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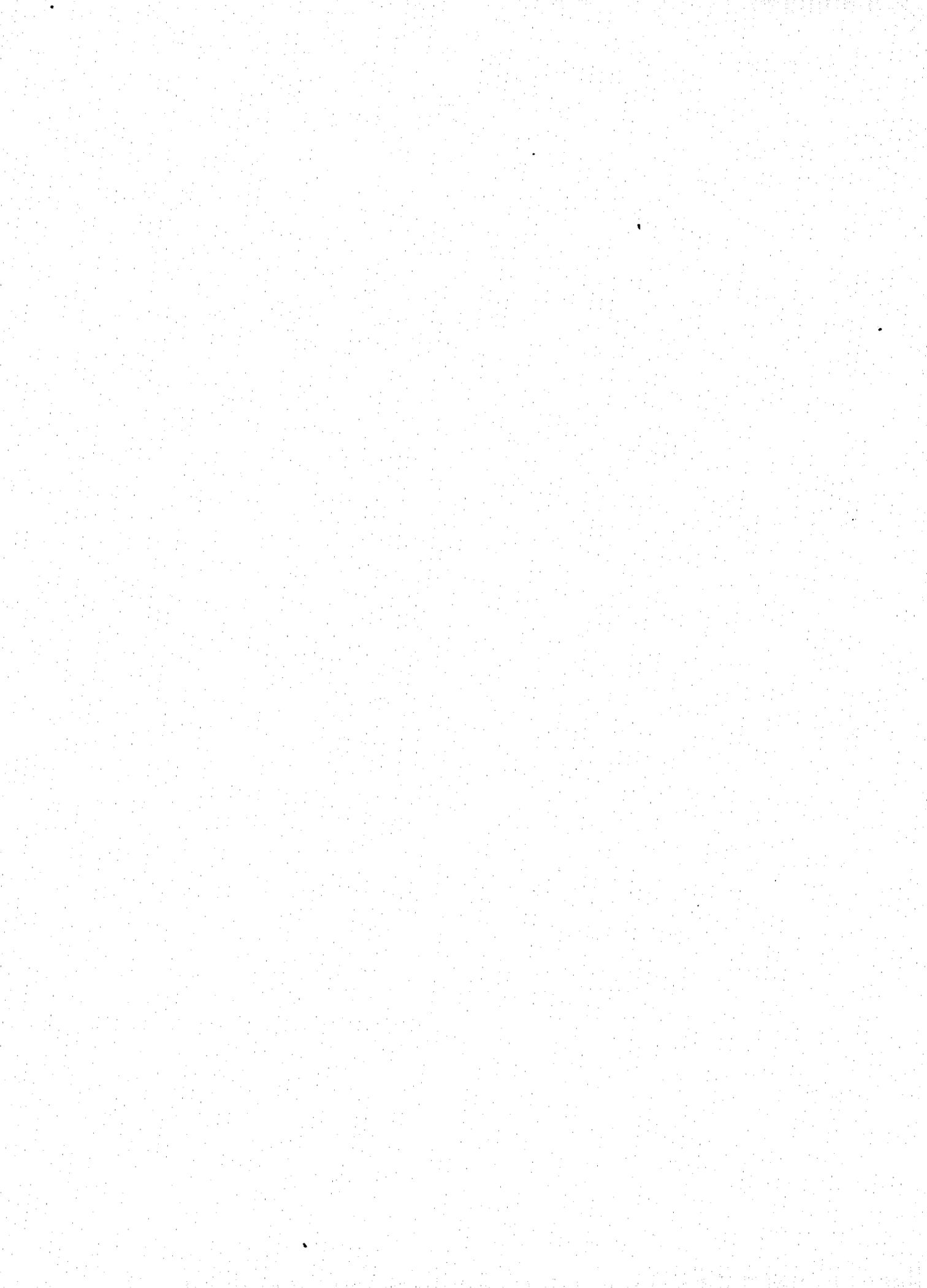
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**JOURNAL**

AND

**PROCEEDINGS**

OF HER MAJESTY'S

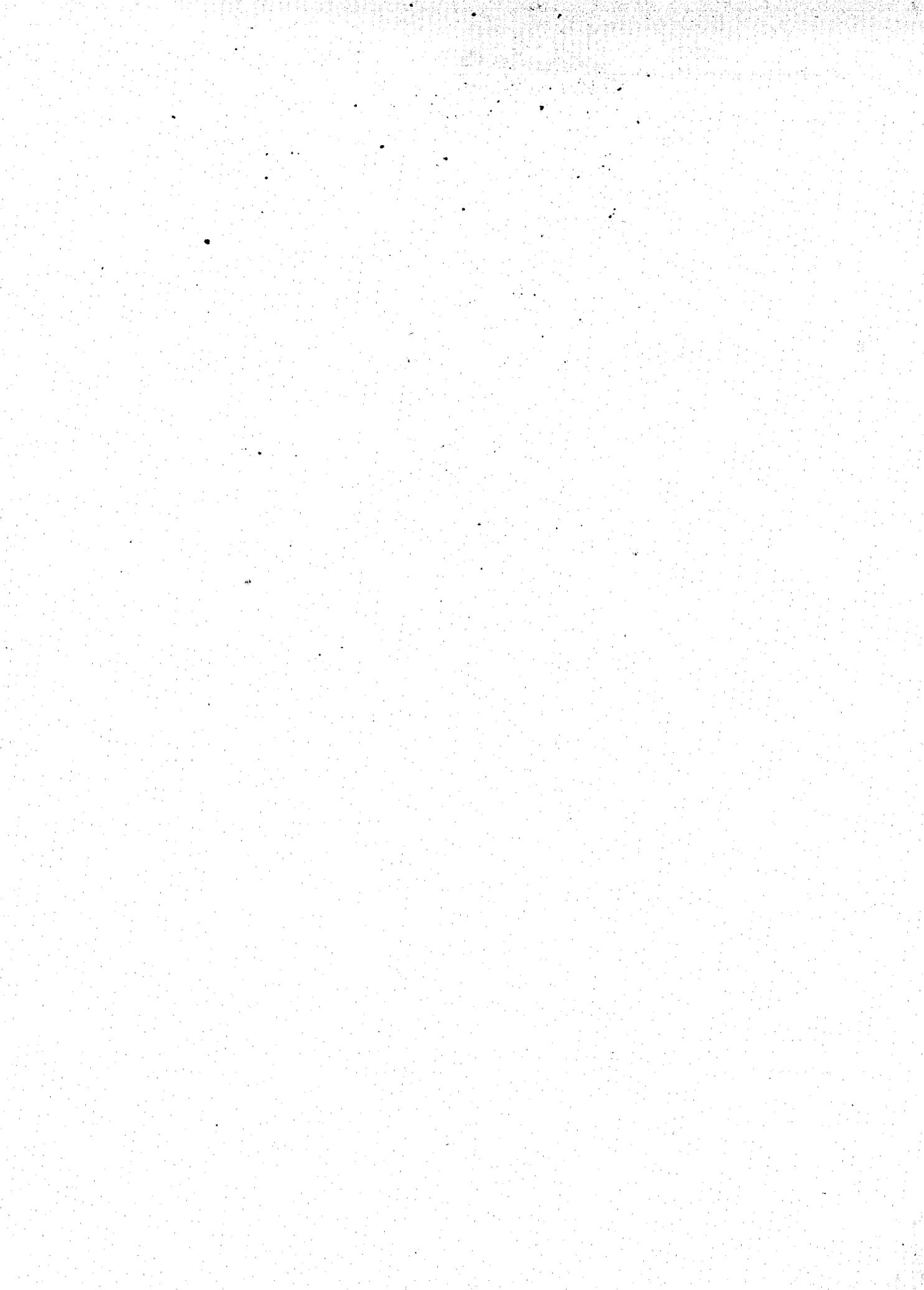
**LEGISLATIVE COUNCIL**

OF THE

**PROVINCE OF NOVA-SCOTIA.**

**1839-40.**

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# 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.

**W**HEREAS, 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.

**W**HEREAS, 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.

**W**HEREAS, 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.**

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**JOURNAL**  
OF THE  
**PROCEEDINGS**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF THE  
**PROVINCE OF NOVA-SCOTIA.**

---

FIFTH SESSION OF THE SIXTEENTH GENERAL ASSEMBLY.

---

*ANNO TERTIO VICTORIÆ REGINÆ.*

---

AT HALIFAX, IN THE PROVINCE OF NOVA-SCOTIA.  
LEGISLATIVE COUNCIL CHAMBER,

*Tuesday, 31st December, 1839.*

The General Assembly having been, by Proclamation, prorogued to this day, the Council met:

P R E S E N T—

|                                       |                                      |
|---------------------------------------|--------------------------------------|
| The Honorable S. B. Robie, President. |                                      |
| The Honorable Norman F. Uniacke,      | S<br>P<br>O<br>N<br>S<br>O<br>R<br>S |
| James W. Johnston,                    |                                      |
| William Lawson,                       |                                      |
| Lewis M. Wilkins, Jr.                 |                                      |
| The Honorable Alexander Campbell,     |                                      |
| James Ratchford,                      |                                      |
| William B. Almon, M.D.                |                                      |

At two of the clock, P. M. 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. came to the Council Chamber, attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to let the House of Assembly know "It is His Excellency's will and pleasure they attend him immediately in this House."

His Excellency comes to the Council Chamber

H. A. attend

Who,

TUESDAY, 31st DECEMBER, 1839.

Who, being come with their Speaker, His Excellency was pleased to make the following

S P E E C H :

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

Speech

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.

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

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,*

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.

The House of Assembly then withdrew, and His Excellency was pleased to retire soon after. H. withdraw  
H. E. retires

**PRAYERS.**

A Bill, entitled, An Act for improving the Administration of Criminal Justice, was read a first time. Bill pro forma read

The President reported His Excellency's Speech.

*Ordered,* That an Address be presented to His Excellency in answer to his Speech. Speech reported

*Ordered,* That Mr. Johnston, Mr. Uniacke, Mr. Wilkins, Mr. Campbell, and Mr. Almon, be a Committee to prepare the said Address. Address ordered  
Committee to prepare Address

The Hon. Mr. Johnston informed the House that he was desired by His Excellency the Lieutenant-Governor to communicate to the House, that in pursuance of their Address last Session, His Excellency had directed a Letter to be written to such of the Members of this House as had not attended in their places during the last Session; and that in reply, two of the Members, Mr. Ouseley and Mr. FitzRandolph, had requested His Excellency's permission to resign their situations—which permission had been granted, and that the other Members had intimated their intention of attending punctually this Session. Message from H. E. rel. to Members absent last Session

Mr.

WEDNESDAY, THURSDAY, and FRIDAY, 1st, 2d and 3d JANUARY, 1840.

Message rel. to De-  
legation to England

Mr. Johnston also informed the House that he was further commanded by His Excellency to state that His Excellency, in pursuance of the Resolutions of this House, passed in the last Session, had despatched the Hon. Alexander Stewart and the Hon. Lewis M. Wilkins, as Delegates from this House to Her Majesty's Government.

Adjourn

On motion made and seconded—the House adjourned until Thursday, at 12 o'clock.

Thursday, 2d January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

|                                       |                  |                                   |
|---------------------------------------|------------------|-----------------------------------|
| The Honorable S. B. Robie, President. |                  |                                   |
| The Honorable Norman F. Uniacke,      | S<br>S<br>S<br>S | The Honorable Alexander Campbell, |
| James W. Johnston,                    |                  | James Ratchford,                  |
| William Lawson,                       |                  | William B. Almon.                 |
| Lewis M. Wilkins,                     |                  |                                   |

PRAYERS.

The Minutes of yesterday were read.

Mr. Johnston, the Chairman of the Committee appointed to prepare an Address to His Excellency the Lieutenant-Governor, in answer to His Speech at the commencement of the Session, reported a draft thereof—which he read in his place.

*Ordered*, That the Report be received, and the said draft was again read by the Clerk, and it was

*Ordered*, That the House be forthwith put into a Committee of the whole to take the same into consideration.

The House was adjourned, during pleasure, and put into a Committee on the said Address.

After some time, the House was resumed, and Mr. Uniacke reported that the Committee had gone through the said Address, and had made several amendments thereto :

Which amendments being read twice by the Clerk, were agreed to by the House.

*Ordered*, That the said Address be engrossed, and read a third time to-morrow.

*Ordered*, That the Committee who prepared the said Address, be a Committee to wait on His Excellency, and ascertain when His Excellency will be pleased to receive this House with their Address.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Friday, 3d January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

|                                       |                  |                                   |
|---------------------------------------|------------------|-----------------------------------|
| The Honorable S. B. Robie, President. |                  |                                   |
| The Honorable Norman F. Uniacke,      | S<br>S<br>S<br>S | The Honorable Alexander Campbell, |
| James W. Johnston,                    |                  | James Ratchford,                  |
| William Lawson,                       |                  | William B. Almon.                 |
| Lewis M. Wilkins,                     |                  |                                   |

PRAYERS.

The Minutes of yesterday were read.

Mr. Johnston, the Chairman of the Committee appointed to wait upon His Excellency the Lieutenant-Governor, to ascertain when His Excellency would be pleased to receive this House with their Address, reported that His Excellency had been pleased to state he would receive the House at half-past one o'clock, p. m. to-day.

Address reported

Read 1st time

Read 2d time

Committee

Reported with  
amendment

Amendments agreed  
to

Order for 3d read-  
ing

Committee to wait  
on H. E. & know

when he will re-  
ceive Address

Adjourn

Report of Commit-  
tee to wait on H. E.  
to know when he  
will receive the Ad-  
dress

The

The Address in answer to His Excellency's Speech at the opening of the Session, was read a third time, and passed.

Address read & passed

Whereupon, the President signed the same, and it is as follows :

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please your Excellency,*

We, Her Majesty's dutiful and loyal subjects the Legislative Council of Nova-Scotia, thank your Excellency for the Speech with which you have been pleased to open the present Session of the General Assembly. Address

Our early attention shall be given to the Legislation which may be necessary for remedying the inconveniences arising from defective appointments of Grand Juries, to which your Excellency has directed our notice.

The Despatches in reply to the Addresses, Resolutions, and other Communications on the state of the Province, recently brought under the notice of Her Majesty's Government by the Delegates selected from both Houses, which your Excellency has been pleased to inform us shall be submitted to the Legislature at an early period, we shall receive with the respect and attention due to communications from Her Majesty's Government.

We thank your Excellency for conveying to us thus early an extract from these Despatches, which affords the gratifying assurance that it has been the anxious endeavour of Her Majesty's Minister to arrive at the conclusion on the subjects in question most calculated to meet the wishes and promote the interests of all classes of Her Majesty's subjects in this Province, and which presents in gratifying terms the favourable sense Her Majesty's Government is pleased to entertain of the humble duty and loyalty of Her subjects in Nova-Scotia.

The establishment of the Steam Communication mentioned by your Excellency, at a large annual charge upon the Imperial Revenue, we acknowledge with gratitude as an additional proof of the deep interest taken by Her Majesty in the welfare of Her North American Colonies, and of the high advantages derived by this Province from the fostering care of the Mother Country.

In contemplating this important measure, by which Halifax is made the point of communication between Great Britain and these Colonies, our pleasure is much enhanced by the reflection that its early accomplishment has been effected by the high enterprize of a Nova-Scotian.

We esteem the improvement of the several Mail Routes to Quebec through this Province, to be an object of great National and Provincial importance. The measures your Excellency adopted during the recess, for forwarding an object so beneficial, furnish further proof of your Excellency's earnest desire to promote the welfare and improvement of the Province. And we beg to assure your Excellency that every question bearing upon it which may come before us, shall receive our best consideration.

Your Excellency may rely on our cordial co-operation with the other Branch of the Legislature in every measure whose tendency is to promote the interest of the Province, and especially in those important particulars enumerated by your Excellency, being convinced that the diffusion of Religious Education—the establishment of a Provincial Penitentiary, Orphan House, and House of Industry—the promotion of Agriculture and the Fisheries—the more effectual repression of encroachments by Foreigners upon the latter, and an improved system of Road Expenditure, present the means on which most materially depend the

FRIDAY and SATURDAY, 3d and 4th JANUARY, 1840.

the social happiness, intellectual advancement—the peace and good order and general well being of the Province, and through which the prosperity that under a gracious Providence the Country now enjoys may best be preserved and advanced.

The promise of your Excellency's hearty concurrence in any measure which may tend to confirm that prosperity and improve the resources of the Province, is entitled to our grateful acknowledgment, which we beg your Excellency to accept.

House wait upon  
H. E. with Ad-  
dress

At half-past one o'clock, p. m. the House waited upon His Excellency the Lieutenant-Governor with their Address, and, being returned to the Council Chamber, the Hon. the President informed the House, that His Excellency had been pleased to receive the said Address, and had returned the following reply thereto :—

*Mr. President, and Hon. Gentlemen of the Legislative Council ;*

H. E.'s reply to  
Address

I return you my best thanks for this dutiful and loyal Address, and be assured that I duly appreciate the value of that aid and support which you have promised to afford me in furtherance of the objects recommended to your consideration.

Leave of absence to  
Mr. Wilkins

On motion, *resolved*, that Mr. Wilkins have leave of absence for a week, to return home on urgent private business.

On motion of Mr. Almon, *resolved*, that the following Address be presented to His Excellency the Lieutenant-Governor.

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please your Excellency,*

Address to H. E.  
rel to absent Mem-  
bers

The Legislative Council beg to thank your Excellency for your attention to their Address, relative to the Members of this House who did not attend during the last Session, and for your Communication upon that subject. They now most respectfully state to your Excellency, that the Hon. the Lord Bishop of Nova-Scotia, Peter M'Nab, George Smith, Alexander Stewart, William Rudolf, James S. Morse, and Robert M. Cutler, have not attended during the present Session, and are now absent without the leave of this House. The Legislative Council being desirous of enforcing the attendance of the Members who are absent, request your Excellency will be pleased to inform the Council, if the before named Gentlemen, or any of them, have obtained permission from Her Majesty the Queen, or from your Excellency, to exempt them from attendance upon their duties in this House.

Committed to pre-  
sent Address

*Ordered*, That Mr. Almon, Mr. Campbell, and Mr. Ratchford, be a Committee to present the foregoing Address to His Excellency.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

*Saturday, 4th January, 1840.*

The House met to pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable James W. Johnston, §  
William Lawson, §  
Alexander Campbell, §

The Honorable James Ratchford,  
William B. Almon.

PRAYERS.

At

At half-past one o'clock, there being but six Members present, the President adjourned the House until Monday, at one o'clock. Adjourn

*Monday, 6th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

|                                       |                                     |
|---------------------------------------|-------------------------------------|
| The Honorable S. B. Robie, President. |                                     |
| The Honorable Norman F. Uniacke,      | § The Honorable Alexander Campbell, |
| James W. Johnston,                    | § James Ratchford,                  |
| William Lawson,                       | § William B. Almon.                 |

PRAYERS.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

A Bill, entitled, An Act for enforcing performance of engagements in aid of Public Works.

A 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—to which Bills they desire the concurrence of this House.

Engagements in aid  
of Public Works  
Juries

Sir Rupert D. George, Bart. the Secretary of the Province, by His Excellency's command, laid before the House, the following Message from His Excellency :

M E S S A G E.

(Signed.) C. CAMPBELL.

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

Message from H.  
E. with Despatches

Government-House,  
4th January, 1840.

*List of Despatches transmitted to the Legislative Council, 4th January, 1840.*

Despatch from the Marquis of Normanby to the Lieutenant-Governor, No. 34, with fifteen Inclosures, viz :

- 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.

Despatch

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

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

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

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

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

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

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

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

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

(For Despatches and Papers, vide Appendix Nos. 1 to 25.)

At three of the clock, p. m. there being but seven Members present, the House adjourned until To-morrow, at one o'clock.

Adjourn

Tuesday, 7th January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,

The Honorable Alexander Campbell,  
James Ratchford,  
William B. Almon, M. D.

PRAYERS.

The Minutes of Friday, Saturday and Monday, were read.

A 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, was read a first time.

*Ordered,* That the said Bill be read a second time.

*Ordered,* That the Standing Order, No. 72, relative to Bills not being read twice on the same day—nor a Committee of the whole Council not proceeding on any Bill on the same day in which the Bill is committed, be dispensed with on the said Bill.

The said Bill was, on motion, read a second time.

*Ordered,* That the said Bill be committed to a Committee of the whole House, at a future time.

Mr. Almon, the Chairman of the Committee, appointed to present the Address of this House to His Excellency the Lieutenant-Governor, relative to the absent Members, reported that the Committee had performed that duty; and that His Excellency had been pleased to state that he would send an Answer to the said Address.

Mr. Johnston informed the House that he was commanded by His Excellency to inform the House, that he believed the Hon. the Lord Bishop of Nova-Scotia was at present absent by leave of Her Majesty—that the Hon. A. Stewart was absent on leave obtained from His Excellency for six Months from December last; but that His Excellency was not aware that the other Members mentioned in the Address of this House to His Excellency, had leave of absence from Her Majesty, and that they had not such leave from His Excellency.

*Ordered,*

Jury Bill  
Read 1st time

Standing order No.  
72 dispensed with

Jury Bill read 2d  
time.

Ordered to Com.

Com. to present  
Address to H. E.  
rel. to absent Mem-  
bers reports

Message from H. E.  
rel. to absent Mem-  
bers

*Ordered*, That the Members of this House who are now absent without the leave of Her Majesty, or of His Excellency, or of this House, be summoned to attend in their places in this House forthwith. Absent Members to be summoned

Mr. M'Nab informed the House, that it had been his intention to attend in his place in this House at the commencement of the Session, but that he had been prevented from attending by indisposition. Mr. McNab makes excuse for absence

A Bill, entitled, An Act for enforcing performance of Engagements in aid of Public Works, was read a first time. Engagements in aid of Public Works Bill read 1st time

*Ordered*, That the said Bill be read a second time, at a future day.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolution :

*Ordered*, That the Hon. Mr. Dewolf, Mr. Bell, Mr. Goudge, Mr. Holmes, and Mr. Forrester, be a Committee of this House for the purpose of examining the Public Accounts, jointly, with a Committee of the Legislative Council. Com. of Public Accounts of H. A.

The said Resolution was read, and ordered to lie on the Table.

On motion, the House was adjourned during pleasure, and put into a Committee for the consideration of a 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.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had gone through the said Bill, and made an amendment thereto : Jury Bill committed

Which amendment being read twice by the Clerk, was agreed to by the House.

The said Bill was then read a third time, and the question was put by the President, Whether this Bill, with the amendment, shall pass ? Amended  
Amend. agreed to  
Bill read 3d time and agreed to

It was resolved in the affirmative.

On motion, *resolved*, that Mr. Almon, Mr. Campbell and Mr. Ratchford, be a Committee of this House to join a Committee of the House of Assembly, to examine the Public Accounts, and that the Clerk do acquaint the House of Assembly therewith. Com. of Public Accounts of Council

On motion made and seconded—the House adjourned until To-morrow, at one o'clock. Adjourn

Wednesday, 8th January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|   |                  |   |
|---|------------------|---|
| The Honorable Peter M'Nab,<br>Norman F. Uniacke,<br>James W. Johnston,<br>William Lawson, | §<br>§<br>§<br>§ | The Honorable Lewis M. Wilkins, Jr.<br>Alexander Campbell,<br>James Ratchford,<br>William B. Almon. |
|---|------------------|---|

PRAYERS.

The Minutes of yesterday were read.

A Message was sent to the House of Assembly, by the Clerk,

To return a 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, and acquaint them that this House have agreed to the said Bill, with an amendment—to which amendment they desire the concurrence of the House of Assembly. Jury Bill sent to H. A.

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly agreed to the amendment proposed by this House to a 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 Message from H. A. agreeing to amend. to Jury Bill

Also, with the following Bill :

D

A

WEDNESDAY and THURSDAY, 8th and 9th JANUARY, 1839.

Defence by Counsel in Felony Bill read 1st time

A Bill, entitled, An Act for enabling Persons indicted for Felony to make their defence by Counsel—to which Bill they desired the concurrence of this House.

The said Bill was read a first time.

*Ordered*, That the said Bill be read a second time, at a future day.

Jury Bill finally agreed to and sent to H. A.

A 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, was read as amended; and the question was put by the President,

Whether this Bill, as amended, shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them therewith.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at  $\frac{1}{4}$  before one o'clock.

Thursday, 9th January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,

S. B. Robie

The Honorable Lewis M. Wilkins, Jr.  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Message and Despatches read

On motion, the Message from His Excellency the Lieutenant-Governor, received on the 6th instant, together with the Despatches accompanying the same, were read, and ordered to lie on the Table.

H. E. comes to Council Chamber

At half-past one o'clock, p. m. His Excellency the Lieutenant-Governor came to the Council Chamber, attended as usual, and, being seated, the Gentlemen Usher of the Black Rod received His Excellency's command to let the House of Assembly know "It is His Excellency's will and pleasure they attend him immediately in this House"—who, being come with their Speaker, His Excellency was pleased to give his Assent to a 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.

H. A. attend

H. E. assents to Jury Bill

H. A. withdraw  
H. E. retires

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

Report of Delegates laid before House

Mr. Wilkins informed the House, that Mr. Stewart and himself, having been appointed by His Excellency the Lieutenant-Governor, under the authority of a Resolution of this House, to proceed to London, and communicate with Her Majesty's Government upon the particular subjects of the mission with which they had been so honored, had, upon their arrival in England, in the month of June last, immediately waited upon the Most Noble the Marquis of Normanby, then at the head of the Colonial Department, and solicited an interview with his Lordship—that the same was most graciously granted, and soon afterwards took place—that the substance of what occurred on that occasion, and at the subsequent conferences held with his Lordship by Mr. Stewart and himself, being embodied in the report which he held in his hand, he deemed it unnecessary to make any further remarks upon those subjects at the present time, particularly as he should be prepared in his place to furnish this House with any further information that it might require respecting the manner in which the Delegates of this House had endeavoured to discharge the Duties attached to the office that had been so assigned them, or upon any other point connected with it.

Mr.

**THURSDAY, FRIDAY and MONDAY, 9th, 10th, and 13th JANUARY, 1840.**

Mr. Wilkins added that he could not, however, offer the report to the House without informing it, that from the Marquis of Normanby, Mr. Stewart and himself had experienced the utmost courtesy and attention; and that it appeared quite evident to his Colleague and himself, from the patient attention which his Lordship paid to the Communications that were made to His Lordship, as well by Mr. Stewart and himself, as by the Delegates from the other Branch of the Legislature, and from such observations, as from time to time, his Lordship was pleased to make, that his Lordship was actuated by a sincere desire to possess all possible information respecting the political state of this Colony, and the means of improving its condition; and that they had left his Lordship, with a conviction upon their minds, that the Noble Marquis would earnestly endeavor to come to such a decision upon the various subjects submitted to his Lordship respecting this Province, as should be best calculated to promote its real interests. Mr. Wilkins, after having stated in conclusion, that he understood it to be the intention of Mr. Stewart not to return to Nova-Scotia, to take his place in this House during the present Session, submitted to the House, on behalf of that Gentleman and himself, a written report of their proceedings whilst in London, as Delegates, selected from this House.

*Ordered*, That the said Report be read at a future day.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock. Adjourn

*Friday, 10th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|   |                  |   |
|---|------------------|---|
| The Honorable Peter M'Nab,<br>Norman F. Uniacke,<br>James W. Johnston,<br>William Lawson, | §<br>§<br>§<br>§ | The Honorable Lewis M. Wilkins, Jr.<br>Alexander Campbell,<br>James Ratchford,<br>William B. Almon. |
|---|------------------|---|

**PRAYERS.**

The Minutes of yesterday were read.

On motion, the Report of the Delegation was read.

*Ordered*, That the said Report be received and printed.

(*For Report, vide Appendix, No. 26.*)

Report of Delegates read  
Ordered to be printed

*Resolved*, That the thanks of this House be given to the Honorable Alexander Stewart, and the Honorable Lewis M. Wilkins, for the zealous and able manner in which they have fulfilled the duties connected with their late mission to England, as Delegates from this House.

Vote of thanks to Delegates

Mr. Almon brought up the Petition of Robert Hume and others, praying aid to the establishment of a Public Hospital in Halifax, which was read, and ordered to lie on the Table.

Pet. of R. Hume & al.

On motion made and seconded—the House adjourned until Monday, at twelve o'clock. Adjourn

*Monday, 13th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|   |             |  |
|---|-------------|--|
| The Honorable Peter M'Nab,<br>James W. Johnston,<br>William Lawson. | §<br>§<br>§ | The Honorable Robert M. Cutler,<br>Alexander Campbell. |
|---|-------------|--|

**PRAYERS.**

At 15 minutes past one o'clock, there being but six Members present, the President adjourned the House until To-morrow, at one o'clock. Adjourn

*Tuesday,*

**TUESDAY, WEDNESDAY and THURSDAY, 14th, 15th, and 16th JANUARY, 1840.**

*Tuesday, 14th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| The Honorable Peter M'Nab, | § | The Honorable Alexander Campbell, |
| Norman F. Uniacke,         | § | James Ratchford,                  |
| William Lawson,            | § | William B. Almon.                 |
| Robert M. Cutler,          | § |                                   |

PRAYERS.

The Minutes of Friday and Monday were read.

Pet. of Rev. E.  
Gilpin & al.

Mr. Almon brought up the Petition of the Rev. Edwin Gilpin and others, praying aid to the Annapolis Academy.

Pet. of J. E. Cogswell & al.

Mr. Campbell brought up the Petition of John E. Cogswell and others, praying aid to Queen's College, Horton.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

Duration of Assemblies

A Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies.

Trespass and Trover by Justices of Peace

A Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases.

Limits of Rawdon Douglas

A Bill, entitled, An Act to establish the Limits of the Township of Rawdon.

A Bill, entitled, An Act to divide the Township of Douglas, and to establish the bounds thereof.

To which Bills they desired the concurrence of this House.

Read 1st time

The said Bills were read a first time.

*Ordered,* That the said Bills be read a second time, at a future day.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

*Wednesday, 15th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|                            |   |                                 |
|----------------------------|---|---------------------------------|
| The Honorable Peter M'Nab, | § | The Honorable Robert M. Cutler, |
| James W. Johnston,         | § | Alexander Campbell,             |
| William Lawson,            | § | William B. Almon.               |

PRAYERS.

At a quarter before two o'clock, there being but seven Members present, the President adjourned the House until To-morrow, at one o'clock.

Adjourn

*Thursday, 16th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| The Honorable Peter M'Nab, | § | The Honorable Alexander Campbell, |
| James W. Johnston,         | § | James Ratchford,                  |
| William Lawson,            | § | William B. Almon.                 |
| Robert M. Cutler,          | § |                                   |

PRAYERS.

The Minutes of Tuesday and Wednesday were read.

A Bill, entitled, An Act for enforcing performance of Engagements in aid of Public Works ; Engagements in aid of Pub. Works  
 also,  
 A Bill, entitled, An Act for enabling Persons indicted for Felony, to make their defence by Counsel ; also, Defence by Counsel in Felony  
 A Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies ; also, Duration of Assemblies  
 A Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases, were read a second time. Trespass and Trover by J. P. Bills read 2d time  
*Ordered,* That the said Bills be committed to a Committee of the whole House, at a future day. Ordered to Com.

*Ordered,* That a Bill, entitled, An Act to establish the Limits of the Township of Rawdon ; also, Rawdon and  
 A Bill, entitled, An Act to divide the Township of Douglas, and to establish the bounds thereof, be referred to Mr. Almon and Mr. Cutler, to report upon ; and also, whether the requisites of the Standing Order, No. 60, have been complied with. Douglas Bills referred to Sel. Com.

Mr. Johnston brought up the Petition of Abraham Lent and another, relative to Queen's College. Pet. of A. Lent & al.

Mr. Cutler brought up the Petition of Harris Harding and others, relative to Queen's College. Pet. of H. Harding & al.

Mr. Johnston presented to the House, a Bill, entitled, An Act concerning Wills—the said Bill was read a first time. Will Bill presented and read 1st time

*Ordered,* That the said Bill be read a second time, at a future day.

*Ordered,* Nemine dissentiente, that the Standing Order, No. 72, relative to Bills not being read twice on the same day—nor a Committee of the whole Council not proceeding on any Bill on the same day in which the Bill is committed, be dispensed with on the Bill, entitled, An Act for enabling Persons indicted for Felony to make their defence by Counsel. Standing order dispensed with

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had gone through the said Bill, and made an amendment thereto. Defence of Council in Felony Bill Amended

Which amendment being read twice by the Clerk, was agreed to by the House. Amendment agreed to

The said Bill was then read a third time, and the question was put by the President, Whether this Bill with the amendment shall pass ? Bill read 3d time

It was resolved in the affirmative. Agreed to

A Message was sent to the House of Assembly, by the Clerk, Sent to H. A.

To return the said Bill, and acquaint them that this House have agreed to the same with an amendment—to which amendment this House desires their concurrence.

On motion made and seconded—the House adjourned until To-morrow, at one o' clock. Adjourn

Friday, 17th January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
 Norman F. Uniacke,  
 William Lawson,  
 Robert M. Cutler,

§ The Honorable Alexander Campbell,  
 § James Ratchford,  
 § William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

A Message was brought from the House of Assembly, by Mr. Gray,

To inform the House, that the House of Assembly agreed to the amendment proposed by this House to a Bill, entitled, An Act for enabling Persons indicted for Felony, to make their defence by Counsel. Message from H.A. agreeing to amend. Defence of Counsel in Felony Bill

*FRIDAY, SATURDAY and TUESDAY, 17th, 18th, and 21st JANUARY, 1840.*

Com. on Rawdon  
and Douglas Bills  
report

Mr. Almon, the Chairman of the Committee, to whom  
A Bill, entitled, An Act to establish the Limits of the Township of Rawdon; also,  
A Bill, entitled, An Act to divide the Township of Douglas, and to establish the bounds  
thereof, were referred, reported that the Committee had performed their duty, and found  
that the requisites of the Standing Order, No. 60, had not been complied with.

Leave of absence  
to Mr. Campbell

On motion, *resolved*, that Mr. Campbell have leave of absence for three weeks, from Mon-  
day next, to return home on urgent private business.

Defence by Coun-  
cil in Felony Bill

A Bill, entitled, An Act for enabling Persons indicted for Felony, to make their defence  
by Counsel, was read as amended, and the question was put by the President,  
Whether this Bill, as amended, shall pass?

Finally agreed to

It was resolved in the affirmative.

and sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them therewith.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

*Saturday, 18th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
Robert M. Cutler,

§  
§  
§  
§

The Honorable Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

H. E. comes to  
Council Chamber

At half-past one of the Clock, p. m. His Excellency the Lieutenant-Governor came to  
the Council Chamber, attended as usual, and, being seated, the Gentleman Usher of the  
Black Rod received His Excellency's commands to let the House of Assembly know "It  
is His Excellency's will and pleasure they attend him immediately in this House"—who,  
being come with their Speaker, His Excellency was pleased to give his assent to a Bill,  
entitled,

H. A. attend

H. E. assents to

Defence by Council  
in Felony Bill

An Act for enabling Persons indicted for Felony to make their defence by Counsel.

H. A. withdraw  
H. E. retires

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

Adjourn

On motion made and seconded—the House adjourned until Tuesday, at two o'clock.

*Tuesday, 21st January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,

§  
§  
§

The Honorable Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

At half-past two o'clock, there being but seven Members present, the President adjourn-  
ed the House until To-morrow, at one o'clock.

Adjourn

*Wednesday,*

WEDNESDAY, 22d JANUARY, 1840.

Wednesday, 22d January, 1840.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,

§  
§  
§  
§

The Honorable Robert M. Cutler,  
James Ratchford,  
William B. Almon.

## PRAYERS.

The Minutes of Saturday and Tuesday were read.

A Letter from Mr. Smith to the President, apologizing for his absence, was read.

A Letter from Mr. Morse to the President, apologizing for his absence, was read.

A Letter from Mr. Rudolf to the Clerk, apologizing for his absence, was read.

A Bill, entitled, An Act concerning Wills, was read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House, at a future day.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

The Chairman also reported that the Committee had had under consideration, a Bill, entitled, An Act for enforcing performance of Engagements in aid of Public Works, and had directed him to report that it was the opinion of the Committee, that the further consideration of the said Bill should be deferred to this day three months.

Whereupon, Mr. Johnston moved, that the report of the Committee be not received: which, being seconded, and the question being put, there appeared for the motion, three; against the motion, four:

For the motion,  
Mr. Johnston,  
Cutler,  
Lawson,

Against the motion,  
Mr. Uniacke,  
Almon,  
M'Nab,  
Ratchford.

So it passed in the Negative.

Ordered, That the said Report be received, and the further consideration of the said Bill be deferred to this day three months.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases, and had made an amendment thereto.

Which amendment being read twice by the Clerk, was agreed to by the House.

Ordered, That the said Bill be read a third time.

Mr. Almon brought up the Petition of John F. Muncey, praying the assent of this House to a grant of a Bounty to him on a Seal Fishing Voyage.

Mr. Johnston, by His Excellency's command, laid before the House, the Estimate for the year 1840—which was read, and ordered to lie on the Table.

(For Estimate, vide Appendix, No. 27.)

Mr. Johnston, also by His Excellency's command, laid before the House, a Copy of a Despatch from the Right Honorable the Secretary of State for the Colonies, dated 13th November, 1839, relative to supplying the Council with Copies of the Journals of the House of Commons.

(Vide Appendix, No. 28.)

Also, of a Despatch, dated 27th November, 1839, relative to the Act respecting the Merchant Seamen of Nova-Scotia.

(Vide Appendix, No. 29.)

Mr. Smith's Letter read  
Mr. Morse's Letter read  
Mr. Rudolf's Letter read  
Will T. read 2d time  
Ordered to Com.

Committee on Bills

Recommend engagements in aid of Public Works, to be deferred three months

Motion not to receive report

Negatived

Report received }  
and Bill deferred

Report Trespass and Trover Bill with amendment

Amendments agreed to  
Order for 3d reading

Petition of J. F. Muncey

Estimate for 1840

Despatches

Also,

Also, of a Despatch, dated 11th November, 1839, relative to the Acts of the last Session.  
(Vide Appendix, No. 30.)

Laid before House

The said Estimate and Despatches were read, and ordered to lie on the Table.

Resolutions relative to Mr. Smith

On motion of Mr. Johnston, *resolved*, that the excuse offered by Mr. Smith in his Letter of the 17th January, instant, addressed to the President for his non-attendance on his duties in this House, is insufficient.

*Resolved*, That Mr. Smith, having been required to attend this House by its order of the 7th instant, and having disobeyed that order, is liable to the censure of this House.

Resolution relative to Mr. Morse

*Resolved*, That the excuse offered by Mr. Morse, in his Letter of the 13th January, instant, addressed to the President, for his non-attendance on his duties in this House, is insufficient.

*Resolved*, That Mr. Morse, having been required to attend this House by its order of the 7th instant, and having disobeyed that order, is liable to the censure of this House.

Resolutions to be communicated to H. E.

*Resolved*, That the foregoing Resolutions, in the case of Mr. Smith and Mr. Morse, be communicated to His Excellency the Lieutenant-Governor, for his information, in an Address to His Excellency.

*Resolved*, That, in that Address, His Excellency be informed that the House has laboured, during the whole of this Session, under great inconvenience from the want of a larger number of Members; and that business is now before the House, which, in its opinion, ought to be discussed in a fuller body.

*Resolved*, That Mr. Johnston, Mr. Uniacke, and Mr. Cutler, be a Committee to prepare the said Address.

Mr. Cutler, a member of Com. of Public Accounts in place of Mr. Campbell

*Ordered*, That Mr. Cutler be appointed a Member of the Committee of this House, to examine the Public Accounts, jointly, with a Committee of the House of Assembly, in the place of Mr. Campbell, now absent with the leave of this House; and that the Clerk do acquaint the House of Assembly therewith.

Tresspass and Trover by J. P. Bill, read 3d time

A Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Tresspass and Trover, in certain cases, was read a third time, and the question was put by the President,

Whether this Bill, with the amendment, shall pass?

Agreed to and

It was resolved in the affirmative—Mr. Almon dissenting.

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A

To return the said Bill, and acquaint them that this House have agreed to the said Bill, with an amendment—to which amendment this House desire their concurrence.

Petition of E. Morton

Mr. Cutler brought up the Petition of John Cunningham and others, relative to Queen's College, Horton—which was ordered to lie on the Table.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Thursday, 23d January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,

§  
§  
§  
§

The Honorable Lewis M. Wilkins, Jr.  
Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Petition of E. Morton

Mr. Ratchford brought up the Petition of Elkanah Morton, which was ordered to lie on the Table.

On

*THURSDAY, FRIDAY, and MONDAY, 23d, 24th and 27th JANUARY, 1840.*

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress. Committee on Bills

The President laid before the House the Provincial Treasurer's Accounts for the year 1839—which were ordered to lie on the Table. Treasurers Account

Mr. Johnston brought up the Petition of the Rev. Abbe Sigogne and others, relative to the Sessions House at Clare—which was ordered to lie on the Table. Petition of Abbe Sigogne & al.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock. Adjourn

*Friday, 24th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,

§  
§  
§  
§

The Honorable Lewis M. Wilkins, Jr.  
Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress. Committee on Bills

The Chairman also reported that the Committee had had under consideration, a Bill, entitled, An Act concerning Wills, and had made several amendments thereto. Which amendments being read twice by the Clerk, were agreed to by the House. Report Will Bill with Amendments Amendments agreed to  
*Ordered,* That the said Bills be engrossed, and read a third time, at a future day. Order for engrossing & 3d Reading

Mr. Johnston brought up the Petition of John Murray and others, Trustees of the Yarmouth Academy, praying aid to that Institution—which was ordered to lie on the Table. Pet. of Trustees of Yarmouth Academy

Mr. Wilkins brought up the Petition of Thomas Timlin; also, the Petition of Asa Torrey and others, praying to be reimbursed the costs of an Action brought against the said Thomas Timlin by Mrs. MacKay—which were ordered to lie on the Table. Petition of Thomas Timlin & of A. Torrey & al.

On motion made and seconded—the House adjourned until Monday, at one o'clock. Adjourn

*Monday, 27th January, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

§  
§  
§  
§

The Honorable Lewis M. Wilkins, Jr.  
Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

F

Mr.

MONDAY, 27th JANUARY, 1840.

|   |   |
|---|---|
| Mr. Smith's excuses<br>absence  | Mr. Smith rose in his place, and stated the reasons which prevented his attending in his place, at an earlier period.<br><i>Ordered</i> , That Mr. Smith's explanation is satisfactory, and be received accordingly.  |
| Will Bill read 3d<br>time   | A Bill, entitled, An Act concerning Wills, was read a third time, and the question was put by the President,<br>Whether this Bill shall pass?<br>It was resolved in the affirmative.  |
| Agreed to   | A Message was sent to the House of Assembly, by the Clerk,<br>To carry down the said Bill, and desire their concurrence thereto.  |
| Sent to H. A.   | A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:   |
| Yarmouth Meeting<br>House   | 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.  |
| Crown Lands   | A Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia.   |
| Lock-up-House<br>Bridgetown   | A Bill, entitled, An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis.  |
| Cape Forchue<br>Harbour   | A Bill, entitled, An Act to preserve the Harbour of Cape Forchu, in Yarmouth.   |
| Commissioners<br>Streets Windsor  | A Bill, entitled, An Act to compensate one of the Commissioners of Streets in Windsor, for a loss sustained in the exercise of his office.<br>To which Bills they desired the concurrence of this House.  |
| Read 1st time   | The said Bills were read a first time.<br><i>Ordered</i> , That the said four first Bills be read a second time, at a future day.   |
| Message from H.<br>A. agreeing to Am.<br>to 'Tresspass & Tro-<br>ver before J. P.<br>with Am.                     | The Messenger also informed the House, that the House of Assembly agreed to the amendment proposed by this House to a Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Tresspass and Trover, in certain cases, with an amendment—to which amendment they desired the concurrence of this House.  |
| Bill & Am. referred<br>to Committee   | <i>Ordered</i> , That the said Bill and amendments be referred to Mr. Wilkins, Mr. Smith and Mr. Cutler, to examine and report upon.  |
| Commissioners<br>Streets Bill refer-<br>red to Com.   | <i>Ordered</i> , That a Bill, entitled, An Act to compensate one of the Commissioners of Streets in Windsor, for a loss sustained in the exercise of his office, be referred to Mr. Wilkins, Mr. Smith and Mr. Cutler, to examine and report upon.  |
| Leave to Gentleman<br>Usher of the Black<br>Rod to attend<br>H. of Assembly                                       | On motion of Mr. Wilkins, <i>ordered</i> , that the Gentleman Usher of the Black Rod, having stated to the House, that he had been required, in his capacity of Sheriff of the County of Halifax, to attend the House of Assembly, and to give certain explanations to that Branch of the Legislature, connected with the discharge of his duties of Sheriff of the said County; and having desired the permission of this House to comply with such requisition—have the leave of the House to attend the House of Assembly accordingly. |
| Communications<br>from Hon. A.<br>Stewart rel. to jour-<br>nals of House of<br>Commons & Parli-<br>mentary Papers | The President laid before the House the following Communication addressed to him by the Hon. Alexander Stewart, relative to the presentation of a Copy of the Journals of the House of Commons, and other Parliamentary Papers, to the Legislative Council.   |

London, 3d December 1839.

SIR—

I have the honor to enclose Copies of two Letters addressed by me to the Principal Secretary of State for the Colonies, and Mr. Smith, one of the Under Secretaries of the Colonial Department. I also transmit a Letter from the latter in reply to the one addressed to the former. Be so good as to submit these to the Hon. the Legislative Council. I shall furnish to the Clerk a Memoranda of the Sums I shall advance on behalf of the Council, in order that they may be included in the contingencies of the ensuing Session.

I have the honor to be, &amp;c.

[Signed]

ALEX. STEWART.

The Hon. The PRESIDENT of the Legislative Council.

The

MONDAY, 27th JANUARY, 1840.

The same were read, and ordered to lie on the Table.

(For the Letters referred to in Mr. Stewart's Letter, vide Appendix No. 31.)

Mr. Wilkins brought up the Petition of E. F. Harding and others, relative to granting a Charter to Queen's College, at Horton—which was ordered to lie on the Table.

Pet. of E. F. Harding & al.

Ordered, That a Bill, entitled, An Act to establish sundry Regulations for the future disposal of Crown Lands within the Province of Nova-Scotia, be referred to Mr. Smith, Mr. Wilkins and Mr. Cutler, to examine and report upon.

Crown Land Bill  
ref. to Com.

Mr. Cutler brought up the Petition of Daniel Whitman and others; also, the Petition of Abraham Stronach and others, relative to Queen's College, at Horton—which were ordered to lie on the Table.

Petition of D. Whitmore & al.  
and of A. Stronach & al.

Mr. Johnston, the Chairman of the Committee appointed to prepare an Address to His Excellency the Lieutenant-Governor, communicating the Resolutions passed by this House on the 22d instant, relative to the non-attendance of Mr. Smith and Mr. Morse, reported the draft thereof—which he read in his place as follows:

Address to H. E. rel. to Messrs. Smith & Morse rep.

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please your Excellency,*

The Legislative Council beg leave to present to Your Excellency the Copy of Resolutions, passed by the Council on the 22d instant.

Address

The Legislative Council inform Your Excellency that great inconvenience is experienced in this House from the want of a greater number of Members than have been in attendance during the Session, and measures have claimed the consideration of the House, which are of a character and importance, to make it desirable that they should receive the deliberation of a fuller House.

The Legislative Council further inform Your Excellency, that Mr. Smith, since the passing of these Resolutions, has attended the House, and offered an explanation in excuse of his absence—which the House has accepted as satisfactory.

Ordered, That the said Address be received and adopted.

Received

Ordered, That the Committee who prepared the said Address, be a Committee to present the same to His Excellency the Lieutenant-Governor.

Com. to present

Ordered, That a Bill, entitled, An Act to divide the Township of Douglas, and to establish the bounds thereof; also,

Douglas, &c.

A Bill, entitled, An Act to establish the Limits of the Township of Rawdon, be published in the Royal Gazette Newspaper, for the space of four weeks, for the information of all persons interested therein.

Rawdon.  
Ordered to be published

Ordered, That the Standing Orders of this House, Nos. 54, 60, 68, 70 and 71, relative to the passing of Private Bills, be published in the Royal Gazette, for the information of the Public.

Standing Orders to be published

On motion made and seconded—the House adjourned until To-morrow, at two o'clock.

Adjourn

Tuesday,

Tuesday, 28th January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

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| The Honorable S. B. Robie, President.  |                                |
| The Honorable Peter M'Nab,<br>Norman F. Uniacke,<br>James W. Johnston,<br>William Lawson,<br>George Smith, | §<br> <br> <br> <br> <br> <br> |
| The Honorable Lewis M. Wilkins, Jr.<br>Robert M. Cutler,<br>James Ratchford,<br>William B. Almon.          |                                |

PRAYERS.

The Minutes of yesterday were read.

Mr. Johnston, the Chairman of the Committee appointed to wait upon His Excellency the Lieutenant-Governor with the Address of this House, communicating the Resolutions of this House, passed on the 22d instant, relative to the non-attendance of Mr. Smith and Mr. Morse, reported that the Committee had performed that duty, and that His Excellency had been pleased to state that he would take the subject matter of the Address into consideration.

Report of Com. to recind Address to H. E. with Resol. relative to Mr. Smith & Mr. Morse

Meeting House Yarmouth

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; also,

Lock-up House Bridgetown &

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

Cape Forchu Harbor Bills Read 2d time & ref. to Com

A Bill, entitled, An Act to preserve the Harbour of Cape Forchu, in Yarmouth—were read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.

Petition of Dr. Willis

Mr. Almon brought up the Petition of the Venerable Archdeacon Willis, praying aid to the African School—which was ordered to lie on the Table.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

Smoked Herrings

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

Killing of Bears, &c.

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

Writs of Attachment

A Bill, entitled, An Act to continue the Act to restrain the issuing Writs of Attachment, in certain cases.

Stealing of Dogs, &c.

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

Sea Manure Queen's County

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.

Guysboro' 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

A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions in the Island of Cape Breton.

Pictou Poores' Rates

A Bill, entitled, An Act to continue the Act respecting the collection of Poores' 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 Harbour

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

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| A Bill, entitled, An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages.   | Redemption of Mortgages          |
| A Bill, entitled, An Act to continue the Act relating to Marriage Licenses.   | Marriage Licenses                |
| A Bill, entitled, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.   | Public School 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.  | Quarantine                       |
| 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.   | Contagious Diseases              |
| A Bill, entitled, An Act to continue the Act additional, concerning Nuisances.  | Nuisances                        |
| 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.   | Proof of Written Documents       |
| A Bill, entitled, An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.   | Annapolis Academy                |
| A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County.   | Landings in King's County        |
| 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 to encourage the importation of improved Breeds of Cattle into this Province.  | Importation of Cattle            |
| A Bill, entitled, An Act to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton.   | Harbour Master Bridgeport        |
| A Bill, entitled, An Act to continue the Act to authorise the Sale of Coals by weight.  | Sale of Coals by Weight          |
| 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 in further amendment of, and additional to, the Acts relating to Trespasses.   | Trespasses                       |
| 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.  | Sydney 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.  | Halifax Pilotage                 |
| 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.   | Extension of Laws to Cape Breton |
| A Bill, entitled, An Act 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 Troops                |
| To which Bills they desired the concurrence of this House.  |                                  |
| The said Bills were read a first time.  | Read 1st time                    |
| Ordered, That the said Bills be read a second time, at a future day.  |                                  |
| On motion made and seconded—the House adjourned until To-morrow, at one o'clock.  | Adjourn                          |

Wednesday, 29th January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

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§  
§  
§

The Honorable Lewis M. Wilkins, Jr.  
Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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| Smoked Herrings                  | A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.  |
| Killing of Bears                 | A Bill, entitled, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.  |
| Attachments                      | A Bill, entitled, An Act to continue the Act to restrain the issuing of Writs of Attachment, in certain cases.  |
| Stealing of Dogs                 | A Bill, entitled, An Act to continue the Act to make the Stealing of Dogs, Beasts and Birds, Larceny.   |
| Sea Manure<br>Queen's Co.        | 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.                         |
| Rear Blocks Guys-<br>borough     | 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<br>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.   |
| Diseases from bite<br>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 Harbor of Pugwash.  |
| Redemption of<br>Mortgages       | A Bill, entitled, An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages.   |
| Marriage Licenses                | A Bill, entitled, An Act to continue the Act relating to Marriage Licenses.   |
| Public School Halifax            | 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.  |
| Infectious 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 Act in amendment thereof. |
| Nuisances                        | A Bill, entitled, An Act to continue the Act additional, concerning Nuisances.  |
| Proof of Written<br>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.   |
| Academy Annapolis                | A Bill, entitled, An Act to continue the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis.  |
| Landings Kings Co.               | A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County.   |
| Malicious Injuries               | A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property.   |
| Importation of Cattle            | A Bill, entitled, An Act to continue the Act to encourage the Importation of improved Breeds of Cattle into this Province.  |
| Harbor Master<br>Bridgeport      | A Bill, entitled, An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape Breton.  |
| Sale of Coals by<br>weight       | A Bill, entitled, An Act to continue the Act to authorise 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.   |
| Trespasses                       | A Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.   |
| Pilotage Sydney                  | 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 Halifax                 | 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<br>Cape Breton    | A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.   |
|                                  | A Bill, entitled, An Act to continue the Act in amendment of an Act, made and passed  |

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

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.

A Bill, entitled, An Act to continue the Act, entitled, An Act to provide for the Accommodation and Billetting 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,

Billetting Troops  
Read 2d time & ord. to Com.

Were read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.

Mr. Almon brought up the Petition of Brenton Halliburton and others, Trustees of the National School, praying aid to that Institution.

Pet. of B. Halliburton & al.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had gone through 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; also,

Report Yarmouth Meeting House

A Bill, entitled, An Act to preserve the Harbor of Cape Forchu in Yarmouth; also,

A Bill, entitled, An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis, and had agreed to the same without any amendment.

Cape Forchu Harbour & Lock-up House Bridgetown without amendt.

Ordered, That the said Report be received, and the said Bills be read a third time, at a future day.

Ordered, That a Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies, be the Order of the Day for Monday next, to be considered in a Committee of the whole House.

Quidrennial Bill Order of Day

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Adjourn

Thursday, 30th January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

O R D E R

The Honorable Lewis M. Wilkins, Jr.  
Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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; also,

Yarmouth Meeting House

A Bill, entitled, An Act to preserve the Harbour of Cape Forchu, in Yarmouth; also,

A Bill, entitled, An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis, were read a third time, and the question was put by the President on each Bill,

Cape Forchu Harbour & Lock-up House Bridgetown Bills read 3d time and agreed to

Whether this Bill shall pass?

It was resolved in the affirmative.

Mr. Wilkins, the Chairman of the Committee to whom was referred a Bill, entitled, An Act to compensate one of the Commissioners of Streets in Windsor, for a loss sustained in the exercise of his office—which Bill has passed the House of Assembly, and has been sent up to this House for their concurrence, reported that the Committee had considered the said Bill, and were of opinion that the same should be published in the Royal Gazette Newspaper, as notice to the parties interested in the said Bill.

Com. on Commr. Streets Windsor Bill report

Ordered,

THURSDAY, 30th JANUARY, 1840.

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|---|---|
| Report recd. and Bill ordered to be published | <i>Ordered</i> , That the said Report be received, and the said Bill be published in the Royal Gazette Newspaper, for the information of the parties interested therein.  |
| Com. on Bills                                 | On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.   |
| Report  | The Chairman also reported that the Committee had gone through  |
| Smoked Herrings                               | A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings; also,  |
| Killing of Bears                              | A Bill, entitled, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats; also,  |
| Stealing of Dogs                              | A Bill, entitled, An Act to continue the Act to make the Stealing of Dogs, Beasts and Birds, Larceny; also,   |
| Sea Manure Queen's County                     | 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; also,  |
| Rear Blocks Guysborough                       | A Bill, entitled, An Act to continue the Act to enable the Proprietors of Lands, in the Rear Blocks or Divisions of Land, in the Township of Guysborough, to open Roads through the same; also,   |
| Summary Trials C. B.                          | A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions in the Island of Cape-Breton; also,   |
| Poors' Rates Pictou                           | A Bill, entitled, An Act to continue the Act respecting the collection of Poors' Rates of Pictou; also,   |
| Diseases from bite of Animals                 | A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals; also,  |
| Pugwash Harbor                                | A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash; also,   |
| Public School Halifax                         | A Bill, entitled, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax; also,   |
| 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; also,  |
| Infectious 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 Act in amendment thereof; also,   |
| Nuisances                                     | A Bill, entitled, An Act to continue the Act additional, concerning Nuisances; also,  |
| Academy Annapolis                             | A Bill, entitled, An Act to continue the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis; also,  |
| Landings King's County                        | A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County; also,   |
| Importation of Cattle                         | A Bill, entitled, An Act to continue the Act to encourage the importation of improved Breeds of Cattle into this Province; also,  |
| Harbor Master Bridgeport                      | A Bill, entitled, An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape-Breton; also,  |
| Sale of Coals by weight                       | A Bill, entitled, An Act to continue the Act to authorise the Sale of Coals by Weight; also,  |
| Sable Island                                  | A Bill, entitled, An Act to continue the Act for the better regulation of Sable Island, in this Province; also,   |
| Pilotage Sydney                               | 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; also,  |
| Pilotage Halifax                              | 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; also,  |
| Summary Trials                                | A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof; also,   |
| 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; also, |

A Bill, entitled, An Act to continue the Act to provide for the Accommodation and Billetting 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, and had agreed to the same without any amendment. Billeting Troops without amendt.

*Ordered,* That the said Bills be read a third time, at a future day.

The Chairman also reported that the Committee had gone through Report

A Bill, entitled, An Act to continue the Act to restrain the Issuing of Writs of Attachment, in certain cases; also, Attachments

A Bill, entitled, An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages; also, Redemption of Mortgages

A Bill, entitled, An Act to continue the Act relating to Marriage Licenses; also, Marriage Licenses

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; also, Proof of written Documents

A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property; also, Malicious Injuries

A Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses, and had made several amendments to each of the said Bills. Trespasses Bills with amdt.

Which amendments being read twice by the Clerk, were agreed to by the House. Amendts. agreed to

*Ordered,* That the said Bills be read a third time, at a future day.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively. Division of Parrsborough

A Bill, entitled, 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—to which Bills they desired the concurrence of this House. Meeting House Tusket Village Bills

The said Bills were read a first time. Read 1st time

*Ordered,* That a Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively, be referred to Mr. Lawson, Mr. Wilkins, Mr. Smith and Mr. Almon, to examine and report upon. Division of Parrsborough Bill ref. to Com.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock. Adjourn

Friday, 31st January, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
William Lawson,  
George Smith,

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The Honorable Lewis M. Wilkins, Jr.  
Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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

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

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

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; also, Sea Manure Queen's County

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| Rear Blocks Guysborough       | A Bill, entitled, An Act to continue the Act to enable the Proprietors of Lands, in the Rear Blocks or Divisions of Land, in the Township of Guysborough, to open Roads through the same ; also,   |
| Summary Trials C. B.          | A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions in the Island of Cape-Breton ; also,   |
| Poors' Rates Pictou           | A Bill, entitled, An Act to continue the Act respecting the collection of Poors' Rates of Pictou ; also,   |
| Diseases from bite of Animals | A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals ; also,  |
| Pugwash Harbor                | A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash ; also,   |
| Public School Halifax         | A Bill, entitled, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax ; also,   |
| 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 ; also,  |
| Infectious 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 Act in amendment thereof ; also,   |
| Nuisances                     | A Bill, entitled, An Act to continue the Act additional, concerning Nuisances ; also,  |
| Academy Annapolis             | A Bill, entitled, An Act to continue the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis ; also,  |
| Landings King's County        | A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County ; also,   |
| Importation of Cattle         | A Bill, entitled, An Act to continue the Act to encourage the importation of improved Breeds of Cattle into this Province ; also,  |
| Harbor Master Bridgeport      | A Bill, entitled, An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape-Breton ; also,  |
| Sale of Coals by weight       | A Bill, entitled, An Act to continue the Act to authorise the Sale of Coals by Weight ; also,  |
| Sable Island                  | A Bill, entitled, An Act to continue the Act for the better regulation of Sable Island, in this Province ; also,   |
| Pilotage Sydney               | 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 ; also,  |
| Pilotage Halifax              | 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 ; also,  |
| Summary Trials                | A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof ; also,   |
| 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 ; also, |
| Billetting Troops             | A Bill, entitled, An Act to continue the Act, entitled, An Act to provide for the Accommodation and Billetting 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,       |
| Read 3d time                  | Were read a third time, and the question was put by the President,<br>Whether this Bill shall pass ?   |
| Agreed to                     | It was resolved in the affirmative.  |
| Sent to H. A.                 | A Message was sent to the House of Assembly, by the Clerk,<br>To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.   |
| Writs of Attachment           | A Bill, entitled, An Act to continue the Act to restrain the issuing of Writs of Attachment, in certain cases ; also,  |
| Foreclosure of Mortgages      | A Bill, entitled, An Act to continue the Act for the more easy Redemption and Foreclosure of Mortgages ; also,   |
| Marriage Licenses             | A Bill, entitled, An Act to continue the Act relating to Marriage Licenses ; also,   |

FRIDAY and SATURDAY, 31st JANUARY, and 1st FEBRUARY, 1840.

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| 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; also,  | Proof of Written Documents                  |
| A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property; also,  | Malicious Injuries to property              |
| A Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses, were read a third time, and the question was put by the President,   | Trespasses<br>Read 3d time                  |
| Whether this Bill shall pass?  |   |
| It was resolved in the affirmative.  | Agreed to                                   |
| A Message was sent to the House of Assembly, by the Clerk,   | Sent to H. A.                               |
| To return the said Bills, and acquaint them that this House have agreed to the said Bills, with amendments to—to which amendments they desire the concurrence of the House of Assembly.  |   |
| 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, was read a second time.             | Tusket Meeting House Bill read 2d time      |
| Ordered, That the said Bill be committed to a Committee of the whole House, at a future day.   | Ord. to Com.                                |
| A Message was sent to the House of Assembly, by the Clerk,   |   |
| To return 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; also, | Yarmouth Meeting House                      |
| A Bill, entitled, An Act to preserve the Harbor of Cape Forchu in Yarmouth; also,  | Cape Forchu Harbour & Lock-up House         |
| A Bill, entitled, An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis—   | Bridgetown Bills                            |
| And to acquaint them that this House have agreed to the said Bills, without any amendment.   | Sent to H. A.                               |
| A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:  |   |
| A Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives.   | Polls at Elections                          |
| A Bill, entitled, An Act to Incorporate the Margaretville Pier Company.  | Margaretville Pier Co. Bill                 |
| To which Bills they desired the concurrence of this House.   |   |
| The said Bills were read a first time.   | Read 1st time                               |
| Ordered, That the said Bills be read a second time, at a future day.   |   |
| Ordered, That the Order of the Day for Monday next, for the House to consider in a Committee of the whole House,   |   |
| A Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies, be postponed for the present.   | Consideration of Quadrennial Bill postponed |
| On motion made and seconded—the House adjourned until To-morrow, at one o'clock.   | Adjourn                                     |

Saturday, 1st February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

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The Honorable James S. Morse,  
Robert M. Cutlér,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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- Polls at Elections & A Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives ; also,  
Margaretville Pier Bills read 2d time & A Bill, entitled, An Act to incorporate the Margaretville Pier Company.  
Were read a second time.  
Ref. to Com. *Ordered*, That the said Bills be committed to a Committee of the whole House, at a future day.
- Petition of T. N. Jeffery & al. Mr. Johnston brought up the Petition of the Honorable Thomas N. Jeffery and others, praying the Incorporation of the Acadian School at Halifax—which was ordered to lie on the Table.
- Mr. Morse excuses absence Mr. Morse, rose in his place, and stated the reasons which prevented his attending in his place at an earlier period.  
*Ordered*, That Mr. Morse's explanation is satisfactory, and be received accordingly.
- Com. on Bills. On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. Almon reported that the Committee had made some progress.
- Report Tusket Meeting House Bill without amendt. The Chairman also reported that the Committee had gone through the 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, and had agreed to the same without any amendment.  
*Ordered*, That the said Bill be read a third time, at a future day.
- Committee on Parrsborough Bill reported Mr. Lawson, the Chairman of the Committee, to whom was referred a Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively, reported that the Committee had considered the said Bill so referred to them; and reported as follows: That it was the opinion of the Committee that the 63d Rule of this House, printed in the Journals thereof, of the last Session, applied to the said Bill, and the Committee had no evidence that the said Rule had, in reference to the said Bill, been complied with: That adverting to the very recent period at which those Rules had been adopted, it was probable they were not within the knowledge of those Persons, whose interests were affected by the said Bill: That, therefore, in the opinion of the Committee, the circumstance of such Rule not having been in this instance complied with, ought not to prevent the said Bill from being considered by the House in the present Session and recommended that in order to give notice of the said Bill to the parties interested, the same should be published in the Royal Gazette.
- Bill to be published *Ordered*, That the said Report be received, and the said Bill published in the Royal Gazette Newspaper, for the information of the parties interested therein.
- Adjourn On motion made and seconded—the House adjourned until Monday, at two o'clock.

*Monday, 3d February, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to authorize 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, was read a third time; and the question was put by the President, Tuskent Meeting House Bill read 3d time

Whether this Bill shall pass?

It was resolved in the affirmative.

Agreed to  
Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bill, and acquaint them that this House have agreed to the said Bill, without any amendment.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill:

A Bill, entitled, An Act relating to Registrars of Deeds.

Registrars of Deeds Bill

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Read 1st time  
Ref. to Sel. Com.

Ordered, That the said Bill be referred to Mr. Johnston, Mr. Uniacke, Mr. Wilkins, Mr. Morse, and Mr. Smith, to examine and report upon—and that the Committee have power to send for Persons and Papers.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M<sup>c</sup>Nab reported that the Committee had made some progress. Com. on Bills

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to incorporate the Margaretville Pier Company, and had made two amendments thereto. Report Margaretville Pier Co. Bill with amdts.

Which amendments being read twice by the Clerk, were agreed to by the House.

Amdts agreed to

Ordered, That the said Bill be read a second time, at a future day.

Mr. Smith, the Chairman of the Committee to whom a Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotland, was referred, made his report; whereupon, Com. on Crown Land Bill report

The said Bill was read a second time.

Bill read 2d time

Ordered, That the said Bill be committed to a Committee of the whole House, at a future day. Ord. to Com.

On motion made and seconded—the House adjourned until To-morrow, at two o'clock. Adjourn

Tuesday, 4th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M<sup>c</sup>Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

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The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to Incorporate the Margaretville Pier Company, was read a third time, and the question was put by the President, Margaretville Pier Bill read 3d time

Whether this Bill with the amendments shall pass?

Agreed to

It was resolved in the affirmative.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M<sup>c</sup>Nab reported that the Committee had made some progress. Com. on Bills.

Report Crown Land Bill with amdots

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia, and had made an amendment to the said Bill:

Motion not to receive report

Whereupon, Mr. Almon moved, that the report of the Committee be not received: which, being seconded, and the question being put, there appeared, for the motion, two; against the motion, seven:

For the motion,  
Mr. Almon,  
Mr. Uniacke,

Against the motion,  
Mr. McNab, Mr. Cutler,  
Mr. Johnston, Mr. Morse,  
Mr. Lawson, Mr. Smith,  
Mr. Wilkins,

Negatived

So it passed in the Negative.

Report received

Ordered, That the said Report be received.

Amendment agreed to

The said amendment being read twice by the Clerk, was agreed to by the House.

Recommend Polls at Elections to be ref. to sel. Com.

Ordered, That the said Bill be read a third time at a future day.

The Chairman also reported that the Committee had had under consideration a Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, and had made some progress in the said Bill, and recommended that the said Bill should be referred to a Select Committee, for the purpose of preparing certain amendments to the said Bill.

Report rec. & Bill referred

Ordered, That the said Report be received, and the said Bill be referred to a Select Committee.

Committee

Ordered, That Mr. Almon, Mr. Wilkins and Mr. Smith, be a Committee for that purpose.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Wednesday, 5th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

The Honorable Lewis M. Wilkins, Jr.  
Robert M. Cutler,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Crown Land Bill read 3d time &

A Bill entitled, An Act to establish sundry regulations for the future disposal of Crown Lands, within the Province of Nova Scotia, was read a third time, and the question was put by the President,

Agreed to

Whether this Bill, with the amendment, shall pass?  
It was resolved in the affirmative.

Com. on Tresspass & Trover before J. P. report

Mr. Wilkins, the Chairman of the Committee to whom a 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 the said Bill, and the amendment of the House of Assembly to the amendment of this House, was referred, reported that the Committee had considered the matters so referred to them, and recommended that this House should not adhere to its amendment to the said Bill.

Report not recd.

Whereupon, Mr. Johnston moved, that the said Report be not received: which, being seconded, and the question being put, was agreed to.

Petition of W. Pryor & others

Mr. Smith brought up the Petition of William Pryor and others, praying a summary jurisdiction for Seamen's Wages—which was read, and ordered to lie on the Table.

Ordered,

*Ordered,* That the said Petition be referred to a Select Committee, to examine and report upon. Ref to Com.

*Ordered,* That Mr. Smith, Mr. Wilkins and Mr. Johnston, be a Committee for that purpose. Committee

On motion made and seconded—the House adjourned until To-morrow at two o'clock. Adjourn

• Thursday, 6th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

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| The Honorable Peter M'Nab,<br>Norman F. Uniacke,<br>James W. Johnston,<br>William Lawson,<br>George Smith, | §<br>§<br>§<br>§<br>§ | The Honorable Lewis M. Wilkins, Jr.<br>James S. Morse,<br>Robert M. Cutler,<br>James Ratchford,<br>William B. Almon. |
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PRAYERS.

The Minutes of yesterday were read.

On motion, the House proceeded to the consideration of the amendment proposed by the House of Assembly to the amendment proposed by this House to a Bill, entitled, An Act for enabling Justices of the Peace to try Actions of Trespass and Trover, in certain cases. Amendt of H. A. to Trespass & Trover before J. P. Bill

Whereupon, it was moved that the amendment of the House of Assembly to the amendment made by this House to the said Bill, be not agreed to, but that the amendment of this House to the said Bill be adhered to : which, being seconded, and the question being put, there appeared, for the motion, six ; against the motion, three : not agreed to

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| For the motion,<br>Mr. Johnston,<br>Almon,<br>Lawson, | Mr. Morse,<br>M'Nab,<br>Ratchford. | Against the motion,<br>Mr. Smith,<br>Cutler,<br>Wilkins. |
|---|------------------------------------|--|

So it passed in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill and amendments, and acquaint them that this House do not agree to the amendment made by that House to the amendment made by this House to the said Bill, but adhere to their own amendment. Bill sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return a Bill, entitled, An Act to Incorporate the Margareville Pier Company ; also, a Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia—and to acquaint them that this House have agreed to the said Bills with amendments—to which amendments this House desire their concurrence. Magareville Pier Co and Crown Land Bills; Sent to H. A.

Mr. Almon, the Chairman of the Committee to whom a Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, was referred, reported that the Committee had had the said Bill under consideration, and had prepared the amendments to the said Bill, and recommended that the said Bill be again committed to a Committee of the whole House. Com. on Polls at Elections Bill report amendt.

*Ordered,* That the said Report be received.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. Nab reported that the Committee had made some progress. Com. on Bills

The

THURSDAY, FRIDAY and MONDAY, 6th, 7th, and 10th FEBRUARY, 1840.

Report Polls at Elections Bill with amnds.

Amnds agreed to

Adjourn

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, and had made several amendments to the said Bill.

Which amendments being read twice by the Clerk, were agreed to by the House. Ordered, That the said Bill be read a third time, at a future day.

On motion made and seconded—the House adjourned until To-morrow, at two o'clock.

Friday, 7th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
William Lawson,  
George Smith,

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The Honorable James S. Morse,  
Robert M. Cutler,  
James Ratchford,  
William B. Almon,

PRAYERS.

The Minutes of yesterday were read.

Polls at Elections Bill read 3d time

A Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, was read a third time, and the question was put by the President,

Agreed to &

Whether this Bill, with the amendments, shall pass?

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill with amendments—to which amendments their concurrence is desired.

Message from H. A. agreeing to amnds. to Crown Land Bill

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly agreed to the amendment proposed by this House to a Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia.

Margaretville Pier Co. Bills

Also, to the amendments proposed by this House to a Bill, entitled, An Act to Incorporate the Margaretville Pier Company.

Bills finally agreed to &

The said two Bills were then read as amended, and the question was put by the President on each Bill,

Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them therewith.

Adjourn

On motion made and seconded—the House adjourned until Monday, at two o'clock.

Monday, 10th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

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The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of Friday were read.

Mr.

MONDAY, 10th FEBRUARY, 1840.

Mr. Almon brought up the Petition of H. A. Gladwin and others, of Musquedoboit, against the system called Responsible Government—which was read and ordered to lie on the Table.

Petition of H. A. Gladwin and al.

Mr. Johnston, the Chairman of the Committee to whom a Bill, entitled, An Act relating to Registrars of Deeds, was referred, reported that the Committee had considered the subject. That they had also been attended by the Honorable Sir Rupert D. George, the Registrar of Deeds throughout the Province, who, at the request of the Committee, exhibited the Mandamus and Commission under which he was appointed to the office, in the year 1813, and which have, from time to time, been renewed to the present period. That the Committee had also examined a return of the Fees of this Office, entered on the Journals of the House of Assembly at its last Session. That the Bill did not state, and the Committee were not acquainted with any facts to shew that the Public Service required that the proposed exchange should be made at the expense of the Principal, by whom the office was at present held; but, on the contrary, the Bill recognized the propriety of indemnification, and made provision for preserving the Public Revenue from that burden to a certain extent; and the Committee understood, in answer to a question put by them to Sir Rupert George, that the arrangement proposed by the Bill had not been the result of any communication with him, or agreement on his part. That the Committee found that the indemnification proposed by the Bill, to be made to the present Incumbent, was very unequal to the loss it would effect. That they learned from the information given by him, that he received from his Deputies in the Country one half of the Fees, and in Halifax, having no Deputy, he received the whole amount. That from the return referred to, it appeared, that should the holder of the present office not be appointed to the office of Registrar of Deeds for the Town and County of Halifax, after the passage of the Bill, his loss, under its operation, would be not less than £727 per annum, and should he be so appointed, his loss would be not less than £497 per annum; whereas, the Bill, without preserving to him the office of Registrar, in the County of Halifax, provided in lieu of the loss to be effected by the Bill, an allowance of only £200 Currency. That the Committee were of opinion that the condition by which this allowance of £200 was declared to be vacated, on an absence from the Province beyond a year, was not just to the present Officer, nor consistent with the discretion which belonged to Her Majesty's Representative in this Province, of determining the reasons for, and the extent of, leave of absence proper to be granted to Officers in the Public Service. That the Committee approved of the appointment of Principals in place of Deputies, in the offices of Registrars of Deeds throughout the Country—provided such a measure could be effected by agreement with the Incumbent, or by providing an adequate indemnification for the loss it would entail upon him, or otherwise by delaying its operation until the determination of the present Incumbency. That independently of those objections, the Committee also reported that the office proposed by this Bill to be abolished, was a patent office in the gift of the Crown; and they were of opinion, that in respect of the Royal Prerogative, the Bill required a suspending Clause. That for those reasons the Committee recommended that the Bill be not adopted, and that the opinion of this House be communicated in Conference to the House of Assembly.

Committee on Registrars Bill report

*Ordered*, That the said Report be received and adopted.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill:

A Bill, entitled, An Act for Incorporating the Trustees of the Queen's College at Horton.

Queen's College Bill

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Read 1st time

*Ordered*, That the said Bill be read a second time, at a future day.

On motion made and seconded—the House adjourned until To-morrow, at two o'clock.

Adjourn.

Tuesday, 11th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Queen's College  
Bill

Read 2d time and

Ord. to Com.

A Bill, entitled, An Act for Incorporating the Trustees of the Queen's College at Horton,

Was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House, at a future day.

Pet. of Jas. Gordon

Mr. Johnston brought up the Petition of James Gordon, praying to be heard, relative to the Bill, entitled, An Act to establish the limits of the Township of Rawdon, which was read.

Ref. to Sel. Com.

*Ordered*, That the said Petition be referred to Mr. Johnston, Mr. Morse and Mr. Ratchford, in order to hear the claims of the Petitioner.

Pet. of D. Lynds &  
al & A. Thompson  
& al

Mr. Campbell brought up the Petition of David B. Lynds and others; also, the Petition of Andrew Thompson and others, praying that a Charter may be granted to Queen's College at Horton.

Bay Fundy Steam  
Nav. Co.

Read 1st time

Mr. Almon, presented to the House, a Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company.

The said Bill was read a first time.

*Ordered*, That the said Bill be read a second time, at a future day.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at two o'clock.

Wednesday, 12th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,  
James W. Johnston,  
William Lawson,  
George Smith,  
James S. Morse,

The Honorable Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Bay Fundy Steam  
Nav. Co. read 2d  
time

Ordered to Com.

A Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company, was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House, at a future day.

Com. on Jas. Gor-  
don's Pet. rel. to  
Rawdon Bill report

Mr. Johnston, the Chairman of the Committee to whom the Petition of James Gordon, relative to the Bill for establishing the limits of the Township of Rawdon was referred, reported that the Committee had examined the subject, and had been attended by the Petitioner,

itioner, James Gordon, and by the Surveyor General, and had had plans and other documents submitted to them: That in one part of the Division Line between Douglas and Rawdon, a dispute existed, involving the titles of the parties in contest respectively: That the Committee had not pretended to enquire into the merits of the question involved in this dispute, but they perceived that it might raise perplexing considerations, both in relation to title and boundaries, and also, to possession, with which the Legislature could not properly interfere: That the Bill before the House was so framed as not to affect directly this question, but left (in effect) the part of the Division Line which affected this dispute, to be ascertained, before the Bill would operate directly upon the disputed point. In this respect the Bill was at present inoperative, and would continue so, until the controversy referred to should be settled; but as the Bill might have an indirect influence on the rights of individuals in relation to the questions in dispute, and as but one of the parties interested had appeared before the Council, the Committee recommended that the Bill should not pass, and that the parties should be allowed to adjust their claims together, or to determine them before the proper Tribunals, previously to the adoption of any Legislative measure, by which the rights of individuals might be in any manner affected.

*Ordered*, That the said Report be received.

Mr. Johnston brought up the Petition of T. S. Harding, Moderator, and others, Ministers and Messengers of Baptist Churches, assembled at the annual Nova Scotia Baptist Association, held in the last year, at Wilmot, in the County of Annapolis; also, of J. W. Johnston and others, the Executive Committee of the Nova Scotia Baptist Education Society; also, of Maynard Parker and others; also, of Francis Parker and others; also, of George Dimock and others; also, of J. H. Porter and others; also, of John Chase and others; also, of Zoheth Freeman and others; also, of William Crosby and others; also, of Silas T. Rand and others; also, of Edward Manning and others; also, of William Dewolf and others; also, of J. E. Bill and others; also, of Joseph Dimock and others; also, of Israel Embree and others; also, of Isaac Bigelow and others; also, of Nathaniel Videto and others; also, of Joseph Denton and others; also, of Benjamin Porter and others; also, of Jarard Crane and others; also, of Franklin Potter and others; also, of William Chipman and others, praying a Charter may be granted to Queen's College at Horton—which were ordered to lie on the Table.

Petitions rel. to  
Queen's College

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill:

A Bill, entitled, An Act to provide for the Civil List of Nova Scotia, and to commute the Casual and Territorial Revenues.

Civil List Bill

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Read 1st time

*Ordered*, That the said Bill be read a second time, at a future day.

*Ordered*, That a Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies, be the Order of the Day for Friday next, to be considered in a Committee of the whole House.

Quadrennial Bill—  
order of day

On motion, *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 be instructed to state to the Committee of the House of Assembly, that the Council has considered a Bill, from the Assembly, entitled, An Act relating to Registrars' of Deeds, and approve of the appointment of Principals in place of Deputies in this Office, throughout the Country—provided, the measure can be effected by agreement with the Incumbent, or by providing an adequate indemnification for the loss it will entail upon him, or otherwise, by delaying its operation until the determination of the present incumbency.

Conference on General State of the Province rel. to Registrars' Bill Instructions to Com.

That it does not appear that the Public Service requires the proposed change to be made at the expense of the present Incumbent, and the Bill recognizes the propriety of indemnification, by granting him an annual allowance: But it appears, by evidence before the Council,

Council,

Council, that this allowance is very unequal to the loss the Bill would effect—the allowance being £200 Currency, while the Officer would lose, if not appointed to the Office of Registrar in the County of Halifax, which is vacated by the Bill, at least £727 per annum—and if so appointed, at least £497 per annum; and no provision is made for securing to him the office at Halifax, in case the Bill went into effect.

The Council think the condition to which this allowance is proposed to be made subject, is not just or reasonable to the Officer, and is inconsistent with the discretion which belongs to Her Majesty and Her Representative, of determining the reasons for, and the extent of, leave of absence, proper to be granted to officers in the Public Service.

The Council also is of opinion, that the Office being held by Patent from the Crown, (by the present Officer since 1813) ought, in respect to the Royal Prerogative, not to be abolished or essentially altered, without the Royal consent; and therefore, that any Bill, having such object, should be attended with a suspending Clause.

The Council cannot agree to the Bill sent from the House of Assembly for these reasons; but is ready to concur, either by Bill or Address to the Throne, with the Assembly, in any measure for effecting the object proposed by the present Bill, under the modifications now suggested.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Thursday, 13th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

S. B. Robie

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Poor House Accts.

Mr. Almon brought up the Poor House Accounts for the year 1839—which were ordered to lie on the Table.

Conference on General State of Province asked

A Message was sent to the House of Assembly, by the Clerk, To inform the House that this House desired a Conference with the House of Assembly, by Committee, on the General State of the Province.

Civil List Bill made order of the day

Ordered, That a Bill, entitled, 'An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues, be the Order of the Day for Tuesday next, to be read a second time.

Com. on Bills

On motion, the House was adjourned during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Fisheries Chedabucto Bay

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay.

Survey of Timber

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.

Change of Township of Ramsay to Sterling

A Bill, entitled, An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling.

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| A Bill entitled, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same.   | Waste Lands Granville                             |
| A Bill, entitled, An Act to prevent Inconveniences arising from delay of Causes, after Issue joined.   | Delay of Causes after issue joined                |
| 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.  | Shire Town Digby                                  |
| A Bill, entitled, An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof.   | Annapolis division                                |
| To which Bills they desired the concurrence of this House.   |   |
| The Messenger also informed the House that the House of Assembly agreed to the Conference desired by this House on the General State of the Province.  | Conference on General State of Province agreed to |
| <i>Ordered</i> , That Mr. Johnston, Mr. Uniacke, Mr. Wilkins, Mr. Morse and Mr. Smith, be a Committee of this House to manage the said Conference.   | Committee   |
| And the Managers went to the Conference, and being returned, Mr. Johnston reported that the Committee had held the said Conference, and stated that he had delivered a copy of his Instructions to the Chairman of the Committee of the House of Assembly. | Report  |
| On motion made and seconded—the House adjourned until To-morrow, at one o'clock.   | Adjourn   |

Friday, 14th February, 1840.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

|                            |   |                               |
|----------------------------|---|-------------------------------|
| The Honorable Peter M'Nab, | § | The Honorable James S. Morse, |
| Norman F. Uniacke,         | § | Robert M. Cutler,             |
| James W. Johnston,         | § | Alexander Campbell,           |
| William Lawson,            | § | James Ratchford,              |
| George Smith,              | § | William B. Almon.             |
| Lewis M. Wilkins, Jr.      | § |                               |

PRAYERS.

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| The Minutes of yesterday were read.   |  |
| A Bill, entitled, An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay ; also,  | 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 ; also,   | Survey of Timber                         |
| A Bill entitled, An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling ; also,  | Change of Township of Ramsay to Stirling |
| A Bill, entitled, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same ; also,  | Waste Lands Granville                    |
| A Bill entitled, An Act to prevent Inconveniences arising from delay of Causes, after Issue joined ; also,  | Delays of causes after Issue joined      |
| A Bill, entitled, An Act to amend the Act to establish the County or Shire Town in the County of Digby ; also,  | Shire town Digby                         |
| A Bill, entitled, An Act to regulate and prevent injury to Rail Roads ; also,   | Rail Roads &                             |
| A Bill, entitled, An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof,  | Annapolis division Bills                 |
| Were read a first time.   | Read 1st time                            |
| <i>Ordered</i> , That the said Bills be read a second time, at a future day.  |  |
| <i>Ordered</i> , That certain Papers relating to School Lands, laid before this House in its last Session, on the 13th day of February, 1839, be published in the Appendix to the Journals of this Session. | Papers relating to School Lands          |

(For Papers, vide Appendix No. 32.)

Committee on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. Nab reported that the Committee had made some progress.

Report Queen's College Bill without amendment

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for Incorporating the Trustees of the Queen's College at Horton, and agreed to the same without any amendment.

Motion not to receive Report negatived

Whereupon, Mr. Wilkins moved, that the said Report be not received: which, being seconded, and the question being put, there appeared, for the motion, three; against the motion, eight:

For the motion,  
Mr. Wilkins,  
Almon,  
Cutler,

Against the motion,  
Mr. Uniacke, Mr. Morse, Mr. Lawson,  
Ratchford, Johnston, M'Nab.  
Campbell, Smith,

So it passed in the negative.

Motion to recommit Bill negatived

Mr. Wilkins moved, that the said Bill be re-committed, for the purpose of adding a suspending Clause to the Bill: which, being seconded, and the question being put, there appeared, for the motion, four; against the motion, seven:

For the motion,  
Mr. Wilkins,  
Almon,  
Ratchford,  
Cutler.

Against the motion,  
Mr. Uniacke, Mr. Lawson,  
Johnston, Morse,  
M'Nab, Smith.  
Campbell,

So it passed in the negative.

Ordered, That the said Report be received, and the said Bill be read a third time, at a future day.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

Prothonotary, C. B.

A Bill, entitled, An Act respecting the Office of Prothonotary for the County of Cape-Breton.

Exportation of Grindstones Saint Mary's Township

A Bill, entitled, An Act respecting the exportation of Grindstones from this Province.

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.

Harbor of Pictou

A Bill, entitled, An Act to amend the Act to preserve and regulate the Navigation of the Harbour of Pictou.

Supervisors of 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.

To which Bills they desired the concurrence of this House.

Report of Committee of Public accounts

Mr. Almon, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly, to examine the Public Accounts, made his report—which was ordered to lie on the Table.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Saturday, 15th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,

S. B. Robie

The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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| A Bill, entitled, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes; also,  | Supervisors of Public Grounds                 |
| A Bill, entitled, An Act to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou; also,  | Pictou Harbor                                 |
| 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; also,   | Saint Mary's Township                         |
| A Bill, entitled, An Act to continue the Act respecting the Exportation of Grindstones from this Province; also,  | Grindstones &                                 |
| A Bill, entitled, An Act respecting the Office of Prothonotary for the County of Cape-Breton,   | Prothonotary, C. B. Bills                     |
| Were read a first time.   | Read 1st time                                 |
| <i>Ordered</i> , That the said Bills be read a second time, at a future day.  |   |
| A Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay; also,   | 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; also,  | Survey of Timber                              |
| A Bill, entitled, An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling; also,  | Change of Ramsay to Stirling                  |
| A Bill, entitled, An Act to prevent Inconveniences arising from delay of Causes, after issue joined; also,  | Delay of causes after Issue joined            |
| A Bill, entitled, An Act to regulate and prevent Injury to Rail Roads; also,  | Rail Roads                                    |
| A Bill, entitled, An Act to amend the Act to establish the County or Shire Town in the County of Digby; also,   | And Shire Town Digby                          |
| A Bill, entitled, An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof,  | Division of Annapolis Bills                   |
| Were read a second time.  | Read 2d time &                                |
| <i>Ordered</i> , That the said Bills be committed to a Committee of the whole House, at a future day.   | Ord. to Com.                                  |
| <i>Ordered</i> , That a Bill, entitled, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, be referred to Mr. Almon, Mr. Ratchford and Mr. Smith, to examine and report upon.  | Waste Lands Granville Bill ref. to Sel. Com.  |
| A Bill, entitled, An Act for Incorporating the Trustees of the Queen's College at Horton, was read a third time, and the question was put by the President,   | Queen's College Bill read 3d time & agreed to |
| Whether this Bill shall pass?   |   |
| It was resolved in the affirmative.   |   |
| Dissentient.—Because, whilst there exists a College at Fredericton, in the Province of New Brunswick, which is contiguous to Nova Scotia, there are now also in this Province, of which, the population does not exceed 200,000 souls, two Collegiate Institutions, viz.: King's College at Windsor, and Dalhousie College at Halifax, of which the latter is exempt from any restriction as to the admission or graduation of the Students, whilst King's College, tho' originally instituted in connexion with the Established Church of England and Ireland, and now under the patronage of His Grace the Archbishop of Canterbury, and the visitorial power of His Lordship the Bishop of Nova Scotia; and tho' its Professors are required by its Statutes to be Members of the Episcopal Church—and tho' Degrees, in Divinity, cannot be conferred therein, upon those who do not profess the Communion of the Church of England—is for all other purposes, and in all other respects, perfectly exclusive in its character—a fact strikingly illustrated by the circumstance, that, at the present time, an ordained Minister of the Baptist Church of Nova Scotia—in connexion with which, the Institution that will be established by this Bill, is designed to be—is keeping his Terms, and passing thro' a regular course of Academical Instruction therein. | Protest                                       |
| Because, if this Bill, the effect of which will be to institute a College in connexion with the Baptist Communion, become a Law, it is reasonably to be anticipated that similar Institutions, connected with the other Religious Denominations existing in this Province, will be  |   |

be required by the Members of them ; and that they will not fail to urge upon the Legislature the passage of this Bill, as affording a precedent for their respective applications, and an unanswerable argument in support of their claim ; the inevitable consequence of which, will be to dissipate that portion of the Public Revenues which is or may be appropriated to the promotion of the higher branches of Education, by distributing it in small portions amongst *many* Colleges, and thereby to prevent the ample endowment, from the same source, of some *one* central and efficient College, perfectly open and unrestricted, and operating equally for the benefit of all classes of the People.

LEWIS M. WILKINS,  
WILLIAM B. ALMON.

Bill sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them that this House have agreed to the said Bill, without any amendment.

Quadrennial Bill  
read 2d time and  
ordered to Com.

A Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies, was read a second time.

*Ordered,* That the said Bill be committed to a Committee of the whole House, at a future day.

Com. on Bills

On motion, the House was adjourned during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Report Bay of Fundy  
Steam Co. Bill  
without amendment

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company, and had agreed to the same without any amendment.

Ordered to be engrossed  
& read 3d time

*Ordered,* That the said Report be received, and the said Bill be engrossed, and read a third time at a future day.

Adjourn

On motion made and seconded—the House adjourned until Monday, at one o'clock.

Monday, 17th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins,

§  
§  
§  
§  
§  
§

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of Saturday were read.

Bay of Fundy  
Steam Com. Bill  
Read 3d time

A Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company, was read a third time, and the question was put by the President,

Whether this Bill, shall pass?

It was resolved in the affirmative.

Agreed to &  
sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,  
To carry down the said Bill, and desire their concurrence thereto.

Supervisors of 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 ; also,

Pictou Harbour &

A Bill, entitled, An Act to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou ; also,

St. Mary's Town-  
ship Bills

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,

Read 2d time &

Were read a second time.

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| <p><i>Ordered</i>, That the said Bills be committed to a Committee of the whole House, at a future day.</p>   | <p>Ordered to Com.</p>  |
| <p>A Bill, entitled, An Act respecting the Exportation of Grindstones from this Province, was read a second time.</p>   | <p>Grindstone Bill read 2d time &amp;</p>                         |
| <p>On motion, <i>resolved</i>, that the further consideration of the said Bill be deferred to this day three months.</p>  | <p>Deferred 3 months</p>  |
| <p>A Bill, entitled, An Act respecting the Office of Prothonotary for the County of Cape Breton, was read a second time.</p>  | <p>Prothonotary C. B. Bill read 2d time</p>                       |
| <p><i>Ordered</i>, That the said Bill be referred to Mr. Johnston, Mr. Smith and Mr. Campbell, to examine and report upon.</p>  | <p>And referred to Sel. Com.</p>                                  |
| <p>On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.</p>  | <p>Com. on Bills</p>  |
| <p>The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies; also,</p>  | <p>Report Quadrenial</p>  |
| <p>A Bill, entitled, An Act to continue the Act for the Regulation of the Fisheries at Chedabucto Bay; also,</p>  | <p>Chedabucto Fisheries</p>                                       |
| <p>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; also,</p>   | <p>Survey of Timber</p>   |
| <p>A Bill, entitled, An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling; also,</p>   | <p>Change of Ramsay to Sterling</p>                               |
| <p>A Bill, entitled, An Act to regulate and prevent injury to Rail Roads; also,</p>   | <p>Rail Roads</p>   |
| <p>A Bill, entitled, An Act to amend the Act to establish the County or Shire Town in the County of Digby; also,</p>  | <p>Shire Town of Digby and</p>                                    |
| <p>A Bill, entitled, An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof—and had agreed to the said Bills without any amendment.</p>  | <p>Division of Annapolis Bills Without Amendt.</p>                |
| <p><i>Ordered</i>, That the said Bills be read a third time, at a future day.</p>   |   |
| <p>The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to prevent Inconveniencies arising from delay of Causes, after issue joined, and had made several amendments thereto.</p>  | <p>Report Delays of Causes after Issue joined with amendments</p> |
| <p>Which amendments being read twice by the Clerk, were agreed to by the House.</p>   | <p>Amendments agreed to</p>                                       |
| <p><i>Ordered</i>, That the said Bill be read a third time, at a future day.</p>  |   |
| <p>The President brought up the Petition of N. J. Fullmore and others, relative 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—which was ordered to lie on the Table.</p>  | <p>Pet. of J. Fulmore</p>   |
| <p>Mr. Johnston, by His Excellency's command, laid before the House a copy of the Correspondence which had passed between the Right Reverend the Lord Bishop of Nova-Scotia, and the Right Honorables Her Majesty's Secretaries of State for the Colonies, relative to the School Lands in this Province—which was ordered to lie on the Table.</p> | <p>Correspondence relative to School Lands</p>                    |
| <p>(For Correspondence, vide Appendix No. 33)</p>   |   |
| <p>Mr. Morse presented a Bill, entitled, An Act to repeal an Act, entitled, An Act respecting the exportation of Grindstones from this Province—which was read a first time.</p>  | <p>Grindstone Bill presented and read 1st time</p>                |
| <p><i>Ordered</i>, That the said Bill be read a second time, at a future day.</p>   |   |
| <p>A Message was brought from the House of Assembly, by Mr. Whidden,</p>  | <p>Message from H.A.</p>  |
| <p>To inform the House that the House of Assembly did not agree to the amendments proposed by this House to a Bill, entitled, An Act to continue the Act to restrain the issuing of Writs of Attachments, in certain cases.</p>   | <p>disagreeing to amendments to Attachments</p>                   |
| <p>Nor to the amendments proposed by this House to a Bill, entitled, An Act to continue the Act relating to Marriage Licenses.</p>  | <p>Marriage Licenses</p>  |

Malicious Injuries Nor to the amendments to the Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property.

And Trespasses Bills Nor to the amendments to the Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.

Message from H. A. agreeing to amendments to Foreclosure of Mortgages and Proof of Written Documents Bills The Messenger also informed the House that the House of Assembly agreed to the amendments proposed by this House to the Bill, entitled, An Act for the more easy Redemption and Foreclosure of Mortgages.

Bills finally agreed to and Also, to the amendments 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.

Sent to H. A. The said two Bills were then read as amended, and the question was put by the President on each Bill, Whether this Bill, as amended, shall pass? It was resolved in the affirmative.

Amendments to Attachments Bill A Message was sent to the House of Assembly, by the Clerk, To return the said two Bills, and acquaint them therewith. The House proceeded to the consideration of the amendments proposed to the Bill, entitled, An Act to continue the Act to restrain the Issuing of Writs of Attachments, in certain cases— And, on motion, *resolved*, that the said amendments be not adhered to.

Not adhered to Amendments to Marriage License Bill The House proceeded to the consideration of the amendments proposed to the Bill, entitled, An Act to continue the Act relating to Marriage Licenses— And, on motion, *resolved*, that the said amendments, be not adhered to.

Not adhered to Amendments to Malicious Injuries Bill The House proceeded to the consideration of the amendments proposed to the Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property— And, on motion, *resolved*, that the said amendments, be not adhered to.

Not adhered to Amendments to Trespass Bill The House proceeded to the consideration of the amendments proposed to the Bill, entitled, An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses. And, on motion, *resolved*, that the said amendments be not adhered to.

Bills sent to H. A. A Message was sent to the House of Assembly, by the Clerk, To return the said four Bills, and acquaint them that this House do not adhere to the amendments proposed by them to the said Bills, but agree to the said Bills as originally sent up.

Adjourn. On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Tuesday, 18th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

|   |  |
|---|--|
| The Honorable S. B. Robie, President.   |  |
| The Honorable Peter M'Nab,<br>James W. Johnston,<br>William Lawson,<br>George Smith,<br>Lewis M. Wilkins, Jr. | The Honorable James S. Morse,<br>Robert M. Cutler,<br>Alexander Campbell,<br>James Ratchford,<br>William B. Almon. |

PRAYERS.

Pet. of Saml. Cowling & al. The Minutes of yesterday were read. Mr. Johnston brought up the Petition of Samuel Cowling and others, praying aid to the Annapolis Academy—which was ordered to lie on the Table.

Grindstones Bill A Bill, entitled, An Act to repeal an Act entitled, an Act to continue the Act respecting the Exportation of Grindstones from this Province, Was read a second time. Ordered.

Read 2d time

TUESDAY, 18th FEBRUARY, 1940.

|  |  |
|--|--|
| <i>Ordered</i> , That the said Bill be committed to a Committee of the whole House, at a future day.   | And ord. to Com.   |
| A Bill, entitled, An Act for limiting the duration or continuance of the General Assemblies; also,   | Quadrennial Bill   |
| A Bill, entitled, An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay; also,  | 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; also,   | Survey of Timber   |
| A Bill entitled, An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling; also,  | Change of Ramsay to Stirling   |
| A Bill, entitled, An Act to regulate and prevent Injuries to Rail Roads; also,   | Rail Roads   |
| A Bill, entitled, An Act to amend the Act to establish the County or Shire Town in the County of Digby; also,  | Shire Town Digby and   |
| A Bill, entitled, An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof,   | Division of Annapolis Bills  |
| Were read a third time, and the question was put by the President,<br>Whether this Bill shall pass?  | Read 3d time &   |
| It was resolved in the affirmative.  | Agreed to and  |
| A Message was sent to the House of Assembly, by the Clerk,<br>To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.   | Sent to H. A.  |
| A Bill, entitled, An Act to prevent Inconveniences arising from delay of Causes, after Issue joined, was read a third time, and the question was put by the President,<br>Whether this Bill, with the amendments, shall pass?  | Delay of Causes after Issue joined Bill read third time                      |
| It was resolved in the affirmative.  | Agreed to and  |
| A Message was sent to the House of Assembly, by the Clerk,<br>To return the said Bill, and acquaint them that this House have agreed to the same, with amendments—to which amendments their concurrence is desired.  | Sent to H. A.  |
| Mr. Ratchford brought up the Petition of John Fulmore and others, praying, that if any change takes place, Parrsborough may be annexed to Cumberland—which was ordered to lie on the Table.  | Petition of John Fulmore and al.   |
| On the Order of the Day being read for a Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues, to be read a second time.  | Order of Day Civil List Bill deferred till To-morrow                         |
| On motion, <i>ordered</i> , that the Order of the Day, be postponed until To-morrow.   |  |
| On motion, <i>resolved</i> , that it be the Order of the Day for To-morrow, for the House to go into the consideration of His Excellency's Messages to this House, and the Despatches accompanying the same.   | Despatches order of day for To-morrow  |
| Mr. Johnston brought up the Petition of Andrew Thompson and others; also the Petition of John Knowlton and others; also, the Petition of S. Fullerton and others, relative 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—which were ordered to lie on the Table. | Petitions of A. Thompson, and al. J. Knowlton, and al. J. Fullerton, and al. |
| On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.  | Committee on Bills   |
| The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou, and had agreed to the same, without any amendment.   | Report Pictou Harbor Bill without amendment                                  |
| <i>Ordered</i> , That the said Bill be read a third time, at a future day.   |  |

Mr.

WEDNESDAY, 19th FEBRUARY, 1840.

Petition of J. Jack  
and al.

Mr. Wilkins brought up the Petition of John Jack and others, against the Bill, entitled, An Act to compensate one of the Commissioners of Streets in Windsor, for a loss sustained in the exercise of his office—which was ordered to lie on the Table.

Adjourn.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Wednesday, 19th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

§  
§  
§  
§  
§  
§

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Pictou Harbor Bill

A Bill, entitled, An Act to amend the Act to preserve and regulate the Navigation of the Harbour of Pictou,

Read 3d time

Was read a third time, and the question was put by the President,  
Whether this Bill shall pass?

Agreed to

It was resolved in the affirmative.

And sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them that this House have agreed to the same, without any amendment.

Com. on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Rep. Grindstones  
Bill without amt.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to repeal an Act, entitled, An Act respecting the Exportation of Grindstones from this Province, and had agreed to the same, without any amendment.

Order for 3d reading

*Ordered,* That the said Bill be engrossed, and read a third time, at a future day.

Order of Day consideration of Despatches

Pursuant to the Order of the Day, the House proceeded to the consideration of His Excellency's Messages to this House, and the Despatches accompanying the same—when the same were read.

After some time spent in deliberation, the further consideration of the said Messages and Despatches, was deferred until To-morrow.

£18000 Roads &  
Bridges

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions:

*Resolved,* That the sum of Eighteen Thousand Pounds be granted for the service of Roads and Bridges, for the present year.

£600 Transient  
Poor

*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.

£50 Parrsborough  
Packet

*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 Guysborough  
Packet

*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

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 charge, if required, from Guysborough to Arichat, and from Arichat to Guysborough, on their Circuit to Cape Breton.

*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.

*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.

*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.

*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.

*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.

*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.

*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 Regulations 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.

*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.

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

*Ordered*, That the said Resolutions be read a second time, at a future day.

The Messenger also informed the House, that the House of Assembly desired a Conference with this House, by Committee, on the subject of the amendments proposed by this House to a Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives.

*Resolved*, That the said Conference be agreed to, and a Message was sent to the House of Assembly, by the Clerk, to acquaint them therewith.

*Resolved*, That Mr. Almon, Mr. Johnston, and Mr. Wilkins, be a Committee of this House to manage the said Conference.

And the Managers went to the Conference, and being returned, the Chairman reported that the Committee had held the said Conference, and that he had received from the Chairman of the Committee of the House of Assembly, the following written Paper:—

*In the House of Assembly, 19th February, 1840.*

*Resolved*, That the Committee appointed to hold a Conference with the Legislative Council

400l. Sable Island  
150l. Steamboat to P. E. Island

100l. Annapolis Steamboat

300l. Horton Academy

50l. Halifax Dispensary

20l. Gut of Canso Ferry

20l. Shubenacadie Ferry

10l. Sable River Ferry

Read 1st time

Conference on amendment to Polls at Elections Bill asked by H. A.

Agreed to

Committee

Report

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 object 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 expence 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 interests, and that of the Elections 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.

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly did not agree to the amendments proposed by this House, to a Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives.

Message disagreeing to amendments to Polls at elections Bill

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Thursday, 20th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
Norman F. Uniacke,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins,

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to repeal An Act, entitled, An Act respecting the exportation of Grindstones from this Province,

Grindstones Bill

Read 3d time

Was read a third time, and the question was put by the President, Whether this Bill shall pass?

Agreed to & sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk, To carry down the said Bill, and desire their concurrence thereto.

12 Money Votes

The following Resolutions for granting Money, viz:

|        |                         |
|--------|-------------------------|
| £18000 | for Roads and Bridges   |
| 600    | Transient Poor          |
| 50     | Parrsborough Packet     |
| 50     | Guysborough Packet      |
| 400    | Sable Island            |
| 150    | Steam Boat P. E. Island |
| 100    | Annapolis Steam Boat    |
| 300    | Horton Academy          |

£50

THURSDAY, 20th FEBRUARY, 1840.

|     |                       |
|-----|-----------------------|
| £50 | Halifax Dispensary    |
| 20  | Ferry at Gut of Canso |
| 20  | Shubenacadie Ferry    |
| 10  | Sable River Ferry     |

Were read a second time, and the question was put by the President, on each Resolution, Whether this Resolution shall pass? Read 2d time

It was resolved in the affirmative.

Agreed to

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Resolutions, and acquaint them that this House have agreed to the same, without any amendment.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to regulate certain Landings in the County of Digby.

Landings Digby &  
Collectors of Rates  
Annapolis Bills

A Bill, entitled, An Act to repay to two Collectors of Rates in the County Annapolis, certain Expenses incurred by them.

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Read 1st time

Ordered, That the said Bills be read a second time, at a future day.

The House proceeded to the consideration of 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—

Amends. to Polls  
at Elections Bill  
considered

And, on motion, resolved, that the said amendments, be not adhered to.

Not adhered to and

A Message was sent to the House of Assembly, by the Clerk,

Bill sent to H. A.

To return the said Bill, and acquaint them that this House do not adhere to their amendments to the said Bill, but agree to the said Bill as originally sent up.

Mr. Johnston, the Chairman of the Committee to whom a Bill, entitled, An Act respecting the Office of Prothonotary for the County of Cape-Breton, was referred, reported that the Committee had had the said Bill under consideration, and proposed an amendment to the said Bill, and recommended that the said Bill should be committed to a Committee of the whole House.

Report on Protho-  
notary C. B. Bill

Ordered, That the said Report be received, and that the said Bill be committed to a Committee of the whole House. Bill ordered to Com.

On motion, the House was adjourned during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had had under consideration a Bill, entitled, An Act respecting the Office of Prothonotary for the County of Cape-Breton; and had made an amendment thereto.

Report Prothono-  
tary Bill, C. B. with  
amend.

Which amendment being read twice by the Clerk, was agreed to by the House.

Amend. agreed to

Ordered, That the said Bill be read a third time, at a future day.

A Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively, was read a second time.

Parrsborough Bill  
Read 2d time, and

Ordered, That the said Bill be committed to a Committee of the whole House, at a future day.

Ordered to Com.

On motion, resolved, that the Order of the Day for the further consideration of His Excellency's Messages to this House, and the Despatches accompanying the same, be deferred until To-morrow.

Order of Day, His  
Excellency's Mes-  
sages and Despatch-  
es postponed

On motion made and seconded—the House adjourned until To-morrow, at one o'clock

Adjourn

Friday,

FRIDAY, 21st FEBRUARY, 1840.

Friday, 21st February, 1840.

The House met pursuant to adjournment.

## P R E S E N T—

|   |   |  |
|---|---|--|
| The Honorable S. B. Robie, President.   |   |  |
| The Honorable Peter M'Nab,<br>James W. Johnston,<br>William Lawson,<br>George Smith,<br>Lewis M. Wilkins, Jr. | S<br>e<br>c<br>r<br>e<br>t<br>a<br>r<br>y | The Honorable James S. Morse,<br>Robert M. Cutler,<br>Alexander Campbell,<br>James Ratchford,<br>William B. Almon. |

## PRAYERS.

The Minutes of yesterday were read.

Landings Digby &  
Annapolis Rates  
BillsRead 2d time and  
ordered to Com.A Bill, entitled, An Act to regulate certain Landings in the County of Digby ; also,  
A Bill, entitled, An Act to repay to two Collectors of Rates in the County of Annapolis,  
certain expences incurred by them,

Were read a second time.

*Ordered*, That the said Bills be committed to a Committee of the whole House, at a future day.Prothonotary C. B.  
Bill read 3d time  
Agreed to and

Sent to H. A.

A Bill, entitled, An Act respecting the Office of Prothonotary for the County of Cape-Breton, was read a third time, and the question was put by the President,  
Whether this Bill, with the amendment, shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them that this House have agreed to the said Bill,  
with an amendment—to which amendment their concurrence is desired.

Com. on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Report Parrsboro'  
Bill without amdt.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively, and had agreed to the same without any amendment.

*Ordered*, That the said Bill be read a third time, at a future day.Petition of J. Sanford and al.  
H. Blois and al.Referred to Select  
Com.

Mr. Johnston brought up the Petition of James Sanford and others; also, the Petition of Henry Blois and others, praying to be heard before a Committee of this House, relative to a Bill, entitled, An Act to establish the limits of the Township of Rawdon.

*Ordered*, That the said Petitions be referred to Mr. Johnston, Mr. Morse and Mr. Ratchford, to hear the Petitioners, and to report to this House.Leave of absence to  
Mr. RatchfordOn motion, *ordered*, that Mr. Ratchford have leave of absence to return home, on Wednesday next, on urgent private business.Consideration of H.  
Excellency's Mes-  
sages and Des-  
patches in connexion  
with Civil List  
BillFurther considera-  
tion deferred

On motion, the House proceeded to the Order of Day for the further consideration of His Excellency's Messages to this House, and the Despatches accompanying the same, in connexion with the Civil List Bill.

After some time spent in deliberation, the further consideration of the said Messages and Despatches, was deferred until Monday next.

Adjourn

On motion made and seconded—the House adjourned until Monday next, at one o'clock.

Monday,

MONDAY, 24th FEBRUARY, 1840.

Monday, 24th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

*Orator*

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
James Ratchford,  
William B. Almon.

PRAYERS.

The Minutes of Friday were read.

Mr. Johnston, the Chairman of the Committee to whom the Petitions of James Sandford and others—and of Henry Blois and others, were referred, reported that it was the opinion of the Committee that the further consideration of a Bill, entitled, An Act to establish the limits of the Township of Rawdon, should be deferred to this day three months.

Com. on J. Sandford and H. Blois Pet's rep.

*Ordered*, That the said Report be received, and the further consideration of the said Bill be deferred to this day three months.

Rawdon Bill def. 3 months

A Bill, entitled, An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively,

Parrsboro' Bill

Was read a third time.

Read 3d time

Whereupon, Mr. Morse moved, that the said Bill be re-committed to a Committee of the whole House : which, being seconded, and the question being put, passed in the negative.

Motion to recommit Bill negatived

Then the question was put by the President,

Whether this Bill shall pass ?

It was resolved in the affirmative.

Bill agreed to &

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Bill, and acquaint them that this House have agreed to the same, without any amendment.

Mr. Almon, the Chairman of the Committee to whom a Bill, entitled, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, was referred, reported, that a Bill, similar to the present, was presented to the Council in 1838, and the consideration thereof deferred for three months—that an order was made for the publication in the Royal Gazette, and that, in consequence thereof, it was published—that a Petition in favour of the present Bill had been presented by persons residing in the upper section of Granville, and that the Lands which were proposed to be placed in the hands of Trustees were situated in the lower part of Granville, and had been for some past inhabited by persons who had settled upon the same, and whose interests would be affected by this Bill—that there was, however, a clause in it, which, in some degree, protected these interests, but, as a part of the Land in question had already been the subject of litigation, the Committee recommended the deferring the further consideration of said Bill to this day three months.

Com. on Waste Lands Granville Bill Rep.

*Ordered*, That the said Report be received, and the further consideration of the said Bill be deferred to this day three months.

Rep. rec. and Bill def. 3 months

Mr. Johnston, by His Excellency's command, laid before the House, an account of the Receipts and Expenditure of H. M. Casual and Territorial Revenue, for the year 1839.

Acc't. of Casual Revenue for 1839

Which was ordered to lie on the Table.

(For Account, vide Appendix, No. 34.)

Mr. Johnston, by His Excellency's command, also laid before the House, the following Message from His Excellency.

Mcs. rel. to Road expenditure

N

Message

MONDAY and TUESDAY, 24th and 25th FEBRUARY, 1840.

MESSAGE.

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 existing 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 Kempts's suggestion, 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 February, 1840.

(For Papers, vide Appendix, No. 35.)

The said Message and Papers annexed were read, and ordered to lie on the Table.

Pursuant to the Order of the Day, the House resumed the consideration of His Excellency's Message, to this House, with the Despatches accompanying the same; and

A Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues,

Was read a second time.

After some time spent in deliberation, the further consideration of the said Messages and Despatches, and Bill, was deferred until To-morrow.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes.

A 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,"

A Bill, entitled, An Act to reduce the expenses of Suits at Law, on Judgments by Confession.

A Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate.

A Bill, entitled, An Act to enable the Proprietors of an Old Line of Road in the Township of Horton, to shut up the same.

A Bill, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force.

To which Bills, they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time, at a future day.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Tuesday, 25th February, 1840.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins,

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A

H. E's Messages & Despatches further considered  
Civil List Bill read 2d time

further consideration def. till to-morrow

Fire Engine Bridgetown

Blue Bell Farm

Judgments by confession

Overholding Real Estate  
Old Road Horton

Lands and Tenements liable to debts

TUESDAY, 25th FEBRUARY, 1840.

- A Bill, entitled, An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes; also, Fire Engine Bridgetown
- 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; also, Blue Bell Farm
- A Bill, entitled, An Act to reduce the expenses of Suits at Law, on Judgments by Confession; also, Judgments by confession
- A Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate; also, Illegal overholding of Real Estate
- A Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force, Lands and Tenements liable to debts  
Read 2d time &
- Were read a second time.
- Ordered*, That the said Bills be committed to a Committee of the whole House, at a future day. Ord. to Com.
- A Bill, entitled, An Act to enable the Proprietors of an old line of Road in the Township of Horton to shut up the same, was read a second time. Old Road Horton  
read 2d time &
- Ordered*, That the said Bill be referred to Mr. Wilkins, Mr. Smith and Mr. Cutler, to ascertain whether the requisitions of the Standing Orders of this House have been complied with, relative to the said Bill. Ref. to Sel. Com.
- On motion, the House was adjourned during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress. Com. on Bills
- The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to regulate certain Landings in the County of Digby, and had agreed to the same without any amendment. Report Digby Land-  
ing without am.
- Ordered*, That the said Bill be read a second time, at a future day.
- The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act to repay to two Collectors of Rates in the County of Annapolis, certain expences incurred by them, and had directed him to report, that it was the opinion of the Committee, that the further consideration of the said Bill should be deferred to this day three months. Recommend Rate  
Collectors Annapo-  
lis Bill to be def. 3  
months
- Ordered*, That the said Report be received, and the further consideration of the said Bill be deferred to this day three months. Bill def.
- The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes, and had made to amendments two the said Bill. Report Supervisors  
Pub. Grounds with  
am.
- Which amendments being read twice by the Clerk, were agreed to by the House. Am. agreed to
- Ordered*, That the said Bill be read a third time, at a future day.
- On motion, *resolved*, that the further consideration of a Bill, entitled, An Act to compensate one of the Commissions of Streets in Windsor, for a loss sustained in the exercise of his Office, be deferred to this day three months. Windsor Street  
Bill def. 3 months
- On motion, the House proceeded to the Order of the Day for the further consideration of His Excellency's Messages to this House, with the Despatches accompanying the same, in connexion with the Civil List Bill: Mes. and despatches  
further consider-  
ed
- Whereupon, Mr. Johnston moved, that a Conference be desired with the House of Assembly, by Committee, on the General State of the Province, and that the following Instructions be given to the Committee of this House, appointed to manage the said Conference: Conf. on Gen'l.  
State Province  
moved
- It is the desire of the Legislative Council that no higher scale of Salaries be established, than may be necessary for the just remuneration of the Officers, and the security and advantage of the Public Service. And as it is impossible, on such a point, to attain entire certainty, or expect perfect uniformity of sentiment, the Council, for obtaining the final adjustment of this question, is prepared to modify, as far as possible, its own opinion, to meet the views of the Assembly. The Council, therefore, is prepared to concur in the Provisions of the Bill, as respects the Salaries of the present Lieutenant-Governor and future Lieutenant Ins. to Com.

TUESDAY, 25th FEBRUARY, 1840.

Lieutenant-Governors, and of future Chief Justices, Puisne Judges of the Supreme Court, Masters of the Rolls and Provincial Secretaries, and as regards the Amount of the Salaries fixed to the Offices of Attorney General, Solicitor General, and the Sums provided for the contingencies, the Clerk of the Crown, Superintendant of Mines, and the manner of making the two latter appropriations.

The Council, however, regrets that it has not been able to concur with the House of Assembly, as respects the consideration due to the Incumbents of some of these Public Offices, and as respects the permanency of the Salaries of others. Under these heads, the Council offers the following observations:

First, in relation to the Salary of the present Chief Justice, the late Right Honorable Secretary of State for the Colonies, Lord Glenelg, in his Despatch of the 31st October, 1837, proposed, for the Salary of the Chief Justice, £1000, and for the three Puisne Judges, £1950; but, as the Chief Justice was then in the receipt of a Salary of £850 Sterling, and of Fees, (independent of what the Puisne Judges received,) amounting to a much larger sum than the proposed increase of £150 in the Salary—his Lordship, it appears, did not feel justified in making this arrangement compulsory. He presented it to the Judges as an offer to be accepted or rejected, at their discretion, in the following terms:—"I have fixed the Salaries of the Chief Justice, and of the other Judges, at a rate, which, under all the circumstances of the case, appears to me adequate.—As, however, the proposed amount would not, at least in the case of the Chief Justice, be equal to the Salary at present received, together with the average amount of Fees, I cannot, of course, propose that, in the event of the Civil List being granted, the right to receive the Fees, should be abandoned, in consideration of the higher rate of Salary—an option on this point must be given to the Judges. If they are willing to accept the rate of Salary proposed to be affixed to their Offices, and to forego the receipt of the Fees, the arrangement need not be postponed. If, on the other hand, this should be declined, the new arrangement must be postponed, during the existing tenure of Office. In this case, however, the present Salary alone, will be received, and the difference between that and the proposed Salary to be hereafter paid, will, in the mean time, be subject to the appropriation of the Legislature. The effect of this arrangement will be, that the Province will ultimately gain the amount of the Fees, in addition to the Crown Revenue proposed to be surrendered." The proposal thus made by Her Majesty's Government was accepted by the Chief Justice, in a Letter dated 18th January, 1838, laid before both Houses in the last Session, and from which it is evident he considered the arrangement as a very disadvantageous one to himself. The offer being also accepted by the three Puisne Judges, the measure, under sanction of Lord Glenelg's instructions, went into immediate effect, and the payment of the Fees by Suitors in Court ceased. The effect of this arrangement, as regarded the Chief Justice, was to add to his Salary £150, and to deduct from his income the sum he received for Fees, stated in his Letter, at an average of £400 Sterling.

The Bill confirms the abolition of the Fees by express enactment, while it withdraws the increase of Salary, in consideration of which the Fees were thus abandoned by the Chief Justice, under a deliberate agreement between Her Majesty's Government and himself. In this aspect, the Council thinks it unnecessary to urge the judicious nature, and beneficial consequences of this arrangement, by which Her Majesty's Government set at rest the question of the Chief Justice's Fees. It views the subject as now falling under the operation of those principles, in the dealings between individuals which govern executed contracts, and which require, in cases that permit of their being rescinded, that both parties should be remitted to the position they held when the contracts were made.

Under the circumstances of the case then the consideration of the legality or illegality of the Fees does not arise. The Chief Justice was in the enjoyment of them *de facto*—an enjoyment which the Imperial Government refused to disturb without his consent, and, he only abandoned their possession upon a formal agreement emanating from Her Majesty's Ministers for a distinct and specified consideration. It, therefore, in the opinion of the Council, would be not merely unjust to the Chief Justice, but derogatory to Her Majesty, were the Provincial Legislature to seek the Royal Assent to a measure by which this arrangement

arrangement is disregarded, and Her Majesty is made a party in withdrawing from one of Her Officers an addition to his Salary offered and confirmed to him by Her Majesty's Government, while the Province retains the advantage he abandoned in consideration of that increase.

Secondly,—The consideration of the Salaries of the three Puisne Judges, is partially connected with that of the Chief Justice, as the Right Honorable Lord Glenelg, in the despatch of the 31st October, 1837, to some extent united them in his consideration of the abolition of the Fees, and the Chief Justice was induced to accept the arrangement to his own loss, for the sake of securing to the Puisne Judges the proposed increase in their Salaries. As, however the Salary fixed by the Assembly for these Officers, is probably equal to all the emoluments to which they were entitled, when appointed, the Council cannot urge, with equal force, the reasons against the arrangements of the Bill in these respects, as in the case of the Chief Justice.

Yet, considering that Her Majesty, in the disposal of a Revenue over which the Royal Prerogative extends, has, for the purpose of adjusting questions affecting the Provincial interests, fixed the Salaries of the three Puisne Judges and the Master of the Rolls at a specific amount, which they have actually already enjoyed for a year; the Council feels that, in deference to a Government whose liberality the Province has invariably experienced, it would not be proper to present for Her Majesty's assent, a Bill reducing the Salaries of any of these four Judicial Officers below the amount so recently established by Her Majesty's Government, without any special occasion for such a change having, in the meanwhile, occurred.

Thirdly,—The observations suggested in the case of the Chief Justice's salary, in a great measure, apply to the Salary of the Provincial Secretary.

When that officer obtained the appointment, the emoluments of the office greatly exceeded its present value; under an arrangement with the Home Government in 1825, when Fees, to a large amount, were withdrawn from this office, the Salary was fixed at £1000 Sterling, clear of all office expenses for clerks, &c. and in addition to an allowance of £250 Sterling on the Parliamentary grant, then enjoyed by the Officer, but now done away with.

The Province was not without benefit from the arrangement, as Fees, formerly received by the Provincial Secretary, were either abolished or their amount passed to the credit of the Province.

Independently of this consideration, the Council could not concur in offering to Her Majesty, as part of the terms desired by the Province of Nova-Scotia, a proposal to reduce, below the amounts fixed by Her Majesty's Ministers, the Salary of the present Officer, who received the appointment twenty-seven years ago, when its annual emoluments far exceeded the amount now in question.

Such a proposal is inconsistent with the liberal spirit ever manifested by the British Government in dealing with its Servants, and which is to be traced in the Despatches of each successive Secretary of State for the Colonies, that refer to the subject. Lord Glenelg in his Despatch of 30th October, 1837, assumes the respect due to such claims.

Lord Normanby, in his Despatch of 31st August, 1839, after discussion with the Delegates, uses this distinct language, "with respect to the actual occupants of office, Her Majesty's Government feels bound to maintain them in their present emoluments; but, whenever vacancies occur, they will be prepared to take into their favourable consideration any Representation from the House of Assembly, respecting the Salary to be attached hereafter to the office." And Lord John Russell, in his Despatch of 16th October, 1839, although not immediately on this subject, recognizes the claims of incumbents.

The Council does not desire to advance any abstract principle, whether of vested rights or otherwise, that would place the interest of individuals above the public welfare; but it feels that, in cases where individuals have for years held offices of emolument under Government, for which all other prospects in life, and opportunities of advancement, have necessarily been abandoned, an equitable claim arises in their favor, which has its foundation in a natural sense of justice, and ought only to be overborne by public considerations of a very imperative character.

The House of Assembly also, by adopting a higher rate of Salary for both the present Chief

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Chief Justice and Provincial Secretary, than that fixed for their Successors, seem likewise to recognize this principle.

The practical difference between the views of the Assembly and the Council on this subject, is as follows, viz :

|   |       |
|---|-------|
| Chief Justice's Salary fixed by Her Majesty's Government, | £1000 |
| Provincial Secretary's Salary,                            | 1000  |

|   |      |       |
|---|------|-------|
| Chief Justice's Salary as proposed by this Bill,        | £880 | £2000 |
| Provincial Secretary's Salary as proposed by this Bill, | 880  | 1760  |

|             |      |
|-------------|------|
| Difference, | £240 |
|-------------|------|

And the difference as regards the other Judges will be as under, viz :

|                           |       |
|---------------------------|-------|
| Four Salaries at £650     | £2600 |
| The same under this Bill, | 2240  |

|             |      |
|-------------|------|
| Difference, | £360 |
|-------------|------|

|                            |       |
|----------------------------|-------|
| The two sums together make | } 240 |
|----------------------------|-------|

|                                    |             |
|------------------------------------|-------------|
| a difference between the scales of | } £600 stg. |
|------------------------------------|-------------|

in the whole, which will be diminished and finally cease as the incumbencies terminate; in addition to which, may be mentioned, the sum allowed to the Secretary for Clerks, and other expenses of his office, for which no provision appears to be made.

While the acquiescence of the Provincial Legislature in the Salaries of the present officers, as fixed by Her Majesty's Government, will prevent forever the recurrence of the question on the Chief Justice's Fees, and will avoid any violation of principle and collision with arrangements definitely made by Her Majesty's Government, and already in operation, it entails no burden on the People so long as the Casual and Territorial Revenue continues as productive as it has recently been.

Amount of Receipts for 1839, as by the account laid before the Legislature, say

£7394 17 4

Amount of Payments in 1839, including all the services now under consideration, at the rates adopted by Her Majesty's Government, and also the expenses of the Land offices under the present system, besides a considerable sum for accidental and temporary services.

£6855 10 2

Deduct some services included in the above, which, before being charged on this fund, were paid from the Provincial Revenues, viz: For Attorney and Solicitor General

£187 10 0

6668 0 2

Leaving a surplus of £726 17 2

after providing for every charge required by Her Majesty, and also many incidental charges.

The next subject is the permanency of certain Salaries, viz., those of the Attorney and Solicitor General. These Offices are among those, which Lord Glenelg in the Despatch of 31st October, 1837, requires to be secured by permanent appropriation; and the emphatic language used by the Right Honorable Secretary on that occasion precludes the expectation, that any arrangement could be effective that failed to meet this condition.

His Lordship then says: "with regard to the scale of Salaries in the preceding List, I must repeat, that I am not solicitous to stipulate for any precise amount of remuneration for the various Public Officers, to be included in the Civil List. Her Majesty will expect, and indeed, strictly require, that no such Officer should receive any increase of his Official Emoluments, by an annual grant of the Assembly. They should, therefore, be fixed at once, at such a rate as may be adequate to the proper maintenance of the Officers. If estimated on any other principle, they could not be accepted."

The

TUESDAY, 25th FEBRUARY, 1840.

The Council itself, also concurs in thinking, that when the Crown is placing beyond its control, the only Funds under its power, it is proper that Officers—whose duties are so intimately connected with the due Administration of Justice in cases of difficulty or questions of popular excitement, when firmness and integrity may be of the most essential moment to the best interests of the Country—and who, in relation to questions between the Imperial and Provincial Governments, may be placed in situations calling for the most unbiassed impartiality—should not only be placed beyond temptation to depart from a course of manly and upright independence of conduct, but should be free from the embarrassing consciousness, that the circumstances of their office may expose them to the suspicion of such departure.

Notwithstanding that the late Right Honorable Secretary of State for the Colonies limits the question to an offer of transfer of the Casual and Territorial Revenue, in return for a specified sum, the Council has been induced to enter upon the details suggested by the Bill, from the belief, derived from the general tenor of the Despatches laid before the Legislature, that were the engagements of Government with the occupants of Office observed, and the views of Government, in relation to the permanency of Salaries adopted, Her Majesty would, probably, not see occasion to dissent from ulterior arrangements, in which the Provincial Legislature should concur.

But the Council looks on the enquiry as controlled by a preliminary alternative offered the Province, of either declining the negociation, and leaving the disposal of the Funds in Her Majesty's hand, or of admitting the subsisting engagements entered into by Her Majesty's Government, as necessary charges from which these Revenues cannot be freed during the present tenures of Office.

As far as the question is disembarrassed from actual engagements, the Council has acquiesced in the scale of Salaries proposed by the Assembly, and the difference between the opinion of the Council and the enactments of the Bill is, therefore, confined to Salaries of temporary duration, and the permanency of appropriation proper for the Crown Officers.

The Council, in going thus at large into this subject, has been only actuated by an earnest desire to promote, according to its best judgment, the welfare of the Country, by settling questions, the frequent occurrence of which cannot fail to be injurious, and by establishing the Salaries of the Chief, Executive, and Judicial Officers, on principles, just to individuals, and calculated to secure the free and impartial discharge of their duties, and consistent with the deference and respect due to Her Majesty.

Thus the arrangements of Her Majesty's Government are attended with no present loss to the people of Nova-Scotia, while, through means of these arrangements, they have been released from the payment of the Chief Justice's Fees, to the amount of from £800 to £1000 annually, and the consideration due to the present holders of Provincial Offices is preserved. Should the scale proposed for future Officers be concurred in by Her Majesty, the Revenues given up by the Crown, being gradually disburdened from every charge which the strictest economy may not approve, would contribute a large increase to the Provincial resources under the immediate control of the Legislature:

Which, being seconded, Mr. Wilkins moved the following Resolution, by way of amendment.

That it is the opinion of this House, that the sum of £560 Sterling, provided by the Bill in question, as the Salary of the future Provincial Secretary, will be insufficient, unless adequate provision be made for payment of the Clerks necessarily required by that Officer, and for the necessary contingencies of his office: which, being seconded, and the question being put, there appeared for the amendment, three; against the amendment, six:

For the amendment,

Mr. Wilkins,  
Cutler,  
McNab.

Against the amendment,

Mr. Campbell, Mr. Smith,  
Almon, Lawson,  
Morse, Johnston.

So it passed in the negative.

The question was then put on the original motion, when there appeared, for the motion, eight; against the motion, one:

For

|                                   |               |             |                           |
|-----------------------------------|---------------|-------------|---------------------------|
| For agreeing to the Instructions, |               |             | Against the Instructions, |
| Mr. Wilkins,                      | Mr. Campbell, | Mr. Cutler, | Mr. Almon.                |
| M'Nab,                            | Morse,        | Smith,      |                           |
| Lawson,                           | Johnston.     |             |                           |

So it passed in the affirmative.

Dissentient :—Because no instruction is given the Committee to secure and continue to Her Majesty the payment annually of £4,700 Sterling in exchange for Her Casual and Territorial Revenue.

Because—whilst acquiescing in the propriety of securing to the present Incumbents in Office the Salaries they now enjoy, and in rendering permanent the income of the Attorney and Solicitor General, it appears to me inexpedient to pledge this House to the reduction contemplated for the future holders of Office to a sum so much below that proposed by the Right Honorable Lord Glenelg in his Despatch of 31st October, 1837.

W. B. ALMON.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills :

Judiciary 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.

Acadian School A Bill, entitled, An Act to Incorporate the Royal Acadian School Society.

Old Road Wilmot A Bill, entitled, 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.

Monies on Great Roads A Bill, entitled, An Act for applying certain Monies therein mentioned, for the improvement of the Great Roads in this Province.

To which Bills they desired the concurrence of this House.

Judiciary 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, was read a first time.

Read 1st time Ordered, That the said Bill be read a second time, at a future day.

Adjourn On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Wednesday, 26th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Message was sent to the House of Assembly, by the Clerk;

To inform the House that this House desire a Conference with them, by Committee, on the General State of the Province.

Digby Landings Bill A Bill, entitled, An Act to regulate certain Landings in the County of Digby, was read a third time, and the question was put by the President,

Whether this Bill shall pass ?

It was resolved in the affirmative.

Conference on Gen. State of Province asked

Digby Landings Bill

Read 3d

Agreed to &

WEDNESDAY, 26th FEBRUARY, 1840.

- A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them that this House have agreed to the same, without any amendment. Sent to H. A.
- A Bill, entitled, An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes, was read a third time, and the question was put by the President, Supervisors Public Grounds Bill read 3d time  
Whether this Bill, with the amendments, shall pass?  
It was resolved in the affirmative. Agreed to &
- A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them that this House have agreed to the same with amendments—to which amendments, their concurrence is desired. Sent to H. A.
- On motion, *resolved*, that a Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues, be not agreed to. Civil List Bill disagreed to
- A Message was brought from the House of Assembly, by Mr. Whidden, Message from H. A.  
To inform the House that the House of Assembly agreed to the Conference desired by this House, on the General State of the Province. Agreeing to Conference
- Ordered*, That Mr. Johnston, Mr. Lawson, and Mr. Smith, be a Committee of this House, to manage the said Conference. Committee
- And the Managers went to the Conference, and being returned, the Chairman reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly. Report
- A Message was sent to the House of Assembly, by the Clerk,  
To return a Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues, and to acquaint them that this House have not agreed to the said Bill. Civil List Bill sent to H. A.
- 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, was read a second time. Judiciary Bill read 2d time  
*Ordered*, That the said Bill be committed to a Committee of the whole House, at a future day. Ord. to Com.
- A Bill, entitled, 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, was read a first time. Old Road Wilmot. Bill read 1st time &  
*Ordered*, That the said Bill be referred to Mr. Wilkins, Mr. Smith and Mr. Cutler, to ascertain whether the requisitions of the Standing Orders of this House have been complied with, relative to the said Bill. Ref'd. to Sel. Com.
- A Bill, entitled, An Act to incorporate the Royal Acadian School Society; also,  
A Bill, entitled, An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province, Acadian School & Money or Great Roads Bills read 1st time  
Were read a first time.
- Ordered*, That the said Bills be read a second time, at a future day.
- On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. Com. on Bills  
After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.
- The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes; also, Rep. Fire Engine Bridgetown & Blue Bell Farm Bill without am.  
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, and had agreed to the said Bills without any amendment.
- Ordered*, That the said Bills be read a third time, at a future day.
- The Chairman also reported that the Committee had had under consideration a Bill, entitled, Recommend Judgments by Confes-

WEDNESDAY and THURSDAY, 26th and 27th FEBRUARY, 1840.

|                                    |  |
|------------------------------------|--|
| sions Bill to be deferred 3 months | <p>titled, An Act to reduce the expences of Suits at Law, on Judgments by Confession, and had directed him to report that it was the opinion of the Committee that the further consideration of the said Bill should be deferred to this day three months.</p> <p><i>Ordered</i>, That the said Report be received, and the further consideration of the said Bill be deferred to this day three months.</p> |
| Report read & Bill def.            |  |
| Com. on Old Road Horton &          | <p>Mr. Wilkins, the Chairman of the Committee, to whom were referred</p> <p>A Bill, entitled, An Act to enable the Proprietors of an old line of Road in the Township of Horton to shut up the same; also,</p>   |
| Old Road Wilmot Bills              | <p>A Bill, entitled, 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,</p>  |
| Report                             | <p>Reported that the Committee had performed their duty, and found that the requisites of the Standing Orders of this House had not been complied with, relative to the said Bills, and recommended that the further consideration of the said Bills should be deferred till the next Session.</p>   |
| Bills def.                         | <p><i>Ordered</i>, That the said Report be received, and the further consideration of the said Bills be deferred till the next Session.</p>  |
| Adjourn                            | <p>On motion made and seconded—the House adjourned until To-morrow, at one o'clock.</p>  |

Thursday, 27th February, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jun.

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

|   |   |
|---|---|
| Fire Engine Bridgetown &                    | <p>A Bill, entitled, An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes; also,</p>  |
| Blue Bell Farm Bills                        | <p>A Bill, entitled, An Act to authorize the Sale of Real Estate, lying on the Peninsula of Halifax, commonly called the Old Blue Bell Farm,</p>  |
| Read 3d time                                | <p>Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass?</p>  |
| Agreed to &                                 | <p>It was resolved in the affirmative.</p>  |
| Sent to H. A.                               | <p>A Message was sent to the House of Assembly, by the Clerk,<br/>To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.</p>   |
| Acadian School & Money on Great Roads Bills | <p>A Bill, entitled, An Act to Incorporate the Royal Acadian School Society; also,<br/>A Bill, entitled, An Act for applying certain Monies therein mentioned, for the improvement of the Great Roads in this Province,</p>                                 |
| Read 2d time & Ord. to Com.                 | <p>Were read a second time.<br/><i>Ordered</i>, That the said Bills be committed to a Committee of the whole House, at a future day.</p>  |
| Com. on Bills                               | <p>On motion, the House was adjourned during pleasure, and put into a Committee on Bills—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.</p>  |
| Report St. Mary's Bill with am.             | <p>The Chairman also reported that the Committee had gone through 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, and had made some amendments thereto.</p> |
| Am. agreed to                               | <p>Which amendments being read twice by the Clerk, were agreed to by the House.<br/><i>Ordered</i>, That the said Bill be read a third time, at a future day.</p>   |

THURSDAY and FRIDAY, 27th and 28th FEBRUARY, 1840.

A Message was brought from the House of Assembly by Mr. Whidden,  
To inform the House that the House of Assembly agreed to the amendments proposed  
by this House to a Bill, entitled, An Act to continue and amend the Acts for appointing  
Supervisors to take charge of Public Grounds, and for other purposes.

Message from H.A.  
Agreeing to ams. to  
Supervisors of Pub-  
lic Property Bill

The said Bill was then read as amended, and the question was put by the President,  
Whether this Bill, as amended, shall pass ?

Bill finally agreed  
to &

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them therewith.

Sent to H. A.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Adjourn

Friday, 28th February, 1840.

The House met pursuant to adjournment.

P R E S E N T —

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

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The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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, was read a third time, and the  
question was put by the President,

Saint Mary's Bill  
read 3d time

Whether this Bill, with the amendments, shall pass ?

It was resolved in the affirmative.

Agreed to &

A Message was sent to the House of Assembly by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill  
with amendments—to which amendments their concurrence is desired.

Sent to H. A.

On motion, the House was adjourned during pleasure, and put into a Committee on  
Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Com-  
mittee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had gone through

Report

A Bill, entitled, An Act to Incorporate the Royal Acadian School Society ; also,

A Bill, entitled, An Act for applying certain Monies therein mentioned, for the improve-  
ment of the Great Roads of this Province,

Acadian School &  
Money on Great  
Roads Bills with-  
out am.

And had agreed to the said Bills without any amendment.

Ordered, That the said Bills be read a third time, at a future day.

The Chairman also reported that the Committee had gone through a Bill, entitled, An  
Act for preventing illegal overholding and detainer of Real Estate, and made several  
amendments thereto.

Report illegal over-  
holding Bill with  
am.

Which amendments being read twice by the Clerk, were agreed to by the House.

Am. agreed to

Ordered, That the said Bill be read a third time, at a future day.

Mr. Almon presented a Bill, entitled, An Act for establishing the times and places of  
holding the Polls at Elections of Representatives for the County and Township of Digby.

Digby Election Bill  
presented &

The said Bill was read a first time.

Read 1st time

Ordered, That the said Bill be read a second time, at a future day.

On motion made and seconded—the House adjourned until Monday, at one o'clock.

Adjourn

Monday,

MONDAY, 2d MARCH, 1840.

Monday, 2d March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Hon. S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

## PRAYERS.

The Minutes of Friday were read.

A Bill, entitled, An Act to Incorporate the Royal Acadian School Society; also,  
A Bill, entitled, An Act for applying certain Monies therein mentioned, for the improve-  
ment of the Great Roads of this Province,

Were read a third time, and the question was put by the President, on each Bill,  
Whether this Bill shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the same with-  
out any amendment.

Acadian School &  
Money on Great  
Roads Bills

Read 3d time

Agreed to &amp;

Sent to H. A.

Illegal overholding  
Bill

Read 3d time

Agreed to &amp;

Sent to H. A.

A Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate,  
Was read a third time, and the question was put by the President,  
Whether this Bill, with the amendments, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill,  
with amendments—to which amendments their concurrence is desired.

Elections Digby  
Bill

Read 2d time &amp;

Ord. to Com.

A Bill, entitled, An Act for establishing the times and places of holding the Polls at  
Elections of Representatives for the County and Township of Digby,  
Was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House, at a fu-  
ture day.

Judiciary Bill ref.  
to Sel. Com.

On motion, *ordered*, that 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, be referred to Mr. Johnston, Mr. Smith,  
Mr. Wilkins, Mr. Morse, and Mr. Campbell, to examine and report upon.

Message from H. A.  
agreeing to Bay  
Fundy Bill with am.

A Message was brought from the House of Assembly, by Mr. Whidden,  
To inform the House, that the House of Assembly agreed to a Bill, entitled, An Act to  
Incorporate the Bay of Fundy Steam Navigation Company, with amendments—to which  
amendments they desired the concurrence of this House.

The Messenger also brought up the following Bills:

Dalhousie College

A Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College.

Shad Fisheries  
Cumberland

A Bill, entitled, An Act to regulate the Shad Fishery, in the County of Cumberland.

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 amend-  
ment thereof.

Pubnico Marsh

A Bill, entitled, An Act to regulate the Fencing of the Marsh at Pubnico.

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

*Ordered*, That the said Bills be read a second time, at a future day.

Read 1st time

The House proceeded to the consideration of the amendments proposed by the House of Assembly to a Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company. Am. to Bay of Fundy Bill considered

Which amendments being read three times by the Clerk, were agreed to by the House. Agreed to &  
A Message was sent to the House of Assembly by the Clerk, Sent to H. A.  
To carry down the said Bill, and acquaint them therewith.

A Message was brought from the House of Assembly, by Mr. Whidden, Message rel. to am. to St. Mary's Bill  
To inform the House, that the House of Assembly could not consider the first amendment proposed by this House to 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, as it touched the mode of collection and payment of Monies raised by assessment on the people—and agreed to the second amendment to the said Bill.

On motion, made and seconded—the House adjourned until To-morrow, at one o'clock. Adjourn

Tuesday, 3d March, 1840.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab, §  
James W. Johnston, §  
William Lawson, §  
George Smith, §  
Lewis M. Wilkins, Jr. §

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College; Dalhousie College also,

A Bill, entitled, An Act to regulate the Shad Fishery in the County of Cumberland; also, Shad Fishery Cumberland &

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. Monies on Roads & Bridges Bill

Were read a second time.

Read 2d time &  
Ord. to Com.

Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.

Ordered, That a Bill, entitled, An Act to regulate the Fencing of the Marsh at Pubnico, Pubnico Marsh Bill ref. to Sel. Com.  
be referred to Mr. Almon, Mr. Campbell and Mr. Morse, to examine and report upon.

A Message was brought from the House of Assembly, by Mr. Whidden,

To return a Bill, entitled, An Act to Incorporate the Bay of Fundy Steam Navigation Company, and to inform the House that the House of Assembly agreed to the said Bill, as amended. Message from H.A. agreeing to Bay of Fundy Steam Bill as am.

The Messenger also brought up the following Bills:

A Bill, entitled, An Act to provide for the application of certain Fines and pecuniary Penalties. Fines & Penalties

A Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate the Directors and Auditors thereof. Marine Ins. Companies

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. Salted Beef and Pork Bills

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Read 1st time

Ordered, That the said Bills be read a second time, at a future day.

On motion made and seconded, the House adjourned until To-morrow, at 3 o'clock. Adjourn

WEDNESDAY and THURSDAY, 4th and 5th MARCH, 1840.

Wednesday, 4th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

|   |  |
|---|--|
| The Honorable S. B. Robie, President.   |  |
| The Honorable Peter M'Nab,<br>James W. Johnston,<br>William Lawson,<br>George Smith,<br>Lewis M. Wilkins, Jr. | The Honorable James S. Morse,<br>Robert M. Cutler,<br>Alexander Campbell,<br>William B. Almon. |

PRAYERS.

The Minutes of yesterday were read.

Salted Beef Bill

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,

Read 2d time &

Was read a second time.

Ord. to Comr

*Ordered*, That the said Bill be committed to a Committee of the whole House, at a future day.

Com. on Bills

On motion, the House was adjourned during pleasure, and put into a Committee on Bills—after some time, the House was resumed, and Mr. McNab reported, that the Committee had made some progress.

Report  
Shad Fishery Cum-  
berland &  
Monies on Roads &  
Bridges Bills

The Chairman also reported that the Committee had gone through,  
A Bill, entitled, An Act to regulate the Shad Fishery in the County of Cumberland; also,  
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,

Without am.

And had agreed to the same without any amendment.

*Ordered*, That the said Bills be read a third time, at a future day.

Fines & Penalties  
Bill read 2d time &

A Bill, entitled, An Act to provide for the application of certain Fines and pecuniary Penalties, was read a second time.

Def. 3 months

On motion, *resolved*, that the further consideration of the said Bill be deferred to this day three months.

Marine Ins. Co.  
Bills read 2d time &

A Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate the Directors and Auditors thereof, was read a second time.

Def. 3 months

On motion, *resolved*, that the further consideration of the said Bill be deferred to this day three months.

Adjourn

On motion made and seconded—the House adjourned until To-morrow at one o'clock.

Thursday, 5th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

|   |  |
|---|--|
| The Honorable S. B. Robie, President.   |  |
| The Honorable Peter M'Nab,<br>James W. Johnston,<br>William Lawson,<br>George Smith,<br>Lewis M. Wilkins, Jr. | The Honorable James S. Morse,<br>Robert M. Cutler,<br>Alexander Campbell,<br>William B. Almon. |

PRAYERS.

The Minutes of yesterday were read.

Money on Roads &  
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; also,

|  |  |
|--|--|
| A Bill, entitled, An Act to continue the Act to regulate the Shad Fishery in the County of Cumberland,   | Shad Fishery Cumberland Bills read 3d time               |
| Were read a third time, and the question was put by the President, on each Bill, Whether this Bill shall pass?   |  |
| It was resolved in the affirmative.  | Agreed to &  |
| A Message was sent to the House of Assembly, by the Clerk,   |  |
| To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.  | Sent to H. A.  |
| Mr. Almon, the Chairman of the Committee, to whom a Bill, entitled, An Act to regulate the Fencing of the Marsh at Pubnico was referred, reported that the Committee had performed their duty, and recommended the said Bill to the favourable consideration of the House.   | Com. on Pubnico Marsh Bill report                        |
| <i>Ordered</i> , That the said Report be received.   | Bill read 2d time & Ord. to Com.                         |
| The said Bill was then read a second time.   |  |
| <i>Ordered</i> , That the said Bill be committed to a Committee of the whole House, at a future day.   |  |
| A Message was brought from the House of Asssmbly by Mr. Whidden, with the following Resolutions :  |  |
| <i>Resolved</i> , 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.  | £25 School in Poor House                                 |
| <i>Resolved</i> , 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 Arichat Academy                                     |
| <i>Resolved</i> , 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.   | £100 Mr. Uniacke's School                                |
| <i>Resolved</i> , 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.   | £135 Yarmouth Academy                                    |
| <i>Resolved</i> , 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 Methodist School                                    |
| <i>Resolved</i> , 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.  | £100 Sydney Grammar School                               |
| <i>Resolved</i> , 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.   | £50 Infant School  |
| <i>Resolved</i> , That the sum of Forty Pounds be granted to pay the Salary of the Female Teacher in the African School for the present year.  | £40 Female Teacher African School                        |
| <i>Resolved</i> , 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 Grammar School Truro                                 |
| <i>Resolved</i> , 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                       |
| <i>Resolved</i> , 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 pay debts of Pictou Academy |
| <i>Resolved</i> , That the sum of Fifty Pounds be granted and paid in support of an Academy at St. Andrews, in the County of Sydney.   | £50 St. Andrew's Academy                                 |
| <i>Resolved</i> , 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  |

*Resolved*,

£50 Guysboro' Academy

*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 Liverpool Academy

*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 Port Hood Academy

*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.

Read 1st time

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

*Ordered*, That the said Resolutions be read a second time, at a future day.

Com. on Judiciary Bill report

Mr. Johnston, the Chairman of the Committee, to whom 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, was referred, reported that the Committee had had the said Bill under their consideration, and suggested some alterations, and recommended that the said Bill be committed to a Committee of the whole House.

Bill ord. to Com.

*Ordered*, That the said Report be received, and the said Bill be committed to a Committee of the whole House, at a future day.

Com. on Bills

On motion, the House was adjourned during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock

Friday, 6th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
Lewis M. Wilkins, Jr.

The Honorable James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

The following Resolutions for granting Money, viz:

£25 for School in Poor House.

100 for Arichat Academy.

100 for Rev. Mr. Uniacke's Schools.

135 for Yarmouth Academy.

100 for Methodist School.

100 for Sydney Grammar School.

50 for Infant School.

40 for Female Teacher, African School.

40 for Grammar School, Truro.

50 for Mechanics' Institute and Library.

233 Annually, for 3 years, to pay Debts of the Pictou Academy.

50 for St. Andrew's Academy.

50 for Digby Academy.

50 for Guysborough Academy.

50 for Liverpool Academy.

50 for Port Hood Academy.

Money Votes

Were

Were read a second time, and the question was put by the President on each Resolution,

Whether this Resolution shall be agreed to ?

Agreed to &

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Resolutions, and acquaint them that this House have agreed to the same, without any amendment.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force, and had made several amendments thereto,

Report Lands liable to Debts Bill with ams.

Which amendments being read twice by the Clerk, were agreed to by the House.

Ams. agreed to

Ordered, That the said Bill be read a third time, at a future day.

Mr. Smith presented a Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors.

Marine Ins. Co. Bill presented &

The said Bill was read a first time.

Read 1st time

Ordered, That the said Bill be read a second time, at a future day.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Adjourn

Saturday, 7th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

§  
§  
§  
§  
§

The Honorable Lewis M. Wilkins, Jun.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force, was read a third time, and the question was put by the President,

Lands & Tenements Bill. Read 3d time

Whether this Bill, with the amendments, shall pass ?

It was resolved in the affirmative.

Agreed to &

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Bill, and acquaint them that this House have agreed to the said Bill with amendments—to which amendments their concurrence is desired.

A Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies to compensate their Directors and Auditors,

Marine Ins. Co. Bill read 2d time &

Was read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.

Ord. to Com.

On motion, resolved, that the further consideration of a Bill, entitled, An Act relating to Registrars of Deeds, be deferred to this day three months.

Registrars Deeds def. 3 months

On motion, the House was adjourned during pleasure, and put into a Committee on Bills.

Com. on Bills

R

After

After some time, the House was resumed, and Mr. McNab, reported, that the Committee had made some progress.

Adjourn

On motion made and seconded—the House adjourned until Monday, at one o'clock.

Monday, 9th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Hon. S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

S. B. Robie

The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of Saturday were read.

Com. on Bills

On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Report Salted Beef  
Bill with am.

The Chairman also reported that the Committee had gone through 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, and had made an amendment thereto.

Am. agreed to

Which amendment being read twice by the Clerk, was agreed to by the House.  
*Ordered*, That the said Bill be read a third time, at a future day.

Message from H. A.  
agreeing to am. to  
illegal overholding  
Bill

A Message was brought from the House of Assembly, by Mr. Whidden,  
To inform the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate.

Nuisances in Ri-  
vers

The Messenger also brought up the following Bills :

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 Shubenaca-  
die

A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie.

Fishery 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.

Combined School  
Lunenburg

A Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg.

Read 1st time

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

*Ordered*, That the said Bills be read a second time, at a future day.

Illegal overholding  
Bill

A Bill, entitled, An Act for preventing illegal overholding and detainer of Real Estate, was read as amended, and the question was put by the President,

Whether this Bill, as amended, shall pass ?

Finally agreed to &  
Sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them therewith.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Tuesday

Tuesday, 10th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,



The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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 ; also, Nuisances in Rivers

A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie ; also, Fisheries Shubenacadie &

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 ; also, Lunenburg

A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels ; also, Nets of Fishermen

A Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School in Lunenburg, & Combined School Lunenburg Bills

Were read a second time.

*Ordered*, That the said Bills be committed to a Committee of the whole House, at a future day. Read 2d time & Ord. to Com.

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, Salted Beef Bill

Was read a third time, and the question was put by the President, Read 3d time

Whether this Bill, with the amendment, shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk, Agreed to &

To return the said Bill, and acquaint them that this House have agreed to the said Bill with an amendment—to which amendment their concurrence is desired. Sent to H. A.

The first amendment proposed by this House to 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, was read ; and, Amendment to St Mary's Bill read

On motion, *resolved*, that although this House have a right to propose the amendment to the said Bill, which the House of Assembly have declined, considering yet this House will not adhere to the same, but agree to the said Bill without such amendment, but this assent thereto not to be drawn into precedent. And Resolution rel. to

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House do not adhere to the said amendment.

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly did not agree to the amendment proposed by this House to 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. Message from H.A. disagreeing to am. to Salted Beef Bill

The House proceeded to the consideration of the amendment proposed by them to the said Bill, and Amendt. considered & not adhered to

On motion, *resolved*, that the said amendment be not adhered to.

A Message was sent to the House of Assembly, by the Clerk,

To

- Message to H. A. with Bill To return the said Bill, and acquaint them that this House do not adhere to the amendment proposed by them to the said Bill, but agree to the said Bill as originally sent up.
- Com. on Bills On motion, the House was adjourned during pleasure, and put into a Committee on Bills—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.
- Report Pubnico Marsh Bill with am The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to regulate the Fencing of the Marsh at Pubnico, and had agreed to the same without any amendment.
- Report Marine Ins. Co. Bill with am. *Ordered*, That the said Bill be read a third time, at a future day.
- Am. agreed to The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies, to compensate their Directors and Auditors, and had made amendments thereto.
- Adjourn Which amendments being read twice by the Clerk, were agreed to by the House.
- Ordered*, That the said Bill be engrossed, and read a third time, at a future day.
- On motion made and seconded, the House adjourned until To-morrow, at one o'clock.

Wednesday, 11th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

|   |                                      |
|---|--------------------------------------|
| The Honorable S. B. Robie, President.   |                                      |
| The Honorable Peter M'Nab,<br>James W. Johnston,<br>William Lawson,<br>George Smith,<br>William Rudolf,                 | S<br>P<br>E<br>A<br>K<br>E<br>R<br>S |
| The Honorable Lewis M. Wilkins, Jr.<br>James S. Morse,<br>Robert M. Cutler,<br>Alexander Campbell,<br>William B. Almon. |                                      |

PRAYERS.

- Pubnico Marsh Bill read 3d time The Minutes of yesterday were read.
- Agreed to & A Bill, entitled, An Act to regulate the Fencing of the Marsh at Pubnico, was read a third time, and the question was put by the President,  
Whether this Bill shall pass?  
It was resolved in the affirmative.
- Sent to H. A. A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them that this House have agreed to the same, without any amendment.
- Marine Ins. Co. Bill read 3d time A Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies, to compensate their Directors and Auditors, was read a third time, and the question was put by the President,  
Whether this Bill shall pass?  
It was resolved in the affirmative.
- Agreed to
- Protest Dissentient.—Because it is stated in the Preamble of the said Bill, that the Shareholders of the Nova Scotia and Halifax Marine Insurance Companies are desirous of being permitted to compensate the Directors and Auditors thereof, which statement is incorrect—there being no evidence whatever before this House, that the Shareholders are desirous of so doing, but only that part of the Shareholders, composing little more than one half, by a written paper, have expressed their *consent* that payment should be made to the said Directors and Auditors.
- Because, by the Acts by which the said Companies were created, and the Partners composing them erected into Corporations, it is expressly enacted and declared, that no Director or Directors shall take or receive any pay or remuneration whatsoever; and the  
Persons

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Persons then composing the said Companies, or who have since become Members thereof, entered into the said Partnerships, upon the sanction of the said Acts, and upon the faith of a Legislative Enactment, that no part of the Monies or Funds of the said Companies, should be applied for the payment of the Directors, or for any other purpose, inconsistent with the terms of the original contract between all the parties thereto.

Because, although some of the Persons belonging to the said Companies have consented to the proposed alteration; yet, as in one of the said Companies, the Shares amount to 800, and the amount of Shares held by those Persons who have assented, are only 453; it appears that the Holders of Shares, amounting to 347, have refused their assent, or have not been called upon to give it, and thus the rights of nearly half of the Company are legislated upon without their consent, upon the suggestion of the other half.

Because, the said Bill was brought in on the sixth day of March, more than two months after the beginning of the Session, without any notice to those who have not consented thereto, and so late in the Session, that the notice required by the Rules of the House could not be given.

Because, by the Rules and Orders of this House, it is required that all Persons whose interests or property may be affected by any private Bill, shall give their consent either in person or in writing, and the Owners of 347 Shares, in one of the said Companies, have not given their consent in person or in writing, or have had any opportunity offered them of opposing the said Bill, since the same was introduced into this House.

Because, the said Acts of Incorporation, are a Legislative declaration of the terms of the Contract made and entered into by the Parties to the same, and cannot be altered, but by the general consent of all.

Because, the said Bill, as regards one of the said Companies, is founded upon representations of part of the Shareholders, not made or given at any Annual, General or Special Meeting of the Shareholders, where alone the affairs and business of the Company can be legally transacted.

Because, this Bill is in its nature a private Bill, and affects the rights of individuals, and it is unjust to legislate upon such rights, without notice being given to those who are affected thereby.

S. B. ROBIE.

A Message was sent to the House of Assembly, by the Clerk,  
To carry down the said Bill and desire their concurrence thereto.

Bill sent to H. A.

Mr. Lawson brought up the Petition of W. A. Black and others, praying aid to the Halifax Steam Boat Company—which was ordered to lie on the Table.

Pet. of W. A. Black &amp; al.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had gone through

Report

A Bill, entitled, 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; also,

Nuisances in Rivers

A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie; also,

Fishery Shubenacadie

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; also,

&amp; Lunenburg &amp;

A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels,

Nets of Fishermen

And had agreed to the said Bills without any amendment.

Bills without amendment

Ordered, That the said Bills be read a third time, at a future day.

On motion, resolved, that a Committee be appointed to take into consideration the contingent expences of this House for the present Session, as also the expences attendant upon

Committee on contingent expenses

|   |  |
|---|--|
| Committee   | the Delegation of Members, selected by His Excellency the Lieutenant-Governor from this House to proceed to England, in consequence of the Resolutions passed last Session.<br><i>Ordered</i> , That Mr. Almon, Mr. Johnston, and Mr. Campbell, be a Committee for that purpose.                       |
| Message from H. A. agreeing to St. Mary's Bill as amended | A Message was brought from the House of Assembly, by Mr. Whidden,<br>To inform the House that the House of Assembly 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 now amended.        |
| Bill finally agreed to &                                  | The said Bill was then read as amended, and the question was put by the President,<br>Whether this Bill, as amended, shall pass?<br>It was resolved in the affirmative.  |
| Sent to H. A.   | A Message was sent to the House of Assembly, by the Clerk,<br>To return the said Bill, and acquaint them therewith.  |
| Committee on Bills  | On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.<br>After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.  |
| Report Lunenburg School with am.                          | The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg, and had made an amendment thereto, which he was ready to report when the House would be pleased to receive the same. |
| Report to be recd. to-morrow                              | <i>Ordered</i> , That the said Report be received To-morrow.   |
| Adjourn   | On motion made and seconded—the House adjourned until To-morrow, at one o'clock  |

*Thursday, 12th March, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|   |                           |   |
|---|---------------------------|---|
| The Honorable Peter M'Nab,<br>James W. Johnston,<br>William Lawson,<br>George Smith,<br>William Rudolf, | §<br> <br> <br> <br> <br> | The Honorable Lewis M. Wilkins, Jr.<br>James S. Morse,<br>Robert M. Cutler,<br>Alexander Campbell,<br>William B. Almon. |
|---|---------------------------|---|

PRAYERS.

The Minutes of yesterday were read.

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; also,

A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie; also,

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; also,

A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.

Were read a third time, and the question was put by the President on each Bill,  
Whether this Bill shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.

Amdts. to Lunen-

The Order of the Day being read for the receiving the report of the amendment made by

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by a Committee of the whole House to a Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg. Lunenburg School Bill

Mr. M'Nab accordingly reported the said amendment. Reported

Whereupon, Mr. Smith moved that the said Bill be re-committed to a Committee of the whole House, for the purpose of amending the same, by leaving out the Proviso to the second Clause, which is as follows: *Provided always*, that two only of the said Trustees and Commissioners, shall be Members of Congregations, not of the Church of England, resident in the said Town of Lunenburg: which, being seconded, and the question being put, there appeared, for the motion, six; against the motion, four. Motion to recommit Bill

For the motion,  
Mr. Johnston, Mr. Smith,  
Cutler, Lawson,  
M'Nab, Campbell.

Against the motion,  
Mr. Morse,  
Wilkins,  
Almon,  
Rudolf.

So it passed in the affirmative.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress. Carried  
Committee on Bills

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School in Lunenburg, and had made two amendments thereto. Report Lunenburg School Bill with amdts.

The said amendments being read twice by the Clerk, were agreed to by the House. Amdts. agreed to

*Ordered*, That the said Bill be read a third time, at a future day.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions.

*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. 1000l. Delegates H. A.

*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 Lieutenat-Governor, that a Vessel of not less than eighty horse power has performed this service, whenever the Navigation has not been obstructed by Ice. 500l. Steam-Boat NF.

*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. 250l. Bridge County Colchester

*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. 100l. Bridge Guysborough

*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. 98l. Bridge Sydney

*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. 280l. Roads in Pictou

*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. 200l. Great Eastern Road

*Resolved*,

THURSDAY, 12th MARCH, 1840.

20l. 11s. 4d. Scott  
Tremain

*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 |

20l. Ed. Crowell

*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 Seal Islands, for the relief of Shipwrecked Mariners, for the present year.

15l. R. Nickerson

*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.

7l. 10s. Ferrymen  
LaHave River

*Resolved*, That the sum of Seven Pounds Ten Shillings be granted and paid to each of the Ferrymen 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.

124l. Importation  
of Books

*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.

200l. Steam-Boat  
Company

*Resolved*, That the sum of Two Hundred Pounds be granted and paid to the Halifax Steam Boat Company for the present year.

14l. 16s. 10d. Rich-  
ard Huntington

*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.

15l. R. Roberts

*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.

15l. W. Crook

*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.

24l. 2s. 9d. Baptist  
Ed. Society

*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 Philosophical Apparatus, for the use and benefit of Queen's College.

2l. 7s. 7d. Jas.  
Bowes

*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.

10l. 4s. 9d. Gossip &  
Coade

*Resolved*, That the sum of Ten Pounds Four Shillings and Nine Pence be granted and paid to Gossip and Coade, being the amount of Duty paid by them on the Importation of a Printing Press.

100l. Jas. Moyler

*Resolved*, That the sum of One Hundred Pounds be granted and paid to James Moyler, 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.

21l. L. O. C. Doyle

*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.

29l. Overseers of  
Poor Economy

*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.

*Resolved,*

THURSDAY, 12th MARCH, 1840.

- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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. L. Brown
- 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 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. 20l. Ferry Shubenacadie
- Resolved*, That the sum of Fifteen Pounds be granted and paid to Samuel Dodge, according to the Report of the Committee on his Petition. 15l. S. Dodge
- 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 71l. 8s. 6d. W. Taylor

of £50 advanced by His Excellency the Lieutenant-Governor under the Vote of this House.

71. C. McCarthy

*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

*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

*Resolved*, That the sum of Fifty Pounds be granted and paid to John F. Muncey, being his proportion of Bounties on Sealing Voyages, pursuant to the Report of the Committee on Trade.

111. W. Munro

*Resolved*, 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

*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 Wells' Cove

*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 Wells' 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.

931. 6s. 8d. Pier at Givan's Cove

*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. 4d. Pier at Chute's Cove

*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

*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.

1661. 13s. 4d. Pier at Montagan River

*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.

101. Buoys in Pubnico Harbour

*Resolved*, That the sum of Ten Pounds be granted and paid to erect and place five Buoys in Pubnico Harbour and Cockawit Pass, agreeably to the Report of the Committee on Navigation Securities.

201. To remove obstruction at Hartley's harbour

*Resolved*, That the sum of Twenty Pounds be granted and paid for the removal of an obstruction at the entrance of Hartley's Harbour, in the County of Queen's, pursuant to the Report of the Committee.

*Resolved*

*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

*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 Acad'ny

*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

*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

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

Read 1st time

*Ordered,* That the said Resolutions, be read a second time, at future day.

On motion made and seconded, the House adjourned until To-morrow, at one o'clock.

Adjourn

*Friday, 13th March, 1840.*

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

S. B. Robie, President.

The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg, was read a third time, and the question was put by the President,

Lunenburg School Bill read 3d time

Whether this Bill, with the amendments, shall pass?

It was resolved in the affirmative.

Agreed to &

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill with amendments—to which amendments their concurrence is desired.

Sent to H. A.

Mr. Wilkins brought up the Petition of Richard Smith and others, praying that the Port of Douglas may be constituted a Free Port—which was ordered to lie on the Table.

Pet. of R. Smith & al.

Mr. Almon, the Chairman of the Committee to whom the contingent expenses of the Council for this Session, and for the expenses of the Delegation, were referred, reported as follows, viz:

Com. on Contingent expenses report

The Committee appointed to consider of, and report to, the House, the amount of the contingent expenses of this House for the present Session; as also the expenses attendant upon the Delegation of Members, selected by His Excellency the Lieutenant-Governor from this House, to proceed to England, in consequence of the Resolutions passed last Session, report as follows, viz:

Conf. on Gen. State of Province rel. to expenses of Delegation

That

FRIDAY, 13th MARCH, 1840.

|  |            |
|--|------------|
| That a balance was due to the Clerk of this House for Monies expended on the 1st of January last   | £20 7 3½   |
| For the Salary of the Clerk  | 150 0 0    |
| Law Clerk and Clerk of the Parliament  | 100 0 0    |
| Gentleman Usher of the Black Rod and Sergeant at Arms  | 75 0 0     |
| 1st Messenger  | 40 0 0     |
| 2d Messenger   | 30 0 0     |
| Amount of C. H. Belcher's account for Stationary, including binding and lettering of Journals, &c. | 56 10 2    |
| Thompson & Esson's account   | 11 9 6     |
| DeChezeau & Crow's do.   | 2 4 6      |
| Richard Keeffe's do.   | 0 12 6     |
| Sum required for Fuel, say   | 20 0 0     |
| Contingencies  | 15 0 0     |
|  | £521 3 11½ |

And to defray the expenses incurred by the Delegation £1000 0 0  
 WILLIAM BRUCE ALMON, Chairman.

Committee Room, Council Chamber, 15th March, 1840.

*Ordered*, That the said Report be received and adopted.

*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 to the Committee of the House of Assembly the sum reported by the Committee for the contingent expenses of this House.

*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 inform the Committee of the House of Assembly, that in consequence of a Resolution of the Council, passed at the last Session of the General Assembly, two Members of the Legislative Council were selected by the Lieutenant-Governor, and proceeded to England, for the purpose of communicating with Her Majesty's Government upon various important subjects relating to the welfare of the Province, and the two Gentlemen, so selected, having performed the duties with which they were charged, the Council suggest for the consideration of the House the propriety of providing for the expense of such Delegation.

Mr. Johnston asked leave to bring in a Bill relating to the shutting up an old road in Horton—which was granted *nemine contradicente*.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

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.

A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties.

A Bill, entitled, An Act to continue the Act concerning Goods Exported, and for granting Drawbacks.

A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling.

A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods.

A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods.

A Bill, entitled, An Act to grant a Drawback on Foreign Wheat Flour, in certain cases.

A Bill, entitled, 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.

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.

A

Leave given to  
bring in Horton  
Road Bill

Colonial Duties

Regulation of Du-  
ties

Drawbacks

Smuggling  
Warehousing

Importation of  
Goods

Drawbacks on  
Flour  
Licences

Licences Halifax

|   |   |
|---|---|
| A 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.   | Miré Grant  |
| A Bill, entitled, An Act to provide for building a Bridewell.   | Bridewell   |
| A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof.  | Weighing of Beef  |
| A Bill, entitled, An Act to continue the several Acts for the encouragement of Schools.   | Schools   |
| A Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish.  | Inspection of Fish  |
| A Bill, entitled, An Act to make provision for payment of the expenses of the Census for the County of Cape Breton.   | Cape Breton Census Bill   |
| To which Bills they desired the concurrence of this House.  |   |
| The said Bills were read a first time.  | Read 1st time   |
| Ordered, That the said Bills be read a second time, at a future day.  |   |
| The Messenger also informed the House that the House of Assembly agreed to the Conference desired by this House on the General State of the Province.   | Confr. agreed to  |
| Ordered, That Mr. Almon, Mr. Campbell, and Mr. Rudolf, be a Committee of this House, to manage the said Conference.   | Committee   |
| And the Managers went to the Conference, and being returned, Mr. Almon reported that the Committee had held the said Conference, and that he had communicated his two sets of Instructions to the Committee of the House of Assembly.   | Report  |
| Ordered, That the nine Revenue Bills be referred to Mr. Smith, Mr. Rudolf, Mr. Lawson, Mr. Campbell, and Mr. Cutler, to examine and report upon.  | Revenue Bills<br>ref. to sel. Com.                                    |
| On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.   | Com. on Bills   |
| A Message was brought from the House of Assembly, by Mr. Whidden,   |   |
| To inform the House that the House of Assembly agreed to the third, fourth, and tenth amendments proposed by this House to a Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force, with amendments—to which amendments they desired the concurrence of this House, and had agreed to the other amendments proposed to the said Bill, without any amendment. | Message from H.A.<br>agreeing to am. to<br>Lands & Tenements with am. |
| The Messenger also informed the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg.  | Message from H.A.<br>agreeing to am. to<br>Lunenburg School<br>Bill   |
| Mr. Johnston presented a Bill, entitled, An Act to authorise the shutting up of an old Road in the Township of Horton.  | Old Road in Horton Bill   |
| The said Bill was read a first time.  |   |
| Ordered, That the said Bill be read a second time, at a future day.   | Read 2d time  |
| On motion made and seconded—the House adjourned until To-morrow, at one o'clock.  | Adjourn   |

Saturday, 14th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

S. B. Robie

The Honorable Lewis M. Wilkins, Jun.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

- Miré Grant 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; also,
- Bridewell Bill A Bill, entitled, An Act to provide for Building a Bridewell; also,
- Weighing of Beef A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof; also,
- Schools A Bill, entitled, An Act to continue the several Acts for the encouragement of Schools; also,
- Pickled Fish A Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish; also,
- Census C. Breton A Bill, entitled, An Act to make provision for payment of the expenses of the Census, for the County of Cape-Breton,
- Read 2d time and Ord. to Com. Were read a second time.  
*Ordered*, That the said Bills be committed to a Committee of the whole House, at a future day.
- Old Road Horton Bill read 2d time And ref. to sel. Com. A Bill, entitled, An Act to authorize the shutting up of an old Road in the Township of Horton, was read a second time.  
*Ordered*, That the said Bill be referred to Mr. Johnston and Mr. Smith, to examine and report upon.
- Lunenburg School A Bill, entitled, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg, was read as amended, and the question was put by the President,
- Finally agreed to & Whether this Bill, as amended, shall pass?  
It was resolved in the affirmative.
- Sent to H. A. A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them therewith.
- Com. on Rev. Bills report Mr. Smith, the Chairman of the Committee to whom the Revenue Bills were referred, reported that the Committee had examined the said Bills, and found they were principally similar to those of the last year, except the duty on Foreign Wheat Flour; whereupon,
- Colonial 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; also,
- Regulation of Duties A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties; also,
- Drawbacks A Bill, entitled, An Act to continue the Act concerning Goods Exported, and for granting Drawbacks; also,
- Smuggling A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling; also,
- Warehousing A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods; also,
- Importation of Goods A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods; also,
- Drawbacks on Flour Licences & A Bill, entitled, An Act to grant a Drawback on Foreign Wheat Flour, in certain cases; also,  
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; also,
- Licences in Halifax A Bill, entitled, An Act to continue the Act for granting Duties on Licences for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same,
- Read 2d time & Ord. to Com. Were read a second time.  
*Ordered*, That the said Bills be committed to a Committee of the whole House, at a future day.
- Com. on Bills On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.

The House proceeded to the consideration of the amendments made by the House of Assembly to the amendments made by this House to a Bill, entitled, "An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force," when the same were read.

Amendts. of House to amendts of Council to Lands & Tenements Bill considered

And on motion, *resolved*, that the amendments of the House of Assembly to the third and fourth amendments of this House to the said Bill be agreed to, and that the amendments of the House of Assembly to the tenth amendment of this House to the said Bill be not agreed to.

Some amdt. agreed to and some not

A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill and amendments, and acquaint them therewith.

Bill & amendts. sent to H. A.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolutions:

*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 representing 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.

1,500l. for schooners to protect fisheries

*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 expended by His Excellency's directions on the Great Eastern and Western Roads, during the last year.

2369l. 0s. 8d. Monies expended on Great Roads last year

*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

*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 directions of the Excise Officer at Windsor.

60l. Revenue Boat Basin of Mines

*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

*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 Bay of Fundy and Basin of Mines

*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

*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

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time,

*Ordered*, That the said Resolutions be read a second time at a future day.

Read 1st time

On motion, the House was adjourned during pleasure, and put into a Committee on Bills—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Com on Bills

The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act to improve the Administration of the Law, and to reduce the number of

Recommend Judiciary Bill to be def. 9 months

of Courts of Justice to be holden within this Province, and to diminish the expense of the Judiciary therein, and had directed him to report that it was the opinion of the Committee that the further consideration of the said Bill should be deferred to this day three months.

Whereupon, Mr. Smith moved that the report of the Committee be not received : which, being seconded, and the question being put, there appeared, for the motion, four ; against the motion ; six.

Motion not to receive report  
Negatived

For the motion,  
Mr. Johnston,  
Smith,  
Campbell,  
Cutler,

Against the motion,  
Mr. M<sup>c</sup>Nab, Mr. Wilkins,  
Rudolf, Almon,  
Morse, Lawson.

So it passed in the negative.

*Ordered*, That the said Report be received, and the further consideration of the said Bill be deferred to this day three months.

Report rec. & Bill  
deferred

Money Votes

The following Resolutions for granting Money, viz :

|      |    |    |  |
|------|----|----|--|
| £500 | 0  | 0  | Annually, for three years, for Steam Boat to Newfoundland. |
| 250  | 0  | 0  | Bridge in the County of Colchester.                        |
| 100  | 0  | 0  | Bridges in the County of Guysborough.                      |
| 98   | 0  | 0  | Bridges in the County of Sydney.                           |
| 280  | 0  | 0  | Roads and Bridges in the County of Pictou.                 |
| 200  | 0  | 0  | Great Eastern Road.  |
| 20   | 11 | 4  | S. Tremain.  |
| 20   | 0  | 0  | E. Crowell.  |
| 15   | 0  | 0  | R. Nickerson.  |
| 15   | 0  | 0  | La Have Ferry.   |
| 124  | 0  | 0  | Messrs. Huntington and Young, for Books.                   |
| 200  | 0  | 0  | Halifax Steam Boat.  |
| 14   | 16 | 10 | Return of Duties to R. Huntington.                         |
| 15   | 0  | 0  | R. Roberts.  |
| 15   | 0  | 0  | William Crook.   |
| 24   | 2  | 9  | Return of Duties to Baptist Education Society.             |
| 2    | 7  | 9  | Return of Duties to James Bowes.                           |
| 10   | 4  | 9  | Return of Duties to Gossip and Coade.                      |
| 100  | 0  | 0  | James Moyler.  |
| 21   | 0  | 0  | L. O. C. Doyle.  |
| 29   | 0  | 0  | Overseers of Poor, Economy.                                |
| 7    | 10 | 0  | Dr. Harding.   |
| 7    | 10 | 0  | Dr. Pyke.  |
| 21   | 5  | 9  | Overseers of Poor for Windsor.                             |
| 4    | 14 | 4  | Charles McAlpine.  |
| 40   | 11 | 0  | Overseers of Poor, Manchester.                             |
| 11   | 7  | 6  | Overseers of Poor, Aylesford.                              |
| 15   | 17 | 0  | John McLearn.  |
| 12   | 10 | 0  | A. B. Pipes.   |
| 10   | 0  | 0  | Dr. Page.  |
| 33   | 12 | 6  | Overseers of Poor for Yarmouth.                            |
| 5    | 13 | 6  | Dr. Purdy.   |
| 3    | 1  | 7  | J. Stewart, & al. late Overseers of Poor, Antigonish.      |
| 8    | 11 | 3  | Overseers Poor, Shelburne.                                 |
| 7    | 10 | 0  | Dr. Brown.   |
| 20   | 0  | 0  | Shubenacadie Ferry Boat.                                   |
| 15   | 0  | 0  | Samuel Dodge.  |
| 71   | 8  | 6  | W. Taylor.   |
| 7    | 0  | 0  | Charles McCarthy.  |
| 12   | 17 | 6  | Henry Hatton.  |

|     |    |   |  |
|-----|----|---|--|
| £50 | 0  | 0 | John F. Muncey.                                    |
| 11  | 0  | 0 | William H. Munro.                                  |
| 33  | 6  | 8 | Breakwater, Marshall's Cove.                       |
| 133 | 6  | 8 | Breakwater, Wells' Cove, Clare.                    |
| 33  | 6  | 8 | Breakwater, Givan's Cove, Cornwallis.              |
| 166 | 13 | 4 | Breakwater, Chute's Cove, Granville.               |
| 20  | 0  | 0 | Breakwater, Havre la Bouche.                       |
| 166 | 13 | 4 | Breakwater, Montagan River.                        |
| 10  | 0  | 0 | Buoys at Pubnico.                                  |
| 20  | 0  | 0 | Hartley's Harbor, Queen's County.                  |
| 50  | 0  | 0 | To open a Channel in County of Richmond.           |
| 100 | 0  | 0 | Lunenburg Academy.                                 |
| 60  | 0  | 0 | Revenue Boat, Digby.                               |
| 213 | 6  | 7 | Relief Shipwrecked Passengers of Ship Aid de Camp. |

Were read a second time, and the question was put by the President, Whether this Resolution be agreed to ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolutions, and acquaint them that this House have agreed to the same, without any amendment.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

On motion, made and seconded—the House adjourned until Monday at one o'clock.

Read 2d time

Agreed to &

Sent to H. A.

Com. on Bills

Adjourn

Monday, 16th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

§  
§  
§  
§  
§

The Honorable Lewis M. Wilkins, Jun.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of Saturday were read.

The President laid before the House the following Letters, addressed to him by the Hon. Alexander Stewart :

London, 19th December, 1839.

SIR,

I have the honor to state, for the information of the Honorable the Legislative Council, that the Lords' and Commons' Journals were this week forwarded hence to Falmouth, thence to be transmitted to Halifax for the use of the Council. I know not, if my Lord John Russell has officially intimated to His Excellency the fact, (which, indeed, he did not to me, as will be seen on reference to his reply to my Note, which I forwarded to you by the last Packet,) that it is, to his especial recommendation, we are indebted for these valuable Records. They are addressed to you. I hope also, to cause the Reports and other Parliamentary Papers to be sent from London, in time for the next month's Packet. They will also be addressed to you. I hope the Honorable the Legislative Council will authorize me to procure for them a complete Quarto Edition of the Statutes

Mr. Stewart's Letters rel. to Lords' & Commons' Journals, &c.

MONDAY, 16th MARCH, 1840.

at large; they can be procured, I think, for 38 Guineas, notwithstanding that the official price at Hansard's is nearly double that sum.

I have the honor to be, &c.

(Signed)

ALEXANDER STEWART.

The Hon. the President of the Legislative Council.

London, 2nd January, 1840.

SIR,

I beg to mention, for the information of the Hon. the Legislative Council, six Copies of the Standing Orders of the House of Commons, and presented by the House to your House, go by this Packet.

I would also respectfully suggest the propriety of £100 being forwarded to me, to be expended in procuring a complete Edition of the Statutes at large, and the Laws and Constitutions of the different European States. I think I can obtain all of these, upon comparatively moderate terms for cash.

I have also to mention, that Mr. Ley, in a Note I last week received from him, states, that if the Journals of the Legislative Council are addressed to the Clerk of the House of Commons, and forwarded through the Colonial Office, they will be placed in the Library of the House of Commons. The Journals of that House will be addressed to you, and forwarded annually by the Packet to Halifax.

I subjoin a memo. of the amount paid by me, on account of the Legislative Council, and will thank you to direct the Clerk to include it in the Contingencies of the present Session. Permit me to wish yourself, and the Members of the Council, a happy new year, and many returns thereof.

I have the honor to be, &c.

ALEXANDER STEWART.

The President of the Legislative Council.

P.S.—I have already apprized you of the Shipment of the Lords' and Commons' Journals on board of this month's Packet.

|                                  |        |
|----------------------------------|--------|
| Paid for Hansard's Indexes       | £1 0 6 |
| Coach Hire                       | 18 6   |
| Paid Mr. Hansard's Bill herewith | 5 19 8 |
|                                  | <hr/>  |
| Sterling                         | 7 18 8 |
| Postages                         | 4 6    |
|                                  | <hr/>  |
|                                  | £8 3 2 |

Errors Excepted

A. STEWART.

*Resolved*, That a Committee be appointed to prepare an Address to His Excellency the Lieutenant-Governor, on the subject of reimbursing the Delegates from this House, appointed to conduct certain important affairs with Her Majesty's Government, the expenses of that Delegation.

*Ordered*, That Mr. Johnston, Mr. Almon and Mr. Smith, be a Committee to prepare the said Address.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions:

*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.

*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

Resolution for Address to H. E. rel. to expenses of Delegates

Committee

50l. Annapolis Academy 50l. Andrew Henderson's Academy, &c.

15l. or 30l. to each County for Oatmills

ed among the several Applicants—said sums to be drawn on the recommendation and upon the conditions stipulated for similar bounties last year.

*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.

*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.

*Resolved*, That the sum of One Hundred Pounds be granted and paid to the Commissioners for signing Treasury Notes, for their services in that department for the last three years.

*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.

*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.

*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.

*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.

*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.

*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.

*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.

*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.

*Resolved*, That the sum of One Hundred Pounds, each, be granted and paid to the Clerk and Assistant Clerk of the House of Assembly, for their extra services, during this present Session.

*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.

*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.

*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.

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

*Ordered*, That the said Resolutions be read a second time, at a future day.

The Messenger also informed the House that the House of Assembly desired a Conference with this House, by Committee, on the amendments made by them to the tenth amend-

20l. Oatmill at Dalhousie

10l. R. Carter for Gut of Canso

100l. Commrs. for issuing Treasury Notes

15l. W. Watt

150l. Indians

955l. 8s. 10d. Commissioners of Public Buildings

3l. 10s. each to Clerks of Peace

10l. J. J. Sawyer

60l. Stationary, &c. for Assembly

180l. expenses of House of Assembly

10l. each to Chairmen of H. A.

100l. each Clerks of House

15l. publications for Assembly

100l. Adjutant General of Militia

50l. Quarter Master Gen. Militia

Read 1st time.

Message from H.A. asking Conference to 10th amendment to Lands and Tenements Bill

ment

ment of this House to a Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force.

Agreed to

*Ordered*, That the said Conference be agreed to, and a Message was sent to the House of Assembly by the Clerk to acquaint them therewith.

Committee

*Ordered*, That Mr. Johnston, Mr. Almon and Mr. Wilkins, be a Committee of this House to manage the said Conference.

Resolution rel. to  
Pay of Members

Mr. Smith moved, that the House do agree to the following Resolution :

*Resolved*, That whilst this House concurs with the House of Assembly in the opinion which it expressed in its Address to His late Majesty, passed in the Session of 1837, that the Legislative Council should contain, to as great an extent as possible, a just representation of all the great interests of the Country; and that it should be composed, in some degree, of Gentlemen resident in the interior of the Province—it is nevertheless of opinion, that unless Legislative Provision be made for compensating the Members of this House their reasonable expenses whilst in attendance in General Assembly, this Branch of the Legislature cannot continue to be constituted in accordance with these opinions :

Which, being seconded, and the question being put, there appeared, for the motion, seven ; against the motion, three :

|                         |             |                     |
|-------------------------|-------------|---------------------|
| For the motion,         |             | Against the motion, |
| Mr. M <sup>c</sup> Nab, | Mr. Rudolf, | Mr. Lawson,         |
| Campbell,               | Cutler,     | Almon,              |
| Smith,                  | Wilkins.    | Johnston.           |
| Morse.                  |             |                     |

Agreed to

So it passed in the affirmative.

Mr. Johnston, by His Excellency's command, laid before the House, the following copies of Despatches :

(No. 22.)

*Downing Street, 14th Dec., 1839.*

SIR,

Despatch making  
Yarmouth, Pictou  
and Liverpool,  
Free Warehousing  
Ports

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 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 Provinces, you will take the earliest opportunity of announcing it to the Legislative Bodies.

I have the honor to be, &c.

J. RUSSELL.

Lieutenant General Sir COLIN CAMPBELL, K.C.B.

*Treasury Chambers, 9th Dec. 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 the 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 to be,

A. Y. SPEARMAN.

James Stephen, Esq.

The said Despatches were read, and ordered to lie on the Table.

On.

MONDAY and TUESDAY, 16th and 17th MARCH, 1840.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Com on Bills

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to appoint a new Board of Governors to Dalhousie College, and had made several amendments thereto,

Report Dalhousie College Bill with amtds.

Which amendments being read twice by the Clerk, were agreed to by the House.

Amtds. agreed to

*Ordered*, That the said Bill be read a third time, at a future day.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to provide for Building a Bridewell, and had agreed to the same without any amendment.

Report Bridewell Bill without amtds.

*Ordered*, That the said Bill be read a third time, at a future day.

A Message was brought from the House of Assembly, by Mr. Whidden, To inform the House, that the House of Assembly adhered to the amendments made by them to the tenth amendment made by this House to a Bill, entitled, An Act for making Lands and Tenements liable for the payment of Debts, and to repeal the Acts now in force.

Message from H. A. adhering to 10th Am. to Lands and Tenements Bill

Mr. Johnston, the Chairman of the Committee of this House appointed to hold a Conference with the Committee of the House of Assembly on the subject of the amendments made by the House of Assembly to the tenth amendment made by this House to a Bill, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force, reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.

Report of Com. of Conference on Lands and Tenements Bill

Mr. Almon, presented a Petition from—Ruggles and others, praying a Vote for the benefit of the Annapolis Academy—which was ordered to lie on the Table.

Petition of Ruggles and al.

On motion made and seconded, the House adjourned until to-morrow at one o'clock.

Adjourn

Tuesday, 17th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

§  
§  
§  
§  
§

The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to provide for building a Bridewell, was read a third time, and the question was put by the President,

Bridewell Bill  
Read 3d time

Whether this Bill shall pass?

It was resolved in the affirmative.

Agreed to & sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill, without any amendment.

Mr. Johnston, the Chairman of the Committee to whom a Bill, entitled, An Act to authorize the shutting up of an Old Road in the Township of Horton, was referred, reported that the Committee had examined the said Bill, and recommended it to the favorable consideration of the House.

Committee on Horton Road Bill report

*Ordered*, That the said Report be received and the said Bill committed to a Committee of the whole House.

Bill ordered to Com.

TUESDAY, 17th MARCH, 1840.

|                                  |   |
|----------------------------------|---|
| Com. on Bills                    | On motion, the House was adjourned during pleasure and put a Committee on Bills.— After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.                          |
| Report                           | The Chairman also reported that the Committee had gone through  |
| Colonial 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; also,         |
| Regulation of Duties             | A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties; also,   |
| Drawbacks                        | A Bill, entitled, An Act to continue the Act concerning Goods exported, and for granting Drawbacks; also,   |
| Smuggling                        | A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling; also,  |
| Warehousing                      | A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods; also,  |
| Importation of Goods             | A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods; also,   |
| Drawback on Wheat                | A Bill, entitled, An Act to grant a Drawback on Foreign Wheat Flour, in certain cases; also,  |
| Licenses                         | A Bill, entitled, 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; also,  |
| Licenses Halifax                 | 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; also,                         |
| Weighing of Beef                 | A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof; also,  |
| Schools                          | A Bill, entitled, An Act to continue the several Acts for the encouragement of Schools; also,   |
| Pickled Fish                     | A Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish; also,  |
| Census Cape-Breton Bills         | A Bill, entitled, An Act to make provision for payment of the expenses of the Census for the County of Cape-Breton.   |
| Without amndt.                   | And had agreed to the said Bills, without any amendment.  |
| Report                           | <i>Ordered</i> , That the said Bills be read a third time, at a future day.   |
| Digby Election and               | The Chairman also reported that the Committee had gone through  |
|                                  | 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; also,   |
| Horton Road Bills without amndt. | A Bill, entitled, An Act to authorise the shutting up of an old Road in the Township of Horton.   |
|                                  | And had agreed to the same without any amendment.   |
|                                  | <i>Ordered</i> , That the said Bills be engrossed, and read a third time, at a future day.  |
|                                  | A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:   |
| Fees Police Office               | A Bill, entitled, An Act to define and ascertain the Fees to be taken at the Police Office in Halifax.  |
| Town Officers                    | 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. |
| Militia                          | A Bill, entitled, An Act to continue and amend the Acts in force respecting the Militia of the Province.  |
| Road Lunenburg                   | A Bill, entitled, An Act to enable the Devises or Representatives of John Bolman to shut up an old road in Lunenburg.   |
| Commrs. Sewers &                 | A Bill, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers.  |

TUESDAY, 17th MARCH, 1840.

A Bill, entitled, An Act to continue the Act relating to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton. Wickwire Dyke Bills

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Read 1st time

*Ordered*, That said Bills be read a second time, at a future day.

*Ordered*, That a Bill, entitled, An Act to enable the Devises or Representatives of John Bolman to shut up an old Road in Lunenburg, be referred to Mr. Rudolf and Mr. Campbell, to examine and report upon. Lunenburg Road Bill ref. to Sel. Com.

On motion of Mr. Smith, *ordered*, that a Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College, be re-committed to a Committee of the whole House. Dalhousie College Bill recommitted

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions.

*Resolved*, That the sum of Eighteen Thousand Pounds granted for the service of Roads and Bridges, be divided as followeth: Genl. Division of Road Vote

|                                   |       |
|-----------------------------------|-------|
| For the County of Inverness,      | £1000 |
| Cape-Breton                       | 1000  |
| Richmond                          | 800   |
| Guysborough                       | 800   |
| Sydney                            | 800   |
| Pictou                            | 1000  |
| Colchester                        | 950   |
| Halifax                           | 1400  |
| Cumberland (including Parrsboro') | 1300  |
| Hants                             | 1450  |
| Kings' (exclusive of Parrsboro')  | 1300  |
| Lunenburg                         | 1200  |
| Annapolis                         | 1000  |
| Digby                             | 1000  |
| Queen's                           | 1000  |
| Shelburne                         | 1000  |
| Yarmouth                          | 1000  |

£18000

*Resolved*, That the sum of One Thousand Pounds 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. Appropriation of road money Inverness

*Resolved*, That the sum of One Thousand Pounds appropriated for the service of Roads and Bridges in the County of Cape-Breton, and not specifically appropriated, be applied and expended as His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, shall direct. Ditto Cape Breton

*Resolved*, That the sum of Eight Hundred Pounds 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. Ditto Richmond

Also, with a Resolution specifically applying the sum of £800, appropriated for the service of Roads and Bridges in the County of Guysborough; Specific Appropriation of road money in Guysboro.

Also, with a Resolution specifically applying the sum of £800, appropriated for the service of Roads and Bridges in the County of Sydney; Sydney

Also, with a Resolution specifically applying the sum of £1000, appropriated for the service of Roads and Bridges in the County of Pictou; Pictou

Also, with a Resolution specifically applying the sum of £950, appropriated for the service of Roads and Bridges in the County of Colchester; Colchester

Also, with a Resolution specifically applying the sum of £1400, appropriated for the service of Roads and Bridges in the County of Halifax; Halifax

Also,

TUESDAY, 17th MARCH, 1840.

- Cumberland Also, with a Resolution specifically applying the sum of £1300, appropriated for the service of Roads and Bridges in the County of Cumberland;
- Hants Also, with a Resolution specifically applying the sum of £1450, appropriated for the service of Roads and Bridges in the County of Hants;
- King's Also, with a Resolution specifically applying the sum of £1300, appropriated for the service of Roads and Bridges in King's County;
- Lunenburg Also, with a Resolution specifically applying the sum of £1200, appropriated for the service of Roads and Bridges in the County of Lunenburg.
- Annapolis Also, with a Resolution specifically applying the sum of £1000, appropriated for the service of Roads and Bridges in the County of Annapolis.
- Digby Also, with a Resolution specifically applying the sum of £1000, appropriated for the service of Roads and Bridges in the County of Digby.
- Queen's Also, with a Resolution specifically applying the sum of £1000, appropriated for the service of Roads and Bridges in Queen's County.
- Shelburne Also, with a Resolution specifically applying the sum of £1000, appropriated for the service of Roads and Bridges in the County of Shelburne.
- Yarmouth Also, with a Resolution specifically applying the sum of £1000, appropriated for the service of Roads and Bridges in the County of Yarmouth.
- Read 1st time To which Resolutions they desired the concurrence of this House.  
The said Resolutions were read a first time.  
*Ordered*, That the said Resolutions be read a second time, at a future day.
- Com. on Bills On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.
- Report Dalhousie College Bill with amdt. The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College, and had made two amendments thereto.
- Am. agreed to Which amendments, being read twice by the Clerk, were agreed to by the House.  
*Ordered*, That the said Bill be read a third time, at a future day.
- Report Mire Grant Bill with am. The Chairman also reported that the Committee had gone through 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 Mirè Grant, and had made an amendment thereto.
- Motion not to receive report negatived Amendt. agreed to Whereupon, Mr. Wilkins moved, that the Report of the Committee be not received; which, being seconded, and the question being put, passed in the negative.  
The amendment was then read twice, and agreed to.  
*Ordered*, That the said Bill be read a third time, at a future day.
- Address on expenses of Delegates reported Mr. Johnston, the Chairman of the Committee appointed to draw up an Address to His Excellency the Lieutenant-Governor, on the subject of re-imbursing the Delegates from this House, appointed to conduct certain important affairs with Her Majesty's Government, the expences of that Delegation, reported the draft of an Address, which he read in his place; and afterwards delivered it to the Clerk, who read the same as follows:

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please Your Excellency;*

The Legislative Council beg leave to inform your Excellency that two Gentlemen, Members of this House, who were appointed to communicate with Her Majesty's Government

ment 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 expences 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.

*Ordered,* That the said Address be adopted.

*Ordered,* That Mr. Johnston, Mr. Almon, and Mr. Smith, be a Committee of this House to present the same to His Excellency the Lieutenant-Governor.

Adopted  
Com. to present

The following Resolutions for granting Money, viz.:

|          |    |    |  |
|----------|----|----|--|
| £1500    | 0  | 0  | For employment of Schooners to protect Fisheries   |
| 2369     | 0  | 8  | expenditure on Great Roads last year               |
| 79       | 6  | 0  | Overseers of Poor, Pictou                          |
| 60       | 0  | 0  | Revenue Boat, Basin of Mines                       |
| 30       | 0  | 0  | Revenue Boat at Pictou                             |
| 600      | 0  | 0  | Light-Houses in Bay of Fundy and Basin of Mines    |
| 400      | 0  | 0  | Light-House between Sambro and Canso               |
| 350      | 0  | 0  | Light-House, Cape George                           |
| 15 or 30 | 0  | 0  | each County, for Oat-Mills                         |
| 20       | 0  | 0  | Oat-Mill at Dalhousie                              |
| 10       | 0  | 0  | Richard Carter, for Ferry Boat, Gut of Canso       |
| 100      | 0  | 0  | Commissioners for Signing Treasury Notes           |
| 15       | 0  | 0  | William Watt                                       |
| 150      | 0  | 0  | Relief of Indians                                  |
| 955      | 8  | 10 | Commissioners of Public Buildings                  |
| 3        | 10 | 0  | each to Clerks of Peace                            |
| 10       | 0  | 0  | Sheriff of Halifax                                 |
| 60       | 0  | 0  | Stationary, &c., for Assembly                      |
| 180      | 0  | 0  | expenses of House of Assembly                      |
| 10       | 0  | 0  | each to Chairmen of Committee of House of Assembly |
| 100      | 0  | 0  | each to Clerks of House of Assembly                |
| 15       | 0  | 0  | Publications for Assembly                          |
| 100      | 0  | 0  | Adjutant-General of Militia                        |
| 50       | 0  | 0  | Quarter-Master-General of Militia                  |

Money Votes

Were read a second time, and the question was put by the President on each, Whether this Resolution be agreed to?  
It was resolved in the affirmative.

Read 2d time &

Agreed to

The Resolution for granting the sum of £100 for Academies, in the County of Annapolis, was read a second time; and thereupon,

£100 Academies in Annapolis read 2d time

The Petition of — Ruggles and others, relative to the Annapolis Academy was read, and,

Pet. of Ruggles & al. read

Mr. Johnston brought up the Petition of Andrew Henderson, praying aid to the Albion Vale Academy at Annapolis—which was read,

Pet. of A. Henderson read

Whereupon, Mr. Almon moved, that the said Resolution be not agreed to: which, being seconded and the question being put, there appeared, for the motion, four; against it, six;

Motion not to receive report

For the motion,

Against the motion,

Mr. Rudolf, Mr. Lawson,  
Almon, Wilkins.

Mr. Smith, Mr. Johnston,  
Cutler, McNab,  
Campbell, Morse.

Negatived

So it passed in the negative.

Vote agreed to

It was then moved, that the said Resolution be agreed to ; which, being seconded and the question being put, passed in the affirmative.

Adjourn

On motion made and seconded, the House adjourned until to-morrow, at two o'clock.

Wednesday, 18th March, 1840.

The House met pursuant to adjournment.

P R E S E N T —

The Honorable S. B. Robie, President.

The Honorable Peter McNab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf.

§  
§  
§  
§  
§

The Honorable Lewis M. Wilkins, jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act for establishing the times and places of holding the Polls at Elections of Representatives, for the County and Township of Digby ; also,

Digby Election &  
Old Road Horton  
Bills

A Bill, entitled, An Act to authorise the shutting up of an Old Road in the Township of Horton,

Read 3d time

Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass ?

Agreed to &

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To carry down the said Bills, and desire their concurrence thereto.

Mire Grant &

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 ; also,

Dalhousie College  
Bills

Read 3d time

A Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College,

Were read a third time, and the question was put by the President on each Bill, Whether this Bill, with the amendments, shall pass ?

Agreed to &  
Sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the said Bills with amendments—to which amendments their concurrence is desired.

Colonial 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 ; also,

A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties ; also,

Regulation of Du-  
ties

Drawbacks

A Bill, entitled, An Act to continue the Act concerning Goods exported, and for granting Drawbacks ; also,

Smuggling

A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling ; also,

Warehousing

A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods ; also,

Importation of  
Goods

A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods ; also,

Drawback on  
Wheat

A Bill, entitled, An Act to grant a Drawback on Foreign Wheat Flour, in certain cases ; also,

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 ; also,

Licenses Halifax

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 ; also,

Also,

|  |   |
|--|---|
| A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef, and the Act in amendment thereof; also,   | Weighing of Beef                            |
| A Bill, entitled, An Act to continue the several Acts for the encouragement of Schools; also,  | Schools                                     |
| A Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish; also,   | Pickled Fish &                              |
| A Bill, entitled, An Act to make provision for payment of the expences of the Census for the County of Cape-Breton,  | Census Cape-Breton Bills                    |
| Were read a third time, and the question was put by the President on each Bill, Whether this Bill shall pass?  | Read 3d time                                |
| It was resolved in the affirmative.  | Agreed to &                                 |
| A Message was sent to the House of Assembly, by the Clerk,   | Sent to H. A.                               |
| To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.   |   |
| 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 the Town Officers, and regulating of Townships, and the Acts to alter and amend the same; also,  | Town Officers                               |
| A Bill, entitled, An Act to continue and amend the Acts in force respecting the Militia of the Province; also,   | Militia                                     |
| A Bill, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers; also,   | Commrs. Sewers &                            |
| A Bill, entitled, An Act to continue the Act relative to the Assessment of Dyke Rates for the new or Wickwire Dyke in Horton,  | Wickwire Dyke Bills                         |
| Were read a second time.   |   |
| Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.  | Read 2d time                                |
| A Bill, entitled, An Act to define and ascertain the Fees to be taken at the Police Office in Halifax, was read a second time.   | Fees Police Office                          |
| On motion, resolved, that the further consideration of the said Bill be deferred to this day three months.   | Def. 3 months                               |
| A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions:  |   |
| Resolved, That the sum of Five Hundred and Twenty-one Pounds Four Shillings be granted and paid to defray the expenses of the Legislative Council, during the present Session.   | 521l. 4s. Expences of Council               |
| Resolved, That the sum of Twenty-five Pounds be granted and paid to Angus McLellan, for services rendered by him as a Mail Courier.  | 25l. A. McLennan                            |
| 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.   | 1000l. Treasurer                            |
| 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.   | 100l. Colored People                        |
| 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 this 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 Guysboro' and Country Harbor; also, | Grants of additional Post Office allowances |

also, 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 the 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.

To which Resolutions they desired the concurrence of this House.

Read 1st time

The said Resolutions were read a first time.

*Ordered*, That the said Resolutions be read a second time, at a future day.

Division & sub-division of Road Money

The eighteen Resolutions sent up from the House of Assembly yesterday, dividing and sub-dividing the sum of Eighteen Thousand Pounds granted for the service of Roads and Bridges, for the present year, were read a second time, and the question was put by the President on each Resolution,

Read 2d time

Agreed to &

Whether this Resolution be agreed to?

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the said Resolutions, and acquaint them that this House have agreed to the same without any amendment.

25 Money votes sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the twenty-five Resolutions for granting Monies agreed to yesterday, and to acquaint them that this House have agreed to the same, without any amendment.

Report of Com. to present Address to H. E. relative to expenses of Delegates

Mr. Johnston, the Chairman of the Committee appointed to wait upon His Excellency the Lieutenant-Governor, praying His Excellency to bring before the House of Assembly, the subject of reimbursing the Delegates, selected from this House to proceed to England, the expenses of such Delegation, reported that the Committee had performed that duty, and that His Excellency had been pleased to state, that he would make such communication to the House of Assembly.

Resolutions relative to presentation of journals of House of Lords

Upon reading two several communications from the Honorable Alexander Stewart, a Member of this House, now in London, informing the House that the House of Lords had been pleased to present to this House a complete set of its Journals, together with a copy of its standing orders; and also, to order an exchange, annually, hereafter of its Journals for those of this House; and that the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, had been pleased to recommend to the House of Lords to confer upon this House such a distinguished mark of its favor.

*Resolved*, That this House entertains a most grateful sense of the liberality and regard for the interests of this Assembly and of the Province, which have thus induced the House of Lords to bestow upon it the very valuable donation mentioned in the communications referred to, and that the thanks of this House be humbly and respectfully presented to the House of Lords therefor.

*Resolved also*, that this House feels deeply indebted to the Right Honorable Lord John Russell, for the kind offices which His Lordship has been pleased to exercise in its behalf with the House of Lords, in promotion of the wishes of this House, which have been thus graciously complied with.

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to transmit the foregoing Resolutions to Her Majesty's Principal Secretary of State for the Colonies, with a request that His Lordship will be pleased to communicate to the House of Lords the first of them which refers to that august Assembly.

*Ordered*, That the following Address be presented to His Excellency the Lieutenant-Governor :

To

WEDNESDAY, 18th MARCH, 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.*

Address to H. E.  
with Resolutions

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please your Excellency :*

We, the Legislative Council of Nova-Scotia, beg leave to inform your Excellency that we have passed, in the present Session, the accompanying Resolutions.

And we beg leave respectfully to request that your Excellency will be pleased to transmit them to the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies.

*Ordered,* That Mr. Wilkins, Mr. Almon and Mr. Smith, be a Committee of this House to present the said Address.

On reading two several communications from the Honorable Alexander Stewart, a Member of this House, now in London, informing the House that the House of Commons had been pleased to present to this House a complete set of its Journals, together with six copies of its Standing Orders; and also, to order an exchange annually, hereafter, of its Journals for those of this House; and that the Right Honorable Lord John Russell, Her Majesty Principal Secretary of State for the Colonies, had been pleased to recommend to the House of Commons to confer upon this House such a distinguished mark of its favor.

Resolutions relative  
to presentation of  
Journals of House  
of Commons

*Resolved,* That this House entertains a most grateful sense of the liberality and regard for the interests of this Assembly and of the Province, which have thus induced the House of Commons to bestow upon it the very valuable donations mentioned in the Communications referred to, and that the thanks of this House be humbly and respectfully presented to the House of Commons therefor.

*Resolved also,* That this House feels deeply indebted to the Right Honorable Lord John Russell, for the kind offices which His Lordship has been pleased to exercise in its behalf, with the House of Commons, in promotion of the wishes of this House, which have been thus graciously complied with.

*Resolved,* That an humble Address be presented to His Excellency the Lieutenant-Governor, praying, that His Excellency will be pleased to transmit the foregoing Resolutions to Her Majesty's Principal Secretary of State for the Colonies, with a request, that His Lordship will be pleased to communicate to the House of Commons the first of them, which refers to that Honorable House.

*Ordered,* That the following Address be presented to His Excellency the Lieutenant-Governor: Address to H. E.

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please Your Excellency :*

We, the Legislative Council of Nova-Scotia, beg leave to inform Your Excellency, that we have passed, in the present Session, the accompanying Resolutions:

X

And

WEDNESDAY and THURSDAY, 18th and 19th MARCH, 1840.

And we beg leave, respectfully to request, that Your Excellency will be pleased to transmit them to the Right Hon. Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies.

Committee to present Address to H. E.

*Ordered*, That Mr. Wilkins, Mr. Almon and Mr. Smith, be a Committee to present the said Address to His Excellency.

Report of Com. on Lunenburg Road Bill

Mr. Rudolf, the Chairman of the Committee to whom a Bill, entitled, An Act to enable the Devises or Representatives of John Bolman, to shut up an Old Road in Lunenburg was referred—reported that the Committee had enquired into the circumstances relating to the said Bill, and recommended it to the favourable consideration of the House.

Bill read 2nd time and

The said Bill was then read a second time.

Ordered to Com.

*Ordered*, That the said Bill be committed to a Committee of the whole House, at a future day.

On motion, made and seconded, the House adjourned until to-morrow, at 12 o'clock.

Thursday, 19th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

Money votes

The following Resolutions for granting Money, viz:

£521 4 0 Expenses of Council.  
25 0 0 A. M'Lellan.  
100 0 0 Treasurer.  
100 0 0 Colored People; and,

Read 2nd time

The Resolution giving Grants of additional Post Office Allowances, were read a second time, and the question was put by the President on each Resolution,

Agreed to &

Whether this Resolution be agreed to?

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolutions, and acquaint them that this House have agreed to the same, without any amendment.

Committee on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

Report

The Chairman also reported that the Committee had gone through

Town Officers

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; also,

Militia

A Bill, entitled, An Act to continue and amend the Acts in force respecting the Militia of the Province; also,

Comrs. of Sewers

A Bill, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers; also,

Wickwire Dyke and

A Bill, entitled, An Act to continue the Act relative to the assessment of Dyke Rates for the New or Wickwire Dyke in Horton; also,

Lunenburg Road Bills

A Bill, entitled, An Act to enable the Devises or Representatives of John Bolman, to shut up an Old Road in Lunenburg.

Without amendt.

And had agreed to the said Bills, without any amendment.

Mr.

THURSDAY, 19th MARCH, 1840.

Mr. Wilkins moved, that the Bill, entitled, An Act to continue and amend the Acts in force respecting the Militia of the Province, be re-committed for the purpose of amending the same. by adding the following Clause : Motion to re-com. mit Militia Bill

*And be it further enacted,* That the Members of the Legislative Council and the Members of the House of Assembly for the time being, shall be exempted from all musters and trainings, anything contained in the said Acts hereby continued to the contrary notwithstanding :

Which, being seconded, and the question being put, there appeared, for the motion, two ; against the motion, seven :

For the motion,  
Mr. Johnston,  
Mr. Wilkins,

Against the motion,  
Mr. Cutler, Mr. Smith,  
Mr. Lawson, Mr. Rudolf,  
Mr. McNab, Mr. Campbell,  
Mr. Morse,

So it passed in the negative.

*Ordered,* That the said Bill be read a third time, at a future day. Negatived

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

A Bill, entitled, An Act to continue, and in addition to, the Acts for the support and regulation of Light Houses ; Light Houses

A Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company. Gas Light and

A Bill, entitled, An Act to Incorporate an Hotel Company in Halifax. Hotel Company

To which Bills they desired the concurrence of this House. Bills

The said Bills were read a first time. Read 1st time

*Ordered,* That said Bills be read a second time at a future day.

The Messenger also informed the House, that the House of Assembly agreed to the amendment made by this House, to 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 Mire Grant. Message from H.A. agreeing to am. to Mire Grant Bill

The said Bill was then read as amended, and the question was put by the President, Whether this Bill, as amended, shall pass ? Bill finally agreed to and

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bill, and acquaint them therewith. Sent to H. A.

*Ordered,* That a Bill, entitled, An Act to continue, and in addition to, the Acts for the support and regulation of Light Houses, be referred to Mr. Lawson, Mr. Smith and Mr. Rudolf, to examine and report upon. Light House Bill refer. to Sel. Com.

*Ordered,* That a Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, be referred to Mr. Almon, Mr. Lawson and Mr. Wilkins, to examine and report upon. Gas Light Com. Bill ref. to Sel. Com.

A Message was brought from the House of Assembly, by Mr. Whidden, To inform the House, that the House of Assembly agreed to Message from H.A. Agreeing to

A Bill, entitled, An Act to repeal an Act, entitled, An Act respecting the exportation of Grindstones from this Province ; also, Grindstone,

A Bill, entitled, An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies, to compensate their Directors and Auditors ; also, Marine Insurance Company and

A Bill, entitled, An Act to authorise the shutting up of an old Road in the Township of Horton. Horton Road Bills

Without any amendment.

The Messenger also brought up the following Bills :

A Bill, entitled, An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof. Passengers

THURSDAY, 19th MARCH, 1840.

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| Settlement of Poor   | 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.   |
| Highways   | A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.  |
| County Rates   | 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 Acts in amendment thereof.   |
| Rates of Carriages   | A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.  |
| Supreme Court<br>Halifax   | A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.   |
| Inf. Courts C. P.  | A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.  |
| Disorderly Riding  | 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.  |
| Comrs. Court<br>Halifax  | A Bill, entitled, An Act to continue an Act relating to the Court of Commissioners at Halifax.   |
| Watch  | 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.  |
| Constable of Comrs<br>Court Halifax  | A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.   |
| Cordwood and<br>Forestalling Bills   | A Bill, entitled, An Act 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.  |
| Read 1st time  | A Bill, entitled, 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. To which Bills they desired the concurrence of this House.<br>The said Bills were read a first time.  |
| Message from H.A.<br>desiring Conf. on<br>Genl. State Prov.<br>Conf. agreed to | <i>Ordered</i> , That said Bills be read a second time, at a future day.<br>The Messenger also informed the House, that the House of Assembly desired a Conference with this House, by Committee, on the General State of the Province.<br><i>Ordered</i> , That the said Conference be agreed to, and a Message was sent to the House of Assembly by the Clerk, to acquaint them therewith. |
| Committee  | <i>Ordered</i> , That Mr. Almon, Mr. Campbell, and Mr. Rudolf, be a Committee of this House to manage the said Conference.   |
| Report   | And the Managers went to the Conference, and being returned, Mr. Almon reported that the Committee had held the said Conference, and stated that he had received the following Communication from the Chairman of the Committee of the House of Assembly.  |

*In the House of Assembly, 19th March, 1840.*

*Resolved*, That a Conference be requested, by Committee, with a Committee of the Legislative Council, on the General 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.

On motion, *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 relative 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.

*Resolved*, That Mr. Smith, Mr. Rudolf, and Mr. Campbell, be a Committee for that purpose.

*Resolved*,

THURSDAY, and FRIDAY, 19th and 20th MARCH, 1840.

*Resolved*, That a Conference be desired with the House of Assembly, by Committee, Conf. on General State Prov. moved 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 Committee of the House of Assembly.

*Ordered*, That Mr. Smith, Mr. Rudolf, and Mr. Campbell, be a Committee of this House Committee ] to manage the said Conference.

On motion made and seconded—the House adjourned until To-morrow, at one o'clock. Adjourn

Friday 20th March, 1840.

The House met pursuant to adjournment.

P R E S E N T —

The Honorable S. B. Robie, President.

The Honorable Peter McNab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf.

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The Honorable Lewis M. Wilkins, jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

A Message was sent to the House of Assembly, by the Clerk,

To desire a Conference with that House, by Committee, on the General State of the Province. Message to H. A. to ask Conference

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; also, Town Officers

A Bill, entitled, An Act to continue and amend the Acts in force respecting the Militia of the Province; also, Militia

A Bill, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers; also, Comrs. of Sewers

A Bill, entitled, An Act to continue the Act relative to the Assessment of Dyke Rates for the new or Wickwire Dyke in Horton; also, Wickwire Dyke &

A Bill, entitled, An Act to enable the Devises or Representatives of John Bolman, to shut up an Old Road in Lunenburg, Lunenburg Road Bills

Were read a third time, and the question was put by the President on each Bill, Read 3d time

Whether this Bill shall pass? Agreed to and

It was resolved in the affirmative. Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.

A Bill, entitled, An Act to Incorporate an Hotel Company in Halifax; also, Hotel Company

A Bill, entitled, An Act to continue the Act relating to Passengers from Great-Britain and Ireland, and the Acts in amendment thereof; also, Passengers

A Bill, An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province; also, Settlement of Poor

A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges; also, Highways

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 Acts in amendment thereof. County Rates

also, Rates of Carriages

A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages; also, Supreme Court Halifax

A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax; also, A

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| Inf. Courts C. P.  | A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province; also,  |
| Disorderly Riding  | 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; also, |
| Comrs. Court Halifax   | A Bill, entitled, An Act to continue an Act relating to the Court of Commissioners at Halifax; also,   |
| Watch  | 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; also,  |
| Constable of Comrs Court Halifax and                           | A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax; also,   |
| Cordwood Bills   | A Bill, entitled, An Act 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,  |
| Read 2nd time  | Were read a second time.<br><i>Ordered</i> , That the said Bills be committed to a Committee of the whole House, at a future day.  |
| Message from H.A. agreeing to am. to Dalhousie Bill            | A Message was brought from the House of Assembly, by Mr. Whidden,<br>To inform the House that the House of Assembly agreed to the amendments proposed by this House to a Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College.     |
| Not agreeing to am. to delay of causes after issue joined Bill | Also, to inform the House that the House of Assembly did not agree to the amendments proposed by this House, to a Bill, entitled, An Act to prevent inconveniences arising from delay of Causes after Issue joined.  |
| Agreeing to Will Bill with amend.                              | Also, to inform the House that the House of Assembly agreed to a Bill, entitled, An Act concerning Wills, with amendments—to which amendments they desired the concurrence of this House.  |
| Agreeing to Conf.  | Also, to inform the House that the House of Assembly agreed to the Conference desired by this House, on the General State of the Province.   |
| Report   | And the Managers went to the Conference, and being returned, Mr. Smith reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.                                      |
|  | A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:  |
| Highways Dartmouth   | 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.   |
| Polls at Elections   | A Bill, entitled, An Act for establishing the times and places of holding the Poll at Elections of Representatives.  |
| Circuits of Supreme Court                                      | 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 Acts in amendment thereof.   |
| Gaspereaux Fishery Horton                                      | A Bill, entitled, An Act to regulate the Gaspereaux and Salmon Fishery in Horton.  |
| Firewards and  | A Bill, entitled, An Act to continue the Act to repeal the Act respecting Fire Wards and Fires in Halifax, and to substitute other provisions in lieu thereof and additional thereto.  |
| Bridewell Bills  | A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax.  |
| Read 1st time  | To which Bills they desired the concurrence of this House.<br>The said Bills were read a first time.<br><i>Ordered</i> , That the said Bills be read a second time, at a future day.   |
| Forestalling Bill<br>Read 2d time and                          | A Bill, entitled, An Act to continue the Act to suspend the operation of the several Acts of the General Assembly passed to prevent Forestalling, Regrating and Monopolizing,—was read a second time.  |
| Deferred 3 months  | On motion, <i>resolved</i> , that the further consideration of the said Bill be deferred to this day three months.   |

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| Mr. Lawson, the Chairman of the Committee to whom a Bill, entitled, An Act to continue and in addition to, the Acts for the support and regulation of Light Houses was referred, reported that the Committee had examined the said Bill and suggested an amendment thereto, and recommended it should be committed to a Committee of the whole House. | Com. on Light House Bill Report                                |
| Whereupon, the said Bill was read a second time.  | Bill read 2d time &  |
| Ordered, That the said Bill be committed to a Committee of the whole House, at a future day.  | Ordered to Com.  |
| A Bill, entitled, An Act to appoint a new Board of Governors for Dalhousie College, was read as amended, and the question was put by the President,<br>Whether this Bill, as amended, shall pass?<br>It was resolved in the affirmative.  | Dalhousie College Bill<br>finally Agreed to &<br>Sent to H. A. |
| A Message was sent to the House of Assembly, by the Clerk,<br>To return the said Bill, and acquaint them therewith.   |  |
| On motion made and seconded, the House adjourned until to-morrow, at one o'clock.   | Adjourn.   |

Saturday, 21st March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,  
James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,

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The Honorable Lewis M. Wilkins, Jr.  
James S. Morse,  
Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.

PRAYERS.

The Minutes of yesterday were read.

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| 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; also,   | Highways Dartmouth          |
| A Bill entitled, An Act to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives; also,   | Polls at Elections          |
| 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 Acts in amendment thereof; also, | Circuits of Inferior Courts |
| A Bill, entitled, An Act to regulate the Gaspereaux and Salmon Fishery in Horton; also,  | Gaspereaux Fishery Horton   |
| A Bill, entitled, An Act to continue the Act to repeal the Act respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof and additional thereto; also,                         | Firewards and               |
| A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax,  | Bridewell Bills             |
| Were read a second time.   | Read 2d time and            |
| Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.  | Ordered to Com.             |

Mr. Almon moved the following Resolution:

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|---|---|
| Resolved, That the House of Assembly having refused to provide for the Delegation that was selected by His Excellency the Lieutenant-Governor of Members from this House to proceed to England to confer with Her Majesty's Ministers on the affairs of this Province, this House cannot, consistently with the respect which it owes itself and the character it ought to preserve, agree to the Resolution passed by the House of Assembly to pay the Delegates from that Body: which, being seconded, Mr. Smith moved the following amendment. | Resolutions not to agree to vote for Delegates of H. A.<br>Amend. moved |
|---|---|

Leave

SATURDAY, 21st MARCH, 1840.

Leave out all the words of the Resolution except the word "Resolved," and substitute in lieu thereof, "that the Resolution sent to this House from the House of Assembly for granting One Thousand Pounds to their Delegates to England, be agreed to:" which, being seconded, and the question being put, there appeared, for the amendment, three ; against the amendment, seven :

For the amendment,  
Mr. Smith,  
Rudolf,  
Campbell.

Against the amendment,  
Mr. M'Nab, Mr. Almon,  
Cutler, Wilkins,  
Johnston, Lawson.  
Morse,

Negatived

Original Resolution  
agreed to

So it passed in the negative.

The original motion was then put, and agreed to.

*Resolved*, That the Resolution for granting the sum of One Thousand Pounds to Herbert Huntington and William Young, Esquires, Delegates from the House of Assembly to England, be not agreed to.

*Resolved*, That the Resolution for granting the sum of One Thousand Pounds 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.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills and Resolution.

A Bill, entitled, An Act to vacate the Seats of Members in certain cases.

A Bill, entitled, An Act to Incorporate a Company, to be called the St. Peter's Canal Company.

*Resolved*, That the Sum of Two Hundred Pounds Thirteen Shillings and Sixpence, be granted and paid to Messrs. John Howe & Son in full of their account for last year, in addition to their salary of Three Hundred and Fifty Pounds.

To which Bills and Resolution they desired the concurrence of this House.

The said Bills and Resolution were read a first time.

*Ordered*, That the said Bills and Resolution be read a second time at a future day.

Read 1st time

Leave of absence to  
Mr. Smith

On motion, *ordered*, that Mr. Smith have leave of absence, from Monday next, to return home on urgent private business.

Com. on Bills

On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Report

The Chairman also reported that the Committee had gone through

Hotel Company

A Bill, entitled, An Act to Incorporate an Hotel Company in Halifax ; also,

Passengers

A Bill, entitled, An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof ; also,

Settlement of Poor

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 ; also,

Highways

A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges ; also,

County Rates

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 ; also,

Rates of Carriages

A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages ; also,

Sup. Court Halifax

A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax ; also,

- A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province; also, Inf. Courts C. P.
- 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; also, Disorderly Riding
- A Bill, entitled, An Act to continue an Act relating to the Court of Commissioners at Halifax; also, Comrs. Court, Halifax
- 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; also, Watch
- A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax; also, Fees of Constables of Comrs. Court
- A Bill, entitled, An Act to continue the Act to suspend the operation of the Act to prevent the Forestalling, Regrating and Monopolising of Cord Wood, in the Town of Halifax. And had agreed to the said Bills, without any amendment. Forestalling Cord-wood Bills without am.
- Ordered*, That the said Bills be read a third time, at a future day. Report Light House Bill with amendts.
- The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to continue and in addition to the Acts for the support and regulation of Light Houses, and had made several amendments thereto. Amendts. agreed to
- Which amendments being read twice by the Clerk, were agreed to by the House.
- Ordered*, That the said Bill be read a third time, at a future day. Address on Deck Load law reported

Mr. Smith, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly, to prepare a humble Address to Her Majesty, on 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 that the Joint Committee had prepared an Address, which he read in his place; and afterwards delivered it to the Clerk, who read the same, 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

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

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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 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.

*Ordered,* That the said Address be received and adopted.

A Message was brought from the House of Assembly, by Mr. Whidden.

To inform the House that the House of Assembly desired a further Conference with this House, by Committee, on the subject of the last Conference.

*Ordered,* That the said Conference be agreed to, and that a Message was sent to the House of Assembly by the Clerk, to acquaint them therewith.

*Ordered,* That the Committee who managed the last Conference do manage the present Conference.

And the Managers went to the Conference, and being returned, Mr. Smith reported that the Committee had held the said Conference, and that the Chairman of the Committee of the House of Assembly had communicated to him the following Resolution :

*In the House of Assembly, 21st March, 1840.*

*Resolved,* That a further Conference be desired with the Council on the subject of the last Conference, and that thereupon the Committee of the 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 that he would transmit the said Address to be laid at the Foot of the Throne, with his favourable recommendation of the prayer thereof.

On motion, *resolved,* that a Committee of this House be appointed to join a Committee of the House of Assembly to prepare and report to this House, an Address to His Excellency the Lieutenant-Governor, praying His Excellency to forward the Address to Her Majesty, reported by the Joint Committee, to be laid at the Foot of the Throne, with his favorable recommendation of the prayer thereof.

*Ordered,* That the Committee who prepared the Address to Her Majesty, be a Committee to prepare such Address to His Excellency.

Further conference  
asked by H. A.

Agreed to

Committee  
Report

Address to H. E.  
ordered

Com. to prepare  
address

On

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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.

Further conference  
with H. A.

A Message was sent to House of Assembly, by the Clerk,  
To desire the said Conference.

Message to H. A.  
Asking Conference

A Message was brought from the House of Assembly, by Mr. Whidden,  
To inform the House, that the House of Assembly agreed to the Conference desired by this House.

Agreed to

*Ordered*, That the Committee who managed the last Conference do manage the present Conference,

Committee

And the Managers went to the Conference, and being returned, Mr. Smith reported that the Committee had held the said Conference, and that he had communicated his instruction to the Committee of the House of Assembly.

Report

On motion of Mr. Johnston, *resolved*, that the questions connected with the School Lands in Nova-Scotia, are so deeply interesting to a large portion of the Inhabitants of this Province, and their satisfactory settlement is of such importance to the harmony of the Country, that among the objects which have animated the Legislative Council in its efforts on this subject, the removal of a fruitful source of Religious dissension and contest, has held a chief place.

Resolutions rel. to  
School Lands

*Resolved*, That while on the one hand, the Society for Propagating the Gospel in Foreign parts, founds its claim on the alleged grounds—that the Lands were originally allotted for the use of Schools in connexion with the Church of England—that as far as they were improved they were brought into cultivation by Funds of the Society; and that from general services asserted to have been rendered to the cause of Religion and Education in this Province, by the Society,—the Church of England has acquired a preferable claim—on the other hand a large proportion of the People of Nova-Scotia, with a conviction of truth, as sincere as animates their opponents, deny these claims, not only as being inconsistent with general principles and legal rights, but as being unfounded in point of equity and good conscience. The assertions of original allotment in favor of the Church, are disputed from the evidence of the Records themselves, and also, from the circumstances attending the settlement of the Country and the characters of the Settlers, the allegations that the cultivated Lands were generally, if at all, brought into improvement, at the expense of the Society, are controverted at the threshold on the point of fact, and the claims for a preferable consideration, on the ground of general exertions in the cause of Religion and Education, are met by the assertion, that, had these been far greater than they are believed to have been, they would be balanced by the labours of Dissenting Ministers, who, in the early history of the Country, through privations and difficulties, that required both a fervent zeal and great powers of physical endurance to overcome, carried to the Homes of the secluded Settlers in the Forest, the light and consolations of Religious truth, which would not have reached them through other instrumentality, and that the unequalled exertions and pecuniary sacrifices made in later times, in the cause of Education in this Province, by Dissenters, give them a title to at least an equal measure of consideration with the Church of England.

*Resolved*, That this House confidently trusts that the desire to do equal justice to all classes of the Community, manifested in the Despatch and Correspondence on this subject, transmitted by the Right Honorable Secretary of State for the Colonies, will induce Her Majesty's Ministers (notwithstanding the recognition held out in the Despatch dated the

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23d September, 1839, of a supposed preferable equitable right, existing in the Society for the Propagation of the Gospel, to the cultivated portion of the Lands in question) to leave the question of such supposed right still open for consideration, seeing that the grounds on which that view of the subject must necessarily have been adopted, are controverted by a portion of the Population, and have never yet been subjected to an accurate investigation.

*Resolved*, That this House offers no objection to an investigation, by competent and impartial persons under a Commissioner, as suggested in that Despatch by His Lordship, provided it shall embrace the whole subject matter, and afford the means of ascertaining and conveying to Her Majesty's Government full and impartial information, on the respective claims and controversies, from their origin to the present time, in all their bearings. But this House is convinced, that any enquiry, the basis of which shall be the surrender to the Society or the Church of England, of the cultivated Lands, will be unproductive of the benefits contemplated, and will leave the subject to be the occasion of increased dissatisfaction and more embittered contest.

*Resolved*, That this House has been happy to learn that His Excellency the Lieutenant-Governor has been pleased to nominate as Commissioners on this subject, James B. Uniacke and Joseph Howe, Esquires, from the House of Assembly; and the Honourable Lewis M. Wilkins and the Honourable James W. Johnston, from the Legislative Council; who, from having in their respective places in each House, advocated the opposite sides of the question, are qualified to conduct a full and rigorous enquiry into the facts of the case, provided their authority shall be unrestricted as to the subject matter and the questions bearing thereon.

*Resolved*, That a humble Address be presented to Her Majesty, conveying these Resolutions and the views of the House on the subject, and praying Her Majesty's gracious consideration of the same.

### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

*May it please your Majesty:*

The Legislative Council of Nova-Scotia approach your Majesty with expressions of profound respect.

The Legislative Council have passed the Resolutions on the subject of the School Lands in Nova-Scotia, which are subjoined to this Address, to which they humbly beg your Majesty's gracious consideration.

The Legislative Council having reference to those Resolutions and to a Despatch of the Right Honorable the Secretary of State for the Colonies, dated the 23d September, 1839, on the same subject, respectfully assure your Majesty that this House desires not to shrink from the fullest investigation of the questions involved in the controversy. But the Legislative Council earnestly solicits your Majesty that such investigation may be made without any restriction, by the Commissioners appointed by His Excellency the Lieutenant-Governor, as mentioned in the Resolutions, or other competent and impartial Board, to the end that it may be ascertained and made known to your Majesty, whether or not, the cultivated portions of those Lands were originally improved at the expense of the Society for propagating the Gospel, and that all other facts bearing on the original allotment and subsequent history of these Lands, may be likewise investigated and reported. And, that after your Majesty shall have ascertained the facts of the case, in such manner as shall leave no room for dissatisfaction, the harrassing questions which arise on this subject may be finally decided.

And the Legislative Council most humbly pray that your Majesty would be graciously pleased to express your Royal Pleasure, that the recognition of the claims of the Society, to the cultivated portion of those Lands, as intimated in the Despatch referred to, should be withdrawn, that until the facts are examined and known, no determination in favour of these claims, to any extent, may be made.

Otherwise, the Legislative Council apprehend that the Lands which were improved by the

Address to Her Majesty  
rel. to School  
Lands

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the People themselves, and never received any improvement at the expense of the Society, and Lands which at this hour are not under their control or management, but are under the care of Trustees for the general use of Schools, may be transferred to the Society, contrary to what the Legislative Council believes to be the understanding and intention of your Majesty's Ministers on the subject as expressed in, or apparent from, the said Despatch, and to the great dissatisfaction of very many of your Majesty's Loyal Subjects.

The Legislative Council feels authorized to assure your Majesty, that it is not the disposition of any part of your Majesty's Loyal Subjects to oppose claims which after full enquiry should be established on a basis of Justice and Good Conscience, but that the use of these Lands is sought for the general benefit of Education, without preference to any one class, by a large proportion of the People of the Province, on the conviction that the claim is founded in correct principles, violates no just pretensions, and is consistent with Equity and Truth.

And the Legislative Council, under a sense of the importance of preserving the Province from occasions of Religious discord, has passed this Address and the accompanying Resolutions unanimously, in the hope and belief that, a full and impartial investigation, if made on principles of perfect equality, may lead to that desirable end.

*Resolved*, That a copy of these Resolutions be furnished to His Excellency the Lieutenant-Governor, and that an Address be presented to His Excellency, praying that he will be pleased to forward the Address of this House to Her Majesty, to the Right Honorable the Principal Secretary of State for the Colonies, to be laid at the Foot of the Throne.

Resolution for Address to H. E.

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please Your Excellency ;*

The Legislative Council have passed certain Resolutions on the subject of the School Lands in Nova-Scotia, of which a copy accompanies this Address, and to which they respectfully beg your Excellency's favorable consideration.

Address

The Legislative Council have also passed a humble Address to Her Majesty, on the same subject, to which is likewise annexed a copy of the same Resolutions, which the Council humbly request your Excellency to forward to Her Majesty through the Right Honorable the Secretary of State for the Colonies, with your Excellency's favorable recommendation.

*Ordered*, That Mr. Johnston, Mr. Campbell and Mr. Lawson, be a Committee to present the said Addresses and Resolutions to His Excellency.

Com. to prepare Address

On motion, made and seconded, the House adjourned until to-morrow, at 12 o'clock.

MONDAY, 23d MARCH, 1840.

Monday, 23rd March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable James W. Johnston,  
William Lawson,  
George Smith,  
William Rudolf,  
Lewis M. Wilkins, Jr.  
James S. Morse,

Division

The Honorable Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.  
J. Leander Starr,  
Michael Tobin, Jr.

PRAYERS.

The Minutes of Saturday were read.

Message com. ap-  
pointment of New  
Members

Mr. Johnston, by His Excellency's command, laid before the House, the following extract of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency, dated Downing Street, 29th January, 1840.

Jas. Boud, Esq.  
M. G. Black, Esq.  
J. L. Starr, Esq.  
M. Tobin, jnr. Esq.  
P. D. Carteret, Esq.  
D. McFarlane, Esq.

"The Queen having been pleased to appoint the Gentlemen whose names are stated in the margin, to be Members of the Legislative Council, in the Colony under your Government, I have the honor herewith to transmit to you Six Warrants, under the Royal Sign Manual, for carrying these appointments into effect."

The said extracts were read and ordered to lie on the Table.

Message com. Des-  
patch rel. to pay-  
ment of Duties

Mr. Johnston, by His Excellency's command, laid before the House, the following copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies.

Downing Street, 28th January, 1840.

No. 30.

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 the 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 Sixty-four Shillings each, or in Dollars at the rate of Four Shillings and Twopence each, instead of the rates at which they are now received.

I have the honor to be, &c.

J. RUSSELL.

Lieut. General Sir COLIN CAMPBELL, K. C. B.

Treasury Chambers, 23rd 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, in behalf of the House of Assembly, of Nova-Scotia, to direct that the duties levied by the Officers of the 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 Sixty-four Shillings each, or Dollars at the rate of Four Shillings and Twopence each, in place of the respective rates of Sixty-six Shillings each, and Four Shillings and Sixpence Sterling, at which these 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

23d Jany. 1840.

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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 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 Customs 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 apprized 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.

R. GORDON.

JAMES STEPHEN, Esquire.

The said Despatches were read and ordered to lie on the Table.

John Leander Starr, Esquire, was introduced by Mr. Wilkins and Mr. Almon, and having presented his Mandamus—the same was read: whereupon, Mr. Starr took the Oaths, and also took and subscribed the Oath of Abjuration, pursuant to the Statutes, and after giving and receiving salutations to and from the Members present, his seat was assigned to him next to Mr. Almon. Mr. Starr introduced, and takes oaths

Michael Tobin, Junior, Esquire, was introduced by Mr. Wilkins and Mr. Almon, and having presented his Mandamus—the same was read: whereupon, Mr. Tobin took the Oath appointed to be taken by the Act of the tenth year of the Reign of His late Majesty King George the Fourth, by persons professing the Roman Catholic Religion, and after giving and receiving salutations to and from the Members present, his seat was assigned to him next to Mr. Starr. Mr. Tobin introduced and takes oaths

The Honorable Sir Rupert D. George, Baronet, the Secretary of the Province, informed the House that he was commanded by His Excellency the Lieutenant-Governor to lay before the House the following Written Message signed by His Excellency. Message from H.E. communicating Her Majesty's Marriage

### M E S S A G E .

(Signed.) C. CAMPBELL.

The Lieutenant-Governor has the highest gratification in announcing to the Legislative Council the Marriage of Her Most Gracious Majesty the Queen, with the Prince Albert of Saxe Cobourg and Gotha, and is confident that the Council will cordially participate in the joy which that auspicious event has diffused throughout the United Kingdom. Message

Government-House, 23rd March, 1840.

The said Message was read; and thereupon, on motion of Mr. Johnston, *Resolved*, That a humble Address be presented to Her Majesty, congratulating Her Majesty upon Her Marriage. Address to H. M. ordered

*Ordered*, That Mr. Johnston, Mr. Wilkins, Mr. Tobin, Mr. Almon and Mr. Starr, be a Committee to prepare the said Address. Com. to prepare Address

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolution. Whereas,

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£19 charge of ap-  
propriation for oat-  
mill in Guysbo-  
rough

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 undrawn; *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 of Guysborough.

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time.

*Ordered*, That the said Resolution be read a second time, at a future day.

Conference on gen-  
state of the Pro-  
vince

The Messenger also informed the House, that the House of Assembly desired a Conference with the House, by Committee, on the General State of the Province.

Agreed to

*Ordered*, That the said Conference be agreed to, and a Message was sent to the House of Assembly, by the Clerk, to acquaint them therewith.

Committee

*Ordered*, That Mr. Johnston, Mr. Campbell and Mr. Rudolf, be a Committee of this House, to manage the said Conference.

Hotel Company

A Bill, entitled, An Act to Incorporate an Hotel Company in Halifax; also,

Passengers

A Bill, entitled, An Act to continue the Act relating to Passengers from Great Britain and Ireland, and the Acts in amendment thereof; also,

Settlement of Poor

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; also,

Highways

A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges; also,

County Rates

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; also,

Rates of Carriage

A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages; also,

Sup. Court Halifax

A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax; also,

Inf. Courts C. P.

A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province; also,

disorderly riding

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; also,

Comrs. Court Hx.

A Bill, entitled, An Act to continue An Act relating to the Court of Commissioners at Halifax; also,

Watch

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; also,

Fees of Constables  
Comrs. of Court

A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax; also,

Forestalling Cord  
wood Bills

A Bill, entitled, An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing of Cordwood in the Town of Halifax;

Read 3d time

Were read a third time, and the question was put by the President on each Bill,

Whether this Bill shall pass?

Agreed to &

It was resolved in the affirmative.

sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.

Seats of Members

A Bill, entitled, An Act to vacate the seats of Members in certain cases; also,

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A Bill, entitled, An Act to Incorporate a Company to be called the St. Peter's Canal Company, were read a second time.

*Ordered*, That the said Bills be committed to a Committee of the whole House, at a future day.

St. Peter's Canal Bills

Read 2d time &amp; ordered to Com.

Mr. Johnston, the Chairman of the Committee of this House appointed to hold a Conference with a Committee of the House of Assembly on the General State of the Province, reported that the Committee had held the said Conference, and that the Chairman of the Committee of the House of Assembly had communicated the following Resolutions to the Committee of this House.

Com. of Conference report

*In the House of Assembly, 21st of March, 1840.*

*Resolved*, That a Conference be desired by Committee, on the General State of the Province.

*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.

*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.

Resolution to join H. A. in Address for Drawback on Wheat flour

*Ordered*, That Mr. Johnston, Mr. Campbell and Mr. Rudolf, be a Committee of this House to join a Committee of the House of Assembly to prepare the said Address.

Com. to prepare Address

*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.

Further Conference

The Resolution for granting the sum of £200 13s 6d to J. Howe and Son, was read a second time, and the question was put by the President,

Money Vote Read 2d time

Whether this Resolution be agreed to?

It was resolved in the affirmative.

Agreed to and sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolution, and acquaint them that this House have agreed to the same, without any amendment.

Mr. Almon, the Chairman of the Committee to whom a Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company was referred—reported, that the Committee had performed their duty, and found that the requisites of the Standing Orders of this House had not been complied with respecting the said Bill, but recommended that, under the circumstances of the case, the said Bill should be further considered by the House;

Committee on Gas Light Bill report

Whereupon, the said Bill was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House, at a future day.

Bill read 2d time &amp; ord. to Com.

On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had gone through

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, and had made several amendments thereto.

Report Highways Dartmouth with am.

MONDAY, 23d MARCH, 1840.

- Am. agreed to Which amendments being read twice by the Clerk, were agreed to by the House,  
*Ordered*, That the said Bill be read a third time, at a future day.
- Report The Chairman also reported that the Committee had gone through  
Polls at Elections A Bill, entitled, An Act to amend the Act for establishing the times and places of hold-  
ing the Polls at Elections of Representatives ; also,  
Circuits of Sup. A Bill, entitled, An Act to continue the Act respecting the Trial of Issues in the Supreme  
Court Court, and for regulating the Times of holding the Circuits of the said Court, and the Acts  
in amendment thereof ; also,  
Gaspereaux Fische- A Bill, entitled, An Act to regulate the Gaspereaux and Salmon Fishery in Horton ;  
ry Horton also,  
Firewards & A Bill, entitled, An Act to continue the Act to repeal the Act respecting Firewards and  
Fires in Halifax, and to substitute other provisions in lieu thereof and additional thereto ;  
also,  
Bridewell Bills A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and  
without am. Police in Halifax.  
And had agreed to the same without any amendment.  
*Ordered*, That the said Bills be read a third time at a future day.
- Light House Bill A Bill, entitled, An Act to continue and in addition to, the Acts for the support and re-  
Read 3d time gulation of Light Houses, was read a third time, and the question was put by the Presi-  
dent,  
Agreed to & Whether this Bill, with the amendments, shall pass ?  
It was resolved in the affirmative.
- Sent to H. A. A Message was sent to the House of Assembly, by the Clerk,  
To return the said Bill, and acquaint them that this House have agreed to the same,  
with amendments—to which amendments their concurrence is desired.
- Amnts. to delay of a Bill, entitled, An Act to prevent inconveniences arising from delay of Causes after issue  
Causes Bill con- joined—which amendments have not been agreed to by the House of Assembly.  
sidered On motion, *resolved*, that the said amendments be adhered to.  
Amendts. adhered A Message was sent to the House of Assembly, by the Clerk,  
to Bill sent to H. A. To return the said Bill, and acquaint them that this House adhere to their amendments  
to the said Bill.
- Message from H. A. A Message was brought from the House of Assembly, by Mr. Whidden,  
agreeing to Con- To inform the House that the House of Assembly agreed to the Conference desired by  
ference this House.  
Committee *Ordered*, That the Committee who managed the last Conference do manage the present  
Conference.  
Report And the Managers went to the Conference, and being returned, Mr. Johnston reported  
that the Committee had held the said Conference, and that he had communicated his in-  
structions to the Committee of the House of Assembly.
- Adjourn On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Tuesday,

Tuesday, 24th March, 1840.

The House met pursuant to adjournment.

P R E S E N T —

|                            |   |                               |
|----------------------------|---|-------------------------------|
| The Honorable Peter McNab, | S<br>P<br>E<br>E<br>C<br>H<br>E<br>R<br>S | The Honorable James S. Morse, |
| James W. Johnston,         |   | Robert M. Cutler,             |
| William Lawson,            |   | Alexander Campbell,           |
| George Smith,              |   | William B. Almon.             |
| William Rudolf,            |   | J. Leander Starr,             |
| Lewis M. Wilkins, jr.      |   | Michael Tobin, jr.            |

PRAYERS.

The Minutes of yesterday were read.

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, Highways Dartmouth Bill

Was read a third time, and the question was put by the President, Read 3d time

Whether this Bill with the amendments, shall pass? Agreed to

It was resolved in the affirmative. Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bill, and acquaint them that this House have agreed to the said Bill, with amendments—to which amendments their concurrence is desired.

A Bill, entitled, An Act to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives; also, Polls at Elections

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 Acts in amendment thereof; also, Circuits of Supreme Court

A Bill, entitled, An Act to regulate the Gaspereaux and Salmon Fishery at Horton; also, Gaspereaux Fishery Horton

A Bill, entitled, An Act to continue the Act to repeal the Act respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof and additional thereto; also, Firewards &

A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax, were read a third time and the question was put by the President on each Bill, Bridewell Bills read 3d time

Whether this Bill shall pass?

It was resolved in the affirmative. Agreed to and sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bills, and acquaint them that this House have agreed to the same, without any amendment.

The Resolution changing the appropriation of £19 for an Oat Mill in the County of Guysborough, was read a second time, and the question was put by the President, Money vote read 2d time

Whether this Resolution be agreed to? Agreed to and sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk, To return the said Resolution, and acquaint them that this House have agreed to the same without any amendment.

The House proceeded to the consideration of the amendments made by the House of Assembly to a Bill, entitled, An Act concerning Wills: Amendments to Will Bill considered

Which amendments being read three times by the Clerk, were agreed to by the House. Agreed to

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions:

*Resolved,*

TUESDAY, 24th MARCH, 1840.

321. 14s. Commissioners Public Buildings  
*Resolved*, That the sum of Thirty-two Pounds Fourteen Shillings be granted and placed at the disposal of the Commissioners of Public Buildings to pay J. Burton's account for 1839.
601. Revenue Boat Gut of Canso  
*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 a Revenue Boat for the Collection of Light Duties and other services, at the Gut of Canso, during the present year.
101. G. R. Grassie  
*Resolved*, That the sum of Ten Pounds be granted and paid to George R. Grassie, Esquire, High Sheriff of Colchester, to reimburse him his expenses in attending a Committee of this House.
301. Revenue Boat Sydney, C. B.  
*Resolved*, That the sum of Thirty Pounds be granted and placed at the disposal of His 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.
9951. Delegates of H. A.  
*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.  
 To which Resolutions they desired the concurrence of this House.  
 The said Resolutions were read a first time.
- Read 1st time  
*Ordered*, That the four first Resolutions be read a second time, at a future day.  
 The Messenger also informed the House, that the House of Assembly agreed to the amendments proposed by this House to 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.
- Message from H. A. agreeing to amnds. to Highways Dartmouth Bill  
 Cannot consider amnds. to Light House Bill  
 The Messenger also informed the House that the House of Assembly could not consider the amendments made by this House to a Bill, entitled, An Act to continue and in addition to the Acts for the support and regulation of Light Houses, as they relate to, and alter the mode of, the collection of a Tax.
- Message from H. E. relative to expense of Delegates  
 The Hon. Sir Rupert D. George, Bart., the Secretary of the Province, informed the House, that he was commanded by His Excellency the Lieutenant-Governor, to deliver to the House the following written Message, signed by His Excellency:

## M E S S A G E.

(Signed) C. CAMPBELL.

Message

The House of Assembly having declined to provide for the expences of the recent Delegation from the Legislative Council; and the Council having, in consequence, rejected the Vote sent for their concurrence, for the payment of the expences of the Delegation from the House of Assembly, the Lieutenant-Governor acquaints the Legislative Council, 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 One Thousand Pounds Currency, to each Delegation, provided such an arrangement be consistent with the wishes of the Council and Assembly.

Government House, Halifax, 24th March, 1840.

The said Message was read, and ordered to lie on the Table.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolution:

Resolution relative to Copper Coins

*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 Five Hundred Pounds, Sterling, of the same weight and fineness as those issued from the Treasury in the year 1832.

To

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time.

Read 1st time

*Ordered*, That the said Resolution be read a second time at a future time.

The House proceeded to the consideration of the amendments made to a Bill, entitled, An Act to continue and in addition to the Acts for the support and regulation of Light Houses, which amendments the House of Assembly declined considering.

Amends. to Light House Bill considered &

On motion, *resolved*, that the said amendments be adhered to.

Adhered to

A Message was sent to the House of Assembly, by the Clerk,

Message to H. A.

To return the said Bill and amendments and acquaint them therewith.

On motion, *resolved*, that the Resolution received from the House of Assembly to day, for granting the sum of £995 to defray the expenses of the Delegation from the House of Assembly to England, be returned by the Clerk with the following Message :

Resolution relative to vote for Delegates of H. A.

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 the House, cannot again consider any vote sent to them for the same service.

Message to H. A. with vote

On motion, *resolved*, that this House concurs in the payment of One Thousand Pounds, from the Casual Revenue, to defray the expenses of the Delegates from this House, and the like sum to defray the expenses of the Delegation from the House of Assembly, as offered by the Lieutenant-Governor in his Message received this day.

Resolutions concurring in pay of Delegates from Casual Revenue

*Resolved*, That the following Address be presented to His Excellency to inform him thereof, and to thank His Excellency for the desire he has evinced to preserve that harmony between the two Houses, which this House feels to be of essential importance to the welfare of the Province.

Address to H. E. ordered

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please your Excellency :*

The Legislative Council has considered the Message which your Excellency has been pleased to send to this House, offering the payment of One Thousand Pounds, Currency, to each Delegation out of the Casual Revenue, provided such an arrangement should be consistent with the wishes of the Council and House of Assembly.

Address

This House expresses its concurrence with the mode of payment of the expenses of both Delegations thus proposed by your Excellency, and offers its thanks for the desire your Excellency has shewn, to preserve harmony between the two Houses, and to assure your Excellency that this House considers the preservation of harmony between the two Bodies, to be very important to the welfare of the Province, and this House would not be instrumental in endangering that harmony, except when constrained by a sense of duty as an independent Branch of the Legislature.

*Ordered*, That Mr. Johnston, Mr. Smith and Mr. Starr, be a Committee of this House to present the said Address to His Excellency.

Committee to present Address

By order the following Resolutions for granting Money, viz :

Money Votes

£32 14 0 Commissioners of Public Buildings.  
60 0 0 Revenue Boat Gut of Canso.  
10 0 0 G. R. Grassie.  
30 0 0 Revenue Boat Sydney, C. B.

TUESDAY, 24th MARCH, 1840.

|  |   |
|--|---|
| Read 2d time   | Also, the Resolution relative to the Copper Coin, were read a second time, and the question was put by the President, on each Resolution.   |
| Agreed to &  | Whether this Resolution be agreed to ?<br>It was resolved in the affirmative.   |
| Sent to H. A.  | A Message was sent to the House of Assembly, by the Clerk,<br>To return the said Resolutions and acquaint them that this House have agreed to the same without any amendment.   |
| Committee on Bills   | On motion the House was adjourned during pleasure, and put into a Committee on Bills —after some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.  |
| Report Seats of Members Bill without am.                                       | The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to vacate the Seats of Members in certain cases, and had agreed to the same without any amendment.<br><i>Ordered</i> , That said Bill be read a third time at a future day.   |
| Report Gas Light Bill with am.   | The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, and had made several amendments thereto.  |
| Am. agreed to  | Which amendments being read twice by the Clerk, were agreed to by the House.<br><i>Ordered</i> , That the said Bill be read a third time, at a future day.  |
| Message from H. A. asking conference on gen. state of the Province             | A Message was brought from the House of Assembly, by Mr. Whidden,<br>To inform the House that the House of Assembly desired a Conference with this House, by Committee, on the General State of the Province.   |
| Agreed to  | <i>Ordered</i> , That the said Conference be agreed to, and a Message was sent to the House of Assembly by the Clerk, to acquaint them therewith.   |
| Committee  | <i>Ordered</i> , That Mr. Johnston, Mr. Wilkins, Mr. Tobin, Mr. Almon and Mr. Starr, be a Committee of this House to manage the said Conference.  |
| Report   | And the Managers went to the Conference, and being returned, Mr. Johnston reported the Committee had held the said Conference, and that the Chairman of the Committee of the House of Assembly had communicated to him the following Resolutions.   |
|  | <i>In the House of Assembly, 24th March, 1840.</i>  |
|  | <i>Resolved</i> , That a Conference be desired with the Council by Committee, on the General State of the Province.   |
|  | <i>Resolved</i> , That at such Conference the Committee of this House do request the Council to 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.                              |
| Resolution to join H. A. in Address of Congratulation to Her Majesty Committee | On motion, <i>resolved</i> , that this House will join the House of Assembly in an Address congratulating Her Majesty upon the auspicious event of Her Marriage.<br><i>Ordered</i> , 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. |
| Further conference asked by Com.   | <i>Resolved</i> , 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.  |
| Agreed to  | A Message was brought from the House of Assembly, by Mr. Whidden.<br>To inform the House that the House of Assembly agreed to the Conference desired by this House.   |
| Committee  | <i>Ordered</i> , That the Committee who managed the last Conference do manage the present Conference.   |
| Report   | And the Managers went to the Conference, and being returned, Mr. Johnston reported that   |

that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.

On motion made and seconded, the House adjourned until to-morrow, at one o'clock.

Adjourn

Wednesday, 25th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab  
 Norman F. Uniacke  
 James W. Johnston,  
 William Lawson,  
 William Rudolf,  
 Lewis M. Wilkins, Jr.

§  
§  
§  
§  
§  
§

The Honorable James S. Morse,  
 Robert M. Cutler,  
 Alexander Campbell,  
 William B. Almon.  
 J. Leander Starr,  
 Michael Tobin, Jr.

PRAYERS.

The Minutes of Yesterday were read.

A Bill, entitled, An Act to vacate the seats of Members in certain cases, was read a third time, and the question was put by the President,

Whether this Bill shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the same without any amendment.

Seats of Members  
 Bill  
 Read 3d time

Agreed to &  
 Sent to H. A.

A Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, was read a third time, and the question was put by the President,

Whether this Bill, with the amendments, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill and acquaint them, that this House have agreed to the same, with amendments—to which amendments their concurrence is desired.

Gas Light Bill read  
 3d time

Agreed to &  
 Sent to H. A.

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—was read as amended, and the question was put by the President,

Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them therewith.

Highways Dart-  
 mouth Bill finally  
 agreed to &

Sent to H. A.

Mr. Johnston, the Chairman of the Committee, appointed to present the Address of thanks to His Excellency, in answer to His Excellency's Message, offering to pay the expenses of the Delegation to England, of Members of this House and of the House of Assembly, out of the Casual Revenue, reported, that the Committee had performed that duty, and that His Excellency had been pleased to receive the the said Address.

Committee to pre-  
 pare Address to  
 H. E. on Message  
 rel. to Delegates  
 Report

Mr. Johnston presented 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.

Cemetery Bill pre-  
 sented and read 1st  
 time

The same was read a first time.

Ordered, That the said Bill be read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on Bills—After some time, the House was resumed, and Mr. McNab reported, that the Committee had made some progress.

Com. on Bills

Report St. Peter's  
Canal Co. Bill  
without am.

The Chairman also reported, that the Committee had gone through a Bill, entitled, An Act to Incorporate a Company to be called the St. Peter's Canal Company—and had agreed to the same, without any amendment.

*Ordered*, That the said Bill be read a third time, at a future day.

Standing Order dis-  
pensed with  
Bill Read 3d time

*Ordered unanimously*, That the Standing Order, No. 72, relative to Bills not being read or proceeded twice in the same day, be dispensed with on the said Bill.

Whereupon, the said Bill was read a third time, and the question was put by the President,

Whether this Bill shall pass?

It was resolved in the affirmative.

Agreed to &  
Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill and acquaint them that this House have agreed to the same, without any amendment.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolutions:

Resolution autho-  
rizing Drawback  
on Chocolate

*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.

Change of terms of  
appropriation of  
£1,500 on Road  
from Sackville to  
Scott's

*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 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 authorized to expend the sum of One Thousand Five Hundred Pounds granted last Session in completing the said Road.

Resolution rel. to  
School Money for  
Parrsborough

Whereas, the Bill having passed the 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 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 authorized and required, from and out of the Monies allotted for 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 the 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.

To which Resolutions they desired the concurrence of this House.

Read 1st time

The said Resolutions were read a first time.

*Ordered*, That the said Resolutions be read a second time.

Message from H.  
A. rel. to am. to  
Light Bill

The Messenger also informed the House, that the House of Assembly agreed to the first and last amendment made by this House to a Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company; but did not agree to the other amendments made by this House to the said Bill.

Message from H.  
A. asking confer-  
ence on Genl. state  
of Province

The Messenger also informed the House, that the House of Assembly desired a Conference with this House by Committee on the General State of the Province.

*Resolved*,

*Resolved*, That the said Conference be agreed to, and a Message was sent to the House of Assembly, by the Clerk, to acquaint them therewith. Agreed to

*Ordered*, That Mr. Cutler, Mr. Starr and Mr. Tobin, be a Committee of this House to manage the said Conference. Committee

By order, the following Resolutions, viz :

The Resolution for granting a Drawback on Chocolate exported. Resolutions

The Resolution changing the terms of the Appropriation of £1500, for the Road from Sackville to Scott's; and

The Resolution relative to the School Money for Parrsborough, Were read a second time, and the question was put by the President on each Resolution, Read 2nd time

Whether this Resolution be agreed to ?

Agreed to and

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk.

Sent to H. A.

To return the said Resolutions, and acquaint them that this House have agreed to the same, without any amendment.

The House proceeded to the consideration of the amendments made to a Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, which have not been agreed to by the House of Assembly, when the same were read; Amendments to Gas Light Bill considered and

Whereupon, it was moved, that the said amendments be not adhered to : which, being seconded, and the question being put, there appeared, for the motion, six ; against the motion, three. Not adhered to

For the motion,

Against the motion.

Mr. Cutler,      Mr. Uniacke,  
Tobin,            Rudolf,  
Starr,            Campbell,

Mr. Almon,  
Johnston,  
Lawson.

So it passed in the affirmative.

Dissentient.—Because, by the Royal Instructions, nothing is to be introduced into a Bill, foreign from the title, whereas this Bill purporting by the title to be a private Bill, contains a clause authorizing the imposition of a tax. Protest

Because, the said Bill being a private Act contains a clause inconsistent with the title, and having no necessary connection with it; the seventh section authorizing a Tax to be imposed upon the Inhabitants of the Town, for the purpose of adding to the profits of the said Company—that this Tax must necessarily be increased in the same proportion that the affairs of the Company may be rendered unproductive through mismanagement or otherwise.

Because, the Bill contains no sufficient provisions for an equitable mode of apportioning the Tax, neither does it contain any enactment or provision to prevent the persons who are appointed by the said Bill to ascertain and fix the amount of the Tax, and to assess the same, from being Members of the said Company, and thus the President and Directors thereof may be the Justices who are to ascertain and fix the said Rates, which is contrary to justice and the known Rules of Law, and may lead to very injurious consequences.

Because, the said Bill contains no provision for altering or amending the said clause, and thus the continuance of an unusual Tax, which may be burthensome and oppressive, may be claimed as a chartered Right by the said Company.

S. B. ROBIE,  
WILLIAM B. ALMON,  
J. W. JOHNSTON,  
WILLIAM LAWSON.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bill and amendments, and acquaint them that this House do not adhere to such of their amendments to the said Bill as have not been agreed to by the House of Assembly. Message to H. A. with Bill

*Ordered, unanimously*, that the Standing Order No. 72, relative to Bills not being read or proceeded in twice the same day, be dispensed with. Standing Order dispensed with

WEDNESDAY and THURSDAY, 25th and 26th MARCH, 1840.

- Cemetery Bill read 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;
- 2nd time and Whereupon, the said Bill was read a second time.
- Ordered to Com. *Ordered*, That the said Bill be committed to a Committee of the whole House presently. The House was adjourned, during pleasure, and put into a Committee on the said Bill. After some time the House was resumed, and Mr. Rudolf reported that the Committee had gone through the said Bill, and agreed to the same, without any amendment.
- Com. report Bill without amdt. *Ordered*, That the said Bill be engrossed, and read a third time, at a future day.
- Message to H. A. agreeing to amen. to Will Bill A Message was sent to the House of Assembly, by the Clerk, To carry down a Bill, entitled, An Act concerning Wills, and to acquaint them that this House have agreed to their amendments to the said Bill.
- Adjourn. On motion made and seconded—the House adjourned until To-morrow, at one o'clock.

Thursday, 26th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

|                            |                       |                               |
|----------------------------|-----------------------|-------------------------------|
| The Honorable Peter M'Nab, | §<br>§<br>§<br>§<br>§ | The Honorable James S. Morse, |
| Norman F. Uniacke,         |                       | Alexander Campbell,           |
| James W. Johnston,         |                       | William B. Almon,             |
| William Lawson,            |                       | J. Leander Starr,             |
| William Rudolf,            |                       | Michael Tobin, Jr.            |
| Lewis M. Wilkins, Jr.      |                       |                               |

PRAYERS.

Cemetery Bill

The Minutes of yesterday were read.

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,

Read 3rd time  
Motion to re-commit Bill agreed to

Was read a third time.

Whereupon, Mr. Johnston moved that the said Bill be re-committed to a Committee of the whole House, for the purpose of being amended—which was agreed to.

Com. of Conf. on Genl. State Prov. relative to Deck Load Law report

Mr. Starr, in the absence of Mr. Cutler, the Chairman of the Committee of this House, appointed to hold a Conference with a Committee of the House of Assembly on the General State of the Province, reported that the Committee had held the said Conference, and that the Chairman of the Committee of the House of Assembly, had communicated to him the following Resolution.

*In the House of Assembly, 25th of March, 1840.*

*Resolved*, That a further Conference be desired with the Council 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 to His Excellency the Lieutenant-Governor, on the subject of the Imperial Act relating to Deck Loads of Timber—that the House have appointed the same Committee to join a Committee of the Council for presenting the said Address to His Excellency, with the joint Address to Her Majesty.

Com. on Bills

On motion, the House was adjourned, during pleasure, and put into Committee on Bills.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Report Cemeteries Bill with amen.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act in addition to an Act, entitled, An Act additional to, and in further amendment of, the Act

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Act concerning Cemeteries or Burial-Grounds in the Town of Halifax, and made two amendments thereto.

Which amendments being read twice by the Clerk, were agreed to by the House.

Amen. agreed to

*Ordered*, That the said Bill be engrossed and read a third time.

Mr. Almon, *vice* the Chairman of the Committee of this House, appointed in the last Session of the General Assembly, to enquire, during the recess, into the state of the Police in Halifax, laid before the House an account of the amount and sources of the Public Revenue of the Town—which was read and ordered to lie on the Table.

Com. on Halifax Police report, Acct. of Town Revenues

(*For Account vide Appendix, No. 36.*)

*Ordered*, That the Report be received, and the Committee be discharged from further duty on this subject.

Com. discharged

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly agreed to a Bill, entitled, An Act concerning Wills, as amended.

Message from H. A. agreeing to Will Bill as amended

The Messenger also informed the House that the House of Assembly had passed a Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company as now amended.

Do. agreeing to Gas Light Bill as amended

The Messenger also brought up the following 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 mentioned.

Appropriation Bill Read 1st time

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

*Ordered*, That the said Bill be referred to Mr. Lawson, Mr. Campbell and Mr. Tobin, to examine and report upon.

Ref. to Select Com.

A Bill, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, was read as amended, and the question was put by the President,

Gas Light Bill

Whether this Bill, as amended, shall pass ?

It was resolved in the affirmative.

Finally agreed to and Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them therewith.

*Ordered unanimously*, That the Standing Order, No. 72, relative to Bills not being read or proceeded twice in the same day, be dispensed with on 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,

Standing Order dispensed with rel. to Cemetery Bill

Whereupon, the said Bill was read a third time, and the question was put by the President,

Bill read 3d time

Whether this Bill shall pass ?

It was resolved in the affirmative.

Agreed to and

A Message was sent to the House of Assembly, by the Clerk,

To carry down the said Bill, and desire their concurrence thereto.

Sent to H. A.

Mr. Starr, from the Joint Committee of this House and the House of Assembly, appointed to draw up an Address to His Excellency the Lieutenant-Governor, requesting His Excellency to transmit, with his favorable recommendation, the Joint Address of this House and the House of Assembly to Her Majesty relative to 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 that the Joint Committee had agreed upon an Address, which he read in his place ; and afterwards delivered it to the Clerk, who read the same as follows :

Address to H. E. on Deck Load Law reported

THURSDAY, 26th MARCH, 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.*

*May it please your Excellency ;*

Address

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.

Address adopted

*Ordered,* That the said Address be received and adopted.

Committee to present Addresses to H. E.

*Ordered,* That the Committee who prepared the said Addresses to Her Majesty and His Excellency, be a Committee to join a Committee of the House of Assembly to present the same to His Excellency.

Conference on General State Prov. asked

*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 do 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 this House have appointed Mr. Starr, Mr. Rudolf and Mr. Tobin, to be a 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.

Message to H. A. asking Conference

A Message was sent to the House of Assembly, by the Clerk,  
To desire the said Conference.

Message from H.A. agreeing to Conf.

A Message was brought from the House of Assembly, by Mr. Whidden,  
To inform the House that the House of Assembly agreed to the Conference desired by this House.

Committee

*Ordered,* That Mr. Starr, Mr. Rudolf and Mr. Tobin, be a Committee of this House to manage the said Conference.

Report

And the Managers went to the Conference, and being returned, Mr. Starr reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.

Address of thanks and approbation to H. E.

On motion of Mr. Wilkins, *resolved,* that the following Address be presented to His Excellency the Lieutenant-Governor.

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please your Excellency ;*

Address

We, Her Majesty's dutiful and Loyal Subjects, the Legislative Council of the Province of Nova-Scotia, respectfully offer to your Excellency our acknowledgments and thanks for the

THURSDAY, 26th MARCH, 1840.

the attention which your Excellency has been pleased at all times to bestow, upon the different communications made by this House to your Excellency, during the present Session, and adverting to the peculiar and unprecedented difficulties which have attended your administration of the Government of this Province, during which a fundamental change has been made in its constitution, by the separation of the Executive from the Legislative powers of the Council, beg leave to assure your Excellency of the confidence of this House, and to express our conviction that the manner in which your Excellency has exercised the high and important functions of Lieutenant Governor of this Colony, has evinced a sincere desire to support the honor and dignity of the Crown, and to advance the interests and happiness of the People.

*Ordered*, That Mr. Wilkins, Mr. Johnson and Mr. Starr, be a Committee to wait upon His Excellency to ascertain when His Excellency will be pleased to receive this House with their Address.

Com. to ascertain when H. E. will receive Address

Mr. Johnston, the Chairman of the Committee of this House appointed to join a Committee of the House of Assembly to prepare 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, reported that the Committee had agreed upon an Address which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows:

Com. to draw up Address to H. M. on Drawback on For. Wheat Flour report

### 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 the 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 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 39,966 gallons and 2,320 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 Five 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 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

Address

THURSDAY, 26th MARCH, 1840.

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 receives 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.

*Ordered*, That the said Address be received and adopted.

Mr. Lawson, the Chairman of the Committee to whom 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 mentioned, was referred, reported that the Committee had examined the said Bill, and found it correct, and recommended it should be passed.

A Message was brought from the House of Assembly, by Mr. Whidden, To inform the House that the House of Assembly agreed to 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, without any amendment.

The Messenger also informed the House that the House of Assembly desired a Conference with this House, by Committee, on the General State of the Province.

*Ordered*, That the said Conference be agreed to; and a Message was sent to the House of Assembly by the Clerk, to acquaint them therewith.

*Ordered*. That Mr. Johnston, Mr. Campbell and Mr. Rudolf, be a Committee to manage the said Conference.

And the Managers went to the Conference, and being returned, Mr. Johnston reported that the Committee had held the said Conference, and that the Chairman of the Committee of the House of Assembly had communicated to him the following Resolution:

*In the House of Assembly, 26th March, 1840.*

*Resolved*, That a further Conference be desired with the Council, 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 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 to request that the Council will appoint a Committee to join a Committee of the House in preparing, reporting, and presenting an Address

to

Com. on Appropriation Bill report

Message from H. A. agreeing to Cemetery Bill

Asking Confr. on Gen. State Pro.

Agreed to

Committee

Report

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.

Mr. Wilkins, the Chairman of the Committee of this House, appointed to wait upon His Excellency the Lieutenant-Governor to ascertain when His Excellency would be pleased to receive this House with their Address to His Excellency, passed this day, reported that the Committee had waited upon His Excellency, and that His Excellency had been pleased to name the hour of 12 o'clock at noon to-morrow for receiving this House with their said Address.

Com. to wait on H. E. to know when he will receive Address report

Mr. Johnston, the Chairman of the Committee of this House, appointed to present to His Excellency the Lieutenant-Governor the Resolutions of this House relative to the School Lands of this Province; and also the Addresses of this House to Her Majesty and to His Excellency on the same subject, reported that the Committee had performed their duty, and that His Excellency had been pleased to state that he would forward the said Resolutions and Address to Her Majesty to the Right Honourable the Secretary of State for the Colonies, to be laid at the foot of the Throne, with his favourable recommendation.

Com. to present School Land Resolutions report

Mr. Johnston, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly to prepare an Address to Her Majesty, congratulating Her Majesty on Her Marriage, reported that the Joint Committee had prepared an Address which they had thought it their duty to communicate to His Excellency the Lieutenant-Governor, who had been pleased to approve of, and to signify his wish to join in the same. That the Committee had framed the Address accordingly, which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows:—

Com. to prepare Address of congratulation to Her Majesty on Her Marriage, report they had submitted Address to H. E. who expressed desire to join in it— & report Address

#### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

*The joint Address of His Excellency 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.*

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 of 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.

Address

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.

*Ordered,* That the said Address be received and adopted.

Mr. Starr, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly to present to His Excellency the Lieutenant-Governor the joint Address of this House and the House of Assembly to Her Majesty, relative to 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 upon Deck; and also the joint Address to His Excellency, requesting His Excellency to forward the said Address to Her Majesty's Secretary of State for the Colonies, with his favourable recommendation, to be laid at the foot of the Throne, reported that the joint Committee had waited upon His Excellency, and that the Chairman of the Committee of this House had delivered the said Addresses to His Excellency, and that His Excellency had been pleased to state that

Com. to present Address on Deck Load Law report

THURSDAY and FRIDAY, 26th and 27th MARCH, 1840.

that he would forward the Address to Her Majesty's Secretary of State for the Colonies, with his favourable recommendation, to be laid at the foot of the Throne.

Standing Order  
dispensed with on  
Appropriation Bill

*Ordered unanimously*, That the Standing Order, No. 72, relative to Bills not being read or proceeded in twice the same day, be dispensed with on 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 mentioned.

Bill read 2d & 3d  
times

Whereupon the said Bill was read a second and a third time, and the question was put by the President,

Agreed to &  
Sent to H. A.

Whether this Bill shall pass?

It was resolved in the affirmative.

A message was sent to the House of Assembly by the Clerk.

To return the said Bill, and acquaint them that this House have agreed to the same without any amendment.

Adjourn

On motion made and seconded the House adjourned until to-morrow at 11 o'clock.

Friday, 27th March, 1840.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab

Norman F. Uniacke

James W. Johnston,

William Lawson,

Lewis M. Wilkins, Jr.

James S. Morse,

The Honorable Robert M. Cutler,  
Alexander Campbell,  
William B. Almon.  
J. Leander Starr,  
Michael Tobin, Jr.

PRAYERS.

The Minutes of Yesterday were read.

Message from H.  
E. rel. to pay of  
Delegates

The Honourable Sir Rupert D. George, Bart., the Secretary of the Province, by His Excellency's command, laid before the House the following written Message, signed by His Excellency.

M E S S A G E.

(Signed) C. CAMPBELL.

Message

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, under these circumstances, to make any advance from the Crown Revenue to either Delegation.

Government-House, 27th March, 1840.

The said Message was read, and ordered to lie on the table.

House wait upon  
H. E. with Address

At 12 o'clock at noon the House waited upon His Excellency the Lieutenant-Governor with the Address passed yesterday, and being returned to the Council Chamber, the President informed the House that His Excellency had been pleased to receive the said Address, and had returned the following reply thereto:

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

Reply of H. E. to  
Address

I thank you for this dutiful and loyal Address. It is gratifying to me to know that my administration of this Government has obtained for me the approbation of so highly respectable and independent a body as the Legislative Council of this Province, and evinced, in their

their opinion, a sincere desire to support the honour and dignity of the Crown, and to advance the interest and happiness of the people.

On motion, *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.

Conf. with H. A. on Gen. State Province rel. to Wheat Flour duty moved & instructions to Com.

On motion of Mr. Almon, *resolved*, That a Committee be appointed to examine the Parliamentary Journals forwarded to this House by the House of Lords and the House of Commons, and to ascertain what number are damaged, in order that they may be supplied, in accordance with Lord John Russell's Despatch of the 5th February last.

Resolution for examining Journals of H. of Lords and Commons

*Resolved*, That a Committee be appointed to ascertain, during the recess, the expense attending the Binding of the Parliamentary Journals and Papers presented to this House by the House of Lords and the House of Commons, respectively, and to report thereon in the next Session.

Com. to ascertain expence of binding books

*Resolved*, That Mr. Lawson, Mr. Stewart, and Mr. Tobin, be a Committee for that purpose.

Committee

Mr. Wilkins, the Chairman of the Committee of this House, appointed to present to His Excellency the Lieutenant-Governor the Addresses to His Excellency, passed by this House on the 18th instant; and also, the Resolutions of thanks to the House of Lords and the House of Commons, and to the Right Honourable the Secretary of State for the Colonies, for the presentation of the Journals of the House of Lords and the House of Commons, reported that the Committee had presented the said Addresses and Resolutions to His Excellency, and that His Excellency had been pleased to state he would forward the same to the Right Honourable the Secretary of State for the Colonies.

Report of Com. to present Address to H.E. & Resolutions of thanks for Journals of House of Lords & Commons

A Message was brought from the House of Assembly, by Mr. Whidden, To inform the House that the House of Assembly agreed to the Conference desired by this House on the General State of the Province.

Message from H.A. asking Conf. on Gen. State Province

The Messenger also informed the House that the House of Assembly desired a Conference with this House, by Committee, on the General State of the Province.

Message from H. A. agreeing to Conf. on Gen. State Province  
Conf. agreed to

*Ordered*, That the said Conference be agreed to, and a Message was sent to the House of Assembly, by the Clerk, to acquaint them therewith.

*Ordered*, That Mr. Johnston, Mr. Wilkins, Mr. Tobin, Mr. Almon, and Mr. Starr, be a Committee of this House to manage the said Conference.

Com. to hold Conf. asked by H. A.

*Ordered*, That Mr. Johnston and Mr. Campbell, be a Committee of this House to manage the Conference desired with the House of Assembly by this House on the General State of the Province.

Com. to hold Conf. asked by this House

Mr. Johnston, the Chairman of the Committee of this House, appointed to manage the Conference desired with the House of Assembly by this House on the General State of the Province, reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.

Report of Com. of Conf. asked by this House

Mr. Johnston, the Chairman of the Committee of this House, appointed to manage the Conference desired by the House of Assembly with this House on the General State of the Province, reported that the Committee had held the said Conference, and that the Chairman of the Committee of the House of Assembly had communicated to the Committee of this House that the House of Assembly had appointed the Committee who prepared the

Report of Com. of Conf. asked by H. A.

FRIDAY, 27th MARCH, 1840.

the Address of Congratulation to Her Majesty on her Marriage, to be a Committee to wait upon His Excellency the Lieutenant-Governor therewith.

Com. to carry to H. E. Address of congratulation on H. M's. marriage

*Ordered,* That the Committee of this House who prepared the said Address, be a Committee to join a Committee of the House of Assembly to wait upon His Excellency the Lieutenant-Governor therewith.

Address to H. E. on Drawback on Wheat Flour reported

Mr. Johnston, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly, to prepare Report and present 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, reported that the Joint Committee had agreed upon an Address, which he read in his place; and afterwards delivered it to the Clerk, who read the same as follows:

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 ADDRESS OF THE LEGISLATIVE COUNCIL.

*May it please Your Excellency;*

Address

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.

Adopted

*Ordered,* That the said Address be received and adopted.

Com. to present to H. E.

*Ordered,* That the Committee who reported the said Address, do now join the Committee of the House of Assembly, in presenting the said Address to His Excellency the Lieutenant-Governor, with the Address to Her Majesty, on the same subject.

Report of Com to present Address of Congratulation on H. M's Marriage

Mr. Johnston, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly, to wait upon His Excellency the Lieutenant-Governor with the Joint Address of His Excellency, this House, and the House of Assembly, to Her Majesty, congratulating Her Majesty upon Her Marriage, reported that the Committee had waited upon His Excellency, who had signed the Address, and had been pleased to state he would forward the same to the Right Hon. the Secretary of State for the Colonies, to be laid at the foot of the Throne.

Com. to present Addresses on Drawback on Wheat Flour report

Mr. Johnston, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly, to present to His Excellency the Lieutenant-Governor the Joint Addresses of this House and the House of Assembly to Her Majesty and His Excellency, upon the subject of a Drawback of the Duties on Foreign Wheat Flour, and other matters in relation to the Trade of the Province, reported that the Joint Committee had presented the said Addresses, and that His Excellency had been pleased to state he would forward the Address to Her Majesty to the Right Honourable the Secretary of State for the Colonies, to be laid at the foot of the Throne, with his favourable recommendation.

Mr.

FRIDAY, 27th MARCH, 1840.

Mr. Johnston, (in the absence of Mr. Stewart,) reported that the Committee appointed by this House at its last Session, to reduce the Criminal Laws of this Province into a system, as nearly corresponding with the present state of the Criminal Law of England; as may be adapted to the circumstances of the Country, has, in the absence of Mr. Stewart, one of its Members, undertaken the duty, and in part accomplished it; but which, from the pressure of other engagements, it was unable to complete. The Committee now has the honor to report to the House that it has prepared the drafts of four Bills, which it lays before the House with this Report, having the following objects, viz :

Com. on Criminal  
Laws report

1st. An Act for improving the administration of Justice in Criminal Cases in this Province.

2nd. An Act for consolidating and amending the Statutes of this Province, relative to offences against the Person.

3d. An Act to amend the Laws relative to Robbery, Burglary and Larceny.

4th. An Act to amend the Laws relative to burning or destroying Buildings and Ships.

In preparing these drafts the Committee has exhibited in one view the enactments in England, and the alterations proposed here. And it suggests the propriety of printing and circulating copies of them among the Members of both Houses, the Judges, and the legal Profession, that the subject may be thereby investigated before the next Session.

In regulating punishments, the Committee had in view the prospect of a Bridewell or Penitentiary being established, for the punishment and reclaiming of offenders throughout the Province. It has also borne in mind the propriety and duty of diminishing capital punishments as much as possible, and would be glad to look forward to such a state of the Public Institutions, as might warrant the entire abandonment of that awful exercise of human power.

Should the House be pleased to command the further services of the Committee, there will remain for its labours, the Law relating to Forgery, which, in England, is much more detailed than required here; and the Laws regulating some minor offences.

The Committee would fail in doing justice, if it abstained from acknowledging the great assistance received from the Law Clerk in the progress of its labours, and without which, it would not have been enabled to accomplish the laborious work now laid before the House.

*Ordered*, That the said Report be received.

*Ordered*, That the four Bills mentioned in the said Report be printed and distributed under the direction of the Committee who prepared them.

Bills ordered to be  
published

On motion of Mr. Johnston, *resolved*, that the following Address be presented to Her Majesty :

## TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE ADDRESS OF THE LEGISLATIVE COUNCIL OF THE PROVINCE OF NOVA-SCOTIA.

*May it please your Majesty ;*

The Legislative Council approach the Throne with the assurance of its profound devotion to Your Majesty's Person and Government.

The House of Assembly, in certain Resolutions recently passed, when animadverting upon the conduct of the Executive Government of this Province, has taken occasion to represent the rejection of two Bills, by this House, as manifesting a disregard to the interest and feelings of the People, and as thereby affording evidence of a similar disregard on the part of the Lieutenant-Governor, in his recommendations for seats in this House.

Address to H. M.  
rel. to rejection of  
the Registrars &  
Civil List Bills

It is not the province of the Legislative Council to interpose between the House of Assembly and the Executive. But, thinking that the peculiar position of the Country, demands from this House, a vindication of its own conduct, it prays your Majesty's gracious attention to the true nature of the matters in difference between the Assembly and itself.

The

FRIDAY, 27th MARCH, 1840.

The first of the Bills referred to, had for its object, the substituting of Principals instead of Deputies in the Offices for Registry of Deeds, throughout the Province.

To effect this object, the Bill vacated an appointment held for many years, by Patent from the Crown, by Sir Rupert D. George, Baronet, the Provincial Secretary; and it made an Annual allowance to him of Two Hundred Pounds Currency, under condition, to be forfeited, in case of absence from the Province for a year.

It is worthy to be brought to Your Majesty's notice, that no increased burden on the People was required for doing justice to the Public Officer in this case, because the Bill provided that the portion of fees heretofore paid by the Deputies to the Principal should form the Fund from which his compensation was to be drawn.

Nor may it be improper also to mention that the proposed change of system was not accompanied by any complaint against the Incumbent, in relation to its duties—and this House believes, that the integrity of principle, urbanity of demeanour, and strict attention, and ready habits in business of the Provincial Secretary, are acknowledged even by those who, on other grounds, place themselves in hostility to that Officer.

The Legislative Council acquiesced in the object sought by the Assembly, in passing the Bill under consideration; and it agreed with that House in thinking that the Incumbent should be compensated for the loss the Bill would entail on him. But, having evidence, that this loss would, on one contingency, be at least Seven Hundred and Twenty-seven Pounds per Annum, and in any event would not be less than Four Hundred and Ninety-seven Pounds; the Council did not concur with the Assembly, in thinking either, that Two Hundred Pounds was an adequate compensation, or that the condition proposed to be annexed to it was warranted or proper.

This, may it please Your Majesty, is the difference between the Council and Assembly, as far as relates to this Bill.

The next charge against the Legislative Council is drawn from the rejection of the Civil List Bill.

On this important question, the Council respectfully inform Your Majesty, that this House, surrendering to some extent, for the sake of harmony, its own opinion, agreed with the Assembly in the amount of every Salary for all future Officers as fixed by that House, without a single exception.

The pecuniary difference between the two Branches was confined to the present holders of some Offices—its amount was comparatively small, and in its nature would suffer gradual diminution, and finally cease, as the existing tenures came to a close.

These Officers were the Judges and the Provincial Secretary.

Fifteen years ago a fixed Salary had been settled on the Provincial Secretary, in consideration of fees then withdrawn, which was afterwards recognized by the Right Honourable Lord Glenelg, while Principal Secretary of State for the Colonies.

The Chief Justice, on an option offered him by the same Minister of Your Majesty, had accepted an increase in his Salary, in consideration of the abandonment of fees of much larger amount, than in his receipt.

In connexion also with this surrender of fees by the Chief Justice, Your Majesty had been pleased to increase the Salaries of the Puisne Judges of the Supreme Court, and the Salary of the Master of the Rolls had afterwards been raised to an equal amount.

The Bill sent from the Assembly reduced all these Salaries; and this House could not have concurred in its enactments, as far as the present Officers were effected, (more especially the two first named,) without violating its own sense of justice and the deliberate engagements of the Imperial Government.

In preserving justice with these high Public Officers, no additional burden on the People was called for, because the annual amount of the Casual Revenue proposed to be transferred to the Province, exhibited a surplus, after meeting all the services at their present amount.

This House also differed with the Assembly in thinking that the Public Interest required that the Salaries of the Law Officers of the Crown, ought not to depend on Annual Votes.

These

FRIDAY, 27th MARCH, 1840.

These particulars compose the differences between the Legislative Council and Assembly, in relation to the Civil List of Nova-Scotia; and for a fuller view of both the subjects Your Majesty's gracious consideration is requested to the annexed copies of memoranda furnished the House of Assembly in Conferences on the General State of the Province.

Besides differing on these points, this House has been brought into painful collision with the Assembly, on the question of remunerating the expenses of Gentlemen, who repaired to England last season, as Delegates to the Home Government from the Assembly, and from the Legislative Council—the House of Assembly refusing to make provision, except for the Delegates from its own Body, on the ground, that the Mission from the Council had not been required nor been executed to the satisfaction of the Assembly; while this House, repudiating the assumption of the Assembly, to exercise any judgment on these points, has been ever willing that both services should be equally provided for.

On these several occasions, the Legislative Council exercised its constitutional functions as an independent branch of the Legislature, according to the dictates of an honest judgment, and, it believes, on principles of justice and correct Legislation.

It affords this House satisfaction that the Assembly, abandoning general and undefined charges, incapable in their nature of refutation, has, at length, rested its complaints against the Council, on specified acts; the Legislative Council entertains the confident assurance, that in these instances at least—and they make up the sum of the defined complaints of the Assembly—it has not shewn itself unmindful of the high responsibility resting on it, or indifferent to the interest and honor of this Country, with whose welfare the best interests of the Legislative Council are inseparably connected, nor given evidence that the confidence reposed in the Members of this House, when called to the honor of Seats herein, has been violated.

(Papers annexed—Instructions to Committee of Conference on the Registrars Bill, Page 39, and Instructions to Committee of Conference on the Civil List Bill, Page 55,

Address to H. E. moved

On motion of Mr. Johnston, *resolved*, that the following Address be presented to His Excellency the Lieutenant-Governor:

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 ADDRESS OF THE LEGISLATIVE COUNCIL:

*May it please Your Excellency;*

Address

The Legislative Council inform Your Excellency, that this House has passed an Address to Her Majesty, which it prays Your Excellency will be pleased to transmit to Her Majesty's Secretary of State for the Colonies, to be laid at the foot of the Throne, with your favourable recommendation.

*Ordered*, That Mr. Johnston, Mr. Lawson and Mr. McNab, be a Committee to present the said Addresses to His Excellency.

Mr. Johnston, the Chairman of the Committee, appointed to present the foregoing Addresses to His Excellency, reported that the Committee had performed that duty, and that His Excellency had been pleased to state, that he would forward the Address to Her Majesty to Her Majesty's Secretary of State for the Colonies, to be laid at the foot of the Throne, with his favourable recommendation.

At three of the Clock, P. M., His Excellency the Lieutenant-Governor came to the Council Chamber, attended as usual; and, being seated, the Gentleman Usher of the Black Rod, received His Excellency's commands, to let the House, of Assembly know "It is His Excellency's will and pleasure, they attend him immediately in this House," who being come with their Speaker, His Excellency was pleased to give his assent to One hundred and fourteen Bills, entitled as follows:

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|---------------------------------|---|
| Exportation of Red Herrings     | An Act to continue the Act for regulating the Exportation of Red or Smoked Herrings.  |
| Killing Bears, &c.              | An Act to continue the Act to encourage the Killing of Bears, Loup Cerviers, and Wild Cats.   |
| Stealing Dogs                   | An Act to continue the Act to make the stealing of Dogs, Beasts and Birds, Larceny.   |
| Queen's County Sea Manure       | 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.   |
| Guysborough Roads               | An Act to continue the Act to enable the Proprietors of Lands in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same.  |
| Summary Trials, Cape Breton     | An Act to continue the Act for the Summary Trial of Actions in the Island of Cape Breton.   |
| Poor's Rates, Pictou            | An Act to continue the Act respecting the collection of Poor's Rates of Pictou.   |
| Bite of Animals                 | An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals.  |
| Pugwash Harbor                  | An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.  |
| Halifax Grammar School          | An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.   |
| Quarantine                      | 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             | 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                       | An Act to continue the Act additional concerning Nuisances  |
| Grammar School, Annapolis       | 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          | An Act to continue the Act to regulate certain Landings in the County of King's County.   |
| Breeds of Cattle                | An Act to continue the Act to encourage the importation of Improved Breeds of Cattle into this Province.  |
| Harbour Master Bridgeport       | An Act to continue the Act for establishing a Harbor Master at Bridgeport, in the Island of Cape-Breton.  |
| Coals by Weight                 | An Act to continue the Act to authorise the Sale of Coals by Weight.  |
| Sable Island                    | An Act to continue the Act for the better regulation of Sable Island in this Province.  |
| Pilotage Sydney                 | 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 Hx.                    | 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 Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.   |
| Laws and Ordinances Cape-Breton | 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.  |
| Billeting Troops                | 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. |
| Meeting House Yarmouth          | An Act to authorise 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.   |
| Cape Forchu Harbor              | An Act to preserve the Harbor of Cape Forchu, in Yarmouth.  |
| Lock-up House Bridgetown        | An Act to provide a Lock-up House at Bridgetown, in the County of Annapolis.  |
| Meeting House Tusket Village    | 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.   |
| Crown Lands                     | An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia.   |
| Margaretville Pier Company      | An Act to Incorporate the Margaretville Pier Company.   |

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|---|-----------------------------|
| An Act for Incorporating the Trustees of the Queen's College at Horton.   | Queen's College Horton      |
| An Act to make perpetual the Act for the more easy Redemption and Foreclosure of Mortgages.   | Redemption of Mortgages     |
| 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.  | Proof of Written Documents  |
| An Act to continue the Act to restrain the issuing Writs of Attachment, in certain cases.   | Writs of Attachments        |
| An Act to continue the Act relating to Marriage Licences.   | Marriage Licences           |
| An Act to continue the Act concerning Malicious Injuries to Property.   | Malicious Injuries          |
| An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.   | Trespasses                  |
| An Act for limiting the duration or continuance of the General Assemblies.  | Quadrennial Parliament      |
| An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.   | Fisheries Chedabucto Bay    |
| An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.  | Survey of Timber and Lumber |
| An Act to change the name of the Township of Ramsay, in the County of Colchester, to that of Stirling.  | Stirling Township           |
| An Act to regulate and prevent injury to Rail Roads.  | Rail Roads                  |
| An Act to amend the Act to establish the County or Shire Town in the County of Digby.   | Digby Shire Town            |
| An Act in addition to the Act to divide the County of Annapolis, and to regulate the Representation thereof.  | Annapolis division          |
| An Act to amend the Act to preserve and regulate the Navigation of the Harbor of Pictou.  | Navigation Harbor of Pictou |
| An Act for establishing the times and places of holding the Poll at Elections of Representatives.   | Polls at Elections          |
| An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland respectively.  | Parrsborough Division       |
| An Act to regulate certain Landings in the County of Digby.   | Landings Digby              |
| An Act for providing Fire Engines for the Town of Bridgetown, and for other purposes.   | Fire Engines Bridgetown     |
| An Act to authorise the sale of the Real Estate lying on the Peninsula of Halifax, commonly called the "Old Blue Bell Farm."  | Blue Bell Farm              |
| An Act to continue and amend the Acts for appointing Supervisors to take charge of Public Grounds, and for other purposes.  | Supervisors Public Grounds  |
| An Act to Incorporate the Royal Acadian School Society.   | Acadian School              |
| An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province.   | Great Roads                 |
| 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.                                | Roads and Bridges           |
| An Act to regulate the Shad Fishery in the County of Cumberland.  | Cumberland Shad fishery     |
| An Act for preventing illegal overholding and detainer of Real Estate.  | Overholding of Real Estate  |
| An Act in further amendment of the Act to regulate the packing and re-packing of Salted Beef and Pork for Exportation.  | Salted Beef and Pork        |
| An Act to regulate the Fencing of the Marsh at Pubnico.   | Marsh Pubnico               |
| An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District.   | St. Mary's District         |
| 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. | Nuisances in River          |
| An Act to continue the Act for regulating the Fishery in the River Shubenacadie.  | Fishery Shubenacadie        |
| An Act to continue the Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.  | Fisheries Lunenburg         |
| An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.  | Nets of Fishermen           |
| An Act for the regulation and management of the combined Common and Grammar School at Lunenburg.  | School Lunenburg            |

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| Bay of Fundy                         | An Act to Incorporate the Bay of Fundy Steam Navigation Company.                            |
| Steam Navigation                     | An Act to continue the Act concerning Goods exported, and for granting Drawbacks.           |
| Drawbacks                            | An Act to continue the Act to regulate the Weighing of Beef, and the Act in amend-          |
| Weighting of Beef                    | ment thereof.   |
| Regulation of Duties                 | An Act to continue the Act for the general regulation of the Colonial Duties.               |
| Colonial Impost                      | An Act for granting Colonial Duties of Impost for the support of Her Majesty's Govern-      |
| Duties                               | ment within this Province, and for promoting the Agriculture, Commerce and Fisheries        |
| Warehousing of Goods                 | thereof.  |
| Schools                              | An Act to continue and amend the Act for the Warehousing of Goods.                          |
| Importation of Goods                 | An Act to continue the several Acts for the encouragement of Schools.                       |
| Smuggling                            | An Act to continue and amend the Act for regulating the Importation of Goods.               |
| Pickled Fish                         | An Act to continue the several Acts for the prevention of Smuggling.                        |
| Flour Drawback                       | An Act to continue the Acts in force relative to the Inspection of Pickled Fish.            |
| Halifax Licences                     | An Act to grant a Drawback on Foreign Wheat Flour, in certain cases.                        |
| General Licenses                     | An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous       |
| Census Cape Breton                   | Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.               |
| Mire Grant                           | An Act to continue and amend the Act for granting Duties on Licenses for the Sale of        |
| Town Officers                        | Spirituous Liquors, and the Act to alter the same.  |
| Militia                              | An Act to make provision for payment of the expenses of the Census for the County of        |
| Commissioners of Sewers              | Cape-Breton.  |
| Wickwire Dyke                        | An Act to repeal the tenth clause of the Act for settling Titles in a certain Tract of Land |
| Old Road Lunenburg                   | in Cape-Breton, called the Mirè Grant.  |
| Governors Dalhousie College          | An Act to continue and amend the Act in further addition to, and in amendment of, the       |
| Gaspereau and Salmon Fishery         | Act for the choice of Town Officers, and regulating of Townships, and the Acts to alter     |
| Monopolizing of Cordwood             | and amend the same.   |
| St. Peter's Canal Company            | An Act to continue and amend the Acts in force respecting the Militia of the Province.      |
| Constables of Court of Commissioners | An Act to continue and amend the Act in amendment of the Acts relating to Commis-           |
| Watch at Night                       | sioners of Sewers.  |
| Bridewell                            | An Act to continue the Act relating to the assessment of Dyke Rates for the New or          |
| Hotel Company                        | Wickwire Dyke in Horton.  |
| Highways                             | An Act to enable the Devises or Representatives of John Bolman to shut up an old            |
| County Rates                         | road in Lunenburg.  |
| Interior Courts                      | An Act to appoint a new Board of Governors for Dalhousie College.                           |
| Passengers                           | An Act to regulate the Gaspereaux and Salmon Fishery in Horton.                             |
| Settlement of Poor                   | An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling,    |
| Rates and prices of Carriages        | Regrating and Monopolizing, of Cord Wood in the Town of Halifax.                            |
|                                      | An Act to Incorporate a Company, to be called the St. Peter's Canal Company.                |
|                                      | An Act to continue the Act to regulate the Fees of the Constable of the Court of Com-       |
|                                      | missioners at Halifax.  |
|                                      | 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.                       |
|                                      | An Act to continue the several Acts concerning the Bridewell and Police in Halifax.         |
|                                      | An Act to Incorporate an Hotel Company in Halifax.  |
|                                      | An Act to continue the Act in amendment of the Act relating to Highways, Roads and          |
|                                      | Bridges.  |
|                                      | 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.                   |
|                                      | An Act to continue the Act concerning the Inferior Courts of Common Pleas within            |
|                                      | this Province.  |
|                                      | An Act to continue the Act relating to Passengers from Great-Britain and Ireland, and       |
|                                      | the Acts in amendment thereof.  |
|                                      | An Act to continue the Act in amendment of the Act for the settlement of the Poor in the    |
|                                      | several Townships within this Province.   |
|                                      | An Act to continue the Act in addition to the Act for regulating the Rates and Prices       |
|                                      | of Carriages. An  |

FRIDAY, 27th MARCH, 1840.

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| An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.   | Supreme Court<br>Halifax   |
| An Act to continue an Act relating to the Court of Commissioners at Halifax.   | Commrs. Court<br>Halifax   |
| An Act to continue the Act to vacate the Seats of Members, in certain cases.   | Seats of Members           |
| 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          |
| An Act to amend the Act for establishing the times and places of holding the Polls at Elections of Representatives.  | Polls at Elections         |
| 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.   | Highways Dartmouth         |
| 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.   | Firewards in Hx.           |
| 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.  | Circuits of Sup. Court     |
| An Act to Incorporate the Halifax Gas Light and Water Company.   | Gas Light Halifax          |
| 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.   | Cemeteries                 |
| An Act to authorise the shutting up of an Old Road in the Township of Horton.  | Old Road Horton            |
| An Act to provide for building a Bridewell.  | Bridewell                  |
| An Act to enable the Nova-Scotia and Halifax Marine Insurance Companies, to compensate their Directors and Auditors.   | Marine Insurance Companies |
| An Act concerning Wills.   | Wills                      |
| An Act to repeal an Act, entitled, An Act respecting the exportation of Grindstones from this Province.  | Grindstones                |
| 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.   | Appropriation Bill         |

After which, His Excellency was pleased to close the Session with the following

### S P E E C H :

*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.

Speech

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.

The President of the Council, by His Excellency's command, then said,

*Gentlemen,*

It is the pleasure of His Excellency the Lieutenant-Governor, that this General Assembly be prorogued to Thursday, the 9th day of July next, and this General Assembly is accordingly prorogued to Thursday, the 9th day of July next, to be then here held.

Prorogation

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

JOHN C. HALLIBURTON,

Clerk of the Legislative Council.



# APPENDICES

TO THE

JOURNALS OF THE

## LEGISLATIVE COUNCIL.

APPENDIX No. 1.

(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

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 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

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.

## APPENDIX No. 2.

(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

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—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 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. 18th June

I have, &c.

(Signed)

Hy. LABOUCHERE.

WM. YOUNG, Esqr. and H. HUNTINGTON, Esqr.

APPENDIX No. 3.

(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.

In

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.

APPENDIX No. 4.

(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.

APPENDIX No. 5.

(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 negociation. 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 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.

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#### APPENDIX No. 6.

(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 the

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.

APPENDIX No. 7.

(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:

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 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 Shubenacdie 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.

#### APPENDIX No. 8.

(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.

## APPENDIX No. 9.

(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, &amp;c. &amp;c. &amp;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.

**W**HEREAS, 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*

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.

APPENDIX No. 10.

(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.

(Copy)

202, *Picadilly, June, 1839.*

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.

For

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 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.

APPENDIX No. 12.

(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'

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 to 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 where this illusion, 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 an individual Peer 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 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, and to secure to them a Constitution in form and spirit as nearly as possible assimilated to that of

the Parent 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 confessedly 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 upon 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 honored, 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 portion 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 an 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 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 learning 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.

I have &c.

LEWIS M. WILKINS.

(Signed)

THE MARQUIS OF NORMANBY, &c. &c. &c.

## APPENDIX No. 13.

(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, &amp;c.

(Signed)

ALEXANDER STEWART.

To the MARQUIS OF NORMANBY, &amp;c. &amp;c. &amp;c.

## APPENDIX No. 14.

(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, &amp;c.

(SIGNED)

F. BARING.

J. STEPHEN, Esq. &amp;c. &amp;c. &amp;c.

## APPENDIX No. 15.

(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

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.

APPENDIX No. 16.

(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, 1833. 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

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 op-  
 "position 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 ex-  
 "penses 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 re-  
 "vised, 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 Provin-  
 "cial Statutes, will not consume so large a portion of the Public Revenue, nor excite dis-  
 "satisfaction and complaints among the people, from whose industry the Taxes, both Im-  
 "perial 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' Depart-  
 ment in Nova Scotia, and to prospective reductions in the Salaries of all the superior Offi-  
 cers, as would place that Establishment on the scale specified in the accompanying sche-  
 dule, and would reduce the charge for the aggregate Salaries and Allowances of the De-  
 partment 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 Sala-  
 ries above that scale, as well as all the incidental expenses of the Department, have con-  
 sequently 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 conside-  
 rately 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 Lo-  
 cal Authorities respecting the Salaries of the Officers of the Customs, or of any other Es-  
 tablishments 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 en-  
 closed Schedule, until they shall have had some experience of the effects which the con-  
 templated 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 Ware-  
 housing 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 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 |           |
|          | 1 at   | 200 0   |          | at do*                      | 100 0     |
|          | 1 at   | 150 0   | 1        | Sub-Collector at Yarmouth   | 200 0     |
|          | 1 at   | 100 0   | 1        | Landing Waiter do.†         | 150 0     |
| 1        | Landing Surveyor   | 400 0   | 1        | Sub-Collector at Lunenburg  | 150 0     |
| 1        | Landing Waiter and Searcher                              | 300 0   | 1        | Do. at Windsor              | 150 0     |
| 3        | Landing Waiters, Searchers & Tide Surveyors at £150 each | 450 0   | 1        | Do. at Cornwallis           | 150 0     |
| 1        | Warehouse Keeper   | 300 0   | 1        | Do. at Digby                | 120 0     |
| 1        | Locker, at 4s. per day when employed                     | 66 19   | 1        | Do. at Annapolis            | 120 0     |
| 2        | Tide Waiters £20, 3s. per day each when employed         | 149 10  | 1        | Do. at Parrsborough         | 120 0     |
| 2        | Boatmen, 4s. each per day when employed                  | 146 0   | 1        | Do. at Guysborough          | 120 0     |
| 1        | Sub-Collector at Pictou                                  | 250 0   | 1        | Do. at Shelburne            | 100 0     |
| 1        | Warehouse Keeper and Landing Waiter                      | 150 0   | 1        | Do. at Argyle               | 100 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     |

## APPENDIX No. 17.

(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 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.

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.

APPENDIX No. 18.

(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.

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.

APPENDIX No. 19.

(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.

APPENDIX No. 20.

(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 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.

APPENDIX No. 21.

(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

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.

APPENDIX No. 22.

(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.

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 increase the charge.

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.

APPENDIX No. 23.

(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.

APPENDIX No. 24.

(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.

APPENDIX No. 25.

(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

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.

*To the Honorable the President,*

*And the Honorable the Members of the Legislative Council.*

WE, the undersigned, having been, by His Excellency the Lieutenant Governor, under the authority of the Address and Resolutions of the Legislative Council, passed in the last Session, appointed to proceed to England, have attended to the duties of the Mission assigned to us, and respectfully report thereon as follows :

That, on our arrival in London, we waited upon the Marquis of Normanby, then Her Majesty's Principal Secretary of State for the Colonies, and solicited an interview, which his Lordship was pleased to grant and which took place soon afterwards. The Right Honourable Mr. Labouchere, at that time one of the Under Secretaries of State for the Colonial Department, being also present.

By desire of his Lordship, we opened the nature and objects of our Mission, observing that they would appear generally by reference to the Resolutions of the Council which we presumed had been forwarded to him by the Lieutenant Governor. Having read these, we proceeded to state in particular.

First—That, on behalf of the Legislative Council, we desired for that Body a more permanent and stable character, than, from the changes in that part of our Constitution recently made, and from the agitation of the impending question of a further one, it then possessed, suggesting at the same time for his Lordship's consideration the subject of appointments for life.

Secondly—That we were prepared to vindicate the proceedings of the Council against the complaints which the House of Assembly had preferred against them.

Thirdly—That we were likewise prepared to offer reasons for the consideration of Her Majesty's Government, why the Union of Nova Scotia with the other British North American Colonies, which had been contemplated and proposed by the Right Honourable the Earl of Durham, should not take place.

Fourthly—That we desired to obtain the assent of Her Majesty's Government, to the Act of the Provincial Legislature for abolishing the Oaths now required to be taken as a Qualification for Office in the Colony; as also to acquire increased facilities for our Foreign Trade, without creating any new charges upon the Provincial Funds.

Fifthly—That we were prepared to afford any explanation or information in our power to Her Majesty's Government in reference to the Constitution of the Colony, or any of its various interests.

Entering in detail upon the general subjects which we have specified, we observed, that the Legislative Council, when it reflected that within the last three years, that Branch of the Legislature as combined with the Executive Council, had, at the instance of the House of Assembly been dissolved; and that it had, within the same period, been constituted in its present form, and superseded and re-appointed, whilst even yet another re-modelling was asked for by the House of Assembly, could not but deprecate any further change, because it was convinced that such would have a necessary tendency to destroy the confidence of the people in the Body in question, which indeed had already been impaired by the proposition of Lord Durham to abolish the Upper Branches of the Colonial Legislatures.

That, during the past and preceding Sessions of the Legislature, the Members of the Legislative Council and their proceedings, had been the subject of severe strictures in the House of Assembly, to an extent that rendered it necessary for the former, unanimously to adopt Resolutions expressive of its sense of the disrespect shown to it by the latter, in the hope, and with the view, that the Public Business might thenceforward be conducted in a spirit of harmony and decorum; though the Council had refrained from adopting the extreme measure of refusing to transact business with the House of Assembly, and to which it would recur in case of urgent necessity only.

That it appeared to the Council, if, in this state of things, Her Majesty should be induced, at the instance of the House of Assembly, once more to remodel the Upper Branch of our Legislature, and on such principles as should be recommended by that House, it would not possess that independent character which is required for useful Legislation. That though this was the deliberate opinion of the Body to which we belonged, yet that the opi-

nions of the Representatives of the People upon any question which concerned good Government were entitled to great weight, and we begged that in the event of its being deemed by Her Majesty's Government essential to the welfare of the Colony that further changes should take place, no reference whatever should be had to the personal feelings of the Gentlemen now constituting the Legislative Council, who desired to hold their seats no longer than they could fill them beneficially to the Public interest. That we could not, however, but apprehend that if stability were not imparted to our Political Institutions, and they should not cease to be regarded as subject to repeated changes, unceasing agitation, and internal discord would be the result, and that that ardent attachment to the Parent State, which now happily prevails amongst all ranks and parties in the Province, would ultimately be weakened, if not destroyed.

That it was for these reasons we asked in behalf of the Upper Branch of our Legislature, that the appointments should be of a permanent nature, particularly as from such no practical difficulty could result, as the Crown might, at any time, by the simple act of increasing the numbers of the Body, correct its errors or overcome its obstinacy. Upon its being remarked by Mr. Labouchere that such appointments had always been, as respects Nova Scotia and New Brunswick, during the Royal Pleasure, we observed that such also was the Tenure of the Office of a Judge of our highest Civil and Criminal Tribunal—the Supreme Court; but, that the individual filling it, had always been understood to hold it during good behaviour; that prior to the recent changes in the Council in question, it had been considered that no Member of it was in effect liable to be removed, unless proved to be guilty of some act rendering him unworthy of retaining his seat; but that the changes actually made, and that now desired by the House of Assembly, in this Branch of the Legislature, had naturally caused the tenure of the Councillor's Office to be regarded as of uncertain duration.

In reply to a suggestion made by Mr. Labouchere, as to the appointment of Legislative Councillors for a certain term of years, reserving to the Crown the Right of re-appointment at the expiration of that period, we stated, that, in our opinion, the effect of such a measure, would be to render that Branch of the Legislature utterly useless, and this for reasons which were stated at length, but which, as they appear in Documents hereafter referred to, we need not now repeat.

Mr. Labouchere enquired, if it were true that in both the Councils there was a majority of Members in connexion with the Established Church? to which we replied in the affirmative. He also remarked, that it had been alleged that the number of our Judges and the expence of our Judiciary were respectively greater than the interests of the Colony required. To which we replied, that we apprehended in the present state of this subject, Her Majesty's Government could not effectually interfere with the Legislature. That, in the Lower House, its Members were about equally divided in opinion upon these questions; one portion of them being in favour of extending the Jurisdiction of the Inferior Courts of Common Pleas, whilst the other was for abolishing them, and transferring the subjects of their jurisdiction to the Supreme Court; of which latter opinion was also the Legislative Council; that in the Session of One Thousand Eight Hundred and Thirty Eight, the House of Assembly had sent up to the Legislative Council a Bill for abolishing the Offices of one Judge of the Supreme Court and one of the Judges of the Inferior Courts respectively, whenever vacancies should occur, which had been rejected by the Upper House; and we, at the same time fully stated the reasons which had induced the latter Body to withhold its assent from the Bill in question. We also observed, that another Bill of the same import, having been in the last Session introduced into the House of Assembly, was thrown out there, after debate upon the subject of it. We took occasion also distinctly to state, that although the Legislative Council would consider with the utmost attention and respect any opinion on this or any other subject expressed either by Her Majesty's Government, or the House of Assembly, yet that it would not of course give its Legislative sanction to any measure which did not appear to itself to be conducive to the interests of the Province.

We brought to the Notice of Lord Normanby, the effect which the adoption of Lord Durham's theory of Responsible Government in the Colonies would have upon the Legislative Councils; observing that, if the mere vote of the House of Assembly could paralyze the Government, the Legislative Council would in effect be deprived of all influence, and would

would become a useless incumbrance in the machinery of Legislation ; suggesting also, that it was probable Lord Durham foresaw such a result, and that that circumstance was one of the reasons which induced his proposal to abolish the Upper Branches of the Colonial Legislature.

We stated to Lord Normanby that, although the Legislative Council could not permit its right to exercise an independent judgment on every question submitted to it to be questioned, and although that right equally existed in reference to the particular Resolutions which the Legislative Council had passed respecting the Civil List Bill sent up by the House, and which formed a specific subject of complaint on the part of the latter, yet that we were willing and prepared, on the part of the Council, to explain fully the particular reasons which had induced it to withhold its assent from the Bill in question, and that with a view to impart information on the subject to Her Majesty's Government those Resolutions had been adopted.

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

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

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

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

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

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

That the subject had not been considered by the Legislative Council, except in connexion with a Bill, which, in the year One Thousand Eight Hundred and Thirty-eight, the House of Assembly had sent to the Council, and which had not passed the upper House, because it was considered to be dependent upon the settlement of the general question of the surrender of the Casual and Territorial Revenue to the Province. That the question of settling the uncultivated Lands, and compelling Proprietors in the North American Colonies

lonies to cultivate their Lands, was exceedingly complex and difficult. That the Legislature of Nova-Scotia had, at the last Session, passed a Law similar to that of one or two of the United States of America, called there the Law of Betterments, (the import of which we explained,) which, though contrary in its spirit and provisions to English Legislation, had been found useful in those States, and might be so in Nova-Scotia.

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

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

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

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

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

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

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

It is not in our power to inform the Legislative Council of the determination of Her Majesty's

jesty's Government as regards the question of its re-construction, or the tenure of the Office of a Legislative Councilor, or as to the complaints which the House of Assembly has preferred against the proceedings of the body to which we have the honor to belong.

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

ALEX. STEWART,  
LEWIS M. WILKINS.

### A

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

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

latter assertion we made no reply at the time, but on its being formally repeated at a subsequent interview, supposing that, if the statement were suffered to pass unnoticed, our mission might be injuriously affected, we thought it right to make the observations thereon which are hereafter mentioned. As regards the appointment of the Bishop to a seat in the Legislative Council, it was, on the part of the House of Assembly, observed, that "it was probable he was placed there in compliment to the Established Church of England, but that his being a Member was not perhaps of much consequence one way or the other."

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

Mr. Labouchere asked us whether we assented to the correctness of the principle laid down for Sir Colin Campbell's guidance in selecting Councillors, viz: "That the selection should be made in such a manner as to leave no reason for complaint as regards religious distinctions;" we replied that we entirely and cordially assented to its correctness; and, repeating what we had mentioned at our first interview, that numerically there was a majority in both Councils belonging to the Established Church, observed—that it was not for us to enter into the reasons which had operated upon His Excellency's mind, but that we thought before Her Majesty's Government selected any one Member of either Council for dismissal on account of his Religion, the Lieutenant-Governor should be required to answer the complaint of the House in this particular, and to state the circumstances which had compelled or induced him to depart from his Instructions; that, after receiving his explanations, Her Majesty's Government could judge what course it would be judicious to pursue. Messrs. Huntington and Young objected to any further reference to the Lieutenant-Governor upon the subject.

We mentioned that Mr. Collins, one of the eight alluded to, was a Gentleman of great wealth and respectability—that he had been induced to remain in the Colony at the earnest entreaty of Sir James Kempt, who had pressed him to accept a seat in the Council, and that after having been many years a Member of it, he was excluded from the new Board, (as we believed by express instructions from Lord Glenelg,) yet that so unjust had this exclusion appeared to Her Majesty's Government, that he was subsequently appointed to a seat in it—that as regards Members of one family having been appointed to the Councils, the Messrs. Tobin furnished another instance where apparently the instructions to the Lieutenant-Governor had been departed from, yet the propriety of their elevation was never questioned in the Colony, nor would either of them be objected to by the Delegation from the House of Assembly—that another of the eight alluded to, Mr. Dewolf, was a dissenter.

Mr. Young replied that he was a Wesleyan Methodist and of Tory principles, but he also observed that he desired to be understood as making no charge of a personal nature, or against the private character of any Member of either of the Councils—that he was on terms of friendly intercourse with nearly all of them—that some of them, (Mr. Collins in particular,) were old friends and clients of his, and that his objections were purely of a political character, which a strong sense of public duty alone compelled him to urge.

Of Mr. Dodd we said that we were surprised to learn that any objection was made against him

him, never having heard one suggested before. As regards Mr. Dewolf we remarked that he represented a large County, and we believed gave a conscientious vote upon all measures which came before him. As regarded the terms "Official Party," and the assertion "that the Councils were supporters of that party," and the terms "Tory, &c." we desired to know what was meant by the terms "Men of Tory and of liberal sentiments in the Colony"—that the epithets "Whig," "Tory" and "Reformer," had a well understood meaning in England, but we denied their applicability to any party in Nova-Scotia, and that it was but within the last three or four years they had been applied to parties in the Province.

At the instance of the Marquis of Normanby, Mr. Young defined a "Colonial Reformer," or "Liberal," to be a man "desirous of economic reform," upon which we alleged—that the Legislative Council was as desirous of economical reform as the House of Assembly was, and we protested against its Members being denounced as Tories to the present Government, because they had had the misfortune to differ from a majority of the House of Assembly as to the quantum of remuneration to be allowed to the Public Servants—that, although the composition of the present bodies was not unexceptionable, (as it would be difficult, if not impossible, to form any Councils so as to be entirely free from even legitimate objection,) still it was but proper to state that, in point of fact, until the arrival of Lord Durham's Commission, in the latter end of the Session of One Thousand Eight Hundred and Thirty Eight, (which had, in the opinion of the Provincial Crown Officers, rendered a change necessary,) so far as could be collected from the Debates in the Popular Branch, *no dissatisfaction was felt*, on the contrary, a reference to these Debates would shew that the language of exultation and gratification at the triumph of the Address of the House of Assembly was used, unaccompanied, so far as we recollected, by a single expression of disapprobation—that this was the case until nearly the end of the Session, and the public business had been almost completed, and, as far as we knew, without any misunderstanding or ill feeling existing between the Legislative Council and the House of Assembly—and that it was not until after the arrival of that Commission that a Committee of the House of Assembly had waited on the Lieutenant-Governor, and informed him that the House was dissatisfied with his nominations.

Mr. Labouchere asked the Gentlemen from the House of Assembly if this was a correct statement—Mr. Young said that much dissatisfaction had been *felt*—but Mr. Labouchere further enquired if any had been *expressed*—and Mr. Young admitted that *none* had been expressed by the House of Assembly until after the arrival of the Commission—that nevertheless both Councils had been and were very obnoxious to the whole Province—that the House of Assembly and the Legislative Council would never legislate harmoniously together, because the Council did not harmonize with the feelings and sentiments of the great majority of the people. The House of Assembly Delegates strongly and at considerable length, urged that the House had no power or influence in the administration of public affairs.—We asked what influence or power the Legislative Council had? and why it should be made the object of repeated attacks, now that it was divested of Executive power. We remarked that, *united*, both branches would be strong, but that the incessant attacks which had been made upon the Members of the Legislative Council and their proceedings, if continued, would compel them to retire from it—that it was at best an ungracious task to reject measures which, although popular, might be injurious—that, so far from a seat in the Legislative Council being desirable, it was known to us that some of the Members, (and we mentioned two or three,) were only induced to remain in the Council at the urgent solicitation of the others—that one of the last acts of the Council was to Address the Governor requesting him to call upon those Members who had not been in attendance during the late Session, to know if they wished to retain their seats, in order that, if they did not, their places might be filled by others, and that Mr. Fitzrandolph had already resigned.—It was further objected that the Legislative Council was constituted with an especial reference to the question of the Chief Justice's Fees, although the Delegates from the House of Assembly also said they did not think the Lieutenant-Governor knew that he was constituting it upon that principle when he made his selections—that the persons selected were of Tory politics—that none had been taken from the Reform or Liberal party of the House of Assembly.—We said that it appeared from the Debates of the last Session, that a seat in the Legislative Council had been offered to, and refused by, the most distinguished amongst those Gentlemen who had of late endeavored to appropriate to their own exclusive use the appellations of "Reformers," the  
 "Liberal

“ Liberal Party,” &c.—Mr. Young said a seat had been tendered to Mr. Howe, but that it had been only offered to him on the eve of his departure for England, in the spring of One Thousand Eight Hundred and Thirty Eight.

We asked if Mr. George Smith had not been taken to the Legislative Council from the Speaker's Chair of the House of Assembly, and if he had not been a short time previously unanimously elected to that Chair by the Members of that House?—Mr. Young admitted this, but denied that he was one of the Reform Party—Mr. Smith, he said, had voted occasionally with that party, but he intimated that he ought not to have been appointed, he having supported the Chief Justice's Fees which the House had declared to be illegal. He said that Mr. Wilkins was known and universally admitted to be the greatest Tory in the House of Assembly—that Mr. Stewart had always upheld the claim of the Judges to those Fees, and that he also was a Tory.

Mr. Stewart, as regarded this latter charge, instantly and peremptorily contradicted him—Whereupon Mr. Young said that at all events the Reform or Liberal Party did now consider him to be a Tory.—Mr. Stewart said that that would not make him one—that it was quite immaterial what political character any one or more of the Members of that party might now be anxious to attach to him, the question was, was the charge well founded? for its refutation he appealed to his whole political life—he desired the Delegates to adduce *acts* in support of the charge, and not to content themselves with mere general assertion, which it was easy to make but not quite so easy to prove—he added that a seat in the Council had been tendered to him without solicitation—that he had previously represented one of the Counties of the Province for a period of ten years, and that whatever course he had pursued as a Representative, or since his elevation to the Council, the application of the term “ Tory,” or “ Whig,” or “ Reformer,” to him, or to any other person or party or parties in Nova-Scotia, was calculated to convey erroneous impressions as to our political condition, inasmuch as it tended to induce the idea that the parties in that Province were very similar to, or identical with, those in England, to which they bore but slight resemblance—that it was this species of general crimination which the Council felt to be unjust, and complained of, that even now the Delegates did not mention a single Member of either Council favorably—that the Members of the Councils were denounced as “ Tories,” “ supporters of the Official Faction,” as “ not harmonizing with the feelings or interest of the great body of the people,” &c. &c. That the Legislative Council had anxiously endeavoured to meet the views of the House of Assembly both in the last and the preceding Sessions—that they had agreed with that House upon the subject of the School Lands to a very considerable extent—as regards the question of Free Ports—also that the sum granted by the Province for the Customs' Establishment was ample—also as regards the Oath offensive to Catholics—the Post Office, and a variety of other measures—that the moment, however, the Council differed from the House upon any subject, its Members were characterized as “ Tories,” “ supporters of the Official Faction,” (a phrase very recently imported into the political discussions of Nova-Scotia,) and their proceedings were treated with derision or stigmatized as personal, or selfish, or unworthy. That it was true the Legislative Council had withheld its assent from the Quadrennial Bill, which, however, the House of Assembly itself had not passed at the last Session.—Mr. Young stated that it was hardly fair to urge this as a proof that the House of Assembly was adverse to that measure—that it was well known a large majority was most anxious that it should pass into a law, but that last Session the leaders of the House, knowing that the Council would not pass the Bill, had determined not to send it up—that it was well known that the question was called the “ Touchstone of Reform” in the Colony—to which we replied,

That the Legislative Council had no mode of ascertaining the anxiety of the majority of the House on this or any other question, but by referring to their published proceedings, still less could it know the intention of the leaders of the House thereon. On their Journals it appeared that a motion had been made to commit the Quadrennial Bill, which was negatived on division, eighteen to fourteen—that as regards this being considered the “ Touchstone of Reform,” Mr. Young had *himself*, at the commencement of the present House, so designated it—that we were not aware it was anxiously desired by the country—that no Petitions in its favor had been presented to the Council, and, as far as we could remember, few, if any, had been presented to the House of Assembly. Mr. Young said he would pledge himself

himself to introduce the Bill into the House early in the next Session, and that it should pass by a large majority. We observed that, as regarded this measure as well as every other, the Legislative Council would consider them deliberately, and if, in its opinion, it would be judicious to adopt them, its assent would be given to them, otherwise not.

Mr. Wilkins said that as to the designation of "Tory," that had been applied to him by Mr. Young, the perfect inapplicability of such a term to any person in Nova Scotia, in reference to the politics of that Colony, had already been mentioned—that self was a subject on which he would not dwell any further than by saying that in the course of his public career he had always endeavoured to do his duty—that, although deeply sensible of the honor conferred on him by his Sovereign, when he was appointed to a Seat in the Legislative Council,—the necessity of attending in that Assembly for one full Quarter of every Year, at a distance from his home, involved much sacrifice of domestic comfort, as well as of professional emoluments, and that he was quite ready to resign his seat, whenever Her Majesty shall be pleased to require him to do so, with a view to replace him by another who could be more useful to the Country; that, as to the unwarrantable assertion, made by Mr. Young, that he, (Mr. Wilkins) desired the removal of the present Ministry from Office; if such were really the desire of the latter, it could not possibly be in the privity of the former.

We pressed the House of Assembly Delegates to adduce other instances of the misconduct of the Legislative Council, if any existed; and it was then said "that the Civil List Resolutions were adopted after the Country Members had left Town,"—which we, at once, conclusively refuted by a mere reference to our Journals of the day, when they were *unanimously* passed—and no other complaint was made of the proceedings of the Legislative Council, although we repeatedly urged, that if any complaint could be produced, it should be brought forward, and we solicited the Marquis of Normanby to call on the Delegates of the House of Assembly to furnish their further charges, but in vain—as to the Legislative Council not assenting to the measures proposed by the House of Assembly, for its consideration,

We observed, that the idea of constituting one Branch of a Legislature merely to carry out the views of another, was an absurdity. That Legislative Bodies could not legislate usefully, without each had the right and the power to express its opinion independently of the other; and, without at times acting upon antagonist principles, or dissimilar views and motives, and of course, occasionally differing from each other. We briefly referred to the Constitutions and Histories of other Countries, and amongst those to that of the United States, in support of this proposition, which was assented to by Mr. Labouchere.

Messrs. Huntington and Young complained that the Boards of School Commissioners were constituted with a view to give the Church of England an influence injurious to the Dissenters—and Mr. Huntington alleged that, when he was a Member of the Executive Council, he had recommended, for the County of Yarmouth, a Board of which the Members were arranged by him so as to give, as nearly as possible, a fair influence to each of the Sects in that County—that, notwithstanding, a Board had been appointed of which the majority were Churchmen. In reply to Lord Normanby's enquiries, we said we could give no explanation of the subject of the complaint in question, that, if the Board had really been constituted with the object of securing to the Church a predominating influence, it was of course an act of maladministration of the Local Government, and we thought that, at all events, an explanation should be required from the Lieutenant-Governor; but that this ought to be obtained before any opinion could be formed on the subject, and this, the more especially, as it appeared, from the Journals of the House of the last Session, that His Excellency had distinctly denied that in the appointments to the Boards of School Commissioners there had been any preference given to the Church of England, and certainly none had been shewn during his administration. That the case stated by Mr Huntington would have been a very fit one to have been brought forward in proof of the correctness of the Resolution of the House of Assembly to which His Excellency had given so explicit a denial—but that no Committee to take evidence, which was the course adopted in the House of Assembly of New Brunswick (previous to its Delegation,) had been appointed, either before or after the adoption of that Resolution. Upon its being asked by Lord Normanby what was the nature of the Office of Commissioners of Schools,

We explained that the Office was constituted by an Act of the Provincial Legislature which authorized the Governor to make the appointments in question, in order to carry into effect the objects of the Statute which referred to the distribution in aid of Education of Monies appropriated to the purposes specified in the Act—that the duties attached to the Office in question were uncompensated and productive of inconvenience to the person filling it. That amongst the duties connected with it was the selection of duly qualified Teachers—that we believed that Commissioners, in discharging that part of their duty, never enquired respecting the religious opinions of the Candidates, but were satisfied with proof of their good moral character and mental attainments. We added, that we never heard that the trust was in any way abused, or that a preference was given to a Candidate for the Teacher's Office, because he was a member of the Established Church.

In reply to enquiries, by Lord Normanby, and Mr. Labouchere, Messrs. Huntington and Young, stated, they knew of no instance in which the public money voted for Schools had been misapplied, or the patronage abused by the Commissioners.

Upon the subject of the Civil List Resolutions we said, that the Legislative Council concurred with Her Majesty's Government in thinking that the Crown Officers and Provincial Secretary should be independent of the annual vote of either branch of the Legislature: and, after hearing what was advanced by Mr. Huntington and Mr. Young on the subject, it was intimated by Mr. Labouchere—"That it was the duty of Her Majesty's Ministers, before they advised Her Majesty to yield Her own Revenue to the Colony, to take care that the Administration of Government should be provided for, and that the House of Assembly, in asking that the Salaries of these Officers should be subject to the annual revision of the House of Assembly, was, in effect, desiring to have the power of stopping, at any time, the functions of Government, absolutely necessary for the preservation of the peace and morals of the Community, which was a power neither possessed nor claimed by the House of Commons of England." In reply to a question of Mr. Labouchere, as to whether it was advisable to give the remaining Crown Domains in free Grant, Mr. Huntington expressed himself favorable to free grants, and Lord Normanby and Mr. Labouchere intimated that this was so contrary to all the information which Her Majesty's Government obtained from every quarter, that they were desirous to hear what could be advanced in favor of such a system—upon which Mr. Huntington was heard at some length in support of it. Mr. Young remarked that though we professed to be the Representatives of the Legislative Council *only*, the course we had adopted evinced that we were the Advocates of the Governor and the Executive Council, we denied this explicitly, but remarked that, if this were the case, they had themselves to blame, that they had coupled the Legislative Council with the Executive Government, notwithstanding their earnest and distinct disavowal of any such connexion—that, had the House of Assembly contented itself with attacking the Lieutenant-Governor or the Executive Council, no Delegates would have been sent by *the Legislative Council* to England; but that, when the right of the Legislative Council to pass the Resolutions on the Civil List Bill had been controverted in the House of Assembly—when we were all conjoined in one general charge, and the Delegates from that House were seeking to displace all or some of the Members of the Legislative Council, whose Representatives we were, it could not be regarded as extraordinary if we carefully noticed every allegation which Messrs. Huntington and Young advanced—that while we were there it was also our duty to render such explanations and to give such information as we were enabled to afford, as to the political, moral, and social condition of the Province—every circumstance that affected these being under the care of the Legislative Council as well as of the House of Assembly—that we regarded it as right and proper individually, if not as Delegates, to see that justice was done to those who were not there to defend themselves, especially when the mere statement of facts or suggestion of a proper course of procedure would tend to produce this result.

Mr. Young alleged that a state of things similar to that which now existed in Nova-Scotia had existed in New Brunswick—that Sir John Harvey had removed from the Executive Council those Members of the House of Assembly who were opposed to the Representatives of the People, and appointed Members from the Liberal Party in that House to that Council—that in consequence the House, with the Legislative Council and the Executive Government, worked harmoniously together—that this happy state of things had been brought about by the attention which Lord Glenelg had paid to the representations of the Delegates from the Popular Branch of the Legislature.

Mr.

Mr. Labouchere asked us if this was, in our apprehension, a correct state of the circumstances as regarded that Colony as compared with our own—to which Mr. Stewart replied in the negative, and that Mr. Young was imperfectly informed as to what had occurred there—that the state of things there and in Nova-Scotia was widely different—that, in the first place, the contest in New Brunswick had arisen between the Executive Government on the one side, and the Legislative Council and the House of Assembly on the other—that two of the three Delegations from that Colony had proceeded to England with the assent and approbation of the Legislative Council as well as of the House of Assembly—that both branches had passed the Civil List Bill, the terms of which had been definitively arranged in England with Lord Glenelg, from which the Governor had, notwithstanding, withheld his assent, and his conduct in doing so was disapproved by His late Majesty's Government; whereas, in Nova-Scotia, Her Majesty's Government and the Legislative Council united in differing from the House of Assembly as to the Civil List Bill.

Mr. Stewart added that—So as regarded the Executive Council, it was desired that some Members should be taken into it from the House of Assembly, which had been long before promised to that Colony; but that the promise had not been fulfilled in any sense, no Members of that House having been appointed to the Executive Council—and this was done by Sir John Harvey, in the selection of Messrs. Simonds, Crane and Johnston, and more judicious appointments could not have been made by him: that one of the Executive Council had become obnoxious to the House of Assembly, and one principal object of the Mission from that Colony, had been to obtain a better system for the management of the Crown Land Department, which was conceded, upon the Legislature agreeing to pay the Civil List demanded by Her Majesty's Government; that this Gentleman resigned his seat, or was displaced from it, (we rather thought the former,) in the Executive Council, retaining his seat in the Legislative Council; that another Gentleman had been removed from the Executive Council, but he had been since appointed, by the express recommendation of Sir John Harvey, to a seat in the Legislative Council; that the preceding Executive Council of that Colony had consisted of five Members only, and its numbers were increased at the request of the Delegates from New Brunswick, but he believed that three of the five formed part of the present body, which now consisted of ten or twelve Members.

That it was difficult to affix any definite meaning to the phrase “harmonious action of the Local Government, with the Representatives of the People.”—If it was meant that the measures advised by the *present* Executive Council, of New Brunswick, were *always* approved by the popular branch, a very recent instance evinced how very inaccurate the application of the expression was. Sir John Harvey had by such advice and with the sanction of Her Majesty's Government also, appointed a Deputy Auditor of Public Accounts in that Province, but the House of Assembly in the Session immediately following, disapproving of the measure, so expressed their sense of it, and the Office was abolished.—That notwithstanding this, the administration of Sir John Harvey was popular, and deservedly so, in New Brunswick, but in truth the Members of the House of Assembly of both the Lower Provinces, would individually judge for themselves on particular measures, however influential one or more individuals might be personally, or however, upon one or two general questions, the Members might occasionally act together; that no individual was removed from the Legislative Council, (of the Province in question,) who, he believed, were chiefly Members of the Church of England, and certainly a very considerable majority was of that communion; that five had been recently added to that body, and that at the present moment, there was, he believed, a majority of Members connected with the Established Church, in the Executive Council of New Brunswick; that he mentioned these circumstances, not as indicating our desire that any preponderance should be given to that or any other Church in Nova Scotia, but in reference to Mr. Young's remarks; and that things were not so different in New Brunswick from those in Nova Scotia, as he imagined; that although it would be ridiculous as had been strongly argued by one of the Members of the House of Assembly, Mr. W. Sargeant, in the recent Session in Nova Scotia, to form a Legislative Council by arithmetical proportion *merely*, care should be taken that as nearly as possible, no ground should be afforded for supposing that any individual was preferred to, or excluded from, a seat in either of the Councils, because of his connexion with any particular body of Christians; that the recent appointments of Sir John Harvey in New Brunswick, shewed that

that local circumstances might, in the opinion of a Governor, render it necessary, not wholly to regard the religion of those whom he recommended, for of the five recently elevated to the Legislative Council there, three were of the Church of England and but two Dissenters, viz : one of the Kirk of Scotland and one a Baptist.

In connexion with this subject we observed, that it was asserted in Lord Durham's report that the Local Government was in a minority in our House of Assembly. That this expression, in our opinion, conveyed an incorrect idea of our political condition. We asked that a single instance should be pointed out in which the Local Government of Nova Scotia had, within the last fifteen or twenty years, been in such minority. We inquired whether monies advanced by the Executive, on its own responsibility, had not been readily voted by the House of Assembly ; whether, (except as regards the Road Money,) the recommendations of Sir James Kempt, Sir Peregrine Maitland, and Sir Colin Campbell, had not received the acquiescence of the Legislature. That at the present crisis it was important that Her Majesty's Government should have accurate views on this point, and that if our view of the subject was incorrect, (inasmuch as the Local Government could not be in such minority without there being numerous cases to adduce,) it could not be difficult to mention one or two—but no instance was adduced by Messrs. Huntington and Young.

We called the particular attention of Lord Normanby and Mr. Labouchere to the Resolutions of the Legislative Council on the subject of the proposed Union of the Colonies, and alleged that the measure was one that would be unacceptable to all classes of the people in Nova Scotia.

Messrs. Huntington and Young observed they had no instructions upon this subject.

Upon the part of the Legislative Council, we claimed, in conjunction with the Delegates from the House of Assembly, the right that the Provincial Legislature should apply our Local Revenue either in Bounties or otherwise, as it might think fit, and from this proposition, after considerable discussion, the Secretary of State did not appear to dissent.

The Catholic Oath Bill, the proposed extension of the Foreign Trade of the Province, &c. &c. were slightly noticed at our joint interviews, being subjects on which there was little or no difference of opinion, and on which we had the gratification of using our best efforts in furtherance of the objects of both branches of the Legislature.

At the conclusion of our last interview, Messrs. Huntington and Young desired leave to submit their further observations on the subject of the Civil List in writing, to which Lord Normanby assented. He promised that we should be furnished with a copy of them for our remarks, but we were afterwards informed, on enquiry at the Colonial Office, that they had not submitted such further observations.

202 Piccadilly, 21st June, 1839.

MY LORD MARQUIS—

Mr. Wilkins and myself having deemed it expedient to make separate communications, I now do myself the honor to address you on behalf of the Legislative Council of Nova Scotia, and your kind and ready attention to our representations at the interview with which we were honored on Saturday, induces us to indulge the hope that you will accede to the desires of that branch of the Colonial Legislature, if, in your Lordship's judgment, they shall consist with the true interests of the Colony.

But I shall be comparatively brief,—one of the objects of the Legislative Council in authorizing a Delegation, being, that, by personal conference with the Colonial Secretary, a more intimate knowledge of our domestic affairs might be afforded to him than he could obtain from written communications.

It is known to your Lordship that the Legislative Council was constituted on its present basis in the year 1833, 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 re-composition of the Legislative Council, 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 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 Office, 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 it as well as 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 from that House as to the sum which should be retained for a Civil List out of the Royal Revenues proposed to be surrendered; but this subject, and indeed all others on which there is any difference of opinion, we shall be most happy to discuss with the Gentlemen of the House of Assembly in your presence, and as we cannot differ upon the facts, 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 utility, 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 one of the objects of the House of Assembly is to effect a re-composition of the Legislative Council.

My Lord, we did, both in the last and the present Session, humbly state to Her Majesty's Government, that highly honored as we had felt ourselves by our appointments, it was our anxious desire that our personal feelings should be entirely disregarded in considering the prayer of the House of Assembly.

The Members of the Legislative Council are, 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 mischiefs of incessant agitation, and Her Majesty's Government to the annoyance of repeated remonstrances and Delegations from both branches of the Legislature.

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 overcome 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 initiative 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, amounting in effect to distinct charges against the Legislative Council, although in the recent Session that House itself declined to pass either the one or the other.

While 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 accomplish.

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 his 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 feelings of the People of Nova Scotia,—contented, loyal, and peaceable as they now are; prospering in every branch of industry, ardently attached 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.

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

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, while 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, 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 an Hereditary

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 illusion, 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 Parent 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, confessedly 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 great 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 been recently 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

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 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 learning 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.

I have, &c.,

(Signed)

LEWIS M. WILKINS.

The MARQUIS OF NORMANBY, &c. &c. &c.

The Committee appointed to consider of a Plan whereby Wilderness Lands may be made an available source of Revenue to the Province, report, that endeavouring to carry into effect the wishes of the House, they have found themselves unable to devise any Plan for making them taxable, so free from grave objections, as to induce them to recommend its adoption.

As the Committee do not understand it to be the intention of the House to impose a general Land Tax, they consider there are three descriptions only of Land upon which the whole or a portion of the recent Grant of the Legislature, in commutation of the Quit Rents, may be charged. First, the Lands of Absentees. Second, those entirely in a Wilderness state, exceeding in quantity a number of Acres to be specified, or, in value, a certain sum; or, Thirdly, all the Lands which have been discharged during the present Session, from the payment of Quit Rents.

The Committee do not dwell upon these last mentioned—one of the objects of the Grant being to relieve the poorer description of Landholders, the Committee cannot think they should be again subjected to a Land Tax. It is to be observed that many Proprietors have themselves commuted their Quit Rents or bought their Lands free from this Render. Such Proprietors should not be again made liable to it, except in the event of the imposition of a general Land Tax, or of their being taxed as Absentees—with regard to the latter, the Committee turn the attention of the House to the Provincial Statute, 5, Geo. 3, cap. 5, by which these Lands, except in Halifax, are made subject to be leased for the non-payment of highway labour, or for non-payment of their proportion of County and Town charges.

In endeavouring to frame, for the consideration of the House, efficient Provisions for enforcing the levy of a Tax upon Absentees, many difficulties have occurred to the Committee. For instance, what period of time the Land Owner should be absent to constitute him an Absentee. Whether his absence should be continuous—whether, if he sold portions of his Property to Purchasers who cultivated such portions, he should, for the remainder, be the subject of a Tax. Whether he should be afforded an opportunity of improving his Land before he was subjected to Penalties for not doing so—in what manner such Lands would, in the practical operation of a Tax, for taxing the Lands of Absentees, be distinguished from those owned by resident Proprietors. The Committee are of course speaking of their Wilderness Lands only,—those under cultivation being occupied by Tenants or  
others,

others, who contribute their allotted portion to the Provincial burthens. It will occur to the House that if, as it is but just, Absentees should be afforded an opportunity of making improvements upon their Lands before they were rendered liable to be taxed or sold, the Tax, in many cases, would be easily evaded by their Owners, causing small clearings to be made thereon.

The Committee have been equally unsuccessful in devising a plan whereby the Wilderness Lands of the large Landholders may be made an available source of Revenue to the Province. If, for instance, it was made to operate upon all who owned uncultivated Lands of the quantity of 500 Acres and upwards, it is obvious that nearly the whole of the productive Meadow Marsh and cultivated portions of the Province, would altogether escape, while Owners of the Wilderness Lands, many of whom, although comparatively poor, accumulate this number of acres whereon to settle their children, but from which, in the interim, they derive no profit, would be set apart, as it were, as fit subjects of taxation. If 1000 Acres were fixed as the maximum of untaxed Wilderness Lands, in numerous instances 20 or even 10 Acres of Marsh or Meadow Lands, at once more valuable and more productive to their Owners, would be exempt. But why should not all who have been relieved, except those who are unable to pay, bear a fair portion of a burthen imposed upon the whole community for the benefit of all? If again, uncultivated Lands of the value of £100, or any other specified sum, were selected for taxation, the tax could and would be evaded by their Owners making the formal clearing before mentioned, or by the erection of a log hut, or the sale or transfer of a portion of the soil. Besides, from the scarcity of a circulating medium in the Country, Land is generally estimated at much above its pecuniary value, and thus again the poorer Landholders would become, to a considerable extent, liable to a Tax. To enforce its payment would require numerous Provincial and Local Officers and Legal powers of an Inquisitorial nature for the ascertaining the Ownership and the value of the taxable Lands. The Committee are apprehensive that much litigation would be the inevitable result of such a Law. Lands subject to, and free from its operation, would pass together to buyers, and be included in one instrument, and the Purchasers, while they would probably be obliged to pay the Provincial Tax, would find it difficult, from the defective Deeds and other Conveyances which abound in the Colony, to obtain any effectual remedy against the sellers. It seems to the Committee somewhat questionable how far the large Landholders only should be rendered liable to pay the annuity recently given. The amount of it is imposed upon the whole community, of it the large Landholders form a part, and as such pay a considerable portion of it. It is clear, therefore, that if their Lands were exclusively taxed towards its payment the owners will be made to pay twice.

The legitimate reason therefore for selecting them as fit objects of taxation, is the improvement of the Province, by obliging them either to sell or cultivate their Wilderness Lands, but this consideration equally applies to all the Proprietors of uncultivated Lands, and not merely those who have been released from the Quit Rents.

The Committee will regret if it shall be found impracticable to frame a Law by which the Owners of large Tracts of Wilderness Land may be compelled either to cultivate or to dispose of it to others at a moderate rate. The Lands of such Proprietors derive value from the labor of the surrounding cultivators of the soil, they contribute nothing to the Poor and County charges, or to the making and improvement of the Roads, and through them in many cases, Highways are made at the public expense. But influenced by the foregoing considerations the Committee recommend that the further consideration of the whole subject be deferred until the next Session. During the recess, Members may consult their Constituents, and probably receive such suggestions, as will enable the House to adopt a plan for rendering the Wilderness Lands, and those of Absentees, an available source of Revenue to the Province, free from the objections which have pressed so forcibly on the minds of the Committee.

*Committee Room, 25th January, 1835.*

(Signed)

{ A. STEWART, Chairman.  
 JAMES R. LOVETT,  
 JAMES B. UNIACKE,  
 JOHN JOHNSTONE,  
 THOMAS DICKSON.

**ESTIMATE FOR 1840.****ADMINISTRATION OF JUSTICE.**

|   | Currency, |   |   |
|---|-----------|---|---|
|   | £1800     | 0 | 0 |
| Three Assistant Justices of the Supreme Court       |           |   |   |
| Travelling expenses of the Judges on Circuit        |           |   |   |
| Hire of Vessel to convey the Judges to Cape Breton  | 40        | 0 | 0 |
| Master of the Rolls                                 | 600       | 0 | 0 |
| The Attorney General in lieu of Fees                |           |   |   |
| The Solicitor General                               |           |   |   |
| First Justice of Inferior Courts in Cape-Breton     | 500       | 0 | 0 |
| Ditto for the Eastern, Western and Middle Districts | 1350      | 0 | 0 |
| Counsel for conducting Criminal Prosecutions        |           |   |   |
| Allowance to Coroners                               |           |   |   |
| Keeper of the Law Library                           | 10        | 0 | 0 |

**LEGISLATURE.**

|  |     |   |   |
|--|-----|---|---|
| Speaker of the House of Assembly                                       |     |   |   |
| Pay and Travelling expenses of Members of Assembly                     |     |   |   |
| Clerk of the Legislative Council                                       |     |   |   |
| Law Clerk ditto  |     |   |   |
| Chaplain of ditto  |     |   |   |
| Gentlemen Usher of the Black Rod                                       |     |   |   |
| Clerk of the House of Assembly   |     |   |   |
| Assistant Clerk of ditto   |     |   |   |
| Chaplains of ditto   |     |   |   |
| Sergeant at Arms of ditto  |     |   |   |
| Assistant ditto of ditto   |     |   |   |
| Messenger of Legislative Council                                       |     |   |   |
| Assistant ditto of ditto   |     |   |   |
| Messengers, &c. of the Assembly  |     |   |   |
| Stationary, Fuel and contingencies of Legislative Council and Assembly |     |   |   |
| Mr. Franklin's Pension   | 200 | 0 | 0 |
| Keeper of Council Chamber and Assembly Room                            | 60  | 0 | 0 |
| Sheriff, for attendance at opening and closing Session                 | 10  | 0 | 0 |

**REVENUE.**

|                                   |      |    |   |
|-----------------------------------|------|----|---|
| Treasurer                         |      |    |   |
| Custom-House Establishment        | 7144 | 18 | 9 |
| Guager and Weigher                | 235  | 0  | 0 |
| Excise Waiters                    | 500  | 0  | 0 |
| Clerk to Commissioners of Revenue | 45   | 0  | 0 |

**EDUCATION.**

|  |     |   |   |
|--|-----|---|---|
| Common and Combined Common and Grammar Schools                                   |     |   |   |
| King's College   | 444 | 8 | 8 |
| Pictou Academy and Dalhousie College   | 400 | 0 | 0 |
| Halifax Grammar School   | 150 | 0 | 0 |
| Horton Academy   | 300 | 0 | 0 |
| National, Acadian, Catholic, African, and Rev. Mr. Uniacke's Schools,<br>Halifax | 460 | 0 | 0 |
| Infant School and School in Poor House   | 75  | 0 | 0 |
| Other Schools in various parts of the Province                                   |     |   |   |

**MILITIA.**

Adjutant General  
 Quarter Master General  
 Adjutants of Battalions

Cleaning

## Cleaning Militia Arms

To defray expenses incurred by the Lieutenant-Governor's direction in fitting up an Armoury, cleaning Arms and in organizing the Militia £623 12 6

## MISCELLANEOUS.

|   |      |   |   |
|---|------|---|---|
| For maintaining Light Houses, including those lately erected at St. Paul's and Scattarie  |      |   |   |
| For establishment on Sable Island   | 400  | 0 | 0 |
| Expense of keeping up Post Communication  |      |   |   |
| Encouragement for Steam Boats, Sailing Packets and Ferries  | 600  | 0 | 0 |
| Commissioners of the Asylum for the Poor  | 600  | 0 | 0 |
| For erecting a Provincial Penitentiary  |      |   |   |
| Towards support of Bridewell  |      |   |   |
| Interest of Funded Debt   |      |   |   |
| Shares of Shubenacadie Canal Stock  | 1500 | 0 | 0 |
| on Deposits in Saving's Bank  |      |   |   |
| For improving the Main Lines of communication between Halifax and Pictou, between Truro and the New-Brunswick Boundary, and between Halifax and Digby |      |   |   |
| For opening and repairing other roads, and building and repairing Bridges   |      |   |   |
| For casualties to Roads and Bridges   | 500  | 0 | 0 |
| To Clerks of the Peace for distributing Road Commissions  | 60   | 0 | 0 |
| Drawback on Wine imported for Army  | 300  | 0 | 0 |
| Repairs of Public Buildings   |      |   |   |
| For assisting Indians   |      |   |   |
| For purchasing Seed Potatoes for Blacks at Preston, Hammond's Plains, &c.   | 100  | 0 | 0 |
| Towards the support of the Halifax Dispensary   | 50   | 0 | 0 |
| Towards the support of the Mechanic's Institute   | 50   | 0 | 0 |
| Ration to Troops on route   | 300  | 0 | 0 |
| Drawbacks   |      |   |   |
| Keeping of Gunpowder at Halifax Magazine  | 20   | 0 | 0 |
| Allowance to Printer for Government   |      |   |   |
| Allowance to do for extra Printing  |      |   |   |
| For relieving Distressed Settlers   |      |   |   |
| Bounties to Eastern and Western Stage Companies   |      |   |   |
| Amount expended, by the Lieutenant Governor's direction, on the Great Eastern and Western Roads last year   | 2369 | 0 | 8 |
| To pay old Road Votes and Balances  |      |   |   |

Government-House, Halifax, 21st January, 1840.

(Signed)

C. CAMPBELL.

## APPENDIX No. 29.

(Copy) No. 15.

*Downing-Street, 15th November, 1839.*

SIR,—

I have the honor to acquaint you, at the instances of Messrs. Stewart and Wilkins, directions have been given by Her Majesty's Government, for supplying the Legislative Council of Nova-Scotia, with copies of the Journals of the House of Commons.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed)

J. RUSSELL.

Lieutenant-General SIR COLIN CAMPBELL, &c. &c. &c.

(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 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 enclose an Order, passed by the Queen in Council, on the 15th instant, disallowing the same accordingly.

I likewise, in reference to my Despatch, No. 34, of the 11th Instant, enclose 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 Capé Breton, called the Miré 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.

Lieutenant-General SIR COLIN CAMPBELL.

(Copy)

AT THE COURT AT WINDSOR, the 15th of November, 1839.

P R E S E N T—

THE QUEEN'S MOST EXCELLENT MAJESTY,

Marquess 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, 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 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 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,

Marquess 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. 1968. An Act for settling Titles in a certain Tract of Land, in Cape Breton, called the Mirè Grant.

And whereas, the said Act has been referred to 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,

Marquess 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.

## APPENDIX No. 30.

(Copy.)—No. 12.

Downing-Street, 11th November, 1839.

SIR,—

I have the honour to acknowledge the receipt of your Despatch, 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:

The

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 upon 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 Despatch of the 3d 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 23d Sept.

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 Estates, 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 Order, passed by Her Majesty in Council on the 21st ultimo.

|                  |    |
|------------------|----|
| No. 1985, cap. 3 |    |
| 39,              | 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 the Laws are passed expires before any consent, either express or conditional, is given to them, and the Crown cannot, according to Parliamentary Law, except in Canada, assent, 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

(Copy.)

AT THE COURT AT WINDSOR, 21st of OCTOBER, 1839.

PRESENT—

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord Chancellor, §  
 Marquis of Normanby, §  
 Lord Chamberlain, §

Viscount Falkland,  
 Viscount Palmerston,  
 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 Licenses for the Sale of Spirituous Liquors.
- No. 1943. 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.
- No. 1944. An Act to authorise 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 Poor 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 connection 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 connection 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. 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 additional 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 Acts 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, Wears, 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 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.
- 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. 1994. An Act to continue the Act concerning Malicious Injuries to Property.
- No. 1995. 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 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 County and District Rates, and for other purposes, and the Act in amendment thereof.
- No. 1999. An Act to continue the Act relating to Marriage Licenses.
- 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 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 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.
- 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.

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, Regrating, 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.

APPENDIX No. 31.

*London, 3d December, 1839.*

SIR—

I have the honor to enclose copies of two Letters addressed by me to the Principal Secretary of State for the Colonies, and Mr. Smith, one of the Under Secretaries of the Colonial Department; I also transmit a Letter from the latter in reply to the one addressed to the former—be so good as to submit these to the Honorable the Legislative Council. I shall furnish to the Clerk a Memo. of the sums I shall advance on behalf of the Council, in order that they may be included in the Contingencies of the ensuing Session.

I have the honor to be, Sir, Your most obedient humble Servant,

ALEX. STEWART.

The Honorable the President of the Legislative Council of Nova-Scotia.

*5, Foley Place, 15th November, 1839.*

MY LORD—

I do myself the honor to enclose a Note from the principal Clerk of the House of Commons, in reply to one which I recently addressed to him on the subject of a previous communication to that Gentleman—a copy of which I also enclose.

I mentioned the subject of these communications to your Lordship's immediate predecessor—after which, I received a kind Letter from the Clerk of the Parliament, addressed to me by command of the House of Lords, announcing that their Lordships would be gratified to make the interchange desired by the Legislative Council; that the necessary directions had been given for the regular transmission of these Journals to us; and, as a farther mark of their Lordships' consideration, at the same time was transmitted to me a handsomely bound corrected copy of their Standing Orders, with the words Legislative Council of Nova-Scotia inscribed on the volume which contains them.

I know not if I am to attribute this gratifying result to the Marquis of Normanby's personal interference, as a Member of the House of Lords; but, it has occurred to me that, before I make the application to the Speaker, which Mr. Ley suggests, I ought to ask your Lordship if it be proper that I should do so, as it may be, that the channel of communication to him on this occasion is through the Secretary of State for the Colonial Department; and,

and, at all events, that the object the Legislative Council has in view, will be effectually secured, if I can obtain on its behalf the powerful influence of your Lordship. Unimportant as it certainly is, when compared with the subjects of grave moment which must now occupy your Lordship's anxious consideration, I cannot well express how much the Members of the Council will feel gratified, if the House of Commons, as well as the House of Lords, shall make the proposed exchange.

As you are now the natural protector of Her Majesty's Colonial Subjects, we shall value the favor more highly, if we obtain it through your Lordship's good offices. Permit me to solicit them, and to subscribe myself,

Your Lordship's, &c.

ALEX. STEWART.

The Right Hon. the Lord JOHN RUSSELL.

*Downing Street, 30th November, 1839.*

SIR—

I am directed by Lord John Russell to acknowledge your Letter of the 15th inst., and to return to you the following answer :

A complete set of the Journals of the House of Commons is now ready for shipment to Nova-Scotia, for the use of the Legislative Council, and the Lords of the Admiralty have given directions for their reception on board the next Packet destined for Halifax. A small expenditure will be required for the carriage of these Journals from London to Falmouth, and you probably will not be unwilling to advance the necessary sum for this purpose.—The Journals will be shipped by Messrs. Hansard, of Great Turnstile Holborn.

Measures are also in progress for supplying a set of the Journals of the House of Lords for the use of the Council.

If you will furnish me with a list of the Parliamentary Papers, which, in your judgment, would be acceptable to the Legislative Council, Lord John Russell will consider the propriety of recommending to the Lords of the Treasury their gratuitous supply.

I have the honor to be, Sir, Your most obedient Servant,

R. VERNON SMITH.

A. STEWART, Esqr. 5, Foley Place.

*2, Duke Street, Portland Place, 3d December, 1839.*

SIR—

I am much obliged to you for your Letter of the 30th ult., which reached me only this morning. I have since made the necessary arrangements with Messrs. Hansard for paying the expense of forwarding the packages to Falmouth ; and, as I find that they will not arrive at that place in time to be sent out by this week's Packet, I shall, unless it be objectionable, get Messrs. Hansard to send with the Journals a complete set of the Statutes at large, for the Legislative Council of Nova-Scotia.

It is very gratifying to me to be enabled to communicate the fact, which I accidentally learned at Messrs. Hansard's, that it is to my Lord John Russell's special recommendation we are indebted for this valuable boon ; to a member of a Government, which, by its munificent grant for the establishment of Steam Communication to Nova-Scotia, has secured to itself the affectionate gratitude of all classes of Her Majesty's Subjects in that devotedly loyal Colony.

I will shortly furnish you with a list of Parliamentary Papers, &c. and should it be too extensive, I beg you to ascribe the error to the comprehensive terms in which you have permitted me to prepare it. All I can say is, "that the smallest favor will be thankfully accepted." We have, in truth, nothing in Nova-Scotia which can really be regarded as a Public Library ; the valuable Records which were a few years since, by command of His late Majesty, given to the Province, remain alone in one of the Committee Rooms of the Council.

I should have waited on you, and said all this in person, but—besides that I am fearful of intruding upon time, already fully occupied—I have thought it more becoming to defer doing so, until I shall have been enabled by the Council to communicate to His Lordship their respectful and grateful acknowledgements.

I have, &c.

ALEX. STEWART.

R. VERNON SMITH, Esq. M. P. &c. &c. &c.

## APPENDIX No. 33.

(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,

&amp;c. &amp;c. &amp;c.

(Signed)

J. RUSSELL.

Lieut. Gen. SIR COLIN CAMPBELL, K.C.B. &amp;c. &amp;c. &amp;c.

(Copy.)

*5, York Street, St. James, 6th August, 1838.*

MY LORD,

I have the honor 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 Colin 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 Society and the Government when the first Settlers were sent to Halifax, ninety years ago, and by the uniform usage under those instructions up to the present period.

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 blessing 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 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 of 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 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 has been happily instrumental in the introduction and support of the Church in several other Colonies by their Missionaries, Catechists and Schoolmasters, and had often co-operated with the Government in this good work. It was, therefore, 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 April, 1749, addressed a Letter to the Society to inform them that His Majesty had given directions, 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, on behalf not only 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 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 consci-

entious 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 Schools, without a single complaint.

Your Lordship, I hope, will easily perceive, that the Government had the same understanding and intention, 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 Townships 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 Government contain similar directions concerning Glebes and School Lands; but it must be unnecessary for me to trouble your Lordship with any more references, 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

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 Missionaries 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 Propagating 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 Licenses were given to other Schoolmasters of the Society, in different places and at different times, but there is not a single instance in which such a License was given to any other than a Schoolmaster of the Society.

It is within my own knowledge, that in many Townships, in Horton, Truro, Onslow, Amherst, Shelburne, 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 of recent establishment.

In some instances, Townships had been settled in which the usual Revenues, ordered by Government, had been, by some neglect, omitted. Similar omissions had also occurred upon the subdivision of Townships; and in some instances the Reserve 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 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 Governments 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 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, when 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

movements in other places, most probably had some influence in Nova-Scotia; and if the alienation of Glebes in Prince Edward Island has 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 of 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 quantities 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 fit 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 be again 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 others 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 of 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 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.

ship. 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 grant, for it requires that the Schools to be assisted "shall be established "and fixed from time to time, agreeably to our Royal Instruction, 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 Government with the Society," the application of such of the School Lands as remain unoccupied and unimproved to the general purpose 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 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 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

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 Lands, 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.

The Right Hon. Lord Glenelg, &c. &c. &c.

*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.

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 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 Licenses 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 Licence of the

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."

(Copy.)

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 honour 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, should 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 divert 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 Grant, to work such injury.

I have, &c.

(Signed)

JOHN NOVA-SCOTIA.

The Lord GLENELG, &c. &c. &c.

(Copy.)

109, Picadilly, March 13th, 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 claim of that Society, to the proceeds of School Lands in the Diocese of 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 show that the existing Grants

Grants of School Lands were for the benefit of the Society's Schools, 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 those 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 will be ready to communicate fully, whenever your Lordship shall be pleased to name a time for their attendance in Downing-Street.

I have, &c.,

(Signed)

JOHN NOVA-SCOTIA.

The MARQUIS OF NORMANBY, &c. &c. &c.

(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?

And further, to advise in what manner this claim may be most effectually pressed upon the Government?

Temple, 5th March, 1839.

#### COPY OF 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 1794, for Schools and Schoolmasters,) in connexion with the Society for the Propagation of the Gospel in Foreign

reign 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 the 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 Minister 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 Land 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 on the business of a Schoolmaster, and, in certain cases, particularly as to all Grammar Schools, and requires examination and a License. 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 Lands, 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 appear as to support the

the claims of the Society upon the Government, to carry into effect the intention which prevailed up 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.—Whenever 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 all these 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 to the Governor in 1749, (what I have seen is only the correspondence with 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 these, 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.)

(Copy.)

109, Picadilly, August 19th, 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 those 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 a 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 the 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. The case of the National School at Halifax, may serve as a prominent example.—This School has been established at an expense 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 expenses 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 are 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 Townships or Districts to make such nomination in the first instance. Hitherto it has been made solely by the

the

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 necessary 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. (Signed)

The Marquis of Normanby, &c. &c. &c.

JOHN NOVA-SCOTIA.

(Copy.)

109, *Picadilly*, 19<sup>th</sup> *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 side 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 is 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 very 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 claim, if it 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, with great respect,

(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 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

ertions 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.

(Signed)

R. VERNON SMITH.

The Right Rev. The Bishop of Nova-Scotia, &c. &c. &c.

(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 occupation has occasionally been liable to temporary interruptions, 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 the 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 the honor to be, &c. &c.

(Signed)

JOHN NOVA-SCOTIA.

R. V. Smith, Esq., &c. &c. &c.

(Copy)

Downing Street, 10th October, 1839.

MY LORD,—

I have had the honor to receive, and 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 unable at present 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.

I have the honor to be, &c. &c. &c.

(Signed)

R. V. SMITH.

The Right Rev. The Bishop of Nova-Scotia, &c. &c. &c.

## APPENDIX No. 34.

DR. *Account of the Receipts and Payments of Her Majesty's Casual Revenue in Nova-Scotia, for the year ended 31st December, 1839.*

1839.

|   | STERLING. | CURRENCY. |
|---|-----------|-----------|
| Dec. 31. 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 |
| Excellency's allowance for contingencies for the year ending this day   | 200 0 0   | 250 0 0   |
| The undermentioned Officers their respective Salaries or Allowances for the year ending this day, viz:  |           |           |
| 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  |
| Ditto of Cape-Breton  | 100 0 0   | 125 0 0   |
| Ditto for Office Rent   | 16 0 0    | 20 0 0    |
| Superintendent of Mines   | 100 0 0   | 125 0 0   |
| Harbour Master at Sydney  | 100 0 0   | 125 0 0   |
| Miss Cox's Pension at 1½ per cent. premium  | 101 10 0  | 126 17 6  |
| Mr. James, 1st Clerk in the Secretary's Office  | 250 0 0   | 312 10 0  |
| Mr. Passaw, 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 Government.   | 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 Church at Sydney as authorised by Lord Normanby's Dispatch of 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 for 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,

|   |             |              |
|---|-------------|--------------|
| 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   | £10,997 7 8 | £13,746 14 7 |

| 1839.  | Sterling.   | Cr. Currency. |
|--|-------------|---------------|
| Jan. 1st. By Balance   | £3602 10 4  | £4503 3 0     |
| Received from General Mining Association, being the 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 Chal-dron              | 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 Provin-cial 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 December, 1838                       | 364 16 2    | 456 0 2       |
| Received from do. on account of the proceeds of Sales of Crown Lands in the year 1839  | 629 10 10   | 786 18 6      |
| Received from do. being part of the balance of £587 2s. 3d. currency in his hands on 31st December, 1839, as per his ac-count  | 160 0 0     | 200 0 0       |
| Received from H. W. Crawley, Esq. on ac-count 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 Office in the last year, including £127 9s., 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.

APPENDIX No. 35.  
MESSAGE.

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

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 existing 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 February, 1840.

(Copy.)

### MESSAGE.

(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 Excellency's 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 Laborers, 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 upon 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 for 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 for providing materials for building Bridges at the season of the year when they could be collected at the least possible expense. He would  
always

always be enabled to command the best laborers 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 superintendance 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 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 Labor 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* labor on the road. On the other hand, the Surveyors of Highways have always a considerable command of labor, 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 Labor be performed to greater advantage than it now is, if the small votes for the Road Service were granted in aid of the Statute Labor, and applied (at the same time and in conjunction with it) by the Surveyors of the Highways for the Districts in which the severals Roads are situated. The Surveyors should, of course, be made responsible to the General Sessions of the Peace for the faithful expenditure of the Provincial Grants, as well as for the due performance of the Statute Labor, 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.

#### APPENDIX No. 36.

*Office of Clerk of the Peace,*

*Halifax, 23d December, 1839.*

SIR,

In accordance with certain Resolutions of the Honourables the Legislative Council, requiring Returns relative to the Revenue of this Town; as also, the names of the Police Officers—their duties—Salaries, &c.—I beg leave respectfully to transmit you the accompanying statements.

I have the honor to be, Sir,

Your most obedient Servant,

JAMES S. CLARKE.

Hon. W. B. ALMON, Esq. &c. &c. &c.

*Statement*

*STATEMENT showing Amount of Public Revenue for the Town and County of Halifax—whence derived—how expended—and for what purposes.*

| Amount of Public Revenue for year 1839. | WHENCE DERIVED.  | HOW EXPENDED.   | FOR WHAT PURPOSES.   |
|---|--|---|--|
| £1039 6 10                              | <p>Voted by the Grand Jury in December Sessions, confirmed by the Court and assessed on the County, Amereed on the Town by order of Court of General Sessions,</p> | <p>By orders from Sessions on the County Treasurer.</p> | <p>To pay the various demands against the County, passed by the Grand Jury in December Sessions, and which are published every year.</p>   |
| 408 1 0                                 | <p>Assessed on the Town, assessed by Sessions, and Voted at Town Meeting, confirmed by Sessions, and assessed on the Town.</p>                                     |   | <p>To pay demands on Engine House, the expense of repairs of Pumps and Wells, and keeping the Engines in order.</p>  |
| 123 3 1                                 | <p>Assessed on the Town, assessed by Sessions, and Voted at Town Meeting, confirmed by Sessions, and assessed on the Town.</p>                                     |   | <p>To pay Health Inspector his Salary, £50, and for cleaning and keeping the Streets in order.</p>   |
| 1421 0 0                                | <p>Rents of Shops under County Court House and Reading Room,</p>   |   | <p>Towards support of the Poor.</p>  |
| 130 0 0                                 | <p>Rents of Meat Market Stalls, Loft and Shop,</p>   |   | <p>The Rents arising from Town Property is by 55, Geo. 3, Cap. 16, applicable, in the first place, towards keeping the various Buildings belonging to the Town in repair, and the Balance goes toward the support of the Police Officers of the Town.</p>  |
| 57 15 0                                 | <p>Rents of Fish Market, Shop and Cellars</p>  |   |  |
| 52 0 0                                  | <p>Rents of Market Slip Shops,</p>   |   |  |
| 130 0 0                                 | <p>Rent of Upper Fish Market Shops,</p>  |   |  |
| 95 0 0                                  | <p>Rent of Weighing Machine</p>  |   |  |
| 6 5 0                                   |  |   |  |
| 50 0 0                                  |  |   |  |
| 179 14 9                                | <p>Rents arising from Powder Magazine,</p>   |   | <p>The Rent arising from the Weighing Machine is expended in keeping the same in order, and the balance goes towards payment of demand due the Estate of the late Mr. Samuel Black, for money borrowed to finish the Property in which the same is kept. The Rents of the Buildings are collected by Messrs. Tobin, who have a Deed of the Property in their own name, they having executed a Bond to deliver up the Property to the Town whenever their demand is paid. The amount due Messrs. Tobin in December 1838, was £1424 12s. 11d. The amount now due W. Black's Estate is £829 6s. 9d.</p> |
|   |  |   | <p>The rents arising from the Powder Magazine are applied in keeping the same in repair, and the Balance to pay Messrs. Tobin's demand for money advanced to build the same, by 8, Geo. 4, chap. 27. The Balance due in July, 1839, was £130.</p>  |

JAMES S. CLARKE, Clerk of the Peace.

*STATEMENT showing Names of Police Officers—their duties—Amount of Income and Fees—and how derived.*

| NAMES OF POLICE OFFICERS.                          | THEIR DUTIES.   | AMOUNT OF INCOME.  | HOW DERIVED.  |
|--|---|--|---|
| W. Q. Snavers, Esq.                                | A general superintendance of all the municipal affairs and public institutions—the sole management of the Bridewell—the Trial of all Causes in the Sessions and Police, and under the Statutes which give Jurisdiction to Magistrates in certain cases, as regards Seamen, Tyrespassers, &c.  | None.  | No source.  |
| John Liddell, Esq.                                 | The particular duties of Mr. Liddell, are to attend daily at the Police Office, to transact the necessary duties of the Office—to superintend the Truckmen—to regulate the Streets, and cause all Nuisances to be removed—to superintend the Weighers of Hay, and the Measurers of Coal and Wood, and all other Town Officers—that the Peace and good order of the Town be preserved, and that the various regulations made by the Sessions for the government and good order of the Town, are carried into effect. | Salary, £804 8s. 4d. by 1st Geo. 4, cap. 11.<br>Fees—upon all Warrants except for Assaults and Felonies, (2s, Geo. 3, cap. 15.) 8s. 6d.<br>Upon each Bond, (2s, Geo. 3, cap. 15.) 2s.<br>Upon each Summons, (8, Geo. 4, cap. 30.) 2s.<br>Upon each Judgment, (8, Geo. 4, cap. 30.) 1s. The total amount may be considered at £100, out of which he is to find Stationery, Books, and Blanks, &c. &c. &c. | Front rates of Town Property after deducting repairs.<br>From Fines imposed in Sessions, and by 1s. 5d. of License Money, and the Balance due at the end of year is assessed on the County. |
| John I. Starr, Esq.<br>James S. Clarke, Esq.       | Has never done any duty as a Police Magistrate.<br>The duties of Mr. Clarke are, to attend daily at the Office, to take all examinations relative to Assaults, Felonies, and other business brought before the Magistrates—to fill up the various Blanks—to keep Books of Records, and whatever is required in the Office.  | None.<br>No Fees.<br>Salary, £300.   | No source.<br>The same as Mr. Liddell.  |
| George Glazebrook,<br>James Ham,<br>William Mills. | Police Constables—their duties are to attend daily at the office—to serve all Warrants, &c.—to apprehend all Felons, Vagrants, Persons guilty of a breach of the Peace, and to discharge all such other duties as are applicable to the duties of a Constable.  | Salary £52 each. Service of each Warrant and Summons, except in cases of Felony, 1s.   | The same as Mr. Liddell.  |

JAMES S. CLARKE, Clerk of the Peace.

No. 14.

JONATHAN BELCHER.

Registered the 13th  
day of June, 1761

Dated May 29, 1761

Copied from Grant  
Book, 1759 to 1763,  
page 31.*To all to whom these presents shall come :—GREETING.*

WHEREAS, William Welsh, Lebbeus Harris, and Samuel Reed, a Committee of the Township of Horton, within King's County, in this Province, in behalf of themselves and other proprietors in said Township, apprehending and being advised that the Grant for the said Township heretofore made to them and their associates, would, for many deficiencies, be insufficient to secure to them their property therein, and therefore have, in behalf of themselves and their associates, surrendered the said Grant, and have requested of me that a new Grant of the said Premises might be made out for the more fully assuring to them and their associates their rights and shares therein :

Now Know Ye, that I, Jonathan Belcher, Esq. President of His Majesty's Council, and Commander in Chief of His Majesty's Province of Nova Scotia for the time being, by virtue of the power and authority to me given, by His Present Majesty King George the Third under the Great Seal of Great Britain, have erected, and do, by these Presents, by and with the advice and consent of His Majesty's Council for the said Province erect into a Township, a Tract of Land : situate, lying and being, in the Basin of Minas, and is thus abutted and bounded, beginning at a point on Pesiquid River, and thence measuring south sixty degrees west, measuring one thousand six hundred and seventy chains, and thence north, thirty degrees west, measuring eight hundred chains, and thence north sixty degrees east, measuring eight hundred and twenty chains to the River Habitant, and is further bounded northerly by the River Habitant and the Basin of Minas, and easterly by Pesiquid River, according to the plan annexed—containing in the whole, by estimation, one hundred thousand acres, more or less, according to a plan and survey of the same to be herewith registered—which Township is now called, and hereafter to be known by, the name of the Township of Horton, in the said Province ; and also, that by virtue of the power and authority, and by, and with the advice and consent aforesaid, have given, granted, and confirmed, and do, by these presents, give, grant and confirm, unto the several persons hereafter named, one hundred and thirty-one and a half shares or rights of two hundred shares or rights, whereof the said Township doth consist, with all, and all manner of Mines un-opened, excepting Mines of Gold and Silver, Precious Stones, and Lapis Lazuli, in and upon the said Tract of Land or Township, situate as aforesaid, viz : unto Colonel Robert Dennison, Major Charles Dixon, Elisha Lothrop, Esq. and twenty-seven others, persons therein named, one share and an half each ; unto Jacob Burnham, and fifty-nine other persons, one share each ; unto William Bishop, and forty eight others, one half share each ; and unto the Reverend Mr. John Breynton, two shares ; item, for the first Minister, one share ; for the Glebe Land, six hundred acres ; and for the School, four hundred acres, making together, two shares for the use of the Church and School forever"—saving always the previous right of any other person or persons to the said Tract of Land or Township, or any part thereof, to have and to hold the said granted premises in the said respective shares, to each and every of the said Grantees, in the manner herein before described, with all privileges, profits, commodities and appurtenances, thereto belonging, unto the said Colonel Robert Dennison, Major Charles Dixon, Elisha Lothrop, Esq. and several other Grantees therein before named, and the Rev. Mr. John Breynton, their heirs and assigns forever—each share and right of the said granted premises to consist of five hundred acres, and to be hereafter divided into one or more Lots to each share, as shall be agreed upon by the major part of the said Grantees ; and in case the major part of the said Grantees shall unreasonably refuse to divide the said granted premises, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall direct a partition to be made by such person or persons, as he shall appoint, and such partition shall be binding on each and every of the said Grantees ; provided always, that to each share and right there shall be allotted a full and equal proportion, as one share or right is to two hundred shares or rights of all the cleared and improved Lands, comprehended within the said Township, yielding and paying by the said Grantees, their heirs and

and assigns, which, by the acceptance thereof, each of the said Grantees binds and obliges himself, his heirs, executors and assigns, to pay to His Majesty King George the Third, his heirs and successors, or to the Commander in Chief of the said Province for the time being, or to any person lawfully authorized to receive the same, for His Majesty's use, a free yearly Quit Rent of One Shilling, Sterling Money, on Michaelmas Day, for every fifty acres so granted, and so in proportion for a greater or lesser quantity of Land granted—the first years payment of the same to be made on Michaelmas Day, next after the expiration of ten years from the date hereof, and so to continue payable yearly thereafter forever; but in case three years Quit Rent shall at any one time be behind and unpaid, and no distress be found on the premises, then this Grant to the Grantee so failing, shall be null and void: and whereas, the selling or alienating the shares or rights of the said Township to any person, except Protestant Settlers, and Inhabitants within this Province, may be very prejudicial to, and retard the settling the said Township, in case any of the said Grantees shall, within ten years from the date hereof, alienate or grant the premises, or any part thereof, except by Will, without License from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, under the Seal of the said Province, for which License no fee or reward shall be paid—then this grant to him, so alienating or granting the said premises, or any part thereof, except by Will, shall be null and void: and moreover, the Grant hereby made, is upon this express condition—and each of the said Grantees obliges and binds himself, his heirs and assigns, to plant, cultivate, improve and inclose, one third part of the Land hereby granted, within ten years; one other third part within twenty years; and the remaining third part within thirty years, from the date of this Grant, or otherwise to forfeit his right to such Land as shall not be actually under improvement and cultivation at the time the forfeiture shall be incurred: and each of the said Grantees doth likewise hereby bind himself, his heirs, executors and assigns, to plant, within ten years from the date hereof, two acres of the said Land with Hemp, and to keep up the same, or a like quantity of acres, planted during the successive years.—In Witness whereof, I have Signed these Presents, and caused the Seal of the said Province to be hereunto affixed, at Halifax, in the said province, this 29th day of May, in the 1st year of the Reign of Our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of our Lord, 1761.

By Order of the Commander in Chief, with the advice and consent of His Majesty's Council.

(Signed)

RICHARD BULKELEY, Sec'y.

NOVA-SCOTIA, SS.

J. BELCHER.

*To all to whom these Presents shall come:—GREETING.*

WHEREAS, Henry Denny Deson, Esquire, Wignul Cole, and Ichabod Stoddard, a Committee for the Proprietors of Falmouth, on the west side of Pisiquid River, apprehending and being advised that the Grant for the said Tract of Land, heretofore made to them and their associates, would, for many deficiencies, be insufficient to secure to them their Property therein, and therefore have, in behalf of themselves and their associates, surrendered the said Grant, and have requested of me that a new Grant of the said Premises might be made out, for the more fully assuring to them and their associates, their rights and shares therein.

Now Know Ye, that I, Jonathan Belcher, Esquire, President of His Majesty's Council, and Commander in Chief of His Majesty's Province of Nova-Scotia, for the time being, by virtue of the power and authority to me given by His present Majesty King George the Third, under the Great Seal of Great Britain, have erected, and do by these Presents, by and with the advice and consent of His Majesty's Council for the said Province, erect into a Township a Tract of Land, situate, lying and being, within the Basin of Minas, being the District commonly called Pisiquid, now called, and hereafter to be known, by the name of the Township of Falmouth, within the said Province of Nova-Scotia, in which Township is comprehended the Lands hereby granted, being bounded northerly by the Township of Horton, &c., containing in the whole Fifty Thousand acres, allowance being made  
for

Registered the 21st  
day of July, 1761  
Dated June 11, 1761

Copied from Grant  
Book, 1769 to 1763,  
page 37

for Mountains, Sands, Lakes and Highways ; and also, that I, by virtue of the power and authority, and by and with the advice and consent aforesaid, have given, granted and confirmed, and do, by these presents, give, grant and confirm, unto the several persons hereafter named, Sixty-five shares, or rights of One hundred shares, or rights whereof the said Tract of Land is to consist, viz:—Unto Henry Denny Denson, Esquire, and sixty-nine other persons mentioned in the said Grant, &c.—Item for the first Minister, one share—for the Glebe Land, One hundred acres—and for the School, Four hundred acres—making together two shares for the use of the Church and School forever, &c. &c.

*(The terms and conditions are the same as those contained in the preceding Grant.)*

Dated 11th day of June, A. D. 1761, in the 1st year of the  
Reign of our Sovereign Lord George the Third.

By Order of the Commander in Chief, with the advice and consent of Her Majesty's  
Council.

[Signed]

RICHARD BULKELY, Secretary.

PROVINCE OF NOVA-SCOTIA, S.S.

*To all to whom these presents shall come :—GREETING.*

WHEREAS, Timothy Houghton and William Keys, on behalf of themselves, and other persons hereafter named, have made application to me for a Township within this Province, and have undertaken to make a speedy and effectual settlement in the said Township :

Now, Know Ye, that I, Charles Lawrence, Esquire, Captain General and Governor in Chief, &c. &c., by virtue of the power and authority to me given, by His present Majesty King George the Second, under the Great Seal of Great Britain, have erected, and do, by these presents, by and with the advice and consent of His Majesty's Council, erect into a Township a Tract of Land, situate, lying and being, at the bottom of Mahone Bay, and is thus abutted and bounded: Beginning at the eastern side of a small River, called Martin's River, &c. &c. containing in the whole, by estimation, One Hundred Thousand acres, more or less, according to a plan and survey of the same, herewith registered, which Township is to be called hereafter, and known by the name of the *Township of Shoreham*, in the said Province; and also, that I, by virtue of the power and authority, and by and with the advice and consent aforesaid, have given, granted and confirmed, and do, by these presents, give, grant and confirm, unto the several persons hereafter named, seventy shares, and a half of two hundred shares or rights, whereof the said Township is to consist, viz: Unto Timothy Houghton and others, all of the Province of Massachusetts Bay, one share to each; unto Francis Guildars and others, all of said Province of Nova-Scotia, one share each; unto Alexander McCulloch, all of said Province, half a share each; for the first Minister, one share; for the Glebe Land, six hundred acres; and for the School, four hundred acres, making, together, two shares for the use of the Church and School forever, &c.

*(The terms and conditions are similar to those contained in the Grant of the Township of Horton.)*

Dated at Halifax, this 18th day of October, in the 33d year of the Reign of Our Sovereign Lord King George the 2nd, and in the year of our Lord, 1759.

By His Excellency's Command,

(Signed,)

RICHARD BULKELY, Secretary.

NOVA-SCOTIA.

[Signed] W. WILMOT.

A Grant of the usual tenor, passed under the Seal of the Province, signed by His Excellency Governor Wilmot, giving and confirming, by and with the advice and consent of His Majesty's Council for the said Province, unto the several persons hereafter named  
Ninety-

Ninety-two and an half Shares, or right of Land, in the Township of Annapolis—which Township is situate, lying and being, in the County of Annapolis, in the said Province, and is bounded as follows, viz: Beginning at the Saw Mill Creek, &c. &c.—making  $92\frac{1}{2}$  rights or shares of 130 rights or shares whereof the said Township doth consist, computing every right or share at 500 acres each, more or less, &c.; unto the said Edward Whiteman and others, one share and an half to each; unto Eben. Rice, junr. and others, one share each, and unto Beriah Rice, junr. and others, half a share; for the first Minister of the Church of England 600 acres; for the first Dissenting Minister one share; and for the School 400 acres; the last mentioned shares to be for the use of the Ministers and School for ever.

*(The same terms and conditions as contained in the previous Grants.)*

Signed and dated at Halifax, the 30th October, 1765, in the 6th year of His Majesty's Reign.

(Signed,) RICHARD BULKELY, Secretary.

NOVA-SCOTIA, SS.

[Signed] M. WILMOT.

A Grant passed under the Seal of the Province, signed by His Excellency Montague Wilmot, Esquire, giving and confirming, by and with the advice and consent of His Majesty's Council, unto the several persons hereafter named, one hundred and five shares or rights of Land in the Township of Granville, situate, lying and being, in the County of Annapolis, and Province aforesaid; and is bounded as follows, viz:—Beginning at the Gut of Annapolis, on the East side, and is bounded Southerly by the Basin and River of Annapolis, &c.; making one hundred and five shares or rights of One Hundred and fifty-eight shares or rights, whereof the said Township doth consist, computing each share or right at 300 acres each, &c.; unto Marmaduke Lamont and others, each, half a share; John Hall, junr. and 3 others, two shares; and Charles Winniett and others, two shares; Christopher Prince and others, three shares; Ebenezer Worthy Lake and others, each, one share; Item to the first Minister of the Church of England, resident, one share; to the Dissenting Minister, resident, one share; and for the resident School Master one share; the last mentioned shares to be for the aforesaid uses of the said Church of England Minister, Dissenting Minister and School Master, and their Successors, resident in said Township forever.

Grant Book, 1765, to 1768, Page 447.

*(The terms and conditions same as those contained in the previous Grants.)*

Signed and dated at Halifax, the 30th October, 1765, in the 6th year of His Majesty's Reign.

(Countersigned,) RICHARD BULKELY, Secretary.

NOVA SCOTIA, S.S.

[Signed] MICHAEL FRANKLIN.

*To all to whom these Presents shall come:—GREETING.*

Know ye, that I, Michael Franklin, Esq. Lieutenant Governor and Commander in Chief, in and over His Majesty's Province of Nova Scotia, &c. &c. By virtue of the power and authority to me given by His Present Majesty King George the Third, under the Great Seal of Great Britain, have given, granted, and confirmed, and do by these presents, by and with the advice and consent of H. M. Council for the said Province, give, grant and confirm unto the several persons hereafter named their heirs and assigns the several shares affixed to their names contained in a Tract of Land, situate lying and being, and called and known by the name of the Township of Barrington, beginning at the first falls on Cape Negro River, &c. &c. containing in the whole by estimation 51,250 acres more or less, making  $102\frac{1}{2}$  shares or rights whereof said Township doth consist, computing every share

Grant Book, 1767 to 1772, page 12.

or right at 500 acres, more or less, viz : unto Jonathan Worth and others, one share and an half to each ; unto Shubal Foldger and others, herein named, each one share ; and one share for the School ; one share for the Glebe ; and one for the first settled Minister, reserving one right or share for public use, as the Governor, Lieutenant Governor, or Commander in Chief for the time being shall direct hereafter, &c. &c.

*The usual terms and conditions, &c.*

Dated, Halifax, 10th December, A.D. 1767, in the 8th of the Reign of His Majesty King George the Third.

[Signed]

RICHARD BULKELEY, Sec'y.

NOVA SCOTIA, S. S.

*To all to whom these Presents shall come :—GREETING.*

[Signed] M. WILMOT.

Grant Book, 1763 to  
1768, page 282.

Whereas the Committee of the Township of Liverpool, within the County of Queen's County in this Province, in behalf of themselves and other proprietors in said Township, apprehending and being advised, that the Grant of the said Township heretofore made to them and their associates, would for many deficiencies be insufficient to secure to them their properties therein, and therefore have in behalf of themselves surrendered the said Grant, and have requested that a new Grant of the said Premises might be made out for the more fully securing to them and their associates their rights and shares therein. Now, know Ye, that I, Montague Wilmot, Esq. Captain General, and Governor in Chief, in and over His Majesty's Provinces of Nova-Scotia, &c. &c. by virtue of the power and authority to me given by His Present Majesty King George the Third, under the Great Seal of Great Britain, have given, granted and confirmed, and do by these presents, by and with the advice and consent of His Majesty's Council for the said Province, give, grant, and confirm unto the several persons hereafter named, 157 shares or rights of Land in the Township of Liverpool, which township is situate lying, and being in Queen's County in said Province, and is bounded as follows, viz :—Beginning at a Rock marked on the west side with letter, L., and on the east side by letter D. &c. &c. containing in the whole, one hundred thousand acres, or two hundred shares or rights—each share or right consisting of five hundred acres, with all rights and privileges, &c. ; unto Elisha Freeman and others, 1½ share to each ; unto the heirs of Joseph Godfrey, and several others therein named, one share each ; Item, for the first minister of the Church of England, one share ; and for the School, one share ; the last mentioned share to be for the use of the school forever."

*The usual terms and conditions, same as those in preceding Grant.*

Dated at Halifax, the 22nd. day of November, in the 5th year of the Reign of H. M. King George the 3rd, A. D. 1764.

By His Excellency's Command, &c.

[Signed]

RICHARD BULKELEY, Sec'y.

Grant Book, 1759 to  
1760, page 3.

A Grant made by His Excellency Governor Lawrence, with the advice and consent of His Majesty's Council for this Province, to a number of persons who were represented, and the terms and conditions of settling, &c. agreed upon by the same Committee, as engaged for the Township of Horton, passed under the Seal of this Province, giving and confirming unto them in their respective shares hereafter named, a tract of land, now erected into a Township, by the name of the Township of Cornwallis, situate, lying and being, within the Basin of Minas, being the District commonly called Canard, and is abutted and bounded as follows : beginning at the River Habitant, and running south sixty degrees west, &c. containing in the whole, by estimation, one hundred thousand acres, more or less ; unto Robert Thomson, and other persons therein mentioned, one share and an half each ; Ebenezer Rogers and others, one share each ; and unto Asahell Robertson and others, half a share

share each; Item, for the first minister, one share; for the Glebe land, six hundred acres; and for the School, four hundred acres—making together two shares for the use of the Church and School forever.

The terms and conditions, &c. are in all particulars of the same tenor as those of the Township of Horton.

Signed, Sealed and Dated, at Halifax, in the said Provincc, the 22nd. May, in the 32nd year of H. M. Reign, A.D. 1759.

NOVA-SCOTIA.

[Signed] JONATHAN BELCHER.

*To all to whom these Presents shall come :—GREETING.*

WHEREAS, His Excellency Charles Lawrence, Esquire, late Governor of this Province, did, with the advice of Her Majesty's Council, determine to erect into a Township certain Lands thereafter described; Therefore, Now, Know Ye, that I, Jonathan Belcher, Esquire, President of His Majesty's Council, and Commander in Chief in and over His Majesty's Province of Nova-Scotia, or Acadia, by virtue of the power and authority to me given by His present Majesty, King George the Third, under the Great Seal of Great Britain, have erected, and do, by these presents, by and with the advice and consent of His Majesty's Council for the said Province, erect into a Township, a certain Tract of Land, beginning at a stake and stones one mile north of Cockmagun River, on the River Pesiquid, &c. &c. containing in the whole, by estimation, Fifty-eight thousand acres more or less—which Township is to be called and known hereafter by the name of the Township of Newport, in the said Province; and also, that I, by virtue of the power and authority, and by and with the advice and consent aforesaid, have given, granted and confirmed, and do, by these presents, give, grant and confirm, unto the several persons hereafter named, Sixty-three shares or rights, of Seventy shares or rights, whereof the said Township doth consist, &c. viz: Unto Joseph Bailey, Benjamin Sanford, &c. &c. &c. (here follow the names of a great many Grantees.)

Grant Book, 1761 to 1763, page 100.

“Item for the first Minister, one share—for the Glebe Land, Six hundred acres—and for the School, Four hundred acres—making together two shares for the use of the Church and School forever.”

*(The terms and conditions of this Grant are the same as those contained in the Grant of the Township of Cornwallis.)*

Signed, Sealed, and dated at Halifax, 21st day of July, in the 1st year of His Majesty's reign, King George the Third, A. D. 1761.

NOVA-SCOTIA.

[Signed] M. WILMOT.

*To all to whom these Presents shall come :—GREETING.*

WHEREAS, John Hunes and others, Committee of the Township of Cumberland, in behalf of themselves and other Proprietors, in the said Township, apprehending and being advised that the former Grants made to them and their associates, would, for many deficiencies, be insufficient to secure to them their properties therein, and, therefore, have requested that a new grant of part of the said premises might be made out for the more fully assuring to them and their associates their respective rights and shares therein. Now, know Ye, that I, Montague Wilmot, Esquire, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and Colonel of His Majesty's 80th Regt. of Foot, by virtue of the power and authority to me given, by His present Majesty King George the Third, under the Great Seal of Great Britain, have given, granted and confirmed, and do, by these presents, by and with the advice and consent of His Majesty's Council for the said Province, give and confirm unto the several persons hereafter named thirty-four

Grant Book, 1763 to 1765, page 1.

four thousand five hundred acres of Land in said Township of Cumberland, which Township is situate, lying and being, in the District of Chignecto, bounded as follows:—Beginning at the entrance of the River Au Sac, on the East side thereof, and bounded by said River, and measuring from the point of said entrance, with the course of the said river, till it comes to a marked boundary on the said river, &c. &c. containing in the whole Eighty-nine thousand acres, &c. &c. ; the said thirty-four thousand five hundred acres of land, making Sixty-nine rights or shares of One hundred and sixty-six rights or shares, whereof the said Township doth consist, computing every whole share at Five hundred acres, more or less ; unto Joseph Morse, Elijah Ayer, &c. (here follow the names of a great many Grantees) “with one share for the first Minister ; one for the Glebe ; and one for the School ; as particularly described in the margin of this Grant, forever.”

*(The Terms and conditions of this Grant are the same as those in the Grant of the Township of Cornwallis.)*

Signed, Sealed, and Dated at Halifax, the 22nd day of November, in the 4th year of the Reign of His Majesty King George the 3rd, A. D. 1763.

By Command, &c.

(Signed,) RICHARD BULKELY, Secretary.

NOVA-SCOTIA, S.S.

*To all to whom these Presents shall come:—GREETING.*

Grant Book, 1767 to  
1771, page 22.  
Onslow.

Ynow Ye, that I, Lord William Campbell, Captain General and Governor in Chief in and over His Majesty's Province of Nova-Scotia, or Acadie, and its Dependencies, Vice Admiral of the same, &c. &c. &c. By virtue of the power and authority to me given by His present Majesty King George the Third, under the Great Seal of Great Britain, have given, granted and confirmed, and do, by these presents, by and with the advice and consent of His Majesty's Council for said Province, give, grant, and confirm, unto the several persons hereafter named, a Tract of Land, situate, lying and being, called and known by the name of the Township of Onslow, beginning at the North-western bound of the Township of Truro, at the head of Cobequid Bay ; thence to run East, by the compass, six miles on the said Township of Truro and ungranted Lands, &c. &c. containing in the whole, by estimation, fifty thousand acres, more or less, making  $96\frac{1}{2}$  shares or rights of one hundred shares or rights, whereof said Township doth consist, computing each share or right at five hundred acres, unto Richard Upham, William Hamilton, (here follow the names of a great many Grantees) “two shares for the use of a Church, a Glebe, and a School foreverr.”

*(The terms and conditions the same as the preceding Grant.)*

Sealed and Dated at Halifax, the 21st day of February, in the 9th year of the Reign of His Majesty King George the Third, A. D. 1769.

By His Excellency's Command, &c.

(Signed).

R. BULKELEY, Sec'y.

NOVA SCOTIA, S.S.

*To all to whom these Presents shall come:—GREETING.*

Dated 6th March,  
1775, Registered  
13th April, 1775.

[Signed] FRANCIS LEGGE.

Grant Book, 1776 to  
1783, page 1.  
Londonderry.

Whereas, it has appeared that the several persons hereinafter mentioned, were duly admitted into possession of the several quantities, shares or rights, of land, in the Tract hereinafter described, by authority of Government, in the year 1765.—Now, know, Ye, that I, Francis Legge, Esq. Captain General and Governor in Chief in and over His Majesty's Province of Nova-Scotia and its Dependencies, Vice Admiral of the same, &c. &c. &c. By virtue of the power and authority to me given, by His present Majesty King George the

the Third, under the Great Seal of Great Britain, have given, granted and confirmed and do, by these presents, by and with the advice and consent of His Majesty's Council, for the said Province, on the 10th February, 1775, give, grant and confirm, unto James Fulton and others, their heirs and assigns, Eighty-nine shares or rights of land, each share or right to contain 500 acres—which said 89 shares or rights are comprehended within the limits of a Tract of Land, situate, lying and being, in the Township of Londonderry, abutted and bounded as follows, viz: beginning at the mouth of the River Cheganois, and to run up the course of the said River as high as the marsh goes, &c. &c. containing in the whole of said Tract, by estimation, Fifty-three thousand acres, more or less; unto James Fuller, (here follow the names of a great many Grantees)—“also, saving and reserving one right for a Glebe, one right for a minister of the Church of England, and one right for a School, to be hereafter granted, as the Governor, Lieutenant Governor, or Commander in Chief of the said Province, for the time being, with the advice of His Majesty's Council may think proper.”

*(The Terms and conditions of this Grant are the same as those of the preceding Grants.)*

Signed, Sealed, and Dated, at Halifax, the sixth day of March, in the Fifteenth year of the Reign of His Majesty King George the Third, A.D. 1775.

By His Excellency's Command, &c.

(Signed)

RICHARD BULKELEY.

NOVA SCOTIA.

J. WENTWORTH.

GEORGE THE THIRD, BY THE GRACE OF GOD, &c. &c.

*To all to whom these Presents shall come:—GREETING.*

Know ye, that we, of our Special Grace, certain knowledge, and mere motion, have given and granted, and do, by these presents, for us, our heirs and successors, give and grant unto Roger Viets, Rector of the Church at Digby, in the County of Annapolis, and unto James Wilmot and Christian Tobias, Churchwardens of the same Church at Digby, and unto their successors, in the said respective offices of Rector and Churchwardens for the time being, in Trust, for the use and benefit of the said Township of Digby, as a School Lot, forever, all that certain tract or parcel of land, situate, lying and being, within the Parish of Digby aforesaid, between the Grand and Little Joggin, so called, and adjoining to a Tract of Land of Thirty-three acres, heretofore granted to one Robert McDormont, &c. &c. containing Four hundred and two acres, including the Land leased to the Heirs of James Smith, deceased, &c.

Dated and Signed at Halifax, the 31st day of January, in the 37th year of the Reign of His Majesty King George the Third, A. D. 1797.

By His Excellency's Command,

(Signed)

B. WENTWORTH, Sec'y.

NOVA-SCOTIA.

[Signed] J. WENTWORTH.

GEORGE THE THIRD, BY THE GRACE OF GOD, &c. &c.

*To all to whom these presents shall come:—GREETING.*

Know Ye, that We, of our special grace, &c., do give and grant unto the Rector of Trinity Church, so called, in the Town of Digby, within the County of Annapolis, and Province of Nova-Scotia, for the time being, and to the Wardens and Vestry, men of the same Church for the time being, in special trust, for the use and benefit of the Rector of the said Church, for the time being, and his Successors in the said Office, forever, as a Glebe

Lot or Lots, three hundred and five acres of Land, in two several parcels, contiguous to the Town of Digby aforesaid, abutted, bounded and described, in a plan thereof, made and executed by the Surveyor General of Lands within the said Province.

Signed, Sealed and Dated, at Halifax, the 31st day of January, in the 37th year of the Reign of His Majesty King George the Third, A. D. 1797,

By His Excellency's Command,

(Signed,) B. WENTWORTH, Secretary.

(Copy.)

NOVA-SCOTIA.

GEORGE THE THIRD, BY THE GRACE OF GOD, &c. &c. &c.

[Signed] J. WENTWORTH.

*To all to whom these Presents shall come :—GREETING.*

Know ye, that we, of our special Grace, &c. Do give and grant unto the Right Reverend Father in God, Charles, Bishop of Nova-Scotia, and his Successors in Office; unto the Rev. Charles William Weeks, rector of the Parish of Weymouth, for the time being, and his Successors in Office; and unto John Grigg, Senior, and John Cossman, Churchwardens of the said Parish of Weymouth, and to their Successors in Office, in Trust, the several lots of Land originally reserved at Sissiboo, in the County of Annapolis, for the especial purpose of a Glebe and School, which said Glebe Lot is abutted and bounded as follows, to-wit: beginning at the North-east angle of the lot of Land originally laid out for the first settled Minister, on the rear line of the Land formerly reserved for a Common, at Sissiboo, in the County of Annapolis, &c. &c. &c., containing Five hundred and Ninety-five acres, and an half acre; and the said School Lot is abutted and bounded as follows: beginning on the rear line of Lands formerly belonging to Christopher Prince, at Sissiboo River, at the South-west point or angle of the Common afore mentioned, &c., containing Five hundred and Seventy-five and three-quarters of an acre," to have and to hold the said parcel or tract of Eleven hundred and Seventy-one and one-quarter acres of Land, and all and singular other the premises hereby granted unto the Right Reverend Father in God, Charles, Bishop of Nova Scotia, unto the said Reverend Charles William Weeks, and unto the said John Grigg, senior, and John Cossman, and unto their respective Successors in office, as joint tenants forever, in trust, to and for the uses, intent and purposes, hereafter mentioned, and to and for no other use, intent and purpose, whatsoever, that is to say: to permit and suffer all and every Protestant Minister or Ministers of the Church of England, who shall be hereafter from time to time duly presented, inducted and appointed, as Minister or Ministers of and for the said Parish of Weymouth, to have, use, occupy, and enjoy, the said Glebe Lot, with all and singular the appurtenances, for and during the time of such Minister or Minister's actual incumbency in said Parish; and when and so often as the said Parish of Weymouth shall be vacant, and without a Protestant Minister of the Church of England, actually incumbent therein, then, in further trust to receive the rents, issues and profits, of the said Glebe lot of Land, and to apply the same to the cultivation and improvement thereof, and to account for the expenditure thereof, to the next succeeding Minister, who shall be appointed to said Parish as aforesaid; and also, in trust, to permit and suffer all and every School Master or Masters, who shall be protestants of the Church of England, and who shall be duly and regularly appointed as School Master or Masters for the said Parish of Weymouth, to have, hold, use, occupy and enjoy, the School Lot, with the appurtenances, for and during the time or times such Master or Masters shall actually keep a School or Schools for the instruction of youth in the said Parish of Weymouth, and to receive the issues and profits thereof, during such times, and no longer, when and so often as the said Parish of Weymouth shall be without a School Master or Masters, regularly and duly appointed, and actually officiating in said Parish, then, in further trust, to receive the rents, issues and profits, of said School Lot, and

and to apply the same to the cultivation and improvement thereof, and to account with the next succeeding Schoolmaster or Masters for the expenditure thereof, &c. &c.

Given under the Great Seal of our Province of Nova Scotia. Witness our trusty and well-beloved Sir John Wentworth, Bart, L. L. D. Lieutenant-Governor, &c. &c. 18th day of July, in the 44th year of our Reign, A. D. 1803.

By His Excellency's Command,  
[Signed]

B. WENTWORTH, Sec'y.

NOVA-SCOTIA.

GEORGE THE THIRD, &c. &c.

[Signed] J. WENTWORTH.

*To all to whom these presents shall come :—GREETING.*

Know Ye, that We, &c. do give and grant unto the Reverend Thomas B. Rowland, Rector, Stephen Skinner, and Richard Fletcher, Esquires, and Henry Guest and James Aikerman, Church Wardens of the United Parishes of St. George and St. Patrick, situated at Shelburne, in the County of Shelburne, 1438 acres of Land, being for the Glebes and School Lots, and the same is situated, lying, and being within the County of Shelburne and consist of the following pieces and parcels of Land, viz :—a certain piece and parcel of Land, being part of the Land reserved in the year 1783 for Military purposes, and is bounded on the North by Fifty Acre Lot, No. 34, near the Navy Island, opposite to the Town of Shelburne, beginning at the lower bound of said 50 Acre Lot, &c. and containing 876 and  $\frac{3}{4}$  of an acre.—Also, another piece and parcel of Land situate in Gunning Cove, near Point Carleton, &c. and containing 112 acres.—Also, another parcel of Land, situate at Sandy Point, containing one hundred acres.—Also, a square piece of Land in the Town of Shelburne, containing six acres, abutted and bounded as represented by the figure G., King Street being on the South, containing in the whole, One thousand and Ninety four acres more or less, to be for Glebes ; and the School Lot is situate near Point Carlton on the Western side of Shelburne Harbour, represented by the figure A. containing 103 acres. Also, another piece and parcel of Land below Sandy Point, on the Eastern side of Shelburne Harbour, as represented by the figure marked P. containing 241 acres.—To have and to hold the said Parcel or Tract of One thousand Four hundred and Thirty-eight acres ; unto the said Reverend B. Rowland, Stephen Skinner, Richard Fletcher, Henry Guest and James Aikerman, in their corporate capacity, as the Rector and Churchwardens of the said United Parishes of St. George and St. Patrick, and to their successors in office, forever as, and for a Glebe and School Lot ; the Glebes to be for the sole use and benefit of the present and all other succeeding Rectors or Vicars of said Parishes ; and the School Lot for the use and benefit of the present School Master, and all succeeding School Masters, who shall be appointed according to Law to be the Schoolmaster of the said Town of Shelburne, &c. Provided always, and this Grant is upon this condition, that if any part of the herein granted premises which were reserved for Military purposes as aforesaid, shall ever be wanted by us or our successors, for Military purposes, that the same shall be resumed by us, and applied to such purposes as aforesaid ; anything in the present Grant to the contrary notwithstanding, &c. &c.

Grant Book, 1795  
to 1807, page 141.

Given under the Great Seal of Nova Scotia, &c. Witness our trusty and well-beloved Sir J. Wentworth, bart, L. L. D., Lieutenant Governor and Commander in Chief, &c. &c. 2nd. October, in the Forty-fifth year of our Reign, A. D. 1806.

By His Excellency's Command,

[Signed]

B. WENTWORTH, Sec'y.

## NOVA SCOTIA.

GEORGE THE THIRD, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, KING, &c.

[Signed] GEORGE PREVOST.

Grant Book, Letter  
A, page 67.

Know ye, that we, &c., do give and grant unto John V. Buskirk, Lewis Palmer, and several others, certain lots of Land in the Township of Aylesford, in the County of Annapolis; "and unto the Reverend John Inglis, D.D. and Rector of St. Mary's Church, in Aylesford aforesaid, Alexander Walker and Henry Van Buskirk, Churchwardens of the said Parish, and to their successors in office, in trust, for the benefit of said Parish, One hundred acres, in part, of a Glebe Lot, being the Lot No. 16, on the south side of said Road; and also, One hundred acres of Land, in part, of a School lot, being the western half of a lot number 19, on the south side of said Road."

Given under the Great Seal of our said Province of Nova Scotia. Witness our Trusty and well-beloved His Excellency Lieutenant-General Sir George Prevost, Bart. Lieutenant-Governor, &c. &c. this 23rd. day of March, in the 50th year of our Reign, A. D. 1810.

By His Excellency's Command, &c.

[Signed]

S. H. GEORGE, Sec'y.

## NOVA-SCOTIA.

GEORGE THE THIRD, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, KING, &c. &c. &c.

(Signed) GEORGE PREVOST.

Grant Book, Letter  
A, page 75.

Know Ye, that We, &c. do give and grant unto the Reverend Ranna Cotsel, Missionary of the Society for the propagation of the Gospel, and who is established as a Church of England minister at Yarmouth, in the County of Shelburne, and unto Samuel Marshall and Joseph N. Bond, Esq. Churchwardens, of the said Township or Parish of Yarmouth, and to their and each of their Successors, in their respective offices of missionary or established Minister and Churchwardens, in perpetuity, in trust, for a Glebe and School in the said Township of Yarmouth, Eleven hundred acres of Land, situate in the said Township of Yarmouth, described as follows, that is to say: the said Glebe consists of the allotments, pieces, and parcels of land, described and known on the plan of said Township, as part or parcel of what is called the Government or reserved lot, and which appear by the partition and division of said Township of Yarmouth, made and established, pursuant to the Laws of the Province, to be described as follows, that is to say: Number 10, letter A. bounded in front on Cape Forchu, alias, Forchet Harbour, on the south by the farm lot, number Twenty-six, &c., containing four acres, more or less, also, the remaining part of said lot number ten, bounded on the south by lot number Sixty-six, on the north by lot number Sixty-nine, &c. containing Forty-six acres; also, that part of lot number Ten, bounded in front on the Salmon River road, on the west by lot number Eighty-six, on the east by lot number Eighty three, &c.; also, the lot number One hundred and two, in the second division of said Township, bounded in front by Hooper's lake, on the rear by the public road, &c., containing Two hundred acres; also, lot number One hundred and Forty-seven, in said second division, situate on Lake George, in said Township, with the Island in front thereof, called King's Island, containing in said lot and Island Two hundred and Thirty acres, making in the whole of the land granted for a Glebe Six hundred acres; and the said School land consists of the following pieces and parcels of Land, described in the said plan and partition, to wit: lot number ten, in the second division of Farm lots in said Township, bounded in front by Cape Forchu, alias, Forchet River, in the rear by the public road called Pool's road, &c., containing One hundred and Eighteen acres Twenty-three rods of Land; also, lot number One hundred and two, in the second division in said Township, bounded in front on Lake George, in the rear by the public road, on the north by lot number One hundred

hundred and one, &c., containing One hundred and eighty-two acres; also, lot number Sixty-five, in the said second division of said Township, bounded in front by Edward's Lake, and in the rear by the Public Road, &c., containing Two hundred acres of Land; also, lot number One hundred and two, in the said second division, situate on the north end of Lake George, bounded on the north and east by the Public Road; and lot number one hundred and one, bounded on the south and west by the lake and lot number One hundred and three, containing One hundred and eighty-two acres, making in the whole of said lots granted for a School Five hundred acres—To have and to hold the said parcels or tracts of Eleven hundred acres of Land, and all and singular other the premises hereby granted unto the said Ranna Cossit, Missionary and Minister as aforesaid, and unto the said Samuel Marshall and Joseph Norman Bond, Churchwardens as aforesaid, and to their and each of their Successors, in their respective offices forever. The usual terms and condition of paying Quit Rent, settlement and cultivation.

Given under the Great Seal of our said Province of Nova Scotia. Witness our trusty and well-beloved Lieutenant-General Sir George Provost, Bart., Lieutenant-Governor and Commander in Chief in and over our said Province, this 31st day of May, in the Fiftieth year of our Reign, A. D. 1810.

By His Excellency's Command,

S. H. GEORGE, Sec'y.

NOVA-SCOTIA.

GEORGE THE THIRD, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT-BRITAIN AND IRELAND, KING, &c.

[Signed] GEORGE PREVOST.

Know Ye, that We, &c., do give and grant unto the Rev. John Wiswall, Richard Ezekiel Wilton, and John Wiswall, Junr., Church Wardens of Trinity Church, in the Parish or Township of Wilmot, and County of Annapolis, for the use of a Public School, the Lot or Tract of Land reserved for that purpose, during the Administration of the late Governor Parr, containing Four hundred and three acres, and two-tenths of an acre, situate, lying and being, on the north-side of the Annapolis River, and is abutted and bounded as follows, viz: Beginning at the upper bound of Land formerly granted to Abel Wheelock, on said River, from thence to run north ten degrees, west two hundred and fifty chains along the upper side line of said Wheelock's Land, &c.—To have and to hold the said parcel or tract of Four hundred and three acres and two-tenths of an acre of Land, and all and singular other the Premises hereby granted unto the said John Wiswall, Ezekiel Wilton and John Wiswall, Junr., and their Successors in office, in trust for the support of a Public School for the use of said Parish or Township, forever, &c. The usual terms and conditions of paying Quit Rent and settlement, and cultivation.

Grant Book, Letter A, page 68.

Given under the Great Seal of our said Province of Nova Scotia. Witness, our trusty and well-beloved Lieutenant-General Sir George Prevost, Bart., our Lieutenant-Governor and Commander in Chief in and over our said Province this 31st day of May, in the Fiftieth year of our Reign, A. D. 1810.

By His Excellency's Command,

S. H. GEORGE, Sec'y.

NOVA SCOTIA.

GEORGE THE THIRD, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT-BRITAIN AND IRELAND, KING, &c. &c. &c.

[Signed] J. C. SHERBROOKE.

*To all to whom these Presents shall come :—GREETING.*

Know Ye, that We, do give and grant unto the Honorable Sampson Salter Blowers, Chief

Grant Book, Letters AD, page 5.

Chief Justice of our Province of Nova Scotia, to the Honble. and Right Revd. Father in God Charles Inglis, Doctor of Divinity, Bishop of our said Province, and Samuel Hood George, Esq., Secretary of our said Province, and to their Successors in their several and respective offices, the several lots, pieces, and parcels of land heretofore reserved, pursuant to our orders, for Glebes, to support the Ministers of the Church of England, resident and established within our said Province, and for the support of Schools throughout our said Province—which lands are situate, lying and being, abutted and bounded as follows, viz : That certain other tract of Land reserved for a School lot, situate, lying and being, on the rear line of the Common of Guysborough, in said County of Sydney, beginning at the northeastern angle of the range or block of Five acre Lots, from thence to run west one hundred and forty-eight chains fifteen links, thence south twenty-seven chains, or until it comes to the public road leading from Guysboro' to Halifax, &c., containing Four hundred acres of Land.

Antigonish

Also, that certain other tract or lot of Land reserved for a School lot, situate, lying and being, in the rear of farm lot number Eight, on the Northwestern side of Antigonish Harbour, in said County of Sydney, beginning at the Northeastern angle of said lot number Eight ; from thence to run north Forty-eight degrees, west One hundred and ten chains, along the line of Land granted to Richard Cunningham, &c. &c., containing Four hundred acres. Also, that certain other tract or parcel of Land reserved for a Glebe or Ministers lot, situate, lying and being, in the said County of Sydney, adjoining to Lands granted to Richard Cunningham, Esq., in the rear of the farm lots fronting on the Northwestern side of said Harbor, which is abutted and bounded as follows, viz : beginning on the southwestern side line of said Cunningham's Land at the north-western angle thereof, &c. &c., containing Six hundred acres.—Also, that certain tract or piece of Land, called and known by the name of Glebe or Ministers lot, situate, lying and being, in the rear of the Common of the Town of Guysborough, in the County of Sydney, and abutted and bounded : beginning at the north-western angle of said Common, on the northern side line of Land granted to Alexander McKenzie ; from thence to run north thirty-six chains, along the line of the Common, &c., containing Six hundred acres.

Guysborough

Pictou

Also, that certain other tract of Land reserved for a Glebe or Ministers lot, situate, lying and being, near the mouth on the eastern side of the middle River of Pictou, and which is abutted and bounded as follows, to-wit : beginning at the upper or southern bound of a tract of Land granted to John Patterson, junior ; from thence to run south eighty-five degrees, west one hundred and seventy-two chains, along the southern side line of said Patterson's Land, &c., containing Five hundred acres. Also, that certain other tract of Land, situate, lying and being, on the western side of the Harbor of Pictou, reserved for a Glebe or Ministers lot, abutted and bounded as follows, viz : beginning at the Southwestern angle of Land granted to the heirs of Philip Marchington ; from thence to run south thirty-five degrees, west ten chains ; thence north fifty-four degrees, west eighteen chains, or until it comes to Land granted to—Chisholm, &c., containing Five hundred acres. Also, that certain other tract of Land reserved for a School lot, situate on the western side of the East River of Pictou, and which is abutted and bounded as follows, viz : beginning at the upper bound of D. Chisholm's, senior's Land, on the western side of the east river of Pictou ; from thence to run west one hundred and sixty chains along the line of said D. Chisholm's Land, or until it comes to the end thereof, &c., containing Four hundred and thirty acres.

Ramsheg  
Cumberland

Also, that certain other tract of Land reserved for a Glebe or Ministers lot, situate, lying and being, on the river Ramsheg, in the County of Cumberland, beginning at the lower bound of Land granted to Joshua Hustis, on the said River ; from thence to run east along the line of Hustis' Land, &c., containing Six hundred, acres. Also, that certain other tract of Land reserved for a Glebe or Ministers lot, situate, lying and being, on the northern side of the Harbour of Ramsheg, within the said County of Cumberland, and which is abutted and bounded as follows, viz : beginning at black ash tree, standing above the high water mark, marked L.M. ; from thence to run north twenty four degrees, &c., containing Five hundred acres. Also, that certain other tract of Land reserved for a School lot, situate lying and being, on the northern side of Ramsheg Harbor, in said County of Cumberland, and which is abutted and bounded as follows : beginning at the western bound of the Garden lots, fronting on the said Harbor ; from thence westerly by the shore of said Harbor,

at the high water line or mark, eight chains, &c. &c., containing Five hundred acres. Also, those several other lots or tracts of Land, No. 10 & 11, reserved for a Glebe or Minister's lot, situate, lying and being, on the eastern side of the Public Road leading from Partridge Island to Cumberland, and which are abutted and bounded as follows, to-wit: beginning on the northern bound of lot No. 1., on the eastern side of said Road; from thence to run east one hundred and fifty-one chains, &c., containing Six hundred acres. "Also the several other Tracts of Land, Nos. 5 & 6, on the annexed plan, reserved for School lots, situate, lying and being, on the western side of said last mentioned Road, and which are abutted and bounded as follows, viz: beginning on the northern bound of lot No. 4, on the western side of the Road, from thence to run west eighty-nine chains, &c., containing Four hundred acres.

Partridge Island road

Also, that certain other tract of Land, situate, lying and being, in King's County, in rear of the Common at Ratchford Harbour, abutted and bounded as follows: beginning at the western angle of said Common, on the line of lot No. 47, &c. Also, that certain other tract of Land, reserved for a Glebe or Minister's lot, situate in the rear of said Common, and beginning at the south-eastern angle of said Glebe; from thence to run north sixteen degrees, west one hundred and forty-five chains, along the line of said Glebe, &c., containing Five hundred acres.

Ratchford Harbour

Also, that certain other tract of Land, situate, lying and being, in the rear of said Common, being the lot reserved for a School, and which is abutted and bounded as follows: beginning on the north-eastern angle of said Common, on the line of Farm lot No. 48; from thence to run south two degrees, east one hundred and forty chains, along the line of said lot No. 48, and containing Five hundred acres.—Also, that certain other tract or parcel of Land, situate, lying and being, in the Peninsula of Halifax, which was reserved for a Glebe or Minister's lot, abutted and bounded as follows, viz: on the west by the Public Road leading in front of the twelve German lots, or Dutch Village; southerly by a tract of Land granted to John Burbidge, &c., containing Four hundred and thirty acres.—Also, that certain other tract, reserved for a Glebe or Minister's lot, bounded southerly by the last mentioned Road, and the Road commonly called Sir Andrew Hammond's Road, on the north by the shore of Bedford Basin, on the east by the western side line of lot No. 18, containing Fifty acres.—Also, that certain other tract of Land, reserved for a Glebe or Minister's lot, bounded on the south by the Public Road leading by the northern side line of the tract of Land commonly called and known by the name of the Governor's North Farm, to the shore of the Harbor of Halifax, &c., containing in this tract One hundred acres.

Ditto

Peninsula, Halifax

Also, that certain other tract of Land, reserved for a Glebe or Minister's lot, situate, lying and being, in the Township of Preston, in the County of Halifax, being the lot No. 20, in the division of Farm lots in said Township, and which is abutted and bounded as follows: beginning on the north-eastern angle of lot No. 20, &c., containing Five hundred and fifty acres.—Also, that certain other tract, reserved for a School, situate, lying and being, in the said Township of Preston, being the Farm lot No. 13, and which is abutted and bounded as follows, viz: beginning at the north-eastern angle of lot No. 12, in said Township; from thence to run north eighty-five chains, or until it comes to the front range in line of lot No. 92, and containing Four hundred and fifty-two acres.—Also, that certain other tract of Land reserved for a Glebe or Minister's lot at Sissiboo, in the County of Annapolis, beginning at the western angle of the School lot on the eastern side line of Land granted to Battaesque and others, at a blazed tree, marked G. & S. &c., containing Six hundred acres.—Also, that certain other tract of Land reserved for a Minister's lot, situate at Sissiboo aforesaid, beginning at the western angle of said Glebe lot, on the line of said Battaesque and other's Land, &c., containing Five hundred acres.—Also, that certain other tract of Land, reserved for a School lot at Sissiboo aforesaid, beginning at the southern angle of said Glebe lot, on the line of Land granted

Preston

Sissiboo

Battaesque and others, at a blazed tree, marked S. G.; from thence to run north thirty-three degrees, east one hundred and forty-seven chains, &c., containing Six hundred acres.

Also, that certain other tract, reserved for a Glebe or Minister's lot, situate, lying and being, in the Township of Clements, in the County of Annapolis, being the lots numbered thirty-one, thirty-two and thirty-three, containing Six hundred acres.—Also, that certain other tract, reserved for a School lot, situate, lying and being, in said Township, beginning

Clements

Wilmot

at the north-western angle of said Glebe lot, on the southern line of Waldeck Road; from thence to run south twenty-four degrees, east one hundred and twenty-five chains, along the line of said Glebe, &c., containing Four hundred acres.—Also, that certain tract, reserved for a Glebe or Minister's lot, situate, lying and being, on the northern side of Annapolis River, in the Township of Wilmot, abutted and bounded as follows, viz: beginning at the upper bound of the School lot granted in trust to the Rector and Church Wardens of Trinity Church; from thence to run north ten degrees, west along the line of said School lot, &c., containing Six hundred and forty acres.

Also, that certain other tract or lot of Land reserved for a Glebe or Minister's lot, situate, lying and being, on the northern side of the said River of Annapolis, in the Township of Wilmot, abutted and bounded as follows, viz: beginning at the Northern Bank of said River at a blazed tree marked M. at the distance of thirty-two chains fifty links, measuring at right angles from the upper bound of the Glebe lot last described; from thence to run north ten degrees, west one hundred and fifty chains; thence north eighty degrees, east twenty chains, &c., containing Five hundred acres.

St. Mary's Bay

Also, that certain other tract of Marsh or Meadow Land reserved for a Glebe, situate, lying and being, in Holdsworth's Creek, at the head of St. Mary's Bay, in the Township of Digby, in the County of Annapolis, and which is abutted and bounded as follows, viz: beginning at the mouth of a small Brook or Rivulet which empties into the Creek, called Williams' Creek, at the bound of Farm Lot No. 12, from thence to run north eighty-five degrees, east six chains, or until it comes to Farm Lot, No. 10, &c., containing Thirty acres.

County of Lunenburg

Also, that certain tract reserved in addition to the Glebe or Minister's Lot, situate, lying and being, in the County of Lunenburg, in the rear of Farm Lot, No. 17, beginning at the eastern angle of a tract of Land surveyed and laid out for Henry Lohnes and others, &c. containing Four hundred and fifty acres. Also, that certain other tract of Land reserved for a School Lot, situate, lying and being, in the said County of Lunenburg, and beginning at the northern angle of the Glebe Lot last above mentioned, from thence to run north thirty-four degrees, west twenty-eight chains five links, &c., containing One hundred and fifty acres.

Douglas

Also, that certain other tract of Land reserved for a Glebe or Minister's Lot, situate, lying and being, in the Township of Douglas, and County of Hants, abutted and bounded as follows, viz: beginning at the northern angle of a tract of Land granted to Loran Dewolf, on the Kennetcook River; from thence to run south ten degrees, east one hundred and ten chains, along the line of said Dewolf's Land, &c., containing Five hundred acres.

Also, that certain other tract of Land, reserved for a School lot, situate, lying and being, in the Township of Douglas, beginning at the eastern bound of James Dalrymple's Land, on the north bank of the Kennetcook River; from thence to run north ten degrees, west sixty-two chains twenty links, &c., containing One hundred and forty acres.

Also, that certain other tract of Land, reserved for a School lot, situate, lying and being, on the said Kennetcook River, in the said Township of Douglas, beginning at the south-western angle of tract of Land belonging to the heirs of John Hall; from thence to run north ten degrees, west one hundred and ten chains, &c., containing Two hundred and sixty acres:

To have and to hold the said parcel or tracts of Land hereinbefore described, and all and singular other the premises hereby granted unto the said Sampson Salter Blowers, Charles Inglis and Samuel Hood George, in their several official capacities of Chief Justice, Bishop and Secretary, as aforesaid, and to their several and respective successors, in their said respective offices of Chief Justice, Bishop and Secretary, of our said Province, forever hereafter, in free and common soccage—in trust to and for the use and purposes hereinafter mentioned, that is to say: to permit and suffer the whole and every part of said granted Lands to be forever hereafter used, improved, managed, let and occupied, for the use, benefit, support and maintenance, of such Ministers of the Established Church of England, as shall be from time to time fixed and Established, with the cure of souls in and within the said Province; and also, for the support and maintenance of such Schools as now are, or hereafter shall be, established in our said Province, for the instruction of the youth thereof—which Lands, and the income or proceeds thereof, are to be applied as follows, that is to say: the Land hereinbefore described as Glebe or Ministerial Lands are to be applied exclusively for the residence, support and maintenance, of the said Ministers of the Established Church of England, in

our said Province of Nova Scotia, and the Lands described as School Lands, are to be exclusively applied to the support and maintenance of Schools within our said Province, and to and for no other use, intent, or purpose whatsoever; provided always, nevertheless, that the Ministers of the said Established Church, and the Schools which are to be supported and maintained out of the said described Lands, are to be such Ministers of the said Established Church, and such Schools, as now are, or forever hereafter shall be, from time to time Established and fixed within our said Province, agreeably to our Royal Instruction, or the Royal Instructions of our Successors, forever hereafter; and provided always, that in the letting, using, improving and managing, of said Lands, and distributing and applying the proceeds thereof, our Royal Instructions, and the Royal Instructions of our successors, shall be observed and followed forever hereafter, they, the said Grantees, and their successors, yielding and paying therefor unto us, our heirs or successors, &c. the usual terms of paying Quit Rent, and of Settlement and Cultivation, &c.

Given under the Great Seal of our said Province of Nova Scotia. Witness our Trusty and well-beloved His Excellency Lieutenant-General Sir John C. Sherbrooke, K. C. B. Lieutenant-Governor and Commander in Chief in and over our said Province, this 31st day of May, in the 53rd. year of our Reign, and in the Year of our Lord, 1813.

By His Excellency's Command,

HENRY H. GOGSWELL, Dep'y. Sec'y.

NOVA-SCOTIA.

GEORGE THE THIRD, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, KING, &c. &c. &c.

[Signed,] DALHOUSIE.

*To all to whom these Presents shall come:—GREETING.*

Know Ye, that We, &c., Have given and granted, and Do, by these presents, give and grant unto the Right Revd. Robert Stanser, the Lord Bishop of Our Province of Nova-Scotia, and to the Revd. John Inglis, Doctor of Divinity, Rector of St. Paul's Church, in the Town of Halifax, in our said Province, a lot of Land, known and described as lot No. 16, Letter F., in Ewer's Division of our said Town of Halifax, in trust, thereon to erect a Building, to be occupied as a School House, for the instruction of children in the Madras principles of Education—which said lot of Land is abutted and bounded as follows, viz: northerly by lot number Eight, in said Division, southerly by lot No. 15, and easterly by Argyle Street.

Grant Book, Letter G., page 104.

National School, Halifax.

Given under the Great Seal, &c. Witness our trusty and well-beloved His Excellency the Right Honorable George, Earl of Dalhousie, G.C. B., our Lieutenant Governor and Commander in Chief, &c. &c. this 24th day of June, in the 57th year of our Reign, and in the year of our Lord, 1817.

By His Excellency's Command, &c.

[Signed]

RUPERT D. GEORGE

NOVA-SCOTIA.

GEORGE THE FOURTH, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, KING, &c. &c.

[Signed,] DALHOUSIE.

*To all to whom these presents shall come:—GREETING.*

Know Ye, that We, &c. do give and grant unto the Honble. Sampson Salter Blowers, Esquire, Chief Justice of this our Province of Nova-Scotia, and to his successors in office, two lots of Land, situate, lying and being, in the Town of Halifax, being the lot No.

Grant Book, Letter I, page 22.

Acadian School,  
Halifax.

5, in Collier's Division, letter H. and the lot No. 5, in Foreman's Division, Block letter H. with the buildings thereon, now occupied for the purpose of a School, for the education of poor children, to have and to hold the said tract or parcel of five thousand six hundred feet of Land, and all and singular the premises hereby granted in free and common socage, unto the said Sampson Salter Blowers, in his capacity of Chief Justice aforesaid, and to his successors in the said office of Chief Justice forever, in trust for the sole use, benefit, and behalf of a School, to be kept in said Town of Halifax, for the education of poor children, which School is to be called the Acadian School, and is to be supported, kept, and maintained on said lot of Land forever hereafter, by the voluntary subscriptions or donations of charitable and well disposed persons, and is to be conducted and managed agreeably to such rules and regulations as shall be, from time to time, made and agreed upon, by a Committee to be selected and chosen for that purpose, from time to time, by a majority of the subscribers or contributors for the support of such School; provided always, that such rules and regulations are previously approved of by the Governor, Lieutenant-Governor, or Commander in Chief of our said Province, for the time being, by and with the advice of our Council; and provided also, that no Master or Teacher be employed in such School unless previously approved of by our said Governor or Commander in Chief, with the advice of our said Council, with power to each Governor or Commander in Chief, from time to time, with such advice, afterwards to discharge and dismiss from such School any Master or Teacher. The usual conditions of Suit, Rent, &c.

Witness our Trusty and Well-beloved Cousin His Excellency the Right Honble. George Earl of Dalhousie, G. C. B. Lieutenant-Governor and Commander in Chief, in and over our said Province, this 18th day of December, in the 58th year of our Reign, and in the year of our Lord 1818.

By His Excellency's Command,

S. H. GEORGE.

NOVA-SCOTIA.

WILLIAM THE FOURTH BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, KING.

[Signed,] P. MAITLAND.

*To all to whom these presents shall come :—GREETING.*

Grant Book, P.  
page 10.

Know Ye, that We, &c. do give and grant unto the Revd. James Cuppage Cochran, Clerk, John Christopher Rudolf, Esquire, and John Creighton, Esquire, Barrister at Law, all of Lunenburg, in our County of Lunenburg, and to the survivors and survivors of them, and to the heirs and assigns of the survivors, in trust, for the benefit and towards the support and maintenance of Common Schools in our said County of Lunenburg, six several lots, pieces, or parcels of Land, situate, lying, and being in the Township of Lunenburg, and designated, on the annexed plan, by the Nos. 1, 2, 3, 4, 5 and 6, and containing, in the whole, one hundred and fifty acres, and being the quantity of Land formerly reserved out of the tract of Land known as the Common of the Township of Lunenburg, &c.; to have and to hold the said parcels or tracts of Land, numbered and described as aforesaid, and containing, in the whole, one hundred and fifty acres of Land, and all and singular other the premises hereby granted, subject nevertheless to the saving and reservation aforesaid, unto them, the said James Cuppage Cochran, John Christopher Rudolf, and John Creighton, and the survivor and survivors of them, and the heirs and assigns of the survivors of them, in trust, nevertheless, and to and for the use and benefit, and towards the support and maintenance of Common Schools within our said County of Lunenburg, established or to be established, and as Trustees to manage, appropriate, dispose of and occupy, the said several lots and parcels of Land, and the rents and profits, and produce thereof, from time to time, arising for the benefit, support, and advantage of such Common Schools

Lunenburg, G.  
School

Schools within our said County, and to, and for no other use, trust, intent, whatsoever, &c. The usual terms of paying Quit Rent and Cultivation.

Witness, our Trusty and Well-beloved His Excellency Lieutenant-General Sir Peregrine Maitland, K. C. B. Lieutenant-Governor, and Commander in Chief in and over our said Province, this 2d day of June, in the 2d year of our Reign, and in the year of our Lord 1831.

By His Excellency's command,

S. H. GEORGE, Secretary.

NOVA-SCOTIA.

WILLIAM THE FOURTH, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, KING, &c.

[Signed] C. CAMPBELL.

*To all to whom these Presents shall come.—GREETING.*

WHEREAS, by an Act of the General Assembly of our said Province of Nova-Scotia, made and passed in the sixth year of our Reign, after reciting that there is established at Sydney, in the County of Cape-Breton, in our said Province, an Academy or Grammar School—It was enacted, that it should be lawful for our Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint five fit and proper persons to be Trustees of the same, &c. &c.

Now, Know Ye, that We, &c., do give and grant unto the Rev. Charles Ingles, A. B. of Sydney, in the said County and Province, Clerk Rector of St. George's Parish at Sydney aforesaid, the Rev. Henry M'Keagney, resident Clergyman of the Church of Rome at Sydney, in the said County, Charles Leonard of Sydney aforesaid, Esquire, Edmund Murray Dodd of Sydney aforesaid, Esquire, and William Ousely of Sydney aforesaid, Esquire, as, and being, the Trustees of the Sydney Academy, and their successors in office, their heirs and assigns, as the Trustees of the Sydney Academy for the time, and from time to time, the block or parcel of Land, in the Town of Sydney, in the said County, commonly called the School Field, the site of the old Government House and Garden, except such parts thereof as are excluded by the boundaries herein after given—the land hereby intended to be granted being bounded as follows, that is to say: by a line beginning at the intersection of the north side of Amelia Street and the east side of north Charlotte Street, thence running parallel with Amelia Street, &c., to have and to hold the said parcel of Land herein before described, and hereby given and granted, and intended so to be, and all and singular the premises hereby granted, and every part thereof, with the appurtenances unto the said Charles Ingles, &c., as and being the Trustees of the Sydney Academy as aforesaid, and by their name and designation of office in the said Act mentioned and established, and their Successors in office, and the Trustees of the Sydney Academy, for the time being, from time to time, and the heirs and assigns of such Trustees aforesaid, for the uses and purposes of such Academy, and for all such uses and purposes, and with and under all such authorities, powers, limitations and reservations, as in the said in part recited Act, is expressed and declared, &c. Witness our Trusty and well-beloved, His Excellency Major General Sir Colin Campbell, K.C.B., our Lieutenant Governor and Commander in Chief in and over our said Province, this 25th day of October, in the Seventh year of our Reign, and in the year of our Lord, 1836.

By His Excellency's Command,

THOMAS W. JAMES, Dep'y. Sec'y.

Grant Book, 'T.  
page 69.

BY

BY HIS EXCELLENCY SIR GEORGE PREVOST, BART. LIEUTENANT-  
GOVERNOR, &c.

GEORGE PREVOST.

Licence is hereby granted to the Revd. John Inglis, D.D., Rector, and Alexr. Walker and Henry VanBuskirk, Esqrs. Churchwardens of St. Mary's, Aylesford, to occupy during pleasure, Lots Nos. 5 & 6, in the Township of Aylesford, on the south side of the Annapolis road, in trust for School and Glebe; No. 5, being the School lot, and No. 6, the Glebe, with authority to prevent cutting and carrying away the Timber of said Lots.

Given, &c., 6th Nov. 1810.

By His Excellency's Command.

S. H. GEORGE, Sec'y.

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LEGISLATIVE COUNCIL,

FOR 1840.

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- Coals, by Weight; Bill to authorize sale of, brought from H. A. and read 1st time, 25, read 2d time and ordered to Committee, 26, reported without amendment, 28, read 3d time, and agreed to, 30, sent to H. A. 31; assent, 134.

- College ; Dalhousie**, Bill to appoint new Governors, brought from H. A. and read 1st time, 64, read 2d time, and ordered to Committee, 65, reported with amendments, 89, re-committed, 91, reported with amendments, and amendments agreed to, 92, read 3d time, agreed to, and sent to H. A., 94; H. A. agree to amendments, 102; Bill finally agreed to, and sent to H. A. 103; assent, 136.
- Queen's**—Bill for Incorporating, brought from H. A. and read 1st time, 37, read 2d time, and ordered to Committee, 38, reported without amendment; motion not to receive report negatived—motion to re-commit Bill negatived—report received, 42; Bill read 3d time, and agreed to—dissent, with reasons, 43; Bill sent to H. A., 44; assent, 135.
- Conferences on General State of the Province**—relative to Registrar's Bill moved, 39, asked, 40, held, 41—relative to Civil List Bill moved, 55, held, 61—relative to contingent expenses of Council moved, 80, held, 81—relative to expenses of Delegates moved, 80, held, 81—relative to Deck Load Law, (*vide Deck Load Law*)—relative to Address to Her Majesty on Her Marriage, (*vide Address*)—relative to Drawback on Wheat Flour, asked by H. A. 112, held, 113, further Conference asked by Council, 113, held, 114, (*vide Address and Drawbacks.*)
- On amendments to Polls Elections Bill**, asked by H. A., and held, 49, on 10th amendment to Lands and Tenements Bill, asked by H. A. 87, agreed to, Committee, 88, report, 89.
- Confessions**—Judgements by, Bill to reduce expense of, brought from H. A., read 1st time, 54, read 2d time, and ordered to Committee, 55; Committee recommend Bill to be deferred, Bill deferred, 62.
- Council**—Contingent expenses of; Committee appointed, 73, report, 79, Conference on General State of Province relative to, moved, and asked, 80, agreed to and held, 81, vote, for, 95, 98.
- Pay of**—Resolution relative to, 88.
- Court**—Supreme, at Halifax; Bill concerning Terms of, brought from H. A. and read 1st time, 100, read 2d time, and ordered to Committee, 101, reported without amendment, 104, read 3d time, agreed to, and sent to H. A. 112; assent, 137.
- Issues in Circuits of**—Bill respecting, brought from H. A. and read 1st time, 102, read 2d time, and ordered to Committee, 103, reported without amendment, 114, read 3d time, agreed to and sent to H. A. 115; assent, 137.
- Inferior**—Bill concerning, brought from H. A. and read 1st time, 100, read 2d time, and ordered to Committee, 102, reported without amendment, 105, read 3d time, agreed to, and sent to H. A. 112; assent, 136.
- Commissioners**—Halifax; Bill relating to, as above, assent, 137.
- Fees of Constable of**—Bill to regulate, as above, assent, 136.
- Criminal Law**; Committee appointed last Session to revise, report four Bills, Bills ordered to be published, 131.
- Crown Lands**; Bill to make regulations for disposal of, brought from H. A. and read 1st time, 22; referred to Select Committee, 23; report Bill read 2d time and ordered to Committee of whole, 33; reported with amendments, motion not to receive report negatived, report received and amendments, agreed to, 34; Bill read 3d time and agreed to, 34; sent to H. A., 35; H. A. agree to amendment, Bill finally agreed to and sent to H. A., 36, Assent, 134.

## D

- Dartmouth**—Highways Bill to amend Act to extend Law relative to, brought from H. A. and read 1st time, 102; read 2d time and ordered to Committee, 103; reported with amendment, 113; read 3d time, agreed to and sent to H. A.,

- 115; H. A. agree to amendments, 116; Bill finally agreed to and sent to H. A., 119; assent, 137.
- Deck Load Law**; Conference on General State of Province, asked by H. A. and held, 100; Resolution to join H. A. in Address to Her Majesty, 100; Conference asked by Council, 101; agreed to and held, 102; Address reported and agreed to, 105; further Conference asked by H. A. and held, 106; Address to His Excellency ordered, and Committee to prepare Address, 106; further Conference asked by Council and held, 107; further Conference asked by H. A., 120; agreed to, Committee, 121; Report, 122; Address to His Excellency reported, 123; Committee to present, 124; further Conference asked by Council and held, 124; Committee to present Address, Report, 127.
- Defence by Counsel, in Felony**; Bill for, brought from H. A. and read 1st time, 14; read 2d time, and ordered to Committee, 17; Standing Order dispensed with; Bill committed, reported with amendment—amendment agreed to—Bill read 3d time, agreed to, and sent to H. A. 17; H. A. agree to amendment, 17; Bill finally agreed to and sent to H. A. 18; assent, 18.
- Delay of Causes, after Issue joined**; Bill to prevent, brought from H. A. 41; read 1st time 41; read 2d time, and ordered to Committee, 43; reported with amendment, 45; read 3d time, agreed to, and sent to H. A. 47; H. A. disagree to amendment, 102; amendment considered and adhered to, and Bill sent to H. A. 111.
- Delegates from Council**; Message that H. E. had sent, 8; report of, laid before House, 14; read, and ordered to be printed, 15; vote of thanks to, 15; Conference on General State of Province, relative to payment of, 80; Conference held, 81; Address to H. E. relative to payment of, moved—Committee to prepare Address, 86; Address reported—adopted, and Committee to present, 92—3; report of Committee, 96; Message from H. E. offering to pay out of Casual Revenue, 116; Resolution relative to, and Committee to present, 117; report of Committee, 119; Message from H. E. declining to pay, 128.  
From House of Assembly; vote for, 75; Resolution not to agree, 103, Message to H. A. 104; 2d vote, 116; disagreed to, and Message, 117.
- Despatches**; consideration of, made Order of Day, 47; read and considered, 48; Order of Day postponed, 51; considered, 52, 54, 55; Conference on, and instructions to Committee moved, 55; amendment moved and negated, 59; protest, 60; Conference held, 61.
- Digby Shire Town**; Bill to establish, brought from H. A. 41; read 1st time, 41; read 2d time, and ordered to Committee, 43; reported without amendment, 45; read 3d time, agreed to, and sent to H. A. 47; assent, 135.  
Landings; (vide Landings.)  
Elections; (vide Elections.)
- Diseases, Infectious**; Bill to provide against, brought from H. A. and read 1st time, 25; read 2d time, and ordered to Committee, 26; reported without amendment, 28; read 3d time, and agreed to, 30; sent to H. A. 31; assent, 134.
- Dissents, with reasons, relative to Queen's College Bill, 43.**  
Instructions to Committee of Conference on Civil List Bill, 60.  
Marine Insurance Bill, 72.  
Gas Light Bill, 121.
- Dogs**; Bill to make Stealing of, Larceny, brought from H. A. and read 1st time, 24; read 2d time, and ordered to Committee, 26; reported without amendment, 28; read 3d time and agreed to, 29; sent to H. A. 31; assent, 134.
- Douglas**; Bill to divide Township of, brought from H. A. and read 1st time, 16; referred to Select Committee, 17; report, 18; ordered to be published, 23.
- Drawbacks**; Bill for granting, brought from H. A. 80; read 1st time, 81; referred to Select Committee, 81; report, Bill read 2d time, and ordered to Committee, 82;

- S2; reported without amendment, 90; read 3d time and agreed to, 94; sent to H. A. 95; assent, 136.
- Drawback on Flour; Bill for granting, same as Drawbacks; Conference on General State of Province asked by H. A. 112; held, 113; Resolution to join H. A. in Address to Her Majesty, 113; further Conference asked by Council, 113; held, 114; Address reported, 125; further Conference asked by H. A. and held, 126; further Conference asked by Council and held, 129; Address to H. E. reported—Committee to present Addresses, and report of Committee, 130.
- On Chocolate; Resolution granting, 120, 121.
- Duties of Impost; Bill for granting, (same as Drawbacks.)
- Regulation of; Bill for, (same as Drawbacks.)

**E**

- Elections, Polls at; Bill for establishing times of holding, brought from H. A. and read 1st time, 31; read 2d time, and ordered to Committee, 32; Committee recommend Bill to be referred to Select Committee—Bill referred, 34; Committee report amendments, and recommend Bill to Committee of whole—report received and Bill ordered to Committee, 35; reported with amendments, 36; read 3d time, agreed to, and sent to H. A. 36; Conference on amendments asked by H. A. and held, 49; H. A. disagree to amendments, 50; amendments considered, and not adhered to, and Bill sent to H. A. 51; assent, 135.
- At Digby; Bill for establishing times of holding, presented and read 1st time, 63; read 2d time, and ordered to Committee, 64; reported without amendment, 90; read 3d time, agreed to, and sent to H. A. 94.
- Polls at; Bill for establishing, brought from H. A. and read 1st time, 102; read 2d time, and ordered to Committee, 103; reported without amendment, 114; read 3d time, agreed to, and sent to H. A. 115; assent, 137.
- Estimate laid before House, 19.

**F**

- Fines and Penalties; Bill to provide for application of, brought from H. A. and read 1st time, 65; read 2d time and deferred 3 months, 66.
- Firewards; Bill respecting, brought from H. A. and read 1st time, 102; read 2d time and ordered to Committee, 103; reported without amendment, 114; read 3d time, agreed to, and sent to H. A. 115; assent, 137.
- Fish, Pickled; Bill relative to inspection of, brought from H. A. and read 1st time, 81; read 2d time, and ordered to Committee, 82; reported without amendment, 90; read 3d time, agreed to, and sent to H. A. 95; assent, 136.
- Fisheries, Chedabucto Bay; Bill for regulation of, brought from H. A. 40; read 1st time, 41; read 2d time, and ordered to Committee, 43; reported without amendment, 45; read 3d time, agreed to, and sent to H. A. 47; assent, 135.
- Shad, Cumberland; Bill to regulate, brought from H. A. and read 1st time, 64; read 2d time, and ordered to Committee, 65; reported without amendment, 66; read 3d time, agreed to, and sent to H. A. 67; assent, 135.
- Shubenacadie; Bill for regulation of, brought from H. A. and read 1st time, 70; read 2d time, and ordered to Committee, 71; reported without amendment, 73; read 3d time, agreed to, and sent to H. A. 74; assent, 135.
- Lunenburg; same as Shubenacadie.
- Fishery—Gaspereaux and Salmon, Horton; Bill to regulate, brought from H. A. and read 1st time, 102; read 2d time, and ordered to Committee, 103; reported without amendment, 114; read 3d time, agreed to, and sent to H. A. 115; assent, 136.
- Fishermen

**Fishermen ; Nets of**—Bill to prevent damage to, brought from H. A. and read 1st time, 70 ; read 2d time, and ordered to Committee, 71 ; reported without amendment, 73 ; read 3d time, agreed to, and sent to H. A. 74 ; assent, 135.

**Forestalling ; Bill to suspend Acts to prevent**, brought from H. A., and read 1st time, 100 ; read 2d time and deferred 3 months, 102.

**Cordwood ; Bill to suspend Acts to prevent**, brought from H. A. and read 1st time, 100 ; read 2d time and ordered to Committee, 102 ; reported without amendment, 105 ; read 3d time agreed to, and sent to H. A., 112 ; assent, 136.

## G

**Gas Light and Water Company ; Bill to Incorporate**, brought from H. A., read 1st time, and referred to Select Committee, 99 ; Report, Bill read 2d time and ordered to Committee, 113 ; amended, 118 ; read 3d time, agreed to and sent to H. A. 119 ; H. A. agree to some amendments and not to others, 120 ; amendment considered and not adhered to, Protest, and Bill sent to H. A. 121 ; H. A. agree to Bill as amended, 123 ; Bill finally agreed to and sent to H. A. 123 ; assent, 137.

**Granville ; Waste Lands in**, Bill for disposing of, brought from H. A. 41 ; read 1st time, 41 ; read 2d time and referred to Select Committee, 43 ; Report of Committee, and Bill deferred, 53.

**Grindstones ; Bill respecting exportation of**, brought from H. A. 42 ; read 1st time, 43 ; read 2d time and deferred, 45.

**Bill to repeal Act respecting exportation of**, presented and read 1st time, 45 ; read 2d time and ordered to Committee, 46 ; reported without amendment, 48 ; read third time, agreed to, and sent to H. A. 50 ; H. A. agree to Bill, 99 ; assent, 137.

**Guysborough ; Bill to enable Proprietors to open Roads in**, brought from H. A. and read 1st time, 24 ; read 2d time and ordered to Committee, 26 ; reported without amendment 28 ; read 3d time and agreed to, 30 ; sent to H. A. 31 ; assent, 134.

## H

**Herrings, Smoked ; Bill for regulating exportation of**, brought from H. A. and read 1st time, 24—5 ; read 2d time and ordered to Committee, 26 ; reported without amendment, 28—9 ; read 3d time, agreed to, and sent to H. A. 29, 30 ; assent, 134.

**Highways, Roads and Bridges ; Bill relating to**, brought from H. A. and read 1st time, 100 ; read 2d time and ordered to Committee, 101 ; reported without amendment, 104 ; read 3d time, agreed to and sent to H. A. 112 ; assent, 136.

**Horton ; Old Road in**, Bill to shut up, brought from H. A. and read 1st time, 54 ; read 2d time and referred to Select Committee, 55 ; Report, and Bill deferred, 62 ; Bill relating to shutting up presented, 80, and read 1st time, 81 ; read 2d time and referred to Select Committee, 82 ; Report and Bill ordered to Committee, 89 ; reported without amendment, 90 ; read 3d time, agreed to and sent to H. A. 94 ; H. A. agree to Bill, 99 ; assent, 137.

**Hotel Company ; Bill to Incorporate**, brought from H. A. and read 1st time, 99 ; read 2d time and ordered to Committee, 101 ; reported without amendment, 104 ; read 3d time, agreed to and sent to H. A. 112 ; assent, 136.

## I

**Importation of Goods ; Bill for regulating**, brought from H. A. 80 ; and read 1st time, and referred

- ferred to Select Committee, 81 ; Report, Bill read 2d time and ordered to Committee, 82 ; reported without amendment, 90 ; read 3d time and agreed to, 94 ; sent to H. A. 95 ; assent, 136.
- Injuries ; Malicious, Bill concerning, brought from H. A. and read 1st time, 25 ; read 2d time and ordered to Committee, 26 ; reported with amendment, amendment agreed to, 28 ; read 3d time and sent to H. A. 31 ; H. A. disagree to amendment, amendment not adhered to, and Bill sent to H. A. 46 ; assent, 135.
- Insurance Companies, Marine ; Bill to enable them to compensate their Directors, brought from H. A. and read 1st time, 65 ; read 2d time and deferred, 66 ;  
 Bill to enable them to compensate, presented and read 1st time, 69 ; read 2d time and ordered to Committee, 69 ; reported with amendments, amendments agreed to, and Bill ordered to be engrossed, 72 ; read 3d time and agreed to, and Protest, 72 ; sent to H. A. 73 ; H. A. agree to Bill, 99 ; assent, 137.

**J**

- Journals of Lords and Commons ; Communications from Hon. A. Stewart relative to, 22, 85 ; Resolutions of thanks for, and Addresses to H. E. and Committee to present, 96—7—8 ; report of Committee, 129 ; Resolution for examining, 129.
- Judiciary ; Bill relating to, brought from H. A. and read 1st time, 60 ; read 2d time, and ordered to Committee, 61 ; referred to Select Committee, 64 ; report, and Bill ordered to Committee, 68 ; Committee recommend Bill to be deferred 3 months, 83 ; motion not to receive report negatived—report received and Bill deferred, 84.
- Juries ; Bill for regulation of, brought from H. A. 11 ; read 1st time, 12 ; Standing Order dispensed with—Bill read 2d time, and ordered to Committee, 12 ; reported with amendment—read 3d time, agreed to, 13 ; sent to H. A. 13 ; H. A. agree to amendment, 13 ; Bill finally agreed to, and sent to H. A. 14 ; assent, 14.
- Justice—Criminal ; Bill for improving Administration of, presented and read 1st time, 7.

**K****L**

- Landings, King's County ; Bill to regulate, brought from H. A. and read 1st time, 25 ; read 2d time and ordered to Committee, 26 ; reported without amendment, 28 ; read 3d time and agreed to, 30 ; sent to H. A. 31 ; assent, 134.
- Digby ; Bill to regulate, brought from H. A. and read 1st time, 51 ; read 2d time and ordered to Committee, 52 ; reported without amendment, 55 ; read 3d time, agreed to and sent to H. A. 60 ; assent, 135.
- Lands and Tenements liable to Debts ; Bill for making, brought from H. A. and read 1st time, 54 ; read 2d time and ordered to Committee, 55 ; reported with amendments, 69 ; read 3d time, agreed to and sent to H. A. 69 ; H. A. agree to amendments with amendments, 81 ; amendments of H. A. considered, some agreed to and some not, and Bill sent to H. A. 83 ; Conference on 10th amendment asked by H. A. 87 ; held, 88—9 ; H. A. adhere to 10th amendment, 89.
- Licenses ; Bill granting Duties on, brought from H. A. 80 ; read first time and referred to Select Committee, 81 ; Report, Bill read 2d time and ordered to Committee, 82 ; reported without amendment, 90 ; read 3d time and agreed to, 94 ; sent to H. A. 95 ; assent, 136.
- Licenses

- Licenses, Halifax; Bill granting Duties, (same as Licenses.)
- Light Houses; Bill for the support of, brought from H. A., read 1st time and referred to Select Committee, 99; Report, Bill read 2d time and ordered to Committee, 103; amended, 105; read 3d time, agreed to and sent to H. A. 114; H. A. cannot consider amendment, 116; amendment adhered to and Bill sent to H. A. 117.
- Lock-up-House, Bridgetown; Bill to provide brought from H. A. and read 1st time, 22; read 2d time and ordered to Committee, 24; reported without amendment, 27; read 3d time and agreed to, 27; sent to H. A. 31; assent, 134.
- Lunenburg, Old Road; Bill to shut up, brought from H. A. and read 1st time, 90—1; referred to Select Committee, 91; report—Bill read 2d time, and ordered to Committee, 98; reported without amendment, 98; read 3d time, agreed to, and sent to H. A. 101; assent, 136.
- School, (vide School.)
- Fisheries, (vide Fisheries.)

## M

- Margaretville Pier Company; Bill to Incorporate, brought from H. A. and read 1st time, 31; read 2d time, and ordered to Committee, 32; amended, 33; read 3d time and agreed to, 33; sent to H. A. 35; H. A. agree to amendment—Bill finally agreed to, and sent to H. A. 36; assent, 134.
- Marriage Licenses; Bill relating to, brought from H. A. and read 1st time, 25; read 2d time and ordered to Committee, 26; amended, 29; read 3d time and agreed to, 30; sent to H. A. 31; H. A. disagree to amendment, 45; amendment not adhered to, and Bill sent to H. A. 46; assent, 135.
- Meeting House, Yarmouth; Bill to raise money for, brought from H. A. and read 1st time, 22; read 2d time and ordered to Committee, 24; reported without amendment, 27; read 3d time and agreed to, 27; sent to H. A. 31; assent, 134.
- Tusket; Bill to raise money for, brought from H. A. and read 1st time, 29; read 2d time, and ordered to Committee, 31; reported without amendment, 32; read 3d time, agreed to, and sent to H. A. 33; assent, 134.
- Members—Absent; Message relative to, 7; Address to H. E. relative to, 10, 12; to be summoned, 13; make excuse, 13, 19, 22; excuse of Messrs. Smith and Morse insufficient—Resolution—Address to H. E. ordered, and Committee, 20; Address reported—Committee to present, 23; report of Committee, 24; Mr. Smith makes excuse for absence, 22; Mr. Morse makes excuse for absence, 32.
- New; Message from H. E. communicating appointment of, 110; introduced, 111.
- Seats of; Bill to vacate, brought from H. A. and read 1st time, 104; read 2d time, and ordered to Committee, 112; reported without amendment, 118; read 3d time, agreed to, and sent to H. A. 119; assent, 137.
- Messages from H. E. relative to absent Members, 7; relative to Delegates, 8; with Despatches, 11; relative to absent Members, 12; two with Despatches, 19, 20; relative to Road Expenditure, 53; with Despatches making Yarmouth, Pictou and Liverpool, Ports of Registry, 88; communicating appointment of new Members, 110; with Despatches relative to payment of Duties, 110; communicating Her Majesty's Marriage, 111; relative to paying Delegates from Casual Revenue, 116, 128.
- Militia; Bill respecting, brought from H. A. and read 1st time, 90—1; read 2d time and ordered to Committee, 95; reported without amendment, 98; motion to re-commit

- commit negatived, 99; read 3d time, agreed to, and sent to H. A. 101; assent, 136.
- Mirè Grant; Bill to repeal, 10; clause of Act for settling Titles in, brought from H. A. and read 1st time, 81; read 2d time and ordered to Committee, 82; amended—motion not to receive report negatived—amendment agreed to, 92; read 3d time, agreed to, and sent to H. A. 94; H. A. agree to amendment—Bill finally agreed to and sent to H. A. 99; assent, 136.
- Mortgages; Bill for more easy redemption of, brought from H. A. and read 1st time, 25; read 2d time and ordered to Committee, 26; amended, 29; read 3d time and agreed to, 30; sent to H. A. 31; H. A. agree to amendment—Bill finally agreed to and sent to H. A. 46; assent, 135.

## N

- Nuisances; Bill concerning, brought from H. A. and read 1st time, 25; read 2d time and ordered to Committee, 26; reported without amendment, 28; read 3d time and agreed to, 30; sent to H. A. 31; assent, 135.
- In Rivers; Bill to prevent, brought from H. A. and read 1st time, 70; read 2d time and ordered to Committee, 71; reported without amendment, 73; read 3d time, agreed to, and sent to H. A. 74; assent, 135.

## O

- Overholding Real Estate; Bill to prevent, brought from H. A. and read 1st time, 54; read 2d time and ordered to Committee, 55; amended, 63; read 3d time and agreed to, and sent to H. A. 64; H. A. agree to amendment, 70; Bill finally agreed to and sent to H. A. 70; assent, 135.

## P

- Parrsborough; Bill to divide Township of, brought from H. A. and read 1st time, 29; referred to Select Committee, 29; report—Bill ordered to be published, 32; read 2d time and ordered to Committee, 51; reported without amendment, 52; read 3d time—motion to re-commit Bill negatived—Bill agreed to and sent to H. A. 53; assent, 135.
- Petitions relative to, 45—7.
- Passengers from Great Britain and Ireland; Bill relating to, brought from H. A. 99; read 1st time, 100; read 2d time and ordered to Committee, 101; reported without amendment, 104; read 3d time, agreed to, and sent to H. A. 112; assent, 136.
- Petitions—of R. Hume and al. 15; E. Gilpin and al. 16; J. C. Cogswell and al. 16; relative to Queen's College, 17, 20, 23, 38, 39; J. F. Muncey, 19; E. Morton, 20; Abbè Segogne and al. 21; Trustees Yarmouth Academy, 21; T. Timlin, A. Torrey and al. 21; Dr. Willis, 24; B. Halliburton and al. for National School, 27; Acadian School, 32; W. Pryor and al. 34; referred to Select Committee, 35; H. A. Gladwin and al. 37; Jas. Gordon and al. 38; relative to Parrsborough Bill, 45—7; S. Cowling and al. 46; J. Jack and al. 48; J. Sanford and al., H. Blois and al. 52; W. A. Black and al. for Steam Boat, 73; R. Smith and al. 79; Ruggles and al. 89; A. Henderson, 93.
- Pictou Harbor; Bill to preserve, brought from H. A. 42; read 1st time, 43; read 2d time and ordered to Committee, 44; reported without amendment, 47; read 3d time, agreed to, and sent to H. A. 48; assent, 135.
- Pilotage, Sydney; Bill to regulate, brought from H. A. and read 1st time, 25; read 2d time and ordered to Committee, 26; reported without amendment, 28; read 3d time and agreed to, 30; sent to H. A. 31; assent, 134.
- Pilotage

- Pilotage, Halifax; Bill to regulate, (same as above.)  
 Police Office; Fees at—Bill to define, brought from H. A. and read 1st time, 90; read 2d time and deferred 3 months, 95.  
 Poor; Settlement of—Bill for, brought from H. A. and read 1st time, 100; read 2d time and ordered to Committee, 101; reported without amendment, 104; read 3d time, agreed to, and sent to H. A. 112; assent, 136.  
 Police Committee; Report of, and Committee discharged, 123.  
 Prorogation, 137.  
 Public Grounds; Supervisors of—Bill for appointing, brought from H. A. 42; read 1st time, 43; read 2d time and ordered to Committee, 44; amended, 55; read 3d time, agreed to, and sent to H. A. 61; H. A. agree to amendment—Bill finally agreed to, and sent to H. A. 63; assent, 135.  
 Pubnico, Marsh at; Bill to regulate fencing of, brought from H. A. and read 1st time, 64; read 2d time and referred to Select Committee, 65; report—Bill ordered to Committee, 67; reported without amendment, 72; read 3d time, agreed to, and sent to H. A., 72; assent, 135.  
 Pugwash Harbour; Bill to preserve, brought from H. A. and read 1st time, 24; read 2d time and ordered to Committee, 26; reported without amendment, 28; read 3d time and agreed to, 30; sent to H. A. 31; assent, 134.

## Q

- Quarantine; Bill brought from H. A. and read 1st time, 25; read 2d time and ordered to Committee, 26; reported without amendment, 28; read 3d time and agreed to, 30; sent to H. A., 31; assent, 134.  
 Quadrennial Bill; (vide Assemblies General.)

## R

- Rail Roads; Bill to regulate, brought from H. A., 41; read 1st time, 41; read 2d time and ordered to Committee, 43; reported without amendment, 45; read 3d time, agreed to, and sent to H. A., 47; assent, 135.  
 Ratchford, Mr.; leave of absence to, 52.  
 Rates, Poor, Pictou; Bill respecting collection of, brought from H. A. and read 1st time, 24; read 2d time and ordered to Committee, 26; reported without amendment, 28; read 3d time and agreed to, 30; sent to H. A., 31; assent, 134.  
 Annapolis; Bill to repay two Collectors, brought from H. A. and read 1st time, 51; read 2d time and ordered to Committee, 52; Committee recommend Bill to be deferred three months; Bill deferred, 55.  
 County; Bill to direct mode of assessing, brought from H. A. and read 1st time, 100; read second time and ordered to Committee, 101; reported without amendment, 104; read 3d time, agreed to, and sent to H. A., 105; assent, 136.  
 Of Carriage; Bill for regulating, (same as County Rates.)  
 Rawdon; Bill to establish limits of, brought from H. A. and read 1st time, 16; referred to Select Committee, 17; report, 18; Bill ordered to be published, 23; second report of Select Committee, and Bill deferred three Months, 53.  
 Petition of J. Gordon referred to Select Committee, 38; J. Sandford and al., H. Blois and al., referred to Committee, 52.  
 Registrars of Deeds; Bill relating to, brought from H. A., read 1st time and referred to Select Committee, 33; report, 37; Conference on General State of Province moved, 39; asked and held, 41; Bill deferred three Months, 69; Address to Her Majesty, with reasons, 131; Address to His Excellency, with reasons, 133; Committee to present and report, 133.

- Riding—Disorderly ; Bill to prevent, brought from H. A. and read 1st time, 100 ; read second time and ordered to Committee, 102 ; reported without amendment, 105 ; read 3d time, agreed to, and sent to H. A. 112 ; assent, 137.
- Roads—Great ; Bill for applying monies for, brought from H. A. 60 ; read 1st time, 61 ; read 2d time, and ordered to Committee, 62 ; reported without amendment, 63 ; read 3d time, agreed to, and sent to H. A., 64 ; assent, 135.
- And Bridges ; Bill to regulate expenditure of money on, brought from H. A. and read 1st time, 64 ; read 2d time and ordered to Committee, 65 ; reported without amendment, 66 ; read 3d time, agreed to, and sent to H. A., 66—7 ; assent, 135.

## S

- Sable Island ; Bill for better regulation of, brought from H. A. and read 1st time, 25 ; read 2d time and ordered to Committee, 26 ; reported without amendment, 28 ; read 3d time and agreed to, 30 ; sent to H. A., 31 ; assent, 134.
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- Lunenburg ; Bill for regulation of, brought from H. A. and read 1st time, 70 ; read 2d time and ordered to Committee, 71 ; reported with amendment, and order for receiving report, 74 ; amendment reported—Bill recommitted—reported with amendments—amendments agreed to, 75 ; Bill read 3d time and sent to H. A., 79 ; H. A. agree to amendments, 81 ; Bill finally agreed to, and sent to H. A., 82 ; assent, 135.
- Schools ; Bill for encouragement of, brought from H. A. and read 1st time, 81 ; read 2d time and ordered to Committee, 82 ; reported without amendment, 90 ; read 3d time, agreed to, and sent to H. A. 95 ; assent, 136.
- Sea Manure, Queen's County ; Bill for regulation of, brought from H. A. and read 1st time, 24 ; read 2d time and ordered to Committee, 26 ; reported without amendment, 28 ; read 3d time and agreed to, 29 ; sent to H. A. 31 ; assent, 134.
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- Smuggling ; Bill for the prevention of, brought from H. A. 80 ; read 1st time and referred to Select Committee, 81 ; report, Bill read 2d time and ordered to Committee, 82 ; reported without amendment, 90 ; read 3d time and agreed to, 94 ; sent to H. A. 95 ; assent, 136.

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- Warehousing**; Bill for, brought from H. A. 80; read 1st time and referred to Select Committee, 81; Report, read 2d time and ordered to Committee, 82; reported without amendment, 90; read 3d time and agreed to, 94; sent to H. A. 95; assent, 136.
- Watch**; Bill to provide, brought from H. A. and read 1st time, 100; read 2d time and ordered to Committee, 102; reported without amendment, 105; read 3d time, agreed to and sent to H. A. 112; assent, 136.
- Wickwire Dyke Rates**; Bill for assessment of, brought from H. A. and read 1st time, 91; read 2d time and ordered to Committee, 95; reported without amendment, 98; read 3d time, agreed to and sent to H. A. 101; assent, 136.
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- Written Documents**; Bill to lessen expence of proof of, brought from H. A. and read 1st time, 25; read 2d time and ordered to Committee, 26; amended, 29; read 3d time, agreed to and sent to H. A. 31; H. A. agree to amendment, Bill finally agreed to and sent to H. A. 46; assent, 135.

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