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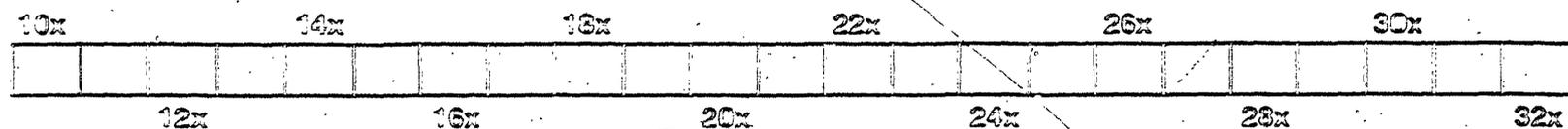
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JOURNAL
OF
THE LEGISLATIVE COUNCIL
OF
THE PROVINCE
OF
NEW BRUNSWICK.



From 19th October to 3rd November 1854.

Being the First Session of the Sixteenth General Assembly.

FREDEBICTON, NEW BRUNSWICK.

JOHN SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1854.



By His Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

EDMUND HEAD.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Monday the twenty second day of May instant, I have thought fit to dissolve the said General Assembly, and the same is hereby accordingly dissolved; whereof all persons whom it may concern will take due notice.

And I have further thought fit to order and direct that Writs for calling a new General Assembly be forthwith issued in due form, returnable on Monday the third day of July next.

Given under my Hand and Seal, at Fredericton, the nineteenth day of May, in the year of our Lord one thousand eight hundred and fifty four, and in the seventeenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.



By His Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

EDMUND HEAD.

A PROCLAMATION.

WHEREAS the General Assembly of this Province has been summoned to meet at Fredericton on Monday the third day of July next, I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued to Tuesday the eighth day of August next.

Given under my Hand and Seal, at Fredericton, the twenty eighth day of June, in the year of our Lord one thousand eight hundred and fifty four, and in the eighteenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.



By His Excellency Sir EDMUND WALKER HEAD, Baronet,⁵ Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

EDMUND HEAD.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the eighth day of August next, I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued to Tuesday the nineteenth day of September next.

Given under my Hand and Seal, at Fredericton, the thirty first day of July, in the year of our Lord one thousand eight hundred and fifty four, and in the eighteenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.



By His Excellency Sir EDMUND WALKER HEAD, Baronet, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

EDMUND HEAD.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the nineteenth day of September instant, I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued to Tuesday the seventeenth day of October next.

Given under my Hand and Seal, at Fredericton, the thirteenth day of September, in the year of our Lord one thousand eight hundred and fifty four, and in the eighteenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.



By His Excellency The Honorable JOHN HENRY THOMAS MANNERS SUTTON, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

J. HENRY T. MANNERS SUTTON.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the seventeenth day of October instant, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Thursday the nineteenth day of October, then to meet at Fredericton for the despatch of business.

Given under my Hand and Seal, at Fredericton, the seventh day of October, in the year of our Lord one thousand eight hundred and fifty four, and in the eighteenth year of Her Majesty's Reign.

By His Excellency's Command.

J. R. PARTELOW.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New Brunswick.

FIRST SESSION OF THE SIXTEENTH GENERAL ASSEMBLY.

ANNO DECIMO OCTAVO VICTORIÆ REGINÆ.

His Excellency The Honorable John Henry Thomas Manners Sutton,
Lieutenant Governor and Commander in Chief.

At Fredericton in the Province of New Brunswick.

LEGISLATIVE COUNCIL CHAMBER, Thursday, 19th October, 1854.

WRITS having issued for a new Election of Representatives to meet in General Assembly on the third day of July last, and the said General Assembly having been, by Proclamations, prorogued to this day, the Council met—

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Botsford,
Mr. Solicitor General,
Mr. Hill,
Mr. Wark.*

*Mr. Chandler,
Mr. Minchin,
Mr. Harrison,*

PRAYERS.

At two o'clock His Excellency The Honorable John Henry Thomas Manners Sutton, Lieutenant Governor and Commander in Chief of the Province, came to the Council Chamber, and being seated in the Chair on the Throne, commanded the Gentleman Usher of the Black Rod, through the Honorable the President, to let the Assembly know—"It is His Excellency's pleasure that they attend him immediately in this House."

Who being come,

The President of this House said—

"Honorable

*"Honorable Gentlemen of the Legislative Council, and
Gentlemen of the House of Assembly,*

"I am commanded by His Excellency the Lieutenant Governor to inform you, that he doth not think fit to declare the causes for which he has summoned this General Assembly until there be a Speaker of the House of Assembly. It is therefore His Excellency's pleasure, that you, Gentlemen of the House of Assembly, do repair to the place where the sittings of the House of Assembly are usually held, and there choose a fit person to be your Speaker; and that you present the person who shall be so chosen to His Excellency, in this House, to-morrow at one o'clock, for his approbation."

The House of Assembly then withdrew, and His Excellency was pleased to retire.

Adjourned until To-morrow at half past 12 o'clock.

FRIDAY, 20th October, 1854.

PRESENT :

THE HON.

*Mr. Bolsford,
Mr. Solicitor General,
Mr. Hill,
Mr. Wark,*

Mr. Black, President.

*Mr. Chandler,
Mr. Minchin,
Mr. Harrison,
Mr. Ryan.*

PRAYERS.

At one o'clock His Excellency The Honorable John Henry Thomas Manners Sutton, Lieutenant Governor and Commander in Chief of the Province, came to the Council Chamber, and being seated in the Chair on the Throne, commanded the Gentleman Usher of the Black Rod, through the Honorable the President, to let the Assembly know—"It is His Excellency's pleasure that they attend him immediately in this House."

Who being come,

Mr. Hanington said—

"May it please Your Excellency,

"Your Excellency having communicated your pleasure to the Assembly, they returned to the place where they usually deliberate, and immediately proceeded to choose a Speaker; they have elected me to that important office and honorable situation, and they now present me to be approved of by Your Excellency."

The President of this House said—

"Mr. Hanington,

"I am commanded by His Excellency to assure you, that he is fully sensible of your zeal for the public service, and of your sufficiency to execute the duties of the office to which you have been elected by the House of Assembly, and that he doth most readily approve of their choice, and allow and confirm you to be their Speaker."

Then

Then the Speaker of the Assembly said—

“ May it please Your Excellency,

“ Your Excellency having been pleased to approve of the choice which the Assembly have made in electing me to be their Speaker, it now becomes my duty, on their behalf, and in the name of the Assembly, to claim and demand that they have all their ancient and accustomed rights and privileges, particularly freedom of speech—freedom from arrest—access to Your Excellency at such times as they may think the public service requires it—and that the most favourable construction be put upon all their proceedings. On my own behalf, I have to request that any error of mine may not be imputed to the House of Assembly.”

Then the President of this House said—

“ Mr. Speaker,

“ His Excellency hath the utmost confidence in the loyalty and attachment of this House of Assembly to Her Majesty's Person and Government, and in the wisdom, temper and prudence which will accompany all their proceedings; and he doth most readily and willingly grant and allow them all their privileges in as full and ample a manner as they have at any time heretofore been granted and allowed.

“ With respect to yourself, Sir, though His Excellency is sensible that you do not stand in need of such assurance, His Excellency will ever put the most favourable construction on your words and actions.”

Then His Excellency was pleased to open the Session by the following Speech to both Houses :—

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

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

“ It is with great satisfaction that I now for the first time meet you.

“ Our common feelings of loyal devotion to Her Majesty's Person and Rule, and the sincere desire which we alike entertain to promote the welfare of the People of this part of Her Majesty's Dominions, are sure guarantees for the maintenance of that harmony between us, which is essential to the public interest.

“ I have deemed it necessary to summon you for the dispatch of business at an unusual period of the year; but I am confident that in the performance of public duties you do not regard personal convenience.

“ I commend to your consideration the Treaty which has recently been concluded between Her Majesty and the Government of the United States of America.

“ A copy of this Treaty, and of the Act passed by Congress in connection with it, will be laid before you.

“ By the terms of the Treaty, the consent of each of the Legislatures of the British North American Provinces is specially required, before its provisions can have full operation.

“ You will, in common with the rest of Her Majesty's subjects, rejoice in the assurance afforded by the Treaty for an uninterrupted continuance of the amicable relations which have

have so long existed between Great Britain and the United States; and I trust that you will see reason to believe that the large additional facilities of commercial intercourse with the United States, which are now offered for your acceptance, will open to the Trade and Industry of this Province new sources of wealth, and the prospect of increasing prosperity.

“Should you entertain these views, I shall readily co-operate with you in removing the impediments which the existing Laws of the Province now present to the full execution of the Treaty.

“A few weeks only have elapsed since Cholera prevailed in some districts of the Province, and especially in Saint John.

“Trade was disturbed, Industry partially suspended, and, in a short period of time, a large number of persons fell victims to the disease.

“It has pleased the Almighty to relieve us from this cause for disquietude and alarm; and we owe unfeigned gratitude to Him for the restored health of the community.

“An opportunity is now afforded for the timely adoption of those precautionary measures of sanitary regulation and improvement, which may, under Providence, be expected to prevent the recurrence of the Epidemic; and I invite your attention, and that of the People of this Province in general, to this important subject.

“You will, I am well assured, at all times, be guided by a spirit of loyalty to Her Majesty, and of zeal for the public good; and I trust that Providence will prosper our united endeavours to promote the welfare of this Province.”

Which being ended, the House of Assembly withdrew, and His Excellency was pleased to retire.

The Honorable the President reported His Excellency's Speech.

An Address, in answer to His Excellency's Speech, is moved and seconded; which being read—

ORDERED, that the same be taken into consideration to-morrow.

The Honorable the President acquaints the House, that by a Mandamus under the Royal Sign Manual, dated nineteenth June 1854, Robert Gordon, Esquire, M. D., was appointed a Member of this House, and desires to be admitted.

ORDERED, That the Honorable Messieurs Harrison and Wark be appointed to attend to see him qualified.

The Honorable Mr. Wark, from the said Committee, reported that they had attended to that duty, and that the Honorable Mr. Gordon had taken the usual oath in presence of His Excellency the Lieutenant Governor.

The Honorable Mr. Gordon was then introduced between the Honorable Mr. Harrison and the Honorable Mr. Wark, and took his Seat.

ORDERED, That one hundred and fifty copies of the Journals of this House be printed daily.

Adjourned until To-morrow at 12 o'clock.

SATURDAY, 21st October, 1854.

PRESENT :

THE HON.

*Mr. Black, President.**Mr. Botsford,**Mr. Solicitor General,**Mr. Hazen,**Mr. Harrison,**Mr. Steves,**Mr. Gordon.**Mr. Chandler,**Mr. Minchin,**Mr. Hill,**Mr. Wark,**Mr. Ryan,*

PRAYERS.

A Message was brought from the Assembly by Mr. Fisher, with the following Resolution :—

“ House of Assembly, 20th October, 1854.

“ Ordered, That Mr. Fisher, Mr. Johnson, and Mr. Boyd, be a Committee on the part of this House, to unite with the Committee of the Honorable the Legislative Council in the management of the Legislative Library.

CHAS. P. WETMORE, Clerk.”

Adjourned until Monday next at 12 o'clock.

MONDAY, 23rd October, 1854.

PRESENT :

THE HON.

*Mr. Black, President.**Mr. Botsford,**Mr. Hatch,**Mr. Minchin,**Mr. Hill,**Mr. Wark,**Mr. Ryan,**Mr. Chandler,**Mr. Solicitor General,**Mr. Hazen,**Mr. Harrison,**Mr. Steves,**Mr. Gordon.*

PRAYERS.

On motion—

The House went into consideration of the Address in answer to His Excellency's Speech.

The said Address being read, was adopted by the House, and is as follows :—

To His Excellency The Honorable JOHN HENRY THOMAS MANNERS SUTTON, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HER MAJESTY'S LEGISLATIVE COUNCIL IN
GENERAL ASSEMBLY.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council in General Assembly, desire to offer our congratulations to Your Excellency on your assuming the

Government

Government of this Province, and to express our gratification on first meeting Your Excellency in General Assembly.

Cordially uniting with Your Excellency in devoted loyalty to Her Most Gracious Majesty, and believing in your sincere desire to promote the welfare of this Province in combination with our efforts, we feel assured of the harmony and beneficial results to which Your Excellency has alluded.

We thank Your Excellency for the expression of the confidence you repose in our devotion to public duties.

A careful consideration shall be given to the Treaty which Your Excellency has informed us has recently been concluded between Her Majesty and the Government of the United States, so soon as the copy promised by Your Excellency has been laid before us.

In suspending the execution of the Treaty for the consent of the respective Legislatures of these Provinces, we rejoice in the assurance thus afforded of Her Majesty's continued solicitude for our welfare, and of the enlarged and liberal views of Her Government towards Her North American Colonies.

We are gratified to learn that the Treaty gives assurance of the continuance of amicable relations between Great Britain and the United States, and of additional facilities for the extension of the Commerce and Trade of this Province: We will cheerfully lend our aid to any measure by which such beneficial results may be accomplished.

The Pestilence to which Your Excellency has referred having by a kind Providence now subsided, we shall, with gratitude for the merciful intermission, carefully attend to any sanitary measures which may be found useful in averting its future inroads.

We humbly trust with Your Excellency that the Most High will prosper our united efforts for the public good, and will favour Your Excellency's administration of this Government with abundant success.

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

ORDERED, That the Honorable Messieurs Kinnear and Hill be appointed a Committee to wait upon His Excellency the Lieutenant Governor, to know when this House will be received with their Address in answer to His Excellency's Speech at the opening of the Session.

The Honorable Mr. Chandler, by leave, presented a Petition from the Board of Health, &c. of Saint John, for an Act authorizing Assessment to supply Water to Carleton.

ORDERED, That the same be received and lie on the Table.

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 24th October, 1854.

PRESENT :

Mr. Black, President.

THE HON.

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Odell,
Mr. Wark,
Mr. Ryan,*

*Mr. Chandler,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,
Mr. Gilbert,
Mr. Steves,
Mr. Gordon.*

PRAYERS.

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 25th October, 1854.

PRESENT :

Mr. Black, President.

THE HON.

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Gilbert,
Mr. Steves,
Mr. Gordon.*

*Mr. Chandler,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Wark,
Mr. Ryan,*

PRAYERS.

The Honourable Mr. Gordon, by leave, presented a Petition from Theophilus Desbrisay and another, praying for Act to hold a Special Circuit Court in the County of Gloucester.

ORDERED, That the same be received and lie on the Table.

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 26th October, 1854.

PRESENT :

Mr. Black, President.

THE HON.

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Gilbert,
Mr. Steves,*

*Mr. Chandler,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Wark,
Mr. Gordon.*

PRAYERS.

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 27th October, 1854.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Wark,
Mr. Gordon.*

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Gilbert,
Mr. Steves,*

PRAYERS.

Adjourned until To-morrow at 12 o'clock.

SATURDAY, 28th October, 1854.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Steves,*

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Gordon.*

PRAYERS.

The Honorable the Solicitor General, by leave, presented a Petition from the inhabitants of Saint John praying for the passage of an Act for the appointment of Commissioners for Sewerage and Water supply.

ORDERED, That the same be received and lie on the Table.

Adjourned until Monday next at 12 o'clock.

Monday, 30th October, 1854.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Steves,*

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Gordon.*

PRAYERS.

PRAYERS.

The Honorable Mr. Solicitor General, from the Committee appointed to wait upon His Excellency to know when this House would be received with their Address in answer to the Speech at the opening of the Session, reported that they had attended to that duty, and that His Excellency was pleased to say that he would receive the House with their Address to-day at one o'clock.

At which time the House proceeded to the Government House with their Address in answer to His Excellency's Speech at the opening of the Session ;

And being returned,

The Honorable the President reported that His Excellency had been pleased to receive the same, and to return an Answer thereto, of which he had received a copy, which he read ; and it was again read by the Clerk, as follows :—

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

“I receive with satisfaction your loyal Address, and I thank you for your congratulations on my assumption of the Government of this Province.”

A Message was brought from the Assembly by Mr. Harding, with a Bill to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing ; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty ninth Rule of this House be dispensed with, as regards the said Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the same into consideration.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, had made some progress therein, and asked leave to sit again.

ORDERED, That the Report be received and leave granted.

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 31st October, 1854.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,*

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,*

*Mr. Odell,
Mr. Steves,*

*Mr. Wark,
Mr. Gordon.*

PRAYERS.

A Message from His Excellency the Lieutenant Governor was delivered by the Honorable Mr. Chandler, a Member of Her Majesty's Executive Council.

The Honorable the President read the same; and it was again read by the Clerk, as follows:—

NEW BRUNSWICK.

*Message to the Legislative Council,
30th October, 1854.*

J. HENRY T. MANNERS SUTTON.

His Excellency the Lieutenant Governor lays before the Legislative Council a copy of the Treaty which has recently been concluded between Her Majesty and the Government of the United States of America, and of the Act passed by Congress in connexion with it.

J. H. T. M.S.

TREATY BETWEEN HER MAJESTY & THE UNITED STATES OF AMERICA,
&c. &c. &c.

Signed at Washington June 5, 1854.

[Ratifications exchanged at Washington September 9, 1854.]

Her Majesty, the Queen of Great Britain, being equally desirous with the Government of the United States to avoid further misunderstanding between their respective Subjects and Citizens, in regard to the extent of the right of Fishing on the Coasts of British North America, secured to each by Article I. of a Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, and being also desirous to regulate the Commerce and Navigation between their respective Territories and People, and more especially between Her Majesty's Possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory, have respectively named Plenipotentiaries to confer and agree thereupon, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, James Earl of Elgin and Kineardine, Lord Bruce and Elgin, a Peer of the United Kingdom, Knight of the Most Ancient and Most Noble Order of the Thistle, and Governor General in and over all Her Britannic Majesty's Provinces on the Continent of North America, and in and over the Island of Prince Edward; and the President of the United States of America, William L. Marcy, Secretary of State of the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

It is agreed by the High Contracting Parties, that in addition to the liberty secured to the United States' fishermen by the above mentioned Convention of October 20, 1818, of taking, curing, and drying fish on certain Coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbours, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several Islands thereunto adjacent, without being restricted to any distance from the shore; with permission to land upon the coasts and shores of those Colonies and the Islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing, they do not interfere with the rights of private property or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above mentioned liberty applies solely to the sea fishery, and that the
salmon

salmon and shad fisheries, and all fisheries in rivers, and the mouths of rivers, are hereby reserved exclusively for British fishermen.

And it is further agreed, that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this Article, and that of fishermen of the United States contained in the next succeeding Article, apply, each of the High Contracting Parties, on the application of either to the other, shall, within six months thereafter, appoint a Commissioner. The said Commissioners before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide to the best of their judgment, and according to justice and equity, without fear, favour or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding Article; and such declaration shall be entered on the record of their proceedings. The Commissioners shall name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in cases of difference or disagreement between the Commissioners. The person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the Commissioners, or of the Arbitrator or Umpire, or of their or his omitting, declining or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different person shall be appointed or named as aforesaid to act as such Commissioner, Arbitrator, or Umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such Commissioners shall proceed to examine the Coasts of the North American Provinces and of the United States, embraced within the provisions of the first and second Articles of this Treaty, and shall designate the places reserved by the said Articles from the common right of fishing therein.

The decision of the Commissioners and of the Arbitrator or Umpire shall be given in writing in each case, and shall be signed by them respectively.

The High Contracting Parties hereby solemnly engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him, respectively.

ARTICLE II.

It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern sea coasts and shores of the United States, north of the 36th parallel of north latitude, and on the shores of the several Islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea coasts and shores of the United States and of the said Islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the Islands aforesaid, for the purpose of drying their nets and curing their fish; provided that in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said Coasts in their occupancy for the same purpose.

It is understood that the above mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

ARTICLE III.

It is agreed, that the articles enumerated in the Schedule hereunto annexed, being the growth and produce of the aforesaid British Colonies or of the United States, shall be admitted into each Country respectively free of duty:—

SCHEDULE.

Grain, Flour, and Breadstuffs of all kinds.
Animals of all kinds.

Fresh, Smoked and Salted Meats.
Cotton Wool, Seeds, and Vegetables.

Undried

Undried Fruits, Dried Fruits.
 Fish of all kinds.
 Products of fish and of all other creatures living in the water.
 Poultry, Eggs.
 Hides, Furs, Skins, or Tails, undressed.
 Stone or Marble in its crude or unwrought state.
 Slate.
 Butter, Cheese, Tallow.
 Lard, Horns, Manures.
 Ores of Metals of all kinds.
 Coal.
 Pitch, Tar, Turpentine, Ashes.

Timber and Lumber of all kinds, round, hewed sawed, unmanufactured in whole or in part.
 Firewood.
 Plants, Shrubs, and Trees.
 Pelts, Wool.
 Fish Oil.
 Rice, Broom Corn, and Bark.
 Gypsum, ground or unground.
 Hewn or wrought or unwrought Burr or Grindstones.
 Dye Stuffs.
 Flax, Hemp, and Tow, unmanufactured.
 Unmanufactured Tobacco.
 Rags.

ARTICLE IV.

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence and the Canals in Canada, used as the means of communicating between the Great Lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are or may hereafter be exacted of Her Majesty's said subjects, it being understood, however, that the British Government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States.

It is further agreed, that if at any time the British Government should exercise the said reserved right, the Government of the United States shall have the right of suspending, if it think fit, the operation of Article III. of the present Treaty in so far as the Province of Canada is affected thereby, for so long as the suspension of the free navigation of the River St. Lawrence or the Canals may continue.

It is further agreed, that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the River St. Lawrence secured to American citizens by the above clause of the present Article shall continue, and the Government of the United States further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty, the use of the several State Canals on terms of equality with the inhabitants of the United States.

And it is further agreed, that no export duty or other duty shall be levied on lumber or timber of any kind, cut on that portion of the American territory in the State of Maine, watered by the River St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick.

ARTICLE V.

The present Treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain, and by the Provincial Parliaments of those of the British North American Colonies which are affected by this Treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the Treaty shall remain in force for ten years from the date at which it may come into operation, and further until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by Article IV. of the present Treaty with regard to the right of temporarily suspending the operation of Article III. and IV. thereof.

ARTICLE

ARTICLE VI.

And it is hereby further agreed, that the provisions and stipulations of the foregoing Articles shall extend to the Island of Newfoundland, so far as they are applicable to that Colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States, shall not embrace in their laws enacted for carrying this Treaty into effect, the Colony of Newfoundland, then this Article shall be of no effect, but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining Articles of this Treaty.

ARTICLE VII.

The present Treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington, within six months from the date hereof, or earlier if possible.

In faith whereof, We, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our Seals.

Done in triplicate, at Washington, the fifth day of June, Anno Domini one thousand eight hundred and fifty four.

(Signed)

ELGIN & KINCARDINE. [L. S.]

W. L. MARCY. [L. S.]

An Act to carry into effect a Treaty between the United States and Great Britain, signed on the fifth day of June eighteen hundred and fifty four.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,—

That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the Treaty between the United States and Great Britain, signed on the fifth day of June last, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon from the date of such proclamation, the following articles, being the growth and produce of said Provinces of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, to wit:—

Grain, Flour, and Breadstuffs of all kinds; Animals of all kinds; fresh, smoked, and salted Meats; Cotton Wool; Seeds, and Vegetables; undried Fruits, dried Fruits; Fish of all kinds; products of Fish and all other creatures living in the water; Poultry; Eggs; Hides, Furs, Skins, or Tails, undressed; Stone or Marble in its crude or unwrought state; Slate; Butter; Cheese; Tallow; Lard; Horns; Manures; Ores of Metals of all kinds; Coal; Pitch; Tar; Turpentine; Ashes; Timber and Lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; Firewood; Plants, Shrubs, and Trees; Pelts; Wool; Fish Oil; Rice; Broom Corn, and Bark; Gypsum, ground or unground; hewn or wrought or unwrought Burr or Grindstones; Dye Stuffs; Flax, Hemp, and Tow, unmanufactured; unmanufactured Tobacco; Rags;

shall be introduced into the United States free of duty so long as the said Treaty shall remain in force, subject, however, to be suspended in relation to the Trade with Canada, on the condition mentioned in the fourth Article of the said Treaty; and all the other provisions of the said Treaty shall go into effect, and be observed on the part of the United States.

Section 2. And be it further enacted, That whenever the Island of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Treaty to that Province, and the Legislature thereof and the Imperial Parliament shall pass the necessary Laws for that purpose, the above enumerated articles shall be admitted free of duty from that Province into the United States

from and after the date of a Proclamation by the President of the United States declaring that he has satisfactory evidence that the said Province has consented in a due and proper manner to have the provisions of the Treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained.

Approved—August 5th, 1854.

A Message was brought from the Assembly by Mr. Tilley, with a Bill for the appointment of Commissioners of Sewerage and Water supply for that part of the City of Saint John lying on the eastern side of the Harbour, and the Parish of Portland; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty ninth Rule of this House be dispensed with, as regards the said Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the House be put into Committee of the whole to-morrow to take the said Bill into consideration.

Adjourned until To-morrow at 11 o'clock.

WEDNESDAY, 1st November, 1854.

PRESENT :

THE HON.

*Mr. Saunders,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Gordon.*

Mr. Black, President.

*Mr. Botsford,
Mr. Solicitor General,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Steves,*

PRAYERS.

Pursuant to the Order of the Day, the House was put into Committee of the whole to take into consideration the Bill for the appointment of Commissioners of Sewerage and Water supply for that part of the City of Saint John lying on the eastern side of the Harbour, and the Parish of Portland.

The Honorable Mr. Saunders took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

ORDERED, That the Report be received, and the twenty ninth Rule of this House be dispensed with, and the said Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

On motion made and seconded—

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor,

Governor, praying that His Excellency will be pleased to lay before this House copies of all the Correspondence which may have taken place with the Imperial Government, the American Government, or the Governments of Canada, Nova Scotia, and Prince Edward Island, on the subject of the Fishery Treaty; together with copies of all Minutes of Council, Reports, or other Documents relative thereto, and to the withdrawal of the Vessels employed for the protection of the Fisheries.

ORDERED, That the Honorable Messieurs Odell and Wark be a Committee to wait upon His Excellency, and present the same.

A Message was brought from the Assembly by Mr. End, with a Bill to provide for the expenses of the Legislature; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty ninth Rule of this House be dispensed with, as regards the said Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the same into consideration.

The Honorable Mr. Saunders took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

ORDERED, That the Report be received, and the twenty ninth Rule of this House be dispensed with, and the said Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

A Message was brought from the Assembly by Mr. Wilmot, with a Bill to relieve certain Articles from the payment of Duty; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty ninth Rule of this House be dispensed with, as regards the said Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the same into consideration.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

ORDERED, That the Report be received, and the twenty ninth Rule of this House be dispensed with, and the said Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

On

On motion—

The House was put into Committee of the whole to take into further consideration the Bill to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing.

The Honorable Mr. Saunders took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into further consideration of the said Bill, had made further progress therein, and asked leave to sit again.

ORDERED, That the Report be received and leave granted.

Adjourned until To-morrow at 11 o'clock.

THURSDAY, 2nd November, 1854.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Hatch,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Gordon.*

*Mr. Botsford,
Mr. Kinnear,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Surveyor General,*

PRAYERS.

A Message was brought from the Assembly by Mr. Taylor, with a Bill to enable a majority of the Rate payers on Property to establish a Municipality in any County; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty ninth Rule of this House be dispensed with, as regards the said Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the same into consideration.

The Honorable Mr. Saunders took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House with a certain amendment.

ORDERED, That the Report be received.

The said amendment was then read by the Clerk, as follows:—

At A in Section 3 expunge the word "sixth," and insert the word "fifth."

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House.

ORDERED, That it be engrossed, and the Bill, as amended, read a third time presently.

The

The said Bill, as amended, was then read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

On motion—

The House was put into Committee of the whole to take into further consideration the Bill to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing.

The Honorable Mr. Saunders took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House with certain amendments.

ORDERED, That the Report be received.

The said amendments were then read by the Clerk, as follows:—

At A in Section 2 insert the words “not obstructing or impeding travel as aforesaid.”

At B in Section 4 expunge the words “the Mayor’s Court of the said City and County, and the said Court,” and insert the words “any Judge of the Supreme Court who.”

At C expunge the word “Court,” and insert the word “Judge.”

At D in Section 6 insert the words “regard being had to any prior claims thereon as aforesaid.”

The said amendments being read a second time, and the question of concurrence put thereon, they were agreed to by the House.

ORDERED, That they be engrossed, and the Bill, as amended, read a third time presently.

The said Bill, as amended, was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

A Message was brought from the Assembly by Mr. Taylor, that the Assembly had agreed to the amendment made by this House to the Bill to enable a majority of the Rate payers on Property to establish a Municipality in any County.

The Honorable Mr. Odell, from the Committee appointed to wait upon His Excellency with the Address relative to the Fishery Treaty, reported that they had attended to that duty, and that His Excellency was pleased to say—“I am at all times desirous to meet the wishes of the Legislative Council.”

On motion made and seconded—

ORDERED, That leave of absence be granted to the Honorable Mr. Hatch.

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 3rd November, 1854.

PRESENT :

THE HON.

Mr. Saunders,
Mr. Robertson,
Mr. Kinnear,
Mr. Harrison,
Mr. Odell,
Mr. Wark,

Mr. Black, President.

Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Davidson,
Mr. Surveyor General,
Mr. Gordon.

PRAYERS.

A Message was brought from the Assembly by Mr. Harding, that the Assembly had agreed to the amendments sent down from this House to the Bill to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing.

A Message from His Excellency the Lieutenant Governor was delivered by the Honorable Mr. Steves, a Member of Her Majesty's Executive Council.

The Honorable the President read the same ; and it was again read by the Clerk, as follows :—

NEW BRUNSWICK.

*Message to the Legislative Council,
2nd November, 1854.*

J. HENRY T. MANNERS SUTTON.

His Excellency the Lieutenant Governor lays before the Legislative Council copies of Documents connected with the Reciprocity Treaty between Her Majesty's Government and the United States of America.

J. H. T. M.S.

Circular Letter from the Secretary of the United States Treasury to the Collectors of Customs.

Circular.—(Copy)

Treasury Department, Washington, October 16, 1854.

SIR,—In consideration of the privilege now enjoyed by Citizens of the United States, as well as of the probable exemption from duty, at an early day, of fish of all kinds, the products of fish and all other creatures living in the water, and in pursuance of the stipulations of the Reciprocity Treaty of the 5th of June last, entered into between the United States and Great Britain, upon due compliance with the requirements of said Treaty respectively, by the Imperial Parliament and the Provincial Colonies affected by the Treaty aforesaid ; and in order to facilitate certain arrangements and understandings dependent upon the action of Congress, had between the Secretary of State of the United States and the British Minister Mr. Crampton, it becomes necessary to issue the following instructions, to wit :—

First.—On entry at your Port for consumption of the fish of the description mentioned, and due payment of the duties thereon, you will give the owners, importers, or agent, a proper receipt therefor, with the Custom House seal attached, specifying the name and nation of the vessel, the date of her entry, the place from whence arriving, with the quantity and description of the fish.

Second.—Should the parties desire to warehouse under bonds, you will permit the same to be done in accordance with the existing provisions of the law on the subject, taking care to give such particulars of the law on the transaction in the bond as to show the true object of the obligation.

Very respectfully, your obedient servant,

J. G. WASHINGTON,
(Acting Secretary of the Treasury.)

H. J. Redfield, Esquire, Collector, &c. &c. &c.

Right Honorable Earl of Clarendon to His Excellency Sir E. Head, Bart.

(Copy)—Extract.

New Brunswick, No. 7.

Downing Street, 18th August, 1854.

Sir,

* * * * *
 * * * Mr. Marcy expresses the hope of the Government of the United States that American Fishermen may not be molested if they should at once attempt to use the privileges secured to them by the Treaty.

It is the desire of Her Majesty's Government that this wish of the Government of the United States should be acceded to, and that American Fishermen may be immediately allowed the use of these privileges.

* * * * *
 I have the honor to be, Sir,

Your most obedient humble servant,

CLARENDON.

Lieutenant Governor Sir Edmund Head, &c. &c. &c.

Honorable E. B. Chandler to His Excellency Sir E. Head, Bart.

(Copy)

Washington, May 27th, 1854.

May it please Your Excellency,

Having been authorized by Your Excellency in Council to proceed to the United States for the purpose of explaining and supporting the interests of New Brunswick at any meeting or conference on the subject of a Treaty likely to be concluded with the United States Government in reference to Colonial subjects, I have the honor to report that, in accordance with Your Excellency's suggestions, I lost no time in proceeding to meet Lord Elgin on his arrival at New York, and was enabled, by travelling night and day, to reach there on Sunday last, where I found his Lordship. I informed his Lordship that Mr. Hazen had been appointed with me, and that I expected he would follow in two or three days. I found that Lord Elgin had also expected to meet on his arrival at New York some gentlemen from Nova Scotia as well as New Brunswick, and then (before proceeding to Washington) to have received such information as they, on behalf of their several Provinces, might be able to afford his Lordship. The gentlemen, however, not having arrived, and his Lordship's time being limited, there appeared no alternative left but for his Lordship to proceed at once to Washington, to be followed by Mr. Hazen and such other gentlemen as might arrive at New York, which it was confidently hoped would not be later than by the Cunard Steamer of this week. His Lordship also requested that Mr. Hincks and I should accompany him to Washington; we did so, and reached here on Monday evening last, and have since awaited the arrival of Mr. Hazen and the gentlemen from Nova Scotia. Having, however, just learned that neither of them are likely to make their appearance, I have felt it my duty at once to communicate to Lord Elgin the opinion and views of the Executive Council of New Brunswick, by delivering to his Lordship a copy of the Report of the Executive Council in Committee, made to Your Excellency under date of the 11th December 1852, on the subject matter to which the proposed Treaty will relate.

I am quite satisfied, from all my intercourse with Lord Elgin, that his Lordship is most anxious to secure for all the Provinces the best terms which it may be possible to obtain for their general as well as separate interests. I propose leaving this for New Brunswick on Monday next.

I have, &c.

(Signed)

ED. B. CHANDLER.

His Excellency Sir E. W. Head.

Honorable

Honorable E. B. Chandler to His Excellency Sir E. Head, Bart.

(Copy)

Saint John, June 3rd, 1854.

May it please Your Excellency,

I left Washington on Wednesday last. Lord Elgin had not up to that time concluded any Treaty with the United States Government on the Reciprocity and Fishery question, the principal obstacle being the provision for the registry of Colonial built ships in the United States. The point is strongly pressed by Lord Elgin, but I regret to say, steadily objected to by Mr. Marcy. His Lordship, however, will probably conclude a Treaty in a few days which, whatever terms it may contain, will be subject to the legislative sanction of the several Colonies before going into operation, or at least will only be held applicable to such Colonies as may assent thereto by legislative enactment.

Before I had written my communication to Your Excellency of the 27th ult. at Washington, I had distinctly informed Lord Elgin that I had no authority or discretion from the Government of New Brunswick to vary the terms or conditions which were suggested in the Report of our Executive Council under date of 11th December 1852, and that I did not, therefore, consider my longer presence at Washington (especially in the absence of the gentlemen from Nova Scotia) of any avail; but his Lordship having telegraphed to Nova Scotia to ascertain whether Mr. Young had left, requested that I should delay my departure until he received an answer. A reply came on Tuesday following, when, finding that the gentlemen from Nova Scotia could not be in attendance in time, his Lordship consented that I should leave.

I have, &c.

(Signed)

ED. B. CHANDLER.

His Excellency Sir E. W. Head.

Honorable E. B. Chandler and Honorable J. R. Partelow to His Excellency Sir E. Head, Bart.

(Copy)

July 4th, 1854.

May it please Your Excellency,

In pursuance of His Excellency's directions we proceeded to Canada in order to confer with the Governor General and such gentlemen as might attend from the different Colonies, on the subject of the Treaty lately concluded by Lord Elgin on behalf of the British Government with the Government of the United States, relating to Reciprocal Trade between the United States and the Colonies.

We reached Quebec on Friday, the 23rd June, and on the following day were joined by Mr. Young, the Attorney General of Nova Scotia, Mr. Archibald, Attorney General from Newfoundland, and Mr. Little, a Member of the Assembly from Newfoundland.

We were all favoured with several interviews by Lord Elgin, and learned from his Lordship that the interests and wishes of the several Colonies had been fully understood, considered, and pressed by his Lordship, before concluding the Treaty,—and we were all satisfied that his Lordship had concluded the most favourable Treaty, which, under all the circumstances, could be obtained.

The following is the list of the articles which by the Treaty are admitted duty free, in the trade between the United States and the Colonies respectively, viz:—

Grain, Flour, and Breadstuffs of all kinds.

Animals of all kinds.

Fresh, Smoked and Salted Meats.

Cotton Wool, Seeds, and Vegetables.

Undried Fruits, Dried Fruits.

Fish of all kinds.

Products of fish and of all other creatures living in the water.

Poultry, Eggs.

Hides, Furs, Skins, or Tails, undressed.

Stone or Marble in its crude or unwrought state.

Slate.

Butter, Cheese, Tallow.

Lard, Horns, Manures.

Ores of Metals of all kinds.

Coal.

Pitch, Tar, Turpentine, Ashes.

Timber and Lumber of all kinds, round, hewed, sawed, unmanufactured in whole or in part.

Firewood.

Plants, Shrubs, and Trees.

Pelts, Wool.

Fish Oil.

Rice, Broom Corn, and Bark.

Gypsum, ground or unground.

Hewn or wrought or unwrought Burr or Grindstones.

Dye Stuffs.

Flax, Hemp, and Tow, unmanufactured.

Unmanufactured Tobacco.

Rags.

After

After full discussion with his Lordship, and also among ourselves, we came to the unanimous conclusion that it would be for the interests of the several Colonies to sanction the Treaty, and we ventured to express our united opinions, that the Governments and Legislatures of the several Colonies would give the necessary legislative sanction to carry the Treaty into effect.

Lord Elgin concurred with us in opinion, that the Legislature of Canada should first consider and pass the required enactments, and that as the new Parliament of Canada would probably not meet before September, there would be no occasion for calling together the Legislatures of the other Colonies before their usual time of meeting.

We have, &c.

(Signed)

ED. B. CHANDLER,
J. R. PARTELOW.

His Excellency Sir E. W. Head.

Minute of Executive Council.

The undersigned Members of the Executive Council of New Brunswick, in Committee of the whole, having had their attention directed by His Excellency the Lieutenant Governor to the consideration of the nature and extent of the concessions which, on behalf of this Province, the Council would recommend to be made by Her Majesty's Government to the Government of the United States, in return for other concessions to be made by that Government, and having been requested by His Excellency to present a Report thereupon with as little delay as possible, have taken the several important matters submitted into their earnest consideration, and now have the honor to submit the following Report :—

1st. With reference to the Coast and River Fisheries of New Brunswick, the undersigned are clearly of opinion that any concession with respect to those, must be confined solely to the Sea Fisheries. The Fisheries in Rivers, Harbours, and Estuaries, must be reserved exclusively for the people of this Province, such being more or less in the nature of local and private rights, and subject to Municipal regulations

With regard to Sea Fisheries, the undersigned desire to express their firm conviction of the vast importance and unlimited value of the Inshore Fisheries of New Brunswick, stretching for several hundreds of miles along its coasts, as well in the Bay of Fundy as in the Gulf of St. Lawrence and the Bay of Chaleur, where various descriptions of fish are to be found in almost unequalled abundance and perfection.

The people of the United States do not possess near their shores any Fisheries which can at all compare with those near the coasts of New Brunswick, and the markets of the United States are now almost wholly dependent for an adequate supply of certain kinds of fish, upon the inshore fishing grounds of New Brunswick, and the neighbouring Provinces.

The undersigned are decidedly of opinion that no concession which can be made by the Government of the United States to this Province, will be at all equivalent to throwing open its Fisheries to the Fishermen of the United States. But to promote more extended commercial intercourse with that country on the basis of Reciprocal Trade in certain commodities—to subserve the interests of other North American Colonies—to remove all causes for discussions and disagreements, and to encourage and maintain that good feeling which should ever prevail between people of different Nations dwelling in close proximity to each other, they would consent on behalf of this Province, in return for the concession to be made by the Government of the United States which are hereafter named, to admit American fishermen to a free participation with British subjects in the inshore Fisheries, and the Fisheries within Bays on the coast of New Brunswick, including permission to such American fishermen to land upon these coasts for the purpose of drying their nets and curing their fish, provided that in so doing they do not interfere with the owners of private property, or with the operations of British fishermen.

2nd. As the first consideration for this most valuable concession, the undersigned, on behalf of the Province, require that the Fishermen of New Brunswick should be admitted to a free participation with American Citizens in the inshore Fisheries, and Fisheries within the Bays on the coast of the United States, subject to the like conditions, limitations, and regulations, as should be imposed on American Fishermen in the waters of New Brunswick; and further, that all Fish, and other products of the Sea, caught and cured by New Brunswick Fishermen, should be admitted free of duty on importation into the United States.

3rd.

3rd. As the next consideration for the concession of the Fisheries, the undersigned would require that Reciprocal Trade should be established between this Province and the United States, in the following articles, the production of either Country :—

1. Grain, and Breadstuffs of all kinds.
2. Vegetables, Fruits, Seeds, Hemp, Flax, Hay, Straw, Trees, Plants, Rice, Cotton, and unmanufactured Tobacco.
3. Animals of all kinds.
4. Salted, fresh, smoked, and preserved Meats.
5. Butter, Cheese, Eggs, Lard, Tallow, Hides, Horns, Wool, undressed Skins and Furs of all kinds.
6. Ores and Minerals of all kinds, Metals of all kinds in pigs and blooms, Steel, Copper, Grindstones, and Stone of all kinds, Marble in its crude or polished state, Earth, Coal, Lime, Bricks, Ochres, Asphaltum, Maltha, Petroleum and Naptha, Gypsum, ground and unground, and Rock Salt.
7. Wood, Logs, Timber and Lumber of all kinds, whether in the rough, hewed, sawed, or split, Staves, Firewood, the Bark and Roots of Trees, and Ashes.
8. Fish of all kinds, whether fresh, salted, smoked, or preserved.
9. Fish Oil, Train Oil, Seal Oil, Spermaceti Oil, Head-matter and Blubber, Fins and Skins, and all other products of Fish or other creatures living in the waters.

4th. As a further consideration for the concession of the Fisheries, and also on the ground of fair and equitable dealing, the undersigned would require that Ships and Vessels built in New Brunswick should be admitted to Registry as American Vessels upon sale in the United States, in precisely the same manner that American Vessels are now admitted to Registry as British Vessels when sold in any part of the Empire to British subjects ; and that the Vessels of New Brunswick should be permitted to trade between the different States of the Union, as American vessels are now permitted to trade between Colony and Colony, and also between the United Kingdom and the Colonies. And if any arrangements are made for opening the Coasting Trade of the United States, the undersigned would require that New Brunswick should be included in such arrangements.

5th. On the foregoing mutual concessions as to the Fisheries, Reciprocal Trade and Navigation being carried out, the undersigned would consent on behalf of New Brunswick, that the Export Duty upon Timber and Lumber cut upon American Territory, and floated down the River Saint John, should be altogether remitted on the exportation of the same to the United States.

6th. The undersigned are exceedingly unwilling that the vessels and citizens of the United States should be admitted to a participation in the navigation of the River Saint John, but if Reciprocal Trade cannot be established without this concession, they would, though reluctantly, feel constrained to consent to the same, but with the reservation that the British Government shall retain the right of suspending this privilege on giving due notice thereof to the Government of the United States whenever political considerations, of which the British Government must be the sole judge, shall in its opinion render such a measure necessary.

7th. With respect to Light and Anchorage Dues, and other Port charges, the undersigned will cheerfully consent, on the other arrangements specified being carried out, that American ships and vessels shall pay no other or greater dues or charges in the Ports of New Brunswick than are levied upon British shipping, and that American Ships shall be entitled to the like protection and privileges while in the ports and harbours of New Brunswick that British ships enjoy, upon condition that New Brunswick ships shall receive in the ports and harbours of the United States the same privileges and protection as American ships enjoy, and are subjected to no other or greater charges than such ships.

8th. The undersigned perceive in the Message of the President of the United States at the opening of the present Session of Congress, a recommendation that whatever arrangements are made on the subject of the Coast Fisheries of the British Provinces, and as to commercial intercourse between those Provinces and the United States, should be made by separate conventions. The undersigned believe the object of this recommendation to be, and its effect certainly would be, to secure to American citizens the right to the Coast Fisheries of these Provinces for ever, while the rights, privileges and advantages connected with trade and commerce might be varied, diminished or abrogated, greatly to the disadvantage of New Brunswick. The people of the United States would thus retain unimpaired and beyond control, the inestimable privileges of the Fisheries, even after they had withdrawn the considerations which induced their concession. The undersigned are therefore of opinion that all the concessions

concessions and mutual privileges herein mentioned should be embodied in one convention between the British Government and the Government of the United States, and that when the concessions and privileges granted by the United States, or any of them, shall be abrogated either in part or in the whole, then the concessions and privileges granted by the British Government under such convention shall wholly cease and determine.

9th. In the event of the several arrangements proposed by this Report not being carried out, the undersigned would earnestly desire that the in-shore Fisheries and the Fisheries within Bays on the coast of New Brunswick should be efficiently protected against foreign encroachments, and the terms of the Convention of 1818 enforced in the strictest sense so as to secure these Fisheries to British subjects.

10th. With regard to the Fisheries within Bays on the coasts of the British North American Colonies, the undersigned desire to express their firm conviction that citizens of the United States have no right to participate therein under the Convention of 1818, either by the Law of Nations, the doctrines of Chancellor Kent as upheld against British Fishermen by the Government of the United States, or by the terms of the Convention itself. That Lord Aberdeen, Her Majesty's principal Secretary of State for Foreign Affairs, in his Note of March 10th, 1845, to Mr. Everitt, the Minister of the United States at the Court of St. James, maintained that the Bay of Fundy was rightfully claimed by Great Britain as a Bay within the meaning of the Convention of 1818, and his Lordship also maintained that with regard to other Bays on the coast of British North America, no American Fishermen had under that Convention "the right to fish within three marine miles of the entrance of such Bays as designated by a line drawn from headland to headland at that entrance." In announcing to Mr. Everett the determination of Her Majesty's Government to relax in favour of American Fishermen *the right* which Great Britain had previously exercised of excluding those Fishermen from the Bay of Fundy, Lord Aberdeen explicitly states such relaxation to be upon the condition that except in the cases specified in the Convention, American Fishermen should not approach within three marine miles of the entrance of any other Bay on the coasts of New Brunswick or Nova Scotia. The acceptance by the Government of the United States of the permission to enter and fish within the Bay of Fundy on the condition specified, was at that time a clear renunciation of all claim to fish within any other of the Bays of New Brunswick or Nova Scotia.

The undersigned consider the Note of Lord Aberdeen to Mr. Everett, dated the 10th March 1845, of so much importance in the present discussion that they have annexed a copy to this Report, and they respectfully request that it may be considered as forming a part thereof.

11th. While the undersigned are prepared to concede to American Fishermen the right to participate in the In-shore Fisheries and the Fisheries within Bays on the Coasts of New Brunswick, upon the terms and for the reasons above set forth, they are clearly of opinion that the prosperity of the Province is not now altogether dependent upon receiving the concessions proposed to be granted in return. They conceive that the exclusive enjoyment of those Fisheries may become, under a proper system, a source of unbounded wealth to the present and future population of New Brunswick, and further, that such exclusive Fishery may be made the basis of most beneficial commercial arrangements with Spain, Portugal, Sicily and the Italian States, Brazil, and the Republics of South America—in all which countries a greater or less quantity of New Brunswick caught fish is now consumed.

12th. The undersigned cannot close this Report without expressing the opinion they unanimously entertain, that in negotiating with the Government of the United States, Her Majesty's Government should consider that the Fisheries on the Coasts of New Brunswick are the natural rights and property of its people, and should not be alienated, conceded, or affected, without their assent.

13th. The undersigned request that His Excellency will be pleased to receive this Report in Council and transmit the same to Her Majesty's Government.

(Signed)

ED. B. CHANDLER,
R. L. HAZEN,
J. R. PARTELOW,
J. A. STREET,
W. B. KINNEAR,
J. H. GRAY,
ROBT. D. WILMOT,
GEO. HAYWARD.

11th December, 1852.

Lord Aberdeen to Mr. Everett.

Foreign Office, March 10th, 1845.

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, duly referred to the Colonial Department the note which Mr. Everett, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, did him the honor to address to him on the 25th May last respecting the case of the "Washington" fishing vessel, and on the general question of the right of the United States Fishermen to pursue their calling in the Bay of Fundy, and having shortly since received the answer of that Department, the undersigned is now enabled to make a reply to Mr. Everett's communication, which he trusts will be found satisfactory.

In acquitting himself of this duty the undersigned will not think it necessary to enter into a lengthened argument in reply to the observations which have at different times been submitted to Her Majesty's Government by Mr. Stevenson and Mr. Everett on the subject of the right of fishing in the Bay of Fundy, as claimed in behalf of the United States' citizens. The undersigned will confine himself to stating that after the most deliberate re-consideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of United States' citizens in the most favourable light, Her Majesty's Government are still constrained to deny the right of United States' citizens under the Treaty of 1818, to fish in that part of the Bay of Fundy which from its geographical position may properly be considered as included within the British Possessions.

Her Majesty's Government must still maintain, and in this view they are fortified by high legal authority, that the Bay of Fundy is rightfully claimed by Great Britain as a Bay within the meaning of the Treaty of 1818, and they equally maintain the position which was laid down in the note of the undersigned dated the 15th of April last, that with regard to the other Bays on the British North American coasts, no United States Fishermen has under that Convention the right to fish within three miles of the *entrance* of such Bays, as designated by a line drawn from headland to headland at that entrance.

But while Her Majesty's Government still feel themselves bound to maintain these positions as a matter of right, they are nevertheless not insensible to the advantages which would accrue to both Countries from a relaxation of the exercise of that right to the United States, as conferring a material benefit on their Fishing Trade, and to Great Britain and the United States conjointly and equally, by the removal of a fertile source of disagreement between them.

Her Majesty's Government are also anxious, at the same time that they uphold the just claims of the British Crown, to evince by every reasonable concession, their desire to act liberally and amicably towards the United States. The undersigned has accordingly much pleasure in announcing to Mr. Everett the determination to which Her Majesty's Government have come, to relax in favour of the United States' Fishermen, that right which Great Britain has hitherto exercised of excluding those Fishermen from the Bay of Fundy, and they are prepared to direct their Colonial authorities to allow henceforward the United States Fishermen to pursue their avocations in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the Treaty of 1818, within three miles of the entrance of any Bay on the coasts of Nova Scotia or New Brunswick.

In thus communicating to Mr. Everett the liberal intentions of Her Majesty's Government, the undersigned desires to call Mr. Everett's attention to the fact that the produce of the labour of British Colonial Fishermen is at the present moment excluded by prohibitory duties on the part of the United States from the markets of that country, and the undersigned would submit to Mr. Everett that the moment at which the British Government are making a liberal concession to the United States trade, might well be deemed favourable for a counter concession on the part of the United States to British trade by the reduction of the duties which operate so prejudicially to the interests of British Colonial Fishermen.

The undersigned has the honor to renew to Mr. Everett the assurance of his high consideration.

(Signed)

ABERDEEN.

A Message was brought from the Assembly by the Honorable Mr. Ritchie, with a Bill for giving effect on the part of the Province of New Brunswick to a certain Treaty between Her Majesty and the United States of America ; to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the twenty ninth Rule of this House be dispensed with, as regards the said Bill, and that the same be read a second time presently.

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the same into consideration.

The Honorable Mr. Wark took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House without any amendment.

ORDERED, That the Report be received, and the twenty ninth Rule of this House be dispensed with, and the said Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

A Message was brought from the Assembly by the Honorable Mr. Ritchie, with the following Resolution :—

“ House of Assembly, 3rd November, 1854.

“ Resolved, unanimously, That an humble and dutiful Address be presented to Her Most Gracious Majesty, congratulating Her upon the glorious victory of the Alma ; and further

“ Resolved, That the Honorable the Legislative Council be requested to join this House in such Address.

CHAS. P. WETMORE, *Clerk.*”

On motion made and seconded—

RESOLVED, That this House doth agree to join the House of Assembly in the said proposed Joint Address.

ORDERED, That the Master in Chancery do go down to the Assembly and communicate this Resolution.

A Message was brought from the Assembly by Mr. End, with the following Resolution :—

“ House of Assembly, 3rd November, 1854.

“ Ordered, That the Honorable Mr. Ritchie, Mr. End, Mr. Harding, and Mr. M'Phelim, be a Committee on the part of this House to join such Committee as may be appointed by the Legislative Council, to prepare the Address to Her Majesty of congratulation on the glorious victory of the Alma.

CHAS. P. WETMORE, *Clerk.*”

RESOLVED, That the Honorable Messieurs Botsford and Minchin be a Committee on the part of this House, to join the Committee of the Assembly in preparing the Joint Address to Her Majesty on the subject of the victory of the Alma.

ORDERED, That the Master in Chancery do go down to the Assembly and communicate the appointment.

The Honorable Mr. Botsford, from the Committee on the part of this House to prepare a Joint Address to Her Majesty on the subject of the victory of the Alma, presented an Address, which he read.

The said Address was then read by the Clerk, as follows:—

“To the Queen’s Most Excellent Majesty.

“The humble and dutiful Address of the Legislative Council and the House of Assembly of the Province of New Brunswick, in General Assembly convened.

“MAY IT PLEASE YOUR MAJESTY,

“Freemen in every land are watching with intense anxiety the progress of the conflict with the great Despot of the North; and we beg permission to offer our congratulations on the recent success of Your Majesty and your Allies in the glorious victory at Alma.

“It is with pride and heartfelt thankfulness that we have witnessed the patience, skill and bravery of the Soldiers of Great Britain, France, and the Ottoman Porte, and enough has already transpired to convince the civilized world that the Fleets and Armies of the East are worthy of their sires, their country, and the glorious cause in which they are engaged.

“That the God of Battles may bless your Arms—that your Reign may become as brilliant in War as it has hitherto been resplendent in the arts of Peace, is the earnest prayer of Your Majesty’s loyal and devoted Subjects in this part of your widely extended Dominions.”

Whereupon the same was agreed to by the House.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

RESOLVED, That the Honorable Messieurs Botsford and Minchin be a Committee on the part of this House to wait on His Excellency the Lieutenant Governor with the Joint Address to Her Majesty on the subject of the victory of the Alma, and to request that he will be pleased to transmit the same to be laid at the Foot of the Throne.

ORDERED, That the Master in Chancery do go down to the Assembly and communicate the appointment.

A Message was brought from the Assembly by the Honorable Mr. Ritchie, with the following Resolutions:—

“House of Assembly, 3rd November, 1854.

“The House having agreed to the Joint Address to Her Most Gracious Majesty, of congratulation on the glorious victory of the Alma;

“*Ordered*, That the Honorable Mr. Ritchie communicate the same to the Council.

CHAS. P. WETMORE, *Clerk.*”

"House of Assembly, 3rd November, 1854.

"Resolved, That the Honorable Mr. Ritchie, Mr. End, Mr. Harding, and Mr. English, be a Committee on the part of this House to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Address to Her Majesty of congratulation on the victory of the Alma; and request that His Excellency will be pleased to transmit the same to be laid at the Foot of the Throne.

CHAS. P. WETMORE, *Clerk.*"

The Honorable Mr. Botsford, from the Joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Joint Address to Her Majesty, of congratulation on the glorious victory of Alma, and to request His Excellency to be pleased to transmit the same to be laid at the Foot of the Throne, reported that they had attended to that duty, and that His Excellency was pleased to say that he would feel great satisfaction in causing to be laid at the Foot of the Throne, the loyal Address of the Legislative Council and House of Assembly.

The House adjourned during pleasure.

After some time the House resumed.

At half past three o'clock His Excellency the Lieutenant Governor came to the Council Chamber, and being seated on the Throne, commanded the Gentleman Usher of the Black Rod, through the Honorable the President, to let the Assembly know—"It is His Excellency's pleasure that they attend him immediately in this House."

The House attended accordingly.

His Excellency then gave his assent to the following Bills, intituled—

An Act for giving effect on the part of the Province of New Brunswick to a certain Treaty between Her Majesty and the United States of America :

An Act to relieve certain Articles from the payment of Duty :

An Act to enable a majority of the Rate payers upon Property to establish a Municipality in any County :

An Act to provide for the expenses of the Legislature :

An Act to authorize that part of the City of Saint John called Carleton to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing : and

An Act for the appointment of Commissioners of Sewerage and Water supply for that part of the City of Saint John lying on the Eastern side of the Harbour, and the Parish of Portland.

His Excellency was then pleased to deliver the following Speech :—

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

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

"I thank you for the consideration which you have given to the important subjects to which I called your attention at the commencement of the Session.

"I

"I have readily given my assent to the Bills which you have passed, and I trust that they may contribute to promote the Commercial interests and to improve the sanitary condition of the Province.

"The congratulations which you have offered to Her Majesty on the success of Her Majesty's Arms, and those of Her Allies, at the recent victory of Alma, will be laid before the Throne, and will, I am confident, be received by Her Majesty with satisfaction and pleasure, as an additional proof of the well known loyalty of Her Subjects in this part of Her Dominions."

After which, the Honorable the President of the Council, by His Excellency's command, declared the General Assembly prorogued until the last Tuesday in December next.

G. BOTSFORD, *Clerk.*

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