shall be the same throughout Great-Britain and Ireland, and *the rest of Her Majesty's Dominions*; and it is, therefore, of course, beyond the competency of the Colonial Legislature to affect this enactment.

I have only, therefore, to observe that until the Imperial Parliament shall provide some other form of Oath, I am precluded from advising the Crown to assent to any Act of this nature which may be passed by the Legislature of Nova-Scotia.

I have the honor to be, &c. &c. &c.

(Signed)

J. RUSSELL.

SIR COLIN CAMPBELL, K. C. B., &c. &c. &c.

No. 9.

(See Page 649.)

(Copy.)
No. 10.

Downing-Street, 28th October, 1839.

SIR,

With reference to my Despatch, No. 6, of the 25th ult. respecting the establishment of Free Ports in Nova-Scotia, I have to acquaint you that, in addition to the instructions already given for carrying that measure into effect in the case of the Port of Cumberland, the Lords Commissioners of Her Majesty's Treasury are in communication with the Board of Customs, in regard to arrangements for the entry and clearance of Vessels to and from the United Kingdom and the British Colonies at Pugwash, Wallace or Tatamagouche; but some further information has been required from the Officers of Customs in Nova-Scotia before final directions can be given as to the Port to be selected for that purpose.

I have the honor to be, &c. &c. &c.

(Signed)

J. RUSSELL.

Lieut. General SIR COLIN CAMPBELL, &c. &c. &c.

No. 10.

(See Page 649.)

(Copy.)
No. 9.

Downing Street, 16th October, 1839.

SIR,

I am desirous of directing your attention to the tenure on which Public Offices, in the gift of the Crown, appear to be held throughout the British Colonies.—I find that the

APPENDIX No. 10.

the Governor himself and every person serving under him, are appointed during the Royal Pleasure, but with this important difference: The Governor's Commission is, in fact, revoked whenever the interests of the public service are supposed to require such a change in the Administration of Local Affairs. But the Commissions of all other Public Officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that during the present, or the two last reigns, a single instance has occurred of a change in the subordinate Colonial Officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice which formerly prevailed of selecting all the higher class of Colonial Functionaries from persons who, at the time of their appointments, were resident in this Country, and amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least considerable, that except on those terms they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the Colonies, persons resident there, has taken away the strongest motive which could thus be alleged in favor of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed; and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject, in the Province of Nova-Scotia.

You will understand, and will cause it to be made generally known, that, hereafter, the tenure of Colonial Offices held during Her Majesty's Pleasure, will not be regarded as equivalent to a tenure during good behaviour; but that not only such Officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the Governor will be considered as a sufficient reason for any alterations which his Successor may deem it expedient to make in the list of Public Functionaries, subject of course to the future confirmation of the Sovereign.

These remarks do not extend to Judicial Offices, nor are they meant to apply to places which are altogether Ministerial, and which do not devolve upon the Holders of them duties, in the right discharge of which the character and the policy of the Government are directly involved. They are intended to apply rather to the heads of Departments than to persons serving as Clerks or in similar capacities under them. Neither do they extend to Officers in the services of the Lords' Commissioners of the Treasury.

The Functionaries who will be chiefly, tho' not exclusively, affected by them, are the Colonial Secretary, the Treasurer or Receiver General, the Surveyor General, the Attorney and Solicitor General, the Sheriff or Provost Marshal, and other Officers who, under different designations from these, are entrusted with the same or similar duties. To this List must also be added, the Members of the Council, especially in those Colonies in which the Legislative and Executive Councils are distinct Bodies.

The application of these Rules to Officers to be hereafter appointed will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing Officers, and especially of those who may have left this Country for the express purpose of accepting the Offices they at present fill. Every reasonable indulgence must be shewn for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these Regulations should be distinctly maintained in practice as well as in theory, as often as the Public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such Officers for their disappointment, even by pecuniary Grants, when it may appear unjust to dispense with their services without such an indemnity.

I have the honor to be, &c. &c. &c.

(Signed)

J. RUSSELL.

To Lieutenant General Sir COLIN CAMPBELL, &c., &c., &c.

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APPENDIX No. 11.

No. 11.

(See Page 651.)

R E P O R T

FROM THE DELEGATES OF THE HOUSE OF ASSEMBLY, TO HER MAJESTY'S
GOVERNMENT, IN THE YEAR 1839.

WILLIAM YOUNG and HERBERT HUNTINGTON, the Delegates appointed by the House of Assembly at the last Session of the Legislature, to represent to Her Majesty's Government, and enforce the views of this House, on various important matters embodied in their resolutions, and referred to in their Address to Her Majesty, having repaired for that purpose during the recess to London, beg leave, most respectfully, to submit the following Report of their proceedings :

Having embarked at Halifax on the 17th of April, we arrived in London on Friday, the 17th of May, and on Monday, the 20th, addressed a note to Lieutenant Colonel Yorke, the private Secretary of the Marquis of Normanby, soliciting an interview at the Colonial Office, and on the same day received a reply, appointing Friday, the 24th, for that purpose.

Copies of these notes, as well as of all the other correspondence and documents hereafter to be referred to, accompany this report.

FIRST INTERVIEW.

Friday, 24th May, 1839.

We attended at the Colonial Office, in Downing Street, pursuant to appointment, and were received by Lord Normanby, and the Right Honourable Henry Labouchere, then one of the Under Secretaries for the Colonies, now the President of the Board of Trade, and a Member of the Cabinet.

On proceeding to business, we put into his Lordship's hands the Address with which we were charged to Her Majesty, and the resolutions adopted by the House on the 29th and 30th January, the 6th and 7th February, and 3rd April, 1839. In this interview, which lasted about two hours, we illustrated and enforced the dissatisfaction felt by the Assembly, with the structure of the Legislative and Executive Councils, and the views they entertained upon the settlement and amount of a Civil List—the advantage of uniting the Customs and Excise—and the extension of Free Ports.

As all of these questions were more effectively and amply discussed in our subsequent interviews and correspondence, we will content ourselves with stating the general outline of what occurred on this first occasion, derived from the memoranda taken at the time for our own guidance.

With regard to the Councils, we complained that the instructions of Lord Glenelg, in the despatches of 1837, had not been obeyed in the impartial and liberal spirit in which they had been conceived,—that in all the great questions which divided the opinions of Members in our Legislature, the selections had been so made as to leave the majorities in the new Councils as they had been in the old,—that the temper which animated the Legislative Council was clearly indicated in their rejection of the Bills sent up by the Assembly for the settlement of a Civil List, and in the singular and unconstitutional resolutions upon this question, which appeared by the Journals to have been unanimously adopted in 1837, as well as by the resolutions which they had passed in the last Session,—that in both Councils the Church of England, notwithstanding the representations and positive instructions from the Crown on that head, had been suffered to maintain an undue ascendancy ; and it was notorious, that the political principles and predilections of a decided majority in both, were opposed to the policy of the Assembly, and to what the majority conceived to be the true interests and the prevailing opinions of the people,—that our objection had reference to these political principles and predilections alone—having nothing to do with the private character

acter of the gentlemen selected—and which, in most instances, we believed to be unexceptionable,—that we had no personal enmities, and no personal ambition, to gratify, as we did not desire a seat in either Council for ourselves, and would not assume the responsibility of recommending any individual by name. We stated further that the House, in their resolutions of 1837, and in one of those we had now presented, had in effect recognized, and anxiously sought, the introduction into our local government of the doctrine of responsibility, so admirably developed in Lord Durham's Report. This important document had been received in Halifax in April, after the close of the Session, and had been carefully perused by us on our passage. No opportunity had been afforded to the House of expressing any opinion thereon, and we would not presume to anticipate their decision; but our individual sentiments and experience of Colonial Government concurred in most particulars with the report, and we could not but admire the statesman-like and generous spirit which it breathed. We were aware of no constitutional principle which should render the officers of a Colony irresponsible to the Assembly, and independent of the Government, as well as of the people. The Governor and Judges ought to be independent—but why, also, the Colonial Secretary, Treasurer, Surveyor General and other officers, whose interest it ought to be to conciliate public esteem? So, also, the Executive Councils should be remodelled, that they might co-operate in place of perpetually jarring with the popular branch. For our own parts, we conceived that a re-construction of our Executive Council, to which we attached much more importance than to the Legislative, was an indispensable step which ought to be conceded to the Assembly—that the Administrative and Legislative powers might harmonize with each other, as they had done for the last century in the Mother Country, and ought also in the Colonies. The people of our Province were desirous to continue under the protection of the British Crown, and to enjoy the privileges while they were willing to fulfil the obligations of zealous and loyal subjects. The temper of the Legislature and people, was sufficiently evinced, by the grant and other proceedings of the last session; and we prayed his Lordship not to be misled by the local influences, which, as we well knew, were opposed to the Assembly. The House had aimed at a reduction of Salaries, because they conceived it one of their first duties to husband the resources of the Colony, and to relieve the Mother Country of any contribution towards the support of our local government: We were able and willing to maintain it on a scale suited to our means, out of the funds arising within the Colony itself, and desired no extraneous aid. The Salaries appointed in the bill of 1838, appeared to a large majority in the Assembly to be sufficient—as very few persons out of Halifax, expended so much as £500 currency, a year. It was thought also, by a large majority, that all the Salaries ought not to be permanent; for, if the Colonial Secretary and Crown Officers were made independent of the House, as well as the Governor and Judges, the Officers of the Customs, and, in fact, all the principal Officers, except only the Treasurer, the House would be voluntarily parting with the little power it now had, and would be depriving itself of all constitutional control. The minority, on this head, of whom Mr. Young was one, had opposed the principle—not from any dread of its practical operation, but from an apprehension that its introduction into the Bill was scarcely warranted by the despatch, and might defeat or delay the proposed settlement. Most of them conceived that there was as little danger in subjecting the Salary of the Colonial Secretary, or of a Crown Officer, to the annual revision of the Assembly, as had been found in practice with the Salary of our Treasurer. Mr. Huntington then contrasted the salaries in the Bill with the present allowances, the remuneration of other officers, and the duties to be performed—and showed that, as the Judges' Fees, now abolished, were illegal, and the Puisne Judges of the Supreme Court had never been entitled to more than 2400 dollars, and travelling fees, the Civil List Bill, as it passed the House, gave them, beside their travelling fees, 2435 dollars. As the House had done no more than exercise the discretionary power which the Despatches of 1837 had transferred to the Assembly, one main object, therefore, of our mission was, to ascertain, what difficulties, if any intervened, and whether a surrender of the Casual and Territorial Revenue could be arranged on the terms proposed by the House.

In the course of this conversation, Mr. Labouchere frequently took notes, and both his Lordship and he occasionally inquired into the particulars of our statements. When we had closed our observations on the composition of the Councils and Civil List, his Lordship observed

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served, that we could not expect him to express any opinion at the present moment, or to come to a conclusion, until the Delegates on the part of the Legislative Council should arrive in London.

To this we replied, that it was true the Legislative Council had authorized the Lieutenant Governor, in the last Session, to select two of their number as Delegates, but we had no expectation of their arrival, as no intimation of their having been named had come to our knowledge before our departure; and from a conversation Mr. Young had had with the Governor on the 18th April, the day we had finally left Halifax, he was led to believe, that no Delegates for the present at least would be appointed by His Excellency. We had no desire, however, to press his Lordship to a hasty determination, and would proceed with his permission to the other points we had previously referred to.

We accordingly explained at some length the relative duties of our Custom House and Excise Officers, the practicability of uniting the two Departments, the expense of maintaining both as now constituted, and the difficulty experienced by the shipping and commercial interests, arising from double entries, &c. We invited also his Lordship's attention to the question of Free Ports; but as both of these matters came under the jurisdiction of the Treasury, it was suggested by his Lordship that it would be better to submit our views in writing; and the interview terminated by our agreeing to do so at an early day.

May 29th.—Having obtained possession of our Documents and Papers, which were detained at Falmouth, on a claim for duty, agreeably to the Act of Parliament, but afterwards remitted on our application, by the Lords of the Treasury, we prepared our Letter of this date on the proposed union of the Customs and Excise, and the expense of the Establishment.—(See page 4, *antè*.)

May 30th. Waited on Col. Yorke with the above Letter, and a note of this date to Lord Normanby, which is as follows:

16, Prince's Street, Hanover Square,
May 30, 1839.

MY LORD,

We beg to inclose a letter on the affairs of the Custom House, which we were unable to prepare till now, for want of the Documents and Papers that were delivered to us yesterday. We have no reason to expect the arrival of Delegates from the Legislative Council, no hint of their appointment having been given by the Lieutenant-Governor, though His Excellency held a conversation with one of us on the day we left Halifax. Unless your Lordship, therefore, has been otherwise informed, we are not aware of any such nomination being intended, and, if made, we cannot suppose that it could materially influence the decision of Her Majesty's Government on the various points comprehended in the resolutions of the Assembly. We are naturally anxious at this season of the year to proceed with the business entrusted to our care, which alone detains us in London, and would feel gratified in being favored with a second interview at your Lordship's earliest convenience.

We have the honor to be

Very respectfully,
Your obdt. Svts.

WM. YOUNG,
H. HUNTINGTON.

To the most Noble the MARQUIS OF NORMANBY, &c.

June 4th.—Called at the Colonial Office, but found Mr. Labouchere engaged; saw his Private Secretary, and expressed our desire to have an early answer to the above Letters.

June 6th.—Received a note from Mr. Labouchere, stating that Lord Normanby had forwarded our Letter of 29th May to the Lords of the Treasury, and requested their Lordships to grant us the interview we had applied for.

June 7th.—Wrote to Mr. Labouchere, asking to be put in personal communication with the Officers having charge of the Post Office Department, and soliciting a second interview with Lord Normanby or himself as to the Councils and Civil List.

June 8th.—Received Mr. Labouchere's reply of this date as follows:

Downing-Street,

Downing Street, 8th June, 1839.

GENTLEMEN,

I am directed by the Marquis of Normanby to acknowledge your Letter of the 30th ultimo, in which you enquire whether any intimation has been received of the intention of the Legislative Council of Nova-Scotia, to send Delegates to this Country, to confer with Her Majesty's Government; and you also request to be favored with another interview with his Lordship.

In answer, I am to acquaint you, that on the 15th ultimo a Despatch was received from Sir Colin Campbell, dated the 16th April, in which he reported, that, in conformity with a Resolution of the Legislative Council, he should "nominate two Gentlemen as Delegates, on the part of the Legislative Council, and that they would probably take their departure in the next Packet."

Under these circumstances, Lord Normanby considers that he would be deficient in the respect due from him to the Legislative Council, if his Lordship should proceed to adjust with you the questions which, as Delegates of the Assembly, you have brought under his notice,—without awaiting the arrival of the Delegates of the Legislative Council, or at least affording them a sufficient time, either to fulfil or announce the abandonment of their purpose of repairing to this Country.

I have the honour to be, Gentlemen,

Your most obedient Servant,

H. LABOUCHERE.

W. YOUNG, Esq., and H. HUNTINGTON, Esq.

The contents of this Letter not a little surprized us. It appeared that we were not only to be opposed by Delegates from the Council, whose views on some of the leading objects of our Mission would conflict with our own; but that the Lieutenant-Governor had decided on their nomination, and had officially announced it by the Packet in which we had been Passengers, though wholly unknown to us. We saw, too, that this Despatch had been received by Lord Normanby, and was in his hands at the time of our interview, and that we had been, and probably would be, detained in London, awaiting the arrival of these Delegates. It appeared to us, that it would have been more ingenuous in His Excellency, and an act of no more than justice to the House and to ourselves, to have revealed his intention before we set sail; to have saved us time, thus irretrievably lost; and avoided the danger of the very dilemma that had occurred. We had heard it whispered, indeed, in Halifax, that Delegates would be sent after us, to watch and if possible counterwork us, but conceived it to be an unfounded rumour. If we had believed it, we would not have said what we did to Lord Normanby, nor would we have referred to conversations held with the Lieutenant-Governor. Placed as we now were, we considered very deliberately the reply we were to make, and prepared and sent in the following:

*16, Prince's Street, Hanover Square,
10th June, 1839.*

SIR,

The intimation conveyed to us in your Letter of Saturday the 8th instant, that Sir Colin Campbell had determined, on the 16th April, to nominate two Delegates on the part of the Legislative Council, to Her Majesty's Government, throws a new light on our past correspondence. We stated to the Marquis of Normanby, in our interview of the 24th ult. that we had no reason to expect the arrival of Delegates from the Council; and as we are now informed that their nomination had been actually decided on by Sir Colin Campbell, we can only express our regret, that His Excellency thought fit to abstain from dropping the slightest hint of his intention, in two conversations held by him with Mr. Young just before our departure, and in which the leading objects of our delegation were freely discussed. We regret that we were thus misled, and that the course His Excellency pursued, disingenuous as it was, has had the effect, though perhaps it was not intended, to obstruct the progress of our negociation.

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On referring to the Journals of the Assembly of the present year, pages 629, 631, (our copy of the Journals of the Council being imperfect) you will perceive that the principal motive assigned by the Legislative Council, for authorizing His Excellency to select two members of their body as Delegates, was the dread of a Federal Union of the British North American Colonies, as originally proposed by the Earl of Durham. His Lordships's Report was received at Halifax subsequently to the rising of the Assembly on the 5th April, and several days before our departure on the 18th. And as the plan of a federal union is therein abandoned, and a Legislative Union recommended, only with the consent, and after the most ample deliberation, of the Legislatures and People of the Lower Provinces, the main purpose of a Delegation from the Legislative Council of Nova-Scotia, as assigned by themselves, is at an end; and we still incline to the opinion that Delegates will not be sent. If they be, our suspicion will be confirmed, that the real object of their mission is to protect the interests and inordinate power of a small official faction, and it will be for Her Majesty's Government to determine, how much of deference or respect is due to their representations, when opposed to those of the Assembly.

Under present circumstances, we will cheerfully await the arrival of the Packet from Halifax. But if the Delegates on the part of the Legislative Council do not then make their appearance, we earnestly hope that the Marquis of Normanby will not think it incumbent on him to postpone to a more distant period the adjustment of the various important matters entrusted to our care as Delegates from the Assembly, and representing the wishes and views of the vast majority of the people of Nova-Scotia.

We have the honour to be,
Your most obedient

Humble Servants,

W. YOUNG.

H. HUNTINGTON.

The Right Hon. HENRY LABOUCHERE, &c. &c. &c.

June 17th. Received a Letter from Mr. Labouchere as follows :

Downing Street, 15th June, 1839.

GENTLEMEN,

In answer to your Letter of the 10th Instant, I am directed by the Marquis of Normanby to inform you, that, from a Despatch dated the 12th May, it appears that Sir C. Campbell has selected two Gentlemen, as Delegates from the Legislative Council, and that they were to proceed to England by the Packet which brought that Despatch.— These Gentlemen have not yet presented themselves at this Office, but Lord Normanby has reason to believe that they have reached England. His Lordship, therefore, must suspend his discussion of the questions entrusted to you, until he shall have an opportunity of receiving the Delegates from the Council.

Lord Normanby desires me to state in conclusion, that he regrets that, in referring to the conduct of the Governor of Nova-Scotia, you should have made use of an expression which, from his general knowledge of the character of that Officer, Lord Normanby feels assured is perfectly undeserved.

I have the honor to be, Gentlemen,

Your most obedient humble Servant,

H. LABOUCHERE.

W. YOUNG, Esq.

H. HUNTINGTON, Esq.

June 18th. Our reply to the above was of this date, which closed the correspondence as to the subject matter of the first paragraph.

*16, Prince's Street, Hanover Square,
18th June, 1839.*

SIR,—

We have to acknowledge the receipt of your letter of Saturday, the 15th instant,

instant, which was put into our hands last night. The opinion we expressed to the Marquis of Normanby, in our interview of the 24th, and repeated in our note of the 30th ult. as to the appointment of Delegates from the Council, being in direct opposition, as it now appears, to the determination of Sir Colin Campbell before we left Halifax, placed us in rather a painful position—because it might have been supposed that there was, on our part, a want of the openness and candour which it is our purpose to maintain, and Lord Normanby and yourself have a right to expect from us in the conduct of this negotiation. The expression his Lordship has referred to, we used with reluctance, not from any impulse of hasty resentment, but because we deemed it essential to our own justification with his Lordship and with the Assembly. We beg to assure you, that nothing is further from our thoughts than to mingle any private feelings with this correspondence; and having said all that seems to be necessary on the subject, we trust we may be pardoned for dismissing it, and turning our attention to the business we have in hand.

Messrs. Wilkins and Stewart, the two Delegates selected by our Governor on the part of the Legislative Council, arrived in London two or three days after the date of our last letter, and will enter, we presume, into immediate communication with the Colonial Office. As it will be indispensable for one of us to leave England by the middle of August, we earnestly hope that the discussion of the questions committed to us by the Assembly, will not be postponed longer than is absolutely necessary.

Referring to our note of the 7th Instant, we take this opportunity also of mentioning, that we have not yet been favoured with interviews by the Right Hon. the Lords Commissioners of the Treasury, nor by the Officers having charge of the Post Office Department either or both of whom we are anxious and ready to wait upon, at whatever time may be appointed.

We have the honor to be,
Your most obedient Servants,

W. YOUNG.
H. HUNTINGTON.

The Right Hon. HENRY LABOUCHERE, &c. &c. &c.

June 20th.—Received a Note from Mr. Labouchere, acquainting us that Mr. Baring, the Secretary to the Treasury, now the Chancellor of the Exchequer, and a Member of the Cabinet, had expressed a desire to see us on the subject of the Post Office; and having immediately written Mr. Baring that we would wait on him at the Treasury at 3 o'clock, we accordingly met him, and having taken with us all the Documents, put him in full possession of our views as to the Post Office Accounts, and the Act of 1837. We refrain from repeating further what passed on this occasion, and will follow the same course in mentioning our subsequent meetings with Mr. Baring and Mr. Labouchere, as we found it to be their understanding, that conversations with them should not be considered as Official, but as private conferences for their own guidance, and that of their respective Departments.

June 22nd.—Addressed a letter to Mr. Baring, with copies of the Reports of the House and other Documents, on the subject of the Post Office.—(See Letter annexed.)

June 26th.—Received Mr. Labouchere's Letter of the 25th, covering Mr. Baring's of the 13th, stating that no sufficient grounds had at present been adduced for going beyond the recommendation of our Executive Council, whereby the Ports of Digby and Arichat alone would be constituted Free Warehousing Ports, in addition to those already privileged; and farther expressing the concurrence of the Treasury Board, in suitable enactments to be passed by our Legislature, for empowering the Officers of the Customs to collect the Provincial Duties.

June 27th.—Wrote Mr. Labouchere, asking a copy of the Report of our Privy Council, and of the other Documents referred to in Mr. Baring's Letter. On the same day had a conversation at the Treasury on the question of Free Ports with Mr. Brande, the principal Clerk of the Colonial Department there.

July 1st.—Received a note from Lieutenant Colonel Maberly, informing us that he would be happy to see us at the Post Office when convenient to ourselves. Wrote him, that we would wait upon him at his Office on the following day.

July

July 2nd.—Met Colonel Maberly, and discussed the Provisions of the Act of 1837, for regulating the Internal Postage, which we agreed to modify: applied to Mr. Murdoch at the Colonial Office for a copy of the Report of the Executive Council: and at three o'clock had an interview at the Treasury with Mr. Baring, in which the question of Free Ports, the Imperial Duty on Flour, the Union of the Customs and Excise, the appointment of Custom House Officers in the Colonies, and the expense of the Customs' Establishment in our own Province, were freely discussed. Mr. Baring suggested that we should put our views on these subjects in writing. He declined shewing us the Report from the Officers of our Customs on the subject of Free Ports—the Lords of the Treasury considering all such Reports as made solely for their private information, and not being in the habit of communicating them to any one. We understood that they were not asked for even in Parliament.

July 4th.—Applied again to the Colonial Office for a copy of the Report of our Executive Council in 1838, which was promised to be sent to us.

July 5th.—Received a Letter from Mr. Labouchere in answer to ours of 27th June; and having drafted anew the Post Office Act of 1837, enclosed the same to Colonel Maberly for his approval.

July 6th.—Received a copy of the above Report from the Colonial Office. Waited on Colonel Maberly at the Post Office, and discussed the proposed modifications of our Act.

July 8th.—Completed and sent in three Letters to the Lords of the Treasury: the first, on the subject of Free Ports, arguing the whole question at large, but declining to distinguish particular Ports as more entitled to the privilege than others; it being the wish of the Assembly, that every Port, where a Custom House Officer is stationed, should be declared a Free Port:—the second Letter on the Union of the Customs and Excise, and the future appointment of Collectors in the Out Ports:—and the third, on the Flour Duty imposed by the Imperial Act.—(See Letters annexed.)

Waited on Mr. Labouchere and went over the particulars of the Civil List, discussing and examining the several items.

Received a Note from Lord Normanby, appointing a meeting for Saturday the 13th inst.

July 9th.—Had another interview with Colonel Maberly at the Post Office.—He promised us that a Report would be sent to the Treasury in a few days, explanatory of the measures Lord Lichfield, the Post Master General, would recommend. The Reports of the Assembly on the Post Office Accounts were admitted by Colonel Maberly in their general results to be correct. His objections to any partial Colonial Enactment seemed to be insuperable.

July 11th.—Sent a Letter to Lord Normanby, as preparatory to the meeting of the 13th, embracing all the subject matters of our mission.—(See Letter, Page 10, ante.)

On Saturday, the 13th July, we attended at the Colonial Office, at the hour appointed by Lord Normanby, and found that his Lordship had requested Mr Stewart and Mr Wilkins' attendance at the same time, who were accordingly there.

Lord Normanby opened the conversation by observing that it would be better, as Mr. Labouchere had not yet arrived, to mention such matters as both Branches of the Legislature concurred in.

We replied, that as we were in correspondence with the Lords of the Treasury and Secretary of the Post Office on the several questions, touching the Custom House, Excise, and Post Office, we would not enter on these matters now, but would turn His Lordship's attention, first of all, to the Bill that had passed the House of Assembly in 1838 for regulating the disposal of Crown Lands. The principles and object of the Bill were then explained by us—Mr. Stewart remarked that the Bill had not passed in the Council, but was deferred until the next Session, and that he would send His Lordship the copy of a report on the subject prepared by him in the House of Assembly in 1834. Mr. Wilkins said he was decidedly opposed to any system of gratuitous grants, and that all Lands, in his opinion, ought to be offered for sale. This was replied to by us, and Lord Normanby said that the subject would be deliberately weighed. He expressed, however, some doubt, in which Mr. Labouchere afterwards concurred, whether the Government, under any circumstances, would depart from the principle of disposing of the Crown Lands in all the Colonies at a certain

certain price. The mode of carrying it into effect might be regulated anew, but the principle, they seemed to think, would be adhered to.

The different Acts, involving the principle of Bounties, were next referred to, and we complained of the prohibition in Lord Glenelg's Despatch of 20th April, 1838, and enforced the views in our Letter of the 11th inst. by a variety of examples. Messrs. Stewart and Wilkins, agreeably to the Resolution of the Council, claimed for the Colonial Assembly the right of legislating in such matters without the interference of the Home Government, unless where a Provincial Act should conflict with an Imperial Statute. We, of course, urged the same view, conformably to our Letter, observing that there was less necessity for the Colonial Secretary interfering, as the general principle, by which Bounties were restrained within certain limits, was admitted by the Assembly. His Lordship acquiesced in the reasonableness of this view, but observed that matters of this kind belonged to the Board of Trade, to whom they would be referred. In the course of this discussion, the operation of the existing Law on the Chocolate Manufacture was explained, and the absolute necessity for a Bounty or Drawback as adopted last Session.

Mr. Labouchere came into the Room, and the Oath Bill, which had been formerly mentioned, was explained. Both Gentlemen thought that the wishes of the Assembly on this head would be complied with in such shape as would be found most advisable.

Some further observations having been made on the Fisheries, and the Acts for regulating School Lands, and Equitable Claims on Real Estate, none of which were discussed at large, Lord Normanby suggested that we should open the ground of our objections to the Legislative and Executive Councils, leaving it for the other two Gentlemen to reply.

We proceeded accordingly to open them at large, as to the Executive Council, and read a sentence from Lord Glenelg's Despatch of 31st October, 1837, directing the Council to be selected not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion, that the choice was influenced by that consideration. We then remarked, that if the Instructions in this and the other Despatches of 1837, and the policy of which, we presumed, would be still adhered to, had been fairly and candidly obeyed, and the spirit of them preserved in the new appointments and in the settlement of a Civil List, all discontent would have ceased, and the present Delegation would never have been suggested. The House of Assembly complained that the obvious purpose and aim of the late Colonial Secretary, had been defeated, by local influences acting on the mind of the Governor, and that the Executive Council particularly had been selected in direct violation of his orders. Of the twelve Members who compose it, eight are Churchmen, and the other four, are respectively, a Presbyterian, Catholic, Baptist, and Methodist. An overwhelming and undue ascendancy was thus secured to the Church of England, the effects of which were felt in the appointment of School Commissioners, Magistrates, &c. and in the jealousy naturally entertained by all the other Denominations. Of the four Members selected from the Assembly, Mr. Huntington had resigned, and the other three, during the last Session, sat in the minority of eleven, on the main question of the Delegation; and, on many other points, were opposed to the great majority of the House. As this anomaly would not be tolerated for a day in the Mother Country, it ought not to be perpetuated in our Province.— The majority of the Assembly were Liberals; the Members of the Executive Council included some of the most Ultra-Tories and High Churchmen we had in the Province; and the temper and spirit of the new Council were more opposed to the Liberal party, than even the old Council, that had been superseded. The spirit of the Local Government, indeed might be gathered from the recent appointment of Mr. A. M. Uniacke to be Judge Advocate General, on the resignation of Mr. Robie. The Leaders and Senior Members of the Bar were passed over, in favor of a young gentleman, who was a respectable practitioner, but had neither the experience nor the reputation, as yet, to justify his being elevated to so responsible an office: such an appointment would not have been ventured on by any Minister here. Another example was, the opposition to Mr. Tremain's appointment to the office of Registrar and Examiner in the Admiralty, the duties of which he had fulfilled for fourteen years, to the entire satisfaction of the Bar, who had signed, with two or three exceptions, very ample certificates in his favour.—

Yet

Yet Mr. Jeffrey, a son of the Collector, had been recommended by the Governor and other persons high in office, as we had learned, and believed, though we had not ourselves seen the papers, and Mr. Tremain's application was postponed, while Mr. Hood's leave of absence had been extended. It was impossible to separate the acts of the Local Government and of the Official Faction, from the Composition of the Executive Council, though the extent to which the Councils were consulted in the measures of Government was unknown to the House:—Some of the members, doubtless, disapproved of the appointments and recommendations distasteful to the people, but the prejudices and feelings of the majority could not be mistaken. In New Brunswick, the leading members of the popular party had been admitted into the Council, which was the reason that it now harmonizes with the Assembly. The same policy ought to be followed in the Colonies, having representative Constitutions, as in the Mother Country. We were persuaded it would work well as a general system, and would satisfy the people of our Province. If it should be insinuated that the present House of Assembly did not represent the real feelings of the people, and that the next House, as had been whispered, would contain a majority on the other side,—this could easily be tested by an Election: we trusted the Quadrennial Bill would pass the next Session, and afford the opportunity. For our own parts, we were convinced that the liberal majority would be rather increased, and that none of the leading Members could be ousted from their seats. As the character of the House, therefore, could not be changed, that of the Executive Council should be made to conform to it, and the administration of our local affairs become more acceptable to the wishes and interests of the people.

The above is the substance of what was urged by us during this interview, as to the Executive Council. Our observations were occasionally interrupted by Lord Normanby and Mr. Labouchere, making enquiries, and by Messrs. Wilkins and Stewart, giving explanations. Mr. Wilkins remarked, that the only thing in which he ever knew the Executive to differ from the House, was the power of appointing Road Commissioners; that Mr. Uniacke was appointed Judge Advocate, in consequence of Mr. Robie resigning in his favor, and that he was not aware of any partiality shown by the Executive Council in their nominations. Mr. Stewart observed, that one of the Members of Assembly was now prosecuted for misapplying Road Money, of which he was Commissioner; that Mr. Wilkins and himself and some Members of the Executive Council, had signed Mr. Tremain's recommendations, but he was opposed by Mr. Jeffery's interest with Lord Minto; and that the Quadrennial Bill was deferred last Session in the House by a majority of 18 to 14. In the course of conversation, we replied to these various remarks, and went into the composition of the Legislative Council,—but, as we did not finish what we had to say on this subject, we will include it all in the minute of our next interview.

Monday, July 15.—We attended by appointment at the Colonial Office, and were received by Lord Normanby and Mr. Labouchere; Messrs. Stewart and Wilkins were also there. We began by urging some considerations in addition to those we had urged on Saturday, in relation to the Executive Council. A proof of the influence they exercised was furnished by the question of Free Ports. A majority of the House was solicitous for the number being largely extended; a majority of the Legislative Council were also understood to be in its favour, though in the last Session they had decided against it, by the casting vote of the President, and now a report of the Executive Council in May, 1838, was found sufficient to counterbalance the representations of the Assembly, and to restrain the privileges of a Free Port to Arichat and Digby. Another example of the operation of the system, was to be found in the mode of dividing our Road Money, and the recommendation and appointment of Commissioners. This had been denounced in Lord Durham's Report as a flagrant abuse, but his Lordship was uninformed of the true cause and operation of the system. The Members of Assembly, although, as in every body, there might be found, occasionally, an unworthy one, were far above any imputation of jobbing or peculation with the public money. They were tenacious of the right to divide the Road Money, and recommend Commissioners, not to make a profit of it, to which few indeed, if any, would stoop, but to have the sums appropriated according to the real wants of the Country, and expended by such individuals as upon the whole were best qualified and disposed to expend it judiciously. For our own parts, we considered this the most difficult and invidious part of our duty as

Members, and would willingly transfer the responsibility to an Executive Council, in whose impartiality and knowledge of the Country we could repose entire confidence. That the Assembly had not entire confidence in the present Executive Council, was evident from the course taken last Session in the vote of £100,000. The House did not associate the Council, as had been customary, with the Governor, but threw the responsibility upon His Excellency alone. This had been done by general consent, that the measure might be unanimous throughout, and to escape the discussion which was desired by some Members, ourselves being of the number, whose opinion it was, that Commissioners should be named in the Bill. We spoke of these matters with the greater freedom, because we had no personal object, having already intimated to his Lordship, that neither of us desired seats, in either of the Councils, for ourselves, nor any of our friends.

As respects the composition of the Legislative Council, we conceived it to be of less immediate or vital importance than the Executive. The great objection to it was the studied exclusion of men of talent attached to the liberal party. We then went over the leading names, and remarked on the selections out of the former and present Assemblies. The different temper of the two bodies was evidenced by the Resolutions on the Civil List, which were passed by the Council in the last day but one of the Session of 1838, and were entirely opposed to the views of the Assembly. It seemed, indeed, as if the selections had been made for the express purpose of defeating the Assembly. The Bill for settling the Civil List passed the House, and was sent up to the Council at an early period. They retained it till the close of the Session, when many Members from both branches had returned home, and it was then rejected without a division, which was done, as we thought, in order to gain time, and draw in the aid of the British Government for the purpose of increasing the Salaries. So also the Quadrennial Bill, which passed the Assembly in the Sessions of 1837 and 1838 by large majorities, was rejected by the present Council in 1838 without a division, the speakers being all on the one side, and no man of talent belonging to the Council, who would concur with the Assembly, and advocate a measure more peculiarly affecting them, and intended to enlarge the popular influence. The Council had a right to reject the Bill, but they ought to be so constructed that such a measure should not be dismissed after the mockery of a one sided debate. It was in vain to say, as in the Despatch of 1838, that we should wait, before complaining of the new Council, and ascertain how they would act. The political opinions of every man in public life were as well known in Nova-Scotia as in England, and you might tell a Conservative or Whig in this country, with the same reason, that they should wait till it was ascertained whether Lord Normanby or Lord Aberdeen, Lord John Russell or Sir Robert Peel, belonged to their party or no. It was the political leaning of the great majority of the Council that we had reason to complain of; religious differences in our view were of less account, though we regretted that the Church of England had been suffered to retain a majority, which did it no good, and increased the discontent at the unfair ascendancy it had in the Executive. The result of the new selections was a feeling of injustice on the part of the Assembly, and of irritation in both Houses, which had manifested itself in various forms, and, if not corrected by the action of the Home Government, would in all likelihood lead to a collision.

We then remarked on several points connected with the Civil List, and on the propriety of leaving some of the Officers to an annual vote of the Assembly. But as those points were fully discussed at a subsequent interview, and the Delegates from the Council but slightly interfered with them in our presence, we need not enter on them here.

In the course of our remarks, Mr. Stewart and Mr. Wilkins concurred with us in acquitting the Members of Assembly of any disposition to make improper use of public money. They pressed us to name the particular acts of the Legislative Council which the Assembly found fault with: when Mr. Labouchere remarked, that the general character of the Body, in reference to their political opinions, might afford just reason for complaint, independently of particular acts. We observed, that, in speaking of the Members of both Councils, we begged to be understood as speaking of their political opinions only, which were notorious to all the world. With private character we had nothing to do here, in the absence of parties, and of any instructions on that head from the Assembly; we had pursued the same course in our first interview and correspondence, before the Delegates from the Council were

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were expected, and would not depart from it now. With respect to the Governor, we had no authority or desire to impeach his conduct,—he might have been misled—influences we could not trace might have been applied—but it was undeniable that the instructions of 1837 had been defeated, and the spirit of them entirely lost sight of in the new appointments of 1838.

Mr. Stewart then began by stating that Mr. Wilkins and himself were not here as representatives of the Governor, nor as the advocates of the Executive Council, but as Delegates from the Legislative Council. They came to defend the composition and conduct of their own body, and to demand the facts on which they were arraigned by the Assembly. The motives of the Governor had not been impugned, it was admitted by the House that he had acted according to the best of his judgment, and in selecting the Councils he had a task of great delicacy, and which it was impossible to fulfil to the satisfaction of all parties. Several persons to whom seats were offered had refused, and the gentlemen who were appointed were not open to any fair objection. Of Mr. Wilkins and himself of course he would not speak, but Mr. Smith was of the liberal party, as it was now called, and his appointment surely was not unacceptable to the House (we said it was not.) Mr. Rudolf had been long a member, having the confidence of a large constituency. Mr. Morse was an agriculturist, and his nomination was not very agreeable to him (Mr. Stewart,) but the Governor thought fit to select him. Mr. Lawson had been long in the House, and Mr. Tobin's appointment had not been found fault with, though his brother, who was also the father-in-law of Mr. Young, had a seat in the Executive. If others had been selected there would only have been new jealousies. Mr. Morton's nomination would probably have offended a large body in his County. Mr. Lewis, who had also been spoken of, was too poor to come to Town at his own expense; and as the Assembly had expressly refused to grant the same pay to Members of Council from the Country which was received by themselves, the difficulty in future would be, to fill up the vacancies. Mr. McNab and Mr. Lawson meant to resign, as also Mr. Ouseley; Mr. Fitzrandolph had resigned, and it was understood that Mr. Cutler did not mean to return. So much for the Legislative Council, which had not its just weight in the constitution, and could not exercise the influence it ought, unless it had a more permanent character, which it was one of the chief objects of Mr. Wilkins and himself to obtain for it.

As respects the Executive Council, the Delegates from the Assembly were entirely mistaken as to its functions. A responsible Council was out of the question; and it was a mere fallacy to propose such a thing, as Lord Durham had done in the Colonies. The Governor must be the responsible man, and so long as he was kept in Office the Government must trust to him. The Executive Council had been selected by Sir Colin Campbell with an anxious desire to do what was right. He took Mr. Uniacke from the House, whose talents and standing entitled him to that distinction. Mr. Dodd was on the point of being elected temporary Speaker when Mr. Archibald was ill, (this was denied by Mr. Huntington):—At all events he had the confidence of the House. Mr. Dewolf represented the Methodists, and Mr. Huntington belonged to the majority. Mr. Collins, who had been excluded by the Despatch of 1837, was restored almost immediately by the Colonial Secretary, and Mr. Jeffrey, the Collector, was directed to be retained in the first instance.

The cry of an Official party or faction was new in Nova-Scotia; it had sprung up within these two or three years, and he, (Mr. Stewart) did not believe that any such faction existed. He was at a loss, too, to understand what was meant by liberal principles, as applied to a Colony, or by the "liberal party," as some Members of the Assembly now called themselves. He knew they did not always do liberal acts. In the Session of 1837, without notice to the Attorney General, and with no reference to his Salary out of the casual Revenue, the Assembly, in the eagerness of retrenchment, reduced his Salary, which for many years had been £225 to £150. This was an act of gross injustice to that Officer. He did not believe that the Assembly represented the true feeling of the Country; he doubted even if the Quadrennial Bill was a popular measure; it had been conscientiously and wisely rejected by the Legislative Council. The Delegation from the House was premature and uncalled for. Not one tangible grievance had been adduced. The real object of the leaders was an increase of power, which it would be unwise in the Government to concede.

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No just complaint would lie against the Local Administration, and when the House attacked the Lieutenant Governor last Session, on the appointment of School Commissioners, His Excellency denied the accuracy of their statement. The people of Nova-Scotia were loyal and contented, and he (Mr. Stewart) deprecated any further change in the Constitution. You may treat them as you please, the people cannot and will not revolt.

As regarded the Civil List, the views of the Legislative Council were expressed in their Resolutions. He certainly thought the Salaries assigned by Lord Glenelg as low as they ought to be, and that the Provincial Secretary, who was the confidential servant of the Government, and probably the Attorney and Solicitor General, ought to be exempt from the annual revision of the Assembly.

It would be impertinent in Mr. Wilkins and himself, however, to interfere further in the matter. Whatever sum Her Majesty thought fit to accept in exchange for the Casual and Territorial Revenue, they would of course acquiesce in.

The foregoing is the substance of Mr. Stewart's address, having noted the leading expressions and the several topics he introduced at the time. He was frequently interrupted by explanation given by us, as to the selection of the Councils, the Quadrennial Bill, Civil List, &c. and on his concluding, Lord Normanby appointed another interview for Wednesday.

Wednesday, July 17th.—Messrs. Stewart and Wilkins again met us in the presence of Lord Normanby and Mr. Labouchere.

Mr. Wilkins addressed them in a speech of great length: we noted all the more striking expressions, but can give, of course, only the heads of what he said. He began by disavowing any desire to oppose the views of the House of Assembly. Mr. Stewart and himself had been sent home to support the views of the Legislative Council, as declared in their Resolutions, to promote the real interests of the Colony, and to aid in effecting any useful improvements in its institutions.

The objections that had been taken to the composition of the Legislative Council were, first of all, speculative and theoretical. He admitted the right of the Assembly narrowly to scrutinize the conduct of the Governor, in making the selections of both Councils. It must be allowed that he had a delicate and difficult task, and for his own part, he (Mr. Wilkins) did not think that he had wilfully violated the instructions of Lord Glenelg. He had no instruction to select members from the popular branch, and in doing so, would naturally prefer moderate men, who did not entertain extreme opinions.

It was undeniable that the Church of England had a large majority in the two Councils. This was undesirable, but he was persuaded that the members had been selected by reason of their strong personal claims, and not because they were churchmen. The feeling that had sprung up against the Church, was an idle unfounded jealousy. That was his opinion, and he expressed it freely, though with great respect for the Assembly, who held an opposite view. The Church was established by law, from the infancy of the Colony; it had no power or patronage, and laid claim to no exclusive privilege. Mr. Sargent, a Dissenter, and one of the most moderate of the reforming party, who generally voted with the majority, ridiculed in his place, last Session, the feeling against the Church, as unfounded and absurd.—The Office of School Commissioners, to which too many churchmen were said to be appointed, brought with it no remuneration and but little power. The duty was very onerous. Mr. Wilkins here explained the functions and duties of School Commissioners, and remarked that, in Hants County, the question was never asked, what religion a teacher belonged to, if he were otherwise qualified.

The second class of objections to the Legislative Council, were of a practical kind, and professed to be founded on the experience of its operation. Mr. Wilkins then read the resolution of the Assembly on this head, and had proceeded some length in vindicating the propriety of the Council's rejecting the Civil List and Quadrennial Bills, when Lord Normanby observed, that this appeared to him unnecessary, that we had not denied the independent right of the Council, as a branch of the Legislature, to reject these, or any other measures, that came properly before them, but had complained of the composition of the Council as representing one class of opinions and excluding men who could advocate and defend the views most acceptable to the people, and prevailing in the Assembly. This was
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entirely a distinct matter from questioning the exercise of their constitutional powers by the present Council, although their acts might afford a fair illustration of the principles on which they had been selected.

We acquiesced in this view, and Mr. Wilkins then directed his discourse to a vindication of the Executive Council, and urged the respective claims of Mr. Jeffery, Mr. Robie, Mr. Collins and Mr. Uniacke, and, repeating the arguments of Mr. Stewart, explained the origin and extent of what is called the Uniacke influence, which, in his opinion, could not well have been avoided.

He was proceeding, from a paper in his hand, with the defence of the other Members of the Executive, when Lord Normanby interrupted him with the remark, that, as no accusation had been made by the Assembly, or by us, on behalf of that body, against the capacity or character of the individuals composing the Executive Council, an elaborate vindication of them seemed to him supererogatory. Highly respectable and talented men might entertain political opinions obnoxious to the Assembly, and he understood the Executive Council to be objected to solely on that ground.

Mr. Wilkins replied, that there was no question that the Executive Council were unpopular with the Assembly, and that the three Members belonging to the House generally voted against the popular party. But he insisted that both Councils were identified with the mass of the people, and that a further change, in addition to the three sets of Councilors we had seen within the last two years, would be impolitic and unwise. If the appointments made by the Governor were unsatisfactory, let him be called on to explain them; a reference should be made to him before any alteration was determined on. (This idea was warmly seconded by Mr. Stewart, who had started it the previous day, and was opposed by us as intended to defeat our mission.) Mr. Wilkins proceeded to say that the Councils should be tried by their acts. The Quadrennial Bill, in his opinion, was rightfully rejected, so also was the Civil List Bill: he had conscientiously discharged his duty in opposing them both. The influence used against Mr. Tremain, had nothing to do with the Councils; several Members had signed his recommendation, and he himself thought that he should have the appointment. (This was acquiesced in and urged also by Mr. Stewart.) Offices could not always be conferred to please the Assembly. The influence of men in power would naturally be exerted in favor of their friends. He (Mr. Wilkins) had no doubt, that if Mr. Young had been appointed Judge Advocate, it would have been agreeable to the party he belongs to in the Assembly.

Mr. Stewart here expressed his anxiety to be informed what was the Liberal or popular party, and how it was distinguished. He differed with the majority of the Assembly, on the extent of economic reform, but, on all popular questions, had always stood side by side in the Assembly with Mr. Huntington.

To this question, we replied, that Mr. Stewart had, at one time, been accounted a leader on the Liberal side, but had become of late years, one of their most active opponents; that the lines of demarcation between the Official and Liberal parties, were as well known and defined in Nova-Scotia as in England, that the selections from the Assembly had been so contrived as to secure a majority in the Legislative Council, in all the disputed questions: three out of the four that were taken up from the present, and two from the former House, were defenders of the Judges' Fees, which had been recently abolished; and all four out of the present House voted in the minority of fourteen against the Quadrennial Bill. It was easy to foresee how these gentlemen would vote on the Civil List.

Mr. Stewart, however, insisted, that there was no essential difference between the two parties; he declared he was as much a Liberal Member as ever, and disapproved as much of High Church and Tory measures. The House of Assembly expressed no dissatisfaction with the composition of the Councils, until after Lord Durham's Commission. It was then for the first time, at the close of the Session, that they sent up a Committee to the Governor, with the resolution that appeared on their Journals.

We explained the reason of this to be, the unwillingness of the House to make new complaints, when the Rebellion had broken out in Canada, but asserted that the Assembly were dissatisfied from the first, with the perpetuation and extension of the old influences under the guise of new nominations. If these were confirmed, and the Assembly were to grant

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in perpetuity the Civil List that had been asked, they would be reduced to utter insignificance, and would really have less power than the Grand Jury in an English County. They might refuse a grant for their own roads and bridges, and shut up their Schools, but could do little more, even by the extreme measure of stopping the supplies, the *ultima ratio* of the Constitution, which in this country was never resorted to because it would stop the whole machine of Government, and the existence of the power was enough to enforce obedience, but in Nova-Scotia would recoil only on ourselves. A permanent Civil List, a fund flowing into the Treasury from the Casual and Territorial Revenue and the produce of Imperial duties, a Legislative Council, holding their seats for life, and an irresponsible Executive, would reduce the popular Branch to such a condition, that no man of talent or spirit would condescend to belong to it. Rebellion, in our Province, was out of the question; we were sincerely and warmly attached to the Mother Country: but it was in vain to grant us the mere mockery of a representative constitution, and to imagine that the people would remain contented, if they were to be denied all participation and real authority in the management of their affairs. We appealed to the good feeling and the enlarged and Statesmanlike views of her Majesty's Government, whether the popular Branch ought or ought not to attain their just weight in the balance of the Constitution.

Mr. Wilkins now resumed, by admitting the anxiety of the people, on all questions affecting their local interests; they read the debates with avidity, whether in the Conservative and Tory papers, or in *The Novascotian*, and other journals on the Liberal side; the Press was certainly a very powerful organ in the Colony; but, in his view, the Members of Assembly were returned chiefly on local questions, and with little regard to their political opinions.—The loyalty of the people had never been questioned, and he was of opinion, that nothing would promote their real interest and tranquillity so much, as to tell the Assembly distinctly, that no further change in the composition of the Councils would be allowed. Mr. Wilkins then proceeded to remark on the great importance and value of the North American Colonies to the Mother Country, with a view to the maintenance of her Naval supremacy and other interests.

When he had closed, Mr. Stewart observed, that they had said nothing on the question of a Federal Union, as it had not been brought forward by Her Majesty's Government; but he wished it to be understood, that such an Union was entirely opposed to the views of the Legislative Council, and as he was fully satisfied to those of the people at large. He must observe too, that the dinner lately given to Judge Haliburton at Halifax, and the account of which he had sent to a London paper, was a proof that the political opinions of the Clock-maker were acceptable to a numerous party in the Province.

To this we replied, that we had no instructions on the question of a Federal Union; it was time enough for the Assembly to express an opinion upon it when proposed, and our individual sentiments, whatever they might be, we would abstain from uttering. We were surprised that the dinner given to Judge Haliburton should have been adduced here as an evidence of political feeling, when it was entirely a literary tribute. We concluded, by explaining the circumstances which led to a temporary change in the Councils in 1838, and the reinstatement of all the gentlemen originally selected; by protesting against any extended powers or more permanent character being given to the Legislative Council, which had neither been sought for in the Resolutions of that body, nor been assented to by the Assembly; and, by enforcing anew the necessity of making the Councils harmonize with the interests and feelings of the people, as represented in the Assembly.

Mr. Labouchere intimated before we withdrew, that the questions as to Bounties, &c. would be submitted to the Board of Trade, and that Mr. Poulett Thompson would probably see us on the subject.

The same afternoon Mr. Huntington addressed a Note to Mr. Labouchere, as to the School Commissioners in the County of Yarmouth.

July 18th.—Had some conversation with Mr. Brande, at the Treasury, as to Free Ports and Currency.

July 19th.—Saw Mr. Labouchere at the Colonial Office, who appointed a meeting for Tuesday next, on the Civil List and Land Bills.

July 23.—Met him accordingly, and put him in full possession of our views on both subjects.

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Received a copy of the late Mr. Huskisson's Despatch to the Governor of Prince Edward Island, dated 30th October, 1827, which we had applied for at the Colonial Office.

Addressed a Letter to the Lords of the Treasury, dated the 19th, on the value of the coins in which the Imperial Duties are received at our Custom House.

July 24.—Wrote Mr. Labouchere with the draft of an Act for regulating the disposal of the Crown Lands.

Saw Mr. Baring at the Treasury, as to the question of Free Ports.

Received a Letter from Mr. Labouchere, in reference to ours of 27th June.

July 25th.—Received an acknowledgement from the Treasury of our Letter of the 19th.

July 29th.—Saw Mr. Labouchere at the Colonial Office, who promised us an answer as to the Councils and Civil List in a few days.

Had some conversation with Mr. Baring on the payment of the Imperial Duties.

Called on Mr. LeMarchant, Secretary to the Board of Trade, with a note of introduction from Mr. Labouchere, and agreed to meet the Right Hon. Mr. Poulett Thompson, President of the Board, on Wednesday next.

July 31st. Wrote Colonel Maberly, urging him to hasten the Report on the Post Office. Called on Mr. Baring on the same subject, and solicited a copy of the Scale of Custom House Salaries, settled by a Treasury minute, which we discovered to have passed, in April 1833, and which Mr. Baring promised to send us. It was received on the following day, and is one of the accompanying Documents.

Met the Right Hon. President of the Board of Trade, and discussed the questions that had arisen as to the allowance of Drawbacks, the Incorporation of Insurance Companies, and the Chocolate Manufacture; all of which were satisfactorily adjusted.

He assured us that there was no disposition in the Home Government to check the growth of our infant Colonial Manufactures, or to injure domestic industry; and he had no doubt that any of the Duties in the Imperial Act which were found to have that tendency, would be remitted, or modified, on the application of the Legislature.

August 2nd.—Saw Colonel Maberly, who promised that the Report on the Post Office should be sent in on Tuesday next.

August 3rd.—Waited on Mr. Labouchere, to urge his attention to the several matters under the consideration of Lord Normanby. Called also at the Board of Trade, and saw Mr. Le Marchant.

August 6th.—Saw Mr. Labouchere as to the Civil List, Councils, and Land Bills. He suggested that the latter should be limited to a period of three years, as he was afraid that difficulties might result from the appointment of so many Commissioners. Regarding the Bill as an experiment, we readily assented to this suggestion—and it was finally agreed that, if adopted by our Legislature, it would be confirmed on the part of Government. Its practical effect will be to confer titles on many hundreds, if not thousands of families, who have occupied and improved the Crown Lands; and we look upon it, therefore, as one of the most beneficial results of our mission.

At this interview, Mr. Huntington stated also to Mr. Labouchere, the grounds on which the Bill for the settlement of equitable claims on real estate had passed the Assembly, and the desire of the House that the Act should be confirmed. Mr. Young having opposed the Bill in the Assembly, and being of Counsel for Lady Ann Rodney, whose interests it would affect, declined making any representation on the subject.

August 7th.—Wrote to the President of the Board of Trade, asking an interview on the question of Free Ports, and received a reply appointing to meet us on Friday next, at his Office.

August 9th.—Met him accordingly—found that he had examined our Letter of July the 8th, and assented to the principle we had urged so strenuously for extending the number of Free Ports. He said he saw no objection to our having as many as the Assembly desired. The question of expense was for the consideration of the Treasury.

August 17th.—Had a conversation with Mr. Labouchere on the structure of the Council, and Civil List.

Waited on Mr. Baring, and found that he had received the Report on the Post Office, which, however, he did not show us for the reason already assigned. A general Act was in contemplation,

contemplation, modifying the Bill of 1834, and which the different Legislatures would be invited to pass. The Act of Parliament threw some difficulty in the way of paying over any surplus of Post Office Revenue into a Colonial Treasury. It was then suggested, that our present Lines of Communication should be kept up, without the aid of our Annual Grant, which was admitted not to be required for maintaining them, leaving us to provide for the expense of any new Lines. This suggestion was finally approved of, and a clear saving of about £1500 a year will thus accrue to the Province and add to our resources for the encouragement of new Lines, and the improvement of Roads and Bridges.

August 19th.—Called at the Colonial Office, pursuant to a Note from Colonel Yorke, and had an interview with Lord Normanby. His Lordship stated to us the general purport of a Despatch that had been prepared on the structure of the Councils and Civil List.—This Despatch, which was sent to the Lieutenant Governor by the September Packet, and is to be communicated to the Assembly, will speak for itself. We expressed our opinion of it very freely, and his Lordship appointed another interview for Thursday next. Mr. Huntington, who had intended to leave Town, agreed to postpone his departure until that day.

August 20th.—Called at the Custom House, with a Note of introduction from Mr. Baring to Mr. Stewart, the Deputy Chairman of the Commissioners, to whom it had been referred to report the amount of extra expense, if any, which would be incurred by the opening of additional Free Ports. Mr. Dean, the Chairman of the Board, was not then in Town, and Mr. Stewart being at the Admiralty, we agreed to return next day.

In the afternoon saw Mr. Baring at his Office, on the question of Currency, and found him disinclined to any partial measure.

August 21st.—Had an interview with Mr. Stewart, Mr. Woodhouse, and Mr. Scovell, Secretary of the Customs, and argued the question of Free Ports in reference to our Letter of the 8th July,—met various objections that were urged against the policy of extending their number, and proved, as Warehousing Ports were not asked, that no additional expense would be incurred. Mr. Stewart promised to report thereon without delay.

August 22nd.—Had our final interview with Lord Normanby. His Lordship read us some parts of the Despatch above referred to, as to the Councils, Civil List, Land Bill, &c, and stated to us in general terms the determination Government had come to on these subjects, and which we need not dilate on here, as the Despatch itself will be before the House: His Lordship expressed the warmest interest in the prosperity of this Province, and an anxious hope that the Legislature and people would be satisfied with the issue of our representations.

August 23rd.—Mr. Huntington left Town for Liverpool, and Mr. Young waited on Mr. Scovell, who engaged to have the report from the Customs sent in to the Treasury in the course of the same afternoon.

August 24th.—Mr. Young had an interview with Mr. Baring, who had received the Report from the Commissioners of Customs. As it was admitted that no additional Officers would require to be employed, and the Assembly were willing to run the hazard, if any, of our carrying Trade being injured by Foreign competition, it was finally settled, pursuant to the understanding, before Mr. Huntington's departure, that the Ports of Cumberland, Parrsboro', Windsor, Shelburne and Lunenburg, should be immediately declared Free Ports; the Lords of the Treasury having declined, for the present, to extend the privilege to every port that had a Custom House Officer.

Mr. Baring showed Mr. Young the draft of a Treasury Minute on the subject of the Post Office, the terms of which were satisfactorily settled.

Mr. Young then called at the Colonial Office, and had a long conversation with Mr. Labouchere, in reference to the Councils and Civil List. The School Land Bill was also discussed, and the views of the Legislature explained in opposition to those of our Bishop, and of the Society for the Propagation of Christian Knowledge, to whom the Act had been referred. In the evening he addressed a letter also to Mr. Labouchere.

Next morning Mr. Young left Town, and having returned to London on the 4th September, called at the Treasury, and read the minutes as to the Post Office and Free Ports, both of which were in exact conformity to the original drafts. He called also at the Colonial Office, but found that Lord John Russell, who in the interim had become the Colonial Secretary,

cretary, would not be in Town for some days, which would delay the Despatches on these matters until next Packet. He had some conversation also with Mr. Hume, at the Board of Trade, on the Flour Duty and other Imposts. No Custom House Act having been introduced during the Session, the Repeal of the Flour Duty in this Province could not have been effected this year, but there seemed to be very serious objections to any partial Legislation. A general measure for the remission of many of the Imposts in the Imperial Acts, there would be no difficulty in carrying, if asked for by the united voice of the Legislature of these Lower Provinces.

In giving this minute and detailed account of our proceedings, we have pursued the course which in our view would be most satisfactory to the House and to the Country. When we arrived in Downing Street we were but slightly acquainted with the mode of transacting the public business, and the principle on which the affairs of the Colonies are managed. The Colonial Secretary has often been held responsible for acts, with which he had no other connection than being the organ through whom they were transmitted. On all questions that affect their Revenue, Navigation, Trade and Manufactures, it is of more consequence to the Colonies to have an intelligent and liberal mind presiding at the Treasury or Board of Trade than in the Colonial Office: for in these matters the Colonial Secretary seems to exercise no controul, except indeed as a member of the Cabinet, and merely communicates the decision to which the other Ministers at the head of their respective Departments had arrived. Opposed as we were by a formidable phalanx of personal and official influences, the House will not wonder that we felt ourselves at first in a position of some embarrassment, and of no little anxiety. Nothing could be more striking than the contrast between the reserve and almost coldness of our first reception, and the cordiality which marked our intercourse after our real opinions and wishes were made known. From Mr. Labouchere and Mr. Baring, in particular, we experienced the most gentlemanly and courteous attention; and this House may rely on both, in any future emergency, as statesmen friendly to the Colonies, and animated by the most liberal views. To Mr. Charles Buller, also, the talented and honourable member for Liskeard, we are deeply indebted both for his personal recommendation which smoothed our path, and for many valuable hints which were of essential service to us.

The great variety of interests entrusted to our care induced us to adopt a course of proceeding, novel, we believe, but without which we could have effected little or nothing. So soon as we discovered that the decision of many of our affairs did not depend on the Colonial Minister, we asked and obtained permission to communicate directly with the different Departments. The complicated negociation for opening the Free Ports, exemplifies the operation of the system. An ingenious, though unfounded objection at any one of the four Departments, to whom this question was subjected, would have been enough to destroy it, and at the very last it was on the point of suffering shipwreck at the Board of Customs. The wonder is, not that the measures of Colonial Assemblies are sometimes defeated, but that they are ever carried, where the official faction, or any one of influence or talent on the spot, have an interest in opposing them. Addresses or Resolutions of a House of Assembly are seldom of much account, and we are both convinced that we might have gone on for ten years to come, without accomplishing any one of the measures that have been carried, or acquiring one tithe of the information and practical knowledge the House will now have as a guide to its future movements. If we are deeply concerned in any measure conflicting with a powerful interest, it is in vain for us to rest satisfied with an Address:— We must either employ an agent who can personally advocate our claims, and who ought to be a leading member of the Commons; or deputize one or more of our own body to represent our opinions and wishes in Downing Street. The road is now open to us, and we need never suffer ourselves again to be debarred of our just rights, or insidiously misrepresented with impunity. We are persuaded that the Representatives of the People in these Colonies are about to assume a new and more dignified position; and have only to be true to themselves, and carefully to avoid any narrow or selfish policy, in order to obtain and preserve their proper influence in the administration of the Local Government. Our fellow subjects in Britain entertain a kindly and generous feeling towards these offshoots of the Parent Stem, and will readily accord to us all the immunities and rights of Britons, when

we can once penetrate beyond the indifference and ignorance of our real condition, which still prevail to an astonishing degree. Public opinion both here and at home will gradually become more and more enlightened,—Steam Communication will promote a freer interchange of ideas, and it will soon be impossible for any small body of men in a British Province to exercise an authority which would not be tolerated for an instant in London. For our own parts, we are conscious of having discharged the trust that was confided to us, not indeed with the ability that our too partial friends may have expected, but at least with fidelity and diligence; and as we have preserved a perfect harmony and mutual understanding in all our measures, we can assure the House, that no motive was suffered to sway us for an instant, except an anxious desire to further the interests of our own Province, and to approve ourselves worthy of the high confidence with which we had been honoured. All which is respectfully submitted.

WILLIAM YOUNG,
HERBERT HUNTINGTON.

Halifax, Dec. 30, 1839.

DOCUMENTS REFERRED TO IN THE REPORT.

2, Hay Market, May 20, 1839.

No. 1.

MY LORD—

Having had the honor of being appointed Delegates by the House of Assembly of Nova-Scotia, and charged with an Address to Her Majesty, we beg respectfully to enquire at what time your Lordship can honor us with an interview at the Colonial Office.

We have the honor to be,
Your Lordship's most obedient Servants,
W. YOUNG,
H. HUNTINGTON.

The Most Noble the MARQUIS OF NORMANBY,
Her Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

Colonial Office, 20th May, 1839.

No. 2.

GENTLEMEN,

I am directed by the Marquis of Normanby to acknowledge the receipt of your Letter of this date, and, in reply, to inform you that in consequence, of the Levee and Drawing Room being fixed for Wednesday and Thursday next, it will not be in his Lordship's power to receive you before Friday, the 24th inst.; but he will be glad to see you at this Office on that day, at 1 o'clock.

I have the honor to be, Gentlemen,
Your most obedient servant,
C. YORKE, Private Sec'y.

W. YOUNG, Esq.
H. HUNTINGTON, Esq.

No. 3.

(Our Letter of May 29th, on the Customs and Excise :—see page 4, ante)

No. 4.

(Our Letter of May 30, in Report ante.)

No. 5.

Downing Street, 6th June, 1839.

GENTLEMEN—

I am directed by the Marquis of Normanby to acknowledge the receipt of your Letter of the 29th ultimo, representing the views of the House of Assembly of Nova-Scotia in regard to the expenses of the Customs Establishment of that Province, and I am to inform you in reply, that his Lordship has forwarded your communication to the Lords Commissioners of Her Majesty's Treasury, and has requested their Lordships to grant

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grant you the interview for which you have applied, in order that you may the more fully explain to their Lordships your views on the subject.

I have the honor to be, Gentlemen,
Your most obedient humble Servant,
H. LABOUCHERE.

W. YOUNG and H. HUNTINGTON, Esqrs.

16, Prince's Street, Hanover Square, 7th June, 1839.

No. 6.

SIR,

In reply to your favor of yesterday, we beg to offer our best thanks to the Marquis of Normanby, for having requested the interview we desired with the Right Honorable the Lords Commissioners of Her Majesty's Treasury, and whom we will be ready to attend at whatever time their Lordships may appoint. We would beg to suggest also that it will be difficult, if not impossible, to apprehend the objects and views of the Assembly as to the management of the Internal Postage, without some personal explanation of the reports of the Committees and the Bill which passed both branches of the Legislature in 1838; and it will greatly oblige us if the Marquis of Normanby will have the kindness to introduce us for that purpose to the Officers having charge of the Post Office Department. We will be happy also to renew our application with regard to the settlement of a Civil List, and the constitution of the Councils in Nova-Scotia, so soon as his Lordship or yourself can afford us another interview on those matters, in which the Assembly and People of our Province are so deeply interested.

We have the honor to be,
Your most obedient humble servants,
W. YOUNG.
H. HUNTINGTON.

To the Right Honorable H. LABOUCHERE, &c. &c. &c.

(*Mr. Labouchere's Letter of 8th June, in Report anté.*)

No. 7.

(*Our reply of 10th June, in Report anté.*)

No. 8.

(*Mr. Labouchere's Letter of 15th June, in Report anté.*)

No. 9.

(*Our reply of 18th June, in Report anté.*)

No. 10.

(*Mr. Labouchere's Letter of 19th June:—see page 10, anté.*)

No. 11.

16, Prince's Street, Hanover Square, 21st June, 1839.

No. 12.

SIR,—

In our interview at your Office yesterday, we explained the views of the Assembly of Nova-Scotia, as to the regulation of the internal Postage of that Province, and have now, in compliance with your suggestion, to refer you to the various Documents on which the conclusions they have come to are founded.

The Legislature of Nova-Scotia have been called on for many years to pass an Annual Vote, which has gradually risen from £900, to £1,500 Currency, for defraying the expenses of the Post communication; that is, for paying the different Stage Coaches and Couriers who carry the Mail within the limits of the Province.

The Deputy Postmasters, who are numerous, have no Salaries, and are remunerated, in some instances, by a small charge they are permitted to make (as in the Island of Cape Breton) on Letters and Newspapers; but, for the most part by an allowance of Twenty per Cent. on the Postage they collect. The expense of the Office at Halifax, consists of the Salary of the Deputy Post-Master General, raised in 1837, from £220 to £400 Sterling, that of his Assistant being £100 Sterling; an allowance of £50 Sterling, for Office, Rent, Fuel, and Stationery; and certain incidental expenses, averaging about £200 Sterling, of the particulars of which the Assembly are uninformd. These several charges appear

pear in the accounts rendered of late years by the Deputy Post-Master General at the request of the House; and till the year 1837, it was universally believed, that the amount of internal Postage was wholly insufficient to keep up the Lines of communication, and that the Annual Vote was indispensable for supplying the deficiency and fulfilling the engagements or contracts entered into by the Deputy Post Master General with the various Couriers. Whenever the Assembly, therefore, at the instance of the inhabitants, consented to the opening of a new Line, that is, to the extension of the Post communication into a new Settlement, or its extension further or oftener than before into an old one, they added a proportionate sum of money, to the Annual Vote; which accounts for its gradual increase from £900 to £1500 a year.

In the year 1837, the accounts which are very complicated and difficult of apprehension, were for the first time accurately and thoroughly examined; and a Committee of the Assembly, after full enquiry, and receiving the explanations that were furnished by the Deputy Post Master, arrived at the conclusion, that the proceeds of the internal Postage were nearly, if not altogether, adequate to the maintenance of the Post communication, and that the Annual Vote of the Assembly, in place of being applied to that use, for which in fact it was not needed, served only to swell the amount paid by the Deputy Post Master General into the Military Chest. The Report of the Committee to that effect is printed in the Appendix to the Journals of the House of Assembly for 1837, fol. 88, No. 69. The nett proceeds of the English Postage for the previous year, appear by the Report to have been only £467 Sterling, but the sum paid into the Military Chest was £1,644, and the excess, subject to a deduction of £200 Sterling, for American Postage, was supplied by our Provincial Grant.

This Report, and a Resolution of the House founded thereon, having been communicated through our Lieutenant-Governor and the Colonial Office to the General Post Office, a Despatch was addressed by Lord Glenelg to Sir Colin Campbell on the 29th Sept., 1837, enclosing the extract of a Letter from the General Post Office, to Mr. Stephen, dated 23d Sept., 1837, of which a copy is annexed.

The foregoing Despatch and Extract were referred to a Committee of the Assembly in the Session of 1838, and after a careful and thorough examination, they unanimously concurred in the Report which is printed in the Appendix to the Journals of that year, fol. 190, No. 85. We annex a copy of it, from which it appears that in 1837, the clear balance resulting from English Postage, was only £284. But the sum paid into the Military Chest was £1,765, and the excess, subject to a deduction of £200 Sterling for American Postage, was derived from our Provincial Grant. It seemed to the Committee that, admitting the nett produce of the Postage in Nova-Scotia in 1836, to have been only £714, the undisputed fact, that £1,644 was paid in that year into the Military Chest at Halifax, as the nett result of the Postage account in Nova-Scotia, of which only £200 was for American Postage, and shewing therefore an excess of £730 Sterling, plainly shewed, that such excess was contributed from the Colonial Treasury, contrary to the intention of our Legislature, and without such contribution having ever been asked from us by Her Majesty's Government, or made known to the General Post Office.

The Legislature, therefore, prepared and passed unanimously the Act of 1838, 1 Vict., Reg. cap 9, of which we beg also to annex a copy. Aware of the importance and indeed the absolute necessity of keeping up the regular Lines of communication through our Province to and from Canada, New Brunswick, and Prince Edward's Island, and of these main Lines continuing as heretofore under the control of the General Post Office, as an essential part of the system which pervades and binds together the whole Empire,—our Legislatre aimed not at any authority to interfere with them; but on the contrary, as you will perceive on reference to the Act, incorporated therein a perpetual grant; so that the Mails to and from Canada, New Brunswick, Prince Edward's Island, should be carried throughout the Province as heretofore at the expense of the Province, and without charge to the Mother Country. The whole intent and scope of the Act, was the regulation of the internal Postages to be managed as heretofore by the Officers of the Imperial Government, but the accounts to be kept separate and distinct, as in fact they now are or may easily be, and under the direction of the Assembly.

The

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The Act of course had a suspending clause, and having been referred by the Colonial Department to the General Post Office, Colonel Maberly addressed the Letter to Mr. Stephen, dated 2nd Oct. last, which we shewed you in the Appendix to the Journals of the Assembly for 1839, fol. 8, No. 8. It is there stated that, were the Act to receive the Royal sanction, "The whole expenditure of the various Posts throughout Nova-Scotia, the Key to British North America, would be left under the controul of the General Assembly of that Province, and that body would in point of fact obtain the entire management and power over the whole Post communications with the interior, as they then might object not only to defray the expense, but to interdict such communications, as they then might not approve of, or deem necessary." My Lord, the Post Master General, for these and other reasons, which are not stated, and of which we are not aware, objected to the Act in question, and we at once admit, that if its operation would be so extensive, and clothe the Colonial Legislature with such powers as are apprehended, the objections to it are not only reasonable but in the absence of any general arrangement, are insurmountable, and as Delegates from the Assembly we would no longer press it. But we entirely mistake the object of the Act, and the Legislature must have very imperfectly expressed its own views, and will readily modify and correct them, if the Act could be so construed as to confer such anomalous and extraordinary powers. We are very desirous, therefore, that the real objects of the Assembly should be fairly understood. It is possible that the conclusions they have come to may be affected by some misapprehension of the accounts, complicated and mixed up as they appear to be, and that their amount, in whole or in part, may really be required for the service, it is intended for. In that case the Legislature will cheerfully continue it, for they have not the least idea of interrupting the present Lines, the only change they desire being to extend them as fast as their limited Funds will permit. In the Report of last Session, a copy of which we also annex, the Committee of the House express their regret that for the want of means many populous and rising Settlements are still deprived of the privileges and blessings of a regular Post communication; and nothing would more rapidly improve and gratify the people, than the free transmission of Letters and Papers to numerous portions of our territory, which are now, as it were, excluded from the world and condemned to remain in ignorance of what is passing around them. The Legislature of Nova-Scotia recognize as one of the first duties of a Government the spread of sound political and useful knowledge by means of a rapid and free intercourse among the people; and as they have already devoted to this purpose the utmost amount which a Revenue comparatively small will permit, they are anxious that it should be judiciously and fairly expended.

With these views, we would be happy to have an opportunity of examining the Accounts of our Post Office Department, with the Officers having charge of it here, and of personally communicating the wishes of the Assembly as to the Act of 1838, which, as we think, have been misapprehended.

We cannot however close this Letter, without expressing the deep sense we entertain of the inestimable advantages which our Colony and all the Provinces of British North America, will derive from the transmission of the Mails by Steam, and which we individually would have esteemed to be cheaply purchased by much larger contributions by the Colonies themselves, than it is in the power of our own or perhaps of any of them to offer. Of this we are certain, that the boon will be most gratefully received, and that our Legislature will do their utmost to deserve it, by improving and extending the Lines of Post communication throughout the Province.

We have the honor to be,

Your most obedient humble Servants,

W. YOUNG.
H. HUNTINGTON.

FRANCIS W. BARING, Esq.,

Secretary to Her Majesty's Treasury, &c. &c. &c.

Downing-Street,

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Downing-Street, 25th June, 1839.

No. 13.

GENTLEMEN,

With reference to your Letter of the 29th ultimo, I am directed by the Marquis of Normanby to transmit herewith, for your information, the copy of a Letter from the Lords Commissioners of the Treasury relative to the establishment of Free Ports in Nova-Scotia, and to the collection of Duties payable under Local Acts by the Officers of Her Majesty's Customs.

I have the honor to be, Gentlemen,
Your most obedient, humble servant,
H. LABOUCHERE.

WM. YOUNG, Esq.
H. HUNTINGTON, Esq.

*(For Letter of 13th June:—see page 21, ante.)**16, Prince's Street, Hanover Square, 27th June, 1839.*

No. 14.

SIR—

We have received your favor of the 25th inst. and would feel obliged by your furnishing us with a copy of the report of the Privy Council, and likewise of the other documents, relating to the constitution of Free Ports in Nova-Scotia, which are referred to in Mr. Baring's Letter of the 13th inst. We are desirous of calling the attention of Her Majesty's Government more particularly to this subject, and of ascertaining the contents of the above report and documents with that view.

We have the honor to be,
Your most obedient, humble Servants,
W. YOUNG.
H. HUNTINGTON.

The Right Hon. H. LABOUCHERE, &c. &c. &c.

Downing-Street, 5th July, 1839.

No. 15.

GENTLEMEN,

I have received and laid before the Marquis of Normanby your Letter of the 27th ult., requesting to be put in possession of the documents adverted to in Mr. Baring's letter of the 13th ult., as forming the basis of the decision of the Lords Commissioners of the Treasury in regard to the Establishment of Free Ports in Nova-Scotia. In reply I am to inform you that your application has been referred to the Lords of the Treasury, and their Lordships have been requested, if it is not inconsistent with the rules of their office, and not likely to produce inconvenience, to furnish you with copies of the documents for which you apply.

I have the honor to be, Gentlemen,
Your most obedient Servant.
H. LABOUCHERE.

W. YOUNG, Esq.
H. HUNTINGTON, Esq.

Copy of Minute of Council sent to us July 6th, as follows:

(Copy.)

No. 16.

At a Council held at the Government House on Friday, the 11th May, 1838.

P R E S E N T—

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,

&c. &c. &c.

The Board proceed to the further consideration of those parts of the recent Address of the House of Assembly to Her Majesty which relate, 1st, to the extension of the privileges of a Free Port to every Port where a Custom House Officer is stationed; and 2d, to the union

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union of the Customs and Excise Departments, as desired by the House; and these subjects having been fully discussed, the following Resolutions are adopted:

Resolved, That it is the opinion of the Council that the Ports of Digby and Arichat might be beneficially opened as Free Warehousing Ports—the former for the advantage of the Ports in this Province in the Bay of Fundy, and to prevent the necessity of their Vessels engaged in the Foreign Trade resorting to New Brunswick, and Arichat for the encouragement of the extensive Fishery conducted in its neighbourhood; but the Council cannot recommend any further extension for the reason stated in the report of Council of the 16th May, 1834, until a full investigation of facts under Commissioners, as recommended in that report, shall have made it appear to be for the general interest of the Province.

Resolved, That the Council are not at present sufficiently in possession of facts to form any judgment as to the union of the Customs and Excise Establishments, and suggest the propriety of a full investigation, under Commissioners for that purpose, being made previously to a measure of that nature being ultimately adopted.

London, 16, Prince's Street, Hanover Square, July 8th, 1839. No. 17.

MY LORDS,

Having been furnished by the direction of the Marquis of Normanby with a copy of Mr. Baring's Letter to Mr. Stephen, of the 13th ultimo, and, in a subsequent interview with Mr. Baring, having expressed the anxious desire of the Assembly of Nova-Scotia for a further extension of the number of Free Ports in that Province, we beg leave respectfully to submit the grounds on which the great majority of the Assembly conceive that such a measure would be consistent with a wise and enlightened policy. We do not deny that a difference of opinion prevails among the local authorities on this question. The Executive Council, from the operation of various influences which are perfectly well known, are opposed to the wishes of the Assembly, as appears by their minute of 11th May, 1838. The Legislative Council, during the last Session, ranged themselves on the same side with the Executive Council by the casting vote of the President, he himself, and the mover of the Resolution, being members also of the Executive. But of the eleven who were present at the division in the Legislative Council, five concurred with the Assembly, and three of them entered a strong protest against the Resolution on their Journals, March 18th, 1839. In the Assembly, the extract from the Address of 1838, referred to in Mr. Baring's letter, was carried 22 to 13, and in the last Session, it was resolved by an increased majority of 29 to 15, "that the House having observed the rise in the value of Property, and the beneficial effects on the industry, habits, and condition of the people, which have been produced in the Free Ports of the Province, adhere to the opinions expressed in the Address of the House of Assembly to the Throne in 1838, and earnestly hope that Her Majesty's Government will permit every Port, where a Custom House Officer is or hereafter may be stationed, to enjoy the privileges of a Free Port." This conclusion is the result therefore of actual experience, and the Assembly, abandoning the fear their predecessors entertained of foreign competition, are most anxious that all the Ports should enjoy the same privilege of free access and entry, which has benefitted so highly, and is now so highly prized in, the Ports of Halifax, Pictou, Sydney, Liverpool and Yarmouth. The Representatives of none of these Ports would consent to their being closed, they would not listen to such a proposal for a moment, and it is proper that the Assembly, looking to the general interest, should desire to extend more widely the advantages of Free Ports. The Port of Yarmouth, since it was opened in 1834, has nearly doubled its Shipping; Seamen's wages are now as high there as in any part of the British Dominions, and the intercourse with Halifax, and demand for British Goods, has gone on every year steadily increasing. The great objections are the dread of giving increased facilities to Illicit Traffic, and of injuring our Carrying Trade in our exports to the United States. The question of expense is no longer a difficulty, as Free Ports only, not Free Warehousing Ports, are desired, and no increase of salary or expense would be necessary; and besides, in the opinion of both branches of our Legislature, the sum now assigned for the Customs Establishment is amply sufficient for all the Officers who would be required for many years. Now, we would respectfully submit, that

that so large a majority of the Assembly, including men of all professions, and residing throughout the various Counties of the Province, having had this subject before them year after year, and gradually come to what we conceive to be the wisest, as it is the most liberal opinion, can hardly be mistaken in their estimation of the real interest of the people; and what is their interest is that also of the British Government. Every increased facility to Trade, involving no sacrifice of any paramount interest or departure from sound principle, lends a fresh impulse to the activity and enterprize of the people, and augments their capacity and power of consumption. This is perhaps more strikingly exemplified in a new Country, thinly inhabited, and where capital is small, than in an old and wealthy community. Our exports being chiefly of bulky articles, such as Coal, Gypsum, Lumber, Granite, Paving Stones, Grindstones, Agricultural Produce, Fish, Fire Wood, &c. cargoes are often of small value, and if the returns must be carried for entry to a distant Port, the profit is swallowed up in the extra expense and delay. The great Towns in the United States are the natural and the only markets for many of our exports; and our Vessels bringing back the returns, have been in the habit either of entering and paying the Duties at St. John, New Brunswick, or of yielding to an almost irresistible necessity, and landing the returns without duty. The opening of the Port of Digby will cure this evil to a certain extent only in the Bay of Fundy. Vessels exporting Grindstones from Cumberland, the annual value of which exceeds £10,000, or Plaister of Paris from Windsor, which ships from 120 to 150,000 tons a year, or Potatoes or Hay from Cornwallis, and bringing back Flour, Corn, Tobacco, and other American Goods, will scarcely be induced to run out of their direct course for the sake of entering at Digby. Illicit Traffic, we fear, will still continue to be justified by a sort of necessity. It is the desire to check it effectually—to increase the amount of the Revenue and augment our resources, that operates on the Assembly. They can have no interest but to put down a system of contraband which acts against themselves; and as the Imperial Duties will always yield much more than enough to support the Customs Establishment, the interest and wishes of Her Majesty's Government must aim at the same object.

Were the remainder of Free Ports increased, a steady demand would arise in the United States for many of our products, and the Geographical position of our Province and the habits of the people would be found highly favorable to an active and beneficial intercourse.

So far from the carrying trade being injured, we are convinced it would rapidly extend.— Yet we are not surprised that the Honorable the Collector at Halifax and other Gentlemen, though intelligent and respectable, are attached to the old system, and dread innovations, the beneficial results of which are clearly discerned by the Assembly. As your Lordships are in possession of the information transmitted from Nova-Scotia, relating to the state of trade in the different Ports, and to which we have not had access, we will not attempt to classify them in the order of their importance. Those which are still shut against Foreign Vessels are Lunenburg, carrying on an extensive West India Trade, employing about 200 Vessels—Shellburne, which has lately exported large quantities of Granite to the United States—Barrington, Argyle and New Edinburgh—Annapolis, on the same Basin with Digby—Cornwallis, situated in our richest Agricultural County—Windsor, Parrsboro' and Cumberland, all in the Bay of Fundy, and Guysboro', on our Eastern Coast. As Custom-House Officers are stationed at all the above Ports, and it is the wish of the Assembly that they should all be declared Free Ports, we feel that it would be a delicate and perhaps an invidious task to distinguish such as are of most importance. If your Lordships be of opinion that the principle in its full extent ought not to be conceded, we trust that the experiment will be tried to a certain extent, and some of the above Ports, as well as Arichat and Digby, which will highly value the privilege conferred by the late order, be permitted to share in that privilege and be declared Free Ports.

It is not to be expected that Her Majesty's Government will incur the expense of appointing Commissioners to enquire into this matter as suggested by the Council, and if they were, we do not think that their researches would throw much light upon it.

We beg leave to mention also that it would be of great advantage to the Trade and Revenue, if a Custom-House Officer could be stationed in the County of Inverness, on the North West Coast of Cape-Breton. Many cargoes are sent from thence to supply the Island of Newfoundland,

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Newfoundland, and as it is almost impossible for the Owners or Masters of Vessels to repair to the nearest Custom-House at Sydney or Arichat and clear out, while such clearance has been lately insisted on by the Custom-House Officers at St. John, a trade very advantageous to both Colonies, is in danger of being wholly interrupted or at least embarrassed by the want of a competent Officer.

We have the honor to be,

Your Lordships' most obedient humble servants,

(Signed) W. YOUNG.
H. HUNTINGTON.

The Right Honorable

The Lords Commissioners of Her Majesty's Treasury.

16, *Prince's Street, Hanover Square, 8th July, 1839.*

No. 18.

MY LORDS,

From the conversations we have had the honor of holding with Mr. Baring, and his Letter to Mr. Stephen of the 13th ultimo, we are gratified in finding that your Lordships will accede to the wishes of the Assembly of Nova-Scotia, by permitting the Officers of the Customs to collect the Duties imposed by the Provincial Legislature.

We have no doubt that the Legislature at its next Session will concur in the requisite enactments for that purpose, and in the few instances in which it may be proper to add to the emoluments of the present Officers, that they will consider the claims of such Officers to remuneration with their accustomed liberality. In the great majority of cases we were happy to find Mr. Baring concurring with us in the opinion that an increased allowance would not be required. An Accountant, or Extra Clerk, will be needed in the Custom-House at Halifax, for whose services of course the Legislature must provide. We would beg also respectfully to suggest that the Senior Clerk of the Excise Department, who is thoroughly acquainted with all its duties, might be advantageously transferred to the Custom-House or Treasury, under the new arrangement; and that two of the present Excise Waiters might be employed at the Customs as Warehouse Lockers. We abstain from entering into further details, which may easily be arranged between the Assembly and the Department at Halifax.

With reference to the facts stated by us to Mr. Baring at our last interview, and as considerable sums of money under the new system will pass through the hands of the Collectors in the Out Ports, we earnestly hope that Gentlemen will hereafter be appointed to that Office, whose habits and character will render them worthy of the confidence of the Legislature and Public. It is with that view that we beg your Lordship's permission to urge anew the prayer of the Assembly on this subject, in their Address to His late Majesty, in 1836.

We have the honor to be,

Your Lordship's most obedient humble servants,

W. YOUNG.
H. HUNTINGTON.

The Right Honorable

The Lords Commissioners of Her Majesty's Treasury.

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16, *Prince's Street, Hanover Square, 8th July, 1839.*

No. 19.

MY LORDS,

The Assembly of Nova-Scotia in their last Session, considered the propriety of asking a Repeal of the Imperial Duty on the Importation of Wheat Flour and Salt Provisions, which was brought under their notice by my Lord Glenelg's Despatches to Sir Colin Campbell, dated March 5, and October 10, 1838. It was the sense of a majority of the House of Assembly, as appears by their Resolution of 11th February last, that a Repeal of the Duty on Salt Provisions, in the present state of the Province, would be unwise, and upon that Duty, therefore, we are not instructed to apply to Her Majesty's Government. But as respects the Importation of Foreign Wheat Flour, a large majority of the Assembly are anxious that the Imperial Duty of Five Shillings a Barrel should be repealed. Presuming that your Lordships would be disposed to recommend to Parliament such Repeal, conformably to the views in the correspondence and documents accompanying the above Despatches, the Legislature of our Province incorporated in their Revenue Act of last Session, of which we beg to enclose a copy printed in the Royal Gazette, a clause, imposing from and after such Repeal a Colonial Duty of Two Shillings Sterling a Barrel, and which, if it go into operation, will yield a considerable Revenue. As the produce of the Imperial Duty, in consequence of the exemption in favor of the Fisheries, has not exceeded of late years, £150 per annum, and the Duties on other Goods, afford an ample fund for the payment of the Customs' Establishment, the Legislature conceived it wholly unnecessary to consider the propriety of providing other Funds for that purpose. There being no obstacle, therefore, in the policy of Her Majesty's Government to a Repeal of the Imperial Duty on Flour, we trust that the measure will recommend itself to your Lordship's approval, and our Colonial Duty be permitted to come immediately into operation.

We have the honor to be,

Your Lordship's most obedient Servants,

W. YOUNG.
H. HUNTINGTON.The Right Honourable
The Lords Commissioners of Her Majesty's Treasury.

No. 20.

LORD NORMANBY presents his compliments to Mr. Young and Mr. Huntington, and will be happy to see them at this Office on Saturday next, the 13th instant, at half past 12.
Colonial Office, 8th July.

Treasury Chambers, 9th July, 1839.

No. 21.

GENTLEMEN—

I am directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of your Letter, dated 8th instant, which will receive their Lordships' attention.

I am, Gentlemen,

Your obedient Servant,

A. Y. SPEARMAN.

To Messrs. YOUNG and HUNTINGTON.

Received similar acknowledgements of our other two Letters of July 8.

No. 22.

(Our Letter of July 11, see page 10, ante.)

Received

APPENDIX No. 11.

Received a copy of the late Mr. Huskisson's Despatch, as follows:

(Copy.)

No. 23.

No. 2.

Downing-Street, 30th October, 1827.

SIR—

With reference to your Despatch of the 15th May, No. 9, addressed to Lord Bathurst, upon the subject of the unfortunate misunderstanding which has taken place between Her Majesty's Council and House of Assembly of Prince Edward's Island, I have to express my sincere regret that any subject should have occurred to disturb the harmony of the two branches of the Legislature, whose mutual good understanding is so essential to the best interests of the Colony.

The subject matter of the difference too, is unfortunately one upon which the pertinacious adherence of both parties, to what they respectively consider as matter of abstract right, must put an entire stop to the business of the Administration, and plunge the Colony into irretrievable difficulties.

You will therefore do well to express to His Majesty's Council the regret with which I learn, that they have thought fit now, for the first time, to act upon a claim of at least a doubtful right, which has been more prudently suffered hitherto to be dormant, and which, in its nature, it is not very easy to reconcile to the principles of the British Constitution.

On the other hand you will take an early opportunity of impressing upon the House of Assembly the vital importance to the Colony of the most friendly and confidential intercourse between themselves and His Majesty's Council; and you will earnestly recommend to their adoption such a temperate and conciliatory course, as may preserve the Colony from those fatal consequences, which a rupture between the two branches cannot fail to produce to those for whom they sit as Representatives, and whose interest it is their first duty to uphold.

I have, &c. &c.

(Signed)

W. HUSKISSON.

Lt. Col. READY, &c. &c. &c.

16, Prince's Street, Hanover Square, 19th July, 1839.

No. 24.

MY LORDS,

By a Resolution of the House of Assembly of Nova-Scotia, adopted in the last Session, we were authorized to bring under the notice of Her Majesty's Government the value of the Coins, in which the Duties imposed by the Imperial Parliament are paid at the Custom House, and to suggest that the same should be received in Sovereigns at their full value as heretofore, in Doubloons at 64s. Sterling, in place of 66s. Sterling, and in Dollars at 4s. 2d., instead of 4s. 4d., as heretofore. We beg, therefore, to enclose a certified copy of the Report of a Committee appointed by the House to enquire into the Currency of the Province; and as Government have recently ordered the Doubloons and Dollars to be paid out to the Troops at 64s. and 4s. 2d. respectively,—being their real value as fixed in the Treasury Minute, promulgated in the West Indies, we trust that your Lordships will see fit to comply with the suggestions of the Assembly, and save our Revenue some hundreds a year, which are lost by the present system of receiving payment of the Imperial Duties.

We have the honor to be,

Your Lordship's most obedient and humble Servants,

W. YOUNG.

H. HUNTINGTON.

The Right Honourable

The Lords Commissioners of Her Majesty's Treasury.

Copy

(Copy.)

No. 25.

Treasury Chambers, 17th July, 1839.

SIR—

Having laid before the Lords Commissioners of Her Majesty's Treasury your Letter dated 6th inst. stating that the Delegates from the Assembly of Nova Scotia have applied to be put in possession of the documents on which is founded the decision of their Lordships in regard to the establishment of Free Ports in that Province, as communicated in a Letter from this Board of the 13th ult., I am commanded to request that you will state to the Marquis of Normanby, that with the exception of a Report and Returns relating to the Trade of Nova-Scotia, submitted to my Lords by the Commissioners of Customs, the documents upon which the decision of this Board, in regard to the proposed establishment of further Free Ports in that Province, notified to his Lordship in the Letter from this Department above mentioned was founded, were received from his Lordship's Department, with your Letter of 19th June, 1838; and you will observe to Lord Normanby that, so far as regards the Report of the Commissioners of Customs, the communication of this document to Messrs. Young and Huntington would be contrary to the practice invariably followed by my Lords, with respect to Reports of that description from Revenue or other Public Boards under their control; but that it will obviously rest with his Lordship to direct such communication to the Delegates of the other documents as he may deem expedient.

I am, &c.

(Signed) G. J. PENNINGTON, Prov. Secy.

JAS. STEPHEN, Esq.

Downing Street, 24th July, 1839.

No. 26.

GENTLEMEN,

With reference to my Letter of the 5th Instant, I am directed by the Marquis of Normanby to transmit to you herewith, the copy of a Letter from the Secretary to the Lords Commissioners of the Treasury, stating that the communication to you of the Report of the Commissioners of Customs respecting the establishment of Free Ports in Nova-Scotia, would be contrary to the usage of their Department, and that the other Documents on which their Lordships decision was founded, were those transmitted from this Office, in June, 1838. The principal of those Documents were an extract of the Address to the Crown from the Assembly, adopted in the Session of 1838, and the Memorials from the inhabitants of Annapolis and Digby, with the Report of the Executive Council on the subject—copies of which Lord Normanby assumes are already in your possession.

I have the honor to be, Gentlemen,

Your most obedient Servant,

H. LABOUCHERE.

W. YOUNG, Esq.

H. HUNTINGTON, Esq.

Treasury Chambers, 25th July, 1839.

GENTLEMEN—

No. 27.

I am directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of your Communication, dated 19th instant.

The subject will receive proper attention, and such further communication be made to you, as may appear to be necessary.

I am, Gentlemen,

Your obedient Servant,

A. Y. SPEARMAN.

Messrs. YOUNG and HUNTINGTON.

No.

APPENDIX Nos. 12, 13, 14.

No. 12.

(See Page 656.)

The Committee to whom was referred the Petition of Richard Huntington of Yarmouth, praying for a return of Duties on a Printing Press and Types, imported into this Province, in the Month of August last, beg to Report as follows :

That the Assembly have hitherto allowed a return of Duties on every application of the same kind ; and it appearing from the Certificates of the Collectors of Customs and Excise at Yarmouth, that the Petitioner has paid as Duties on his Press and Types £11 17s. 6d. Sterling, being in Currency £14 16s. 10d. ; the Committee recommend that the Petitioner be granted that amount.

Upon the Petition of Elbridge G. Fuller, also referred to them, praying the amount of £6 8s. 0 Sterling, might be returned to him as the Duty upon the importation of two Horses into Yarmouth, on the 3d October, 1838.—It appears from information before the Committee and the papers referred to them, that the Petitioner was a Pedlar from the United States of America :—That he imported into Yarmouth at the above date Property to the value of £83 8s. Sterling :—that he remained a long while in the Province disposing of Merchandise, and that the only Duties he paid on the importation of such Goods, was £6 15, including the amount paid on the Horses. The Committee therefore agree with the Commissioners of the Revenue, in thinking that no Sum of Money ought to be repaid to him, by way of Drawback.

H. HUNTINGTON,
JOHN MORTON.

Halifax, Committee Room,
9th January, 1840.

No 13.

(See Page 670.)

The Committee to whom was referred the Petition of Robert Roberts, Sheriff of Queen's County, praying Compensation for his services in seizing a quantity of Foreign Goods, which certain Individuals were attempting to Smuggle into Liverpool, beg to report, that the Amount for which the Seized Goods sold at Auction, was £32 9s. 8½d ; that the expense of Condemnation and Sale was £6 16s. 1d., and that there was paid in at the Custom House £24 9s. 9d. ; and £1. 4s. paid to the Petitioner. The Committee think it would be wise policy on the part of the Government, to remunerate amply all persons who come forward and assist in carrying the Revenue Laws into effect ; and, therefore, recommend that Fifteen Pounds be granted to Petitioner towards the payment of expenses incurred by him, and as Compensation for his Services.

H. HUNTINGTON, Chairman.

Halifax, 18th Jan. 1840.

No. 14.

(See Page 675.)

THE PROVINCE OF NOVA-SCOTIA, Dr.

For Payments made by the Treasurer between 1st January and 31st December, 1839.

MARCH QUARTER.

March 31.—To paid the Salaries of Officers of Government, Puisne
Judges, &c. &c. per Abstract and Warrant 1 £1536 5 0
Secretary of King's College, Windsor 2 111 2 2½
March

APPENDIX No. 14.

March 31.—To paid Master of the Halifax Grammar School	3	£37	10	0
Hon. H. N. Binney, for pay of Waiters	4	101	5	0
The respective Stockholders, for one year's Interest on Funded Debt	5	434	14	4½
The Stockholders of the Funded Debt, for the Quarter ending this day	6	250	0	0
The Collector of H. M. Customs, to pay Salaries to Officers of Customs to 5th April	7	1786	4	8
Dy. Post Master General for Post Communication	8	377	15	9½
The Commissioners of the Poor to date	9	150	0	0
The Trustees of the Pictou Academy	10	50	0	0
The Trustees of the Horton Academy	11	75	0	0
The Governors of Dalhousie College	12	50	0	0
James Whitney, for running Steam Boat	13	25	0	0
The Trustees of the Arichat Academy	14	50	0	0
Fuller & Davison, for erecting Oat Mills	15	20	0	0
John McKay, ditto	16	8	0	0
Owners of Parrsboro' Packet, year 1838	17	50	0	0
Charles Morgan, for erecting an Oat Mill	18	20	0	0
The Trustees of the Yarmouth Academy	19	101	5	0
J. Ratchford & Co. balance of Vote for Parrsboro' Packet	20	10	0	0
William Crooks, for completing entrance to Porter's Lake	21	20	0	0
Alexander Auld, for running a Boat at Auld's Cove	22	10	0	0
Bishop Fraser, to aid the Indians to erect a Chapel at Cape Breton	23	30	0	0
Bishop Fraser, to compensate Clergyman in charge of Indians	24	50	0	0
Allan McDonald, Bounty on Tobacco	25	30	0	0
John & George Watt, ditto	26	56	10	0
William Foster, ditto	27	24	18	6
John Ferguson, Bounty on Chocolate	28	52	13	4
Susannah Green, one year's Pension	29	20	0	0
The Members of the Assembly	30	2430	0	0
Clerk of House of Assembly, for extra Messengers	31	150	0	0
Assistant Clerk of Assembly	32	200	0	0
Clerk of the Assembly, for extra services	33	100	0	0
Clerk of Assembly, for Stationary	34	60	0	0
Matthew Forrester, Sergeant at Arms to Assembly	35	50	0	0
John Jennings Asst. ditto	36	30	0	0
John Gibbs, Messenger to ditto	37	30	0	0
Clerk of Assembly, to pay Chaplains	38	25	0	0
John Halliburton, to pay expence of Legislative Council	39	419	16	4
J. J. Sawyer, for opening and closing Assembly	40	10	0	0
Rev. Dr. Willis, Chaplain to H. M. Council	41	25	0	0
Dy. Post Master General, for payment of Postage for Members of Assembly	42	356	9	7½
John Aikins, for others, for Road alteration at Kentville, on account	43	459	10	9
		£9884	0	7

JUNE QUARTER.

June 30.—To paid the Salaries of Officers of Government, Puisne Judges, &c. &c. per Abstract and Warrant	1	£1536	5	0
				June

APPENDIX No. 14.

June 30.—To paid Secretary of King's College, Windsor	2	£111	2	2½
Master of the Halifax Grammar School	3	37	10	0
Hon. H. N. Binney, for pay of Waiters	4	217	17	6
The respective Stockholders, for one year's Interest on Funded Debt	5	124	16	3
Ditto, for the Half Year, ending this day	6	200	0	0
Ditto, for the Quarter, ending this day	7	250	0	0
Dy. Post Master General, for Post Communication	8	366	6	5½
The Commissioners of the Poor to date	9	150	0	0
Trustees of the Acadian School, half year	10	50	0	0
Trustees of the National School, ditto	11	50	0	0
Trustees of the Catholic School, ditto	12	50	0	0
Trustees of Dalhousie College	13	50	0	0
Trustees of the Pictou Academy	14	50	0	0
Trustees of the Horton Academy	15	75	0	0
Rev. Mr. Uniacke, support of a School in the North Suburbs, half year	16	50	0	0
The President and Directors of the Shubenacadie Canal Company, half year's Interest	17	750	0	0
The Collector of H. M. Customs, to pay Salaries of Officers of Customs, to 5th July	18	1786	4	8
George P. Lawson, Duties paid on Mill Machinery	19	100	0	0
Peter Furlong, being a return of Duty	20	27	5	0
John Carten, being for Duty paid on Liquor	21	10	0	0
S. Cunard & Co. Bounty on Whale Fishery	22	570	0	0
John E. Fairbanks, for the Importation of Cattle	23	20	0	0
Commissioners of Public Buildings	24	650	18	9
John Munro, for Surveying Main Eastern Road	25	70	0	0
The Overseers of the Poor at Pictou, for support of Transient Paupers	26	36	10	11
Commissioners of Light Houses	27	603	12	6
The President of the Western Stage Coach Company, for return of Duties	28	50	19	6
James Whalen, for return of Duties	29	8	8	9
Overseers of the Poor at Annapolis	30	16	9	8
Wm. Cunnabell, return of Duty on a Printing Press	31	8	12	6
The President of the Colchester Literary Society	32	20	0	0
Richard Gibbons, Junr. as granted to him	33	20	0	0
John G. McKenzie, for erecting a Bridge at Margaree	34	120	0	0
Commissioners of National School, Lunenburg	35	50	0	0
Mechanics' Institute at Sydney, C. B.	36	20	0	9
Messrs. Cochran, Smith & Salter, for erecting a Bridge over the Kennetcook River	37	400	0	0
James Dawson, being a return of Duty	38	10	10	0
William Adamson, for support of Transient Pauper	39	10	13	5
Samuel McKeen, erecting an Oat Mill at Sydney	40	10	0	0
Overseers of the Poor at Economy	41	15	0	0
John Bradshaw and others, for Road alteration	42	73	16	0
John Ferguson, Bounty on Chocolate	43	39	17	0
Nathaniel Clough, erecting a Grist Mill at Canse	44	10	0	0
Joseph Avard, for expenses relative to M. Doyle	45	20	7	0
Secretary of the Province, to repay the advance made to Sir John Colborne in Canada	46	1025	0	0
Trustees of the Methodist School	47	50	0	0

June

APPENDIX No. 14.

June 30.—To paid Donald McMillan, for running a Scow at Auld's Cove, 1838	48	£10	0	0
Overseers of the Poor at Horton	49	19	2	0
Mechanics' Institute, for its support	50	50	0	0
Miller & Vienot, on account of LaHave Bridge	51	120	0	0
Commissioners of Light Houses, towards building Yarmouth Light House	52	500	0	0
Stephen Nickerson, Road alteration, Guysboro'	53	24	19	0
John & George Watt, for Bounty on Tobacco	54	8	9	8
Edmund Burke, Road alteration, Queen's County	55	51	5	9
John McDonald, Road alteration, Antigonishe	56	10	0	0
		<hr/>		
		£10766	19	6

SEPTEMBER QUARTER.

Sept. 30.—To paid the Salaries of Officers of Government, Puisne Judges, &c. &c. per Abstract and Warrant	1	£1536	5	0
Secretary of King's College, Windsor	2	111	2	2½
Master of the Halifax Grammar School	3	37	10	0
Hon. H. N. Binney, for pay of Waiters	4	187	15	0
Respective Stockholders, for one year's Interest on Funded Debt	5	109	11	3
Ditto, for the Quarter ending this day	6	250	0	0
Dy. Post Master General, for Post Communication	7	426	10	0
Commissioners of the Poor to date	8	150	0	0
The Collector of H. M. Customs, to pay Salaries to Officers of Customs to 10th Octr.	9	1786	4	8
The Trustees of the Horton Academy	10	75	0	0
The Trustees of Dalhousie College	11	50	0	0
The Trustees of the Pictou Academy	12	50	0	0
The Trustees of the Annapolis Academy	13	25	0	0
The Trustees of the Grammar School, Truro	14	20	0	0
Andrew Henderson, in aid of Annapolis Academy	15	32	10	0
The Ladies', Managers of Infant School	16	50	0	0
Archdeacon Willis, to pay African School Teacher	17	50	0	0
The President and Directors of the Literary and Scientific Society at Pictou	18	20	0	0
Judge Hill, for Travelling Expenses	19	44	6	8
Chief Justice, ditto	20	25	13	4
Trustees of the Grammar School, Sydney	21	50	0	0
John Howe, for Extra Printing	22	314	0	0
The Overseers of the Poor at Barrington	23	3	15	0
Coffin, Doane & Kendrick, for placing a Buoy on the West Ledges at Barrington	24	30	0	0
James Whitney, for running Steam Boat	25	25	0	0
Reuben Nickerson, to aid in keeping proper accommodations at Barrington	26	15	0	0
Edmund Crowell, expense to Shipwrecked Mariners	27	20	0	0
Isaiah Smith, for running a Ferry Boat	28	20	0	0
George Anderson, for erecting a Grist Mill	29	10	0	0
William B. Turnbull, for ditto	30	20	0	0
Patrick D. Scanlan, for erecting a Breakwater	31	100	0	0
The Commissioners of Light Houses	32	1805	4	2
William Harrington, for Bounty on Oat Mill	33	20	0	0
Rev. Abbè Segoigne, for building Breakwater at Clare	34	100	0	0
				Sept.

APPENDIX No. 14.

Sept. 30.—To paid Commrs. of Poor, for support of School House	35	£25	0	0
Judge Bliss, for Travelling Expenses	36	31	6	8
Peter Gordon, for erecting an Oat Mill	37	20	0	0
James Potter, for erecting ditto	38	20	0	0
James Hays ditto ditto	39	10	0	0

£7676 13 11½

DECEMBER QUARTER.

Decr. 31.—To paid the Salaries of Officers of Government, Puisne Judges, &c. &c. per Abstract and Warrant	1	£1536	5	0
Secretary of King's College, Windsor	2	111	2	2½
Master of the Halifax Grammar School	3	37	10	0
Hon. H. N. Binney, for pay of Waiters	4	188	0	0
The respective Stockholders for one Years' Interest on Funded Debt	5	169	13	9
Ditto for the Half Year ending this Day	6	200	0	0
Ditto for the Quarter ending this Day	7	250	0	0
Dy. Post Master General for Post communication	8	391	15	0
The Commissioners of the Poor to Date	9	150	0	0
The Trustees of the Acadian School	10	50	0	0
The Trustees of the National School	11	50	0	0
The Trustees of the Catholic School	12	50	0	0
The Trustees of the Methodist School	13	50	0	0
The Trustees of Dalhousie College	14	50	0	0
The Trustees of the Pictou Academy	15	50	0	0
The Trustees of the Horton Academy	16	75	0	0
The Rev. Mr. Uniacke, for support of a School in the North Suburbs to Date	17	50	0	0
President and Directors of the Shubenacadie Canal Company, Half Year's Interest	18	750	0	0
The Collector of H.M. Customs to pay Salaries to Officers of Customs' to Date	19	1786	4	8
Judge Hill for Travelling Expences	20	30	6	8
Faulkner and Foley for erecting an Oat Mill	21	15	0	0
Judge Wilkins for Travelling Expences	22	12	16	8
Judge Bliss for Ditto	23	44	6	8
Christopher Walton, for erecting an Oatmill	24	10	0	0
Donald McMillan, for running a Scow at Auld's Cove	25	10	0	0
Robert Neily and others, for alteration of Road at Aylesford	26	35	0	0
Cornelius Craig, for keeping a Ferry at Sable River	27	10	0	0
For payment of Seal Bounty	28	745	19	11
James Whitney, for running Steam Boat at Digby	29	25	0	0
The Chief-Justice, for travelling expenses	30	19	16	8
Peter Kaulbeck, for erecting an Oatmill	31	20	0	0
Peter Middlemas, for ditto	32	10	0	0
S. Cunard & Co. allowance to Steam Boat	33	150	0	0
The Trustees of the Yarmouth Grammar School	34	135	0	0
The Trustees of the Arichat Academy	35	50	0	0
Commissioners of the Lunenburg Academy	36	25	0	0
Wm. Young, to Bounty for the erection of 3 Oatmills	37	30	0	0
David and James Fisher, for erecting an Oatmill	38	20	0	0
Robert and George Lowden, for ditto	39	9	10	0
Ranald McDonald, ditto	40	9	10	0
Joseph Sutherland, ditto	41	9	10	0

APPENDIX No. 14.

Decr. 31.—To paid Kower & Sutherland,	ditto	42	£9	10	0
David Murray,	ditto	43	12	0	0
President and Directors Steam Boat Company		44	200	0	0
John McLean, for erecting an Oatmill		45	10	0	0
James Kent, for surveying Road at Ekemsegan		46	30	0	0
Secretary of the Province, for relief to Indians		47	100	0	0
Harrington & McKenzie, for rebuilding 2 Bridges		48	150	0	0
Henry Davenport for support of a Revenue Boat at Digby, Vote of 1838, on account		49	40	0	0
Secretary of the Province, to pay for Seed Potatoes for Refugee Negroes		50	100	0	0
Samuel Beckwith, for erecting a Wharf at Givan's Cove		51	150	0	0
The Owners of Parrsborough Packet		52	50	0	0
The Trustees of Grammar School at Cape-Breton		53	50	0	0
Commissioners of Light-Houses		54	1059	0	6
Commissioners of Light-Houses, for the completion of Yarmouth Light-House		55	500	0	0
Commissioner and Treasurer of the Halifax Savings Bank, for interest		56	800	0	0
Commissioners of Sable Island, 1837 and 1838		57	800	0	0
For payment of Salary of the Lieut. Governor		58	2500	0	0
Arch. Willis, to pay Teachers in African School		59	50	0	0
Trustees of Grammar School, Truro,		60	20	0	0
Andrew Henderson, Master of Grammar School, Annapolis,		61	32	10	0
For payment of Clerks of the Peace throughout the Province		62	59	10	0
Commissioners of Light-Houses, as balance for building Cross Island Light-House		63	250	0	0
R. K. Marsters, allowance for loss by Fire		64	8	0	0
Daniel Haughlin, for erecting an Oatmill		65	15	0	0
The Speaker of the Assembly, to purchase Books		66	30	0	0
Edward Darby, for carrying Judges to C. B.		68	40	0	0
Alexr. Auld, for keeping a Ferry at Auld's Cove		69	10	0	0
Trustees of the Acadian School		70	75	0	0
Gaius Lewis, Road Surveying		71	9	0	0
Alexr. Miller, ditto		72	20	0	0
This sum balance of Vote for protecting Fisheries		73	164	17	2
For Rations to Troops on Route, Warrts. No. 1 to 28		74	258	16	4
For conducting Criminal Prosecutions	1 to 9	75	100	2	10
Adjutants of Militia	1 to 44	76	452	5	0
Militia Arms	1 to 21	77	122	1	7
Coroners	1 to 45	78	170	0	0
Drawbacks	1 to 7	79	88	13	7½
Schools	1 to 50	80	6341	9	1
			<hr/>	<hr/>	<hr/>
			23050	3	4
Casualty Vote, Warrants No. 1 to 36		81	649	16	8
Old Road Votes ditto 1 to 19		82	224	7	6
Making and repairing Roads and Bridges throughout the Province, per Warrants and Abstract No. 1 to		83	16734	3	4½
			<hr/>	<hr/>	<hr/>
			17608	7	6½
					Dec.

APPENDIX No. 14.

Dec. 31.—This sum paid off with Money received into the			
Halifax Saving Bank	£3000	0	0
Commissioners of Schools, Digby	17	10	0
John Ross, on account of Post Communication	15	0	0
Postages, Printing, &c.	37	13	4½
John Ferguson, Bounty on Chocolate	77	16	3
	<u>£71384</u>	<u>3</u>	<u>11½</u>
Balance	30015	19	9½
	<u>£101400</u>	<u>3</u>	<u>9</u>

IN ACCOUNT CURRENT WITH CHARLES W. WALLACE, TREASURER, CR.

Dec. 31, 1838.—By balance of Account rendered at this date		£16,863	5	0
1839.—Received from the Collector of Halifax,				
March Quarter	£9000	0	0	
June Quarter	12000	0	0	
September Quarter	8000	0	0	
December Quarter	11000	0	0	
		<u>40,000</u>	<u>0</u>	<u>0</u>
By received from the Collectors at the Out-ports, between 1st January and 31st December, 1839.				
Liverpool	£133	17	9	
Pictou	1000	0	0	
Lunenburg	453	3	4	
Yarmouth	458	3	10	
Digby	329	0	11	
Shelburne	130	0	0	
Barrington	23	2	6	
Colchester	149	10	0	
Cumberland	356	0	0	
Windsor	43	8	2	
Argyle	13	10	8	
Sydney	20	15	0	
King's County	96	3	10½	
Annapolis	197	19	0	
Weymouth	74	11	2	
Sydney, C. B.	500	19	3	
Arichat	243	8	3	
Port Hood	28	14	3	
Pugwash	42	0	0	
Brier Island	6	0	0	
Antigonishe	0	0	0	
Chester	0	18	0	
Tatamagouche	354	3	2½	
		<u>4655</u>	<u>9</u>	<u>2</u>
By received from the Collector of H. M. Customs, on account of Duties between 1st January and 31st Dec. 1839	32199	16	0	
Premium received by the Treasurer on Dollars	£911	10	0	
		<u>£33111</u>	<u>6</u>	<u>7</u>
				Dec.

APPENDIX No. 14.

LIGHT DUTY.

Dec. 31, 1839.—By received from the Collector of Halifax

March Quarter	£83	19	10
June Quarter	469	12	1
September Quarter	395	6	8
December Quarter	403	18	9

 1352 17 4

 By received from the Collectors at the Out
 Ports, between 1st January and 31st
 December, 1839

Liverpool	144	12	7
Shelburne (1838)	25	18	0
Yarmouth	145	16	4
Annapolis	22	15	1
Pictou	335	5	8
Argyle (1838 £45)	99	9	4
Weymouth	16	4	5
Digby (£61 3 8, 1838)	91	17	8
Sydney	11	7	7
Arichat	0	0	0
Hants County	105	0	0
Colchester	11	16	1
Amherst	18	1	5
Barrington	0	0	0
Lunenburg	36	12	5
Chester	1	17	0
Brier Island	36	19	4
Pugwash	40	7	11
Sydney, C. B.	408	15	9
Antigonish	0	0	0
King's County	0	0	0
Tatamagouche	16	11	1
Gut of Canso (Imlay)	15	0	0
Ditto (Bigelow)	136	1	0
Ditto (Skinner)	0	0	0
Ditto (McMillan)	100	7	8
Afloat	10	19	4

 3184 13 0

 Received from the various County Treasurers under
 the Relief Act

223 0 0

 Received from the Commissioners of Annapolis Coun-
 ty Loan

262 10 0

 Received from the Attorney General, on account of
 balance due by Samuel Campbell, late Collector at
 Weymouth

100 0 0

 Received from the Commissioner and Treasurer of
 the Halifax Savings Bank

3000 0 0

 £101,400 3 9

[Errors excepted.]

Treasurer's Office, Halifax, 31st December, 1839.

CHARLES W. WALLACE, Treasurer.

APPENDIX No. 15.

No. 15.

(See Page 675.)

(Copy.)—No. 12.

Downing Street, 11th November, 1839.

SIR,

I have the honor to acknowledge the receipt of your Dispatch, No. 34, of the 12th July last, transmitting various Acts passed by the Legislature of Nova-Scotia during their recent Session, upon which I have to make the following observations :

Nos. 1936, C. 1, to
No. 2041, C. 106

The Act No. 1960, c. 25, in further amendment of the Act relating to Cemeteries, provides for the exchange of a piece of Land belonging to the Master General and Board of Ordnance, which the Commissioners of Public Cemeteries are desirous of possessing. The Ordnance Department had this subject under their consideration in the month of February last; for on the 11th of that month they addressed a Communication to my Predecessor, stating the conditions on which they were willing to accede to the proposed exchange, and I find that His Lordship transmitted a Copy of that Communication to you for your guidance, in his Dispatch of the 3rd March last.

Having referred the Act, No. 1960, to the consideration of the Master General and Board of Ordnance, they have informed me they consider it necessary that it should embrace the terms specified in their Letter of the 11th February. The Act in question, which has a suspending clause, will therefore not receive Her Majesty's confirmation, until it shall have been amended in the manner pointed out.

The Act No. 1967, I have already disposed of in my Dispatch No. 4 of the 23rd September.

The Act No. 1968, c. 33, for settling Titles in a certain Tract of Land in Cape Breton, called the Mirè Grant, will receive Her Majesty's confirmation on the next opportunity.

I entirely coincide in the observations which you have made relating to the restrictions imposed on the Lieutenant Governor by the Royal Instructions, in assenting to Bills for altering the qualifications of Electors, without the special consent of the Crown, previously given. I approve of your having given your assent to the Act No. 1970, for regulating Elections of Members of the General Assembly, which will receive Her Majesty's confirmation; and I shall take an early opportunity of considering the manner in which the Royal Instructions can best be modified, so as to leave the Governor free to assent to such Acts, except in cases where the change would be such as in his opinion would materially affect the constitution of the Representative branch of the Legislature.

The Act No. 2008, providing for the settlement of equitable claims upon Real Estate in certain cases, has formed the subject of a protest by parties who are entitled to Estates in reversion or remainder, but who would, under the operation of this Bill, be deprived of their interest in Property, on account of the Tenant for life not having actively interfered to prevent the unlawful occupation of the Land by Trespassers; it being impossible for persons so entitled in reversion or remainder, to take any effectual steps against such Trespassers until they should become entitled to the actual possession. Having consulted the Law Officers of the Crown on the validity of this objection, and they having reported it to be insuperable, and that the Bill contains many other objectionable clauses, I cannot advise Her Majesty to allow it to pass into a Law by the Royal confirmation. The remainder of this series of Acts, with the exception of those named in the margin, which are still under the consideration of Her Majesty's Government, have been left to their operation by the enclosed Orders passed by Her Majesty in Council on the 31st ultimo.

No. 1928, cap. 3,	
29,	4,
40,	5,
41,	6,
48,	13,
72,	37,
80,	45,
2027,	92.

Your Dispatch likewise encloses a Copy of a Bill for regulating appeals in the Court of Chancery, which appears to have been passed by the Council and Assembly, and to have been "reserved" by you for the signification of Her Majesty's pleasure thereon, not by a suspending clause attached to the Bill by either of those bodies, but by yourself in the manner adopted in Canada. I agree with you in thinking that there are occasions when this mode of preventing an Act from coming into immediate operation is very convenient, but the difficulty is, that the Session in which such Laws are passed expires before any assent, either express or conditional, is given to them, and the Crown cannot, according to Parli-

mentary

APPENDIX No. 15.

mentary Law, except in Canada, consent in one Session to an Act passed in another. In Canada this practice is expressly authorized by the Act of Parliament, but this deviation from the usual mode of proceeding cannot be introduced into any other Colony without the authority of Parliament. The Bill therefore which you have transmitted for regulating appeals in the Court of Chancery can only be considered as the draft of a proposed measure, respecting which I shall be happy to afford you any information you may require, when I shall have been put in possession of the observations of Mr. Fairbanks upon it, which your Despatch led me to expect I should receive at no great distance of time.

I have the honor to be, Sir,

Your most obedient humble Servant.

(Signed,) J. RUSSELL.

Lieut. Gen. SIR COLIN CAMPBELL, K. C. B. &c. &c.

(Copy.)

AT THE COURT AT WINDSOR, the 21st Day of OCTOBER, 1839.

P R E S E N T,

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord Chancellor,	§	Viscount Falkland,
Marquis of Normanby	§	Viscount Palmerston,
Lord Chamberlain,	§	Viscount Melbourne.

WHEREAS, the Governor of Her Majesty's Province of Nova Scotia, with the Council and Assembly of the said Province, did, in the Months of March and April, 1839, pass 93 Acts, which have been transmitted, entitled as follows, viz:

No. 1936. An Act for applying certain Monies therein mentioned for the Service of the Year of Our Lord 1839, and for other purposes therein specified.

No. 1937. An Act to apply a certain Sum of Money for the service of the Militia.

No. 1942. An Act to continue and alter the Act for granting Duties on Licences for the Sale of Spirituous Liquors.

No. 1943. An Act to continue and alter the Act for granting Duties on Licences for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax.

No. 1944. An Act to authorize the Sale of Coals by Weight.

No. 1945. An Act in amendment of the Act to regulate the Packing and Inspecting of Salt Beef and Pork, for Exportation.

No. 1946. An Act to continue and amend the Act to regulate the Weighing of Beef.

No. 1947. An Act to enable the Freeholders of the Township of Pictou to Assess themselves for certain arrears of Poor Rates.

No. 1949. An Act in further addition to the several Acts now in force respecting Poores' Rates.

No. 1950. An Act for appointing Trustees for Public Property in the Town of Pictou.

No. 1951. An Act to enable the Inhabitants of Cornwallis to provide a Public Town House for that Township.

No. 1952. An Act to provide a Lock-up-House at River John, in the County of Pictou.

No. 1953. An Act to authorize the Grand Jury and the Court of Sessions, in the County of Colchester, to present and assess Monies for the erection of a Lock-up-House in Tatamagouche, in the said County.

No. 1954. An Act to enable the Congregation at Rogers' Hill, in connexion with the Kirk of Scotland, to make Sale of their Church or Meeting House.

No. 1955. An Act to enable the Congregation at Barney's River, in connexion with the Church of Scotland, to sell their Church or Meeting House.

No. 1956. An Act to enable the Inhabitants of Windsor to enclose the Public Burying Ground there.

No. 1957. An Act to alter the Limits of the Jurisdiction of the Commissioners of Highways in Lunenburg.

No.

APPENDIX No. 15.

No. 1958. An Act for setting off part of the Township of St. Mary's, into a separate Township.

No. 1959. An Act for improving the Administration of Criminal Justice.

No. 1961. An Act to repeal the Act to extend to Falmouth, in the County of Hants, the Provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places, and the Act making the same perpetual.

No. 1962. An Act to Incorporate the Moose River Mills Company.

No. 1963. An Act to change the name of the Petite Plaister and Mills Company.

No. 1964. An Act for Incorporating the Nova Scotia Baptist Education Society.

No. 1965. An Act to provide for an additional Term of the Supreme Court in the County of Digby, and to alter the time of the holding of the Supreme Court at Yarmouth.

No. 1966. An Act for regulating the Trials of Controverted Elections, or returns of Members to serve in General Assembly.

No. 1969. An Act for the better protection of the Province, by providing an efficient Militia Force.

No. 1971. An Act for securing Copy Rights.

No. 1973. An Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton.

No. 1974. An Act to make the Stealing of Dogs, Beasts and Birds, Larceny.

No. 1975. An Act for the Relief of Insolvent Debtors, Imprisoned under Mesne Process.

No. 1976. An Act in further amendment of, and addition to, the Acts relating to Trespasses.

No. 1977. An Act respecting Inspectors of Pickled Fish, and Guagers of Fish Oil.

No. 1978. An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Act to alter and amend the same.

No. 1979. An Act for the regulation of the Fisheries at Chedabucto Bay.

No. 1981. An Act to continue and further to amend the Act for the encouragement of Schools, and the Act to amend the same.

No. 1982. An Act to Incorporate the Wilmot Pier Company.

No. 1983. An Act to continue the several Acts now in force, in addition to, and amendment of, the Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates.

No. 1984. An Act to continue the Act to preserve the Harbor of Cape Forchu, in Yarmouth.

No. 1985. An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Weirs, and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

No. 1986. An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.

No. 1987. An Act to continue the Act concerning the Inferior Court of Common Pleas, within this Province.

No. 1988. An Act to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts, therein mentioned.

No. 1989. An Act to continue the Act, entitled, An Act to provide for the Accommodation and Billetting of Her Majesty's Troops, or of the Militia, when on their March from one part of the Province to another, and also the Acts in amendment thereof.

No. 1990. An Act to continue the Act to prevent Injuries to the Fisheries, within the County of Lunenburg, by Mill Dams or any other obstruction.

No. 1991. An Act to change and alter the North and East side lines of a certain Lot of Land, situate on the West side of Water Street, in the Town of Halifax.

No. 1992. An Act to continue the Act for the better regulation of Sable Island in this Province.

No. 1993. An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.

No.

APPENDIX No. 15.

- No. 1994. An Act to continue the Act concerning Malicious Injuries to Property.
- No. 1995. An Act to continue the Act concerning the Trial of Issues in the Supreme Court, and for regulating the times for holding the Circuits of the said Court, and the Acts in amendment thereof.
- No. 1996. An Act to continue the Act to lessen the expence of the proof of Written Documents, in Actions depending in any of the Courts within this Province.
- No. 1997. An Act to continue the Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.
- No. 1998. An Act to continue and further amend the Act to direct and ascertain the mode of Assessing Country and District Rates, and for other purposes, and the Act in amendment thereof.
- No. 1999. An Act to continue the Act relating to Marriage Licences.
- No. 2000. An Act to continue the Act relating to the Court of Commissioners at Halifax.
- No. 2001. An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.
- No. 2002. An Act to continue the several Acts concerning the Bridewell and Police in Halifax.
- No. 2003. An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages.
- No. 2004. An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.
- No. 2005. An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.
- No. 2006. An Act to continue the Act respecting the Collection of Poores' Rates at Pictou.
- No. 2007. An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.
- No. 2009. An Act to continue the Act to regulate certain Landings in the County of King's County.
- No. 2010. An Act to continue the Act to prevent Damage to the Nets of Fishermen by Coasting Vessels.
- No. 2011. An Act to continue the several Acts for the Prevention of Smuggling.
- No. 2012. An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.
- No. 2013. An Act to continue the Act to amend the Act for establishing a Public School in the Town of Halifax.
- No. 2014. An Act to continue the Act to restrain the Issuing of Writs of Attachment in certain cases.
- No. 2015. An Act to continue the Act to enable the Proprietors of Land, in the Rear Blocks or Divisions of Land, in the Township of Guysborough, to open Roads through the same.
- No. 2016. An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.
- No. 2017. An Act to continue the Act to encourage the importation of improved Breeds of Cattle into this Province.
- No. 2018. An Act to continue the Act additional concerning Nuisances.
- No. 2019. An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.
- No. 2020. An Act to provide for opening the New Road between Halifax and St. Mary's.
- No. 2021. An Act to continue the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis.
- No. 2022. An Act to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.

APPENDIX No. 15.

No. 2023. An Act to continue the Act for regulating the Fishery in the River Shubenacadie.

No. 2024. An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Act in amendment thereof.

No. 2025. An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.

No. 2026. An Act to continue the Act in amendment of an Act, made and passed in the 1st and 2nd years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape Breton.

No. 2028. An Act to continue the Act for the general regulation of the Colonial Duties.

No. 2029. An Act to continue the several Acts now in force for the inspection of Flour and Meal.

No. 2030. An Act to continue the Act to repeal the Act to amend the Acts respecting Fire Wards and Fires in Halifax, and to substitute other Provisions in lieu thereof.

No. 2031. An Act to continue the Act for the Summary Trial of Actions, in the Island of Cape Breton.

No. 2032. An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto.

No. 2033. An Act to continue the Act for the Summary Trial of Actions, and Acts in amendment thereof.

No. 2034. An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.

No. 2035. An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals.

No. 2036. An Act to continue the Act relative to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton.

No. 2037. An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.

No. 2038. An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.

No. 2039. An Act to continue the Act for the support and regulation of Light Houses.

No. 2040. An Act to continue the Act to provide for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.

No. 2041. An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Re-grating, and Monopolizing, of Cordwood in the Town of Halifax.

And Whereas, the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation—Her Majesty was thereupon, this day, pleased, by and with the advice of Her Privy Council, to approve the said Report—whereof the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of Her Majesty's Province of Nova-Scotia, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

Wm. L. BATHURST.

(Copy.)—No. 19.

Downing-Street, 27th November, 1839.

SIR,

With reference to that part of the Marquis of Normanby's Despatch, No. 34, of the 31st August last, which relates to an Act (No. 1800) respecting the Merchant Seamen of Nova-Scotia, I have the honor to inform you that the Law Officers of the Crown

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have

APPENDIX No. 15.

have reported to me their opinion, that the Court of Vice Admiralty at Halifax is to all intents and purposes an Imperial Court, and, consequently, that it was not competent to the Legislature of Nova-Scotia to pass an Act interfering, as the Act in question would do, with the jurisdiction of that Court.

Her Majesty's Confidential Advisers have, under these circumstances, found themselves obliged to advise Her Majesty to disallow this Act, and I inclose an Order, passed by the Queen, in Council, on the 15th instant, disallowing the same accordingly.

I likewise, in reference to my Despatch, (No.—) of the 11th instant, inclose two Orders, passed by Her Majesty, in Council, on the same day, confirming an Act, (No. 1968,) for settling Titles in a certain Tract of Land in Cape-Breton, called the Mirè Grant, and an Act, (No. 1970,) for regulating Elections of Members of Assembly.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed) J. RUSSELL.

Lieut. Gen. SIR COLIN CAMPBELL, &c. &c. &c.

(Copy)

AT THE COURT AT WINDSOR, the 15th of NOVEMBER, 1839.

P R E S E N T :

THE QUEEN'S MOST EXCELLENT MAJESTY,		
Marquis of Normanby,	§	Viscount Palmerston,
Lord Chamberlain,	§	Viscount Melbourne,
Earl of Albermarle,	§	Viscount Ebrington,
Earl of Erroll,	§	Mr. Labouchere.

WHEREAS, the Governor of Her Majesty's Province of Nova-Scotia, with the Council and Assembly of the said Province, did, in the Month of April, 1837, pass an Act, which has been transmitted, entitled as follows, viz :

No. 1800. An Act in amendment of the Act relating to the Merchant Seamen of this Province.

And whereas, the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations ; and the said Committee have reported as their opinion to Her Majesty, that the said Act should not receive Her Majesty's Royal Confirmation. Her Majesty was thereupon, this day, pleased, by and with the advice of Her Privy Council, to declare Her disallowance of the said Act, and the same is hereby disallowed accordingly—whereof, the Governor, Lieutenant-Governor, or Commander in Chief for the time being of Her Majesty's Province of Nova-Scotia, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

C. GREVILLE.

Extract from Report of Committee of Council for Trade, dated 7th November, 1839, upon Nova Scotia, Act No. 1800, passed in April, 1837.

“Because the Court of Vice Admiralty at Halifax, is constituted for purposes co-extensive with the interests of the British Empire at large, and derives its Jurisdiction and authority from Your Majesty, and from divers of the Statutes of this Realm ; and because it is therefore, not competent to the Legislature of Nova-Scotia to pass an Act interfering with the Jurisdiction of that Court, in the manner proposed in the 5th clause of this Act.”

(Copy.)

AT THE COURT AT WINDSOR, the 15th of NOVEMBER, 1839.

P R E S E N T :

THE QUEEN'S MOST EXCELLENT MAJESTY,		
Marquis of Normanby,	§	Viscount Palmerston,
Lord Chamberlain,	§	Viscount Melbourne,
Earl of Albermarle,	§	Viscount Ebrington,
Earl of Erroll,	§	Mr. Labouchere.

WHEREAS, the Governor of Her Majesty's Province of Nova-Scotia, with the Council and

APPENDIX Nos. 15, 16.

and Assembly of the said Province, did, in the Month of April, 1839, pass an Act, which has been transmitted entitled as follows, viz :

No. 1968. An Act for settling Titles in a certain Tract of Land in Cape Breton, called the Miré Grant.

And Whereas, the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations ; and the said Committee have reported as their opinion to Her Majesty, that the said Act should receive Her Majesty's special confirmation. Her Majesty was, thereupon, this day, pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly—whereof, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of Her Majesty's Province of Nova-Scotia, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

C. GREVILLE.

(Copy)

AT THE COURT AT WINDSOR, the 15th of NOVEMBER, 1839.

P R E S E N T :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Marquis of Normanby,
Lord Chamberlain,
Earl of Albermarle
Earl of Erroll

§
§
§
§

Viscount Palmerston,
Viscount Melbourne,
Viscount Ebrington,
Mr. Labouchere.

WHEREAS, the Governor of Her Majesty's Province of Nova-Scotia, with the Council and Assembly of the said Province, did, in the Month of April, 1839, pass an Act, which has been transmitted, entitled as follows, viz :

No. 1970. An Act for regulating Elections of Members to serve in General Assembly.

And whereas, the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations ; and the said Committee have reported as their opinion to Her Majesty, that the said Act should be left to its operation. Her Majesty was, thereupon, this day, pleased, by and with the advice of Her Privy Council, to approve the said Report—whereof the Governor, Lieutenant-Governor, or Commander in Chief for the time being of Her Majesty's Province of Nova Scotia, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

C. GREVILLE.

No. 16.

(See Page 675.)

Custom-House, Halifax, N. S. 20th January, 1840.

SIR,

In obedience to the commands of His Excellency the Lieutenant-Governor, I have the honor to enclose certain Accounts to the 5th inst., as requested by a Resolution of the House of Assembly of the 23th March last.

I have the honor to be, Sir,

Your most obedient humble Servant,

THOS. N. JEFFERY.

Sir RUPERT D. GEORGE, Bart. &c. &c. &c.

PORT

PORT OF HALIFAX, NOVA-SCOTIA.

An Account, shewing the amount of Duties received at this Port and District, (and on what Articles the same was paid,) for the Quarter ended this day.

PARTICULARS OF GOODS.	Value of Goods, paying advalorem Duties.	Rate of Duties.	Duties received under		Total.
			Old Act.	New Act.	
Brandy and Gin, 6666 gallons		1s. Sig. per gallon—less 10d. 4 do. Col. Duty.		752 7 11	
Coffee, 189 cwt. 1 qr. and 13 lb.		6s. Sig. per cwt.		34 16 10	
Flour, Wheat, 52 bbls.		6s. Sig. per bbl.		2 10 0	
Molasses, (British Plantation) 27770 gallons }		{ 1d. per gallon Old Duty, and 3d. Sig. per cwt. and		115 14 2	
Ditto Foreign 4107 ditto }		{ 1d. per gallon Col. Duty.		17 2 3	
Ditto 27263 ditto }		{ 1d. per gallon.		118 11 11	
Rum Ditto 8386 ditto }		{ 2s. and 6s. per cwt.		733 15 6	
Sugar Ditto 1720 cwt. and 3 qrs.		6d. and 1s. 3d. Sig. per gallon.		602 5 3	
Wines 3128 gallons		2s. and 6s. per cwt.		61 0 1	
Goods subject to Advalorem Duties, viz: Leather Manufactures, Linen, Wires, Musical Instruments, Books, Papers, &c.	£700 13 11	£7 7s. per Tun, £7 and 10s. per Tun, Old Duty.	15 16 0	61 0 1	
Glass Manufactures, Soap, Refined Sugar, Manufactured Tobacco, &c.	109 6 8	30 per cent.		32 16 0	
All Goods, not otherwise charged with Duty, viz: Leaf Tobacco, Wooden Ware, Hardware, Brooms, &c.	831 10 10	20 per cent.		166 6 2	
Fruits, Marble, Pickles, Pitch, Tar, Turpentine, &c. &c.	2434 18 3	15 per cent.		365 4 9	
	558 10 0	7½ per cent.		41 17 9	
		Total—Halifax Proper	£262 4 4	2883 12 8	

OUT BAYS, Viz:

Liverpool	9 11 4	24 6 4
Lauenburg		
Shelburne		
Barrington		
Argyle		
Yarmouth		
New Edinburgh	7 16 4	11 6 1
Digby		
Annapolis		
Cornwallis		
Windsor		
Parshoro ^s		
Pictou	0 18 0	123 19 3
Cumberland		
Guyshoro ^s		
Cape Breton		6 17 8

Total—Out Bays

Total	19 5 8	166 9 4
Less this Sum returned by Collector at Cape Breton, Per Board's Order	280 10 0	3050 2 0
Nett Amount	0 0 0	8 2 0
	280 10 0	3042 0 0
		3322 10 0

THOS. N. JEFFERY, Col.

PORT

Custom-House, 5th April, 1839.

PORT OF HALIFAX, NOVA-SCOTIA.

An Account, shewing the Amount of Duties received at this Port and District, (and on what Articles the same was Paid,) for the Quarter ended this Day.

PARTICULARS OF GOODS.	Value of Goods, paying advalorem Duties.	Rate of Duties.	Duties received under		Total.
			Old Acts.	New Acts.	
Brandy and Gin, 13348 Gallons		1s. sig. per gal.—Less 1-10, and 1s. 4d. do. Col. Duty.	1501	1	7
Beef and Pork, 14 bbls.		12s. per cwt.	14	9	5
Coffee, 120 cwt. 1qr. 27 lbs.		5s. ditto	30	2	6
Cocoa, 32 cwt. 3 qrs. 2 lbs.		Ditto less 1-10 when from Great Britain	7	11	10
Flour, (Wheat,) 361½ bbls.		5s. per bbl.	90	7	6
Molasses, (British Plantations) 4796 Gallons		1d. per gal.	19	19	8
Ditto, Foreign 7429 ditto		1d. ditto and 3s. sig. per cwt. and 1d. do. col. duty	30	19	1
Ditto ditto 30556 ditto		1d. per gal.	127	6	4
Rum, ditto 22862 ditto		6d. and 1s. 3d. sig. per gal.	1989	17	2
Sugar, ditto 3432 cwt. 3 qrs. and 8 lbs.		2s. and 6s. sig. per cwt.	1201	9	9
Wines, 10939 Gallons		{ £7 7s. per tun, 7½ per cent. and 1s. sig. per doz. F. bottles, new duties	28	3	5
			188	3	9
GOODS SUBJECT TO ADVALOREM DUTIES, viz:					
Leather Manufactures, Linen, Wires, Musical Instruments, Books and Papers, and Silk Manufactures.	£140	19	6	30	5
Glass Manufactures, Soap, Refined Sugar, Manufactured Tobacco, and Cotton Manufactures.	2039	5	0	20	per cent.
All Goods, not otherwise charged with Duty, viz: Leaf Tobacco, Wooden Ware, Hardware, Brooms, Palm Leaf Hats, &c. &c.	3971	19	6	15	per cent.
Fruit, Marble, Pickles, Pitch and Tar, Paintings, Turpentine, &c. &c.	1491	9	0	7½	per cent.
TOTAL—Halifax Proper			£ 206	8	6
			6	6230	8
			4	6486	16
			10		
OUT BAYS, viz:					
Liverpool			0	0	0
Lauenburg			12	10	6
Shelburne					
Barrington					
Argyle					
Yarmouth					
New Edinburgh					
Digby			5	11	0
Annapolis			0	0	10
Cornwallis					
Windsor					
Parraboro'					
Pictou					
Cumberland			15	6	4
Gayaboro'					
Cape-Breton					
			0	16	1
			144	10	3
Total—Out Bays			33	8	8
			828	0	1
			861	8	9
TOTAL			239	17	2
			7118	8	6
			7368	5	7

Total—Out Bays

TOTAL

Custom-House, 10th October, 1839.

THOS. N. JEFFERY, Col.

PORT

APPENDIX No. 16.

PORT OF HALIFAX, NOVA-SCOTIA.
An Account, shewing the amount of Duties received at this Port and District, (and on what Articles the same was paid,) for the Quarter ended this day.

PARTICULARS OF GOODS.	Value of Goods, paying advance-rem Duties.	Rate of Duties.	Duties received under		Total.
			Old Act.	New Act.	
Brandy and Gin 12808½ gallons		1s. Sig. per gal.—less 1-10, and 1s. 4d. do. Col. duty	1489	2	8
Hams, 84 cwt. 3 qrs. 19 lbs.		12s. Sig. per cwt.	20	19	0
Coffee, 290 cwt. 14 lbs.		5s. Sig. ditto	72	10	9
Cocoa, 8 cwt.		5s. per cwt.—less 1-10 when from Great Britain	1	16	0
Flour, Wheat, 1390 bbls.		1s. Sig. per bbl.	847	10	0
Molasses, (British Plantation) 2167 gallons		1d. per gallon old duty	59	0	7
Ditto Foreign 15518 ditto		1d. do. do. 3s. Sig. per cwt. and 1d. Sig. pr. gal. Col. duty	64	18	2
Ditto 61425 ditto		1d. per gal. old duty	266	18	9
Rum Ditto 32818 ditto		6d. and 1s. 3d. Sig. per gallon	2871	11	6
Sugar Ditto 7415 cwt. 1 qr. 19 lb.		5s. and 2s. Sig. per cwt.	2595	8	0
Wines 12993 gallons		per cwt. and 1s. Sig. per dozen, Foreign Bottles.	75	16	1
		½ per lb.	5	6	10
Pimento 2564 lbs.		£7 7s. Sig. per Tun. 7½	248	18	7
Goods subject to Advalorem Duties, viz: Leather Manufactures, Linen, Wires, Musical Instruments, Books, Papers, and Silk Manufactures.	210	16	8	90	per cent.
Glass Manufactures, Soap, Refined Sugar, Manufactured Tobacco, and Cotton Manufactures	2497	10	0	20	per cent.
All Goods, not otherwise charged with Duty, viz: Leaf Tobacco, Wooden Ware, Hard-ware, Brooms, Palm Leaf Hats, &c. &c.	8080	0	0	15	per cent.
Fruit, Marble, Pickles, Fitch, Tar, Paintings, and Turpentine.	2763	12	2	7½	per cent.
TOTAL			410	14	5
			59045	4	29455
					18
					7

ACCOUNTS NOT RECEIVED.

- Liverpool.
- Lunenburg
- Shelburne
- Barrington
- Argyle
- Yarmouth
- New Edinburgh
- Digby
- Annapolis
- Windsor
- Paraboro'
- Pictou
- Cumberland
- Gayboro'
- Cape Breton
- Cornwallis

OUT BAYS, viz:

Custom-House, 5th January, 1840.

THOS. N. JEFFERY, Col.

(See Page 683.)

The Committee to whom was referred the Bill for the annexation of that part of the Township of Parrsboro', called the Five Islands, to the County of Colchester, having considered the subject, and also read and examined the several Petitions of the Inhabitants of that Township, presented to this House during the present Session, beg leave to report, that it is the opinion of the Committee, that it is inexpedient to erect the said Township into a separate and distinct County, but recommend that the whole of the said Township of Parrsboro' be annexed to, and form a Township of, the County of Cumberland, according to its present Lines and Boundaries.

W. F. DESBARRES, Chairman.

Committee Room, Jan. 25, 1840.

(See Page 689.)

The Committee to whom the Petition of William Crook was referred, beg leave to report, that they have examined into the claims made by the Petitioner, and find, that under a Commission, he expended the Sum of Fifteen Pounds in the Building of a Bridge over Salmon River, on the Road to Porter's Lake, in the County of Halifax; and by the Treasurer's statement, that Sum not having been drawn from the Treasury, and the Petitioner yet remaining unpaid (by his own neglect,) therefore recommend, that the Treasurer be now authorized to pay William Crook the Sum of Fifteen Pounds, as originally granted for that purpose.

SAMUEL CHIPMAN, Chairman.

(See Page 689.)

The Committee to whom the Petition of John Wile was referred, beg leave to report, that they have carefully and thoroughly examined the facts of this case, and have heard the statements of the Members for the County and Township of Lunenburg, and of Mr. Joseph P. Miller, one of the Commissioners for Building the Bridge over La Have River. That in consequence of the Members having advertised for Tenders for the Materials and Workmanship of the Bridge, and having thereby assumed an authority, though with the best intentions, which did not belong to them, a Contract was agreed to be entered into with the Petitioner, and great part of the Materials for the proposed Bridge had been provided by him, before the Commissioners were named. Difficulties then occurred between the Petitioner, Commissioners, and two of the Members, and finally, a Contract was executed by the Commissioners, with the best intention on their parts, but contrary to Law, without any Advertisement having been posted up. The Petitioner then proceeded to erect the Bridge, and new difficulties arose, in the investigation of which the Committee were pained in observing much recrimination on both sides, and forbear from expressing any opinion thereon, having kept their attention steadily fixed on the only question they were called on, or felt themselves competent to determine. It is admitted that the Bridge is not erected in exact conformity to the Contract, and as the Contract itself was not entered into, and a Certificate cannot be procured according to Law, the Petitioner cannot legally claim the balance of Two Hundred and Twenty Pounds, still owing to him. The Commissioner, actuated by his zeal for the Public Service, pointed out certain defects in the work, admitting, however, that the Petitioner ought to be paid the fair value of his Materials

APPENDIX Nos. 19, 20, 21.

terials and Labour. At a more propitious season, the Committee might have recommended an inspection of the Bridge by a competent Engineer, and if it was found by him to agree with the two accompanying Certificates, they would then have thought that the Contractor should be paid, without imposing any conditions on him. As it is, part of the Committee conceived it more for the Public Interest to accept the offer he has himself made, and on his giving Bond, with two sufficient Sureties, for a period of ten or fifteen years, as the House might approve, in the form accompanying this Report, two of the Committee are of opinion that he ought to be paid the full balance of Two Hundred and Twenty Pounds, and that the House should adopt such proceedings as may appear to them most advisable for accomplishing that end; but three of the Committee do not approve of this course, and would prefer an actual inspection being held, and the deficiencies of the Bridge, if any, ascertained, and the balance paid to the Contractor, to which he might then appear to be fairly entitled. And under these circumstances, all the Committee have agreed to leave the ultimate decision for the consideration of the House.

ZENAS WATERMAN, CHAIRMAN.

Committee Room, Jan. 28, 1840.

No. 20.

(See Page 691.)

The Committee to whom was referred the Petition of Henry Green, praying for a sum of money for disclosing his secret for the curing of Cancers and Wens, beg leave to report, that they have had the same under their consideration, and are of opinion that, if he is really in possession of such a secret, (of which, however, they have had no proof, except his own assertion,) it will sufficiently recommend itself to the public.—Your Committee therefore do not feel justified in recommending to the House to grant any sum of money for the above purpose, or for those of a similar nature. All which is respectfully submitted.

R. CLEMENTS, Chairman.
HENRY GOUDGE,
ANDREW MCKIM.

Committee Room, January 27th, 1840.

No. 21.

(See Page 692.)

HALIFAX, JANUARY 27, 1840.

SIR—

Having seen a printed copy of the Report presented to the Legislative Council by Messrs. Stewart and Wilkins, we think it due to ourselves and necessary for the information of the House, to correct a misrepresentation therein of some of our opinions, and of the expressions used by us in our joint Conferences with the Marquis of Normandy. It is to be regretted that the Delegates from the Council did not adopt the same plan as ourselves, and note down, at the time, the very language we employed, and which, for want of that precaution, they have not pretended, or been able, to give. They would have been less liable, in that case, to have attributed to one of us expressions which fell from the other, and could not so easily have lent to our conversations a colouring well calculated to convey unjustifiable and erroneous impressions. We confine our observations to our intercourse at the Colonial Office, for we are not aware that the Delegates from the Council exercised the slightest influence on the questions of which we had charge at the Treasury, Board of Trade, Post Office and Custom House, or interfered in any way with the adjust-

ment of the various measures we succeeded in carrying. We never met them at any of these Departments; and although Mr. Stewart interested himself in two or three questions of a local nature, he had no concern in the settlement of the general measures; and Mr. Wilkins, so far as we have learned, had no correspondence or personal intercourse with any other than the Colonial Office.

We have reason to be dissatisfied with the memorandum Messrs. Stewart and Wilkins have annexed to their Report, because the general tone of our conversations is not preserved, so as to convey a just idea of what really occurred; and we are also under the necessity of directly contradicting some of the statements contained in it.

We deny that we mentioned the cases of Mr. A. M. Uniacke and Mr. Jeffery as a charge against the Legislative Council, which would have been manifestly absurd, or that we represented the majority opposed to the structure and composition of the Councils as 37 to 7. In all cases we stated the majorities in the Assembly accurately from the Journals, which we took with us for that purpose, and referred to at the time.

The Report puts into the mouth of Mr. Young a complaint of the predominance of the Uniacke Family; an objection to the Hon. George Smith's appointment to the Legislative Council, on the ground of his not being a Reformer; and a preference of Mr. Morton or Mr. Lewis, who, as he is represented to have said, ought to have been named. In all these particulars the Report is inaccurate. The Uniacke influence was never mentioned by Mr. Young; it was introduced and remarked on by Mr. Wilkins alone:—No exception was taken to Mr. Smith's appointment; on the contrary, we said it was acceptable to the House, though we admitted that, on some questions of economic reform, he was opposed to the majority:—And we carefully abstained from pointing out or recommending any individual by name, either for the Executive or Legislative Council. While remarking on the violation of the Despatches, by the non-appointment in 1838, of Members representing the Agricultural interest, Mr. Huntington indeed suggested, that it would have been just as easy to have made Mr. Morton or Mr. Lewis Legislative Councillors as some of the gentlemen who had been selected: but Mr. Young did not mention a single name, and both of us abstained from making personal charges, or drawing, what might be supposed to be, invidious distinctions. It is true, as stated in the Report, that we did not mention a single member of either Council *favourably*: but it ought to have been added, that we did not mention a single member *unfavourably*. We contented ourselves with a complaint against the majority in both Councils as the known enemies of reform, admitting that there were members in both, attached to liberal principles, and enjoying the confidence of the people. When urged to define what we meant by a "Liberal" in Nova-Scotia, we were not content with describing him only as "a man desirous of economic reform," but as desiring also to restrain our official faction within proper limits, and to give a wider and freer scope to the popular influence both in the Mother Country and in our own Province: And, by way of illustration, we stated what we presume will hardly be denied, though the Report denounces it as an unwarrantable assertion—that the Tories in our Province (among whom we included the two Council Delegates) would be heartily rejoiced at the removal of the present Ministry, and the accession to power of the Leaders of the Conservative or Tory Party.

As respected the Commissioners of Schools, we stated frankly that we were not aware of any corrupt misapplication of the public monies or gross abuse of their patronage: but added that the selection of Commissioners in many Counties gave great offence and was indicative of the partiality and favoritism extended to the Members of the Established Church.

Other particulars, in which our Report differs from that of the Council Delegates, will appear from a comparison of the two: but we have deemed it essential to afford this explanation in writing, that we may not be supposed to have tacitly acquiesced in the opinions attributed to us.

We have the honor to be,
Your most obedient Servants,

W. YOUNG,
H. HUNTINGTON.

To the Hon. The SPEAKER of the Assembly.

APPENDIX Nos. 22, 23.

No. 22.

(See Page 693.)

The Committee to whom was referred the Petition of Doctor Hume, and other Medical Practitioners, beg leave to report that the circumstances, the population, and the trade of the country, are such as to require some Institution of the kind recommended by the Petitioners.—That there is an almost utter desitition of any such Establishment, into which persons, above the situation of pauperism or vagrancy, can be received—there being at present no other place but the Poor-House, and even that is so crowded that its present inmates cannot receive all the assistance which a due regard to the sufferings of our common nature, though in the humblest rank in society, require. And the Committee are of opinion that there is not perhaps in Europe or America a Town of the same magnitude as Halifax, that is not provided with some such Institution.

In St. John, N. B. there is a Seaman's Hospital, founded and supported in the first instance by Grants from the Provincial Legislature, and afterwards supported by a Tax on the Tonnage of Vessels, which the Committee are informed has nearly refunded the amount advanced by the Legislature. In New-York a similar Institution has had large Grants from the Public Funds, and in 1816 an Act was passed granting to the Hospital the yearly sum of \$10,000 until the year 1857.

The utility of such an Establishment would, in the opinion of the Committee, be great.—Persons from all parts of the Province, who could not, in many cases, receive the Medical aid and attention necessary, might there be accommodated, and have the advantage of the united skill of the best Surgical and Medical Practitioners. For Seamen, Travellers and Strangers, it seems almost indispensable, and the want of it in a Seaport Town of our population and trade, is perhaps discreditable—and as it is the design and intention of the Petitioners that the Institution should be open and free for all of the Medical Profession, who are duly qualified, or in training so to be, advantages will result therefrom for the increase and extension of that skill so intimately connected with the health and lives of the community.

The Committee, as far as they can judge from the information obtained by them, are of opinion that a sum not less than £2,000 to £3,000 would be necessary to erect a Building suitable to commence such an Establishment, which might be so constituted as to admit of enlargement at some future period, and the sum might be drawn at different times as the work advanced. The Committee deem the object worthy the attention of the Legislature, and, should the House adopt it, would recommend that a Bill be passed for carrying the measure into effect. All which is respectfully submitted.

H. BELL, Chairman.

No. 23.

(See Page 694.)

The Committee on the Agriculture of the Province, beg leave to report: That they have attentively considered the past and present condition of our Agriculture, and whether any adequate means are within the power of the Legislature for reviving the spirit of improvement among the Farming Classes, and again exciting into action some portion of the enthusiasm which wrought such striking and beneficial results between the years 1819 and 1826. It will hardly be denied by any one conversant with the state of our Agriculture at the origin of the Central Board, and its advance during the seven years, when the Board was in active operation, that most valuable and permanent results were effected by its agency, and that the withdrawal of any steady Legislative encouragement, since the Board was suffered to expire in 1826, has arrested the progress and damped the energy and zeal of our Farming Population. When it is considered that the aggregate value of rural products in this Province exceeds One Million Pounds per annum, and that these might be immensely increased, and their quality proportionably improved by the diffusion of real knowledge, and the aid of scientific inquiry, no one surely will be disposed to doubt the propriety and wisdom
of

of appropriating a part of the Provincial funds, and devising some plan that is most likely to be effective towards the attainment of such important ends. If a doubt be entertained, let the inquirer turn to the experience of other Countries, and he will soon be convinced that nations farther advanced, than we can possibly pretend to be, in arts, civilization and social refinement, have expended the public funds, and bestowed the most liberal protection, on the labors of the Plough. The success which has crowned these enlightened and generous efforts is the best inducement to a steady perseverance. A very competent judge has declared in the Edinburgh Quarterly Journal of Agriculture that the progress of the Scotch husbandry under the fostering care of the Highland Society and other patriotic Institutions has surpassed the most sanguine expectations. "Every person," says Mr. Aiton, "who has reached the age of fifty years, and who has paid the least attention to the progress of Agriculture, will admit that the produce of land has been far more than doubled within that period; and every intelligent Farmer will also admit, that our arable land is capable of producing double its present produce in the course of twenty years." The Wheat culture has increased in Scotland generally in a Ten fold proportion since 1780—that is, the introduction of Lime and the more scientific character of the Agriculture of the last fifty years, have produced in Scotland ten bushels of wheat where there was but one before. And why not in Nova-Scotia? Our wheat culture rapidly advanced for a few years, when it was suddenly checked. Restore the impulse, breathe into the people anew the spirit that is dormant only, not extinguished, and this Committee have not a doubt that the Province will raise bread enough for its own consumption, in a shorter period perhaps than they might now be justified in predicting. So great has been the extension and improvement of Agriculture in Great Britain since the middle of the last century, that besides enabling the Country to appropriate an additional Five Millions of quarters of Grain, that is Forty Millions of bushels, to the feeding of horses, it supplies food for considerably more than double its former population, and those too living in comparative ease and affluence. A late number of the Edinburgh Review goes into a comparison of the product of one hundred acres under the old system, of permanent meadow, pasture and plough land, and under the modern system of alternating Husbandry with Turnips, Clover, &c. Upon the *data* furnished by the writer, the weight of the materials produced annually, as food for Cattle and manure, was as follows:

Under the old system, 42 tons—under the new system, 577 tons—showing a balance in favour of the new system of Husbandry, of 535 tons per annum, being more than twelve times the quantity produced under the old. In France, again, Agriculture is making great progress by the influence of the corresponding Societies of the Royal and Central Agricultural Board, by whom there is an annual distribution of prizes, while all its expences are defrayed by the Government, and the great variety of beautiful and ingenious models which one of the Members of your Committee lately inspected in the "Repertoire des arts et metiers" at Paris, shews that the attention of the most skilful workmen has been turned to the Implements of the Rural Art.—If we direct our views, again, to our more immediate neighbours, this Committee find an Agricultural Society, or School, founded in 1836 in New-York, with a Capital Stock of One Hundred Thousand Dollars, and some of the most eminent men in that flourishing and wealthy State at its head. In Massachusetts, all Agricultural Societies under certain restrictions in their Statutes, are entitled to receive an Act of Incorporation, and each Society, when incorporated, and having raised a Capital Stock of One Thousand Dollars, draws out of the Treasury of the Commonwealth the sum of Two Hundred Dollars, and in that proportion annually, for any greater sum contributed and put out at Interest as a Capital Stock, so as no one Society shall draw more than Six Hundred Dollars in any one year. Let us pause an instant, and mark the effects of this patriotic and wise policy. In the Address of the Essex Society, which has been upwards of twenty years in operation, and whose permanent vested Funds exceed Six Thousand Dollars; it is said, that ten bushels of rye to the acre, twenty of Indian-Corn, one Ton of English Hay, and 200 bushels of Potatoes, were formerly considered as average crops. Since Premiums have been offered, they have claims for from 40 to 50 bushels of Rye, from 100 to 122 of Corn, from three to four Tons of Hay, and from 400 to 500 bushels of Potatoes.—Nor have their improvements been confined to single acres; in several instances, the products of entire

tire Farms have been more than quadrupled. The late Judge Buel, the Editor of the *Cultivator*—an admirable Agricultural Paper, which has furnished the Committee with many of these details, declared it to be his firm conviction, that Societies and Publications are adding ten per cent. every year, to the amount of Agricultural produce. The Committee, too, cannot deny themselves the pleasure of mentioning, that results of the same character have flowed from the well directed and spirited exertions of the Central Agricultural Society of Prince Edward's Island. This Institution has been in operation about thirteen years, and is possessed of property to the value of Eight Hundred Pounds. Its receipts and expenditure last year exceeded Seven Hundred Pounds, and it has made, from time to time, large Importations of Stock, Implements, and Seeds. A Clydesdale Horse received last year, and described as a noble animal, was sold at Auction, and brought £160. Two Ayrshire Heifers, and two Bulls, were disposed of in like manner at fair prices, and seem to be highly valued. In their last Report, which your Committee recommend to the attention of Members, the rapid advance of Agricultural knowledge—Agricultural Production and Exportation—Agricultural Industry, Implements and Stock, is spoken of with feelings of just exultation, and the Managing Committee “congratulate the Society on the prosperity of the best hope of the Colony, and the cheering prospect opened to the industrious Farmer.”

Amid this general activity, the Committee of this House inquire what has the Legislature of Nova-Scotia done with her ample means and large Agricultural population! Since the Provincial Board unhappily perished in 1826, the Country, it is true, has advanced by the force and richness of its natural resources, but the lights of science have been in a great measure withdrawn, and we have remained ignorant or insensible of the discoveries which are perpetually illustrating and dignifying the rural art, and fill the columns of publications exclusively devoted to it. The *Cultivator*, which ought to be in the hands of every intelligent Farmer, and enjoys a circulation of 15,000 copies, sent in the year 1838, but 22 to Nova-Scotia, and though the Agricultural Paper at Pictou, and which reflects credit on its conductors, has a pretty extensive circulation, it is too evident that there is a languor and indifference among the Agricultural Classes, fatal to their own improvement and happiness, and which it is the duty of this Legislature to stimulate into a healthful activity.

With these views the Committee have come to the unanimous conclusion that a Central Agricultural Board ought to be organized, with such powers as the wisdom of the Legislature may approve. The experience afforded by the operations of the former Board will serve as a useful guide, and has aided the Committee in digesting the plan which they now beg leave respectfully to submit to the judgment of the House. That any extended scheme of Agricultural improvement should enjoy a fair trial and survive the indifference or ridicule with which it is sure, in the first instance, to be assailed, it is indispensable, that it should emanate from a Body removed beyond the influence of hasty impressions, and enabled, from their command of funds and weight in society, to give it a sustained and uniform character. The want of this essential power was the great obstacle which embarrassed the former Central Board. Its annual scheme had to undergo the ordeal of a discussion in this Assembly, where its effect and uniformity was frequently marred by a factious opposition or a hasty and careless misapprehension of its true bearing.—The Committee, therefore, are confident that the attempt had better be abandoned, unless the Legislature are prepared to entrust to a Board, worthy of their confidence, a moderate sum, which ought to be not less than £1000 a year, for a period of five or six years.—To such a Board, with the obligation only of accounting to the Legislature at its annual Session, the Committee would leave the uncontrolled appropriation of this grant, for the diffusion of Agricultural information, the offering and awarding of judicious premiums, and the importation and distribution of improved Implements of Husbandry, and of Seeds and Live Stock. Does the sum appear to be too large? Surely no one will hold this language in a Legislature that voted £2,000 for the Whale Fishery, and £750 a year for Sealing Voyages, which, valuable as they are, are utterly insignificant when compared with the extent and value of our Agriculture. The only difficulty, then, is the constitution of the Board; and after much reflection the Committee have unanimously agreed to report—that eight Gentlemen, resident in or near the Capital, should be named in the Act—five to be a quorum—and vacancies to be filled up on the principle assented to last Session, by the Council and Assembly

in the case of Dalhousie College:—That in every Session of Assembly the Legislative Council should name three, and the House, six of their own number; and that these seventeen persons should constitute the Agricultural Board, with authority to choose their own Officers, and all other necessary powers:—That every Local Society that is now or may hereafter spring into existence, should be required to forward every year, during the Session of Assembly, a Report, or to send a Delegate to the Board, so as in framing its scheme for the ensuing year, it may have the advantage of the collected experience of the Country:—That a Secretary and Treasurer should be appointed by the Board, to hold Office, during pleasure, and have an adequate salary, to be fixed in the Act, so as some man of literary talent, and whose general character and qualifications will render him acceptable to the Country and to the Assembly, may be induced to accept the Office:—And lastly, that the Act should contain such provisions for the meetings and correspondence of the Board—the rendering of its accounts—and the general appropriation of Funds, as the Legislature, in its wisdom, may approve.

Committee Room, 30th January, 1840.

JAMES W. ALLISON, Chairman.
WILLIAM YOUNG,
WILLIAM ANNAND,
RICHD. J. FORRESTALL,
ZENAS WATERMAN,
SIMON D'ENTREMONT,
JOHN MORTON,
ANDREW McKIM,
JOHN HOLMES.

No. 24.

(See Page 694.)

(Copy—No. 1.)

TO THE HONORABLE THOS. N. JEFFERY.

The Petition of J. S. Read, James Soy, Isaac Typen and George Newton, of Manudie, in the County of Cumberland, and Province of Nova-Scotia—

MOST HUMBLY SHEWETH :

That your Petitioners have followed the occupation of Grindstone making for the support of themselves and families, for a number of years, at a place called the South Joggins, between high and low water, in front of wood land belonging to the Estate of the late Colonel DesBarres, but in consequence of a person by the name of Amos Seaman, a Grindstone Trader, residing in Manudie, leasing the aforesaid wood land, belonging to the said Estate, at the South Joggins, and putting on a heavy rent on all those that camp on the Land for the purpose of making Grindstone, between high and low water, your Petitioners were under the necessity of abandoning the Joggins, and searching for some other place where they might make Grindstone, for the purpose of supporting themselves and families. Your Petitioners having searched for a considerable time along the Sea Shore of Chignecto Channel, at last discovered some Ledges of Stone at a place called Ragged Reef, between high and low water, where, to appearance, some Grindstone might be got; in consequence of which, your Petitioners, in April, 1832, commenced opening some Quarries, and expended the hard earnings of several years in opening them.

Your Petitioners, on discovering that the place would answer their purpose, and having expended large sums in opening the said Quarries, thought it advisable to take up the adjoining Land, so as to make a permanent settlement for themselves and families, your Petitioners made application to William Baker, Esq. in September last, who surveyed, for each of us, a Lot of Land, with a water lot adjoining. The Lots of Land were sold by Wm Baker

APPENDIX No. 24.

Baker, Esq. at Amherst, on the 30th October last, and your Petitioners purchased them; W. Baker, previous to the sale, said, that his instructions were not to sell the Water Lot, but has since informed your Petitioners that the Land, in consequence of some representation, by some person or persons, through Seaman's insinuations who wishes to engross the whole of the Grindstone Trade, to the utter ruin of a number of poor families.

Your Petitioners therefore most humbly pray that your Honor would be most graciously pleased to put a stop to any further sale, and, as in duty bound, will ever pray.

(Signed,)

John Tipping,
James Greenfield,
Edward McAloney,
John McGaveren,
Robert Miles,
James Block,

John Sims,
John Cargan,
Isaac Powell,
Eliphalet Read,
Edward Doherty,
Thomas Read.

(No. 2.)

The Surveyor General's Report on the foregoing Petition.

The Lot of Land referred to by these Petitioners was advertised for Sale at Public Auction, at the Quarterly period in October, at Amherst, but I was not advised that the sale was to take place until the Sunday preceding the day fixed, which was on Wednesday, it was therefore too late for me to give an answer; but my Deputy, aware of that, informed me that he intended to make a sale, dependant upon my sanction, and did proceed to sell the Lot of Land subject to that; but when I became aware that the chief value of this Lot of Land was dependant upon that which lay in front of it, between high and low water mark, I immediately wrote to my Deputy that it would not do to sell the Land in two Lots, but that he must sell the whole together, otherwise the person who purchased the Upland Lot might render useless the Land in front of it, between high and low water-mark, to another. The Petitioners were not bidders at the day of sale, and if they had been trespassing upon the Crown Property for years "which, by their own statement they aver," they ought to be thankful if they are not called to give an account of that they have taken off it; but to expect His Majesty's Government to countenance them in such trespasses, and to give them a preference in the purchase, when they had united together to purchase the Land at their own price, is, I think, unreasonable.

I had directed my Deputy to sell the Lot of Land at Public Auction, at Amherst, at the next Quarterly period, which, I think, in justice to all parties, should be the course pursued.

Department of Crown Lands, 7th December, 1833.

(Signed)

JOHN SPRY MORRIS,
Surveyor General.

No. 3.

Minute of Council on the foregoing Petition, 16th December, 1833.

Ordered, That a Copy of the Surveyor General's Report be sent to the Petitioners, and that he be instructed not to offer this Lot for sale again, without the special permission of the Executive.

(Copy.—No. 4.)

To His Excellency Major General SIR COLIN CAMPBELL, Knight, Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor of the Province of Nova-Scotia, &c. &c. &c.

The Petition of the undersigned respectfully and humbly sheweth :

That three of your Petitioners, namely, James Soy, Isaac Tippin, and James Newton, heretofore, to wit, sometime in the year of our Lord One Thousand Eight Hundred and Thirty

APPENDIX No. 24.

Thirty-one, entered into the possession of a Tract of ungranted Land lying on the South shore of the Chignecto Channel, in the County of Cumberland, and known by the name of "Ragged Reef"—that your Petitioners aforesaid, in the year aforesaid, erected a Dwelling House, and made some improvements thereupon; and that your Petitioners so continued in possession of the Premises, improving the same, and occasionally manufacturing Grindstones on a certain ledge or stratum of Freestone, lying between high and low water mark on the Sea shore opposite the Lands so in possession of your Petitioners aforesaid, during the year One Thousand Eight Hundred and Thirty-two. Your Petitioners further show that, in conjunction with Joseph Read, their Co-petitioner, sometime during the year One Thousand Eight Hundred and Thirty-three, they made application to William Baker, Esquire, of Amherst, and Deputy Land Surveyor for the County aforesaid, in order to procure a Grant of the Premises above described. Your Petitioners further show to your Excellency that, at considerable expense, they procured a survey of the Premises, including the Sea shore between high and low water-mark opposite thereto, by the said Deputy Land Surveyor aforesaid, and that then the Premises last described, according to the present regulations in the Crown Land Department, were advertized for Sale. Your Petitioners further show that, on the day appointed for the Sale of the Premises so advertized, the Deputy Surveyor aforesaid communicated to your Petitioners that he had received instructions from the Surveyor General and Commissioner of Crown Lands for the Province, John Spry Morris, Esquire, not to sell any Land situate between high and low water mark on the Sea shore in the County aforesaid, when such sale could in any wise be prejudicial to those who might own adjoining Lands in rear thereof. Your Petitioners immediately suggested to the Deputy Surveyor that these instructions could not affect the present case. Your Petitioners at this stage of the proceedings would further, and in like manner, humbly show to your Excellency, that they have been informed, and verily believe, that an opulent alien merchant, resident in Boston, in the State of Massachusetts, and without His Majesty's Realm, in conjunction with a merchant of this County (of Cumberland) who were then about making a purchase of an extensive Tract of Land containing Eight Thousand Acres, or thereabouts, lying on the said Chignecto Channel, and stretching along the Sea shore thereof for the space of Fifteen Miles, which coast, within the limits last described, abounds with Freestone, and from whence many thousand tons are annually exported to the United States of America, (and which said purchase, last mentioned, has since been completed) had caused representations to be made to the Crown Land Department hostile to the interests of your Petitioners, thereby hoping to monopolize to themselves the exclusive privilege of manufacturing and exporting Freestone from this County. Your Petitioners further show that the Deputy Surveyor aforesaid, notwithstanding your Petitioners suggestions, put up the said Premises for sale, reserving the sea shore aforesaid in front of the said lot; and your Petitioners becoming the highest bidders, the lot so called "Ragged Reef," containing about Two Hundred Acres, was knocked down to your Petitioners, who paid the necessary deposit, and have since complied with the requisitions of the Crown Land Department, in paying various instalments. Your Petitioners now show to your Excellency, that, within a few days, they have been apprised by the Deputy Surveyor aforesaid, that, notwithstanding the sale so effected as aforesaid, the payment of your Petitioners' monies, but more especially the regulations so communicated by the Deputy Surveyor to your Petitioners, as reasons for not Selling the said Land, so between high and low water mark; and in direct contravention to those regulations so often alluded to, as your Petitioners' humbly conceive, the premises so situate between high and low water mark, and opposite your Petitioners' Land, are now to be put up for Sale. Your Petitioners would here most humbly solicit your Excellency's interference to protect their interest, by causing those regulations which induced them to purchase "Ragged Reef," now as then, to be acted upon: for it must be manifest to your Excellency, that if the Sea shore, above alluded to, fall into the hands of this rich Company, who have already purchased so extensively on the Shores of the Channel aforesaid, that your Petitioners' hard earned monies already paid for Ragged Reef must be entirely thrown away, for your Petitioners wish not to conceal from your Excellency, that a great inducement for them to settle the sterile rocky Shore of Chignecto Channel, consists in the privileges it affords of manufacturing Freestones, at intervals,

in

APPENDIX No. 24.

(Copy—No. 6.)

To His Excellency Major-General Sir COLIN CAMPBELL, Knight Commander of the Most Honorable Military Order of the Bath, &c. &c. &c.

The Petition of the undersigned humbly sheweth :

That we, the subscribed, take the liberty of representing to your Excellency that we are loyal British Subjects of His Majesty's Province of Nova Scotia, and that many of us have been accustomed, for some years past, to work a Quarry of Freestone, situate at the South Joggin Shore, in the County of Cumberland, and known by the name of Ragged Reef; that many of us are dependent chiefly on the manufacturing of Grindstones on this Reef for the support of ourselves and our families—which Grindstones we exchange for Flour and other produce. We also give your Excellency to understand, that it is with regret and sorrow we are informed that it is the intention of Government to sell Ragged Reef, and thereby to deprive us and our families of a privilege that affords us a livelihood; and your Petitioners scruple not to affirm that Ragged Reef will be purchased by Mr. Amos Seaman and a Mr. Lombard, of Boston, Massachusetts, an alien, two wealthy Merchants, (or their Agents) who are aiming to monopolize all the Freestone on the Joggin Shore, in this County.

Your Petitioners further represent, that Messrs Seaman and Lombard have lately purchased a large Tract of Land, bounded on said Joggin Shore, from the heirs of the late Colonel DesBarres, which said Tract extends along said shore, for the space of ten miles or thereabouts; and in consequence of owning said Land adjacent to the Sea Coast, they pretend to claim all the Quarries of Freestone between high and low water mark, opposite thereto, and have taken possession of, and let the same, for large sums of money annually, when, in truth, and in fact, they have no right to the same, as your Petitioners humbly conceive. The Quarries so possessed by Messrs. Seaman and Lombard are the most valuable on the whole Coast, and your Petitioners, with all deference, think it extremely hard that the intended sale should take place, and consequently, a number of poor people be deprived of the privilege of working the rock called Ragged Reef, whilst, at the same time, the most valuable part of the shore remains occupied and possessed, free from Government interference, by Mr. Seaman, a notorious Smuggler, whose wealth has been notoriously amassed by defrauding the Revenue, and his partner, Mr. Lombard, a foreigner. Your Petitioners would willingly farm Ragged Reef for a fair price, but it is entirely useless for your Petitioners to attempt to oppose the above persons, who are anxious to accomplish the entire possession of the whole Joggin Shore. Your Petitioners would finally conclude the prayer of this Petition by soliciting your Excellency's interference to prevent the above sale; but if your Excellency see not meet to comply with your Petitioners' request in this behalf, then your Petitioners most earnestly desire that your Excellency may be graciously pleased to order that the ungranted parts of said Joggin Shore should be divided into convenient Lots, and be forthwith sold or let as Government may deem most expedient, in order that your Petitioners may not be entirely deprived of an opportunity of exercising their trades, and so providing sustenance for their families.

And your Petitioners, as in duty bound, will ever pray.

Manudie, April 16th, 1835.

(Signed)

James Soy,	George Newton,
Lawrence Soy,	Thomas Baird,
Peter Hogan,	John Smith,
Patrick Irwin,	John McGaveren,
Samuel Baird,	James Rutherford,
Francis Regan,	Robert Patterson,
Thomas Wade,	Hans Nelson,
Isaac Tipping,	John Tipping,
James Greenfield,	William Greenfield. 7
John Ryan,	

Copy

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(Copy—No. 7.)

Caveat against passing any grant of Ragged Reef, in the County of Cumberland, to Joseph Read, or any other person, until Joshua Chandler shall have an opportunity of being heard, by Petition, to His Excellency the Lieutenant-Governor against the passing such Grant.

Halifax, 26th Sepr. 1835.

(Signed)

JOSHUA CHANDLER, by his Solicitor,
ALEXR. STEWART.

(No. 8.)

Halifax, 8th October, 1835.

SIR—

Having applied to the Commissioner of Crown Lands, in behalf of Joseph Read, for his Grant of Ragged Reef, for the purchase of which, part of the money has been already paid, and the remainder now lies ready to be paid, and has been tendered by me to the Commissioner; I have been informed that an objection has been raised to the passing of this Grant. The Grantee is in possession, and I beg to apprise you that I represent him as his Attorney, and hope to be made aware of any proceedings that may be had on this subject. I hope, however, that after a public sale, and the money, or part of it, actually received, and the party put in possession, in behalf, and by the authority of the Government, His Excellency will not be induced to interfere with the ordinary course of procedure in such cases, and that the Grant will not be delayed.

I am, Sir, with much respect,

&c. &c. &c.

(Signed)

JAMES F. GRAY.

To THOS. W. JAMES, Esq. &c. &c. &c.

(Copy—No. 9.)

To His Excellency Sir COLIN CAMPBELL, K. C. B. Lieutenant-Governor and Commander in Chief, in and over the Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

The Petition of Joshua Chandler, of Amherst, in the County of Cumberland, Esquire—

HUMBLY SHEWETH:

That, in the Autumn of the year 1833, Public Advertisements were posted by the late William Baker, Esq. then Deputy Commissioner of Crown Lands in this County, for the sale of 200 acres of ungranted Land, lying at Ragged Reef, including Wilderness Land, and the flats in front, down to low water mark.

That, on the 31st day of October, the day fixed, your Petitioner attended for the purpose of bidding, and when the Land was about to be put up, he enquired of Mr. Baker whether the Upland only was to be sold, or the whole Tract at once, who, after some hesitation, replied, "that the Surveyor-General had instructed him to sell the Upland only, and not the flats," and your Petitioner then said "he would not bid unless the whole were sold, as advertized," and offered the sum of £150 as a first bid, for the whole of the property at the same time, saying "that if there were a contest, he was prepared to go much higher."

But, notwithstanding your Petitioner's earnest remonstrances, and this offer, which he particularly desired Mr. Baker to communicate to the head of the Department, he offered the Upland alone, consisting of about 100 acres, and it was purchased by Mr. Joseph Read for a small sum, viz: £12 10s. or thereabouts, there being no competition.

That your Petitioner immediately informed John Spry Morris, Esq. by letter, of the foregoing particulars, for the purpose of procuring a sale of *the whole Two Hundred acres*, including the flats, &c. in reply thereto, he received the Communication, of which a copy is annexed.

And your Petitioner further sheweth, that sometime in the month of March last, the remainder

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mainder of the foregoing tract, comprising the flats between high and low water mark, was offered by Mr. Baker for sale at Public Auction, when your Petitioner again attended and repeated his offer of £150, or a larger sum for the whole tract, but declined to bid for the flats separately, as they could not be enjoyed by any person but the owner of the adjacent soil, or by some one with his permission, and would consequently be of no use to your Petitioner without the upland, and the flats were sold and purchased by the said Joseph Read for a small sum.

And your Petitioner further sheweth, that offers of £200 for the whole tract were made by other persons present, who, as well as your Petitioner, would then have given a much larger sum.

And your Petitioner is still willing to give a much larger sum for the whole tract, should an opportunity be afforded him of offering for the property before it is granted.

And your Petitioner humbly submits that he hath as equitable claim, under the above circumstances, to be considered as a competitor for the purchase of the said Premises as the said Joseph Read hath, to oblige the King to part with this valuable property, for the inconsiderable sum (not more than £30 in the whole) at which it has been bid off by him.

All these circumstances your Petitioner will prove incontrovertibly, in such manner as your Excellency may prescribe.

Your Petitioner, therefore, prays that your Excellency will be graciously pleased to order another Sale of the whole Tract, including the flats, previous to a grant being passed.

And, as in duty bound, your Petitioner will ever pray.

(Signed)

JOSHUA CHANDLER.

Halifax, 6th February, 1836.

(Copy—No. 10.)

HALIFAX, 5th NOVEMBER, 1833.

SIR—

I have to acknowledge the receipt of your Communication of the 31st October, upon the subject of a recent Sale of some Crown Property made by Mr. Baker on the day preceding the date of your Letter, and in reply I beg leave to inform you that I had not sanctioned the Sale of these Lots, it could only have been a conditional one, and, therefore, you will have an opportunity at the next quarterly period of bidding for them. I cannot suppose Mr. Baker to have been influenced by any unworthy motives in the execution of his duty as a Public Officer, but he certainly acted very inconsiderately, after the caution I gave him, and he must have known that the sale of the Upland Lots would preclude the possibility of a Sale being made of the Land in front to low water mark, as it ever has been the practice to avoid it.

I have directed Mr. Baker to Sell these Lots at the next quarterly period.

I am, Sir, &c. &c.

(Signed)

JOHN SPRY MORRIS.

To Joshua Chandler, Esqr., &c. &c. &c.

(Copy—No. 11.)

To His Excellency Major-General Sir COLIN CAMPBELL, K.C.B., Lieutenant-Governor and Commander in Chief in and over the Province of Nova-Scotia, &c. &c. &c.

The humble Petition of James Soy, of the South Joggins, in the County of Cumberland, Yeoman, on behalf of himself, Isaac Tippen, and George Newton, of same place, Yeomen,

HUMBLY SHEWETH:

That, about four years since, your Petitioner, and the said Isaac Tippen and George Newton, discovered a Quarry of Freestone, lying between high and low water mark, at a place called Ragged Reef, in the County of Cumberland, that they immediately applied to William Baker, Esq., late Deputy Commissioner of Crown Lands in the said County, to lay it off for your Petitioners, intending to become the purchasers thereof, and

of

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of the Upland immediately adjacent, without which the Quarry could not be worked, and the said William Baker informed your Petitioner, that his other avocations prevented him from then attending to the request of your Petitioner, but desired him, and the said Isaac Tippin and George Newton, to go on the land and commence improving, and when he could make it convenient, he would come and lay the Land off, in consequence your Petitioner went on the Land, and commenced clearing the Land and quarrying the Stone there, and three months thereafter, the said William Baker did Survey and lay off the said Land and Quarries to your Petitioner, Isaac Tippin, George Newton, and Joseph Read, of Minudie, Trader.

And your Petitioner further states, that after they were thus encouraged by the said William Baker, and after they had been working at the said Premises about two months, the said Joseph Read applied to your Petitioner, and his said Associates, and entreated to be permitted to have a share or quarter part of the same, with which, they, after much pressing on his part, and with much reluctance on their part, agreed that the said Joseph Read, being a Merchant, and possessing more learning than your Petitioner and his said Associates, they entrusted him with the making the purchase, and accordingly paid him a part of their portion of the purchase money, and the remainder they paid in to Mr. Moffatt, now the Deputy Commissioner of Crown Lands for the said County; but he shortly after returned it to him, and they learned that the said Joseph Read had paid the money into Government, and applied for the Grant in his own name—that your Petitioner has travelled to Halifax on foot, to make application to your Excellency, and pray that your Excellency will not permit such fraudulent conduct on the part of the said Joseph Read to prevail, as it would, your Petitioner humbly conceives, be a violation of all honesty, to allow him to defraud your Petitioner, by taking the whole to himself, instead of the quarter, which your Petitioner and his Associates only promised him. That your Petitioner lately applied to the said Joseph Read, and remonstrated with him on the gross injustice of his proceedings; but he told your Petitioner and his Associates to do their best, that he had powerful friends and interest enough with your Excellency and the Council, to get the Grant to himself, and he would do so. Your Petitioner further shews, that he and his Associates are poor men, and confidently appeal to your Excellency and Council, and he himself refers for his character to the Hon. T. N. Jeffery, with whom he lived as a servant in this Town.

And, as in duty bound, your Petitioner will ever pray.

(Signed)

JAMES SOY.

Halifax, 30th March, 1836.

(No. 12.—Copy.)

To His Excellency Major General SIR COLIN CAMPBELL, K. C. B. Lieutenant-Governor and Commander in Chief in and over the Province of Nova Scotia, and its Dependencies, &c. &c. &c.

The Petition of James Soy, of Ragged Reef, in the County of Cumberland, Yeoman.

That, he and Isaac Tippin have continually since the presenting of the said Petition in March last, worked at Ragged Reef, in the said County, that they were extremely gratified to hear of your Excellency's intended visit to this place, as they are prepared to prove to the entire satisfaction of your Excellency, and in the face of Joseph Read, every statement in the former Petition, and they were much disappointed that the Rain prevented your Excellency from honoring us with a visit, as you would, from the number of men working then, (all under the Tide) that we are contending for our right in a valuable Property; nevertheless, should your Excellency feel yourself bound by the interest of the Crown to expose it to Public Auction, rather than to grant to Joseph Read, and as we would prefer that, as then we would, at least, have a fair chance of buying a part. But your Petitioner humbly submits and trust their equitable claim to a grant, joint with Read, will receive a favourable consideration from your Excellency, since it was laid off for them by authority, and they first worked thereat, and only admitted Joseph Read to be a Partner, as is stated in the former Petition; and Joshua Chandler, who your Petitioner understands,

petitioned

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petitioned for the Land to be sold over again, ought to have bid for it when it was Sold, as the late William Baker was a regular Deputy Commissioner of Crown Lands for this County.

And your Petitioner, as in duty bound, will ever pray, &c. &c. &c.

(Signed)

JAMES SOY,
ISAAC TIPPING.

Ragged Reef, County of Cumberland, }
Province of Nova-Scotia, British North }
America, August 10th, 1836.

(Copy—No. 13.)

To His Excellency SIR COLIN CAMPBELL, K.C.B., Lieutenant-Governor and Commander in Chief, &c. &c. &c.

May it please your Excellency ;

As your Excellency was pleased to say, that should I have any statement to make concerning Ragged Reef, I might transmit them by James S. Morse, Esquire. I take the liberty respectfully to inform you, that, in the summer of 1833, I made application for a Grant of a Lot of Land and Reefs, at Ragged Reef. I expected at the time that I applied for it, I should get it at an upset price, but was informed by the Deputy Commissioner of Crown Lands, that his instructions were, to offer the Property at Public Sale, which was done on the 30th day of October, 1833 ; why the Property spoken of was put up, and the Upland only sold, is a circumstance entirely unaccountable to me ; my expectation on the day of Sale, was, that the whole, that is to say, both the Upland and the Reefs, between high and low water mark, were to be sold at the same time ; but was surprised to learn from the Deputy Commissioner, at the very instant of the Sale, that he had no instructions to sell the whole. The Upland alone was sold, amounting to 200 Acres, which was struck down to me, at 2s. 3d. per Acre. The Deputy Commissioner advertised, that the Reefs and Land between high and low water mark at Ragged Reef, adjoining to the Upland I had previously purchased of Government, would be sold on the 29th day of April following, I attended on the day of Sale, at which the following persons were present—R. McGowan Dickey, Esquire, Joshua Chandler, Esquire, Mr. Amos Seaman, Mr. James White, William Fowler, Esquire, and others, when the Deputy Commissioner offered the Property for Sale, I put it up at 2s. 3d. per acre. Several bids were made by Mr. James S. White ; the Deputy Commissioner dwelt a considerable time after my last bid, with the intention, as he expressed himself, of giving a fair opportunity to all present to make further offers for the Lot—my bid being the last and highest, the Property was at length struck down to me. I paid into the hands of the Deputy Commissioner the following Sums of Money for, and on account of, the Upland Lot and Land and Reefs, agreeable to the copies of the annexed Receipts, marked

A,	the sum of (30th October, 1833)	£6	4	0
B,	do. (26th April, 1834)	6	0	0
C,	do. (16th January, 1835)	5	19	3
D,	do. (29th April, 1835)	5	0	0

£23 3 3

I expected the same had been regularly paid by the Deputy Commissioner to J. S. Morris, Esquire, Commissioner of Crown Lands, in Halifax ; but subsequent to my having paid the foregoing Sums, I observed the Commissioner's notice in the Public Papers, stating that any money paid into the hands of the Deputy Commissioner would not be acknowledged until received by him : being apprehensive that Mr. Wm. Baker, the Deputy Commissioner, to whom I had paid the several sums mentioned, might have neglected to forward the money to J. S. Morris, Esquire, I employed a man to go to Halifax with the money which was handed to James F. Gray, Esquire, and the sum of £20 10s. 5d. was paid by Mr. Gray, for which I hold the Commissioner's, (John S. Morris, Esquire's) Receipt, a copy of which is marked E, on the annexed.

Your

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Your Excellency will perceive, by those statements, that I have paid more than the sum I should have given for the Property, the overplus sum of £8 7s. 3d. I expect lays in the hands of the Executors of the Estate of the late W. Baker, Esq. deceased. I have expended considerable sums as incidental expences, exclusive of the several amounts paid to the Commissioner and Deputy Commissioner, to obtain the Grant. I have also been at considerable expense in making improvements on the soil, opening Quarries, &c. I do not ascribe the delay and difficulty I have met with to any disposition of Governmet to act with injustice towards me; but fear the whole may have arisen from the misrepresentation of Persons in the County of Cumberland, who, being unfriendly towards me, are disposed to throw every obstacle in my way to oppose my success in obtaining the Grant, as well as in other matters.

Of the truth of the above statements I am willing to make affidavit, if required, or otherwise substantiate them to the satisfaction of your Excellency.

As I am not conscious of having taken any indirect means in endeavouring to obtain the Property at Ragged Reef, I trust that my representation will meet your Excellency's favorable consideration, and that a grant of the Property, as I have purchased the same, will be allowed me. If any further explanation should be required, I am ready and willing to answer to any questions touching this matter, under Oath or otherwise, that your Excellency may be pleased to put.

I have the honor to be, &c. &c.

(Signed)

JOSEPH READ.

Cumberland, N. S. August, 1836.

P. S. I further remark that it was not until the death of Mr. Wm. Baker, the Deputy Commissioner, that those unfavorable representations were made by the Sheriff, Joshua Chandler, Esquire, in his Petition to your Excellency, the objections he made to that Sale, I am persuaded would never have been presented to your Excellency, had Mr. Baker been yet living, I regret that thereby I am deprived of such proof as I am fully persuaded would afford your Excellency perfect satisfaction concerning the whole of this matter.

(Signed)

J. R.

(Copy.)

• A

Received from Joseph Read, the sum of Six Pounds Four Shillings, in full, for the first Instalment and Fees of Office, up to this date.

(Signed)

WILLIAM BAKER,

Deputy Commissioner of Crown Lands.

Amherst, 30th October, 1833.

(Copy.)

B

Received from Mr. Joseph Read, the sum of Six Pounds, it being in full, for the second payment of 200 Acres of Land, and the interest and postage, it being the Crown Land purchased by him at the Ragged Reef.

(Signed)

WILLIAM BAKER,

Deputy Commissioner of Crown Lands.

Amherst, 26th April, 1834.

(Copy.)

C

Received from Mr. Joseph Read, the sum of Fifteen Pounds Nineteen Shillings and Three-pence, it being the 3d payment for 200 Acres of Crown Land, and the interest on the sum, and my Fees beside.

(Signed)

WILLIAM BAKER,

Deputy Commissioner of Crown Lands.

Amherst, 16th January, 1835.

(Note.) The above Two Hundred Acres is situate at Ragged Reef.

(Copy.)

APPENDIX No. 24.

(Copy.)

D

Received from Mr. Joseph Read, the Five Pounds towards the payment of 62 Acres and one half acre, under the tide, situate at Ragged Reef, on the Bay of Fundy.

(Signed)

WILLIAM BAKER.

Amberst, 29th April, 1835.

(Copy.)

E

Received, Halifax, 9th October, 1835, from Mr. Joseph Read, per James F. Gray, £20 10s. 5d. being a balance due on his purchase of 200 acres of Upland, and 668½ acres of Land and Reef, between high and low water mark, at Ragged Reef, in the County of Cumberland.

(Signed)

JOHN SPRY MORRIS,

Commissioner Crown Lands.

£20 10s. 5d.

The following is a copy of a Statement from the hands of John S. Morris Esquire, Commissioner of Crown Lands.

Memo :—of Monies paid on account of Joseph Read's purchase in Cumberland County.

Upland Lot, Ragged Reef, 200 acres, July 24th, 1834	£6 0 0
Mr. Gray, 9th October, 1835	16 10 0
Water Lot, Mr. Baker, 66½ acres, June 25th	9 0 0
Mr. Gray, October 9th	4 0 5
	<hr/>
	£35 10 5
	<hr/>

(Signed)

J. S. MORRIS.

19th February, 1836.

(Copy—No. 14)

The Lots of Land referred to by the Petitioner, are situated upon the Shore at the entrance of Cumberland Basin—they comprise an Upland and Water Lot so called, and are valuable, chiefly on account of the Grindstone Reefs, which extend from high water mark into the Sea. The Upland Lot was put up by itself, without my sanction, in 1833, by Mr. Baker, my Deputy, and was bid off by Mr. Joseph Read; but Mr. Baker immediately informed me that the Sale was a conditional one, depending upon me for confirmation—I immediately wrote him that I could not sanction it, and directed him to re-sell the Lot, together with the Water Lot, at the next quarterly period for public sales. It was authorized to be sold with the other, when Mr. Read interposed by Petition, to the Administrator of the Government, who referred the matter to His Majesty's Council, and they determined against the Sale, of which I was immediately informed. Mr. Read then petitioned, that he might be allowed to purchase the Water Lot at private sale, considering himself now the proprietor of the Upland; to this I objected, and received the Lieutenant-Governor's permission to proceed with the sale at Public Auction. Under this authority, the Lot was sold at the quarterly period, and Mr. Read became the purchaser. I was disappointed, it is true, in the result of that sale, having been led to believe that a much larger sum would be paid for it; but under the circumstances, whatever may be its true value, I consider the Government pledged to perfect his title.

Department of Crown Lands, 12th Dec., 1836.

(Signed)

JOHN SPRY MORRIS,

Commissioner of Crown Lands, and Surveyor General.

No.

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No. 15.

Minute of Council, 28th April, 1837—when all the Petitions and Papers, relating to the conflicting claims of Joseph Read and others, to the Upland and Water Lots at Ragged Reef, were under the Board's consideration.

Ordered, That in consequence of the seeming misconceptions and irregularities which have taken place, with respect to the sale of these Lots, the Attorney General be directed to take the proper measures to resume the original rights of the Crown to the whole Upland and Reef, by which means, all persons having claims to the same, may have them duly investigated before a competent tribunal.

(Copy—No. 16.)

Parrsboro', 24th Nov. 1837.

SIR,

Agreeably to the request of His Excellency, I beg leave to enclose a copy of a Bond of Read to O'Regan, and also a Letter from the latter, which I was requested to lay before the Governor.

I have, &c.

A. GESNER.

SIR RUPERT D. GEORGE, Bart., Provincial Secretary, &c. &c. &c.

No. 17.

DOCTOR GESNER,

SIR—I called upon you, as believing you to be a man of candour, to make known to His Excellency what difficulties and hardships I had to surmount and endure, since I came to settle in the vicinity of Ragged Reef, and at the same time to pray him for some relief. I settled here in 1826—there was no person settled then on any part of the shore between Manudie and Apple River, only Mr. Canon; and in the Summer season there was some people wrought at the Grindstone in Lower Cove. When I came first, there was not any person wintered in Lower Cove, but one family, so you may easily judge what my situation was then; having 8 small children, and the nearest Settlement 8 miles distant, and not even a blazed Road to travel, and then having all my provisions to carry on my back, without a Road, in the depth of Winter. I commenced work as a Farmer, but to my mortification my Land was cold, barren, and would not produce enough to sustain nature, notwithstanding all my industry and frugality. I was then obliged to set my wits to work, and by some other method than Farming, to get a living for my family.—At that time, Lower Cove was the only place for making Grindstones—I went and wrought there for several years, until I got acquainted with the business; I then began to examine the Reefs along shore, and particularly in front of my own Land; I found some Free or Grindstone Grit, but not being contented with the quality of it, I examined still further down, and then made up my mind to work at Ragged Reef, thinking that I might work out the rest of my days in peace; but I soon found that my force was not strong enough to work there alone, I then invited Soy, Tipping, and Bacchus, to come and share with me; but they had only been there a few days, when they began to conspire against me, and thought to take my Quarry away from me by force. I was then obliged to call in the authority of the Law to protect me, in what I thought then was my right, and still hope it will be allowed so—then when they found that work would not do, they then took in Joseph Read, and applied to the Surveyor General to have it set up and sold—and the day of Sale I wanted to join them in the purchase of it—but no, they would not allow me any share in it—they knew my purse was low, and I could not boldly oppose them, but still they feared I would be an enemy to them in case any difficulty should arise respecting the validity of the sale, and then Read offered me a Bond of indemnity, so I might work there without any annoyance while I lived. (The copy of the Bond I enclose, and this Letter to you). Now as I am the first person that ever discovered or made Grindstones at Ragged Reef,

APPENDIX No.24.

Reef, and the second person that ever settled on the Shore, South of Manudie, above Apple River, or that ever attempted to make a Farm, and by my exertions has got a Road cut 12 feet wide from the Reef to the River Hebert, a distance of from 6 to 7 miles, without ever calling on Government for one shilling. You may easily judge what fatigue and hardships I had to endure, living there so long as I did without a Road to travel on. I think that if you would be good enough to take the trouble to state and explain these facts to His Excellency, (as facts they are,) that he, of his clemency, would grant me a part of the Reefs in front of my own Land, as also a free privilege for me and my sons of working at Ragged Reef, free of duty and rent, as I hope that I am not to be considered as one infringing on the liberties of the Crown. I applied to the Surveyor General for the Reefs in front of my own Land, and that I was willing to satisfy the Crown for the same by paying the upset price for the same; and if His Excellency would please to grant me the two small Reefs that is in front of my own Land, I am still willing to pay the upset price for the same. I will think it very hard, after discovering a property so valuable to the Crown as Ragged Reef is considered to be, if His Excellency and Counsellors does not grant me some greater privilege than them, that I consider only transient persons working there. I hope that you will be good enough to put a stop to persons floating or carrying Grindstones from the front of my Land, and paying rent to others for the same—if there is any person allowed to receive rent for the same, I ought to be the one. Now, relying on your candour, and his Excellency's humanity, I hope that I will be left in duty bound ever to pray.

Dear Sir,

I remain with due respect,

Your ever well wisher,

FRANCIS O'REGAN.

Ragged Reef, Nov. 2d, 1837.

(No. 18.)

A copy of a Bond of Indemnification between Joseph Read and Francis O'Regan.

Know all men by these presents, that I, Joseph Read, of Manudie, in the County of Cumberland, and Province of Nova-Scotia, am held and firmly bound unto Francis O'Regan of said place, in the penal sum of Twenty Pounds, of good and lawful money of the Province aforesaid, for the payment of which, I bind myself, my Heirs, Executors, Administrators and Assigns, firmly by these presents; in witness whereof, the parties to these presents have hereunto set their hands and seals, this 30th October, 1833.

Now the condition of the above obligation is such, that whereas, the above-named Joseph Read, is about to purchase a tract of Land situate in the Bay of Fundy, at a place called and known by the Ragged Reef, in which there is situate a Grindstone Quarry; and the said Francis O'Regan having agreed not to oppose the said Joseph Read in the purchase thereof, in the following conditions, that is to say: that he, the said Francis O'Regan shall enjoy the free use and privilege of working the Quarries that he now occupies, so long as he, the said Francis O'Regan may think proper, by paying unto the said Joseph Read the sum of One Pound Fifteen Shillings for each and every year, that the said Francis O'Regan shall occupy the same; and the said Joseph Read doth hereby bind himself under the above conditions, in case he should obtain a Grant of said Land, to defend the said Francis O'Regan in the quiet and peaceable possession of the same. In witness whereof, the parties to these presents have hereunto set their hands seals the day and year first above mentioned, in the presence of

(Signed)

JOSEPH READ, (Seal)
FRANCIS O'REGAN. (Seal)

Present—WILLIAM BAKER.

Copy

APPENDIX No. 24.

(Copy—No. 19.)

To His Excellency Lieutenant-General Sir COLIN CAMPBELL.

The humble Petition of James Soy, of the South Joggins, in the County of Cumberland,
Yeoman, on behalf of himself and Isaac Tipping, of same place, Yeoman—

HUMBLY SHEWETH :

That he has received no answer to the humble Memorial which he, on behalf of himself and his co-petitioner, presented to your Excellency, so long ago as the 30th March, 1836—that in the meantime the said Joseph Read remains in possession of the Premises, and recives a large sum of money annually for the mere rents of the Quarries, besides the Stone he ships himself.

Your Petitioner further shews, that if your Excellency will give him leave so to do, he will enter upon the said Premises and occupy the same, until your Excellency determines who has the right, and your Petitioner humbly claims to be heard, by Counsel, in behalf of, and in defence of, his rights.

In your Petitioner's last Petition he informed your Excellency he was a poor man, and that the said Joseph Read had told your Petitioner he had powerful friends and interest with your Excellency and the Council; and your Petitioner begs to mention, while he has been kept out of the possession of his rights, the Government has not brought the said Joseph Read to account, although he has been sued these two years, and if your Excellency will let your Petitioner sue him, he will bring the Cause to an end in six or seven months at furthest.

Your Petitioner therefore prays justice, and if he has no right, Joseph Read has no right; but your Petitioner first discovered the Quarries at Ragged Reef, and he refers to his late Master the Hon. Thomas N. Jeffery for his character, and, as in duty bound, he will ever pray.

(Signed)

JAMES SOY.

South Joggins, Nov. 1838.

No. 20.

HALIFAX, DECEMBER 21st, 1838.

SIR,

I had the honor to receive your Letter of yesterday, relative to the Cause against Joseph Read, and I now state for His Excellency's information, that immediately on receiving orders to prosecute, I caused a notice to be served upon Read, that the money he had paid in would not be accepted, and that the same was ready to be repaid to him when called for; and after the return of process, which was subsequently served on him, the usual information was filed against him, which it became necessary to amend in consequence of the demise of the Crown. The proceedings were again renewed, and the Cause would have been ready for Trial in the ensuing January Term, but for my own indisposition: As it is, a Trial cannot take place before April, when I shall be prepared to have it finally ended.

I have, &c.

(Signed)

S. G. W. ARCHIBALD.

Sir RUPERT D. GEORGE, Bart. &c. &c. &c.

No. 21.

MEMO :

2d MAY, 1839.

The Attorney General having reported that the Suit ordered to be prosecuted against Joseph Read for the illegal occupation of the Grindstone Quarry Lots at Ragged Reef, had terminated by a Verdict of a Special Jury, and the Judgment of the Court for the Queen—the Council advised His Excellency not to alienate from the Crown the title to any part of this valuable property: And it was thereupon, determined, that the said
Lots

Lots should be divided into five equal portions, and a Lease thereof offered to the five several Claimants, viz: Read, Soy, O'Regan, Tipping and Newton, for three years, at a rate of £100 per annum.

No. 22.

28th MAY, 1839.

The offers which were accordingly made to those Parties having been declined, Mr. Joshua Chandler, the Superintendent of the Quarries belonging to the Crown on the Shore of the Bay of Fundy, in the County of Cumberland, was directed to cause the Quarries at Ragged Reef to be laid off into Lots of suitable dimensions, and to give notice that the privilege of working them, for the present Season, would be put up and disposed of by Public Auction, on a day to be fixed by him.

R. D. G.

No. 25.

(See Page 695.)

Custom House, Halifax, 30th January, 1840.

SIR,

In obedience to the commands of His Excellency the Lieutenant-Governor, I have the honor to comply, in part, with the Resolution of the House of Assembly of the 28th March last, in transmitting an abstract for five years of certain Goods which have been admitted into this Port free, for the use of the Fisheries of the Province, and regret that an overwhelming press of business prevents my complying to the full extent of the Resolution, which, if still required, shall be transmitted at the earliest possible date. The latter part of the Resolution I cannot comply with, as it in no manner appertains to the Department over which I have the honor to hold survey.

I have the honor to be, Sir,

Your most obedient Servant,

THOS. N. JEFFERY, Collector.

To Sir RUPERT D. GEORGE, Provincial Secretary, &c. &c. &c.

Port of Halifax, Nova-Scotia.

An Account of all Articles entered for the use of the Fisheries, for the year 1835.

Beef and Pork	Barrels	114	Flour	Barrels	57
Boots and Shoes	Cases	3	Deep Sea Lines	Bundles	1
	Pairs	150	Lard	Kegs	40
Cordage	Coils	994	Oil Clothes	Packages	11
Canvas	Packages	47		Suits	228
Camboose	No.	1	Molasses	Gallons	4014
Coffee	Bags	2	Pitch and Tar	Barrels	144

THOS. N. JEFFERY, Collector.

Custom House, 5th January, 1836.

Port of Halifax, Nova-Scotia.

An Account of all Articles entered for the use of the Fisheries, for the year 1836.

Beef and Pork	Barrels	19	Corkwood	Cwts.	12
Bait Mills	Number	3	Flour	Barrels	2748
Cocoa	Bags	5	Molasses	Gallons	6620
				Canvas	

APPENDIX No. 25.

Canvas	Bales	13	Nets and Lines	Bales	14
	Pieces	171	Pitch and Tar	Barrels	491
Cordage	Coils	480	Oil Clothes	Suits	280
Corkwood	Tons	4	Whale Boats	Number	3

THOS. N. JEFFERY, Collector.

Custom House, 5th January, 1837.

Port of Halifax, Nova Scotia.

An Account of all Articles entered for the use of the Fisheries, for the year 1837.

Beef and Pork	Barrels	95	Canvas	{ Packages	17
	Cases	13		{ Pieces	56
Boots and Shoes	{ Casks	6	Flour	Barrels	10714½
	Bags	1	Lard	Kegs	13
Bait Mills	Number	2	Lines	{ Packages	2
Boats, Whale	Number	4		{ Dozen	6
Cordage	Coils	979	Molasses	Gallons	73362
Corkwood	Tons	8	Oil Clothes	Suits	808
Canvas	Bales	1	Pitch and Tar	Barrels	313

THOS. N. JEFFERY, Collector.

Custom House, 5th January, 1838.

Port of Halifax, Nova Scotia.

An Account of all Articles entered for the use of the Fisheries, for the year 1838.

Boots and Shoes	{ Cases	20	Lines and Twines	Barrel	1
	Pairs	24	Molasses	Gallons	54242
Corkwood	Tons	7	Oil Clothes	{ Bundles	3
Canvas	Pieces	8	Pitch and Tar	{ Suits	1184
Cordage	Coils	426	Turpentine	Barrels	995
Flour	Barrels	8598		Barrels	49
Lard	Kegs	269			

THOS. N. JEFFERY, Collector.

Custom House, 5th January, 1839.

Port of Halifax, Nova Scotia.

An Account of all Articles entered for the use of the Fisheries, for the year 1839.

Beef and Pork	Barrels	108	Lard	{ Half Barrels	10
Boots and Shoes	{ Boxes	78		{ Kegs	250
	Pairs	36	Molasses	Gallons	167132
Boats	Number	4	Oil Clothes	{ Bundles	20
Cordage	Coils	566	Oakum	{ Suits	1303
Corkwood	Tons	6	Pitch and Tar	Bales	100
Flour	Barrels	26095	Varnish	Barrels	1826
Fish Hooks	Box	1		Barrels	2

THOS. N. JEFFERY, Collector.

Custom House, 5th January, 1840.

No. 26.

(See Page 696.)

The Committee to whom was referred the Petition of James W. Nutting, Treasurer of the Nova Scotia Baptist Education Society, praying for a return of Duties on Philosophical Apparatus, imported for the use of the Academy at Horton, report, that the amount of Duties paid on the Apparatus was £19 11s. 6d. and on Books for the use of the Academy £1 6s. 9d. Sterling, paid in Dollars at 4s. 4d. each, being £24 2s. 9d. Currency in all. The Petitioner omitted to mention the Books in his Petition, but explained the circumstances before the Committee, who recommend that the amount paid be refunded to him.

On the Petition of James Bowes, also referred to them, they recommend that the amount prayed for be granted to him, being £2 7s. 7d. Duties on a Printing Press, imported by A. W. Godfrey, from Boston, as appears by the certificate of the Collector of Customs.

Halifax, 30th January, 1840.

H. HUNTINGTON, Chairman ;
JOHN MORTON.

The Committee to whom was referred the Petition of Gossip & Coade, praying a return of Duty on a Printing Press, recommend that £10 4s. 9d. currency, be granted to them, that appearing to be the amount paid, by the certificates of the Collectors of the Customs and Excise.

Halifax, 1st February, 1840.

H. HUNTINGTON, Chairman ;
JOHN MORTON.

No. 27.

(See Page, 705.)

The Committee to whom was referred the Bill to settle the Civil List of Nova Scotia, report as follows: That it be recommended to the House to insert in the Bill as permanent Salaries—

For the present Lieutenant-Governor	£3000 Sterling.
future Lieutenant-Governor	2500
present Secretary of the Province	880
future Secretary	560
present Chief Justices, and Travelling Fees as heretofore	880
any future Chief Justice, and Travelling Fees as heretofore	750
each Puisne Judge, and Travelling Fees, as heretofore	560
Master of Rolls	560
Miss Cox's pension	92

The several allowances to be paid in Sovereigns, or Monies equivalent thereto; and that all other sums, now borne on the Casual and Territorial Revenue, shall be provided for annually by the Assembly, granting such sums as may appear just.

Halifax, 7th February, 1840.

H. HUNTINGTON, Chairman.

No. 28.

(See Page 705)

The Committee appointed to enquire into the merits of the Petition of John McKay, for remuneration for opening the Pictou Coal Mines beg leave to report,

That

That on investigating the subject, they find recorded in the Minutes of Her Majesty's Council as follows, viz :

"25th March, 1820.—Read the Petition of John McKay, stating that he had, for many years, worked the Coal Mines on the East River of Pictou, &c. &c., and praying such relief as might be in His Excellency's power to grant."

The said Petition was referred to Mr. Morris, Mr. Black, and Mr. Justice Halliburton, the conclusion of whose Report is, that "The Committee are of opinion, that as the Petitioner derived advantage himself from his improvements during the time that he occupied the Mines, he cannot have a claim to be re-imbursed the whole sum that he has expended ; But it appears to your Committee, from the enquiries that they have made, that the sum of Three Hundred Pounds would be a fair compensation to make to the Petitioner for the said improvements," which Report being considered, the Council advise, that the compensation recommended be paid out of the Fund arising from the Rent of the Coal Mines, in the District of Pictou." Again, on the 30th Dec., 1836, at a Council held at Government House—Present—His Excellency the Lieutenant-Governor, &c. &c. &c.

"Read the Petition of John McKay, setting forth his claim for further remuneration, &c."

"This claim of the Petitioner, appearing to have been thoroughly investigated by a Committee of this Board, in May, 1820, and he having then received on their recommendation, out of the Révenue derived from the Coal Mines, Three Hundred Pounds for the said improvements, the Council cannot advise His Excellency to take this case into further consideration."

A Memorandum is also attached to the extracts from the Minutes of Council, stating that Fifty Pounds of the above remuneration, was paid on the 12th of May, and the remaining Two Hundred and Fifty Pounds on the 31st May, 1820.

The Committee of this House cannot, therefore, see any ground on which the application of the Petitioner can further be taken into consideration.

H. BELL, Chairman.

Committee Room, House of Assembly,
7th February, 1840.

(No. 29.)

(See Page 705.)

The Committee to whom was referred the Petition from the Overseers of the Poor, and others, from the several Townships, praying to be refunded certain sums of Money expended for the support of Transient Paupers, beg leave to report as follows, viz :

1st.—The Petition of the Overseers of the Poor from the Township of Economy. Your Committee having examined the Accounts appended to the Petition, recommend to the House to grant to the Overseers of the Poor the sum of £5 0 0, and to Doctor R. F. Crowe the sum of £24 0 0.

2nd.—The Petition of Dr. E. F. Harding, praying compensation for Medical attendance on a Transient Pauper, at Windsor. Upon examining his Account, and hearing evidence, your Committee recommend to the House to grant to Dr. E. F. Harding the sum of £7 10 0.

3d.—Petition of Doctor F. Carter Pike, of Windsor, praying payment for Medical attendance on a Transient Pauper, by the order of the Overseers of the Poor. Upon enquiring into the merits of said Petition, your Committee recommend to the House to grant to Dr. F. Carter Pike the sum of £7 10 0.

4th.—The Petition of the Overseers of the Poor for the Township of Windsor, praying to be reimbursed for Monies expended on Transient Paupers. Upon examining their Accounts, and the Affidavits attached to their Petition, your Committee recommend to the House to grant to the Overseers of the Poor for the Township of Windsor the sum of £21 5. 9.

5th.—The Petition of Charles McAlpine, of Louisburg, Cape Breton, praying remuneration

tion in the sum of £4 14 4 for Interring the bodies of nine Shipwrecked Mariners, cast ashore near Louisburg in the gale of September last. Your Committee are of opinion that the charges are moderate, and the demand reasonable, but, as it is not accompanied by any vouchers, they must leave it to the House to decide on its merits.

6th.—The Petition of the Overseers of the Poor for the Township of Manchester, praying a return of Monies expended in the support of Transient Paupers, amounting to £40 11 0, up to the 6th April, 1840. Your Committee having examined their Accounts, are of opinion that the charges are reasonable, and recommend to the House to grant the above sum; but do not recommend any further sum as prayed for, for transporting them to Halifax, as they are entitled to receive payment for that purpose on delivering them to the Poor House.

7th.—The Petition of the Overseers of the Poor for the Township of Pictou, praying payment for Transient Paupers to the amount of £79 6 1. Upon examining the merits of the Petition, and hearing evidence, your Committee are of opinion that they should be granted a sum of Money; but as the Law has not been fully complied with, and no examination of the Paupers having been taken before a Magistrate, and the different items of the Account not being laid before them, your Committee leave to the House to determine on the amount to be granted.

8th.—The Petition of the Overseers of the Poor for the Township of Clements, praying to be reimbursed in the sum of £18 0 0, for expenses incurred in the support of a Foundling, said to be a Transient Pauper. Your Committee having had the same under their consideration, would report that no evidence to satisfy the Committee of its being a Transient Pauper has been adduced.

9th.—The Petition of the Overseers of the Poor for the Township of Aylesford, praying to be reimbursed for Monies expended for the relief of Transient Paupers. Your Committee upon examining the evidence produced, and circumstances of the case, recommend to the House to grant to said Petitioners the sum of £11 7 6.

10th.—The Petition of John McLearn, of Horton, praying payment for expenses incurred in maintaining Transient Paupers. Your Committee recommend to the House to grant Petitioner the sum of £15 17 0.

11th.—The Petition of the Overseers of the Poor for the District of Napan and Maccan, praying payment for Medical attendance, and support of a Transient Pauper. Your Committee having examined their Accounts, and enquired into the circumstances of the case, are of opinion, that they have a claim on the House to be reimbursed; they therefore recommend to the House to grant the sum of £12 10 0 to A. B. Pipes, and a further sum of £10 0 0 to Doctor B. Page.

12th.—The Petition of the Overseers of the Poor for the Township of Yarmouth, praying to be reimbursed in the sum of £33 12 6 expended in the support of Transient Paupers. Your Committee, upon enquiring into the circumstances of the case, and considering the evidence adduced, are of opinion, that their claims are just; but as the Law has not been complied with, in making the proper Affidavits, the Committee, therefore, would submit to the House, to take their case into consideration.

13th.—The Petition of Doctor Elijah Purdy, praying payment for medical aid rendered to a Transient Pauper at Napan. Your Committee are of opinion, that his charges are moderate and his claims just; they therefore recommend to the House to grant to the Petitioner the sum of £5 13 6.

14th.—The Petition of the Overseers of the Poor for the Township of Antigonish. Your Committee recommend to the House to grant to the Petitioners the sum of £3 1 7½.

15th.—The Petition of the Overseers of the Poor for Shelburne, praying a return of Monies expended for the support of Transient Paupers. Your Committee recommend to the House to grant to the Petitioners the sum of £8 11 3.

Your Committee, in concluding their Report, cannot forbear stating to the House the very unsatisfactory manner in which most of the Accounts and Vouchers are submitted—there seems to be a want of information on the part of the Overseers of the Poor, that the Law requires a strict examination before a Magistrate, before relief be granted; in few cases has the Law been complied with. Your Committee, therefore, strongly recommend to the

Assembly,

Assembly, to make it known in some public way, that unless, in future, the examinations are made, or a sufficient reason given why they are not, with the accounts of the expenditure, forwarded through the Overseers of the Poor, under Oath, they will not be received. All which is respectfully submitted.

R. CLEMENTS, Chairman.
R. McG. DICKEY.

Committee Room, 7th Feb. 1840.

No. 30.

(See Page 706.)

(Copy.)—No. 8.

Downing Street, 10th October, 1839.

SIR,

With reference to my Despatch, No. 4, of the 23d ult., I think it desirable to put you in possession of the enclosed Correspondence which has passed between this Department and the Bishop of Nova-Scotia, on the question of the Nova-Scotia School Lands.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed.) J. RUSSELL.

Lieut. Gen. SIR COLIN CAMPBELL, K. C. B. &c. &c. &c.

(Copy.)

5, York Street, St. James, 6th August, 1838.

MY LORD,—

I have the honour to acknowledge the receipt of a letter from Sir George Grey, written by desire of your Lordship, and accompanied by several papers lately received at the Colonial Office, from Halifax,—namely, copies of a Bill for the appointment of Trustees of School Lands, passed by the Council and Assembly of Nova Scotia, but not assented to by the Lieutenant Governor; and of a letter addressed to His Excellency by myself, in 1835, together with a Report of a Committee of Council, appointed to enquire into the circumstances under which Lands have been allotted for the support of Schools in Nova Scotia.

I cannot forbear to offer my thanks for your Lordship's kindness in desiring to receive any observations which I may be able to suggest for your Lordship's consideration before you decide upon the subject, or convey the instructions which are solicited by Sir C. Campbell.

The claim of the Society for the Propagation of the Gospel, on behalf of their Schoolmasters, to the small income which may be derived from Lands hitherto allotted in Nova Scotia to the support of Schools, has always appeared to me clear and irresistible. It rests chiefly upon the original intention of the Government, when giving Instructions from the Crown for reserving or granting these Lands. This intention appears to be indicated by the terms of the instructions with sufficient clearness, if those instructions be well considered, and by the words of the Grants which were issued in pursuance of the instructions. But if any explanation be necessary, it appears to be amply supplied by the official communications which passed between the Government and the Society when the first Settlers were sent to Halifax, ninety years ago, and by the uniform usage under those instructions up to the present time.

The Instructions in 1749 to Colonel Cornwallis, the first Governor at Halifax, direct, in the clearest manner, that all care shall be taken to provide for the Colonists the blessings of religious instruction, in conformity with the doctrine and discipline of the Established Church. For this good purpose, they direct, that a particular spot in, or as near each Town as possible, be set apart for the building of a Church, and four hundred Acres adjacent thereto, be allotted for a Minister, and 200 Acres for a Schoolmaster; that God

Almighty be decently, devoutly and duly served throughout the Government; that the Book of Common Prayer, as by Law established, be read each Sunday and Holiday, and the blessed Sacrament administered according to the Rites of the Church of England; that the Churches to be built be well and orderly kept; that more be built, as, by God's blessing, the Colony shall be improved; and that besides a competent maintenance to be assigned to the Minister of each Orthodox Church, a convenient House be built for him at the common charge. Other Instructions follow, for the limiting and settling Parishes, for preferring to Ecclesiastical Benefices, and for obtaining Certificates from the Bishop of London of the conformity of each Clergyman to the doctrine and discipline of the Church, to secure to each Orthodox Minister the right of being a Member of the Vestry in his Parish, and for the due exercise of the Ecclesiastical Jurisdiction of the Bishop of London within the Province.

Several other Instructions follow, tending to the same object; but these sufficiently shew the mind of the Government, in reference to the permanent establishment and support of the Church of England in the Province of Nova-Scotia; but securing "to all persons, liberty of conscience, so that they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government."

Here, it may be proper to remark, that as soon as a Colonial Legislature was organized, an Act was passed by that Body, giving a legal establishment to the Church of England, whose rites and ceremonies were constituted the fixed form of worship within the Province, but securing full liberty of conscience to all Dissenters, allowing them to choose their own Ministers, and excusing them from paying Rates or Taxes for the support of the Established Church.

Long before the year 1749, the Society for the Propagation of the Gospel had been happily instrumental in the introduction and support of the Church in several other Colonies by their Missionaries, Catechist and Schoolmasters, and had often co-operated with the Government in this good work. It was, therefore, very natural, that the Government should look to this Society, when they determined to form an extensive Colony in Nova-Scotia, and desired to promote their religious instruction. Accordingly, the Lords of Trade, on the 6th of April, 1749, addressed a Letter to the Society, to inform them, that His Majesty had given direction, that a number of persons should be sent to the Province of Nova-Scotia, to acquaint them that it was proposed to settle the said persons in six Townships, and that a particular spot would be set apart in each of them, for building a Church, and 400 Acres adjacent thereto, would be granted in perpetuity, free from the payment of any Quit Rent, to a Minister and his Successors, and 200 in like manner to a *Schoolmaster*.— Their Lordships, therefore, recommend to the Society, to name a Minister and *Schoolmaster* for each of the said Townships, hoping they will give such encouragement to them, as the Society shall think proper, until their Lands can be so far cultivated as to afford a sufficient support,

A special meeting of the Society was promptly called to take this Letter into consideration, and, in reply to it, the Society state that "it afforded them much satisfaction to observe that the Lords Commissioners for Trade and Plantations shewed so just and necessary regard for introducing and supporting true religion among the people to be settled in Nova-Scotia."

The Society immediately resolved to send the six Clergymen, and the six Schoolmasters required in that year, and allotted more than the usual Salaries for their support, as evidence of their anxiety to meet the benevolent desires of the Government. In their printed Report of proceedings in that year, they mention the great pleasure they derived from these desires in the Government, and add, "to help forward, as much as in them lay, the pious and laudable intentions of the Lords Commissioners for Trade and Plantations, they very cheerfully came to a Resolution of providing Clergymen and *Schoolmasters*, as *Settlements should be formed, and the occasions of the Colony should require,*"

It is evident, therefore, that the Society regarded the call of the Government, in 1749, as a call, not only on behalf of the six Townships then immediately in want, but also of all other Townships that should afterwards be settled. Their transactions in Nova-Scotia, from that time to the present, afford complete evidence, that they have liberally acted upon
this

this understanding. They have had forty Schoolmasters there at one time, and have expended many Thousand Pounds for their support, they have afforded the blessing of religious and moral instruction to thousands, who would otherwise have been destitute of its benefit; and now, when some prospect of partial assistance to which they were encouraged to look forward, is opening before them, it would be hard, indeed, if such assistance were to be wrested from them. Their Schools will be hereafter, as they have hitherto been, of great general benefit, and of high value. As the condition of the Colonists is improved, the condition of their Schools also may be raised, and they will always be under such management and superintendance, as will give security for their increasing usefulness; they ever have been, and ever will be open, alike, to persons of all religious denominations; and as their Schoolmasters have never been permitted to offer any violence to the conscientious scruples, either of Parents or Children, so would they be prohibited, if occasion should require, from making any such attempt, which would be as much opposed to the wishes of the Society, as to the feelings of the People. But no instance of the kind has yet occurred, nor, is it likely, that any such, will ever call for interference—for the children of Jews, Roman Catholics, and Dissenters of every name, have been educated in the Society's School, without a single complaint.

Your Lordship, I hope, will easily perceive, that the Government had the same understanding and intentions, which the Society manifested. The Instructions of 1749, to which they first referred the Society, directed allotments of Land to be made in all Townships, without any special reference to the six which were first to be settled and named to the Society, as the six places which would require attention in that year. In the early part of the following year, the Lords of Trade again address the Society, to return their thanks for the good will of the Society, to the Infant Settlements in the preceding year, and request their attention to a new Settlement to be made in that present year, 1750, which was designed to consist, chiefly of Foreign Protestants.

In April 1752, instructions were to be prepared for a new Governor in Nova Scotia, and the Lords of Trade state in their correspondence with the Privy Council, that these instructions "will omit all such as related to matters which were of a temporary nature, and have been carried into execution." But these instructions include all the sections which related to Churches, Schools, Ministers, *Schoolmasters*, Glebes, and *School Lands*. These sections were therefore not considered as relating to matters which were of a temporary nature.

In March 1756, instructions were again duly prepared for another Governor; and again the Lords of Trade, state that "in these instructions they have omitted all such articles as having been adapted to the circumstances of the Colony in its infancy, or given for purposes which have been either completely executed, or do not now subsist, are become obsolete and useless." But these instructions also, like those in 1752, contain all the former sections respecting those important objects. They also state that additional Townships are to be formed, and upon the *same conditions* with those already settled.

In December 1759 a copy of the Grant for the Township of Horton, in which Glebe and School Lot are specified, was transmitted from Halifax to the Lords of Trade, and received their approbation. Provision was made for the settlement of twelve other Townships besides Horton, and applications for a still larger number were noticed. In these thirteen Townships the Society proceeded to appoint Schoolmasters as fast as fit persons could be found, and of course looking to any assistance in their support, which the School Lands could supply.

In March 1760, directions were sent from the Lords of Trade for the distribution of Settlers in other places upon *the same plan, and with the same conditions* with which the Thirteen Townships named in the preceding year, had been granted. These directions, it is important to observe, were issued *after* the influx of twelve thousand persons, who had been invited by Governor Lawrence to occupy the Township from which the Acadians had been removed. And in these other places also, when they were settled, we find the Schoolmasters of the Society were distributed from time to time. All subsequent instructions from the Crown to the Governor contain similar directions concerning Glebes and School Lands; but it must be unnecessary for me to trouble your Lordship with any more refer-

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ences, as I trust it is already evident that the Government have been influenced by one uniform intention in directing Reserves or Grants of School Lands, and that their desire always was that these Lands should assist the Society in the support of their Schoolmasters in Nova Scotia.

I may therefore proceed to shew how far the practice in reference to these Lands has coincided with the expectations of the Society, created by their communications with the Government; and also with the intentions of the Government, as indicated by the Royal Instructions, and the correspondence of the Lords of Trade.

In many parts of Nova Scotia the Lands allotted to Schools have remained, even to the present day, without producing any thing. These have hitherto attracted little attention. But in other situations, some small rent has been obtained from the Lands, and in these cases such benefit as they produced has been given either as a matter of course, or by express authority from the Governor, to the Society's Schoolmasters. The early Records of Nova Scotia are very incomplete, but they furnish sufficient evidence of this fact.

It appears by a document which has been preserved in the Surveyor General's Office at Halifax, that so long ago as the year 1765 the Land allotted to the support of a Schoolmaster, or the *School Land* in the Township of Granville, was formally taken possession of by the Society's Missionary at that place, with the approval of the *Lieutenant-Governor of the Province*, for the "use and benefit of James Wilkie, resident Schoolmaster appointed by the Society for the Propagation of the Gospel in Foreign Parts, and of his Successors, as such Schoolmaster in the said Township."

A Licence, of which the following is a copy, was given in 1782:—

(L. S.)

"By Sir Andrew Snape Hammond, Knight, Lieutenant Governor and Commander in Chief, &c. &c. &c."

"Licence is hereby granted to Cornelius Fox, to occupy and possess that Lot of Land called the School Lot, in the Township of Cornwallis, containing 400 acres, so long as he shall continue to be employed as Schoolmaster by the Society in England for the Propagation of the Gospel in Foreign Parts.

"Given under my Hand and Seal, at Halifax, this 10th day
" of June, 1782, in the 22nd Year of His Majesty's
" Reign.

(Signed)

" A. S. HAMMOND."

It appears by the Minute Books of the Council, at Halifax, that similar Licences were given to other Schoolmasters of the Society, in different places and at different times, but there is not a single instance in which a License was given to any other than a Schoolmaster of the Society.

It is with my own knowledge, that in many Townships, in Horton, Truro, Onslow, Amherst, Snelburne, and others, the Society's Schoolmasters, either with or without such License, had all the benefit which could be derived from the School Lands, and none of these Townships could have been among the first six for which the Society's assistance was requested by the Government; for most of them were occupied in 1749, when that assistance was required by French Acadians, and others are of most recent establishment.

In some instances, Townships had been settled in which the usual Reserves, ordered by Government, had been, by some neglect, omitted. Similar omissions had also occurred upon the subdivision of Townships; and in some instances the Reserved Lands were occupied by intruders who did not pretend to any other title than unauthorized possession. In 1821, when Lands were increasing in value, I thought it my duty to make these facts known to the Society for the Propagation of the Gospel, and at their request, the Archbishop of Canterbury made an application to the Colonial Office. It referred to the early agreement between the Government and the Society, and requested that, pursuant to that agreement, and to the practice under it, instructions might be given to the Local Government to locate the Glebes and School Lands where they were not already granted, and that, *in the case of School Lands, they might be specially reserved for Institutions in connection with the Established Church of the Provinces.* The Secretary of State transmitted

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ted this application to the Lieutenant-Governor of Nova Scotia, with a letter, from which the following is an extract:—"As I am anxious to give effect to the wishes therein expressed, I beg particularly to recommend the point adverted to to your early attention, and, in case any specific authority or instruction upon the subject should be deemed necessary, I have to desire that you will forthwith report to me thereupon." No further authority was then considered necessary, the Governor kindly offered official interference whenever it might be called for, and in the only case which required such interference at that time, a letter from the Attorney-General, written by desire of the Governor, obtained the benefit of the School Lands in Newport, for the Society's Schoolmaster at that place, where the Lands were placed at once under an existing Law, in the care of the Missionary and two other persons as Trustees. It was therefore hoped that the Society's Schoolmasters would be permitted, in future, quietly to enjoy the benefit intended for them. But movements in other places, most probably had some influence in Nova Scotia; and if the alienation of Glebes in Prince Edward Island led to a desire of similar attempts in the neighbourhood, no surprise can be excited.

Two years ago an attempt was made by the House of Assembly to deprive the Society of all interest in the School Lands; but the Council refused to concur in a Bill to effect this object. A similar Bill obtained the concurrence of the present Legislative Council in their last Session, probably with some difficulty, but was not assented to by the Governor; and I regret to add that Her Majesty's Solicitor General, a Member of that Council, has moved and carried Resolutions of that House, calling for copies of all Grants, Reserves, Licences, and Leases of Lands, made in reference to the Church Ministers or Religious Teachers, as well as of all similar papers relative to School Lands.

The preamble to the Bill which I have just mentioned, states that "no mode of appointing Trustees for the management of the Lands granted, reserved, or set apart for the use of Schools, or of making the same available for the purpose for which they were intended, has yet been adopted."

But an Act of the 6th of Geo. 3d, contains the following Section:—

"And whereas, His Majesty has been pleased to order that 400 acres of Land in each Township shall be granted to, and for the use and support of, Schools: Be it enacted, that the said quantity of Lands shall be vested in Trustees for the said purpose, and such Trustees shall be and are hereby enabled to sue and defend for and on behalf of such Schools, and to improve all such Lands as shall be most for the advantage and benefit thereof."

Under this Act, it appears by the Minute Books of the Council, that Trustees have been appointed by the different Governors of the Province, in numerous instances, from the year 1770 to 1834, inclusive, nor has any difficulty occurred in the performance of the duty of these Trustees. But under these official appointments, the benefit of the Lands, when any benefit could be derived from them, has been given to the Society's Schoolmasters, who, under the proposed Act, would certainly be deprived of that benefit. I therefore persuade myself, your Lordship will have no difficulty in approving the conduct of the Governor in rejecting such Bill, and in giving His Excellency instructions to pursue a similar course, if any similar Bill should again be presented to him.

It remains for me to notice the reasons assigned by the Honourable Joseph Allison for not concurring with the other Members of a Committee of Council, to whom the Governor, in 1835, referred sundry documents relating to School Lands. But it can hardly be doubted that the Report of that Committee will be satisfactory to your Lordship. If the instructions to Governor Cornwallis in 1749 had been within Mr. Allison's reach, it is not improbable that he would have concurred in the Report, but he seems to have supposed that the directions they contained for the grant of School Lands were limited to the first six Townships that were to be immediately settled. Had it been so, the limitation would have applied to Glebes as well as School Lands, for in all the instructions they are named in the same sentence. It has, however, been sufficiently shewn that no such limitation was expressed, nor intended in the instructions of 1749, nor in any other that have been subsequently issued. Neither can there be foundation for the importance which Mr. Allison seems to attach to an occasional difference of expression in the grants of Townships,

because most of the earlier grants speak of *School*, in the singular number, and some of the later Schools in the plural. This distinction, which is not uniformly found between the earlier and later grants, was probably accidental, but if it was not entirely accidental, it can easily be supposed that in the first Settlements in an extensive wilderness a single School for each would be considered a very great achievement. But after the establishment of the first Townships with a School in each, and after the first difficulties were surmounted, it is possible that more than one School may have been contemplated by the Government; and it is within my own knowledge that the Society have established several Schools in the same Township, when the extent of a scattered population has made them desirable, and the Society had the means of effecting the object; and if the proceeds of the School Lands would afford a good portion of the support for the Schoolmasters, the Society would gladly multiply them. But it will be long before these Lands' will be sufficient, of themselves, for the establishment of even one respectable School in each Township. The Provincial Act of 1766 necessarily alludes to *Schools*, because its object was to legalise the appointment of Trustees for the Lands in all parts of the Province which were intended to assist in supporting Schools throughout the Colony. But it is important to repeat that the *Instructions*, the Licenses, and the occupation of the Lands, were the same before and after the passing of the Act, and so continued to the present time; for this fact appears to be as decisive as it is unquestionable. In the grant which Mr. Allison has quoted, there is a proviso which seems to destroy the inference he would draw from the words of the grants, for it requires that the Schools to be assisted "shall be established and fixed from time to time, agreeably to our Royal Instructions, or the Royal Instruction of our Successor or Successors;" and those Instructions have been sufficiently explained.

It cannot be necessary to enter at any length into Mr. Allison's reference to the Proclamation of Governor Lawrence, when he invited settlers from New England to occupy the Lands from which the French Acadians had been removed. To encourage those who may have feared interference with their religious opinions, the Governor inserted in his Proclamation, an extract from the Colonial Act, which *established* the Church of England in the Colony. Every provision of that Act has been faithfully regarded, but it had no reference whatever, expressed or implied, to the property allotted by the Crown to the support of the Ministers and Schoolmasters. It contained no intimation that these or any other Lands were to be expected by Dissenters for the support of their Ministers or their Schoolmasters, and therefore Mr. Allison's allusion to this Proclamation is wholly irrelevant.

Sir Colin Campbell has suggested a distinction of another kind, and has proposed "if it can be done without compromising the faith of the Government with the Society," the application of such of the School Lands as remain unoccupied and unimproved to the general purposes of Education, without reference to the Society, while all other School Lands, on which improvement has been made, shall be applied to the support of the Society's Schoolmasters. This arrangement, however, would be full of difficulty and dissatisfaction, even if it could be effected without a violation of an engagement which ought to be sacred. The partial and imperfect attempts which have been made for the improvement of Lands in Nova Scotia, would render it almost impossible to draw a satisfactory distinction between *improved* and *unimproved*. The amount of income from the whole is so inconsiderable, that although it may be useful when applied to the limited number of Schoolmasters whom the Society may be able to appoint, it would be of little value when distributed among the numerous Schools which would claim a share of that amount, if an equal right were given to all. There would also be serious inconvenience and embarrassment, from such interference, as the proposed arrangement would make with the trusts already created for the security of the School Lands. In some cases they may have been granted, under the Great Seal of the Province, to the Bishop, as a Corporation, sole; in others, to the Rector and Churchwardens of Parishes; and in still larger extent to the Chief Justice, Bishop, and Secretary of the Province, for the time being, as joint Trustees. But it is perhaps unnecessary to dwell longer upon these objections, however forcible, because there is one remaining, alluded to by Sir Colin Campbell, which to his honourable mind

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mind will appear insuperable, for it is impossible that any portion of these Lands can be taken from the Society's Schoolmasters, *without compromising the faith of the Government with the Society.*

It is impossible, however, to disagree with Sir Colin Campbell in the opinion he has expressed of the importance of setting this question at rest.

If your Lordship, after considering the Letter which I addressed to Sir Colin in 1835, and the clear Report of the Committee of Council in the same year, and the full explanation of the whole subject, which I have endeavoured to give in this Letter, shall be of opinion, as I cannot doubt, that the Lands in question were always intended for the Society's Schoolmasters, and ought, therefore, as heretofore, to be applied to their support there will be no difficulty in effecting this object.

It has been the usage in Nova Scotia, when the Governor appoints Trustees or Commissioners for any purposes, by authority, to furnish those persons with instructions for their guidance in the performance of the duty thus committed to them. If your Lordship shall therefore see fit to direct the Governor of Nova Scotia to give instructions to all Trustees of School Lands, now or hereafter to be appointed, to take care that the proceeds of such Lands continue to be applied to the support of the Society's Schoolmasters, in conformity with the original design of the Crown, and the long usage in the Colony, the object will be easily accomplished, and justice will be done.

If, in addition to the Lands granted or promised to the Society, it should be thought advisable to make larger allotments for the assistance of more extensive Education than the Society can furnish to the Province at large, I need not tell your Lordship that in Nova Scotia many thousand acres are available for this purpose. The Legislature are well disposed to make liberal grants of Money for the important object of Education, and such assistance in Land, without interference with that which has been intended for the Society's Schoolmasters, would be gratefully regarded as a benefit to the whole Province.

I have, &c.,

(Signed)

JOHN NOVA-SCOTIA.

Extract from the Instructions to Governor Cornwallis, dated, 29th April, 1749.

“And to the end, that the said French Inhabitants may be converted to the Protestant Religion, and their children brought up in the principles of it, you are to give all possible encouragement to educating Roman Catholic Children in Protestant Schools, and to grant 200 acres of Land in each Township, to every Clergyman, and 100 to every Schoolmaster that we shall think proper to send, in perpetuity, over and above the quotas allotted to them and their Successors, free from the payment of any Quit Rents, for the space of ten years, at the expiration whereof to pay One Shilling for every 50 acres, as also a further quantity of 30 acres, for every person of which their families shall consist of the like condition, as other settlers, and to make further grants to them, as their families shall increase, or in proportion to their ability to cultivate the same.

You are to permit a liberty of conscience to all persons, so they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government.

You shall take especial care, that God Almighty be devoutly and duly served throughout your Government, the Book of Common Prayer, as by Law established, read each Sunday and Holiday, and the blessed Sacrament administered according to the Rites of the Church of England.

You shall be careful that the Churches to be built there, be well and orderly kept, and that more be built, as that Colony, shall, by God's blessing, be improved; and that, besides a competent maintenance to be assigned to the Minister of each Orthodox Church, a convenient House be built, at the common charge, for each Minister.

And you are to take care that the Parishes be so limited and settled, as you shall find most convenient for accomplishing this good work.

You are not to prefer any Minister to any Ecclesiastical Benefice in that our Province, without a Certificate from the Right Reverend Father in God, the Lord Bishop of London, of his being conformable to the doctrine and discipline of the Church of England,
and

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and of a good life and conversation; and if any person hereafter preferred to a Benefice, shall appear to you to give scandal, either by his doctrine or manners, you are to use the best means for his removal.

You are to give orders forthwith, that every Orthodox Minister within your Government, be one of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of sickness, or that after notice of a Vestry summoned, he omit to come.

And to the end, that the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place in that our Province, so far as conveniently may be, we do think fit that you do give all countenance and encouragement to the exercise of the same, excepting only the collating of Benefices, granting Licences for Marriages, and Probates of Wills, which we have reserved, to you our Governor, and to the Commander in Chief of our said Province, for the time being.

And we do further direct, that no Schoolmaster be henceforward permitted to come from this Kingdom, and to keep School in that our said Province, without the License of the said Lord Bishop of London, and that no other person now there, or that shall come from other parts, shall be admitted to keep School in Nova-Scotia, without your Licence first obtained."

30, Pall Mall, 29th January, 1839.

MY LORD,

Having been absent from London on business of the Society for the Propagation of the Gospel, I have only heard within the last hour, that your Lordship has been pleased to name to-morrow for receiving a Committee of the Society, when the Bishop of London will have the honor of presenting a Memorial, relating to School Lands, in my Diocese.

Your Lordship's determination upon this very important subject, will so deeply affect the interests of the Colonial Church, as well as the best feelings of all her Members, that you will forgive the anxiety which leads me to trouble your Lordship again in reference to it.

Permit me, very earnestly, to request your Lordship's attention to the views of the Government, when Instructions were first given, and afterwards repeated, for the allotment of these Lands to the original call upon the Society from the Lords of Trade, to the engagement then actually made by the Government, to the subsequent appropriation of the Lands, or the proceeds of the Lands, agreeably with such engagement, to the Society's Schoolmasters; and also to the faithful performance of the Society's part in such engagement, until they expended many Thousand Pounds, in full reliance upon the security which the promise of the Government afforded. If a doubt can remain upon your Lordship's mind respecting any of these facts, full evidence may be produced.

I would also earnestly request your Lordship's attention to the fact, that these Lands have actually passed from the Crown, by formal Grants. These Grants, perhaps, though under the Great Seal of the Province, were not so carefully worded, as similar Instruments would now be. The whole difficulty, in the present case, seems to have arisen from the want of an explicit declaration in these Instruments, of the exact mode in which the Lands, thus allotted for the support of Schools, be applied. But, however inconvenient such deficiency may now appear, no practical inconvenience was felt, until of late. The intention of the Grant was well known and undisputed, and accordingly, the proceeds were applied in conformity with that intention, to the Society's Schoolmasters.

If an inclination to divest these Lands from the particular appropriation for which they were designed, has now been manifested, the Church and the Society naturally turn to the Government to protect them from injury; and they confidently hope, that the Government will not permit any defect in the wording of their own Grants, to work such injury.

I have, &c.,

(Signed)

The Lord GLENELG.

JOHN NOVA-SCOTIA.

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109, *Picadilly*, 13th March, 1839.

MY LORD,

At the interview, with which your Lordship was so kind as to honor me last week, I took the liberty of stating, that in consequence of a question put by Lord Glenelg to a Committee of the Society for the Propagation of the Gospel, it was thought expedient to obtain the opinion of Counsel, in reference to the claims of that Society, to the proceeds of School Lands in Nova-Scotia, for the support of their Schoolmasters.

That opinion has been procured, and I now have the honor of submitting a copy of it to your Lordship, in the hope that this unreserved communication of it will occupy less of your Lordship's time, than such a Memorial as has been suggested by Mr. Sergeant Spankie, who was not aware that copies of all the Papers which were referred to him, with the exception of one Letter from Lord Sydney to the Society in 1785, are already before your Lordship.

It is presumed, by Counsel, that reasonable evidence *aliunde*, will shew that the existing Grants of School Lands were, for the benefit of the Society's School, and I trust your Lordship will be satisfied that such evidence may be gathered.

1st. From the correspondence in 1749, between the Lords of Trade and the Society, and from subsequent communications between the Government and the Society.

2d. From the juxta position of Glebes and School Lands in that correspondence; and in the Royal Instructions to all the Governors of Nova-Scotia, and in the Grants which issued in pursuance of these Instructions.

3d. From the occupation of these Lands, when any benefit could be derived from them by the Society's Schoolmasters, often by express authority of the Local Government to them, so to occupy the Lands, as Schoolmasters of the Society.

4th. From the attention uniformly given to these Lands by the Bishop of Nova Scotia, since the erection of the See, upon a clear and general understanding, that they had always been designed for those Schoolmasters alone, the Bishop having, from time to time, applied for allotments of such Lands, as new Parishes were formed, having suggested Trustees to whose care they should be committed, either by Grant or by Commissions, issued under the Colonial Act of 1766, and in some cases, having provided Funds for the expences incurred in taking out the Grants.

5th. From the character of the Trustees, to whom these Grants and Commissions have been given, at the suggestion of the Bishop—sometimes to the Rectors and Churchwardens of Parishes, sometimes to the Bishop as a Corporation sole; and in the case of a very large Grant of Glebes and School Lands to the Chief Justice, Bishop and Secretary of the Province, of whom the Bishop alone, who procured nearly £200 to defray the expense of this Grant, has a legal succession.

Upon all these points, and upon all others, on which your Lordship may desire further information or explanation, a Committee of the Society shall be ready to communicate fully, whenever your Lordship will be pleased to name a time for their attendance in Downing Street.

I have, &c.,

(Signed)

JOHN NOVA-SCOTIA.

(Copy)

Mr. Sergeant Spankie will please to peruse the accompanying Papers, and advise, Whether, upon a view of the whole case, the Society for the Propagation of the Gospel in Foreign parts, have such an equitable claim upon the proceeds of the Lands therein referred to, for their Schoolmasters, as creates a moral obligation upon the Government of the Mother Country, to support that claim to the extent of its power? And is a distinction to be made between the whole number of acres originally set apart for Schools, and that portion of the Lands which has been actually enjoyed by the Schoolmasters in the employment of the Society?

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And further, to advise in what manner this claim may be most effectually pressed upon the Government?

Temple, 5th March, 1839.

(Copy)

OPINION.

I have carefully perused the statement and papers referred to, and considered the questions submitted, respecting the claims of the Society for the Propagation of the Gospel in Foreign Parts, upon the Lands or proceeds thereof, set apart for Schools in the Province of Nova-Scotia.

It is clear that the Property in the soil of the waste and unimproved Lands in the Province, is held to have been in the Crown, and that Grants were made at its pleasure, with a declared reserve of certain portions in each Township for certain purposes. And it is agreed, that one of those purposes was, for Schools and Schoolmasters (generally, as contended by some, or as contended by the Society, at least since 1749, for Schools and Schoolmasters,) in connexion with the Society for the Propagation of the Gospel in Foreign Parts, and with the Established Church of England, which, indeed, was in the year 1758, by an Act of the Provincial Legislature, made the established religion of the Province, but without any fixed endowments. Prior to this Act, however, the Crown had, by Instructions to its Governors of the Province, intimated its intention to provide in part for the support of religious worship and instruction, according to the Church of England, by Grants of certain portions of Land in each Township; and also, for Education, by appropriating a certain portion of Lands for Schools and Schoolmasters.

It is not disputed, that the Reserves so provided belong to the Church; and there is no doubt, that through the said Society, on application of the Government of this Country, Ministers of the Church of England and Schoolmasters were sent out to Nova-Scotia in the year 1749, on the engagement of Government, that, besides ground for a Church, 400 acres should be granted in perpetuity to the Minister and his successors, and 200 acres in like manner, to the Schoolmaster—the Society being at the charge of the present support of such Ministers and Schoolmasters. Whether the application and agreement of 1749, on the first settlement of Ministers and Schoolmasters, extended in terms to all future settlements, (and I confess I think they did not,) is not, perhaps, very material, since the agreement at least formed a precedent, and by subsequent declarations and conduct, was, in effect, extended to other cases of the same sort, and has been pursued without variation.

It seems indisputable, indeed, that in the outset of those settlements, (that is, from 1749 and for long after,) the provision of Land for the Schoolmaster was intended to be for a Schoolmaster in connexion with the Church of England—the two objects are constantly combined.

From the whole of the statement, (of the substantial correctness of which, there is no doubt,) and from the conduct of all concerned, down to very recent times, it appears to have been understood, that the Reserves of Lands for Schools, (no matter what the precise terms in the Royal Instructions or Grants may have been,) were to be granted on the application of, or on account of, the Society's Schoolmasters. It never seems to have been supposed, that the Land, directed by the Crown to be granted for the use of Schools, was a Fund for Education generally, much less a Fund with which the Provincial Legislature could interfere. The Legislature seems always to have felt a very laudable interest on the subject of Education, and passed many Acts to establish Schools of different kinds—Common Schools for reading, &c., Grammar Schools, Academies, Acts to enable parties desiring to have Schools to assess themselves, and the Legislature provided first, £2500; at last, £4000 annually, for their additional support and encouragement. No allusion, however, is made in these Acts to the reserved Lands, as an available Fund. The first Act, on the subject of Schools and Schoolmasters, (and so entitled,) is the 6th, Geo. 3, cap. 7: it imposes checks and restraints in the business of a Schoolmaster, and in certain cases, particularly

20 Geo. 3, cap. 3.

51 Geo. 3, cap. 8.

“ sec. 8.

56 Geo. 3, cap. 29.

7 Geo. 4, cap. 20.

2 Wm. 4, cap. 2.

particularly as to all Schools, and requires examination and a Licence. Indeed, the business of a Schoolmaster in Nova-Scotia, contrary to what is generally supposed, was always under regulation. The 3d section of the Act last mentioned, after reciting that His Majesty had been pleased to order, "that 400 acres of Land in each Township should be granted for the use of Schools," provides that such Land shall be vested in Trustees, clearly with the view only, as indeed is expressed, of enabling the Trustees to sue and defend in respect of such Schools, and the better to improve the Lands. No Act of the Legislature passed into a Law, has since resumed the subject of these Lands.

From these circumstances—from the absence of competition for the benefit of this Fund—from the abstinence of the Provincial Legislature from any attempt during nearly a century to call it in aid of the means of Education, there appears to arise a strong presumption that the School Reserve was generally understood to be already appropriated; and this presumption is confirmed, by what passed between the Society and the Government of this Country, when application to Government on the subject at any time became necessary, particularly in the years 1785 and 1822.

I have brought into one view the various circumstances which will be found in the several detached papers laid before me, and have added such inferences as appear to support the claims of the Society upon the Government, to carry into effect the intention which prevailed to a late period of continuing and confirming to the Society the Lands reserved for Schools and Schoolmasters. I do not consider the case as one to be maintained by adverse litigation, or aiming at mere legal redress. I conceive, however, that the claims of the Society rest upon pecuniary considerations, in the large sacrifices made by the Society in promoting, at the request of Government, and in discharge of its duties, the Religious Instruction and Education of the Colony, in anticipation of Funds formerly unavailable, and now in some degree likely to be realized. I apprehend that the Government must feel the obligation *ex æquo et bono*, to fulfil the expectation they have so long encouraged, unless the principle of instruction, in connexion with the Religious Establishment of the Church of England, is now to be abandoned. I think the claim of the Society fairly extends to the whole 15000 acres set apart.

With respect to that portion which has already been enjoyed by the Schoolmasters in the employment of the Society, I conceive the *right* to be clear. Indeed, the Act, which Sir Colin Campbell so properly refused to pass, appears to me to be an Act of the most outrageous violence to legal property. I presume, that by reasonable evidence aliunde, it could be shewn, that the existing Grants were for the benefit of the Society's Schools. Wherever Grants have been made to Trustees for the Society's Schools and Schoolmasters, and the trust for that object could, as no doubt it could be clearly established, the Legal Estate must be declared to be for their use; and where possession and enjoyment have taken place, in contemplation if necessary, of a formal Grant, the right in equity is the same. The power given by the rejected Act to disturb those titles, was a flagrant act of confiscation. Besides other objections to which such a measure is liable, it appears to me, to involve a violent encroachment on the prerogative of the Crown. The Property, if not granted away, is in the Crown; and, if not bound by Contract to a specific application, it is for the Crown to determine what application shall be made. Without its previous relinquishment of its rights, and delegating the application to the Legislature, the proceedings of the latter, appear to be an indecent usurpation upon the Crown.

It is difficult to say, how the Society ought to proceed to maintain their claims with Government, and nothing occurs to me, but to suggest a full and exact representation to the Secretary of State, of the grounds of such claims which may be available; also, should the matter be directly or indirectly brought into discussion in Parliament, I recommend that the Memorial or Representation, should be drawn upon an accurate reference to facts and documents. The case is defective indeed, in distinct evidence of what has passed between the parties, as happens, when those who have acted upon a common understanding, and in unsuspecting confidence are to contest as adversaries. The representation should contain a view of the proceedings of the Society, and the extent of their services in regard to Schools and Instruction in Nova-Scotia. The Instructions, themselves

APPENDIX No. 30.

selves to the Governor in 1749, (what I have seen is only the correspondence of the Board of Trade,) also, those of 1752, and at intermediate periods downward, particularly those of 1785, referred to by Lord Sydney, should be examined and cited. I have no doubt, that Government will afford access to those, and similar documents. Copies should be obtained of Grants made at different times in the Colony, and some evidence given, on whose application and account grants were made to Trustees, if that does not appear on the face of the Grants themselves. It should be explained how the 200 acres, mentioned in 1749, was extended to 400 acres, as recited in the 6th Geo. 3, cap. 7, sec. 3, and the order there referred to, should be obtained.

I think, that by due attention to these and other matters of the same kind, a stronger case may be made out for the Society than has yet been presented in one view. In the mean time, however, if such Memorial cannot immediately be prepared, the Society should remonstrate against passing any such Act as that of last year, which decides for the Government of this Country with indiscriminating violence, that, which Government should deliberately determine for itself.

(Signed)

R. SPANKIE.

Serjeant's Inn, 8th March, 1839.

(Copy)

109, *Picadilly*, 19th August, 1839.

MY LORD,

I beg your Lordship to accept my best thanks for your kindness, in directing that I should be supplied with a copy of an Act, lately passed by the Legislature of Nova-Scotia, to provide for the appointment of Trustees for School Lands.

As the operation of this Act, which is happily suspended until Her Majesty's pleasure shall be signified, would inflict very serious injury upon the Church in my Diocese, and upon the Incorporated Society for the Propagation of the Gospel, I have thought it my duty to communicate with the Archbishop of Canterbury, the Bishop of London, and other Members of the Society, upon the subject; and now request your Lordship's indulgence to the observations which I venture to make, in reference to that Act.

1. Many portions of the School Lands in Nova-Scotia have been committed to the special care of Trustees, by regular Grants from the Crown, under the Great Seal of the Province, or by Commission from the Representative of the Crown, under a Provincial Statute, which has been in force more than seventy years. Under these Grants and Commissions, some of these Lands, as circumstances would permit, have been partially improved, applied to their proper object, and successfully defended against trespassers. By the Act lately passed, if it be permitted to go into operation, all these Trustees will be summarily dismissed from their Office—the Lands will be committed to others—and the security of formal Grants from the Crown will be shaken by such interference on the part of the Local Legislature.

2. An equitable claim to the proceeds of these Lands has been preferred by the Society for the Propagation of the Gospel, for the support of their Schoolmasters. This claim originated in an agreement between the Government and this Chartered Society, in the year 1749; it is supported by the Royal Instructions to the Governors of the Province; by Grants made in pursuance of those Instructions, and by the occupation and use of these Lands, when benefit could be derived from them. But this Act is wholly regardless of this equitable and well supported claim, and, if sanctioned by the Government, will inflict very serious injury upon the Society, after they have expended many thousand pounds in fulfilment of their engagement, to the great benefit of the Province, and in full reliance upon the performance of that part of the agreement which rested upon the Government. The Act would at once deprive the Society of any benefit from School Lands.

3. This Act would also work great injustice to others, as well as to the Society; for its provisions apply to all School Lands, reserved or granted by the Crown, regardless of the circumstances under which they may have been granted—of the expenditure which may have been made on them—and of the uninterrupted possession by which they have been held

held. The case of the National School at Halifax, may serve as a prominent example.— This School has been established at an expence of more than £2000 for the building alone, and for the sole objects of a National School, in connexion with the Church, and under the superintendence of the Rector and Churchwardens of the Parish. But, as the ground on which it stands, was granted by the Crown for a School, this Act may wrest it from its present purpose, and its present Trustees, and apply it to a different object. There are other cases, in which the Rectors and Churchwardens of Parishes have defrayed the expences of Grants for Schools as well as Glebes, in full confidence, which was well warranted, that the Schools were to be in connexion with the Church; but this connexion will be severed at once, and the School Lands will pass into other hands, by the operation of this Act.

4. The ground for this Act, as stated in its Preamble, is so worded as to lead to an erroneous inference in regard to the necessity for it. The words are, "No mode of appointing Trustees for the management of such Lands, or of making them available for the purpose for which they were intended, has yet been adopted." The fact, however, is, that so long ago as the year 1766, an Act was passed for vesting these Lands in Trustees for the benefit of Schools, and for their protection and improvement. Under this ancient Act, Trustees have been continually appointed by the Governor, and the power of the Trustees has been supported, when necessary, by the Courts of Law. The new Act provides a new mode for the nomination of the Trustees, by authorising the Freeholders in the Townships or Districts to make such nominations in the first instance. Hitherto it has been made solely by the Governor, whose Instructions have guided the Trustees in the performance of their duty, and can direct any improvement in that management which may be thought desirable, and consistent with the original purpose of the Grants. It cannot, therefore, be urged that the very exceptionable enactments of the new Law are necessary.

5. If your Lordship should consider it proper to make any further reference to the Law Officers of the Crown, I shall esteem it a favor to be permitted to confer with them, as I am aware that several matters contained in the statements which are already before your Lordship may require some explanation. I have full confidence in your Lordship's desire that justice shall be done in this important matter, and that you will be enabled to grant the prayer of the Memorial, which was presented to Lord Glenelg by the Society in the early part of the present year. But if any difficulty should be opposed to this, I beg leave, on behalf of the Society and of the Church in my Diocese, most earnestly to request your Lordship, that before any interference with the claim of the Society, or with the Grantees and Trustees of the Lands, of whom I may be regarded as the chief, is permitted, a full hearing of the case may be granted before the Judicial Committee of Her Majesty's Council.

I have, &c.

The Marquis of Normanby, &c. &c. &c. (Signed) JOHN NOVA-SCOTIA.

(Copy.)

109, Picadilly, 19th September, 1839.

MY LORD—

I have reflected much upon the conversation with which your Lordship honored me yesterday, and am thankful to be permitted to hope that no such Act as that which was passed in the last Session of the Legislature of Nova-Scotia, relative to School Lands, can receive the Royal sanction. But, my Lord, the more I reflect on the proposal for making a division of the School Lands already granted, which shall be regulated by the possession or occupation of them, the more convinced I am that any such division, while it would militate against the principle upon which the claim of the Society for the Propagation of the Gospel rests, will lead to much serious inconvenience and injury. The claim of the Society applies alike to all these Lands, whether occupied or unoccupied. It rests upon the bonâ fide intention of the Government in directing the allotment of those Lands. We have referred to ancient correspondence—to Royal Instructions—to formal Grants under the Great Seal of the Province—to the universal opinion which prevailed respecting them, until a very recent period—to prove that intention—and to prove that the knowledge

of that intention has guided the practice with respect to these Lands, we have shewn that they have been applied to the use of the Society's Schoolmasters, sometimes under formal authority from the Governor, often as a matter of course, or as the natural result of their appointment by the Society, (so well was the intention formerly understood,) whenever any benefit could be derived from them, and had they been more generally productive this occupation of the Lands would have been more general. But nine-tenths of this Land, and indeed of the aggregate of all Lands that have been granted in Nova-Scotia, whether to public bodies, or to individuals, remain in a wilderness state, uninclosed and unoccupied. Your Lordship will therefore perceive at once the hardship of applying a rule to the School Lands, which could not be applied to any other Lands. The same rule would strip us at once of nine-tenths of our Glebes, and would produce similar effects if applied to private property. But, my Lord, there is another very serious objection to such distinction or division. There are scarcely any School Lands in the Province which would not become the subjects of contention and litigation. None of them have been more than partially occupied, and even such occupation has often been interrupted by accidental circumstances. The contention thus excited would soon become a conflict between the Church on the one hand and Dissenters on the other. Your Lordship will desire to save the Province from such a calamity, and will excuse the earnestness with which I deprecate any thing that would lead to it. I am the principal Grantee and Trustee of these Lands, and feel that my respectability and usefulness would be affected by the part which would be forced upon me. I will therefore indulge an earnest hope that your Lordship is satisfied that the Society's equitable claim ought to be respected—that the full prayer of the Society's Memorial ought to be granted, and all further difficulty prevented, by an early and distinct instruction to the Governor. Your Lordship will feel that it is very desirable to allay the restlessness which has been created by attempts to disturb this claim, and I venture to hope, that this may easily be accomplished.

If your Lordship has a wish to encourage the commendable desire of the Legislature to provide for the instruction of every child in the Colony, an unexceptionable mode of doing this may be found. Land, now at the disposal of the Crown, may be granted for such purpose, to any extent your Lordship may think proper. It may not always be found in the Township where it was wanted, but there are many Townships in which no Lands have been found for the Society's Schools. The Land may not always be of a good quality, but much of what has been allotted to the Society's Schools is of little value. Some expenditure may be required in taking out the Grants, but this has been incurred for the other Lands, sometimes by the Society, sometimes by individuals, sometimes by the Churchwardens, and in the case of the largest and most expensive Grant, more than £100 was procured by myself—a fact which your Lordship will consider as strengthening our claims, if they can be thought to require any further support.

I leave this important matter in your Lordship's hands, in full confidence that it will have your Lordship's attentive consideration, and equitable decision, and have the honour to be, &c. &c. &c.

(Signed)

JOHN NOVA-SCOTIA.

The Lord John Russell, &c. &c. &c.

(Copy)

Downing Street, 27th September, 1839.

MY LORD,

Lord John Russell having fully considered the whole question, which has recently been under discussion, relating to the School Lands in Nova-Scotia, and, having duly weighed the several representations which your Lordship has submitted in support of the claim advanced by the Society for the Propagation of the Gospel, to the possession of these Lands for the use of Schoolmasters of the Established Church, I am now directed to communicate to you His Lordship's decision on the subject.

Lord J. Russell is of opinion that the Society, although not possessed of a strictly legal right, have established an equitable claim to that portion of the Lands which is already occupied and improved, and the Society will therefore be left in the entire and unreserved possession of them, for the purposes to which they are at present dedicated. With

APPENDIX No. 30

With reference to the unoccupied portion of the Lands already granted, Lord John Russell is not prepared to admit the claim of the Society. At the same time His Lordship entertains a sanguine hope that in the appropriation of these Lands to the purposes of education, it may be found practicable to increase from this source the means which remain at the disposal of the Society in Nova-Scotia, for providing for the support of their Schoolmasters. His Lordship is not prepared at present, to state in what manner such an arrangement may be best accomplished, but he trusts that, with the advice of the Lieutenant-Governor of the Colony, with whom His Lordship is in communication on the subject, an early opportunity may be afforded of maturing such a plan, and of reconciling those differences which cannot be protracted without serious injury to the Province, and to the important object for the accomplishment of which all parties feel equally solicitous. The necessary consequence of this award of a portion of the Lands set apart for Educational purposes, to the use of the Schoolmasters employed by the Society for the propagation of the Gospel, is that Her Majesty has been advised to disallow the Act, passed by the Legislature of Nova-Scotia, entitled, "An Act to provide for the selection and appointment of Trustees of Lands granted, reserved, or otherwise allotted as School Lands in this Province."

Lord John Russell desires me in conclusion to state, that it is with sincere regret that he has found himself compelled to dissent from the view which your Lordship has taken of this question, and he begs to assure your Lordship, that it will be highly gratifying to him, in the arrangements which are in contemplation for the disposal of the unappropriated portion of these Lands, to be enabled to shew the high sense which he entertains of the exertions hitherto made by the Society for the propagation of the Gospel, for the advancement of Education among the inhabitants of Nova-Scotia.

I have, &c.

The Bishop of Nova-Scotia, &c. &c. &c.

(Signed)

R. VERNON SMITH.

(Copy)

109 Picadilly, 1st October, 1839.

SIR,—

I have lost no time in communicating to His Grace the Archbishop of Canterbury, who is President of the Incorporated Society for the propagation of the Gospel, the letter which I had the honor of receiving from you on the 27th of September.

It is a subject for our thankfulness that Her Majesty has been advised to disallow the Act lately passed by the Legislature of Nova-Scotia, respecting School Lands; and it is not unreasonable to hope that the Legislature will not hereafter desire to interfere with Grants or Charters from the Crown.

We are also thankful that Lord John Russell is of opinion that the Society have established an equitable claim to a portion of the School Lands, and if His Lordship shall be pleased to secure to the Society all those Lands which have heretofore been applied to the benefit of their Schoolmasters, although, from the circumstances of the Country, and sometimes from unavoidable delay in filling vacancies, the occupations has occasionally been liable to temporary interruption, much will, I hope, be done towards a satisfactory settlement of the question which has been raised.

The security which has always been felt that the protection of the Government would readily be afforded, has prevented any anxiety about uninterrupted possession, and may perhaps have rendered the occupation and improvement of School Lands, a matter of small importance, in the opinion of the Society, except in cases where immediate benefit could be obtained for their Schoolmasters.

During the years in which the Society have ceased to receive Parliamentary assistance, and especially since their claim to the School Lands has been disputed, much of their exertion has been discouraged. But if they are now kindly favored with the protection of the Government to their equitable claim, they will gladly renew and increase their efforts, and will only desire to be secured in the possession of those School Lands, which they can improve and apply to the objects for which they were always benevolently designed.

I have, &c.

R. V. Smith, Esq., &c. &c. &c.

(Signed)

JOHN NOVA-SCOTIA.

Copy

(Copy)

Downing Street, 10th October, 1839.

MY LORD,—

I have had the honor to receive, and to lay before Lord John Russell, your Lordship's Letter of the 1st instant, on the subject of the School Lands in Nova-Scotia.

I am desirous, in reply, to acquaint your Lordship that Lord John Russell is at present unable to state what Lands, under the late decision of the Government, will be awarded to the Society for the Propagation of the Gospel, for the support of their Schoolmasters; the data in His Lordship's possession, on which the partition must be regulated, not being sufficiently precise for the purpose. His Lordship has, however, instructed the Lieutenant-Governor of Nova-Scotia, to institute an enquiry as to the Lands improved, and those left waste; and it will be His Lordship's wish to be guided by the equity of the case in deciding hereafter, on the information which the Lieutenant-Governor will supply in this preliminary branch of the subject.

The Bishop of Nova-Scotia, &c. &c. &c.

I have, &c.
(Signed) R. V. SMITH.

(No. 31.)

(See Page 706.)

An Account of all Monies drawn out of the Treasury as compensation for Land taken for new Roads, and altering old ones, for the last ten Years.

1830.

Halifax.—Esson and Crobt, on the Eastern Road from Fletcher's to Keys'	£27	0	0
Ditto John Canty ditto	5	6	3
Sydney.—Wentworth Taylor, from Lucas' to Greshem's Bridge	10	0	0
Digby.—Abraham Spurr, Bear River Hill	15	10	0
Pictou.—Reverend Thomas M'Culloch, alteration at Town Gut	30	8	0
Ditto Matthew Patterson, ditto	9	15	0
Ditto James Patterson, ditto	55	0	0
Ditto Sarah Mortimer, ditto	18	10	0
Ditto J. & J. Turnbull, alteration at the Albion Mines	15	12	0
Lunenburg.—John Demon, centre Road leading to La Have Bridge	63	0	0
Pictou.—J. W. Harris, Town Gut	13	10	0
Ditto Archibald M'Donald, ditto	12	0	0
Ditto Henry Flatton, ditto	20	0	0
Ditto D. Patterson, ditto	8	15	0
Ditto James Blackie, ditto	11	16	8

1831.

Guysboro'.—John Acker, at the Mill Run Cross Road at Anderson's	24	0	0
Colchester.—Daniel Hingley, from Archibald's to Read's	35	0	0
King's County.—W. B. Crowe, from Kentville to Sherbrooke	17	10	0
Ditto C. B. Rand, ditto	36	0	0
Colchester.—S. Archibald, Road from Archibald's to Salmon River	19	15	0
King's County.—William Ward, Kentville to Sherbrooke	26	0	0
Ditto George Chipman, ditto	12	0	0
Hants.—Stephen Dimock, from Chambers' to M'Cann's	14	10	0
King's.—John Mitchell, Kentville to Sherbrooke	19	0	0
Hants.—J. Moser, from Windsor to Halifax, via Newport	25	0	0

1832.

Lunenburg.—M. Fener, alteration from Lunenburg to Upper La Have	12	0	0
Kentville.—W. C. Moore, Kentville to Annapolis	24	0	0
Annapolis.			

APPENDIX No. 31.

Annapolis.—J. Smith, Bear River Hill	£32	4	0
Pictou.—J. Hinglan, alteration at Salmon River Bridge, (Pictou)	3	13	2
Hants.—N. Mosher, from Newport to W. M'Cannin's, through the Halifax Road	205	17	6
King's.—William Ward, from Kentville to Sherbrooke	12	10	0
Annapolis.—W. Willett, Post Road, Aylesford	5	2	6
Hants.—J. Scott, alteration of Road at Douglas	35	16	0
Kings.—George Chipman, Kentville to Sherbrooke	9	0	0
Pictou.—J. Sutherland, Road leading to Merigomish	11	1	0
Annapolis.—A. Hicks	15	0	0
King's.—W. B. Crowe, Kentville to Sherbrooke	10	0	0
Annapolis.—C. Pinkey, Road near Bear River Hill	83	0	0
King's.—J. Mitchell, Kentville to Sherbrooke	3	10	0
Hants.—P. Wilson, Windsor to Hammond's Plain	10	0	0
King's.—S. Denison, between Kentville and Annapolis	61	11	6
1833.			
Hants.—George Hiltz's, to connect the old and new Windsor Road	15	0	0
Halifax.—J. G. and J. G. Creighton, alteration of Road at Creighton's Hill, Dartmouth	20	0	0
1834.			
King's.—J. Hamilton, Kentville to Annapolis	2	10	0
Annapolis.—D. Bruce and others, Main Post Road near Bruce's Bridge	146	17	6
Halifax.—R. Aiken and others, alteration of Road from Halifax to Dartmouth and Guysboro'	143	19	3
Sydney.—D. M'Pherson, Antigonish to Guysboro'	73	16	3
Ditto Reverend P. F. Xavier and others, alteration of Road near Traccadie	60	16	0
Halifax.—J. Keys, Hall's Bridge to Keys' Mill	35	9	10
1835.			
Hants.—O. Dodge, Post Road to Newport	21	0	0
Sydney.—Thomas Cutler, Road from Lucas' Bridge to Guysboro'	58	10	0
1836.			
Cape Dreton.—E. Petre, alteration	5	0	0
Digby.—G. Taylor, Sissiboo River Bridge	35	0	0
Ditto J. Duhlgreen, ditto	10	0	0
Hants.—J. Dimock, Post Road from Windsor to Chester	37	0	0
Ditto Messrs. Uniacke, alteration through Mount Uniacke	75	0	0
Sydney.—R. Hartshorne and others, from Guysboro' to Antigonish	12	15	0
Lunenburg.—J. Webber, Chester to Windsor	37	0	0
Halifax.—J. Putnam, round Putnam's Hill	6	0	0
Sydney.—R. M'Donald, from Antigonish to the Big Marsh	84	12	9
1837.			
Sydney.—R. Ross and others, from Guysboro' to Antigonish	11	4	0
King's.—E. Bishop and others, Post Road from Horton to Cornwallis Bridge	130	16	3
Sydney.—T. Pushe, from Guysboro' to Antigonish, via Pushe's Bridge	26	1	0
1838.			
King's.—J. Harris, Road alteration	5	0	0
Pictou.—J. Fraser, Mount Tom	193	10	0
Sydney.—W. Taylor, alteration	2	0	0
1839.			
King's.—J. Aiken and others, Kentville, alteration	459	10	9
			Lunenburg

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Lunenburg.—J. Bradshaw, Gorkum's Hill	£151	6	0
Sydney.—S. Nickerson, Sydney	24	19	0
Queen's.—Edmund Burke	51	5	9
Sydney.—John M'Donald	10	0	0
King's.—Robert Neily	35	0	0
	<hr/>		
	£3,051	3	5

Treasurer's Office, Halifax, 28th January, 1840.

No. 32.

(See Page 716.)

The Committee to whom was referred the Petition of John Ross, beg leave to report: that they furnished the Chief Justice and George R. Grassie, Esquire, with copies of said Petition, and at the same time appointed a day on which they would hear the said John Ross, and the said George R. Grassie; and also, any testimony that they might feel inclined to bring before the Committee.—That on the day appointed, the said John Ross, and the said George R. Grassie, appeared before the Committee, and their statements were heard at full length; and also, the testimony of several persons produced by the said parties; and also, that they have examined a number of papers laid before the Committee by the said John Ross and the said George R. Grassie; and that they have also received a communication from the Chief Justice, (which is hereunto annexed,) in explanation of the charges made in the Petition of the said John Ross, against that Public Officer in his Judicial capacity; and that after the most careful and strict investigation of the whole matter submitted to them, the Committee are unanimously of opinion, that the charges preferred by the said John Ross against the Chief Justice, are wholly unmerited and unfounded; and also, that as regards the charges made by the said John Ross against the said George R. Grassie, as Sheriff of Colchester, the Committee is of opinion, that no one of these charges have been proved or substantiated by the said John Ross, and that any difference that may exist between the said parties, has arisen more from private feelings and prejudices, than from any dereliction of duty of the said George R. Grassie, in his Office as Sheriff. All of which is most respectfully submitted.

BENJAMIN SMITH, Chairman,
S. P. FAIRBANKS,
WINTHROP SARGENT,
HENRY GOUDGE,
WILLIAM HOLLAND.

Committee Room,
Feb. 12th, 1840.

Halifax, Jan. 29th, 1840.

SIR,

As I was passing through the Province Building yesterday afternoon, your Letter of the 27th Instant was put into my hand, by one of the Messengers of the House of Assembly, enclosing a copy of Mr. Ross's Petition to the House, with a request, that if I had any remarks to make upon it, I would forward them to the Committee of which you are the Chairman, at my earliest convenience.

In compliance with your wish, I hasten to inform you that in the beginning of the past year, I received sundry papers from Mr. Ross, containing complaints against Mr. Grassie, the Sheriff of the County of Colchester. I caused Mr. Grassie to be notified of this without delay, and he soon afterwards came to Town, with numerous documents to vindicate his conduct. Mr. Ross subsequently produced other documents to substantiate his charges; both parties were before me more than once, and I had frequent communications with Mr. Justice Sawers, the President of the Sessions of Colchester, upon the subject. After several weeks, in which I had spent much time in investigating and deliberating upon the

the subject, I came to the conclusion, that in the transactions brought under my notice, between Mr. Grassie and Mr. Ross, less blame attached to the former than to the latter.

I subsequently placed the whole of these papers in the hands of Mr. Justice Sawers, and requested him to lay them before the Magistrates of Colchester, at the ensuing Sessions in July, with my opinion upon them, and informed Mr. Ross that I had done so.

I took this course, because I thought the Magistracy of the County would form a better opinion than I could, as to the effects which this local feud might produce; and if they thought that the re-appointment of Mr. Grassie would be undesirable, they could take the necessary steps to prevent it.

By the 4th Section of the 35th Geo. 3, ch. 1, the Chief Justice is authorised to return over again the name of the person then serving as Sheriff, to serve for the ensuing year, unless a representation, signed by a majority of the Justices in their General Sessions, should be filed in the Supreme Court, as of any Michaelmas Term ensuing, praying that the person thus serving the Office of Sheriff may not be returned in the Judge's List, for the then ensuing year.

No such step was taken by the Magistrates of Colchester; I therefore thought, and I still think, that they had no objection to Mr. Grassie's continuance in Office; and as he had been performing the duties of that Office for several years, and I deemed him adequate to the discharge of them, I again placed his name at the head of the List of persons recommended to His Excellency the Lieutenant-Governor, for the office of the Sheriff of Colchester.

Before I did this, however, I received another Letter from Mr. Ross, dated the 2d of October, 1839, accompanying a bundle of papers, which he informed me he handed over to me by His Excellency's command. Many of these papers, were copies of what had already been submitted to me—some of them contained further complaints against Mr. Grassie, for making false returns, and for other misconduct in his Office of Sheriff, for which Mr. Grassie is liable to an Action at the Suit of the party aggrieved; and on which, a Jury, after hearing both sides, would pass their verdict upon the case in an open Court.

I did not conceive, that Mr. Ross was the proper channel through which His Excellency's commands should be conveyed to me; and after the experience I had had of the temper in which these complaints were urged, I had no desire to try these causes in my private study, and therefore interfered no further between the parties.

As it respects the Indictment, preferred against Mr. Grassie at the Supreme Court in Colchester, in June last, for an assault upon Mr. Ross, I have to observe, that before the Grand Jury found that Bill, they came into Court and asked me if they were bound to find a Bill against a party for an Assault, when they were satisfied that the Presenter had purposely provoked it, to enable him to institute the prosecution. I told them that I could appreciate their motives, but reminded them, that it was not their province to try parties for offences, but to see that they were not subjected to a Trial without sufficient cause; if, therefore, they had proof that a breach of the Peace had been committed, they should find the Bill, and leave all exculpatory or mitigating circumstances to the Court and a Petit Jury.

The Grand Jury then retired, and soon after returned, and presented this Bill against Mr. Grassie. He was tried before me—the breach of the Peace was fully proved, and I directed the Petit Jury to find him guilty, which they did.

I must decline giving any reason, in explanation or justification of the sentence which I passed upon Mr. Grassie on this conviction. I beg you to believe that my silence upon the subject does not proceed from any disrespect to the Committee, but from a sense of what is due to the Office which I have the honor to hold. It is the sacred duty of a Judge to maintain the independence of the Bench—the reasons for his Judgments are given in the face of the Public when he pronounces them in open Court, and he cannot be called to explain them elsewhere, unless it be to answer an impeachment.

I have the honour to remain,
Your obedient Servant,

BRENTON HALLIBURTON.

BENJAMIN SMITH, Esq., Chairman of the Committee of the House of Assembly, upon Mr. Ross's Petition.

(See Page 716.)

The Committee to whom was referred the Petition of Wesley Reagh and Stephen Parker, complaining of certain proceedings against them as Collectors of Rates for the Township of Wilmot, beg leave to report as follows:

That, during the Session of 1838, a Petition from the said Stephen Parker upon the same subject, was presented to this Honorable House, and referred to a Committee, whose Report thereon appears in the Journals Appendix, No. 57.

That, notwithstanding the Report of that Committee, it appears that a further proceeding has been adopted against the present Petitioners to compel them to pay the amount of an obligation entered into for costs incurred under the circumstances detailed in said Report, and which, in the opinion of your Committee, ought not to have been enforced by the County Treasurer.

That redress might have been had by the Petitioners had they appealed to the Supreme Court, is the confident opinion of your Committee, and this course ought to have been adopted instead of submitting the subject to the consideration of this Honorable House, where matters of this nature cannot be as satisfactorily investigated and redressed as before the regularly constituted Tribunals of the Country.

That it is the opinion of the Committee, that the Petitioners ought not to be compelled to pay the amount of said obligation, but that the same should be defrayed out of the County Treasury, the proceedings having been instituted for the benefit of the County, and the Petitioners acquitted of the penalty, on account of a defect in their authority to collect the Rates.—The Committee therefore submit to this Honorable House, the propriety of adopting such measures as will enable the County Treasurer to obtain satisfaction from the funds of the County of such sum as has not been paid by Petitioners, and to reimburse to them what they have already been compelled to pay, and also to prevent further steps against the Petitioners.

BENJAMIN SMITH, Chairman,
WILLIAM HOLLAND,
HENRY GOUDGE,
WINTHROP SARGENT,
S. P. FAIRBANKS.

No. 34.

(See Page 716.)

Aggregate List of Articles purchased for the use of the Halifax Asylum for the Poor, during the year of 1839.

Arrow Root, 30 lbs.		£1 10 0
Barley, 47 cwt. 2 qrs.	£43 3 9	
Beer, 4264 gallons	53 6 3	
Beef, 14477 lbs.	199 10 7	
Butter, 667 lbs.	29 19 10	
		326 0 5
Candles, 52 lbs.	2 4 4	
Coals, 70½ Chaldrons	93 13 0	
Contingencies expended by the Matron, whose Account is audited monthly by the acting Commissioner	42 0 8	
Clothing, Blankets, Sheets, Bedticking, &c.	104 4 5	
Chocolate, 910 lbs.	26 10 10	
		268 13 3
Flour, Fine, 130 Barrels } Rye, 107 do }	464 16 9	

Oatmeal .

APPENDIX No. 34.

Oatmeal, 103 cwt. 1 qr. 2 lb.	£88	7	9	
Molasses, 1019 gallons	115	9	7	
Milk, 8126 quarts	73	18	10	
Oil for Lamps, 267 gallons	38	2	0	
Pork, 5 barrels	24	1	0	
Potatoes, 559 bushels	59	15	6	
Peas, 67½ bushels	17	17	2	
				882 8 7
Sugar, 8 cwt. 2 qrs. 1 lb.	17	16	2	
Salt, 3¼ hhds.	2	14	6	
Tea, 680 lbs.	77	13	5	
Turnips, 32½ bushels	3	2	11	
Wine for the sick, 31 gallons	7	15	0	
Wood, 61 Cords	51	12	3	
Wool, 53 lbs.	4	8	4	
Fresh Fish,	3	15	1	
				168 17 8
Glazing and Painting	7	14	6	
Ironmongery, Nails, &c.	8	16	7	
Lumber, for Coffins, repairs, &c.	20	12	9	
Leather for Shoes	16	4	0	
117 pairs Mens', Women's, and Children's Shoes	21	18	3	
	38	2	3	
				75 6 1
<i>Miscellaneous Expenses.</i> —Articles required for the Establishment, not of ordinary consumption, purchased by the Commissioners, which do not come under other heads	59	9	8	
Repairs to Buildings	45	2	5	
Removal of Paupers	18	4	9	
Stationary and Printing	8	10	0	
				131 6 10
Straw, 81 cwt. 1 qr.	9	19	8	
Soft Soap, 173 cwt. 1 qr. 20 lb. 178 lbs. hard	46	4	0	
Salaries, including Medicines and Medical attendance	249	3	4	
Illegitimate Children, maintenance thereof out of doors	11	0	0	
				316 7 0
Truckages	24	17	8	
Tin Ware, and repairing ditto	24	7	3	
Old Junk, 111 cwt. 1 qr. 4 lb.	85	6	4	
Paid the Matron, Mrs. Ritchie, as a testimonial of approval	5	0	0	
Paid the Clerk, as a ditto	5	0	0	
Paid sundry Truckmen for hauling Earth to cover the Poor House Burial Ground	36	8	2	
Paid the Nova-Scotia Marine Insurance Company 6 months interest on Loan £250	6	5	0	
Paid the Town Clerk for his attendance at the Town Meeting, called by the Commissioners	1	10	0	
				188 14 5
LOT ON THE COMMON.				
Paid for Posts, Freight, Wharfage, &c. pr. Voucher	27	5	4	
the Carpenter, for putting up Fence, pr. Bill	25	7	5	
Thomas Adams, for Lumber	21	8	11	
P. Holden, for Truckage	1	18	9	
J. Jackson, for Hinges, &c. for Gate	5	12	1	
Laborers, for clearing Lot on the Common	7	16	0	
				89 8 6

APPENDIX Nos. 34,35.

ADDITION TO THE LUNATIC.

Paid the Mason for building the Foundation	£15	0	0	
the Carpenter, on account of Contract	100	0	0	
Truckage, &c.	1	9	4	
Painting and Glazing	10	4	6	
				126 13 10
Balance remaining on hand				423 12 7
				<u>£2998 19 2</u>
Due the Nova-Scotia Marine Insurance Company	250	0	0	
Interest thereon to date	4	0	0	
				<u>£254 0 0</u>

EDWARD ALLISON, } Committee to
HENRY PRYOR, } Audit Accounts.

Account of the Funds received for the use of the Halifax Asylum for the Poor, during the year 1839, and from whence received.

Commissioners.		Treasury Transf. Poor.	Treasury 10 per cent.	Town and County Treas- urer.	Casual.	Total.
1839.		Balance in hand	31st Decem-	ber, 1838		
January	Doctor Johnston			100 0 0	9 0 8	109 9 8
February	M. B. Almon, Esqr.			150 0 0		150 0 0
March	Hugh Bell, "	150 0 0	50 0 0		1 10 0	201 10 0
April	Thos. S. Tobin, "			110 0 0	8 4 0	118 4 0
May	Chas. Twining, "			40 0 0	79 9 2	119 9 2
June	W. Lawson, Jr. "	150 0 0	100 0 0	72 11 2	36 13 6	359 4 8
July	Honorable J. Allison			200 0 0	1 2 6	201 2 6
August	Geo. N. Russell, Esqr.			300 0 0	26 15 0	326 15 0
September	John Howe, "	150 0 0		100 0 0	2 14 0	252 14 0
October	W. M. Allan, "		100 0 0		17 8 2	117 8 2
November	Thos. Williamson, "			300 0 0	20 12 6	320 12 6
December	J. W. Nutting, "	150 0 0	250 0 0	150 0 0	15 8 10	565 8 10
		600 0 0	500 0 0	1522 11 2	218 18 4	
	Received from the Treasurer, Legislative Grant for the Asylum School					25 0 0
	Gained by Coppers					0 0 5
						<u>£2998 19 2</u>
	Balance brought down					423 12 7

(Errors excepted.)

Halifax, 31st December, 1839.

ROBERT PHELAN, Clerk to Commissioners.

H. BELL, Chairman.

Account of the Paupers admitted into the Halifax Asylum for the Poor during the year 1839, distinguishing Halifax from Transient.

	Men	Days	Women	Days	Children	Days	Total	Days.
Halifax	55	7311	86	13831	126	16665	267	37807
Transient	271	25521	169	16460	54	4562	494	46543
Total	326	32832	255	30291	180	21227	761	84350

No. 35.

(See Page 719.)

THE Joint Committee of the Legislative Council and House of Assembly, appointed to examine the Public Accounts, report as follows:—

TREASURER OF THE PROVINCE.

His Accounts to 31st December last have been received. Balance in his hands at that date

£30015 19 9½
The

APPENDIX No. 35.

THE COLLECTORS OF IMPOST AND EXCISE.

		<i>HALIFAX.</i>		
His Accounts received to 31st December last.	Balance of Bonds			
in hand, in Currency		£38213	14	4
Bonds in the hands of Attorney-General		53	17	1
		£38267	11	5
		<i>CHESTER.</i>		
His Accounts received, and Balance of last year paid			0	0
		<i>LUNENBURG.</i>		
Ditto	Balance Bonds in his hands		909	16
		<i>LIVERPOOL.</i>		
Ditto	ditto ditto		103	0
		<i>SHELBURNE.</i>		
No Account nor Remittance to 31st December			0	0
		<i>BARRINGTON.</i>		
Ditto	ditto		0	0
		<i>ARGYLE.</i>		
His Account received, and Balance paid up			0	0
		<i>YARMOUTH.</i>		
Ditto	ditto. Balance Bonds in his hands		169	2
		<i>WEYMOUTH.</i>		
Ditto	ditto ditto		61	11
		<i>BRIER ISLAND.</i>		
Ditto	ditto. Paid in full		0	0
		<i>DIGBY.</i>		
Ditto	and as corrected, shews Balance in his hands		127	10
		<i>ANNAPOLIS.</i>		
Ditto	ditto. Balance Bonds in his hands		72	17
		<i>CORNWALLIS.</i>		
Ditto	ditto. Balance Bonds in his hands		605	12
		<i>WINDSOR.</i>		
Ditto	ditto. Balance Bonds in his hands		424	3
		<i>AMHERST.</i>		
Ditto	ditto ditto		498	1
		<i>WALLACE.</i>		
No Account and no Remittance to 31st December			0	0
		<i>TATAMAGOUCHE.</i>		
His Account received. Balance Bonds in his hands			343	13
		<i>COLCHESTER.</i>		
Ditto	ditto ditto		298	1
		<i>PICTOU.</i>		
Ditto	ditto ditto		2394	19
		<i>ANTIGONISH.</i>		
No Account, and no Remittance to 31st December			0	0
		<i>GUYSBOROUGH.</i>		
His Account has been received, but, as heretofore, is very unsatisfactory. The Committee think he should be obliged to render better Accounts, with punctual Remittances, or be superseded in his office. Balance due according to his Account			52	7
		<i>SYDNEY, CAPE BRETON.</i>		
His Accounts received. Balance Bonds in hand			406	1
		<i>ARICHAU.</i>		
Ditto	ditto ditto		747	16
		<i>PORT HOOD.</i>		
No Account. Has remitted			28	14
		<i>LIGHT DUTY.</i>		
		<i>HALIFAX.</i>		
Collected and paid to 31st December last			1352	17
		<i>LUNENBURG.</i>		
Ditto	ditto ditto		36	12
		<i>CHESTER.</i>		
Ditto	ditto ditto		1	17
		<i>Liverpool</i>		

APPENDIX No. 35.

LIVERPOOL.				
Collected and paid to 31st December last				£144 12 7
SHELBURNE.				
Balance as reported last Year, paid up, but no Account or Remittance for 1839				25 18 0
BARRINGTON.				
No Account or Remittance to 31st December				0 0 0
ARGYLE.				
Collected and paid to 31st December, 1839				54 9 4
YARMOUTH.				
Collected as appears by his Account corrected		158 9 0		
His Commission £11 17 8. Paid the Treasurer, £145 16 4		157 14 0		
		145 16 4		
	Due		0 15 0	
BRIER ISLAND.				
Collected and Paid to 31st December				36 19 0
WEYMOUTH.				
Ditto	ditto			16 4 5
DIGBY.				
The Collector has remitted, on account of last Year's Balance, £61 3 8, leaving Due of Collection in 1838		7 5 4		61 3 8
He has also remitted on account of Collection in 1839 but has not furnished an Account				30 14 0
ANNAPOLIS.				
Collected and paid to 31st December last				22 15 0
CORNWALLIS.				
Collected as per his Account, (not paid)			5 11 0	
WINDSOR.				
Balance Due 31st December, 1838		84 0 1		
Net amount collected to 31st Dec. 1839		104 3 10		
		188 3 11		
Paid the Treasurer to 31st Dec'r last		105 0 0	Due 83 3 11	105 0 0
COLCHESTER.				
Collected and paid to 31st December, 1839				11 16 1
Leaving due on Monies collected in 1838			5 4 5	
TATAMAGOUCHE.				
Collected and paid to 31st December, 1839				16 11 1
AMHERST.				
Collected and paid to 31st December				18 1 5
WALLACE, or PUGWASH.				
Has not forwarded an Account for 1838 or '39; has remitted				40 7 11
PICTOU.				
Collected and paid to the Treasurer to 31st December				335 0 0
ANTIGONISH.				
His Accounts received since 1st January, 1840. Balance due		44 9 8½		
GUYSBOROUGH.				
The Collector has paid the Balance reported last Year				11 7 7
He has collected in 1839, per his Account, (still due)		17 7 6½		
LITTLE CANSO.				
The Collector, Mr. Bigelow, has remitted				136 1 1
He has not sent an Account; he owed last year		32 7 9		
GUT OF CANSO.				
The Collector, Mr. M'Millan, has remitted but has not sent in his Yearly Account.				100 7 8
By a check kept by the Collector of Light Duty at Pictou, it appears that Mr. Skinner, at the Gut of Canso, has collected over £100, of which he gives no account. The Committee are satisfied, from information received, that a much greater amount of Light Duties				

might

APPENDIX No. 35.

might be collected yearly at and about Canso, and recommend that more efficient means be taken to secure their proper collection. By the check above alluded to, it appears that Mr. M'Millan has received over Three Hundred Pounds

ARICHAET.

Balance due as reported last year £20 7 11
He has not sent an Account or any Remittance for 1839

SYDNEY.

The Balance of 20s., reported against him last year, has been paid.
He collected in 1839, per his Account 802 2 4
Remitted to the Treasurer 407 15 9 Due £394 6 7 407 15 9

COLLECTED AFLOAT.

By J. P. Miller, and paid 1 3 9
By E. Darby, ditto 9 15 7

SAVINGS' BANK.

In addition to the debt of £16000, due last year, there has been taken from this fund £3000, to pay off so much of the funded debt, making the amount now due to the Savings' Bank 19000 0 0

PASSENGERS' ACT.

By the Account, furnished, it appears there has been, during past year, £229 3 8. There has been expended, £164 8 7.
Leaving Balance in Treasurer's hands, 31st December, 1839 64 15 1

ANNAPOLIS LOAN OFFICE.

The Commissioners have paid the Treasurer, during the past year, £262 10 0. Leaving due, £73 4 10. Viz., in Commissioners hands, £14 7 6; in Securities, £58 17 4. Due 73 4 10

SABLE ISLAND.

The Commissioners Accounts to 31st December last have been received. Balance to that date in Treasurer's hands 1481 12 3

THE COMMISSIONERS OF LIGHT HOUSES.

The Commissioners Accounts to 31st December last have been received, amounting to 3812 1 3

They have received from New Brunswick towards support of Seal Island and Brier Island

Lights, for 1838 273 18 5

Ditto for net Sales of Oil Casks & Oil, &c. 70 5 8

Ditto from the Treasurer, including £603 12 6 for purchase of Oil for Scatarie Light

3467 17 2 3812 1 3

There has been paid to the Treasurer the last year on account of

Light Duties collected 3184 13 0

There is still due from sundry Outport Collectors per their Accounts 533 6 4½

z

Ditto

APPENDIX No. 35.

Ditto from N. B., for their proportion of
 Seal Island and Brier Island Lights £167 5 0 3885 4 4½
 The Income from this source meeting the Current Expenses of the year, and covering
 the large advance of Oil to Scatarie Light.

CUSTOM HOUSE.

There has been paid in from this Department the past year to 31st
 December, 1839 32199 16 0
 Which together with the premium received on Dollars 911 10 7 makes 33111 6 7

PUBLIC BUILDINGS.

The Commissioners Accounts, with vouchers, have been received,
 by which it appears there has been expended £944 18 9 ;
 all of which is still unpaid.

PROVINCE NOTES.

Amount in circulation, as reported last year	59968	10	0
Delivered to the Treasurer for defaced Notes	27000	0	0
Burnt by the Committee	27000	0	0
Leaving in circulation, 31st December, 1839	59968	10	0

FUNDED DEBT.

Funded in 1834, 35, and 36, at 5 per cent.	36026	0	0
Paid of this by so much from Savings' Bank, 1839	3000	0	0
Funded in 1836, at 4 per cent.		10000	0
Savings' Bank, to 31st December, 1839		19000	0
Amount of Funded Debt 31st December, 1839. In- terest paid to that time.		<u>62026</u>	<u>0</u>

The Committee having noticed the almost total neglect of the order of the House, made at its last Session, relative to those Out Port Collectors, both of Excise and Light Duties, who had failed to render their Accounts in due time, or properly attested ; and others, who were, and had long been in arrears for Monies received, would recommend that more decisive and effectual measures be taken to carry out the recommendations of the Committee of last year, and especially that part of them which requires every Excise Officer at the Out Ports to furnish with his Yearly Account an Abstract of the Bonds and Securities in hand at the end of the Year, with their date, amount, parties names, &c. ; which recommendation has not been complied with by any of the Officers alluded to, except those of Lunenburg, Liverpool, Annapolis and Yarmouth.

By an abstract herewith, shewing the amounts due in 1838, and the sums secured in 1839, with the payments that have been made to the Treasurer, it will appear what Officers have neglected or failed to pay over the Monies received, or that should have been collected.

The Committee recommend that these especially may be called upon to explain the cause of their delinquency, and where it may be found necessary that those delinquent Officers may be superseded by persons who will more punctually and faithfully discharge their duties.

Committee-Room, 14th February, 1840.

WILLIAM BRUCE ALMON, }
 R. M. CUTLER, } Committee
 JAMES RATCHFORD, } of
 } Council.

THOS. A. S. DEWOLF, }
 THOMAS FORRESTER, } Committee
 HENRY GOUDGE, } of
 HUGH BELL, } House
 JOHN HOLMES, } of
 } Assembly.

Statement

APPENDIX No. 35

Statement of amount of Duties secured by Collectors of Impost and Excise for the year 1839; also, balance of Duties secured to 31st December, 1838, and total amount due to 31st December, 1839.

	Balances due 31st December, 1838.	Amount secured in 1839.	Cash received in 1839.	Commission and Drawback.	Balance due 31st December, 1839.
Halifax	£37133 5 2	£47237 9 9	£40000 0 0	£6156 11 7	£38213 14 4
Liverpool	182 13 11	157 19 11	133 17 9	103 14 4	108 0 8
Pictou	1479 7 10	2090 2 8	1000 0 0	174 11 3	2394 19 3
Lunenburg	1022 6 2	443 14 3	453 3 4	103 0 4	909 16 7
Yarmouth	187 5 10	561 0 2	458 3 10	120 19 7	168 16 7
Digby	190 4 0	319 16 3	329 0 11	53 9 0	127 10 4
Shelburne	288 8 3	15 1 5	130 0 0	26 8 2	147 1 6
Barrington	23 13 9	9 0 5	23 2 6	5 8 2	4 3 6
Colchester	164 9 1	307 17 2	149 10 0	24 14 10	298 1 5
Cumberland	486 8 8	422 17 9	356 0 0	55 3 6	498 2 11
Hants	83 17 8	390 17 5	43 8 2	7 3 7	424 3 4
Argyle	0 0 0	15 0 9	13 10 8	1 10 1	0 0 0
Sydney, C. B.	562 19 7	426 19 3	500 19 3	82 18 1	406 1 6
King's County	361 18 8	349 6 7	96 3 10	14 19 11	605 12 6
Annapolis	55 19 5	248 19 9	197 19 0	34 2 10	72 17 4
Arichat	817 10 7	269 10 2	248 8 3	95 9 9	747 16 5
Weymouth	39 13 2	108 14 3	74 11 2	12 4 6	61 11 9
Port Hood	25 3 2	68 0 11	28 14 3	4 9 2	33 17 6
Antigonish	8 17 1	57 0 11	0 0 0	3 0 10	44 9 3
Chester	1 0 9	0 0 0	0 18 0	0 2 9	0 0 0
Pugwash	37 14 10	36 10 7	42 0 0	8 10 10	23 14 7
Guysboro	37 1 2	27 14 11	20 15 0	6 0 9	33 0 4
Brier Island	0 0 0	6 12 6	6 0 0	0 12 6	0 0 0
Tatamagouche	290 17 6	445 18 4	354 3 2	38 19 0	343 13 7

Committee Room, 14th February, 1840.

WILLIAM B. ALMON, } Committee
R. M. CUTLER, } of
JAMES RATCHFORD, } Council.

THOS. A. S. DEWOLF, } Committee
THOMAS FORRESTER, } of
HENRY GOUDGE, } House
HUGH BELL, } of
JOHN HOLMES, } Assembly.

DR. THE PROVINCE OF NOVA-SCOTIA.

To this sum undrawn on account of Roads and Bridges and other services per Abstract	£3586 3 6
Loan Certificates due sundry persons, including £19,000 from Savings' Bank	62026 0 0
Province Notes in circulation	59968 10 0
Commissioners of Public Building.	944 18 9
Vote to Sable Island one year	400 0 0
	<u>£126,925 12 3</u>

CR. CONTRA.

By balance in the hands of the Treasurer	£30015 19 9½
Ditto ditto on account of Sable Island	1481 12 3
Ditto ditto on account of Passengers Act	64 15 1
Loan to Dalhousie College	5000 0 0
Loan to County of Annapolis—Balance	73 4 0
Due by Collectors of Light Duty	533 6 4½
Due from New Brunswick, in aid of Seal and Brier Island Lights	167 5 0
Securities in the hands of the Collector of Excise at	
Halifax	£38213 14 4
Deduct probable Drawbacks	6213 14 4
	<u>32000 0 0</u>
Securities in the hands of the Outport Collectors	7453 11 8
Deduct probable Drawbacks	1455 11 3
	<u>6000 0 0</u>
Bonds in the hands of Attorney-General	53 17 1
Balance due on Loan to Poor Settlers	2190 5 2
Balance	49345 7 6
	<u>£126,925 12 3</u>
	There

APPENDIX No. 35.

There is in the Treasurer's hands the net proceeds of Seed Grain imported and sold £26 5 3
 The proceeds of Book, entitled, "Nova-Scotia Justice," to be accounted for Committee Room, 12th February, 1840.

WILLIAM BRUCE ALMON,	} Committee of Council.	THOS. A. S. DEWOLF,	} Committee of House of Assembly.
R. M. CUTLER,		THOMAS FORRESTER,	
JAS. RATCHFORD,		HENRY GOUDGE,	
	HUGH BELL,		
	JOHN HOLMES,		

Abstract of Monies undrawn on account of Roads and Bridges in 1839.

HALIFAX.		LUNENBURG.	
No Commissioner	£150 0 0	Miller & Vienot	£230 0 0
Ditto	1500 0 0		
Sackville Bridge	399 0 0	CUMBERLAND.	
Stoddart	10 0 0	John Forshner	5 0 0
		No Commissioner	5 0 0
		Hustis & Purdy	60 0 0
HANTS.			
N. H. Calkin	20 0 0	SYDNEY.	
Samuel Densmore	6 0 0	Alexander Chisholm	13 6 8
Joseph Caldwell	5 0 0	Hugh M'Donald	5 0 0
		John M'Donald	6 0 0
KING'S.		John Grant	5 0 0
Joseph Newcomb	12 0 0		
Timothy Barnaby	5 0 0	GUYSBOROUGH.	
		Wentworth Taylor	100 0 0
ANNAPOLIS.		RICHMOND.	
Alexander Starratt	15 0 0	No Commissioner	100 0 0
Samuel L. Chipman	5 0 0	Ditto	140 0 0
Abraham Bogart	5 0 0	J. Cooh	15 0 0
		J. Strahan	10 0 0
YARMOUTH.		Donald Matheson	9 0 0
Abraham Lent	5 0 0	Arthur Brymer	10 0 0
Isaac Lovet	15 0 0	Ditto	10 0 0
Edward Bayard	15 0 0	Ditto	10 0 0
Ditto	10 0 0	Ditto	12 0 0
		Ditto	10 0 0
SHELBURNE.		William Quin	10 0 0
David M'Kay	7 0 0	Philip Doyle	10 0 0
COLCHESTER.			
No Commissioner	5 0 0		
		DICBY.	
Basil Robechaw	10 0 0		
George Turnbull	10 0 0	Arasaig Pier	£3014 6 8
Joseph Winchester	10 0 0	Bridewell	200 0 0
David Doucett	20 0 0		371 16 10
Jacob Wyman	10 0 0		£3586 3 6

Committee Room, 14th Feb., 1840.

WILLIAM B. ALMON,	} Committee of Council.	THOMAS A. S. DEWOLF,	} Committee of House of Assembly.
R. M. CUTLER,		THOMAS FORRESTER,	
JAMES RATCHFORD,		HENRY GOUDGE,	
		HUGH BELL,	
		JOHN HOLMES,	

Abstract

A B S T R A C T

Of Dutiable Articles imported into the Province of Nova-Scotia, between the 31st December, 1838, and the 31st December, 1839, for which the Duties have been paid or secured at the Excise Office, under Acts of the Provincial Legislature.

EXCISE OFFICES.	Brandy, Gallons.	Bread, Cwts.	Coffee, Cwts.	Gin, Gallons.	Molasses, Gallons.	Rum, Gallons.	Sugar, Cwts.	Tobacco, Lbs.	Wines, Gallons.	Whiskey, Gallons.	Beer, Cwts.	Chocolate, Lbs.	Fork, Cwts.	Onions, Cwts.	Apples, Barrels.	Horses, Number.	Bacon, Cwts.	Amount of Goods, paying ad valorem Duty.		Total amount of Duties.	Currency.	
																		Sterling.	Currency.			
Halifax	817	3294 0 0	1957 2 10	152	219678	224867	1958 2 0	267900	59979	1818	1588 0 0	1664	1449 2 21	21176 2 0	18		6 2 0	£318454 0 0	£47287 0 9			
Liverpool		156 1 14	80 4 25		12466		1160 1 8	812	79				8 3 21	\$ 1 0	274			375 12 3	150 0 0	150 0 0		
Yarmouth	27	462 1 0			9673		421 0 0		980			90	22 0 0	22 2 0	334			5697 11 8	448 14 3	561 0 24		
Arichat	155	680 0 0		85	6459		249 2 0	3966	89				48 0 0					3207 9 0	269 16 8	269 16 8		
Pictou	286	280 1 20			2174		25 0 0	5300	861				53 2 0	80 0 0	9			26793 0 0	2090 2 8	2090 2 8		
King's	No Return from	6 3 0		164	5119		64 0 14	1480	57									1509 1 3	349 6 6	349 6 6		
Shelburne																			5433 4 0	426 19 3	426 19 3	
Sydney, C. B.		165 3 0			1973		14 0 2	2858	279				20 0 0	24 0 0	15			6282 4 8	380 17 5	380 17 5		
Windsor		19 0 14			2698		21 2 0	528		339								1942 3 9	248 19 9	248 19 9		
Annapolis	232				2162		91 0 0						135 0 0					1324 17 3	319 16 3	319 16 3		
Digby	328			110	1410		96 3 0		301	25												
Barrington	No Return from																		36 17 4	15 0 9	15 0 9	
Argyle					2182		6 0 0															
Weymouth	No Return from																					
Brier Island	No Return from																					
Guyborough					356		110 1 7	1902	7										2568 8 0	807 17 2	807 17 2	
Cochester	376	1 0 0		25	1641				112				2 0 0	4 2 0	9			7531 13 2	957 15 4	957 15 4		
Tatamagouche																			3294 5 0	422 17 9	422 17 9	
Amherst	379			170	1622		303 0 3	2100	115													
Fugwash & Wallace	No Return from																					
Antigonish	No Return from																					
Richmond	See Arichat																					
Inverness							5 0 0												459 1 1	68 0 11	68 0 11	
	2,610	15,065 2 20	388 3 7	706	267,646	239,707	4,526 0 6	286,246	12,941	2,176	1,659 0 24	1,694	1,734 0 14	1,910 3 0	991	4	16 2 0	£384,899 8 5	£53,693 13 54	£53,693 13 54		

A 2

No.

No. 36.

(See Page 725.)

M I S S I N G.

No. 37.

(See Page 732.)

THE Committee to whom the Petition of James Dawson, relating to Wrecked Goods per "Joseph" was referred, have had the subject referred to them under consideration, and report as follows, that is to say :

That, from a Letter annexed to the said Petition, signed by Mr. John L. Tremain, of Port Hood, in the County of Inverness, addressed to the Petitioner as Agent to Lloyd's at Pictou, and bearing date 19th June, 1829, it appears that Mr. Tremain, in the capacity of Collector of Impost and Excise, on hearing of the wreck of the Brig Joseph, and that a portion of her cargo had been brought to Cheticamp, in the said County, immediately repaired to the spot, and took the usual steps by taking into his charge and disposing of the property thus saved. That the gross amount of sales of the said property by the same Letter appears to have amounted to £1042 6 9 $\frac{1}{4}$, and that, after deducting the charges of the Sale, Provincial and other Duties, and the Salvage allowed by three Magistrates, there remained in Mr. Tremain's hands a nett balance of £459 4 0 $\frac{1}{4}$, which balance, according to the Provincial Statute 41st Geo. III, Chapter 14th, Section 4th, ought to have been paid into the Treasury of the Province for the benefit of the rightful owner. The Committee further state that they have applied to the Treasurer, and have been informed by that Officer that no part of the said balance of £459 4 0 $\frac{1}{4}$ has ever been paid by Mr. Tremain into his Office, and that, in reference thereto, he can give no further information whatever. The Committee therefore recommend to the House to appoint a Committee to wait on His Excellency the Lieutenant-Governor, and respectfully request His Excellency to cause the proper Officer to investigate the subject matter of the Petition, and to call on Mr. Tremain to pay into the Treasury of the Province the said balance.—All which is respectfully submitted.

THOS. DICKSON, Chairman ;
THOMAS FORRESTER,
W. F. DESBARRES.

No. 38.

(See Page 732.)

THE Committee appointed to enquire into the reasons for calling out the Military to assist the Civil Power on the evening of the 20th ult., beg leave to report :

That they waited upon His Excellency the Lieutenant-Governor, and ascertained from His Excellency that the Sheriff of the County of Halifax had called upon a Piquet of the 23d Regt. which had been turned out to look after men belonging to that Regiment who were absent from Barracks attending the trial of Clarke and Elexon, but that His Excellency had himself given no orders in the matter.—On application to the Sheriff, it appeared that he had on the day of the trial much difficulty in preserving order in the Hall of the Provincial Building, and, finding a Piquet had been called out, he took the responsibility on himself of employing them to assist the Constables. The Committee cannot but express their regret that this should have been done, for they must consider such employment of the Military unwise, if it was not indispensable—and they believe that if the Sheriff had exerted the full powers he possesses, the Civil authority would have been found quite adequate to the occasion.

JOSEPH HOWE,
THOMAS FORRESTER,
HUGH BELL.

No.

APPENDIX No. 39.

No. 39.

(See Page 735.)

THE Committee on Light-Houses and Navigation Securities have considered the various matters referred to them, and report as follows :

No. 1.—That the erection of a Light-House at the entrance of the Basin Mines Channel, to be placed on the Isle Haut or Cape d'Or, and another at Partridge Island or Horton Bluff, as sought by the Petition of Peleg Holmes and others, is a desirable object, and of importance to persons navigating those waters ; and therefore recommend that His Excellency the Lieutenant-Governor be respectfully requested to cause a survey of the head of the Bay of Fundy and entrance of Mines, so that the Light-Houses may be erected on the most advantageous sites, and that this Honorable House do provide an adequate sum to defray the expense of constructing them.

No. 2.—That the Petition of Robert McDonald and others, praying that a Light-House may be erected on Cape George, in the opinion of the Committee, ought to be complied with ; but as doubts exist whether Cape Jack is not a preferable site, and it is of considerable importance that the most eligible should be selected, they recommend that His Excellency be requested to adopt a similar precaution, and cause a survey of the coast to be made by a competent person ; and they recommend also that the House should make adequate provision for the erection of said Light-House.

The attention of the Committee has also been called to the necessity of a Light-House to the Eastward of Halifax, between Sambro and Canso Lights—of the advantage of which there appears little doubt, and they therefore recommend a similar investigation by His Excellency, and a like provision for its erection by the House.

The Committee have also been favored with a copy of a Report, made by directions of the Lords of the Admiralty, by Captain Boxer, of H. M. Ship Pique, containing much valuable information as to the state and efficiency of the Light-Houses of the British North American Provinces, which, with the permission of that distinguished Officer, (whose long service among us rendered him conversant with our coasts and waters,) the Committee submit for the information of the House.

The Committee have also considered various Petitions for aid to Breakwaters, and although the Rule of the House, adopted at its last Session, viz :—“ That all Petitions seeking Grants of Money, for aid in building Breakwaters and Piers, should, in future, be accompanied by Plans and Estimates of the expense, the amount subscribed, and whether the site had been conveyed for the use of the public,” has not been complied with in a single instance, have agreed on this occasion to recommend that one third of the amounts subscribed shall be drawn from the Treasury when it shall be proved to the satisfaction of His Excellency the Lieutenant-Governor that the amounts subscribed by the Inhabitants have been respectively expended, and the sites and use of the various Breakwaters secured to the public.—On the following Petitions the following sums appear to have been subscribed :

No. 1.—Henry Hall and others, Marshall's Cove, Wilmot Mountain, already expended £250 private contribution—Provincial Grant £50—additional subscription £100—£100.

No. 2.—Abbè Sigogne and others, Clare—received Provincial Grant £100—additional subscription to complete work £400—£400.

No. 3.—Alfred Skinner and others, Givan's Cove—Provincial Grant £150—additional subscription £100—£100.

No. 4.—Benjamin Foster and others, Chute's Cove—private subscription £500—£500.

No. 5.—David Power and others, Havre au Bouche—private subscription £60—£60.

No. 6.—Abbè Sigogne and others, Metegan Cove—private subscriptions £500—£500.

BUOYS.

The Committee recommend a grant of Ten Pounds to place Buoys in Pubnico Harbor and Cockawit Pass, according to the prayer of the Petition of Charles D'Entremont and others.

RIVER

RIVER OBSTRUCTIONS.

The Committee have considered the Petition of Horatio Curzon and others, praying aid to clear out the Channel of, and remove obstructions in, Antigonish Harbor; the Petition of Edward Morgan and others, for similar aid to remove obstructions from the Western Branch of Bear River; and the Petition of James Geddes and others, for a grant to clear out Clyde River, and have agreed to recommend to the House not to comply with the prayer of those Petitions, being convinced that a recurrence to such grants of money will create numerous claims beyond the resources of the Provincial Funds.—The Committee however think that the claim of the Inhabitants of Queen's County, set forth in the Petition of Eldad Nickerson, is stronger than the others, and, as Petitioners seek a trifling sum, recommend that £20 should be granted to aid them in removing a Rock at the entrance of Hartley's Harbor, the continuance of which obstruction endangers human life on many occasions.—The Committee also recommend that Thirty Pounds should be granted to Peter Decarteret and others, in conformity with the prayer of their Petition, to open again the Passage between Petit de Grat and Rocky Bay, in the Isle Madame, when it shall be satisfactorily proved to His Excellency the Lieutenant-Governor that the Inhabitants have subscribed and expended the sum of Thirty Pounds.

FERRIES.

The Committee also recommend that the sum of £10 be granted to Cornelius Craig, to aid in maintaining the Ferry at Sable River, in the County of Shelburne.

In closing, the Committee refer to their Report of last year, and urge the propriety of having the Rules governing applications for money to aid in erecting Light-Houses, Breakwaters, and for Ferries, published in the Royal Gazette, and some other Newspaper of extensive circulation, so as to insure a compliance in future therewith.

20th February, 1840.

JAMES B. UNIACKE, Chairman.

(Copy.)

Captain—

*Her Majesty's Ship Pique,
Spithead, 16th July, 1838.*

Sir,

The Captains of Her Majesty's Ships which had arrived in Canada with Troops from England, having been directed to report their opinions as to the efficiency of the Lights in the North American Colonies, and having served many years on that Station, and visited many of them during my absence from England, I have the honor to acquaint you, for their Lordships' information, my opinion as to their efficiency, which is as follows, viz :—

SAMBRO ISLAND.

A good single Light. This situation is very good, but, in my opinion, ought to have two separate Lights, as the Fishing Vessels who fish 20 and 30 miles seaward of it, always carry a single Light, which at times (when the Fog, which occasionally clears up for a short time,) may be taken for it—Major's Beach, at the entrance of Halifax Harbor, having only a single Light, may also be taken for it, in the event of Ships getting within Sambro and the fog covering that Island, leaving Major's Beach Light clear. It therefore appears to me of great importance, from the increasing trade of that place, there should be two Lights upon Sambro instead of one, which would prevent the possibility of any mistakes.

CROSS ISLAND.

The Western entrance of St. Margaret's Bay—a Light-House has lately been built for a single Light, which makes it still more necessary that Sambro should have two, as this also may be taken for it.

LIVERPOOL.

This Light is very fair, and, it revolving, makes it very easy of distinction.

SHELburne.

APPENDIX No. 39.

SHELBURNE.

This Light-House has two Lights, vertical, on it not very good, the lower Light not being seen more than 6 or 7 miles off—if improved, a very good distinction, and a good situation.

SEAL ISLAND.

A single Light.—The situation good, and a very good Light.

BAY OF FUNDY.

A Revolving Light ordered by the House of Assembly, in April last, on Cape Forchu, near Yarmouth. I was requested on my passage to St. John, N. B., by His Excellency Sir Colin Campbell, to report my opinion as to its situation for one, which I did very favourably.

GANNET ROCK—GRAND MANAN.

A Flash Light, a very good situation, and a very good Light.

BRIER ISLAND.

A single Light, a very good situation, and a very good Light.

PARTRIDGE ISLAND.

(At the entrance of St. John's, N. B.) A single Light, a very good situation, and a very good Light.

LAPREU.

Two Vertical Lights, a very good situation, and very good Lights.

There are also Lights at HEAD HARBOUR, (North end of Campobello,) WEST QUADDY HEAD, and MACHIAS, excellent situations, but I had no opportunity of visiting them.

EASTWARD OF HALIFAX.

A Light is in contemplation of being erected on White Island, between Sambro and Cape Canso, which appears to me of great importance—the coast being extremely dangerous, and no Light between those two Points, a distance of 150 miles.

CRANBERRY ISLAND.

A single Light, a very good Light, and a very good situation. I should also recommend a Red Light on Sandy Point, (the South entrance of the Gut of Canso,) and one also on the North Entrance.

ST. PAUL'S ISLANDS.

A single Light ordered and building, a very good situation.

CAPE SCATARIE, (CAPE BRETON.)

A Revolving Light ordered and building, a very good situation.

CAPE BAY, (NEWFOUNDLAND.)

It is of local importance, in my opinion, that a Light should be erected on this Cape, which I am satisfied would save many lives, and much property.

PRINCE EDWARD'S ISLAND.

The extreme ends of this Island are extremely dangerous; I should therefore recommend one Light on the North Point, and one on the East, which would also save many lives and much property, and if a Buoy, which I consider very necessary, was placed on Cerberus Shoal, in the Bay of Chedabucto, which is in the fair way of the Gut of Canso, the passage through would be easy and safe, and I am sure would be more frequented, to the great advantage to the Trade, particularly Miramichi.

APPENDIX No. 39.

ISLAND OF ANTICOSTI.

A Revolving Light on the South-West Point, a very good Light, and a very good situation. There are also two Buildings, one on the East end, and the other on the West end of that Island, very good situations—those points being very dangerous.

CAPE ROZIER.

I should also recommend a Light on this Cape; Ships generally bound up make it in preference to any part of the Island of Anticosti.

CAPE DE MONT.

A good Light, but it ought to have been placed on the extreme Point of the Cape.

CAPE CHAT.

This Cape should be distinguished by a Beacon, the land being very difficult for strangers to make out.

ISLE OF BEE.

In my opinion, it is of great importance a light should be placed on this Island, it being not only a fair anchorage for East or West winds, but it would keep Vessels from the North Shore, which is very dangerous.

GREEN ISLAND.

A single Light, a good situation, and a good Light.

BRANDY POTS.

A Light, also, in my opinion, ought to be placed here, as it is a good anchorage, and would also allow Ships to pass up and down without having occasion to anchor.

I beg leave also to suggest that a certain number of Pilots should be compelled to cruize off Cape Gaspe, or residents examined there, and made Pilots for the River, which would be of the greatest advantage to the Trade; I beg also to recommend to their Lordships the establishment of Pilots at Cape Canso, Arichat and Sydney, which could be effected without any expence to the Colony, and which would be found, I am satisfied, very beneficial also to the Trade. Pilots were established at Halifax during the command of Sir Charles Ogle, which has been found to work well, and you now can always be sure of a Pilot for that Port, 20 miles from the Land, in almost any weather, which, on a coast so visited by fogs, their Lordships must consider of great importance.

I beg also to call their Lordships particular attention to the want of Buoys on the dangerous Shoals in the River St. Lawrence, which leaves a Ship entirely at the mercy and in the hands of a French Canadian Pilot, and which might be prevented, with very little expence, by Buoying the Shoals in that extensive River, commencing at the Shoals at Red Island, and as follows, viz:

One on Red Island Shoal.

One on Hare Island, North Reef.

Two on the Shoals between Hare Island and the South Shore.

One on the South Hare Island Bank.

One on each Knoll in the South Traverse.

One on a Shoal South of Goose Island.

Two or three on the Flats between Crane Island and the South Shore.

Which, with Bayfield's excellent Charts and directions, an Officer, with a little judgment, would feel himself master of his Ship. I beg also to recommend that the Light Houses should all be distinguished by a particular mark, (at present they are all white) either by black and white Vertical, or Checkered, the land being so difficult for a stranger to make out, particularly on the Coast of Nova-Scotia. I beg likewise to call their Lordships attention to Sable Island. Having had an opportunity of conversing with Mr. Darby, the person who has had charge of the establishment of that Island for many years, and who is

a very clever, intelligent man, and whose opinion is decidedly that a light should be placed there, which he is satisfied would be the means of preventing many Wrecks on it. I am also of the same opinion, which is general at Halifax.

In concluding this Report, I beg leave strongly to impress on their Lordships the very difficult Navigation of the St. Lawrence, in consequence of the horizon never being perfect, and the currents very irregular, with fogs occasionally; and it appears to me there is no Port of the world where Lights, Pilots and Buoys, should be more attended to, and although it may be attended with some expence, yet, when it is taken into consideration, the great Trade to Quebec, Miramichi, and all parts of the St. Lawrence, I am quite satisfied, if proper arrangements were made by the Government of Canada, Nova-Scotia and New Brunswick, in collecting the Dues fairly, it would take a very small Tonnage Duty to support them.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed)

EDWARD BOXER, Captain.

CHARLES WOOD, Esqr. &c. &c. &c. Admiralty.

No. 40.

(See Page 735.)

THE Committee on Trade and Manufactures report on the several Petitions referred to them, as follows:

First.—As to the Petition of Charles McCarthy, they recommend that the sum of £7 be granted to him, as a return of the excess of Duty which he appears to have paid on Boots and Shoes, made of British Leather, but charged as Foreign, for want of the proper clearance at Newfoundland.

Secondly.—The Committee recommend that the sum of £12 17 6. be granted to Henry Hatton, Esq., being the amount of duty on a quantity of Sails and Rigging consumed by fire in his Store at Pictou.

Thirdly.—The Committee regret that they cannot recommend any grant to Hugh Smith, in aid of his improved manufactory of Leather—such grant being without precedent here, and opposed to the principle which has been followed in the Mother Country.

Fourthly.—The Committee were satisfied that John F. Muncey and William H. Munro would have been entitled to a proportion of the Sealing Bounty of last year, had not their respective Certificates been accidentally delayed beyond the period specified in the Act. The whole sum of £750 was however exhausted, and three per cent. deducted on the claims that were allowed. Mr. Muncey's full sum on four Vessels, measuring 110 tons, would have been £55, and Mr. Munro's £12 on one Vessel, measuring 24 tons: and the Committee having made a corresponding deduction, recommend that £50 be granted to the former, and £11 to the latter, being as near as may be the amounts they would have received, had their claims come in with the others, in sufficient time.

Fifthly.—The Committee were attended by Mr. Watt and Mr. Foster, and ascertained the facts touching the manufacture of Tobacco in this Province. The protection they enjoy, as the Law now stands, is the difference of five per cent. between the Imperial duty on the raw material and the manufactured article, and the Colonial duty of one halfpenny per pound on the latter, which is equal to an advalorem duty of from eight to ten per cent. In consequence of the Provincial Bounty of 12½ per cent. having been withdrawn, the manufacture has declined, so that but forty persons, of whom thirty-five are children, are now employed by Mr. Watt, in place of one hundred and upwards; and Mr. Foster's business, in which four men and eighteen children were engaged, is at present suspended. Notwithstanding these facts, and the anxiety of the Committee to foster our domestic Manufactures, grave doubts might be well entertained of the policy of giving the Petitioners a higher protection than is now enjoyed, and which raises the price to the consumer of an article

article of such general use. But, independently of this consideration, the Legislature have it not in their power to re-enact the Law that has been suffered to expire, in the face of the direct prohibition and disapproval of Her Majesty's Government; and the reasons urged by the Right Hon. the President of the Board of Trade to the Delegates of the Assembly, the soundness of which they could not dispute. The duty paid by Mr. Watt at the Custom House last year, on Leaf Tobacco, was £315 Sterling, and by Mr. Foster, £31 19s. Sterling, as stated in his Petition.

Sixthly.—The Committee were attended by Mr. Lyle, who offered various explanations of the utility and cost of the projected Marine Railway at Dartmouth—these will be stated by the members of the Committee when the discussion comes on. That it would be highly desirable to have such a Railway as is described in the Petition, will be admitted on all sides, and it seems incontrovertible that it cannot be laid down and completed, as it ought to be, under an outlay of £3500, or thereabouts. The Committee, however, were divided in opinion on the propriety of granting a sum of money in aid of the work, out of the Public Treasury. Of those who attended, Messrs. Huntington, Sargent and Morton, were opposed to, and Messrs. Uniacke and Bell in favor of, a grant being recommended, and it was finally agreed, by a Resolution, supported by Messrs. Uniacke, Morton and Bell, and opposed by Messrs. Huntington and Sargent, that the facts should be reported to the House for their adjudication.

Lastly.—The Committee were divided in opinion on the claim of Messrs. S. Cunard & Co. for an additional Bounty of £272 on the ship *Rose*. Of the £2000 granted in 1833, they received from the Treasury £1481 10s.; Mr. Lawson having drawn £518 10.—The ship *Rose* is now the only vessel that is out, under the renewed Bounty of 1838.—She was stated to have a crew of 35 persons, all Nova-Scotians; and if she obtains a full cargo, or is at sea for the prescribed period of two years, she will receive the full Bounty of £842. The present claim arises from the sum of £570 only having remained in the Treasury, of the grant of 1833; and Messrs. Uniacke, Bell and Morton, were of opinion, that the difference of £272 ought to be granted to the Petitioners, which was opposed, however, by Messrs. Huntington and Sargent. The decision will remain, of course, with the House.

WILLIAM YOUNG, Chairman.

Committee Room, 21st February, 1840.

No. 41.

(See Page 735.)

The Committee to whom the Petitions of William Watt and James Moyler were referred, report as follows:

That the facts stated in those Petitions have been satisfactorily corroborated; and although the Petitioners are entitled to the sympathy and commiseration of their fellow citizens, in strictness, have no claim to remuneration from the Provincial Treasury, the monies in which are raised for different purposes, and ought not to be dispensed in charity; but under the peculiar circumstances of Petitioners both having been laboring for the Public, and one severely injured whilst blasting a Rock of necessity, compelled to incur expense for Medical assistance, which he is unable to defray; the other, a Soldier, in the prime of life, having lost the use of his limbs in consequence of a fractured spine, whilst in the discharge of his duty, and being entitled to a very trifling pension from Government; your Committee have agreed to recommend to the House to grant to William Watt the sum of Fifteen Pounds, and to James Moyler the sum of One Hundred Pounds, to enable him to enter into some business, which, in his helpless state, he may be equal to conduct and maintain himself.

Your

APPENDIX Nos. 41, 42.

Your Committee entertain a strong opinion that Pensions should not be granted, and respectfully conceive that this extension of bounty will not be a precedent, for few claims on the liberality of the House are likely to be as strong.

JAMES B. UNIACKE, Chairman.
JOSEPH HOWE,
WINTHROP SARGENT.

Committee Room, 12th February, 1840.

No. 42.

(See Page 738.)

M E S S A G E.

(Signed) JAMES KEMPT.

HIS Excellency the Lieutenant-Governor having paid much attention to the Internal Communications of the Country, lays before the House of Assembly the accompanying paper, containing his observations upon the present system of applying the appropriations of the Legislature for Roads and Bridges; and he recommends the alterations therein suggested to the consideration of the House, under a strong impression that their adoption will have many beneficial effects, and tend to produce greater regularity and economy in a branch of the public service of the first importance to the general welfare and prosperity of the Province.

Government-House, 18th February, 1828.

His Excellency the Lieutenant-Governor's Observations upon the present manner of applying the Provincial Grants for the service of Roads and Bridges, and suggesting some alterations in the system with a view to its improvement.

It appears to His Excellency the Lieutenant-Governor that the annual appointment of Commissioners to expend the Provincial Grants on the Great Roads, is both injurious to the Public Service, and attended with many inconveniences.

The Commissions can seldom be issued before the month of June, the Commissioner has then (probably for the first time) to examine the Road placed under his direction, in order to form a plan of proceeding, and to see how the money can be best applied. If Bridges are to be built he has to purchase materials at the dearest season of the year. He has also to engage labourers, and to provide such tools as may be necessary, in addition to those which they bring with them, and after expending the money to the best of his ability, he ceases to have any further charge or responsibility,—his Commission is at an end. No person has then any charge of the Road till the following year, when another Commissioner is probably appointed, who may proceed on a totally different plan to that of his predecessor, and undo all that he did.

Under this system, the Public Service cannot but suffer; for, although Commissioners may execute their duties in a zealous and faithful manner, yet they have no inducement to devote their time and attention to the science of Road Making, and the public may be as much injured by the want of experience and skill of a Commissioner, as by his want of fidelity.

His Excellency is therefore disposed to think that much good would result from the appointment of permanent Commissioners on the Great Roads, selected from the most intelligent and capable persons in the Country.

A Commissioner, appointed for a series of years, would make it his business to acquire a practical knowledge of Road Making. He would make himself thoroughly acquainted with every part of the line of Road placed under his superintendance. He would lay down a systematic plan of proceeding, and steadily pursue it. He would make arrangements

ments for providing materials for building Bridges, at the season of the year when they could be collected at the least possible expence. He would always be enabled to command the best labourers in the Country; and the tools would be preserved, and be at all times forthcoming. He would perform any little casual repairs that the Road and Bridges under his superintendence might require; and attend to the Water Courses in the Spring and Autumn, when a few days work, judiciously performed, would often be the means of saving a considerable expence. The public would always have responsible persons to look to for the due execution of a most important service, and always know the culpable individual, in the event of misconduct or misapplication of the Public Money, and His Excellency would also be furnished with Reports that could be relied upon, of the state of the Great Roads throughout the Province, and be enabled to lay them before the Legislature, at its annual meeting, to serve in some measure as a guide to the Appropriations.

While His Excellency thinks, for the above reasons, that it will be advisable to appoint permanent Commissioners on the Great Roads, he also conceives that the small Votes for the Cross and other Roads, should be expended by the Surveyors of Highways, in conjunction with the Statute Labour of the Inhabitants.

In most cases, little good can be effected with these small Votes, expended by a separate Commissioner; the Money may be sufficient to provide materials to repair small Bridges, but it is quite inadequate to pay for the performance of *much* labour on the Road. On the other hand, the Surveyors of Highways have always a considerable command of labour, without having, in many instances, any money whatever to purchase the materials absolutely necessary for the erection or repair of small Bridges.

His Excellency is, for these reasons, satisfied that the Public Money would accomplish more, and the Statute Labour be performed to much greater advantage than it now is, if the small Votes for the Road Service were granted in aid of the Statute Labour, and applied, (at the same time, and in conjunction with it,) by the Surveyors of the Highways, for the Districts in which the several Roads are situated. The Surveyors should, of course, be made responsible to the General Sessions of the Peace for the faithful expenditure of Provincial Grants, as well as for the due performance of the Statute Labour, and the Money would not be paid from the Treasury until the Certificate of the Clerk of the Peace was produced to that effect.

His Excellency is, however, of opinion that all considerable Grants for the opening of New Roads, and for all such as do not come under the description of Great Roads, for extensive Bridges, and for the permanent improvements now going on, should be expended by Commissioners specially appointed for the purpose, as at present.

His Excellency conceives that the adoption of a system of this kind would tend most materially to benefit the Public interest. It would be the means of forming a body of scientific Commissioners and Surveyors of Roads, the Provincial Grants would be expended to much greater advantage than they now are, and the great trouble and inconvenience now experienced in issuing annually several hundred Commissions, (many of them for very small sums) would be in a great measure avoided.

No. 43.

(See Page 740.)

THE Committee to whom were referred the Petition of James Brown and others, beg leave to report, that the Committee are satisfied that Travellers are often subjected to much danger and delay, in consequence of no Boat being kept by the Ferryman on the Truro side of the Shubenacadie River capable of transporting Horses and Carriages—that the Committee are also satisfied that the profits of the said Ferry are not sufficient to enable the said Ferryman to provide a suitable Boat at his own expence, and therefore recommend to the House to grant to the Petitioner the sum of Twenty Pounds for that purpose—to be paid when

when the Court of Sessions for the County of Colchester shall certify that a good and sufficient Horse Boat, has been provided, and the regulation of the said Ferry and Boat placed under the direction and control of the said Court of Sessions.

Assembly Room, 24th February, 1840.

BENJAMIN SMITH, Chairman.

No. 44.

(See Page 740.)

THE Committee to whom was referred the Petition of Samuel Dodge, Commissioner, for expending the sum of Fifteen Pounds on a certain Road in the Township of Wilmot, County of Annapolis, beg leave to report as follows :

That the said sum was expended by the Petitioner, and his Accounts and Vouchers duly returned to the Treasurer—that in compliance with the request of the Petitioner, the money was forwarded to him by the Treasurer by Mail, but it never reached its destination—that, in the opinion of your Committee, the loss sustained is not owing to the fault either of the Treasurer or Petitioner, and therefore they recommend the favorable consideration of the Petition.

WILLIAM HOLLAND,
S. P. FAIRBANKS,
R. McG. DICKEY.

No. 45.

(See Page 742.)

DR. *Account of the Receipts and Payments of Her Majesty's Casual Revenue in Nova-Scotia, for the year ending 31st December, 1839.*

1839.		Sterling.	Currency.
Dec. 31st.	To paid His Excellency the Lieutenant-Governor that portion of his Salary payable from this Fund, at the rate of £1000 Sterling per annum, for three quarters of the year, ending this day	£750 0 0	£937 10 0
	To paid His Excellency's allowance for contingencies, for the year ending this day	200 0 0	250 0 0
	To paid the undermentioned Officers their respective Salaries or Allowances, for the year ending this day, viz :		
	The Chief-Justice	1000 0 0	1250 0 0
	Secretary of the Province	1000 0 0	1250 0 0
	Judges Wilkins, Hill and Bliss,	510 0 0	637 10 0
	Master of the Rolls	170 0 0	212 10 0
	Attorney-General	500 0 0	625 0 0
	Solicitor-General	100 0 0	125 0 0
	Clerk of the Crown	100 0 0	125 0 0
	Surveyor-General	150 0 0	187 10 0
	Do. of Cape-Breton	100 0 0	125 0 0
	Do. do. for Office Rent	16 0 0	20 0 0
	Suprintendant of Mines	100 0 0	125 0 0
	Harbor Master at Sydney	100 0 0	125 0 0
	To paid Miss Cox's Pension at 1½ per cent. premium	101 10 0	126 17 6
			Dec.

APPENDIX No. 45.

Dec. 31st. To paid Mr. James, 1st Clerk in the Secty's Office	£250	0	0	£312	10	0
Mr. Passow, 2d do.	100	0	0	125	0	0
Mr. Keating, for occasional assistance in do.	40	0	0	50	0	0
John Howe & Son, for printing for Govmnt.	29	10	5	36	18	0
Messrs. Belcher's & MacKinlay's bills for Stationary for Secretary's Office	18	13	4	23	6	8
For Fuel and Messenger, of do.	20	0	0	25	0	0
For repairing the Church at Sydney, as authorised by Lord Normanby's Despatch, dated 4th May, 1839	150	0	0	187	10	0
Commissioner of Crown Lands of Nova-Scotia proper, his Salary for the year 1839	500	0	0	625	0	0
Do. being for the Salary of his Clerk and contingencies	129	10	9	161	18	6
Commissioner of Crown Lands in Cape-Breton, his allowance for the year	481	5	8	601	12	0
Do. for contingencies of Office (£23 3 0 Currency,) and for monies returned to purchasers of Lands (£13 7 6 Cy.)	29	4	5	36	10	6
The Attorney-General for conducting certain prosecutions on the part of the Crown, as authorised by Lord John Russell's Despatch of 26th Nov. 1839.	86	12	5	108	5	6
The Solicitor-General, for similar services, authorised as before	34	10	2	43	2	10
The Clerk of the Crown the amount of his own Fees (£60 10 1 Cy.) and those of Sheriffs, &c. (£43 6 2 Cy.) in same Suits, authorised as before	88	13	0	110	16	3
Balance	4141	17	6	5177	6	10
Total	£10,977	7	8	£13,746	14	7

CR.

1839.		Sterling.	Currency.
Jan. 1st. By Balance		£3602 10 4	£4503 3 0
Received from General Mining Association, being Rent of Her Majesty's Mines in Nova-Scotia, for the year ending 31st Dec.		2666 13 4	3333 6 8
Received from do. being Duty on 28,323 Chaldrons, Newcastle measure, raised and sold over 20,000 Chaldrons, in the year 1839, at 2s. Currency per Chaldron		2265 16 10	2832 6 0
Premium on the two preceding sums (£6,165 12 8 Cy.) payable in Dollars, 2d on each Dollar, as compared with Provincial Paper Money, in which the Rent and Duty were paid		164 8 4	205 10 5
Received from do. being the Rent of the Mines, under the late Duke of York's Lease, for the year ending 24th June, 1839		1 0 0	1 5 0
Received from John S. Morris, Esq. being the balance in his hands as Commissioner of Crown Lands of Nova-Scotia proper on the 31st Dec. 1838		364 16 2	456 0 2
Received from do. on account of the proceeds of the Sales of Crown Lands in the year 1839		629 10 10	786 18 6
			Jan.

APPENDIX Nos. 45, 46.

Jan. 1.—By Received from do. being part of the balance of £587 2 3 Currency in his hands on 31st December, 1839, as per his account	£160	0	0	£200	0	0
Received from H. W. Crawley, Esq. on account of proceeds of Sales of Crown Lands in Cape Breton in the last year	510	10	0	638	2	6
Amount of Fees received at the Secretary's Of- fice in the last year, including £127 9 0, the amount of Fees on Cape-Breton Grants	632	1	10	790	2	4
Total	£10,997	7	8	£13,746	14	7

RUPERT D. GEORGE.

Halifax, 22d February, 1840.

No. 46.

(See Page 742.)

*Musquedoboit, January 22d, 1840.*SIR RUPERT D. GEORGE, Baronet,
SIR,

Pursuant to His Excellency's commands, I resumed my survey of the new line of road along the Eastern Shore, beginning at Cook's Brook, at Shoal Bay; from thence to Tangier is two miles three furlongs and twenty-six poles. The whole of this Section is pretty level, except where it descends to Tangier River. The bank on the Western side being high and precipitous, it is impossible to avoid a considerable hill; I have, however, slanted the line down the hill, so as to make the descent as gradual as possible.

Tangier River is about 140 feet wide at the bridging place, and, as the Bridge need not be very high, I think about £35 or £40 will be sufficient to erect it. There are but two small Brooks on this Section of the line.

From Tangier River to Pope's Harbor is one mile four furlongs and nine poles. The whole of this Section is nearly level, except the rise from Tangier River, which is quite gradual. There is but one small Brook on this Section. The Stream which runs into Pope's Harbour is a mere Brook, and will require but a small sum to bridge it. From Pope's Harbor to Taylor's Bay is four miles four furlongs and eighteen poles. This Section is both crooked and hilly, on account of high ridges which rise precipitously at the very water's edge, and run far back into the country. There are four Brooks on this Section of the line which will probably cost, on an average, Five Pounds each to bridge them. There are three Brooks which run into Taylor's Bay, the bridging of which will cost at least Twenty Pounds. From Taylor's Bay to Mushaboon is two miles seven furlongs and five poles. There is one large Brook on this Section.

Although the sum placed at my disposal did not enable me to complete the survey of this Section, I run through and ascertained the distance, and also that a level line can be found without deviating far from a straight line.

I have the honor to be, Sir,

Your most obedient humble Servant,
JAMES KENT.

A small sum having also been placed at my disposal for the purpose of exploring and surveying a line for a road from Mahar's Grant Settlement, on the Musquodoboit River, to the Harbor, I beg to report as follows, viz:—That the line has been explored nearly all the way through, and that I have found it practicable to get a tolerably level line without any bad hills.

The sum appropriated to that service was so small that I could not complete the survey of

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of more than about two miles and three quarters, a plan of which I forward herewith, for the information of His Excellency the Lieutenant-Governor.

I have the honor to be, Sir,

Your most obedient Servant,
JAMES KENT.

No. 47.

(See Page 742.)

Lower Stewiacke, 20th January, 1840.

SIR—

In compliance with His Excellency's desire, communicated to me in your Letter of the 25th November last, on the subject of Bye Roads, I now lay before you the result of my investigations relative thereto.

I proceeded to examine the several Roads from the Blue Bell to Margaret's Bay, and first ascertained the exact length, by actual survey, of the two present Roads—one leading from the Blue Bell, passing Spryfield and Charles Drysdale's, to near Wooding's Bridge, Margaret's Bay; the other, from the Blue Bell, passing through Dutch Village and James Gieser's, intersecting the Bay Road at Boutleer's Mills, as will be seen in the accompanying plan.

I then examined the lower southern Road, passing Drysdale's, to see if levels could be obtained, or improvements made, by alterations; but, as that Road passes over high hills, running at right angles with its own course, it would therefore be impracticable to make improvements, as it would increase the distance to a great length, longer than the present Road.

The upper Road, passing James Gieser's, I examined, and found several miles of that route to pass over high hills of solid rock; any attempt to make improvements here would be only a waste of the Public Money.

Continued my exploration, and surveyed a line at the head of the North-West Arm, beginning near Hosterman's Mills, which follows the valley of said Mill Stream and Lakes, passing through the Black Settlement, crossing the upper Road at B, and intersecting the Bay Road at Wooding's Bridge, which is distinguished by the green dotted line on the Plan.

I also surveyed a line from F, near Jacob Boutleer's, to the head of Margaret's Bay, intersecting the Chester Road at the North-East River Bridge, to avoid the necessity of travelling round by Hammond's Plains, "should the Legislature determine to open a Main Road to Chester," as stated in Mr. Howe's Letter of Instructions; this line passes through the lowest ground that can be found, is moderately rocky, and goes through several tracts of Lands susceptible of forming Settlements, and will be six miles shorter than travelling the Hammond's Plains Road, and about thirty-five miles shorter for carrying the Southern Mail, than the present route now travelled by Windsor.

The line from F, to Wooding's Bridge is eight miles, and will be nearly as short for the Lower Settlement as the present Road travelled by Drysdale's.

As also surveyed a line from L. to the French Settlement, intersecting the Bay at West-aver's, which would appear to be the best the Country could admit of, and would supersede the necessity of travelling round by Wooding's Bridge.

Have also examined the Shore Road from said Bridge to the head of the Bay, a distance of eight miles, and find several parts thereof to pass over high hills, which may be avoided, by adopting the green dotted line on the Plan.

Distance from the Blue Bell to Wooding's Bridge, by the lower Southern Road, is $19\frac{1}{2}$ miles, 1 furlong.

New line, from Blue Bell to Wooding's Bridge $19\frac{3}{4}$ miles, 1 furlong.

From Blue Bell to Boutleer's Mills, by the upper Road $17\frac{1}{2}$ miles.

From the Blue Bell to the head of Margaret's Bay, where it intersects the Chester Road at the North-East River Bridge $16\frac{3}{4}$ miles.

The

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The line should, (if made,) be staked out minutely, and regular curves made. The Timber and loose Rocks cleared out eighteen feet wide—this to be done by Contract, and sold in small lots to suit purchasers; the same might be done with the Excavating, Embankments, Bridges, &c. The Road to be cast twelve feet wide, exclusive of side drains—to be performed either by Contract or day's labour, as might appear most proper to the Commissioner.

Estimate of probable expense.

Section 1st.—From head of North-West Arm to A., four and one half miles and one furlong; the steepest rise in this section is one foot in twenty-five, with the exception of seventy rods near the North-West Arm, which rises one foot in fourteen, $4\frac{1}{2}$ miles and one furlong, at £175 per mile	£809 7 0
Section 2d.—From A. to F.; steepest rise, one foot in twenty-five—distance 6 miles, at £125 per mile	750 0 0
Section 3d.—From F. to the North-East River Bridge; the steepest rise in this is one foot in thirty—distance $4\frac{3}{4}$ miles, at £125 per mile	593 15 0
Building a Bridge and Embankment across the Narrows, on Lake, near Jacob Boutleer's	40 0 0
Building a Bridge across Eastern River	20 10 0
	£2213 12 0

Estimate of probable expense from F. to Wooding's Bridge—distance eight miles.

Section 1st.—From F to L, 4 miles and $\frac{3}{4}$; the sharpest rise is one foot in seventy-five, at £120 per mile	£570 0 0
Section 2d.—From L. to Wooding's Bridge—distance 3 miles and $\frac{1}{4}$; steepest rise, one foot in forty, at £110 per mile	357 10 0
	£927 10 0

Estimate of probable expense from L. to Westaver's—distance $1\frac{1}{2}$ mile; rise, one foot in twenty feet.

To making a temporary Road, at £75 per mile £112 10 0
 Respecting the Shore Road, it may be improved any where along at about £140 per mile.
 It is to be always understood that the foregoing Estimates have reference to roads 12 feet wide.

I have the honor to be,
 Sir,

Your most obedient Servant,
 WILLIAM FAULKNER.

The Hon. Sir RUPERT D. GEORGE, Bart., &c. &c.

Papers accompanying the foregoing Report, &c.

(Copy.)

20th NOVEMBER.

SIR,

There are some of the Bye Roads in this County on which Money is expended every year to but little advantage—and it has occurred to the Members, in traversing them, that if a week or two were spent by Faulkner in an examination of them, that much might ultimately be saved. Will you oblige me by mentioning the subject to the Lieutenant-Governor, and if His Excellency should feel disposed to authorise the employment of a Surveyor for a few days next month, the expense would be guaranteed, and we could

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could act on the information furnished next Session. The Margaret's Bay Roads are those to which attention would probably be first directed.

I have the honor to be, &c. &c. &c.

(Signed) JOSEPH HOWE.

The Hon. R. D. GEORGE, Bart. &c. &c. &c.

MEMO.—This survey was ordered by the Lieutenant-Governor, in compliance with the request made by Joseph Howe, Esquire, in the annexed Note; and His Excellency being desirous to meet the views of the Members, and not being sufficiently acquainted with the localities to give specific instructions for the performance of the service, Mr. Faulkner, the Surveyor, was directed to communicate with Mr. Howe, and to be governed by his suggestions.

R. D. GEORGE.

Mr. Faulkner will proceed to ascertain the exact length of the Road from the Blue Bell to Margaret's Bay, past Spryfield and Charles Drysdale's; and the exact length of the proposed Road from the French Village, Margaret's Bay, to Blue Bell, passing through the Dutch Village, near Giezer's.

He will also examine and report whether a level Road can be got between the French Village and the Bridge at Hosier's River, by which the barrier of hills that now divides the two principal Settlements of the Bay may be avoided. If this can be done; he will measure the distance between the points where the two Halifax Roads intersect the Settlement Road.

He will carefully examine the Lower or Southern Road, to ascertain if distance can be saved, or improvements made, by alterations—what these would cost—and what sum would be required to make a good Carriage Road from Halifax to the Bay.

The upper line must also be examined, with a view to determine whether it can be improved—what levels can be obtained in difficult places—and what the expense would be of making a good Carriage Road.

Should it appear probable that the Upper Road will be improved, Mr. Faulkner will endeavour to ascertain whether, from the Northern end of the Black Point Lake, or any other point, a practicable line can be obtained to intersect the Chester Road, at the head of the Bay, so as to avoid the necessity of travelling round by Hammond Plains, should the Legislature determine to open a Main Road to Chester.

JOSEPH HOWE.

Mr. WILLIAM FAULKNER.

No. 48.

(See Page 742.)

*Westchester, County of Cumberland,
1st November, 1839.*

SIR,

Having been appointed a Commissioner to expend the sum of Two Hundred and Fifty Pounds on the new line of Road to avoid the Cumberland Mountains, I beg leave to report, for the information of His Excellency the Lieutenant-Governor, that I have expended that sum on the first Section of the said Road, and have therewith completed three quarters of a mile and fifteen rods.

I commenced my work where Mr. Whiteman left off, and let out by Contract four twenty rod lots of the first part thereof, which have been executed as follows, viz:—The two first lots made twenty feet wide; the surface soil all cast off and the hills cut down, and the earth brought into the hollows, so that there will be no rise to exceed one foot in twenty-seven. The next lot of twenty rods was all cast off from one side, and made twenty feet wide. The next lot was a very rocky part, passing over the Brook which runs through the Mountain,

Mountain, where I found the greatest difficulty in making the Road—I had to cut through one bank ten feet deep, and then coming in contact with the rocks, I had to blast and cut through them for thirty-two feet—on passing over the Brook, I fell in with another ledge of them, and found precisely the same difficulty, and had to work through them in the same manner—Road here is eighteen feet wide—here also is the greatest rise in my part of the work, which is one foot in sixteen, however, the distance is but short, not exceeding eight rods—then passing along up the East side of the Brook I cut the remainder of the line out of the bank, casting the earth from one side to the other, making the Road eighteen feet wide—the bank is cut down from four to six feet deep—I then came to a level, where I made the Road twenty-one feet wide for the distance of forty rods. I would here say, that after passing over the Brook, there is no rise on any part of the Road made by me to exceed one foot in thirty. As I came on to the level last mentioned, I came in contact with another ledge of Rocks of about eight rods in extent, which required a good deal of blasting, and much difficulty in working through them, and throughout the whole line, after removing the top soil, I found the best materials, such as gravel, &c. for the Road—after passing the level, I cut a distance of forty rods along the Bank by a side cut—Road from nineteen to twenty feet wide—I sunk my Cross Drains well, and covered them with large Timber, and six inches of gravel over all.

I think Mr. Stevens, the other Commissioner, will complete about the same distance that I have, viz: three quarters of a mile and fifteen rods—if so, there will yet be left undone of the first Section about sixty-five rods.

If His Excellency would not consider it presumptuous, I beg leave to suggest the propriety of an alteration from the original plan of carrying the new line of Road into the old one, where Mr. Stevens has finished, or is about finishing. If the new line is there carried into the old Road, there must, of necessity, be a rise of some extent—whereas, if the new line is carried on along the Brook, that rise will be avoided, and the distance will be shortened about a quarter of a mile, and the difference of expense can be but very small.—Should the line be carried along the Brook, the whole distance of Road yet to be completed in the second Section will be three miles—whereas, if the line is to be carried into the old Road, it will be about three miles and a quarter—the expense of which, I think, will be about from Eight to Nine Hundred Pounds.

Mr. Stevens and myself have run off the new line as I have suggested, and will forward you plans of both lines for His Excellency's information. The part of the first Section which I have completed can be used at once by the public, as I have stumped and levelled a part of the sixty-five rods before mentioned to be yet undone, leading into the old Road, which will give an access from the old into the new line.

I have the honor to be, Sir,

Your obedient humble Servant,

JACOB G. PURDY.

To the Hon. SIR RUPERT D. GEORGE, Bart. Sec'y of the Province.

No. 49.

(See Page 742.)

R E P O R T.

It will be seen by the annexed Plan of the 2d section of the Road over Cumberland Mountain, that the rise from the end of the new Road, made last season, (being part of the first section coloured red,) to the old Road following Mr. Munro's line, is one foot to eight, for the distance of from two to three hundred feet, and the whole rise sixty-five feet; and the rise on the line run by me will not be more than one foot to thirty, and the whole rise only twenty-one feet. The distance from the end of the new Road, on my line, till it intersects Mr. Munro's, is ninety-eight chains; and the distance on Mr. Munro's, to the same place, is one hundred and fifteen chains, making a difference of seventeen chains, or sixty-eight perches.

I am of opinion that it will not require so much money, by One Hundred Pounds, to make the Road on the new line, as it would by following Mr. Munro's, notwithstanding his line follows the old Road upwards of half a mile, in which there are many hills that would require cutting down, and hollows to be filled: whereas, on the other line, the surface is very even, and consequently there will be little cutting down or filling up. The whole distance of the second section, following the new line, is 238 chains, or 952 perches, which can be made a good Road for 17s. 6d. per perch, which sum, including Commissions, will amount to about \$751.

ANDREW N. STEVENS.

January 4, 1839.

No. 50.

(See Page 742.)

Windsor Road, February, 1840.

The Commissioner employed in making the new Road at the Springfield Hills, and repairing the Windsor Road the past year, begs to report as follow:—2d August, commenced the repairs near Hamilton's, erected a new Bridge at a cost of about thirty-five pounds. Proceeded on, and commenced at Sackville—made two experiments on the sandy part of that Road of twenty-four rods each. The one, laid the foundation of fine brush, covered a good thickness with clay, and coated with gravel, taken from the Sackville River; the other, made a foundation with small stones, a coat of clay, and finished with gravel. The expense of each nearly the same, say Thirty Shillings per rod—which of the two will prove the best cannot be determined until after the action of the frost upon them in the Spring; there remains still nearly one hundred rods of this sandy Road to be improved, which is considered by all travellers to be the heaviest and worst portion of the Windsor Road. Proceeded on with the repairs, removing large rocks from the centre of the Road, clearing out Drains, putting down Bridges, Gravelling, &c., and so far improved the Road to Fultz's that the greater part was in a fair state. Took charge of a party of Soldiers on the 12th September, below Sackville, and, on the 25th, had charge of the whole. Commenced at Fultz's—broke stone, and macadamized one mile and a quarter in different places—cut out Drains where required—rounded and gravelled the Road from the best Pits that could be found. The Commissioner found this portion of the Road in a very bad state—completely worn down in the centre. The greater part requiring to be newly formed—this has added much to the expense of repairs. There is very little gravel to be got that is worth the expense of putting on; and unless the macadamized system is adopted, and the wheels of heavy Carriages made broader, the Windsor Road cannot be kept in any thing like good repair. 10th September, let at Public Auction, on the New Road, from Springfield to Lewis', in small lots—a specification of the way and manner the Road was to be made being shown—and, at the same time, the Bridge at the foot of the Lake; in this way, having let to a number of persons, the work was performed in a very short time, and lower than it could be done by day's work, taking into account the price and scarcity of Laborers. This line presents to the Public a fine easy Road, avoids the heavy expense of the long Bridge across the Lake, and also saves the expense of making forty rods across a deep swamp, altho' the line is carried through a rough and rocky piece of ground, which will, to complete it, cost a considerable sum; yet, the change that has been made will save to the Province some hundreds of Pounds, besides the annual expense of keeping up the Bridge and Swamp. The distance saved to the traveller in this alteration is fifty rods, and to complete it with good and hard material, will require Five Hundred Pounds, in addition to what has been already expended.

The Commissioner has further to report two other small alterations on the Windsor Road—a plan of which is annexed, by which it will be seen that not only the proposed lines are carried on an easy and level course, but the distance considerably shortened, which is a great object at the present day; should these proposed changes take place,
with

with that now in progress, a saving is made of one hundred and eighty-four rods in the whole. The Commissioner would recommend, should it be decided that the New Road at Springfield is to be completed, that the stones necessary to do so should be broken early in the Spring, by Contract, that the completion of the Road might be effected early, so that the Public may have the advantage of it during the ensuing summer. The above is respectfully submitted.

DANIEL WIER, Commissioner.

Windsor Road, January, 1840.

As it is generally admitted that the present plan for the improvement of the Roads is deficient in many respects, and requires an alteration, I beg leave to submit a few suggestions on the subject for the consideration of the Members of the Assembly. I have had considerable experience under the present mode, now in practice, for the expending the public monies for the Road Service, for the last twenty years, which enables me to point out the defects with some degree of confidence. Under the Law now existing the Commissioners are not appointed until some time in the month of May, and are confined to a *limited time* to expend the sums committed to their charge. The money is expended, and the Roads, for the time, put into a tolerable state for travelling, but as the Commissioner's duty ends with the particular sum committed to him, the Road is left to take care of itself until the next season, when a further sum is granted, and perhaps a new Commissioner appointed for its expenditure; and here I refer particularly to the Great Leading Roads, where there is a continuation of heavy Carriages passing, constructed almost without an exception with narrow wheels—thus, by the time the frosts set in, the Roads are nearly in as bad a state as when commenced in the Spring. Again, in the Spring, when the snow and ice is melting off, there being no person interested, the drains are neglected, and the water in consequence makes its way over and down the centre of the Roads, destroying in a few hours the labor of many days; all of which could be prevented if attended to at the proper time, and at a trifling cost. The practice of using narrow wheels, and which are continually passing with heavy loads, destroy the best Roads that can be made—nothing short of a complete Macadamized Road will stand them, and I think this subject also requires the interference of the Legislature. A broader wheel for heavy Carriages would be a great saving to the Province, and no injury to those concerned, if brought gradually into practice.

I will now suggest a plan which I fully believe, if carried into effect, will be the means of keeping the Great Roads in a constant state of repair, after they are once put into a proper state. In the first place appoint permanent Supervisors or Commissioners, who are well skilled in Road Making, to take charge of certain districts, to be regulated by an Act of the Assembly—these to be bound to keep their respective districts in a proper state of repair, and to make an annual report of their doings to the Governor, and to be by him laid before the Legislature. The Commissioner to be empowered, whenever the Road under his charge is put into a complete state of repair, to divide it off into sections or divisions, and those let at Auction or otherwise to the lowest bidder, who is bound to give security to keep his part of the Road in the same state as received—a Commissioner, under this plan, could take charge of a long line of Road. There can be no doubt that to carry the above plan into effect, would require, in the first instance, a very considerable sum of money for the purpose of putting the Roads into good order, but after this was accomplished, it is but reasonable to suppose that a less sum than is now yearly expended would suffice to keep them in like order the year through.

Should it be considered that the Funds of the Province would not warrant so large an outlay, the only alternative I conceive to be is the adoption of Toll Gates at some convenient places on the two Great Roads—the tax would probably be unpopular at the first onset, but I conceive, when the people found themselves possessed of a good, hard and substantial Road, enabling them to transport, with the same means, a much larger quantity of freight, that any clamor that might arise would cease, and they would pay the tolls with pleasure. A considerable Revenue would arise from the passage of Strangers through the Country, was the system of tolls put into practice. The Commissioners of districts also to report

APPENDIX Nos. 50, 51, 52.

report any alterations or improvements that they might deem necessary for the public advantage, in reference to the Roads under their charge.

DANIEL WIER.

Windsor Road, February, 1840.

No. 51.

(See Page 742.)

Custom House, Digby, 5th January, 1840.

SIR—

I have the honor, herewith, to transmit the Boat Journal for last season, together with vouchers, for the expenditure of the £60 granted by the House of Assembly for the Revenue Boat service at this Port. The amount to be paid into the Treasury, on account of Seizures made by me, will more than cover this grant. At the same time the Board of Revenue have shewn the greatest leniency in the mitigation of penalties incurred by the parties detected in Smuggling. I beg respectfully to request that you will move His Excellency the Lieutenant-Governor to recommend the Grant to be continued. If it could be increased sufficiently to enable a constant Water Guard to be established in Digby Gut, from the beginning of April to the end of November, I am convinced that the measure would greatly add to the Revenue. Now, that Digby is appointed a Free Port, the payment of the Impost Duties on Goods imported into any part of the extensive River of Annapolis, will depend almost entirely upon all Vessels being boarded immediately on their arrival in the Gut. With respect to Vessels entering from the United States, it is quite impossible to ascertain, except by examining them on their first arrival, whether the Cargoes are correctly reported at the Custom House, as the American Clearances cannot, in any way, be depended upon.

I have the honor to be
Your most obedient, humble servant,
WM. SIMS, Sub-Collector.

Sir RUPERT D. GEORGE, Bart, &c. &c. &c.

No. 52.

(See Page 742.)

(Copy.)

*Impost Office, Sydney, Cape-Breton,
13th January, 1840.*

SIR,

In obedience to the commands of His Excellency the Lieutenant-Governor, conveyed in your Letter of the 8th May last, I have the honor to report the proceedings taken for the protection of the Revenue and collection of Duties, for which services the sum of Thirty Pounds was granted by the Legislature, and entrusted to me.

That sum not being sufficient to purchase a Boat fit for the required duty, and to defray the wages of the men who would be wanted at the several Out Harbours, I considered it more advantageous to apply the fund without delay to the intended purpose, by hiring a small Shallop for a short time, and Boats at the Out Harbours, to the extent of the sum granted.

In the Bras d'Or Lake, for several years past, quantities of French Goods have been introduced from the Islands of St. Pierre and Miquelon, by French Vessels, arriving from those Islands in quest of Live Stock and Agricultural Produce, and the same illicit trade was carried on by British Vessels from Newfoundland, whence Foreign Articles were brought, which had been entered in that Island free of Duty, for the use of the Fisheries, and thus clandestinely imported, with evasion of Duty, throughout the extensive Waters of the Bras d'Or.

To

APPENDIX Nos. 52, 53.

To put a stop to these irregularities, a seizure of Contraband Articles was effected at the Bras d'Or Entrance, and a small decked Vessel was occasionally dispatched to inspect the several Harbors in the circuit of the Lake. I have reason to believe that a complete check to the illegal importations in that quarter has been given by these measures, since they became universally known, and I do not think the practice will be revived while the Water Guard is maintained.

At Gabarus and Louisburg American Fishermen were in the habit of resorting for wood and water; and, as has always been the case, when American Fishermen are allowed to enter on any pretence whatever, a constant smuggling took place. To put down the illicit trade, and to collect the Light Duties from the American Vessels, a Boat has been employed this season. The Light Money collected at these Ports amounts to £15.

In the Harbor of Lingan or Bridgeport a practice prevailed among the Americans of landing, clandestinely, Brandy and Wine, which they brought from the French Islands, when calling at Lingan for a cargo of Coal, on their way home. These articles were entered for exportation, and afterwards secretly landed outside the Harbor. A Boat and Men have been employed to prevent this practice, and a seizure has been effected.

I trust that these measures have rendered as much immediate service as could be performed for the amount granted. A larger sum would be annually required to insure an effective and complete Guard in the several Out Harbors on this Coast, and throughout the extensive Bras d'Or Lake, a large decked Boat would also be indispensable, as a suitable Vessel cannot be always hired at the moment when its services may be most urgently required.

The amount of Light Duty collected at the Port of Sydney in the year 1838, was £539. In the year 1839, it increased to £803.

I have the honor to be, &c. &c.

(Signed)

C. E. LEONARD, Collector.

The Honorable Sir RUPERT D. GEORGE, Bart., &c. &c. &c.

No. 53.

(See Page 742.)

Statement of the quantities of Coal raised, sold and exported, at Her Majesty's Coal Mines in Nova-Scotia and Cape-Breton, in the year ending 31st December, 1839.

Name or Situation of Mine.	Total quantity of Coal raised, and sold in Chaldrons, Newcastle Measure.				Number of Chaldrons sold for Home Consumption.				Number of Chaldrons exported to the United States.				Number of Chaldrons exported to the Neighbouring Colonies.			
	Large Coal.		Siftings or Slack Coal.		Large Coal.		Siftings or Slack Coal.		Large Coal.		Siftings or Slack Coal.		Large Coal.		Siftings or Slack Coal.	
	Chals.	Bush.	Chals.	Bush.	Chals.	Bush.	Chals.	Bush.	Chals.	Bush.	Chals.	Bush.	Chals.	Bush.	Chals.	Bush.
Albion Mines	20540	43	1569	17	2259	3½	551	17	18089	36	762	36	192		255	36
Sydney	21757	9	154	18	4168	9	9½	18	13047		60		4542			
Bridgeport	6019	6	392		2639	24	55		2719	18	387		660			
Little Bras d'Or	7	22½	23	22½	2	22½	23	22½					5			
	48825	8½	2189	21½	9069	28	724	21	33856	18	1159	36	5399		255	36

(See Page 742.)

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE MEMORIAL OF HUGH O'REILLY, CATHOLIC PASTOR OF THE PARISH OF LIVERPOOL, IN BEHALF OF TWO HUNDRED INDIANS IN SAID PARISH, RESPECTFULLY SHEWETH—

That, since the appointment of your Excellency's Memorialist to said Parish, the moral rectitude of this portion of the human race induces him to recommend them to your Excellency's well known commiseration in behalf of the distressed and destitute.

That nothing but the fearful approach of an inclement winter, and the miseries attendant thereon, to a race of human beings whose honesty (let their privations be what they may) has rendered them proverbial for refraining from the use of any man's ox, calf, sheep or lamb, &c.

Your Memorialist therefore most respectfully prays that if any thing is at your Excellency's disposal in such articles as Blankets, partly worn Clothes, &c. &c. that your Excellency will order them to be transmitted to your Memorialist, who shall deem it a peculiar duty to see that your Excellency's benign and paternal solicitude be faithfully fulfilled.—And your Memorialist as in duty bound will ever pray.

Liverpool, December 9th, 1839.

HUGH O'REILLY,
Catholic Pastor at Liverpool.

We, the undersigned Parishioners of Liverpool, gladly unite with our respected Pastor, in recommending most respectfully to your Excellency's attention, the object of the accompanying Petition.

Patrick Gough, John Carten, Patrick Flyn, Philip Carten,
John Cobbet, John Gilcrist, Michael Butler, David
Delahanty, James Murphy, Bernard Dowling,
Michael Kelly.

(See Page 743.)

*Statement of Accounts for Supplies, &c. furnished the Shipwrecked Passengers of the Ship
Aid de Camp.*

No. 1	Amount of Stephen Binney's Account	£99 14 11
2	Henry J. Wright's	3 5 0
3	David Walker's	3 13 9
4	Joseph Scriven's	3 0 0
5	Commrs. of Poor	14 2 6
6	Robert D. Clarke	2 16 6
7	W. A. Black & Son	0 13 0
8	D. McLennan's	2 0 6
9	W. & J. Murdoch's	9 16 4
10	John Willis'	3 0 0
		No.

APPENDIX Nos. 55, 56.

No. 11	Amount of Charles W. Hill's Account	£5 11 0
12	R. Gohegan & Son's	18 9 8
13	Wm. Skerry's	5 2 0½
14	R. D. Clarke & Co.	8 14 0
15	DeChezeau & Crow's	5 8 0
16	Truckman's	1 12 6
17	Constables'	1 2 6
18	Wm. Lawsoir's	15 0 0
19	Wm. Skimmings'	0 11 1
20	J. H. Tidmarsh's	0 8 9
21	Ann Byrns'	0 15 0
22	John Meagher's	0 15 0

£206 1 0½

	Cr.	£5 1 2
By Sale of Articles at St. John, N. B.		2 2 6
Ditto at Halifax		

7 3 8

£198 17 4½

G. N. RUSSELL,
W. A. BLACK,
STEPHEN BINNEY,
Wm. SALTUS,
H. BELL,
T. S. TOBIN,

} Committee.

Expenses incurred in bringing Passengers from N. B. to Halifax,
from Brier Island

79 4 4

£278 1 8½

No. 56.

(See Page 745.)

Mr Howe presented to the House several Petitions praying aid for Roads in the County of Halifax.

A Petition of Lauchlan McQuarry and others, of Saint Mary's.

Lauchlan McQuarry, Senior, and others, of Pictou and Saint Mary's.

Daniel Reardon and others, of Ship Harbour.

Benjamin Smithers, and others, of Preston.

John Dauphiney and others, of Saint Margaret's Bay.

Thomas Parker and others, of Shubenacadie.

James Skerry and others, of Newdy Quaddy.

T. Miller and others, of Musquedoboit.

David V. Crow and others, of Colchester.

William Young and others, of Northern District of the County of Halifax.

Jonathan Archibald and others, of Musquedoboit.

John Kerr, Junior, and others, of Truro Road and New Antrim Settlement.

John Evans and others, of Preston Road.

Andrew Shields and others, of Dartmouth.

Robert A. Guild and others, of Middle Musquedoboit.

Mr. DesBarres presented to the House several Petitions praying aid for Roads in the County of Guysborough.

A

- A Petition of the Rev. Richard T. Meighan and others, of Guysborough.
 John Carr, of the North Shore, Chedabucto Bay.
 Roderick McKay and others, of East River, Saint Mary's.
 Simon Fraser and others, of Saint Mary's.
 James Walsh and others, Freeholders of the County of Guysborough.
 John Joseph Marshall and others, of Manchester.
 James McKay and others, of the County of Guysborough.
 Michael O'Brien and others, of Chedabucto Bay and Gut of Canso.
 Duncan McMillan and others, of Milford.
 John Martin and others, of Milford.
 E. J. Cunningham and others, of Guysborough.
 Joseph Martin and others, of Milford.
 Francis Cook and others, of Guysborough and Manchester.
- Mr. Archibald presented to the House several Petitions praying aid for Roads in the County of Colchester.
- A Petition of Alexander Kent and others, of the County of Colchester.
 George R. Grassie and others, of Truro.
 Eliakim Tupper and others, of Upper Stewiacke.
 Thomas Davidson and others, of Upper Stewiacke.
 Robert Smith and others, of Colchester.
 Alexander Matthison and others, of New Annan.
 John Brenton and others, of Upper Stewiacke.
 Samuel Archibald and others, of Truro.
 Thomas M. Crow, of Truro.
 Thomas M. Crow and others, Grand Jurors of the County of Colchester.
 George R. Grassie and others, of the South part of Colchester.
 James M. Spenser and others, Justices of the Peace for the County of Colchester.
 Francis R. Parker and others, of Shubenacadie.
 Welwood McNab and others, of Tatamagouche, Earl Town and New Annan.
 David B. Lynds and others, of Truro.
 John Bonyman and others, of Tatamagouche.
- Mr. Annand presented to the House several Petitions praying aid for Roads in the County of Halifax.
- A Petition of James Archibald and others, of Musquedoboit.
 Angus McInnes and others, of Musquedoboit Harbor.
 Samuel Dickey and others, of Meagher's Grant, Lower Musquedoboit.
 James Shaw and others, Lower and Middle Musquedoboit.
 James Bruce and others, of Bruce Settlement.
 William Dowling and others, Gay's River and Shubenacadie.
 James Ogilvie and others of Porter's Lake.
 Richard Innes and others, of Lake Porter.
 William Crook and others, of Lawrence Town.
 John Potts and others, of Saint Margaret's Bay.
 David Annand and others, Gay's River.
 James Lindsay and others, of Middle Musquedoboit.
 David Annand and others, of Lake Egmont.
 William Ormon and others, of Lake Porter.
 John T. Bishop and others, of Lake Porter.
 Alexander Taylor and others, of Preston.
 William S. Hutchison and others, of Hutchison Settlement.
 David Pace and others, of Sheet Harbor.
- Mr. Huntington presented to the House several Petitions praying aid for Roads in the County of Yarmouth.
- A Petition of William S. Raymur and others, of Bear River, Clements.
 John Whitmore and others, of Woodstock.

APPENDIX No. 56.

A Petition of William Pinkney and others, of Little River in Yarmouth.

Mr. Dickson presented to the House several Petitions praying aid for Roads in the County of Pictou.

A Petition of John Moore and others, of West Branch, River John.

John Campbell and others, of Black River and Carriboo River.

John Douglas and others, of West, Middle and East Rivers.

William McKay and others, of West Branch River John, Earltown, McCara Settlement and the Gulf Shore.

John McKay and others, of Middle Settlement, West River.

Alexander McKenzie and others, of River John.

Angus McKinnon and others, of Baillie's Brook.

Anthony Smith and others, of West River of Pictou.

Hugh Henderson and others, of Toney River, River John and Roger's Hill.

Kenneth McLean and others, of River John, Earl Town, Point Brulé and North Shore.

James Crerar and others, of Maxwelltown and Egerton.

Robert McConnell, James Murray, Thomas Young and others, of Pictou.

Mr. Smith presented to the House several Petitions praying aid for Roads in the County of Hants.

A Petition of Thomas Ainslie and others, of Douglas.

Alexander Ferguson and others, of Nine Mile River, Douglas.

The Walton Plaister and Mills Company of Walton.

John Smith and others, of Rawdon.

Archibald Fraser and others, of the County of Halifax.

Alexander McPhee and others, of Nine Mile River.

Alexander Sim, Senior, and others, of Douglas.

Richard Smith and others, of Douglas.

Jacob Withrow and others, of Rawdon.

John C. Withrow and others, of Rawdon and Douglas.

Mr. Heckman presented to the House several Petitions praying aid for Roads in the Township of Lunenburg.

A Petition of Ambrose Chesley and others, of New Germany.

Charles B. Owen and others, of Lunenburg.

Whitman Morton and others, of New Germany.

Mr. Thorne presented to the House several Petitions praying aid for Roads in the Township of Granville.

A Petition of Abraham Young and others, of Granville.

John McCaul and others, of the Mountain Road, County of Annapolis.

Abel Sands and others, of Granville.

Eaton Chute and others, of Chute's Cove, Granville.

Parker Bowlby and others, of Wilmot.

James Millbury and others, of Granville.

James Sloane and others, of the Bay Shore, County of Annapolis.

John Healy and others, Bay Shore, County of Annapolis.

Mr. Goudge presented to the House several Petitions praying aid for Roads in the County of Hants.

A Petition of Jacob W. Withrow and others, of Douglas and Nine Mile River.

Edward Murphy and Jacob Withrow of Rawdon.

Archibald Nelson and others, of Shubenacadie.

Edward Murphy and others, of Rawdon.

Mr. Uniacke presented to the House several Petitions praying aid for Roads in the County of Cape-Breton.

A Petition of R. K. Marsters and others, of Cape North and Bay of Saint Lawrence.

John McGrigor and others, of Lake Ainslie.

H. A. Gladwin, of Musquedoboit.

Henry A. Gladwin and others, of Middle Musquedoboit.

APPENDIX No. 56.

- A Petition of Reverend John Grant and others, Big Narrows, Bras d'Or Lake.
 Mr. Forrester presented to the House several Petitions praying aid for Roads in the Township of Halifax.
- A Petition of John Winters and others, of Dutch Village.
 James Croucher and others, of Saint Margaret's Bay.
 Peter Boutilier and others, of French Village, Saint Margaret's Bay.
- Mr. D'Entremont presented to the House several Petitions praying aid for Roads in the Township of Argyle.
- A Petition of Nathaniel Churchill and others, of Kemptville.
 Samuel Nickerson and others, of Wood Harbour.
 Joseph Roberts and others, of Robert's Island, in the Township of Argyle.
- Mr. Whitman presented to the House several Petitions praying aid for Roads in the Township of Annapolis.
- A Petition of William Spurr and others, Inhabitants of the County of Annapolis.
 Pardon Saunders and others, of Clements.
 D. I. Ditmars and others, of Clements.
 John McLauchlan and others, of Perott Settlement.
 James Gray and others, of Annapolis.
- Mr. Chipman presented to the House several Petitions praying aid for Roads in the County of King's County.
- A Petition of John Patterson and others, of Aylesford.
 Thomas Ratchford and others, of Horton Road, between Kentville and Sherbrooke.
 Charles Ilsley and others, of North Mountain, Cornwallis.
- Mr. McLellan presented to the House several Petitions praying aid for Roads in the County of Colchester.
- A Petition of Joseph Fulton and others of Economy.
 James M. Spenser and others, of Londonderry.
 Thomas Faulkner and others of Economy.
- Mr. Clements presented to the House the Petition of John Larkins and others, of Little River in Yarmouth, praying aid for a Road in that Township.
- Mr. Miller presented to the House several Petitions praying aid for Roads in the County of Lunenburg.
- A Petition of George Emans and others, of Lunenburg.
 William Nichols and others, of New Germany.
 John Heinegen and others, of Chester.
 Edward J. Ross and others, of Sherbrooke and Dalhousie.
- The Hon. Mr. Dewolf presented to the House the Petition of Francis Walker and others, of Dalhousie Settlement.
- Mr. Allison presented to the House the Petition of William Mumford and others, of Newport, praying aid for a Road in that Township.
- Mr. Holland presented to the House two Petitions praying aid for Roads in the County of Annapolis.
- A Petition of John Wiswell and others, of the Eastern District of the County of Annapolis.
 Richard James and others, of Bridgetown.
- Mr. Fairbanks presented to the House two Petitions praying aid for Roads in Queen's County.
- A Petition of Jacob Kempton and others, of Queen's County and County of Annapolis.
 James Morton and others, of Liverpool.
- Mr. Doyle presented to the House the Petition of Donald Gray and others, of Saint George's Channel, praying aid for a Road in the County of Richmond.
- Mr. Bell presented to the House the Petition of William Drysdale and others, praying aid for a Road in the Township of Halifax.
- Mr. Benjamin presented to the House the Petition of Samuel Fitch and others, of Canaan, praying aid for a Road in the Township of Horton.

APPENDIX No. 56.

Mr. McHeffey presented to the House the Petition of Guy Hunter and others, of the Ardoise Road, praying aid on the old Windsor Road.

Mr. W. Sargent presented to the House the Petition of Thomas Geddes and others, Inhabitants of Shelburne and Barrington, praying aid for the Road between the said Townships.

Mr. Forrestall presented to the House several Petitions praying aid for Roads in the County of Sydney.

A Petition of Donald McGillivray and others, of the Hallowell Grant.

Robert N. Henry and others, of the Ohio.

John McGillivray and others, of Morristown and its vicinity.

Thomas Pushie and others, of Antigonish and Knoydart.

Angus McPherson of Ohio.

Douglas McPherson, of Keppoch Settlement.

Donald McDonald and others, Eastward of St. Andrews.

Angus Chisholm and others, of Yankee Grant.

Paul Delany and others, of Tracadie.

Reverend C. McKennon and others, of St. Andrew's Township.

Garret Sears and others, Inhabitants of Lochaber Lake.

W. B. McLeod and others of the Gulf Shore.

James Boyd and others, of South River of Antigonish.

Duncan Livingston and others, of the North and South side of Cape George.

Donald M. Cameron and others, of Lochaber, South River, and Middle Settlement of Antigonish.

Donald McKenzie and others, of the Rear Settlement of Lochaber.

Aaron D. Harrington, of Antigonish.

James Randall and others, of Little River.

Mr. Young presented to the House several Petitions, praying aid for Roads in the County of Inverness.

A Petition of Peter Gillies and others, of the South-West Branch of Margaree River.

Dougald McKichan and others, of Saint George's Channel.

Nathaniel Clough and others, of Canso.

Donald Cameron, of Mabou.

Reverend J. Courteau and others, of Margaree River.

R. McKinnon and others, of Margaree.

Irad Hart and others, of Margaree.

Angus McLellan, of Broad Cove.

Angus Cameron and others, of Cape Mabou.

John Fergusson and others, of Whycocomagh.

Murdo McCaskill and others, of Whycocomagh.

J. G. Mackul and others, of Argyle.

John L. Tremain and others, of Port Hood and Mabou.

Angus McDonald and others, of Lake Ainslie.

Donald Beaton and others, of Mabou.

Lambert Lewis Smith, of Mabou.

William McKeen, Junior, of Mabou.

John Beaton, of Mabou.

William McKeen and others, of the Coal Mines of Mabou.

Archibald McKinnon and others, of the east side Lake Ainslie.

Mr. McDougall presented to the House several Petitions praying aid for Roads in the County of Sydney.

A Petition of Hugh Cameron and others, of South River.

John Chisholm Donn, Junior, of Pomquet.

Simon Cameron, of Ohio, Antigonish.

James Ross, of Malignant Brook.

Martin Summers and others, Inhabitants of Bailey's Brook.

Donald McDonell and others, Inhabitants of the Township of Saint Andrews.

APPENDIX Nos. 56, 57.

A Petition of Donald McDonald and others, Inhabitants of East Side South River.
 Angus McDonnell and others, of the Upper District of the Gut of Canso.
 Angus McPherson and others, Inhabitants of the West River.
 John Cameron and others, Inhabitants of Addington Grant and Ohio.
 Peter Morell and others, Inhabitants of Pomquet.
 John McEachern and others, Inhabitants of the Gulf Mountain.
 Andrew Boyle and others, Inhabitants of Tracadie.
 Hugh Cameron, of East Side South River.
 Matthew McNair, of Cape George.
 Ronald McDonald and others, Inhabitants of Morris Town.
 W. B. McLeod and others, Inhabitants of the Township of Arisaig.
 Michael Myers and others, Inhabitants of Back Settlement, Little River.
 Roderick Chisholm of Gaspereau Lake.
 James Randall and others, of Tracadie.
 Malcom McMillan of Lochaber.
 Alexander Chisholm, of Pomquet Forks.
 Allan Cameron, of South River, County of Sydney.
 Donald McDonald and others, of Morris Town.

No. 57.

(See Page 753.)

General Post Office, Halifax, 2d March, 1840.

SIR—

Enclosed, herewith, are the Returns required by the House of Assembly, and I beg to state, for the information of that Honorable Body, that the sum of Fifteen Hundred Pounds will be required towards the support of the Post Routes, established by direction of the Provincial Legislature, for the present year.

I have the honor to be, Sir,
 Your obedient Servant,
 J. HOWE, D. P. M. G.

Sir RUPERT D. GEORGE, Bart., &c. &c. &c.

Return of the Receipts and Credits of the General Post-Office, year ending 5th January, 1840.

CHARGE.	CURRENCY.	ARMY STG. \$ 4s. 4d.
To amount of unpaid Letters rec'd from England	£0 0 0	£1066 1 8
To do. paid do. sent to do	0 0 0	162 9 6½
To do. unpaid received and paid sent from Halifax	0 0 0	2876 0 0
To do. of Way and Ship Letters	0 0 0	60 0 0
To Nett Revenue remitted by Deputy Post Masters	1556 14 4½	0 0 0
To this sum received from the Treasury	1562 7 3	0 0 0
	<u>£3119 1 7½</u>	<u>2703 4 0½</u>
		£6874 15 3

DISCHARGE.	CURRENCY.	ARMY STG. \$ 4s. 4d.
By Salary to Deputy Post-Master General	£0 0 0	£400 0 0
Do. Assistant	0 0 0	100 0 0
By Dead Letters sent to England	0 0 0	364 16 2
		By

APPENDIX No. 57.

By allowance for Office Rent, Fuel and Stationary	£0 0 0	£50 0 0
By Riding Work	3449 18 1	0 0 0
By Letters charged against Halifax, and forwarded into the Interior	823 0 9	0 0 0
By pence paid for Ship Letters	20 0 0	0 0 0
By incidental expenses	230 0 0	0 0 0
	<hr/>	
	£4522 18 10	3919 17 7½
By balance paid into Military Chest		2040 1 5½
		<hr/>
		£6874 15 3

[E. E.]

General Post-Office, Halifax, 2d March, 1840.

J. HOWE, D. P. M. G.

Dr. *The Province of Nova-Scotia, in Account Current with John Howe.*

1829.

April 1st.—To Cash paid J. Howe, advanced to Couriers, and not drawn from Treasury £47 6 5

1840.

Jany. 2d.—To Cash paid Couriers, vide return of sums paid to Couriers 1515 0 10

£1562 7 3

1839.

April 1st.—By Cash received from Treasury £377 15 9½

July 1st. do. do. do. 366 6 5½

Octr. 1st. do. do. do. 426 10 0

1840.

Jany. 2d. do. do. do. 391 15 0

£1562 7 3

[E. E.]

General Post Office, Halifax, 2d March, 1840.

J. HOWE, D. P. M. G.

Return of Sums Paid Post-Office Couriers in Nova-Scotia, year ending 5th January, 1840.

	Paid by Province.	Paid by Post Office.
Western Stage Coach Company from Halifax to Annapolis	£312 0 0	£88 0 0
William Davis, from Annapolis to Digby		60 0 0
L. Geldert, from Windsor to Shelburne	260 0 0	84 13 11
J. Wyeman, from Yarmouth to Digby	70 0 0	110 18 2½
H. Enslow, from Shelburne to Yarmouth	90 0 0	44 12 5
J. McIntosh, from Pictou to Wallace	65 0 0	0 0 0
J. Blanchard, from Pictou to Antigonish	40 0 0	136 15 0
A. Thomson, from Antigonish to Plaister Cove	52 10 0	0 0 0
R. M. Cutler, from Guysboro' to Cape Canso	22 10 0	0 0 0
Wm. McKeen, from Plaister Cove to Mabou	25 0 0	0 0 0
Henry Taylor, from Mabou to Margaree	20 0 0	0 0 0
Wm. Faulconer, from Gay's River to Stewiacke	40 0 0	0 0 0
L. Morehouse, from Digby to Brier Island	42 0 0	0 0 0
J. Crow, from Londonderry to Economy	20 0 0	0 0 0
J. Forrestal, from Antigonish to Guysboro'	40 0 0	0 0 0
A. McLennan, from Mabou to Wycocomagh	28 2 6	0 0 0
J. Fellows, from Bridgetown to Granville Point	30 0 0	0 0 0

H 2

H.

APPENDIX No. 57.

H. L. Dickey, from Wolfville to Cornwallis	£20 0 0	£ 0 0 0
J. Ratchford, from Parrsboro' to Advocate Harbor	20 0 0	16 5 1
J. O'Brien, from Newport to Petite	20 0 0	0 0 0
R. N. Henry, from Antigonish to St. Mary's	20 0 0	0 0 0
Do. from do. to Cape George	10 0 0	0 0 0
J. Ross, from Pictou to Earl Town	20 0 0	0 0 0
T. Archibald, from Truro to Tatamagouche	40 0 0	0 0 0
A. Smith, from Trefry's to Noel	50 0 0	0 0 0
H. Taylor, from Margaree to Cheticamp	16 2 11	3 17 1½
P. Dotten, from River Philip to Wallace	27 10 5	37 15 6½
H. McNeil, from Plaister Cove to Sydney	48 0 0	77 0 0
A. Ross, from Pictou to East River	25 0 0	0 0 0
M. Maddoc, from Arichat to Grand Ance	0 0 0	25 0 0
D. Urquhart, from do to St. George's Channel	0 0 0	20 0 0
A. Moore, from Sydney to Baddeck	0 0 0	60 0 0
J. Cody, from Sydney to Louisburg	0 0 0	24 0 0
Courier, from Baddeck to Margaree	0 0 0	40 0 0
Do. from Sydney to Main-adiou	0 0 0	6 0 0
Do. from Sydney to Bridgeport	0 0 0	20 0 0
Do. from Guysboro' to Country Harbor	11 5 0	0 0 0
Do. from Truro to Westchester	0 0 0	90 0 0
Do. from Westchester to Dorchester	0 0 0	205 0 0
Do. from Halifax to Pictou	0 0 0	285 0 0
Do. from do. to Dorchester	0 0 0	500 0 0
Signalman at Digby	5 0 0	0 0 0
Ferry at Brier Island	10 0 0	0 0 0
Do. LaHave	15 0 0	0 0 0

£1515 0 10 £1934 17 3

[E. E.]

J. HOWE, D. P. M. G.

Gen. Post Office, Halifax, 2d March, 1840.

Return shewing the Nett Receipts of the Post Offices established in the interior parts of Nova-Scotia—year ending 5th January, 1839.

Windsor	£90 1 5½	} Remitted to the General Post Office, Halifax.
Kentville	97 6 10	
Annapolis	66 11 11½	
Digby	49 11 5½	
Truro	68 9 8	
Cumberland	91 1 7	
Pictou	292 17 5	
Dorchester	85 16 9	} Paid to the Couriers by the respective Postmasters, applied in aid of the Provincial Couriers.
Yarmouth	156 16 11½	
Shelburne	21 8 7½	
Liverpool	47 17 8	
Lunenburg	26 2 0½	
Antigonish	136 15 0	
Arichat	45 0 0	
Sydney	226 16 4	
Wallace	37 15 6½	}
Parrsboro'	16 5 1	
	£1556 14 4½	

Salaries

Salaries paid to Couriers employed in the Post Office Department, under the authority of the Provincial Legislature—year ending 5th Jany. 1840.

Western Stage Coach Company, from Halifax to Annapolis	£312	0	0
L. Geldert, from Windsor to Shelburne	260	0	0
J. Wyeman, from Yarmouth to Digby	70	0	0
H. Enslow, from Shelburne to Yarmouth	90	0	0
J. McIntosh, from Pictou to Wallace	65	0	0
J. Blanchard, from do. to Antigonish	40	0	0
A. Thompson, from Antigonish to Plaister Cove	52	10	0
R. M. Cutler, from Guysboro' to Cape Canso	22	10	0
Wm. McKeen, from Plaister Cove to Mabou	25	0	0
Henry Taylor, from Mabou to Margaree	20	0	0
Wm. Falconer, from Gay's River to Stewiacke	40	0	0
L. Morehouse, from Digby to Brier Island	42	0	0
J. Crow, from Londonderry to Economy	20	0	0
J. Forrestall, from Antigonish to Guysboro'	40	0	0
A. McLennan, from Mabou to Wycocomagh	28	2	6
J. Fellows, from Bridgetown to Granville Point	30	0	0
H. L. Dickey, from Wolfville to Cornwallis	20	0	0
J. Ratchford, from Parrsboro' to Advocate Harbor	20	0	0
J. O'Brien, from Newport to Petite	20	0	0
R. N. Henry, from Antigonish to St. Mary's	20	0	0
Do. from do. to Cape George	10	0	0
J. Ross, from Pictou to Earl Town	20	0	0
T. Archibald, from Truro to Tatamagouche	50	0	0
N. Smith, from Trefry's to Noel	50	0	0
H. Taylor, from Margaree to Cheticamp	16	2	11
J. Dotten, from River Philip to Wallace	27	10	5
H. McNeil, from Plaister Cove to Sydney	48	0	0
A. Ross, from Pictou to East River	25	0	0
Signalman at Digby	5	0	0
Ferry at Brier Island	10	0	0
Do. LaHave	15	0	0
Courier, from Guysboro' to Country Harbor	11	5	0

No. 58.

(See page 753.)

Gusborough, 24th February, 1840.

SIR,

I herewith transmit a plan and report of my Survey of the line for the New Eastern Road from St. Mary's to Guysborough. Owing to the ill state of my health, since I finished the Survey, I have not been able to complete the plan and report until now, and therefore trust His Excellency may be pleased to take it under his early and favorable consideration, and lay it before the Honorable House of Assembly, in time to have the expense provided for during the present Session.

I have the honor to be, my dear Sir,

Most respectfully, your Obedient Servant,

WENTWORTH TAYLOR.

Sir RUPERT D. GEORGE, Baronet, &c.

SIR,—

I beg leave to inclose a plan and report of an exploration and Survey made by me, in continuance of the line for the new Eastern Road, from where the former Survey made

made by Mr. McKenzie and myself terminated, on the West Branch of St. Mary's to Guysborough, and to request that you would be pleased to lay them before His Excellency for his consideration ; and, if approved by him, to have them brought before the Legislature, during its present Session, with such recommendation as His Excellency may be pleased to afford them, in order to obtain a grant to defray the expence of the said Survey and Plan.

This Survey was resumed by me at the request of the Representatives for the Counties of Halifax and Guysborough, signified to me by the latter ; and Mr. McKenzie, who had been my former associate in the Survey, having written to me to say, that he expected to be engaged during the Summer in the Road Service at Cape-Breton, and recommending me to proceed alone with the Survey and exploration of the new Eastern Road as far as Guysboro', and that, after it should be explored and marked, he would, on his return from Cape Breton, go through and examine it.

I regret that my other public engagements hindered me from completing the Survey until late in the Season, and I have not since heard from McKenzie ; I therefore beg leave to submit the following description of the line explored and surveyed by me.

I commenced the exploration at Guysborough in May last, and, in fifteen days, had completed fourteen miles of the line towards St. Mary's, as marked on the plan ; it had formerly been contemplated to carry the line from a proposed Bridging place at the Narrows on Guysborough Harbor, in as nearly a direct line to the Salmon River Lakes as the nature of the Country would admit—as however, this route must ascend and pass over an elevated ridge of Land intersected in several places by streams, valleys and swamps, and extending for about twelve miles through an unbroken Wilderness ; and, as the valley of the Salmon River, with a small circuit, presented a vastly more eligible situation in every respect for a Road, affording an excellent level—considerable settlements already formed, with Lands capable of extending and uniting these Settlements throughout the whole course of the River and Lakes—a soil for the most part free from Rocks, of the best quality for a Road, and of easy formation ; this superiority of situation, with the advantage to the public of having the great line to pass through the principal Town of this County, and to cross the Harbor of Guysborough at the most suitable and convenient Ferry, induced me, with the concurrence of our County Representatives, and the principal Inhabitants of this place, to explore, and finally to adopt this route. It is also worthy of consideration that this route brings the Road into the most convenient and easily accessible situation for Travellers, coming by Water from Arichat, or other parts of Cape-Breton, or by Land, from Canso, Crow Harbor, Torbay, and all the intermediate and adjacent Settlements and Fishing stations South of Chedabucto Bay.

After completing at that time about fourteen miles of this end of the line, I was obliged to leave this service and proceed to the expenditure, for which I was appointed on the new line from Dean's Brook to St. Mary's. This I did not complete until the end of October. I then immediately commenced at the termination of the former survey at St. Mary's, and completed the line to the Forks, about seven miles, in six Days, when I was again obliged to leave it in order to arrange and make up my Accounts of the Road expenditure ; and it was not until some time in December that I was able to resume the survey ; as, however, the weather proved extremely favorable, I completed the remainder of the line, with the assistance of my Son, Charles Taylor, who surveyed it, after being explored, marked and bushed out, in about twenty-four days, the distance being twenty miles, making the whole distance from the termination of the first survey to Guysborough forty-one miles.

Throughout the survey, I have endeavored to find the best levels, the most suitable ground, and the shortest and safest places for Bridging the principal Streams, and have succeeded in avoiding every considerable elevation, and in obtaining, by easy inclinations, (rarely, if at all, exceeding one in twenty-five) the passage over such minor heights, as could not be wholly avoided, but a very great proportion of the line is longitudinally as near to a horizontal level as is at all necessary, or as a regard to the proper drainage of the Road will allow—nearly the whole of the line being less or more on side hill ground ; there are no Swamps of any size or depth upon it, and the soil is generally dry and gravelly, and of the best quality for a Road.

APPENDIX No. 58.

I have, as formerly, divided the line into sections, and continued the enumeration from the former survey, beginning with :

Section No. 9.—From the end of the former survey to the Cross Roads at McKeen's Meadow Brook, Five and a quarter miles.

The first half mile of this section follows the present Road, which here is a perfectly level dry line; throughout the remainder of it the old Road is extremely hilly, and to obtain a level line, required the whole to be altered, and the new line to be made in some parts considerably crooked; a good level has, however, been obtained without materially lengthening the whole distance.

Section No. 10.—From the Cross Roads at McKeen's Meadow Brook to the Cross Roads below the Forks, three and a quarter miles, at the former Cross Roads the Sherbrooke Road diverges from the present Guysborough Road, and the latter runs over the ridge lying between the West and East Branches; and after crossing the East Branch nearly three miles above the Forks, passes at right angles over a succession of high hills and deep hollows, which, in that direction, are wholly unavoidable; and render the present line, or its immediate vicinity, altogether unfit for any kind of a Carriage Road.—To avoid this hilly broken tract, and at the same time to bring the Great Road as near as practicable (without adding very materially to the direct distance,) to the two principal Harbour Settlements on this part of the Coast, St. Mary's and Country Harbor, determined me to follow the Sherbrooke Road, as near as practicable, to the Cross Roads below the Forks, and from thence to follow the northern base of the Mountain, running nearly in a direct line to Country Harbour, as described under the next Section; this route brings the new line about three miles nearer to Sherbrooke, and two miles nearer to Country Harbor than the old Road, and continues it united with one of the principal Settlement Roads for the whole extent of this Section; an alteration of this Road from McKeen's Cross Roads to near Jordain's, at the Fork's Settlement, to avoid the Mill Brook Intervale, has lately been laid out and established, which being on a level dry ground, I have marked the new line. From Jordain's to the Forks Bridge, nearly three quarters of a mile, follows the Sherbrooke Road through Intervale, part of which, near the Bridge, is sometimes overflowed, but rarely so as to prevent travelling; the Bridge is about Three Hundred feet long—and is now in a good state of repair, and the site is a good and safe one; immediately at and below the Forks on the East side, the Mountain rises abruptly and precipitously from the River; the Road from the Bridge to the Cross Roads runs along near its northern base, and ascends about Fifty feet in three quarters of a mile, and is already a pretty good Road.

Section No. 11.—From the Cross Roads below the Forks to the Country Harbor Settlement Road ten miles; the line continues along on the side hill near the base of the Mountain to the West Branch of Country Harbor River, this situation affords an excellent Road level, great part of it Hardwood Land, with a dry soil; the side hills in some parts are pretty steep, and in a few places stony, but in general will admit of a good Road being made at a reasonable expense. There is a remarkable gap or ravine through an elevated ridge projecting from the Mountain between McKeen's Brook and the West Branch of Country Harbor River, through which the line runs nearly on a level, and from which there is a small descent each way to the aforesaid Streams; from the West Branch to the Main River, having to pass over a small elevation, and avoid a large Swamp near the River, caused the line to be more than ordinarily crooked; the Bridging places on both these Streams are short and safe, the former requiring a Bridge of only sixty, and the latter ninety feet in length.

Section No. 12.—From the Country Harbor Settlement Road to the intersection of the old Road at Big Brook, three miles.

From the commencement of this section, to the head of the Tide on Country Harbor, is about two miles by the Settlement Road; on the line there is a small descent from the Road to the small Brook East of it, and then an easy rise for nearly half a mile, after which it follows the side hill near the large Brook, on an almost horizontal level to the end of the Section.

APPENDIX No. 58.

Section No. 13.—From Big Brook to the Salmon River Lake Road, near the Bridge, eight and a quarter miles.

At Big Brook the line crosses the old Road, and throughout this and the next Section runs on the northern side of it. It has an easy rise from the Big Brook for about half a mile, and then runs nearly level, and principally on dry burnt Land, to the South end of Pembroke's Lake, along which it continues level, and through good Hardwood Land, and then has a very small descent to the head of the Salmon River Lakes, and along the Southern borders of these Lakes on an excellent level, and through and in the vicinity of a fine Tract for Settlement, and an extensive body of valuable Crown Lands. This route avoids all the Mountainous Rocky Tract, over which this part of the old Road runs, and follows the lowest and most level passage between the Country Harbor and Salmon River Waters.

Section No. 14.—From Lake Road to the intersection of the old Road at Day's, (late John Scott's)—three and a quarter miles.

The line crosses this Road within a few Rods of the Bridge, from which northwardly to the Lake Settlement is about two miles, an elevated part of the Mountain projects here, to the vicinity of the River and the Lake, along the northern side of which the line runs, nearly on a level for about half a mile, and then through a valley and a fine Tract of Land to the old Road at Day's.

Section No. 15.—From Day's to Cunningham's, at head of the Canada Settlement, four and a half miles.

About three miles of this Section is through cleared and burnt land—there is a small descent from Day's for about half a mile, and then level to the River, which it crosses about a quarter of a mile below the present Bridge—the breadth of the River here is about 120, and will require a Bridge of 150 feet in length, the East end landing on the upland bank, from which the line follows along near the River on a fine open Southern aspect, until it comes near to Horton's Brook, when it winds to the Northward to obtain a level across that Brook, from which it runs nearly level to Cunningham's.

No. 16.—From Cunningham's to Miller's Point, in the Town of Guysborough, five miles.

With some small alterations, the line follows the Settlement Road, in which is a good level for nearly two miles to Spank's Brook, from the West Bank of which it winds up the Brook with an easy descent—has a narrow crossing place, and from thence round the high land at Elias Cook's, and along its Southern base through a dry level barren to its termination as aforesaid. If the alteration at Spank's Brook were made, and the Bridge thereon erected, the Settlement Road which, with the exception of the hill at this Brook, is now tolerably level and passable, might be advantageously followed until the other parts of the line should be opened and made passable.

I beg to submit the following Estimate of the probable expense of making a good Cart or Carriage Road, say ten feet wide, exclusive of side drains, on the new line from the Cross Roads below the Forks of St. Mary's to Guysborough—thirty-four miles :

No. 11, including Bridges, 10 miles	£1100	0	0
12, do. do. 3 do.	180	0	0
13, do. do. 8½ do.	600	0	0
14, do. do. 3½ do.	200	0	0
15, do. do. 4½ do.	300	0	0
16, do. do. 5 do.	200	0	0
34 miles	£2580	0	0

WENTWORTH TAYLOR:

Guysborough, 19th Feby. 1840.

SIR RUPERT D. GEORGE, Baronet, Pro. Sec'y. &c. &c.

Account

APPENDIX Nos 58, 59.

Account of Expence, Exploring, Surveying, and Marking part of the Line for the New Eastern Road from Dartmouth to the Gut of Canso, from the termination of the Survey formerly made by Messrs. Taylor and McKenzie, at St. Mary's, to Guysborough, in the year 1839, by Wentworth Taylor, one of the persons appointed by Government to make the said Survey.

	No. of Days.	Rate per Day.			
Wentworth Taylor, for Exploring and Surveying	45	15s.	£33	15	0
John Godfrey, assisting	2	5	0	10	0
Peter Munro	1	"	0	5	0
Elias Cook	1½	"	0	7	6
Thomas Taylor	5½	"	1	7	6
Daniel Bigsby	½	"	0	2	6
William Cook	1	"	0	5	0
Patrick Barry	1	"	0	5	0
Robert Kenny	2	"	0	10	0
David M'Donald	1½	"	0	7	6
T. Glencross, Esq.	3	"	0	15	0
George Tate	4	"	1	0	0
William Archibald	1	"	0	5	0
Alexr. Archibald	8	"	2	0	0
James Tate	4½	"	1	2	6
Henry Archibald	1½	"	0	6	3
Peter Grant	1½	"	0	6	3
William Mason	12	"	3	0	0
William Mason, Jr.	8½	4	1	16	0
Joseph Mason	11	5	2	15	0
Charles Taylor	17	10	8	10	0
John M'Allester	17	5	4	5	0
Isaac Archibald	4½	"	1	2	6
John Lyons (black)	2	"	0	10	0
Plan and Report			10	0	0
			£75	8	6

WENTWORTH TAYLOR, Surveyor.

No. 59.

(See Page 756.)

THE Committee to whom was referred various Petitions connected with the Education of the Province, beg leave to report:

HALIFAX SCHOOLS.

That the Halifax Schools appear to be operating beneficially—to be in an efficient state—and the Committee recommend to the House to vote for them the usual sums.

LUNENBURG ACADEMY.

A controversy with respect to this Institution has forced upon the Committee a painful investigation, which they would gladly have avoided, and into the details of which they are reluctant to enter further than may be absolutely necessary. With a view to put an end to the state of feeling which prevails in the County of Lunenburg, the Committee have agreed to report a Bill, providing for certain improvements in the trust of the Academy—and a Resolution requesting the Executive to appoint a Board of School Commissioners which shall have a fair claim to the confidence of the population of the Country.

Annapolis

ANNAPOLIS ACADEMIES.

A Petition from the Trustees of the Annapolis Academy states that in May last they engaged a competent Teacher, and that since then 27 Pupils have been instructed in the Classics, and in the higher branches of English Education, but as it appeared to the Committee that the Institution was still under the exclusive management of those who formerly prostrated it by their intolerance—as its present aspect did not entitle it to compete with the Institution under the management of Mr. Andrew Henderson, at which there are upwards of 70 Pupils, (twenty-one of them Boarders,) and the whole instructed in a course of Education admirably suited to the wants of the Country, a majority of the Committee decided to recommend that the grant of £100, to which the County of Annapolis is entitled, be given to Mr. Henderson for the current year.

PICTOU ACADEMY.

A great number of Petitions, which were referred to the Committee, brought strongly to their notice the claim which it would appear that the Trustees of the Pictou Academy have upon the Legislature for the payment of a portion of the debt chargeable upon that Institution, and which amounts to £1097 11 7. The greater portion of this debt appears to have accrued during those years in which the usual Provincial Grant of £400 per annum was withheld, in consequence of a difference of opinion between the two branches of the Legislature, and the balance, after a near and more expensive system of management was forced upon the Trustees, and which utterly failed to answer the expectations of those at whose solicitations the changes were made. Against the debt the Building, Apparatus, and Library of the Institution, are in the possession of the Trustees, who might, if these were sold, reimburse themselves for a portion of the amount for which they are liable—but the Committee conceive that it would be most unwise in the Legislature to permit them to be sacrificed and dispersed, particularly as there appears to be a disposition on the part of large bodies of the people in the Eastern Counties, to rally round and sustain the Institution if the debts were paid off; they have therefore concluded to recommend to the House the gradual extinction of the debt under the following arrangement. The Province to authorise the Trustees to draw from the Treasury £233 per annum for three years, on its being certified that £132 has been raised and expended by the funds of the Academy in each year towards the payment of said debt.

The Sydney, Yarmouth, Digby, St. Andrew's Academies, and Combined Schools, appear to be in full operation—and the Committee recommend the continuance of the usual Grants.

GUYSBOROUGH AND LIVERPOOL ACADEMIES.

The Committee recommend that £50 per annum be granted to these Seminaries, in addition to what they are entitled to draw under the Provincial Act—and they recommend that a similar sum be granted to aid the establishment of an Academy at Port Hood.

A Petition, praying for a grant to an Academy at Bridgetown, and one asking for a change of appropriation for finishing the Sydney Academy, made in a former Session, contingent on the raising a specified amount by subscription, the Committee decline to recommend to the favorable consideration of the House.

INSTITUTES AND LITERARY SOCIETIES.

Petitions from several of these Societies have been submitted, and it appears that, while they are springing up in various sections of the Country, they are all doing good in creating a taste for Literature and Science, and elevating the standard of general intelligence.

To those Petitions which required aid to build or repair School Houses, the Committee have been compelled, however well disposed to aid the efforts of worthy people in these respects, to return the same answer which has been given by the Legislature for a number of years.

JOSEPH HOWE, Chairman.

March 4, 1840.

(See Page 756.)

At a Meeting held this day of the undersigned, being Merchants and Medical Practitioners of the Town of Halifax, interested in the Petition lately presented to the House of Assembly by the Inhabitants generally, for funds to erect an Hospital. The following Summary was drawn up for the information of the Legislature:

HOSPITAL.

Proposed Site.—Somewhere near Pyke's Bridge, with about three acres of ground attached—say of that assigned to the Horticultural Society, if it can be obtained, as it is not now in use.

The Building to contain one hundred and twenty patients; the number in Hospital at a time, throughout the year, will probably average at seventy or eighty, and one fourth of these seamen.

The expense of raising a suitable Building will be Two Thousand Five Hundred Pounds.

The general support of the Establishment, as nearly as can be calculated, will cost Fifteen Hundred Pounds, which may be partly raised by a tax on Shipping of 1½d. per ton on every Vessel over forty tons—by pay patients—by fees from Medical Students—by parochial contributions—by annual subscriptions from individuals, &c. &c.

The Hospital, in respect to Funds, Medical Attendance and General Management, to be under the control of Governors.

Annexed, is a Pamphlet containing a Charter from George the Third, for Incorporating the Society of the Hospital in the City of New York, which may serve further as a guide to the Legislature, with respect to the object now sought.

Matthias Hoffman, James F. Avery, William Grigor,
J. C. Hume, Joseph Starr, Michael Tobin, Jr.
George P. Lawson, Edward Kenny, James
McNab.

(See Page 758.)

The Committee to whom was referred the claims of Thomas McLennan for the damage of opening a New Line of Road through a part of his Lands, in the County of Colchester, the past year, beg leave to report, that they are of opinion that the legal steps have not been taken to assess the damage. The Report and Affidavit of the three persons chosen confine their Report of the damage to Eighty Rods of Land, where the New Line of Road has been opened, but Your Committee are at a loss to know how it is possible to make such a Bill of Damage for the Lands so taken. The evidence your Committee had before them induces them to believe that no possible damage could have been done, for it is evident that the New Road, ascending the hollow clift between the mountains is by no means a damage, but the very reverse. The conclusion, therefore, your Committee has come to is, that the appraisers have taken into consideration either that the distance the New Line of Road has been removed from his house, or that they have taken into consideration that part of New Line of Road running through his Lands that was made eight years ago, has been considered by them; but from the Report of the appraisers, your Committee cannot see that they have alluded to either of the two latter. If the appraisers did take into consideration the distance of the New Line of Road from his house, even then your Committee are not prepared to recommend the payment of the sum required, but would beg leave to pause, for if this principle is to be adopted, then it must follow, that on the opening the continuation of the new line around the Cumberland Mountains, that similar applications will be made by a great number of persons; for, of necessity, in avoiding the numerous hills, the Road would be taken a considerable distance from the dwellings of many persons.—Your Committee are therefore of opinion that it would be preferable that the whole line

should be reported on by an order of Council, before any more money is expended on the new line, and the damages reported on, (if any). This method, in the opinion of your Committee, would be the preferable one, and the cheapest for the public interest. Your Committee further state, that in their opinion the persons so chosen should be persons who have no direct or indirect interest in the Lands which this Line of Road passes through. The present appraisers have an interest in the continuation of this New Line of Road, that, in the opinion of your Committee, should be avoided in future. While on this subject, your Committee cannot refrain from respectfully recommending a similar rule to be adopted by your Honourable House in the laying out of all New Lines of Road in future, which would, in their opinion, be a great saving to the Province at large. All which is respectfully submitted.

Committee-Room, 5th March, 1840.

R. McG. DICKEY,
Chairman.

No. 62.

(See Page 761.)

The Committee to whom was referred the charge of the survey of the new line of a part of Eastern Road from St. Mary's to Guysborough, by Wentworth Taylor, beg leave to report—that your Committee has taken into their consideration the accounts relating to the said survey, estimate, plans and reports, of the same, and so far as your Committee has been able to judge, they are of opinion that they are fair, and not, perhaps, too high, except the charge made for the plan and report, which, in their opinion, ought to be reduced to the sum of Six Pounds.

It would be more satisfactory to your Committee if the accounts were accompanied with an affidavit, which they would respectfully recommend in future accounts. All which is respectfully submitted.

Committee Room, 5th March, 1840.

R. McG. DICKEY, Chairman.

No. 63.

(See Page 767.)

The Committee to whom was referred the accounts of the expenses of a number of Shipwrecked Passengers of the Ship Aide-de-Camp, beg leave to report—that they have attended to this duty, and that they did examine the amount for the supplies of the said Passengers, and are of opinion that the balance of the account ought to be paid; and they have also examined the amount of the expenses of bringing the said Passengers from Briar Island to Halifax, which amount they are also of opinion ought to be paid; your Committee had before them the opinion, (in writing,) of the Solicitor General, who decided that neither the Owner or Charterer was bound to send the Passengers either to New Brunswick or Halifax, your Committee therefore beg leave to recommend that the balance due on the Passengers Act, as per accounts in the hands of the Treasurer, be applied towards the payment of the above amounts, being £64 15s. 1d., and that the remainder be provided for.

Balance of account for supplies in Halifax	£198 17 4½
Amount of account for passage from Briar Island, and found, to Halifax	79 4 4
	<hr/>
	£278 1 8½
Deduct the balance of the Passenger's account	64 15 1
	<hr/>
Balance due	£213 - 6 7½

All which is respectfully submitted.

Committee Room, 7th Feby. 1840.

R. McG. DICKEY, Chairman.

(See Page 767.)

The Committee on the Encouragement of Agriculture, have had under their consideration a variety of petitions connected with that subject, and have agreed to report thereon, as follows:—

On the subject of Oat Mills generally, the Committee beg leave to recommend that the sum of Fifteen Pounds be given to each County to aid in the erection of such Buildings, where there shall be only one applicant; and when more than one applicant, in any County, the sum of Thirty Pounds to such County, to be expended among the several applicants, provided that the Mills be erected and put in operation under the same rules, and subject to the same conditions as were in force with regard to Oat Mills for which Bounties were first granted.

The Committee would also recommend that the sum of Twenty Pounds be given to Francis Walker and others, inhabitants of the Dalhousie Settlement, as that people have, in the opinion of your Committee, from their isolated situation, and destitute circumstances, strong claims upon the Province for assistance; the sum to be paid when the conditions before referred to are complied with.

Upon the Petition of Peter Middlemas, of Annapolis County, (whose Mills were destroyed by fire), the Committee Report that they cannot recognise the principle of rebuilding Mills, destroyed in that manner, at the Provincial expense, but consider that he has a just claim to a part of the sum allowed to each County for Oat Mills.

Upon the Petition of Thomas Blackie, of Pictou, for a Bounty upon the Invention of a new and improved Threshing Machine, the Committee beg leave to report, that when the Petitioner complies with the conditions of the Law respecting Patents, he shall be entitled to a sum from the Provincial Treasury, equal to the cost of a Patent.

JAMES W. ALLISON,
W. YOUNG,
JOHN MORTON,
JOHN HOLMES,
WILLIAM ANNAND.

Committee-Room, 7th March, 1840.

(See page 768.)

The Committee appointed to prepare a Scale for the expenditure of Two Thousand Pounds, voted by this Honourable House for the encouragement of Agriculture, by importing improved Breeds of Cattle, Horses, Sheep, Swine, and Agricultural Works and Implements, have agreed to report, as follows: that £540 be expended in the Importation of Ayrshire and Polled Devon Cattle, the Bulls to be Yearlings, the Heifers two years old, in the proportion of one Male to every two Females; that the sum of £400 be expended in the Importation of South Down Dishley, or Old or New Leicestershire Sheep.

That the sum of £300 be expended in the Importation of Swine, of the Berkshire and Bedford Breeds.

That the sum of £260 be expended in the Importation of a powerful thorough bred Stallion; and the sum of £300 for the Importation of two Stallions of the Clydesdale, Suffolk or Normandy breed; that the sum of £100 be expended for the Importation of Spring Wheat from Canada; and the sum of £100 for the purchase and Importation of Books on Agricultural subjects, and Agricultural Implements from the United States, to be distributed among the Counties of this Province.

JAMES B. UNIACKE, Chairman.

Committee-Room, 2nd March, 1840.

(See page 773.)

The Committee to whom was referred the Petition of David Fraser, and sixty-four others, Inhabitants of the West River of Pictou, complaining of an improper expenditure of the sum of Seventy-two Pounds Ten Shillings by John McKay, a Commissioner appointed to repair the Salt Spring and Ten Mile Bridges at the West River, beg leave to submit the following Report :

Your Committee notified the person, whose name appears at the head of the Petition, to appear before your Committee on the 7th of this month, to support the allegations contained therein, but he failed to appear himself, nor did any person appear in his behalf ; but your Committee received a Letter from a Mr. Donald Fraser, who is the father of David Fraser, the person whose name appears first on the Petition, acknowledging the receipt of the notice from your Committee, and pointing out several defects in the workmanship and materials in the Bridges referred to in the Petition.—In answer to this, your Committee have been put in possession of a Certificate, purporting to be signed by one hundred and seventy-eight persons of the West River and its vicinity, at the head of whom is the name of Mr. John Munro, the Road Commissioner, stating that the said sum of Money before referred to has been faithfully and judiciously expended, and that Mr. Munro had recently inspected the work ; your Committee are also in possession of a Letter from the Reverend Donald Mackintosh, of the West River, strongly corroborating the facts set forth in the aforesaid certificate ; and your Committee are also in possession of various certificates, purporting to be signed by twenty of the persons whose names appear on the Petition, stating to the effect that they were imposed upon by a Mr. Marcus Gunn, who, it appears, was the person most active in getting up the said Petition, and expressing regret at having signed the same. Your Committee therefore, under all the circumstances of this case, and judging from the Documents before them, cannot resist the conclusion that the facts alleged in the Petition against Mr. John McKay are false and unfounded, and deserving the severe reprehension of this Honorable House.

Your Committee cannot close this report without respectfully suggesting to your Honorable House the propriety of adopting some Rule in future that will make it imperative upon persons who come forward to make grave and serious charges against the character of Individuals, to substantiate the same, in the first instance, by some more satisfactory mode than procuring signatures to Petitions.

All which is respectfully submitted.

JOHN CREIGHTON, Chairman.

Committee Room, 11th March, 1840.

No. 67.

(See Page 775.)

(Copy.)

*Government House, Prince Edward Island,
February 29th, 1840.*

SIR—

I have the honor to enclose Copy of an Address which has this day been presented to me by the House of Assembly of this Colony, the object of which is, as your Excellency will perceive, to secure to the Provinces of Nova-Scotia, New-Brunswick and this Colony, a frequent intercommunication by means of Steam Navigation. I need not point out to your Excellency the intimate connexion which exists between this Island and the whole of that part of your Excellency's Government which borders upon the Gulf of Saint Lawrence, particularly Pictou, and the reciprocal advantages which cannot fail to arise from facilitating the intercourse between them.

APPENDIX Nos 67, 68.

I therefore rely with confidence upon your Excellency's endeavours to procure from the Province of Nova-Scotia, during the present Session of the Legislature, its co-operation in this desirable measure.

I have the honor to be,

&c. &c. &c.

CHAS. A. FITZROY, Lieut.-Gov.

His Excellency Lieutenant-General Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

(Copy.)

To His Excellency Sir CHARLES AUGUSTUS FITZROY, K. H. Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.

May it please your Excellency—

The Contract with the Owners of the "Cape Breton" Steamer being about to expire at the close of the present year, and the House of Assembly being fully alive to the advantages of keeping up a frequent intercourse, by means of Steam, with the neighbouring Provinces of Nova-Scotia and New-Brunswick, would respectfully request your Excellency to cause a correspondence to be opened with the Governments of Nova-Scotia and New-Brunswick, with a view of ascertaining how far those Provinces are disposed to co-operate with this Island in running a Steam Boat, of at least eighty horse power, twice a week, between Charlotte Town and Pictou, and once a week between Pictou, Charlotte Town and Miramichi.

(Signed)

WM. COOPER, Speaker.

House of Assembly, February 29th, 1840.

No. 68.

(See page 775.)

Treasurer's Office, Halifax, 9th March, 1840.

SIR,

I beg leave respectfully to represent to Your Excellency, that, in consequence of the anxiety expressed by the Assembly to ascertain the actual amount of Provincial Notes in circulation, I lost no time in stopping all such Notes of the old Issue, as passed through the Treasury, and substituting others from a new Plate in their place; and from the great scarcity of the former, now in circulation, I am satisfied that a large amount has been lost, thereby producing a great gain to the Province.

I have likewise, by the Act of the last Session, been at much pains and trouble, to procure as high a premium as possible for the Province, for the Dollars received from the Customs; and which, by daily exchanging in small sums, have produced the large amount of £911 10s. 7d.

As it has been usual, upon the favourable recommendation of Your Excellency, and your Predecessors, for the Assembly to grant such further remuneration, for services as are stated above, I trust I may be excused making this application—I have no wish to shrink from any additional duty the Assembly may think me capable of doing; and I regret I am thus compelled to appeal for more compensation, than I am annually voted; but when I state, that the Salary of the Treasurer of the Province, is less than £470 Currency, when the indispensable expenses of the Office are paid, I think I am justified in stating, that the allowance is not sufficient for the proper maintenance of the Office I have the honour to hold.

I remain, with the greatest respect,

Your Excellency's most obedient and humble Servant,
CHARLES W. WALLACE.

His Excellency Sir COLIN CAMPBELL, K.C.B.

(See Page 791.)

The Committee on the proposed union of the Customs and Excise, submit the following Report:—

That they have been attended by several Officers of the Customs, and the senior Clerk of the Excise Department at Halifax, and have examined some of the principal Merchants and Importers, on the probable effects and operation of the proposed union. It is admitted on all hands that the present system is susceptible of improvement, and that an union of the two Departments would simplify and reduce the number of Entries, and in so far would be an accommodation to the Merchant. The inconvenience is not so much felt in Halifax, as in the Out Ports, where the Custom House and Excise Officers often live at a considerable distance, amounting, in some cases, to miles apart from each other, and the necessity of entering with both Officers creates vexatious delays, and is attended with loss of time. In the Capital, where the Officers are close at hand, one main advantage of the proposed alteration would scarcely apply, and therefore is not sufficiently appreciated. But even in Halifax the number of entries required by the two Departments, and the necessity of passing from one to the other, are felt as an inconvenience. If a Merchant imports a quantity of Goods, subject to Imperial and Colonial Duties, he must make three entries or copies of his entry at the Custom House, and two at the Excise; if he desires to Warehouse them, he must make four entries at the Custom House, and three at the Excise; and when he takes them out for Exportation or home consumption, he must make other five entries—three at the Custom House and two at the Excise. Several of these entries would be saved, and business proportionably facilitated, were all the Duties, Imperial and Colonial, collected by one Department, as in the Canadas and Newfoundland,—the manifests, bonds, and other proceedings at the Excise, would be rendered unnecessary, and we would have one set of Officers to maintain in place of two, with a system of Revenue more uniform and manageable than two separate departments, deriving their authority from distinct sources, and apt sometimes to be jealous of each other, can possibly be.

The Committee, entertaining these general views, proceeded to enquire into the practicability of the scheme, and the most advisable mode of carrying it into effect, and have now to suggest, for the consideration of the Assembly, the practical difficulties that lie in the way.

The first and most material, is in the selection and appointment of the Collectors of Customs at the Out Ports. This patronage is claimed and exercised by the Home Government—it seems to be entirely independent of the Local Administration; and in some instances men have been appointed and are now holding office, whose habits or inexperience render them incompetent to fulfil its duties, and not fit to be entrusted with our Monies. Two sureties are given by each Collector in the Out Ports to the amount of five hundred pounds sterling in all, whereas a much larger sum would frequently be under their control, so that, unless the Home Government would consent to remove such of the Collectors in the Out Ports as should be found, on a full enquiry, to be untrustworthy, and would undertake to be more guarded in future appointments, which ought indeed to be derived chiefly from persons of known character residing in the Colony, the Assembly would run a great risk of its Revenues being either uncollected or misapplied. The bonds of some of the Collectors of Excise in the Out Ports are as high as £2000, and none of them less than £500; and it is to be feared that the bonds required from the Collectors of Customs would afford an insufficient security for the large amounts that would sometimes pass into their hands.

The second main difficulty is, the aversion of the Mercantile body, especially in Halifax, to any change, however beneficial in other respects, which would subject them to the unrestricted action and control of the Customs. A degree of liberality, involving some personal responsibility and almost looseness in the practice of the office, is extended by the Excise Department to Importers worthy of its confidence, which is productive of no loss to the Revenue or the Public, but could not be expected in, and would not be shown by, Imperial

perial Officers belonging to the Customs, and in some degree independent of each other. A greater strictness, and more severe enforcement of our Colonial Law, might, perhaps, swell the amount of our Revenue, but would clog and embarrass the operations of the fair Trader; and the dread of some such change, and of appeals in case of seizures, doubtful construction of the Provincial Acts, and such like being required to be made to the Commissioners of Customs in London, instead of our own Local Board, seems to the Committee to have alarmed, and not without reason, such members of the Mercantile body as they consulted with. Our Colonial Duties are secured by Bonds and Warrants of Attorney, and when in arrear, a letter is written to the defaulter by the Clerk of the Commissioners of Revenue, which almost always produces payment without charge or prosecution. It is a fact, honourable to the Mercantile Community of Halifax, that not a shilling has been lost, or a single bond put in Suit, for the last ten or twelve years. Now it was declared by one of the Officers of Customs, that if he were Collector, no bond should be due over six hours, without some step being taken on it; and although the Merchants attached no great importance to the indulgence shown them in this respect, and could discharge the amount of Duties on the day the credit would expire, just as well as their promissory notes at the Banks, yet it is easy to understand, that an exact observance of the terms of each bond and warrant might incommode and harrass even the opulent and punctual. It would seem, too, that the hours for landing goods allowed by the Excise Department are longer, and therefore more convenient than those of the Customs; and when these and other considerations were combined, the Committee were not surprised at the reluctance manifested by several of the witnesses to disturb the present arrangement, which, according to some of them, works so well and smoothly, as to render any material alteration unwise. How far the Committee acquiesce in this reasoning, and why they dissent from this conclusion, will hereafter appear.

Thirdly, a difficulty arises out of the equitable claims of the present Collectors of Excise, whose Offices would be abolished by the proposed measure. They would naturally claim, and in the view of the Committee they would be entitled to, some reasonable compensation. The Collector at Halifax has an income of £700 a year, secured to him by a permanent Act, and many of the Collectors in the Out Ports have fulfilled their duties for a long period of years, and with uniform punctuality and uprightness. Without entering into details, which would now be premature, the Committee have no doubt that all such claims could have been adjusted by an Act of the Legislature, in a spirit of liberality and justice, and do not therefore consider them as any essential difficulty.

Nor is there any other difficulty in the way of this improvement, which appears to your Committee to be material.

It was objected that the Custom House at Halifax, was too small for the increased amount of business that would require to be done; but it was in the same breath admitted, that if we are content with the collection of the duties as now practised, two additional Clerks, and the occupation of one other room at the Custom House would do it all, with the assistance of a sufficient number of waterside Officers to prevent fraud.

The imposition of the additional duty was urged as a hardship on the present Custom House Officers, and as inconsistent with the terms of their appointment. To this objection, if indeed it assume that shape, the Committee attach no importance, the duty now being by no means onerous—certainly not more so than in Lower Canada or Newfoundland,—and the Lords of the Treasury having sanctioned the proposed union.

The Committee, therefore, have agreed to recommend its postponement during the present Session, not from any doubt of its justice or expediency, but that time may be given to mature the plan and perfect the enquiries they are about to suggest.

It is a favourite idea with some to transfer the entries and guards on illegal importation to the Custom House, but to have the duties secured and paid at the Treasury. But the Committee conceive that the uniformity of the system would be entirely broken up by such an attempt. It is obviously applicable to Halifax only, and even there would be only incorporating the Excise Office with the Treasury, and burthening the latter with a class of duties that do not properly belong to it, and would produce confusion and irregularity.

The Treasurer is willing to carry on the correspondence as heretofore with Out Port Collectors, but is reluctant, for many obvious reasons, in which the Committee concur, to undertake the collection of Revenue here. It appears to them that a sufficient check could not be maintained, nor a due responsibility imposed with so anomalous a division. If the system is to go into operation at all, the duties under the the Imperial and Colonial Acts, including Light Money, must be collected or secured at the Custom House, and the Treasurer held answerable only for the amounts paid into his hands. The experience of Lower Canada has been communicated to the Committee, and agrees with their conclusion. They have derived it partly from the papers politely furnished by Mr. Jessop, the Collector at Quebec, through the Governor General, and laid upon the table of the House, and partly from R. H. Hamilton, Esq. the intelligent Comptroller of the Customs at Montreal, whose letters on this subject have been read to the Committee by one of their body. No difficulty appears to have resulted there from the Customs allowing a credit on Colonial Duties, under the authority of Provincial Acts, one of which, the 35, Geo. 3, chap. 9, has been carefully examined by your Committee. The eleventh section provides, that "where the amount of the duties on Goods, Wares and Merchandize, imported in any Ship or Vessel on account of, or consigned to, one person only, or several persons jointly, interested, shall not exceed Twenty Pounds currency, the same shall be immediately deposited in money; and where the same shall exceed the sum of Twenty Pounds currency, the same may, at the option of the Proprietor, be either immediately deposited in money, or secured to be paid by bond to His Majesty, His Heirs and Successors, payable to the Collector of the Customs for the time being, with condition for the payment of so much as such duties shall be found to amount unto in four months from the date of such bond, if the same shall be dated on or before the first day of September; or if dated after the first day of September, then with condition for the payment thereof as aforesaid, on the first day of January next following."—Other clauses provide for the drawback and return of duties—the landing of certain goods—and, among other things, an allowance of three per cent. for leakage on Wines, Spirituous Liquors and Molasses, which we have not yet adopted into our system: And the 13th section enacts that when any bond for the payment of rates and duties shall not be satisfied on the day it shall become due, the Collector shall forthwith cause a prosecution to be commenced for the recovery of the amount due thereon, by action or suit of Law. Another Act, the 6, Wm. 4, chap. 24, provides, that it shall be lawful for the Collector of the Customs at Montreal, and for the Collectors at the several Inland Ports of Entry in the said Province respectively, to transmit to the Receiver General the amount of the duties by them collected, in Bills of Exchange, each of the said Officers remaining nevertheless responsible for the amount so by him transmitted, until such Bills of Exchange shall have been paid, and the sum actually paid as premium on such Bills of Exchange, shall be allowed to the said Officers respectively; and they are thereby authorised to charge the same in their respective Quarterly Accounts:—And that it shall be the duty of the Receiver General of the Province to cause all Bills of Exchange, transmitted to him by the Collector of Customs at Montreal, or by the Collectors at the several Inland Ports of Entry in the said Province, to be presented for payment when due; and if he shall fail so to present any such Bill, or to protest the same in conformity to the provisions of said Act, the said Receiver General shall be responsible for the loss arising to the Province on such Bills of Exchange, and the Officer or Officers of Customs who may have transmitted the same shall be discharged from all responsibility for such loss.

Here, then, are examples of the Officers of Customs being held answerable under Provincial Acts, imposing upon them certain duties, and which the Colonial Legislature may amend or modify to any extent which the Home Government will sanction. The credit to be allowed on duties—the amount and form of securities—the time and mode in which they are to be enforced—the granting of Drawbacks, &c. may all be regulated by Colonial Statute: And the Committee see no difficulty in requiring our Custom House Officers to perform the same duties as our Excise Officers, by virtue of our Provincial Acts. The principle is recognized in a Despatch of Sir George Murray to His Excellency Sir James Kempt, enclosing a Treasury Minute, and published in the Journals of the House of

Assembly

Assembly in Lower Canada, for the year 1829. The amount of business done at the Custom House in Quebec and Montreal will appear from the accompanying statement, which shews, that, in Montreal alone, duties were received in 1839 to the sum of £100,500 sterling, being six or seven times as much as the average amount of duties collected by our Custom House throughout the whole Province the last ten years. Last year, indeed, the Customs Duties swelled from £18,000 to £33,000—an extraordinary and unexpected increase arising out of the consumption of Foreign West India Produce: But there is no reason whatever to apprehend that our Customs Establishment is not fully competent, and bound in compliance with our Statutes when assented to by Her Majesty, to collect and receive all our duties.

Your Committee therefore suggest, that in the framing of such Statutes, our Commissioners of Revenue, in the first place, should be retained, and continue to be invested with the same powers of control and supervision which they now exercise, by virtue of the 4, Wm. 4, chap. 11. The Home Government have no interest and no desire to interfere with the local management of our Revenue; and any question touching the allowance of drawbacks—the return of duties—seizures and other matters, governed only by our own enactments, might remain, as heretofore, for the determination of the local board, acting under the eye of the Legislature, and responsible to the Executive. Perpetual references to the Commissioners of Customs, arising out of acts suited to our local condition, and of which they know nothing, would be at once inconvenient and absurd: but there is no incongruity in the Custom House officers being directed to obey the directions of the Commissioners of Revenue on all matters within the scope of their authority; there would be no more danger than there is now of Imperial interests or Acts of Parliament being violated,—our importers on domestic matters would resort as usual to a domestic tribunal, easy of access and conversant with their affairs:—And therefore, your Committee report, that the preservation of the Board of Revenue is in their mind essential to the working of the plan.

Secondly.—They would suggest that no warrant or bond taken for duties should be put in suit, without the previous order of the Commissioners of Revenue, or any two of them. A provision of this kind would relieve the Custom House Officers of their liability, and permit the present leniency in collection, as far as it may be found convenient and safe, to be continued as heretofore.

Thirdly.—They would recommend that the Collectors at the Out Ports should be directed to correspond with and to remit the amounts received by them, for Colonial duties, directly to our Treasurer, just as the Collectors of Excise now do.

Fourthly.—They would suggest that a Commission should be allowed on the amounts, remitted by the Collectors in the larger Out Ports, in addition to their present Salaries, and that in consideration thereof, they should be called on to find sureties to the amount of £1500 or £2000 Sterling—that the Executive should be empowered, as vacancies occur, to appoint the present Collectors of Excise, who are trustworthy and would be willing and competent to perform the duties, to be the Collectors of Customs; and that, in the appointment of other Collectors, great care should be exercised, and which, indeed, the Colony has a just right to expect, that the persons selected should be men of fair reputation, of business habits, and not addicted to improper indulgences.

Lastly.—The Committee recommend that our Provincial Revenue Acts, which are all of them close imitations of the 3d and 4th Wm. 4, caps. 52 to 59, should be so modified as to harmonize still more nearly with the Imperial Acts, so as the Officers of the Customs, in the collection of both sets of duties, may be governed by the same system, with such modifications only as the nature of things obviously prescribes, and as have been for the most part already touched on in this Report.

The Committee would have proceeded to frame such enactments in the present Session, but it will be obvious by this time to the Assembly, that a preparatory negotiation with the authorities at home and here is indispensable. If an Executive Council, such as the Assembly desires and has asked for, is granted, one of their cares, doubtless will be, to conduct the necessary enquiries, and they will be prepared to lay on the table of the House at its

APPENDIX Nos. 69, 70.

next Session, as a Government measure, a Bill, embodying such of the foregoing hints as may be approved of, on a closer and more extended view, with such others, as may be found essential to the working of the system, and the incorporation of the two departments, into one uniform and consistent whole.

WILLIAM YOUNG, Chairman.
H. HUNTINGTON,
THOMAS DICKSON,
H. BELL.

Committee Room, H. A. 16th March, 1840.

COMPARATIVE STATEMENT OF IMPORTS INTO THE PORT OF MONTREAL.

For the years ending	5th Jan. 1840.	5th Jan. 1839.	1840, Increase.	1840, Decrease.
Madeira Wine	23185 Gals.	6478 Gals.	16707 Gals.	
Common Wines	203778 "	103333 "	100445 "	
Muscovado Sugar	3288394 lbs.	2311190 lbs.	977204 lbs.	
Refined Sugar	1203562 "	1151272 "	52290 "	
Foreign Spirits	369670 Gals.	221968 Gals.	147703 Gals.	
Rum	44283 "	119096 "		74813 Gals.
British Spirits	11873 "	2646 "	9227 Gals.	
Playing Cards	19466 Pks.	1440 Pks.	18026 Pks.	
Molasses	21364 Gals.	26281 Gals.		4917 Gals.
Salt	3525 mts.	Nil.	3525 mts.	
Leaf Tobacco	5025 lbs.	"	5025 lbs.	
Coffee	Nil.	17018 lbs.		17018 lbs.
Teas, Hyson	18642 lbs.	10911 "	7731 lbs.	
Common	705972 "	657412 "	48560 "	
Bohea	5592 "	31985 "		26393 "
Mer. paying 2½ per cent.	£1,610,519 2 7	£737,286 19 10	£873,232 2 9	

Reven. 5th Jan. 1839 £53,000 Stg.

5th Jan. 1840 100,500 Stg.

£47,500 Stg.

REMARKS.—Our Revenue has been fluctuating between £50 and £80,000 Sterling, since the year 1832—it was materially affected in the years 1832 and 1834 by the prevalence of the Cholera, also by the suspension of specie payments in the United States, and in Upper and Lower Canada, followed by two Rebellions in two successive years—bad crops have also had a material influence in checking the trade of the country.

Salt is imported into Quebec, in the Lumber Ships, as ballast, and the duty is of course paid there, which accounts for such a small quantity appearing in our Returns.

Coffee, Tobacco, and other articles of Foreign production, are imported by Land and by Inland Navigation, through the Frontier Custom-House at St. John's, and the Duties are paid there—the small quantities of these articles which appear in our Returns are imported by Sea.

Rum.—Owing to the very high price of that article the past year, and the duty not being levied, as it should be, according to strength, a very large import of that article, some as high as 80 per cent. over proof, has taken place from the United States through the Custom-House at St. John's, and the Duties collected at that Frontier Port the past season exceeds £30,000, being about double the amount of any previous year.

It is not thought that the Duties collected at the Port of Quebec, in the year ended the 5th January, 1840, will exceed £60,000 Sterling.

Montreal, 15th January, 1840.

No. 70.

(See page 791.)

The Committee on the receipts and expenditure of the Post Office, and all matters relating thereto, beg leave to report:

That

APPENDIX No. 70.

That they have examined the Accounts rendered in the usual form, by the Deputy Post Master General, for the year ending 5th January last, and annex an abstract thereof constructed on the same principle, with the abstracts that have been prepared for several years past, by Committees of this House, and approved of as correct by the General Post Office, after communicating thereon with the Delegates from this House. By this abstract it is proved that the grant of £1562 made during the last Session, for maintaining the lines of Post Communication and drawn from the Treasury, was not in fact required for that service, but was paid over to the Military Chest along with the excess of Packet Postage, and a small excess resulting from the Internal Postage.

The Committee therefore in reference to Lord John Russell's Despatch of the 24th September last, report three Resolutions, which they recommend to be adopted by the House.

Certain claims having been made by Petition or the personal representation of Members to the Committee, for increased allowances to Mail Couriers, the Committee addressed a Note to the Deputy Post Master General, of which they annex a copy, with his reply, and the Committee recommend that all such applications should be made in future through him, or be subjected to his examination, before any additional grant is made by the Assembly. The necessity of this precaution is evidenced by H. G. Enslow's accompanying Letter and statement, he having therein computed the expenses to which he is subjected as the Mail Courier, from Shelburne to Yarmouth, at £110 Sterling, in all, and credited only his Salary of £90, making himself an apparent loser of £20 per annum, and therefore claiming an increase of Salary, whereas, he is in the actual receipt of about £40 a year besides, from Postage, which he has improperly omitted to bring into his Account.

The Committee recommend that provision should be made by the House for the following additional Mail Routes :

The sum of £25 per annum, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a line once a week, from Liverpool to Brookfield, the distance being twenty-seven miles.

The sum of £7 10 per annum in addition to the sum of £20 now allowed to the Courier from Londonderry to Economy, in order to extend such line to Moose River, and to pay the Courier for passing on his way up through the Settlement at Kerr's Mountain.

The sum of £12 per annum, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a line once a week, from West River to New Glasgow, the distance being twelve miles.

The sum of Five Pounds per annum in addition to the sum of Fifteen Pounds now allowed, being Twenty Pounds in all, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to keep up the line now established between Guysborough and Country Harbour.

The sum of £5 per annum, in addition to the sum of £20 now allowed for the line from Wolfville to Cornwallis, being Twenty-five Pounds in all, or such sum not exceeding the same, as will be sufficient with the increase of Postage thereon, to extend such line from Cornwallis, through the north part of Aylesford to Willis Foster's.

The sum of £40 per annum, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a line once a week from Parrsborough to Amherst, being a distance of thirty-eight miles.

The sum of £20 per annum, or such sum not exceeding the same, as will be sufficient, with the increase of Postage thereon, to establish a line between the Straits of Barra and East Bay, in the County of Cape-Breton.

The Committee also recommend a grant of £25 to Angus McLellan for services rendered by him as a Mail Courier.

WILLIAM YOUNG,
SAMUEL CHIPMAN,
HENRY GOUDGE,
THOMAS DICKSON,
JAMES B. UNIACKE.

Committee Room, 14th March, 1840.

Abstract

APPENDIX No. 70.

Abstract of Post-Office Accounts for 1839.

ENGLISH POSTAGE.

		Sterling 4s. 4d. to the Dollar.	
Amount of unpaid Letters received from England		£1066	
paid Letters sent to England		169	
		<hr/>	
		£1235	
PAYMENTS.			
Salary to Deputy Postmaster General	£400		
to Assistant	100		
Office Rent, Fuel and Stationary	50	550	
		<hr/>	
			£685
Dead Letters sent to England		364	
One third of which is chargeable to other Colonies		121	243
		<hr/>	
Clear balance resulting from English Postage			442
But the sum paid into the Military Chest is			2040
			<hr/>
Shewing an excess of			Sterling £1598
INTERNAL POSTAGE.			
Amount received for unpaid Letters at, and paid Letters sent from, Halifax Office		2876	
Nett Revenue remitted by Deputy Postmasters, after paying their Commissions, £1556 Currency, equal, at 4s. 4d. to the Dollar, to the sum of		1348	
Way and Ship Letters		60	
		<hr/>	
		4284	
Off Letters charged against Halifax, and sent to the Interior,	Cy. £823		
Pence paid for Ship Letters	20—843	731	
		<hr/>	
		3553	
One half of the above	243	122	
		<hr/>	
		3431	3431
PAYMENTS.			
Riding Work, in all		2990	
Incidental charges		200	3190
		<hr/>	
Excess independently of Provincial Grant			£241
The amount drawn from our Treasury was £1562 Cy. equal, in Dollars at 4s. 4d. to			1357
			<hr/>
Which was paid, with the above excess, into the Military Chest, and made up the above sum of			£1598
The Internal Postage therefore paid the whole expense as above, not- withstanding the additional Mails, and our Provincial Grant was paid over to the Military Chest		1357	
From which the only deduction is for American Postage, say		257	
		<hr/>	
			Stg. £1100

The Committee on the Post Office, understanding that Mr. Howe is prevented from meeting them, by indisposition, enclose three applications on behalf of Mail Couriers, for increased

APPENDIX Nos. 70, 71.

increased allowances, and request to have Mr. Howe's opinion thereon. In Mr. H. G. Enslow's statement, it appears to the Committee, that he has entirely omitted the amount he received for postage, being £44 12s. 5d. last year, and £37 6s. 6d. in 1838; and their present impression therefore is, that he has suppressed a material fact, affecting his application. On the Petition of Messrs. Glencross, Bent, and others, and W. N. Smith's Letter, the Committee are desirous of having the facts reported on by Mr. Howe, as they mean to recommend to the House as a general principle, that all such applications, in future, should either pass through him, or be subjected to his examination, before any increase of the present allowances.

The Committee observing that the usual Letter, suggesting a grant towards the support of the Mail Routes, accompanies the accounts of the Post Office this year, have to enquire whether Mr. Howe has received any instructions on that head, varying from the terms and purport of the Despatch of the 24th September last, communicated this Session to the Assembly. They have also to enquire, whether Mr. Howe, in making up the return of Receipts and Credits, deducts from the amounts received by him, any and what Commissions, or any other allowances or charges besides his Salary.

Committee Room, House of Assembly,
12th March, 1840.

General Post Office, Halifax, 13th March, 1840.

GENTLEMEN—

I have the honor to acknowledge the receipt of your Communication of yesterday's date, with the accompanying Documents, viz: a Petition from H. N. Enslow, a Petition from St. Mary's, a Petition from Isaiah Smith.

As respects the whole of these Petitions, I cannot conscientiously recommend any of them to the favourable consideration of the House of Assembly.

Enslow "has entirely omitted the amount he received for Postage;" his receipts for it, however, are in my possession.

The Salary of the situation Mr. Smith holds, was originally £20; it was twice, subsequently, raised by the House—in both instances, if my memory serves me, without the exertion of any influence on my part.

As a general principle, I am of opinion, that the Petitions relating to the Post-Office Department should be transmitted to me. The whole would be annually laid before the Legislature, and the claims of those which I might consider were founded in justice, I would accompany with my recommendation.

With reference to the concluding paragraph of the communication, I have distinctly to state, that I have not received any Instructions from my Lord the Post Master General, in reference to the Despatch alluded to by the Committee of the 24th September; and I am also free to state, that I am entitled to take no further Credits than those which appear in my Accounts.

I have the honor to be, Gentlemen,
Your most obedient Servant,
J. HOWE.

WILLIAM YOUNG, Esq., Chairman, and
Members of Post-Office Committee, House of Assembly.

No. 71.

(See Page 793.)

(Copy.)
No. 22.

Downing-Street, 14th December, 1839.

SIR,—

I transmit, herewith, for your information, a copy of a letter from the Secretary to the Board of Treasury, from which you will perceive that, with a view to the accommodation

APPENDIX Nos. 71, 72.

accommodation of the Trade of Nova-Scotia, measures have been taken for constituting the Port of Yarmouth, and the Free Warehousing Ports of Pictou and Liverpool, Ports of Registry.

As this arrangement will, doubtless, prove highly satisfactory to the Province, you will take the earliest opportunity of announcing it to the Legislative Bodies.

I have, &c.

(Signed)

J. RUSSELL.

Lieut. General Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

(Copy.)

Treasury Chambers, 9th December, 1839.

SIR,

The Lords Commissioners of Her Majesty's Treasury having had a Representation submitted to them, from the Merchants and Ship-Owners of the Port of Yarmouth, in Nova-Scotia, setting forth the inconvenience to which they were exposed from the port of Halifax being the only port for the registry of Vessels in that Province, I have it in command to request you will state to Lord John Russell that the Officers of Customs in Nova-Scotia have been instructed, with a view to the accommodation of the Trade of the Province, to take the necessary steps for constituting the Port of Yarmouth, and likewise the Free Warehousing Ports of Pictou and Liverpool, Ports of Registry.

I have the honor, &c.

(Signed)

A. Y. SPEARMAN.

JAMES STEPHEN, Esq. &c. &c. &c.

No. 72.

(See Page 794.)

RESOLVED, That the Sum of One Thousand Four Hundred Pounds, granted for the Service of Roads and Bridges in the County of Halifax, be applied as follows:—

From Blue Bell to Hosterman's	£30	0	0
Nine Mile River Bridge to Margaret's Bay	35	0	0
Hosterman's to Nine Mile River	40	0	0
Fraser's, on east side of Margaret's Bay, to Peggy's Cove	25	0	0
Road by Hubley's, Margaret's Bay, on Faulkner's Survey	25	0	0
Roger's Bridge, French Village, Margaret's Bay	20	0	0
Road from French Village to Hammond's Plains	20	0	0
Hammond's Plains to Main Western Road	35	0	0
Alteration, Wellington Settlement	15	0	0
Leading through Harriet's Fields	30	0	0
From Harriet's Fields to Sambro	20	0	0
Roads through and from Dutch Village, towards Black's Mills	30	0	0
From MacIntosh's Bridge to Ketch Harbour	30	0	0
Ketch Harbour to Sambro	10	0	0
Smith's to Ferguson's Cove	10	0	0
For Road and Bridge, Herring Cove	15	0	0
Road leading to Prospect	40	0	0
Peninsula Road	40	0	0
Road leading to Lawson's Mill	10	0	0
From Intersection of Main Road, near Hamilton's, to line of County of			
Hants	40	0	0
Old Windsor Road	20	0	0
To Pay William Faulkner for Survey of new line of Road from			
head of N. W. Arm to Margaret's Bay, &c.	£34	4	9
Ditto ditto for Survey from Antrim Settlement to			
New Eastern Road	4	6	6
			38 11 3
			Eastern

APPENDIX No. 72.

Eastern Passage Road, (in addition to £10 undrawn from Treasury)	£10	0	0
From Cow Bay Bridge to Eastern Passage	15	0	0
Bisset's, Cole Harbour, to Cow Bay Road	10	0	0
Road on East side Bedford Basin	10	0	0
Alteration at Maynard's Hill, Dartmouth	30	0	0
Near intersection of Canal Road, Dartmouth	20	0	0
At Lawrence Town, in addition to £20 undrawn	20	0	0
From Wentworth's Hill, Preston Road, towards Lawrence Town	10	0	0
Three Fathom Harbor to Lawrence Town	20	0	0
Lake Loon to Porter's Lake	30	0	0
Porter's Lake to Musquedoboit Harbor, via Petpiswick	50	0	0
Church, at Porter's Lake, towards head of Lake	10	0	0
Intersection of Main Road at Jeddore to Cape Jarvis	30	0	0
To erect a Bridge across Ship Harbor River	15	0	0
Open a road from Gilchrist's to Jeddore	15	0	0
From Archibald's Mills, in Upper Musquedoboit, (and to pay John Parker and Jonathan Archibald for clearing out Windfalls, and over-expenditure on Bridge at Sheet Harbor,) to Murphy's, Sheet Harbor	50	0	0
For repair of Bridge, Upper Musquedoboit, near Parker's,	5	0	0
Road and Bridge, Hutchison's Settlement,	10	0	0
To Stewiacke, by Graham's	7	0	0
To pay H. A. Gladwin this sum advanced by him to complete Bridge near McDougall's	6	4	8
Daniel Snider, do. do. for repair of road near Keys'	5	0	0
To complete alteration of road, Upper Musquedoboit,	25	0	0
For road leading from Settlement on West Branch of Saint Mary's to Pictou	10	0	0
Road alteration near James McCurdy's, Middle Musquedoboit, and to pay him for over-expenditure on Bridge last year	50	0	0
Through New Canada Settlement	10	0	0
Cross Road from Higgins' Settlement to Main Leading Road, Upper Musquedoboit	10	0	0
To repair Bridge across Little River, and repair road leading to Bruce Settlement	10	0	0
From Logan's, on Main Eastern Road, to Gay's River, via McDonald's	15	0	0
Gay's River to Middle Settlement, Musquedoboit	15	0	0
For alteration of road near Lake Egmont	10	0	0
Road from Middle Settlement, Musquedoboit, towards Sibley's	10	0	0
From Meagher's Grant to Harbour Musquodoboit	10	0	0
Ditto to Guysborough Road, on Faulkner's Survey	30	0	0
New Antrim Settlement to Guysborough Road, on ditto	30	0	0
For repair of Roads and Bridges on old "Look Out Road"	8	4	1
To pay second instalment on the sum of One Thousand Pounds granted last year for the new Eastern Road, through Musquedoboit to Saint Mary's	200	0	0
	<hr/>		
	£1400	0	0

RESOLVED, That the sum of Nine Hundred and Fifty Pounds, granted for the service of Roads and Bridges for the County of Colchester, be applied as follows :—

To repair the Halifax Road from Gay's River to the line of Pictou	£30	0	0
From Polley's to Middle Stewiacke	20	0	0
Middle to Upper Stewiacke	10	0	0
To pay Cox and Tupper, Commissioners, the sum expended to finish Bridge at Upper Stewiacke	14	10	0
			To

APPENDIX No. 72.

To pay William Dunlap, sum expended to finish Blackie's Bridge over same River	£12 10 0
To pay William Dunlap, sum expended on Bridge at Fulton's	27 0 0
To finish Road and Bridge across the Intervale in Upper Stewiacke, new line	13 0 0
For Road from Stewiacke to Musquedoboit, by Graham's	5 0 0
To assist in Bridging Creelman's Brook	8 0 0
From St. Andrew's to Musquedoboit line	8 0 0
For Road from Gay's River, through Shubenacadie and the Canal Bridge	8 0 0
Stewiacke towards Pictou	50 0 0
Stewiacke to Musquedoboit, over Mountain	5 0 0
Truro to Greenfield	10 0 0
From Green's Creek to Fort Ellis, and to pay Thomas Wilson £4 4s.	12 0 0
Green's Creek to Pleasant Valley	5 0 0
William Wall's to Salmon River	5 0 0
The back line of Londonderry, through Castlereagh, on the Main Road	5 0 0
Economy to New Boston	5 0 0
To improve the back Road from John M'Laughlin's to Francis Fulton's, in Economy	10 0 0
From William M'Lellan's to John Campbell's, River Philip Road	7 0 0
Samuel Dunning's to John Tobin's, Economy Point	5 0 0
To repair the Bridge on Main Road over Economy River	10 0 0
From Thomas Faulkner's to Samuel Thompson's back Road	10 0 0
Daniel Faulkner's, over Gerish's Mountain, to East River Bridge	10 0 0
John Fulmore's, through Little York Settlement	5 0 0
Five Islands to New Boston	5 0 0
Five Islands towards Macan	7 0 0
For Roads from Line of Londonderry to the Line of Cumberland County, by Folly Lake	10 0 0
For finishing the French River Bridge at Tatamagouche, in addition to £250 granted for that purpose	22 0 0
Main Road from Tatamagouche to Onslow	40 0 0
From Onslow Township Line to M'Kay's Mill, Earl Town	13 0 0
Onslow's Road to Widow M'Leod's	8 0 0
M'Kays Mill to David Nelson's	10 0 0
Widow M'Leod's to Hugh Munroe's	8 0 0
Fall Bridge to Widow Sutherland's	4 0 0
M'Kay's Mill to Langille's	7 0 0
Matheson's to John Nelson's	6 0 0
Paul M'Donald's, past Balie's, to River John	4 0 0
Hugh Munroe's to West Branch, River John	5 0 0
M'Kay's Mill to Andrew McIntosh's	5 0 0
William Kay's to John Nelson's	7 0 0
Black Rock to Burreswa	3 0 0
For Bridge at Black Rock	13 0 0
Bridge at George Taterie's	19 0 0
From French River to Matatall's Lake	6 0 0
Lake Road to John Swan's	4 0 0
Samuel Waugh's to Nelson's	5 0 0
Tatamagouche to Oliver's Bridge	13 0 0
John Wilson's to Byre's Mill	4 0 0
Gavin Bell's to Langille's	5 0 0
Edward Langille's to James Austen's	3 0 0
Oliver's Bridge to Byre's Mill	3 0 0
Robert Bell's to Donald McLeod's	3 0 0
	From

APPENDIX No. 72.

From John Wilson's to Onslow Road, past McCombie's	£4	0	0
Green's Creek to Black Rock	12	0	0
Old Barns to Philip's	7	0	0
Old Barns to Black Rock, New Line	50	0	0
Pleasant Valley to Aaron Hamilton's	8	0	0
Charles Moor's to Upper Brookfield	5	0	0
Halifax Road to John Kennedy's	5	0	0
Robert Moor's, towards Stewiacke, New Line	15	0	0
Stewiacke Road to Harmony	5	0	0
Jess Gourley's to Irvin's	7	0	0
James Smith's to George Wilson's	4	0	0
To pay Thomas M. Crow, for repairing Bridge at his Mill	11	0	0
From Mrs. McCurdy's towards Tatamagouche	10	0	0
Crow's Mills towards the East Mountain	20	0	0
For Road across Crow's Mill dam	5	0	0
From Joshua Higgins' towards the Village	8	0	0
John G. Higgins towards Staple's Settlement	7	0	0
Meeting House Road towards the East Mountain	7	0	0
Tatamagouche Road towards North River	8	0	0
Towards opening the New Line of Road on North River, between Blair's and Marshe's	12	0	0
From James Blair's Mill towards Tatamagouche Road	6	0	0
James Lynd's to John Dickson's	6	0	0
East Mountain to North River	6	0	0
Towards building a Bridge near Blair's Mills	10	0	0
From Luke Upham's to Thompson's	10	0	0
North River to Tatamagouche Road, past Blackmore's	5	0	0
Joseph Barnhill's to the back Road	5	0	0
John Lynd's to Rufus Lynd's	5	0	0
McElhenny's Mills to Debert River	3	0	0
John Degarmonts to Debert River Meeting House	4	0	0
John Peppard's to Cotnum's	3	0	0
Debert River Bridge to James Totten's	8	0	0
McNutt's to Debert River Meeting House	4	0	0
Fletcher's Mills to the McNutt Road	3	0	0
William Fletcher's to Joel Slack's	4	0	0
Widow Flemming's to James Totten's	4	0	0
Captain Fletcher's to John Peppard's	5	0	0
John Graham's to Rude's	3	0	0
William Fletcher's to James McElmun's, past John Morrison's	3	0	0
Thomas Morrison's to Robert Stevens'	3	0	0
Folley to Widow Flemming's	5	0	0
Simon Urquhart's, to Londonderry line	3	0	0
Wallace Road to Portapique, and to pay David Crow £1 10 for Money expended after the Storm in 1839, £2 0 0 of which to be expended on the South side of Cumberland Road	7	10	0
McDormont's to Cumberland Road, and to pay £3 9s. 5d. to Robert Dill expended after the Storm in 1839, £2 0 0 of which to be expended between John Dill's and the Cumberland Road	12	0	0
The Cumberland Road to Portapique	4	0	0
George Murray's to Sutherland's	3	0	0
To pay Daniel Robinson for Money expended 1839, after the Storm	10	0	0
Samuel Wilson, for Money expended, 1839, after the Storm	2	10	0
From David Davidson's to Francis Fulton's	10	0	0
Francis Fulton's to Young's	3	0	0

APPENDIX No. 72.

To alter the road round Birch Hill, in Bass River	£18 0 0
Repair the Bridge on the Main Post Road and to pay Isaac Flemming £1 0 0 already expended	5 0 0
Repair the Road from William Layten's to the foot of the Great Cum- berland Mountain	5 0 0
	<hr/>
	£950 0 0

RESOLVED, That the sum of One Thousand Pounds, granted for the service of Roads and Bridges in the County of Pictou, for the present year, be appropriated as follows, that is to say:—

From the County Line of Pictou to the Ten mile House	£10 0 0
Sutherland's River, past Thomas Tracey's, to Barney's River, and to pay an overexpenditure thereon in 1839 of £5 0 6 laid out in cutting out Windfalls, after the gale in September	7 10 0
To His Excellency the Lieutenant-Governor, to repay a sum of Money ex- pended in 1838, in repairing the Kempt Bridge	44 17 1
His Excellency the Lieutenant-Governor, to repay a sum of Money ex- pended in re-building the Bridge over Lowden's Mill Brook in 1839	13 12 0
William McGill, to enable him to pay for the erection of a Bridge over Fairweather's Mill Brook, in 1839	15 14 6
David Murray, Junr. to enable him to pay for an over-expenditure on the Barney's River Bridge, in 1839	20 17 0
William Hattie, to pay him in part for a sum expended in completing the Bridge at McDonald's, over Barney's River, in 1835, and not heretofore provided for	11 18 8
From Reid's, Mount Tom, to the West River, on the new Line, and to pay an over-expenditure thereon in 1839, of £75 6 3	80 0 0
New Larig, on Crerar's line, to the County Line, towards Stewiacke	20 0 0
The Middle River to the East River, and to pay £2 11 3 over-ex- pended thereon in 1839	20 0 0
From Sutherland's River, through Merrigomishe, to the County Line	10 0 0
McGhee's Mill Brook to the Back Settlement, Bayley's Brook	2 10 0
McKinnon's, at the County Line, to Bayley's Brook	2 10 0
The Post Road, through the Gushit and Glendhu Settlements	5 0 0
George McLeod's Farm to the Back Settlement	5 0 0
David Murray's, up the west side Barney's River, to Robertson's Bridge	5 0 0
Robertson's Bridge, up west side Barney's River	5 0 0
Robertson's Bridge, past Adam McKenzie's and Irvin's, to the rear Settlements	5 0 0
Alex. McDonald's east branch, Barney's River, past Kenneth Came- ron's, to the County Line, on the Beaver Meadow Road, and to pay for an expenditure thereon of £7 7 0, laid out in 1839, af- ter the gale	10 0 0
To Donald Fraser, to enable him to pay for labour and materials furnished and expended in repairing the Melford Bridge	7 16 9
From the French River, on the Gillis Road, towards Barney's River	5 0 0
Main Road to the back Settlements at Lamont's	2 10 0
Main Road to the back Settlements at P. Sallinger's	2 10 0
Earl Town Road, near Harburn's, to John McKenzie's, west side River John	20 0 0
John McKenzie's to David Langill's, Miller	20 0 0
The Tatamagouche Road, on the Point Bruela Road, to the County Line	2 10 0
	From

APPENDIX No. 72.

From River John to the County Line, on the Road to Onslow	£15	0	0
The Cross Road, River John, to the Cape, past Murphy's	2	10	0
The River John Cross Roads to Alex. McDonald's, Gulf Shore	5	0	0
Alex. McDonald's to the Big Carriboo River	10	0	0
The Big Carriboo River to the new Road to River John	12	10	0
Murdock's Barn to Carriboo River, past Ruddick's Mill	5	0	0
Ruddick's Mill to William Graham's	5	0	0
William Graham's to Denson's Farm	5	0	0
Samuel Wilson's to Donald Leslie's	5	0	0
The Town Gut Brook to Taylor's Farm, on the back Road	5	0	0
Taylor's Farm, on the back Road, to Ross'	5	0	0
The Three mile Inn to Carriboo River, by Setach Hill	10	0	0
Duncan Cameron's, W. River, to the Meeting House, Roger's Hill	5	0	0
The Cross Road, Roger's Hill, to the Main Road at Robbly's	5	0	0
The Cross Road, Roger's Hill, to Alexander McKays, Mount Dalhousie	5	0	0
Alexander McKay's, Mount Dalhousie, to the County Line	5	0	0
McKenzie's Mill, past John Logan's, to the Meeting House, Roger's Hill	5	0	0
Hardwood Hill, past Donald Logan's, to the Roger Hill Road	5	0	0
Andrew Munro's, past R. McConnell's, to the River John Road	7	10	0
Donald McKenzie's, Four mile Brook, to the Six mile Brook	5	0	0
The Six mile Brook to the Eight mile Brook, on the new Line	10	0	0
Ritchie's, West River, to the head of the Six mile Brook	5	0	0
The Salt Springs to the head of the West River, east side	7	10	0
The Main Post Road, past Donald McGillivray's, towards McBeath's	5	0	0
John Gass', past Lippencut's, to the West River	5	0	0
The old Mount Tom Road to the back Settlement, at Colin McKenzie's	5	0	0
Angus Graham's, R. Hill, past the Saw Mill, to the Salmon River Road	10	0	0
Melvin's, towards the Cape, past Alex. Forbes'	5	0	0
Ruddick's Mill to the Middle River, on the Cross Road	10	0	0
John Moore's, River John, to Murdoch McKenzie's, (W. Branch)	5	0	0
To Archibald Gunn, to pay for erecting a Bridge over the Six mile Brook	6	10	0
From the Meeting House, Roger's Hill, to the West branch R. John	7	10	0
The West Branch River John to the County Line, Earl Town Road	10	0	0
The West Branch River John, past Duncan Campbell's	5	0	0
Samuel Ross', Mount Dalhousie, to George Grant's	5	0	0
The Six mile Brook, past Adam McDonald's, through New Knock	5	0	0
Big Carriboo River Bridge to the mouth of the River	5	0	0
Hardwood Hill, past R. McKay's, to Robert McConnell's	5	0	0
William McDonald's, head of West River, to Widow Stewart's	5	0	0
Roger's Hill to Mount Dalhousie, at Alex. McKay's	5	0	0
McRae's Mill, past R. Short's, to Widow Stewart's	5	0	0
McRae's Mill, past Alex. Fraser's, to the back Settlements	5	0	0
Ten mile Bridge, W. River, to the Middle River, on the new Line	20	0	0
New Glasgow to Sutherland's River	10	0	0
New Glasgow to the Marsh, past William McDonald's	10	0	0
Fisher's Grant to Patterson's Mills, Little Harbour	7	10	0
Patterson's Mills, Little Harbour, to the Pine Tree Gut	7	10	0
Little Harbour to New Glasgow, by the Mountain	5	0	0
The Church at McLellan's Mountain to Webster's	5	0	0
Webster's to Saint Mary's, by the Garden of Eden	20	0	0
W. McKay's, McLellan's Brook, to the McGregor's	5	0	0
Robertson's Mill to McLellan's Brook	5	0	0
Robertson's Mill to the School House, old Road	5	0	0
To John Fraser, Esq. to pay for the erection of a Bridge over McLellan's Brook, carried away in 1839	27	0	0

To

APPENDIX No. 72.

To Hugh Fraser, to pay for a Bridge built at his place in 1839	£10	0	0
James Fraser, to pay for a Bridge built at east branch Meeting House	15	0	0
Donald McDonald, to pay for a Bridge built at James Fraser's, Ogg	15	0	0
Alex. Grant, Miller, to pay for a Bridge built over the East Branch	32	4	0
From Grant's Mill to the West Branch, on the new Line	10	0	0
Grant's Mill to Hood's, by William McKenzie's	5	0	0
Fraser's Mill to the County Line, towards St. Mary's	10	0	0
Thomson's to the head of the East Branch, east side	5	0	0
James McDonald's to the St. Mary's Road, by Sutherland's Mountain	5	0	0
McPhee's Shop to Blanchard's Road, by John McKay's	7	10	0
Grant's Bridge, up the west side of the East Branch	5	0	0
The West Branch Church to Cameron's, head of River	10	0	0
Chisholm's to Gordon's, east side West Branch	5	0	0
West Branch Road, by the Big Brook, to the Middle River	5	0	0
Barcklay's, W. Branch, to Middle River, by the new Line	7	10	0
The Cross Roads at Alexander Fraser's to Russell's, rear of Wilkin's Grant	7	0	0
To Alex. Fraser, to pay in part for an 'over-expenditure on the Bridge at the Middle River Meeting House in 1839	30	0	0
From Fraser's Point to New Glasgow Bridge	20	0	0
The Albion Mines to the Meeting House, West Branch, and to pay an over-expenditure thereon in 1839 of £23 12s.	30	0	0
The Meeting House M. River to John Marshall's, on the new Line	5	0	0
Fisher's Grant to New Glasgow	10	0	0
Fraser's Point to Joseph Begg's	5	0	0
	<hr/>		
	£1000	0	0

RESOLVED, That the sum of One Thousand Three Hundred Pounds granted for the Road and Bridge service in the County of Cumberland, be divided as follows :—

From the Post Road to the Salt Springs, Spring Hill	£13	0	0
Fillmore's Mill to Dewer's	10	0	0
The Mouth of Little River Road to Brownel's Ferry	9	0	0
Widow Forshner's to Chandler's Mill	10	0	0
William Angevine's to Wallace Harbor	10	0	0
William Angevine's to the new Bridge	5	0	0
Widow Forshner's to Daniel King's	8	0	0
Little River Road near Chipman's	9	0	0
Goose River to Leicester	6	0	0
Leceister to River Philip	6	0	0
J. Brownel's to Robert Brownel's	9	0	0
Henry Smith's to Skinner's Bridge	15	0	0
Martin Hunter's to Shinimicas Bridge	11	0	0
Rober Harrison's to Wallace Road	10	0	0
George Wells' to Palmer's Point	14	0	0
F. Bergman's to Pugwash	5	0	0
Pugwash to the Gulf Road	9	0	0
C. Oxley's to Wallace Bridge	6	0	0
Caleb Horton's to the North Shore Road	10	0	0
J. Purdy's to S. Web's £10, Web's to Beebee's £7	17	0	0
Caleb Horton's to the Main Road	5	0	0
White's Shipyard to River Philip Bridge	14	0	0
Wilson's Mill to A. Colter's £3, A. Colter's to H. Bell's £7	10	0	0
Cyprian Stevens' to Gray's Road	10	0	0
			From

APPENDIX No. 72.

From Methodist Chapel to Henry Purdy's, Malagash	£10	0	0
Maxwell's to Collingwood Oxley's	14	0	0
Major King's to White's Shipyard	14	0	0
Tuttle's to the Gulf Shore	6	0	0
Widow Taylor's to Ralph Hodgson's	6	0	0
Bland's to Rindress'	6	0	0
Dewer's to John Waugh's	20	0	0
Dewer's to Malagash £5, and £5 not expended last year	10	0	0
Widow Webb's to Isaac Rushton's	6	0	0
Fillmore's to James Ryan's	5	0	0
Palmer's to Teed's Meadow	10	0	0
Jasper Fulton to Steven's Mill	5	0	0
Little Road to Spencer's Bridge	10	0	0
Spencer's Bridge to the Post Road	9	0	0
Fountain's to Castlereagh	5	0	0
Tate's to Moore's	8	0	0
Sutherland's to Portique	5	0	0
Henry Teed's to Mattital's Lake	9	0	0
Teed's Hill to the East Branch	6	0	0
Beebee's to New Annan	5	0	0
Pugwash River to the Post Road West of Stuart's	5	0	0
River Philip Bridge at Dickson's over expenditure	16	0	0
Bridge over Wallace River near Angevine's	45	0	0
Tuttle's to Martin King's	5	0	0
Martin Hunter's to Black Ferry	15	0	0
Montrose to Ryan's by O'Brien's	5	0	0
North Shore to the Methodist Chapel, Malagash	15	0	0
Wallace River to new Annan by Swallow's	5	0	0
James Purdy's to Abraham Rushton's	5	0	0
Robert Harrison's clear through Newton	5	0	0
Joseph Kerr's by Hurd's, to the Six mile Road	10	0	0
Six Mile Road to K. McKenzie's by Colter's	5	0	0
North Shore on the line between W. Smith and McLane	5	0	0
Brownel's Ferry, by Cooper's, to Goose River	6	0	0
Chandler's Mill to River Philip	8	0	0
the Methodist Chapel, Malagash, to Abner Smith's	6	0	0
Leciester to Duck Creek near Dixon's	8	0	0
On four mile of Leciester Road near Black Ferry	5	0	0
For the Bridge at David's, Fox Harbor	10	0	0
From Folley Lake to the Methodist Chapel	4	0	0
Jacob Purdy over expenditure	5	0	0
Goose River Road to R. Brownel's by Angus'	7	0	0
To finish River Philip Bridge near Dixon's	8	0	0
For Black River Road	6	0	0
Wallace Bridge at Rindress'	12	0	0
To explore and survey the Road from Oxley's to Economy	5	0	0
From Minudie to the South Joggin, Lower Cove	25	0	0
Main Road to the River Hebert by Hoig's	25	0	0
Over expenditure James Shipley	14	15	0
From Wood's down Maccan by Sharp's to Seaman's	10	0	0
Joseph Keiver's to Calvin Bent's	10	0	0
Amos Trueman's to John Oxley's	25	0	0
Lewis K. Purdy's through Porter Town	5	0	0
James Chapel's past Toby's Mills to Tindal's	19	0	0
Ragged Reef to River Hebert	7	0	0
			From

APPENDIX No. 72.

From Herritt's to the Little Forks Bridge	£10	0	0
Herritt's to the Salt Springs	12	0	0
Peter Nelson's to Spring Hill	5	0	0
John Stewart's through the Fork Settlement	20	0	0
Forks to Cobequid Road by Goold's	5	0	0
Main Road near on the new line to Kerwin's	7	0	0
Daniel Casey's to the Post Road near J. Bent's	12	0	0
Maccan towards the Five Islands	10	0	0
Maccan towards the River Philip, to G. Smith's Road	15	0	0
Oxley's to G. Smith's Road	7	0	0
West Brook to River Hebert	7	10	0
George Atkinson to Caleb Lewis's Farm	15	0	0
Furlong's to James Scot's and repairs on Maccan Bridge	20	0	0
Robert Pugsley's to the head of Rivert Hebert	6	0	0
Abiteau towards Fort Lawrence on the Marsh	36	0	0
John Oxley's towards Chapel's, £20 not to be expended till a survey is made of the Road and approved of by the Court of Sessions	20	0	0
J. Oxley's to the mouth of Little Road	7	10	0
For the alteration at Ripley's Hill, Maccan	12	5	0
From Patridge Island to J. Scot's and for over expenditure of last year	37	0	0
Jeffer's Lake to Caleb Lewis' Farm	18	0	0
Fifes' to Cranberry Lake	7	0	0
Caleb Lewis to William Shidmore's	7	10	0
Methodist Chapel by Dickinson's to D. Lockhart's	6	0	0
G. Butler's towards Cranberry Lake	12	0	0
The Church by Newcombe's to D. Lockhart's	6	0	0
From Swan Creek to Moose River	15	0	0
Moose River to Harrington's River	20	0	0
Henry Jeffer's to Black Rock	7	0	0
Henry Jeffer's to Tate's Mill	20	0	0
Cumberland Road to Ramshead River	15	0	0
Ramshead River to Ratchford's River	10	0	0
Ratchford's River to Frances Fraser's	10	0	0
Francis Fraser's to Spicer's	15	0	0
R. Spicer's to George Knolton's	21	0	0
Advocate Harbour to Three Sisters	8	0	0
Grant's to Apple River	8	0	0
Diligent River by Cannon's to J. York's	7	0	0
The Union Meeting House by Harrison's to Sand River	16	0	0
David Smith's towards E. Welton's	8	0	0
Hugh's Farm over the Mountain by Woods	8	0	0
John Lockhart's to Gallagher's	6	0	0
The Two Islands Road past R. Gibson's	7	0	0
Henry Morris' through Allen Settlement	7	0	0
George Newcome's to Swan Creek	7	5	0

£1310 0 0

N. B. The sum of £10, is included in the above not expended last year

RESOLVED, That the sum of One Thousand Four Hundred and Fifty Pounds granted for the service of Roads and Bridges in the County of Hants, be applied as follows :

From Halifax County line to Windsor	£100	0	0
Avon Bridge to Manning's	40	0	0
Chester Road	50	0	0
			County

APPENDIX No. 72.

County line to Nelson's Beaver Bank Road	£50	0	0
Nelson's to Isaac Whittear's	30	0	0
From Isaac Whittear's to Kennetcook River	15	0	0
Kennetcook River to Noel	20	0	0
To repair Bridge near Steven's, Rawdon	15	0	0
Edmund Murphy and Jacob Withrow for over expenditure on Barron's Bridge, Rawdon	24	10	0
From Noel to Shubenacadie	10	0	0
To James Mosher for over expenditure on Kennetcook Bridge	4	0	5
pay Samuel Densmore for building a Bridge over Noel River in 1839	12	6	0
aid the Inhabitants of Douglas and Kempt in erecting a Bridge over Tencape River, and to improve the Road between Noel and Pe- tite in addition to £10, to be drawn when certified that £30 sub- scribed has been faithfully expended, granted for the Road be- tween Noel and Tencape 1838	60	0	0
From Hall's Bridge to Nine Mile River Bridge	30	0	0
To erect a Bridge over Nine Mile River at McPhee's	100	0	0
From Nine Mile River Bridge to Henry Blois'	30	0	0
Taggart's to Shubenacadie on Indian Road	20	0	0
Wardrope's to Upton's	10	0	0
Francis McDonald's to Mouth of Shubenacadie	40	0	0
Noel Road to Shubenacadie by Kennetcook	50	0	0
Burton's to Indian Road	10	0	0
Indian Road to Henry Horn's	10	0	0
Indian Road to Caldwell's, in addition to £5 undrawn	5	0	0
Petite to Rainy Cove, in addition to £10 undrawn	15	0	0
Rainy Cove to Shiverree	15	0	0
Shiverree to Newport line	10	0	0
Walton to Cockmagun—to be drawn when satisfactorily certified that the sum of Thirty-nine Pounds subscribed by the Inhabitants has been faithfully expended upon the above road	45	0	0
To pay Messrs. Parker and Salter over expenditure in 1837	5	0	0
For Francis Salter's Road	5	0	0
Ryan's Road at Cockmagun	10	0	0
From Glen's Brook to Kenetcook in addition to £6 undrawn	10	0	0
Mosher's to Noel Road in addition to £10 undrawn	10	0	0
Gore to Carver's Land	10	0	0
Gore Road to James Sandford's by Powell's	15	0	0
Moxon's to Barny Knowles'	10	0	0
For Hibbert Road, £7 10 of which to be expended betwixt Hibbert's and Thompson's Road, Beaver Bank	15	0	0
From Windsor Road to Murphy's, Rawdon, and for alteration from John Dimock's to Windsor Road	30	0	0
For Ridge Road, by Bond's	10	0	0
Alteration from Lake Brook to Isaac Whittear's	25	0	0
From Isaac Whittear's to Nine Mile River road	15	0	0
Murphy's to Rawdon line by Glen's Brook	10	0	0
For alteration at Liswel's Farm, Rawdon	10	0	0
alteration on Ainsly's Road, Douglas	10	0	0
new Road from Henegar's to Noel, in addition to £6 undrawn, when certified that £10 0 0 subscribed has been expended	10	0	0
To pay Richard Smith for over expenditure in 1836	6	17	3
Daniel Wier expended in 1839	10	0	0
erect a Pier under Kenetcook Bridge, near John Cochran's	40	0	0
For alteration through Shubael Parker's Land	35	0	0
			For

APPENDIX No. 72.

For Vaughan's Road	£10	0	0
From Parker's Mill to John Dimock's	10	0	0
Terfry's to Felix Cochran's	15	0	0
Muddy Marsh to Maccan's	10	0	0
George Mosher's to Constantine's	10	0	0
For Causeway near Barron's, Newport	10	0	0
To pay Ezra Forrest for over expenditure on Meander Bridge	15	17	0
From Kenetcook Bridge to Anthony's, by Archibald Smith's	10	0	0
To pay Abner Dimock and Shubael Sweet for over expenditure on Bridge over Hibbert River	10	0	0
For old Ardoise Road and Bridge	12	10	0
Dawson's Road	7	10	0
From John Lockhart's to Baptist Meeting House	5	0	0
For alteration of Road, Wind Mill Hill Windsor, in addition to the sum of £30 undrawn from the Treasury	50	0	0
From Isaac Dewolf's to old Avon Bridge	25	0	0
R. Trenholm's to Metzler's	10	0	0
St. Croix to Josiah Davison's	7	10	0
To open the new Road across the Land of Gabriel and others, in addition to £20 undrawn from the Treasury	30	0	0
For old Post Road from Falmouth Bridge to Horton line	15	0	0
Road from back road Lyon's Mill	10	0	0
Road from back road to Stoddard's Mill	10	0	0
Road from Lime Rock Hill to South end of Half Way River Bridge	10	0	0
From South end of Lower Half-Way River Bridge to Horton line	15	0	0
Mrs. Leaver's, in Newport to Rawdon Road	5	0	0
For Road from Windsor Road to Ponhook, on Starks' Road	5	0	0
From Jacob Withrow's to Gore Road, by Sims'	8	19	4
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	£1450	0	0

RESOLVED, That the sum of One Thousand Three Hundred Pounds granted for the service of Roads and Bridges in King's County, be applied as follows :

HORTON.

On the new road from Windsor via Mount Denson, from where it intersects the old road, near Mason's, to the Western extremity of said road	£100	0	0
On the present Post Road from Half-way River to Stone Bridge	20	0	0
From Daniel Bishop's to Elisha Bishop's	5	0	0
Samuel Beckwith's, on the Bluff Shore Road, to Edward P. Bordan's	12	0	0
Alexander Coils, Easterly, to Post Road	5	0	0
Nictau Road, by Abner Kinnie's, to Jeremiah Kinnie's	10	0	0
Post Road, Westerly, past Jonathan Allen's Farm	5	0	0
David Vaughan's, Westerly, on the Nictau Road, to T. A. Davison's, and to make an alteration	7	0	0
John Reid's to James Vaughan's	5	0	0
Ebenezer Coaldwell's, West, on the new Road leading to the Mountain Road	10	0	0
Martin's Mill to James Coaldwell's, and to complete Martin's Bridge	10	0	0
The Scovill Mountain Road, and the Road past Henry Nowlin's, towards Black River	8	0	0
Wm. McDonald's, on the Nictaux Road, to Dorman's Mill	5	0	0
Dorman's Mill to Eli Griffin's	5	0	0
Judah Bishop's Mill to the back-Canaan Road, and to complete Scovill's Bridge	10	0	0
			From

APPENDIX No. 72.

From T. Martin's to White Rock £5, and from White Rock to Canaan £7	£12	0	0
John Jones', Southerly, on the Sherbrooke Road	30	0	0
Thomas Bishop's to T. Wood's, and to rebuild a Bridge	5	0	0
The Post Road to New Canaan Settlement	8	0	0
Post Road, near Hancock's Farm, to back Canaan Road	8	0	0
Benjamin Moss', west, to Sand Point	8	0	0
Davison's Mill to Thos. A. Davison's—£2 10s. to be expended east of T. Davison's	10	0	0
Ebenezer Miner's to S. Benjamin's	8	0	0
Waistcoat's Shop to S. Dodge's, and to repair a Bridge	5	0	0
Benjamin's Bridge, up the Mountains, to J. Kinnie's	10	0	0
John Lawrence's, Easterly, to Trenholm's, and to rebuild a Bridge	15	0	0
Trenholm's, Easterly, to John Voy's, and to repair Bridge near Cogswell's Mill	8	0	0
For the New Road from Lower Horton to Long Island—£15 to be expended on North end, and £10 on the South of said road	25	0	0
From Lower Horton Bridge, on the new road, Westerly to Wickwire's	50	0	0
To repay this amount expended by D. Wier on the New Mount Denson Road last Fall	10	0	0
Ditto Jonathan Allin for Bridge built on Post Road	1	15	0
To complete the Elderkin Bridge near Kentville, and to repay R. Curry for over-expenditure on the same last year	35	18	4

CORNWALLIS.

From Kentville to Aylesford	50	0	0
Daniel Huntley's to Lower Pero	10	0	0
To complete the alteration at Lyons' hill and through Lyons' farm to the shore	12	0	0
From White Waters to Blowmedon, and to open a new road, Westerly, to Scot's Bay road	10	0	0
Scot's Bay road, by A. Newcomb's, to Pero road	10	0	0
Peter Woodworth's, past Gordon Sanford's, to Split Hollow	5	0	0
Ebn. Bigelow's, past Barss' Creek to the road leading to Split Hollow	5	0	0
Joseph Newcomb's to Scot's Bay	12	0	0
Scot's Bay road, past James Newcomb's, to the Bay	5	0	0
Hugh Kerr's, Easterly by Wood's, to Scot's Bay road, and Northerly to Judah Eaton's	10	0	0
John Newcomb's to L. Woodworth's	6	0	0
Simon Newcomb's to Black Hole, at the Bay Shore	5	0	0
Amos Davison's to Baxter's Harbor, and the road, Westerly, by Rogers'	6	0	0
Wilmot Osbon's, Easterly, to the Baxter Harbor road	5	0	0
Hall's Harbor to Samuel Woodworth's, and to make an alteration from the Harbor upon the Side Hill, and to make alteration by West's	20	0	0
The Hall's Harbor road, Easterly by Tupper's, to the Sheffield Vault, and the Bridge and Vault East of W. North's	10	0	0
Daniel Griffin's, by Rockwell's, up the Mountain	6	0	0
For the road by Brenan's and Murphy's, and the road by John Pearl's	6	0	0
Bentley's, up the Mountain, to Robert Foot's	6	0	0
Robert Foot's to Huntington Point	7	0	0
Huntington Point road, Westerly, to the road passing Barnaby's Mill	6	0	0
Robert Foot's to L. Porters, and by Dunham's to Hall's Harbour, and to alter the Hill	15	0	0
For the Barnaby Mill road to the Bay	5	0	0
From Charles Ilsley's to Black Rock road	6	0	0
The Barnaby Mill road, Westerly, to the Black Rock road near T. White's	7	0	0
The Black Rock road, Easterly by John Cogswell's	6	0	0

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From the Burgess road, Easterly by Bligh's, and the road, Northerly, by Fenesy's	£6	0	0
For the road up the Mountain, by Henry Pelton's, to the Ilsley road	9	0	0
The road from Elkanah Morton's to John Burgess'	5	0	0
The road up the Mountain by Benjamin Burgess', Junr.	6	0	0
From the Black Rock road, Easterly, on the front of the Mountain to the Burgess' road	5	0	0
Brandy Wine road to Joseph Dunham's, to be expended on the South part of the road	10	0	0
James Griffin's to R. Parker's	7	0	0
Graham Bowles' to Thorn Brook road, and to make the alteration to the Methodist Chapel	15	0	0
The Methodist Chapel to Black Rock, and to alter the road up the Mountain Hill by Newcomb's	30	0	0
Black Rock road westerly to John Givan's	7	0	0
For the new Cove road	6	0	0
The road West of Turner's point road by O. H. Cogswell's	5	0	0
The Turner point road	10	0	0
From the Turner point road Easterly past Bardsly's, to the Givan road	6	0	0
The Turner point road by Condon's to the Givan road	6	0	0
George Beckwith's to the road by A. Skinner's	12	0	0
The Givan road Easterly to the Black rock road by Spicer's	6	0	0
The road from Beckwith to Givan's Cove	12	0	0
Aylesford line by A. Woodworth's to Thorn Brook, and from Baptist Meeting House to Spicer's	15	0	0
The main road passing Condon's and Loomer's to the mill road	6	0	0
For the alteration of the road near G. Morton's	5	0	0
From James Shaw's to the Baptist Meeting House	6	0	0
William Pineo's to Abel Parker's	6	0	0
The Post road Southerly by John Tailor's to the Condon road, and the Condon road to Aylesford	8	0	0
The Post road Southerly by Jacob Webster's and Burgess' Land	7	0	0
For the road passing Enoch Condon's Easterly and Westerly	8	0	0
The Annapolis road near Davison's to the road by John Parson's	7	0	0
Thomas Lovett's to the Baptist Meeting House in Bill Town	7	0	0
Little Lake to Tim Barnaby's	6	0	0
The embankment at Town Plat	5	0	0
Town Plat road by Chase's to the Church, and to alter the road by Chase's corner	8	0	0
Aaron Sheffield's to James Harris'	15	0	0
The Gibson road	5	0	0
The alteration up the hollow South of Gesner's Mill Pond	6	0	0
The Post road by A. Webster's to J. Coxes'	5	0	0

AYLESFORD.

For the Post road through Aylesford	50	0	0
From Samuel Parker's on the road to Sherbrook	12	0	0
The Cornwallis Town line on the Canaan road to Wilmot	7	0	0
The Canaan road by Lake George to Sherbrook	10	0	0
For the road through Sherbrook, in King's County, and thence to Aylesford	16	0	0
From the Parker road, Easterly, by L. Palmer's and John Taylor's, to the Post road	10	0	0
The Parker road, Westerly, by Hodges', to the Nicols road	6	0	0
The Nicols road by Jackson's, to the Glebe road	6	0	0
The Jackson road on the South end of the Nicols road, to and on the Canaan road	5	0	0

For

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For the Neily road and the Canaan road	£5	0	0
The road leading from the Neily road by Messenger's to Wilmot line	8	0	0
The Ward road Northerly, by Keaton's Mill to post road	10	0	0
For the Spinney road to the Canaan road	12	0	0
The Glebe road to the Ward road, and for the Ward road to the Spiney road	8	0	0
The South part of the Glebe road from the Ward road to the Canaan road	8	0	0
The Ward road from Glebe road, Easterly, to the Nicols road through Palmer Settlement	10	0	0
From the Post road by Nicols' mill to the Jackson road	15	0	0
The Bishop's road by Willis Foster's	10	0	0
The Post road, on the Bishop's road to the Bay	10	0	0
For the Clermont road to the Bay	12	0	0
From the Clermont road, Easterly, to Mordan road	8	0	0
The Post road on the Mordan road to the Bay, and the road on the Mountain leading Easterly to the Ormsby road, and Westerly to the Clermont road	12	0	0
For the Ormsby road crossing the mountain to the Bay, and the road Easterly on the mountain to the Cornwallis Line	8	0	0
From the Post road on the Ormsby road, and to cut down the hill by West's place	6	0	0
The Cornwallis line on the road leading under the mountain by William Graves' to the Mordan road	7	0	0
The Bishop road by Thomas Tupper's to the Wilmot line	5	0	0
For the road leading from the Ormsby road, Easterly, by Abner Woodworth's, in Cornwallis	12	0	0
The road near John Mager's, Southerly, by Palmer's to the Ward road	6	6	4
	£294	6	8

RESOLVED, That the sum of One Hundred and Forty Pounds out of the sum of Eight Hundred Pounds, granted for the service of Roads and Bridges in the County of Sydney, for the present year, be expended as hereinafter mentioned. The remainder of said sum to be appropriated by His Excellency the Lieutenant-Governor for the Main and Cross Roads of said County.

To pay over expenditure of last year, and complete alteration at Beech Hill on Guysborough Road	£35	0	0
To pay Aaron D. Harrington for over expenditure on Bridge at North River on New Gulf Road expended last year, and to complete alteration at Carter's Hill on said Road	35	0	0
From St. Andrews' Chapel to Pomquet Forks	20	0	0
Up the East side of South River, upon the New Line	18	9	6
Up the West side of South River, upon the New Line	18	0	0
To repay Archibald McPhee the amount expended by him in erecting Bridge at the upper South River last year	8	10	0
To repay Hugh McDonald necessary expenditure on Cape Road last year	5	0	6
	£140	0	0

RESOLVED, That the sum of £250, out of the sum of £800, granted for the service of Roads and Bridges, in the County of Guysborough, during the present Session, be placed at the disposal of His Excellency the Lieutenant-Governor, for the Main and Cross Road and Bridge Service in said County, for the present year, and that the remainder be appropriated as follows:—

From Guysborough, on St. Mary's Road, to Country Harbour Cross Road	£15	0	0
Salmon River Lakes to St. Mary's Road	5	0	0
	From		

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From Guysborough to South-east Pond, at Crow Harbour, and to explore Road	£15	0	0
South-east Pond to Canso	50	0	0
Boylston's to Middle Settlement on the Road to Milford	10	0	0
Said Middle Settlement to Robert Anderson's at Milford	20	0	0
To build a Bridge at Anderson's, on the Cross Road at the Intervale of Guysborough, and to raise embankments at both ends of Fife's Bridge	20	0	0
From the head of Milford Haven, on the old Tracadie Road, and to continue the alteration commenced at the Great Hill thereon	10	0	0
The half-way run on the middle road to Tracadie, as far as the County Line	10	0	0
Pirate Cove to the County Line, above Cape Porcupine	10	0	0
Salmon River to New Harbour	10	0	0
Half-Island Cove to Pleasant River	5	0	0
Charles Archibald's to Hurley's, on the new road	20	0	0
Aikens' through Roman Valley Settlement, on new line to South River	10	0	0
Sherbrooke to the Cross Road below the Forks, to explore Road, and make alteration on Cochran's Hill, on the Main Post Road to Antigonish	70	0	0
Cross Road below the Forks to County Line, on the Post Road to Antigonish	15	0	0
For aiding the Inhabitants to build a Bridge over the branch below College Lake, and to repair the road	10	0	0
From Halifax County Line to the Forks on the new line, by the Mill Samuel Cumming's to West River Road, and to repair Bridge at the Mill	25	0	0
To aid the Inhabitants to build a Bridge over the East Branch at James Cameron's	7	10	0
From Cross Road at McGrath's to Country Harbour Cross Road	15	0	0
Bruce's Lake to Pringle's Brook	5	0	0
Cross Road, Country Harbour, to the South River County Line	5	0	0
Sherbrooke to Ekemsegum	10	0	0
Sherbrooke to the mouth of the River	12	10	0
The mouth of St. Mary's River to Holland's Harbour	5	0	0
Hugh Ross' to John McKenzie's, South side of St. Mary's River	5	0	0
To pay second instalment on the sum of One Thousand Pounds granted for the new road leading through Musquedoboit to St. Mary's, to be paid by instalments by the Counties of Halifax and Guysborough.	150	0	0
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	£550	0	0

RESOLVED, That the sum of One Thousand Pounds appropriated for the service of Roads and Bridges in the County of Annapolis, be applied as follows:

On the road from New Harmony to New Canaan road	£10	0	0
New Canaan road to Phinney's Mills	10	0	0
Stronach road to Margaretville	15	0	0
Alexander Morse's on the new road towards Zebulon Phinney's	15	0	0
The late Captain Ruggles' to the Wilmot Springs	15	0	0
The Wilmot Springs, new road, to Margaretville	35	0	0
John Langley's to Gates' Wharf	15	0	0
Gates's Wharf to Handley's Mountain	15	0	0
John Copley's to the Gates' Brakewater	20	0	0

On

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On the Road and Bridge No. 5, to Sheep Share Brook	£10	0	0
from Handly Mountain road round Elliot's Lake	15	0	0
Nictaux to Foster's new road	40	0	0
To continue a piece of new road through New Albany	15	0	0
Repair Shannon Bridge and Dalhousie road	20	0	0
For repairing Grinton road	15	0	0
On the road from Lunenburgh road to Pleasant Lake	10	0	0
Liverpool road from the Cross South	30	0	0
Lunenburgh road from the Cross to New Germany	30	0	0
Dalhousie road beginning at King's County Line	15	0	0
Peter Moore's to the Dalhousie Settlement	20	0	0
The School House, Back Settlement, to Marshall's Cove	20	0	0
Asaph Bent's to Margaretville	10	0	0
Waldeck Line to Bear River Bridge, Trimper road	25	0	0
Waldeck Line to Hessian Line, by Chute's	10	0	0
Moose River Bridge to Hessian Line	10	0	0
General's Bridge to Mott's Shelburne road	15	0	0
Earon's to Perott, Dalhousie Settlement	15	0	0
Perott to Andrew Ritchie's	20	0	0
Andrew Ritchie's to Moore road	10	0	0
For the Ramsay road	5	0	0
Bridge and Hill at Samuel Harris'	8	0	0
Perott Road, south of Ten Mile River	10	0	0
Moore Cross Road	15	0	0
Beal's Cross road	10	0	0
Five Pounds in addition to Five Pounds granted last Session, and not drawn, for repairing the bridge at Samuel Chipman's	5	0	0
To repair Eager's Bridge	15	0	0
On the Lunenburgh road by Samuel Wheelock's	10	0	0
To repair the bridge at Allan's River	30	0	0
bridge and hill at Joseph Daniel's	10	0	0
For the Waldeck road, West side of Moose River	10	0	0
Waldeck road, East side of Moose River	7	0	0
On the road from Eason's to Liverpool head	40	0	0
Liverpool head to Queen's County Line	60	0	0
Cross road between Wilmot and Granville	10	0	0
James Cross road from the limits of Bridgetown to the lake at the top of the mountain	25	0	0
James Cross road from the lake at the top of the mountain to the shore road	20	0	0
Chute Cross road from the foot of the mountain to the shore road	15	0	0
Phinney Cross road from the top of the mountain to the shore road	10	0	0
Young Cross road from the foot of the mountain to the shore road	15	0	0
Galliat Cross road from the foot of the mountain to the shore road	15	0	0
Johnston Cross road from the main road to the top of the mountain	15	0	0
M'Kenzie Cross road from the foot of the mountain to the shore road	15	0	0
Lamberon Cross road from main road to the road over the mountain	10	0	0
Road from James Johnson's to the Duke of York's Battery	10	0	0
Ten Pounds in addition to £5 granted last Session, and not drawn, on the bridge and hill east of Quinling's mill main road	10	0	0
From the Phinney Cross road east to the Chute cross road—first road over the mountain—	10	0	0
From Handley Chute's to Wright's Brook shore road	10	0	0
For repairing the Bridge by Theodore Hill's shore road	10	0	0
On the Messenger Cross Road from shore road to the road over the mountain	5	0	0
Road over the mountain from B. Rumrey's west to the Lance's cross road	10	0	0

APPENDIX No. 72.

On the Shore road from the Young Cross road to the westward	£5	0	0
Shore road from the Young Cross road to the eastward	5	0	0
Shore road from John M'Call's to Samuel Turner's £5—and from thence to John Quereau's line £5 to cut out the same	10	0	0
To build a Bridge over the Robblie Brook, shore road	15	0	0
For repairing the Bridge at Bridgetown	10	0	0
	£1000	0	0

RESOLVED, That the sum of One Thousand Pounds, granted for the service of Roads and Bridges in the County of Digby, in the year 1840, be applied as follow:

For improving the Road through Long Island to West Port	£30	0	0
Building a Bridge over the North East Cove, leading to Dartmouth Settlement	10	0	0
From little River to Petite Passage	30	0	0
Sandy Cove to Little River	20	0	0
Hutchinson's to Stephen Nichol's Farm	20	0	0
Donald Ross' to Gulliver's Hole, East side	10	0	0
John McKay's to Doolay's	10	0	0
Hines' to Thorne's Bridge	15	0	0
Robinson's Barn to Baxter's Farm	20	0	0
Balcomb's Bridge to Cross Road	10	0	0
Bow's Clearing to James Dailay's Farm	10	0	0
Fishing Beach to Turner's Bridge	8	0	0
Turner's Bridge to William Vantassel's	15	0	0
For securing the Road from Racket Bridge to Wright's securing the Road leading to the Battery Point	20	0	0
opening the Road from St. Mary's to Gulliver's Hole Road	10	0	0
25	0	0	
From Bear River Ferry to Jones' Bridge, Post Road	25	0	0
Bear River Ferry to Harriss' Brook	10	0	0
For repairing the road from Bear River Bridge to Rice's Mill	10	0	0
From Francis Selome's to Lake Hill Settlement	10	0	0
For repairing the Bridge and Road from A. Hardwick's, in District No. 42	15	0	0
Repairing Bear River Bridge, West side, and road to John Barr's	15	0	0
From Beamer Chuit's to Township line	20	0	0
The Cross Road to Oakes' Barn	25	0	0
Joseph Winchester's to back road	10	0	0
John Roop's to Warne's Farm	10	0	0
Blin's to Dowlin's Farm	10	0	0
Stephen Bacon's to James Hainse's	8	0	0
South Range Cross Road to Vanember's	10	0	0
For repairing the South Range Cross Road	20	0	0
From Joseph Thomas' to J. Buskirk's	10	0	0
For repairing the North Range Cross Road	20	0	0
Repairing the road from North Range Road to the Clark Settlement	8	0	0
Completing the Bridge over McConnel's Brook	15	0	0
This sum, in addition to Ten Pounds of the grant of last year and undrawn, for the road from Post Road to Brooks' Farm in District No. 45	10	0	0
From Woodow's to Melanson's Cross Road	20	0	0
Sissiboo new Bridge to the Township line road	15	0	0
Sissiboo old Bridge, on the South side of the River, to the Falls	15	0	0
For repairing the Little Joggin Bridge	15	0	0
For Repairing the road leading to the Duck Pond Settlement	10	0	0
From the South Range Cross Road, Eastwardly, to Hillsborough	15	0	0
			From

APPENDIX No. 72.

From the lower end of Zeigler's Settlement to Sissiboo River	£16	0	0
Yarmouth line to J. Porter's Mill	10	0	0
Josiah Porter's Mill to Gabriel Deveau's	10	0	0
Archangel Deveau's to Malkahy's	10	0	0
For repairing Salmon River Bridge	10	0	0
Repairing Jesse Oak's line road	10	0	0
Repairing the Bridge on the line by Francis Terriau's	10	0	0
Repairing Meteghon River Bridge	10	0	0
Repairing the road by Maximin Comeau's line	10	0	0
From Matthurine Comeau's road to Joseph Deveau's	15	0	0
For the road by Peter Saulnier's line	10	0	0
The road by Peter Comeau's line	10	0	0
The road by Bonenfant's line	10	0	0
Repairing the Great Road between the first and second locations	10	0	0
Repairing the road by Placide le Blanc line	15	0	0
Repairing the Township line road	30	0	0
From Patrick Nowland's to Hill's Settlement	10	0	0
Corberi Road to Amirault's Settlement	10	0	0
Grosse Coque's to Corberi Settlement	25	0	0
Corberi to Patrick Thibodeau's	60	0	0
Township line to Meteghon River	30	0	0
Meteghon River to F. A. Robichau's Farm	50	0	0
For repairing the road on the Yarmouth Township line, from the Main Road to the Shore	5	0	0
	<u>5</u>	<u>0</u>	<u>0</u>
	£1000	0	0

RESOLVED, That the sum of One Thousand Pounds, granted for the service of Roads and Bridges, in the County of Yarmouth, be applied as follows:—

From Churchill's Mill to Widow Sulivan's	£20	0	0
Beaver River to Sander's Bridge	10	0	0
Starr's to Vickery's	20	0	0
John Pitman's to Chebogue Road	20	0	0
Salmon River to Jacob Tedford's	10	0	0
George Terfry's to Ballam's	10	0	0
Salmon River to Tusket Village	10	0	0
Lent's to the Roman Chapel, in addition to £5 0 0, unexpended last year	5	0	0
Roman Chapel to Abuptic River	10	0	0
Abuptic River to John Ryder's	10	0	0
John Ryder's to Walter Larkin's	10	0	0
Walter Larkin's to Still Water	10	0	0
Beaver River to Crosby's Mill	15	0	0
Crosby's Mill to Lake George Road	15	0	0
Samuel Hilton's to Pleasant Valley	75	0	0
Isaiah Crosby's, Junr., up the East side of Lake George	10	0	0
Richard Corning's to the Lake George Road	20	0	0
Main Post Road to Manassah Cook's	15	0	0
William Thurston's to Foot's Cove	15	0	0
Widow Shaw's to the Dyke	10	0	0
the Dyke to Samuel Foot's	10	0	0
Yarmouth line to Phineas Allen's	50	0	0
Pleasant Valley to Bathune's Mill	20	0	0
Pleasant Valley to Reynard's Mill	10	0	0
			From

APPENDIX No. 72.

From Reynard's Mill to Tusket Village	£5	0	0
James Wyman's, up Salmon River to Moods	15	0	0
Richard Smith's to Pinkney's Point, and to pay over expenditure on the Bridge	10	0	0
Little River to the Salt Pond	10	0	0
Porter's Mill up the East Side of Salmon River	15	0	0
Nathaniel Churchill's to Halstead's	100	0	0
Edmund Crawley's to the Old Kemptville Road	30	0	0
On the road around the East side of Cedar Lake	10	0	0
To repair John Gavel, Jun.'s, road	10	0	0
From Abraham Lent's down the West Side of Tusket River, and over the Pas du Pree	10	0	0
John B. Muse's to the Main Road	20	0	0
Plymouth along the Yarmouth line to ——— Earl's	45	0	0
To repair the road down the West side of Abraham's river	10	0	0
From Eel Lake to the Forks	20	0	0
Joseph J. Porter's to Robert's Island, and to repair the roads on Robert's Island	20	0	0
Goodwin's to McKinnon's Point, and to repair the road across the narrows	15	0	0
Ricker's Brook to the main road	15	0	0
To repair the road up the East side of Eel Lake	20	0	0
From John Spinney's to D'Eons	10	0	0
To repair Lewis D'Entremont's road	10	0	0
From Joseph Ameroult's to Lobster Bay	20	0	0
John D'Entremont's to Philip D'Entremont's	10	0	0
Charles Ameroult's to Barrington line	10	0	0
Simon D'Entremont's to Barrington Road	30	0	0
To repair the Road round Train's Hill	10	0	0
From Stephen Larkin's to Elijah Pinkney's	10	0	0
Amaible Boudrou's to Tusket Wedge Point	10	0	0
To finish the Bridge over Tusket River at Kemptville, and to repair the road from thence to Pearl's meadow	25	0	0
From the Court House at Tusket to the Parade	10	0	0
John Burke's up the West side of Eel Lake	45	0	0
Philip D'Entremont's to Pubnico Point	10	0	0
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	£1000	0	0

RESOLVED, That the sum of One Thousand Pounds granted for the service of Roads and Bridges in the County of Shelburne, be applied as follows :

GREAT ROADS.

From Still Water to Allan Smith's	£50	0	0
Barrington Bridge to Clyde River	90	0	0
Clyde River to Beaver Dam, and to repay 11s. 3d. over expenditure last year, and £3 granted for Lands, but expended on the road	25	0	0
Beaver Dam to Shelburne	50	0	0
For Bridge over Jordan River, and to repair Road from Jordan River to Shelburne	110	0	0
From Jordan River to Sable River	50	0	0
Sable River to Eastern Bounds of County	15	0	0
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	£390	0	0

CROSS ROADS IN TOWNSHIP OF SHELBURNE.

From Benjamin Perry's to Solomon Smith's	20	0	0
			From

APPENDIX No. 72.

From Peter Perry's to Round Bay Bridge	£5	0	0
Carleton Village to William Doane's	8	0	0
Post Road to Hamilton's, Clyde River	10	0	0
Shelburne to Bower's Bridge	10	0	0
Bower's Bridge to Long Island Lake	25	0	0
Long Island Bridge to William Ryer's	10	0	0
Do do Upper Bridge to Thomas Jones', including the building of said Bridge	25	0	0
Main Post Road to New Cambria	6	0	0
New Cambria to Upper Clyde, including the building of two Bridges at Hemlock Island and R. McKay's	25	0	0
Main Post Road to Samuel McLahais'	8	0	0
Charles Thomson's to Jordan Bay	10	0	0
Joseph Holden's to North West Branch at Jordan River, and to build two Bridges on said road	15	0	0
Jordan River to Green's Harbour	12	0	0
Green's Harbour to Ragged Island Bay	8	0	0
John Doll's to Shelburne Road	6	0	0
Richard Wall's to Little Harbour	12	0	0
Little Harbour to Edward Dunn's	12	0	0
Richard Wall's to Sable River	20	0	0
William Lathan's to Donald McAdam's	8	0	0
Hugh Houston's to Lloyd's Creek	12	0	0
Sable River to Port le Bear	18	0	0
John McDonald's to the Post Road at the head of Port le Bear	12	0	0
Daniel Matthews' to George Harding's, Ragged Islands	5	0	0
Shelburne Road to Freeman Crowell's	10	0	0

CROSS ROADS IN TOWNSHIP OF BARRINGTON.

From Post Road to Alexander Hogg's, on West side Clyde River	10	0	0
Shelburne Road to Clam Creek, and to re-build Clam Creek Bidge, and £5 to be laid out on the road from Reuben Swani's to Blanch Point	65	0	0
To build a Bridge over North West Creek and to repair the road from Samuel Snow's to Baker's Run	70	0	0
From Neil's Brook to Wood's Harbour	35	0	0
Levi Nickerson's to Levi Crowell's	10	0	0
John Lyon's to West line of Township	10	0	0
For new road from Shag Harbour to John Crowell's	48	0	0
From Samuel Trott's to Amos Brooks'	30	0	0
Michael Swims' to Nehemiah Crowell's	10	0	0
To re-build Old Mill Stream Bridges	10	0	0

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RESOLVED, That the sum of One Thousand Pounds, appropriated for the service of Roads and Bridges within Queen's County, be expended as follows:—

From Lunenburg County line to Liverpool	£40	0	0
Liverpool to Port Jolie	30	0	0
Port Jolie to Shelburne line	20	0	0
Mills Village to Port Medway	15	0	0
Solomon's to Port Medway	35	0	0
South West Main Road to Beach Meadows	10	0	0
Mills Village to Greenfield, up the River	20	0	0
Western Head to Liverpool	20	0	0

APPENDIX No. 72.

From Liverpool to White Point	£20	0	0	
White Point to Hunt's Point	5	0	0	
Hunt's Point to Main Post Road	7	10	0	
Port Mutton to Little Port Jolie	20	0	0	
Port L'Herbert from John McDonald's to Stewart's	15	0	0	
Post Road to Sandy Bay	15	0	0	
Post Road to McIntosh's, Port Jolie	7	10	0	
Beach Meadow road	10	0	0	
White Point road to Gull Islands	5	0	0	
Herring Cove to Corkum's	7	10	0	
Milton to Randall's Settlement	5	0	0	
Main road to Great Hill	5	0	0	
Sandy Cove to Dean Annis'	5	0	0	
Road across Western Head	5	0	0	
Milton Bridge to Widow Whitman's	5	0	0	
Courie's Tanyard to Milton	27	0	4	
To repay money advanced under Act	90	0	0	
Do. over-expenditure on Milton road, &c.	51	6	8	
Do. over-expenditure on Main Road to Annapolis	42	10	0	
Cost of survey of same road	6	13	0	
Road from Bristol to Milton	} These two sums to be expended by Tender and Contract.	75	0	0
Do. from Milton to Middlefield		200	0	0
Road from Middlefield to Greenfield		20	0	0
From Greenfield to Wellington		10	0	0
Buckfield to Long Lake, Lunenburg County		7	10	0
Hibernia, from the Main Road to the Cross		8	0	9
Caledonia, from John Douglas' to B. Christopher's		40	0	0
George Freeman's to Scott's		10	0	0
Devonshire, on the South road, to Payzant's Grant		10	0	0
For the Mount Merit Road		5	0	0
New Albany Road		5	0	0
Pleasant Route Road		5	0	0
Grafton Road		5	0	0
From Brookfield towards Annis' by Cameron's		5	0	0
For the Kempt Road from David Minard's to County line		9	0	0
From Westfield to McGowen's		7	10	0
Rosette West Branch to complete Bridge		5	0	0
Cross Road, by Carder, to Pleasant River Road		8	0	0
Chelsea Road, by Thomas Bryden's		5	0	0
For the Northfield Road		15	0	0
		£1000	0	0

RESOLVED, That the sum of One Thousand Two Hundred Pounds granted for the service of Roads and Bridges in the County of Lunenburg, be applied as follows :

From Pernet's Ferry to Leonard Beek's	£20	0	0
Sandy Hollow to Kedy's Bridge, Mahone Bay	20	0	0
Kedy's Bridge to Martin's River	15	0	0
Rouche's Brook through Garden Lots, to George Mirah's	50	0	0
Town of Lunenburg to Leonard Young's	40	0	0
Leonard Young's to Block House	20	0	0
Block House to Robar's Mill	15	0	0
Robar's Mill to Peter Lant's	20	0	0
Peter Lant's to New Germany	20	0	0
Leonard Young's to John Langilles'	25	0	0
			From

APPENDIX No. 72.

From John Langilles' to Hirtle's Mills	£15	0	0
Hirtle's Mills to George Hirtle's	20	0	0
George Hirtle's to New Germany	20	0	0
New Germany to Grinton Settlement	20	0	0
North West Street to James Vieno's 300 acre Lot	20	0	0
Clear Land to Sherbrooke Settlement	15	0	0
Melchoir Zwicker's to Mahone Bay	15	0	0
Block House to Mahone Bay	10	0	0
Meeting House, North West to Casper Kaulback's and outwards	15	0	0
New Germany road to George Slaughenwhite's	10	0	0
Annapolis road to James Flemming's and James Morton's	5	0	0
Henry Delong's to James Morton's	5	0	0
To pay Nelson Chesley for building a Bridge in 1839, across LaHave River near New Germany	46	10	0
For Building a Bridge across the River at New Germany	10	0	0
From Mulloch's to Nicholas Krause's and outwards	15	0	0
John Silver's to LaHave River	10	0	0
Silver's Road to Peter Eichel's	10	0	0
Acker's Mills to Rose Bay	15	0	0
Cross Road, Rose Bay to LaHave	7	10	0
Rose Bay to Abraham Mossman's, Kingsburg	7	10	0
South to Rose Bay	7	10	0
North West Street to John Demon's	7	10	0
John Demon's to Jacob Westhayer's	7	10	0
Maitland Street, through John George Vieno's 300 acre Lot	7	10	0
LaHave road to Jacob Kaulback's	7	10	0
Nicholas Mader's N. W. Street, to George Slaughenwhite's 300 acre Lot	16	0	0
Martin's River to Gold River	15	0	0
New Road from Hyde's Corner towards Chester, and to cut Down Hill at Joseph Corcum's	20	0	0
From Francis Vaughan's to Green Card's	25	0	0
Francis Vaughan's to Chester	20	0	0
Windsor road at Card's Lake to Sherbrooke	20	0	0
Middle River to John Webber's	20	0	0
West side of Gold River to Rafuse's Farm	10	0	0
Chester Basin to Lantz's Grant	20	0	0
Lantz's Grant to Sherbrooke, and to pay over expenditure on Rose Bank Bridge £8 9s.	58	9	0
Church at Sherbrooke to Dalhousie, and avoid Hills and connect Aylesford Road	30	0	0
Church at Sherbrooke to Kentville	20	0	0
Sherbrooke Road to John Boyle's Mill	6	11	0
Hubbart's Cove to South West Harbour	15	0	0
Halifax Road to Blandford	20	0	0
Windsor Road to New Canaan	10	0	0
Millett's Farm	5	0	0
Henry Schweinhammer's	10	0	0
Queen's County line to Petit Rivere	25	0	0
Petit Rivere to Pernet's Ferry	20	0	0
LaHave Bridge to Conquerall Road	15	0	0
Conquerall Road to Reverend Mr. Week's	10	0	0
Reverend Mr. Weeks's to Petit Rivere, New Dublin Shore	20	0	0
Krauses' Mills to Brady's Corner	10	0	0
Brady's Corner to Conquerall	15	0	0
			From

APPENDIX Nos. 72, 73.

From LaHave Bridge to John Fancy's, Pleasant River Road	£50	0	0
John Fancy's to Pleasant River	30	0	0
Pleasant River Road to Chelsea	10	0	0
George M. Fancy's to Western Branch	15	0	0
LaHave River to Conquerall	15	0	0
Conquerall to Camperdown	10	0	0
Camperdown to Emino's Farm	5	0	0
Pleasant River Road to Lapland	10	0	0
Pleasant River Road to George Wile's	10	0	0
George Himmelman's to George Rhodenhausers	10	0	0
To pay W. S. Morris expenses of survey on Main Post Road to Queen's County line	5	0	0
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	1200	0	0

No. 73.

(See Page 796.)

THE PROVINCE OF NOVA-SCOTIA

TO JOHN HOWE & SON, DR.

1839.			
Jan. 24.	To 200 Extra Copies of Despatches	£3	10 0
	24 Do. do. Council's Regulations	1	0 0
	500 Copies of Notice to Magistrates, 10s.	2	10 0
Feb. 19.	100 Ditto Temperance Circulars	1	5 0
	100 Ditto Reports respecting New Eastern Road	3	0 0
	50 Ditto (by order of Council) of proceedings of Mission to Canada	3	15 0
27.	Advertising Annapolis Representation Bill	0	15 0
Mrh. 9.	30 Copies of Resolutions proposed in Council	1	10 0
13.	Advertising Bill respecting Annapolis Jail	1	5 0
	do. do. widening Halifax Streets	0	15 0
Apl. 3.	" Titles to Acts, 2 cols. 35s.	3	10 0
	" Registry of Votes Bill	2	12 6
May 1.	" Acts, 35 cols. 35s.	61	5 0
	" Proclamation respecting outrages at Guysborough Continued 6 weeks, 18s. 100 large Handbills, 20s.	0	15 0
8.	36 Quires Bonds, Commissions, Instructions, &c. 8s.	14	8 0
	10 Ditto Road Bonds, 7s. 6d.	3	15 0
17.	40 Copies Miré Grant Act	1	0 0
22.	Advertising Road Commissioners, 2 cols. 35s.	3	10 0
	Journals of Council, 23 Sheets at £5 per Sheet	115	0 0
	Laws 12½ do. do.	62	10 0
	Journals of Assembly, 46½ do. do.	232	10 0
	50 Extra Copies, per agreement	25	0 0
	Printing Laws on Folio Post for transmission to England	25	0 0
	Ditto do. 1838, omitted in account rendered last year	25	0 0
	Paid Mr. Belcher for Binding	10	0 0
		<hr/>	
		606	18 6
	CR.		
	Received from Treasury	350	0 0
		<hr/>	
		£256	18 6

No.

The Committee to whom was referred the Petition of Joseph Read, of Minudie, in the County of Cumberland, praying inquiry into the circumstances attending the Sale of certain Lands and Grindstone Quarries, on the Joggin Shore, and the re-investment of said Property in the Crown, by a Suit in the Supreme Court, beg leave to Report :

That they have carefully examined the Papers referred to them, and heard such evidence as could be obtained, from which it appears that after Read and several other persons had been working the Reefs for some time, attempts were made to obtain a title, but the other parties declining to go beyond the upset price, Read became the purchaser of the Upland and the Reefs, under the authority of the Government, and was subsequently promised a Grant of the same by His Excellency the Lieutenant-Governor—Read appears to have paid the whole purchase Money, besides about £8 paid to the Deputy Commissioner, which had not been remitted to the head of the Department.

The Grounds upon which the Grant were afterwards refused, appear to have been a presumed collusion between Read and the Deputy Commissioner, founded upon the signature of the latter appearing to a Bond, given by Read to one O'Regan to prevent competition, and also upon representation made that the Property had been disposed of for a price greatly beneath its value. After a minute examination of the Bond, the Committee, though they regret that the Deputy Commissioner should have put his signature to it as a Witness, are most reluctant to believe that there had been any direct collusion or fraudulent design, which ought to bar Read's claim ; and although the Committee believe that the whole of the Minudie Reefs, if properly managed, might have become a valuable Public Property, and regret that by far the largest portion had previously been granted, yet they cannot but view the case of Read as an extremely hard one, and must recommend it to the favourable consideration of the House. The purchase was evidently made under existing regulations, with all which Read complied—that the faith of the Government was pledged to him, is evident, from the testimony of Mr. Gray, and from the following passage which the Committee quote from the final Report of the Commissioner of Crown Lands "under this authority (that of the Government) the lot was Sold at the quarterly period, and Mr. Read became the purchaser, I was much disappointed, it is true, in the result of that Sale—having been led to believe that a much larger sum would be paid for it ; but under the circumstances, *whatever may be the true value, I consider the Government pledged to perfect the title.*" It is our unanimous opinion that the faith of the Government should be redeemed—that Read's Title should be perfected, and the expenses he has been put to re-imbursed. The Committee find that, since Read was dispossessed, the Grindstone Quarries belonging to the Crown, in Cumberland, have been given in charge to Joshua Chandler, Esquire, at whose instance the Suit seems to have been commenced against Read.

He has collected £80 6 9 of Rent, but has paid over nothing, the Government having proposed that his Salary be from £50 to £75 for his services, so that up to the present time, instead of the Public having derived any benefit from the proceedings,—the Crown Prosecution cost £57 14 3, which, added to Chandler's Salary, shows the out-ay—while, from the whole of the Quarries, not as much has as yet been realised as was originally paid by Read, for a Title to a single Reef—hereafter, only Ten per Cent. on the amount of Rents collected, is to be paid as the expense of such collection.

H. HUNTINGTON,
JOSEPH HOWE,
HUGH McDONALD.

Halifax, 17th March, 1840.

The Committee to whom was referred the Petition of certain Grand Jurors and other Inhabitants of the County of Guysborough, having patiently and carefully investigated the matters referred to them, beg leave respectfully to report as follows, viz. :

A number of the said Grand Jurors, comprehending nearly the whole body, were fined for an alleged contempt of the Court, contained in a presentment made by them, and adhered to, notwithstanding the repeated remonstrances of the Court. The Committee cannot but express in the strongest language their sense of the great propriety and necessity of Grand Jurors, as well as all other persons, maintaining, in all their intercourse with the Courts, a strict and proper respect and propriety of deportment : as, should such a body of men, above all others, be wanting in this respect, their example would have a most unfavourable influence upon the Community ; and they cannot but feel that such a course of respectful and decorous conduct should be pursued by Grand Jurors, from motives and considerations far above the apprehension of pecuniary penalties. On the other hand, your Committee are bound in duty to observe that a similar line of intercourse with Juries should be strictly observed on the part of the Courts. How far, in the present instance, that proper decorum may have been violated on either side, it is not easy for the Committee precisely to determine, nor do they apprehend it to be essentially necessary for them to do so, as the course they intend to recommend to the House is not founded so much on the facts or merits of the case under consideration, as from the absence of precedents, bearing on the case, and the apparent danger of interfering with the free and independent action of Juries.

While your Committee would strongly deprecate any principle by which the just rights and prerogatives of the judicial tribunals of the land might be impaired or violated ; and while they are inclined to believe that the Grand Jury, in the present case, may have been the first to have over-stepped those bounds of strict decorum, which should always characterise the intercourse between the Courts and Juries, and thereby, perhaps, induced warm feelings and strong language on the part of the Court. Yet, your Committee cannot but feel that it is highly necessary in order to the impartial, free, and unflinching discharge of the duties frequently devolving upon Grand Juries, that they should be as little as possible under any restraint or the fear of legal penalties for the faithful and independent discharge of those duties, even should it so happen that in the discharge of such duties, they may have proceeded in a way that might not be strictly justifiable ; and as your Committee have failed in finding any case of late occurrence of a Grand Jury being so fined, and unwilling to establish a principle by the sanction of this House, which might have an unfavourable tendency in the free investigation of public business—they therefore beg leave respectfully to recommend to the House to take such steps as may be deemed proper and necessary, in order to have the fine imposed on the said Jurors remitted.

And whereas, there are various incidental matters and allusions introduced into the Petition, thought to have an unfavourable bearing on the characters of the individuals referred to in the Petition, your Committee beg further to state that, so far as those matters were investigated and explained before them, it does not appear that there are any just grounds to impeach the character of such individuals.

And your Committee would further beg leave to recommend to the House, that in future, no similar application should be received or considered by the House, until after all other legal and constitutional means of obtaining redress shall have been used in vain. All which is most respectfully submitted.

Committee Room, March 18, 1840.

BENJAMIN SMITH, Chairman.
WILLIAM HOLLAND,
WINTHROP SARGENT,
HENRY GOUDGE.

(See Page 798.)

(Copy)

TO HIS EXCELLENCY LIEUTENANT-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief, in and over the Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

May it please Your Excellency ;

The Legislative Council inform your Excellency that two Gentlemen, Members of this House, who were appointed to communicate with Her Majesty's Government on subjects of importance to the general interests of this Province, in pursuance of a Vote of the Council at the last Session, have fulfilled that duty ; and, having reported their proceedings to the Legislative Council, have received the thanks of this House for the satisfactory manner in which they have executed the trust reposed in them.

The Legislative Council are desirous that provision should be made for reimbursing these Gentlemen the expenses incurred in that service, and most respectfully request Your Excellency will be pleased to bring the subject under the consideration of the House of Assembly.

(Signed.)

SIMON B. ROBIE, President.

Legislative Council Chamber, March, 1840.

(See Page 798.)

Abstract of Returns of Schools for the year 1839.

County.	No. of Schools.		No. of Scholars.		Amount paid by Provincial Government.	Amount paid by People.
	Common.	Combined Common and Grammar Schls.	Total.	Of whom are taught gratis.		
Halifax,	31		1124		£182 17 6	
		2	24		16 12 6	
Lunenburg,	43		1054	95	488 0 0	£833 10 0
		1	73	16	20 0 0	75 0 0
Queen's Co.	20		525	26	237 15 9	
		1	32	2	26 5 0	
Shelburne,	35		512	68	180 0 0	237 16 6
Yarmouth,	53		1828	371	371 0 0	1070 0 0
Digby,	35		{ 967 }	{ 100 }	240 0 0	{ 915 0 0 }
		3			85 0 0	
Annapolis,	42		1380	192	320 0 0	1375 0 0
		3	211	12	105 0 0	300 0 0
King's County,						
Hants,	26	2	1094	88	410 0 0	1066 8 10
Pictou,	70		{ 3115 }	162	537 10 0	{ 3075 0 0 }
		2				

Colchester,

APPENDIX Nos. 79, 80.

small majority, in consequence of a misapprehension of the report of the Committee made in a previous year, the aforesaid services were paid in detail, and the former principle of the remuneration by Salary was at the time lost sight of. The Committee are not disposed to recommend that the Printing for the Legislature should be thrown open for the present to competition, but are of opinion that Messrs. Howe and Son are sufficiently paid by the established Salary of £350 for the services above mentioned, and that the account for the present year ought to be adjusted and paid on that principle.

The whole account as rendered amounts to	£606 18 6
Of which, Messrs. John Howe & Son have received the salary of	350 0 0

Leaving £256 18 6

The aforesaid services are again stated in this account in detail, and come to £381 5 0 and £25 is charged for the 25 copies of the Laws sent to England in 1838, on fine paper, as omitted in the account of last year, when in fact this sum ought to be accounted a part of the £350 granted in that year—the Committee therefore have deducted the above sum of £25, and the difference between the sum of £381 5 0 and the amount of salary from the aforesaid balance, and recommend that £200 13 6 be granted to Messrs. Howe and Son, in full discharge thereof.

The Committee also recommend, that all accounts for extra printing should be accompanied in future by vouchers and certificates, as suggested in the report of the Committee last Session, but which have not been furnished as they ought to have been with the present account.

THOS. FORRESTER, Chairman.
W. YOUNG.
SAMUEL CHIPMAN.

Committee-Room, House of Assembly,
19th March, 1840.

No. 80.

(See Page 818.)

(Copy.) No. 30.

Downing-Street, 28th January, 1840.

SIR,—

I transmit herewith, for your information and guidance, a copy of a letter from the Secretary to the Board of Treasury, containing their Lordships decision on the application made by the House of Assembly of Nova Scotia, that the Duties levied by the Officers of Customs in the Province, in pursuance of British Acts of Parliament, may be collected in Sovereigns at their regular value, or in Doubloons at the rate of 64s. each, or in Dollars at the rate of 4s. 2d. each, instead of the rates at which they are now received.

I have the honour to be, &c. &c.

(Signed)

J. RUSSELL.

Lieutenant-General Sir Colin Campbell, K. C. B.,
&c. &c. &c.

(Copy)

Treasury Chambers, 23d January, 1840.

SIR,—

I am directed by the Lords Commissioners of Her Majesty's Treasury to request that you will acquaint Lord John Russell that my Lords were applied to by Messrs. Young and Huntington, on behalf of the House of Assembly of Nova Scotia, to direct that the Duties levied by the Officers of Customs in that Colony, in pursuance of British Acts of Parliament, may be collected in Sovereigns at their regular value, or in Doubloons at the rate of 64s. each, or Dollars at the rate of 4s. 2d. each, in place of the respective rates of 66s. and 4s. 4d. sterling, at which those coins are now received. As these rates are in conformity with those assigned to the respective Coins in the West India Colonies by Her Majesty's Proclamation, and Order in Council of the 14th September, 1838, with

reference to their intrinsic value, as compared with British Sterling Money; my Lords would have been prepared to accede to the application, had they not seen reason to apprehend, that as the British Acts, under which the Duties in question are levied, provide that they may be received and taken according to the proportions and value of Five Shillings and Sixpence the ounce of silver; legal objections might be made to payment in Dollars at the proposed rate, and my Lords have accordingly considered it advisable to defer the directions suggested by the House of Assembly until the requisite steps can be taken for obtaining the repeal of the provisions above mentioned.

In order to effect this, my Lords, after communicating with the Lords of the Committee of Privy Council for Trade, have directed the Commissioners of Customs to cause such a Clause as may be necessary for effecting that repeal, to be inserted in the first Bill respecting the amendment of the Laws relating to Custom Duties in the Colonies, that may be submitted to Parliament.

I am further to request that you will suggest to Lord John Russell that the Government of Nova Scotia should be apprised of the circumstance that has prevented a compliance with the application of the House of Assembly, and also of the steps which this Board propose to take with reference thereto.

I have, &c.

(Signed)

R. GORDON.

JAMES STEPHEN, Esq., &c. &c. &c.

No. 81.

(See Page 821. (A.))

Custom-House, Halifax, 20th March, 1840.

SIR,

Having observed a Report of the Committee of the House of Assembly on the Custom and Excise question, published by authority in the Royal Gazette of Wednesday last, and viewing a portion of it as requiring my immediate attention, I beg that you will move His Excellency the Lieutenant-Governor, that he may be pleased to require from the House a copy of the evidence upon which the Committee have deemed themselves justified in making the assertion relative to the character, conduct, and responsibility of certain Officers under my survey, to enable me to take such steps for the enforcement of the Imperial Acts, and the security of the Revenue, as circumstances may render necessary, until the pleasure of the Lords Commissioners of Her Majesty's Treasury and the Honorable Board of Customs shall be received.

I have the honor to be, &c. &c.

(Signed) THOS. N. JEFFERY, Collector

To Sir RUPERT D. GEORGE, Bart, &c. &c. &c.

No. 82.

(See Page 821. (B.))

The Committee to whom was referred the several Petitions relative to Temperance, having duly considered the subject, beg leave to report—that they considered those Petitions submitted to the favorable consideration of the House, especially that one from Ladies of the County of Cumberland, who feelingly depict the miseries arising from Intemperance, and say with great propriety, “our sex are more particularly interested in the objects prayed for.” In investigating this subject, the Committee are deeply impressed with its importance, and with the sense of its high claims upon the Legislature, and upon all persons holding official and important stations in society, to aid those already engaged in endeavouring to bring about the general adoption of Temperance principles. The attention of the

the Committee has been directed to what has been done, and is now doing, in the United States, and in Great Britain and Ireland, in this behalf; and they are gratified to learn, that in those respective Governments, under the auspicious sanction of their leading men, the Societies are prospering, and widely extending their benign and cheering influence. In England the most flattering countenance is given them—men of the first rank and distinction, such as Lords, Dukes, Bishops and Clergymen, of almost every name and sect, are found advocating, and Royalty itself giving sanction, to a cause tending at once so evidently to ameliorate and improve the condition of their fellow beings, and to destroy the greatest bane to social and permanent happiness. The Committee would briefly refer to what is doing in a similar way in the Sister Colony of New Brunswick, which they observe, with great pleasure, the growing prosperity of the Societies formed there, arising, in a peculiar manner, they conceive, from the united efforts of Judges, Lawyers, Legislators, Ministers of Religion, Merchants, and other persons of influence, concurring with the great mass of the people to make common cause against the deadly foe Intemperance. Your Committee cannot but hope that very shortly the same unity of effort in this Province will produce like encouraging and beneficial results. This Committee are fully satisfied, as well by the facts now brought to their notice, as by their own previous knowledge of the subject, that very great, and we trust, lasting good, has followed the exertions already made in this cause in Nova-Scotia. They are, however, pained to learn the great extent which Intemperance, or the improper use of Ardent Spirits, still extends almost daily, affording some sad proof of the destructive and ruinous effects; and while they conceive that much in the way of remedy may yet be done by the zealous continuance of the means now in use, especially, if more generally aided, as it should be, by the Ministers of Religion, and other persons of influence, still the Committee are forced to the conclusion that no effectual or final cure of this dread evil will be found short of a total stoppage of the importation or manufacture of all intoxicating Liquors; and they further believe that the time is speedily approaching when the force of public opinion on this subject will render it imperative upon the Legislature to pass such prohibitory enactments.

GAIUS LEWIS, Chairman,
WILLIAM HOLLAND,
ZENAS WATERMAN,
ANDREW McKIM,
T. A. S. DEWOLF.

Committee-Room, 20th March, 1840.

No. 83.

(See Page 826.)

THE Committee to whom certain Petitions were referred, touching the proposed union of the Customs and Excise, beg leave to report thereon:

That, as the measure has been deferred for the present Session, and Resolutions in respect thereof, and with regard to the appointment of Collectors of Excise, have been adopted by the House, the Committee do not conceive it necessary to inquire into the subject matter of the Petitions referred to them. To Mr. E. Morton, of Digby, they regret that they cannot recommend any grant of money.

The Committee have been informed that the owners of Vessels at Ragged Islands are now required by the Collector of Customs at Shelburne to bring their Vessels into that Port for entry, which, at the most favorable season of the year, is attended with loss of time, adding to the cost of Insurance and embarrassing the trade, and in the winter is absolutely impracticable.

Inconveniencies are also felt from the great distance at which a Custom-House Officer is stationed in many other parts of the Province, among which may be enumerated Briar's Island, the Township of Wilmot, Tatamagouche, the Port of Douglas, at the mouth of the Shubenacadie, Antigonish, and the County of Inverness.

The

The Committee therefore recommend that this subject should be brought under the notice of His Excellency the Lieutenant-Governor.
Committee Room, 24th March, 1840.

Wm. YOUNG, Chairman.

No. 84.

(See Page 827.)

The Committee, appointed under a Resolution of the House, to report respecting the Printing, and the best manner in which the desire of the House expressed, by its Resolution, of having the Printing for the Legislature done by Tender and Contract, beg leave to report :

That upon due consideration and investigation of the subject referred to them, they are assured that to open a branch of the Public Service, the cost of which is so definite, and clearly to be comprehended by the most ordinary intellect, being at all acquainted with the business, as is the Printing for the Legislature, to general competition, is manifestly the duty of the House, both from due regard to the interests of the great mass of the Inhabitants whom the House represent, and to the Trade to which this branch of business belongs,—In thus expressing their views upon the subject, the Committee have the satisfaction of knowing, that in acting on this principle, the House have adopted of letting the Printing of the Legislature by Public Tender and Contract, in place of by private bargain as formerly, they are not introducing any new principle or any innovation, but merely following the laudable and economical example of the Mother Government, and many of the neighbouring Colonies.

The Committee recommend that the Journals and Appendix, now already commenced and in course of Printing, be finished by Mr. Howe, upon the same terms as the service has been done for in former years, if that Gentleman should feel disposed to complete them; and if he should not so feel disposed, that the Clerks of the House be instructed to have this service completed upon the best possible terms. The Committee further recommend that the Laws and other printing for the present and future years, (except the Journals and Appendix as aforementioned,) be let forthwith by Tender and Contract, and that the whole of the Printing be so done, after the present year, for periods of four years—Public Notice to be given by the Clerks of the House for the time being, in two or more of the Public Prints of at least 30 days. The Laws and Journals to be of the quality, size, type and style, as those of the last Session—the form of Tender, and detail connected therewith, to be by said Clerks regulated and managed—Bonds to be taken for the due performance of all Contracts entered into in this behalf—and all Contracts to be in writing.

The Committee further recommend that should it be found impracticable to get the Printing aforesaid effectively done as before recommended, immediately, that the Clerk be instructed to enter into Contracts, to commence the first of next Session. All of which is respectfully submitted.

HENRY GOUDGE,
THOMAS FORRESTER,
SAMUEL CHIPMAN,
WILLIAM YOUNG.

No. 85.

(See Page 848.)

THE Committee on the Fisheries of Nova-Scotia report, that they have maturely considered the important subject referred to them, and endeavoured to procure such information
as

as may tend to attract more attention to a branch of industry hitherto supinely suffered to languish, with a hope that energy, talent and capital, may be embarked to ameliorate the condition of a hardy and enterprising class of subjects, and to increase and sustain the great staple of this country, on which its Commerce mainly rests for support. The inexhaustible mine of wealth provided by nature in the Fishery—the National advantages arising from carrying it on vigorously—the benefit to all concerned that it should be conducted prosperously, caused the Nations of Europe, in the earliest ages, to extend Legislative protection and pecuniary aid to foster and cherish it. Among the most enterprising of the Nations was Holland, whose Government made Ordinances concerning the management of the great and small Fishery—the Whale, in the estimation of the Dutch, being the great—the Herring and Cod being the small Fishery; and with such success did they prosecute these callings, that Amsterdam became first among modern Cities in Commerce, and the Marine power of West Friezland disputed the dominion of the ocean with the Nations of the world. Great-Britain, from the Reign of Edward the First, has, by innumerable Statutes, encouraged, regulated and protected, her domestic and more remote Fisheries, and perhaps may owe her exalted stand in the scale of Nations, and her Maritime ascendancy, so long unquestioned, to the enlightened policy pursued by her Statesmen, to strengthen this grand prop of her Commerce and Navigation. Nor was France less solicitous to uphold the Fishery Trade than other branches tending to increase her Maritime power; as long ago as the Reign of Queen Anne the Merchants of the Bay of Biscay conducted an extensive Whale Fishery, and, since the Treaty of Utrecht, have increased in an enormous ratio their Fishery to Newfoundland, and have become dangerous and powerful rivals of Great-Britain therein.

Spain, viewing the rich harvests reaped by Holland, England and France, was not backward, but asserted her claim to the right of a Newfoundland Fishery, and maintained the same until the definitive Treaty of 1763, by the 18th article of which that pretension is set at rest forever.

The United States, when Colonies, enjoyed all the privileges of, and prosecuted the Fisheries in common with, British Subjects, and, after the declaration of Independence, at the peace of 1783, by Treaty obtained the right “to take Fish on the Grand Bank, and all other Banks of Newfoundland, in the Gulf of St. Lawrence, and all other places in the sea, where the Inhabitants of both Countries had been used to fish before, and the liberty to fish on such part of the Coast of Newfoundland as British Fishermen used, (but not to dry or cure Fish there,) and on the Coasts, Bays and Creeks, of all other British Dominions in America,” and to dry and cure Fish in any unsettled Bays, Harbours, and Creeks of Nova-Scotia, Magdalen Islands and Labrador, but, as soon as they were inhabited, that liberty was to cease, unless continued by agreement with the Inhabitants. This establishment, or rather concession, of a right of fishing in the waters of this Province, is restricted by the Convention of 1818, by which the United States renounced forever the liberty of fishing within three marine miles of any other parts of the British Coasts of America, of curing or drying Fish thereon, except as previously mentioned and stipulated in said Treaty, and fully reported to this House in 1837.

The British North American Provinces now enjoy the privileges of the great Nation to which they belong, and which ought to excite and animate their people to make the utmost advancement in this inestimable branch of traffic, especially as they have not only a natural right, but a right recognized by Treaties and secured by Law, to fish on their own Coasts, and an equal right to hinder and prevent all other Nations from doing so, with the above exceptions.

The Dutch, by wholesome ordinances and severe penalties, regulated the taking, dressing, pickling, inspection and sale, of the product of the small Fishery, while Great-Britain, France and America, encouraged by munificent bounties, the prosecution of this trade. In such estimation did the French hold this pursuit as tributary to national aggrandizement, and Commercial power, that they obtained leave from Great-Britain to Fish at Newfoundland, upon paying a duty of five per Cent., until by the Treaty of Utrecht they ceded Placentia and other places, in Newfoundland, obtained Cape-Breton, on which they immediately expended

enormous sums of Money in Fortifications, for the avowed purpose of protecting their People, in the prosecution of the Cod Fishery, and at the conquest of Canada, so sedulously had the French availed themselves of the Maiden Fishery on the shores of that Island, that the export from Louisbourg alone exceeded £1,000,000, annually, and had the same policy been pursued by Great-Britain, the dangerous rivalry of other Nations would have been crushed, and her dominion of the Ocean secured, had the Fortifications of Louisbourg been preserved, and the terms of the treaty enforced, so as to prevent St. Pierre and Miquelon becoming strong holds for the French, they might have been easily restrained from violations of existing treaties, and been kept within the limits assigned to them by Law. Since the Peace the French have cherished their Fisheries, by annual bounties to the amount of £60,000, and, although now reduced, the sum is still large. The Committee feel however, that the interruption the People of this Province experience, is not so much to be attributed to the subjects of His Christian Majesty, as to the Citizens of the neighbouring Republic, it may here be observed that the interruption of Britons, on their Fishing Grounds, has been occasioned by concession or supine neglect. The famous Edgar, with a fleet, vindicated his dominion to the adjacent Seas, Alfred was supreme Governor of the Ocean surrounding the British shore, in the reign of the Edwards Foreigners craved liberty to Fish; Henry of France, petitioned Edward the Third for the like purpose, and paid tribute; the Hollanders durst not cast a Net until licence was obtained, and Spain paid tribute to Mary to Fish on the Coast of Ireland. These licenses or indulgences to Foreigners dangerous, because giving strength to their Marine and enabling them to question the supremacy of England, were soon ripened into Customs, and those Customs asserted to be Law, until in the reign of James and Charles, the Netherlands and Holland declared against the King's right of Dominion of British Seas, subsequent events led to treaties at various periods, and France, as before stated, has the right of fishing on the Shores of Newfoundland, and the Americans a similar and more extensive right, and have become rivals in the Fishery, by the consent of Great Britain, without obtaining any adequate concession in our favour; and it is owing to the Fishery that these Nations have already dared to contend for the mastery of the Sea, and at a future period may do so, with more success, unless the sceptre of our great Empire is extended to protect their hardy Sons in this perilous occupation.—To British subjects certain exclusive privileges are insured by the Convention of 1818, and it is our duty to have the meaning of that convention clearly understood and distinctly defined, the Foreign Commerce of the Lower Provinces mainly depends on this Staple which cannot be exhausted, and as capital is embarked and the wealth of this Mine more extensively developed, so will the Provinces rise in importance and National grandeur. Providence has stored our Waters with the most valuable species of Fish, ought we to remain supine and indifferent to the bounties of that Providence, or ought we by wise legislation and general policy, induce an extension of that branch of Industry, and by firm constitutional protection secure to our people their inherent rights? I answer in the words of an old writer on the subject, "it is not only a duty we owe to the Supreme Being, not to despise his gifts, but "it is a duty we owe to our Country, for its natural security; for that depends upon a "Navy. No Nation can have a Navy where there is not a fund of business to breed and "employ Seamen, without any expence to the public, except when actually employ- "ed in the service of the public;—a fleet depends upon Navigation,—Navigation upon "Trade,—and Trade upon Home Manufactures and Fishery;" but, it is said, we are Colonies, and require no Navy,—it is true, we may not, in a National point of view, for years to come, but the geographical position of Nova-Scotia, on the Continent of America—its almost insular form, indicates that, in future years, she will be to that Continent what the British Isles are to Europe, with a healthy climate, extensive Seaboard, indented with Bays and Harbours swarming with Fish, and affording unequalled facilities for Commerce, abounding in mineral resources just expanding, and rendered available by the application of Science and Capital, inhabited by an intelligent people, alive to their rights, she cannot fail to exercise, in time, a powerful sway in the destinies of America; and it is now, when the violation of our reserved and inherent privileges is in its infancy, that a tame submission will be improved into Custom, and Custom be considered Law, and that which is exclusively
ours

ours will be enjoyed in Common as the Fisheries of Britain and Newfoundland; and the rivalry which now drives our Fishermen from the Banks, where the fleets of France and America resort, will soon dispute, if they have not already done so, our dominion over the Waters of our own Bays and Harbors. Let us turn to an account of this traffic, and see whether it be worth a struggle or worth encouragement.

The small Fisheries of these Colonies of greatest importance, for we shall not speak of the Whale Fishery in this Report, are the Cod, Mackerel, Herring and Salmon, and as has been before stated, they may be rendered a never failing source of wealth; and nothing but unwarrantable neglect can impair them; indeed, if the whole population of the Lower Provinces, for Centuries to come, were engaged as Fishers, the stock would not be exhausted; and if the Cod Fish of the ocean were all destroyed, except two males and two females in any one season, there would be as many the next as there were the preceding; for Naturalists having viewed the Melt of a Cod Fish, found such numbers of animalcules that there were at least 10,000 in the bulk of a grain of Sand, and therefore, that there are more animalcules in the Melt of a Cod Fish than there are inhabitants alive on the face of the earth at any one time. They compute that 100 make the diameter of an inch, so that in an inch is contained 1,000,000 of such particles of Sand, and, as the Melt of a Cod Fish averages 15 Cubical inches, there must be 15,000,000 of quantities as big as a grain of sand,—now, if each of these quantities contain 10,000 animalcules, the wonderful result produces 15,000,000. The increase of Herring, and their habits, are not less extraordinary; at stated periods of the year, incredible shoals of this species of Fish are seen coming from the north, whence they come, or where they breed and increase, is known little of, that they are innumerable in quantity is undoubted, nor do they return to the place whence they came to breed a further supply for the next season; on the contrary, they come from home, wherever that may be, swelling with prolific spawn, in which every Fish is said to produce 10,000 others. They come up, says a writer, on the breadth of the Sea, and the bulk of the shoal, take it in gross, is greater than the whole land of Great-Britain and Ireland; when their surprising body meets with an interruption from the situation of the Island of Great-Britain, and other Islands in those Northern Seas, they swarm round the Shores of the British Isles for a time, until running south, they again meet their species, and, at the close of the season, pass the British Channel, and are seen no more; another division, coming from the same quarter, strikes the Coast of North America, though not in the same quantities, linger on the Shores of the Provinces, and extend as far South as Carolina; these doubtless, are a part of that mighty Shoal which, at their first coming by the Coast of Greenland, keep to America, on the North West Side. They are found in numbers on the Labrador, and, steering south, meet with interruption by Newfoundland—pass through the Straits of Belle Isle—swarm the Gulph of St. Lawrence, filling its every bay and inlet; and the Shores of the Magdalen Islands sparkle with this funny tribe; here, as in the British Seas, they come big with young, and cast their Spawn, seen by Naturalists, clinging like beads to the kelps and eel grass, and in a fortnight or three weeks, the young Fry strike to the deep, leaving no trace of their rapid and fructifying progress; they are pursued and devoured by the more ravenous and larger Fish, such as the Porpus, Dog Fish, and divers other Sea Monsters, with which the Northern Seas abound.

The Salmon Fishery of this Province, once of great value, but, from neglect, and want of suitable regulations, rapidly dwindling, requires also a reference to the nature of that species of Fish; it inhabits the European Coasts from Spitzburgen to France, but is never seen in the Mediterranean; on the Western Shores of the Atlantic it is found from Greenland to the Hudson, and never further South. A cold climate and clear water are congenial to its constitution—when the ice melts Salmon enter the mouths of Rivers, and almost always of those which gave them birth—they swim in immense bodies near the surface—they are timid, easily frightened, and on such occasions return to the sea—they penetrate far into the interior, surmounting rapids and cascades, and deposit their spawn in the Lakes, &c. at the sources of Rivers—when the young are about a foot in length they descend to the Ocean, and the ensuing Summer follow after the old, which have ascended to spawn, and are then about eighteen inches long. At 2 years old, the Salmon weighs from six to eight pounds;

pounds ; and at 5 or 6 years, attains the weight of 10 or 12 pounds. Wise rules for the protection of this Fishery still retains it among the most important of the North of Europe, whilst a contrary system has destroyed the Fishery to the Southward of Maine. Formerly New-York was supplied from the Connecticut River, but the erection of Mills, Mill Dams and other Obstructions, have reduced the Fish, or rather destroyed the supply, by turning the old Salmon back to the sea, where their seed is cast in unproductive waters. The Salmon at full size in the Northern Seas weighs 170 pounds—they live on insects, small fish and worms—deposit their eggs in holes made in the sand, and are a prey of Seals, Porpoises and other large fish.

The Mackerel inhabits the northern temperate zone, and as the Herrings appear in the North, and steer a Southerly course, so on the contrary, the Mackerel appear in the South and seek the North, probably to meet the Herring, on which they feed. They increase in size, plumpness, and delicacy, as they proceed North. They seldom exceed two pounds in weight. The male or milt is generally preferred, but the roes of the females are much esteemed as Caviare. To examine, and indeed to eat this fish, it must be taken newly ; keeping a few hours renders it comparatively flabby and insipid ; in salting or pickling, therefore, the processes should be commenced as soon as possible after they are caught. They are voracious, and particularly attracted by any brilliant object, as scarlet cloth,—they are extremely fond of Herrings, and attack them with fierceness,—they are said even to seize upon a human body alive. The female is very prolific, and deposits her eggs among the rocks. In the Spring these Fish are nearly blind, in consequence of a film that grows over their eyes, and separates towards Summer. From the preceding concise view of the habits of these Fish, it would appear that they depend on each other. The clearness of our waters, the number of our Rivers and Lakes, make this Province the favourite resort of Salmon, and as the native river is sought, of course obstructions are prejudicial, if not destructive to that Fishery. Alive to the national advantages and pecuniary benefits to be derived from Fisheries, the Citizens of the United States, from the landing of the Pilgrims, encouraged and fostered them. In 1624, Fishing Companies were formed in New England, and, with various success, prosecuted their calling, and, by their industry, furnished valuable Exports to the West Indies and Europe ; the principal Ports to which shipments were made, being Biscay, Cadiz, and Lisbon. The peace which terminated the Revolutionary War, afforded fresh inducement to speculate in this trade. Government granted Bounties, new fishing grounds were discovered and explored, and so rapid was the increase of that branch of Marine, that in 1807 the United States had upwards of 600 vessels, and 9000 men employed therein ; and the European War operated to make them Fishermen for the World. The returns were enormous, for the investments, in most instances, realizing £50, and in many £100 per cent. profit. The annual supply of Fish was, from 1803 to 1808, from 700,000 to 800,000 quintals. The War with Great Britain, in 1812, checked the career of the Republic,—the more valuable class of Vessels were dismantled, and those which ventured to follow their avocations, were either driven from their fishing ground, or captured by British Cruizers ; thus their whole fishery was restricted to Market Boats in the immediate vicinity of Ports which afforded them opportunities of escape. At the close of the War, the Fishery of that Nation revived, the Grand Bank, Labrador, and other Fishing Grounds appeared replenished, and the enterprise of the Merchants stimulated the people to exertion ; so that in 1815 about 8000 tons of shipping were engaged therein, which increased in 1816 to nearly 18,000 tons ; and in 1834 the registered tonnage of Fishing Vessels in the United States was upwards of 52,000 in the Cod, and 60,000 in the Mackerel Fishery ; making an aggregate of 113,000 tons ; and at present the tonnage employed equals 130,000. The opening of the Erie, and other Canals and Rail Roads, affording easy, expeditious, and cheap transport to the interior, has created markets in the bosom of that country which their Fishermen can scarcely supply, thereby leaving to others, in a great measure, the supply of Foreign Countries. The Governments of France, Holland, and the United States, have always encouraged the Fisheries by pecuniary aid, in the shape of Bounties ; and although England has now abandoned that policy, it would be well to consider how far the claims of that class for fostering

fostering protection by the Colonial Government is judicious. Whilst the Americans, under such system, have advanced with rapid strides to Commercial importance, this mine—this inexhaustible source of wealth—remains comparatively unproductive to the Lower Provinces. Whilst the Committee cannot conceal that a long peace—improvement in the moral habits of the people—competition in trade, and increase of population, have advanced the Fishery of the Provinces, and added to their products, they cannot refrain from expressing an opinion that the operative Fishermen are, generally speaking, poor and neglected; and, therefore, when they can find other employment, are apt to turn from one of drudgery and hardship. Notwithstanding these many disadvantages, the official returns create bright anticipations of the future, and furnish a proof that while individuals suffer, the nation may thrive, and whilst the operative may be depressed, the merchant may grow rich; for, taking the average of the years 1805, 1806, and 1807, Nova Scotia exported 81,191 quintals dried Fish, 43,299 barrels of pickled Fish, 10,410 boxes of smoked Fish, besides 652 smoked Fish, such as Salmon. In 1815, 1816 and 1817, 152,698 quintals of dried Fish, 40,205 barrels and 170 kegs of pickled Fish, 5,675 boxes of smoked Fish, 379 smoked Fish. In 1837, Nova-Scotia exported 427,140 quintals of dry Fish, 64,803 barrels pickled Fish. In 1838, 434,309 quintals dry Fish, and 94,855 barrels pickled Fish. In 1837, Halifax exported of the above quantity of dry Fish 190,486 quintals—pickled Fish 28,646 barrels. In 1838, dry Fish, 201,826 quintals—pickled Fish 43,438 barrels. In 1839, dry Fish, 251,092 quintals—pickled, 51,035 barrels, while the Custom House Returns from Arichat and Sydney, in the Island of Cape-Breton, shew the exportation 41,328 quintals dry Fish, 10,794 barrels pickled Fish, 270 casks of Oil; and the following quantities are fair estimates of the catch in other parts of Cape Breton, where no Customs Officers are stationed: Strait of Canso 2,500; Port Hood 500; Mabou, 2,000; Marguerite 5,000; Cheticamp 8,000; Bay St. Lawrence 3,000; Cape North 4,000; Inganiche and Lowpoint 8,000; Bras d'Or 3,000; Mainadieu 4,000; Louisburg 5,000; L'Ardoise 6,000—making 51,000, clearly evincing that this valuable branch of industry, under every disadvantage, is furnishing an export equal to a million annually, while the internal consumption of the Province, with a population exceeding 200,000, (many, from pious feelings, and more from choice or necessity, making this an article of food,) may be fairly estimated at 300,000 quintals. Having shown the value and state of our Fishery, and that, if encouraged by wise Legislation, and protection of the labouring classes engaged therein, that it may be made productive of wealth to the Merchant, and power to the Provinces: let us turn to the United States Fishery, and pause, to enquire what equivalent has been given for the privileges ceded to them by the Convention of 1818. At that period Great Britain had abrogated all Treaties with that Country—war declared against her at a time when she was defending free Institutions, and struggling to preserve the liberty of Man, annulled all existing compacts; and surely, the conduct of that Nation entitled its people to no favorable consideration, or renewal of negotiations; and yet, as if a fatality seized the enlightened Statesmen of the day, the privileges of Fishery have been restored as a matter of no moment by each successive Treaty; and now, those privileges are enlarged and extended by the daring conduct of the people of that Nation, which must be checked and curbed, or these Provinces will be deprived of one of its staple exports. The Treaty of 1818 yields to American Citizens a certain right of Fishery on the Coasts of Newfoundland, in consideration of which, the United States renounced for ever the liberty of fishing within three marine miles of any other part of the British Coasts of America, or of curing or drying on them; but American Fishermen were to be permitted to enter Bays or Harbours on the prohibited Coasts for shelter, repairing damages, and purchasing Wood and obtaining Water, and for no other purpose whatever, subject to restrictions necessary to prevent abuses. By the 59, Geo. III, Cap. 38, which passed 14th June, 1819, it is enacted, that it shall not be lawful for any persons, not being natural born subjects of His Majesty, in any Ship, Vessel or Boat, other than such as shall be navigated according to the Laws of the United Kingdom of Great Britain and Ireland, to fish for, or to take, dry or cure, any Fish of any kind whatever within three marine miles of any Coasts, Bays, Creeks or Harbours, whatever, in any part of His Majesty's Dominions in

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America, not included within the limits specified and described in the first article of the said Convention, and in said Act recited; and that if any such Foreign Ship, Vessel, or Boat, or any persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish, within such distance of such Coasts, Bays, Creeks or Harbours, within such parts of His Majesty's Dominions in America, out of the said limits, as aforesaid, all such Ships, Vessels and Boats, together with their Cargoes, and all guns, ammunition, tackle, apparel, furniture and stores, shall be forfeited. And by a Statute of this Province, the Sixth of William the Fourth, Cap. 8, which passed 12th March, 1836, it is enacted, that like forfeiture shall follow on similar violation of the terms of the Convention. The letter and spirit of the above Treaty, and the Laws framed thereon, close the Harbours, Bays and Inlets of this Province against foreign Tonnage engaged in the Fisheries, except for shelter, to purchase wood, and obtain water, which latter privilege is granted to Inhabitants of the United States, only subject to such restrictions as may be necessary to prevent abuse thereof. The Committee think that Colonists have been too long supine and spiritless in asserting the true construction of such treaty, while the citizens of the Republic are arrogating to themselves rights never contemplated—are firmly encroaching on our reserved Fishing Grounds, and, by Custom, endeavouring to render legal, acts which the most hardy would not have ventured to assert, at the time such convention was concluded; the Committee therefore assert, the true meaning of said Convention, and the Construction which ought to be put upon it by the Provinces is, that the prescribed distance of three marine miles is to be measured from the head Lands, and not from the indents of the Shores of these Provinces,—that the Strait of Canso cannot be passed by Fishing Vessels without approaching within the waters reserved for the exclusive use of British Subjects,—that the right of Fishery at the Magdalene Islands is confined to the Shores only, and does not authorise those Foreign Fishermen to land thereon,—that the right to enter the Bays or Harbours of these Provinces, (except as permitted by such Treaty,) only attaches in cases of distress, or to purchase wood and to obtain water, after the usual stock for the voyage of such Fishing Craft has been exhausted or destroyed.

This is the true interpretation of the Convention, and the Inhabitants of the Lower Provinces ought to be unanimous in adhering to it, as, in many instances, Citizens of the United States resort to force and acts of spoliation on our unprotected Fishermen, as the accompanying Depositions fully prove.

The Committee therefore recommend that three Armed Cutters should be employed from the First day of April to the Middle of November, under the command of suitable persons, with a competent force for the protection of the Fishery and Revenue of this Province—one to cruise in the Bay of Fundy, one from Cape Sable to Chedabucto Bay, and a third in the Gulf of St. Lawrence, and on the Coast of Cape-Breton.

That an Address to Her Majesty should be adopted, praying Her Majesty to extend the Regulations now in force in this Province by order in Council, to the Canadas, Magdalen and Prince Edward Islands, and the Province of New Brunswick, with additional regulations, giving power to the respective Admiralty Courts to take cognizance of all Seizures whether made within the respective Provinces or not, and lastly, the Committee think that encouragement should be given by Legislative enactments or otherwise, to the operative class of Fishermen, by enabling them to obtain Provisions and all Materials requisite for the successful pursuit of their calling, at the cheapest rate, and thus induce them to prosecute with spirit and energy a branch of Traffic which gives employment to thousands of all ages and sexes.

JAMES B. UNIACKE, Chairman,
JOHN MORTON.
HERBERT HUNTINGTON.

(Copy.)

PROVINCE OF NOVA-SCOTIA, HALIFAX, SS.

William Fader, of Chester, in the County of Lunenburg, in the Province of Nova-Scotia,

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tia, Mariner, and Owner of the Schooner called "*Roxana*," of the Port of Halifax, in said Province, maketh oath and saith, that in or about the month of April now last past, this Deponent and one Daniel Gallagher of Ketch Harbor, in the County of Halifax, aforesaid, entered into a certain agreement to conduct and carry on the Fishery for the Season, whereby Deponent on his part undertook to employ his said Vessel in that capacity, and the said Daniel Gallagher on his part undertook to furnish the said Vessel with a Seine, and Deponent and the said Gallagher were to have an equal share or portion of the catch of Fish for the Season.

That in pursuance of the said agreement, Deponent left Ketch Harbor, aforesaid, on or about the 23rd day of June last, having on board his said Vessel four Men and one Boy, and arrived on the Fishing Ground in the Labrador, about the 26th day of July, where they found American Vessels Fishing to the number of Two Hundred and Fifty or thereabouts.

That this Deponent with his said Vessel and Crew, fished backward and forward between the Harbor of Bras d'Or and Nancy Belanc, from the said 26th day of July, to the 3rd day of September. That, during that time Deponent was treated by many of the American Fishermen in the most Outrageous and Piratical manner, by plundering him of his Property by an overpowering force, against the entreaties and expostulations of Deponent, and then threatening him with personal violence.

That as soon as Deponent and his Crew had their Seine ready to haul a number of Boats belonging to some of the American Vessels would surround the Seine and with force and violence compel Deponent and his Men to abandon the hope of getting any Fish, and Deponent upon several such occasions would have willingly given them the Fish, provided they would not destroy or take his Seine from him altogether.

That among the persons who committed these Outrages upon Deponent's Property, he can clearly identify the persons hereinafter named, and the Vessels they commanded, and their places of residence respectively,—that is to say,—the Schooner "*Gull*" of Cohasset, of which Samuel Eldridge was master; the Schooner "*Bannister*," of Mount Desert, of which E. Smith was master. Brig "*Providence*," of Providence, of which — Baxter was master. Schooner "*Young James*," of Mount Desert, of which N. Brown was master.

That upon one occasion, after Deponent was forcibly driven from his Seine, he asked Captain E. Smith of the Schooner "*Bannister*," for his share of the Fish, and was told by that person that he was not entitled to any, and added that he would be damned if Deponent should have any of the Fish. That upon other occasions they would come to Deponent and offer to dress the Fish for him upon the halves; to this Deponent frequently consented, in the hope of being allowed to take his share of the Fish out of the Seine in common with the others, but that upon the Fish being all ready dressed, they refused to give Deponent any of them, and when he attempted to remonstrate with them for their base conduct, was informed that he was not entitled to any other Fish, and that they would give him "Hell" from Boston, and other such like expressions.

That while Deponent remained on the Fishing Ground, he, with his Crew, hauled about 1,200 barrels of Herrings, and, at the lowest calculation, the American Fishermen forcibly, and by violence, took from them to the number of 800 barrels out of the 1,200.

And this Deponent further saith, that during the time he was on the Fishing Ground he did not enter into any Traffic or Barter with any of the American Vessels or Citizens, and that he was at considerable expence in fitting up his said Vessel, and that his Summer's labour is lost, in consequence of being robbed of the Fish, by the said Fishermen as before stated, that the loss of the Fish taken he considers, at the lowest calculation, to be worth £200, exclusive of the wear and tear of his Vessel and other expenses.

(Signed)

WILLIAM FADER.

Sworn at Halifax, this 18th day of }
 October, A. D. 1839, before me, }
 G. N. RUSSELL, J. P.

William

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William Doyle, of Ketch Harbour, and Samuel Gray, of Sambro, in the County of Halifax and Province aforesaid, Fishermen, severally make oath and say, that in the month of June last, they accompanied William Fader in the Schooner "*Roxana*," bound on a Fishing Voyage to the Labrador, as two of the Crew. That they have heard read the Affidavit of the said William Fader, setting forth the violence and outrages threatened against himself personally, and the taking of his Property by force, by the American Fishermen, as in the said Affidavit is set forth, and that the matters and statements and charges in the said Affidavit are just and true.

Sworn at Halifax, this 18th day of }
 October, A. D. 1839, before me, }
 (Signed) G. N. RUSSELL, J. P. }

(Signed)

WILLIAM DOYLE,
 SAMUEL GRAY.

INVERNESS, S. S.

Personally appeared before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the County of Inverness, William Watts, of Port Hood, in the said County, Yeoman, who, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, That he has been in the habit of Fishing from and out of the harbour of Port Hood, for several years past. That Vessels belonging to the United States of America, to the number of from one hundred to one hundred and fifty, visit the said harbour annually, and catch fish in large quantities, within the limits prescribed by the Treaty, (that is, within three miles of the Shores of this County). That very many of them fish within half a mile, and some have fished at the entrance of the Harbour's mouth. That the people belonging to these Vessels are in the habit of coming on shore in great numbers, drinking, and otherwise idly spending their time, to the very great annoyance of the Inhabitants; and that frequent riots and disturbances take place between them and some of the lower orders of society, which it is out of the power of the Magistrates of the County to suppress.

WILLIAM WATTS, Junr.

Before me, this 18th March, 1840, }
 JOHN L. TREMAIN, J. P. }

We, whose names are hereunto subscribed, do certify that the above Affidavit of William Watts is, in every particular, perfectly correct, and are willing to attest thereto, if necessary.

GEO. C. LAWRENCE, High Sheriff,
 JOHN L. TREMAIN, J. P.,
 ALLAN M. DONALD, Merchant,
 THOMAS D. DE ST. CROIX, Merchant.

No. 86.

(See Page 849.)

RULES AND REGULATIONS

Relating to the Fisheries, and for the prevention of Illicit Trade in Her Majesty's Dominions in America.

Whereas, by the Convention made between His late Majesty King Geo. 3d. and the United States, signed at London, on the 20th day of October, 1818, and the Statute, made and passed

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passed in the Parliament of Great Britain in the 59th year of the Reign of His late Majesty George the Third, all Foreign Ships, Vessels or Boats, or any Ship, Vessel or Boat, other than such as shall be Navigated according to the Laws of the United Kingdom of Great Britain and Ireland, found Fishing, or to have been Fishing or preparing to Fish, within certain distances of any Coasts, Bays, Creeks or Harbours whatever, in any part of Her Majesty's Dominions in America, not included within the limits specified in the first Article of the said Convention, are liable to seizure. And whereas, the United States did, by the said Convention, renounce for ever any liberty enjoyed or claimed by the Inhabitants thereof, to take, dry or cure, Fish, on or within Three Marine Miles of any of the Bays, Coasts, Creeks, or Harbours of His Britannic Majesty's Dominions in America, not included within the above mentioned limits : Provided however, that the American Fishermen should be admitted to enter such Bays or Harbours for the purpose of shelter, and of repairing damages therein—of purchasing wood and of obtaining water, and for no other purpose whatever—but under such restrictions as might be necessary to prevent their taking, drying, or curing Fish therein, or in any other manner whatever abusing the privileges thereby reserved to them. And whereas no Rules or Regulations have been made for such purpose, and the interests of the Inhabitants of Her Majesty's Dominions in America are materially impaired. And whereas the said Act does not designate the persons who are to make such seizure as aforesaid ; and it frequently happens that persons found within the distances of the Coasts aforesaid, infringing the Articles of the Convention aforesaid, and the enactments of the Statute aforesaid, on being taken possession of, profess to have come within said limits for the purpose of shelter and repairing damages therein, or to purchase wood and obtain water, by which the Law is evaded, and the Vessels and Cargoes escape confiscation—although the Cargoes may be evidently intended to be smuggled into Her Majesty's Dominions in America, and the Fishery carried on contrary to said Convention and Statute.

I. It is therefore ordered by Her Majesty, by and with the advice of Her Majesty's Privy Council, that, from and after the passing of this Order in Council, it shall be lawful for any Officer of Her Majesty's Navy or Customs, or Officers of Impost and Excise, or any Sheriff, Justice of the Peace, or Magistrate, throughout Her Majesty's Dominions in America ; and also for any person holding a commission granted for that purpose by the Captain General and Governor in Chief of Her Majesty's Colonies and Possessions in North America, or by any Lieutenant-Governor or Person administering the Government of any or either of such Possessions, to go on board of any Ship, Vessel or Boat, within any Port, Bay, Creek or Harbour, of any of Her Majesty's Dominions in British North America, whatsoever ; and also, to go on board any Ship, Vessel or Boat, hovering within Three Marine Miles of any of the Coasts, Bays, Creeks or Harbours, of any such British Possession whatsoever ; and in either case freely to stay on board such Ship, Vessel or Boat, as long as she shall remain within such Port or distance ; and if any such Ship, Vessel or Boat, laden in whole or in part with Merchandize, and be employed for purposes other than the Fishery, and be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the Master shall have been required to depart, it shall be lawful for any of the above enumerated Officers or Persons to bring such Ship, Vessel or Boat, into Port, and to search and to examine her cargo, (and to examine the Master on Oath, touching the Cargo and Voyage,) and if there be any Goods on Board, prohibited to be imported into this Province, or any such British Possession, or liable to any Duties, whether Colonial or Imperial, upon due importation into any such Possession, such Ship, Vessel or Boat, and the Cargo laden on board thereof, shall be forfeited ; but if the said Ship, Vessel or Boat, shall be foreign, and not navigated according to the Laws of Great Britain and Ireland, and shall have been found Fishing or preparing to Fish, or to have been Fishing, within such distance of such Coasts, Bays, Creeks, or Harbours of any one of Her Majesty's said Dominions in America, such Ship, Vessel or Boat, and their respective Cargoes, shall be forfeited.

II. And it is further ordered by Her Majesty, by and with the advice aforesaid, that it shall and may be lawful for the Officer or Person by whom any such Ship, Vessel or Boat, shall have been boarded, as in the preceding Clause is directed, to put to the Master, or

Person in command thereof, all such questions as such Officer or Person shall deem proper to demand of him, touching the Cargo and Voyage of such Ship, Vessel or Boat so boarded; and whether there be any Goods laden on board thereof, prohibited to be imported into any such British Possession, or liable to any Duties, upon due importation into such Possession; and whether the said Ship be Foreign, and how and where owned; and whether the same Ship, Vessel or Boat, hath at any time been Fishing or preparing to Fish, or Fishing, within such distances as aforesaid; and also, upon any other point material in order to the enforcement of this Order in Council. And if the Master or Person in command, shall not truly answer the questions which shall be demanded of him in such examination, or shall oppose or resist the search or examination of her Cargo, or resist or refuse to proceed into Port, if required thereto for such examinations or search, he shall forfeit the sum of One Hundred Pounds.

III. And it is further ordered by Her Majesty, by and with the advice aforesaid, that all Goods, Ships, Vessels and Boats, liable to forfeiture under this Order in Council, shall and may be seized and secured, by any Officer of Her Majesty's Navy, or Officer of Her Majesty's Customs, Officer of Impost and Excise, Sheriffs, Justices of the Peace, Magistrates, or other Person holding such Commission as aforesaid: and every person, who shall in any way oppose, molest or obstruct, any Officer of the Navy or Customs, Officer of Impost and Excise, Sheriff, Magistrate, Justice of the Peace, or other Person so commissioned and employed, as aforesaid, in the exercise of his Office, or shall in any way oppose, molest or obstruct, any person acting in aid or assistance of such Officer of the Navy, Customs, Officer of Impost and Excise, Sheriff, Magistrate, Justice of the Peace, or other person so commissioned and employed, as aforesaid, shall, for every such offence, forfeit the sum of Two Hundred Pounds.

IV. And it is further ordered by Her Majesty, by and with the advice aforesaid, that all Goods, Ships, Vessels and Boats, which shall be seized, as being liable to forfeiture, under this Order in Council, shall, at the discretion of the person, be taken forthwith and delivered into the Custody of the Principal Officer of the Customs at any Port, in any one of Her Majesty's North American Possessions, as aforesaid, where some one of Her Majesty's Courts of Vice Admiralty hath Jurisdiction. And such Customs shall secure and keep the same in such manner as other Vessels and Goods seized are directed by the Commissioners of the Customs to be secured.

V. And it is further ordered by Her Majesty, by and with the advice aforesaid, that all Goods, Ships, Vessels, Boats, or other thing, which shall have been, under this Order in Council, condemned as forfeited, shall, under the direction of the principal Officer of the Customs or Excise where such seizures shall have been secured, or as may be directed by the Court in which the same shall have been condemned, be sold by Public Auction to the best bidder; and the produce of such Sale shall be applied as follows, that is to say: the amount chargeable for the safe keeping, bringing into Port, and custody of said Goods, Ship, Vessel, Boat, or other thing so seized, as aforesaid, shall be first deducted and paid, and the residue divided into two equal moieties, one of which shall be paid to the Officer or other person or persons legally seizing the same without deduction, and the other moiety to the Government, and paid into the Treasury of this Province, all Costs incurred, having been first deducted therefrom: provided always, that it shall be lawful for the Commissioners of the Revenue to direct, that any of such things shall be destroyed, or reserved for the Public Service.

VI. And it is further Ordered, by and with the advice aforesaid, That all Penalties and Forfeitures which may be hereafter incurred under this Order in Council, for the violation of these Rules and Regulations, shall and may be prosecuted, sued for and recovered, in any Court of Vice Admiralty, having jurisdiction in any of Her Majesty's Provinces, or in any part of Her Majesty's Dominions in North America.

VII. And it is further Ordered, by Her Majesty, by and with the advice aforesaid, That if any Goods, or any Ship, Vessel or Boat, shall be seized or forfeited for the violation of these Rules and Regulations, it shall be lawful for the Judge of any Court, having jurisdiction to try and determine such seizures, with the consent of the person seizing the same, to order the delivery thereof, on security, by Bond, with two sufficient Sureties

Sureties, to be first approved by such Seizing Officer or person, to answer double the value of the same, in case of condemnation, and such Bond shall be taken to the use of Her Majesty, in the name of the Collector of the Customs, in the Province into which the Goods, or Ship, Vessel or Boat, may be brought, and such Bond shall be delivered to, and kept in custody of, such Collector, and in case the Goods, or the Ship, Vessel or Boat, shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall cancel such Bond, and distribute the money paid in such manner as above directed.

VIII. And it is further ordered by Her Majesty, and with the advice aforesaid, that after any Ship, Vessel or Boat, or the cargo thereof, or other Goods, shall have been seized and brought into Port, under this Order in Council, the seizer, or some other present at the seizure, shall be authorized, if he think fit, to detain and bring, as soon as possibly may be, two or three or more persons of the principal of the company or crew, (whereof the Master or Mate, as the seizer thinks proper, to be always one,) of the Ship, Vessel or Boat, seized, or the person or persons in possession of the Goods seized, before the Judge of the Vice Admiralty Court in the Province or Possession whereto such seizure shall have been brought, or his Surrogate, or before such as shall be lawfully commissioned in that behalf, then and there to be sworn and examined upon such interrogatories as the said Court shall appoint to be administered on such occasions, or as shall tend to the discovery of the truth concerning all such things and matters as it may be necessary to prove in respect of the Prosecution to be instituted with regard to such seizure, or any forfeiture incurred by violation of this Order in Council; and that the said Seizer or Prosecutor shall, at the time he produces such persons to be examined, be further obliged to bring and deliver into the hands of the Judge of the Vice-Admiralty Court, or his Surrogate, before whom such Prosecution is designed to be had, or others commissioned as aforesaid, all such Ship's Papers, Documents and other Writings, as shall be delivered up or found on board the Ship, Vessel or Boat, or with the Goods seized, the Seizer, or some person present at the seizure, who saw the said Papers and Writing delivered up, or otherwise found at the time of the seizure, making oath that such Papers and Writings are brought in and delivered as they were received and taken, without any fraud, addition, subduction or embezzlement, or otherwise to account for the same upon oath to the satisfaction of the Court.

Provided always, that in every such case of the detention of any persons for examination as aforesaid, a reasonable sum of money be paid or tendered by the seizer to each person detained after coming into Port, to defray the expense of the subsistence of such person during such detention, the amount of which subsistence the Judge of the Court is to decide and allow on taxation.

IX. And it is further Ordered, by and with the advice aforesaid, That all of these Rules and Regulations, which are not embodied in the Rules and Regulations and Laws of Nova Scotia, relating to the Fisheries, and to the prevention of Illicit Trade in the Province of Nova Scotia, and the Coasts and Harbours thereof, shall extend to and over, and comprehend, the said Province, as well as all other parts of Her Majesty's North American Dominions, wherein, by Treaty, the Subjects of Foreign Countries are not permitted to Trade or carry on the Fishery.

X. And it is further Ordered, by and with the advice aforesaid, That no Suit shall be commenced for the recovery of any penalty or forfeiture under this Order in Council, except in the name of Her Majesty, and shall be prosecuted by Her Majesty's Advocate or Attorney General, or in his absence by the Solicitor General for the Province where such Suits shall be commenced; and if any question shall arise whether any person is an Officer of the Customs, Excise, Sheriff or Magistrate, or other person authorized to seize as aforesaid, vivâ vocé evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

XI. And it is further ordered, by and with the advice aforesaid, That if any Goods, Ship, Vessel or Boat, shall be seized for any cause of forfeiture under this Order in Council, and any dispute shall arise whether the same have been lawfully seized, the proof, touching the illegality thereof, shall lie on the owner or claimant of such Goods, Ship, Vessel or Boat, and not on the officer or person who shall seize and stop the same.

XII.

XII. And it is further Ordered, by and with the advice aforesaid, That no claim to any thing seized under this Act, and returned into Her Majesty's Court of Vice Admiralty for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property, in such thing, be made by the owner, or by his Attorney or Agent, by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour, within the Province or Possession where the seizure shall be prosecuted.

XIII. And it is further ordered, by and with the advice aforesaid, that no person shall be admitted to enter a claim to anything seized, in pursuance of these rules and regulations, and prosecuted within any one of Her Majesty's Dominions in America, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding Sixty Pounds, to answer and pay the Costs occasioned by such claim; and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

XIV. And it is further ordered, by and with the advice aforesaid, that no Writ shall be sued out against, nor a copy of any Process served upon an Officer of the Navy, Customs, Excise, Sheriff, Magistrate, Justice of the Peace, or other person authorized to seize as aforesaid, for anything done in the exercise of his Office, until one Calendar Month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the Attorney or Agent of the party, who intends to sue out such Writ or Process, in which notice shall be clearly and explicitly contained, the cause of Action, the name and place of abode of the person who is to bring such Action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of such Action shall be produced, except of such as shall be contained in such notice; and no verdict shall be given for the plaintiff, unless he shall prove on the trial that such notice was given, and in default of such, the Defendant shall receive in such action, a verdict and Costs, or Judgment of Non-suit shall be awarded against the Plaintiff, as the Court shall direct.

XV. And it is further ordered, by and with the advice aforesaid, That every such action shall be brought within three Calendar Months after the cause thereof occurred, and shall be laid and tried in some Court of Record in that part of Her Majesty's Dominions in America, whereto the Vessel or thing seized was brought to be secured; and the Defendant may plead the general issue and give the special matter in evidence; and if the Plaintiff shall become non-suited, or shall discontinue the action, or if, upon a verdict or demurrer, judgment shall be given against the Plaintiff, the Defendant shall receive treble costs, and have such remedy for the same as any Defendant can have in other cases where costs are given by Law.

XVI. And it is further ordered, by and with the advice aforesaid, that, in case any Information or Suit shall be brought to Trial on account of any seizure made under these Orders in Council, and a Verdict shall be found for the Claimants thereof, and the Judge or Court before whom the Cause shall have been tried shall certify on the Record that there was probable cause for seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the person who made such seizure be liable to any Action, Indictment, or other Suit or Prosecution on account of such seizure; and if any Action, Indictment, or other Suit or Prosecution, shall be brought to Trial against any person on account of such seizure, wherein a verdict shall be given against the Defendant, the Plaintiff, besides the thing seized, or the value thereof, shall be entitled to no more than Two-pence damages, nor to any Costs of Suit; nor shall the Defendant, in such Prosecution, be fined more than One Shilling.

XVII. And it is further ordered, by and with the advice aforesaid, That it shall be lawful for any such Officer of the Navy, Customs, Excise or Sheriff, or Magistrate, Justice of the Peace, or other person authorized to seize as aforesaid, within one Calendar Month after such notice, to tender amends to the party complaining, or his Agent, and plead such tender in bar to any action, together with other pleas; and if the Jury shall find the amends

sufficient

sufficient, they shall give a verdict for the Defendant, and in such case, or in case the Plaintiff shall become non-suit or shall discontinue his Action, or Judgment shall be given for the Defendant upon demurrer, then such Defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only. Provided always, that it shall be lawful for such Defendant, by leave of the Court where such action shall be brought, at any time before or after issue joined, to pay money into Court, as in other actions.

XVIII. And it is further ordered, by and with the advice aforesaid, That, in any such Action, if the Judge or Court before whom such Action shall be tried, shall certify upon the record that the Defendant or Defendants in such Action acted upon probable cause, then the Plaintiff, in such Action, shall not be entitled to more than Two-pence damages, nor to any costs of suit.

XIX. And it is further ordered, by and with the advice aforesaid, That all Actions or Suits for the recovery of any of the Penalties or Forfeitures imposed by this Order in Council, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such Penalty or Forfeiture shall be incurred—any Law, usage or custom, to the contrary notwithstanding.

XX. And it is further ordered, by and with the advice aforesaid, That no appeal shall be prosecuted from any decree or sentence of any of Her Majesty's Courts within Her Majesty's Dominions in America, touching any Penalty or Forfeiture imposed by these Rules and Regulations, unless the Inhibition shall be applied for and decreed within Twelve Months from the time when such decree or sentence was pronounced.

XXI. And it is further ordered, by and with the advice aforesaid, that every Ship, Vessel or Boat, condemned or forfeited for the breach or violation of this Order in Council, in any of Her Majesty's Courts of Vice-Admiralty in North America, shall be deemed and considered as standing in the same condition, as Vessels condemned in a Court of Vice Admiralty as Prize of War, and shall be Registered in like manner as Vessels so condemned may be Registered.

XXII. And it is further ordered, by and with the advice aforesaid, that each and every of the Courts of Vice-Admiralty in Her Majesty's North American Colonies and Possessions, established, or to be established, shall have, possess and enjoy, and is hereby declared to be invested with full right, power and authority, to take cognizance of, and judicially to proceed in, and to have and determine all and all manner of Action and Actions, Suits, Trespasses, Mariner's Wages, Shares in Fishing Voyages whatsoever, Contracts, Grants, Agreements, Covenants, Disputes, Ships let to hire or Freight, Freight Money, Charter Parties, Controversies, and other causes of Action whatsoever, howsoever, and wheresoever arising, which respectively have at any time heretofore happened or arisen, or hereafter can happen or arise, in respect of any matter, dealing, trespass, cause, or thing whatsoever connected with, or arising out of, dealings, services, agreements or transactions, in any wise relating to the British Fisheries in North America, or elsewhere, so as the Ship or Vessel, or the Fish or Oil, or produce of Animals, living in the Sea, or the Masters of the Vessels engaged in such Fishing, or the Owners thereof, be brought or do come within the Jurisdiction and local limits of any such Court of Vice-Admiralty, and whether such Contracts or Agreements were made on Shore or otherwise; and in every such Suit, brought before any such Court of Vice Admiralty, such Court shall proceed as near as may be, in conformity with the Regulations established for the practice of such Court.

No. 87.

(See Page 849.)

The Committee to whom were referred the various Returns made by County Officers, under a Resolution of this House, relative to the compliance or non-compliance with the Jury Law of 1838, in these respective Counties, beg leave to Report:

That J. H. Kauback, Sheriff of the County of Lunenburg, states, that the Jury Law of 1838, was conformed to in that County.

That C. T. Wilkins, Sheriff of the County of Hants, states the same.

That Samuel Cowling, Clerk of the Peace for the County of Annapolis, states the same.

That Edward H. Cutler, Sheriff officiating in the County of Digby, states the same.

That Joshua Chandler, Sheriff of the County of Cumberland, states the same.

That Murdoch McLean, Sheriff of the County of Guysborough, states the same.

That J. W. Harris, Sheriff of the County of Pictou, states the same.

That G. R. Grassie, Sheriff of the County of Colchester, states the same.

That Mr. Sawers, Chief-Justice of the Court of Common Pleas, County of Sydney, states the same.

That W. C. Campbell, Sheriff of the County of King's, states the same.

That Robert Roberts, Sheriff of the County of Queen's, states the same.

That Mr. Justice Marshall states, that the Jury Law of 1838, was not complied with in the County of Cape-Breton, as the Publication of the Act did not arrive in time to meet its provisions—but the course pointed out by the Act was pursued the next Term of the General Sessions in November, 1838, and Returns made of Grand Jurors to the Supreme Court in September, 1839; and it was ascertained, when too late to be remedied, that the Sheriffs and the Magistrates of the Counties of Richmond and Inverness, after having been notified in 1838, did not discharge the duties which the Law assigned them; and therefore, the Grand Jurors serving this year for those Counties, have been drawn under the old Law.

That Mr. Justice Ritchie states, that the requisites of the Grand Jury Law of 1838, were complied with in the County of Yarmouth. And that three Justices of the Peace for the County of Shelburne, were re-elected under the new Jury Law, at the first General Sessions of the Peace—but those Gentlemen were not sworn as the Law directs, therefore, no list of persons qualified to serve as Grand Jurors, under the Law, was prepared for the Supreme Court; and, in consequence of that omission, the Chief Justice directed the Grand Jury to be drawn as heretofore.

That J. S. Clarke, Clerk of the Peace for the County of Halifax, acknowledges that the Act of 1838, relating to Grand Juries, was published in the Royal Gazette on the 4th April, 1838, and recognised by him. Yet the June Term (the first after the passing of the Act,) passed over without the legal nomination of Justices—and a loose and unsatisfactory reason is given by the Clerk of the Peace for this most culpable neglect of the Law.

THOS. FORRESTER, Chairman.

Committee-Room, House of Assembly,
27th March, 1840.

No. 88.

(See Page 850.)

The Committee to whom the Petition of the Merchants and Ship Owners of Halifax, complaining of the Court of Vice-Admiralty, was referred, report thereon:

That Her Majesty's Government have decided, that it is not competent for the Legislature of this Province to pass any Act interfering with the jurisdiction of that Court, in the manner sought for by this Petition. It is therefore out of our power to afford relief, by Legislative enactment, for the wrongs set forth by the Petitioners, and whose operation and extent so injuriously affect the trade of this Province. Your Committee apprehend, also, that an Address to the Crown, by this House, would not induce Her Majesty's Government to introduce a special Bill into Parliament; some preparatory negotiations, defining the terms, and limiting the extent of such a Bill, being indispensable to its success. A public service of this sort can only be accomplished through the influence and co-operation of the Executive, acting by and with the advice of a Council who will zealously and effectually promote the object desired by the Petitioners. Your Committee regret, therefore, that they cannot recommend any action of this House on the said Petition during the present Session.

Committee-Room, 27th March, 1840.

WILLIAM YOUNG,
JOSEPH HOWE,
HUGH BELL.

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Bridge; Obstructions on—*see Petitions, No. 64; Bills, No. 116.*

Beef and Pork, salted; packing and repacking of, *see Bills, No. 136.*

Bills, viz.

Quadrennial Parliaments

No. 1. For limiting the duration or continuance of the General Assemblies, 645; motion to defer negatived, and Bill committed, 656, 657; reported, passed and sent to Council, 657; agreed to by Council, 726; assent of Governor, 853.

Juries

2. To continue and amend Juries Act, and render valid proceedings of certain Grand Juries, 645, 646, 648, 650, 654; assent of Governor, 656.

Prisoners Counsel

3. For enabling persons indicted for Felony to make their defence by Counsel, 646, 650, 651, 653, 664, 665; assent of Governor, 666.

Public subscriptions

4. For enforcing engagements in aid of Public Works, read 1st and 2d time and passed in Committee of whole, 647; read 3d time, rider added, passed and sent to Council, 648.

Civil List

5. To provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenue, 652, 675, 702, 704, 710; motion for recommitting negatived on division, 711, 712; passed and sent to Council, 712; Council disagree thereto, 746.

Crown Lands

6. To establish regulations for the disposal of Crown Lands, 652, 665, 678, 681, 702, 704, 705; assent of Governor, 853.

Summary Trespasses

7. For enabling Justices of the Peace to try Actions of Trespass, &c. in certain cases, 653, 656, 657, 658, 674, 682, 683, 702; Bill and amendments deferred until next Session, 798.

Bridewell

8. To provide for building a Bridewell, 653, 654, 780, 782, 784, 796; assent of Governor, 856.

Timber Carriage Wheels

9. Relative to Wheels for Carriage of Timber and Lumber, 655.

Judgments by Confession

10. To reduce the expenses of Suits at Law on Judgments by Confession, 656, 657, 658, 719, 731, 734.

Douglas division

11. To divide the Township of Douglas, &c. 656, 657, 658.

Rawdon Limits

12. To establish the limits of the Township of Rawdon, 656, 657, 658.

Judiciary

13. Concerning the Judiciary of this Province, 657; motion to defer three months carried on division, and Bill deferred, 658; *see also Bills, No. 18.*

Five Islands

14. For annexing Five Islands to Colchester, 658, 660, 661, 683, 690; read 3d time, motion to recommit negatived, rider added and Bill passed, 692; Council agree, 740; assent of Governor, 854; *and see Petitions, No. 14.*

Com. Pleas Truro

15. To abolish one sitting of the Inferior Court in Truro, 658.

Dalhousie College

16. To appoint a new Board of Governors for Dalhousie College, 659, 661, 750, 751, 800, 801, 802, 809, assent of Governor, 855.

Cumberland Shad Fishery

17. To regulate Shad Fishery in Cumberland, 659, 661, 750, 751, 759; assent of Governor, 854.

Judiciary

18. To improve the Administration of the Law, and reduce the number of Courts, &c. 659, 661, 662; reported from Committee of whole, and motion to recommit negatived, 737; read 3d time, riders added, &c. and Bill passed, 738—9, 740; Committee appointed to search Journals of Council relative to proceedings thereon, 792; report therefrom, 798, 799.

See also Bills No. 13.

No..

- No. 19. To provide for the expenses of Transient Paupers, 660; deferred three months, 663. Transient Paupers.
20. For reducing the interest on the Funded Debt of the Province, 663; deferred three months, 750. Funded debt
21. To provide a Lock-up House at Bridgetown, 664, 672, 678, 695; assent of Governor, 853. Bridgetown Lock-up-House
- And see Petitions, No. 31.*
22. Relative to the performance of Statute Labor by Owners of Land, 665. Statute labor
- See also Bills, No. 162.*
23. Relative to Trespasses upon Islands near Argyle and Barrington, 667, 672. Argyle Islands trespasses
24. For Incorporating the Queen's College at Horton, 671, 702, 705, 706, 707; reported from Committee of whole, and motion to defer three months negatived on division, 708; read 3d time and sent to Council, 710; Council agree, 722; assent of Governor, 853. Queen's College Incorporation
- And see Petitions, No. 5.*
25. To authorise Congregation of Baptist Meeting-House at Yarmouth to raise money from Pews, 674, 679, 680, 681, 685; assent of Governor, 853. Baptist Meeting House Yarmouth.
- And see Petitions, No. 55.*
26. To compensate one of the Commissioners of Streets in Windsor for a loss sustained in the exercise of his Office, 675, 679, 680, 681. Windsor Streets Commrs. compensation
- And see Petitions, No. 57 and 62.*
27. To continue Act for preventing Nuisances by Hedges, &c. obstructing the passage of Fish in Rivers, 676, 678, 761, 767, 780; assent of Governor, 854. Continuing Bills viz. River Nuisance
28. To continue Shubenacadie Fishery Act, 676, 678, 761, 767, 780; assent of Governor, 854. Shubenacadie Fishery
29. To continue Lunenburg Fisheries Act, 676, 678, 761, 767, 780; assent of Governor, 854. Lunenburg Fishery
30. To continue Chedabucto Bay Fisheries Act, 676, 678, 707, 712, 715, 726; assent of Governor, 853. Chedabucto Bay fisheries
31. To continue Act to regulate Survey of Timber and Lumber, 676, 678, 713, 715, 726; assent of Governor, 855. Survey of Lumber
32. To continue Beef Weighing Act, 676, 678, 773, 782, 784, 800; assent of Governor, 854. Beef Weighing
33. To continue the Act to regulate expenditure of Monies on Roads and Bridges, 676, 678, 731, 750, 751, 759; assent of Governor, 854. Road expenditure
34. To continue School Acts, 676, 678, 780, 784, 800; assent of Governor, 845. Schools
35. To continue Militia Acts, 676, 678, 790, 793, 795, 809; assent of Governor, 855. Militia
36. To continue Act to regulate exportation of Red or Smoked Herrings, 676, 678, 680, 685, 695; assent of Governor, 852. Herrings exportation
37. To continue the Act to encourage the killing of Bears, &c. 676, 678, 680, 686, 695; assent of Governor, 852. Killing of Bears, &c.
38. To continue the Act to restrain the issuing Writs of Attachment, 676, 678, 680, 686, 696, 721, 723; assent of Governor, 853. Writs of attachment
39. To continue the Act to make the stealing of Dogs, &c. Larceny, 676, 678, 680, 686, 695; assent of Governor, 852. Stealing of Dogs
40. To continue Guysboro' Town Lots Act, 676, 678, 680, 686, 695; assent of Governor, 852. Guysboro Town Lots
41. To continue Queen's County Sea Manure Act, 676, 678, 680, 686, 695; assent of Governor, 852. Sea manure Queen's County
42. To continue Pictou Poores' Rates Act, 676, 678, 680, 686, 695; assent of Governor, 852. Pictou Poores Rates
43. To continue the Act to provide against the occurrence of Diseases from the Bite of Animals, 676, 678, 680, 686, 695; assent of Governor, 852. Bite of Animals
44. To continue Pugwash Harbor Act, 676, 678, 680, 686, 695; assent of Governor, 852. Pugwash Harbor.
45. To continue Mortgage Foreclosure Act, 676, 678, 680, 686, 696; amendments of Council. Mortgages Council

- Council making Act perpetual—agreed to, 720 ; Council agree, 723 ; assent of Governor, 853.
- Marriage Licenses** 46. To continue Marriage License Act, 676, 678, 680, 686, 696, 721, 723 ; assent of Governor, 853.
- Supervisors** 47. To continue Act for appointing Supervisors to take charge of Public Grounds, 676, 678, 680, 685, 700, 713, 719, 746, 747 ; assent of Governor, 854.
- Halifax Grammar School** 48. To continue Halifax Grammar School Act, 676, 678, 680, 686, 695 ; assent of Governor, 852.
- Quarantine** 49. To continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, &c. 676, 678, 680, 686, 695 ; assent of Governor, 852.
- Contagious diseases** 50. To continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, &c. 676, 678, 680, 687, 695 ; assent of Governor, 852.
- Nuisances** 51. To continue the Act additional concerning Nuisances, 676, 678, 680, 687, 695 ; assent of Governor, 852.
- Written documents** 52. To continue the Act to lessen the expense of the Proof of Written Documents, &c. 676, 678, 680, 687, 696 ; amendments of Council making Act perpetual, agreed to, 720 ; Council agree, 723 ; assent of Governor, 853.
- Annapolis Academy** 53. To continue Annapolis Academy Acts, 676, 678, 680, 687, 695 ; assent of Governor, 852.
- Landings King's County** 54. To continue the Act to regulate certain Landings in King's County, 676, 678, 680, 687, 696 ; assent of Governor, 852.
- Malicious Injuries** 55. To continue the Act concerning Malicious Injuries to Property, 676, 678, 680, 687, 696, 720, 723 ; assent of Governor, 853.
- Importation of Cattle** 56. To continue the Act to encourage the Importation of Improved Breeds of Cattle, 676, 678, 680, 687, 696 ; assent of Governor, 852.
- Bridgeport Harbor Master** 57. To continue the Bridgeport Harbour Master Act, 677, 678, 680, 687, 696 ; assent of Governor, 852.
- Sydney Pilotage** 58. To continue the Sydney, C. B. Pilotage Acts, 677, 678, 680, 687, 696 ; assent of Governor, 853.
- Sale of Coals by Weight** 59. To continue the Act to authorise the Sale of Coals by Weight, 677, 678, 681, 687, 696 ; assent of Governor, 852.
- Sable Island** 60. To continue the Act for the better regulation of Sable Island, 677, 678, 681, 687, 696 ; assent of Governor, 853.
- Trespasses** 61. To continue Trespass Act, 677, 678, 681, 687, 696, 721, 723 ; assent of Governor, 853.
- Wills, &c.** 62. To continue Acts relating to Wills, &c. 677, 678, 681, 685.
And see Bills, No. 94.
- Halifax Pilotage** 63. To continue Halifax Pilotage Acts, 677, 678, 681, 687, 696 ; assent of Governor, 853.
- Summary Trials** 64. To continue Summary Trials Acts, 677, 678, 681, 688, 696 ; assent of Governor, 853.
- Extension of Laws to Cape Breton** 65. To continue Act to extend Laws of N. S. to Cape-Breton, 677, 678, 681, 688, 696 ; assent of Governor, 853.
- Summary Trials C. B.** 66. To continue Cape-Breton Summary Trials Act, 677, 678, 681, 688, 696 ; assent of Governor, 852.
- Light Houses** 67. To continue Light-Houses Act, 677, 678, 681 ; read 3d time and rider added, 797 ; Council agree with amendments, 819 ; House refuse to consider same, as they relate to taxation, 821, (A) ; Council adhere to amendments 821, (C.)
- Billetting** 68. To continue Act for Billetting Troops, &c. 677, 678, 681, 688, 696 ; assent of Governor, 853.
- Cape Forchu Harbor** 69. To continue the Act to preserve the Harbor of Cape Forchu, in Yarmouth, 677, 678, 681, 682, 695 ; assent of Governor, 853.
- Passengers** 70. To continue Passengers Act, 677, 678, 801, 803, 818 ; assent of Governor, 855.

- No. 71. To continue Grindstones exportation Act, 677, 678, 713, 719. Grindstones
See also Bills No. 125.
- No. 72. To continue the Act, &c. relating to Commissioners of Sewers, 677, 678, 793, Comrs. of Sewers
 795, 809; assent of Governor, 855.
73. To continue Wickwire Dyke Rates Act, 677, 678, 793, 795, 809; assent of Go- Wickwire Dyke
 vernor, 855. Rates
74. To continue the Act to direct and ascertain the mode of assessing County and County Rates
 District Rates, &c. 677, 678, 801, 803, 818; assent of Governor, 855.
75. To continue Act for settlement of Poor, 677, 678, 801, 803, 818; assent of Go- Poor
 vernor, 855.
76. To continue Act for regulating Rates and Prices of Carriages, 677, 678, 801, Prices of Carriages
 803, 818; assent of Governor, 855.
77. To continue the Act to prevent damage to the Nets of Fishermen by Coasting Nets of Fishermen
 Vessels, 677, 678, 761, 768, 780; assent of Governor, 854.
78. To continue Highway Act, 677, 678, 801, 803, 818; assent of Governor, 855. Highways
79. To continue the Act concerning the terms of the Supreme Court at Halifax, 677, Sup. Court. Hx.
 678, 801, 803, 818; assent of Governor, 855.
80. To continue the Act respecting the Trial of Issues in the Supreme Court, and for Circuit Courts
 regulating the Circuits of said Court, &c. 677, 678, 801, 807, 821, (B);
 assent of Governor, 856.
81. To continue the Act concerning the Inferior Court of Common Pleas, &c. 667, Com. Pleas
 678, 801, 803, 818; assent of Governor, 855.
82. To continue the Act to prevent Disorderly Riding, &c. 677, 678, 801, 803, 818; Disorderly Riding
 assent of Governor, 855.
83. To continue the Act relating to the Court of Commissioners at Halifax, 677, 678, Comrs. Court Hx.
 801, 803, 818; assent of Governor, 855.
84. To continue Halifax Bridewell and Police Act, 677, 678, 801, 807, 821; (B) Hx. Bridewell &
 assent of Governor, 855. Police
85. To continue Halifax Night Watch Act, 677, 678, 801, 803, 818; assent of Go- Halifax Night
 vernor, 855. Watch
86. To continue the Act to regulate the Fees of the Constable of the Court of Com- Constable of Comrs.
 missioners at Halifax, 677, 678, 801, 803, 818; assent of Governor, 855. Court
87. To continue Act to suspend Halifax Cordwood Forestalling Act, 678, 801, 803, Cordwood Fore-
 818; assent of Governor, 855. stallling
88. To continue Halifax Firewards Act, 678, 801, 807, 821; (B) assent of Gover- Halifax Firewards
 nor, 855.
89. To authorise Congregation of Meeting House at Tusket to raise Money for re- Tusket Meeting
 pairing thereof, 679, 682, 690, 691, 698; assent of Governor, 853. House
And see Petitions No. 58.
90. For establishing the times and places of holding Polls at Elections, 682, 684, 690, Polls at Elections
 694, 705, 706, 727, 728, 731; assent of Governor, 853.
91. To amend Election Law, 682; motion to defer carried on division, 684. Elections
92. To vacate the seats of Members, in certain cases, 682, 710, 809, 810, 828; assent Vacating Seats of
 of Governor, 855. Members
93. To repeal the Act for the establishment of Religious Public Worship in this Pro- Religious Public
 vince, &c. 683. Worship
94. (From Council.) Concerning Wills, 684, 795, 806; agreed to with amendments, Wills
 806; Council agree to amendments, and Bill finally agreed to as amended,
 829; assent of Governor, 856.
95. To continue Act to suspend Forestalling Acts, 688, 690, 801, 804. Forestalling
96. To continue Town Officers Acts, 688, 690, 793, 795, 808; assent of Governor, Town Officers
 855.
97. To continue Pickled Fish Inspection Acts, 688, 750, 782, 784, 800; assent of Go- Pickled Fish
 vernor, 854. Inspection
98. For the Registry of Voters, &c. and for assessing County Rates, &c. 689, 690. Registration
99. Relating to Registrars of Deeds, 691, 693, 695; recommitted, 696; reported a- Registrars of Deeds
 gain

- gain, and motion to re-commit negatived, 697; rider added, and Bill passed, 698.
- See also Bills, No. 129.*
- Margaretville Pier Company No. 100. To Incorporate Margaretville Pier Company, 691, 693, 694, 702, 704, 705; assent of Governor, 853.
- Rail Roads 101. To regulate and prevent injury to Rail Roads, 699, 713, 715, 726; assent of Governor, 853.
- And see Petitions No. 43.*
- To amend Digby Shire Town Act 102. To amend the Act to establish the County or Shire Town in the County of Digby, 701, 704, 713, 715, 726; assent of Governor, 853.
- And see Petitions, No. 56.*
- Non Suit 103. To prevent inconveniencies arising from delay of causes after issue joined, 702, 704, 713, 715, 726; Council's amendments disagreed to, 805; Council adhere, 819.
- Members of Assembly 104. To prevent Members of the Legislature from being employed as Counsel, in certain cases, 702, 770.
- Lands and Tenements 105. For making Lands and Tenements liable to Debts, 702, 704, 731, 735, 765—8; amendments of Council considered and agreed to, with amendments, 780—1—2; Council agree in part, 786; House adhere and request Committee of Conference, 792; Instructions to Committee of Conference and report therefrom, 792—3.
106. To Incorporate the Royal Acadian School Society, 702, 704, 732, 741, 752; assent of Governor, 854.
- Acadian School Society 107. For disposing of Waste Lands in Granville, &c. 705, 711, 713, 715.
- Granville Waste Lands *And see Petitions, No. 65.*
- St. Mary's District 108. To divide and set off the Township of Saint Mary's, in the County of Guysborough, into a separate District, 705, 710, 713, 719, 748, 751—2, 772, 774; assent of Governor 854.
- Overholding 109. To prevent illegal detainer and overholding of Real Estate, 708, 711, 732, 737, 752; amendments of Council agreed to, 759, 760, 761; Council agree, 770; assent of Governor, 854.
- Prothonotary C. B. 110. Respecting the Office of Prothonotary in the County of Cape-Breton, 708, 711, 713, 719, 732.
- Blue Bell Farm 111. For Sale of Old Blue Bell Farm Halifax, 708, 711, 732, 737, 747; assent of Governor, 854.
- Pictou Harbor 112. To amend Act to regulate Harbor of Pictou, 708, 711, 713, 719, 727; assent of Governor, 853.
- Digby Sheriff 113. In addition to the Act to divide the County of Annapolis, &c. 708, 713, 716, 726, assent of Governor, 853.
- And see Petitions, No. 68.*
- Fencing Salt Marsh 114. To regulate the Fencing of Salt Marsh Lands, 708, 730, 750; Title altered on 3d reading, and Bill passed 751; Council agree, 773; assent of Governor, 854.
- Stirling or Ramsay Township 115. To change the name of the Township of Ramsay, in Colchester, to Stirling, 710, 711, 713, 716, 726; assent of Governor, 853.
- Digby Landings 116. To regulate Digby Landings, 712, 713, 728, 730, 746; assent of Governor, 854.
- And see Petitions, No. 64.*
- Bridgetown Fire Engines 117. For providing Fire Engines for Bridgetown, 717, 720, 732, 735, 747; assent of Governor, 854.
- And see Petitions, No. 63.*
- Sale of Spirituous Liquors 118. To prevent the sale and use of Spirituous Liquors, in certain cases, 717; motion for withdrawing carried on division, 717.
- Colchester Representation 119. To regulate the Representation of the County of Colchester, 719, 720; reported from Committee of whole, 754; deferred on third reading, 754, 755.
- And see Petitions No. 16.*
- Bay of Fundy Steam Navigation Company 120. (From Council.) To Incorporate Bay of Fundy Steam Navigation Company, 723, 727, 750, 751, 753; assent of Governor, 854. No.

- No. 121. To repay to two Collectors of Rates in Annapolis certain expenses incurred by them, 725, 727, 728, 730. Annapolis Rate Collectors
And see Petitions, No. 61.
122. To raise an additional sum in aid of the fund for repairs, and sinking of Pumps and Wells in Halifax, by laying an annual tax on Fire Insurance Companies, 725. Taxing Fire Insurance Companies
123. To shut up Old Road in Horton, 727, 730, 737. To Shut up Old Road Horton
See also Bills, No. 163.
124. Respecting Township Members in the County of Hants, 727, 770; deferred three months on division, 771. Hants County Representation
And see Petitions, No. 16.
125. (From Council) To repeal Grindstones exportation Act, 731, 732, 801; agreed to, 804; assent of Governor, 856. Grindstones
126. For better securing the payment of Light Duties, 731, 798. Light Duties
127. For shutting up old Road in Wilmot, 732, 735, 740, 741. Wilmot Old Road
And see Petitions, No. 28.
128. For appropriation of Monies on Great Roads, 732, 736, 740; read 3d time—motions for recommittal, and for adding rider negatived, and Bill passed on division, 741, 742; Council agree, 752; assent of Governor, 854. Great Roads Appropriation
129. Concerning the Registrars of Deeds throughout this Province, 746, 747. Registrars of Deed
And see Bills, No. 99.
130. In further amendment of the several Acts relating to Poors' Rates, 749, 752; reported from Committee of whole, and deferred three months, 801. Poor's Rates
131. To Incorporate Bank of Queen's County, 749; Bill deferred three months, 759. Queen's County Bank
132. To provide for the application of certain Fines and Penalties, 749, 752, 754, 755. Fines and Penalties
133. To regulate the Representation of the Townships of Annapolis and Granville, 749; deferred three months on division, 752; motion for rescinding same, negatived on division, 754. Annapolis Representation
And see Petitions, No. 16.
134. To enable the Nova Scotia and Halifax Marine Insurance Companies to compensate the Directors and Auditors thereof, 749, 753, 754, 755. Marine Insurance Directors
And see Bills, No. 154.
135. To repeal tenth clause of Miré Grant Act, 749, 753, 774, 784, 800, 805; assent of Governor, 855. Mire Grant
136. In further amendment of the Act to regulate the packing and repacking of Salted Beef and Pork for exportation, 751, 753, 754, 755, 771, 772; assent of Governor, 854. Salted Beef and Pork
137. To Incorporate an Hotel Company in Halifax, 754, 755, 801, 802, 818; assent of Governor, 855. Halifax Hotel Incorporation
138. To enable the Courts of Sessions and Grand Juries to grant compensation to Sheriffs, in certain cases, 755; deferred three months, 759. Sheriff Compensation
And see Petitions, No. 52.
139. To provide for the regulation and management of the Combined Common and Grammar School Lunenburg, 756, 758; (motion to defer negatived on division, and Bill committed, 759,) 761—2—8, 784, 786; assent of Governor, 854. Lunenburg Grammar School
And see Petitions No. 6.
140. To make provision for payment of the expenses of the Census of the County of Cape Breton, 761, 782, 784, 800; assent of Governor, 855. Cape Breton Census
141. Maxwelton and Egerton Representation—leave to present refused on division, 768. Maxwelton & Egerton Representation
142. For granting Colonial Duties of Impost, &c. 771—2—3, 783, 799; assent of Governor, 854. Impost
143. To continue Act for general regulation of Colonial Duties, 771, 773, 783, 800; assent of Governor, 854. Duties Regulation
144. To continue the Act concerning Goods exported and for granting Drawbacks, 771, 773, 783, 800; assent of Governor, 854. Drawbacks

- Smuggling No. 145. To continue the several Acts for the prevention of Smuggling, 771, 773, 783, 800; assent of Governor, 854.
- Warehousing 146. To continue and amend the Act for the Warehousing of Goods, 771, 773, 783, 800; assent of Governor, 854.
- Importation 147. To continue and amend the Act for regulating the Importation of Goods, 771, 773, 783, 800; assent of Governor, 854.
- Foreign Wheat Flour Drawback 148. To grant a Drawback on Foreign Wheat Flour, 771, 773, 774, 783, 800; assent of Governor, 854.
- Licences 149. To continue General License Act, 771, 773, 774, 783, 800; assent of Governor, 854.
- Halifax Licences 150. To continue Halifax License Act, 771, 773, 783, 800; assent of Governor, 854.
- Lunenburg Old Road 151. To enable Devises or Representatives of John Bolman to shut up Old Road in Lunenburg, 772, 773, 793, 795, 809; assent of Governor, 855.
And see Petitions, No. 26.
- Halifax Police Fees 152. To define and ascertain the Fees to be taken at the Police Office in Halifax, 772, 773, 793, 795.
- Dartmouth Streets 153. To extend to the Town of Dartmouth the Act relating to Commissioners of Highways in Halifax, 773, 780, 806, 807, 828; assent of Governor, 855.
- Marine Insurance Directors pay 154. (From Council.) To enable the Nova Scotia and Halifax Marine Insurance Companies to compensate their Directors, 773, 780, 795; agreed to, 805; assent of Governor, 856
And see Bills, No. 134.
- Sittings of Common Pleas, &c. Arichat 155. To change the times of sitting of Common Pleas and Sessions at Arichat, leave to present refused, 786.
- Gas Light and Water Company 156. To Incorporate the Halifax Gas Light and Water Company, 790, 795, 801—2—3; Council agree with amendments, which are considered and agreed to in part, 829; Council do not adhere, 829; Bill passed, 829; Council agree, 841; assent of Governor, 856.
- Gaspereau Fishery Horton 157. To regulate the Salmon and Gaspereau Fishery in Horton, 792, 795, 806, 807, 821 (B); assent of Governor, 855.
And see Petitions, No. 41.
- Bridges 158. For protecting Bridges, presented and deferred three months on division, 793—4.
- Polls 159. To amend Polls Act, 794, 795, 801; read 3d time, recommitted, reported again with further amendments, &c. 804; read 3d time and passed, 807; Council agree, 821 (B); assent of Governor, 855.
- Halifax Engine House 160. Respecting the Engine House at Halifax, leave to present refused, 794.
- Amherst Marsh 161. To drain Amherst Marsh, reported from Committee on Petition No. 1, and deferred three months, 795.
- Statute Labor 162. Relative to performance of Statute Labor by owners of Lands, presented and deferred three months, 797.
See also Bills, No. 22.
- Horton Old Road 163. (From Council.) For shutting up old Road in Horton, 799, 800; agreed to 800; assent of Governor, 856.
- Digby Polls 164. (From Council.) For establishing the Times and Places of holding the Poll at Elections of Representatives for the County and Township of Digby, 799; deferred three months, 800.
- St. Peters Canal Company 165. To Incorporate the St. Peter's Canal Company, 805, 806, 807, 809, 810, 829; assent of Governor, 855.
- Appropriation 166. Of Appropriation, Clerk to prepare, 825; presented and read 1st time, 826; read 2d time, riders added and Bill passed, 840—1; Council agree, 845; assent of Governor, 856.
- Cemeteries 167. (From Council.) Additional to Acts concerning Halifax Cemeteries, 841—2—3—4; assent of Governor, 856.

Blackie, Thomas; *see Petitions, No. 67.*

Blue Bell Farm, Sale of; *see Bills, No. 111.*

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