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**JOURNAL**

**AND**

**PROCEEDINGS**

**OF THE**

**HOUSE OF ASSEMBLY**

**OF THE**

**PROVINCE OF NOVA-SCOTIA.**

**1838.**

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## PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,  
K. C. B. Lieutenant-Governor and Commander in  
Chief, in and over His Majesty's Province of Nova-  
Scotia and its Dependencies, &c. &c. &c.*

**W**HEREAS, the General Assembly of this Province stands prorogued until Thursday, the 20th day of July inst.

I have, therefore, thought fit further to prorogue the said General Assembly until Thursday, the 19th 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 3d  
day of July, in the eighth year of His Majesty's Reign,  
A. D. 1837.*

*By His Excellency's Command,*

RUPERT D. GEORGE.

GOD SAVE THE KING.



## PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,  
K. C. B. Lieutenant-Governor and Commander in  
Chief, in and over Her Majesty's Province of Nova-  
Scotia and its Dependencies, &c. &c. &c.*

**W**HEREAS, the General Assembly of this Province stands prorogued until Thursday, the 19th day of October,

I have, therefore, thought fit further to prorogue the said General Assembly until Thursday, the 30th day of November 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 27th  
day of September, in the first year of Her Majesty's  
Reign, A. D. 1837.*

*By His Excellency's Command,*

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.



## PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,  
K. C. B. Lieutenant-Governor and Commander in  
Chief, in and over Her Majesty's Province of Nova-  
Scotia, and its Dependencies, &c. &c. &c.*

**W**HEREAS, the General Assembly of this Province stands prorogued until Thursday,  
the 30th day of November,

I have thought fit further to prorogue the said General Assembly until Thursday, the 21st  
day of December next, of which all persons concerned are desired to take notice and go-  
vern themselves accordingly.

*Given under my Hand and Seal at Arms, at Halifax, this 13th  
day of November, in the first year of Her Majesty's  
Reign, A. D. 1837.*

*By His Excellency's Command,*

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.



## PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,  
K. C. B. Lieutenant-Governor and Commander in  
Chief, in and over Her Majesty's Province of Nova-  
Scotia, and its Dependencies, &c. &c. &c.*

**W**HEREAS, the General Assembly of this Province stands prorogued until Thursday,  
the 21st day of December,

I have thought fit further to prorogue the said General Assembly until Thursday, the 25th  
day of January next—*then to meet for the Dispatch of Business*, of which all persons concern-  
ed are desired to take notice and govern themselves accordingly.

*Given under my Hand and Seal at Arms, at Halifax, this 13th  
day of December, in the first year of Her Majesty's  
Reign, A. D. 1837.*

*By His Excellency's Command,*

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.

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# JOURNAL AND PROCEEDINGS

OF THE  
HOUSE OF ASSEMBLY,  
OF THE  
PROVINCE OF NOVA-SCOTIA.  
SESS. 1838.

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THURSDAY, 25th JANUARY, 1838.

ANNO PRIMO VICTORIÆ REGINÆ, 1838.

On which day, being the first day of the second Session of this Provincial Parliament for the Dispatch of Business, pursuant to a Proclamation (hereunto annexed,) Samuel George William Archibald, Esquire, Speaker of this Honorable House, being restored to health, and able to resume the performance of his duties, and being in the Chair : House meet

By virtue of a Commission from His Excellency the Lieutenant-Governor to the Honorables PETER McNAB, JOSEPH ALLISON and JAMES W. JOHNSTON, a copy of which is as follows :— Commission to administer State Oaths

BY HIS EXCELLENCY MAJOR-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.

(SEAL)

TO ALL TO WHOM THESE PRESENTS SHALL COME.

**GREETING.**

**KNOW** Ye, that I, the said Lieutenant-Governor, by virtue of the power and authority in me vested, have constituted and appointed, and do by these presents constitute and appoint, the Honorables Peter McNab, Joseph Allison and James W. Johnston, to be a Commissioner or Commissioners, or either of them, to tender and administer the usual State Oaths, to all and every person and persons who is, are or shall be, elected a Member or Members of the House of Assembly in this Province ; giving them, or either of them, full power and authority to perform the matters hereinbefore mentioned, ratifying and confirming all and whatsoever the said Commissioners, or either of them, shall do and perform in this behalf.

*GIVEN under my Hand and Seal at Arms, at Halifax, this 25th day of January, 1838, in the first year of Her Majesty's Reign.*

*By His Excellency's Command,*

RUPERT D. GEORGE.

The said Commissioners came into the Assembly Room, (the usual place of administering the Oaths appointed to be taken by the Members returned to serve in the Provincial Parliament,) where, in their presence, the said Oaths were administered to Mr. Speaker, and the following Members appearing, who had taken their seats in the last preceding Session, State Oaths administered.

THURSDAY, 25th JANUARY, 1838.

sion, viz :—Mr. Howe, Mr. Annand, Mr. Holmes, Mr. McDougall, Mr. DesBarres, Mr. McDonald, the Hon. Mr. Uniacke, Mr. W. Young, Mr. Lewis, Mr. B. Smith, Mr. Goudge, Mr. Chipman, the Hon. Mr. Dewolf, Mr. Holland, the Hon. Mr. Huntington, Mr. W. Sargent, Mr. Bell, Mr. Forrester, Mr. Archibald, Mr. Upham, the Hon. Mr. Dodd, Mr. Doyle, Mr. Dickey, Mr. Elder, Mr. Allison, Mr. Morton, Mr. Benjamin, Mr. Whitman, Mr. Thorne, Mr. Holdsworth, Mr. Clements, Mr. D'Entremont and Mr. J. Sargent; and also, to Frederick Armand Robicheau, Esquire, returned duly elected a Member for the County of Annapolis; Richard James Forrestall, Esquire, returned duly elected a Member for the County of Sydney, in the place of John Young, Esquire, (deceased,) and Zenas Waterman, Esquire, returned duly elected a Member for the County of Queen's County, in the place of Joseph Freeman, Esquire, (deceased,) who thereupon respectively took their seats.

After which a Message was delivered by John James Sawyer, Esquire, Gentleman Usher of the Black Rod :

*Mr. Speaker,*

Message commanding attendance of House on Gov. House attend Governor.

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

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

And being returned,

Speaker reports Speech of Gov.

Mr. Speaker reported that the House had attended His Excellency the Lieutenant-Governor in the Council Chamber, where His Excellency had been pleased to make a Speech, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House, and is as follows :

*Honorable Gentlemen of the Legislative Council,*

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

Governor's Speech

My first duty, and a painful one I find it, is to condole with you on the loss which, since our last meeting, we have sustained, by the demise of His late most Gracious Majesty William the Fourth, of blessed memory, whose paternal attachment to this Province, which he visited at an early period of his life, will be remembered by you with gratitude and respect.

The Throne of the British Empire is now filled by His august Niece Queen Victoria, the daughter of His late Royal Highness the Duke of Kent, who for many years resided amongst you, when Commander in Chief in British America. Her Majesty's accession has been hailed, in every part of her extensive dominions, with the most enthusiastic loyalty: her youth and sex claim from her subjects their dutiful affection and support.

It is with deep regret I have to notice the late unfortunate events in the Canadas; but I have the satisfaction of informing you that the insurrection has been put down in Lower Canada, and that the traitorous attempt made to separate the Upper Province from British rule, has been signally defeated by the gallant conduct of its Militia alone: it is true that a small and desperate band still retain possession of Navy Island; but there is every reason to believe, as measures have been adopted at the recommendation of the President of the United States for the enforcement of neutrality on the frontier, that these deluded men, deprived of all foreign assistance, will speedily be dispersed.

These Rebellious proceedings have called forth in this Province expressions of indignation and abhorrence, and the Addresses from various quarters which have been presented to me, declare the unshaken attachment of the Inhabitants of Nova-Scotia to Her Majesty's Person and Government.

I have great pleasure in congratulating you upon the abundant Harvest with which it has pleased Divine Providence to reward the labours of the Husbandman, and which has diffused the blessing of plenty throughout the Country.

*Mr.*

THURSDAY, 25th JANUARY, 1838.

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

The Provisional Establishment of two distinct Councils, which has recently taken place, and the Despatches which I am instructed to lay before you, afford ample evidence of the gracious attention that has been paid to the representations which you addressed to the Throne in the last Session.

I earnestly hope that this important alteration of the ancient Constitution of the Province, will be attended with all the advantages with which, when you advised the measure, you expected it would be accompanied.

I have directed the Public Accounts to be laid before you, and I trust you will find that the Supplies granted to Her Majesty in the last Session have been faithfully expended. The usual Estimates of the Civil Establishment for the present year will be submitted to you, and I have no doubt of your providing for the support of Her Majesty's Government, and for all other necessary services, with your usual liberality.

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

I have great satisfaction in acquainting you that the Revenue last year has increased considerably; the receipts have been more than sufficient to meet all the demands on the Treasury. I feel it my duty again to recommend an economical application of our means, by keeping our expenditure within our income.

I most earnestly desire to draw your particular attention to the inefficient state of the Militia; it is not at present what I wish to see it; there is all the good feeling and loyalty I could desire. As it is the Constitutional defence and security of the Province, I am persuaded you will see the necessity of amending the Law now in existence; and the zeal and discipline of twenty-five thousand young and willing Sons of your own families ought not to be neglected by Government and the Legislature.

It is the earnest desire and recommendation of Her Majesty's Government that you will enter upon the discharge of your Public Duties with that spirit of harmony in your proceedings, for which the Legislature of this Province has so long been conspicuous, and which has proved so conducive to the best interests of the Country.

My anxious wish is to see peace, content, and prosperity prevail throughout the Province; and you may rely upon my cordial co-operation in every measure which can tend to secure and increase these blessings.

*Ordered,* That the Hon. Mr. Huntington, Mr. Young, Mr. DesBarres, the Hon. Mr. Uniacke and Mr. Howe, be a Committee to prepare an Address in answer to His Excellency's Speech. Com. to prepare Address in answer to Speech

*Ordered,* That the Hon. Mr. Dewolf, Mr. Howe, the Hon. Mr. Uniacke, Mr. Young 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, and that the Clerk to acquaint the Council therewith. Com. of Pub. accounts

*Ordered,* That the Hon. Mr. Dodd, Mr. Young and Mr. DesBarres, be a Committee to examine and report on the expiring Laws. Com. on expiring laws

Mr. Speaker acquainted the House that, previous to the meeting of the House, he received Letters from George Smith, Alexander Stewart and Lewis M. Wilkins, Junior, Esquires, respectively, acquainting him that His Excellency the Lieutenant-Governor had been pleased to appoint them Members of the Legislative Council, and that they had accepted such appointments; which Letters Mr. Speaker laid before the House, and the same were read by the Clerk; and thereupon, Letters from members appointed to Legislative Council

*Ordered,* That the Letters do lie on the Table.

On motion, *resolved,* That Mr. Speaker do forthwith request His Excellency the Lieutenant-Governor, that a Writ may issue in the usual manner for the election of a Member for the County of Pictou to serve in the present General Assembly, in the place of the Hon. George Smith, who has accepted a seat in the Legislative Council, whereby his seat in this House has become vacated. Election in place of Honorable Mr. Smith

*Resolved,*

THURSDAY and FRIDAY, 25th and 26th JANUARY, 1838.

Election in place of Honorable Mr. Wilkins.

On motion, *resolved*, That Mr. Speaker do forthwith request His Excellency the Lieutenant-Governor, that a Writ may issue in the usual manner for the election of a Member for the Township of Windsor to serve in the present General Assembly, in the place of the Hon. Lewis M. Wilkins, who has accepted a seat in the Legislative Council, whereby his seat in this House has become vacated.

Petition of A. McKim, Candidate for Cumberland County

A Petition of Andrew McKim, of Wallace, in the County of Cumberland, was presented by Mr. Young, and read, setting forth that at the late Election in and for the County of Cumberland, in 1837, Gaius Lewis and Alexander Stewart, Esquires, and Petitioner, were Candidates for the Representation of said County in General Assembly; that at the close of the said Election the said Gaius Lewis and Alexander Stewart, Esquires, were declared by the High Sheriff of said County duly elected to represent said County, the said Alexander Stewart, Esquire, having polled five more votes than Petitioner; that Petitioner conceiving himself to have polled a greater number of the good votes of said County than the said Alexander Stewart, Esquire, demanded a scrutiny of the votes of the said Alexander Stewart, Esquire, according to Law, and a scrutiny was held before the said High Sheriff, in Amherst, in the said County, which said Scrutiny was duly returned to this Honorable House; that on the prayer of Petitioner a Committee was appointed by this Honorable House to try the merits of his Petition against the return of the said Alexander Stewart, and that after Petitioner had been at much pains and expense in prosecuting the said Scrutiny before the said High Sheriff, as well as before the said Committee, and had closed his case, but before the said Committee had reported thereon, this Honorable House was prorogued; and Petitioner, referring to the evidence by him adduced before the said Committee, humbly represents to this Honorable House, that of the good votes of the said County, a greater number was polled for Petitioner than for the said Alexander Stewart, Esquire, who has lately accepted a seat in the Legislative Council—and praying that this House will be pleased to take the premises into consideration, and therein to afford Petitioner such relief as the House may deem expedient and right; and thereupon,

Motion to refer Petition of A. McKim and letter of Hon. A. Stewart to Com. of Privileges. Amendment to Select Committee negatived

Mr. Young moved that the Petition, with the Letter from the Hon. Alexander Stewart this day laid before the House, be referred to the Committee of Privileges, to examine and report upon; which, being seconded,

Mr. Morton moved, by way of amendment to the question, to leave out the words "the Committee of Privileges," and substitute therefor the words "a Select Committee," which being seconded and put, and the House dividing thereon, there appeared for the amendment, sixteen; against it, nineteen:

So it passed in the Negative.

The main question being then put, was agreed to by the House; and thereupon,

*Ordered*, That the said Petition and Letter be referred to the Committee of Privileges, to examine and report upon to this House.

Question carried for Com. of Privileges Ordered accordingly

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

Friday, 26th January, 1838.

Correction of Journal as to Committee of Privileges

It appearing by the Original Journal of last Session that Mr. Uniacke was appointed one of the Committee of Privileges, and his name having been omitted in the Printed Copy,

*Ordered*, That the name of the Hon. Mr. Uniacke be now inserted in the Printed Copy of the Journals as one of the Members of said Committee.

Mr. Goudge takes Oaths

Mr. Goudge took the usual State Oaths in the presence of the Honorable Peter McNab, one of the Commissioners appointed for administering the same.

Report of Address to Lieut. Gov.

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

To

FRIDAY, 26th JANUARY, 1838.

TO HIS EXCELLENCY MAJOR-GENERAL

**SIR COLIN CAMPBELL,**

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

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

*May it please your Excellency—*

WE, Her Majesty's dutiful and loyal subjects, the Representatives of Her Majesty's loyal People of Nova-Scotia, thank your Excellency for the Speech with which you have been pleased to open the present Session, and condole with your Excellency on the demise of our late Gracious Sovereign William the Fourth, whose blessed memory is endeared to the People of Nova-Scotia by the paternal attachment He extended towards its inhabitants, among whom he spent part of his early life. The accession to the Throne of the British Empire of his august Niece, Queen Victoria, daughter of His Royal Highness the late Duke of Kent, has been hailed throughout her extensive dominions with rapturous and enthusiastic loyalty; and her youth and sex have no where a stronger claim to attachment than in this Province, where the memory of her illustrious Father is gratefully cherished.

Address as reported

The regret we feel for the recent insurrection in the Canadas is mitigated by a knowledge that it has become suppressed in the Lower Province, and we feel proud that the Constitutional Force of the Upper Province has defeated the traitorous attempt to cast off British allegiance, and are gratified to learn that the Government of the United States is determined to adhere to the pacific treaties subsisting between the two Nations, and to preserve that neutrality which may leave the desperate Band of Conspirators encamped at Navy Island no alternative but submission to a just and indignant Government.

The attachment of Nova-Scotians to Her Majesty's Person and Government has ever been unshaken, and recent events have only caused it to be more openly and frequently expressed.

We are pleased to hear from your Excellency that the blessings of Divine Providence have produced an abundant harvest, and that the labours of the Husbandman throughout the Country have been rewarded with plenty.

We are disposed to view the provisional establishment of two distinct Councils as evidence of the gracious attention which has been paid to the representations addressed by this Assembly to the Throne during the last Session, and it shall not be our fault if this important alteration is not attended with all the advantages by which, when we advised the measure, we expected it would be accompanied.

We thank your Excellency for directing the Public Accounts to be submitted to us, and you may rely on our disposition to provide for the necessary support of Her Majesty's Government.

We are happy to learn that the Revenue has considerably increased during the past year, and that the receipts have been more than sufficient to meet all the demands on the Treasury. The recommendation of an economical application of our means we feel is founded on an enlightened view of the wants and resources of this young country, and your Excellency may be assured that it shall be our constant endeavour to keep the expenditure of the Province within its income.

The Militia Law, to a revision of which your Excellency has called our attention, was framed upon the conviction that the old system, while it was burthensome to the Country, was productive of no corresponding advantage, the time which was devoted to trainings being insufficient to communicate discipline or military skill. Should we find, however, any thing in the present aspect of the times, or in the events which have occurred during the recess, to require a revival of the old Law or the adoption of more efficient enactments, Your Excellency may rely on our anxiety to secure the peace and strengthen the Constitutional defences while we husband the resources of the Province.

At a time when neighbouring Colonies are only recovering from the effects of civil strife, it shall be our pride to respond to the earnest desire and recommendation of Her Majesty's Government by entering upon the discharge of our public duties with that spirit of harmony for which the Legislature of this Province has long been conspicuous, and which has proved so conducive to the best interests of the Country.

We feel assured that it is your Excellency's anxious wish to see peace, content and prosperity, prevail throughout the Province, and will labour to co-operate with your Excellency in every measure which can tend to secure and increase those blessings.

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

Mr. M'Dougall moved that the eighth clause be amended, by leaving out the words "a revival of the old Law, or" and also the words "on our anxiety to secure the peace and strengthen the constitutional defences while we husband the resources of the Province," and substituting for the latter words the following, viz: "that while we endeavour to husband our resources, we shall sufficiently evince our anxiety to secure the peace and strengthen the constitutional defences of the Province": which, being seconded and put, and the House dividing thereon, there appeared for the amendment, twenty-six; against it, six. So it passed in the affirmative.

*Resolved*, That the Address as amended do pass.

*Ordered*, That the Address as passed be engrossed.

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

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

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

*Saturday, 27th January, 1838.*

Report when Gov. will receive Address

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

Com. of Privileges Report on A. McKim's Petition

Mr. Young, from the Committee of Privileges, reported on the Petition of Andrew M'Kim, and the Letter of the Hon. Alexander Stewart; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 1.)

*Ordered*, That the Report, Petition and Letter, do lie on the Table.

Resolution for appointment of Chaplain Amendment that Speaker Officiate negatived

The Hon. Mr. Dewolf moved that the House do come to a Resolution as followeth, viz:

*Resolved*, That a Chaplain be appointed for this House: which, being seconded,

Mr. Clements moved that the proposed Resolution be amended by leaving out all the words thereof, except the words "Resolved, that," and by inserting in place thereof, the following: "The Speaker be requested to say Prayers at the opening of the House during the Session;" which, being seconded and put, and the House dividing thereon, passed in the negative.

Main question carried

The main question upon the original Resolution being then put, and the House dividing thereon, it passed in the affirmative.

Motion for Chaplain of Church of England

The Hon. Mr. Dewolf then moved that the House do come to the following Resolution:

Whereas, the Rev. Mr. Uniacke, who has long officiated as Chaplain to the House of Assembly, is about leaving the Province, *resolved*, that a Clergyman of the Church of England be appointed Chaplain of this House: which being seconded,

Mr. Howe moved that the same be amended, by leaving out all the words thereof, except the

SATURDAY, 27th JANUARY, 1838.

the words "Resolved that," and by inserting after the last mentioned words, the following: "the Clerk be directed to invite the Rev. Dr. Twining, of the Church of England, the Rev. Mr. Scott, of the Church of Scotland, the Rev. Mr. Loughlan, of the Catholic Church, the Rev. Mr. Crawley, of the Baptist Church, and the Rev. Mr. Churchill, of the Methodist Church, to open with prayer the deliberations of this Assembly, in weekly succession:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty; against it, sixteen.

Amendment for  
Chaplains of differ-  
ent denominations  
carried

For the amendment,

Mr M <sup>r</sup> Dougall	Mr D <sup>r</sup> Entremont ✓
Mr Lewis	Mr Forrester
Mr Morton	Mr Holdsworth ✓
Mr Huntington	Mr Benjamin
Mr Goudge	Mr Chipman
Mr Annand	Mr Archibald
Mr Upham	Mr Waterman
Mr Young	Mr Howe
Mr M <sup>r</sup> Donald	Mr Forrestall
Mr Robicheau	Mr Doyle

Against the amendment,

Mr Uniacke	Mr Dickey
Mr J Sargent	Mr Holland
Mr Smith	Mr Clements
Mr Whitman	Mr W. Sargent
Mr Thorne	Mr DesBarres
Mr Elder	Mr Dewolf
Mr Allison	Mr Bell
Mr Holmes	Mr Dodd

So it passed in the affirmative.

The question upon the Resolution, as amended, being then put, it passed in the affirmative; and it was thereupon ordered accordingly.

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

Mr. Young, pursuant to leave given, presented a Bill to abolish the Oaths of Abjuration and Supremacy, and the same was read a first time, and ordered to be read a second time. Bill to abolish Oaths

The Hon. Mr. Uniacke, pursuant to leave given, presented a Bill respecting Insolvent Debtors and Persons embarrassed in business, and the same was read a first time, and ordered to be read a second time. Bankrupt Bill

On motion of Mr. W. Sargent, *resolved*, that a Committee be appointed to consider and revise the Laws relating to Statute Labor to be performed on Roads and Bridges, and to report such amendments as may be necessary, by Bill or otherwise. Committee to revise Highway Labor Statutes

*Ordered*, That Mr. W. Sargent, the Hon. Mr. Huntington, Mr. Holland, Mr. Chipman, Mr. Goudge, Mr. Waterman, Mr. Annand, Mr. Archibald, Mr. Holmes, Mr. McDougall, Mr. DesBarres, Mr. Young, the Hon. Mr. Dodd and Mr. Lewis, be a Committee for the above purpose.

Mr. Morton, pursuant to leave given, presented a Bill for the more effectual prevention of Illicit Trade; and the same was read a first time, and ordered to be read a second time. Bill against Smuggling

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have appointed Mr. Lawson, Mr. Smith and Mr. Cutler, a Committee to join a Committee of the House of Assembly, to examine the Public Accounts.

And then the Messenger withdrew.

Council name their  
Committee on Pub-  
lic Accounts

On motion of the Hon. Mr. Uniacke, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request His Excellency to submit to this House, any reply or correspondence from Her Majesty's Secretary for the Colonies, to the Address of this House on the subject of the Fisheries.

Committee to ob-  
tain from Gov.  
diformation as to  
Address on Fish-  
eries

*Ordered*, That the Hon. Mr. Uniacke, Mr. DesBarres and Mr. Doyle, be a Committee for the above purpose.

Mr. Howe, pursuant to leave given, presented a Bill to Incorporate a new Marine Insurance Company in Halifax; and the same was read a first time, and ordered to be read a second time. Bill to incorporate new Marine Insurance Company

Mr.

SATURDAY and MONDAY, 27th and 29th JANUARY, 1838.

House attend Gov.  
with Address

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

And being returned,

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

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

Answer of Gov. to  
Address

I thank you in the Queen's name for this Address; the sentiments of attachment to Her Majesty's Person and Government therein expressed are such as become the Representatives of a free, a loyal, and united people.

Your ready promise of providing the necessary Supplies, and of your adopting more efficient enactments for the revision of the Militia Laws, (should the present aspect of the times require it,) demand my best acknowledgments.

Day limited  
for Private Petitions

*Ordered,* That no Petition of a private nature be received after Tuesday, the 20th February next, unless by special leave of the House.

Day limited for  
Bills

*Ordered,* That no Bill be brought in after Tuesday, the 20th February next, unless by special leave of the House.

Committee on  
Post Office

On motion of Mr. Young, *resolved,* that a Committee be appointed to take into consideration all matters connected with the Post-Office, and to report thereon by Bill or otherwise.

*Ordered,* That the Hon. Mr. Uniacke, Mr. Young, Mr. Forrester, Mr. Doyle and the Hon. Mr. Dodd, be a Committee for the above purpose.

Committee on  
Education

On motion of Mr. Howe, *resolved,* that a Committee, consisting of a Member from each County, be appointed to consider and report upon the subject of Education.

*Ordered,* That Mr. Howe, the Hon. Mr. Dodd, Mr. Young, Mr. Doyle, Mr. DesBarres, Mr. McDougall, Mr. Holmes, Mr. Archibald, Mr. Lewis, Mr. Allison, the Hon. Mr. Dewolf, Mr. Holland, the Hon. Mr. Huntington, Mr. J. Sargent and Mr. Waterman, be a Committee for the above purpose.

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

Monday, 29th January, 1838.

Letters from Clergymen

Mr. Speaker laid before the House Letters received by the Clerk from the Rev. Dr. Twining, the Rev. Mr. Scott, the Rev. Mr. Crawley and the Rev. Mr. Churchill, respectively accepting the invitation of the House to open its deliberations with Prayer, as expressed in the Resolution of Saturday last; and from the Rev. Mr. Loughlan, declining the same, on account of the arduous and frequent duties of his ministry.

*Ordered,* That the Letters do lie on the Table.

Bill limiting duration of Assembly read 2d time, &c.

A Bill for the further limiting the duration of the General Assemblies, was read a second time.

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

Bill abolishing Oaths read 2d time, &c.

A Bill to abolish the Oaths of Supremacy and Abjuration was read a second time.

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

Bankrupt Bill read 2d time and referred to Select Com.

A Bill respecting Insolvent Debtors and Persons embarrassed in business, was read a second time.

*Ordered,* That the Bill be referred to the Hon. Mr. Uniacke, Mr. Young, the Hon. Mr. Dodd, Mr. DesBarres, and Mr. McDougall, to examine and report upon to the House.

Illicit Trade Bill read 2d time and referred to Select Com.

A Bill for the more effectual prevention of Illicit Trade, was read a second time.

*Ordered,* That the Bill be referred to Mr. Young, Mr. McLellan, the Hon. Mr. Dewolf, the Hon. Mr. Dodd, Mr. Morton, Mr. Benjamin and Mr. Holland, to examine and report upon to the House.

A

MONDAY, 29th JANUARY, 1838.

A Bill to Incorporate a new Marine Insurance Company, in Halifax was read a second time.

*Ordered*, That the Bill be referred to the Hon. Mr. Huntington, Mr. Young, Mr. Howe, the Hon. Mr. Dewolf and the Hon. Mr. Dodd, to examine and report upon to the House.

New Marine Insurance Company Bill read 2d time & referred to Select Com.

On motion of the Hon. Mr. Dewolf, *resolved*, that a Committee be appointed to take into consideration the state of the Agriculture and Manufactories of the Province, and the best mode of encouraging their advancement, and to report thereon to this House.

Committee on Agriculture & Manufactures.

*Ordered*, That Mr. Morton, Mr. Holland, the Hon. Mr. Huntington, Mr. J. Sargent, Mr. Miller, Mr. Waterman, Mr. Annand, Mr. McLellan, Mr. Lewis, Mr. Holmes, Mr. Forrestall, Mr. McDonald, Mr. Kavanagh, the Hon. Mr. Dodd, Mr. Young and Mr. Elder, be a Committee for the above purpose.

Mr. Young, pursuant to leave given, presented a Bill to increase the Representation of the County of Inverness, and the same was read a first time, and ordered to be read a second time.

Inverness representation Bill presented.

A Petition of John Munro, of St. Ann's, in the County of Cape-Breton, Merchant, was presented by the Hon. Mr. Dodd, and read, setting forth that the Petitioner, in June last, took passage in the Triad, of Kirkaldy, and brought out Goods, consisting of Canvas, Cordage and Cottons, all the manufacture of Great-Britain, of the value of Two Hundred and Forty-one Pounds Thirteen Shillings, as part of his luggage, without Cockets being granted for them. That on Petitioner's arrival at the Port of Sydney, Cape-Breton, he proceeded to report the said Goods and pay the Colonial Duty, but was then subjected to pay the Foreign Duty amounting to £41 11 sterling, equal to £51 18 9 Currency, in addition to the Colonial Duty. That Petitioner had no intention to defraud the Revenue, but was ignorant of the necessity of having said Goods entered at the Custom-House in Kirkaldy; That Petitioner has been since informed that the drawback on several of the articles would have more than paid any expenses at the Custom-House at Kirkaldy: Petitioner praying that this Honorable House will be pleased to take his case into consideration and grant him such relief as may seem meet.

Petition of J. Munro for return of Duties

*Ordered*, That the Petition do lie on the Table.

A Petition of M. B. Almon and others was presented by Mr. Young, and read, praying an Act of Incorporation for the Subscribers and others, for the purpose of Marine Insurance in Halifax.

Mr. Bell, also pursuant to leave given, presented a Bill to Incorporate the Halifax Marine Insurance Company, and the same was read a first time.

*Ordered*, That the Petition and Bill be referred to the Committee appointed this day on the Bill to Incorporate a new Marine Insurance Company in Halifax, and that Mr. Bell and Mr. Chipman, be added to the said Committee.

Petition of M. B. Almon and others for Act of Incorporation, for Marine Insurance

Bill to Incorporate Halifax Marine Insurance Company Petition and Bill referred to Com. on Bill to Incorporate new Marine Insurance Company

Mr. Morton, pursuant to leave given, presented a Bill for the better application of Fines and Penalties, and the same was read a first time, and ordered to be read a second time.

Mr. DesBarres, pursuant to leave given, presented a Bill relating to Joint Tenancy, and the same was read a first time, and ordered to be read a second time.

Bill presented for the better application of fines and penalties

Bill presented relating to Joint Tenancy

Mr. Miller, Mr. Kavanagh and Mr. McLellan, took the usual State Oaths in the presence of the Hon. James W. Johnston, one of the Commissioners appointed for administering the same.

Mr. Miller, Mr. Kavanagh & Mr. McLellan, take State Oaths

A Petition of Alexander McDonald and others, Inhabitants of Morristown and Cape George, in the County of Sydney, was presented by Mr. Forrestall, and read, praying that Constables serving Writs in civil cases may be restrained from taking three pence per mile for going and returning in travelling to perform such service, and be confined to taking but three pence per mile to the place of service.

Petition of Alex. McDonald and others with regard to fees taken by Constables

*Ordered*, That the Petition be referred to Mr. Forrestall, Mr. Miller and Mr. McDougall, to report upon by Bill or otherwise to this House.

Referred to Select Committee

MONDAY, 29th JANUARY, 1838.

Bill presented to provide for proper selection of Grand Jurors referred to Select Com.

Mr. Benjamin, pursuant to leave given, presented a Bill to provide for the proper selection of Grand Jurors, and the same was read a first time.

*Ordered*, That the Bill be referred to Mr. Young, the Hon. Mr. Dodd, Mr. Forrester, Mr. Benjamin and Mr. Holland, to examine and report upon to the House.

Committee appointed on subject of School Lands

On motion of Mr. Upham, *resolved*, that there be a Committee appointed to take into consideration the subject of School Lands, with power to report by Bill or otherwise.

*Ordered*, That Mr. Upham, Mr. Howe and Mr. McDougall, be a Committee for the above purpose.

Bill to reduce expenses of Judgment by Confession

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

Committee on Licensed Houses Laws

On motion of Mr. Morton, *resolved*, that a Committee be appointed to enquire into and report what alterations and amendments may be requisite or advisable to be adopted in the Laws now in force relating to Licensed Houses and Shops, and also for imposing duties thereon.

*Ordered*, That Mr. Bell, Mr. Goudge, Mr. Holland, the Hon. Mr. Uniacke and Mr. Morton, be a Committee for the above purpose.

Addition of Members to Com. on Highway Labor and Education

*Ordered*, That Mr. Kavanagh and Mr. Miller, be added to the respective Committees appointed on Saturday last on the subjects of Statute Labor on Highways and Education.

Two Messages from Lt. Gov.

The Hon. Mr. Secretary George acquainted the House that he had two Messages from His Excellency the Lieutenant-Governor, in writing, signed by His Excellency; and he read the said Messages at the Bar of the House, all the Members being uncovered, and afterwards delivered the same to the Clerk, with certain papers therein respectively referred to, and then withdrew.

The said Messages being again read by the Clerk, are as followeth:—

### M E S S A G E S

Message relating to formation of two Councils, the surrender of the Casual & Territorial Revenue—commutation of Judges Fees, &c.

THE Lieutenant-Governor lays before the House of Assembly copies of the Despatches to which he alluded in his opening Speech, with copies of various other papers, either referred to in those Despatches, or connected with the subjects to which they relate.

Her Majesty having, as these Communications amply testify, evinced her earnest solicitude to meet the views of the Assembly, by cheerfully consenting to place at the disposal of the Legislature Her Casual and Territorial Revenues, and the whole Crown Domain in this Province, in exchange for a Civil List—subject only to the conditions by which His late Majesty was pleased to qualify the corresponding concession in Lower Canada and New Brunswick—The Lieutenant-Governor is persuaded that the Assembly will, with equal cheerfulness, acquiesce in the proposals which are now submitted to them by Her command.

In bringing this subject before the Legislature, the Lieutenant-Governor is instructed to advert to the settlement recently made with New-Brunswick, as a precedent to be followed, as far as local circumstances will permit.

Among the papers which accompany this Message, are Letters from the Chief-Justice and Puisne Judges of the Supreme Court, expressing their willingness to accept the rate of Salary proposed to be affixed to their Offices, without Fees, and the Lieutenant-Governor earnestly trusts that the House will adopt Her Majesty's gracious suggestions in this respect, by making adequate provision for the independence of the Judges.

C. CAMPBELL.

Government-House, 29th January, 1838.

### M E S S A G E S

C. CAMPBELL.

THE Lieutenant Governor transmits to the House of Assembly Copies of the following Papers, viz:—

No.

MONDAY and TUESDAY, 29th and 30th JANUARY, 1838.

- No. 1.—Despatch from Lord Glenelg, dated 22d July, 1837, in reference to a Report of a Committee of the House of Assembly, relative to the landing in Nova Scotia of Convicts discharged from the Hulks at Bermuda. Second Message with various Despatches
- 2.—Despatch from Lord Glenelg, dated 29th September, 1837, in answer to the proposition of the Assembly for the transfer to their control of the Provincial Post-Office Department.
- 3.—Order of Her Majesty in Council, dated 18th November, 1837, especially confirming three Acts, passed with suspending clauses, in April, 1837.
- 4.—Order of Her Majesty in Council specially confirming seventy-two Acts, passed in the months of March and April, 1837.
- 5.—Despatch from Lord Glenelg, dated 12th July, 1837, in reference to a Report of a Committee of the Assembly, on the subject of the Fisheries.
- 6.—A letter from His Excellency Major General Sir John Harvey on the same subject, dated 23d Jany. 1838.
- 7.—A Letter from Admiral Sir Peter Halkett, on the same subject, date 9th June, 1837. Government House, 29th Jan. 1838.

The papers referred to in the first foregoing Message were read by the Clerk, a list whereof is as followeth: Copies of Papers with first Message

- No. 1.—Despatch from Lord Glenelg to Sir Colin Campbell, dated 30th April, 1837. Despatches from Lord Glenelg relating to formation of Councils—Casual Revenue Civil List read, &c.
- 2.—Despatch from do. to do. dated 6th July, 1837.
- 3.—Despatch from do. to do. dated 31st October, 1837.
- 4.—Being the paper No. 3, alluded to in the last Despatch.
- 5.—Despatch No. 87, alluded to in do.
- 6.—Letter from the Hon. Chief-Justice Halliburton to the Provincial Secretary, dated 18th January, 1838.
- 7.—Letter from the Puisne Judges to do. dated 8th January, 1838.
- 8.—Despatch from Lord Glenelg to Sir Colin Campbell, Lieutenant-Governor of Nova-Scotia, dated 21st November, 1837.
- 9.—Despatch from Lord Glenelg to Sir Archibald Campbell, Lieutenant-Governor of New-Brunswick, dated 31st August, 1836.
- 10.—Despatch from do. to do. dated 5th Sept. 1836.
- 11.—Despatch from do. to Sir Colin Campbell, dated 31st October, 1836.
- 12.—Bill for the support of the Civil Government of New-Brunswick, enclosed in the last Despatch.
- 13.—Despatch from Lord Glenelg to Sir Archibald Campbell, dated 4th January, 1837.
- 14.—Despatch from Lord Glenelg to Sir Colin Campbell, dated 24th February, 1837.
- 15.—Despatch from Lord Glenelg to Sir Archibald Campbell, dated 2d March, 1837.
- 16.—Despatch from do. to Sir John Harvey, dated 6th April, 1837.
- 17.—Letter from G. F. Street, Esq. to Lord Glenelg, dated 22d March, 1837, enclosed in the last Despatch.
- 18.—Despatch from Lord Glenelg to Sir John Harvey, dated 29th April, 1837. (See Appendix, No. 2.)

The papers referred to in the second Message were also read by the Clerk.

(For the paper numbered 1, in said Message, see Appendix, No. 3; for that numbered 2, see Appendix, No. 4; for those numbered 3 and 4, see Appendix, No. 5; and for those numbered 5, 6 and 7, see Appendix, No. 6.) Papers with 2d Message read, &c.

Ordered, That the said Messages, and the several papers accompanying the same do lie upon the Table, to be perused by the Members of this House.

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

Tuesday, 30th January, 1838.

PRAYERS.

Ordered, That Two Hundred Copies of the several Despatches and other Papers received Order for printing papers received with Messages

TUESDAY, 30th JANUARY, 1838.

- ed yesterday, with the Messages from His Excellency the Lieutenant-Governor, be printed for the use of Members.
- Mr. Speaker laid before the House a Letter received by him from the Hon. William Rudolf, acquainting him that His Excellency the Lieutenant-Governor had been pleased to appoint him, (Mr. Rudolf,) a Member of the Legislative Council, which appointment he had accepted; and the said Letter being read by the Clerk,  
*Ordered*, That the Letter do lie on the Table.
- On motion, *resolved*, that Mr. Speaker do forthwith request His Excellency the Lieutenant-Governor that a Writ may issue in the usual manner for the Election of a Member for the County of Lunenburg, to serve in the present General Assembly, in the place of the Hon. William Rudolf, who has accepted a seat in the Legislative Council, whereby his seat in this House has become vacated.
- A Bill to increase the Representation of the County of Inverness, was read a second time.  
*Ordered*, That the Bill be committed to a Committee of the whole House.
- A Bill to provide for the better application of Fines and Penalties, was read a second time.  
*Ordered*, That the Bill be referred to Mr. Morton, Mr. DesBarres and Mr. Fairbanks, to examine and report upon to this House.
- A Bill relating to Joint Tenancy; also,  
 A Bill to reduce the expences of Suits at Law on Judgments by Confession, were severally read a second time.  
*Ordered*, That the Bills be committed to a Committee of the whole House.
- On motion of the Hon. Mr. Uniacke, *resolved*, that a Committee be appointed to take into consideration the Fisheries of this Province, and to report such measures as may be requisite and necessary for the encouragement and support of that important branch of industry, so essential to the Commercial prosperity of Her Majesty's North American Colonies, with power to send for persons and papers.  
*Resolved*, That the Legislative Council be requested to appoint a Committee to co-operate with the Committee of this House, and that these Resolutions be communicated to the Council by Message.  
*Ordered*, That the Hon. Mr. Uniacke, Mr. DesBarres, Mr. Bell, Mr. W. Sargent and the Hon. Mr. Huntington, be a Committee of this House for the above purpose.  
*Ordered*, That the Clerk do communicate the foregoing Resolutions to the Council.
- The House then adjourned until two of the clock of this day.  
 The House being met pursuant to adjournment,
- Mr Fairbanks and Mr. Taylor took the usual State Oaths in the presence of the Hon. Joseph Allison, one of the Commissioners appointed for administering the same.
- Mr. Young moved that the House do come to a Resolution as followeth:  
 On reading the report of the Committee of Privileges, *resolved*, that the Speaker cause Public Notice to be given in the Royal Gazette and Nova-Scotian, Newspapers, and to the High Sheriff of the County of Cumberland, that on this House will proceed to take into consideration the Petition of Andrew McKim, Esquire, claiming the seat now vacant in the Assembly for the said County; which, being seconded and put, was agreed to by the House.  
 Mr. Chipman then moved that the blank in said Resolution after the word "on" be filled up by inserting the words "Wednesday, the 14th day of February next," which, being seconded,  
 Mr. Uniacke moved that the said blank be filled up by inserting "Wednesday, the 21st day of February next;" which, being seconded and put, and the House dividing thereon, passed in the negative.  
 The question for the blank being filled up by inserting the words "Wednesday, the 14th day of February next," being then put, was agreed to by the House; and thereupon,  
*Ordered*,
- Letter from Mr. Rudolf announcing his appointment to Legislative Council
- New Writ to issue for Election for Lunenburg
- Inverness representation Bill read Committed
- Fines Bill read 2d time Referred to Select Com.
- Joint Tenancy Bill Judgment by Confession Bill read 2d time Committed
- Committee on Fisheries
- Council to be requested to join Fishery Com.
- Com. named Resolutions sent to Council
- House adjourned House meet
- Mr. Fairbanks, & Mr. Taylor sworn
- Resolution to give notice in Gazette, &c. of consideration of A. McKim's Petition
- Time fixed therefor

TUESDAY and WEDNESDAY, 30th and 31st JANUARY, 1838.

*Ordered*, That the Speaker cause public notice to be given in the Royal Gazette and Novascotian, Newspapers, and to the High Sheriff of the County of Cumberland, that on Wednesday, the 14th day of February next, this House will proceed to take into consideration the Petition of Andrew M'Kim, Esquire, claiming the seat now vacant in the Assembly for the said County.

Order for Speaker to give notice

Mr. Young then moved that the House do come to a Resolution as followeth, viz:

*Resolved*, That a Committee of seven shall be chosen, at twelve o'clock at noon, on that day, by ballot, in the same manner prescribed by the Act regulating the Trial of Controverted Elections, except that there shall be no nominees; and in case no party shall appear and be admitted in opposition to the said Andrew M'Kim, that the Clerk of the House shall strike off four names from the fifteen to be drawn, taking always the first names remaining on the List, the said Andrew M'Kim or his Agent alternately striking off other four; and that the Committee, when so chosen, shall take up the evidence which was given before the Committee of last Session; and after hearing such other evidence as may be adduced by either party, in due course, shall finally report whether the late sitting Member or the said Andrew M'Kim had the majority of legal votes at the Election of 1837, and whether the said Andrew M'Kim is, or is not, entitled to the Seat now vacant for the said County of Cumberland: which, being seconded,

Motion for Ballotting for Com. on A. McKim's Petition

Mr. Uniacke moved that the proposed Resolution be amended by leaving out all the words thereof after the words "And that the Committee when so chosen shall," and inserting in place of the words so left out the following, viz: "Try the merits of said Election:" which, being seconded, and a debate arising in the House, thereupon,

Amendment moved

It was moved and seconded, that the House do now adjourn: which, being put, passed in the affirmative; and accordingly,

Adjournment

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

Wednesday, 31st January, 1838.

PRAYERS.

On motion of the Hon. Mr. Huntington, resolved as followeth:—

The Hon. William Lawson having intimated his intention of resigning his Office of Commissioner of Public Buildings; *Resolved*, that this House do hereby respectfully recommend John Whidden, Esquire, Clerk of this House, for the appointment to that Office, and the expenditure of the monies to be from time to time granted for that purpose.

Resolution relating to Commissioner of Public Buildings

*Ordered*, That the Speaker do communicate the foregoing Resolution to His Excellency the Lieutenant-Governor.

Mr. Young, pursuant to leave given, presented a Bill to enable a Company, called the Bank of British North America, to sue and be sued in the name of any one of the Local Directors, or of the Managers of the Branches of said Bank, established, or to be established, in this Province, and the same was read a first time, and ordered to be read a second time.

British North American Bank Bill presented

A Petition of John MacKinnon, Esquire, of the County of Cape-Breton, was presented by the Hon. Mr. Uniacke, and read, praying reimbursement of expenses incurred by him on account of one Effy Mattheson, a wandering Maniac, who had no settlement in said County,

Petition for expenses of Maniac

*Ordered*, That the Petition be referred to the Hon. Mr. Dodd, Mr. Morton and the Hon. Mr. Dewolf, to examine and report upon to this House.

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

Bill presented concerning Judiciary

On motion of Mr. Young, *resolved*, that a Committee of seven shall be chosen on the 14th day of February next, at twelve o'clock at noon, by ballot, on the Petition of Andrew McKim, Esquire, in the same manner prescribed by the Act regulating the Trial of Controverted

Resolution for Ballotting for Committee on Petition of A. McKim

WEDNESDAY, 31st JANUARY, 1838.

troverted Elections, except that there shall be no nominees; and in case no party shall appear and be admitted in opposition to the said Andrew McKim, that the Clerk of this House shall strike off four names from the fifteen to be drawn, taking always the first names remaining on the list, the said Andrew McKim, or his Agent, alternately striking off other four, and that the Committee, when so chosen, shall take up the evidence which was given before the Committee of last Session, if they shall think proper so to do; and after hearing such other evidence as may be adduced by either party in due course, shall finally report whether the late sitting Member or the said Andrew McKim had the majority of legal votes at the Election of 1837; and whether the said Andrew McKim is or is not entitled to the seat now vacant for the said County of Cumberland.

Petition of Thomas Logan against return of Mr. Dickey for Amherst

A Petition of Thomas Logan, of Amherst, in the County of Cumberland, Esquire, was presented by Mr. Lewis, and read, setting forth that at the late Election for the Township of Amherst, in 1837, Robert McGowan Dickey, Esquire, and Petitioner, were Candidates; that at the close of the Election, Mr. Dickey was declared by the Sheriff duly elected, having polled four more votes than Petitioner; that Petitioner conceiving himself to have polled a greater number of good votes than Mr. Dickey, demanded a Scrutiny; that on the prayer of Petitioner a Committee was appointed during the last sitting of this Honorable House, to try the merits of the said last mentioned Petition, and that after Petitioner had been at much pains and expense in prosecuting the said Scrutiny before the said Committee, and had closed a part of his case, and after the said Committee, as Petitioner believes, had made a decision thereupon much in his favor, but before the same was reported to this House, the House was prorogued; Petitioner representing that of the good votes of said Township a greater number were polled for him than for the said Robert McGowan Dickey, Esquire, prays that the premises may be taken into consideration and such measures adopted for carrying on and completing the said Scrutiny, or for giving Petitioner due relief therein, as may be deemed expedient and right.

*Ordered*, That the Petition do lie on the Table.

Day for consideration of Mr. Logan's Petition

On motion of Mr. Lewis, *resolved*, that this House will, to-morrow, the 1st February next, at one of the clock, take into consideration the said Petition, complaining of an undue Election for the Township of Amherst.

**MEMORANDUM.**—In pursuance of the Act to regulate the Trials of Controverted Elections or Returns of Members to serve in the House of Assembly of this Province, the like notices, as in former cases, were sent to the parties, with orders for their attendance by themselves, their Counsel or Agents, at the time on which the said Petition was ordered to be taken into consideration.

Committee on Election Laws and registration of votes

On motion of Mr. Young, *resolved*, that a Committee be appointed to revise and amend the Laws for the Election of Members to ascertain in what form, and under what guards and restrictions, a general registration of voters may be effected, and to report thereon to this House by Bill or otherwise.

Committee on Laws for trials of Elections

On motion of Mr. Young, *resolved*, that a Committee be appointed to revise and amend the Law for the Trial of Controverted Elections, with leave to report by Bill or otherwise.

*Ordered*, That Mr. Young, the Hon. Mr. Uniacke, Mr. Doyle, Mr. Howe, Mr. Bell, Mr. Forrester and Mr. Lewis, be a Committee for the above purposes.

Bill to abolish Courts of Common Pleas in Colchester

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

Bill to abolish one of sittings of Common Pleas in certain Counties

Mr. Dickey, pursuant to leave given, presented a Bill to abolish one of the sittings of the Inferior Court of Common Pleas and General Sessions of the Peace for the Counties of Cumberland, Colchester and Pictou, and the same was read a first time, and ordered to be read a second time.

Mr.

Mr. Young, pursuant to leave given, presented a Bill for improving the administration of Criminal Justice, and the same was read a first time, and ordered to be read a second time.

Bill for improving Administration of Criminal Justice

Mr. Spearwater took the usual State Oaths, in the presence of the Hon. James W. Johnston, one of the Commissioners appointed for administering the same.

Mr. Spearwater sworn

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

Committee on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had gone through the Bill to abolish the Oaths of Abjuration and Supremacy; the Bill to increase the representation of the County of Inverness; the Bill relating to Joint Tenancy; and the Bill to reduce the expenses of Suits at Law on Judgments by Confession, and had directed him to report the said Bills to the House severally, without any amendment; and he afterwards delivered the Bills in at the Clerk's Table.

Report without amendment  
Oaths Bill  
Inverness representation Bill  
Joint Tenancy Bill  
Judgment by Confession Bill

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

Ordered, That the Bills be engrossed.

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

Thursday, 1st February, 1838.

PRAYERS.

An engrossed Bill to abolish the Oaths of Abjuration and Supremacy, was read a third time,

Engrossed Bills read 3d time and passed viz :

Resolved, That the Bill do pass, and that the title be, An Act to abolish the Oaths of Abjuration and Supremacy.

Oaths Bill

An engrossed Bill to increase the Representation of the County of Inverness, was read a third time.

Inverness representation

Resolved, That the Bill do pass, and that the title be, An Act to increase the Representation of the County of Inverness.

An engrossed Bill relating to Joint Tenancy, was read a third time.

Joint Tenancy

Resolved, That the Bill do pass, and that the title be, An Act relating to Joint Tenancy.

An engrossed Bill to reduce the expenses of Suits at Law on Judgments by Confession, was read a third time.

Judgments by Confession

Resolved, That the Bill do pass, and that the title be, An Act to reduce the expenses of Suits at Law on Judgments by Confession.

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

Bills sent to Council

A Bill to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Managers of the Branches of the said Bank, established, or to be established in this Province; also,

N. A. Bank Bill,

A Bill for improving the administration of Criminal Justice, were severally read a second time.

and Administration of Criminal Justice Bill read 2d time

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

Bills Committed

On motion of Mr. Young, resolved, that this House will, on Tuesday next, the 6th inst. proceed to consider the subject of the Judiciary of this Province.

Judiciary made order of day

At one of the clock, (being the time appointed for considering the Petition of Thomas Logan against the Election and return of Mr. Dickey, the sitting Member for the Township of Amherst) the Sergeant at Arms was directed to go to the places adjacent and require the

Order of day Ballotting for Amherst Election Committee

THURSDAY, 1st FEBRUARY, 1838.

the immediate attendance of the Members on the business of the House; who, having returned, and reported that he had done so, the House was counted, and forty Members being present, (exclusive of Mr. Speaker and Mr. Dickey, the sitting Member,) and all other previous measures prescribed by the Act of the General Assembly, made and passed in the first and second year of His late Majesty's Reign, entitled, "An Act to regulate the Trials of Controverted Elections, or returns of Members to serve in the House of Assembly of this Province," having been taken, and the Petitioner and sitting Member with their respective Counsel being in attendance at the Bar of the House, the doors of the House were locked, and the Order of the Day for considering said Petition was read; whereupon the House proceeded to ballot for a Select Committee, to try the merits of the said Petition, when the following names of fifteen Members present, and not appearing disqualified by said Act, were drawn, viz:—the Hon. Mr. Dewolf, Mr. Spearwater, Mr. Robicheau, Mr. Miller, Mr. Bell, Mr. J. Sargent, the Hon. Mr. Uniacke, Mr. Annand, Mr. Archibald, Mr. Whitman, Mr. McDougall, Mr. Morton, Mr. Clements, Mr. Benjamin and Mr. Smith; and thereupon, Mr. DesBarres was named by the Counsel of the Petitioner to be added to those so chosen by lot, and the Hon. Mr. Dodd was named by the Counsel for the sitting Member to be added thereto; and thereupon, lists of the fifteen Members, so chosen by lot, were given to the respective Counsel of the Petitioner and the sitting Member, who then withdrew with the Assistant-Clerk, in order to reduce the said number to seven, in the manner prescribed by said Act.

Names drawn

Nominees

Bill to abolish  
Courts of Common  
Pleas

Mr. Smith, pursuant to leave given, presented a Bill to abolish the Inferior Courts within this Province, and to repeal the Act to make further provision for the equal administration of Justice in the Province of Nova-Scotia, and the same was read a first time, and ordered to be read a second time.

Petition of J. H.  
Tidmarsh for return  
of duty on Sperma-  
ceti

A Petition of James H. Tidmarsh, of Halifax, was presented by Mr. Bell, and read, praying a return of duties by him paid upon the importation of Spermaceti, for the purpose of Manufacturing Candles.

Referred to Select  
Com.

*Ordered,* That the Petition be referred to Mr. Bell, Mr. Miller, Mr. Taylor, Mr. Archibald, and the Hon. Mr. Dewolf, to examine and report upon to this House.

Petition of Axe  
Fire Co. of Halifax  
for privileges

A Petition of the Axe Fire Company, of Halifax, was presented by Mr. Bell, and read, praying further exemptions and privileges for persons enrolled therein

*Ordered,* That the Petition do lie on the Table.

Provincial Treas-  
urer's account cur-  
rent laid before  
House

The Hon. Mr. Dewolf presented to the House an account from Mr. Treasurer Wallace, of all monies received into, and payments made from, the Provincial Treasury, between the 1st January and 31st December, 1837.

(See Appendix, No. 7.)

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

Petition of R. Law-  
son for return of  
duties on Sheet  
Iron

A Petition of Robert Lawson, was presented by Mr. Howe, and read, praying a return of Duties by him paid upon the importation of Sheet Iron for the purpose of manufacturing Nails.

Referred to Select  
Com.

*Ordered.* That the Petition be referred to the Select Committee appointed upon the Petition of James H. Tidmarsh, to examine and report upon to this House.

Petition of S. Bin-  
ney for return of  
duty on wine lost  
at sea

A Petition of Stephen Binney, of Halifax, Merchant, was presented by the Hon. Mr. Uniacke, and read, praying a return of duties by him paid upon a quantity of Wine, shipped by him for Quebec, and lost upon the voyage.

Referred to Com.

*Ordered,* That the Petition be referred to the Hon. Mr. Uniacke, Mr. Doyle and Mr. Chipman, to examine and report upon to the House.

Petition for Incor-  
poration of Union  
Marine Insurance  
Company

A Petition of William Stairs and others, was presented by Mr. Howe, and read, praying that an Act may be passed for the Incorporation of Petitioners and others into a Company for

for Marine Insurance in Halifax, to be called "The Union Marine Insurance Company of Nova-Scotia."

*Ordered*, That the Petition be referred to the Select Committee to whom were referred the Bills presented this Session for the Incorporation of Marine Insurance Companies.

Referred to Select Com.

The Assistant Clerk delivered into the House the names of the seven members remaining after the number drawn by ballot this day, in regard to the Election for the Township of Amherst, had been reduced according to Law, by the parties alternately striking off names therefrom, and the names of the said seven Members so delivered in being read by the Clerk, are as follow, viz : the Hon, Mr. Dewolf, Mr. Spearwater, Mr. Robicheau, Mr. Whitman, Mr. Morton, Mr. Clements and Mr. Smith ; and thereupon, these seven Members last named, together with Mr. DesBarres and the Hon. Mr. Dodd, the Nominees, were duly sworn by the Clerk at the Table of the House, in pursuance of the Statute "well and truly to try the merits of the Petition referred to them, and a true Judgment to give according to the evidence"

Names of Com. on Amherst Electi. delivered in

Committee sworn

*Ordered*, That the the Petition of Thomas Logan against the Election and return of Mr. Dickey, as Member for the Township of Amherst, be referred to said Committee.

Petition referred to Com.

*Ordered*, That the said Committee, formed as aforesaid, do meet to-morrow, at ten of the clock in the forenoon, in the Committee Room of this House, in which the Supreme Court usually sit, for the purpose of hearing and determining the merits of said Petition.

Meeting of Com.

A Message from the Council by Mr. Haliburton :

Mr. Speaker,

The Legislative Council have apointed Mr. Tobin, Mr. Lawson, Mr. Smith, Mr. Cutler and Mr. Ouseley, a Committee to join the Committee of this Honorable House, to take into consideration the Fisheries of this Province, and to report such measures as may be requisite for the encouragement and support thereof, with power to send for persons and papers, And then the Messenger withdrew.

Council appoints Committee to join on Fisheries

On motion of Mr. Goudge, the report made last Session by the Select Committee upon the Accounts of Messrs. John Howe & Son, for extra printing, and printing the Journals of the Council, was read by the Clerk and thereupon,

Report on extra printing made last Session read

Mr. Goudge moved that the House do come to a Resolution as followeth, viz :—

Motion to adopt report carried

*Resolved*, That the Report of last Session of the Committee, to whom were referred the Accounts of Messrs. John Howe & Son, for extra printing, and printing the Journals of the Legislative Council in 1836, be adopted and acted upon by this House ; which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-six ; against it, twelve.

For the resolution,

Against the resolution,

- |                        |                |
|------------------------|----------------|
| Mr. Smith              | Mr. Annand     |
| Mr. Chipman            | Mr. Holdsworth |
| The Hon Mr. Huntington | Mr. Goudge     |
| The Hon Mr. Dodd       | Mr. W. Sargent |
| Mr. Young              | Mr. McLellan   |
| Mr. Fairbanks          | Mr. Elder      |
| Mr. McDonald           | Mr. Archibald  |
| Mr. Forrester          | Mr. Spearwater |
| Mr. Lewis              | Mr. Holland    |
| Mr. Benjamin           | Mr. Waterman   |
| Mr. Upham              | Mr. Clements   |
| Mr. Bell               | Mr. Robicheau  |
| Mr. Forrestall         | Mr. Doyle      |

- |                     |
|---------------------|
| Mr. Kavanagh        |
| Mr. Dickey          |
| Mr. Taylor          |
| Mr. Allison         |
| Mr. J. Sargent      |
| Mr. Thorne          |
| The Hon Mr. Uniacke |
| The Hon Mr. Dewolf  |
| Mr. Morton          |
| Mr. Holmes          |
| Mr. Miller          |
| Mr. Whitman         |

So it passed in the affirmative.

Mr. Young then moved that the House do come to a Resolution as followeth :—

Resolution for further Committee on printing

*Resolved*, That a Special Committee be appointed to take up the subject matter of said Report, to communicate with the Queen's Printer, take evidence, and report further thereon during the present Session ; which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-six ; against it, fourteen.

For

For the resolution,

Mr Miller  
The Hon Mr Huntington  
The Hon Mr Dodd  
Mr Young  
Mr Fairbanks  
Mr Lewis  
Mr Morton  
Mr Holmes  
The Hon Mr Dewolf  
Mr M'Donald  
Mr DesBarres  
Mr M'Dougall  
The Hon Mr Uniacke

Mr Holland  
Mr W. Sargent  
Mr Whitman  
Mr Allison  
Mr Dickey  
Mr Spearwater  
Mr Taylor  
Mr Kavanagh  
Mr Thorne  
Mr Bell  
Mr J Sargent  
Mr Robicheau  
Mr Forrestall

Against the resolution,

Mr Waterman  
Mr Archibald  
Mr Clements  
Mr Holdsworth  
Mr McLellan  
Mr Goudge  
Mr Annand  
Mr Elder  
Mr Benjamin  
Mr Forrester  
Mr Upham  
Mr Smith

So it passed in the affirmative.

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

Council's Message informing House of appointment of Com. to prepare Address of Condolence, &c. to the Queen and requesting House to join Com. of Council therein.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Legislative Council have directed me to communicate to this Honorable House the following proceedings in Council, viz:—

Legislative Council, 1st February, 1838.

On motion of Mr. Ouseley, resolved, that a humble Address of Condolence be presented to Her Majesty, on the death of His late Majesty King William the Fourth, and to congratulate Her Majesty on Her Accession to the Throne.

Ordered, That Mr. Ouseley, Mr. Johnston, Mr. Campbell, Mr. Stewart and Mr. Uniacke, be a Committee of this House to draw up the said Address.

Resolved, That the House of Assembly be requested to join in said Address.

Ordered to be sent to the House of Assembly.

JOHN C. HALLIBURTON, Clerk.

And then the Messenger withdrew.

House agree to join in said Address by Com.

On motion of Mr. Howe, resolved, that a Committee be appointed to join a Committee of the Legislative Council, to draw up a humble Address of Condolence on the death of His late Majesty King William the Fourth, and to congratulate Her Majesty Queen Victoria, on her Accession to the Throne.

Com. of House

Ordered, That Mr. Howe, the Hon. Mr. Uniacke, Mr. Young, the Hon. Mr. Dodd, Mr. McDougall, Mr. Chipman and Mr. DesBarres, be a Committee for the above purpose, and that the Clerk do communicate these proceedings to the Council by Message.

Letter of Judge Marshall relating to Fees laid before the House.

The Hon. Mr. Dodd presented to the House a Letter from John G. Marshall, Esquire, First Justice of the Inferior Court of Common Pleas, and President of the Sessions for the Island of Cape-Breton, to the Provincial Secretary, dated 8th December, 1837, in relation to Fees taken by him in causes; the communication being made in pursuance of a Resolution of this House of last Session.

(See Appendix, No. 8.)

Ordered, That the Letter do lie on the Table.

Com. to review and report upon Tariff of Duties

On motion of the Hon. Mr. Uniacke, resolved, that a Committee be appointed to review the Tariff of Duties now imposed by Acts of the Provincial Legislature, with power to call for persons and papers, and to hear evidence on this important subject, and report such alterations as may be deemed advantageous.

Ordered, That the Hon. Mr. Uniacke, Mr. Howe, Mr. Taylor, Mr. Chipman, Mr. Bell, Mr. Allison and Mr. Morton, be a Committee for the above purpose.

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

Friday, 2d February, 1838.

PRAYERS.

Petition on Common School System

A Petition of John M'Donald, a Licensed Teacher, was presented by Mr. Howe, and read,

read, praying that Common School Education may be provided for by assessment, without Tuition Fees, upon a certain system therein set forth.

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

A Petition of Henry Sightman, Junior, was presented by Mr. Howe, and read, praying aid in the erection of an Oat Mill at the Settlement of Ship Harbor.

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

Petition for aid to Oat Mill at Ship Harbor Referred to Agricultural Com.

A Petition of Daniel Durland was presented by Mr. Holland and read, praying aid in establishing a half-way House for Travellers in the Longwoods, (so called) between Annapolis and Liverpool.

Petition for aid to halfway house in wilderness between Annapolis & Liverpool Referred to Select Com.

Ordered, That the Petition be referred to Mr. Fairbanks, Mr. Holland, Mr. Waterman, Mr. McDougall and Mr. Benjamin, to examine and report upon to this House.

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

Com. of whole on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee that they had gone through the Bill for improving the administration of Criminal Justice, and had directed him to report the Bill to the House without any amendment, and he afterwards delivered the Bill in at the Clerk's Table.

Report Bill for improving Administration of Criminal Justice

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

Ordered, That the Bill be engrossed.

On motion of the Hon. Mr. Huntington, resolved, that a Committee be appointed to enquire into the amount of paid up capital, and the amount of money intended to be employed in cash credits, and the form of Bonds taken in carrying that system into effect, as well as the names of the Shareholders in the Bank of British North America.

Com. to enquire as to Bank of B. N. America

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

A Petition of John Jack was presented by Mr. Goudge, and read, praying that measures may be adopted for securing to him payment of a sum of money due him since the year 1823, for erecting Pumps and sinking a Well in the Town of Windsor, in that year, under the direction of the then Commissioners of Streets for that Town.

Petition of John Jack for payment for erecting pumps at Windsor

Ordered, That the Petition be referred to Mr. Goudge, with leave to bring in a Bill to carry into effect the object of the Petition.

Leave to bring in Bill

A Petition of Leonard Davison, of Horton, in King's County, Miller, was presented by Mr. Benjamin, and read, praying aid in the erection of an Oatmill and Kiln, at Beech Hill, near Kentville, in said County.

Petition for aid to Oatmill near Kentville

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

Referred to Agricultural Committee

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

Saturday, 3d February, 1838.

PRAYERS,

A Petition of James Hamilton and others, was presented by Mr. Morton, and read, praying aid in the erection of a Public Wharf or Breakwater, in Cornwallis, near Givan's Mill, on the Shore of the Bay of Fundy.

Petition for Breakwater in Cornwallis

Ordered,

SATURDAY, 3d FEBRUARY, 1838.

Referred to Select Com.

*Ordered*, That the Petition be referred to the Hon. Mr. Dewolf, Mr. Goudge and Mr. McDonald, to examine and report thereon to this House.

Resolution for Committee to take Crown Lands into consideration

On motion of Mr. Fairbanks, *resolved*, that a Committee be appointed to take into consideration the subject of the Crown Lands in this Province, and to report such plan for the future management thereof, and of the application of the proceeds arising therefrom, as they shall deem advisable, with power to send for persons and papers.

And plan for improvement of Wilderness Lands

On motion of Mr. Fairbanks, *resolved*, that the same Committee take into consideration the expediency of adopting some Legislative provision for compelling the improvement of Lands owned within the Province by Absentee Proprietors, or of levying a tax towards the improvement of Roads and Bridges within the Districts where they respectively are situate.

Com. thereon

*Ordered*, That Mr. Fairbanks, Mr. Spearwater, the Hon. Mr. Huntington, Mr. Holland, Mr. Chipman, Mr. Smith, Mr. Annand, Mr. Miller, Mr. Upham, Mr. Holmes, Mr. McDougall, Mr. DesBarres, Mr. Kavanagh, the Hon. Mr. Uniacke, Mr. Young and Mr. Lewis, be a Committee for the above purposes.

Information as to Crown Lands to be obtained from Gov.

On motion of Mr. Fairbanks, *resolved*, that His Excellency the Lieutenant-Governor be respectfully requested to furnish this House such information on the subject of said Crown Lands, as he possesses, and is necessary from time to time to assist the enquiries of the Committee.

Report of Address of Condolence, &amp;c. to Her Majesty from joint Com.

Mr. Howe reported from the Committee appointed to join the Committee of the Council in preparing an Address of Condolence and Congratulation to Her Majesty; that the joint Committees had prepared an Address accordingly, and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

## TO HER MOST GRACIOUS MAJESTY.

*May it please Your Majesty,*

Address

We, Your Majesty's dutiful and loyal subjects the Legislative Council and House of Assembly of Nova-Scotia, in Provincial Parliament assembled, hasten to avail ourselves of the first opportunity afforded us of presenting to Your Majesty this our humble Address.

We condole with Your Majesty on the severe and painful loss Your Majesty and the Empire have sustained since our last Session, in the demise of our late Most Gracious King, William the Fourth; remembering with pleasure the kind feelings which our late lamented Sovereign, from his residence among us, ever entertained for this portion of His Dominions.

We have great satisfaction in offering to Your Majesty our united congratulations on Your happy Accession to the Throne of the British Empire, and we recall to our recollection with equal pleasure that Your Majesty's late Father His Royal Highness the Duke of Kent also spent some portion of his life in Nova-Scotia, of which he was ever the Patron and Friend.

Regarding with abhorrence the unnatural Rebellion of our misguided fellow-subjects in the Canadas, against a mild and protecting Government, we can assure Your Majesty that in no part of Your extensive Dominions have you a more devoted or loyal population than in Your Province of Nova-Scotia, and that a Benign Providence may ever guard and protect Your Majesty, shall be the earnest prayer of Your Majesty's dutiful and loyal subjects the Council and Assembly of Nova-Scotia.

Adopted

On motion *resolved*, that the said Address be received and adopted by this House.

Address to His Excellency reported

Mr. Howe, from the same Committee, reported also that the joint Committees had also prepared an Address to His Excellency the Lieutenant-Governor, (in relation to the said Address to Her Majesty,) to be submitted to the consideration of the Council and this House; and he read in his place the said Address to His Excellency, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

SATURDAY, 3d FEBRUARY, 1838.

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

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

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY.

*May it please your Excellency,*

The Legislative Council and House of Assembly have passed an Address to Her Majesty, condoling with her on the death of our late Sovereign King William the Fourth, and congratulating Her on Her accession to the Throne; and the Legislative Council and House of Assembly pray that Your Excellency will be pleased to transmit the same to the Right Honorable the Secretary of State for the Colonies, to be laid at the foot of the Throne.

On motion; *resolved*, that the last mentioned Address be received and adopted by this House.

*Ordered*, That the Committee of this House, appointed to join the Committee of the Council, in preparing the said Address to Her Majesty, be also a Committee of this House to join a Committee of the Council to wait upon His Excellency the Lieutenant-Governor with the foregoing Addresses.

A Petition of the Union Engine Company in Halifax, was presented by Mr. Bell, and read, setting forth the inefficiency of the said Company to work the increased number of Engines now used at Fires, and the difficulty of adding to the strength of the Company without further privileges being granted to the Members thereof, and praying certain privileges and exemptions in said Petition enumerated.

*Ordered*, That the Petition, together with the Petition of the Axe Fire Company presented to this House on Thursday last, be referred to Mr. Bell, Mr. Forrester, the Hon. Mr. Uniacke, Mr. Howe and Mr. Annand, to examine and report upon by Bill or otherwise.

Mr. Bell reported from the Committee appointed to enquire into and report what alterations and amendments may be requisite or advisable to be adopted in the Laws now in force relating to Licensed Houses and Shops; and also, for imposing duties thereon; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

*(See Appendix, No. 9.)*

*Ordered*, That the Report do lie on the Table.

Mr. Bell, pursuant to leave given, presented a Bill for the relief of Poor Debtors, and the same was read a first time, and ordered to be read a second time.

Mr. Huntington reported from the Committee on the Petitions and Bills relating to Marine Insurance; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

*(See Appendix, No. 10.)*

*Ordered*, That the Report, with the Petitions and Bills, do lie on the Table for further consideration.

Mr. Howe, pursuant to leave given, presented a Bill relating to the appointment of Foremen of Grand Juries, and the same was read a first time, and ordered to be read a second time.

Mr. Morton reported from the Select Committee to whom was referred the Bill to provide for the better application of Fines and Penalties; that the Committee had examined the same, and recommend it to the House with an amendment which they had prepared thereunto.

Adopted

Same Committee to present Addresses to His Excellency

Petition of Union Engine Company of Halifax for further privileges

Petition with Petition of Axe fire Co. referred to Select Com.

Report from Com on License Laws

Bill for relief of Poor Debtors

Report on Petitions and Bills relating to Marine Insurance

Bill relating to Foremen of Grand Juries

Report on Bill relating to fines and penalties

SATURDAY and MONDAY, 3d and 5th FEBRUARY, 1838.

Amendment recom-  
mended  
Bill and amend-  
ment committed

thereto; and he delivered the Bill and amendment in at the Clerk's Table, where the said amendment was read by the Clerk.

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

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

Monday, 5th February, 1838.

PRAYERS.

Petition from  
Constitutional As-  
sociation of Mon-  
real

Mr. Speaker presented to the House a Letter received by him from the Secretary of the Constitutional Society of the City of Montreal, dated the 20th December, 1837, requesting Mr. Speaker to lay before this House an enclosed Petition of the Chairman and Secretary of said Association, for themselves, and on behalf of said Association, which Mr. Speaker accordingly laid before the House, and the same was read, praying that this House will take the situation of the British Inhabitants of Lower Canada into consideration, and to advise such measures as will promote the objects Petitioners have in view—the complete Anglification of that Province, and its re-union with Upper Canada.

(See *Appendix, No. 11.*)

*Ordered*, That Petition do lie on the Table.

Parts of Despatches  
relating to Crown  
Lands referred to  
Select Com.

*Ordered*, That such parts of the copies of Despatches and Papers received by this House with the first Message received from His Excellency on Monday last, the 29th January, as relate to the Crown Lands of the Province, be referred to the Select Committee appointed yesterday on the subject of Crown Lands.

Petition of Mr.  
Uniacke for aid to  
Schools

A Petition of the Reverend Fitzgerald Uniacke, was presented by Mr. Bell, and read, praying continued aid to the Schools for Poor Children under his superintendance in the North Suburbs of the Town of Halifax.

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

Referred to Com.  
on Education

Bill for opening  
Poll at Portique  
in Colchester

Mr. McLellan, pursuant to leave given, presented a Bill for opening the Poll at Portique, in the County of Colchester, and the same was read a first time, and ordered to be read a second time.

Bill respecting  
Elections for Hor-  
ton  
Bill for more speedy  
decision of contest-  
ed Elections

Mr. Benjamin, pursuant to leave given, presented a Bill respecting Elections for the Township of Horton, and the same was read a first time, and ordered to be read a second time.

Mr. Holmes, pursuant to leave given, presented a Bill for the more speedy and less expensive decision of Controverted Elections, and the same was read a first time, and ordered to be read a second time.

Petition of Over-  
seers of Poor at  
Pictou

A Petition of Thomas Lowden and Donald Ferguson, Overseers of the Poor for the Township of Pictou, was presented by Mr. Holmes, and read, praying reimbursement of the expenses of Transient Paupers.

*Ordered*, That the Petition do lie on the Table.

Bill to incorporate  
New Marine Insur-  
ance Company  
committed

*Ordered*, That the Bill to Incorporate a New Marine Insurance Company in Halifax be committed to a Committee of the whole House.

Bill to Incorporate  
Halifax Marine  
Insurance Compa-  
ny read 2d time &  
committed  
Com. on Bills

A Bill to Incorporate the Halifax Marine Insurance Company, was read a second time.

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

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair,

Report Bill to In-  
corporate New Ma-  
rine Insurance Co.  
with amendments

The Chairman reported from the Committee that they had gone through the Bill to Incorporate a new Marine Insurance Company in Halifax, and had made some amendments thereto, which they had directed him to report to the House with the Bill, and he afterwards delivered the Bill and amendments in at the Clerk's Table.

The

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

The amendments reported from the Committee being read by the Clerk, were agreed to by the House.

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

Mr. Doyle, pursuant to leave given, presented a Bill to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond, and the same was read a first time, and ordered to be read a second time.

On motion of Mr. Young, *resolved,* that the consideration of the subject of the Judiciary be postponed until Thursday next, when this House will consider the same.

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

Tuesday, 6th February, 1838.

PRAYERS,

A Bill for the relief of Poor Debtors.

A Bill relating to the appointment of Foremen of Grand Juries.

A Bill for opening the Poll at Portique, in the County of Colchester.

A Bill for the more speedy and less expensive decision of Controverted Elections; and

A Bill to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond, were severally read a second time.

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

The Hon. Mr. Huntington presented to the House Returns of Actions brought in the Supreme Court and Courts of Common Pleas of this Province (except in Halifax) in the years 1832, 1833, 1834, 1835 and 1836; and also, a Return of Causes commenced in the Court of Chancery, and of Decrees passed therein, from the first day of January, 1826 to the 31st day of December, 1836, furnished pursuant to a Resolution of this House, of the 17th April, 1837, and the same were read by the Clerk.

(See Appendix, No. 12, Parts 1st and 2d.)

*Ordered,* That the said Returns do lie on the Table.

A Petition of James Parker and others was presented by Mr. Holland, and read, praying further aid to complete the Breakwater at Gates' Mountain in Wilmot, on the Shore of the Bay of Fundy.

*Ordered,* That the Petition do lie on the Table.

Three Petitions of the Inhabitants of Tatamagouche, of New Annan, and of Earl Town, in the County of Colchester, were presented by Mr. Archibald, and read, respectively praying that the Representation of said County may be altered, either by dividing the said County into two Districts, giving to each District two Members; or to the whole County four Members, or by opening the Townships to all the Settlements adjoining to vote for the Township Members, and allow the County Members to remain as at present.

*Ordered,* That the Petitions do lie on the Table.

A Petition of John H. Chipman and others, was presented by Mr. Thorne, and read, praying aid to complete a Public Wharf or Breakwater at Marshall's Cove, Wilmot Mountain, on the shore of the Bay of Fundy.

*Ordered,* That the Petition be referred to the Committee to whom was referred the Petition of James Hamilton and others, that Mr. Thorne and Mr. Morton be added to the Committee, and that they do examine and report upon this Petition as well as the last mentioned.

Mr.

Amendments agreed to

Bill to be engrossed

Bill to alter sittings of Courts in Richmond

Judiciary postponed

Bills read 2d time  
Poor Debtors  
Foremen of Grand Juries  
Elections in Colchester  
Decision of Controverted Elections  
Courts of Common Pleas & Sessions at Arichat  
Bills Committed

Returns of Actions in Sup. & Inf. Courts and Chancery laid before House

Petition for aid to complete Breakwater at Gates' Mountain, Wilmot

Petitions from Colchester for alteration in representation

Petition for aid to complete Breakwater at Annapolis Cove Wilmot

Referred to Com. on Petition for Breakwater in Cornwallis  
Addition to Com.

TUESDAY and WEDNESDAY, 6th and 7th FEBRUARY, 1838.

Bill to repeal Windsor fire Engine Act

Mr. Goudge, pursuant to leave given, presented a Bill to repeal the Act to enable the Inhabitants of Windsor to provide Monies for procuring a Fire Engine for the said Town, and the same was read a first time, and ordered to be read a second time.

Leave to Amherst Election Com adjourn over

Mr. Morton, Chairman of the Select Committee to whom was referred the Petition of Thomas Logan, complaining of an undue Election for the Township of Amherst, reported that the Committee had directed him to move for leave to adjourn over until Thursday, the 15th day of February next, at 10 o'clock.

*Ordered,* That the said Committee have leave accordingly.

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

Wednesday, 7th February, 1838.

PRAYERS.

Bill to repeal Windsor fire Engine Act read 2d time and committed

A Bill to repeal the Act to enable the Inhabitants of Windsor to provide Monies for procuring a Fire Engine for the said Town, was read a second time.

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

Report on Petition of Daniel Durland for aid to House of Entertainment

Mr. Fairbanks reported from the Select Committee on the Petition of Daniel Durland; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 13.)

*Ordered,* That the Report and Petition do lie on the Table.

Petition for aid to ferry at Sable River

A Petition of Cornelius Craig and others, was presented by Mr. Spearwater, and read, praying aid to the said Craig, to enable him to continue a Ferry near the mouth of Sable River, in the County of Shelburne.

Petition for aid to road leading to Shelburne Light-House

A Petition of Alexander H. Cocken, Keeper of the Shelburne Light-House on McNutt's Island, was presented by Mr. W. Sargent, and read, praying aid to repair a Road leading to said Light-House; and thereupon,

Motion for reference to Members from County negatived

Mr. Goudge moved that the Petition be referred to the Members from the County of Shelburne, to provide for the object thereof, out of such monies as may this Session be appropriated for Roads in said County; which, being seconded and put, and the House divided thereon, there appeared for the motion, thirteen; against it, eighteen. So it passed in the negative.

*Ordered,* That the Petition do lie on the Table for further consideration.

Petition from W. Eager for aid towards Landscape Illustrations of Nova Scotia

A Petition of William Eager was presented by Mr. Bell, and read, praying the support and patronage of the House towards an extensive Provincial Work in which Petitioner is engaged, entitled, "Landscape Illustrations of Nova-Scotia."

*Ordered,* That the Petition do lie on the Table.

Report from Com. on expiring Laws Fifty continuing Bills presented to continue Acts on various subjects, viz:  
Exportation of Herrings  
Nuisances  
Introduction of Contagious diseases

Mr. DesBarres reported from the Committee on the expiring Laws, (in the absence of the Chairman of the Committee,) and thereupon presented to the House fifty Bills to continue various Acts of the General Assembly about to expire, and the same were read a first time, and are as follow, viz:—

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

A Bill to continue the Act additional concerning Nuisances.

A Bill to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.

Landings in King's County  
Commissioners of Sewers  
Poors' rates of Pictou  
Restraining Attachments

A Bill to continue the Act to regulate certain Landings in the County of King's County.

A Bill to continue the Act in amendment of the Acts relating to Commissioners of Sewers.

A Bill to continue the Act respecting the Collection of Poors' Rates of Pictou.

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

WEDNESDAY, 7th FEBRUARY, 1838.

A Bill to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.	Halifax Grammar School
A Bill to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.	Sea Manure in Queen's County
A Bill to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.	Extension of laws to Cape Breton
A Bill to continue the Act relating to Marriage Licences.	Marriage Licences
A Bill to continue the Act to lessen the expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province.	Proof of Written Documents
A Bill to continue the several Acts now in force in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of Estates of Intestates.	Wills Legacies
A Bill to continue the Act concerning Malicious Injuries to Property.	Malicious injuries to property
A Bill to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.	Killing of Bears &c
A Bill to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.	Navigation of Harbor of Pugwash
A Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.	Supervisors of Public grounds
A Bill to continue the Act in further addition to, and in amendment of the Act for the choice of Town Officers and Regulating of Townships, and the Act to alter and amend the same.	Town Officers
A Bill to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.	Nets of Fishermen
A Bill to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.	Highways &c.
A Bill to continue the Acts in force relative to the Inspection of Pickled Fish.	Inspection of Pickled Fish
A Bill to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.	Road Expenditure
A Bill to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.	Settlement of Poor
A Bill to continue the Act in addition to, 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 Rivers
A Bill to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.	Annapolia Academy
A Bill to continue the Act for the support and regulation of Light-Houses.	Light-Houses
A Bill to continue the Act for regulating the Fishery in the River Shubenacadie.	Fishery in Shubenacadie
A Bill to continue the Act to provide against the occurrence of Diseases from the bite of Animals.	Bite of Animals
A Bill to continue the Act to prevent the spreading of Contagious Diseases and for the performance of Quarantine, and the Act in amendment thereof.	Quarantine
A Bill to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.	Summary Trial of Actions
A Bill to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.	Rates and Prices of Carriages
A Bill to continue the Act to suspend the operation of the Act to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax.	Suspension of Act against Monopolizing Cordwood
A Bill to continue the Act to suspend the operation of several Acts of the General Assembly passed to prevent Forestalling, Regrating and Monopolizing.	Suspension of Acts against Monopolizing
A Bill to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof.	Trials of Issues & holding of Circuits

WEDNESDAY, 7th FEBRUARY, 1838.

Militia	A Bill to continue the Acts respecting the Militia of the Province.
Bridewell and Police	A Bill to continue the several Acts concerning the Bridewell and Police in Halifax.
Terms of Sup. Court	A Bill to continue the Act concerning the Terms of the Supreme Court at Halifax.
Concerning Inferior Courts of Com. Pleas	A Bill to continue the Act concerning the Inferior Courts of Common Pleas within this Province.
Billeting of Troops &c.	A Bill to continue the Act, entitled, An Act to provide for the Accommodation and Billeting of Her Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof.
Pilotage at Halifax	A Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.
Halifax Night Watch	A Bill to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.
Firewards in Halifax	A Bill to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.
Regulation of Sable and Seal Islands	A Bill to continue the Act for the better regulation of Sable Island and Seal Islands in this Province.
Weighing of Beef	A Bill to continue the Act to regulate the Weighing of Beef.
Schools	A Bill to continue the Act for the encouragement of Schools, and the Act in amendment of the same.
County Rates	A Bill to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.
Disorderly Riding	A Bill to continue the Act to prevent Disorderly Riding and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province.
Constables Fees	A Bill to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.
Grand Jurors	A Bill to continue the Act relating to Grand Jurors.
Commissioners Court Halifax	A Bill to continue an Act relating to the Court of Commissioners at Halifax.
Continuing Bills read 2d time	<i>Ordered</i> , That the said several Bills be now read a second time.
Committed	The said Bills were accordingly read a second time; and thereupon, <i>Ordered</i> , That the Bills be committed to a Committee of the whole House.
Report on Petitions of Tidmarsh and Lawson for return of Duties	Mr. Bell reported from the Select Committee on the several Petitions of James H. Tidmarsh and Robert Lawson, respectively praying Returns of Duties; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 14.)

*Ordered*, That the Report and Petitions do lie upon the Table.

Judge Marshall's Letter and accounts in relation to Book for Justices, &c.

Mr. Speaker presented to the House a Letter from Mr. Justice Marshall to him, (Mr. Speaker,) received this day, which was read by the Clerk, and is as followeth:—

SIR,

Halifax, 6th February, 1838.

I have the honor of addressing you for the purpose of informing the Honorable the House of Assembly, that the Work designed for the information and guidance of Magistrates, which was presented by me to the Legislature has been printed, and is now ready to dispose of as may be directed—pursuant to the Resolution of the House 500 copies have been printed, and are bound up in that number of books, which I will cause to be delivered to such person as the House may be pleased to appoint to receive them. I herewith submit the Accounts of the expenses incurred about the printing and binding, and I hope that in every respect the execution of the Work will afford satisfaction to the Legislature and also to the public.

I have the honor to be, Sir, with much respect,

Your most obedient Servant,

JOHN G. MARSHALL.

The Honble. the Speaker of the House of Assembly.

Mr. Speaker also presented to the House the Accounts accompanying said Letter and therein referred to, and the same were read by the Clerk.

*Ordered*, That the Letter and Accounts do lie on the Table.

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WEDNESDAY, 7th FEBRUARY, 1838.

A Petition of Alexander Ross and others, Inhabitants of the West Bay, Bras D'or Lake and Grand Antz, in the Southern District of Cape-Breton, was presented by the Hon. Mr. Uniacke, and read, praying that Alexander MacRae, who has had great experience in Road Making in Scotland, North Britain, may be nominated as a Road Commissioner in those parts of Cape-Breton.

Petitions from Cape Breton in favor of Alex. MacRae as Road Commissioner

*Ordered,* That the Petition do lie on the Table.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Legislative Council have appointed Mr. Ratchford, a Member of the Committee of the Council to join a Committee of this Honorable House, to examine the Public Accounts in the place of Mr. Smith, who has obtained leave of absence.

Message from Council appointing of New Member of Com. of Public Accounts in place of Mr. Smith on leave of absence

And then the Messenger withdrew.

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

Com. of whole on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had gone through the Bill to provide for the better application of Fines and Penalties, and had made the amendment thereto recommended by the Select Committee on said Bill and referred to this Committee, and had directed him to report the said amendment to the House with the Bill, and he thereupon delivered the Bill and amendment in at the Clerk's Table; the Chairman also reported that the Committee had gone through the following Bills, and had directed him to report the same to the House without any amendment, and he delivered the said Bills in at the Clerk's Table, viz :—A Bill to Incorporate the Halifax Marine Insurance Company; a Bill to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond; a Bill to repeal the Act to enable the Inhabitants of Windsor to provide monies for procuring a Fire Engine for the said Town; a Bill to continue the Act for regulating the exportation of Red or Smoked Herrings; a Bill to continue the Act additional concerning Nuisances; a Bill to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof; a Bill to continue the Act to regulate certain Landings in the County of King's County; a Bill to continue the Act in amendment of the Acts relating to Commissioners of Sewers; a Bill to continue the Act respecting the Collection of Poores' Rates of Pictou; a Bill to continue the Act to restrain the issuing of Writs of Attachment in certain cases; a Bill to continue the Act to amend an Act for establishing a Public School in the Town of Halifax; a Bill to continue the Act to authorise the Sessions of the Peace for the County of Queen's County to make Regulations for the gathering of Sea Manure in the said County; a Bill to continue the Act in amendment of an Act made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton; a Bill to continue the Act relating to Marriage Licenses; a Bill to continue the Act to lessen the expense of the proof of Written Documents in Actions depending in any of the Courts within this Province; a Bill to continue the several Acts now in force in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates; a Bill to continue the Act concerning Malicious Injuries to Property; a Bill to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats; a Bill to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash; a Bill to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof; a Bill to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Act to alter and amend the same; a Bill to continue the Act to prevent damage to the Nets

Report fines Bill with amendment

Report Bills with-out amendment viz :  
 Bill to Incorporate Halifax Marine Insurance Co.  
 Bill to alter time of holding Courts at Arichat  
 Bill to repeal Windsor Fire Engine Act  
 And 30 continuing Bills relating to Exportation of Herrings  
 Nuisances  
 Introduction of Contagious diseases  
 Landings in King's County.  
 Commissioners of Sewers  
 Poores' rates of Pictou  
 Restraining Attachments  
 Halifax Grammar School  
 Sea Manure in Queen's County  
 Extension of laws to Cape Breton  
 Marriage Licences  
 Proof of written Documents  
 Wills, Legacies, &c.  
 Malicious injuries to property  
 Killing of Bears &c.  
 Navigation of Harbor of Pugwash  
 Supervisors of Public Grounds  
 Town Officers  
 Nets of Fishermen

Highways, &c. of Fishermen by Coasting Vessels; a Bill to continue the Act in amendment of the Act relating to Highways, Roads and Bridges; a Bill to continue the Acts in force relative to the Inspection of Pickled Fish; a Bill to continue the Act to regulate the expenditure of monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof; a Bill to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province; a Bill 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; a Bill to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis; a Bill to continue the Act for the support and regulation of Light-Houses; a Bill to continue the Act for regulating the Fishery in the River Shubenacadie; a Bill to continue the Act to provide against the occurrence of Diseases from the bite of Animals; a Bill to continue the Act to prevent the spreading of Contagious Diseases and for the performance of Quarantine, and the Act in amendment thereof; and a Bill to continue the Act for the Summary Trial of Actions, and the Act in amendment thereof.

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

The amendment to the Bill first reported from the Committee was read a first and second time, and agreed to by the House.

*Ordered*, That the Bill with the amendment be engrossed.

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

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

Thursday, 8th February, 1838.

**Engrossed Bills read 3 time, viz :**  
**New Marine Ins. Co. Bill**  
 Passed with Title Union Marine Ins. Co. &c.  
 Halifax Marine Ins. Co. Bill  
 Passed  
**Fines Bill**  
 Passed  
**Bill to alter times of holding Courts at Arichat**  
 Passed  
**Windsor Fire Engine Bill read, &c.**  
 Passed  
**Continuing Bills on following subjects To regulate exportation of Herrings**  
 Passed  
**Nuisances**

**PRAYERS.**  
 An engrossed Bill to Incorporate a new Marine Insurance Company in Halifax, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia.  
 An engrossed Bill to Incorporate the Halifax Marine Insurance Company, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to Incorporate the Halifax Marine Insurance Company.  
 An engrossed Bill to provide for the better application of Fines and Penalties, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to provide for the better application of Fines and Penalties.  
 An engrossed Bill to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond.  
 An engrossed Bill to repeal the Act to enable the Inhabitants of Windsor to provide monies for procuring a Fire Engine for the said Town, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to repeal the Act to enable the Inhabitants of Windsor to provide monies for procuring a Fire Engine for said Town.  
 An engrossed Bill to continue the Act for regulating the exportation of Red or Smoked Herrings, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.  
 An engrossed Bill to continue the Act additional concerning Nuisances, was read a third time.  
*Resolved*,

<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act, additional, concerning Nuisances.	Passed
An engrossed Bill to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof, was read a third time.	Contagious diseases
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province.	Passed
An engrossed Bill to continue the Act to regulate certain Landings in the County of King's County, was read a third time.	Landings in King's County
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to regulate certain Landings in the County of King's County.	Passed
An engrossed Bill to continue the Act in amendment of the Acts relating to Commissioners of Sewers, was read a third time.	Commissioners of Sewers
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.	Passed
An engrossed Bill to continue the Act respecting the collection of Poores' Rates of Pictou, was read a third time.	Poores' rates of Pictou
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act respecting the collection of Poores' Rates of Pictou.	Passed
An engrossed Bill to continue the Act to restrain the issuing Writs of Attachment in certain cases, was read a third time.	Restraining Attachments
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases.	Passed
An engrossed Bill to continue the Act to amend an Act for establishing a Public School in the Town of Halifax, was read a third time.	Halifax Grammar School
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.	Passed
An engrossed Bill to continue the Act to authorize the Sessions of Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County, was read a third time.	Sea Manure in Queen's County
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act to authorize the Sessions of Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in said County.	Passed
An engrossed Bill to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's reign, entitled an Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape Breton, was read a third time.	Extension of laws to Cape Breton
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act in amendment of an Act made and passed in the first and second years of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape Breton.	Passed
An engrossed Bill to continue the Act relating to Marriage Licenses, was read a third time.	Marriage Licences
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act relating to Marriage Licenses.	Passed
An engrossed Bill to continue the Act to lessen the expense of the proof of Written Documents in actions depending in any of the Courts within this Province, was read a third time.	Proof of Written Documents
<i>Resolved</i> , That the Bill do pass, and that the title be, An Act to continue the Act to lessen the expense of the proof of Written Documents in actions depending in any of the Courts within this Province.	Passed
An engrossed Bill to continue the several Acts now in force in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, was read a third time.	Wills, Legacies, &c.
<i>Resolved</i> ,	Passed

THURSDAY, 8th FEBRUARY, 1838.

- Passed** *Resolved*, That the Bill do pass, and that the title be, 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.
- Malignant injuries to property** An engrossed Bill to continue the Act concerning Malignant Injuries to Property, was read a third time.
- Passed** *Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act concerning Malignant Injuries to Property.
- Killing of Bears &c.** An engrossed Bill to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats, was read a third time.
- Passed** *Resolved*, That the Bill do pass, and that the title be, An Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.
- Bills sent to Council** *Ordered*, That the Clerk do carry the Bills to the Council and desire their concurrence.
- Petition for aid to Oatmill at Bridgetown** A Petition of Jonathan Woodberry was presented by Mr. Thorne, and read, praying a Bounty upon an Oatmill erected by him at Bridgetown.
- Referred to Agricultural Committee** *Ordered*, That the Petition be referred to the Committee on Agriculture and Manufactories.
- Bill presented relating to Waste Lands in Granville** Mr. Thorne, pursuant to leave given, presented a Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, and the same was read a first time, and ordered to be read a second time.
- Petition of S. Parker complaining of proceedings of Magistrates at Annapolis** A Petition of Stephen Parker was presented by Mr. Holland, and read, complaining of Petitioner's having been summoned before certain Justices of the Peace at Annapolis for not having collected Rates in Wilmot, in the County of Annapolis, which he had been required to do without sufficient authority, and praying redress.
- Referred to Select Committee** *Ordered*, That the Petition be referred to Mr. Howe, Mr. Fairbanks and Mr. Holland, to examine and report upon to this House.
- Petition for aid to Light-House at Yarmouth** A Petition of John Killam and others, of the County of Yarmouth, engaged in Navigation, Commerce and Fisheries, of that Port, was presented by Mr. Clements, and read, praying aid in the erection of a Light-House on Cape Forchu, at the entrance of Yarmouth Harbor.
- Ordered*, That the Petition do lie on the Table.
- Petition for aid to Oatmill at Merigomish** A Petition of David Murray and Walter Murray, was presented by Mr. Holmes, and read, praying aid to complete an Oatmill erected by them at Merigomish, in place of one destroyed by Fire.
- Referred to Select Committee** *Ordered*, That the Petition be referred to Mr. Holmes, the Hon. Mr. Dodd and Mr. Waterman, to examine and report thereon to this House.
- Petition for aid to Oatmill at Margaree** A Petition of John Phillips, Senior, was presented by Mr. Young, and read, praying a Bounty upon a Grist and Shelling Mill and Kiln, by him erected at the North-East Branch of Margaree, in the County of Inverness.
- Petition for aid to Oatmill at Grand Hans, in Inverness** A Petition of Donald MacIntosh, was also presented by Mr. Young, and read, praying a Bounty upon a double Grist Mill erected by him at Grand Hans, in the County of Inverness.
- Referred to Agricultural Committee** *Ordered*, That the Petitions be referred to the Committee on Agriculture and Manufactories.
- Petition for aid to Oatmill at Sherbrooke** A Petition of William H. Ross, was presented by Mr. Miller and read, praying aid to rebuild a Grist Mill in place of one owned by him at Sherbrooke, in the County of Lunenburg, and lately destroyed by Fire.
- Ordered*, That the Petition do lie on the Table.
- Message from Council** A Message from the Council, by Mr. Halliburton:  
Mr. Speaker,
- Agree to Inverness Representation Bill without amendment** The Legislative Council have agreed to the Bill, entitled, An Act to increase the Representation of the County of Inverness, without any amendment.
- Agree to Oath's Bill with amendments** The Legislative Council have also agreed to the Bill, entitled, An Act to abolish the Oaths of

of Abjuration and Supremacy, with amendments, to which amendments they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

The said amendments from the Council to the Bill last mentioned were read a first time, and ordered to be read a second time.

Amendments read

Mr. Heckman took the usual State Oaths in the presence of the Hon. Peter McNab, one of the Commissioners appointed for administering the same.

Mr. Heckman sworn

The Order of the Day for considering the subject of the Judiciary being read, On motion of Mr. Young, the House resolved itself into a Committee of the whole House on the consideration of said subject.

Order of Day, Judiciary Committee of whole thereon

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again to-morrow, on the consideration of the same subject.

Ordered, That this House do, to-morrow, again resolve itself into a Committee of the whole House on the further consideration of the subject of the Judiciary of this Province.

Judiciary made further Order of Day

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

Friday, 9th February, 1838.

PRAYERS.

A Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, was read a second time.

Granville Waste Lands read 2d time and committed Engrossed continuing Bills read 3d time, viz : Navigation of Harbor of Pugwash

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

An engrossed Bill to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash, was read a third time.

Resolved, That the Bill do pass, and that the title be, An Act to preserve and regulate the Navigation of the Harbor of Pugwash.

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

Supervisors of Public Grounds

Resolved, That the Bill do pass, and that the title be, 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.

An engrossed Bill to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and Regulating of Townships, and the Act to alter and amend the same, was read a third time.

Town Officers

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

An engrossed Bill to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels, was read a third time.

Nets of Fishermen

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.

An engrossed Bill to continue the Act in amendment of the Act relating to Highways, Roads and Bridges, was read a third time.

Highways, &c.

Resolved, That the Bill do pass, and that the title be, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.

An engrossed Bill to continue the Acts in force relative to the Inspection of Pickled Fish, was read a third time.

Inspection of Pickled fish

Resolved,

FRIDAY, 9th FEBRUARY, 1838.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Acts in force relative to the Inspection of Pickled Fish.

**Road Expenditure** An engrossed Bill to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the expenditure of monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof.

**Settlement of Poor** An engrossed Bill to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.

**Nuisances in Rivers** An engrossed Bill 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, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, 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.

**Annapolis Academy** An engrossed Bill to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis, was read a third time.

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

**Light Houses** An engrossed Bill to continue the Act for the support and regulation of Light-Houses, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for the support and regulation of Light-Houses.

**Fishery in Shubenacadie** An engrossed Bill to continue the Act for regulating the Fishery in the River Shubenacadie, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for regulating the Fishery in the River Shubenacadie.

**Bite of Animals** An engrossed Bill to continue the Act to provide against the occurrence of Diseases from the bite of Animals, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.

**Quarantine** An engrossed Bill to continue the Act to prevent the spreading of Contagious Diseases and for the performance of Quarantine, and the Act in amendment thereof, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act to prevent the spreading of Contagious Diseases and for the performance of Quarantine.

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

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

**Bills sent to Council** *Ordered*, That the Clerk do carry the Bills to the Council and desire their concurrence.

**Report on Bank of B. N. America** The Hon. Mr. Huntington reported from the Committee, appointed to enquire into several matters, connected with the Bank of British North America, and he read the report in his place, and afterwards delivered it in at the Clerk's Table, with certain papers therein referred to, and the report was again read by the Clerk.

(See Appendix, No. 15.)

**Report referred to Committee of whole on Bills** *Ordered*, That the Report and other Papers be referred to the Committee of the whole House, on Bills committed, to be considered with the British North American Bank Bill.

**Petition for aid to Breakwater at Margaret-ville in Wilmot** A Petition of John Melick and others, a Committee on behalf of certain Inhabitants of Wilmot

Wilmot and Aylesford, was presented by Mr. Holland, and read, praying aid towards a Breakwater at Margaret-ville in Wilmot; on the shore of the Bay of Fundy.

*Ordered,* That the Petition do lie on the Table.

Mr. Fairbanks, pursuant to leave given, presented a Bill to authorize the sale of the Old Jail at Liverpool, in Queen's County, and the lot of Land on which it stands, and the same was read a first time, and ordered to be read a second time.

Bill to authorise sale of old Jail at Liverpool

A Petition of the Trustees of the Yarmouth Academy was presented by Mr. Clements, and read, praying further aid to support that Institution, and complete the Building erected for the purposes thereof; and Mr. Clements at the same time presented to the House the annual Report of the Trustees of said Academy, with a copy of the Rules thereof.

Petition for aid to Yarmouth Academy

Report & Rules of Academy laid before House

(See Appendix, No. 16.)

*Ordered,* That the Petition, Report and Copy of rules, do lie on the Table.

The Hon. Mr. Uniacke, pursuant to leave given, presented a Bill, for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers, and the same was read a first time, and Ordered to be read a second time.

Bill to Vest Ordnance Property in Officers

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented to the House a copy of a Despatch from His Excellency Sir John Harvey, Lieutenant-Governor of the Province of New-Brunswick, to His Excellency the Lieutenant Governor of this Province, dated 27th January, 1838, with copies of an Affidavit, and papers relating to encroachments of Foreigners upon the Fisheries of these Provinces—and the same were read by the Clerk.

Despatch from Lt. Gov. of N. Br. on subject of Fisheries laid before House

(See Appendix, No. 17.)

*Ordered,* That the copy of Despatch and other Papers be referred to the Select Committee on the subject of the Fisheries.

Referred to Com. on Fisheries

Mr. Bell reported from the Select Committee, appointed last Session, in reference to the Bridewell or House of Correction at Halifax, and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Bridewell

(See Appendix, No. 18.)

*Ordered,* That the Report do lie on the Table.

On motion of Mr. Bell, *resolved,* that a Committee be appointed to procure and submit to this House Plans and Estimates for the erection of a suitable Building near Halifax for a Bridewell or House of Correction, and also to make enquiries, and report to this House in regard to a site for such Building, and the probable cost thereof.

Com. to procure Estimates, &c. for Bridewell

*Ordered,* That Mr. Bell, the Hon. Mr. Uniacke, the Hon. Mr. Huntington, Mr. Fairbanks, Mr. Young, Mr. Morton, and Mr. Goudge, be a Committee for the foregoing purpose.

A Petition of John Pernette, was presented by Mr. Heckman, and read, praying aid to keep up the establishment of a Ferry at LaHave River, in the County of Lunenburg.

Petition of J. Pernette for aid to LaHave River Ferry

*Ordered,* That the Petition do lie on the Table.

A Petition of John Dickie and others was presented by Mr. Elder, and read, praying aid towards the Establishment of an Oat-mill in Falmouth.

Petition for aid to Oat Mill in Falmouth

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

A Petition of William Leigh was presented by Mr. DesBarres, and read, praying remuneration for services by him performed under the direction of the authorities at St. Mary's River in the County of Guysborough, during the prevalence of the Cholera in this Province.

Petition of W. Leigh for remuneration for services in Cholera

*Ordered,* That the Petition be referred to the Hon. Mr. Huntington, Mr. Goudge and Mr. McDonald, to examine and report upon to this House.

Referred to Select Com.

The

FRIDAY and SATURDAY, 9th and 10th FEBRUARY, 1838.

Order of Day  
Com. of whole on  
Judiciary

The Order of the day being read,  
The House again resolved itself into a Committee of the whole House on the further consideration of the Judiciary of the Province.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had made some further progress in the business referred to them, and had directed him to ask for leave to sit again to-morrow, on the consideration of the same subject.

Judiciary again made  
order of Day

*Ordered*, That this House do to-morrow again resolve itself into a Committee of the whole House, on the consideration of the Judiciary of the Province.

Then the House adjourned until to-morrow, at Eleven of the Clock.

Saturday, 10th February, 1838.

Bills read 2d time &  
committed viz :  
Bill for sale of Jail at  
Liverpool

PRAYERS,

A Bill to authorize the Sale of the Old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands.

Bill relating to Ordnance  
property

A Bill for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers: and

Bill concerning Judiciary

A Bill concerning the Judiciary of this Province: were severally read a second time.

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

Petition of Thos.  
Whittemore for aid  
to Woolen & Cotton  
Card Manufactory

A Petition of Thomas Whittemore, was presented by Mr. McDougall, and read, stating his having established a Woollen and Cotton Card Manufactory near Halifax, which will prove beneficial to the country, and that he is convinced that he will be enabled to supply the whole Province with Cotton, Woollen, and Machine Cards, of a better quality, and at a much lower rate than they possibly can be imported; yet in consequence of the article having been clandestinely introduced into the Province, and the very great expense Petitioner has been put to in the purchase of Machinery, he prays Legislative aid in favour of his undertaking.

Referred to Select  
Com.

*Ordered*, That the Petition be referred to Mr. McDougall, Mr. Howe, Mr. Benjamin, Mr. Lewis, Mr. McLellan, Mr. Morton and Mr. Bell, to examine into the merits thereof, and report thereon to this House.

Bill to amend Cemetery  
Act

Mr. Uniacke, pursuant to leave given, presented a Bill, further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, and the same was read a first time, and ordered to be read a second time.

Leave of absence to  
Mr. Goudge

*Ordered*, That Mr. Goudge have leave of absence from this House, until Tuesday next at twelve o'clock, to return home on urgent business.

Com. of whole on  
Bills

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

Mr. Speaker left the Chair.

Mr. Kavanagh took the Chair.

Mr. Speaker resumed the Chair.

Recommend Granville  
waste Lands  
Bill to Select Com.

The Chairman reported from the Committee, that they had had under consideration the Bill for disposing of certain waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, and recommend to the House, that a Select Committee be appointed to examine into, and report upon, the merits of said Bill, and he thereupon delivered the Bill in at the Clerk's Table.

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

*Ordered*

*Ordered*, That the said Bill be referred to Mr. Thorne, Mr. Morton and the Hon. Mr. Uniacke, to examine the merits thereof, and report thereupon to this House.

Bill referred to Select Com.

Mr. Goudge reported from the Committee appointed last Session upon the Bill to define the Boundary line of the Township of Cornwallis, &c. and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. of last Session upon Cornwallis Boundary line, &c.

(See Appendix, No. 19.)

*Ordered*, That the Report do lie on the Table.

Mr. Morton, pursuant to leave given, presented a Bill to define the Boundary Line of the Township of Cornwallis, on the adjoining Bays, Rivers and Creeks, and to declare the right to certain Marsh Lands and Flats, or Sedge Banks, held or claimed by Proprietors of Land in said Township, and the same was read a first time, and ordered to be read a second time.

Bill presented to define Cornwallis Boundary Line

A Petition of the President and Committee of the Halifax Mechanics' Library, was presented by Mr. Howe, and read, praying further aid towards that Institution.

Petition for aid to Halifax Mechanics' Library

*Ordered*, That the Petition do lie on the Table.

A Petition of Andrew Henderson, Teacher of the combined Grammar and Common School at Annapolis Royal, was presented by Mr. Holland, and read, setting forth Petitioners having built at his own cost an Academy for the purpose of teaching said Schools, and his having furnished it with a small Library, and praying for an annual grant in support of the Institution.

Petition for aid to Combined School at Annapolis

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

Referred to Com. on Education

The Order of the day being read,

The House again resolved itself into a Committee of the whole House, on the further consideration of the Judiciary of the Province.

Order of Day Judiciary

Mr. Speaker left the Chair.

Mr. Kavanagh took the Chair.

Mr. Speaker resumed the Chair.

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

*Ordered*, That this House do on Monday next again resolve itself into a Committee of the whole House, on the further consideration of the Judiciary of the Province.

Judiciary again, made Order of Day

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

Monday, 12th February, 1838.

PRAYERS.

A Bill to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax; also,

Bills read 2d time & Committed viz: Cemetery Bill

A Bill to define the Boundary Line of the Township of Cornwallis, on the adjoining Bays, Rivers and Creeks, and to declare the right to certain Marsh Lands and Flats, or Sedge Banks, held or claimed by Proprietors of Land in said Townships, were severally read a second time.

Cornwallis Boundary Line Bill

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

Eight Petitions of Freeholders of the County of Cumberland, were presented by Mr. Dickey, and read, setting forth, that at the late General Election Alexander Stewart, Esquire, was duly elected and returned as one of the Representatives for the County of Cumberland; that Petitioners have since learnt that the said Alexander Stewart has been appointed to a seat in the Legislative Council; that Petitioners have also seen from the public prints that Andrew McKim, Esquire, the opponent of Mr. Stewart in the late Election, has approached

Petitions from Cumberland against Mr. McKim's taking his seat in House

MONDAY, 12th FEBRUARY, 1838.

this Honorable House as one of the Representatives of said County, but that Petitioners have marked with feelings of no ordinary gratification that the Honorable House has deferred giving its decision, that the Freeholders of the County of Cumberland, the parties so deeply interested, may have an opportunity of being heard upon a question of such vital importance to them; that the permitting Mr. McKim to take his seat as such Representative would be matter of lasting regret to a large majority of the respectable and influential Freeholders of the said County; and that even some of the warmest supporters of that Gentleman, attached as they are to the principles of the British Constitution and the privileges of the people, would sincerely deplore such a decision; praying that the seat of the Hon. Alexander Stewart may be declared vacant, and that a new Writ may issue to elect a Member for the said County in his stead.

*Ordered*, That the Petitions do lie on the Table.

Petitions from Cumberland in favor of Mr. McKim's taking his seat

Two Petitions of Freeholders of the County of Cumberland, were presented by Mr. Lewis, and read, setting forth their hopes that this Honorable House will adjudge his seat unto Mr. Andrew McKim, Petitioners considering him justly entitled to it; and stating their fears that very unpleasant feelings will shew themselves in the excited state of the County if a new Election should take place; that they also feel assured that Mr. McKim will succeed in obtaining a majority, but that by granting the prayer of Petitioners much time, much unnecessary expense, and very many hard thoughts and feelings, might be saved.

*Ordered*, That the Petitions do lie on the Table.

Petition for aid to Combined School at Sydney, C. B.

A Petition of the Commissioners of Schools in Cape-Breton, and others, was presented by the Hon. Mr. Dodd, and read, praying that the combined Common and Grammar School in Sydney, C. B. may receive an annual grant in support of that Institution.

*Ordered*, That the Petition do lie on the Table.

Bill respecting Poor and County rates

Mr. Benjamin, pursuant to leave given, presented a Bill respecting the Assessment of Poor and County Rates, and the same was read a first time, and ordered to be read a second time.

Petition for over expenditure on Cockmagun Bridge, &c.

A Petition of Francis Parker and William Salter, was presented by Mr. Smith, and read, praying reimbursement of an over-expenditure made by them as Commissioners in 1836, in altering the Road and making a Bridge and Causeway over the Cockmagun River and Marsh, in the County of Hants; and thereupon,

Referred to Members from County of Hants

On motion of Mr. Chipman, *resolved*, that the Petition be referred to the Members from the County of Hants, to provide for the object thereof from such monies as may this Session be set apart for Roads and Bridges in that County, should they think proper to do so.

Order of Day Com. of whole on Judiciary

The Order of the Day being read,

The House again resolved itself into a Committee of the whole House to consider further the Judiciary of the Province.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair,

Report

The Chairman reported from the Committee that they had made some further progress in the business referred to them, and had come to two Resolutions thereupon, which they had directed him to report to the House, and he read the same in his place, and afterwards delivered them in at the Clerk's Table.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again on the further consideration of the same subject to-morrow.

The Resolutions reported from the Committee were again read by the Clerk, and, upon the question severally put thereupon, they were agreed to by the House, and are as followeth:—

Resolutions reported for revision of Chancery practice, &c.

WHEREAS the mode of pleading and rules of practice of the Court of Chancery in this Province, the conditions imposed upon Appeals and the determination thereof by the Court as now constituted, and the mode of ascertaining and trying facts therein, have been found in many respects inconvenient and injurious;—*Resolved therefore*, as the opinion of this Committee, That the principles and practice of the Court of Chancery

MONDAY and TUESDAY, 12th and 13th FEBRUARY, 1838.

Chancery in this Province should hereafter be modified and altered in these and other particulars, and that the Master of the Rolls be the Judge thereof, and continue to hold the said Court for the hearing and determination of Suits and Actions in equity causes, under such rules and modifications of the proceedings and practice therein as may be hereafter devised and adopted.

*Resolved*, That a Committee should be appointed to consider under what guards and provisions the foregoing Resolutions can be most effectually and conveniently carried into practice, with power to send for persons and papers, to communicate with the Chief-Justice and Judges of the Supreme Court and the Master of the Rolls, and to report by Bill or otherwise to the House during the present Session.

*Ordered*, That the House do again, to-morrow, resolve itself into a Committee of the whole House to consider further of the Judiciary of this Province.

Further Order on Judiciary

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

Tuesday, 13th February, 1838.

PRAYERS.

A Bill respecting the assessment of Poor and County Rates, was read a second time.

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

Assessment Bill read 2d time & committed

A Petition of Daniel Dukeshar and others, Inhabitants of the County of Annapolis, was presented by Mr. Waterman, and read, praying that the Boundary Line between the Counties of Annapolis and Queen's may be altered, so as to include the Lands inhabited by Petitioners within the County of Queen's; and thereupon,

Petition from Settlers in County of Annapolis for alteration of County Line to include them in Queen's

Mr. Thorne moved that the Petition be withdrawn; which, being seconded,

Mr. Smith moved, as an amendment to the question, that the Petition be referred to a Select Committee, to examine and report upon to this House; which, being seconded and put, and the House dividing thereon, passed in the affirmative.

*Ordered*, That the Petition be referred to the Hon. Mr. Huntington, Mr. Smith, Mr. W. Sargent, the Hon. Mr. Dodd and Mr. Chipman, for the above purpose.

Referred to Select Com.

On motion of Mr. Young, *resolved*, that a Select Committee be appointed to enquire into the expediency of abolishing the Inferior Courts, or otherwise of modifying the same, and the Supreme Court in the number of Judges and other particulars—to ascertain at what times and places the Terms of said Courts, or either of them, and of the General Sessions of the Peace, could be most conveniently held in the several Counties, with power to send for persons and papers, and to report to the House during the present week.

Com. to enquire as to Supremo and Inferior Courts reduction

The Hon. Mr. Dodd then moved that Mr. Young, the Hon. Mr. Huntington, the Hon. Mr. Uniacke, Mr. Goudge, Mr. Fairbanks, Mr. Howe and Mr. Holland, be the Committee under the foregoing Resolution; which, being seconded,

Motions in naming Committee

It was moved, as an amendment to the question, that the names of Mr. Morton and Mr. McDougall be added to the said proposed Committee, and form part thereof; which, being seconded,

The question upon said proposed amendment was first taken that the name of Mr. Morton be added, and the House dividing thereon, there appeared for the affirmative of the question, twenty-one; against it, sixteen. So it passed in the affirmative.

The question upon the amendment proposed being then taken, that the name of Mr. McDougall be added, and the House dividing thereon, there appeared for the affirmative of the question, twenty-one; against it, eighteen. So it passed in the affirmative.

Mr. Young then moved, in further amendment of the question, that the name of Mr. Annand be added to the said proposed Committee, and that he be one thereof; which, being seconded and put, was agreed to by the House.

The question upon the main question, as amended, being then put,

*Ordered*, That Mr. Young, the Hon. Mr. Huntington, the Hon. Mr. Uniacke, Mr. Goudge, Mr. Fairbanks, Mr. Howe, Mr. Holland, Mr. Morton, Mr. McDougall and Mr. Annand, be

Com. named

TUESDAY, 13th FEBRUARY, 1838.

a Committee for the purposes mentioned in the foregoing Resolution, respecting the Supreme and Inferior Courts of this Province.

Committee named on Resolution relating to Chancery

On motion of Mr. McDougall, *resolved*, that Mr. Young, the Hon. Mr. Uniacke, Mr. Miller, Mr. Morton and Mr. Forrester, be a Committee pursuant to the Resolution agreed to yesterday by this House in regard to the Court of Chancery.

Resolutions on Courts to be communicated to Council with request to them to join thereon by Com.

On motion of Mr. Young, *resolved*, that the Resolutions passed by this House yesterday and this day relating to the Court of Chancery and the Supreme and Inferior Courts of this Province, be communicated to the Council, with a request that the Council will be pleased to join by Committee in carrying into effect the objects thereof respectively.

*Ordered*, That the Clerk do communicate the same to the Council by Message.

Petition against taxation for Schools

A Petition of Robert Embree and others, was presented by Mr. Lewis, and read, praying that in providing for the support of Schools the system of direct taxation may not be resorted to.

Referred to School Com.

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

Petition for aid to rebuild Mill burnt in Sherbrooke

A Petition of George Hiltz and Jacob Hiltz, was presented by Mr. Miller, and read, praying aid to rebuild their Grist Mill destroyed by Fire at Sherbrooke.

*Ordered*, That the Petition do lie on the Table.

Petition for act to divide John's Island Pubnico

A Petition of Benoni D'Entremont and others, Proprietors of John's Island, in Pubnico Harbor, was presented by Mr. D'Entremont, and read, praying that an Act may be passed to enable them to divide said Island, so as to hold the same in severalty.

Referred to Select Com.

*Ordered*, That the Petition be referred to Mr. Doyle, Mr. Fairbanks and Mr. D'Entremont, to examine and report thereon to this House.

Letter from Justices of Com. Pleas in relation to fees

The Hon. Mr. Dodd, by command of His Excellency the Lieutenant-Governor, presented to the House Letters from their Honors Mr. Justice Halliburton, of the Middle Division, and Mr. Justice Sawers, of the Eastern Division of Inferior Courts of Common Pleas and General Sessions of the Peace, addressed to the Provincial Secretary, pursuant to a Resolution of last Session, in relation to Fees taken in those Courts, and the said Letters were read by the Clerk.

(See Appendix, No. 20.)

*Ordered*, That the Letters do lie on the Table.

Pet. for National School Halifax

A Petition of the Trustees of the National School at Halifax, was presented by Mr. Forrester, and read, praying continued aid to that Institution.

*Ordered*, That the Petition do lie on the Table.

Amendments of Council to Oath Bill amended

On motion, the amendments proposed by the Council to the Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy, were read a second time, and considered by the House; and thereupon,

On motion of Mr. Young, *resolved*, that said proposed amendment be amended by leaving out of the third clause thereof between the words "Moravian" and "shall" the following words, "and every person whose religious persuasion and belief is inconsistent with, and does not allow, the taking of Oaths."

The said proposed amendments were then, upon the question put thereupon, agreed to by the House, as amended.

*Ordered*, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to the amendments proposed by the Council with the foregoing amendment, and request the concurrence of the Council to the said last proposed amendment.

Petition for Acadian School

A Petition of the Committee of the Royal Acadian School, at Halifax, was presented by Mr. Bell, and read, praying further aid to that Institution.

*Ordered*, That the Petition do lie on the Table.

TUESDAY, 13th FEBRUARY, 1838.

A Petition of the Rev. Robert Willis, D. D. Rector of St. Paul's Church, in Halifax, in behalf of the Colored People in Halifax, was presented by Mr. Bell, and read, praying further aid to the African School established for their benefit.

Petition of African School

*Ordered,* That the Petition do lie on the Table.

A Petition of James Keys was presented by Mr. Howe, and read, praying a Bounty upon an Oatmill and Kilm, erected by him at Keys' Field, Truro Road.

Petition for Bounty on Oat Mill Truro Road

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

A Petition of Samuel Archibald, Road Commissioner, was presented by Mr. Howe, and read, praying reimbursement of an over-expenditure by him made in altering the Road round Black Rock Hill, on the Road from Halifax to Truro, under a grant of last Session.

Petition for payment of overexpenditure at Black rock hill Truro Road

*Ordered,* That the Petition do lie on the Table.

A Petition of Jonathan Archibald was presented by Mr. Howe, and read, setting forth that, in consequence of a Bounty offered by the Legislature, Petitioner had erected a house for the entertainment of Travellers on the new line of Road between Upper Musquedoboit and Saint Mary's River, halfway between those Settlements—that said road has since then been totally neglected, and finally a new line of road surveyed at a distance from said house, whereby the same became wholly useless, and has lately been burnt down accidentally by a party of Indians taking shelter therein—that Petitioner was at a great expense in erecting said house in consequence of the encouragement held out by the Legislature, which has now been wholly lost to him from said road being abandoned, and praying some recompence on account thereof.

Petition from John Archibald for reimbursement of loss by House on road formerly opened from Dartmouth towards Guysborough

*Ordered,* That the Petition be referred to Mr. DesBarres, the Hon. Mr. Dodd and Mr. Elder, to examine into the merits thereof, and report thereon to this House:

Referred to Com.

A Petition of the Rev. John Burnyeat and others, Rector and Vestry-men of St. John's Church, in Truro, was presented by Mr. McLellan and read, praying that an Act may be passed by which they may be authorised to exchange certain Lands set apart for the Episcopal Church as Glebe Lands in Londonderry for other Lands in that Township; and thereupon,

Petition for Act to exchange Church Lands in Londonderry

Mr. McLellan moved that he have leave to withdraw the said Petition; which, being seconded,

Motion to withdraw Petition

It was moved, as an amendment to the question, that the Petition be referred to a Select Committee, to examine and report upon to this House; which, being seconded and put, passed in the affirmative.

Amended by reference to Select Com.

*Ordered,* That the Petition be referred to Mr. Goudge, Mr. McDougall and Mr. Archibald, for the above purpose.

The Hon. Mr. Dewolf reported from the Committee appointed to join a Committee of the Legislative Council, to examine the Public Accounts; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. of Public Accounts

(See Appendix, No. 21.)

*Ordered,* That the Report do lie on the Table.

A Petition of the Halifax Steam Boat Company was presented by Mr. Bell, and read, setting forth their having provided an additional Steam Boat to ply between Halifax and Dartmouth at a great expense, for the accommodation of the public, and that they have never received any dividend on the shares held by them, but have been obliged to advance additional monies thereon in order to keep up the establishment, and praying further Provincial aid in support thereof.

Petition of Halifax Steam Boat Company

*Ordered,* That the Petition do lie on the Table.

A Petition of James Whitney was presented by Mr. Howe, and read, praying for continued aid to the Steam Boat conveying the Mails between Annapolis Royal and St. John, N. B.

Petition of J. Whitney for aid to Steam Boat running to St. John N. B.

*Ordered,*

TUESDAY and WEDNESDAY, 13th. and 14th FEBRUARY, 1838.

*Ordered*, That the Petition do lie on the Table.

Petitions for aid to Mills burnt at Sherbrooke referred to Select Com.

*Ordered*, That the Petition of William H. Ross, presented to this House on the 8th inst. and the Petition of George Hiltz and Jacob Hiltz, presented this day, respectively, praying aid to rebuild Mills destroyed by Fire at Sherbrooke, be referred to Mr. Fairbanks, Mr. Forrester and Mr. Miller, to examine into the several merits thereof, and report thereon respectively to this House.

Petition for aid to Mill at Jeddore

A Petition of John Cribley and Philip Mitchell, was presented by Mr. Forrester, and read, praying aid in the erection of a Grist and Oat Mill by them commenced at Jeddore.

Referred to Agricultural Com.

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

Petition from Jeddore relative to Schools

A Petition of John Cooper and others, Inhabitants of Jeddore, was presented by Mr. Forrester, and read, praying that, in revising the system of School Education, the destitute condition of that Settlement may be taken into consideration and provided for.

Referred to School Com.

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

Order of Day Judiciary discharged

The Order of the Day being read, for the further consideration of the Judiciary, in Committee of the whole House,

*Ordered*, That the said Order be discharged.

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

Wednesday, 14th February, 1838.

PRAYERS.

Order of Day Petition of A. McKim

The Resolution for choosing a Select Committee this day on the Petition of Andrew McKim, being read,

Petition of R. B. Dickey against Mr. McKim's taking his seat for Cumberland

Mr. Uniacke, upon leave given, presented a Petition of Robert B. Dickey, and the same was read, setting forth that Petitioner is a Freeholder of the County of Cumberland, and at the late Election for the said County voted for Alexander Stewart, Esquire, and his vote was not objected to—that Mr. Andrew McKim, one of the unsuccessful Candidates, having demanded a Scrutiny, certain proceedings were had therein before a Committee of this Honorable House at its last Session, but a prorogation took place before any decision or report of the said Committee was made touching the merits of the said Election—that since the said prorogation, and before the meeting of this Honorable House in its present Session, the said Alexander Stewart was appointed a Member of the Legislative Council, whereby his seat became vacant, and it was generally understood throughout the County of Cumberland that the Freeholders there would have an opportunity of electing a person to fill the said vacant seat, and that a new Writ would have been issued for the Election of another Member to represent the said County, but Petitioner has understood that this House have resolved that on Wednesday the 14th day of February, inst. they will proceed to take into consideration the Petition of the said Andrew McKim claiming the seat, a Committee then to be chosen to try the merits of the said Election—that Petitioner acted as Counsel on behalf of Mr. Stewart, in conducting the proceedings of the aforesaid Scrutiny before the Sheriff at Amherst, and is fully satisfied that Mr. Stewart had a majority of the legal votes polled at the said Election for him and the said Andrew McKim—praying that he may be admitted to oppose the Petition and return of the said Andrew McKim; and thereupon,

Mr. Dickey admitted to oppose Mr. McKim's Petition

On motion of Mr. Uniacke, *resolved*, that the Petition do lie upon the Table, and that the Petitioner Robert B. Dickey shall be admitted to strike the Committee now to be drawn on the Petitioner Andrew McKim, and also to oppose such Petition.

House proceed to ballot for Committee on Mr. McKim's Petition

The House then proceeded, pursuant to the Order of the Day, to the choice of a Select Committee on said Petition of Andrew McKim, and the Sergeant at Arms was directed to go to the places adjacent and require the immediate attendance of the Members on the business of the House; who, having returned, and reported that he had so done, the House was counted

WEDNESDAY, 14th FEBRUARY, 1838.

counted, and forty-three Members being present (exclusive of Mr. Speaker,) and all other previous measures having been taken, as prescribed by the Act of Assembly, directed to be followed by the Resolution now proceeded upon, and the Counsel of the Petitioner, Andrew McKim, as also the Petitioner, Robert B. Dickey, being in attendance at the Bar of the House, the doors of the House were locked, and the Order of the Day being again read, the House proceeded to ballot for a Select Committee on the Petition of the said Andrew McKim, and to finally report whether the late sitting Member or the said Andrew McKim had the majority of legal votes at the Election of 1837, and whether the said Andrew McKim is or is not entitled to the seat now vacant for the said County of Cumberland, when the following names of fifteen Members present (against whose return no Petition was depending, and who had not voted at said Election) were drawn, viz: Mr. McLellan, Mr. Howe, Mr. Anand, Mr. Forrester, Mr. D'Entremont, Mr. Miller, Mr. Spearwater, Mr. Morton, Mr. Goudge, Mr. Robicheau, Mr. Elder, Mr. Benjamin, Mr. Forrestall, Mr. Upham and Mr. Allison, and lists of the fifteen Members, so chosen by lot, were given to the Counsel for Andrew McKim, and to the Petitioner, Robert B. Dickey, respectively, who then withdrew with the Assistant-Clerk, in order to reduce the said number to seven, in the usual manner.

Names drawn

A Petition of H. A. Gladwin and others, Inhabitants of Middle Musquedoboit, was presented by the Hon. Mr. Uniacke, and read, praying that a Bill may be passed reducing the terms of the sittings of the Assembly to three years, accompanied by a system of registration of voters and the vote by ballot.

Petition from Musquedoboit for triennial Parliaments, &amp;c.

*Ordered,* That the Petition do lie on the Table.

A Petition of Adams Archibald and others, Inhabitants of Middle Musquedoboit and Meagher's Grant, was presented by the Hon. Mr. Uniacke, and read, noticing the recent survey of the proposed Great Eastern Road through Musquedoboit to Canso, and praying that the House will either appropriate the necessary funds towards opening said Road, from the whole amount of Road Appropriations, before dividing the Road Money among the Counties, or take sums therefor from such of the Counties as will receive advantage from said Road, as upon a fair calculation of the proportionate benefit to be derived may seem just.

Petition from Musquedoboit for Great Eastern Road

*Ordered,* That the Petition do lie on the Table.

A Petition of Matthew A. McCurdy and others, Inhabitants of Middle Musquedoboit and Meagher's Grant, was presented by the Hon. Mr. Uniacke, and read, complaining of the several Townships in the Province, and particularly the Town of Halifax, having an undue influence and weight in the choice of Representatives in General Assembly over the Counties, and praying that the Representation may be equalized.

Petition from Musquedoboit for equalization of Representation

*Ordered,* That the Petition do lie on the Table.

A Petition of Angus McLeod and others, Inhabitants of Middle Musquedoboit and Meagher's Grant, was presented by the Hon. Mr. Uniacke, and read, complaining of the present system of Statute Labor on Highways, and praying that several defects therein may be remedied.

Petition from Musquedoboit relative to Statute Labor on Highways

*Ordered,* That the Petition be referred to the Select Committee appointed on the subject of Statute Labor on Highways.

Referred to Com.

A Petition of Robert A. Logan and others, Inhabitants of Middle Musquedoboit and Meagher's Grant, was presented by the Hon. Mr. Uniacke and read, noticing the success attending the mission of the Delegates from the Legislature of the Province of New-Brunswick to the Home Government, and the persuasion of Petitioners that the privileges granted by our late Sovereign would be equally graciously conceded to this Province, were the same steps taken as those adopted by the Sister Province, and praying that the Legislature will take immediate steps to lay the requests of the Loyal Province of Nova-Scotia before Her Majesty, Petitioners being persuaded that such concessions would enable the Provincial Legislature to adopt measures that would tend to the prosperity of the Province, and enable it to bring into action its abundant resources.

Petition from Musquedoboit as to delegation to England

*Ordered,* That the Petition do lie on the Table.

WEDNESDAY, 14th FEBRUARY, 1838.

List of Com. struck on Mr. McKim's Petition	The Assistant Clerk delivered in to the House the names of seven Members remaining after the Members drawn by ballot this day in regard to the Election for the County of Cumberland, had been reduced according to Law, by the parties alternately striking off names therefrom, and the names of the said seven Members, so delivered in, being read, are as follow, viz : Mr. D'Entremont, Mr. Goudge, Mr. Elder, Mr. Benjamin, Mr. Forrestall, Mr. Upham and Mr. Allison.
Com. to consider all Petitions	<i>Ordered</i> , That the said seven Members last named be a Committee to try the merits of the Petition of Andrew McKim, and such other Petitions as may be referred to them in regard to the late Election for the County of Cumberland, and to report upon the merits of said Election, pursuant to the Resolution of this House of the 31st January last.
Petitions referred to Committee.	<i>Ordered</i> , That the several Petitions presented this Session relating to said Election, be referred to the said Committee.
Order for meeting of Committee	<i>Ordered</i> , That the said Committee do meet to-morrow, at 10 o'clock, in the Committee Room of this House, where the Supreme Court usually sit.
Report from Committee on Grand Jurors' Bill	Mr. Young reported from the Select Committee on the Bill to provide for the proper selection of Grand Jurors, that the Committee had considered the said Bill, and had prepared several amendments thereto, which they had directed him to report to the House with the Bill; and he read the said amendments in his place, and afterwards delivered the Bill and amendments in at the Clerk's Table.
Amendments reported	The said Bill was then read a second time with the amendments; and thereupon, <i>Ordered</i> , That the Bill and amendments be committed to a Committee of the whole House.
Message from Council	A Message from the Council, by Mr. Halliburton : Mr. Speaker,
Council agree to 26 continuing Bills relating to the following subjects : Exportation of Red Herrings Nuisances Infectious Diseases	The Council have agreed to twenty-six Bills sent from this Honorable House for continuing various Acts of the General Assembly : which Bills are as follow, viz : A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings. A Bill, entitled, An Act to continue the Act additional concerning Nuisances. 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.
Landings King's Co.	A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County.
Comrs. Sewers	A Bill, entitled, An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.
Poor's Rates Pictou	A Bill, entitled, An Act to continue the Act respecting the collection of Poores' Rates of Pictou.
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.
Sea Manure Queen's County	A Bill, entitled, An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.
Extension of Laws to Cape-Breton	A Bill, entitled, An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape Breton.
Wills, Legacies, &c.	A Bill, entitled, 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.
Malicious Injuries to Property Killing Bears, &c.	A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property. A Bill, entitled, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.
Navigation of Pugwash	A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.

<p>A Bill, entitled, 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.</p>	<p>Supervisors of Public Grounds</p>
<p>A Bill, entitled, An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and Regulating of Townships, and the Act to alter and amend the same.</p>	<p>Town Officers</p>
<p>A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.</p>	<p>Nets of Fishermen</p>
<p>A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.</p>	<p>Highways</p>
<p>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.</p>	<p>Road expenditure</p>
<p>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.</p>	<p>Settlement of Poor</p>
<p>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.</p>	<p>Nuisances in Rivers</p>
<p>A Bill, entitled, An Act to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.</p>	<p>Annapolis Academy</p>
<p>A Bill, entitled, An Act to continue the Act for the support and regulation of Light-Houses.</p>	<p>Light Houses</p>
<p>A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie.</p>	<p>Shubenacadie Fishery</p>
<p>A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.</p>	<p>Canine Madness</p>
<p>A Bill, entitled, An Act to continue the Act to prevent the spreading of Contagious Disorders, and for the performance of Quarantine.</p>	<p>Quarantine</p>
<p>A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.</p>	<p>Summary Trials</p>
<p>The Council have also agreed to the several Bills following, with amendments to each thereof respectively, viz : a Bill, entitled, An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases ; a Bill, entitled, An Act to continue the Act relating to Marriage Licenses ; and 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, to which several amendments they desire the concurrence of this Honorable House.</p>	<p>Agree to three continuing Bills with amendments on following subjects, viz : Restraining Attachments Marriage Licenses Proof of Written Documents</p>
<p>The Council have agreed to the amendment of this Honorable House to the amendments proposed by the Council to the Bill, entitled, An Act to abolish the Oaths of Supremacy and Abjuration.</p>	<p>Agree to amendment on Oath Bill</p>
<p>And then the Messenger withdrew.</p>	
<p>The said amendments proposed by the Council to the three Bills for continuing Acts of the General Assembly were severally read a first time, and ordered to be read a second time.</p>	<p>Council's amendments read</p>
<p><i>Resolved,</i> That the Bill to abolish the Oaths of Supremacy and Abjuration do finally pass this House, as amended, and that the title now be, (as altered by the amendments,) An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy.</p>	<p>Oaths Bill finally passed as amended Title altered</p>
<p><i>Ordered,</i> That the Clerk do carry said Bill to the Council, and acquaint them that this House have finally passed the same as amended.</p>	
<p>On motion, the House resolved itself into a Committee of the whole House on the further consideration of the several Bills which stood committed.</p>	<p>Committee on Bills</p>
<p>Mr. Speaker left the Chair.</p>	
<p>Mr. Kavanagh took the Chair.</p>	
<p>Mr. Speaker resumed the Chair.</p>	

The

WEDNESDAY and THURSDAY, 14th and 15th FEBRUARY, 1838.

Report British North American Bank Bill with amendments

Ordnance Bill with amendments

Cemetery Bill with amendment

Recommend Rates assessment Bill to Select Committee

The Chairman reported from the Committee that they had gone through the Bill to enable a Company, called the Bank of British North America, to sue and be sued in the name of any one of the Local Directors, &c. and had made an amendment thereto, which they had directed him to report to the House with the Bill; that they had also gone through the Bill for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, &c. and had made some amendments thereto, which they had directed him to report to the House with the Bill; that they had also gone through the Bill further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, and had directed him to report the said Bill to the House without any amendment; that the Committee had also considered the Bill respecting the assessment of Poor and County Rates, and recommend to the House that the same be referred to a Select Committee, to examine and report upon to the House; and he afterwards delivered the several Bills and the amendments, made to two thereof, in at the Clerk's Table.

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

The several amendments reported from the Committee with two of the Bills were read by the Clerk, and, upon the question severally put thereupon, were agreed to by the House.

*Ordered*, That the Bills with the amendments be engrossed.

*Ordered*, That the Bill reported without amendment be engrossed.

Select Committee on Rates assessment Bill

*Ordered*, That the Bill respecting the assessment of Poor and County Rates be referred to Mr. Young, Mr. Benjamin and Mr. Elder, to examine and report thereon to this House.

Message from Council

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Council agree to Pickled Fish Inspection Bill

The Council have agreed to the Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish; and to the Bill, entitled, An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond, severally without any amendment.

And to Arichat Courts Bill

The Council have agreed to the Bill, entitled, An Act to provide for the better application of Fines and Penalties, with an amendment, to which amendment they desire the concurrence of this Honorable House.

Agree to Fines and Penalties Bill with an amendment

And then the Messenger withdrew.

Bill presented to Incorporate City of Halifax

Mr. Forrester, pursuant to leave given, presented a Bill to Incorporate the City of Halifax, and the same was read a first time.

Motion for second reading of Bill

Mr. Forrester then moved that the said Bill be read a second time on Monday next, the 19th inst. which being seconded,

Amended by Order for printing

Mr. Uniacke moved, as an amendment to the question, that all the words thereof after the words "Bill be" be left out, and that the word "printed" be inserted in place of the words so left out; which, being seconded and put, passed in the affirmative.

No. of copies to be printed

*Ordered*, That one hundred copies of the Bill be printed for the use of Members.

2d reading of Bill made Order of Day

On motion of Mr. Howe, *resolved*, that the Bill to Incorporate the City of Halifax be read a second time on Tuesday next, the 20th inst.

Then the House adjourned until to-morrow, at twelve of the Clock.

Thursday, 15th February, 1838.

PRAYERS

Petition for Oatmill in Cape-Breton

A Petition of George Neily and others, was presented by Mr. Holland, and read, praying aid towards the erection of an Oatmill in Wilmot, by James Whitman.

Petitions for Oatmill in Earl Town

A Petition of John McKay, of Earl Town, in the County of Colchester, Miller, was presented by Mr. Upham, and read, praying aid towards an Oatmill in the course of erection by him in that Settlement.

*Ordered*,

THURSDAY, 15th FEBRUARY, 1838.

*Ordered,* That the Petitions be referred to the Committee on Agriculture and Manufactories.

Mr. Fairbanks, pursuant to leave given, presented a Bill relating to the Commissioners of Streets in and for the several Towns throughout this Province, in which such Commissioners are now by Law appointed, excepting the Town of Halifax, and the same was read a first time, and ordered to be read a second time.

Bill relative to Comrs. of Streets

A Petition of William Grigor and Thomas Stirling, Surgeons, was presented by Mr. Bell, and read, praying further aid to the Halifax Dispensary under their charge.

Petition for aid to Halifax Dispensary

*Ordered,* That the Petition do lie on the Table.

A Petition of John McGregor, Barrister at Law, was presented by Mr. Howe, and read, praying compensation for services by him performed, under the direction of the Master of the Rolls at Halifax, in arranging the Papers accumulated in the Court of Chancery since its commencement, making Catalogues, &c.

Petition of J. McGregor for compensation for arranging Chancery papers

*Ordered,* That the Petition be referred to Mr. Taylor, Mr. Morton and Mr. W. Sargent, to examine and report thereon to this House.

Referred to Select Committee

*Ordered,* That Mr. Elder have leave of absence to return home, on account of sickness in his family.

Leave of absence to Mr. Elder

A Petition of the Commissioners of Schools and other Inhabitants of Digby, was presented by Mr. Holdsworth, and read, setting forth the advantages derived from the combined Grammar and Common School at that place, and praying that, as the present School Act is about to expire, so useful an Institution may not be discontinued for want of Provincial support, but that such further aid will be extended to the cause of general education as will ensure the use of this valuable Institution as well as of Common Schools in general.

Petition for aid to combined School at Digby

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

Referred to Com. on Education  
Engrossed Bills read 3d time and passed, viz: British North American Bank Bill

An engrossed Bill to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Managers of the Branches of the said Bank, established, or to be established, in this Province.

*Resolved,* That the Bill do pass, and that the title be, An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Managers for the time being of the said Company, in this Province.

An engrossed Bill further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, was read a third time.

Cemeteries Bill

*Resolved,* That the Bill do pass, and that the title be, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

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

Bills sent to Council

The amendment proposed by the Council to the Bill, entitled, An Act for the better application of Fines and Penalties, was read a first time, and ordered to be read a second time.

Amendment of Council to Fines Bill

Mr. Forrestall reported from the Select Committee to whom was referred the Petition of Alexander McDonald and others, and thereupon presented to the House,

Bill reported from Com. on Pet. of A. McDonald and others, viz: Bill respecting Constables Fees

A Bill respecting the Travelling Fees of Constables in certain cases, and the same was read a first time, and ordered to be read a second time.

Mr. McDonald reported from the Select Committee, on the Petition of William Leigh; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report on Pet. of Wm. Leigh for compensation for services as Cholera prevention Officer

(See Appendix, No. 22.)

*Ordered,* That the Report and Petition do lie on the Table.

Mr. Holmes reported from the Select Committee on the Petition of David Murray and

Report on Pet. of D. and M. Murray for aid to Oatmill

THURSDAY, 15th FEBRUARY, 1838.

Walter Murray; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 23.)

*Ordered*, That the Report and Petition do lie on the Table.

Leave of adjournment to Amherst Election Com.

Mr. Morton, Chairman of the Amherst Election Committee, reported that he was directed by the Committee to move for leave to adjourn over until Monday next, at ten of the clock, which, upon the question put thereon, was agreed to by the House.

Resolution for Com. on subject of opening Ports

On motion of Mr. Howe, *resolved*, that a Select Committee be appointed to consider of the propriety of opening Ports in some parts of the Province which require additional facilities for carrying on the Trade.

*Ordered*, That Mr. Howe, the Hon. Mr. Dewolf, the Hon. Mr. Huntington, Mr. Holdsworth, Mr. Goudge, Mr. DesBarres and Mr. W. Sargent, be a Committee for the above purpose.

Petition from Digby for Free Port

A Petition of Ship-owners, Merchants and others, interested in the Trade of the District of the Port of Digby, was presented by Mr. Holdsworth, and read, praying that measures may be taken for securing to some of the Out-ports of Nova-Scotia a greater extension of Commercial Privileges, and that the Port of Digby may be made a Free Port.

Referred to Com. on subject of opening Ports

*Ordered*, That the Petition be referred to the foregoing Committee, appointed in relation to the opening of Ports.

Resolution for Address to H. M. Government to alter Navigation Laws

On motion of Mr. Clements, *resolved* as followeth:—

*Whereas*, complaints have arisen in the Outports from the inconvenience experienced from the Vessels at those Ports being obliged to have the word "Halifax," painted on their sterns, as the Port to which they belong.—*Resolved*, that Her Majesty's Government be requested, by Address, to alter the Navigation Laws in such manner as will permit Vessels to have painted on their sterns the name of the place where such Vessel is owned and belongs.

*Ordered*, That the foregoing Committee appointed in relation to the opening of Ports be a Committee for the purpose of preparing said Address, and reporting the same to this House.

Petition of Clerks of Peace for remuneration for attending to Road Commissions

A Petition of Samuel Cowling and others, Clerks of the Peace, in the several Counties in the Western Division of Nova-Scotia, was presented by Mr. Chipman, and read, praying remuneration for services rendered by them respectively in the years 1836 and 1837, in attending to the Road Commissions and Bonds sent them from the Provincial Secretary's Office in those years.

*Ordered*, That the Petition do lie on the Table.

Resolution for Com. on Poor Laws

On motion of Mr. Goudge, *resolved*, that a Select Committee be appointed to revise the Acts of the General Assembly in relation to the maintenance and support of the Poor, and to report to this House by Bill or otherwise.

*Ordered*, That Mr. Goudge, the Hon. Mr. Dodd, the Hon. Mr. Dewolf, Mr. Fairbanks and Mr. Clements, be a Committee for the above purpose.

Message from Council

A Message from the Council, by Mr. Halliburton,

Mr. Speaker,

Agree to Oaths Bill

The Council have agreed to the Bill, now entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, as amended.

And then the Messenger withdrew.

Com. of whole on Bills

On motion the House *resolved* itself into a Committee of the whole House on the further consideration of the several Bills which stood committed.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The

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

Report progress

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

Friday, 16th February, 1838.

PRAYERS.

A Bill relating to the Commissioners of Streets, in and for the several Towns throughout this Province, in which such Commissioners are now by Law appointed, excepting the Town of Halifax; also:

Bills read 2d time and committed, viz: Commissioners of Streets Bill

A Bill respecting the Travelling Fees of Constables in certain cases; were severally read a second time.

Constables' Fees Bill

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

Four Petitions of Inhabitants of Digby, Clements, and part of Granville, of Inhabitants of Digby-Neck, of Inhabitants of Clare, and of Inhabitants of Brier Island, were presented by Mr. Robicheau, and read, praying that the Township of Digby may be established as the Shire or County Town in the new County of Digby.

Petitions for making Digby the Shire Town in new County of Digby

Ordered, That the Petitions be referred to Mr. Howe, Mr. Doyle, Mr. Robicheau, Mr. Holland and Mr. Morton, to examine and report upon to this House.

Referred to Select Com.

A Petition of W. A. Black and others, Manufacturers in the Township of Halifax, was presented by Mr. Bell, and read, setting forth the necessity of further Legislative protection and encouragement, in regard to Manufactures. That the principal cause of depression which exists, may be traced to the consumption of articles, duty free, or at very low rates of duty. That Flour and other Foreign Manufactures, when entered for the Fisheries, are exempt from the usual forms and obligations, which attach to all dutiable Goods, whose destination may entitle them to drawback, whether it should be for exportation or the use of Her Majesty's service; that as the amount of Duties thus placed beyond the controul of the Revenue Officers, is so much subtracted from the Revenues of the Province, Petitioners submit, whether under a different system, it might not be made more directly beneficial to the Fisheries, and less prejudicial to that of Petitioners and every other Interest; that were Foreign Flour, and all other Foreign Manufactures, made liable to Duty on Importation, whether from the place of production from Warehouse, in Great Britain, or elsewhere, it would have the beneficial effect, when a demand might exist for the Fisheries, of allowing the holders of Canadian and Nova-Scotia Flour and other local Manufactures, to participate in the supply, and those persons actually engaged in the prosecution of the Fisheries could be encouraged by a direct equivalent, that if instead of advalorem duties, on the cost of the Goods Imported, said Duties were made payable on the value of the Goods, at the place into which they are imported, a moderate protection to Manufactures would be derived, although even then in most instances, much under that enjoyed by Manufacturers in the mother Country, or in the United States of America, Petitioners praying that the Provincial Manufactures may not only receive the protection now sought for, but such further encouragement as may seem requisite.

Petition of W. A. Black and others for encouragement to Manufactories

Ordered, That the Petition be referred to the Committee, appointed on the 1st Feby. inst. to review the Tariff of Duties, &c.

Referred to Com. on Tariff

A Message from the Council, by Mr. Halliburton:

Message from Council

Mr. Speaker,

The Council request a Conference by Committee, with a Committee of this Honorable House, on the general State of the Province.

Request Conference on General State of Province

And then the Messenger withdrew.

On motion resolved that this House do agree to the Conference desired by the Council.

Conference agreed to

Ordered.

FRIDAY, 16th FEBRUARY, 1838.

Com. to manage Conference

*Ordered*, That Mr. Young, the Hon. Mr. Huntington and Mr. Howe, do manage the conference, and that the Clerk do acquaint the Council that this House do agree to the Conference, and that the Committee of this House are ready to meet the Committee of the Council thereon.

And the Managers went to the Conference.

Com. of whole on Bills

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

Mr. Speaker left the Chair.

Mr. Kavanagh took the Chair.

Mr. Speaker resumed the Chair.

Report Grand Juries Bill with amendments

The Chairman reported from the Committee that they had gone through the Bill to provide for the proper selection of Grand Jurors, and had made several amendments thereto, which they had directed him to report to the House with the Bill; that they had gone through the Bill for further limiting the duration of the General Assemblies, the Bill to authorize the Sale of the Old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands, and the Bill respecting the travelling Fees of Constables in certain cases, and had directed him to report the said Bills to the House, without any amendment; that the Committee had also considered the Bill relating to the Commissioners of Streets, in and for the several Towns throughout this Province, &c. and recommend to the House to defer the further consideration of said Bill until this day three months, and he afterwards delivered the Bill in at the Clerk's Table.

Quadrennial Bill Bill for sale of old Jail, &amp;c. at Liverpool Constables' Fees Bill

Recommend to defer consideration of Com. of Streets Bill for 3 months

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

Amendments to Grand Jurors Bill agreed to

The amendments to the Bill to provide for the proper selection of Grand Jurors, as reported from the Committee, being read by the Clerk, were, upon the question put thereupon, agreed to by the House.

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

Motion to recommit Bill to limit duration of Assemblies to add clause negatived

Mr. Uniacke moved that the Bill for further limiting the duration of the General Assemblies be re-committed to the Committee of the whole House on Bills, for the purpose of adding thereto the following clause:—

*And be it further enacted*, That the Act, passed in the third year of the Reign of His late Majesty King William the Fourth, entitled, An Act for continuing the General Assembly in case of the death or demise of His Majesty, His Heirs and Successors, and every matter, clause and thing, therein contained shall be, and the same are hereby repealed: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twelve; against it, twenty-seven.

For the motion,

The Hon Mr Dewolf  
Mr Miller  
Mr Holmes  
Mr W. Sargent  
The Hon Mr Dodd  
The Hon Mr Uniacke  
Mr Heckman  
Mr J Sargent  
Mr Whitman  
Mr Kavanagh  
Mr Thorne  
Mr Dickey

Against the motion,

Mr Taylor  
Mr Allison  
Mr Holdsworth  
Mr Lewis  
Mr Waterman  
Mr Bell  
Mr Robicheau  
Mr Elder  
Mr Howe  
Mr Forrestall  
Mr Dcs Barres  
Mr Chipman  
Mr Holland  
Mr Clements  
Mr Spearwater  
Mr Benjamin  
Mr McLellan  
Mr McDonald  
Mr D'Entremont  
Mr Upham  
Mr Young  
Mr Annand  
Mr Morlon  
Mr Goudge  
The Hon Mr Huntington  
Mr Fairbanks  
Mr Forrester

Bills to be engrossed

So it passed in the negative.

Bill relating to Commissioners of Streets deferred

*Ordered*, That the said Bill, and the two other Bills, reported without amendment, be engrossed.

Report from Com. of Conference

*Ordered*, That the further consideration of the Bill relating to the Commissioners of Streets in and for the several Towns throughout this Province, excepting the Town of Halifax, be deferred until this day three months.

Mr.

Mr. Young reported from the Committee of Conference, appointed this day to meet a Committee of the Council on the General State of the Province, that the Managers had been at the Conference, and that at such Conference the Committee of the Council had communicated to the Committee of this House, that, for the reasons contained in the report of the Committee of the Council appointed to enquire into Precedents and the Usage of Parliament, the Council deem it inexpedient to appoint a joint Committee, as requested by this House in their Message of the 13th inst.

Council decline joining House by Com. in regard to Courts

Mr. Young further reported from the said Committee of Conference, that at said Conference the Committee of the Council had communicated to the Committee of this House the following Resolutions of the Council :

Council request House to join by Com. in Address to Queen on Oath's Bill

Legislative Council Chamber, 16th February, 1838.

Resolved, That an humble Address be presented to Her Most Gracious Majesty, praying that Her Majesty will be pleased to grant the Royal Assent to an Act, passed during the present Session of the Legislature, entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy.

Resolved, That a Conference be asked with the House of Assembly on the General State of the Province, for the purpose of requesting that House to unite with the Legislative Council in the said Address, and that a Committee may be appointed to join the Committee of this House in preparing the Address.

JOHN C. HALLIBURTON, Clerk.

A Petition of Andrew Meuse, Chief of the Indians at Bear River, in behalf of himself and the other Indians in and near that Settlement, was presented by Mr. Holland, and read, praying a small annual Grant by the Legislature to assist them in procuring the periodical attendance of a Catholic Clergyman, for the performance of sacred duties in the Chapel lately erected in that Settlement.

Petitions from Indians at Bear River for aid to obtain assistance of Priest

Ordered, That the Petition do lie on the Table.

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

Saturday, 17th February, 1838.

PRAYERS.

On motion of Mr. Young, resolved, that the Report made yesterday from the Committee of Conference of certain Resolutions of the Legislative Council, requesting the House to unite with the Council in an Address to Her Majesty, praying the Royal Assent to an Act of this Session, entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy (the Bill bearing that title, not having yet received the Assent of His Excellency the Lieutenant Governor) be referred to the Committee of Privileges, to examine and report upon to this House.

Report from Com. of Conference relative to Address on Oath's Bill referred to Com. of Privileges

A Petition of Cereno U. Jones and others, Inhabitants of the Township of Clare, Weymouth, &c. was presented by Mr. Fairbanks, and read, praying that Weymouth may be made the Shire or County Town in the new County of Digby.

Petition from Clare and Weymouth that the latter be made the County Town of County of Digby Referred to Com. on former Petitions

Ordered, That the Petition be referred to the Committee, to whom were yesterday referred the Petitions praying that Digby may be made the Shire Town in said County.

On motion of Mr. Young, resolved, that the letter of Mr. Justice Marshall, and the accounts accompanying the same, laid before the House this Session, be referred to the Committee upon printing, to examine and report upon, and that Mr. Goudge be added to the said Committee.

Letter and Accounts of Judge Marshall referred to Com. on printing

An Engrossed Bill for vesting all Estates and Property in the Province of Nova-Scotia, occupied

Engrossed Bills read 3d time, viz: Ordinance Bill

occupied for the Ordnance Service in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers.

An Engrossed Bill for further limiting the duration of the General Assemblies, was read a third time.

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

An Engrossed Bill to authorize the Sale of the Old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to authorize the sale of the old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands.

An Engrossed Bill respecting the Travelling Fees of Constables in certain cases, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act respecting the Travelling Fees of Constables in certain cases.

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

A Petition of James C. Betts and others, Freeholders and Inhabitants of the Western part of the Township of Clements, Westward of Bear River, and formerly in the County of Annapolis, was presented by Mr. Holland, and read, praying that said part of the Township may be erected into a separate Township, to support its own Paupers, and for other purposes.

*Ordered*, That the Petition be referred to the same Committee, to whom were referred, the Petitions relating to a Shire Town in the new County of Digby.

A Petition of William Pryor and others, Inhabitants of the County and Town of Halifax, was presented by Mr. Howe, and read, praying that the proposed direct line of Road leading from the Capital, through Musquedoboit and St. Mary's to Guysborough, Canso and Cape-Breton, part of which has been lately surveyed, may be opened without delay.

*Ordered*, That the Petition do lie on the Table.

Mr. McLellan, pursuant to leave given, presented a Bill, to prevent Members of the Legislature from taking Office in certain cases, and the same was read a first time, and ordered to be read a second time.

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

*Ordered*, That the Petition do lie on the Table.

Mr. Miller, pursuant to leave given, presented a Bill to prevent injuries to the Fisheries within the County of Lunenburg, by Mill-dams or any other obstruction: and the same was read a first time, and ordered to be read a second time.

A Petition of Alexander F. Sawers of Halifax, Doctor of Medicine, was presented by Mr. Bell, and read, praying remuneration for his services, in proceeding to New-York, and visiting the several Hospitals, to obtain a knowledge of the Cholera and its treatment, during its prevalence in that City, and his subsequent attendance upon the Poor in the Hospital at Halifax, and elsewhere in the said Town, during its prevalence here.

*Ordered*, That the Petition do lie on the Table.

A Petition of the Halifax Banking Company, signed by Henry H. Cogswell and others, was presented by Mr. Bell and read, complaining of certain charges, stated in the Acadian Recorder to have been made against them in Speeches of an Honorable Member of this House, and praying relief; and thereupon,

On motion of Mr. Doyle, *resolved*, that the Petition be referred to the Committee of Privileges, to examine and report upon to this House.

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

Monday,

Quadrennial Assemblies Bill

Bill for sale of Jail at Liverpool

Constables Fees Bill

Bills sent to the Council

Petition from Western Clements to be made separate Township

Referred to Com. on Petition relating to Shire Town in new County of Digby

Petition from Halifax for Great Eastern Road

Bill to prevent Members of Legislature from taking Office

Petition of Mechanics' Institute

Bill to prevent Injuries to Fisheries in County of Lunenburg

Petition of A. F. Sawers M. D.

Petition of Halifax Banking Company Complaining of charges made against them in Speeches of a Member of this House Referred to Com. of Privileges

MONDAY and TUESDAY, 19th and 20th FEBRUARY, 1838.

Monday, 19th February, 1838.

PRAYERS.

The House met, and upon motion, adjourned until three of the Clock of this day. The House met pursuant to adjournment, and upon motion, adjourned until To-morrow, at eleven of the Clock.

House adjourn till afternoon Meet & adjourn again

Tuesday, 20th February, 1838.

PRAYERS.

Mr. Young reported from the Committee of Privileges upon the Petition of the Halifax Banking Company; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as follows:

Report from Com. of Privileges on Petition of Halifax Banking Company

The Committee of Privileges, to whom the Petition of the Hon. Henry H. Cogswell and others, Partners in the Halifax Banking Company, was referred, beg leave to report:

That the Petitioners complain of certain expressions published in the Acadian Recorder Newspaper, as having been applied to the said Company, in the course of Debate, and while the House was in Committee. That such expressions are attributed, in the said Publication, to the Hon. the Speaker of this House, who is plainly pointed at in the Petition, though not designated by name; and said Petition having been read in the House, but not received—this Committee have to inquire what course ought to be pursued, so as to guard at once the rights of their Constituents, and the dignity and privileges of this House.

Of these privileges, one of the most ancient and indispensable, is the unlimited freedom of Debate in Speech. So far back as the year 1610, it was stated by the Commons "That we hold it an ancient, general and undoubted right of Parliament, to debate freely all matters which do properly concern the subject, and his right or state; which freedom of Debate, being once foreclosed, the essence of the liberty of Parliament is withal dissolved."

And in 1667, the Commons formally resolved that the Act 4, Hen. 8, Chap. 8, "extends to indemnifying all and every the Members of both Houses of Parliament, in all Parliaments for, and touching all Bills, speaking, reasoning or declaring of, any matter or matters in and concerning the Parliament, to be communed and treated of, and is only a declaratory Law of the ancient and necessary rights and privileges of Parliament." The principle thus early and fully recognized has never been permitted to be infringed, and whatever is said in the House of Commons, is subject only to the censure of the House itself. That a power, liable in the heat of Debate, to be carried too far, has sometimes been abused, every one conversant with the proceedings in Parliament must admit; but to attempt to restrain it, by any fixed rules, would be attended with far greater mischiefs, as, in the language of Hatsell, it is essential to the very existence of a free Council, it can be limited only by the sound sense and discretion of the House, and regulated in its use by the rules of good breeding, and of gentleman-like decorum.

The protection which the Constitution, for the wisest purposes, has thus cast around the Members of Parliament, ceases whenever they think fit to step beyond the limits of their respective Houses, and become accessory to the publishing of libellous matter, contained in their Speeches, as was shewn in the celebrated cases of Lord Abingdon and Mr. Creevy. But so long as a Member confines himself to the floor of the House, he cannot be questioned, according to Parliamentary rule, for whatever expressions he may use, except in the House itself; nor will the House sanction a third party calling him to account for them.

The Committee readily admit that the right of petitioning on the part of the people, in case of any grievance, is equally clear, and held sacred by the Constitution.—The rules to which it is subject have been imposed for the benefit of the people themselves, and it has long been held to be "the undoubted right and privilege of the Commons to adjudge and determine, touching the nature and matter of such Petitions, how far they are fit or unfit to be received."—And whenever the matter of a Petition is in breach of the privilege of the House,

or

TUESDAY, 20th FEBRUARY, 1838.

or inconsistent with its rules of proceeding, it ought not to be received, or if received it will be ordered to be withdrawn.

The Committee, after as diligent a search as the opportunities afforded them would admit, have not discovered any case in which a Petition, complaining of charges advanced by a Member of the Commons in Parliament and demanding enquiry, has been received and acted on.—But they have found several, and two of them so recent as 1836, in which Petitions containing quotations from the Speech of a Member, or alluding to statements said to have been made by him in his place, have been either ordered to be withdrawn or refused to be received.

The Petition now in question appears to the Committee a violation of Parliamentary usage, were it regarded only in this point of view; but when the sarcastic and offensive terms in which it is conceived are remembered, and the denial of the Hon. the Speaker of his having used the expressions or made the imputations complained of, in the sense that has been put upon them—the Committee cannot but regret that the Petitioners did not apply for some explanation to himself, as is usual among Gentlemen, before they affixed their names to such a document.—Had it been published to the world, or addressed as a Letter to the Speaker, it would unquestionably have been a breach of privilege—perhaps the Committee would have been well justified in reporting it to be so, and subjecting its authors to the censure of this House, even in the shape of a Petition incautiously presented by one of its Members. But, unwilling to extend their authority beyond the limits which modern precedents would justify, and the wise and cautious approve, the Committee content themselves with recommending to the House to order the Petition to be dismissed, and to assign their reasons for such order in terms that will clearly express their opinion of the unconstitutional and intemperate course that has been pursued by the Petitioners.

All which is respectfully submitted.

Committee Room, 20th February, 1838.

William Young, Chairman; James B. Uniacke, Alexander M'Dougall, Samuel P. Fairbanks, Edmund M. Dodd, Thomas A. S. Dewolf, Garret Miller.

*Resolved*, That the Report be received and adopted by this House; and thereupon,

Report received & adopted  
Resolution for dismissing of Petition of Halifax Banking Company

On motion of Mr Young, *resolved*, that the Petition of the Honorable Henry H. Cogswell, the Honorable Enos Collins, the Honorable James Tobin, the Honorable Joseph Allison, William Pryor, John Clark, and Martin Gay Black, Esquires, incautiously presented by Hugh Bell, Member for the Town of Halifax, being couched in terms indecorous, intemperate and unparliamentary, cannot be received or considered by this House, without violation of its rules and sacrifice of its privileges and dignity, and therefore, that the same be dismissed.

Resolution for transmitting Copies of Resolutions & Reports to Councils

On motion of Mr. Young, *resolved*, that a copy of the foregoing Resolution and the report of the Committee of Privileges be transmitted to the Honorable the Legislative Council, and the Honorable the Executive Council, of which Bodies, several of the Petitioners are members.

Resolution for Conference with Legislative Council to Communicate Resolution & Report

*Resolved*, That a Conference be desired by Committee with a Committee of the Council, on the General State of the Province; and that, on such Conference, the Committee of this House do communicate the foregoing Resolutions, with a Copy of the Report of the Committee of Privileges to the Committee of the Council.

*Ordered*, That the Clerk do request such Conference.

Resolution for communicating Resolution and Report to Executive Council

On motion of Mr. Doyle, *resolved*, that the Hon. Mr. Huntington do communicate to the Hon. the Executive Council the foregoing Resolutions, in relation to the Petition of the Halifax Banking Company, with a Copy of the Report of the Committee of Privileges.

Returns of Statute Labor on Highways laid before House

The Hon. Mr. Huntington, by command of His Excellency the Lieutenant Governor, presented to the House Returns of Statute Labor on Highways, made in pursuance of a Resolution of this House last Session. See

(See Appendix, No. 24.)

Ordered, That the Returns do lie on the Table.

The Hon. Mr. Huntington, also by command of His Excellency, presented to the House a copy of a Despatch from the Right Honorable Lord Glenelg to His Excellency Sir Colin Campbell, dated 24th February, 1837, relative to the system of disposing of Crown Lands, which was read by the Clerk.

Copy of Despatch from Lord Glenelg to Sir C. Campbell laid before House

(See Appendix, No. 25.)

Also, a Petition to His Excellency the Lieutenant-Governor, of certain Inhabitants of the County of Lunenburg, praying the interference of His Excellency in behalf of Poor Settlers, by causing to be allowed and granted to them some length of time for the payment of such a proportion of Crown Lands as they may be enabled to purchase, which being also read by the Clerk,

Petition from Inhabitants of Lunenburg to Lieut. Governor laid before House

Ordered, That the copy of Despatch and the Petition be referred to the Committee on the subject of Crown Lands.

Copy of Despatch & Petition referred to Com. on Crown Lands

The Hon. Mr. Huntington reported from the Committee on the Petition of Daniel Dukeshar and others; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as follows:

Report from Com. on Petition of D. Dukeshar

The Committee to whom was referred the Petition of Daniel Dukeshar and others, on the subject of changing the Boundary Line between Queen's County and Annapolis County, beg to report, that they have examined the Petition and Plan accompanying, and heard the statements of the Members from the Counties; and from the information before them at present, do not see any sufficient reason to recommend the prayer of the Petition.

Herbert Huntington, Samuel Chipman, Winthrop Sargent.

Report received and adopted

Halifax, 19th February, 1838.

On motion of Mr. Whitman, resolved, that the report be received and adopted by this House.

Report received and adopted

Mr. Holland, pursuant to leave given, presented a Bill further to regulate the Representation of the County of Annapolis, and the same was read a first time, and ordered to be read a second time.

Bill further to regulate Representation of County of Annapolis

A Petition of Inhabitants of Settlements adjacent to the Shubenacadie River; also, a Petition of Inhabitants of the County of Colchester, were presented by Mr. Smith, and read; setting forth the advantages that would result by making the Main Eastern Road between Keys's Inn and the end of the new Truro Road pass through the valley of the Shubenacadie, crossing a part of the County of Hants, and praying that a Survey and Estimate may be made upon this line, with a view of making it the Main Eastern Road.

Petition on Subject of Main Eastern Road

Ordered, That the Petition be referred to the Hon. Mr. Dodd, the Hon. Mr. Dewolf, Mr. DesBarres, Mr. Smith and Mr. Archibald, to examine and report thereon to this House.

Referred to Select Com.

A Petition of Edward Morgan and others, was presented by Mr. Holland, and read, praying aid to clear out the West Branch of Bear River, in the Township of Clements, so as to convey Timber down the same.

Petition of E. Morgan & others for aid to clear out West Branch of Bear River

Ordered, That the Petition do lie on the Table.

Mr. Morton, Chairman of the Select Committee appointed to try and determine the merits of the Election for the Township of Amherst, reported finally from the said Committee; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as follows:

Final report of Amherst Election Com.

The Select Committee appointed and sworn to try the merits of the Petition of Thomas Logan against the Election and Return of Robert McGowan Dickey, Esquire, sitting Member for the Township of Amherst, have determined to report as follows:

That the Committee having met and proceeded to the choice of Chairman, at the request of the party Petitioner and his Counsel, it was several times adjourned, and finally met this day, when the Counsel for Petitioner informed the Committee that it was not his intention

Final report of Amherst Election Com.

tention to proceed to adduce any evidence or to take any further proceeding under his Petition.

That the Committee have therefore determined, and do accordingly report, that Robert McGowan Dickey, Esquire, has been and is duly elected a Representative for the Township of Amherst in General Assembly, and entitled to retain his seat as such.

And further, the Committee do report that the Petition of Thomas Logan against the Election and Return of the said Robert McGowan Dickey, referred to them, is not frivolous or vexatious.

JOHN MORTON, Chairman.

Committee Room, 19th February, 1838.

*Ordered*, That the Report do lie on the Table, and be entered on the Journals of this House.

Bill to repeal Act to regulate Public Landing at Windsor

Mr. Goudge, pursuant to leave given, presented a Bill to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof, and the same was read a first time, and ordered to be read a second time.

Bill to authorise settlement of Debt claimed from Township of Windsor

Mr. Goudge, pursuant to leave given, presented a Bill to authorise the settlement of a certain debt claimed from the Township of Windsor, and the same was read a first time, and ordered to be read a second time.

Time for receiving private Petitions & Bills extended

On motion, *resolved*, that the time for receiving Private Petitions and Bills be extended until Thursday next, the 22d instant.

Copy of Report from Commissioners to enquire into state of Pictou Academy laid before House

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented to the House a copy of the Report made by the Commissioners appointed by His Excellency, at the request of this House, during the last Session, to enquire into the state of the Pictou Academy, and the same was read by the Clerk.

(See Appendix, No. 26.)

Referred to Com. on Education

*Ordered*, That the Report be referred to the Committee on Education.

Petition from County of Inverness praying alteration in Post Route

A Petition of the Freeholders and other Inhabitants of the Townships of Margaree and Mabou, and their Adjacencies, in the County of Inverness, Island of Cape-Breton, was presented by Mr. Young and read, praying an alteration of the Post Route from Port Hood to the North East Branch of Margaree, and to Baddeck and the Town of Sydney.

Referred to Post Office Com.

*Ordered*, That the Petition be referred to the Committee appointed on the Post-Office Department.

Petition of P. Morrissey for return of Duties

A Petition of Peter Morrissey, of Halifax, Brewer, was presented by Mr. Doyle and read, praying a return of Duties paid upon the importation of certain quantities of Hops and Cider, destroyed by fire, with his House and Brewery, in 1836.

Referred to Select Com.

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

Petition from Tracadie County of Sydney for aid to clear out entrance of Tracadie Harbour

A Petition of Inhabitants of Tracadie, in the County of Sydney, was presented by Mr. M'Dougall and read, praying aid, in addition to their subscriptions, to clear out the entrance of Tracadie Harbor.

*Ordered*, That the Petition do lie on the Table.

Petition of Clerk of Peace for remuneration for services in regard to Road Commissioners

A Petition of Robert N. Henry and others, Clerks of the Peace, was presented by Mr. M'Dougall and read, praying remuneration for services performed by them in regard to Road Commissions and Bonds, and in making returns of Statute Labor on Highways, by direction of His Excellency the Lieutenant-Governor.

*Ordered*, That the Petition do lie on the Table.

Petition for aid to Gates' Pier referred to Com. on Breakwaters

*Ordered*, That the Petition for aid to the Breakwater called Gates' Pier, be referred to the Committee appointed on Petitions for aid to Breakwaters at Marshall's Cove and Givan's Cove.

Mr.

Mr. Dickey, pursuant to leave given, presented a Bill to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia, and the same was read a first time, and ordered to be read a second time.

Bill to Incorporate Canal Company in Cumberland

A Petition of John Oal, was presented by Mr. Howe, and read, setting forth his having erected a Distillery of Whiskey in Halifax, at a great expense, and that he is now enabled to supply this Province with that article, of a better quality and at a lower price than that imported—that by manufacturing the same solely from Barley, the consumption of Agricultural produce is increased, and praying that the heavy duty on the manufacture of this article may be reduced; and thereupon,

Petition of J. Oal for reduction of duty on Whiskey

Mr. Howe moved that the Petition be referred to the Committee upon the Tariff of Duties; which, being seconded,

Motion for referring Petition to Tariff Com.

Mr. Waterman moved, as an amendment of the question, that all the words thereof be left out after the word "that," and in place thereof the words following be substituted, viz: "the vending and using of Spiritous Liquors or Intoxicating Drink is productive of the greatest evils now existing in Nova-Scotia, and that the Gentleman who presented this Petition have leave to withdraw it"; which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, fifteen; against it, twenty-five.

Amendment moved thereto

For the amendment,

Against the amendment,

Mr. Lewis	Mr. Clements	Mr. Thorne	Mr. Young	The Hon. Mr. Dodd
Mr. Allison	Mr. Spearwater	The Hon. Mr. Uniacke	Mr. Robicheau	Mr. Goudge
Mr. Chipman	Mr. Upham	The Hon. Mr. Huntington	Mr. Holmes	Mr. Archibald
The Hon. Mr. Dewolf	Mr. J. Sargent	Mr. McDougall	Mr. Taylor	Mr. Heckman
Mr. Holland	Mr. McDonald	Mr. Doyle	Mr. Bell	Mr. Forrester
Mr. Morton	Mr. Waterman	Mr. Annand	Mr. Dickey	Mr. Whitman
Mr. W. Sargent		Mr. Forrestall	Mr. DesBarres	Mr. Kavanagh
Mr. McLellan		Mr. Howe	Mr. Miller	
Mr. Smith		Mr. Fairbanks	Mr. Benjamin	

Negated

Another amendment moved

Negated

Main question put

Petition referred to Com. on Tariff

Petition of D. Fisher & others for aid to Grist & Oat Mills

Referred to Agricultural Com.

Petition of Freeholders of Cumberland for new Election

Referred to Cumberland Election Com.

Petition for aid to clear out Porters Lake Passage

Petition from Inhabitants of South East Passage County of Halifax for aid to build School  
Referred to Com. on Education

Petition from Mus-

So it passed in the negative.

Mr. Chipman then moved that the question be amended by leaving out all the words thereof after the word "that," and inserting in place thereof the words "be withdrawn"; which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, sixteen; against it, twenty-three. So it passed in the negative.

The main question being then put,

Ordered, That the Petition be referred to the Committee upon the Tariff of Duties.

A Petition of David Fisher and others, of Antigonish, in the County of Sydney, was presented by Mr. McDougall, and read, praying aid towards a stand of Grist and Oat Mills by them erecting at Ohio Settlement in said County.

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

A Petition of Freeholders of Pugwash and others, in the County of Cumberland, was presented by Mr. Dickey, and read, praying that a Writ may be issued for the Election of a Member for the County of Cumberland, in place of the Hon. Alexander Stewart, whose seat in this Honorable House has been declared vacated.

Ordered, That the Petition be referred to the Select Committee on the Petition of Andrew M'Kim and the other Petitions relative to the late Election in the County of Cumberland.

A Petition of Inhabitants of Lake Porter, Lawrence Town and Chezencook, was presented by Mr. Howe and read, praying aid towards clearing out the passage by water from Porter's Lake to the Sea.

Ordered, That the Petition do lie on the Table.

A Petition of the Inhabitants of the lower part of the South East Passage, in the County of Halifax, was presented by Mr. Howe and read, praying aid in addition to the sums by them subscribed for building a School House.

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

A Petition of Inhabitants of Middle Musquedobit, was presented by Mr. Howe and read, praying

TUESDAY, 20th FEBRUARY, 1838.

quedoboit against  
School assessment  
system  
Referred to Com. on  
Education

praying that the present Act for the encouragement of Common Schools may be renewed, and that the system of assessment therefor may not be adopted.

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

Petition of Chas.  
Morgan and others  
for aid to Oat Mill

A Petition of Charles Morgan and others, Freeholders and Inhabitants of the Township of Manchester, in the County of Guysborough, was presented by Mr. DesBarres and read, praying aid to said Charles Morgan, in the erection of an Oat Mill and Kiln, in Manchester aforesaid.

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

Referred to Agricul-  
tural Com.

Petition of J. Sentill  
for payment of mo-  
ney laid out in endea-  
voring to build Bridge  
over Avon River.  
Motion for referring  
same to Members  
from County of  
Hants  
Amendment for with-  
drawing same  
agreed to

A Petition of Joseph Sentill, of Windsor, was presented by Mr. Smith and read, praying payment of a balance due him on account of an outlay in endeavouring to build a Bridge over the Avon River at Windsor in 1829; and thereupon,

The Hon. Mr. Dodd moved that the Petition be referred to the Members from the County of Hants to provide therefor: which, being seconded,

Mr. Goudge moved that the question be amended by leaving out all the words thereof after the word "be," and substituting therefor the word "withdrawn:" which, being seconded and put, was agreed to by the House.

Petition of R. Cun-  
ningham for relief  
from Judgement a-  
gainst him for duties

A Petition of Roger Cunningham, of Halifax, Grocer, was presented by Mr. Forrester and read, praying relief from the payment of a Judgment entered against him without notice, as Security for duties payable by George T. Fillis.

*Ordered,* That the Petition be referred to Mr. Forrester, Mr. Doyle and Mr. Archibald, to examine and report upon to this House.

Referred to Select  
Com.

Petition of Bakers  
in Halifax for increas-  
ed duty upon import-  
ed Biscuits

A Petition of Henry Wright and others, Bakers, in Halifax, was presented by Mr. Forrester, and read, praying that duties may be increased upon Biscuits and other manufactur- ed Breads imported.

*Ordered,* That the Petition be referred to the Committee on the Tariff of Duties.

Referred to Com. on  
Tariff  
Report on Petition  
of J. McGregor for  
compensation for  
arranging Chancery  
Papers

Mr. Taylor reported from the Committee on the Petition of John McGregor; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 27.)

*Ordered,* That the Report and Petition do lie on the Table.

Petition of Fishermen  
of Guysborough com-  
plaining of Salt  
Measurement  
Referred to Com. on  
Tariff

A Petition of the Fishermen of Guysborough, Manchester, Fox Island, &c. was presented by Mr. DesBarres, and read, complaining of the method of measuring Salt in Halifax, to their detriment, and praying relief.

*Ordered,* That the Petition be referred to the Committee on the Fisheries.

Report on Petitions  
of W. H. Ross and  
G. and J. Hiltz

Mr. Fairbanks reported from the Committee on the Petitions of William H. Ross and George and Jacob Hiltz; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 28.)

*Ordered,* That the Report and Petitions do lie on the Table.

Petition of J. Brown  
and T. Pearson for  
aid to Shubenacadie  
Ferry

A Petition of James Brown and Thomas Pearson, of Truro, in the County of Colchester, was presented by Mr. Archibald, and read, praying a grant of money to enable them to keep up the Ferry over the Shubenacadie River, by providing and keeping in repair suffi- cient Boats for that purpose.

*Ordered,* That the Petition do lie on the Table.

Petition of Black and  
Co. and W. B. T.  
Piers in regard to ex-  
portation of Flour

A Petition of Black & Co. and W. B. T. Piers, was presented by Mr. Howe, and read, stating that they have at a very considerable expense erected Mills in the County of Halifax, for the manufacture of Flour, and praying that an Act may be passed providing that all Flour and Meal manufactured in this Province should be allowed to be exported out of this

this Province without being warehoused and exempted, and free from the charge of weighing, as Flour imported and intended for exportation is.

*Ordered,* That the Petition be referred to Mr. Howe, Mr. Bell and Mr. Fairbanks, to report thereon by Bill or otherwise.

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

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

A Petition of Robert Gruber, Supervisor of the Bridewell in Halifax, was presented by Mr. Bell, and read, praying aid to liquidate the debt due from that Establishment; and compensation for his services in regard thereto.

*Ordered,* That the Petition do lie on the Table.

A Petition of William Stairs and others, Merchants of Halifax, was presented by Mr. Bell, and read, praying Bounties upon the South Sea Whale Fishery proposed to be engaged in under the Act of last Session to Incorporate the Halifax Whaling Company.

*Ordered,* That the Petition do lie on the Table.

Mr. Bell presented to the House an account of Paupers admitted into the Halifax Asylum for the Poor during the year 1837, distinguishing Halifax from Transient, and the place from whence the Transient Poor came; also, an aggregate List of Articles purchased for the Halifax Asylum for the Poor during the year of 1837, and an account of the funds received for the use of the Halifax Asylum for the Poor during the year 1837, and from whence received.

(See Appendix, No. 29.)

*Ordered,* That the Accounts do lie on the Table.

A Petition of John Baxter and others, was presented by Mr. Chipman, and read, praying a grant in aid of their subscriptions, to enable them to erect a Pier or Breakwater, on West Bar, at the entrance of Baxter's Harbor, on the Bay Shore in Cornwallis.

*Ordered,* That the Petition be referred to the Committee to whom were referred the former Petitions for Breakwaters, and that they do likewise examine and report upon this Petition.

A Petition of William Morris, Junior, and others, was presented by Mr. Chipman, and read, praying an additional grant to enable them to retain the Courier conveying the Mail between Partridge Island and Advocate Harbor, in Parrsborough.

*Ordered,* That the Petition be referred to the Committee on the Post-Office Department.

A Petition of the Nova-Scotia Baptist Education Society, was presented by Mr. Chipman, and read, praying further aid in support of the Academy at Horton, under their superintendance.

*Ordered,* That the Petition do lie on the Table.

A Petition of the Inhabitants of West Bay, Bras d'or Lake, with its adjacent rear Lands in the County of Richmond, Cape-Breton, was presented by Mr. Kavanagh, and read, praying a grant of money to be expended on the Road from Scott's River to the head of West Bay, and in building a Bridge over Black River.

*Ordered,* That the Petition do lie on the Table.

The Order of Day being read, for the second reading of the Bill to Incorporate the City of Halifax.

*Ordered,* That the said Bill be read a second time on Friday next, the 23d inst.

A Petition of the Inhabitants of the Township of St. Mary's, in the County of Guysborough, was presented by Mr. Holland and read, praying that said Township may be set off as a District, to be called the Western District of the County of Guysborough, with the privilege

Referred to Select Com.

Petition of Halifax Infant School

Referred to Com. on Education  
Petition of Supervisor of Bridewell in Halifax praying aid to pay debt of Institution & also compensation for services

Petition W. Stairs & others for Bounnty upon South Sea Whale Fishery

Poor House Accounts laid before House

Petition for aid to Breakwater at Baxter's Harbour Cornwallis

Referred to Com. on Breakwaters

Petition for aid to Post Communication in Parrsborough

Referred to Post Office Com.

Petition for aid to Horton Academy.

Petition from West Bay Cape-Breton for grant to Roads and Bridge

Order of Day 2d reading of Bill to Incorporate City of Halifax  
Postponed

Petition from St. Mary's, County of Guysborough to be set off as a separate District

TUESDAY, 20th FEBRUARY, 1838.

privilege of a Court of Common Pleas and a Court of Sessions, to be held one term annually at Sherbrooke Village in said Township.

Referred to Select Com.

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

Petition of Mr. McLaughlin School-Master for loan of Money

A Petition of Matthew MacLoughlin, Schoolmaster, was presented by Mr. Forrestall and read, stating his having taught School in this Province since 1810, and his now being out of employment, and utterly destitute, with a large family depending upon him, praying relief by a loan of money being made to him, which he will repay to the Commissioners of Schools, by Instalments.

Referred to Com. on Education

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

Despatch from Lt. Gov. of N. B. on subject of surveys of Bay of Fundy laid before House

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented to the House a copy of a Despatch from His Excellency the Lieutenant-Governor of New-Brunswick to His Excellency the Lieutenant-Governor of this Province, dated 11th February, 1838, transmitting Copies of Resolutions of the Council and Assembly of New-Brunswick, expressing the desire of those Bodies, that an immediate survey should be made of the Bay of Fundy, and requesting that the proposed measure may be brought to the notice of the Legislature of this Province, that it may meet with their aid and support—which were also laid before the House, The Lieutenant-Governor expressing his hopes that this House will join the Legislature of New-Brunswick in endeavouring to effect this object; and the said several papers were read by the Clerk.

(See Appendix, No. 30.)

*Ordered*, That the Papers do lie on the Table.

Despatch from Lord Glenelg with copy of Letter from British Museum requesting specimens of Natural History laid before House

The Hon. Mr. Uniacke also, by command of His Excellency the Lieutenant-Governor, presented to the House a copy of Despatch from Lord Glenelg to His Excellency the Lieutenant-Governor, dated 14th October, 1837, transmitting to him a Copy of a Letter addressed to Lord Glenelg by the Trustees of the British Museum, requesting him to instruct the Governors of Her Majesty's Colonial Possessions, to make known, within their respective Governments, the desire of that Institution to receive specimens of the Natural History of the Colonies—which copy of Letter the Hon. Mr. Uniacke also laid before the House, The Lieutenant-Governor requesting that this House will use their best exertions in promoting the views of the British Museum, as therein explained. The said Papers were read by the Clerk.

(See Appendix, No. 31.)

*Ordered*, That the Papers do lie on the Table.

Petition of Settlers of Wagamatcook Cape-Breton for aid to Bridges

A Petition of the Settlers of Wagamatcook, or Little River Settlement, in the County of Cape-Breton, was presented by the Hon. Mr. Uniacke, and read, praying aid in building certain Bridges on the Main Line and Post Road between Sydney and the Western part of the Island.

*Ordered*, That the Petition do lie on the Table.

Estimate of Expense of Civil Government laid before House

The Hon. Mr. Dodd, by command of His Excellency the Lieutenant-Governor, presented to the House an Estimate of the expense of the Civil Government of this Province for the year 1838.

Supply granted to Her Majesty  
Com. of Supply made Order of Day for to-morrow.

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

On motion of the Hon. Mr. Dodd, *resolved*, that this House will, to-morrow, resolve itself into a Committee of the whole House to consider of the Supply to be granted to Her Majesty.

Estimate referred to Com. of Supply

*Ordered*, That the Estimate of the expenses of the Civil Establishment of this Province for the present year be referred to the Committee of Supply.

Ways & Means made Order of Day for Saturday

On motion of the Hon. Mr. Dodd, *resolved*, that this House will, on Saturday next, resolve itself into a Committee of the whole House, to consider of Ways and Means, for raising the Supply granted to Her Majesty.

The

The Hon. Mr. Dodd, by command of His Excellency the Lieutenant-Governor presented to the House, recommended by His Excellency to the favorable consideration of the House, several accounts of William Reuill, Deputy-Surveyor, for surveying Roads in Cape-Breton, in 1832 and 1833, with a Letter explanatory of the causes for which such accounts were not before rendered; and thereupon,

Accounts of W. Reuill for surveys in Cape-Breton in 1832 & 1833 laid before House

Ordered, That the said Accounts and Letter be referred to Mr. Young, Mr. Morton and Mr. Goudge, to examine and report upon to this House.

Referred to Select Com.

The Hon. Mr. Dodd, by command of His Excellency the Lieutenant-Governor, also presented to the House copies of a Despatch from His Excellency the Lieutenant-Governor to Lord Glenelg, dated 25th August, 1837, and from Lord Glenelg to His Excellency in answer thereto, dated the 25th October, 1837, relating to the removal of the Colored Population, near Halifax, to other and more fertile parts of the Country, and the same were read by the Clerk.

Despatch relating to removal of Colored population near Halifax

(See Appendix, No. 32.)

Ordered, That the Papers do lie on the Table.

On motion of Mr. Holmes, resolved, that the following necessary information be furnished this House, viz: in what manner the £3,800 granted by this House last year for the relief of Poor Settlers has been appropriated, and how much of the said sum has been paid by the several Counties who participated in any share of the same.

Resolution for information as to appropriation of relief to Poor Settlers

The Hon. Mr. Dodd, pursuant to leave given, presented a Bill to modify the provisions of the Act for preventing persons leaving the Province without a pass, and the same was read a first time, and ordered to be read a second time.

Bill to modify Pass Act

A Petition of George Ruxton, Major of Her Majesty's 34th Regiment of Foot, now absent in Canada, was presented by the Hon. Mr. Dodd, and read, praying a return of duties paid by him at Windsor upon his Travelling Carriage shipped from London to Halifax, via St. John, N. B. and Windsor.

Petition of Major Ruxton for return of duties

Ordered, That the Petition do lie on the Table.

A Petition of the Overseers of the Poor for the Township of Annapolis, was presented by Mr. Whitman, and read, praying reimbursement of the expenses of a Transient Pauper in the last year.

Petition of Overseers of Poor Annapolis for payment of expenses of Transient Pauper

Ordered, That the Petition do lie on the Table.

An engrossed Bill to provide for the proper selection of Grand Jurors, was read a third time.

Grand Jurors Bill read 3 time

Resolved, That the Bill do pass, and that the title be, An Act for the regulation of Juries.

Passed, title altered Bill to be sent to Council

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

Mr. Goudge reported from the Select Committee on the Petition of the Rev. John Burnyeat and others; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Petition of Rev. J. Burnyeat & others

(See Appendix, No. 33.)

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

Report received & adopted

On motion, the amendment proposed by the Council to the Bill, entitled, An Act to provide for the better application of Fines and Penalties, was read a second time.

Amendments of Council to Fines & Penalties-Bill read 2d time

Ordered, That the Bill and amendment do lie on the Table, for further consideration.

A Message from the Council, by Mr. Halliburton,

Message from Council

Mr. Speaker,

The Council agree to the Conference, by Committee, desired by this Honorable House, on the General State of the Province, and the Committee of the Council are now ready to meet the Committee of this Honorable House.

Agree to conference on General State of Province

And then the Messenger withdrew.

Ordered, That the Committee of Privileges be a Committee to manage said Conference.

Com. of Privileges to Manage Conference

So

TUESDAY and WEDNESDAY, 20th and 21st FEBRUARY, 1838.

Report from Com. of  
Conference

So they went to the Conference; and being returned,  
Mr. Young reported that the Managers had been at the Conference, and had thereon  
complied with the instructions of the House.

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

Wednesday, 21st February, 1838.

PRAYERS.

Bill to prevent Mem-  
bers taking office read  
2d time

Motion to defer fur-  
ther consideration  
3 months

A Bill to prevent Members of the Legislature from taking Office in certain cases, was  
read a second time; and thereupon,

Mr. Benjamin moved that the further consideration of the Bill be deferred to this day  
three months: which, being seconded and put, and the House dividing thereon, there ap-  
peared, for the motion, twenty-eight; against it, nine.

For the motion,

Mr Clements  
Mr Goudge  
Mr Fairbanks  
The Hon Mr Huntington  
Mr DesBarres  
Mr Whitman  
Mr Spearwater  
Mr Benjamin  
Mr Heckman  
Mr Holmes

Mr McDonald  
Mr Dickey  
Mr Miller  
Mr D'Entremont  
Mr Upham  
Mr Taylor  
The Hon Mr Uniacke  
The Hon Mr Dodd  
The Hon Mr Dewolf

Mr Thorne  
Mr Archibald  
Mr Allison  
Mr J Sargent  
Mr Robicheau  
Mr Kavanagh  
Mr Waterman  
Mr Bell  
Mr Forrestall

Against the motion,

Mr Smith  
Mr Lewis  
Mr McLellan  
Mr Forrester  
Mr Morton  
Mr Annand  
Mr Holland  
Mr Chipman  
Mr Doyle

Carried

So it passed in the affirmative.

Bill to regulate re-  
presentation of An-  
napolis County read  
2d time

Motion to defer fur-  
ther consideration 3  
months

A Bill further to regulate the Representation of the County of Annapolis, was read a se-  
cond time; and thereupon,

Mr. Thorne moved, that the further consideration of the Bill be deferred to this day three  
months; which, being seconded and put, and the House dividing thereon, there appeared,  
for the motion, thirty-three, against it, seven.

For the motion,

The Hon Mr Huntington  
Mr McDougall  
Mr Miller  
Mr Annand  
Mr Fairbanks  
Mr Benjamin  
Mr Young  
Mr DesBarres  
The Hon Mr Dodd  
Mr Whitman  
Mr Spearwater  
Mr Clements  
Mr Holmes  
Mr W Sargent  
Mr McLellan  
Mr Kavanagh  
Mr J Sargent

Mr Heckman  
Mr Forrestall  
Mr Thorne  
Mr Allison  
The Hon Mr Dewolf  
Mr Upham  
Mr Archibald  
Mr Lewis  
The Hon Mr Uniacke  
Mr Howe  
Mr Dickey  
Mr D'Entremont  
Mr Robicheau  
Mr McDonald  
Mr Taylor  
Mr Bell

Against the motion,

Mr Waterman  
Mr Smith  
Mr Chipman  
Mr Goudge  
Mr Forrester  
Mr Morton  
Mr Holland

Carried

So it passed in the affirmative.

Bill respecting Elec-  
tion for Horton read  
2d time

Motion to defer fur-  
ther consideration 3  
months negatived

A Bill respecting Elections for the Township of Horton, was read a second time: and  
thereupon,

The Hon. Mr. Dewolf moved, that the further consideration of the Bill be deferred until  
this day three months: which, being seconded and put, and the House dividing thereon,  
passed in the negative.

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

Bills read 2d time &  
committed, viz:

To prevent Inju-  
ries to Fishermen in  
Lunenburg  
To repeal Act  
Public Landings at  
Windsor  
To authorize settle-  
ment of debt claimed  
from Windsor

A Bill to prevent Injuries to the Fisheries within the County of Lunenburg.

A Bill to repeal the Act to regulate the Public Landing at Windsor, and to substitute  
other provisions in lieu thereof.

A Bill to authorise the settlement of a certain debt, claimed from the Township of  
Windsor.

WEDNESDAY, 21st FEBRUARY, 1838.

A Bill to authorize the Incorporation of a Company, for making a navigable Ship Canal across the Isthmus of Cumberland Nova-Scotia: and

A Bill to modify the provisions of the Act for preventing persons leaving the Province without a pass; were severally read a second time.

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

Mr. Howe reported from the Committee, on the Petitions of the Axe-fire-men and the Union Engine-men of Halifax; and thereupon presented to the House,

A Bill respecting the Firemen for the Town of Halifax, and the same was read a first time and ordered to be read a second time.

Mr. Goudge, Chairman of the Select Committee to whom were referred the Petitions of Andrew McKim and others, in relation to the Election for the County of Cumberland, reported from the said Committee, and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

The Select Committee drawn and appointed to try the merits of the Petition of Andrew McKim, against the Election and return of the Honorable Alexander Stewart, late one of the Representatives of the County of Cumberland, and praying the seat now vacant for said County, have agreed to report, and do finally report as follows; that is to say:

That the Committee having met, and determined to take up the testimony of last Session, after hearing as well the Counsel for Andrew McKim, as also the Freeholder admitted to oppose his Petition, R. B. Dickey, Esquire, decided that the Counsel for Mr. McKim should proceed to the investigation of twelve votes, standing on the Poll for Mr. Stewart, and objected to by Petitioner, of which a list was to be furnished to the Clerk of the Committee.

That the said Counsel having proceeded accordingly to furnish a list of twelve such votes, and adduce his proofs and documents as to the same, Mr. Dickey applied for an adjournment in order to proceed in his opposition to Mr. McKim, which adjournment being opposed by the Counsel for Mr. McKim, the Committee decided to allow, provided that Mr. Dickey would make Oath that such adjournment was bona fide requested to procure testimony, and not desired solely for delay.

That Mr. Dickey having this day declined to make the Oath required, or to proceed further in his opposition to the Petition of Mr. McKim, and tendering a written protest against the previous decisions of the Committee, which the Committee refused to receive, withdrew from any contest; whereupon the Committee proceeded to adjudicate on the votes submitted, and the evidence adduced as to the same, when they determined that eleven of such votes were bad, and ought to be taken from the Poll, which would reduce the number of legal votes polled for Mr. Stewart to three hundred and sixty-five, and deducted from the number appearing on the Poll for Mr. McKim, would leave in his favor a majority of six votes.

The Committee therefore have determined, and do finally report, that in the absence of any opposition to the Petition of the said Andrew McKim, the said Andrew McKim appearing now to have a majority of legal votes was entitled to have been returned and elected a Representative for the County of Cumberland in General Assembly, and ought now to take his seat as such.

HENRY GOUDGE, Chairman.

Committee-Room, 21st February, 1838.

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

On motion of Mr. Goudge, *resolved*, that Sir Rupert D. George, the Secretary of the Province, in whose custody the Writ for, and Return of, the Election for the County of Cumberland do remain, do immediately attend this House to amend the Return for the said County, pursuant to the Report of the Committee of this House, by erasing out the name of Alexander Stewart, and, instead thereof, inserting the name of Andrew McKim.

*Ordered,* That the Clerk do communicate the foregoing Resolution to the said Secretary of the Province.

Bill to Incorporate Cumberland Canal Company

Bill to Modify Pass Act

Report from Com. on Petitions of Fire Men viz:

Bill respecting Fire Men of Halifax

Final report of Cumberland Election Com.

Report received and adopted

Resolution for amending Writ—

To be communicated to Secretary

The

WEDNESDAY, 21st FEBRUARY, 1838.

Order of Day, Com.  
of Supply read

The Order of the Day being read, for the House to resolve itself into a Committee of the whole House, to consider of the Supply granted to Her Majesty.

House in Committee  
of Supply

The House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Kavanagh took the Chair.

Mr. Speaker resumed the Chair.

Report two Resolu-  
tions

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had come to two Resolutions thereupon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's Table.

Resolutions again  
read, viz :

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

The said Resolutions were again read by the Clerk, and are as followeth :

200l. Soldiers' Wives  
and Children

*Whereas* the Inhabitants of the Towns of Halifax and Yarmouth have contributed upwards of Four Hundred Pounds to alleviate the suffering and wants of the Wives and Children of the Soldiers who have marched from this Garrison to aid in suppressing the Insurrection in the Canadas, which sum is nearly exhausted, although the claim for benevolent assistance is enhanced rather than diminished,—*Resolved unanimously*, that the sum of Two Hundred Pounds should be granted and paid to the Committee who have dispensed the private subscriptions, to be expended in the above charitable purpose.

10,000l. Road and  
Bridge service

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

The said Resolutions were then, upon the question severally put thereupon, agreed to by the House.

Resolutions to be  
sent to Council

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

Committee to com-  
municate to Lieut.  
Gov. Resolution  
granting £200 to Sol-  
diers Wives

On motion of the Hon. Mr. Uniacke, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor and communicate to him the Resolution for granting Two Hundred Pounds in aid of the Soldiers' Wives and Children.

*Ordered*, That the Hon. Mr. Uniacke, the Hon. Mr. Dodd and Mr. Doyle, be a Committee for the above purpose.

Petition of Indians at  
Douglas for aid to  
place of worship

A Petition of Goreham Paul and Lewis Paul, Indians, residing in Douglas, in the County of Hants, on behalf of the Micmac Tribe at that place, was presented by Mr. Goudge, and read, setting forth that being about Three Hundred in number, and much in want of a place of Worship, they have subscribed a sum of money to build one, and praying aid from the Provincial Treasury in furtherance of that object.

*Ordered*, That the Petition do lie on the Table.

Petition from Digby  
& Annapolis for act  
of Incorporation for  
Mill Company

A Petition of E. Morton and others, Freeholders in the Counties of Digby and Annapolis, was presented by Mr. Holland and read, praying that leave may be granted for the erection of Mills of various kinds at Bear River Bridge, on the division line between the Counties of Annapolis and Digby, with a Dam, and that an Act of Incorporation may be passed to incorporate certain persons for that purpose, by the name of the "Imbert Mill Company."

*Ordered*, That the Petition do lie on the Table.

Petition of W. Harris  
for Compensation for  
damage by road run-  
ning through his Land

A Petition of William Harris, of Clements, in the County of Annapolis, was presented by Mr. Holland, and read, praying compensation for the damage sustained by a Road run through his Land, the Jury not having awarded him a sufficient recompence therefor.

*Ordered*, That the Petition do lie on the Table.

Petition of R. N.  
Henry for alteration  
of Road

A Petition from Robert N. Henry, of Antigonish, in the County of Sydney, was presented by Mr. McDougall, and read, praying aid to complete an alteration of the Main Post Road from that place to Cape-Breton, and also, to Merigomish.

*Ordered*, That the Petition do lie on the Table.

On motion of Mr. Forrester, resolved as followeth :

*Whereas*,

Whereas, various Returns and Information relative to matters connected with the municipal affairs of the Town of Halifax were required by the House of Assembly during the early part of the last Session; And whereas, but a very limited amount of said information thus sought by this House has been given to it; Resolved therefore, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request that this House may be informed of the cause of the information so sought not having yet been transmitted to this House.

Resolution for Com. to wait on Gov. requesting information as to delay, &c. transmitting return of municipal affairs of Halifax

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

Com. named

A Petition of George Irwin and others, of Halifax, Members of the Friendly and Benevolent Society of Tailors, was presented by Mr. Doyle, and read, stating that, with a view to the relief of such Members of their Society as may be reduced to a state requiring it, they have formed themselves into a Society, and praying that they may be authorised by Law to act as a Body Corporate.

Friendly and Benevolent Society of Tailors for Act of Incorporation

Ordered, That the Petition do lie on the Table.

A Petition of Joshua Chandler and others, Inhabitants of the County of Cumberland, was presented by Mr. Dickey, and read, praying aid to employ a Weekly Courier to convey the Mail between Amherst and Partridge Island, in Parrsborough.

Petition from Cumberland for Courier between Amherst and Partridge Island

Ordered, That the Petition do lie on the Table.

A Petition of J. W. Ruggles and others, Merchants, and other Inhabitants of the County of Annapolis, was presented by Mr. Whitman, and read, praying that the Port of Annapolis may be made a Free Port.

Petition from Annapolis for Free Port

Ordered, That the Petition do lie on the Table.

A petition of the Rev. Simon Lawlor, Missionary, Catholic Priest, in the Town and County of Guysborough, was presented by Mr. DesBarres, and read, praying that the allowance formerly granted for his services at Fox Island and other fishing Establishments during the fishing season, may be renewed.

Petition of Rev. Simon Lawlor, Catholic Priest, for compensation for services

Ordered, That the Petition do lie on the Table.

A Petition of Silas W. Marsters and others, Inhabitants of King's County, was presented by Mr. Benjamin, and read, praying aid to alter the main Post Road, to the Eastward of Kentville, in said County.

Petition from King's County for alteration on their Post Road Eastward from Kentville

Ordered, That the Petition do lie on the Table.

A Petition of the Trustees of the Annapolis Academy, was presented by Mr. Whitman, and read, praying a renewal of the annual Grant in support of that Institution.

Petition of Trustees of Annapolis Academy

Ordered, That the Petition be referred to Mr. J. Sargent, Mr. Annand, and Mr. Chipman, to examine and report upon to this House.

Referred to Select Com.

A Petition of the Rev. James C. Cochran and others, was presented by Mr. Heckman, and read, praying aid to establish, in the Town of Lunenburg, a Seminary for the instruction of Youth in the Classics and other higher Branches of Learning.

Petition of J. C. Cochran & others for aid to Seminary at Lunenburg

Ordered, That the Petition do lie on the Table.

A Petition of Donald and Angus McMillan, of Lake Ainsley, was presented by Mr. Young, and read, praying aid in the erection of a Grist and Meal Mill and Kiln for Drying Oats.

Petition of D. & A. McMillan for aid to Mills, &c.

A Petition of Leonard Davison, was presented by Mr. Chipman, and read, praying aid to erect an Oat Mill and Kiln near Kentville, in Horton.

Petition of L Davison for aid to Oat Mill

Ordered, That the Petitions be referred to the Committee on Agriculture and Manufactories.

Referred to Agricultural Com.

The Hon. Mr. Uniacke reported from the Committee on the Bill respecting Insolvent Debtors, and persons embarrassed, that the Committee had considered the Bill, and prepared some amendments thereto, which they recommend to the House with the Bill, and he delivered

Report from Com. on Insolvent Debtors Bill

Bill & Amendment  
Committed

Bill to regulate  
Fisheries in Cheda-  
bucto Bay

Petition from Glen of  
Lochaber for aid to  
open a New Line of  
Road

Petition of C. Per-  
nette for Compensati-  
on for carrying Mails  
across Lallave Ferry

ed the Bill and amendments in at the Clerk's Table, where the said amendments were read.  
*Ordered,* That the Bill, with the amendments, be committed to a Committee of the whole House.

Mr. DesBarres pursuant to leave given, presented a Bill to regulate the Fisheries in Chedabucto Bay, and the same was read a first time, and ordered to be read a second time.

A Petition of the Glen of Lochaber, was presented by Mr. Forrestall, and read, praying aid to open a new Line of Road between Halifax and McNair's Cove, to pass through the Garden of Eden, Ohio, the Glen, to cross the Upper South River through the back Lands, and to cross the Manchester Road in the County of Sydney.

*Ordered,* That the Petition do lie on the Table.

A Petition of Charles Pernette was presented by Mr. Heckman, and read, praying compensation for having, as Ferryman, conveyed across LaHave River for two years past the Postman and his Horse and Carriage with the Mails.

*Ordered,* That the Petition do lie on the Table.

Then the House adjourned until to-morrow, at twelve of the Clock.

Thursday, 22d February, 1838.

PRAYERS.

Resolution moved for  
rescinding Resolution  
in regard to Cum-  
berland Election

The Hon. Mr. Uniacke moved that the House do come to a Resolution, as followeth, viz :  
*Whereas,* by the Report of the Committee on the Petition of Andrew McKim to be returned Member for the County of Cumberland, it appears that the Committee refused time to the Freeholders of Cumberland to offer evidence in reply to the Petitioner's case, unless Counsel made Oath that he was not seeking delay, but asked an adjournment for the purpose of procuring testimony ; *And whereas* Mr. Dickey refused to make the Oath required, and tendered a written Protest against the proceedings of the Committee which was refused ; *And whereas* the Committee had no power or authority by Law, or the usage of Parliament, to require any such Oath, or to administer the same, and the Freeholders of Cumberland have been materially injured and their rights abridged by such requisition.—*Resolved,* that the eighteenth standing order of the House be suspended, and the Resolution for adopting said Report be rescinded, and that the Speaker do request His Excellency the Lieutenant-Governor to issue a Writ to elect a Member to serve in General Assembly for the County of Cumberland, in place of the Hon. Alexander Stewart, removed to the Legislative Council ; which, being seconded,

Amendment moved  
thereto

The Hon. Mr. Dodd moved, as an amendment to the proposed Resolution, to leave out all the words thereof after the words " rescinded," and to insert the following words in place of those so left out, viz : " and that the matters formerly referred to the said Committee be again referred to the same Committee, with the order and direction of this House that the said Committee shall not adopt or receive the evidence given before the Committee of last Session ; which, being seconded and put, and the House dividing thereon, there appeared for the amendment, eleven ; against it, thirty-one.

For the amendment,

- The Hon Mr Uniacke
- Mr Fairbanks
- The Hon Mr Dodd
- Mr Kavanagh
- Mr Dickey
- Mr Holmes
- Mr Chipman
- Mr Heckman
- Mr Miller
- Mr Clements
- Mr J Sargent

Against the amendment.

- The Hon Mr Huntington
- Mr DesBarres
- Mr Forrestall
- Mr Robicheau
- Mr Taylor
- Mr Waterman
- Mr Forrester
- Mr Annand
- Mr Bell
- Mr Holdsworth
- Mr Howe
- Mr Whitman
- Mr Spearwater
- Mr Smith
- Mr M'Donald
- Mr W. Sargent
- The Hon Mr Dewolf
- Mr McLellan
- Mr Allison
- Mr Thorne
- Mr Morton
- Mr Holland
- Mr Benjamin
- Mr Lewis
- Mr Upham
- Mr Young
- Mr D'Entremont
- Mr Archibald
- Mr Goudge
- Mr McDougal
- Mr Doyle

So it passed in the negative.

The main question being then put, and the House dividing thereon, there appeared, for the Resolution, eleven ; against it, thirty-one.

Amendment negativ-  
ed

For

**For the Resolution,**

The Hon Mr Uniacke  
Mr Archibald  
Mr Kavanagh  
Mr Dickey  
Mr Holmes  
Mr Chipman  
Mr Heckman  
Mr Miller  
Mr Clements  
Mr Thorne  
Mr Whitman

**Against the Resolution,**

Mr Robicheau  
Mr J Sargent  
The Hon Mr Huntington  
Mr Doyle  
Mr DesBarres  
Mr Forrestall  
Mr Taylor  
Mr Waterman  
Mr Forrester  
Mr Bell  
Mr Holdsworth  
Mr Howe  
Mr Anand  
Mr Spearwater  
Mr Smith  
Mr McDonald  
Mr W Sargent  
The Hon Mr Dewolf  
Mr McLellan  
Mr Allison  
The Hon Mr Dodd  
Mr Morton

Mr Holland  
Mr Benjamin  
Mr Lewis  
Mr Young  
Mr Upham  
Mr D'Entremont  
Mr Fairbanks  
Mr Goudge  
Mr McDougall

So it passed in the Negative.

*Ordered,* That Mr. Allison have leave of absence until Monday next, to return home, on account of illness in his family.

Original Resolution negatived  
Leave of absence to Mr. Allison

*Ordered,* That Mr. Benjamin have leave of absence from Saturday next, until Thursday next, to return home, on account of illness in his family.

Leave of absence to Mr. Benjamin

The Hon. Mr. Dodd, by command of His Excellency the Lieutenant-Governor, presented several Returns from School Commissioners, relating to the Schools throughout the Province.

Returns from School Commissioners laid before House

*Ordered,* That the Returns be referred to the Committee on the subject of Education.

Referred to Com. on Education

A Bill respecting the Fire Men for the Town of Halifax; also, A Bill to regulate the Fisheries in Chedabucto Bay, were severally read a second time.

Bills read 2d time & committed viz:

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

Bill respecting Firemen for Town of Halifax

A Petition of James Whitman and others, of the County of Annapolis, was presented by Mr. Holland and read, praying further time to pay the amounts respectively due by them on account of Loan Money from the Province in said County.

Bill to regulate Fisheries in Chedabucto Bay

*Ordered,* That the Petition be referred to Mr. Young, Mr. Morton and Mr. Thorne, to examine and report upon to this House.

Petition of J. Whitman & others of Annapolis for time to repay Loan Money to Province

Mr. Young reported from the Select Committee on the Letter of Judge Marshall, and the accompanying Accounts in relation to the Book prepared by him; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Referred to Select Com.

(See Appendix, No. 34.)

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

Report received and adopted

A Petition of Andrew Doyle and others, of the Settlement of Five Islands, in the Township of Parrsborough and County of King's, was presented by Mr. McLellan and read, praying that said Settlement may be annexed to the County of Colechester.

Report from Select Com. on Letter of Judge Marshall and accounts in relation to Book prepared by him

*Ordered,* That the Petition be referred to Mr. Dickey, Mr. Goudge and Mr. Lewis, to examine and report upon to this House.

Petition from Five Islands to be separated from King's County

Mr. Goudge, pursuant to leave given, presented a Bill more effectually to provide funds for the repair and improvement of the Streets and Highways in Windsor, and for other purposes, and the same was read a first time, and ordered to be read a second time.

Report received and adopted

Report received and adopted

A Petition of William Spurr and others, was presented by Mr. Thorne and read, praying that a Bounty may be granted to Asa Foster upon an Oat Mill and Kiln by him erected in the Township of Granville, in the County of Annapolis.

Petition from Five Islands to be separated from King's County

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

Referred to Select Com.

Referred to Select Com.

A Petition of Benjamin K. Dodge, of Granville, in the County of Annapolis, was presented by Mr. Thorne and read, praying that means may be adopted for enabling him to establish a Work-House in Granville, for the reception and employment of Paupers of that and the adjoining Townships.

Referred to Select Com.

Bill to provide for repair of Steets in Windsor

Bill to provide for repair of Steets in Windsor

Petition for Bounty on Oat Mill to Asa Foster

Petition for Bounty on Oat Mill to Asa Foster

Referred to Agricultural Com.

Referred to Agricultural Com.

Petition of B. K. Dodge for enabling him to establish work house in Granville

Petition of B. K. Dodge for enabling him to establish work house in Granville

*Ordered,*

THURSDAY, 22d FEBRUARY, 1838.

Referred to Members from County of Annapolis

*Ordered*, That the Petition be referred to the Members from the County of Annapolis to examine and report upon, and that Mr. Holland be the Chairman of the Committee.

Bill to provide for settlement of equitable claims upon Real Estate

Mr. Benjamin, pursuant to leave given, presented a Bill to provide for the settlement of equitable claims upon Real Estate in certain cases, and the same was read a first time, and ordered to be read a second time.

Resolution for return of Papers on Files in Sup. Court in Rodney Causes

On motion of Mr. Benjamin, *resolved*, that the Prothonotary of the Supreme Court at Halifax do make a return to this House, of Copies of all Affidavits, Rules and Orders, on file in his Office, in the respective causes in the Supreme Court of Den on the demises of Rodney and another against Patrick Nowlan, and Den on the demises of Rodney and another against William Eagles.

Resolution to be communicated to Prothonotary

*Ordered*, That the Clerk do communicate the foregoing resolution to the said Prothonotary.

Provincial Secretary attends House and amends return of Cumberland Election Writ

Sir Rupert D. George, the Secretary of the Province, pursuant to the Order of yesterday, attended at the Table of the House, with the writ for the Election of Members for the County of Cumberland, and amended the return to the said Writ, by erasing therefrom the name of Alexander Stewart, and inserting instead thereof, the name of Andrew McKim.

Bill for making Lands and Tenements liable to debt

Mr. DesBarres, pursuant to leave given, presented a Bill for making Lands and Tenements liable to Debts, and to repeal the Acts now in force, and the same was read a first time, and ordered to be read a second time.

Petition of A. Meldrum & others of Pictou for further time to repay Loan Money to Province

A Petition of Alexander Meldrum and others, of the County of Pictou, was presented by Mr. Holmes and read, praying that further time may be given them for payment of debts, incurred by them to the Province, for loans under the Act of last Session, for the relief of Poor Settlers.

*Ordered*, That the Petition do lie on the Table.

Petition from East River St. Mary and Blue Mountain in County of Pictou for aid to road

A Petition of the Inhabitants of East River, of St. Mary's, Blue Mountain, and McLennan's Mountain, in the County of Pictou, was presented by Mr. Holmes and read, praying aid to improve a road between the head of the East River of St. Mary's and Blue Mountain, by way of the Garden of Eden, and to build Bridges thereon.

*Ordered*, That the Petition do lie on the Table.

Petition of W. T. Crowe & others for Mail conveyance into Portipique and adjacent Settlements Referred to Post Office Com.

A Petition of William F. Crowe and others, Inhabitants of the Upper Settlements of Portipique and adjacent, was presented by Mr. McLellan, and read, praying the establishment of a Mail conveyance into those Settlements.

*Ordered*, That the Petition be referred to the Committee on the Post-Office Department.

Bill for opening roads in Queen's County

Mr. Fairbanks, pursuant to leave given, presented a Bill to provide for the opening of certain New-Roads in Queen's County, and the same was read a first time, and ordered to be read a second time.

Petition from Dorchester against closing up old Road

A Petition of George Brenan and others, Inhabitants of Dorchester Village and its vicinity, was presented by Mr. Forrestall, and read, praying that no Act may be passed for closing up the Old Road leading from the Village of Dorchester to Addington, and the Interior.

*Ordered*, That the Petition do lie on the Table.

Petition of Rev. R. Willis, D. D. for aid to African School

A Petition of the Reverend Robert Willis, D. D. Rector of St. Paul's Church on behalf of the Coloured People in Halifax, was presented by Mr. Bell and read, praying aid to the African School.

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

Referred to Com. on Education

Petition from Ship Harbour, C. B. in regard to Ferry across Gut of Canso

A Petition of Freeholders, Inhabitants of Ship Harbor, Cape-Breton, was presented by Mr. Young, and read, praying that the Ferry across the Gut of Canso may be established between McNair's Cove and Ship Harbour, and that a grant may be made for opening the road from McNair's Cove to the Tracadie Road.

*Ordered*,

THURSDAY, 22d FEBRUARY, 1838.

*Ordered*, That the Petition be referred to Mr. Young, the Hon. Mr. Dodd, Mr. DesBarres, Mr. Kavanagh and Mr. Forrestall, to examine and report upon to this House.

Referred to Select Com.

A Petition of James Gray and others, was presented by Mr. Whitman and read, praying aid to complete the road between the Towns of Annapolis and Liverpool.

Petition of J. Gray and others for aid to Road between Annapolis and Liverpool Referred to Select Com.

*Ordered*, That the Petition be referred to Mr. Fairbanks, Mr. Archibald, the Hon. Mr. Uniacke, Mr. Whitman and Mr. Thorne, to examine and report upon to this House.

The Hon. Mr. Uniacke reported from the Committee, appointed yesterday to wait upon His Excellency the Lieutenant-Governor, and to communicate to him the resolution of this House, for granting the sum of £200 for the support of the wives and children of the Soldiers who had left this Garrison for the Canadas, that the Committee had complied with the order of the House, and that His Excellency was pleased to express his gratification at the Resolution, and had stated to the Committee, that he should make the same known to the Commander of Her Majesty's Forces in the Canadas, that it may be communicated to the Soldiers interested, as a further proof of the good feeling toward them by the Inhabitants of this Province, thus manifested through their Representatives.

Report of Com. to wait on Gov. with resolution granting 200l. to Soldiers' Families

A Petition of Thomas Day and others, Inhabitants of Parrsborough, was presented by the Hon. Mr. Dewolf and read, praying a grant to establish a weekly Courier of the Mail between Partridge Island, in Parrsborough, and Amherst, in Cumberland.

Petition from Parrsborough for grant to Courier between Partridge Island & Amherst Referred to Post Office Com.

*Ordered*, That the Petition be referred to the Committee on the Post-Office Department.

Mr. Dickey, pursuant to leave given, presented a Bill respecting the exportation of Grind Stones from this Province, and the same was read a first time, and ordered to be read a second time.

Bill respecting exportation of Grind Stones

Mr. Forrester reported from the Committee appointed yesterday to wait on His Excellency the Lieutenant-Governor, in relation to information, requested by this House in its last Session, relative to the Municipal affairs of the Town of Halifax, that the Committee had performed the duty assigned to them, and that His Excellency was thereupon pleased to express his surprise that the Instructions given by him on the first application of this House had not been fully complied with, and that he has given such directions as will ensure the information required in the course of the present week.

Report of Com. to wait on Gov. with Resolution in regard to Municipal affairs in Halifax

On motion of Mr. Young, resolved as followeth:

In pursuance of the recommendation contained in the report of the Committee on the subject of the work, entitled "the Nova-Scotia Justice," presented by Judge Marshall to the Legislature, Resolved, that Mr. Forrester and Mr. Bell do, with the aid of the Clerks of this House, ascertain from the Members of the several Counties and Townships, the respective numbers of the Copies of the said Book, which it will be requisite to deposit with the several Clerks of the Peace throughout the Province, and that such of the said Copies as are bound in Calf shall be sold by the said Clerks of the Peace for 15s. each, and the others for 12s. 6d. each, and that the proceeds of such Sales be remitted by the said Clerks to the Treasurer of the Province, after allowing to such Clerks a Commission of five per cent. on the Sales, for guaranteeing and remitting the respective amounts.

Resolution in regard work presented by Judge Marshall to Legislature

A Petition of Dennis Morrissey, of Indian Harbour District, Schoolmaster, was presented by the Hon. Mr. Uniacke, and read, praying an allowance for keeping a School at that place.

Petition of D. Morrissey for allowance for keeping School

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

Referred to Com. on Education

Mr. Morton reported in part from the Committee on Agriculture and Manufactories, and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as follows:

Report in part from Agricultural Com.

*Whereas*, the Oats imported for Seed, under a Resolution of this House, are now in the King's Warehouse, and 76 Bushels of early white Poland Oats are contained in 17 Sacks and

Recommend Seed Oats imported to be sold in different Counties

THURSDAY, 22d FEBRUARY, 1838.

and 76 Bushels of Potatoe Oats are contained in 14 Sacks, the Committee recommend that one sack of each kind be allotted to each County, that are desirous of receiving the same, and that the Members for such County be allowed to receive a Sack of each, and have them sent to their respective Counties, and there distributed in small quantities, at such prices as shall cover the expenses, and the proceeds of such Sale be paid into the County Treasury, to be expended upon the Roads and Bridges in the several Counties.

JOHN MORTON, Chairman.

And thereupon, Mr. Chipman moved that the House do come to a Resolution as followeth:

Resolution moved in regard to sale of Seed Oats imported

*Whereas*, during the last Session of the General Assembly, a Resolution passed, granting £100 to be placed at the disposal of His Excellency, for the purchase of Seed Oats and Field Peas, agreeably to the report of the Agricultural Committee. And whereas, information having been received, that, under said Resolution, 152 Bushels of Oats have been imported, and are now ready for the purpose required; *Resolved therefore*, that said Oats be sold in Lots of Four bushels each, and be advertised in two or more of the Newspapers, giving notice for the space of ten days, of the day and place of such Sale, and when so Sold, the nett proceeds thereof, to be paid into the Treasury of the Province, and that any other Oats, or Field Peas, to be imported as above, be disposed of in like manner: which, being seconded,

Amendment for gratuitous distribution

Mr. Young moved that the said proposed Resolution be amended, by leaving out all the words thereof, except the first word "Whereas," and inserting in place of the words so left out, the following "the Oats imported for seed, under a Resolution of this House, are now in the King's Ware-house, and 76 Bushels of early white Poland Oats are contained in 17 Sacks, and 76 Bushels of Potatoe Oats are contained in 14 Sacks; *Resolved*, that one sack of each kind be allotted to each County, and that the members for such County be allowed to receive one sack of each kind, and have them sent to their respective Counties, and there distributed in small quantities under their direction: which, being seconded and put, and the house dividing thereon, there appeared for the amendment, twenty-two; against it nineteen.

So it passed in the affirmative.

Amendment passed Question as amended agreed to

The main question as amended, being then put, was agreed to by the House.

Bill for shutting up Road in County of Sydney

Mr. McDougall, pursuant to leave given, presented a Bill for shutting up an Old Road in the County of Sydney, and the same was read a first time, and ordered to be read a second time.

Report from Com on Petition of T. Whittemore for protection to Card Factory

Mr. McDougall reported from the Select Committee on the Petition of Thomas Whittemore, for protection to a Cotton and Woollen Machine Card Factory; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 35.)

*Ordered*, That the Report and Petition do lie on the Table.

Bill to amend Light-House Act

Mr. Dodd, pursuant to leave given, presented a Bill to amend the Act for the support and regulation of Light Houses, and the same was read a first time, and ordered to be read a second time.

Message from Council

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Agree to resolution granting 200l. to Soldiers' families

The Legislative Council have agreed to the Resolution for granting £200 for the support of the families of the Soldiers who have gone from this Garrison to Canada.

And then the Messenger withdrew.

Petition of O. Fuller aid to replace Mills

A Petition of Oliver Fuller, of Horton, Miller, was presented by the Hon. Mr. Dewolf and read, praying a Bounty upon an Oat Mill by him erected in connection with other Mills at Lower Horton, to replace his Grist and Oat Mills and Carding Machine, destroyed by Fire.

Referred to Agricultural Com.

*Ordered*, That the Petitions be referred to the Committee on Agriculture and Manufactories.

Three

Three Petitions from Inhabitants of Middle and Upper Musquedoboit, were presented by Mr. Annand and read, praying that in revising the system of Education, a more sound and efficient one may be adopted, based on the principle of assessment.

Petitions from Musquedoboit in favor of assessment for Schools

Referred to Com. on Education

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

A Petition of George Weale was presented by Mr. Annand and read, noticing the allowance granted last Session to the Inspecting Field Officers of Militia, and praying that an allowance may be also made to the Adjutants of Militia, in which he may participate, having been one in 1837 up to the repeal of the Militia System; and thereupon,

Petition of G. Weale for allowance to Adjutants of Militia

On motion of Mr. Dickey, resolved, that the Petition be withdrawn.

Petition withdrawn

Then the House adjourned until to-morrow, at twelve of the Clock.

Friday, 23d February, 1838.

PRAYERS.

Mr. Goudge moved that the House do come to a Resolution as followeth:—

Resolved, That the Resolution which passed the House yesterday relative to the gratuitous distribution of the Seed Oats, imported agreeably to the Report of the Agricultural Committee of last Session of the Legislature, be rescinded; which, being seconded and put, and the House dividing thereon, passed in the affirmative.

Resolution for rescinding Resolution in regard to Seed Oats

Mr. Goudge moved that the House do come to a Resolution as followeth:

Resolved, That the Oats imported as aforesaid be distributed in the several Counties in this Province as follows, viz: that one Bag of each kind be sent to each of the respective Counties to be disposed of to the Agriculturists thereof in quantities not greater than one peck to each Agriculturist, and to be sold at and after the rate of Six Shillings per bushel: which, being seconded,

Amendment moved thereto

The Hon. Mr. Uniacke moved, as an amendment of the said proposed Resolution, to leave out all the words thereof except the word "Resolved," and then to insert before the said word "Resolved" the words following, viz: "Whereas, during the last Session of the General Assembly a Resolution passed granting £100 to be placed at the disposal of His Excellency for the purchase of Seed Oats and Field Peas, agreeably to the report of the Agricultural Committee; And whereas, information having been received that under said Resolution 152 bushels of Oats have been imported, and are now ready for the purpose required;" and that after the word "Resolved" the words following should be inserted and stand part of the question, instead of the words to be left out of said proposed Resolution, viz: "that the said imported Seed Oats be sold in lots of four bushels each in the Town of Halifax, and be advertized in two or more of the Newspapers, giving notice for the space of ten days of the day and place of such sale, and, when so sold, the nett proceeds thereof to be paid into the Treasury of the Province, and that any other Oats or Field Peas to be imported as above be disposed of in like manner": which, being seconded and put, and the House dividing thereon, there appeared for the amendment, fifteen; against it, twenty-two.

Amendment negatived

So it passed in the Negative.

The Resolution, as originally proposed, was then put from the Chair, and the House dividing thereon, there appeared for the Resolution, twenty; against it, twenty; whereupon, Mr. Speaker gave his casting vote against the Resolution.

Original Resolution negatived

So it passed in the Negative.

Mr. Bell, pursuant to special leave given, presented a Bill to amend the Act relating to Commissioners of Highways in Halifax and certain other places, as to the Town of Halifax, and the same was read a first time, and ordered to be read a second time.

Bill to amend Act relating to Commissioners of Steets in Halifax

A Petition of Thomas Parker and others, Inhabitants of the Eastern Section of the Province, was presented by Mr. Archibald, and read, praying an alteration of the Main Eastern Road, so as to have a direct line from Archibald Scott's, on the Dartmouth Road, to Sackville Bridge.

Petition of T. Parker and others for alteration in Main Eastern Road

Ordered, That the Petition do lie on the Table.

FRIDAY and SATURDAY, 23d and 24th FEBRUARY, 1838.

Report from Com. on  
Bill respecting Poor  
& County Rates

Mr. Young reported from the Select Committee on the Bill respecting the assessment of Poor and County Rates, that the Committee had considered the said Bill, and made certain amendments thereto, which they had directed him to report to the House with the Bill; and he read the said amendments in his place, and afterwards delivered the Bill and amendments in at the Clerk's Table, were the said amendments were read.

Bill re-committed  
with amendments

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

Petition for aid to  
alter great Eastern  
Road

A Petition of Donald Scott and others, Inhabitants of the Township of Douglas, was presented by Mr. Smith and read, praying aid in the opening of a new line of Road from Scott's, on the Dartmouth Road, to Sackville Bridge.

Leave given to bring  
in Bills relating to  
Landing of Passen-  
gers  
Culling of Fish  
Standard weight of  
Grain

*Ordered*, That the Petition do lie on the Table.

*Ordered*, That the Hon. Mr. Uniacke have leave to bring in a Bill to regulate the Landing of Passengers in certain cases; also, a Bill to regulate the culling of Fish; also, a Bill to regulate the Standard Weight of Grain.

Message from Coun-  
cil

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Have agreed to Con-  
stables fees Bill & Bill  
for Sale of old Jail at  
Liverpool without a  
amendment

The Legislative Council have agreed to the Bill, entitled, An Act respecting the Traveling Fees of Constables in certain cases; also, to the Bill, entitled, An Act to authorise the Sale of the old Jail at Liverpool, in Queen's County, and the Lot of Land on which the same stands, severally without any amendment.

Union Marine Insur-  
ance and Halifax Ma-  
rine Insurance Bills  
with amendment

The Legislative Council have agreed to a Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia; also, to a Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, severally with amendments, to which amendments they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Order of Day  
Halifax Incorporation  
Bill read 2d time

The Order of the Day being read,

*Ordered*, That the Bill to Incorporate the City of Halifax be now read a second time; and it was accordingly read a second time.

Petition of J. Forman  
and others against  
Halifax Incorporation  
Bill

A Petition of James Foreman and others, Merchants, and other Inhabitants, of the Town of Halifax, was presented by the Hon. Mr. Uniacke, and read, praying that the Bill before this Honorable House for Incorporating the Town of Halifax, may not pass into a Law.

*Ordered*, That the Petition do lie on the Table, to be considered with the said Bill to which it relates.

Motion to defer con-  
sideration of Halifax  
Incorporation Bill 3  
months  
Debate thereon ad-  
journed

Mr. Uniacke moved that the further consideration of the Bill to Incorporate the City of Halifax be deferred until this day three months; which, being seconded, and a Debate arising thereon,

*Ordered*, That the Debate be adjourned until to-morrow.

Message from Coun-  
cil

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Have agreed to grant  
of £10,000 for Roads  
& Bridges

The Legislative Council have agreed to a Resolution of this Honorable House for granting £10,000 for the service of Roads and Bridges.

And then the Messenger withdrew.

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

Saturday, 24th February, 1838.

PRAYERS.

Petition of Mary &  
Anne Bolman for  
compensation for  
their father's services  
as Health Officer

A Petition of Mary Bolman and Anne Bolman was, by special leave of the House, presented by Mr. Heckman and read, praying that the House would grant them; some remuneration for the services of their late Father, as Health Officer for the County of Lunenburg.

*Ordered*, That the Petition do lie on the Table.

Richard

Richard A. McHeffy, Esq. returned duly elected a Member for the Township of Windsor, in the place of the Honorable Lewis M. Wilkins, appointed a Member of the Legislative Council, took his seat, having previously taken the usual State Oaths in the presence of the Hon. James W. Johnston, one of the Commissioners appointed for administering the same.

Mr. McHeffy returned for Windsor takes State Oaths and his seat

A Petition of Mary Bolman and Anne Bolman was, by special leave of the House, presented by Mr. Heckman and read, praying that the House would confirm an old line of road, and grant to them compensation for Lands taken, and fences erected from and by the Petitioners, in consequence of the alteration of a road in Lunenburg.

Petition of Mary & Anne Bolman for confirmation of old Road & compensation for Land, &c. for New

*Ordered,* That the Petition do lie on the Table.

A Petition of William Hobbs was, by special leave of the House, presented by Mr. Holdsworth and read, praying aid in the erection of an Oat Mill in the Settlement at St. Mary's Bay, in the Township of Digby.

Petition of W. Hobbs for aid to Oat Mill at St. Mary's Digby

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

Referred to Agricultural Com.

A Petition of William M'Cormick, of Digby, in the County of Annapolis was, by special leave of the House, presented by Mr. Holdsworth and read, praying compensation for his services as Constable in arresting and securing one Clem Petit, charged with murder on the High Seas.

Petition of W. M'Cormick for compensation for service in arresting Clem Petit

*Ordered,* That the Petition do lie on the Table.

A Petition of John Winchester, Senior, and others, residents in La Sturgeon Village, and others, Inhabitants of the Township of Annapolis, was presented by the Hon. Mr. Dodd and read, praying that a Bill may not be passed for the sale of the Common Lands at Annapolis, without enquiry and consent of Petitioners.

Petition from Annapolis against Act to dispose of Common Land, Annapolis

*Ordered,* That the Petition do lie on the Table.

The Order of the Day for the House resolving itself into a Committee of the whole House to consider of Ways and Means, being read,

Order of Day Ways & Means

*Ordered,* That this House will, on Monday next, resolve itself into a Committee of the whole House, to consider of Ways and Means for raising the Supply granted to Her Majesty.

Postponed

The Hon. Mr. Huntington moved that the House do come to a Resolution as followeth :

*Resolved,* That the sum of £10,000, granted for the service of Roads and Bridges, be applied as follows :

Road Scale moved

County of Halifax	£950	County of Sydney	£420
Hants	760	Guysborough	420
King's	760	Cape-Breton	600
Annapolis	440	Richmond	440
New County of Digby	440	Inverness	600
Queen's	500	Yarmouth	440
Lunenburg	710	Shelburne	440
Colchester	720		
Cumberland	600		
Pictou	760		
			£10,000

Which, being seconded,

Mr. Doyle moved that the Order of the Day for resuming the adjourned Debate upon the motion made yesterday for deferring the further consideration of the Bill to Incorporate the City of Halifax, be now read: which, being seconded and put, was agreed to by the House.

Superseded by Previous question Order of Day for resuming debate on Halifax Incorporation Bill

And the same being read, the House resumed the said adjourned Debate, and, after some time spent therein, the question was proposed by Mr. Speaker that the further consideration of the Bill to Incorporate the City of Halifax, be deferred to this day three months: which, being

Debate resumed

Question for deferring consideration of Bill put & negatived

being put and the House dividing thereon, there appeared for the motion, seventeen; against it, twenty-three.

For the motion,

Mr Miller  
Mr Morton  
Mr Thorne  
Mr M' Dougall  
Mr Heckman  
The Hon Mr Uniacke  
Mr Holmes  
Mr Kavanagh  
Mr D'Entremont

The Hon Mr Dewolf  
The Hon Mr Dodd  
Mr J Sargent  
Mr Taylor  
Mr McHefly  
Mr Dickey  
Mr Whitman  
Mr W. Sargent

Mr Spearwater  
Mr Smith  
Mr Holdsworth  
Mr Clements  
Mr Des Barres  
Mr Fairbanks  
Mr Howe  
Mr Goudge

Against the motion,

Mr Holland  
Mr Archibald  
Mr Upham  
Mr Chipman  
Mr Lewis  
Mr Bell  
Mr Young  
Mr M' Donald

Mr Annand  
Mr M' Lellan  
Mr Forrestall  
Mr Waterman  
Mr Forrester  
The Hon Mr Huntington  
Mr Doyle

So it passed in the negative.

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

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

Monday, 26th February, 1838.

PRAYERS.

Committee to enquire as to alteration of Road from Sackville Bridge Eastward Petitions &c. referred to Com.

On motion of Mr. Smith, resolved, that a Committee be appointed to enquire into the expediency and practicability of the proposed alteration of the Main Eastern Road from Scott's, at Dartmouth, to Sackville Bridge, and that the several Petitions and Papers now before the House, relative to such alteration, be referred to the said Committee.

Com. named

Ordered, That Mr. Smith, Mr. Annand, Mr. Upham, Mr. Archibald, Mr. Morton, Mr. Holmes and Mr. McHefly, be a Committee for the above purpose.

Petition from Truro for same alteration

A Petition of William McNitt and others, Inhabitants of the Township of Truro, was presented by Mr. Archibald and read, praying the aid of this House in the effecting of the above alteration of the said Road.

Referred to Com.

Ordered, That the Petition be referred to the same Committee.

T. Dickson Esq. returned for County of Pictou takes the Oaths & his seat

Thomas Dickson, Esq. returned duly elected a Member for the County of Pictou, in the place of the Hon. George Smith, appointed a member of the Legislative Council, took his seat, having previously taken the usual State Oaths in the presence of the Honorable Joseph Allison, one of the Commissioners appointed for administering the same.

Petition of N. Clough for return of duties on goods burnt at Canso

A Petition of Nathaniel Clough, of Canso, in the County of Inverness, was, by special leave of the House, presented by Mr. Young and read, praying the return of Duties paid upon certain articles consumed by Fire.

Referred to Select Com.

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

Petition from Parrsborough for Academy

A Petition of Nathaniel Allen Coster, and others, Inhabitants of Parrsborough, in King's County, was presented by the Hon. Mr. Dewolf and read, praying a Grant for an Academy in that Township, equivalent to the grant of money made for other Academies.

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

Bills read 2d time & committed, viz: Halifax Highway Bill Bill to shut up old Road Sydney County

A Bill to amend the Act relating to Commissioners of Highways in Halifax and certain other places, as to the Town of Halifax.

A Bill for shutting up an Old Road in the County of Sydney.

Grindstone Bill Bill to amend Light-Houses Act Windsor streets Bill

A Bill respecting the exportation of Grind-stones from the Province.

A Bill to amend the Act for the support and regulation of Light Houses.

A Bill more effectually to provide funds for the repair and improvement of the Streets and Highways in Windsor, and for other purposes: were severally read a second time.

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

Bill for making Land liable to debts &c. read 2d time & referred to Select Com.

A Bill for making Lands and Tenements liable to Debts, and to repeal the Acts now in force, was read a second time.

Ordered,

*Ordered*, That the Bill be referred to Mr. DesBarres, the Hon. Mr. Dodd, the Hon. Mr. Huntington, Mr. Young and Mr. Fairbanks, to examine and report upon to this House.

Mr. Howe reported from the Committee on the several Petitions presented to this House relative to the Shire Town of the New County of Digby; and also, on the Petition of the Freeholders and Inhabitants of the Western part of the Township of Clements, Westward of Bear River; and thereupon presented to the House

Bills reported from Com. us to Shire Town of Digby and Clements Township, viz:

A Bill to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township; also,

Bill to establish part of Clements as Township  
Bill for Shire Town in Digby County

A Bill to establish the County or Shire Town in the County of Digby, and the same were severally read a first time, and ordered to be read a second time.

Mr. Morton reported from the Select Committee on the Agriculture and Manufactories of the Province, to whom were referred the several Petitions praying aid for Oat Mills, &c.; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Agricultural Com.

(See Appendix, No. 36.)

*Ordered*, That the Report do lie on the Table.

On motion of Mr. Goudge, *resolved*, that the Members from each County be at liberty to take from the place where the imported Seed Oats are deposited one Sack of each kind, on paying into the Treasury of the Province the costs and charges of importation for the same, and that the Members shall dispose of said Oats as they may deem proper.

Resolution for disposal of Seed Oats

Mr. Howe moved for the leave of the House to present a Petition from the Inhabitants of the Town of Halifax, on the subject of the Shubenacadie Canal: which, being seconded and put, and the House dividing thereon, there appeared for the motion, thirty-three; against it, six.

Leave upon division to present Petition relative to Shubenacadie Canal

*For the motion,*  
 Mr Morton  
 Mr Smith  
 Mr Doyle  
 Mr Young  
 The Hon Mr Dewolf  
 The Hon Mr Uniacke  
 Mr Miller  
 Mr Whitman  
 Mr Holland  
 Mr Robicheau  
 Mr Holdsworth

*The Hon Mr Dodd*  
 Mr DesBarres  
 Mr Howe  
 Mr Forrester  
 Mr Forrestall  
 Mr Thorne  
 Mr Taylor  
 Mr Annand  
 Mr Holmes  
 Mr W Sargent  
 Mr McDougall

*Against the motion.*  
 Mr M'Donald  
 Mr Clements  
 Mr Heckman  
 Mr Lewis  
 Mr Goudge  
 The Hon Mr Huntington

So it passed in the affirmative.

A Petition of the Inhabitants of Halifax was thereupon presented by Mr. Howe, and read, stating that a meeting of the Inhabitants of said Town was held on Tuesday, the sixth day of February, instant, for the consideration of the opening of the Shubenacadie Navigation, and to ascertain the sentiments of the community as to its further prosecution; and that at such meeting certain Resolutions had been adopted, in accordance with which an Address had been prepared to Our Sovereign the Queen, to express the deep interest now awakened in favor of the Shubenacadie Navigation—the anxious desire for its revival pervading the community—and, in view of the great public importance of the undertaking, to solicit from Her Majesty's Government the assistance, which cannot elsewhere be procured, for the completion of the Canal Works, and praying the House to co-operate in the important object of such Address to Her Majesty, and that it will be pleased by recommending them to the most favorable consideration of Her Majesty's Government, to add the powerful sanction of the Legislature to the wishes of the people.

Petition from Halifax relative to Shubenacadie Canal presented

*Ordered*, That the Petition do lie on the Table.

Mr. Goudge moved that the House do come to a Resolution, as followeth:

Scale of division of Road Monies moved

*Resolved*, That the Sum of £10,000 granted for the Road and Bridge Service, be applied as follows:

Halifax

MONDAY, 26th FEBRUARY, 1838.

Halifax	£940	Colchester	£750
Hants	795	Cumberland	630
King's	790	Pictou	770
Annapolis	420	Sydney	440
Digby	420	Guysborough	440
Shelburne	460	Cape Breton	525
Yarmouth	490	Richmond	420
Queen's	530	Inverness	460
Lunenburg	730		
			£10,000

Which being seconded,

Another Scale moved  
in amendment & ne-  
gated

Mr. Annand moved as an amendment, that all the words of the proposed Resolution after the word " follows" be left out, and instead of the words so left out, the following be substituted :

" For the County of Halifax	£960	Colchester	£740
Hants	750	Cumberland	570
King's	750	Pictou	750
Annapolis	445	Sydney	440
New County of Digby	445	Guysborough	440
Yarmouth	440	Cape Breton	580
Shelburne	440	Inverness	560
Queen's	500	Richmond	500
Lunenburg	690		
			£10,000"

Which proposed amendment, being seconded and put, and the House dividing thereon, passed in the negative.

Third Scale moved in  
amendment & passed

Mr. DesBarres then moved as an amendment to the said originally proposed Resolution, to leave out all the words thereof, after the word " follows" and in place of the words so left out, to substitute the following :

" For the County of Halifax	£950	Colchester	£720
Hants	750	Cumberland	510
King's	750	Pictou	760
Annapolis	450	Sydney	460
Digby	450	Guysborough	460
Yarmouth	460	Cape Breton	570
Shelburne	460	Richmond	450
Queen's	530	Inverness	570
Lunenburg	700		
			£10,000"

Which last proposed amendment being seconded and put, and the House dividing thereon, there appeared for the amendment, twenty-one ; against it, eighteen.

Division thereon

For the amendment,

Mr McDonald  
Mr Robicheau  
Mr Whitman  
Mr Kavanagh  
The Hon Mr Uniacke  
Mr DesBarres  
Mr Young  
The Hon Mr Dodd  
Mr Annand  
Mr Bell  
Mr Forrester

Mr Spearwater  
Mr Holland  
Mr McDougall  
Mr J Sargent  
Mr Thorne  
Mr Forrestall  
Mr Waterman  
Mr Taylor

Against the amendment,

Mr Smith  
Mr McHaffey  
Mr Archibald  
Mr McLellan  
The Hon Mr DeWolf  
Mr Fairbanks  
Mr Upham  
Mr Holmes  
Mr Miller

Mr Morton  
Mr Heckman  
Mr Clements  
Mr Chipman  
Mr Goudge  
The Hon Mr Huntington  
Mr Dickey  
Mr Dickson  
Mr Lewis

So it passed in the affirmative.

The Resolution, as amended, being then put, was agreed to by the House.

The Hon. Mr. Huntington, by command of His Excellency the Lieutenant-Governor, presented

MONDAY and TUESDAY, 26th and 27th FEBRUARY, 1838.

presented to the House a Return of Statute Labor on the Highways for the County of Halifax, in the year 1837, made in pursuance of a Resolution of this House last Session.

Return of Highway  
Labor in Halifax  
County

(See Appendix, No. 37.)

Ordered, That the Return do lie on the Table.

Mr. Speaker laid before the House, Returns of certain Rules and Affidavits, in the causes of Den on the demise of Rodney and another against Patrick Nowlan, and Den on the demise of Rodney and another against William Eagles, made by the Prothonotary of the Supreme Court at Halifax, in pursuance of the order of this House, passed on the twenty-second day of February, inst.

Returns made by  
Prothonotary at Hal-  
ifax of Affidavits, &c.  
in ejectment Causes

Ordered, That the said Returns do lie on the Table.

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

Com. of whole on  
Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee that they had gone through the Bill to amend the Act for the support and regulation of Light-Houses, and had made several amendments thereto, which they had directed him to report to the House with the Bill; that they had also gone through the Bill for opening the Poll at Portique, in the County of Colchester, and had made several amendments thereto, which they had directed him to report to the House with the Bill; that they had also gone through the Bill respecting Fire Men for the Town of Halifax; also, the Bill respecting the exportation of Grindstones from this Province; also, the Bill to authorise the settlement of a certain debt, claimed from the Township of Windsor; which Bills they had directed him to report to the House, severally, without any amendment; and he afterwards delivered the Bills, with the amendments, in at the Clerk's Table.

Report with amend-  
ments  
Light-House Bill

Portique Poll Bill

Report without a-  
mendment  
Firemen Bill  
Grindstone Bill  
Windsor debt Bill

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

The several amendments reported from the Committee, with two of the Bills, were read by the Clerk, and, upon the question severally put thereupon, were agreed to by the House.

Amendments agreed  
to

Ordered, That the Bills with the amendments be engrossed.

Bills to be engrossed

Ordered, That the Bills reported without amendment be engrossed.

The Order of the Day being read,

Ordered, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider of Ways and Means for raising the Supply granted to Her Majesty.

Order of Day Ways  
& Means postponed

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

Tuesday, 27th February, 1838.

PRAYERS.

Andrew McKim, Esquire, returned duly elected a Member for the County of Cumberland, took his seat, having previously taken the usual State Oaths, in the presence of the Honorable Joseph Allison, one of the Commissioners appointed to administer the same.

Mr. McKim takes the  
Oaths and his seat for  
County of Cumber-  
land

Mr. Goudge moved that the Resolution passed yesterday for the distribution of the sum of £10,000, granted for the service of Roads and Bridges, be rescinded: which, being seconded and put, and the House dividing thereon; there appeared for the motion, Twenty; against it Twenty-two.

Motion to rescind road  
division of yesterday  
negatived

So it passed in the negative.

Ordered, That the several Members from the respective Counties of this Province, do prepare

Order to report scales  
of Subdivision of road  
money

TUESDAY, 27th FEBRUARY, 1838.

prepare and report to this House on Monday next, at Twelve of the Clock, Scales of subdivision of the respective Sums allotted to each County, for the Service of Roads and Bridges.

Road Petitions referred to Members

*Ordered*, That the several ordinary Petitions for the service of Roads and Bridges, laid upon the Table of the House this Session (and which, by the course and practice of the House, are not entered upon the Journals of the House, at the time of presentation,) be referred to the several Members of the Counties, respectively, from which the said Petitions have been sent.

For a list of those Petitions,

(See *Appendix, No. 38.*)

Engrossed Bills read 3d time and passed, viz :

Halifax Firemen Bill

An Engrossed Bill respecting the Firemen for the Town of Halifax, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act respecting the Firemen of the Town of Halifax.

Grindstone Bill

An Engrossed Bill respecting the exportation of Grindstones from this Province, was read a third time : and thereupon,

Rider added limiting penalties

Mr. McLellan moved, that the following clause do pass, and be added to the Bill by way of Rider, viz :

*Provided always, and be it further enacted*, That for a first offence or breach of this Act, of which he shall be convicted, no person shall forfeit any greater quantity of Grindstones than shall be equal in value to Five Pounds, nor shall any greater or larger penalty be imposed upon any person for any such first offence, or breach of this Act, of which he shall be convicted, for shipping or exporting Grindstones, contrary to this Act, when any pecuniary penalty shall be exacted under this Act, than the said Sum of Five Pounds :

Which being seconded and put, was agreed to by the House.

2d Rider added to exempt Cape Breton and Pictou from operation of Act

Mr. Young then moved that the following clause do pass, and be added to the Bill by way of Rider, viz :

*Provided also, and be it further enacted*, That nothing in this Act shall apply to any Grindstones, Sheets or Blocks of Stone, that may be hereafter exported from any part of the Island of Cape-Breton or the County of Pictou :

Which being seconded and put, was agreed to by the House.

*Resolved*, That the Bill do pass, and that the title be, An Act relating to the exportation of Grindstones from this Province.

Windsor debt Bill

An Engrossed Bill to authorize the Settlement of a certain Debt, claimed from the Township of Windsor, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to authorize the Settlement of a certain Debt, claimed from the Township of Windsor.

Light-House Bill

An Engrossed Bill to amend the Act for the support and regulation of Light Houses, was read a third time.

*Resolved*, that the Bill do pass, and that the title be, An Act to amend the Act for the support and regulation of Light Houses.

Colchester Elections Bill

An Engrossed Bill for opening the Poll at Portique, in the County of Colchester, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act respecting Elections for the County of Colchester.

Bills sent to Council

*Ordered*, That the Assistant Clerk do carry the Bills to the Council and desire their concurrence.

Bills read 2d time, viz :  
Clements Township Bill

A Bill to establish that part of the Township of Clements, lying in the County of Digby into a separate Township ; and

Digby shire town Bill

A Bill to establish the Shire or County Town in the County of Digby, were severally read a second time.

Bills committed

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

TUESDAY and WEDNESDAY, 27th and 28th FEBRUARY, 1838.

On motion of Mr. Young, *resolved*, that so much of the Resolution passed on the thirteenth day of February, instant, for appointing a Select Committee to enquire into the expediency of abolishing the Inferior Courts, or otherwise of modifying the same, and the Supreme Court, in the number of Judges and other particulars—to ascertain at what times and places the Terms of said Court or either of them, and of the General Sessions of the Peace, could be most conveniently held in the several Counties, which required the Committee to report to this House, during the then present week, be discharged, and that the Committee have now leave to report.

Order discharged as to limitation of time for reporting of Com. on Courts

Mr. Young thereupon reported from the said Committee; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Courts

(See Appendix, No. 39.)

*Ordered*, That the Report do lie on the Table.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Message from Council

The Legislative Council have agreed to a Bill, entitled, An Act for the regulation of Juries; also, to a Bill, entitled, An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Managers for the time being, of the said Company, in this Province, severally, with amendments—to which amendments they desire the concurrence of this Honorable House.

Council agree to Juries Bill and B. N. A. Bank Bill with amendments

And then the Messenger withdrew.

The Order of the Day being read,

*Ordered*, That this House do now resolve itself into a Committee of the whole House, to consider of Ways and Means for raising the Supply granted to Her Majesty; and accordingly,

Order of Day House go into Com. of Ways & means

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

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

Progress reported

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

Wednesday, 28th February, 1838.

PRAYERS.

*Ordered*, That Mr. Upham have leave of absence until Monday next, to return home, on urgent private business.

Leave of absence to Mr. Upham

The amendments sent down yesterday from the Legislative Council to the Bill, entitled, An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Managers for the time being of the said Company, in this Province, were read a first and second time, and considered by the House; and thereupon,

Amendments of Council to B. N. A. Bank Bill considered and agreed to

*Resolved*, That the said amendments be agreed to by this House.

*Ordered*, That the Assistant Clerk do carry the said Bill and amendments to the Legislative Council, and acquaint them that this House have agreed to the said amendments.

Sent to Council

The amendments sent down yesterday from the Legislative Council to the Bill, entitled, An Act for the regulation of Juries were read a first and second time, and considered by the House; and thereupon,

Amendments of Council to Juries Bill considered and agreed to in part and not agreed to for the residue

On motion of Mr. Young, *resolved*, that this House do agree to the amendments made by the Council, to the second and last clause of the Bill, and do not agree to the other amendments.

On

WEDNESDAY, 28th FEBRUARY, 1838.

Conference thereon  
to be requested

On motion of Mr. Young, *resolved*, that a Conference be desired with the Council by Committee, on the subject of the said Bill and amendments.

*Ordered*, That the Assistant Clerk do request said Conference.

Report on accounts of  
of W. Reuill Deputy  
Surveyor

Mr. Young reported from the Select Committee to whom were referred the several accounts and papers of William Reuill, Deputy Surveyor, for surveying Roads in Cape-Breton, in 1832 and 1833; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 40.)

Referred to Com of  
Supply

On motion, *resolved*, that the Report and Accounts and Papers be referred to the Committee of Supply.

Report on Petition  
from County of Anna-  
polis to pay Loan  
Money

Mr. Young reported from the Select Committee on the Petition of James Whitman and others, in the County of Annapolis, for further time to pay the Loan Money due from them to the Province; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 41.)

Report adopted

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

House adjourn to at-  
tend funeral

On motion, *resolved*, that this House do now adjourn, for the purpose of attending the funeral of the late Mrs. Whidden, wife of John Whidden, Esq. Clerk of this House, until this day, at two of the Clock.

Two o'Clock, P. M.

House meet

The House met pursuant to adjournment.

Committee to wait on  
Gov. with Copy of re-  
port on Petition from  
Annapolis relative to  
Loan Money

On motion of Mr. Young, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant Governor, with a Copy of the report on the Petition of James Whitman and others, and respectfully request that he will be pleased to take measures for carrying into effect the recommendation of the Committee.

*Ordered*, That Mr. Young, Mr. Morton, and Mr. Thorne, be a Committee for the above purpose.

Petition for Act to en-  
able Sessions to make  
Fishery regulation in  
Chedabucto Bay

A Petition of John Joseph Marshall and others was presented by Mr. DesBarres and read, praying that the Legislature would pass an Act empowering the General Sessions for the County of Guysborough to make such regulations in reference to the Shore Fisheries of Chedabucto Bay, within the said County, as may from time to time be necessary to secure the rights of those engaged in the said Fisheries.

*Ordered*, That the Petition do lie on the Table.

Petition for Post com-  
munication from  
Guysboro' to Coun-  
try Harbor

A Petition of Charles Archibald and others, of Guysborough and Country Harbor, was presented by Mr. DesBarres and read, praying the House to grant such a sum to extend the Post Communication from Guysborough to Archibald's, at Country Harbor, as may be necessary to effect that desirable purpose.

Referred to Post Of-  
fice Com.

*Ordered*, That the Petition be referred to the Committee on the Post-Office Department.

Petition from Pictou  
for vote by ballot

A Petition of Joseph Chipman and others, of Pictou, was presented by Mr. Dickson and read, praying the House would take into consideration the present system of Election of Representatives in General Assembly, and would afford a remedy to the evils now existing, by adopting the Ballot.

Referred to Com. on  
Election Laws and  
Mr. Dickson added to  
Com.

*Ordered*, That the Petition be referred to the Committee appointed to revise and amend the Laws for the Election of Members.

*Ordered*, That Mr. Dickson be added to the said Committee.

Motion that Mr. Dick-  
son be chairman of  
Post Office Com

Mr. Young moved that Mr. Dickson be substituted for himself (Mr. Young) on the Committee on the Post-Office Department: which, being seconded and put, and the House dividing thereon, there appeared for the motion, thirteen; against it, thirteen.

Division thereon  
Speaker's Casting  
Vote

Whereupon, Mr. Speaker gave his casting vote in favor of the motion.

So it passed in the affirmative.

A

WEDNESDAY and THURSDAY, 28th FEBRUARY and 1st MARCH, 1838.

A Petition of Obadiah Wilson and others, concerned in the Navigation of the Bay of Fundy, was presented by Mr. W. Sargent and read, praying that Buoys may be placed in the West Passage of Barrington, within Cape-Sable and the Seal and Mud Islands, in such situations as may render it safe and accessible to strangers.

Petition for Buoys at West passage of Barrington

*Ordered*, That the Petition be referred to Mr. W. Sargent, Mr. Clements and Mr. D'Entremont, to examine and report upon to the House.

Referred to Select Com.

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

Com. on Bills

Mr. Speaker left the Chair.

Mr. Kavanagh took the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill more effectually to provide funds for the repair and improvement of the Streets and Highways in Windsor, and for other purposes, and had directed him to report the said Bill without any amendment; that the Committee had also considered the Bill to regulate the Fisheries in Chedabucto Bay, and recommend to the House that the Bill be referred to a Select Committee, to examine and report upon to the House.

Report Windsor Streets Bill without amendment

Recommend Chedabucto Fishery Bill to Select Com.

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

*Ordered*, That the Bill reported without amendment be engrossed.

The question was then proposed by Mr. Speaker, that the Bill to regulate the Fisheries in Chedabucto Bay, be referred to a Select Committee, agreeably to the recommendation from the Committee of the whole House; and thereupon,

Question to refer Chedabucto Fishery Bill to Select Com.

The Hon. Mr. Uniacke moved, by way of amendment to the question, that the further consideration of the said Bill be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared for the amendment, ten; against it, twenty-six.

Amendment moved to defer consideration 3 months

Negatived

For the amendment,

*The Hon Mr Huntington*  
*Mr Goudge*  
*Mr Doyle*  
*The Hon Mr Uniacke*  
*Mr Heckman*  
*Mr Miller*  
*Mr Holmes*  
*Mr Whitman*  
*Mr Dickey*  
*Mr Kavanagh*

Against the amendment.

<i>Mr Waterman</i>	<i>Mr Young</i>	<i>Mr DesBarres</i>
<i>Mr Morton</i>	<i>Mr Forrester</i>	<i>Mr Lewis</i>
<i>Mr Thorne</i>	<i>Mr M' Dougall</i>	<i>Mr Fairbanks</i>
<i>Mr Taylor</i>	<i>Mr Allison</i>	<i>Mr McHefly</i>
<i>Mr Bell</i>	<i>Mr W. Sargent</i>	<i>Mr Howe</i>
<i>Mr Clements</i>	<i>Mr M'Lellan</i>	<i>Mr Chipman</i>
<i>Mr J Sargent</i>	<i>Mr Annand</i>	
<i>The Hon Mr Dewolf</i>	<i>Mr M' Donald</i>	
<i>Mr Spearwater</i>	<i>Mr Holland</i>	
<i>Mr Holdsworth</i>	<i>Mr McKim</i>	

So it passed in the negative.

The main question being then put, was agreed to by the House.

*Ordered*, That Mr. DesBarres, Mr. Waterman, Mr. J. Sargent, Mr. Spearwater, Mr. Kavanagh and Mr. Clements, be a Committee to examine and report upon the said Bill.

Bill referred to Select Com.

The Order of the Day being read,

*Ordered*, That the House will, to-morrow, resolve itself into a Committee of the whole House, on the further consideration of Ways and Means.

Order of Day Ways and Means postponed

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

Thursday, 1st March, 1838.

PRAYERS.

A Petition of Joseph Richards and others, Overseers of the Poor for the Township of Windsor, was, by special leave of the House, presented by Mr. McHefly and read, praying that they may be reimbursed certain monies expended by them during the year 1837, for the support of Transient Paupers.

Petition from Overseers of Poor for Windsor for expenses of transient Paupers

*Ordered*, That the Petition be referred to the Hon. Mr. Dodd, Mr. Morton and Mr. McHefly, to examine and report upon to this House.

Referred to Select Com.

*Ordered*,

THURSDAY, 1st MARCH, 1838.

Leave of absence to  
Mr. Annand

*Ordered*, That Mr. Annand have leave of absence until Monday next, to return home on urgent private business.

Petition of Overseers  
for Annapolis referred  
to Select Com.

*Ordered*, That the Petition of the Overseers of the Poor for the Township of Annapolis, for reimbursement of the expenses of a Transient Pauper, be referred to the Committee on the Petition of Joseph Richards and others, Overseers of the Poor for the Township of Windsor.

Petition for alteration  
of Eastern road from  
Sackville Bridge

A Petition of Daniel C. Archibald and others, Inhabitants of the Eastern Section of the Province, was presented by Mr. Archibald and read, praying the grant of a sum of money in aid of the proposed alteration of the Main Eastern Road from Archibald Scott's, in Dartmouth, to Sackville Bridge.

Referred to Com. on  
said alteration

*Ordered*, That the Petition be referred to the Committee for enquiring into the expediency and practicability of such alteration.

Report from Com. of  
last Session to pro-  
cure tenders for Stati-  
onary. &c.

Mr. Forrester reported from the Select Committee appointed last Session for procuring Tenders and obtaining a Contract for the Stationary and Binding required for the use of this House and the Legislative Council; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as follows:

The Committee appointed to receive Tenders for the supply of Stationary for the use of the Legislative Council and House of Assembly, beg leave to report that they have performed that duty, and that the requisite supply for the present Session is to be furnished by the Messrs. MacKinlay, at prices in the aggregate thirty-three per cent. less than heretofore. The same parties have also agreed to perform for the present Session, the under-mentioned Work, at the annexed prices: binding Laws of the Province, as they have hitherto been bound, for Two Shillings and Six Pence each Vol., stitching Journals, Cloth, One Shilling and Three Pence each.

The Committee recommend to this Honorable House, that, after due notice given to the public, a Contract be entered into for the future Sessional supply of Stationary, and for binding the Journals, Laws, &c. required for the Legislative Council and House of Assembly for a period embracing the duration of this present Parliament, and that a Committee be appointed for that purpose, and that the Clerk of the House be required to draw up the agreement.

THOMAS FORRESTER, Chairman.

Report received and  
adopted

On motion *resolved*, that the Report be received and adopted by the House, and that a Committee be appointed to carry the same into effect.

Committee appointed

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

Petition from Over-  
seers of Poor at Pic-  
ton referred to Select  
Com.

*Ordered*, That the Petition of Thomas Lowden and Daniel Ferguson, Overseers of the Poor for the Township of Pictou, for reimbursement of the expenses of Transient Paupers, be referred to the Committee on the Petition of Joseph Richards and others, Overseers of the Poor for the Township of Windsor.

Addition to Com.

*Ordered*, That the Hon. Mr. Dewolf and the Hon. Mr. Huntington, be added to the said Committee.

Report from Com. of  
Privileges on Coun-  
cil's request to join in  
Address to Her Ma-  
jesty in regard to the  
Oath's Bill

Mr. Young reported from the Committee of Privileges, on the Resolutions of the Legislative Council, requesting this House to unite with the Council in an Address to Her Majesty, praying the Royal assent to an Act of this Session, entitled, An Act to establish the form of Oaths, hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read and is as follows:

The Committee of Privileges having considered of the request of the Legislative Council, that the House should appoint a Committee to join a Committee of the Council, in preparing an Address to Her Majesty, on the subject of the Act for abolishing certain Oaths, report that said Act, although it has passed in the Legislative Council, and in this House,

having

THURSDAY, 1st MARCH, 1838.

having not yet received the assent of His Excellency the Lieutenant-Governor, it would be premature to prepare such Address, and therefore the Committee recommend that the House should not for the present concur therein.

Wm. YOUNG, Chairman.

Committee Room, February 28th, 1838.

On motion of Mr. Young, *resolved*, that the Report be received and adopted by this House, and that, for the reasons therein stated, the House deem it inexpedient to concur in appointing said Committee at present.

*Resolved*, That a Conference be desired with the Legislative Council, by Committee, on the subject of the said Resolutions from the Council, and that the Committee of this House do communicate to the Committee of the Council a Copy of the foregoing Report and Resolution.

*Ordered*, That the Assistant Clerk do request said Conference.

Three Petitions of Inhabitants of Granville, Annapolis and Wilmot, were presented by Mr. Thorne and read, respectively, praying that an enactment may pass for making Bridgetown, in the said County, the Shire Town, and for authorizing the Sale of the Building intended for a Court House and Jail, at Annapolis, and the building of a Court House and Jail at Bridgetown.

*Ordered*, That the Petition be referred to Mr. Young, Mr. Morton, Mr. Holmes, the Hon. Mr. Dewolf and Mr. Fairbanks, to examine and report upon to this House.

An engrossed Bill more effectually to provide funds for the repair and improvement of the Streets and Highways in Windsor, and for other purposes, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act more effectually to provide funds for the repair and improvement of the Streets and Highways in Windsor, and for other purposes.

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

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Legislative Council agree to the Conference, desired by this Honourable House, on the subject of the amendments proposed to the Bill, entitled, An Act for the regulation of Juries, and the Committee of the Council are ready to meet the Committee of this Honourable House.

And then the Messenger withdrew.

On motion of Mr. Young, *resolved*, that the Committee appointed to hold a Conference with the Legislative Council, on the amendments to the Bill for regulating Juries, be instructed to state to the Committee of the Council, that the House have disagreed to the amendments proposed by the Council to the Sixth and Tenth Clauses of the Bill, for the following, among other, reasons: The House conceive that no Justice of the Peace should be eligible to serve as a Grand Juror, because he ought not, and is not obliged by the Law, as it is now determined, to serve as such at the Sessions, the Grand Jury having Justices of the Peace on the panel, is therefore incomplete at the Sessions, and at the Supreme Court, inconveniences and evils have been experienced, from Magistrates being on the Grand Jury, which it would be wise to avoid in future. The House conceive that Grand Juries in this Province should exercise the right of electing their own Foreman, and, without enquiry into the practice in England, they conceive that the duties of a Grand Jury in this Province are of such a character as to render it desirable and proper, that the selection of their Foreman should be made by themselves and not by the Court, to whom the privilege is of little or no value, while they are apt from the want of local knowledge, and other causes, to be sometimes misled in exercising it. The Act, besides being limited by another amendment to two years, these clauses, if they are found objectionable in practice, will not be renewed.

Report adopted

House do not concur in joining at present in Address

Conference to be requested thereon

Petitions from Townships in Annapolis County that Bridgetown may be made the shire town

Referred to Select Com.

Engrossed Windsor Streets Bill read 3d time and passed

Sent to Council

Message from Council

Council agree to conference on Juries Bill

Instructions to Com. of conference on Juries Bill

*Ordered,*

THURSDAY, 1st MARCH, 1838.

*Ordered*, That the Committee who prepared and reported the said Bill do manage the Conference.

So they went to the Conference.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council agree to Colchester Elections Bill and Halifax Firemen Bill without amendment

The Legislative Council have agreed to the Bill, entitled, An Act respecting Elections for the County of Colchester, and the Bill entitled, An Act respecting the Firemen of the Town of Halifax, severally, without any amendment.

Also to B. N. A. Bank Bill as amended

The Council have agreed to a Bill, entitled, An Act to enable a Company called the Bank of British North America to sue and be sued, in the name of any one of the Local Directors, or of the Managers for the time being, of the said Company in this Province, as amended.

And then the Messenger withdrew.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council agree to conference on subject of joint Com. for Address to her Majesty on Oaths Bill

The Legislative Council agree to the Conference desired by this Honorable House, on the subject of the Resolution for a Joint Committee, to prepare an Address to Her Majesty, on the subject of the Bill, entitled, An Act for establishing the form of Oaths to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Supremacy and Abjuration, and the Committee of the Council are ready to meet the Committee of this House.

And then the Messenger withdrew.

Managers of conference

*Ordered*, That Mr. Young, the Hon. Mr. Dewolf, and the Hon. Mr. Dodd, do manage the said Conference.

So they went to the Conference.

Message from Council requesting further conference on Juries Bill

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Legislative Council request a further Conference by Committee, with a Committee of this Honorable House, on the subject of the amendments to the Bill, entitled, An Act for the regulation of Juries.

And then the Messenger withdrew.

Conference agreed to and held

On motion, *resolved*, that this House do agree to the Conference desired by the Council.

*Ordered*, That the Committee who managed the last Conference on the same subject, do manage this Conference, and that the Assistant Clerk do acquaint the Council that this House do agree to the Conference, and that the Committee of this House are ready to meet the Committee of the Council.

And the Managers went to the Conference.

Message from Council adhering to amendments to Juries Bill

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Legislative Council adhere to the amendments proposed by the Council to the Bill, entitled, An Act for the regulation of Juries, which have been disagreed to by this House.

And then the Messenger withdrew.

Order of Day House go into Com. of Ways and Means

The Order of Day for the House to again resolve itself into a Committee to consider of Ways and Means, for raising the Supply granted to Her Majesty, being read,

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

Two Resolutions reported

The Chairman reported from the Committee that they had made some progress in the business referred to them, and had come to two Resolutions thereupon, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's Table.

The

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

The first Resolution reported from the Committee was again read by the Assistant Clerk, and is as follows:

*Resolved*, That it is the opinion of this Committee, that the system of Revenue now existing be continued for the present year, subject to the following exceptions, that Coffee of British Growth and Produce, Castings of all sorts, whether of Copper or Iron, for Mill and Steam Boat Machinery, all Sheet Iron imported for manufacturing Cut Nails, Copper and Composition Nails and Spikes for Ship Building, and all Iron Rails for Rail Roads, shall be respectively exempted and free from Colonial Duty; that upon all Molasses of British Growth and Produce there shall be imposed a Colonial Duty of One Penny Sterling per Gallon, and that all Molasses of Foreign Growth and Produce entered for the Fisheries, or otherwise exempted from payment of the Imperial Duties, shall pay a Colonial Duty equivalent to the duty by the Imperial Act specifically charged thereon, that is to say, Three Pence Sterling per Gallon, and that all Wines, now chargeable with a Colonial Duty of One Shilling and Three Pence Sterling per Gallon, shall pay a Colonial Duty of One Shilling Sterling per Gallon, and no more; which Resolution, upon the question put thereupon, was agreed to by the House.

System of Revenue to be continued with exception of Coffee, of Castings and of Iron imported for Rail Roads, Nails, &c.

Duty on Molasses regulated

Duty on low Wines lessened

The second Resolution reported from the Committee was then read by the Assistant Clerk, and is as follows:

*Resolved*, That it is the opinion of this Committee, that a Duty of Five Shillings Sterling per Barrel shall be paid on all Foreign Wheat Flour imported into this Province, now exempted from Duty by the Imperial Act when intended for the use of the Fisheries, unless the same shall be actually and positively used by persons engaged in the Fisheries of the Province, and the same duly certified under Oath to the Commissioners of the Revenue, in which case a Drawback of the whole Duty paid shall be allowed.

Duty to be paid on Flour entered for Fisheries and returned on actual consumption

The Hon. Mr. Uniacke thereupon moved that the said Resolution be not received by the House; which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-one; against it twenty-two:

Motion not to receive last Resolution negatived

For the motion,

- The Hon. Mr. Huntington
- Mr Doyle
- Mr Clements
- The Hon. Mr. Uniacke
- Mr DesBarres
- Mr Kavanagh
- Mr Heckman
- The Hon. Mr. Dodd
- Mr D'Entremont
- Mr M'Donald
- Mr Spearwater
- Mr Robicheau
- Mr Goudge
- Mr Howe
- Mr Holdsworth
- Mr Dickey
- Mr Waterman
- Mr J Sargent
- Mr Fairbanks
- Mr W Sargent
- Mr Taylor

Against the motion.

- Mr Miller
- Mr Whitman
- Mr Allison
- Mr Archibald
- Mr Forrestall
- Mr McHesly
- Mr McLellan
- Mr Bell
- Mr Holmes
- Mr Holland
- Mr Benjamin
- Mr Smith
- Mr Young
- Mr McDougall
- Mr McKim
- Mr Thorne
- The Hon. Mr Dewolf
- Mr Morlon
- Mr Forrester
- Mr Dickson
- Mr Lewis
- Mr Chipman

So it passed in the negative.

The Resolution was then, upon the question put thereon, agreed to by the House,

Resolution agreed to

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

Friday, 2nd March, 1838.

PRAYERS.

Mr. Howe moved that the Resolution reported yesterday, from the Committee of Ways and Means, and agreed to by the House, for imposing a duty upon all Foreign Wheat Flour imported into this Province, now exempted from duty under the Imperial Act, when intended for the use of the Fisheries, be rescinded; which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-one; against it, twenty.

Resolution for levying duty on Flour rescinded

For

FRIDAY, 2d MARCH, 1838.

For the motion,

Mr Doyle	The Hon Mr Huntington
Mr Whitman	Mr Goudge
Mr DesBarres	Mr Howe
Mr Robicheau	Mr Taylor
The Hon Mr Dodd	Mr Spearwater
Mr D'Entremont	Mr Holdsworth
Mr Kavanagh	Mr J Sargent
Mr Heckman	Mr Fairbanks
Mr W Sargent	Mr Clements
Mr Dickey	Mr Waterman
Mr McDonald	

Against the motion,

Mr Dickson	Mr McHefsey
Mr McLellan	Mr Miller
Mr Allison	Mr Benjamin
Mr Smith	Mr McKim
Mr Holmes	Mr Archibald
Mr Forrestall	Mr Bell
The Hon Mr Dewolf	Mr Morton
Mr Holland	Mr Lewis
Mr Thorne	Mr Forrester
Mr Chipman	Mr McDougall

So it passed in the affirmative.

Petition for alteration of Eastern Road from Sackville Bridge

A Petition of Thomas J. Brown and others, Inhabitants of the Eastern Section of the Province, was presented by Mr. Archibald and read, praying a Grant of a Sum of money for the alteration of the main Eastern Road, between Archibald Scott's, at Dartmouth, and Sackville.

Referred to Select Com.

*Ordered*, That the Petition be referred to the Committee for enquiring into the expediency and practicability of such alteration.

Returns of Highway labor laid before House

The Hon. Mr. Huntington, by the command of His Excellency the Lieutenant Governor, presented returns of Statute Labor on the Highways for the Counties of Hants, Lunenburg and Queen's County, for the year 1837, made in pursuance of a Resolution of this House last Session.

(See Appendix, No. 42.)

*Ordered*, That the Returns do lie on the Table.

Communication from Executive relative to the matter of Reid &amp; Clarke last Session in regard to seizure by Customs

The Hon. Mr. Dodd, by command of His Excellency the Lieutenant-Governor, communicated to the House, that Copies of the Petition of Messrs. Adam Reid and Robert D. Clarke, with the Report of the Committee of this House last Session, had been forwarded by His Excellency to the Right Honorable the Secretary of State for the Colonies, soon after the close of the Session, but that His Excellency had not yet received any answer to the same.

Com. of whole on Bills

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

Mr. Speaker left the Chair;  
Mr. Kavanagh took the Chair,  
Mr. Speaker resumed the Chair.

Report Bills with amendments, viz : Windsor Landings Bill Passengers Pass Bill Clements Township Bill

The Chairman reported from the Committee, that they had gone through the Bill to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof; also, the Bill to modify the provisions of the Act for preventing persons leaving the Province without a pass; also, the Bill to establish that part of the Township of Clements lying in the County of Digby into a separate Township, and had made amendments to the said Bills respectively, which they had directed him to report to the House with the said Bills; that they had also gone through the Bill to prevent injuries to the Fisheries within the County of Lunenburg, and had directed him to report the said Bill to the House without any amendment; and he afterwards delivered the Bills with the amendments in at the Clerk's Table.

Also Lunenburg Fisheries Bill without amendment

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

Amendts. agreed to

The said amendments reported from the Committee, to the said first three Bills, were read throughout a first and second time, and, upon the question put thereupon, were agreed to by the House.

Bills to be engrossed

*Ordered*, That the Bills with the amendments be engrossed.  
*Ordered*, That the Bill reported without amendment be engrossed.

*Ordered*,

*Ordered*, That Mr. Dickson, the Hon. Mr. Dewolf and the Hon. Mr. Uniacke, be a Committee for the purpose of preparing and reporting to the House a Revenue Bill or Bills, to carry into effect the first Resolution reported yesterday from the Committee of Ways and Means, and agreed to by this House.

Committee to prepare Revenue Bills

Mr. W. Sargent reported from the Committee on the Petition of Obadiah Wilson and others, for aid to place Buoys in the West Passage of Barrington; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Select Com. on Petition for Buoys in Barrington West Passage

(See Appendix, No. 43.)

*Ordered*, That the Report and Petition be referred to the Committee of Supply.

Referred to Com. of Supply

Then the House adjourned until to-morrow, at twelve of the Clock.

Saturday, 3d March, 1838.

PRAYERS.

An engrossed Bill to modify the provisions of the Act for preventing persons leaving the Province without a Pass, was read a third time.

Engrossed Bills read 3d time and passed, viz: Passengers Pass Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to modify the provisions of the Act for preventing persons leaving the Province without a Pass.

An engrossed Bill to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township, was read a third time.

Clements Township Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to establish that part of the Township of Clements lying in the County of Digby, into a separate Township.

An engrossed Bill to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof, was read a third time.

Windsor Landings Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof.

An engrossed Bill to prevent Injuries to the Fisheries within the County of Lunenburg, was read a third time.

Lunenburg Fisheries Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to prevent Injuries to the Fisheries within the County of Lunenburg by Mill Dams, or any other obstruction.

*Ordered*, That the Assistant Clerk do carry the Bills to the Council, and desire their concurrence.

Bills sent to Council

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented to the House certain Returns made in pursuance of the Resolution of this House, passed on the 3d of March, 1837, in the last Session, that is to say, a Return of Fines at the Court of Sessions in Halifax, for the years 1835 and 1836; and also, certain Returns respecting the Real Property of the Town of Halifax.

Returns of Fines in Sessions at Halifax and of Real Estate of the Town laid before House

(See Appendix, No. 44.)

*Ordered*, That the said Returns do lie on the Table.

The Hon. Mr. Dodd moved that the House do come to a Resolution as followeth:

*Resolved*, That a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully state that it would be more convenient to the Members generally, if the Legislature were convened towards the last of December in each and every year: which, being seconded and put, and the House dividing thereon, there appeared for the Resolution, twenty-nine; against it, twelve. So it passed in the affirmative.

Resolution for House meeting in December

*Ordered*, That the Hon. Mr. Dodd, the Hon. Mr. Uniacke and Mr. McHeffy, be a Committee for the above purpose,

The Hon. Mr. Uniacke, pursuant to special leave given, presented a Bill to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, which was read a first time, and ordered to be read a second time.

Whaling Company Incorporation Bill presented

SATURDAY, 3d MARCH, 1838.

Report from Com of  
Conference on Oaths  
Bill Address

Mr. Young reported from the Committee of Conference held yesterday with a Committee of the Council, on the subject of the Resolution for a joint Committee to prepare an Address to Her Majesty, on the subject of the Bill, entitled, An Act for abolishing the form of Oaths to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, that the Managers had been at the Conference, and had complied with the instructions of the House.

Report from further  
Conference on Juries  
Bill amendments

Mr. Young reported from the Committee of Conference held yesterday with a Committee of the Council, on the subject of the amendments proposed by the Council, to the Bill, entitled, An Act for the regulation of Juries, that the managers had been at the Conference, and had complied with the Instructions of the House.

Report from further  
Conference on same  
amendments

Mr. Young reported from the Committee of further Conference, on the subject of the said amendments held yesterday, with a Committee of the Council, that the Managers had been at the Conference, and he stated the substance of the Conference to the House.

Message from Council  
agreeing to Light-  
House Bill

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Legislative Council have agreed to the Bill, entitled, An Act to amend the Act for the support and regulation of Light Houses, without any amendment.

And then the Messenger withdrew.

Report from Select  
Com. relative to  
Courts read

The Report from the Committee to enquire into the expediency of abolishing the Inferior Courts, or otherwise of modifying the Supreme Court, in the number of Judges and other particulars, and to ascertain at what times and places the terms of the said Courts, or either of them, and of the General Sessions of the Peace, could be most conveniently held in the several Counties, with the several Schedules annexed thereto, was read, and thereupon,

Mr. Young moved that the House do come to a Resolution as followeth :

Resolution moved  
thereon for abolition  
of Inferior Courts of  
Com. Pleas

On reading the Report of the Committee on the Judiciary, *resolved*, as the opinion of this House, that the Inferior Courts of Common Pleas should be abolished, and the business depending therein be transferred to the Supreme Court, except in Cape Breton, and that all Trials, Criminal and Civil, should hereafter be held before one of the Judges of said Court, except in the Inferior Courts of Cape-Breton, and the Sessions at Halifax, which being seconded,

Amendment moved  
thereon for abolition  
of Judiciary Bill  
negatived

The Hon. Mr. Uniacke, moved by way of amendment to the Resolution, that this House do now resolve itself into a Committee of the whole House, on the further consideration of such Bills as stand committed, in order to take up the Bill concerning the Judiciary of this Province : which, being seconded and put, and the House dividing thereon, passed in the negative.

Another amendment  
moved for reduction  
of number of Judges  
of Supreme Court

Mr. Howe then moved, by way of amendment to the said original Resolution, to leave out all the words thereof, except the word "*resolved*," and after the word "*Resolved*," to insert, instead of the words proposed to be left out, the following, "That on the first death vacancy, the number of the Judges of the Supreme Court be reduced to three."

Carried

Which last proposed amendment being seconded and put, and the House dividing thereon, there appeared for the amendment, Twenty two; against it, Twenty-one.

For the amendment,

Mr McHeffy	Mr M' Donald
Mr Chipman	Mr Heckman
Mr Doyle	The Hon Mr Dewolf
Mr Forrester	Mr Miller
Mr McKim	Mr Fairbanks
Mr Howe	Mr Taylor
Mr Morton	Mr Spearwater
Mr Lewis	Mr Holdsworth
Mr Benjamin	Mr Forrestall
Mr Whitman	Mr Dickson
Mr M' Dougall	Mr DesBarres

Against the amendment,

Mr Holmes	Mr Young
Mr J Sargent	The Hon Mr Dodd
Mr Allison	The Hon Mr Uniacke
Mr Kavanagh	Mr Archibald
Mr Dickey	Mr Robicheau
Mr Waterman	Mr Bell
Mr Clements	Mr Goudge
Mr M' Lellan	Mr W. Sargent
Mr Smith	The Hon Mr Huntington
Mr D'Entremont	Mr Thorne
Mr Holland	

So it passed in the affirmative.

Mr. Howe moved that the House do come to a Resolution as followeth :—

Resolution to allow  
Judges of Com. Pleas  
to become Judges of  
Sup. Court

*Resolved,*

SATURDAY, 3d MARCH, 1838.

*Resolved*, That the clause which excludes the Judges of the Inferior Court from the Bench of the Supreme Court be repealed: which, being seconded and put, was agreed to by the House.

Mr. Howe moved that the House do come to a Resolution as followeth:

*Resolved*, That when, by such elevation, by death or by the appointment of any of the Judges of the Inferior Court to any Office of equal emolument, the present incumbents are disposed of, the number shall be reduced to two: which, being seconded,

Mr. McDougall moved, by way of amendment, at the end of the said Resolution, to add the words "in addition to the Chief-Justice of such Court for the Island of Cape-Breton:" which, being seconded and put, and the House dividing thereon, there appeared for the amendment, twenty-two; against it, twenty-one. So it passed in the affirmative.

The Resolution, as amended, was then put, and the House dividing thereon, there appeared for the amended Resolution, twenty-two; against it twenty-one.

Resolution as to number of Inferior Judges

Amendment moved thereto

Agreed to

Resolution as amended agreed to

For the Resolution,

Against the Resolution.

The Hon Mr Huntington  
Mr Doyle  
Mr Forrester  
Mr Robicheau  
The Hon Mr Dodd  
Mr Morton  
Mr Lewis  
Mr Benjamin  
Mr Whitman  
Mr M<sup>d</sup> Donald  
Mr Heckman

Mr Miller  
The Hon Mr Dewolf  
Mr Fairbanks  
Mr Taylor  
Mr Clements  
Mr Forrestall  
Mr Spearwater  
Mr Holdsworth  
Mr Dickson  
Mr DesBarres  
Mr McDougall

Mr Holmes  
Mr J Sargent  
Mr Allison  
Mr Kavanagh  
Mr Dickey  
Mr Waterman  
Mr McLellan  
Mr Smith  
Mr D<sup>e</sup> Entremont  
Mr Holland  
Mr McHeffy

Mr Thorne  
Mr Young  
Mr Howe  
The Hon Mr Uniacke  
Mr Archibald  
Mr McKim  
Mr Bell  
Mr Goudge  
Mr W Sargent  
Mr Chipman

So it passed in the affirmative.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Legislative Council request a Conference by Committee, with a Committee of this Honorable House, on the General State of the Province.

And then the Messenger withdrew.

On motion, *resolved*, that this House do agree to the Conference as desired by the Council.

*Ordered*, That Mr. Young, the Hon. Mr. Dewolf, and the Hon. Mr. Dodd, do manage the said Conference.

Message from Council Request Conference on General State of Province

Conference agreed to

Com. to manage Conference

Mr. Howe moved that the House do come to a Resolution as followeth:

*Resolved*, That this House will, on Monday next, resolve itself into a Committee of the whole House, to consider of the Bill concerning the Judiciary of this Province: which, being seconded,

Mr. Doyle moved, as an amendment, to leave out all the words of such proposed Resolution after the word "Resolved," and instead of the words so left, to insert the following: "that a Committee be appointed to prepare and bring in a Bill pursuant to the foregoing Resolutions": which, being seconded and put, and the House dividing thereon, there appeared for the amendment, eighteen; against it, twenty-five.

Resolution moved to make Judiciary Bill Order of Day for Monday

Amendment thereto negated

For the amendment,

Against the amendment.

The Hon Mr Huntington  
Mr Chipman  
Mr McDougall  
Mr Doyle  
Mr Robicheau  
Mr McHeffy  
Mr Whitman  
Mr McDonald  
Mr Heckman  
Mr Miller  
The Hon Mr Dewolf  
Mr Fairbanks  
Mr Taylor

Mr Clements  
Mr Spearwater  
Mr Holdsworth  
Mr Dickson  
Mr DesBarres

Mr Holmes  
Mr J Sargent  
Mr Allison  
Mr Forrestall  
Mr Kavanagh  
Mr Waterman  
Mr Smith  
Mr Bell  
Mr Goudge  
Mr Lewis  
Mr Morton  
Mr Dickey  
Mr McLellan

Mr Benjamin  
Mr D<sup>e</sup> Entremont  
Mr Holland  
Mr Thorne  
Mr Young  
The Hon Mr Dodd  
The Hon Mr Uniacke  
Mr Archibald  
Mr McKim  
Mr Howe  
Mr W Sargent  
Mr Forrester

So it passed in the negative.

The original Resolution was then put from the Chair, and the House dividing thereon, there appeared for the Resolution, twenty-seven; against it, sixteen.

Original Resolution carried

For

SATURDAY and MONDAY, 3d and 5th MARCH, 1838.

For the Resolution;

*The Hon Mr Huntington* *Mr Whitman*  
*Mr Chipman* *Mr McDonald*  
*Mr McDougall* *Mr Heckman*  
*Mr Doyle* *Mr Miller*  
*Mr Forrester* *The Hon Mr Dewolf*  
*Mr Robicheau* *Mr Fairbanks*  
*Mr McHefly* *Mr Allison*  
*Mr Morton* *Mr Taylor*  
*Mr Howe* *Mr Forrestall*  
*Mr McKim* *Mr Clements*  
*Mr Lewis* *Mr Spearwater*  
*Mr Benjamin* *Mr Holdsworth*  
*Mr Dickson* *Mr DesBarres*  
*Mr Holmes*

Against the Resolution.

*Mr J Sargent* *Mr Archibald*  
*Mr Dickey* *Mr Bell*  
*Mr Kavanagh* *Mr Goudge*  
*Mr Waterman* *Mr W Sargent*  
*Mr McLellan*  
*Mr Smith*  
*Mr D'Entremont*  
*Mr Holland*  
*Mr Thorne*  
*Mr Young*  
*The Hon Mr Dodd*  
*The Hon Mr Uniacke*

So it passed in the Affirmative.

Order for consideration of Private Petitions

*Ordered*, That this House will, on Tuesday next, proceed to the consideration of private Petitions.

Order for consideration of Civil List

*Ordered*, That this House will, on Thursday next, proceed to the consideration of the Message of His Excellency the Lieutenant Governor, and the accompanying Despatches from the Right Honorable the Secretary of State for the Colonies, on the subject of the Civil List, and the transfer of Her Majesty's Casual and Territorial Revenue to this Province.

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

Monday, 5th March, 1838.

PRAYERS.

Motion to rescind first Resolution on Judiciary negatived

Mr. Uniacke moved that the first amended Resolution which passed this House yesterday, in relation to the Judiciary, and by which it was *resolved*, that on the first death vacancy, the number of the Judges of the Supreme Court be reduced to three, be rescinded: which being seconded and put, and the House dividing thereon, there appeared for the motion, twenty; against it, twenty-three.

So it passed in the Negative.

Order of Day for bringing in Road Scales extended

The Order of the Day being read, that the several Members from the respective Counties of this Province, do prepare and report to this House, on this day, at twelve o'clock, Scales of Subdivision of the respective Sums allotted to each County for the Service of Roads and Bridges.

*Ordered*, That the said several Members do report such Scales on Thursday next, the 8th instant.

Petition for Annapolis to be made a Free Port referred to Select Committee

*Ordered*, That the Petition of J. W. Ruggles and others, praying that the Port of Annapolis may be made a Free Port, be referred to the Select Committee, appointed on the 15th February last, on the subject of opening certain Ports in this Province.

Order of Day, Committee of whole on Judiciary Bill gone into

The Order of the Day being read, for the House to resolve itself into a Committee of the whole House, on the consideration of the Bill concerning the Judiciary of this Province.

*Ordered*, That this House do now resolve itself into the said Committee.

Mr. Speaker left the Chair,  
 Mr. Kavanagh took the Chair,  
 Mr. Speaker resumed the Chair.

Judiciary Bill reported with amendments

The Chairman reported from the Committee that they had gone through the Bill referred to them, and had made several amendments thereto, which they had directed him to report to the House with the Bill, and he thereupon delivered the Bill with the amendments in at the Clerk's Table—where the said amendments were read; and thereupon,

Motion to re-commit Bill negatived

Mr. Smith moved that the Bill and amendments be recommitted to a Committee of the whole House, for the purpose of substituting the following clause, in place of the clauses and amendments reported from the Committee, viz :

*Be*

Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the day of in the Year of our Lord it shall not be lawful to sue out from any of the Inferior Courts of Common Pleas in this Province, any writ, process or proceedings whatsoever, whereby to commence any action, suit or proceeding, in any of such Courts respectively, and, from and after the day of aforesaid, the said Inferior Courts of Common Pleas, within and throughout this Province, shall be absolutely and entirely abolished; and the power, authority and Jurisdiction, of such Courts, shall thereafter entirely cease, and determine: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to any part of the Island of Cape-Breton: which, being seconded and put, and the House dividing thereon, there appeared for the motion, seventeen; against it, twenty-five.

Motion to re-commit Bill for purpose of abolishing the Com. Pleas Courts  
Negatived

For the motion,

Against the motion,

The Hon Mr Uniacke Mr Bell  
Mr D'Entremont Mr Holland  
Mr Smith Mr Thorne  
Mr Young Mr Waterman  
Mr Goudge Mr Dickey  
Mr Archibald Mr Kavanagh  
Mr Allison Mr J Sargent  
Mr Clements Mr W. Sargent  
Mr McLellan

Mr Spearwater The Hon Mr Dewolf  
Mr Holdsworth Mr M'Donald  
Mr Howe Mr M'Dougall  
Mr Taylor Mr Benjamin  
Mr DesBarres Mr Chipman  
Mr Forrestall Mr Miller  
Mr McHeffy Mr Heckman  
Mr Robicheau Mr Fairbanks  
Mr Forrester

Mr Morton  
Mr Whitman  
Mr McKim  
Mr Dickson  
Mr Lewis  
Mr Doyle  
The Hon Mr Huntington  
The Hon Mr Dodd

So it passed in the Negative.

The Hon. Mr. Uniacke then moved, that the Bill be recommitted, in order that such part of the Bill, as reduces the number of the Judges in the Supreme Court, may be omitted: which being seconded and put, and the House dividing thereon, there appeared for the motion fourteen; against it, twenty-nine.

Motion to re-commit Bill for purpose of retaining the number of Judges of Sup. Court  
Negatived

For the motion,

Against the motion.

The Hon Mr Uniacke Mr J Sargent  
Mr Young Mr Dickey  
Mr Goudge Mr Thorne  
The Hon Mr Dodd Mr W Sargent  
Mr Archibald  
Mr Allison  
Mr McLellan  
Mr Holland  
Mr Holmes  
Mr Waterman

Mr Howe  
Mr Kavanagh  
Mr Bell  
Mr Holdsworth  
Mr Smith  
Mr Taylor  
Mr Forrestall  
Mr Clements  
Mr Spearwater  
Mr Robicheau  
Mr McHeffy  
The Hon Mr Dewolf  
Mr M'Donald  
Mr Benjamin  
Mr Doyle

Mr Miller  
Mr McKim  
Mr Heckman  
Mr D'Entremont  
Mr Fairbanks  
Mr Forrester  
Mr Morton  
Mr Whitman.  
Mr Lewis  
Mr Dickson  
Mr DesBarres  
Mr McDougall  
Mr Chipman  
The Hon Mr Huntington

So it passed in the negative.

The amendments reported from the Committee being then again read, were, upon the question put thereon, agreed to by the House.

amendments agreed to

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

Bill to be engrossed

A Petition of the Overseers of the Poor for the Township of Maxwelltown, in the County of Pictou, was, by special leave of the House, presented by Mr. Dickson, and read, praying re-imbursement of the expenses of certain Transient Paupers.

Petition for expenses of Transient Poor in Maxwelltown, County Pictou, referred to Select Com.

Ordered, That the Petition be referred to the Select Committee on former Petitions in regard to Transient Paupers.

Mr. Dickson moved for the special leave of the House, to present a Petition of William Ives and John Ives, of Pictou, praying a return of an excess of duty, paid by them upon the importation of Brandy from Liverpool, G. B. which, being seconded and put, and the House dividing thereon, there appeared for the motion, fourteen; against it; sixteen.

Motion to present Petition of W. & J. Ives for return of Duty refused

So it passed in the Negative.

A Bill to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, was read a second time.

Whaling Company Incorporation Bill read 2d time & committed

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

On motion of Mr. Forrester, resolved as followeth:

Whereas,

MONDAY, 5th MARCH, 1838.

Committee to wait on Gov. relative to returns of municipal affairs of Halifax

Whereas, the Returns called for by a Resolution of this House, on the 3rd March, 1837, relative to the Municipal affairs of the Town of Halifax, have not been fully furnished; *Therefore resolved*, that a Committee be appointed to wait upon his Excellency the Lieutenant-Governor, and respectfully request him to cause the proper officers to assign the reason why such Returns have not been made, agreeably to the language and spirit of said Resolution.

*Ordered*, That Mr. Forrester, Mr. McKim and Mr. Benjamin, be a Committee for the above purpose.

Letter from John C. Hall relating to Horse Imperial laid before House

The Hon. Mr. Dodd, by command of His Excellency the Lieutenant Governor, presented to the House a letter from John C. Hall, Esq. to the Hon. the Provincial Secretary, relative to the Horse Imperial, and the same was read, and ordered to lie on the Table: and thereupon,

Mr. Hall to be released from terms relative to Imperial

On motion of the Hon. Mr. Dodd, *resolved*, that the explanations of Mr. Hall, offered in his letter to the Secretary of the Province, now laid before this House, for his non-compliance with the resolution of the 29th March, 1836, are satisfactory.

To be communicated to Gov.

*Ordered*, That the Hon. Mr. Dodd do communicate this resolution to His Excellency the Lieutenant-Governor, and respectfully request His Excellency to direct that all proceedings against Mr. Hall do cease and determine.

Petition for regulation of Salmon Fisheries

A Petition of Augustus A. Ogden and others, of Antigonishe, was presented by Mr. Forrester and read, praying that measures may be taken for the protection of the Salmon Fisheries.

Referred to Select Com.

*Ordered*, That the Petition be referred to the Committee on the Fisheries.

House go into Com. on Bills

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

Mr. Speaker left the Chair.

Mr. Kavanagh took the Chair.

Mr. Speaker resumed the Chair.

Report Digby Shire Town Bill without amendment

The Chairman reported from the Committee that they had gone through the Bill to establish the County or Shire Town in the County of Digby, and had directed him to report the said Bill to the House without any amendment; that they had also had under consideration the Bill respecting Elections for the Township of Horton, and recommend that the further consideration of the Bill be deferred until the next Session; and he afterwards delivered the Bills in at the Clerk's Table.

Report Horton Elections Bill to be deferred

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

Digby Bill to be engrossed  
Horton Elections Bill deferred

*Ordered*, That the Bill reported without amendment be engrossed.

*Ordered*, That the further consideration of the Bill respecting Elections for the Township of Horton be deferred until the next Session.

Cumberland and Colchester Boundary Bill presented

Mr. Lewis, pursuant to special leave given, presented a Bill for establishing the boundary line between the Counties of Cumberland and Colchester, and the same was read a first time, and ordered to be read a second time.

Bill to abolish one sitting of Sup. Court in Cumberland presented

Mr. Lewis, pursuant to special leave given, presented a Bill to abolish one of the sittings of the Supreme Court for the County of Cumberland, and the same was read a first time, and ordered to be read a second time.

Bill presented to erect St. Mary's into District

Mr. McDonald, pursuant to special leave given, presented a Bill to divide and set off the Township of St. Mary's as a separate and distinct District, and the same was read a first time, and ordered to be read a second time.

Free Conference to be requested with Council on amendments to Jury Bill

On motion of Mr. Young, *resolved*, that a Free Conference be desired by Committee of this House, with a Committee of the Council, on the subject of the amendments proposed by

TUESDAY, 6th MARCH, 1838.

by the Council to the Bill, entitled, An Act for the regulation of Juries, not agreed to by this House.

*Ordered,* That the Clerk do request said Conference.

Then the House adjourned until to-morrow, at eleven of the clock.

*Tuesday, 6th March, 1838.*

## PRAYERS.

A Petition of James Gray and others, pursuant to special leave given, was presented by Mr. Whitman and read, praying a sufficient allowance to the Annapolis Academy to ensure its efficiency, and that it may be placed on the same footing, and under the same regulations, as the Yarmouth Academy.

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

Petition relative to Annapolis Academy

Referred to Com. on Education

A Petition of the Inhabitants of the Five Islands Village, in Parrsborough, King's County, was, pursuant to special leave given, presented by Mr. Chipman and read, praying a grant to extend the Post Communication from Economy to that Village.

*Ordered,* That the Petition be referred to the Post-Office Committee.

Petition from five Islands for Post Communication

Referred to Post office Com.

A Petition of the Inhabitants residing in the Western part of the Township of Parrsborough, was, by special leave of the House, presented by Mr. Chipman and read, praying aid in the erection of an Oat-mill at Ratchford's River.

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

Petition for Oat Mill at Ratchford's River Parrsboro'

Referred to Agricultural Com.

An engrossed Bill concerning the Judiciary of this Province, was read a third time.

*Resolved,* That the Bill do pass, and that the title be, An Act concerning the Judiciary of this Province.

Engrossed Judiciary Bill read 3d time & passed

An engrossed Bill to establish the County or Shire Town, in the County of Digby, was read a third time.

*Resolved,* That the Bill do pass, and that the title be, An Act to establish the County or Shire Town in the County of Digby.

Engrossed Digby Shire Town Bill read 3d time & passed

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

Bills sent to Council

A Bill to abolish one of the Sittings of the Inferior Courts of Common Pleas and General Sessions of the Peace for the Counties of Cumberland, Colchester and Pictou; also,

A Bill to provide for the opening of certain New Roads in Queen's County; also,

A Bill for establishing the Boundary Line between the Counties of Cumberland and Colchester; also,

A Bill to abolish one of the Sittings of the Supreme Court for the County of Cumberland; also,

A Bill to divide and set off the Township of St. Mary's, as a separate and distinct District; were severally read a second time.

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

Bills read 2 time, viz: Bill to abolish Inf. Courts in Counties

Bill to open roads in Queens County Cumberland & Colchester Division Line Bill St. Mary's District Bill

Bills Committed

A Petition of the Grocers and others, engaged in the retail trade in Halifax, was, by special leave of the House, presented by Mr. Forrester and read, praying that a greater allowance may be made for Tare upon the Sale of Sugars and Rice by the Package.

Halifax Grocers' Petition relative to Tare

*Ordered,* That the Petition be referred to Mr. Forrester, Mr. Goudge and Mr. Bell, to examine and report thereon by Bill, or otherwise, with power to send for persons and papers

Referred to Select Com.

The Hon. Mr. Huntington, by command of His Excellency the Lieutenant-Governor, presented to the House a Letter from the Clerk of the Peace at Annapolis to the Hon. the Provincial Secretary, accounting for the Returns in regard to Statute Labor on Highways in the County of Annapolis not having been furnished pursuant to a Resolution of this House in the last Session; and the same was read, and ordered to lie on the Table.

Letter from Clerk of Peace at Annapolis regarding returns of Highway Labor

A Petition of William H. Munro and others, was, by special leave of the House, presented by

TUESDAY, 6th MARCH, 1838.

Petition for aid to  
Hall's Harbor Pier  
Cornwallis

Referred to Break-  
water Com.

Order of Day Private  
Petitions gone into

Pet. of J. Munro re-  
ferred to Supply

Pet. of J. MacKinnon  
referred to Supply

Petition of J. H. Tid-  
marsh referred to  
Supply

Pet. of R. Lawson  
referred to Supply

Pet. of D. Durland  
referred to Supply

Report from Select  
Com. on Pet. of S.  
Binney referred with  
Pet. to Supply

Pet. of C. Craig re-  
ferred to Supply

Pet. of Alex. H.  
Cocken referred to  
Members of County  
of Shelburne

Pet. of W. Eager  
withdrawn

Pet. of A. Ross &  
others referred to  
Members from Coun-  
ty Richmond

Pet. of S. Killam &  
others referred to  
Supply

Pet. of D. & W. Mur-  
ray referred to Sup-  
ply

by Mr. Morton and read, praying aid to their subscriptions for building another Pier on the end of the Western Wharf at Hall's Harbor, in Cornwallis, on the Shore of the Bay of Fundy.

*Ordered,* That the Petition be referred to the Committee on Breakwaters.

The Order of the Day being read, for the consideration of Private Petitions,

*Ordered,* That this House do now proceed to the consideration of the several Private Petitions before the House.

The Petition of John Munro was read, and, on motion of the Hon. Mr. Dodd, was referred to the Committee of Supply.

The Petition of John MacKinnon was read, and, on the motion of the Hon. Mr. Dodd, was referred to the Committee of Supply.

The Petition of James H. Tidmarsh, and the Report of the Select Committee thereon, were read, and, on motion of Mr. Bell, were referred to the Committee of Supply.

The Petition of Robert Lawson, and the Report of the Select Committee thereon, were read, and, on motion of Mr. Howe, were referred to the Committee of Supply.

The Petition of Daniel Durland, and the Report of the Select Committee thereon, were read; and thereupon,

Mr. Holland moved that the Petition and Report be referred to the Committee of Supply; which, being seconded,

Mr. Goudge moved, as an amendment to the question, to leave out all the words thereof after the word "be," and to insert instead thereof the word "withdrawn"; which, being seconded and put, passed in the negative.

The main question being then put,

*Ordered,* That the Petition and Report be referred to the Committee of Supply.

The Hon. Mr. Uniacke reported from the Select Committee on the Petition of Stephen Binney, favorably to the prayer of the Petition; and the Petition and Report being read, were, on motion of the Hon. Mr. Uniacke, referred to the Committee of Supply.

The Petition of Cornelius Craig was read, and on motion of Mr. Spearwater, was referred to the Committee of Supply.

The Petition of Alexander H. Cocken was read; and thereupon,

Mr. W. Sargent moved that the Petition be referred to the Committee of Supply; which, being seconded,

The Hon. Mr. Huntington moved, as an amendment to the question, to leave out all the words thereof after the word "be," and to insert instead thereof the words "referred to the Members from the County of Shelburne to provide therefor"; which, being seconded and put, and the House dividing thereon, there appeared for the amendment, nineteen; against it, seventeen.

So it passed in the affirmative.

*Ordered,* That the Petition be referred to said Members accordingly.

The Petition of William Eager was read; and thereupon,

The Hon. Mr. Uniacke moved that the Petition be referred to the Committee of Supply; which, being seconded,

Mr. Benjamin moved, as an amendment to the question, to leave out all the words thereof, after the word "be," and to insert instead thereof the word "withdrawn;" which, being seconded and put, was agreed to by the House.

And accordingly the Petition was withdrawn.

The Petition of Alexander Ross and others was read, and, upon the motion of the Hon. Mr. Uniacke, was referred to the Members from the County of Richmond.

The Petition of John Killam and others was read, and, on motion of Mr. Clements, was referred to the Committee of Supply.

The Petition of David Murray and Walter Murray, and the Report of the Select Committee thereon, were read, and, on motion of Mr. Holmes, were referred to the Committee of Supply.

The

TUESDAY, 6th MARCH, 1838.

The Petitions of William H. Ross, and of George Hiltz and Jacob Hiltz, and the report of the Select Committee thereon, were read, and, on motion of Mr. Miller, were referred to the Committee of Supply.

Pets. of W. H. Ross & G. & J. Hiltz referred to Supply

The Petition of the Trustees of the Yarmouth Academy was read; and thereupon, Mr. Clements moved, that the Petition be referred to the Committee of Supply: which being seconded,

Pet. of Trustees of Yarmouth Academy referred to Supply

Mr. Holland moved, as an amendment to the question, to leave out all the words thereof, after the word "Committee" and to insert instead thereof, the words, "on Education:" which, being seconded, was, by leave of the House, withdrawn.

The main question being then put,

Ordered, That the Petition be referred to the Committee of Supply.

The Petition of John Pernette was read; and thereupon,

Mr. Heckman moved that the Petition be referred to the Committee of Supply: which, being seconded,

Pet. of J. Pernette withdrawn

Mr. DesBarres moved, as an amendment to the question, to leave out all the words thereof, after the word "be" and to insert instead thereof, the word, "withdrawn:" which, being seconded and put, and the House dividing thereon, there appeared for the amendment, Seventeen; against it, Twelve.

So it passed in the affirmative.

And the Petition was withdrawn accordingly.

The Petition of William Leigh, and the report of the Select Committee thereon, were read; and thereupon,

Pet. of W. Leigh referred to Supply

Mr. DesBarres moved that the Petition and Report be referred to the Committee of Supply: which being seconded,

Mr. Heckman moved, as an amendment to the question, to leave out all the words thereof, after the word "be," and to insert instead thereof, the word "withdrawn:" which, being seconded and put, passed in the negative.

The main question being then put,

Ordered, That the Petition and Report be referred to the Committee of Supply.

The Petition of Thomas Whittemore, and the Report of the Select Committee thereon, were read; and thereupon,

Pet. of T. Whittemore referred to Supply

Mr. McDougall moved that the Petition and Report be referred to the Committee of Supply; which, being seconded,

Mr. Benjamin moved, as an amendment to the question, to leave out all the words thereof, after the word "be," and to insert instead thereof, the word "withdrawn": which, being seconded and put, passed in the negative.

The main question being then put,

Ordered, That the Petition and Report be referred to the Committee of Supply.

The Petition of the President and Committee of the Halifax Mechanics' Library being read, was, on motion of Mr. Howe, referred to the Committee of Supply.

Pet. of Mechanics' Library referred to Supply

The Petition of the Commissioners of Schools in Cape-Breton and others, for aid to an Academy at Sydney, C. B. was read, and, upon motion of the Hon. Mr. Dodd, was referred to the Committee of Supply.

Pet. for Sydney C. B. Academy referred to Supply

The Petition of the Trustees of the National School at Halifax.

The Petition of the Committee of the Royal Acadian School at Halifax; and,

The Petition of the Rev. Dr. Willis, in behalf of the African School, at Halifax, were severally read, and, on motion of Mr. Bell, were referred to the Committee of Supply.

Pets. of National, Acadian & African Schools in Halifax referred to Supply

The Petition of Samuel Archibald was read; and thereupon,

Mr. Howe moved that the Petition be referred to the Committee of Supply: which, being seconded,

Pet. of S. Archibald to remain on Table

The Hon. Mr. Uniacke moved, as an amendment to the question, to leave out all the words thereof after the word "be" and to insert instead thereof, the words "referred to the Members from the County of Halifax, to provide therefor:" which, being seconded,

The

TUESDAY, 6th MARCH, 1838.

The proposed question and amendment were, by leave of the House, withdrawn.  
*Ordered*, That the Petition do lie on the Table.

Pet. of Halifax Steam  
Boat Co. referred to  
Supply  
Pet. of J. Whitney  
referred to Supply

The Petition of the Halifax Steam Boat Company was read, and, on motion of Mr. Bell, was referred to the Committee of Supply.

The Petition of James Whitney was read, and, on motion of Mr. Howe, was referred to the Committee of Supply.

Pet. for Halifax Dis-  
pensary referred to  
Supply  
Pet. of J. MacGregor

The Petition of Drs. Grigor and Stirling, for aid to the Halifax Dispensary, was read, and, on motion of Mr. Bell, was referred to the Committee of Supply.

The Petition of John MacGregor, and the report of the Select Committee thereon, were read; and thereupon,

Motion for Supply  
negatived

Mr. Bell moved that the Petition and Report be referred to the Committee of Supply: which, being seconded and put, and the House dividing thereon, passed in the negative.

Motion to withdraw  
negatived

Mr. Archibald then moved that the Petition be withdrawn: which, being seconded and put, and the House dividing thereon, there appeared for the motion, sixteen; against it, twenty-six:

For the motion,

Mr Goudge	Mr Waterman
The Hon Mr Huntington	Mr Clements
Mr Benjamin	Mr Chipman
Mr McHeffy	Mr Dickey
Mr D'Entremont	
Mr Robicheau	
Mr Allison	
Mr Smith	
Mr McLellan	
Mr Archibald	
Mr Forrester	
Mr Spearwater	

Against the motion,

Mr Bell	Mr McDonald
Mr Whitman	Mr Miller
Mr Holdsworth	The Hon Mr Dodd
Mr Thorne	Mr Morton
Mr J Sargent	Mr DesBarres
Mr Holland	Mr Heckman
Mr Forrestall	Mr McKim
Mr Howe	The Hon Mr Uniacke
Mr Taylor	Mr Kavanagh
Mr W Sargent	Mr Young
Mr Holmes	Mr Dickson
The Hon Mr Dewolf	Mr Fairbanks
Mr Lewis	Mr McDougall

So it passed in the negative.

*Ordered*, That the Petition do lie on the Table.

Pet. of Western  
Clerks of Peace re-  
ferred to Com. of  
Supply

The Petition of Samuel Cowling and others, Clerks of the Peace, was read; and thereupon,

Mr. Chipman moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Benjamin moved, as an amendment to the question, to leave out all the words thereof after the word "be," and to insert instead thereof the word "withdrawn": which, being seconded and put, and the House dividing thereon, there appeared for the amendment, twelve; against it, twenty-five. So it passed in the negative.

The main question being then put,

*Ordered*, That the Petition be referred to the Committee of Supply.

Pet. of Andrew  
Meuse withdrawn

The Petition of Andrew Meuse was read; and thereupon,

Mr. D'Entremont moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. W. Sargent moved, as an amendment to the question, to leave out all the words thereof after the word "be," and to insert instead thereof the word "withdrawn": which, being seconded and put, was agreed to by the House.

And the Petition was withdrawn accordingly.

Pet. of Mechanics'  
Institute referred to  
Supply

The Petition of the Officers and Committee of the Halifax Mechanics' Institute was read, and, on motion of Mr. Howe, was referred to the Committee of Supply.

Pet. of Dr. Sawers  
withdrawn

The Petition of Alexander F. Sawers, M. D. was read; and thereupon,

Mr. Bell moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Chipman moved, as an amendment to the question, to leave out all the words thereof after the word "be," and to insert instead thereof the word "withdrawn": which, being seconded and put, was agreed to by the House.

And the Petition was withdrawn accordingly.

The

The Petition of Edward Morgan and others, for aid to clear out a part of Bear River, in the County of Annapolis, was read: and thereupon,

Pet. of E. Morgan & others withdrawn

Mr. Holland moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Benjamin moved, as an amendment to the question, to leave out all the words thereof, after the word "be" and to insert instead thereof, the word "withdrawn:" which, being seconded and put, was agreed to by the House.

And the Petition was withdrawn accordingly.

The Petition of the Inhabitants of Tracadie, for aid to deepen the entrance of Tracadie Harbor, was read, and, on motion of Mr. McDougall, was referred to the Committee of Supply.

Pet. for aid to clear out Tracadie Harbor referred to Supply

The Petition of Robert N. Henry and others, Clerks of the Peace, was read, and, on motion of Mr. McDougall, was referred to the Committee of Supply.

Pet. of Eastern Clerks of Peace referred to Supply

The Petition of the Inhabitants of Lake Porter, and the places adjacent, for aid to clear out the passage from that Lake to the Sea, was read; and thereupon,

Pet. of Inhabitants of Lake Porter referred to Com. of Supply

Mr. Howe moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Benjamin moved, as an amendment to the question, to leave out all the words thereof after the word "be" and to insert instead thereof, the word "withdrawn:" which, being seconded, was, by leave of the House, withdrawn.

The main question being then put,

*Ordered*, That the Petition be referred to the Committee of Supply.

The Petition of James Brown and Thomas Pearson, for aid to a Ferry over the Shubenacadie river, was read; and thereupon,

Pet. for aid to Shubenacadie Ferry withdrawn

Mr. Archibald moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Fairbanks moved, as an amendment to the question, to leave out all the words thereof after the word "be" and to insert instead thereof, the word "withdrawn:" which, being seconded and put, passed in the affirmative.

And the Petition was accordingly withdrawn.

*Ordered*, That this House do, to-morrow, proceed to the further consideration of Private Petitions.

Further order for consideration of Private Petitions

Then the House adjourned until to-morrow, at Eleven of the clock.

Wednesday, 7th March, 1838.

PRAYERS.

Mr. Doyle reported from the Select Committee on the Petition of Peter Morriscy, for a return of duties on goods destroyed by Fire, favourably to the prayer of the Petition; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read with the Petition; and thereupon,

Report on Pet. of P. Morriscy

*Ordered*, That the Petition and Report be referred to the Committee of Supply.

Pet. and Report referred to Supply

Mr. Fairbanks reported from the Select Committee on the Petition of James Gray and others, for aid to the road between the Towns of Annapolis and Liverpool, favourably to the prayer of the Petition; and he read the Report in his place, and afterwards delivered it in at Clerk's Table, where it was again read.

Report on Pet. for aid to road from Annapolis to Liverpool

(See Appendix, No. 45.)

Report received

On motion of Mr. Whitman, *resolved*, that the Report be received by this House:

Mr. Whitman, then moved that the Petition and Report be referred to the Committee of Supply: which, being seconded,

Motion to refer to Com. of Supply

The Hon. Mr. Huntington moved, as an amendment to the question, to leave out all the words

Amendment to refer to Members' carried

WEDNESDAY, 7th MARCH, 1838.

words thereof, after the words "to be" and to insert instead thereof, the words "Members from the Counties of Annapolis and Queen's": which, being seconded and put, and the House dividing thereon, passed in the affirmative.

*Ordered*, That the Hon. Mr. Dodd have leave of absence, after the 16th instant, to return home on urgent private business.

Leave of absence to  
Hon. Mr. Dodd

Report from Com. to  
wait on Gov. relative  
to Municipal returns  
not sent to House

Mr. Forrester reported from the Committee appointed yesterday to wait on His Excellency the Lieutenant-Governor, in relation to certain Returns of the Municipal Affairs of Halifax not having been laid before this House, agreeably to a Resolution of last Session—that the Committee had complied with the Order of the House, and that His Excellency, in reply to the application of the House was pleased to say that he would direct the proper Officer to assign the reason for the non-compliance with the Resolution therein adverted to.

Order of Day, House  
proceed on Private  
Petitions

The Order of the Day for the further consideration of Private Petitions being read,  
*Ordered*, That this House do now proceed in such further consideration.

Pet. of R. Gruber re-  
ferred to Select Com.

The Petition of Robert Gruber, in relation to the Bridewell, was read; and thereupon,  
*Ordered*, That the Petition be referred to Mr. Goudge, Mr. Fairbanks, Mr. Bell, Mr. Benjamin, and Mr. D'Entremont, to examine and report upon to this House.

Pet. for Whale Fish-  
ery Bounty referred  
to Supply  
Pet. for aid to Horton  
Baptist Academy re-  
ferred to Supply  
Pet. for Bridge over  
Black River referred  
to Members from  
County Richmond

The Petition of William Stairs and others, for aid to the South Sea Whale Fishery, was read, and, on motion of Mr. Howe, was referred to the Committee of Supply.

The Petition of the Nova-Scotia Baptist Education Society was read, and, on motion of Mr. Chipman, was referred to the Committee of Supply.

The Petition of the Inhabitants of West Bay, Bras d'Or Lake, and places adjacent, praying aid to a Road and Bridge at Black River, was read; and thereupon,

Mr. Bell moved that the Petition be referred to the Members from the County of Richmond, to provide for the object thereof: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two; against it, twenty-one.

So it passed in the affirmative.

Pet. for aid to Bridges  
at Wagamatcook C.  
B. withdrawn

The Petition of the Settlers of Wagamatcook, in the County of Cape-Breton, for aid to certain Bridges, was read, and was, by leave of the House, withdrawn.

Pet. of Major Ruxton  
referred to Supply

The Petition of Major George Ruxton was read, and, on motion of the Hon. Mr. Dodd, was referred to the Committee of Supply.

Pet. of Indians for aid  
to Chapel in Douglas  
referred to Supply

The Petition of Goreham Paul and Lewis Paul was read, and, on motion of Mr. Smith, was referred to the Committee of Supply.

Pet. for Act relating to  
Mills at Bear River

The Petition of E. Morton and others, for an Act of Incorporation in relation to Mills at Bear River, in the County of Annapolis, was read; and thereupon,

Leave to bring in Bill

*Ordered*, That Mr. Thorne have leave to bring in a Bill pursuant to the prayer of the Petition.

Pet. of W. Harris  
withdrawn

The Petition of William Harris was read; and thereupon,  
*Ordered*, That the Petition be withdrawn.

Pet. of R. N. Henry  
referred to Supply

The Petition of Robert N. Henry, for aid to alterations of main Post Roads from Antigonishe towards Cape-Breton and Merigomishe, was read, and, on motion of Mr. M'Dougall, was referred to the Committee of Supply.

Pet. of Tailors Socie-  
ty  
Leave to Bring in Bill

The Petition of the Friendly and Benevolent Society of Tailors was read; and thereupon,  
*Ordered*, That Mr. Doyle have leave to bring a Bill pursuant to the prayer thereof.

Pet. of S. Lawlor  
withdrawn

The Petition of the Rev. Simon Lawlor was read; and thereupon,  
On motion of Mr. Bell, *resolved*, that the Petition be withdrawn.  
And the same was withdrawn accordingly.

Pet. for Post Road  
near Kentville refer-  
red to Members for  
King's

The Petition of Silas W. Marsters and others, for aid to alter the main Post Road to the Eastward of Kentville, was read, and thereupon,

On

WEDNESDAY, 7th MARCH, 1838.

On motion of Mr. Goudge, *resolved*, that the Petition be referred to the Members from the County of King's, to provide for the object thereof.

The Petition of the Rev. James C. Cochran and others, for aid to establish an Academy at Lunenburg, was read; and thereupon,

Petition for Academy at Lunenburg referred to Com. on Education

Mr. Heckman moved that the Petition be referred to the Committee of Supply: which, being seconded,

Mr. Goudge moved, as an amendment to the question; to leave out the words "of Supply" and insert instead thereof, the words "on Education," which, being seconded and put, passed in the affirmative, and the question as amended was agreed to by the House.

The Petition of the Glen of Lochaber, for aid to a road, was read,

Pet. of Glen of Lochaber left on Table

*Ordered*, That the Petition do remain on the Table.

The Petition of Charles Pernette was read; and thereupon,

Pet. of C. Pernette referred to Lunenburg Members

Mr. Heckman moved that the Petition be referred to the Committee of Supply: which being seconded,

Mr. Goudge moved as an amendment to the question, to leave out the words "Committee of Supply," and insert instead thereof, the words "Members from the County of Lunenburg:" which, being seconded and put, passed in the affirmative.

The question as amended being then put, was agreed to by the House.

The Petition of Alexander Meldrum and others, was read; and thereupon,

Pet. from County of Pictou for further time to pay money loaned under Act of last Session referred to Select Com.

*Ordered*, That the Petition be referred to Mr. Dickson, the Hon. Mr. Huntington, the Hon. Mr. Dodd, Mr. McDougall and Mr. DesBarres, to report thereon, and generally upon the subject of the Sums due for loans made under the Act of last Session, entitled, "An Act to afford relief to the Poor Settlers in this Province."

A Message from the Council, by Mr. Halliburton:

Message from Council

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to prevent Injuries to the Fisheries in the County of Lunenburg by Mill-dams, or any other obstructions; also, to the Bill, entitled, An Act to modify the provisions of the Act for preventing persons leaving the Province without a Pass, and to the Bill, entitled, An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township, severally without any amendment.

Council agree to Lunenburg Fisheries Bill Passengers Pass Bill And Clements Township Bill

Severally without amendment

And then the Messenger withdrew.

The Petition of the Inhabitants of the East River of St. Mary's and other places adjacent, was read: and thereupon,

Pet. from East River of St. Mary's referred to Members from County of Pictou

Mr. Holmes moved that the Petition be referred to the Committee of Supply: which, being seconded.

Mr. Goudge moved as an amendment to the question that the words "Committee of Supply" be left out, and the words "Members of the County of Pictou to provide therefor" be inserted instead of the words so left out: which, being seconded and put, passed in the affirmative.

The question as amended being then put, was agreed to by the House.

The Petition of Mary Bolman and Anne Bolman, for compensation for the services of their late father Dr. Bolman, as Health Officer at Lunenburg, was read: and thereupon,

Pet. of M. & A. Bolman for payment of their father's services as Health Officer withdrawn

Mr. Heckman moved that the Petition be referred to the Committee of Supply: which being seconded,

Mr. Archibald, moved as an amendment to the question, to leave out the words "referred to the Committee of Supply," and to insert instead thereof, the word "withdrawn:" which, being seconded and put, passed in the affirmative.

And the Petition was withdrawn accordingly.

The Petition of William McCormick, of Digby, praying remuneration for services as a Constable, in the apprehension and detention of one Clem Petit, charged with Murder on the high seas, was read; and thereupon,

Pet. of W. McCormick referred to Select Com.

*Ordered*, That the Petition be referred to Mr. Thorne, Mr. Goudge and Mr. Chipman, to examine and report thereon to this House.

WEDNESDAY and THURSDAY, 7th and 8th MARCH, 1838.

Agreement to Conference on State of Province communicated to Council

*Ordered*, That the Clerk do acquaint the Council that this House have agreed to the Conference desired by the Council on Saturday last, on the General State of the Province, and that the Committee of this House are ready to meet the Committee of the Council.

Change in Com.

*Ordered*, That Mr. Dickson be substituted as one of the Committee of this House on said Conference, in place of the Hon. Mr. Dewolf, absent from temporary illness.

And the Managers went to the Conference.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council agree to free Conference on amendment to Juries Bill

The Council agree to the Free Conference requested by this Honorable House, on the subject of the amendments proposed by the Council to the Bill, entitled, An Act for the regulation of Juries; and the Committee of the Council are now ready to meet the Committee of this Honorable House, in the Committee Room of the Council.

And then the Messenger withdrew.

Com. of Conference

*Ordered*, That the Committee of this House who managed the last Conference, on the subject of said amendments, do manage this Free Conference.

And they went to the Conference.

Agricultural report referred to Com. of Supply

On motion, the Report of the Committee on Agriculture and Manufactories was read; and thereupon,

On motion of Mr. Morton, *resolved*, that the Report be referred to the Committee of Supply.

Resolution to request Public Accounts to be made up next year to 31st Oct. next

On motion of the Hon. Mr. Dodd, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request that he will be pleased (with a view to an earlier meeting of the Legislature) to direct the Public Accounts to be made up to the 31st day of October next, so as they may be ready to be submitted at the next Session of the Assembly.

Com. to wait on Gov. with foregoing

*Ordered*, That the Committee who were appointed to wait upon His Excellency the Lieutenant-Governor, in regard to the meeting of the Legislature in December, be a Committee for the above purpose.

Then the House adjourned until to-morrow, at eleven of the Clock.

Thursday, 8th March, 1838.

PRAYERS.

Post Office returns laid before House

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented the Accounts of the Receipts and Disbursements of the Post-Office Department of this Province, required by the Resolution of this House of the 15th April last, transmitted to His Excellency by the Deputy Post-Master General, and the same were read by the Clerk.

(See Appendix, No. 46.)

Referred to Com. on Post Office

*Ordered*, That the Accounts be referred to the Committee on the Post-Office Department.

Report from Select Com. on Breakwaters

The Hon. Mr. Dewolf reported from the Select Committee on the several Petitions praying aids to Piers or Breakwaters; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 47.)

Referred to Com. of Supply

*Ordered*, That the Report and Petitions therein referred to be referred to the Committee of Supply.

Pet. from Guysborough relative to School Lands

A Petition of Inhabitants of Guysborough was, by special leave of the House, presented by Mr. DesBarres and read, praying that measures may be taken to ensure the efficiency of the School Lands of the Province, for the purposes for which they were originally granted or reserved.

*Ordered*,

THURSDAY, 8th MARCH, 1838.

<i>Ordered,</i> That the Petition be referred to the Committee on School Lands, and that the Hon. Mr. Uniacke, Mr. Fairbanks and Mr. DesBarres, be added to the said Committee.	Referred to Com. on School Lands
Mr. DesBarres reported from the Select Committee on the Bill for making Lands and Tenements liable to Debts, and to repeal the Acts now in force, that the Committee had examined the Bill and had made some amendments thereto, which they recommend to the House to be adopted; and he delivered the Bill and amendments in at the Clerk's Table, where the amendments were read; and thereupon,	Report from Select Com. on Bill for making Lands, &c. liable to Debts Amendments reported
<i>Ordered,</i> That the Bill and amendments be committed to a Committee of the whole House.	Bill and amendments re-committed
Mr. DesBarres reported from the Select Committee on the Bill to regulate the Fisheries in Chedabucto Bay, that the Committee had considered the Bill and made several amendments thereto, which they recommend to the House to be adopted with the Bill; and he delivered the Bill and amendments in at the Clerk's Table, where the amendments were read.	Report from Com. on Chedabucto Fishery Bill Amendments reported
<i>Ordered,</i> That the Bill be re-committed to a Committee of the whole House, with the amendments.	Bill and amendments re-committed
Mr. Young, from the Committee of Free Conference with the Council, by Committee on the subject of the amendments to the Bill, entitled, An Act for the regulation of Juries, reported that the Managers had been at the Conference, and he stated the substance of the Conference to the House.	Report from Com. of Free Conference on amendments to Jury Bill
Mr. Young, from the Committee of Conference with a Committee of the Council, on the General State of the Province, reported that the Managers had been at the Conference, and he stated the substance of the Conference to the House.	Report from Com. on General State of Province
The Order of the Day being read, for the consideration of the Message and Despatches relative to the Civil List and Casual Revenue,	Order of Day consideration of Message, &c. relative to Civil List and Casual Revenue
On motion of the Hon. Mr. Uniacke, the House resolved itself into a Committee of the whole House, on the consideration of the said Message and Despatches.	Com. of whole thereon
Mr. Speaker left the Chair, Mr. Kavanagh took the Chair, Mr. Speaker resumed the Chair.	
The Chairman reported from the Committee that they had made some progress in the business referred to them, and had directed him to move for leave to sit again on the consideration of the same subject.	Progress reported
<i>Ordered,</i> That this House do again, to-morrow, resolve itself into a Committee of the whole House, on the further consideration of the Message and Despatches, relative to the Civil List and Casual Revenue.	Further order for consideration of Message &c. relating to Civil List, &c.
A Message from the Council, by Mr. Halliburton:	Message from Council
Mr. Speaker,	
The Legislative Council desire a Free Conference by Committee, with a Committee of this Honorable House, on the subject of the amendments proposed to the Bill, entitled, An Act for the regulation of Juries.	Council desire Free Conference on amendments to Jury Bill
And then the Messenger withdrew.	
On motion, <i>resolved,</i> that this House do agree to the said Free Conference as desired by the Council, and that the Clerk do acquaint the Council therewith, and that the Committee of this House are ready to meet the Committee of the Council on said Conference.	Free Conference agreed to
<i>Ordered,</i> That the same Committee who managed the last Conference on the above subject, do manage this Conference.	
So they went to the Conference; and being returned,	
Mr. Young reported that the Managers had been at the Conference, and stated the substance of the Conference to the House.	Conference held and reported

On

THURSDAY and FRIDAY, 8th and 9th MARCH, 1838.

House re-consider amendments of Council to Juries' Bill

On motion of Mr. Young, the amendments proposed by the Council to the Bill, entitled, An Act for the regulation of Juries, and not agreed to by this House, were again read and considered by the House: and thereupon,

Agree to amendment to sixth clause

On motion of Mr. Young, *resolved*, that this House do not adhere to their Resolution not to agree to the amendment proposed by the Council, in regard to the sixth clause of the Bill, but do now agree to said amendment.

Adhere to Resolution in regard to amendment to 10th clause

On motion of Mr. Young, *resolved*, that this House do adhere to their resolution, not to agree to the amendment proposed by the Council to be made to the Bill, by leaving out the tenth clause thereof.

*Ordered*, That the Clerk do carry the Bill and amendments back to the Council, and acquaint them with the foregoing Resolutions of this House in regard thereto.

Order of Day for presentation of Road Scales postponed

The Order of the Day being read for the presentation of the several Scales of subdivision of Road Money,

*Ordered*, That the said Scales be reported to-morrow.

Then the House adjourned until to-morrow, at eleven of the clock.

Friday, 9th March, 1838.

PRAYERS.

Leave of absence to Mr. McHeffy

*Ordered*, That Mr. McHeffy have leave of absence from this House on Monday next, to return home on urgent private business.

Bill presented to amend County Rates assessment Act

Mr. Heckman, pursuant to special leave given, presented a Bill to amend the Act, entitled, An Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the same was read a first time, and ordered to be read a second time.

Message from Council Council not adhere to amendments to 10th clause of Juries Bill

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Legislative Council do not adhere to the amendment proposed by them to be made to the Bill, entitled, An Act for regulating Juries, by leaving out the tenth clause.

And then the Messenger withdrew.

Bill passed as amended

*Ordered*, That the Bill, entitled, An Act for regulating Juries, do finally pass this House as amended by the amendments of the Council, agreed to by this House; and that the Clerk do carry the Bill as amended to the Council, and inform them that this House have so passed the same.

Order of Day Com. of whole on Despatches relative to Civil List

The Order of the Day, that the House resolve itself into a Committee of the whole House, to consider further of the Message and Despatches relative to the Civil List and Casual Revenue, being read,

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

Report two Resolutions

The Chairman reported from the Committee, that they had come to two Resolutions upon the business referred to them, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered them in at the Clerk's Table.

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

The Resolutions reported from the Committee being then read by the Clerk, are as followeth:

1st Resolution reported from Com. of whole on Civil List

1st. *Resolved*, That it is the opinion of this Committee, that in exchange for the Casual and Territorial Revenues, there should be granted to Her Majesty, permanently, or during the continuance of any Act that may be passed for the transfer of such Revenues, such sums.

FRIDAY, 9th MARCH, 1838.

Sums as will be sufficient to pay the following Salaries to the Lieutenant-Governor during his continuance in Office, £3000 Sterling per annum, and to any future Lieutenant Governor £2,000 Sterling per annum. To the present Chief Justice £850 Sterling per annum, without fees, during his continuance in office. To any future Chief Justice £750 Sterling. To each of the Assistant Justices of the Supreme Court £500 Sterling, without fees.

2d. *Resolved*, That it is the opinion of this Committee, that the House should make a suitable Annual provision for the Attorney and Solicitor General, the Secretary of the Province, the Pension of Miss Cox; the Superintendent of Coal Mines, and Contingencies mentioned in the Despatch of the Right Honorable Lord Glenelg.

2d Resolution from Com. of whole on Civil List

The first of said Resolutions being then proposed from the Chair,

The Hon. Mr. Uniacke, moved as an amendment thereof, to leave out all the words of said Resolution, except the word "Resolved," and to insert before the said word "Resolved" the words "whereas Her Most Gracious Majesty the Queen, has through Her Minister for the Colonies, the Right Honorable Lord Glenelg, signified Her Royal pleasure to surrender to the Commons of Nova-Scotia, Her Majesty's Hereditary, Casual and Territorial Revenues; also, the Mines, Woods, Royalties and Reservations and Reversionary Interest therein of the Crown, if any, on a sufficient permanent provision being made for the due support of Her Majesty's Government, and payment of the Civil List of this Province," and after the said word "Resolved" to also insert the following words, viz: "that grateful for this proof of Royal regard for the advancement of this Colony, and anxious that a liberal provision should be made for its Civil Government, this House does freely accept the proposal of Her Majesty's Minister, conveyed in his Despatch of 31st October last, and does hereby give and grant for ever to Her Majesty and Her Successors, the Sum of £8,000 Sterling per annum, as the Amount of the Civil List of Nova-Scotia, to be applied to the Services in that Despatch, and the accompanying Schedule specified:" which, being seconded and put, and the House dividing thereon, there appeared for the amendment, one; against it, forty-two.

Amendment to first Resolution negatived

For the amendment,  
The Hon Mr Uniacke

Against the amendment,

Mr Clements  
Mr Dickson  
Mr Spearwater  
Mr Forrestall  
Mr Howe  
Mr Holmes  
Mr McLellan  
Mr McHeffy  
Mr Benjamin  
Mr Dickey  
Mr Upham  
Mr Morton  
Mr W Sargent  
Mr Smith

Mr Doyle  
Mr Fairbanks  
Mr Forrester  
Mr Holdsworth  
Mr Waterman  
Mr D'Entremont  
Mr Annand  
Mr Taylor  
Mr J Sargent  
Mr Whitman  
Mr Thorne  
Mr Chipman  
Mr Archibald  
Mr Miller

Mr Bell  
Mr Allison  
Mr McDonald  
Mr Holland  
Mr Young  
Mr DesBarres  
The Hon Mr Dewolf  
Mr Heckman  
Mr Robicheau  
Mr Kavanagh  
Mr Lewis  
Mr McKim  
The Hon Mr Huntington  
Mr Goudge

So it passed in the negative.

The said first Resolution reported from the Committee being then put, and the House dividing thereon, there appeared for agreeing to the Resolution, twenty-four; against it, nineteen.

First Resolution passed

For the resolution,

The Hon Mr Huntington  
Mr Goudge  
Mr Forrester  
Mr Annand  
Mr Robicheau  
Mr Doyle  
Mr McKim  
Mr Smith  
Mr W Sargent  
Mr Morton  
Mr Waterman  
Mr Spearwater

Mr Upham  
Mr Dickey  
Mr Benjamin  
Mr D'Entremont  
Mr Lewis  
Mr McDonald  
Mr McLellan  
Mr Holmes  
Mr Howe  
Mr Chipman  
Mr Holdsworth  
Mr Clements

Against the resolution,

Mr Dickson  
Mr Taylor  
Mr J Sargent  
Mr Whitman  
Mr Thorne  
Mr Forrestall  
Mr Archibald  
Mr Miller  
Mr Bell  
Mr Allison  
The Hon Mr Uniacke  
Mr McHeffy

Mr Holland  
Mr Young  
Mr DesBarres  
The Hon Mr Dewolf  
Mr Heckman  
Mr Kavanagh  
Mr Fairbanks

So it passed in the affirmative.

The second Resolution reported from the Committee, being then proposed from the Chair, Mr. Howe moved, as an amendment of said second Resolution, to leave out of the same the

Amendment proposed to 2d Resolution negatived

FRIDAY and SATURDAY, 9th and 10th MARCH, 1838.

words "Attorney and" and the words "the Secretary of the Province:" which, being seconded and put, and the House dividing thereon, there appeared for the motion seventeen; against it, twenty-six:

For the amendment,

Mr Annand  
Mr Kavanagh  
Mr Fairbanks  
Mr Heckman  
Mr DesBarres  
The Hon Mr Dewolf  
Mr Young  
Mr Allison  
Mr Forrestall  
Mr Thorne  
The Hon Mr Uniacke  
Mr Howe

Mr Taylor  
Mr Dickson  
Mr Bell  
Mr J Sargent  
Mr Whitman

Against the amendment,

Mr Chipman  
Mr Clements  
Mr Spearwater  
Mr Waterman  
Mr Holmes  
Mr Holdsworth  
Mr Archibald  
Mr Miller  
Mr Lewis  
Mr Smith  
Mr Robicheau  
Mr Doyle  
The Hon Mr Huntington

Mr McDonald  
Mr McHeffy  
Mr Holland  
Mr McLellan  
Mr Upham  
Mr Dickey  
Mr Benjamin  
Mr Morton  
Mr W Sargent  
Mr McKim  
Mr D'Entremont  
Mr Goudge  
Mr Forrester

So it passed in the Negative.

2d Resolution agreed to

The said second Resolution as reported from the Committee, being then put, was agreed to by the House.

Com. to frame Bill on Resolutions

*Ordered*, That Mr. Doyle, the Hon. Mr. Huntington, Mr. Benjamin, Mr. Fairbanks, Mr. Forrester, Mr. Howe and Mr. Morton, be a Committee to prepare and bring in a Bill accordance with the foregoing Resolutions.

Order of Day report of Road Scales postponed

The Order of the Day being read for the presentation of the several Scales of Subdivision of Road Money,

*Ordered*, That the said Scales be reported to-morrow.

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

Saturday, 10th March, 1838.

PRAYERS.

Bill to amend County assessment Act read 2d time and committed

A Bill to amend the Act, entitled, An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, was read a second time.

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

On motion of the Hon. Mr. Uniacke, resolved as followeth:

Resolution for address for survey of Bay of Fundy

Whereas, by a Despatch communicated to this House by His Excellency the Lieutenant Governor, from His Excellency Sir John Harvey, the Lieutenant Governor of the Province of New-Brunswick, transmitting Addresses presented to him by the Council and Assembly of that Province, praying him to urge Her Majesty's Government to adopt measures for causing an immediate survey to be made of the Bay of Fundy, the attention of this House has been called to this important measure. And whereas, as an object which must be regarded as of great importance to the Shipping and Commercial Interests of these Provinces, the House of Assembly of New-Brunswick have requested His Excellency Sir John Harvey to transmit this Address to His Excellency the Lieutenant-Governor of this Province, and that he will bring the subject under the consideration of the Legislature of this Province. And whereas the survey of the Bay of Fundy will be of great advantage to the Shipping and Commerce of this Province, and an accurate and precise knowledge of the dangers of the Navigation of such Bay, and an accurate description of the Light-Houses therein, would be of vast public importance, not only to these Provinces, but also to the Shipping frequenting the ports of the said Bay; *Resolved therefore*, that an Humble Address be presented to His Excellency the Lieutenant-Governor, praying His Excellency would co-operate with the Lieutenant-Governor of New-Brunswick, in endeavouring to procure from Her Majesty's Government the performance of this important work.

Committee to frame address

*Ordered*, That the Hon. Mr. Uniacke, the Hon. Mr. Dodd, Mr. Fairbanks, Mr. Clements and Mr. Young, be a Committee to prepare and bring in the said Address.

On motion of Mr. Dickey, resolved as followeth:

Whereas, application has been made by this House to His Excellency the Lieutenant Governor,

SATURDAY, 10th MARCH, 1838.

Governor, that he would be pleased to cause enquiry to be made what Fees are taken by the First Justice of the Court of Common Pleas for the Eastern District; and whereas the said First Justice has, by Letter to His Excellency, and communicated to this House, stated that he did take Fees under the Act of 28, Geo. 3, ch. 15. *Resolved*, that it is the opinion of this House, that the Fees so taken by the said First Justice of the Court of Common Pleas are illegal and in direct violation of the Act of Geo. 4th, ch. 38, sec. 6, and that this Resolution be communicated to His Excellency the Lieutenant-Governor, and that His Excellency would be pleased to have the same communicated to the said First Justice.

Resolution with regard to Fees taken by first Justice of Court of Com. Pleas for Eastern District

*Ordered*, That Mr. Dickey, Mr. Morton and the Hon. Mr. Huntington, be a Committee to communicate the foregoing Resolution to His Excellency the Lieutenant-Governor.

Com. to wait on Gov. with resolution

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented a letter from James Stewart Clarke, Esq. Clerk of the Peace at Halifax, to the Hon. the Provincial Secretary, in explanation of the causes of certain Municipal Returns of affairs of the Town of Halifax, not having been laid before this House, pursuant to a Resolution of last Session, and the same was read by the Clerk.

Letter from Clerk of Peace Halifax to Lt-Gov. in regard to returns of municipal affairs of Halifax laid before House

(See Appendix, No. 48.)

*Ordered*, That the Letter do lie on the Table.

The Hon. Mr. Dodd, reported from the Select Committee on the several Petitions praying re-imbusement of the expenses of Transient Paupers; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Petitions for reimbursement of expenses of Transient Paupers

(See Appendix, No. 49.)

*Ordered*, That the Report and the Petitions therein recommended to be provided for be referred to the Committee of Supply.

Referred to Com. of Supply

On motion of Mr. Young, *resolved*, that a Conference be requested with the Legislative Council, by Committee, on the General State of the Province, and that the Committee of this House be instructed to state that this House in deeming it premature to prepare an Address to Her Majesty on the subject of the Bill for abolishing certain Oaths before said Bill had received the assent of His Excellency, and for that reason declining to concur for the present therein, were governed by a desire to make the forms of proceeding between the two Houses conformable to Parliamentary usage, and the Precedents in the Mother Country as far as they would apply. The House were perfectly aware of the circumstances under which the Address was prepared in 1836, with respect to the Act of that year relating to the Fisheries, whose avowed object was to carry into effect the provisions of an Imperial Statute, and was therefore of a character altogether distinct from the Bill in question, which introduces a change into the constitution, long and anxiously desired by the House of Assembly. The House do not anticipate any difficulty or delay in the assent of His Excellency being given to the Bill, when His Excellency comes down, as is the usual practice, and occurred among other occasions on the 12th March, 1836, in the course of the Session, to give his assent to such Bills as have been concurred in by both Houses; but, if from any cause on this or any future occasion, His Excellency's assent should happen to be withheld, as was done so recently as 1836, with a Bill to continue the Act respecting liberated Slaves, the preparation of An Address founded on the presumption that such assent would be given as a matter of course, would, in the opinion of the House, be irregular and premature. For these reasons the House deemed it inexpedient to concur in appointing the Joint Committee sought for by the Legislative Council, exercising the same right which the Council admits and thought proper to act on during the present Session. Should His Excellency be pleased to give his assent to the Bill in question, the House will forward a dutiful Address to Her Majesty, praying that the same may be confirmed.

Conference to be requested with Council on subject of Oaths Bill and instructions for Com. Conference

*Ordered*, That the Clerk do desire the aforesaid Conference, by Committee of this House, with the Committee of the Council.

Mr. McLellan, pursuant to special leave given, presented a Bill for taxing Banks, and the same was read a first time, and ordered to be read a second time.

Bill presented for taxing Banks

Mr.

SATURDAY, 10th MARCH, 1838.

Committee to enquire  
into charge against  
Police Officers

Mr. Doyle moved that the House do come to a Resolution as followeth:

Whereas it has been asserted in this House, that Fees taken in the Police Office are sometimes put into the Pockets of the Officers of that Establishment, in violation of their duty; *Resolved*, that it is due to those persons as well as to the dignity of this House, that a Committee be appointed to investigate and examine the grounds of this charge: which, being seconded,

On motion of the Hon. Mr. Uniacke, an amendment was made thereto, by inserting the words "fines and," next before the word "Fees."

The said Resolution being then read as amended, was, upon the question put thereon, agreed to by the House.

*Ordered*, That the Hon. Mr. Dewolf, Mr. Forrestall, Mr. Taylor, Mr. Dickey and Mr. Doyle, be a Committee for the above purpose.

Report from Committee  
of last session as  
to combining Depart-  
ments of Revenue

Mr. Howe reported from the Select Committee appointed on the 21st day of March last, in the last Session, to enquire into the present mode of collecting and securing the Revenue, with a view of combining the duties of the Excise Department with those of the Customs or Treasury; that the Committee had attended to the duty assigned to them, and had in pursuance thereof, submitted various questions upon the subject to the several Officers of those Departments, and received their answers, and he thereupon presented to the House various papers relative thereto—which were read.

(See Appendix, No. 50.)

*Ordered*, That the papers do lie on the Table.

Report from Select  
Com. on Petition of  
Roger Cunningham

Mr. Forrester reported from the Select Committee on the Petition of Roger Cunningham; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read

(See Appendix, No. 51.)

*Ordered*, That the Report do lie on the Table.

Committee of whole  
on Bills

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

Report Bill to incor-  
porate Whaling Com-  
pany with amend-  
ment

The Chairman reported from the Committee that they had gone through the Bill to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, and had made an amendment thereto; which they had directed him to report to the House with the Bill; that the Committee had also gone through the Bill to provide for the opening of certain new Roads in Queen's County, and had directed him to report the said Bill to the House without any amendment; and he afterwards delivered the Bills with the amendment to the first mentioned Bill in at the Clerk's Table.

Also Bill for opening  
Roads in Queen's  
County

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

Motion to defer  
Queen's County  
Road Bill 3 months  
negatived

The Hon. Mr. Huntington moved that the further consideration of the Bill to provide for the opening of certain new Roads in Queen's County, be deferred until this day three months: which, being seconded and put, and the House dividing thereon, there appeared for the motion, eight; against it, twenty-eight.

For the motion,

Mr Chipman  
The Hon Mr Huntington  
Mr Doyle  
Mr Lewis  
Mr D'Entremont  
Mr Goudge  
Mr Benjamin  
Mr Bell

Against the motion,

Mr W. Sargent  
Mr Smith  
Mr Clements  
Mr Holmes  
Mr Forrester  
Mr Archibald  
Mr Whitman  
Mr Fairbanks  
Mr Holland  
Mr Taylor

Mr Dickey  
Mr M'ellan  
Mr Allison  
Mr Spearwater  
The Hon Mr Dewolf  
Mr Miller  
Mr Thorne  
Mr Upham  
Mr M'Donald  
Mr Young

Mr Annand  
Mr Heckman  
Mr Howe  
The Hon Mr Uniacke  
Mr Dickson  
Mr Morton  
Mr DesBarres  
Mr Waterman

So it passed in the Negative.

*Ordered*,

*SATURDAY and MONDAY, 10th and 12th MARCH, 1838.*

<i>Ordered,</i> That the Bill be engrossed.	Bills to be engrossed
<i>Ordered,</i> That the Bill reported with an amendment be engrossed.	
A Message from the Council, by Mr. Halliburton :	Message from Council
Mr. Speaker,	
The Legislative Council agree to the Conference desired by this Honorable House on the General State of the Province, and the Committee of the Council are ready to meet the Committee of this House in the Committee Room of the Council.	Council agree to Conference on Gen. State of Province
The Council desire a Conference by Committee, with a Committee of this Honorable House, on the subject of the Bill, entitled, An Act to establish the County or Shire Town in the County of Digby.	Council desire Conference on Digby Shire Town Bill
And then the Messenger withdrew.	
<i>Ordered,</i> That the Committee who managed the last Conference on the General State of the Province, do manage the Conference now agreed to by the Council.	Com. to manage Conference on General State of Province
So they went to the Conference.	
On motion, <i>resolved,</i> that this House do agree to the Conference desired by the Council, on the subject of the Bill, entitled, An Act to establish the County or Shire Town in the County of Digby, and that the Clerk do acquaint the Council that this House have so agreed to said Conference.	Conference on Digby Town Bill agreed to
<i>Ordered,</i> That Mr. Howe, Mr. Holdsworth, Mr. Robicheau, Mr. Holland and Mr. Thorne, do manage said Conference.	Com. thereon
So they went to the Conference,	
And being returned, Mr. Howe reported that the Managers had been at the Conference, and stated the substance of the Conference to the House.	Conference reported
Mr. Young reported from the Committee of Conference, with a Committee of the Council, on the General State of the Province, that the Managers had been at the Conference, and had complied with the instructions of the House.	
<i>Ordered,</i> That this House do, on Monday next, resolve itself into a Committee of the whole House, to consider of the Supply granted to Her Majesty.	Order of Day Com. of Supply
The Order of the Day being read for the presentation of the several Scales of Sub-division of Road Money,	Order of Day Road Scales postponed
<i>Ordered,</i> That the said Scales be reported on Monday next.	
Then the House adjourned until Monday next, at eleven of the clock.	

*Monday, 12th March, 1838.*

**PRAYERS.**

<i>Ordered,</i> That Mr. Dickson have leave of absence to return home on account of sickness in his family.	Leave of absence to Mr. Dickson
<i>Ordered,</i> That the Hon. Mr. Uniacke be Chairman of the Select Committee to prepare and bring in a Revenue Bill or Bills, in place of Mr. Dickson, who has leave of absence.	Chairman of Com. on Revenue Bills changed
Mr. D'Entremont, pursuant to leave given, presented a Bill to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, and the Bill was read a first time, and ordered to be read a second time.	Bill presented to divide John's Island Pubnico
A Petition of John Ditmars and others, Inhabitants and Freeholders of that part of Clements lying in the County of Annapolis, was, by special leave of the House, presented by Mr. Whitman and read, praying that, at future Elections of Representatives for the County of Annapolis, a Poll may be opened and held at Moose River, in Clements.	Pet. from Clements for Poll to be opened there at Elections for County of Annapolis
<i>Ordered,</i> That the Petition be referred to the Select Committee on the Law for regulating Elections of Representatives to serve in General Assembly.	Referred to Election Laws Com.

MONDAY, 12th MARCH, 1838.

Pet. of H. Goudge, Esq. for return of foreign duty paid on British Goods

A Petition of Henry Goudge, of Windsor, in the County of Hants, Esquire, was, by special leave of the House, presented by the Hon. Mr. Huntington and read, praying a Return of Duties by him paid upon articles imported from Liverpool, Great-Britain, and upon which, the same being of British Manufacture, the Duties were exacted as upon articles of Foreign Growth and Importation, from the inadvertent want of proper Cockets.

*Ordered*, That the Petition be referred to the Hon. Mr. Dewolf, Mr. Chipman and Mr. Lewis, to examine and report upon to this House.

Pet. referred to Select Com.

Bill presented to amend Pictou Academy Act

Mr. Chipman, pursuant to special leave given, presented a Bill to alter and amend the Act to regulate and support the Pictou Academy, and the same was read a first time, and ordered to be read a second time.

Report from Com. on alteration of road from Sackville Bridge to Scott's in Dartmouth

Mr. Smith reported from the Select Committee on the several Petitions for an alteration of the Main Eastern Road between Sackville Bridge and Archibald Scott's, in Dartmouth; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 52.)

*Ordered*, That the Report do lie on the Table.

Com. to examine returns under Resolution of last Session

On motion of Mr. Forrester, *resolved*, that a Committee be appointed to examine the Returns made to this House under the Resolution of the 3d March, 1837, and report how far that Resolution has been complied with.

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

Papers relative to Cross Island Light House laid before House

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a copy of a Letter from the Commissioners of Light-Houses for this Province, relative to the Light-House on Cross Island, in the County of Lunenburg, with an extract of a Letter from the Commissioners of Light-Houses in New-Brunswick, and the same were read by the Clerk.

(See Appendix, No. 53.)

*Ordered*, That the said Papers do lie on the Table.

Message from Council

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Council agree to Juries Bill as amended And to Digby Shire Town Bill with amendments

The Legislative Council have agreed to the Bill, entitled, An Act for the regulation of Juries as amended; also, to the Bill, entitled, An Act to establish the County or Shire Town of the County of Digby, with amendments, to which they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Order of Day Com. of Supply House in Com.

The Order of the Day, for the House to resolve itself into a Committee of the whole House, to consider of the Supply granted to Her Majesty, being read,

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to several Resolutions which they had directed him to report to the House.

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

*Ordered*, That this House do again, to-morrow, resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty.

Mr. Morton moved that the Report of the Resolutions from the Committee of Supply be received after the Committee shall be closed: which, being seconded,

Mr. Doyle moved, as an amendment of the question, to leave out all the words thereof after

Further Order for Com. of Supply to-morrow

Motion to defer report of Resolutions

Amendment for now receiving Report negatived

MONDAY, 12th MARCH, 1838.

after the words "Supply be," and to insert instead thereof the words "now received": which, being seconded and put, passed in the negative.

The Hon. Mr. Uniacke then moved, as an amendment of the question, to leave out all the words thereof after the words "of Supply," and to insert instead thereof the words "which provide for ordinary services be now received, and the report of the residue thereof be received after the several remaining Private Petitions before the Committee and not yet considered shall have been considered:" which, amendment being seconded and put, passed in the affirmative.

The question, as amended, being then read, and put from the Chair, was agreed to by the House; and accordingly,

Amendment for received Report of part of Resolutions passed

Report of Resolutions from Com. for granting Monies, viz:

The Chairman reported the following Resolutions from the Committee:

*Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred Pounds be granted and paid to the Speaker of the House of Assembly, in full, for his salary as Speaker during the present year.

2001. Speaker

*Resolved*, That it is the opinion of this Committee, that the sum of Six Hundred Pounds be granted and paid to the Treasurer of the Province, for his salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the present year.

6001. Treasurer

*Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred Pounds be granted and paid to the Clerk of the House of Assembly, for his services for the present year.

2001. Clerk of House

*Resolved*, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted and paid for defraying the expenses of the Legislative Council in General Assembly, for the present year, to be paid on the Certificate of the President of the Legislative Council, and not otherwise.

301. Expenses of Council

*Resolved*, That it is the opinion of this Committee, that the sum of Twenty-five Pounds be granted and paid to the Venerable Archdeacon Willis, D. D. for his services as Chaplain to the Legislative Council, during the present Session.

251. Rev. Dr. Willis

*Resolved*, That it is the opinion of this Committee, that the Sum of One Hundred Pounds be granted and paid to the Clerk of the Legislative Council for his services for the present Session.

1001. Clerk of Legislative Council

*Resolved*, That it is the opinion of this Committee, that the Sum of One Hundred Pounds be granted and paid to the Assistant Clerk of the House of Assembly for his services for the present Session.

1001. Assistant Clerk of Assembly

*Resolved*, That it is the opinion of this Committee, that the Sum of Forty Pounds be granted and paid to the Messenger of the Governor Lieutenant Governor or Commander in Chief for the time being, and the Executive and Legislative Councils, for the present year.

401. Messenger of Governor, &c.

*Resolved*, That it is the opinion of this Committee, that the Sum of Fifty Pounds be granted and paid to Matthew Forrester, for his services as Sergeant at Arms to the House of Assembly for the present Session.

501. Matthew Forrester

*Resolved*, That it is the opinion of this Committee, that the Sum of Thirty Pounds be granted and paid to John Jennings for his services as Assistant Sergeant at Arms to the House of Assembly for the present Session.

301. John Jennings

*Resolved*, That it is the opinion of this Committee, that the Sum of Thirty Pounds be granted and paid to John Gibbs for his services as Messenger to the House of Assembly for the present Session.

301. John Gibbs

*Resolved*, That it is the opinion of this Committee, that the Sum of Two Hundred Pounds be granted and paid to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax for his services for the present year.

2001. Guager and Weigher

*Resolved*, That it is the opinion of this Committee, that there be granted and paid on the certificate of the Commissioners of the Revenue at the rate of Seven Shillings and Sixpence per day, to such person or persons as shall be employed during the present year by the Collector of Impost and Excise for the District of Halifax as extra Waiter or Waiters for the Port of Halifax, and five shillings per day to such extra Waiter or Waiters when un-employed, and at the rate of five shillings per day to temporary Waiters.

Excise Waiters

*Resolved*,

MONDAY, 12th MARCH, 1838.

451. Revenue Clerk *Resolved*, That it is the opinion of this Committee, that the Sum of Forty-five Pounds be granted and paid to the Clerk of the Commissioners of the Revenue, for his services for the present year.
609. Transient Poor *Resolved*, That it is the opinion of this Committee, 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.
350. J. Howe, Esq. for Printing *Resolved*, That it is the opinion of this Committee, that the Sum of Three Hundred and Fifty Pounds be granted and paid to John Howe, Esq. Printer, for printing for Government and the General Assembly for the present year.
60. Keeper of Assembly, &c. *Resolved*, That it is the opinion of this Committee, that the Sum of Sixty Pounds be granted and paid to the Keeper of the Assembly House, Council Chamber and Law Library, for the present year.
40. Lawrence Kavanagh *Resolved*, That it is the opinion of this Committee, that the Sum of Forty Pounds be granted to Lawrence Kavanagh, Esq. to be drawn by him from the Treasury, when it shall be certified, by a Judge of the Supreme Court, that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton during the present year.
100. Indians *Resolved*, That it is the opinion of this Committee, that the Sum of One Hundred Pounds be granted and placed at the disposal of the Governor, Lieutenant Governor or Commander in Chief for the time being, to be applied in such way as he may deem most proper for the relief of the Indians in this Province.
25. School Poor House *Resolved*, That it is the opinion of this Committee, that the sum of Twenty-five Pounds be granted and paid to the Commissioners of the Poor in Halifax, to defray the expense of continuing the School in the Poor-House for the present year, for the benefit of Orphans and Poor Children in that Establishment.
50. Parrsborough Packet *Resolved*, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted and paid to the Owners of the Packet running between Windsor and Partridge 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 it is the opinion of this Committee, that the sum of Fifty Pounds be granted to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by the General Sessions of the Peace for the County of Guysborough, to be paid upon the Certificate of the said General Sessions that such Packet has been properly kept and run during the present year.
400. Commrs. of Sable Island *Resolved*, That it is the opinion of this Committee, 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.
300. Horton Academy *Resolved*, That it is the opinion of this Committee, that the sum of Three Hundred Pounds be granted and paid to the Managing Committee of the Horton Academy, in aid of that Institution for the present year.
200. Arichat Academy *Resolved*, That it is the opinion of this Committee, that the sum of One Hundred Pounds be granted and paid in aid of the Arichat Academy for the present year, to be placed in the hands of the Trustees appointed by His Excellency the Lieutenant-Governor.
100. Mr. Uniacke's Schools *Resolved*, That it is the opinion of this Committee, that the Sum of One Hundred Pounds be granted and paid to the Rev. R. F. Uniacke, to enable him to defray the expences incurred to support Schools for Poor Children in the North Suburbs of the Town of Halifax.
135. Yarmouth Academy *Resolved*, That it is the opinion of this Committee, 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.
50. School Lunenburg *Resolved*, That it is the opinion of this Committee, that the Sum of Fifty Pounds be granted and paid to the Commissioners of Schools for the County of Lunenburg, for the support of the National School in the Town of Lunenburg for the present year.
50. Infant School *Resolved*, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted

MONDAY and TUESDAY, 12th and 13th MARCH, 1838.

ed and paid to the Ladies, Managers of the Infant School at Halifax, in aid of that Institution for the present year.

*Resolved*, That it is the opinion of this Committee, that the Sum of Fifty Pounds be granted and paid to Doctors Grigor and Sterling, in aid of the Halifax Dispensary for the present year : provided they keep during the year a sufficient quantity of Vaccine matter.

50l. Dispensary

*Resolved*, That it is the opinion of this Committee, 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 and Auld's Cove, in the County of Sydney, the said Boat or Scow to be placed under the regulation of the General Sessions for the County of Inverness.

20l. Gut of Canso Ferry

*Resolved*, That it is the opinion of this Committee, 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 be 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 said Boat has been running at least twice a week for four months to the satisfaction of the said Sessions under their regulations.

30l. Shubenacadie Ferry

*Resolved*, That is the opinion of this Committee, that the Sum of One Pound per day be granted and paid to each and every of the Members of the House of Assembly for their attendance in General Assembly for the present Session, to be paid on the Certificate of the Speaker; also, the travelling charges as heretofore; Provided, that no Member shall receive pay for more than forty days attendance.

Members pay

*Resolved*, That it is the opinion of this Committee, that the Sum of Ten Pounds be granted and paid to Lawrence Kavanagh, Esq. for his services as Chairman of Committees of the whole House for the present Session, to be added to his pay ticket.

Chairman of Coms. 10l.

*Resolved*, That it is opinion of this Committee, that the Sum of One Hundred and Fifty Pounds be granted and placed at the disposal of His Excellency the Lieutenant Governor to reimburse the Avon Bridge Company the outlay of that Sum in completing the Public Highway connecting the Avon Bridge with a Main Road in Falmouth, pursuant to a resolution of last Session.

150l. to pay outlay of Avon Bridge Company

The said several resolutions, reported from the Committee, were then again read by the Clerk, and, upon the question severally put thereon, agreed to by the House.

Resolutions agreed to

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

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant Governor, presented an alphabetical return of Fines received at the Police Office in Halifax, from 1st Nov. 1828, to the 28th February, 1838.

Return of Fees taken in Police Office

*Ordered*, That the Return do lie on the Table.

Mr. Howe, pursuant to Special leave given, presented a Bill for the appointment of Trustees of School Lands in this Province, and the same was read a first time, and ordered to be read a second time.

Bill for appointment of School Trustees

The Order of the Day being read, for the presentation of the several Scales of Subdivision of Road Money,

Order of Day Road Scales postponed

*Ordered*, That the said Scales be reported to-morrow.

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

Tuesday, 13th March, 1838.

PRAYERS.

On motion of Mr. W. Sargent, *resolved*, that the resolution of yesterday, for granting an allowance to Members of this House for their attendance in the General Assembly, and Travel, with the Order for sending the same to the Council for concurrence, be rescinded.

Members pay Resolution rescinded

TUESDAY, 13th MARCH, 1838.

Report of amend-  
ments to Granville  
Waste Lands Bill

Mr. Thorne reported from the Select Committee on the Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, that the Committee had considered the Bill, and had made several amendments thereto, which they had directed him to report to the House with the Bill, and he delivered the Bill and amendments in at the Clerk's Table, where the amendments were read.

Bill and amendments  
re-committed

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

Engrossed Whaling  
Company Bill read 3d  
time & passed

An engrossed Bill to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company.

Engrossed Queen's  
County road Bill read  
3d time and passed

An engrossed Bill to provide for the opening of certain New Roads in Queen's County, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to provide for the opening of certain new Roads in Queen's County.

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

Bills read 2d time  
John's Island divisi-  
on line

A Bill to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same; also,

Pictou Academy Bill

A Bill to alter and amend the Act to regulate and support the Pictou Academy; also,

School Lands Trust-  
tees Bill

A Bill for the appointment of Trustees of School Lands in this Province, were severally read a second time.

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

Com. of whole on  
Ways and Means

On motion, the House resolved itself into a Committee of the whole House, to consider further of Ways and Means for raising the Supply granted to Her Majesty.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

Resolution reported  
for continuing same  
License Duties as at  
present

The Chairman reported from the Committee that they had come to a Resolution upon the business to them referred, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

*Resolved*, That it is the opinion of this Committee, that the several Duties imposed upon Licensed Houses, Taverns and Shops, shall be respectively continued from the 31st March next at the same amount and rates as at present, both in the Town of Halifax and elsewhere in this Province.

Agreed to

The said Resolution being read a second time by the Clerk, was, upon the question put thereon, agreed to by the House.

Com. to bring in Li-  
cense Bills

*Ordered*, That Mr. Bell, Mr. Holland, Mr. Morton, Mr. Goudge and the Hon. Mr. Huntington, be a Committee to prepare and bring in Bills in pursuance of the foregoing Resolution.

Petitions from Guys-  
boro' for opening new  
line of road from  
Dartmouth to Canso

Two Petitions of Charles Archibald and others, and of Francis Cook and others, Freeholders and Inhabitants of Guysborough, were, by special leave of the House, presented by Mr. DesBarres and read, praying that the proposed Great Eastern Line of Road from Dartmouth, through Musquedoboit and Guysborough, to Canso, lately in part surveyed, may be opened.

*Ordered*, That the Petitions do lie on the Table.

Order of Day Com. of  
Supply

The Order of Day being read for the House to again resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty,

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The

The Chairman reported from the Committee that they had come to several Resolutions upon the business referred to them, which they had directed him to report to the House ; and had also directed him to move for leave to sit again, on the consideration of the same business this day.

Ordered, That this House do again, this day, resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty.

Further Order for Com. of Supply

Ordered, That the Report of the said Resolutions from the Committee of Supply be received after the remainder of Private Petitions shall have been considered in said Committee.

Report of Resolutions deferred

Mr. Doyle reported from the Committee appointed to prepare a Bill pursuant to the Resolutions relating to the Civil List and the Casual and Territorial Revenues of Her Majesty, and thereupon presented a Bill to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues, and the same was read a first time, and ordered to be read a second time.

Report from Com. of Bill to provide for Civil List and to Commute Casual Revenue

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a Letter from the Deputy Post-Master General of Nova-Scotia to His Excellency, stating that the sum of £1,520 will be required from the Province to keep up the Post Communication throughout the Province during the present year, accompanied by a statement of the disbursements made by him for that service on account of the Province, and the sums received therefor from the Provincial Treasury in the last year ; and the same were read.

Estimate and disbursement of Post Office presented and referred to Post Office Com.

(See Appendix, No. 54.)

Ordered, That the Letter and Account be referred to the Committee on the Post-Office Department.

The Hon. Mr. Dewolf, also by command of His Excellency the Lieutenant-Governor, presented an Account of Messrs. John Howe & Son for extra Printing for Government and the General Assembly in the last year ; and the same was read.

Account for extra printing presented & referred to Com. of Supply

(See Appendix, No. 55.)

Ordered, That the Account be referred to the Committee of Supply.

The Hon. Mr. Dodd reported from the Committee appointed to wait upon His Excellency the Lieutenant-Governor, under the Resolution relative to John C. Hall, Esquire, and the Horse Imperial, that the Committee had complied with the order of the House, and that His Excellency was pleased to say to the Committee, in relation thereto, that he should give directions to stay and determine all proceedings against Mr. Hall, pursuant to the request of the House.

Report from Com. to wait on His Excellency relative to Mr. Hall and Imperial

The Hon. Mr. Dodd also reported from the Committee appointed to wait on His Excellency in regard to the meeting of the General Assembly in December, and the making up of the Accounts of the Province to the 31st day of October next, that the Committee had so done, and that His Excellency had, in reply to the communication, stated to the Committee that he would attend thereto and comply with the wishes of the House in those respects.

Report from Com. to wait on Gov. relative to Meeting of House and making up Accounts

The Hon. Mr. Uniacke reported from the Committee appointed to prepare an Address to His Excellency the Lieutenant-Governor, in relation to a survey of the Bay of Fundy, that the Committee had prepared said Address accordingly, and had directed him to report the same to the House ; and he read said Address in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth :

Report from Com. to prepare Address on survey of Bay of Fundy

TO

TUESDAY, 13th MARCH, 1838.

TO HIS EXCELLENCY MAJOR-GENERAL

**SIR COLIN CAMPBELL,**

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

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

*Most Respectfully Sheweth:—*

Address

That the House of Assembly have had under consideration a Despatch from the Lieutenant Governor of New-Brunswick to your Excellency, on the subject of a Survey of the Bay of Fundy, and concur in the opinion expressed in that Despatch, and regard the object as one of great importance to the Shipping Interests of Great Britain and these Colonies, more particularly to the former, whose navigators cannot be so conversant with the Tides and dangers of said Bay as those who daily frequent it.

Thus impressed, the House respectfully solicits Your Excellency to urge Her Majesty's Government to adopt measures for causing an immediate survey to be made of the Bay of Fundy, with a view of obtaining accurate charts, designating the Rocks and Shoals on the Coast thereof, and also shewing the Light Houses built and in operation, in or near to the said Bay, thus diminishing the dangers of its navigation.

Address adopted

On motion, *resolved*, that the said Address be received and adopted by this House.

*Ordered*, That the Committee who prepared the Address be a Committee to wait upon His Excellency the Lieutenant Governor with the same.

Motion for 2d reading of Bill for taxing Banks amended by motion for Com. of Supply

Mr. McLellan moved, that the Bill for taxing Banks, be now read a second time; which, being seconded,

Mr. Uniacke moved as an amendment to the question, to leave out all the words thereof, after the word "that," and to insert instead thereof, the words "the House do now resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty": which, being seconded and put, passed in the affirmative.

House in Com. of Supply

The question being then put as amended, was agreed to by the House; and thereupon,

The House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had come to several resolutions, which they had directed him to report to the House.

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

Further Order for Com. of Supply

*Ordered*, That this House do again, to-morrow, resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty.

Order to report two Resolutions

*Ordered*, That the Chairman do now report from the Committee the resolution for granting Bounties on Whalers, and the resolution for granting an allowance to Members of this House for their attendance in General Assembly, and that the report of the remainder of the Resolution be received after the several Private Petitions referred to the Committee shall have been considered.

The Chairman accordingly reported the said two Resolutions, and the same were read, and are as followeth:

Resolution for Bounty on Whalers

*Resolved*, That it is the opinion of this Committee, that a Sum not exceeding Two Thousand Pounds be granted and paid as Bounties to the first Six Vessels which shall hereafter fit out for the Whale Fishery, under the following conditions: The Vessel to be of the Registered Burthen of Two Hundred Tons at least, owned, provisioned and equipped in this Province, to cross the Equator on the prosecution of such Whaling Voyage, and not to be engaged.

TUESDAY and WEDNESDAY, 13th and 14th MARCH, 1838.

engaged therein not less than two years, unless previously full—the Bounty to be paid to the Owners on proof of her having been so engaged during two years, or upon her return to this Province. The first Vessel to be fitted out within one year, and the Bounty to attach in the order in which the Vessels sail. The Bounty to be Two Pounds per Ton of the Registered Tonnage ; out of the said Bounty of £2 per ton, a sufficient Sum to be reserved to pay for the encouragement of such Individuals, being Natives of this Province, as shall proceed as Seamen on board such Vessel ; the Sum of £7 10s. to be paid on return from the first voyage, and £20 on return from the second voyage, performed by them respectively; provided each Seaman claiming such Bounty, shall produce satisfactory certificates and evidence of good conduct during said voyage, and of having diligently exerted himself to acquire a complete knowledge of Seamanship in the business of said Fishery, towards qualifying himself to serve as an officer on-board a Whale Ship, provided, that the Bounty be only paid to the Ten best Seamen in the Ship.

*Resolved*, That it is the opinion of this Committee, that the sum of Twelve Shillings and Six Pence per day be granted and paid to each and every of the Members of the House of Assembly, for their attendance in General Assembly for the present Session, to be paid on the Certificate of the Speaker ; also, the travelling charges as heretofore. Provided, that no Member shall receive pay for more than sixty-four days attendance.

Resolution for pay of Members

The said Resolutions being then again read were, upon the question severally put thereon, agreed to by the House.

Resolutions agreed to

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

The Order of the Day for the presentation of the several Scales of Sub-division of Road Money, being read,

*Ordered*, That the said Scales be reported to-morrow.

Order for presentation of Road Scales postponed

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

Wednesday, 14th March, 1838.

PRAYERS.

Mr. Holland reported from the Select Committee on the Petition of Benjamin K. Dodge ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Select Com. on Petition of B. K. Dodge

(See Appendix, No. 56.)

*Ordered*, That the Report do lie on the Table.

On motion of Mr. Morton, *resolved*, that such part of His Excellency the Lieutenant-Governor's Speech, as refers to the Militia of the Province, be referred to a Select Committee to examine the subject, and report thereon to this House.

Resolution for Com. on subject of Militia

*Ordered*, That Mr. Fairbanks, the Hon. Mr. Huntington, Mr. Morton, Mr. Dickey, the Hon. Mr. Dewolf, Mr. Heckman and Mr. Kavanagh, be a Committee for the above purpose.

Com. named

Mr. Fairbanks reported from the Select Committee on the Petition of Stephen Parker ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report on Petition of S. Parker

(See Appendix, No. 57.)

*Ordered*, That the Report do lie on the Table.

Mr. Holmes, pursuant to leave given, presented a Bill to enable the Proprietors of a certain Meeting-House in Merigomishe, in the County of Pictou, to sell the same; and the said Bill was read a first time, and ordered to be read a second time.

Bill for Sale of Meeting House in Merrigomishe

The Hon. Mr. Dewolf, by command of His Excellency the Lieutenant-Governor, presented a Plan, Estimate and Report, of survey of the proposed line of a new Eastern Road from Dartmouth towards the Gut of Canso by way of Musquedoboit, St. Mary's and Guysborough.

Plan &c. of proposed Road from Dartmouth to Gut of Canso laid before House

(See Appendix, No. 58.)

Ordered, That the same do lie on the Table.

Civil List and Casual Revenue Bill read 2d time & committed

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

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

Com. of Whole on Bills

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

Mr. Speaker left the Chair,  
Mr. Kavanagh took the Chair,  
Mr. Speaker resumed the Chair.

Report adjournment for want of quorum

The Chairman reported from the Committee that the Committee had gone into the consideration of Bills committed, and that the Committee having been counted, and a Quorum not being present, he, the Chairman, had left the Chair.

House again go into Com. of whole on Bills

On motion of the Hon. Mr. Huntington, resolved, that this House do now again resolve itself into a Committee of the whole House, to consider the several Bills which stand committed.

Mr. Speaker left the Chair,  
Mr. Kavanagh took the Chair,  
Mr. Speaker resumed the Chair.

Report Civil List Bill

The Chairman reported from the Committee that they had gone through the Bill to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues, and had directed him to report the Bill to the House without any amendment; that the Committee had also gone through the Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same; also, the Bill to regulate the Fisheries in Chedabucto Bay, and had directed him to report the same to the House with the amendments thereto respectively, which had been made by the Select Committees thereon, and referred to this Committee; that the Committee had also gone through the Bill to define the Boundary Line of the Township of Cornwallis on the adjoining Bays, Rivers and Creeks, and to declare the right to certain Marsh Lands and Flats, or Sedge Banks, held or claimed by Proprietors of Land in said Township; and the Bill to authorize the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia, and had directed him to report the said Bills to the House without any amendment, and he afterwards delivered the Bills, with the amendments, in at the Clerk's Table.

Also Bill for disposing of Waste Lands in Granville and Chedabucto Bay Fishery Bill with amendments made by Select Com. on said Bills

Also Cornwallis Boundary line Bill

Also Bill to authorize Incorporation of Cumberland Canal Company

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

Report on Cornwallis Boundary Line Bill to be received to-morrow

Ordered, That the Report of the Bill to define the Boundary line of the Township of Cornwallis, &c. be received to-morrow.

Question put on Civil List Bill

Upon the usual question being put, that the Bill to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues do pass, to be fairly engrossed, the House divided; and there appeared for so passing the Bill, thirty; against it fifteen.

Division thereon

For the passing of the Bill,			Against it,	
Mr Archibald	Mr McKim	Mr Annand	Mr Thorne	Mr Young
Mr Howe	Mr M'Donald	Mr Forrester	Mr Whitman	The Hon Mr Dewolf
Mr McDougall	Mr Morton	Mr Lewis	Mr J Sargent	Mr Heckman
Mr Waterman	Mr Holland	Mr McLellan	The Hon Mr Uniacke	The Hon Mr Dodd
Mr Chipman	Mr Clements	Mr W Sargent	Mr Taylor	Mr Miller
Mr Benjamin	Mr Spearwater	Mr Forrestall	Mr Elder	Mr DesBarres
Mr Dickey	Mr Goudge	Mr Holmes	Mr Bell	Mr Fairbanks
Mr D'Entremont	Mr Upham	Mr Kavanagh	Mr Allison	
Mr Robicheau	Mr McHeffy	Mr Holdsworth		
Mr Doyle	Mr Smith	The Hon Mr Huntington		

So it passed in the affirmative.

Bill to be engrossed

Ordered, That the Bill be engrossed.

Ordered,

WEDNESDAY, 14th MARCH, 1838.

*Ordered*, That the Bill to authorise the Incorporation of a Company, for making a navigable Ship Canal across the Isthmus of Cumberland, reported without amendment, be engrossed.

Cumberland Canal Company Bill to be engrossed

*Ordered*, That the several other Bills reported with amendments, be engrossed.

Bills reported with amendments to be engrossed

On motion of Mr. McKim, resolved as followeth:

Whereas, a variety of original Grants, Deeds and other Documents, were returned by the Sheriff of the County of Cumberland, as part of the evidence taken on the Scrutiny of votes held by him after the last Election for the said County, which said original Grants, Deeds and other Documents, should be disposed of, so as to be returned to the parties entitled thereto, *resolved*, that said Grants, Deeds, and other Documents, be returned by the Clerk of this House to the said Sheriff, under cover, by Mail, in order that the Sheriff may return the same to the proper persons.

Resolution for return of Deeds, &amp;c. had before Cumberland Election Com.

The Hon. Mr. Dodd reported from the Select Committee on the Petitions from the Inhabitants of the Counties of Hants and Colchester, relative to an alteration on the Eastern Main Road, between Polly's and Key's; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Petitions relative to Eastern Road

(See Appendix, No. 59.)

*Ordered*, That the Report do lie on the Table.

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented a letter from the Commissioners of Light-Houses at Halifax, to the Hon. the Provincial Secretary, dated March 3rd. 1838, with an Extract of a letter from the Commissioners of Light-Houses for New-Brunswick to the said Commissioners at Halifax, acquainting them that the said Commissioners for New-Brunswick are about to build a Light-House on Cape Enrage, near the entrance of the Petitcodiac River, in the Bay of Fundy, and recommending the said Commissioners at Halifax, to have a  $\frac{3}{4}$  plain white Light placed on Cape Split or Cape Sharp, at the head of the Bay, and the same being read.

Letter from Comrs. of Light-Houses Halifax with extract of Letter from Comrs. for New Brunswick laid before House

(See Appendix, No. 60.)

*Ordered*, That the same do lie on the Table.

The Hon. Mr. Uniacke, also by command of His Excellency the Lieutenant-Governor, presented a Petition of Merchants and Traders, resident in Digby, to His Excellency, representing that Illicit Trading is now carried on in the Basin of Digby, and the Creeks and Rivers connected with it, to an extent without parallel, which, if not suppressed, must end with the destruction of the Revenue and the Fair Trader, and suggesting as a remedy for the evil, the employment of a Boat and Boatmen at the entrance of the River, to be kept constantly plying and searching the Vessels entering the River, and by which method also the Fisheries would be protected, and the Light Duty might be collected—which Petition His Excellency recommends to the consideration of the House; and the same being read,

Petition from Merchants, &amp;c. of Digby to Lt. Gov. in regard to Smuggling carried on there laid before House

*Ordered*, That the Petition be referred to Mr. Young, Mr. Holdsworth, the Hon. Mr. Dewolf, Mr. Robicheau and Mr. Clements, to examine and report upon to this House.

Referred to Select Com.

The Hon. Mr. Dewolf reported from the Select Committee upon the Petition of Henry Goudge, Esquire, that the facts stated in the Petition were correct, and recommending the return of Duties as prayed for; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read; and thereupon,

Report on Petition of H. Goudge Esq. for return of Duties

On motion, *resolved*, that the Petition and Report be referred to the Committee of Supply.

Petition &amp; report referred to Com. of Supply

The Orders of the Day being read,

Orders of Day postponed, viz: Road Scales

*Ordered*, That the several Scales of Sub-division of Road Money be reported to-morrow.

*Ordered*, That this House do, to-morrow, again resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty.

Com. of Supply

Then the House adjourned until to-morrow, at eleven of the clock.

Thursday

THURSDAY, 15th MARCH, 1838.

Thursday, 15th March, 1838.

## PRAYERS.

Cedabucto Bay Fishery Bill read 3d time & passed

An engrossed Bill to regulate the Fisheries in Chedabucto Bay, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to regulate the Fisheries in Chedabucto Bay.

Bill to be sent to Council

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

Amendments to Digby Shire Town Bill considered

The amendments proposed by the Council to the Bill, entitled, An Act to establish the County or Shire Town in the County of Digby, were read a first and second time, and considered by the House; and thereupon,

On motion, *resolved*, that the said amendments be agreed to by this House.

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

Bill for Sale of Merigomishe Meeting House read 2d time & committed

A Bill to enable the Proprietors of a certain Meeting House in Merigomishe, in the County of Pictou, to sell the same, was read a second time.

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

Report from Com. to wait on Gov relative to Fees taken by first Justice of Inf. Court in Eastern Division

Mr. Dickey reported from the Select Committee appointed to wait upon His Excellency the Lieutenant Governor, with a resolution relative to Fees taken by the First Justice of the Inferior Court of Common Pleas in the Eastern Division of the Province, that the Committee had complied with the Order of the House, and that His Excellency was thereupon pleased to say, that he would communicate the resolution to the said first Justice, pursuant to the request of the House.

Petition against removal of Shire Town in County of Annapolis

A Petition of Thomas Ritchie and others, Inhabitants of the County of Annapolis, was, by Special leave of the House, presented by Mr. Whitman, and read, praying that the Town of Annapolis may continue to be the Shire or County Town for said County.

Referred to Com. on other Petitions

*Ordered*, That the Petition be referred to the Committee to whom were referred the Petitions for the change of said Shire Town.

Engrossed Civil List Bill read 3d time & passed

An Engrossed Bill to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues.

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

Petition of Commissioners of Poor at Halifax for further grant

A Petition of the Commissioners of the Poor at Halifax, was, by Special leave of the House, presented by Mr. Bell and read, setting forth that the Provincial Grant for the support of the Transient Poor has proved insufficient, and praying an additional grant for that purpose.

Referred to Com. of Supply

On motion, *resolved*, that the Petition be referred to the Committee of Supply.

Amendments to Union Marine Insurance Company Bill agreed to in part—part not agreed to and one amended

The amendments proposed by the Council to the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia was read a first and second time, and considered by the House; and thereupon,

On motion of Mr. Howe, *resolved*, that this House do agree, without amendment, to all the amendments proposed by the Council to the Bill, except the amendments proposed to be made to the ninth, the twenty-third, and the thirtieth clauses of the Bill; and that this House do not agree to the amendments proposed to be made to the ninth and twenty-third clauses of the Bill, and do agree to the amendment proposed to be made to the thirtieth clause of the Bill, by adding thereto a Proviso, with the following amendment to said amendment of the Council, viz: to leave out all the words of said proposed Proviso, from and after the word "Mismanagement," in the fifth line thereof.

Engrossed Waste Lands Bills read 3d time & passed

An engrossed Bill for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management thereof, was read a third time.

*Resolved*,

THURSDAY, 15th MARCH, 1838.

*Resolved*, That the Bill do pass, and that the title be, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management thereof.

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

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to alter and amend the Act to regulate and support the Pictou Academy; the Bill to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District; and the Bill to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, and had directed him to report the said Bills to the House, severally, without any amendment; that the Committee had also gone through the Bill for establishing the Boundary Line between the Counties of Cumberland and Colchester, and had made an amendment thereto, which they had directed him to report to the House with the Bill; and that the Committee had also had under consideration the Bill respecting the assessment of Poor and County Rates, and recommend to the House to defer the further consideration of the Bill until the next Session; and he afterwards delivered the Bills and the amendments in at the Clerk's Table.

Bills reported without amendment  
To alter Pictou Academy Act  
St. Mary's District Bill  
Bill to divide John's Island  
Colchester Boundary Line Bill reported with amendment

Bill respecting Assessment of Poor and County rates recommended to be deferred

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

Mr. Benjamin moved that the report from the Committee on the Bill respecting the assessment of Poor and County Rates, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two; against it, twenty. So it passed in the affirmative. Motion passed not to receive report on Assessment Bill

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

On motion of Mr. Holmes, *resolved*, that the consideration of the report from the Committee of the whole House on the Bill to alter and amend the Act to regulate and support the Pictou Academy, be deferred until to-morrow. Report on Bill to alter Pictou Academy Act deferred until to-morrow

*Ordered*, That the several other Bills, reported without amendment, be engrossed. Bills to be engrossed

The amendment reported to the Bill for establishing the Boundary Line between the Counties of Cumberland and Colchester being read, was, upon the question put thereon, agreed to by the House.

*Ordered*, That the Bill with the amendment be engrossed.

The Hon. Mr. Uniacke reported in part from the Select Committee appointed to prepare and bring in Revenue Bills; and thereupon, presented to the House, Report of six Revenue Bills

A Bill to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof. Impost Duties Bill

A Bill to continue and amend the Act for regulating the Importation of Goods. Importation regulation Bill

A Bill to continue and amend the Act for the Warehousing of Goods. Warehousing Bill

A Bill to continue the Act for the general regulation of the Colonial Duties. Duties regulation Bill

A Bill to continue the several Acts for the prevention of Smuggling; and Prevention of Smuggling Bill

A Bill to continue and amend the Act concerning Goods exported and for granting Drawbacks. Drawback Bill

And the said Bills were severally read a first time, and ordered to be read a second time.

The Orders of the Day being read, Orders of Day postponed until to-morrow, viz:

*Ordered*, That the several Scales of Sub-division of Road Money be reported to-morrow. Report of Scales of Subdivision of Road Money

*Ordered*, That this House do, to-morrow, resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty. Com. of Supply

THURSDAY and FRIDAY, 15th and 16th MARCH, 1838.

Report on Cornwallis  
Boundary Line Bill

*Ordered*, That the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c. be received to-morrow.

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

Friday, 16th March, 1838.

PRAYERS.

Clerk of Commrs. of  
Revenue to make re-  
turn of Drawbacks  
granted under Act 7th  
Wm. 4th ch. 4, sec. 2

*Ordered*, That the Clerk of the Commissioners of the Revenue do make a return to this House, of all Drawbacks granted under the 2nd. Section of the Act of Assembly, 7th, William 4th, chap. 4, during the last year, specifying the several amounts, to whom granted, upon what articles, and from whence such articles were imported, and for what reasons, and under what circumstances, such Drawbacks have been granted.

*Ordered*, That the Clerk of this House do communicate the foregoing Resolution to the Clerk of the Commissioners of the Revenue.

Order of Day for re-  
ceiving Report on  
Pictou Academy Bill

The Order of the Day being read, for receiving the Report from the Committee of the whole House on Bills, upon the Bill, to alter and amend the Act to regulate and support the Pictou Academy.

Chairman reports Bill  
without amendment

*Ordered*, That the Chairman of the Committee do now report accordingly; and thereupon, Mr. Kavanagh, the Chairman, reported from the Committee, that they had gone through the said Bill to alter and amend the Act to regulate and support the Pictou Academy, and had directed him to report the said Bill to the House without any amendment, and he delivered the Bill in at the Clerk's Table.

Bill re-committed

On motion of Mr. Chipman, *resolved*, that the Bill be re-committed to a Committee of the whole House.

Com. to report upon  
times and places for  
holding Polls at Elec-  
tions

On motion of Mr. Young, *resolved*, that a Committee, consisting of a member from each County, be appointed to regulate and report upon the times and places of opening and holding Polls for the Elections of Representatives.

*Ordered*, That Mr. Young, the Hon. Mr. Uniacke, Mr. Kavanagh, Mr. DesBarres, Mr. McDougall, Mr. Holmes, Mr. Archibald, Mr. Goudge, Mr. Annand, Mr. Morton, Mr. Holland, Mr. Robicheau, the Hon. Mr. Huntington, Mr. W. Sargent, Mr. Fairbanks, Mr. Heckman and Mr. Lewis, be a Committee for the above purpose.

Engrossed St. Mary's  
District Bill read 3d  
time and passed

An Engrossed Bill to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District.

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

Bills to be sent to  
Council

Engrossed Cumber-  
land Colchester Boun-  
dary Line Bill read 3d  
time and re-committed

An Engrossed Bill for establishing the Boundary Line between the Counties of Cumberland and Colchester, was read a third time; and thereupon,

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

Revenue Bills read  
2d time & committed,  
viz:

A Bill to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

A Bill to continue and amend the Act for regulating the Importation of Goods.

A Bill to continue and amend the Act for the Warehousing of Goods.

A Bill to continue the Act for the general regulation of the Colonial Duties.

A Bill to continue the several Acts for the prevention of Smuggling; and

A Bill to continue and amend the Act concerning Goods exported and for granting Drawbacks, were severally read a second time.

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

The Bill for Taxing Banks was read a second time; and thereupon,

*Ordered*, That Mr. McLellan have leave to withdraw the Bill; and it was withdrawn accordingly. The

Bill for taxing Banks  
read 2d time & with-  
drawn

Mr. Young reported from the Select Committee on the subject of the Printing for Government and the General Assembly; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on printing for Government & General Assembly

(See Appendix, No. 61.)

Ordered, That the Report do lie on the Table.

A Bill to provide for the settlement of equitable claims upon Real Estate, in certain cases, was read a second time; and thereupon,

Bill regarding equitable claims upon Real Estate read 2d time Motion to defer Bill 3 months

Mr. Young moved that the further consideration of the Bill be deferred to this day three months: which, being seconded,

The Hon. Mr. Dewolf moved, as an amendment to the question, to leave out all the words thereof after the words "Bill be," and to insert instead thereof, the words "committed to a Committee of the whole House": which, being seconded and put, was agreed to by the House.

Amendment that Bill be committed agreed to

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

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Message from Council Council agree to Chedabucto Bay Fishery Bill—Bill for opening new Roads in Queen's County & Bill to authorise Settlement of debt claimed from Windsor without amendment Also to Bill to repeal Act to regulate Public Landings at Windsor & Bill respecting exportation of Grindstones with amendments

The Council have agreed to the Bill, entitled, An Act to regulate the Fisheries in Chedabucto Bay; the Bill, entitled, An Act to provide for the opening of certain New Roads in Queen's County; and the Bill to authorise the settlement of a certain Debt claimed from the Township of Windsor, severally, without amendment.

The Council have agreed to the Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof; and to the Bill, entitled, An Act respecting the exportation of Grindstones from this Province, with an amendment to each, to which amendments respectively, they desire the concurrence of this House.

And then the Messenger withdrew.

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

Com. of whole on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had again gone through the Bill to alter and amend the Act to regulate and support the Pictou Academy, and had directed him to report the same to the House without any amendment, and he afterwards delivered the Bill in at the Clerk's Table.

Report Bill to alter & amend Academy Act without amendment

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

The Hon. Mr. Uniacke moved that the report of the Bill to alter and amend the Act to regulate and support the Pictou Academy, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, seventeen; against it, twenty-six:

Motion not to receive report on Pictou Academy Bill negatived

For the motion,

Against the motion,

Mr Doyle  
Mr Robicheau  
Mr Fairbanks  
Mr Kavanagh  
The Hon Mr Uniacke  
Mr Heckman  
Mr Smith  
Mr DesBarres  
Mr W. Sargent  
Mr Miller  
Mr Holmes  
Mr D'Entremont

Mr Taylor  
Mr Holland  
Mr Waterman  
Mr J Sargent  
Mr Whitman  
Mr Dickey  
Mr Holdsworth  
Mr McDonald  
Mr Clements  
Mr Bell  
Mr McLellan  
Mr Howe  
Mr Forrestall  
Mr Thorne  
Mr Chipman  
Mr Spearwater  
Mr Archibald  
Mr Benjamin  
Mr Allison  
Mr Upham  
Mr Goudge  
The Hon Mr Dewolf  
Mr Lewis  
Mr Young  
Mr Annand  
Mr McHeffy  
Mr McKim  
The Hon Mr Huntington  
Mr McDougall  
Mr Forrester  
Mr Morton

So it passed in the Negative.

Ordered, That the Bill be engrossed.

Ordered,

FRIDAY and SATURDAY, 16th and 17th MARCH, 1838.

Orders of Day postponed, viz:  
Road Scales

Com. of Supply

Report of Cornwallis  
Boundary Bill

The Orders of the Day being read,  
*Ordered*, That the several Scales of Sub-division of Road Money be reported to-morrow.  
*Ordered*, That this House do, to-morrow, resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty.

*Ordered*, That the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c. be received to-morrow.

Then the House adjourned until to-morrow, at Eleven of the clock.

Saturday, 17th March, 1838.

PRAYERS.

Amendment to Grindstone Bill agreed to

The amendment proposed by the Council to the Bill, entitled, An Act respecting the exportation of Grindstones from this Province, was read a first and second time, (being to add a clause to continue the Act for two years, &c.) and having been considered by the House, On motion of Mr. Dickey, *resolved*, that this House do agree to said amendment.

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

Amendment to Windsor Landings Bill agreed to

The amendment proposed by the Council to the Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof, was read a first and second time, (being to add a clause to continue the Act for three years, &c.) and having been considered by the House,

On motion of Mr. McHeffy, *resolved*, that this House do agree to said amendment.

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

Engrossed Bill to divide John's Island read 3d time & passed

An engrossed Bill to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same.

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

Further report of Revenue Bills

The Hon. Mr. Uniacke reported further from the Committee appointed to prepare and bring in Revenue Bills; and thereupon presented to the House two Bills, viz:

Bill to continue Chocolate Bounty Act

A Bill to continue the Act for granting a Bounty on Chocolate manufactured in this Province; and

Bill to continue and amend Tobacco Manufacture Act

A Bill to continue and amend the Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon; and the said Bills were severally read a first time.

*Ordered*, That the Bills be now read a second time.

And they were read a second time accordingly.

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

Bill presented to amend Road expenditure Act

Mr. McLellan, pursuant to special leave given, presented a Bill in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the same was read a first time, and ordered to be read a second time.

Addition to Com. on fines & fees taken at Police Office

*Ordered*, That Mr. Morton, the Hon. Mr. Huntington and Mr. Elder, be added to the Committee appointed to examine into, and report upon, the charge against the Officers of the Police Establishment at Halifax, of having pocketed Fines and Fees, in violation of their duty.

Engrossed Bill to alter Pictou Academy Act read 3d time

An engrossed Bill to alter and amend the Act to regulate and support the Pictou Academy, was read a third time; and thereupon,

The Hon. Mr. Uniacke moved that the following clause do pass, and be added as a rider to the Bill, viz:

*Provided*

SATURDAY, 17th MARCH, 1838.

*Provided always, and be it further enacted,* That this Act shall not go into operation or be of any force or effect, until it shall be made to appear to the satisfaction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, that the provisions herein before contained have been assented to, as well by the Governors of Dalhousie College, or a majority thereof, as by the Trustees of Pictou Academy or a majority thereof, and thereupon the said Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall have, by his Proclamation in the Royal Gazette, declared this Act in operation: which, being seconded and put, passed in the negative.

Rider moved to make consent of Governors of Dalhousie College and Trustees of Pictou Academy necessary to Act negatived

*Resolved,* That the Bill do pass, and that the title be, An Act to alter and amend the Act to regulate and support the Pictou Academy.

Bill passed

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

Bills sent to Council

Mr. Forrester moved, that, on Tuesday next, this House do resolve itself into a Committee of the whole House, on the consideration of the Bill to Incorporate the City of Halifax: which, being seconded,

Motion that the Halifax Incorporation Bill be the Order of Day Tuesday next

The Hon. Mr. Uniacke moved that an amendment be made to the question by leaving out the words "on Tuesday next," and inserting instead thereof, the words "next Session:" which being seconded and put, and the House dividing thereon, there appeared for the proposed amendment, eighteen; against it, twenty-three.

Amendment to defer same till next Session negatived

For the amendment,

The Hon Mr Uniacke  
Mr McDougall  
The Hon Mr Dewolf  
Mr W Sargent  
Mr Robicheau  
Mr Heckman  
Mr McHeffy  
Mr Archibald  
Mr Holmes  
Mr Miller  
Mr Whitman  
Mr Thorne

Mr Dickey  
Mr J Sargent  
Mr Taylor  
Mr Kavanagh  
Mr Chipman  
Mr Spearwater

Against the amendment,

Mr McDonald  
The Hon Mr Huntington  
Mr Waterman  
Mr Holdsworth  
Mr Bell  
Mr Elder  
Mr Forrester  
Mr Allison  
Mr D'Entremont  
Mr Holland  
Mr McLellan  
Mr Smith

Mr Lewis  
Mr Young  
Mr Annand  
Mr Howe  
Mr Benjamin  
Mr McKim  
Mr Clements  
Mr DesBarres  
Mr Fairbanks  
Mr Goudge  
Mr Upham

So it passed in the negative.

The main question being then put,

*Ordered,* That, on Tuesday next, this House do resolve itself into a Committee of the whole House, on the consideration of the Bill to Incorporate the City of Halifax.

Original question passed

Mr. Fairbanks reported from the Select Committee, to whom was referred the consideration of that part of the Speech of His Excellency the Lieutenant-Governor, at the opening of the Session, which relates to the Militia; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. on Militia

(See Appendix, No. 62.)

*Ordered,* That the Report do lie on the Table.

The Hon. Mr. Dewolf reported from the Select Committee appointed to prepare and bring in Bills to continue the Acts relating to Licenses for Public Houses and Shops; and thereupon, presented

Com. on Licence Bills report

A Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auctions, to persons resident in the Town of Halifax; also,

Bill to continue Halifax License Duties Act

A Bill to continue and amend the Act for granting Duties on Licenses for the sale of Spirituous Liquors; and the said Bills were severally read a first time.

General License Bill

*Ordered,* That the Bills be now read a second time.

Licence Bills read 2d time & committed

And they were read a second time accordingly.

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

Mr. Goudge reported from the Select Committee on the Petition of Robert Gruber, relative to the expenses of the Bridewell; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report on Petition of R. Gruber Bridewell

(See Appendix, No. 63.)

*Ordered,* That the Report do lie on the Table.

SATURDAY, 17th MARCH, 1838.

Comm. of whole on  
Bills

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

Mr. Speaker left the Chair,  
Mr. Kavanagh took the Chair,  
Mr. Speaker resumed the Chair.

Adjourned for want of  
Quorum

The Chairman reported from the Committee that they had gone into the consideration of Bills committed, and that the Committee having been counted, and a Quorum not being present, he, the Chairman, had thereupon left the Chair.

House go again into  
Comm.

On motion of the Hon. Mr. Uniacke, *resolved*, that this House do now again resolve itself into a Committee of the whole House to consider further the several Bills which stand committed.

Mr. Speaker left the Chair,  
Mr. Kavanagh took the Chair,  
Mr. Speaker resumed the Chair.

Report Revenue Bills  
viz :

Impost Bill  
Importation Bill  
Warehousing Bill  
Regulation Bill  
Smuggling Bill  
Chocolate Bill

Tobacco Bill

Halifax Licence Bill

General Licence Bill

The Chairman reported from the Committee, that they had gone through the Bill to continue and amend the Act granting Colonial Duties of Impost, &c. ; the Bill to continue and amend the Act for regulating the importation of Goods ; the Bill to continue and amend the Act for the Warehousing of Goods ; the Bill to continue the Act for the general regulation of the Colonial Duties ; the Bill to continue the several Acts for the prevention of Smuggling ; the Bill to continue the Act for granting a Bounty on Chocolate manufactured in this Province ; the Bill to continue and amend the Act to encourage the manufacture of Tobacco in this Province, by granting a Bounty thereon ; the Bill to continue the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax ; and the Bill to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and had directed him to report the said Bills to the House, severally, without any amendment ; and he afterwards delivered the Bills in at the Clerk's Table.

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

*Ordered*, That the Bills reported from the Committee be engrossed.

Message from Coun-  
cil

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council agree to Dig-  
by Shire Town Bill  
Windsor Landings  
Bill  
And Grindstone Bill  
as amended

The Council have agreed to the Bill, entitled, An Act to establish the County or Shire Town in the County of Digby ; the Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof ; and the Bill, entitled, An Act respecting the exportation of Grindstones, severally, as amended.

Council have agreed  
34 money Votes

The Council have agreed to thirty-four Resolutions of this Honorable House for granting the following sums of money, viz :

- £200 To the Speaker of the House of Assembly.
- 600 To the Treasurer of the Province.
- 200 To the Clerk of the House of Assembly.
- 25 To the Chaplain of the Legislative Council.
- 100 To the Assistant Clerk of the House.
- 40 To the Messenger to the Governor and Councils.
- 50 To the Serjeant at Arms.
- 30 To the Assistant Serjeant at Arms.
- 30 To John Gibbs, Messenger to House.
- 200 To the Impost Guager and Weigher at Halifax.
- 7s. 6d. & 5s. per day to Excise Waiters.
- 45 To the Clerk of the Commissioners of the Revenue.
- 600 For the Support of the Transient Poor at Halifax.
- 350 To J. Howe, Esq. for printing.
- 60 To the Keeper of the Assembly Rooms and Law Library.
- 40 For conveyance of Judges in Cape-Breton.
- 100 For relief of Indians.

SATURDAY and MONDAY, 17th and 19th MARCH, 1838.

- £25 For the School in the Poor House at Halifax.  
 50 For the Parrsborough Packet.  
 50 For the Guysborough Packet.  
 400 For the establishment at Sable Island.  
 300 For the Horton Academy.  
 100 For the Arichat Academy.  
 100 For Schools in charge of Rev. R. F. Uniacke.  
 135 For Yarmouth Academy.  
 50 For Lunenburg National School.  
 50 For Infant School at Halifax.  
 50 For the Halifax Mechanics' Institute and Library.  
 50 For the Halifax Dispensary.  
 20 For the Ferry at the Gut of Canso.  
 20 For the Ferry at the Shubenacadie River.  
 10 To L. Kavanagh, Chairman of Committees.  
 150 To the Lt. Governor to repay outlay by Avon Bridge Company.  
 12s. 6d. per day to Members of the House of Assembly for attendance, with expenses of Travel, &c.

And then the Messenger withdrew.

The Orders of the Day being read,

Orders of Day postponed

*Ordered*, That the several Scales of Sub-division of Road money be reported on Monday next.

*Ordered*, That this House do on Monday next, resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty.

*Ordered*, That the Report from the Committee of the whole House on the Bill to define the Boundary line of the Township of Cornwallis, &c. be received on Monday next.

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

Monday, 19th March, 1838.

PRAYERS.

A Bill in further amendment of the Act to regulate the expenditure of Monies, hereafter to be appropriated for the Service of Roads and Bridges, was read a second time.

Bill to amend Road expenditure read 2d time & committed

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

An engrossed Bill to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof, was read a third time.

Engrossed Revenue Bills read, viz: Impost Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

An engrossed Bill to continue and amend the Act, for regulating the Importation of Goods, was read a third time.

Importation Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to continue and amend the Act for regulating the Importation of Goods.

An engrossed Bill to continue and amend the Act for the Warehousing of Goods, was read a third time.

Warehousing Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to continue and amend the Act for the Warehousing of Goods.

An engrossed Bill to continue the Act, for the general regulation of the Colonial Duties, was read a third time.

Regulation Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for the general regulation of the Colonial Duties.

An

MONDAY, 19th MARCH, 1838.

- Smuggling Bill** An engrossed Bill to continue the several Acts for the prevention of Smuggling, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue the several Acts for the prevention of Smuggling.
- Chocolate Bill** An engrossed Bill to continue the Act for granting a Bounty on Chocolate manufactured in this Province, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for granting a Bounty on Chocolate manufactured in this Province.
- Tobacco Bill** An engrossed Bill to continue and amend the Act to encourage the manufacture of Tobacco in this Province, by granting a Bounty thereon, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue and amend the Act to encourage the manufacture of Tobacco in this Province, by granting a Bounty thereon.
- Halifax License Bill** An engrossed Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax.  
*Ordered*, That the Clerk do carry the Bills to the Council, and desire their concurrence.
- General License Bill** An engrossed Bill to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, was read a third time; and thereupon,  
 Amendment moved & negatived Mr. Forrestall moved an amendment to the Bill, by leaving out in the 6th line of the 3rd clause thereof, the word "Wine," and inserting in the 8th line of said clause, the words except "Wine and Brandy," between the words "Liquor," and "in"; which, being seconded and put, and the House dividing thereon, passed in the negative.  
 Mr. Miller then moved that the following clause do pass, and be added as a rider to the Bill, viz.  
*And be it further enacted*, That hereafter no Justice of the Peace or Judge of the Inferior Court of Common Pleas, shall be appointed or hold the Office of Clerk of Licence, except in the Town of Halifax:  
 Which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-eight; against it, twelve.  
 So it passed in the affirmative.  
 And the said clause being added to the Bill,  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue and amend the Act, for granting Duties on Licenses for the Sale of Spirituous Liquors.  
*Ordered*, That the Clerk do carry the Bill to the Council, and desire their concurrence.
- Rider added to Bill to disqualify Justice of the Peace &c from being Clerk of Licence**
- Bill passed**
- Message from Council** A Message from the Council, by Mr. Halliburton:  
 Mr. Speaker,  
 The Council have agreed to a Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, with an amendment, to which amendment they desire the concurrence of this Honorable House.  
 The Council have also agreed to a Resolution of this Honorable House, for granting the Sum of £2,000 for Bounties upon the prosecution of the South Sea Whale Fishery.  
 And then the Messenger withdrew.
- Council agree to whale Company incorporation Bill with amendment**
- Council agree to Bounty on Whale Fishery**
- Order of Day further consideration of Supply** The Order of Day being read for the House to resolve itself into a Committee of the whole House, to consider further of the Supply granted to Her Majesty,  
 The House accordingly resolved itself into the said Committee.  
 Mr. Speaker left the Chair,  
 Mr. Kavanagh took the Chair,  
 Mr. Speaker resumed the Chair.

The

The Chairman reported from the Committee that they had come to several Resolutions upon the business referred to them, which they had directed him to report to the House.

Resolutions passed

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

*Ordered,* That the Chairman of the Committee of Supply do now report such of the said Resolutions as relate to ordinary services, and that the remainder of the Resolutions be reported (with the other Resolutions passed in the Committee of Supply, and not yet reported) at a future day : and accordingly,

Order to report Ordinary votes and others postponed to future day

Mr. Kavanagh, the Chairman of the Committee, reported several Resolutions, which were read, and are as followeth :

*Resolved,* That it is the opinion of this Committee, that the Sum of One Hundred and Fifty Pounds be granted and paid to the Attorney General for his services for the present year.

150l. Attorney General

*Resolved,* That it is the opinion of this Committee, that the Sum of One Hundred Pounds be granted and paid to the Solicitor General for his services for the present year.

100l. Solicitor General

*Resolved,* That it is the opinion of this Committee, that the Sum of Ten Pounds be granted and paid to John James Sawyer, Esq. High Sheriff of the County of Halifax, for his expenses as such Sheriff, at the opening and closing of the present Session of the General Assembly.

10l. Sheriff

*Resolved,* That it is the opinion of this Committee, that a Sum not exceeding One Hundred and Sixty-five Pounds be granted to defray the expenses of extra Messengers to the Legislative Council and House of Assembly, and for Fuel and Sundry other articles and services for the Legislative Council and House of Assembly, according to Estimate ; the said Sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the President of the Legislative Council and Speaker of the House of Assembly.

165l. Contingencies of Assembly

*Resolved,* That it is the opinion of this Committee, that a sum, not exceeding Seventy-five Pounds, be granted and paid to the Clerk of the House of Assembly to defray the expense of Stationary and Binding of Journals and Laws for the Legislative Council and House of Assembly, during the present Session.

75l. Stationary

*Resolved,* That it is the opinion of this Committee, that the sum of One Hundred Pounds, each, should be granted and paid to the Clerk and Assistant Clerk of the House of Assembly, for their extra services during the present Session.

100l. each to Clerks of House

*Resolved,* That it is the opinion of this Committee, that if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise from the fall of Trees or otherwise, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridge, or to remove such obstructions, and it shall be further lawful for the Governor, Lieutenant-Governor or Commander in Chief, to draw Warrants on Account, and in favour of such Commissioner or Commissioners ; provided that the same shall not exceed the Sum of Five Hundred Pounds.

500l. Bridge Casualty Vote

*Resolved,* That it is the opinion of this Committee, that the Collector of Impost at the Port of Halifax shall, and he is hereby required and directed to keep a distinct account of all Duties collected by him, upon the Importation from the United States of America, of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly passed in this present Session, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof ; and that the said Duties upon the above specified Articles, during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Poor in the Town of Halifax ; provided such payment do not exceed the Sum of One Thousand Pounds during the present year.

Account of Duties on Live Stock, &c. to be kept for use of Poor

The said Resolutions being again read, were, upon the question severally put thereon, agreed to by the House.

Resolutions agreed to

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

MONDAY, 19th MARCH, 1838.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council desire Conference on Bill to divide John's Island

The Council desire a Conference by Committee, with a Committee of this Honorable House, on the subject of the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same.

And then the Messenger withdrew.

Conference agreed to

On motion, *resolved*, that this House do agree to said Conference on said Bill, as desired by the Council on the subject of said Bill.

Com. of Conference

*Ordered*, That Mr. D'Entremont, the Hon. Mr. Huntington and Mr. W. Sargent, do manage said Conference, and that the Clerk do acquaint the Council that this House have agreed to the Conference, and that the Committee of this House are ready to meet the Committee of the Council.

And the Managers went to the Conference.

Letter from T. C. Halliburton, Esq. offering to resign situation of Judge of Com. Pleas, upon retired allowance

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented a letter from Thomas C. Halliburton, Esq. First Justice of the Inferior Courts of Common Pleas for the middle division, dated 15th March, 1838, and addressed to the Honorable the Provincial Secretary, proposing to withdraw from Office on any retired allowance which the Legislature may be pleased to make, and the same was read by the Clerk.

(*See Appendix, No. 64.*)

*Ordered*, That the Letter do lie on the Table.

Despatch from Lord Glenelg with an order in Council by confirming St. Paul's & Scatarie Light Houses Act & Bank of Nova-Scotia Act

The Hon. Mr. Uniacke also, by command of His Excellency, presented a Copy of a Despatch from Lord Glenelg to His Excellency, dated 7th February, 1838, accompanied by an Order of Her Majesty in Council, confirming a Report of a Committee of the Privy Council, leaving to their operation the two Acts of last Session, relating to the Light-Houses on the Islands of St. Paul and Scatarie, and the Bank of Nova-Scotia; and the same being read by the Clerk.

(*See Appendix, No. 65.*)

*Ordered*, That the Papers do lie on the Table.

Despatch from Lord Glenelg on subject of return of Goods to Messrs. Reid and Clarke

The Hon. Mr. Uniacke also, by command of His Excellency, presented a Despatch from Lord Glenelg to His Excellency, dated 20th December, 1837, with a Copy of an answer from the Lords of the Treasury to the request of the House of Assembly, for a re-consideration of the application of Messrs. Reid and Clarke of Halifax, in relation to a seizure of their property by the Officers of the Customs, and the same were read by the Clerk.

(*See Appendix, No. 66.*)

*Ordered*, That the Papers do lie on the Table.

Account of expenses of Seed Oats & Peas imported from Great Britain for the Province

The Hon. Mr. Uniacke, also, by command of His Excellency, presented an account of the expenses of Seed Oats and Peas, imported from Great Britain, for and on account of the Province, pursuant to a Resolution of the Legislature of last Session, and the same having been read by the Clerk.

(*See Appendix, No. 67.*)

*Ordered*, That the Account do lie on the Table.

Orders of Day presentation of Road Scales postponed

The Order of the Day being read, for presentation of the several Scales of Sub-division of Road Money,

*Ordered*, That the said Scales be reported to-morrow.

Report on Cornwallis Boundary Line Bill postponed

The Order of the Day being read, for the reception of the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c.

*Ordered*, That the said Report be received to-morrow.

Then the House adjourned until to-morrow, at Eleven of the clock.

Tuesday,

TUESDAY, 20th MARCH, 1838.

Tuesday, 20th March, 1838.

## PRAYERS.

Mr. D'Entremont, from the Committee of Conference agreed to yesterday on the subject of the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, reported that the Managers had been at the Conference, and he stated the substance of the Conference to the House.

Report from Com. of Conference on Bill to divide John's Island

On motion of Mr. W. Sargent, *resolved*, that the Report from the Committee of Supply upon the Petition of the Commissioners of Poor at Halifax, be now received; and thereupon,

Report from Com. of Supply upon Petition of Commissioness of Poor at Halifax

Mr. Kavanagh the Chairman of the Committee, reported that the Committee recommend to the House, to refer the said Petition to a Select Committee, to examine and report upon to this House: which report, upon the question put thereon, being agreed to by the House,

Petition to be referred to Select Com.

*Ordered*, That Mr. Bell, Mr. W. Sargent, Mr. Morton, the Hon. Mr. Huntington and Mr. Fairbanks, be a Committee to examine and report upon said Petition.

Com. named

The amendment proposed by the Council to the Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, was read a first and second time, (being to add a clause to continue said Bill for nine years) and being considered was, upon the question put thereon, agreed to by the House.

Amendment to Bill to Incorporate Whaling Company agreed to

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

On motion of Mr. Howe, *resolved*, that a Conference be desired with the Legislative Council, by Committee, on the subject of the amendments proposed by the Council to the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia; and that, upon such Conference, the Committee of this House do inform the Committee of the Council, that this House have agreed to such of said amendments as go to increase the amount of the Capital Stock, and to some others, which may be engrafted upon the Bill, without materially affecting the operations of the Company under it. For, although the House, in passing the Bill, duly considered the subject of the amount of Capital Stock, and were of opinion that the security offered to the Public in the Bill was sufficient; yet, as they conceive that the Act of Incorporation would call into existence a Company, whose operations would be very beneficial to the Trade and navigation of this Province, and trusting that the greater amount of Capital may be raised and secured by them, the House, rather than risk the loss of the Bill, have agreed to the amendments in that respect; but this House having duly considered the amendments proposed to be made to the 9th and 23rd clause, and a part of the amendment to the 30th clause, are of opinion, that the amendment proposed to the 23rd clause, would much impede the operations of the Company, in investing their Capital Stock, as good securities might be had upon Mortgages with the personal securities of the Borrowers—the latter of which, the Directors, for the sake of accelerating the means of meeting their engagements, if necessary, would take care should be such as would be available, without having recourse to the landed security, except upon some unexpected change taking place in the circumstances of the Borrower: and to strengthen the views of the House in this regard, it may be remarked, that the Act to Incorporate the Nova-Scotia Marine Insurance Company having been at first passed with such a clause as that now proposed by the Council, it was found to be so inconvenient, and to stand so much in the way of a sure and profitable investment of the Funds of the Company, that at their desire, an Act was passed at a subsequent Session of the Legislature, granting the same privilege of taking Mortgages in addition to the personal security, as is now proposed to be granted by the 23rd clause of the Bill, as passed by the House. That with regard to the amendment proposed by the Council to the 9th clause, the House are of opinion, that if allowed, it would wholly defeat the objects of the Bill, and prevent the Company from being formed under the Act, as persons risking their capital in this useful undertaking, would not be

Conference to be held with Council on amendments to Bill to Incorporate Union Marine Insurance Company

found

TUESDAY, 20th MARCH, 1838.

found willing to incur a responsibility which might involve their whole fortunes, by making them Sureties for every other Individual of the Company, and it is altogether opposed to the principles of such associations, that each Individual of the Incorporation should keep such a supervision over the circumstances of the other Members of the Company and their Sureties, as would, by this amendment, be required from day to day, but it is to be supposed that they would choose such Directors as would, for the interest of the Company as well as their own, that they might not become subject to the heavy penalty for official mismanagement, be induced to have a watchful and anxious supervision over those securities. The House therefore trust that for these (and other obvious reasons, the detailing of which would render a communication of this nature, too long) the Council will agree with the House in regard to these amendments; the House having, in deference to the opinion of the Council, allowed the Securities to the Public by the increased amount of Capital Stock, to be advanced at the expense of the interests of the proposed Company, beyond what they have thought absolutely expedient and necessary.

*Ordered,* That the Clerk do request said Conference.

Report from Com. on  
Petition from Digby  
relative to Illicit  
Trade

Mr. Young reported from the Select Committee on the Petition of Merchants and Traders resident in Digby, relative to the Illicit Trade carried on in the Bay of Annapolis; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 68.)

Referred to Com. of  
Supply

On motion of Mr. Young, *resolved*, that the Report and Petition be referred to the Committee of Supply.

Petition from Lady  
Rodney against equitable  
claims Bill

A Petition of Ann Lady Rodney, of Berrington, in England, by her Attorney William Sutherland, Esq. was, by Special leave of the House, presented by Mr. Young and read, praying that the Bill now before the House "to provide for the settlement of equitable claims upon Real Estate in certain cases," may not pass into a Law.

Referred to Com. on  
Bills

*Ordered,* That the Petition be referred to a Committee of the whole House, on Bills to be considered, with the Bill therein referred to.

Resolution for re-  
quest to Gov. to cause  
enquiry as to Bissett  
drawing Bounty for  
Oat Mill at Cole Har-  
bor

On motion of Mr. Howe, *resolved* as followeth:

Whereas, complaint has been made to this House, that James Bissett of Cole Harbor Road, who drew from the Treasury in 1835, a Sum of £20, as a Bounty on the erection of an Oat-mill, has never complied with the terms of said Grant, so as to make his Mill of service to the adjoining Settlements; *therefore resolved*, that a Committee be appointed to request His Excellency the Lieutenant-Governor, to cause enquiry to be made into the justice of the said complaint, and the state of said Mill, in order that the Money drawn may be recovered, or the object of the Legislature carried out.

*Ordered,* That Mr. Howe, the Hon. Mr. Huntington and Mr. Bell, be a Committee for the above purpose.

Petition from Five Is-  
lands for annexation  
to Colchester

A Petition of David Lewis and others, of the Five Islands Settlement, at Parrsborough, in the County of King's, was presented by Mr. McLellan and read, praying that that Settlement may be annexed to the County of Colchester.

Referred to Com. on  
former Petition

*Ordered,* That the Petition be referred to the Select Committee to whom was referred the Petition of Andrew Doyle and others, praying to the same effect.

Leave to present  
Petition for aid to erect  
School House in  
Newport

Mr. Allison moved for the special leave of the House to present the Petition of William Smith and others, praying aid in the erection of a School House in the Middle District of St. Croix, Newport: which, being seconded and put, passed in the negative.

Report on Petition of  
W. McCormick

Mr. Thorne, from the Select Committee to whom was referred the Petition of William McCormick, praying to be remunerated for expenses incurred in apprehending Clem Pettit, for the alleged crime of Murder on the High Seas, reported that the Committee consider the Petitioner entitled to the amount of his account of £3 15, and therefore recommend to the House to provide for the same in the usual manner.

Report & Petition re-  
ferred to Com. of  
Supply

*Ordered,* That the Report and Petition be referred to the Committee of Supply.

The

TUESDAY, 20th MARCH, 1838.

The Hon. Mr. Uniacke, pursuant to leave given on a former day, presented a Bill to establish the standard weight of Grain, and to repeal the enactments now in force, and the same was read a first time, and ordered to be read a second time.

Bill presented to establish the standard weight of grain

The Hon. Mr. Uniacke reported from the Committee appointed last Session in regard to Public Buildings; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Com. of last Session on Public Buildings

(See Appendix, No. 69.)

Ordered, That the Report do lie on the Table.

Ordered, That Mr. Holmes, Mr. Dickson and Mr. Chipman, be added to the Committee on the Petition of Jonathan Archibald.

Com. on John Archibald's Petition

On motion of Mr. DesBarres, resolved, that a Select Committee be appointed to examine and report upon the account of expenses of the Survey, Plan and Estimate, of the proposed line of Road from Dartmouth to Canso, made in pursuance of a Resolution of the last Session.

Com. to report upon expenses of Survey of Line of Road from Dartmouth to Canso

Ordered, That the Hon. Mr. Huntington, Mr. Elder and Mr. McHeffy, be a Committee for the above purpose.

The Order of the Day being read, for the House to resolve itself into a Committee of the whole House, on the consideration of the Bill to Incorporate the City of Halifax.

Order of Day Com. of whole on Incorporation of Halifax House in Com. of whole on Bills

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

Mr. Speaker left the Chair,  
Mr. Kavanagh took the Chair,  
Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had considered the Bill to Incorporate the City of Halifax, and recommend to the House to defer the further consideration thereof until the next Session; that the Committee had likewise considered the Bill for the relief of Poor Debtors, and recommend to the House to defer the further consideration thereof until the next Session; that the Committee had again gone through the Bill for establishing the Boundary Line between the Counties of Cumberland and Colchester, and had directed him to report the said Bill to the House with an amendment; that they had gone through the Bill for making Lands and Tenements liable to Debts, and to repeal the Acts now in force, and had made several amendments thereto, which they had directed him to report to the House with the Bill; and that the Committee had gone through the Bill to enable the Proprietors of a certain Meeting House in Merigomishe, in the County of Pictou, to sell the same, and had directed him to report the said Bill to the House without any amendment, and he afterwards delivered the Bill, with the amendments, in at the Clerk's Table.

Halifax Incorporation Bill, and

Poor Debtors Bill to be deferred

Cumberland and Colchester Boundary Line Bill and

Bill for making Lands & Tenements Liable to Debts with amendments

Bill to authorize Sale of Meeting House in Merigomishe without amendment

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

Ordered, That the further consideration of the Bill to Incorporate the City of Halifax, be deferred until the next Session.

Halifax Incorporation Bill deferred till next Session

Ordered, That the further consideration of the Bill for the relief of Poor Debtors, be deferred until the next Session.

Poor Debtors' Bill deferred till next Session

The amendments reported to the Bills for establishing the Boundary Line between the Counties of Cumberland and Colchester, and the Bill for making Lands and Tenements liable to Debts, and to repeal the Acts now in force, were severally read, and, upon the question put thereon, were respectively agreed to by the House.

Amendments to Bills reported from Com. agreed to

Ordered, That the Bills with the amendments be engrossed.

Bills with amendments to be engrossed Bills without amendment to be engrossed

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

TUESDAY, 20th MARCH, 1838.

Message from Council  
requesting Conference  
on St. Mary's District  
Bill

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council desire a Conference, by Committee, with a Committee of this Honorable House, on the subject of the Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District:

And then the Messenger withdrew.

Conference on St.  
Mary's District Bill a-  
greed to

On motion, *resolved*, that the said Conference be agreed to as desired by the Council, and that the Clerk do acquaint the Council therewith, and that the Committee of this House are ready to meet the Committee of the Council.

Com. of Conference

*Ordered*, That Mr. Young, Mr. McDonald and Mr. DesBarres, be a Committee to manage said Conference.

Report from Com.  
of Conference

So they went to the Conference ; and being returned,

Mr. Young reported that the Managers had been at the Conference, and stated the substance of the Conference to the House.

Message from Council  
agreeing to Bill to In-  
corporate Whaling  
Company as amended  
also to Bounty on  
Whale Fishery

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to a Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, as amended.

The Council agree to the Conference desired by this Honorable House, on the subject of the amendments proposed to the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia.

And then the Messenger withdrew.

Agree to Conference  
on amendments to  
Union Marine Insur-  
ance Company In-  
corporation Bill

*Ordered*, That the Hon. Mr. Uniacke, Mr. Howe and Mr. Chipman, do manage the said Conference, agreed to by the Council.

Com. of Conference  
on amendments to Bill  
to Incorporate Union  
Marine Ins. Company

So they went to the Conference ; and being returned,

The Hon. Mr. Uniacke reported that the Managers had been at the Conference, and had complied with the instructions of the House in relation thereto.

Report from Com. of  
Conference

The Hon. Mr. Uniacke reported from the Joint Committee of the Council, and this House, in regard to the Fisheries ; that the Joint Committee had prepared an Address to Her Majesty upon that subject, and he read the Address in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth :

Report from Fishery  
Com.

### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Address to Her Ma-  
jesty on subject of  
Fisheries

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF NOVA-SCOTIA IN PROVINCIAL PARLIAMENT.

*May it please your Majesty,*

The Council and House of Assembly of Your Loyal Province of Nova-Scotia, humbly approach your Majesty with their complaints against the Citizens of the United States, of America who violate with impunity, the provisions of Treaties existing between the two Nations, to the injury and detriment of the Inhabitants of this Colony.

Your Council and Assembly humbly refer your Majesty to the Convention made in the year 1818, whereby the American Government obtained for the Citizens of that Country, privileges not ceded to them by the Treaty of 1783, and under the effect of which these Provinces have languished ever since, and the operation of which is fully explained in the annexed Report and Documents.

The Commercial eagerness which characterizes the people of the United States of America, aided by the spirit of their Government, has for years caused them to transgress the bounds defined by Treaty, and exercise rights over the Fisheries of these Colonies, not ceded even by the unfortunate convention alluded to ; their Fishermen, in violation of that Convention, enter the Gulfs, Bays, Harbors, Creeks, Narrow Seas and Waters of these Colonies—they land on the Shores of Prince Edward and the Magdalene Islands, and by force and

TUESDAY and WEDNESDAY, 20th and 21st MARCH, 1838.

and aided by superior numbers, drive British Fishermen from Banks and Fishing Grounds, solely and exclusively British; and by carrying on an unlawful intercourse with needy and unprotected Fishermen, induce them to violate all the Laws of Trade, and introduce feelings and opinions destructive to the principles of a well-intentioned, but secluded and uninformed, portion of your Majesty's Subjects; thus demoralizing and contaminating the ignorant but loyal Inhabitants along our extensive shores, and most essentially injuring the Manufacturers of the United Kingdom, the Merchants and Ship-owners of the Empire, and the Revenue of this and the other Provinces.

Your Council and Assembly solicit Your Royal attention to the Address of this Province to His late Majesty George the Fourth, (hereto annexed,) as prophetic of the effects of the Convention of 1818, and urge your Majesty to mark the fulfilment of its anticipations in the Report of 1837.

Aware of the solicitude of your Majesty for the happiness and welfare of your faithful North American Subjects, your Council and Assembly humbly pray encouragement and protection of their Commerce and Fishery, and that your Majesty will order small armed Vessels to cruize on the Coasts of these Colonies, to prevent such encroachments, or direct two Steam Boats to be added to the fleet on this Station, to resort to the various Fishing Grounds during the Season, and the Legislature will cause depots of Fuel to be provided for them at the Provincial expense—confident that your Majesty, considering the foregoing facts, and marking the character of the times, will adhere to the enlightened policy which has distinguished your illustrious House, and extend to your faithful and Loyal Subjects of Nova-Scotia, that protection of their interests which they ask as Britons, and which may prove consistent with the claims of other portions of your Majesty's extensive dominions.

*Resolved*, That the said Address be adopted and do pass this House.

Address received & adopted by House

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented to the House a Presentment lately made by the Grand Jury of the County of Halifax to the Court of General Sessions of the Peace held at Halifax, in relation to the Incorporation of the Town of Halifax, and the regulation of the municipal affairs of said Town, and the same was read by the Clerk.

Presentment of Grand Jury of Halifax in relation to Incorporation of Town & its Municipal affairs

(See Appendix, No. 70.)

*Ordered*, That the Presentment do lie on the Table.

The Hon. Mr. Uniacke, pursuant to leave given on a former day, presented a Bill respecting the culling of Dry Fish in the Town of Halifax, and the same was read a first time, and ordered to be read a second time.

Bill presented respecting culling of Dry Fish

The Hon. Mr. Huntington, by command of His Excellency the Lieutenant-Governor, presented a Return of Statute Labor on Highways in the County of Pictou during the past year—for an Abstract of such Return,

Return of Statute Labour for County of Pictou

(See Appendix, No. 71.)

*Ordered*, That the Return do lie on the Table.

The Order of the Day being read for the presentation of the several Scales of Sub-division of Road Money,

*Ordered*, That the same be reported to-morrow.

Orders of Day presentation of Road postponed

The Order of the Day being read for the reception of the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c.

*Ordered*, That the Report be received to-morrow.

Reception of report from Com. of whole on Cornwallis Boundary Line Bill postponed

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

Wednesday, 21st March, 1838.

PRAYERS.

On motion, *resolved*, that the Seed Oats and Peas, imported for the Province, be sold at

Resolution for Sale of Seed Oats & Peas imported for Province

at Public Auction, in small lots, after due notice, under the direction of Mr. Morton, Mr. McHefly and Mr. Chipman.

Engrossed Cumberland & Colchester Boundary Bill read 3d time & passed

An engrossed Bill for establishing the Boundary Line between the Counties of Cumberland and Colchester, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act for establishing the Boundary Line between the Counties of Cumberland and Colchester.

Engrossed Bill to enable proprietors of Meeting House at Merigomishe to sell same read 3d time & passed

An engrossed Bill to enable the Proprietors of a certain Meeting House in Merigomishe, in the County of Pictou, to sell the same, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to enable the Proprietors of a certain Meeting House in Merigomishe, in the County of Pictou to sell the same.

Bills to be sent to Council  
Bill to establish standard weight of Grain and  
Bill respecting Culling of Dry Fish read 2d time & committed

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

A Bill to establish the Standard Weight of Grain, and to repeal the enactments now in force ; also,

A Bill respecting the Culling of Dry Fish in the Town of Halifax, were severally read a second time.

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

Order for Chairman of Com. of Supply to report Resolutions

*Ordered*, That the Chairman of the Committee of Supply, do now report the several Resolutions from said Committee, for granting Monies, which the said Committee have directed him to report to the House ; and thereupon,

The Chairman accordingly reports the following resolutions for granting monies viz :

Mr. Kavanagh, the Chairman of the Committee of Supply, reported the said several Resolutions, which were read by the Clerk, and are as followeth :

750l. Yarmouth Light House

*Resolved*, That it is the opinion of this Committee, that the sum of Seven Hundred and Fifty Pounds be granted and paid to build a Light-House on the West side of the entrance of Yarmouth Harbour—said Light-House to be built by contract.

51l. 18s. 9. John Munro

*Resolved*, That it is the opinion of this Committee, that the sum of Fifty-one Pounds Eighteen Shillings and Nine-pence, be granted and paid to John Munro, in return of duty paid by him, agreeably to the prayer of his Petition.

5l. 5s. 6. J. McKinnon

*Resolved*, That it is the opinion of this Committee, that the sum of Five Pounds Five Shillings and Six-pence, be granted and paid to John McKinnon, Esq. in conformity with his Petition.

74l. 4s. 4d. S. Binney

*Resolved*, That it is the opinion of this Committee, that the sum of Seventy-four Pounds Four Shillings and Four-pence half-penny, be granted and paid to Stephen Binney, Esq. being drawback of one Shilling and three-pence Sterling per Gallon, on Nine Hundred and Fifty Gallons of Wine, agreeably to his Petition, and the Report of the Committee thereon.

20l. D. Durland

*Resolved*, That it is the opinion of this Committee, that the Sum of Twenty-Pounds be granted to Daniel Durland, a Settler on the Main Road between Queen's County and Annapolis, to aid him in preparing for the better accommodation of Travellers on said Road, by building a Barn at the place where he resides, one third of said sum to be paid in advance to the said Daniel Durland, and the remainder when it shall be certified to the satisfaction of His Excellency the Lieutenant-Governor, by a Member from each of the Counties of Queen's County and Annapolis, that such Barn has been built and completed.

10l. C. Craig

*Resolved*, That it is the opinion of this Committee, that the sum of Ten Pounds be granted and paid to Cornelius Craig, to enable him to keep a Ferry across the narrows at the entrance of Sable River, in the County of Shelburne.

200l. J. H. Tidmarsh

*Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred Pounds be granted and paid to James H. Tidmarsh, a return of Duties paid by him on Sperm-ceti, agreeably to Report of Committee.

5l. W. Leigh

*Resolved*, That it is the opinion of this Committee, that the Sum of Five Pounds be granted and paid to William Leigh, in pursuance of the report of the Committee on his Petition.

25l. T. Whittemore

*Resolved*, That it is the opinion of this Committee, that the sum of Twenty Five Pounds be granted and paid to Thomas Whittemore, as a Bounty for the introduction of the first Machinery for the Manufacture of Wool-cards, according the prayer of his Petition.

*Resolved*,

WEDNESDAY, 21st MARCH, 1838.

- Resolved*, That it is the opinion of this Committee, that the sum of One Hundred Pounds be granted and paid to the Trustees of the Common and Combined Grammar Schools in the Town of Sydney, in aid of the said School for the present year. 100l. School at Sydney, C.B.
- Resolved*, That it is the opinion of this Committee, that the sum of Twelve Pounds and Ten Shillings, be granted and paid to William Ross, to aid him in erecting a Grist Mill at Sherbrooke, which Mill had recently been, by accident, destroyed by Fire—said sum not be paid until certified by three Magistrates of Chester, that said Mill has been erected and in operation. 12l. 10s. W. Ross
- Resolved*, That it is the opinion of this Committee, that the sum of Twelve Pounds and Ten Shillings be granted and paid to George Hiltz and Jacob Hiltz, to aid them in erecting a Grist Mill at Sherbrooke, which Mill had been recently, by accident, destroyed by Fire—said sum not to be paid until certified by three Magistrates of Chester that said Mill has been erected and in operation. 12l. 10. G. & J. Hiltz.
- Resolved*, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted and paid to Walter and David Murray, pursuant to their Petition and the Report of the Committee thereon. 20l. W. and D. Murray
- Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred Pounds be granted and paid in aid of the Halifax Steam Boat Compay, for the present year. 200l. Halifax Steam Boat
- Resolved*, That it is the opinion of this Committee, that such sum be granted and paid to the Secretary of the Province as will enable him to pay Seven Pounds to each of the Clerks of the Peace within this Province, to whom His Excellency directed Road Commissions and Bonds in the years 1836 and 1837. 7l. each to Clerks of Peace
- Resolved*, That it is the opinion of this Committee, that the sum of Nine Pounds Eighteen Shillings be granted and paid to Peter Morrissey, for a Return of Duties on Goods destroyed by Fire, agreeably to the prayer of his Petition. 9l. 18s. Peter Morrissey
- Resolved*, That it is the opinion of this Committee, that the sum of One Hundred Pounds be granted and paid to James Whitney, for running the Steam Boat between Annapolis and Digby and St. John, the present year, under the same regulations and in the same manner as heretofore. 100l. J. Whitney
- Resolved*, That it is the opinion of this Committee, that the sum of Forty Pounds be granted and paid to the Rev. John Quinan and others, Inhabitants of Tracadie, for aid in clearing the entrance of Tracadie Harbor, according to the prayer of their Petition. 40l. to clear Tracadie Harbor
- Resolved*, That it is the opinion of this Committee, that Twenty Pounds be granted and paid to complete the entrance to Porter's Lake, and finish the embankment. 20l. to clear out entrance to Porter's Lake
- Resolved*, That it is the opinion of this Committee, that the sum of Twenty-five Pounds be granted and paid to Major George Ruxton, for the Return of Duties for a Travelling Carriage, paid from mistake, agreeably to the prayer of his Petition. 25l. Major Ruxton
- Resolved*, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to enable Goreham Paul and Lewis Paul, and other Micmac Indians at Shubenacadie, to procure Nails and other materials for building a Chapel at that place. 20l. to build Indian Chapel
- Resolved*, That it is the opinion of this Committee, that the sum of Sixty-eight Pounds Fourteen Shillings and Three Pence be granted and paid to William Reuill, pursuant to the Report of the Committee. 68l. 14s. 3d. to W. Reuill
- Resolved*, That it is the opinion of this Committee, that the sum of Forty-nine Pounds Three Shillings and Six Pence be granted and paid to the Overseers of the Poor for the Township of Pictou, to remunerate them for expenses incurred in the support and relief of Transient Paupers. 49l. 3s. 6d. Overseers of Poor Pictou
- Resolved*, That it is the opinion of this Committee, that the sum of Ten Pounds Ten Shillings and Seven Pence be granted and paid to the Overseers of the Poor for the Township of Windsor, to remunerate them for expenses incurred in the support and relief of Transient Paupers. 10l. 10s. Overseers of Poor Windsor
- Resolved*, That it is the opinion of this Committee, that the sum of Sixteen Pounds Sixteen Shillings and Nine Pence be granted and paid to the Overseers of the Poor for the Township of Maxwellton, to remunerate them for the expenses of Transient Paupers relieved and supported by them. 16l. 16s. 9d. Overseers of Poor Maxwelltown

WEDNESDAY, 21st MARCH, 1838.

30l. Buoys Barrington

*Resolved*, That it is the opinion of this Committee, That the sum of Thirty Pounds be granted and paid for the purpose of placing Spar Buoys on the Ledges in the West Passage, and the Beach Channel, and Cockawit Passage, in Barrington, to be expended under the direction of Commissioners to be appointed by His Excellency the Lieutenant-Governor.

35l. 11s. 10d. Henry Goudge

*Resolved*, That it is the opinion of this Committee, that the sum of Thirty-five Pounds Eleven Shillings and Ten Pence be granted and paid to Henry Goudge, Esquire, for a Return of Foreign Duties paid on British Goods from mistake, agreeably to his Petition and the Report of the Committee thereon.

73l. 19s. 8d. Robert Lawson

*Resolved*, That it is the opinion of this Committee, that the sum of Seventy-three Pounds Nineteen Shillings and Three Pence be granted and paid to Robert Lawson, a Return of Duties paid by him on Sheet Iron manufactured into Nails.

150l. Breakwater Givan's Cove

*Resolved*, That it is the opinion of this Committee, that the sum of One Hundred and Fifty Pounds be granted to aid the Inhabitants of Givan's Cove to erect a Wharf or Pier at that place, but not to be drawn from the Treasury until it shall be certified to the satisfaction of His Excellency that the sum of Two Hundred Pounds has been raised by the Inhabitants of Cornwallis and expended in said work.

50l. Breakwater Marshall's Cove

*Resolved*, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted and paid to the Inhabitants of Marshall's Cove, Wilmot, to enable them to build a Breakwater, agreeable to their Petition, to be drawn when it shall be certified to His Excellency that the sum of One Hundred Pounds has been expended of the money subscribed for that purpose.

100l. Breakwater Baxter's Harbor

*Resolved*, That it is the opinion of this Committee, that the sum of One Hundred Pounds be granted to aid the Inhabitants of Baxter's Harbor to erect a Wharf or Pier at that place, but not to be drawn from the Treasury until it shall be certified to the satisfaction of His Excellency that the sum of One Hundred and Fifty Pounds has been raised by the Inhabitants of Cornwallis and expended in said work.

50l. &amp; 50l. Breakwaters at Gates' Cove and Cove at Margaretville

*Resolved*, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted to aid the Inhabitants at Gates' Mountain and the upper part of Wilmot, in building the Breakwater there commenced, to be paid when it shall be made to appear to His Excellency the Lieutenant Governor, that a like amount has been contributed by the Inhabitants, and actually expended in the said work, and also that the like sum be granted to aid the Inhabitants at or near Margaretville, in a similar undertaking at that place, to be paid upon the same terms.

20l. to each County Oat Mills

*Resolved*, That it is the opinion of this Committee, that such sum be granted and placed at the disposal of His Excellency the Lieutenant-Governor, as will enable him to pay Twenty Pounds towards the erection of one or more Oat-mills in each County, upon the recommendation of the Members, provided that no more than Twenty Pounds be drawn for any one County, and that the Mills be erected and put in operation under the same rules, and subject to the same conditions, as were in force with regard to Oat-mills for which Bounties were first granted.

Sums for Main Roads and Bridges

*Whereas*, the great Eastern and Western Post Road, leading from the Capital of the Province to the Interior of the Country, is generally out of repair, and many of the Bridges in a delapidated state, and several alterations which have been commenced, yet remain uncompleted, and much more money will be required to accomplish the aforesaid purpose, than can possibly be applied from those portions of Road Money appropriated to the Counties through which said Post Road passes.

*Resolved therefore*, That it is the opinion of this Committee, that the sum of One Thousand and Seventy-five Pounds be granted for the said Post Roads to be placed at the disposal of His Excellency, and to be applied as follows, viz: on the Western Post Road from Halifax to Hants County line Fifty Pounds, from Halifax County line, through Hants County to Kings' County line, One Hundred and Fifty Pounds from Hants County line, through King's County One Hundred Pounds, from King's County line, through Annapolis and Digby, One Hundred Pounds, from Hants County on the Post Road to Lunenburg and Queen's County, Western line, One Hundred Pounds, on the Eastern Road

Road from Halifax to Fultz's Twenty-five Pounds, and from Fultz's through Halifax and Colchester, and to complete the alterations near Black Rock hills, (so called) Two Hundred and Fifty Pounds; from Colchester to Guysborough, Two Hundred Pounds, one third thereof for the County of Pictou, one third for the County of Sydney, and the remaining third for the County of Guysborough, and from Colchester line through Cumberland, One Hundred Pounds, and that the further sum of One Hundred Pounds be granted and paid to repair the Great Post Road from Queen's County line to Barrington, and that the further sum of One Hundred Pounds be granted and paid to complete the Bridge over Sydney River.

*Resolved*, That it is the opinion of this Committee, that the sum of One Hundred and Twenty Pounds be granted and paid in aid of the erection of the Bridge at Margaree, and to be expended thereon, in addition to the private subscription therefor.

Mr. Goudge moved that the Resolution for granting £20 to Daniel Durland be not received by the House: which, being seconded and put, passed in the negative.

Mr. Archibald moved that the Resolution for granting £10 to Cornelius Craig be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion sixteen; against it, twenty-five. So it passed in the negative.

Mr. Benjamin moved that the Resolution for granting £25 to Thomas Whittemore be not received by the House: which, being seconded and put, passed in the negative.

Mr. Goudge moved that the Resolution for granting £12 10s. to William Ross be not received by the House: which, being seconded and put, passed in the negative.

Mr. Dickey moved that the Resolution for granting £12 10s. to George Hiltz and Jacob Hiltz be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion eighteen; against it, twenty-four. So it passed in the negative.

Mr. Archibald moved that the Resolution for granting £20 to Walter Murray and David Murray be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two; against it, twenty-one. So it passed in the affirmative.

Mr. Smith moved that the Resolution for granting £200 to the Halifax Steam Boat Company be not received by the House: which, being seconded and put, passed in the negative.

Mr. Benjamin moved that the Resolution for granting £7 each to the Clerks of the Peace, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twelve; against it, thirty-two.

For the motion,

Against the motion,

The Hon Mr Huntington  
Mr Upham  
Mr Smith  
Mr Benjamin  
Mr McHeffy  
Mr Goudge  
Mr D'Entremont  
Mr Lewis  
Mr M'Lellan  
Mr Annand  
Mr Forrester  
Mr Clements

Mr Spearwater  
The Hon Mr Uniacke  
Mr Kavanagh  
Mr Creighton  
Mr Elder  
Mr J Sargent  
Mr Holdsworth  
Mr Taylor  
Mr Howe  
Mr Bell  
Mr W. Sargent

Mr Forrestall  
Mr Holmes  
Mr M'Donald  
The Hon Mr Dewolf  
Mr Chipman  
Mr Thorne  
Mr Heckman  
Mr Allison  
Mr Morton  
Mr Holland  
Mr Miller

Mr Whitman  
Mr Young  
Mr Robicheau  
Mr McDougall  
Mr Dickson  
Mr Des Barres  
Mr Fairbanks  
Mr Archibald  
Mr Waterman  
Mr Dickey

So it passed in the Negative.

Mr. Smith moved that the Resolution for granting £150 for a Breakwater at Givan's Cove, in Cornwallis, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, eighteen; against it, twenty-five. So it passed in the negative.

Mr. Archibald moved that the Resolution for granting £50 for a Breakwater at Marshall's Cove, be not received by the House: which, being seconded and put, passed in the negative.

Mr. Smith moved that the Resolution for granting £100 for a Breakwater at Baxter's Harbor, in Cornwallis, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-three; against it, eighteen. So it passed in the affirmative.

Mr. Dickey moved that the Resolution for granting £50 for the Pier or Breakwater at Gates'

1201. Bridges at Margaree

Motion not to receive Vote to D. Durland negatived

Motion not to receive vote to C. Craig negatived

Motion not to receive vote to T. Whittemore negatived

Motion not to receive vote to W. Ross negatived

Motion not receive vote to G. & J. Hiltz negatived

Motion not to receive vote to W. & D. Murray carried

Motion not to receive vote for Halifax Steam Boat negatived

Motion not to receive vote for Clerks of Peace negatived

Motion not to receive vote for Breakwater at Givan's Cove negatived

Motion not to receive grant for Breakwater at Marshall's Cove negatived

Motion not to receive grant for Breakwater at Baxter's Harbor carried

Motion not to receive grant for Breakwater at Gates' Cove & Margarettville

WEDNESDAY, 21st MARCH, 1838.

Gates' Mountain, in Wilmot, and £50 for the Pier on Breakwater at or near Margaretville, in Wilmot, be not received by the House : which, being seconded.

Motion to amend by not receiving so much of report as relates to Margaretville carried

Mr. Fairbanks moved, as an amendment to the question, that so much thereof as relates to the Pier on Breakwater at Gates' Mountain be lift out : which, being seconded and put, passed in the affirmative. The question as amended being then put,

*Ordered*, That so much of the Resolution as relates to the Pier or Breakwater at or near Margaretville, be not received by the House.

Motion not to receive grant for Post Roads carried

Mr. Waterman moved that the Resolution for granting certain Sums of Money for the great Eastern and Western Main Roads and Bridges, be not received by the House : which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-three ; against it, twenty-one.

For the motion,

<i>Mr McKim</i>	<i>Mr W Sargent</i>
<i>Mr Upham</i>	<i>Mr McLellan</i>
<i>Mr Holmes</i>	<i>Mr McDonald</i>
<i>Mr Robicheau</i>	<i>Mr Howe</i>
<i>Mr Dickey</i>	<i>Mr J Sargent</i>
<i>The Hon Mr Huntington</i>	<i>Mr Lewis</i>
<i>Mr McDougall</i>	<i>Mr Waterman</i>
<i>Mr D'Entremont</i>	<i>Mr Miller</i>
<i>Mr Thorne</i>	<i>Mr Bell</i>
<i>Mr Clements</i>	<i>Mr Spearwater</i>
<i>Mr Heckman</i>	<i>Mr Holdsworth</i>
<i>Mr Annand</i>	

Against the motion,

<i>Mr Allison</i>	<i>Mr Benjamin</i>
<i>Mr Elder</i>	<i>Mr Smith</i>
<i>Mr Creighton</i>	<i>Mr Young</i>
<i>Mr Taylor</i>	<i>Mr Chipman</i>
<i>Mr Forrestall</i>	<i>Mr Forrester</i>
<i>Mr Fairbanks</i>	<i>Mr Goudge</i>
<i>The Hon Mr Dewolf</i>	<i>The Hon Mr Uniacke</i>
<i>Mr Dickson</i>	<i>Mr DesBarres</i>
<i>Mr Holland</i>	<i>Mr Kavanagh</i>
<i>Mr McHefy</i>	<i>Mr Archibald</i>
<i>Mr Morton</i>	

So it passed in the affirmative.

Resolutions agreed to except those not received

The said several Resolutions reported from the Committee of Supply (with the exception of the Resolution for granting £20 to Walter Murray and David Murray, the Resolution for granting £100 to a Breakwater at Baxter's Harbor, in Cornwallis, that part of the Resolution which went to grant £50 for a Pier or Breakwater at or near Margaretville, in Wilmot, and the Resolution for granting certain Sums of Money for the great Eastern and Western Main Roads and Bridges) were, upon the question severally put thereon, agreed to by the House.

*Ordered*, That the Clerk do carry the Resolutions so agreed to, to the Council, and desire their concurrence.

Address to Lt. Gov. reported from Joint Com. on the Fisheries

The Hon. Mr. Uniacke, from the Joint Committee of the Council and this House on the subject of the Fisheries, reported that the said Committee had prepared an Address to His Excellency the Lieutenant Governor, in reference to the Address to Her Majesty on that subject, which they had directed him to report to the House ; and he read the Address in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth :

TO HIS EXCELLENCY MAJOR-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 HER MAJESTY'S LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF THE PROVINCE OF NOVA-SCOTIA, IN LEGISLATURE ASSEMBLED.

*May it please Your Excellency,*

Address to Gov. from Com. on Fisheries

The Council and Assembly have adopted and passed a joint Address to Her Majesty the Queen, praying the protection of the Government to the Fisheries of this and the neighbouring Provinces ; and as the subject is of more than usual importance to Her Majesty's Transatlantic Subjects, we respectfully request that Your Excellency will be pleased to transmit the said Address, with Your Excellency's strongest recommendation, for Her Majesty's Royal compliance with the prayer thereof.

*Resolved*, That the said Address be received and adopted by this House. *Ordered*

WEDNESDAY, 21st MARCH, 1838.

*Ordered,* That the Committee of this House who joined in preparing the Addresses to Her Majesty and the Lieutenant-Governor on the subject of the Fisheries, be a Committee to join a Committee of the Council to wait upon His Excellency, the Lieutenant-Governor with the said Addresses.

Order for Com. to present Addresses

Mr. Young reported from the Select Committee appointed on the 31st day of January last, to revise and amend the Laws for the Election of Members, &c. and to revise and amend the Law for the Trial of Controverted Elections; and thereupon, presented to the House,

Report of Bills from Com. on Election Laws

A Bill for regulating Elections of Members to serve in General Assembly; and

Bill regulating Elections

A Bill for regulating the Trial of Controverted Elections or Returns of Members to serve in General Assembly; and the said Bills were read a first time, and ordered to be read a second time.

Bill regulating trial of Elections

A Message from the Council, by Mr. Halliburton:

Council agree to Bills without amendments viz: Continuing Bills

Mr. Speaker,

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

A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods.

Importation

A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods.

Warehousing

A Bill to continue the Act for the general regulation of the Colonial Duties.

Regulation of Duties Smuggling

A Bill to continue the several Acts for the prevention of Smuggling.

A Bill to continue the Act for granting a Bounty on Chocolate manufactured in this Province.

Chocolate

A Bill to continue and amend the Act to encourage the manufacture of Tobacco in this Province, by granting a Bounty thereon; and

Tobacco

A Bill to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax.

Halifax Licences

The Council have also agreed to the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, with amendments, to which amendments they desire the concurrence of this Honorable House.

General License Bill with amendments

And then the Messenger withdrew.

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

House in Com. on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for the appointment of Trustees of School Lands in this Province, and had directed him to report the said Bill to the House, without any amendment; and that the Committee had also had under consideration the Bill to provide for the settlement of equitable claims upon Real Estate in certain cases, and recommend to the House to defer the further consideration of said Bill to this day three months; and he afterwards delivered the Bills in at the Clerk's Table.

Report Bill for Trustees of School Lands without amendment Bill to provide for equitable Claims on real Estate to be deferred.

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

Mr. Chipman moved that the Report from the Committee in regard to the Bill to provide for the settlement of equitable claims upon Real Estate in certain cases, be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two; against it, twenty-two; and thereupon,

Motion not to receive report on equitable Claims Bill negatived by casting vote of Speaker

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

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

Bill deferred

*Ordered,* That the Bill reported without amendment be engrossed.

The Orders of the Day being read,

*Ordered,* That the several Scales of Sub-division of Road Money, be reported to-morrow.

Orders of Day postponed

WEDNESDAY and THURSDAY, 21st and 22d MARCH, 1838.

*Ordered*, That the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c. be received to-morrow.

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

Thursday, 22d March, 1838.

PRAYERS.

Motion to rescind the deferring of the Equitable Claims Bills negatived

The Hon. Mr. Dewolf moved that the Resolution of the House upon the Report from the Committee of the whole House, on Bills committed, in regard to the Bill to provide for the settlement of equitable claims upon Real Estate, in certain cases; and the Order of the House for deferring the consideration of said Bill for three months, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two; against it, twenty-four. So it passed in the negative.

Motion to rescind vote for Breakwater at Givan's Cove negatived

Mr. Howe moved that the Resolution agreed to yesterday for granting £150 for a Breakwater at Givan's Cove, in Cornwallis, and the Order for sending the same to the Council, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty; against it, twenty-six. So it passed in the negative.

Motion to rescind the not receiving of vote for Post Roads carried

Mr. Archibald moved that the Resolution of the House passed yesterday for not receiving the Resolution reported from the Committee of Supply for granting the sum of £1275 additional for the Main Roads and Bridges, be rescinded: which, being seconded and put, and the House dividing thereon, there appeared for the motion, thirty; against it, sixteen. So it passed in the affirmative.

Vote for Post Roads agreed to

The Resolution being then read, and the question for agreeing to the said Resolution reported from the Committee of Supply being put from the Chair, and the House dividing thereon, there appeared for agreeing to the Resolution; twenty-eight; against it, eighteen:

For the Resolution,

Mr Doyle	Mr Allison
Mr Lewis	Mr Smith
Mr Chipman	Mr W Sargent
Mr McHeffy	The Hon Mr Uniacke
Mr Dickson	Mr McDougall
Mr DesBarres	Mr Forrestall
Mr Forrester	Mr M'Donald
Mr Whitman	Mr Spearwater
Mr Holland	Mr Annand
Mr Benjamin	Mr Elder
The Hon Mr Dewolf	Mr Kavanagh
Mr Archibald	Mr Bell
Mr Morton	Mr Taylor
Mr Creighton	Mr Goudge

Against the Resolution.

Mr Dickey	Mr D'Entremont
Mr Holdsworth	Mr Heckman
Mr J Sargent	Mr Holmes
Mr Thorne	Mr Miller
Mr McLellan	Mr Waterman
Mr Howe	Mr McKim
Mr Robicheau	The Hon Mr Huntington
Mr Clements	Mr Fairbanks
Mr Young	
Mr Upham	

So it passed in the affirmative.

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

Engrossed Cumberland Canal Bill read 3d time passed &c.

An engrossed Bill to authorise the Incorporation of a Company for making a Navigable Canal across the Isthmus of Cumberland, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland.

Engrossed School Lands Trustees Bill passed &c.

An engrossed Bill for the appointment of Trustees of School Lands in this Province, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act for the appointment of Trustees of School Lands in this Province.

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

Com. to enquire as to paying off part of funded debt

On motion of Mr. Morton, *resolved*, that a Committee be appointed to examine into the propriety of paying off Eight Thousand Pounds of the Funded Debt of the Province, by a re-issue of Provincial Paper, and to report thereon to this House by Bill or otherwise.

*Ordered*, That Mr. Creighton, Mr. Morton, Mr. Dickson, Mr. McLellan and Mr. Young, be a Committee for the above purpose.

THURSDAY, 22d MARCH, 1838.

The amendments proposed by the Council to the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, were read a first and second time, (and being amendments to regulating clauses of the Bill; and not touching the imposition or continuance of duties,) were considered by the House.

Amendments of Council to General License Bill considered

On motion, *resolved*, that this House do agree to the first and second of said amendments, and do not agree to the third (being the last) amendment.

Agreed to in part &amp;c.

*Ordered*, That the Clerk do carry the Bill and amendments to the Council, and acquaint them with the foregoing Resolution.

A Bill for regulating Elections of Members to serve in General Assembly; also, A Bill for regulating the Trial of Controverted Elections, or Returns of Members to serve in General Assembly, were severally read a second time; and thereupon,

Election Bills deferred to next Session.

On motion of Mr. Young, *resolved*, that the further consideration of the Bills be deferred until the next Session.

A Petition of S. Cunard & Co. and others, Merchants, resident in Halifax, was presented by Mr. Bell and read, praying that before passing an Act relating to the measuring of Grain, measures may be taken for ascertaining the facts affecting that question.

Petition against Bill for measuring Grain

*Ordered*, That the Petition be referred to Mr. Young, the Hon. Mr. Uniacke and Mr. Bell, to examine into and report to this House, upon the matter therein referred to.

Referred to Com.

A Petition of George P. Lawson and others, engaged in the Foreign Trade of Halifax, was presented by Mr. Howe and read, praying that the proposed duty upon Foreign Molasses, may not attach, until the 1st May next, upon that Article, imported in Ships now engaged in Voyages in which the return may be made therein.

Petition relating to duty on foreign Molasses

*Ordered*, That the Petition do lie on the Table.

Mr. Howe moved for leave to bring in a Bill in accordance with the prayer of said Petition: which, being seconded and put, and the House dividing thereon, there appeared for the motion, thirteen; against it, twenty-five.

Motion for leave to bring in Bill on last Petition negatived

For the motion,

Against the motion,

Mr Young  
Mr Heckman  
Mr Holmes  
Mr Thorne  
Mr Archibald  
Mr McDonald  
Mr Fairbanks

Mr Forrestall  
Mr Bell  
Mr Howe  
Mr Annand  
Mr Forrester  
Mr Creighton

Mr McLellan  
Mr Waterman  
Mr Taylor  
Mr Whitman  
Mr Dickey  
Mr Smith  
Mr Allison  
Mr Benjamin  
Mr Lewis

Mr Kavanagh  
Mr Holland  
The Hon Mr Dewolf  
Mr Goudge  
Mr Spearwater  
Mr McHeffy  
Mr Holdsworth  
Mr Morton

Mr McKim  
Mr Chipman  
Mr DesBarres  
The Hon Mr Huntington  
Mr W. Sargent  
Mr Upham  
Mr Clements  
Mr Doyle

So it passed in the negative.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council desire a Conference, by Committee, with a Committee of this Honorable House, on the subject of the Bill, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

Message from Council desiring Conference on Impost Bill

And then the Messenger withdrew.

On motion, *resolved*, that this House do agree to said Conference as desired by the Council.

Conference agreed to &amp;c.

*Ordered*, That Mr. Howe, The Hon. Mr. Huntington, the Hon. Mr. Dewolf, Mr. Young and Mr. Doyle, do manage said Conference.

*Ordered*, That the Clerk do acquaint the Council that this House have agreed to said Conference, and that the Committee of this House are ready to meet the Committee of the Council thereon.

So the Managers went to the Conference; and being returned, Mr. Howe reported that the Managers had been at the Conference, and that the Committee of the Council thereon, having communicated to the Committee of this House, a suggestion

Com. of Conference report specially in regard to privileges of House

THURSDAY, 22d MARCH, 1838.

suggestion of the Council, in regard to the imposition of duty contained in the Bill upon which the Conference was held—that the Committee do not consider it consistent with the privileges of the House to report such suggestion to the House.

Report from Com. on Education

Mr. Howe reported from the Select Committee on Education ; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 72.)

*Ordered*, That the Report do lie on the Table.

Report on Pet. of J. Archibald

Mr. DesBarres reported from the Select Committee on the Petition of Jonathan Archibald, and he read the Report in his place, and afterwards delivered it in at the Clerk's Table where it was again read.

(See Appendix, No. 73.)

*Ordered*, That the Report do lie on the Table.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Desire Conference on General License Bill &c.

The Legislative Council desire a Conference, by Committee, with a Committee of this Honorable House, on the subject of the amendments proposed by the Council to the Bill, entitled, An Act to continue and amend the Act for granting duties on Licenses for the Sale of Spirituous Liquors.

And then the Messenger withdrew.

On motion resolved, that this House do agree to the Conference desired by the Council.

*Ordered*, That Mr. Fairbanks, Mr. Young and Mr. Goudge do manage the Conference.

*Ordered*, That the Clerk do acquaint the Council, that this House have agreed to said Conference, and that the Committee of this House are ready to meet the Committee of the Council thereon.

So the Managers went to the Conference.

Bill presented to amend the Act relating to Wills

Mr. Howe pursuant to Special leave given, presented a Bill to explain and amend certain provisions of the Act, relating to Wills, Legacies and Executors : and the same was read a first time.

Referred to Select Com.

*Ordered*, That the Bill be referred to Mr. Dickson, Mr. Howe and Mr. Doyle, to examine and report thereon to this House.

Bill presented respecting Writs of Certiorari

Mr. DesBarres pursuant to Special leave given, presented a Bill to facilitate the issuing Writs of Certiorari in certain cases, and the same was read a first time, and ordered to be read a second time.

Report from Select Com. to enquire as to returns of Municipal affairs of Halifax

Mr. Forrester reported from the Committee, appointed on the 12th inst. to examine the returns made to this House, under a Resolution of last Session ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table where it was again read.

(See Appendix, No. 74.)

*Ordered*, That the Report do lie on the Table.

Message from Council

A Message from the Council by Mr. Halliburton :

Mr. Speaker,

Adhere to amendment to License Bill

The Council adhere to the 3rd amendment, proposed by them to the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, which amendment was not agreed to by this Honorable House.

And then the Messenger withdrew.

Motion for Com. to enquire why returns of Fees not made from Police and Commissioners Court Halifax negatived

Mr. Forrester moved, that the House do come to a Resolution as followeth:—  
Whereas, Returns of Fees taken in the Police Office and Commissioners Court, were called for by this House on the 3rd. March, 1837, embracing upwards of ten years, and whereas the said returns were not made agreeably to said Resolution, and in consequence thereof, another Resolution passed this House the present Session, appointing a Committee to wait upon His Excellency to ascertain the cause of the non-compliance with the said Resolution

of the 3rd March, and whereas no returns of fees taken in said Offices have yet been made, *resolved* therefore, that a Committee be appointed to wait upon His Excellency, to state that fact, and respectfully request him to take such steps as will induce a prompt compliance with the Resolution referred to :

Which, being seconded and put, and the House dividing thereon, there appeared for the motion, sixteen ; against it, nineteen.

So it passed in the Negative.

Mr. Forrester moved, that the House do come to a Resolution as followeth :

*Whereas*, Returns were required by this House, in a Resolution of the 10th March, 1837, of all the fines imposed in the Supreme Court and Courts of General Sessions of the Peace throughout the Province, in the years 1825, 1831, 1832, 1833, 1834, 1835 and 1836, and a specific account of the application and appropriation thereof; and whereas such Returns have not been made to this House, excepting one made by the General Sessions of the Peace at Halifax, for the years 1834, 1835, 1836 ; *therefore resolved*, that a Committee be appointed to wait upon His Excellency, and respectfully request him to cause the proper Officer to inform this House of the cause of the non-compliance with said Resolution :

Resolution for Com. to wait on Gov. with regard to Fines in Sup. Court & General Session of the Peace throughout the Province

Which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-four; against it, thirteen.

So it passed in the affirmative.

*Ordered*, That Mr. Forrester, Mr. Miller and Mr. Waterman, be a Committee for the above purpose.

Committee named

Mr. Fairbanks, from the Committee appointed to confer with a Committee of the Council on the subject of the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, reported that the Managers had been at the Conference, and stated the substance of the Conference to the House.

Report from Com. of Conference on License Law

A Petition of Alexander McRae and others, Inhabitants of the Gulf Shore and Cape George, in the County of Sydney, was, by special leave of the House, presented by Mr. Forrestall and read, praying aid, either to repair the Arisaig Pier, or to cut across the Isthmus which connects Arisaig Point with the Main Land, as may be deemed most conducive to the public good.

Petition from County of Sydney for aid to Arisaig Pier or to cut across Isthmus

*Ordered*, That the Petition do lie on the Table.

On motion of Mr. Chipman, *resolved*, as followeth :—

*Whereas*, by the order of the House, the Journals heretofore have only been sent to the Town Clerks of such Townships as are represented by Town Members,—*Resolved*, that the Printer of said Journals be requested, by the Clerk of this House, to hereafter send one copy thereof to each of the Town Clerks, for the use of the several Townships of this Province respectively, and this House will provide for the additional expense thereof.

Resolution for sending Journals of House to all Town Clerks

The Orders of the Day being read,

*Ordered*, That the several Scales of the Sub-division of Monies for Roads and Bridges be reported to-morrow.

Orders of Day Road Scales postponed

*Ordered*, That the Report from the Committee of the whole House upon the Bill to define the Boundary Line of the Township of Cornwallis, &c. be received to-morrow.

Report on Cornwallis Boundary Line Bill postponed

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

Friday, 23d March, 1838.

PRAYERS.

An engrossed Bill for making Lands and Tenements liable to Debts; and to repeal the Acts now in force, was read a third time.

Engrossed Bill for making Lands and Tenements liable to Debts read 3d time and passed

*Resolved*, That the Bill do pass, and that the title be, An Act for making Lands and Tenements liable to Debts, and to repeal the Acts now in force.

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

FRIDAY, 23d MARCH, 1838.

Petition against extension of privileges of Union Fire Engine Company  
Referred to Select Com.

A Petition of John Drillio and others, Inhabitants of the Town of Halifax, was, by special leave of the House, presented by Mr. Bell and read, praying that the extension of privileges sought by the Union Fire Engine Company may not be granted.

*Ordered*, That the Petition be referred to the Select Committee to whom was referred the Petition of the Union Fire Engine Company of Halifax.

Petition of J. McGregor referred to Com. of Supply

Mr. Howe moved that the Petition of John McGregor be referred to the Committee of Supply : which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two ; against it, seventeen. So it passed in the affirmative.

*Ordered*, That the Petition be referred to the Committee of Supply.

Petition of R. Gruber referred to Com. of Supply  
Petitions for alteration of Great Eastern Road referred to Com. of Supply

On motion of Mr. Goudge, *resolved*, that the Petition of Robert Gruber, and the Report of the Select Committee thereon, be referred to the Committee of Supply.

On motion of Mr. Smith, *resolved*, that the Petitions for an alteration of the Great Eastern Road from Sackville Bridge to Scott's, in Dartmouth, with the Report of the Select Committee thereon, be referred to the Committee of Supply.

Com. to wait on Gov. requesting copy of Blue Book next Session

On motion of Mr. Howe, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request that His Excellency will cause a copy of the Blue Book to be laid on the Table of the House at the commencement of every Session.

Com. named

*Ordered*, That Mr. Howe, the Hon. Mr. Uniacke and Mr. Annand, be a Committee for the above purpose.

Message from Council

A Message from the Council, by Mr. Halliburton :

Mr. Speaker.

Council agree to Bill to divide John's Island with an amendment

The Legislative Council have agreed to the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, with an amendment—to which amendment they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Com. on Bills

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

Report Bills continuing following Acts, viz :  
Act for regulating Rates and Prices of Carriages  
Act to suspend operation of Acts to prevent Forestalling, &c. of Cordwood in Halifax  
Act to suspend operation of Act to prevent Forestalling, &c.  
Acts concerning Bridewell and Police in Halifax  
Pilotage Act  
Act for providing for Night Watch in Halifax  
Act to repeal Act respecting Firewards & Fires in Halifax  
Beef weighing Act  
Disorderly Riding  
Fees of Constable of Court of Comms.  
Comrs. Court Act

The Chairman reported from the Committee that they had gone through the Bill to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages ; the Bill to continue the Act to suspend the operation of the Act to prevent Forestalling, Regrating and Monopolizing of Cordwood in the Town of Halifax ; the Bill to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing ; the Bill to continue the several Acts concerning the Bridewell and Police in Halifax ; the Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto ; the Bill to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night ; the Bill to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof ; the Bill to continue the Act to regulate the Weighing of Beef ; the Bill to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province ; the Bill to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax ; the Bill to continue the Act relating to the Court of Commissioners at Halifax ; the Bill to continue and amend the Act concerning Goods exported and for granting Drawbacks, and the Bill in further amendment of the Act to regulate the expenditure of Monies hereafter, to be appropriated for the service of Roads and Bridges, and had directed him to report the said Bills to the House, severally, without any amendment ; that the Committee had also gone through the Bill to continue the Act to direct

Drawback Act

Act to regulate expenditure of Road &c. Bridge Money

rect and ascertain the mode of assessing County and District Rates, and had made an amendment thereto, which they had directed him to report to the House, with the Bill, and that the Committee had also considered the Bill to establish the standard weight of Grain and to repeal the enactments now in force, and recommend to the House to refer the same to a Select Committee, to examine and report upon to the House; and he afterwards delivered the Bills, with the amendment to the Bill to continue the Act to direct and ascertain the mode of assessing County and District Rates, in at the Clerk's Table.

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

The amendment reported from the Committee to the Bill to continue the Act to direct and ascertain the mode of assessing County and District rates being read, was, upon the question put thereon, agreed to by the House.

*Ordered,* That the Bill, with the amendment, be engrossed.

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

*Ordered,* That the Bill to establish the standard weight of Grain, and to repeal the enactments now in force, be referred to the Committee to whom was, yesterday, referred the Petition of S. Cunard and others on that subject.

A Petition of William Hague and others was, by special leave of the House, presented by the Hon. Mr. Uniacke and read, praying that the Act for the measuring of Grain may not be discontinued.

*Ordered,* That the Petition be referred to the above mentioned Committee on the Petition of S. Cunard & Co. and that Mr. McHeffy and the Hon. Mr. Dewolf be added to the said Committee.

The Orders of the Day being read,

*Ordered,* That the several Scales of Sub-division of Road Money be reported to-morrow.

*Ordered,* That the Report from the Committee of the whole House upon the Bill to define the Boundary Line of the Township of Cornwallis, &c. be received to-morrow.

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

Saturday, 24th March, 1838.

PRAYERS.

An engrossed Bill to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages, was read third time.

*Resolved,* That the Bill do pass and that the title be, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.

An engrossed Bill to continue the Act to suspend the operation of the Act to prevent Forestalling, Re-grating and Monopolizing of Cordwood in the Town of Halifax, was read a third time.

*Resolved,* That the Bill do pass, and that the title be, An Act to continue the Act to suspend the operation of the Act to prevent Forestalling, Re-grating and Monopolizing, of Cordwood in the Town of Halifax.

An engrossed Bill to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Re-grating and Monopolizing, was read a third time.

*Resolved,* That the Bill do pass, and that the title be, An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Re-grating and Monopolizing.

An engrossed Bill to continue the several Acts concerning the Bridewell and Police in Halifax, was read a third time.

*Resolved,* That the Bill do pass, and that the title be, An Act to continue the several Acts concerning the Bridewell and Police in Halifax.

County and District Rates assessment Act

Recommend that the Bill to establish the standard weight of Grain be referred to Select Com.

Amendments to County and District Rates assessment agreed to

Bill with amdt. to be engrossed  
Bills to be engrossed

Bill to establish standard weight of Grain referred to Select Com.

Petition in favor of Act for establishing standard weight of Grain

Referred to Select Committee

Orders of Day  
Road Scales postponed  
Report on Cornwallis Boundary Line Bill postponed

Engrossed Bills read 3d time, viz :  
To continue Carriage Rates Act

Bill passed

Bill to continue Act to suspend Wood Forestalling Act

Bill passed

Bill to continue Act to suspend Forestalling Acts

Bill passed

Bill to continue Bridewell Acts

Bill passed

SATURDAY, 24th MARCH, 1838.

- Bill to continue Halifax Pilotage Acts      An engrossed Bill to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass and that the title be, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto.
- Bill to continue Halifax Night Watch Bill      An engrossed Bill to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.
- Firewards Act      An engrossed Bill to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act, to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.
- Bill to continue Beef weighing Act      An engrossed Bill to continue the Act to regulate the Weighing of Beef, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the Weighing of Beef.
- Bill to continue Act to regulate Fees of Constables in Comrs. Court      An engrossed Bill to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.
- Bill to continue Halifax Commissioners' Court Act      An engrossed Bill to continue the Act relating to the Court of Commissioners at Halifax, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act relating to the Court of Commissioners at Halifax.
- Bill to continue County Rates Act      An engrossed Bill to continue the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass, and that the title be, An Act to continue and amend the Act to direct and ascertain the mode of Assessing County and District rates, and for other purposes, and the Acts in amendment thereof.
- Bill to amend Road expenditure Act      An engrossed Bill in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, was read a third time.
- Bill passed      *Resolved*, That the Bill do pass, and the title be, An Act in further amendment of the Act, to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.
- Bills sent to Council      *Ordered*, That the Clerk do carry the Bills to the Council, and desire their concurrence.
- Engrossed Bill to continue Act to prevent Disorderly Riding, &c.      An engrossed Bill to continue the Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, was read a third time; and thereupon;
- Rider moved and negatived      Mr. Goudge moved that the following enacting Clause and preamble thereto, do pass and be added as a ryder to the Bill, viz:  
 "And Whereas by the Sixth Clause or Section of said Act, the width of Loads of Straw or Hay, is limited and restricted to twelve feet, which has been found inconvenient:  
*Be it therefore enacted*, That it shall and may be lawful for any person or persons to drive on any of the Roads of this Province, any load of Hay or Straw, not being of greater width than fourteen feet, and that such Sixth Clause or Section of said Act, shall hereafter be construed to apply to any loads of Hay or Straw, precisely, as if the words fourteen feet were and

and had been originally inserted therein, instead of the words twelve feet." Which, being seconded and put, passed in the negative.

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.

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

An engrossed Bill to continue and amend the Act concerning Goods exported, and for granting Drawbacks, was read a third time; and thereupon,

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

" *Provided always, and be it further enacted*, That no Drawback hereby given or allowed, under the second clause of this Act, shall be paid until the expiration of this Act, and in case the several Drawbacks claimed and granted under the said clause shall exceed the sum of Two Thousand Pounds, each claimant shall only be entitled to receive in proportion, as no greater or larger amount of Drawbacks shall be drawn or paid out of the Treasury, under the second clause of this Act, than Two Thousand Pounds upon any claim or pretence whatsoever;" which, being seconded and put, and the House dividing thereon, there appeared, for the motion, fifteen; against it, twenty-eight.

So it passed in the negative.

On motion of Mr. Young, *resolved*, that the following Proviso do pass, and be added as a rider to the Bill, and stand part of the second clause at the end thereof, viz :

" *And Provided also*, that nothing in this clause contained shall extend, or be construed to extend, to any Foreign Goods purchased or procured by or with any Whale Oil or Sperm Oil, or the proceeds thereof, or of any Whaling Voyage, which shall or may have been exported from this Province to any part of Europe or South America."

And the said Proviso being added accordingly,

*Resolved*, That the Bill do pass, and that the title be, An Act to continue and amend the Act concerning Goods exported and for granting Drawbacks.

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

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act relating to Marriage Licenses, were read a second time, and considered by the House; and thereupon,

On motion of Mr. Young, *resolved*, that the said amendments be not agreed to by this House.

The amendments proposed by the Council to the Bill, entitled, An Act to restrain the issuing Writs of Attachment in certain cases, were read a second time, and considered by the House; and thereupon,

On motion of Mr. DesBarres, *resolved*, that the said amendments be not agreed to by this House.

The amendments proposed by the Council to the Bill, entitled, An Act to continue the Act to lessen the expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province, were read a second time, and considered by the House; and thereupon,

On motion of Mr. Young, *resolved*, that the said amendments be not agreed to by this House.

On motion of Mr. Young, *resolved*, that a Conference be asked, by Committee, with the Legislative Council, on the amendments proposed by the Council to the several Bills, 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; an Act to continue the Act to restrain the issuing Writs of Attachment in certain cases; and an Act to continue the Act relating to Marriage Licenses; and which said amendments have been disagreed to by the

Bill passed

Sent to Council

Engrossed Bill to continue and amend Drawback Act

Rider moved and negatived

Proviso added to Drawback Bill

Bill passed

Amendments to Bill to continue Marriage License Act not agreed to

Amendments to Bill to continue Act to restrain attachments not agreed to

Amendments to Bill to continue Act respecting proof of documents not agreed to

Conference to be asked on amendments to the three continuing Bills with Instructions

SATURDAY, 24th MARCH, 1838.

the House, and that the Committee of this House be instructed to state that the House do not conceive the practical operation and details of the said Acts to have been sufficiently tried, to render it prudent for the Legislature to make the said Acts perpetual, as they are now framed; the House therefore prefer that the same should continue, for the present, as annual Acts.

*Ordered*, That the Clerk do request said Conference.

Com. to request from Gov. amount of Drawbacks and Bounties paid for Fisheries

On motion of Mr. Smith, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant Governor, and respectfully request that His Excellency will be pleased to direct the proper Officers to lay before this House, at its next Session, a Specific Account, shewing the amount of all Duties remitted, as well as Drawbacks and Bounties paid during the present year, and for the ten past years, for encouragement of the Fisheries.

*Ordered*, That Mr. Smith, Mr. Morton and Mr. Forrester, be a Committee for the above purpose.

Return made of Fines &c.

The Hon. Mr. Huntington, by command of His Excellency the Lieutenant Governor, presented a Return from the Office of the Clerk of the Crown, of all Fines imposed by the Supreme Court, from the year 1825, to 12th February 1835, and of the disposal thereof; also an account from the Treasurer of the Province, of the Receipt and application of such Fines, and the same being read.

(See Appendix, No. 75.)

*Ordered*, That the Return and Account do lie on the Table.

Resolutions relating to Militia

On motion, the Report from the Select Committee on that part of His Excellency the Lieutenant Governor's Speech at the opening of the Session, which relates to the Militia, was read: and thereupon,

Mr. Fairbanks moved, that the House do come to a Resolution as followeth:

Motion that Militia be called out once a year amended

*Resolved*, as the opinion of this House, that it is expedient to call out the Militia of this Province, once in each year for Training and Inspection of Arms, &c. either in Companies or Detachments at such place or places in each County, as shall be attended with the least inconvenience to the Inhabitants, place and time to be fixed by the Commanding Officer of each Regiment or Battalion: which, being seconded,

By Resolution that it is inexpedient

Mr. Howe moved an amendment to said proposed Resolution, to leave out all the words thereof, except the word "Resolved" and to insert instead of the words so left out, the following: "that the opinion of this House remains unchanged, that compulsory trainings of the whole population for one day in the year, impart but little if any discipline, and while they are expensive to the Country, add nothing to its defence." Which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-eight, against it thirteen.

#### For the amendment,

Mr Annand	Mr McHeffy
Mr Howe	Mr Upham
The Hon Mr Huntington	Mr McKim
Mr Chipman	Mr Young
Mr DesBarres	Mr M'Donald
Mr Waterman	Mr Smith
Mr Dickson	Mr Robicheau
Mr Lewis	Mr Forrester
Mr Goudge	Mr Allison
Mr Clements	Mr Holland
Mr Spearwater	Mr Dickey
Mr D'Entremont	Mr Archibald
Mr Holdsworth	Mr Bell
Mr M'Lellan	Mr W. Sargent

#### Against the amendment,

Mr Kavanagh
Mr Whitman
Mr Creighton
Mr J Sargent
Mr Taylor
The Hon Mr Dewolf
Mr Holmes
Mr Thorne
Mr Miller
Mr Heckman
Mr Benjamin
Mr Fairbanks
Mr Morton

So it passed in the Affirmative.

Cleaning Arms

The question on the Resolution as amended, being then put, was agreed to by the House. Mr. Fairbanks then moved, that the price for cleaning Arms, should be fixed at six-pence per stand; which, being seconded,

Mr.

Mr. Chipman moved an amendment to the question, to leave out the words "six-pence," and insert instead, the words "four-pence:" which, being seconded and put, passed in the negative.

The main question being then put.

Ordered, That the price for cleaning Arms be fixed at Six-pence per stand.

On motion of Mr. Howe, *resolved unanimously*, as the opinion of this House, that His Excellency the Lieutenant Governor be authorised by and with the advice of the Executive Council, on any Declaration of War by the Government of the Mother Country against the United States or any other Foreign power, or by any such powers against her, or upon any hostile invasion of the Province, to advance from the Provincial Chest, during the recess of the General Assembly, a sum not exceeding Ten Thousand Pounds to be expended in the purchase of Arms, Ammunition and Accoutrements, and Organising and Disciplining the Militia.

Resolution for placing money at disposal of Gov. to Arm Militia, &c. in case of War or Invasion

Ordered, That the foregoing Resolution be sent to the Legislative Council for concurrence.

Resolution to be communicated to Lt. Gov.

On motion, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant Governor, and communicate to him the foregoing Resolution.

Ordered, That Mr. Howe, Mr. Fairbanks, Mr. Morton, Mr. Chipman and Mr. Goudge, be a Committee for that purpose.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council agree to the three Conferences desired by this Honorable House, on the subject of the amendments to the Bill, entitled, An Act, to continue the Act, relating to Marriage Licenses, the Bill entitled An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases, and 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, and the Committee of the Council are ready to meet the Committee of this House in the Committee Room of the Council.

Message from Council  
Agree to Conferences on amendments to continuing Bills

And then the Messenger withdrew.

Ordered, That Mr. Young, Mr. Fairbanks and Mr. Holland, do manage the said Conference.

So they went to the Conference; and being returned,

Mr. Young reported that the Managers had been at the Conference, and stated the substance of the Conference to the House.

Conference held &c.

Ordered, That the Clerk do carry the said three Bills and amendments to the Council, and acquaint them that this House have not agreed to said amendments.

Bills and amendments Sent to Council

The Orders of the Day being read,

Orders of Day postponed

Ordered, That the several Scales of Sub-division of Road Money, be reported on Monday next.

Ordered, That the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c. be received on Monday next.

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

Monday, 26th March, 1838.

PRAYERS.

On motion the amendment proposed by the Council to the 23rd clause of the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia, was again read, and re-considered by the House: and thereupon,

Amendment to Union Marine Insurance Bill agreed to

On motion of the Hon. Mr. Uniacke, *resolved*, that this House do not adhere to their determination not to agree to said amendment, but do now agree to the same.

Ordered, That the Clerk do carry the Bill and amendments back to the Council, and acquaint them with the foregoing Resolution.

A

MONDAY, 26th MARCH, 1838.

Petition for allowance  
to carry Mails to Pic-  
ton by Stage Coach

A Petition of Thomas G. Taylor and others, Inhabitants of Pictou, was, by Special leave of the House, presented by Mr. Dickson and read, expressing their regret that a sufficient allowance is not made to the Eastern line of Stage Coaches, to enable them to carry the Mail twice a week, between Halifax and Pictou, and praying that such grant may pass to the Post Office Department, that the Mails may be so transmitted twice in each week.

Referred to Post Of-  
fice Committee

*Ordered*, That the Petition be referred to the Committee on the Post-Office Department.

Amendments to Bill  
to Incorporate Halifax  
Marine Insurance  
Company agreed to  
in part &c

On motion, the amendments proposed by the Council to the Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, were read a first and second time, and considered by the House; and thereupon,

On motion of Mr. Young, *resolved*, that this House do agree to the amendments proposed to the second, fifth, sixth, thirteenth, seventeenth, twenty-second, twenty-third and thirtieth clauses of the Bill, and do not agree to the amendments proposed to the ninth clause of the Bill, and agree to the amendment proposed to the thirty-second clause of the Bill, with the following amendment, to wit: to leave out of the Proviso thereby proposed to be added to the said thirtieth clause all the words after the word "mismanagement."

*Ordered*, That the Clerk do carry back to the Council the Bill and amendments; and acquaint them with the foregoing Resolution of this House.

Petition for Free Port  
at Shelburne

A Petition of Thomas Crowell and others, Merchants and other Inhabitants of the Town of Shelburne, was, by special leave of the House, presented by Mr. Spearwater and read, praying that the Port of Shelburne may be made a Free Port.

Referred to Commit-  
tee

*Ordered*, That the Petition be referred to the Select Committee on the subject of the Outports.

Report on Petition of  
Commissioners of  
Poor at Halifax refer-  
red to Committee of  
Supply

Mr. Bell reported from the Select Committee on the Petition of the Commissioners of the Poor at Halifax; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table where it was again read, and is as followeth:

The Committee to whom was referred the Petition of the Commissioners of the Asylum for the Poor, beg leave to recommend that the sum of £200 be granted and paid in aid in paying off the Debts of that Establishment.

Committee Room, 26th March, 1838.

H. BELL, Chairman.

This is the Report of the majority of the Committee.—I am of opinion that £400 (the sum prayed for) should be granted.

H. BELL.

On motion, *resolved*, that the Petition and Report be referred to the Committee of Supply.

Petition for making  
valid irregular Marri-  
ages in Cape Breton

A Petition of the Rev. John Stewart and others, was, by special leave of the House, presented by Mr. Young and read, praying that certain Marriages irregularly contracted in the Island of Cape-Breton may be rendered legal and valid; and thereupon,

Leave to bring in Bill  
thereon

*Ordered*, That Mr. Young have leave to bring in a Bill in accordance with the prayer of the Petition; and accordingly

Bill presented

Mr. Young presented a Bill to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, and the same was read a first time, and ordered to be read a second time.

Bill to Incorporate  
Imbert Mills company

Mr. Holland, pursuant to leave given on a former day to Mr. Thorne, presented a Bill to Incorporate the Imbert Mills Company, and the same was read a first time.

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

And the same was accordingly read a second time.

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

House adhere to 3rd  
amendment to Gene-  
ral License Bill

On motion, the third amendment proposed by the Council to the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, was again read and re-considered by this House; and thereupon,

On motion, *resolved*, that this House do adhere to their determination not to agree to said amendment.

*Ordered*, That the Clerk do carry the Bill and amendments back to the Council, and acquaint them with the foregoing Resolution. A

MONDAY, 26th MARCH, 1838.

A Bill to facilitate the issuing of Writs of Certiorari in certain cases, was read a second time.

House agree to amendment to Pubnico Island division Bill

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

The amendment proposed by the Council to the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, was read a first and second time, and considered by the House; and thereupon,

On motion of Mr. Fairbanks, *resolved*, that the said amendment be agreed to by this House.

Certiorari Bill committed

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

Mr. Howe reported from the Select Committee on the subject of the Out-Ports, and to whom were referred several Petitions, praying for Free Ports, that the Committee had considered the several matters to them referred, and had drawn up three Resolutions, exhibiting different views of the subject, and which they had directed him to lay on the Table for the consideration of the House; and he read the said Resolutions in his place, and afterwards delivered them in at the Clerk's Table, where they were again read.

Report from Com. on Out Ports

*Ordered*, That the Resolutions do lie on the Table.

Mr. Dickson, pursuant to Special leave given, presented a Bill to extend to the Town of Pictou the provisions of an Act, entitled, An Act to prevent boys and others from Coasting and Sliding down the hills in the Streets of Halifax, and the same was read a first time.

Bill to extend to Pictou the Halifax Act to prevent Coasting &c.

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

And the same was accordingly read a second time.

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

A Message from the Council, by Mr. Halliburton:

Message from Council

Mr. Speaker,

The Council do not adhere to the amendments proposed by them, respectively to the several Bills, entitled, An Act to continue the Act relating to Marriage Licenses; An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases; and 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, but agree to said Bills as originally sent up to the Council.

Do not adhere to amendments to three continuing Bills but agree to Bills viz: Marriage Licences Restraining attachment—Proof of Documents

And then the Messenger withdrew.

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

Com. of whole on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had considered the Bill to facilitate the issuing Writs of Certiorari in certain cases, and recommend to the House; to refer the Bill to a Select Committee, to examine and report upon; that they had gone through the Bill to Incorporate the Imbert Mills Company, and the Bill to extend to the Town of Pictou, the provisions of An Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the hills in the Streets of Halifax, and had directed him to report the said Bills to the House, severally, without any amendment; that the Committee had also gone through the Bill to continue the Act for the better regulation of Sable Island and Seal Islands in this Province, and had made several amendments thereto, which they had directed him to report to the House with the Bill, and he afterwards delivered the Bills and amendments in at the Clerk's Table.

Report Certiorari Bill to Select Com.

Without amendment Imbert Mills Company Bill Pictou Coasting Bill

Sable Island Bill amendments

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

*Ordered*, That the Bill to facilitate the issuing of Writs of Certiorari, in certain cases, be referred

Certiorari Bill referred to Sel. Com.

MONDAY, 26th MARCH, 1838.

referred to Mr. DesBarres, Mr. Fairbanks, Mr. Creighton, Mr. McDougall and Mr. Dickson, to examine and report upon to this House.

The amendments to the Bill to continue the Act for the better regulation of Sable Island and Seal Islands in this Province, being read, were, upon the question put thereon, agreed to by the House.

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

Bills to be engrossed

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

Message from Council not agreeing to general License Bill

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have not agreed to the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors,

And then the Messenger withdrew.

Com. on shutting up road in County of Sydney

On motion of Mr. Forrestall, *resolved*, that the Petition of George Brenan and others, relating to the shutting up an Old Road at Dorchester, in the County of Sydney, be referred to a Select Committee, to examine and report thereon by Bill or otherwise.

*Ordered*, That Mr. Forrestall, Mr. DesBarres and Mr. McDougall, be a Committee for that purpose.

Com. to prepare Address to Queen on Shubenacadie Canal

On motion of the Hon. Mr. Uniacke, *resolved*, that a Committee be appointed to prepare an Address to Her Majesty, on the subject of the Shubenacadie Canal, in accordance with the views expressed in the Petition of the Inhabitants of Halifax before the House.

*Ordered*, That the Hon. Mr. Uniacke, Mr. Howe and Mr. Bell, be a Committee for the that purpose.

Com. to prepare statement of Salaries &c.

On motion of Mr. Morton, *resolved*, that a Committee be appointed to prepare and lay upon the Table of the House, a Statement, shewing the emoluments of every Officer employed in the Province, whether derived from the Casual and Territorial Revenue, granted under permanent Provincial Statutes by Annual Votes, or derived from Fees, with power to send for persons and papers, and that said Committee report on Thursday next.

*Ordered*, That Mr. Morton, the Hon. Mr. Huntington, Mr. Goudge, Mr. Howe and Mr. Forrester, be a Committee for the above purpose.

Bill presented on License Law

Mr. Dickson, pursuant to Special leave given, presented a Bill to continue the Act for granting Duties on Licenses, and in amendment thereof, and the same was read a first time.

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

And the same was accordingly read a second time.

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

Report of Address to Queen on Shubenacadie Canal

The Hon. Mr. Uniacke reported from the Select Committee, appointed this day, to prepare an Address to Her Majesty, on the subject of the Shubenacadie Canal, that the Committee had framed an Address accordingly; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES OF THE PROVINCE OF NOVA-SCOTIA, IN GENERAL ASSEMBLY.

*Most Gracious Sovereign,*

Address

We, Your Majesty's Faithful Subjects, the Representatives of your Loyal People of Nova-Scotia, most respectfully approach Your Majesty with those sentiments of steadfast Loyalty and devoted attachment to the person and Government of their Sovereign, which have ever prevailed in this favored Colony.

We pray permission to represent to Your Majesty, that in consequence of Resolutions adopted at a Public Meeting of the Inhabitants of Your Town of Halifax, recently held, with

MONDAY, 26th MARCH, 1838.

with reference to the Enterprise designated as the Shubenacadie navigation; and at the instance of the meeting, the attention of the House of Assembly has been given to this undertaking, and the affairs and prospects of the Company engaged in it; and that considering the extensive public interests involved in the successful accomplishment of that measure, the progress which has been made and the large Sum expended in its prosecution, and induced by the strong expression of public opinion in favour of immediately resuming the operations of the Company, which proceeded from the meeting referred to, the House of Assembly is desirous to concur in the measures then recommended, and to express the anxious hope and particular solicitude of the Representatives of the people, that the application for the further aid and assistance of Your Majesty's Government on behalf of this extensive work of inland improvement, which forms the subject of the Address of the inhabitants of Halifax, now prepared in order to its being laid at the Foot of the Throne, may be viewed with favour, and receive the approbation of Your Majesty.

This enterprise has always been regarded as peculiarly important to the Capital, and the Residents in the portion of the Province more immediately connected therewith; being designed to connect the Harbour of Halifax with the Basin of Mines, by a Navigable Communication for Sea going Vessels.—The Company incorporated for opening it in 1826, prosecuted their operations until the end of the year 1831, and were then compelled to suspend them by the total exhaustion of their funds, to which the Provincial Treasury had, at the commencement, contributed by a Gift of £15,000, and subsequently, by granting an Annuity for ten years, making in all a similar amount upon this annuity; a large sum was subscribed in London, and the Government of our late Sovereign George the Fourth advanced a Sum of £20,000 upon a Mortgage of the Canal, its works and income.

Of the public character of the intended Navigation, of the important and beneficial results to the Colony; which its successful completion would realize, not only for defensive objects in time of war; but for inter-communication with the Sister Colony, and facilitating the developement of the Agricultural and Mineral resources of the interior, the Legislature, it is humbly submitted, testified its full belief and confidence, by those appropriations from the limited Public Revenue of the Colony to the extent of £30,000. But upon the question of the practicability or expense of completing the whole of this extensive work, it would not become the House of Assembly to enter; because those considerations peculiarly belong to persons, whom professional knowledge and experience, as Engineers, have rendered competent to decide upon them. We desire to limit ourselves wholly to the declaration of our opinion of the public character and great importance of the intended Navigation, should it be successfully constructed.

It becomes the duty of the House of Assembly, however, favourable their opinion may be in reference to this undertaking, to state in the most explicit terms that having reference to the great Sum this Legislature has already granted in aid of it, and taking into view the numerous roads and other public measures for which the wants of this Province demand provision from its Revenue; to an extent far beyond what it can afford, it is utterly beyond the power of the Legislature to render any, the slightest, further pecuniary assistance to the company; and therefore, that whatever funds they require for prosecuting their works must be obtained from other sources.

Under these circumstances, the House of Assembly refer with grateful recollection, to the instances in which the parental Government of Great Britain has munificently assisted the efforts of Her Colonial Subjects, in the execution of great public works, or in objects unattainable by their own unaided exertions.—And feeling that we belong to an Empire to whose Government the advancement, security and prosperous condition of its Colonies, are objects of the highest consideration, we entertain the fullest confidence that an undertaking, whose purpose is in all respects the same, will not be permitted to fail entirely for the want of that support which cannot be procured for it here.

On the grounds, therefore, which have been offered, the House of Assembly submits, for Your Majesty's favourable consideration thereof, the humble and earnest request, which they now beg leave to prefer, that the prayer of the Address of the Inhabitants of Halifax to  
Your

MONDAY, 26th MARCH, 1838.

Your Majesty may be granted, and that its objects may receive the approbation of Your Majesty's Government.

Address passed

*Resolved*, That the said Address be adopted and do pass this House.

Report of Bill to extend time under Act for relief of Poor Settlers

Mr. Dickson reported from the Select Committee, upon the Petition of Alexander Meldrum and others, and thereupon presented a Bill to extend for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province, and the same was read a first time.

Bill read 1st &amp; 2d time and committed

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

And the same was read a second time accordingly.

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

House go into Com. on Bills

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

Report General License Bill with an amendment  
Report Poor Settlers Bill with an amendment

The Chairman reported from the Committee that they had gone through the Bill to continue the Act for granting Duties on Licenses, and in amendment thereof, and the Bill to extend for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province, and had made an amendment to each of said Bills, which they had directed him to report to the House with the Bills, and he afterwards delivered the Bills in at the Clerk's Table, with the amendments.

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

Amendments agreed to and Bills to be engrossed

The amendments reported to the Bills having been respectively read, were, upon the question severally put thereon, agreed to by the House.

*Ordered*, That the Bills, with the amendments, be engrossed.

Com. on Shubenacadie Canal report Address to Lt. Gov.

The Hon. Mr. Uniacke reported further from the Select Committee, on the subject of the Shubenacadie Canal, and thereupon presented to the House an Address which the Committee had prepared to His Excellency the Lieutenant Governor, praying him to forward to the foot of the Throne the Address of this House to Her Majesty, this day adopted, on the subject of the Shubenacadie Canal; and he read the same in his place, and afterwards delivered it in at the Clerk's Table where it was again read, and is as followeth :

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

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

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY, IN GENERAL ASSEMBLY CONVENED.

*May it please Your Excellency,*

Address

The House of Assembly has passed An Address, calling the attention of Her Majesty the Queen to a work of magnitude and importance, in which a numerous class of the Inhabitants of this Province take a deep interest, the renewal of operations at the Shubenacadie Canal; and humbly request your Excellency to transmit the same to Her Majesty, with your favourable recommendation thereof.

Address adopted

*Resolved*, That the said Address be received and adopted by this House.

Com. to wait on Gov. with Addresses

*Ordered*, That the Committee who prepared the Addresses on the subject of the Shubenacadie Canal, be a Committee to wait on His Excellency the Lieutenant-Governor with the same.

The

MONDAY and TUESDAY, 26th and 27th MARCH, 1838.

The Orders of the day being read,  
*Ordered*, That the several Scales of Sub-division of Road Money be reported to-morrow.  
*Ordered*, That the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c. be received to-morrow.

Orders of Day postponed

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

Tuesday, 27th March, 1838.

PRAYERS.

Mr. Archibald moved for leave of absence to return home on urgent private business: which, being seconded and put, and the House dividing thereon, there appeared for the motion, seventeen; against it, thirteen. So it passed in the affirmative.

Leave of absence to Mr. Archibald

*Ordered* accordingly.

*Ordered*, That Mr. Holland have leave of absence on Friday week, the 6th April next, to return home on urgent private business.

Leave of absence to Mr. Holland

Mr. McLellan moved for the special leave of the House to present a Bill to annex the Settlement of Five Islands to the County of Colchester: which, being seconded and put, and the House dividing thereon, there appeared for the motion, fourteen; against it, fifteen.

Leave refused for Bill to annex Five Islands to Colchester

So it passed in the negative.

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

Engrossed Bills read 3d time and passed, viz:

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

Sable Island Bill

An engrossed Bill to incorporate the Imbert Mills Company, was read a third time.

Imbert Mill Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to incorporate the Imbert Mills Company.

An engrossed Bill to extend to the Town of Pictou, the provisions of An Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the hills in the Streets of Halifax, was read a third time.

Pictou Coasting Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to extend to the Town of Pictou, the provisions of An Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the hills in the Streets of Halifax.

An engrossed Bill to continue the Act for granting Duties on Licenses, and in amendment thereof, was read a third time.

General License Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for granting Duties on Licenses and in amendment thereof.

An engrossed Bill to extend for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province, was read a third time.

Poor Settlers Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to extend for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province.

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

Bills sent to Council

The Hon. Mr. Uniacke, pursuant to leave given, presented a Bill for Settling Titles in a certain tract of Land in Cape Breton, called the Mire Grant, and the same was read a first time, and ordered to be read a second time.

Bill to settle titles Mire Grant in Cape Breton

The Order of the Day being read for reporting the several Scales of Sub-division of the Monies allotted to the several Counties for the service of Roads and Bridges therein, respectively,

Order of Day for reporting Scales of road Money

The undermentioned Members reported and delivered to the House, Scales of Sub-division, accordingly, for the respective Counties set against their names.

Scales of Road division presented

Mr. Annand for the County of Halifax.

Mr. Archibald for the County of Colchester.

Mr.

TUESDAY, 27th MARCH, 1838.

Mr. Forrestall for the County of Sydney.  
 Mr. DesBarres for the County of Guysborough.  
 Mr. Kavanagh for the County of Richmond.  
 Mr. Lewis for the County of Cumberland.  
 Mr. Goudge for the County of Hants.  
 Mr. Chipman for the County of King's.  
 Mr. Thorne for the County of Annapolis.  
 Mr. Robicheau for the County of Digby.  
 The Hon. Mr. Huntington for the County of Yarmouth.  
 Mr. W. Sargent for the County of Shelburne.  
 Mr. Fairbanks for the County of Queen's.  
 Mr. Creighton for the County of Lunenburg.

And the said several Scales being read,

Motion on Lunenburg  
Scale negatived

Mr. Miller moved that the Scale of Division of Road Monies for the County of Lunenburg be not received by the House, and that the Division of Road Money for said County be £237 10s. for the Township of Lunenburg, and that the remainder of the sum allotted to said County, be divided between the Townships of Chester and New Dublin : which, being seconded and put, and the House dividing thereon, there appeared for the motion, twelve : against it, twenty-three.

So it passed in the Negative.

Motion to alter Shelburne  
Scale passed

Mr. Spearwater then moved that the Scale of Division of Road Money for the County of Shelburne be amended by taking the Sum of Five Pounds from the Road between Jordan River and Sable river, and appropriating that Sum for the repair of the road between Solomon Smith's and Benjamin Perry's, in addition to the sum allowed for that purpose by said Scale : which, being seconded and put, was agreed to by the House.

Scale amended

And the said Scale was amended accordingly.

Motion to alter Cumberland  
Scale negatived

Mr. Dickey moved that the House do come to the following Resolution :

*Resolved*, That the Balance due to Isaac Rindress, Commissioner for the repairs of Wallace Bridge, as an over expenditure, being £19 0s. 0d. less allowed in the division for the County of Cumberland this year £7 10s. Balance due £11 10s. be taken out of the sum granted for the repairs of the Road from Major King's to River Philip Bridge : and that the Balance of over-expenditure of £16, less allowed in the division this year £8, Balance due James Shipley, Commissioner for the repairs of the Maccan Bridge is £8, and also to be taken out of the Sum granted for the repairs of the Road from Major King's to River Philip Bridge : which, being seconded and put, and the House dividing thereon, passed in the negative.

Scales passed

The said several Scales of Sub-division (that for the County of Shelburne as amended) were then, upon the question severally put thereon, agreed to by the House, and passed as Resolutions dividing and appropriating the several sums therein respectively mentioned.

For such Resolutions as agreed to.

(See Appendix, No. 76.)

Inverness Road Money  
at disposal of Lt. Gov.

On motion of Mr. Young, *resolved*, that the sum of £570 granted for Roads and Bridges in the County of Inverness, be placed at the disposal of His Excellency the Lieutenant-Governor, to be expended in that service.

County of Cape Breton  
road Money placed at disposal  
of Lt. Gov.

On motion of the Hon. Mr. Uniacke, *resolved*, that the sum of £570 granted for Roads and Bridges in the County of Cape-Breton, be placed at the disposal of His Excellency the Lieutenant-Governor for that service.

Order extended for  
presentation of Pictou  
Road Scale

*Ordered*, That the time for presentation of the Scale of Sub-division of Road Monies for the County of Pictou, be extended until to-morrow.

Report from Com of  
inquiry into conduct  
of Police Officers

The Hon. Mr. Dewolf reported from the Select Committee appointed on the 10th inst. to examine into and report upon certain charges made in this House against Officers of the Police Establishment, in relation to Fees and Fines ; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

See

TUESDAY and WEDNESDAY, 27th and 28th MARCH, 1838.

(See Appendix, No. 77.)

Ordered, That the Report do lie on the Table.

A Bill to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, was read a second time.

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

Mr. Young reported from the Select Committee on the Petition of Nathaniel Clough, for Return of Duties on Goods destroyed by Fire ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 78.)

On motion of Mr. Young, resolved, that the Report be referred to the Committee of Supply.

Mr. DesBarres, from the Select Committee to whom was referred the Bill to facilitate the issuing Writs of Certiorari, in certain cases, reported that the Committee had examined the Bill, and had prepared some amendments thereto, which they recommend should be adopted with the Bill ; and he read the said amendments in his place, and afterwards delivered them in at the Clerk's Table, where the said amendments were again read.

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

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to continue the Act for the encouragement of Schools, and the Act in amendment of the same, and had made sundry amendments thereto, which they had directed him to report to the House with the Bill, and he thereupon delivered the Bill and amendments in at the Clerk's Table.

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

The amendments reported from the Committee to the School Bill were read ; and thereupon,

Mr. Fairbanks moved that the Bill and amendments be re-committed to a Committee of the whole House for the purpose of substituting another Scale of Sub-division of School Monies, in the place of the one adopted in said amendments : which, being seconded and put, and the House dividing thereon, there appeared for the motion, sixteen ; against it, twenty-four.

So it passed in the negative.

The said amendments were then, upon the question put thereon, agreed to by the House.

Ordered, That the Bill with the amendments be engrossed.

The Order of the Day being read for receiving the Report from the Committee of the whole House on the Bill to define the Boundary Line of the Township of Cornwallis, &c.

Ordered, That the said Report be received to-morrow.

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

Wednesday, 28th March, 1838.

PRAYERS.

On motion of the Hon. Mr. Dewolf, resolved, that Mr. Clements have leave of absence from this House, on and after Friday next, for the purpose of piloting Her Majesty's Ship

Pique

Cape Breton Marriage Bill read 2d time & committed

Report from Sel. Com. on Petition of N. Clough.

Referred to Com. of Supply

Report from Sel. Com.—amendments to Certiorari Bill

Bill and amendments re-committed

Com. on Bills

Bill to continue School Acts reported with amendments

Motion to re-commit School Bill to alter Scale of division negatived

Order of Day for receiving report on Cornwallis boundary Bill postponed

Leave of absence to Mr. Clements to Pilot H. M. S. Pique to St John, N. B.

Pique with Troops to St. John, N. B. should it be required; Mr. Clements having in such case consented so to do for the good of Her Majesty's service.

Leave of absence to Mr. Desbarres refused

The Hon. Mr. Dewolf moved that Mr. DesBarres have leave of absence after Monday next, to return home on urgent private business: which, being seconded and put, and the House dividing thereon, there appeared for the motion sixteen; against it, eighteen.

So it passed in the negative.

Report on Petitions for annexation of Five Islands to Colchester

Mr. Dickey reported from the Select Committee on the Petitions from Andrew Doyle and other Inhabitants of Five Islands, in Parrsborough, County of King's, for annexation of that Settlement to the County of Colchester; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

The Committee to whom was referred the Petitions of Andrew Doyle and others, praying the annexation of the Settlement of Five Islands, in the County of King's, to the County of Colchester, beg leave to report that your Committee are of opinion it would not be advisable to grant the prayer of the Petitioners the present Session, as it is in prospect to take up the consideration of the disposition of all that part of King's County, called Parrsborough.

R. M. DICKEY, Chairman; HENRY GOUDGE.

Committee Room, 27th March, 1838.

Ordered, That the Report do lie on the Table.

Leave refused to bring in Bill to annex Five Islands to Colchester

Mr. McLellan moved for the special leave of the House to present a Bill to annex the Settlement of Five Islands to the County of Colchester: which, being seconded and put, and the House dividing thereon, there appeared for the motion, seven; against it, twenty-six:

For the motion,

Against the motion,

Mr Norton  
Mr McKim  
Mr Archibald  
Mr McLellan  
Mr Lewis  
Mr Waterman  
Mr Forrester

Mr Clements  
Mr J Sargent  
Mr W Sargent  
Mr Taylor  
Mr Kavanagh  
Mr Robicheau  
Mr Allison  
Mr Creighton  
Mr Holdsworth

Mr Bell  
Mr Fairbanks  
Mr Holland  
Mr D'Entremont  
Mr Whitman  
The Hon Mr Huntington  
The Hon Mr Dewolf  
Mr Benjamin  
Mr Dickey  
Mr Heckman  
The Hon Mr Uniacke  
Mr DesBarres  
Mr Spearwater  
Mr McHeffy  
Mr Smith  
Mr Chipman  
Mr Goudge

So it passed in the negative.

Engrossed Bill to continue School Acts read 3d time

An engrossed Bill to continue the Act for the encouragement of Schools, and the Act in amendment of the same, was read a third time; and thereupon,

Motion to re-commit Bill

Mr. Smith moved that the Bill be re-committed, for the purpose of striking out the second clause thereof, in order that the amount and distribution of monies appropriated for Common Schools may be continued as heretofore: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two; against it, nineteen.— So it passed in the negative.

Bill re-committed

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

Mire Grant Bill read 2d time & committed

A Bill for settling Titles in a certain Tract of Land in Cape-Breton, called the Mire' Grant, was read a second time.

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

Pictou Scale of road division

Pursuant to order, Mr. Dickson presented to the House, a Scale of Sub-division of Road Money allotted to the County of Pictou, and the same was read.

(See Appendix, No. 79.)

Pictou Scale passed

Resolved, That the said Scale be agreed to, and do pass as a Resolution for dividing and appropriating the sum of money therein mentioned.

Scales of division of Road Money sent to Council

Ordered, That that the Clerk do carry to the Council the Resolution for the general division among the several Counties of this Province of the sum of £10,000 agreed to for the service of Roads and Bridges on the 26th February last, and the several Resolutions passed yesterday and this day, for sub-dividing and appropriating the same, and do desire the concurrence of the Council thereto respectively.

Mr.

Mr. Bell reported from the Select Committee to whom was referred, on the 3rd February last, the Petition of the Union Fire Engine Company at Halifax; and thereupon, presented to the House a Bill to increase the number of Engine-Men in the Town of Halifax, and the same was read a first time.

Report on Petition of Fire Engine-Men Bill to increase number of Fire Engine-Men in Halifax

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

Read 2d time and committed

And the same was read a second time accordingly.

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

Mr. Creighton, pursuant to Special leave given, presented a Bill to alter the Sittings of the Inferior Courts of Common Pleas and General Sessions of the Peace at Lunenburg; and the same was read a first time.

Bill presented to alter sittings of Inf. Court and Sessions in Lunenburg

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

Read 2d time & committed

And the same was read a second time accordingly.

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

Mr. Young moved that a Committee be appointed to examine and report upon the Petition of the Constitutional Association of the City of Montreal: which, being seconded and put, and the House dividing thereon, there appeared for the motion, fifteen; against it, twenty-two.

Motion for Com. on Petition of Montreal Association negatived

So it passed in the negative.

On motion of the Hon. Mr. Uniacke, *resolved,* that this House do on Saturday next proceed to the consideration of the Petition of the Constitutional Association of the City of Montreal.

Consideration of Montreal Association made Order of Day

Mr. Dickson, from the Select Committee, on the Bill to explain and amend certain provisions of the Act relating to Wills, Legacies and Executors, reported that the Committee had considered said Bill, and had made several amendments thereto, which they recommend to the House to be adopted; and he read the said amendments in his place, and afterwards delivered them in at the Clerk's Table.

Amendments reported from Com. on Bill to Act relating to Wills, &c.

The Bill being then read a second time, with the amendments,

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

Bill and amendments committed

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

House go into Com. on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had entered upon the consideration of the business referred to them, and that the Committee having been counted, and a Quorum not being present, he, the Chairman, had thereupon left the Chair.

Com. adjourned for want of Quorum

On motion of the Hon. Mr. Uniacke, the House again resolved itself into a Committee of the whole House, on the further consideration of the several Bills which stood committed.

Com. again resumed

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton; the Bill to increase the number of Engine Men in the Town of Halifax; and the Bill to alter the sittings of the Inferior Court of Common Pleas and General Sessions of the Peace at Lunenburg, and had directed him to report the said Bills to the House without any amendment; that the Committee had also gone through the Bill to explain and amend certain provisions of the Act relating to Wills, Legacies and Executors; and the Bill to facilitate the issuing of Writs of Certiorari, in certain cases, and that the Committee had made amendments to the said Bills respectively, as recommended by the Select Committees thereon; that the Committee had also gone through the Bill for settling Titles in a certain Tract of Land in Cape-Breton,

Report without amendment Cape Breton Marriage Bill Engine-Men Bill

And Lunenburg Courts Bill

Report with amendments Bill to explain Wills Act Certiorari Bill

M. Grant Bill with an amendment

WEDNESDAY, 28th MARCH, 1838.

called the Mirè Grant, and had made an amendment thereto, which they had directed him to report to the House with the Bill—and he afterwards delivered the Bills, with the amendments, in at the Clerk's Table.

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

The amendments reported to the three last mentioned Bills were read, and, upon the question severally put thereon, were agreed to by the House.

*Ordered*, That the said three Bills, with the amendments, be engrossed.

Mr. Miller moved that the further consideration of the Bill to alter the sittings of the Inferior Court of Common Pleas and General Sessions of the Peace at Lunenburg, be deferred until this day three months: which, being seconded and put, passed in the negative.

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

Motion to defer Lunenburg Courts Bill 3 months negatived

Message from Council agreeing to

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Impost Bill

The Council have agreed to the Bill, entitled, An Act to continue and amend the Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof; and to the Bill, entitled, An Act to continue the Act for granting Duties on Licenses, and in amendment thereof, severally, without amendment; they have also agreed to the Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, with amendments; and to the Bill, entitled, An Act to continue and amend the Act concerning Goods exported and for granting Drawbacks, with an amendment—to which several amendments they desire the concurrence of this Honorable House; the Council do not adhere to the amendment proposed by them to the ninth clause of the Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, nor to that part of the amendment proposed to the thirty-second clause after the word "mismanagement," but agree to the amendment of this Honorable House to the amendment proposed by the Council to the last mentioned clause.

License Bill

Cemetery Bill

Drawback Bill

Do not adhere to amendments to Halifax Marine Ins. Bill

Council also agree to resolution for placing Sum to arm Militia at disposal of Gov.

The Council have agreed to the Resolution of this Honorable House, for placing £10,000 at the disposal of His Excellency the Lieutenant-Governor, to arm and discipline the Militia, in case of war or invasion.

And then the Messenger withdrew.

Amendment of Council to Drawback Bill read

The amendment proposed by the Council, to the Bill, entitled, An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks, was read; and thereupon,

Amendment not considered, it relating to money and taxation Sent to Council

*Resolved*, That this House cannot consider the said amendment, as it is in the nature of a grant of Money from the Treasury and affects taxation.

*Ordered*, That the Clerk do carry the Bill and amendment to the Council, and acquaint them with the foregoing Resolution.

Amendments of Council to Cemetery Bill agreed to

The amendments proposed by the Council to the Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, were read a first and second time, and considered by the House; and thereupon,

On motion of the Hon. Mr. Uniacke, *resolved*, that the said amendments be agreed to by this House.

*Ordered*, That the Clerk do carry the Bill and amendments to the Council, and acquaint them that this House have agreed to said amendments.

Accounts of Casual Revenue laid before House

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented an account of the receipts and disbursements of Her Majesty's Casual Revenue in the last year, and the same was read by the Clerk.

(See *Appendix*, No. 80.)

*Ordered*, That the Account do lie on the Table.

Committee to report upon mode of taking Census

On motion of Mr. McLellan, *resolved*, that a Select Committee be appointed to consider and

WEDNESDAY and THURSDAY, 28th and 29th MARCH, 1838.

and report to this House upon the best mode of taking a Census of the Inhabitants of the Province.

*Ordered*, That Mr. McLellan, Mr. Morton, Mr. Young, the Hon. Mr. Dewolf and Mr. Fairbanks, be a Committee for the above purpose.

The Order of the Day being read, for receiving the Report from the Committee of the whole House, on the Bill to define the Boundary Line of the Township of Cornwallis, &c.

*Ordered*, That the said Report be now received.

And accordingly, Mr. Kavanagh, the Chairman of the Committee of the whole House on Bills committed, reported that the Committee had gone through the said Bill, and had directed him to report the same to the House, without amendment.

*Ordered*, That the Bill be engrossed.

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

Thursday, 29th March, 1838.

PRAYERS.

An engrossed Bill to facilitate the issuing of Writs of Certiorari, in certain cases, was read a third time.

Engrossed Bills read 3d time, viz: Certiorari Bill.

*Resolved*, That the Bill do pass, and that the title be, An Act to facilitate the issuing of Writs of Certiorari, in certain cases.

Passed

An engrossed Bill to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, was read a third time.

Cape Breton Marriage Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton.

Passed

An engrossed Bill for settling Titles in a certain Tract of Land in Cape-Breton, called the Mirè Grant, was read a third time.

M. Grant Bill

*Resolved*, That the Bill do pass, and that the title be, An Act for settling Titles in a certain Tract of Land in Cape-Breton, called the Mirè Grant.

Passed

An engrossed Bill to increase the number of Engine-men in the Town of Halifax, was read a third time.

Engine Men Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to increase the number of Engine-men in the Town of Halifax.

Passed

An engrossed Bill to alter the Sittings of the Inferior Court of Common Pleas and General Sessions of the Peace at Lunenburg, was read a third time.

Lunenburg Courts Bill

*Resolved*, That the Bill do pass, and that the title be, An Act to alter the Sittings of the Inferior Court of Common Pleas and General Sessions of the Peace at Lunenburg.

Passed

An engrossed Bill to define the Boundary Line of the Township of Cornwallis on the adjoining Bays, Rivers and Creeks, and to declare the right to certain Marsh Lands and Flats or Sedge Banks, held or claimed by Proprietors of Land in said Township, was read a third time; and thereupon,

Cornwallis Boundary Bill

The Hon. Mr. Dewolf moved that the following Proviso, and enacting Clause do pass, and be added to the Bill as a rider, viz:

*Provided also, and be it further enacted*, That the Inhabitants of the Township of Horton and others, shall have and enjoy the right of conducting a Fishery, as they have heretofore done, on the Mud-flats adjoining said Marsh and Sedge Banks; *Provided always*, that they shall not in any way whatever, trespass upon the aforesaid Lands or the grass growing thereon, or Creeks running into the same, nor interfere in any manner, with any right of fishing, ever heretofore, occupied or enjoyed by any one of the Proprietors of said Land: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-eight: against it, thirteen.

Rider added relating to fisheries

So it passed in the affirmative.

And the said clause was accordingly added to the Bill, as a rider.

*Resolved*, That the Bill as amended do pass, and that the title be, An Act to define the Boundary Line of the Township of Cornwallis on the adjoining Bays, Rivers and Creeks, and

Bill passed as amended

THURSDAY, 29th MARCH, 1838.

and to declare the right to certain Marsh Lands and Flats or Sedge Banks, held or claimed by Proprietors of Land in said Township.

Bills sent to Council

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

Message from Council

A Message from the Council, by Mr. Halliburton :

Council do not adhere to amendment to Draw-back Bill but agree to Bill

Mr. Speaker,

The Council do not adhere to the amendment proposed by them to the Bill, entitled, An Act to continue and amend the Act concerning Goods exported, and for granting Draw-backs, but agree to the said Bill as originally sent up to the Council.

And then the Messenger withdrew.

Message from Council

A Message from the Council, by Mr. Halliburton :

Council agree to Cemetery Bill

Mr. Speaker,

Union Marine Insurance Bill  
Halifax Marine Insurance Bill  
Pubnico Island Bill

The Council have agreed to the following Bills—a Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds, in the Town of Halifax ; a Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia ; a Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, and the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, severally, as amended.

And then the Messenger withdrew.

Bill presented to amend Passengers Act

The Hon. Mr. Uniacke, pursuant to leave given, presented a Bill to amend the Act relating to Passengers from Great-Britain and Ireland arriving in this Province, and the same was read a first time, and ordered to be read a second time.

Message from Council agreeing to St. Mary's District Bill with amendment

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to a Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District ; with an amendment, to which they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

The said amendment proposed by the Council to the St. Mary's District Bill, was read a first time, and ordered to be read a second time.

Message from Lieut. Gov. by Gentleman Usher

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

Mr. Speaker,

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

Attendance of House on Gov. who assents to Bills

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

Mr. Speaker reported that the House had attended His Excellency in the Council Chamber, and that His Excellency was pleased to give his Assent to the several Bills following, viz :

Warehousing Importation

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.

Impost Duties

A Bill, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government, within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

Drawbacks

A Bill, entitled, An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks.

Chocolate Bounty

A Bill, entitled, An Act to continue the Act for granting a Bounty on Chocolate manufactured in this Province.

Tobacco Bounty

A Bill, entitled, An Act to continue and amend the Act to encourage the manufacture of Tobacco in this Province, by granting a Bounty thereon.

THURSDAY, 29th MARCH, 1838.

A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling.	Smuggling
A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties.	Colonial Duties
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, to Persons resident in the Town of Halifax.	Duties on Licences at Halifax
A Bill, entitled, An Act to continue the Act for granting Duties on Licences, and in amendment thereof.	Duties on Licences generally
A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.	Bite of Animals
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.	Roads & Bridges
A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.	Summary Trial of Actions
A Bill, entitled, An Act to continue the Act, additional, concerning Nuisances.	Nuisances
A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.	Highways
A Bill, entitled, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.	Wild Cats
A Bill, entitled, 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.	Wills, Legacies, &c.
A Bill, entitled, An Act, to continue the Act in amendment of an Act made and passed in the 1st and 2d years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.	Laws & Ordinances
A Bill, entitled, An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.	Settlement of the Poor
A Bill, entitled, An Act to continue the Act concerning malicious injuries to Property.	Malicious injuries to Property
A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.	Navigation Pugwash
A Bill, entitled, 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.	Supervisors of Public Grounds
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 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.	Sea Manure
A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie.	Fishery Shubenacadie
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	Written Documents
A Bill, entitled, An Act to continue the Act for the support and regulation of Light-Houses.	Light-Houses
A Bill, entitled, An Act to continue the Act respecting the collection of Poores' Rates of Pictou.	Poor Rates Pictou
A Bill, entitled, An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Acts in amendment thereof.	Contagious Diseases
A Bill, entitled, An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Act to alter and amend the same.	Town Officers
A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County.	Landings Kings County

THURSDAY, 29th MARCH, 1838.

Fishermen's Nets	A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.
Red or Smoked Herrings	A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.
Pickled fish	A Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish.
Grammar School Annapolis	A Bill, entitled, An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.
Nuisances in Rivers	A Bill, entitled, An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Weirs and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province.
Commrs. of Sewers	A Bill, entitled, An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.
Writs of attachment	A Bill, entitled, An Act to continue the Act to restrain the issuing Writs of Attachment, in certain cases.
Marriage Licenses	A Bill, entitled, An Act to continue the Act relating to Marriage Licenses.
Bank of British North America	A Bill, entitled, An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Manager for the time being of the said Company, in this Province.
Light-Houses.	A Bill, entitled, An Act to amend the Act for the support and regulation of Light-Houses.
Fisheries Chedabucto Bay	A Bill, entitled, An Act to regulate the Fisheries in Chedabucto Bay.
Regulation of Juries	A Bill, entitled, An Act for the regulation of Juries.
Whaling Company	A Bill, entitled, An Act to incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the "The Nova-Scotia Whaling Company,"
Elections Colchester	A Bill, entitled, An Act respecting Elections for the County of Colchester.
Halifax Fire Men	A Bill, entitled, An Act respecting the Fire-Men for the Town of Halifax.
Exportation of Grindstones	A Bill, entitled, An Act respecting the exportation of Grindstones from this Province.
Pass	A Bill, entitled, An Act to modify the Provisions of the Act for preventing Persons leaving the Province without a Pass.
Shire Town Digby	A Bill, entitled, An Act to establish the County or Shire Town in the County of Digby.
Windsor Debt	A Bill, entitled, An Act to authorise the settlement of a certain Debt claimed from the Township of Windsor.
Clements Township	A Bill, entitled, An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township.
Com. Pleas and Sessions Arichat	A Bill, entitled, An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond.
Sale of Jail at Liverpool	A Bill, entitled, An Act to authorise the sale of the old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands.
Constables' Fees	A Bill, entitled, An Act respecting the Travelling Fees of Constables in certain cases.
Windsor Landing	A Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof.
Fisheries Lunenburg	A Bill, entitled, An Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill-dams, or any other obstruction.
New Roads Queen's County	A Bill, entitled, An Act to provide for the opening of certain New Roads in the County of Queen's County.
John's Island Pubnico	A Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same.
Halifax Marine Ins. Company	A Bill, entitled, An Act to incorporate the Halifax Marine Insurance Company.
Burial Grounds Halifax	A Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.
Union Marine Ins. Company	A Bill, entitled, An Act to incorporate the Union Marine Insurance Company of Nova-Scotia.
Bill to increase the Representation of Inverness presented	Mr. Young, pursuant to special leave given, presented a Bill for altering the Representation in General Assembly, as respects the County of Inverness, and the same was read a first time.

*Ordered*

THURSDAY and FRIDAY, 29th and 30th MARCH, 1838.

Ordered, That the Bill be now read a second time.  
And the Bill was read a second time accordingly.

Read 1st. & 2d time & committed

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

On motion of Mr. Young, resolved, that a Select Committee be appointed to prepare an Address to Her Majesty, on the subject of the State Oaths required to be taken in this Province, and with reference to the Bill recently passed this House and the Legislative Council regarding the same, which has not been assented to by His Excellency the Lieutenant-Governor.

Address to be prepared to Her Majesty on subject of State Oaths

Ordered, That Mr. Young, Mr. Doyle and Mr. Fairbanks, be a Committee for the above purpose.

Com. therefor

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

Com. on Bills

Mr. Speaker left the Chair,  
Mr. Kavanagh took the Chair,  
Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had gone through the Bill for altering the Representation in General Assembly, as respects the County of Inverness, and had directed him to report the said Bill to the House without any amendment; that the Committee had also again gone through the Bill to continue the Act for the encouragement of Schools, and the Act in amendment of the same; and had made several amendments thereto, which they had directed him to report to the House with the Bill; and he afterwards delivered the Bills and amendments in at the Clerk's Table.

Report Inverness Representation Bill without amendment

Report School Act with amendments

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

The amendments reported from the Committee to the Bill to continue the Acts relating to Schools, were read by the Clerk, and, upon the question put thereon, were agreed to by the House.

Ordered, That the Bill, with the amendments, be engrossed.  
Ordered, That the Bill reported without amendment be engrossed.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the several Resolutions of this Honorable House for dividing and appropriating the sum of £10,000 granted during the present Session for the service of Roads and Bridges.

Council agree to division of Road Money

And then the Messenger withdrew.

Mr. Dickson, (in the absence of the Chairman) reported from the Select Committee upon the Post Office Department, and to whom were referred the several Petitions and Accounts in relation to that service; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report from Select Com. on Post Office

(See Appendix, No. 81.)

Ordered, That the Report be referred to the Committee of Supply.

Referred to Com. of Supply

The Order of the Day being read for the Select Committee to report in regard to Salaries, &c.

Order of Day Com. to report on Salaries postponed

Ordered, That the said Committee do report upon that subject on Monday next.

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

Friday, 30th March, 1838.

PRAYERS.

A Bill to amend the Act relating to Passengers from Great Britain and Ireland arriving in this Province, was read a second time.

Passengers' Bill read 2d time and committed

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

An

FRIDAY, 30th MARCH, 1838.

Engrossed Inverness  
Representation  
Bill read 3d time and  
ordered to Council

An engrossed Bill for altering the Representation in General Assembly, as respects the County of Inverness, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act for altering the Representation in General Assembly, as respects the County of Inverness.

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

Petition from Inverness  
for increase of  
Representation

A Petition of John L. Tremain and others, Freeholders and other Inhabitants of the County of Inverness, in the Island of Cape-Breton, was, by Special leave of the House, presented by Mr. Young and read, praying an increase of the Representation of that County, in General Assembly.

*Ordered*, That the Petition do lie on the Table.

Message from Council  
agreeing to Resolutions  
for granting  
Monies

A Message from the Council, by Mr. Halliburton :

Mr. Speaker.

The Council have agreed to forty Resolutions of this Honorable House, for granting the following sums for the following services respectively, viz :

£150	0	0	To the Attorney General.
100	0	0	To the Solicitor General.
10	0	0	To J. J. Sawyer, Sheriff of the County of Halifax.
165	0	0	For the contingent expenses of the Council and House of Assembly.
75	0	0	For Stationary and Binding for the Council and House of Assembly.
100	0	0	Each to the Clerk and Assistant Clerk of the House of Assembly, for extra services.
500	0	0	For casualties upon Roads and Bridges.
1000	0	0	From duties upon Live Stock, &c. for use of the Poor of the Town of Halifax.
51	18	9	To John Munro for return of Duties.
5	5	6	To John McKinnon for expense of Transient Lunatic.
74	4	4½	To Stephen Binney for Return of Duties.
20	0	0	To Daniel Durland.
10	0	0	To Cornelius Craig for a Ferry.
200	0	0	To James H. Tidmarsh, return of duties.
5	0	0	To William Leigh.
25	0	0	To Thomas Whittemore for Bounty on Machinery for making Cards for Wool, &c.
100	0	0	For the Grammar School at Sydney, C. B.
12	10	0	To William Ross, Bounty on Mill at Sherbrooke.
12	10	0	To George and Jacob Hiltz, bounty on Mill at Sherbrooke.
200	0	0	To the Halifax Steam Boat Company.
7	0	0	Each to Clerks of the Peace.
9	18	0	To Peter Morrissey, return of duties.
100	0	0	To James Whitney for running Steam Boat with Mails.
40	0	0	For clearing out the entrance of Tracadie Harbour.
20	0	0	Towards clearing out the entrance of Porter's Lake and making embankment.
25	0	0	To Major George Ruxton, return of duties.
20	0	0	For Indian Chapel, in Douglas.
68	14	3	To William Reuill for Surveys in Cape-Breton.
49	3	6	To the Overseers of the Poor at Pictou.
10	10	7	To the Overseers of the Poor at Windsor.
16	16	9	To the Overseers of the Poor of Maxwiltown.
30	0	0	For Buoys near Barrington.
35	11	10	To Henry Goudge, return of duties.
73	19	3	To Robert Lawson, return of duties.
150	0	0	For a Breakwater at Givan's Cove, Cornwallis.
50	0	0	For Breakwater at Marshall's Cove, Wilmot.

£50 0 0 For the Breakwater at Gates' Mountain, Wilmot.  
 20 0 0 To each County for erection of Oat-Mills.  
 1275 0 0 For Main Post-Roads and Bridges.  
 120 0 0 For a Bridge over Margaree River, C. B.

And then the Messenger withdrew.

Mr. Goudge moved, that the House do come to a Resolution as followeth:

*Resolved*, That a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and express the regret of this House, that the liberal views of Her Majesty's Government, as conveyed in the Despatches communicated to this Assembly, have not been carried out in the late appointments to the Legislative Council: which, being seconded,

Resolution moved as regards appointments to Legislative Council

Mr. Young moved an amendment to the said proposed Resolution, to add at the end thereof, the words following: "although this House is convinced that His Excellency the Lieutenant Governor, in making these appointments, was anxious to gratify the expectations of the People and of this House:" which, being seconded and put, and the House dividing thereon, there appeared, for the amendment, twenty-five; against it, sixteen.

Amendment thereon passed

So it passed in the affirmative.

The Resolution as amended being then put from the Chair, and the House dividing thereon, there appeared, for the resolution, twenty-six; against it, sixteen.

Amended Resolution agreed to upon division

For the Resolution,

Against the Resolution.

Mr Goudge  
 Mr Doyle  
 Mr Chipman  
 Mr McDougall  
 Mr Young  
 Mr Holland  
 Mr McHeffy  
 Mr Benjamin  
 Mr Lewis  
 Mr Upham  
 Mr Morton  
 Mr Smith  
 Mr Robicheau

Mr McKim  
 Mr Allison  
 Mr Huntington  
 Mr Forrester  
 Mr McLellan  
 Mr Holdsworth  
 Mr Howe  
 Mr D'Entremont  
 Mr Kavanagh  
 Mr Forrestall  
 Mr Bell  
 Mr Clements  
 Mr Dickson

Mr Elder  
 Mr Spearwater  
 Mr J Sargent  
 Mr Whitman  
 Mr W Sargent  
 Mr Cresighton  
 Mr Holmes  
 Mr Miller

Mr Thorne  
 The Hon Mr Dewolf  
 Mr Fairbanks  
 The Hon Mr Uniacke  
 Mr Heckman  
 Mr Archibald  
 Mr DesBarres  
 Mr Dickey

So it passed in the affirmative: and thereupon,

*Ordered*, That a Committee be appointed to wait on his Excellency the Lieutenant-Governor, and express the regret of this House, that the liberal views of Her Majesty's Government, as conveyed in the Despatches communicated to this Assembly, have not been carried out in the late appointments to the Legislative Council; although this House is convinced that His Excellency the Lieutenant-Governor in making these appointments, was anxious to gratify the expectations of the people and of this House.

Order thereon

*Ordered*, That Mr. Goudge, Mr. Howe, Mr. Young, Mr. Dickson, Mr. McHeffy and Mr. Huntington, be a Committee for the above purpose.

Com. to wait on Gov. with Resolution

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

Com. on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, that they had entered upon the consideration of the business referred to them, and that the Committee having been counted, and a quorum not being present, he the Chairman had thereupon left the Chair.

Report adjournment for want of quorum

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

House again go into Com. on Bills

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill to continue the Acts respecting the Militia of the Province, and had made several amendments thereto, which they had directed him to report to the House with the Bill, and that the Com-

Report Militia Bill with amendments

FRIDAY, SATURDAY and MONDAY, 30th and 31st MARCH, and 1st APRIL, 1838.

Recommended that Bill respecting the Culling of dry Fish in Halifax be referred to Select Com.

mittee had also considered the Bill respecting the Culling of Dry-Fish in the Town of Halifax, and recommend to the House to refer the said Bill to a Select Committee, to examine and report thereon; and he afterwards delivered the Bills, with the amendments, in at the Clerk's Table.

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

*Ordered,* That the Report from the Committee of the whole House upon said Bills, be received on Monday next.

Report from Com. on Bills to be received on Monday

Order of Day consideration of Pet. of Constitutional Association of Montreal postponed

The Order of the Day being read for the consideration of the Petition of the Constitutional Association of the city of Montreal,

*Ordered,* That the said Petition be considered on Tuesday next.

Report from Com. to wait on Gov. in reference to appointments to Legislative Council

Mr. Goudge reported from the Select Committee appointed this day to wait upon His Excellency the Lieutenant-Governor in reference to the late appointments to the Legislative Council, that the Committee had complied with the Order of the House, and that His Excellency, in answer to the communication, was pleased to say that he would give it his best consideration.

Leave of absence to Mr. McHeffy

*Ordered,* That Mr. McHeffy have leave of absence until Monday next, to return home on urgent private business.

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

Saturday, 31st March, 1838.

PRAYERS.

House meet & adjourn

The House met pursuant to adjournment.

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

Monday, 2d April, 1838.

PRAYERS.

Resolution moved relative to correspondence &c. with Lord Durham

Mr. Young moved that the House do come to a Resolution as followeth:

Whereas His Excellency the Right Honorable the Earl of Durham, Governor General of these Colonies, has been invested with extraordinary powers and authority as such, and it will be necessary and proper to represent the wishes of this House, and of the people of this Province, to His Lordship during the recess of the Assembly; *Resolved,* that

Members respectively for in this Province, be requested to correspond with His Lordship, and, if necessary, to proceed to Quebec during the ensuing Summer, and confer with His Lordship in person, on all matters affecting the prosperity and interests of the people of this Colony: which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two; against it, twenty:

Division thereon

For the motion,

Mr Doyle  
Mr McDougall  
Mr Chipman  
Mr Lewis  
Mr McKim  
Mr Annand  
Mr Young  
Mr Morton  
Mr Howe  
Mr Holland  
Mr Benjamin

Mr McDonald  
Mr Upham  
Mr Archibald  
Mr Robicheau  
Mr Waterman  
Mr Goudge  
Mr Huntington  
Mr D'Entremont  
Mr Kavanagh  
Mr Dickson  
Mr McLellan

Against the motion,

Mr Whitman  
Mr W Sargent  
Mr Holdsworth  
Mr J Sargent  
Mr Allison  
Mr Thorne  
Mr Creighton  
Mr Taylor  
Mr Sparrowater  
Mr Fairbanks

Mr DesBarres  
Mr Dickey  
Mr Smith  
Mr Miller  
Mr Bell  
Mr Heckman  
Mr Forrester  
The Hon Mr Uniacke  
Mr Elder  
Mr Holmes

So it passed in the affirmative.

Passed Motions, &c. to insert names of Members in resolution Speaker one &

On motion of Mr. Doyle, *resolved,* that the words "the Speaker of this House," be inserted in the first blank in said Resolution, next after the words "Resolved, that," and that

the words "the County of Colchester," be inserted in the second blank in said Resolution next after the words "Members respectively for."

On motion of Mr. Holland, *resolved*, that the words "Mr. Young" be also inserted in the first blank of said Resolution next after the words "Speaker of this House;" and that the words "the County of Inverness," be inserted in the second blank therein, next after the word "Colchester."

Mr. Fairbanks moved that there be inserted the words "the Hon. Mr. Uniacke" in said first blank, next after the words "Mr. Young," and the words "the County of Cape-Breton," in the said second blank, next after the word "Inverness": which, being seconded,

Mr. Young moved, as an amendment to the question, to leave out all the words thereof after the word "that," and that in place thereof the words "Mr. Howe" be inserted in said first blank, next after the words "Mr. Young," and that the words "the County of Halifax," be inserted in said second blank, next after the word "Inverness": which, being seconded and put, and the House dividing thereon, there appeared for the amendment, twenty-three; against it, seventeen:

For the amendment,		Against the amendment.	
Mr. McDougall	Mr. McDonald	Mr. Whitman	Mr. DesBarres
Mr. Doyle	Mr. Upham	Mr. Holdsworth	Mr. Dickey
Mr. Huntington	Mr. Archibald	Mr. J. Sargent	Mr. Smith
Mr. Chipman	Mr. Robicheau	Mr. Allison	Mr. Miller
Mr. Lewis	Mr. Spearwater	Mr. Thorne	Mr. Heckman
Mr. McKim	Mr. Waterman	Mr. Creighton	Mr. Forrester
Mr. Annand	Mr. Goudge	Mr. Taylor	Mr. Elder
Mr. Young	Mr. McLellan	Mr. W. Sargent	Mr. Holmes
Mr. Morton	Mr. D'Entremont	Mr. Fairbanks	
Mr. Bell	Mr. Kavanagh		
Mr. Holland	Mr. Dickson		
Mr. Benjamin			

Mr. Young one &

Motion for Mr. Uniacke to be one

Amendment carried that Mr. Young be one

Mr. Huntington one, &c.

Mr. Doyle one, &c.

So it passed in the Affirmative.

The question, as amended, being then put, was agreed to by the House; and thereupon, Ordered accordingly.

Mr. Howe then moved that the words "Mr. Huntington" be also inserted in said first blank, next after the words "Mr. Howe," and that the words "the County of Yarmouth" be inserted in said second blank, next after the word "Halifax": which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-five; against it, fifteen:

For the motion,		Against the motion,	
Mr. McDougall	Mr. Archibald	Mr. Whitman	Mr. Dickey
Mr. Howe	Mr. Robicheau	Mr. J. Sargent	Mr. Smith
Mr. Chipman	Mr. Spearwater	Mr. Thorne	Mr. Miller
Mr. Lewis	Mr. Waterman	Mr. Creighton	Mr. Heckman
Mr. McKim	Mr. Goudge	Mr. Taylor	Mr. Forrester
Mr. Annand	Mr. McLellan	Mr. W. Sargent	Mr. Bell
Mr. Young	Mr. D'Entremont	Mr. Fairbanks	Mr. Holmes
Mr. Morton	Mr. Allison	Mr. DesBarres	
Mr. Elder	Mr. Kavanagh		
Mr. Holland	Mr. Holdsworth		
Mr. Benjamin	Mr. Doyle		
Mr. McDougall	Mr. Dickson		
Mr. Upham			

So it passed in the affirmative; and thereupon, Ordered accordingly.

Mr. Chipman then moved that the words "and Mr. Doyle" be inserted in said first blank in said Resolution, next after the words "Mr. Huntington," and that the words "and the Township of Arichat" be inserted in the second blank thereof, next after the word "Yarmouth": which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-three; against it, sixteen:

For

MONDAY, 2d APRIL, 1838.

**For the motion,**

<i>Mr McDougall</i>	<i>Mr Archibald</i>
<i>Mr Howe</i>	<i>Mr Robicheau</i>
<i>Mr Huntington</i>	<i>Mr Waterman</i>
<i>Mr Chipman</i>	<i>Mr Goudge</i>
<i>Mr Lewis</i>	<i>Mr McLellan</i>
<i>Mr McKim</i>	<i>Mr D'Entremont</i>
<i>Mr Annand</i>	<i>Mr Allison</i>
<i>Mr Young</i>	<i>Mr Kavanagh</i>
<i>Mr Morton</i>	<i>Mr Holdsworth</i>
<i>Mr Holland</i>	<i>Mr Dickson</i>
<i>Mr Benjamin</i>	
<i>Mr McDonald</i>	
<i>Mr Upham</i>	

**Against the motion.**

<i>Mr Whitman</i>	<i>Mr Smith</i>
<i>Mr Elder</i>	<i>Mr Heckman</i>
<i>Mr J. Sargent</i>	<i>Mr Forrester</i>
<i>Mr Thorne</i>	<i>Mr Bell</i>
<i>Mr Spearwater</i>	<i>Mr Holmes</i>
<i>Mr Creighton</i>	
<i>Mr Taylor</i>	
<i>Mr W. Sargent</i>	
<i>Mr Fairbanks</i>	
<i>Mr Des Barres</i>	
<i>Mr Dickey</i>	

So it passed in the affirmative; and thereupon  
Ordered accordingly.

Message from Lieut.  
Gov. commanding at-  
tendance of House

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

Mr. Speaker,

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

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

Where the Honorable Peter McNab, acting President of the Legislative Council, by His Excellency's command, said

Gentlemen,

It is His Excellency's will and pleasure that this General Assembly be prorogued to Thursday next, the fifth day of this instant month of April, to be then held at the usual place; and this General Assembly is accordingly prorogued to Thursday next, the 5th day of April instant.

House attend His  
Excellency

House prorogued

**JOHN WHIDDEN,**  
Clerk of the House of Assembly.



## PROCLAMATION.

BY HIS EXCELLENCY MAJOR 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, Her Majesty having deemed it expedient that the Executive and Legislative Powers, which were formerly unitedly exercised by the Council of this Province, should be separated, I did heretofore, in obedience to Her Majesty's Instructions conveyed to me by Her Majesty's Principal Secretary of State for the Colonies, provisionally appoint an Executive Council and a Legislative Council for this Province; and whereas, I did see fit to call to the Executive Council Twelve Members, and to the Legislative Council Nineteen Members; And whereas, Her Majesty hath been pleased, by Letters Patent, under the Great Seal of the United Kingdom, bearing date at Westminster, on the Sixth day of February last, to appoint the Right Honorable John George, Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, to be Captain General and Governor in Chief in and over this Province. And whereas, after reciting Her Majesty's pleasure, that there should be two distinct and separate Councils in the said Province, Her Majesty did, in and by the said Letters Patent, grant and declare, that there should be thenceforward, within this Province, two distinct and separate Councils, to be respectively called the Legislative Council, and the Executive Council, of the said Province; and did direct and declare Her Royal Pleasure to be that the powers formerly vested in the Council of the said Province, as far as respected the enactment of Laws, should be, and were thereby vested in the said Legislative Council, and that all other powers whatever vested in the said Council, should be and were vested in the said Executive Council—and did declare that the said Councils should consist of such and so many Members as Her Majesty should from time to time nominate and appoint under Her Royal Sign Manual and Signet, or as should be provisionally appointed by the said Earl of Durham, until Her Majesty's pleasure should be known—provided that the number of Members, for the time being, resident within the said Province, of the said Executive Council should not be more than nine, and of the said Legislative Council, should not be more than fifteen, by any such provisional appointments.

And whereas, Her Majesty hath been pleased to transmit to me the said Letters Patent for my Government, and to vest in me, in the absence of the said John George, Earl of Durham, as Her Lieutenant-Governor in and over the said Province, all the Powers and authorities which, by the said Letters Patent, are granted to the said Earl of Durham.

And

And whereas, I, the said Lieutenant-Governor, in virtue of the authority so vested in me, and for carrying into effect Her Majesty's Royal intentions, and fulfilling the object of the said Letters Patent in that behalf, have thought fit, provisionally, to appoint an Executive Council, consisting of nine Members, that is to say:—Thomas Nickleson Jeffery, Simon B. Robie, Samuel Cunard, Henry H. Cogswell, Joseph Allison, James W. Johnston, James Boyle Uniacke, Thomas Andrew Strange Dewolf, and Michael Tobin, senr. Esquires,—and a Legislative Council consisting of fifteen Members, that is to say:—The Right Reverend John Inglis, Lord Bishop of Nova-Scotia, Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, junr. James S. Morse, William Ouseley, Robert M. Cutler and Alexander Campbell, Esqrs.

And whereas, the General Assembly of this Province stands prorogued until Thursday next, the fifth day of April, inst. then to meet for the Despatch of Business, at the usual place.

I have thought fit by this, my Proclamation, to promulgate the said Royal Commission and the several matters aforesaid, and have also thought fit to convene the said General Assembly on the said fifth day of April inst. then to meet at the usual place for the Despatch of Business—of which, as well the said Members of the said Legislative Council, as the Members of the House of Assembly, and all others in this behalf interested, are hereby required to take notice and govern themselves accordingly.

GIVEN under my Hand and Seal at Arms, at Halifax, this third day of April, in the first year of Her Majesty's Reign, and in the year of Our Lord 1838.

BY HIS EXCELLENCY'S COMMAND,

RUPERT D. GEORGE,

GOD SAVE THE QUEEN.

# JOURNALS AND PROCEEDINGS

## OF THE HOUSE OF ASSEMBLY, OF THE PROVINCE OF NOVA SOTIA. SECOND SESS. 1838.

THURSDAY, 5th APRIL,

ANNO PRIMO VICTORIÆ, REGINÆ, 1838.

A Message from His Excellency the Lieutenant-Governor by John James Sawyer, Esq. Gentleman Usher of the Black Rod.

Message commanding attendance of House on Gov.

Mr. Speaker,

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

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

House attend Governor

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

Speaker reports Speech of Gov.

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

Having deemed it necessary to terminate the late Session of the General Assembly, in consequence of having received from Her Majesty's Government a Commission appointing the Earl of Durham Captain General of this Province, and containing provisions which imposed upon me the necessity of making some alterations in the Executive and Legislative Councils, I have convened you immediately after having effected that object.

Governor's Speech

I do not deem it necessary to renew the communications which I made to the Legislature during its late Session, respecting the several public services which now require your attention, no circumstances having occurred to change the views then submitted to the consideration of the Council and Assembly ; but I trust that you will take up and complete such business as may have remained unfinished at the recent prorogation, or as the interests of the Province may now require, with the utmost dispatch, consistent with the Public Service, that you may be relieved from further attendance, and be enabled to return to your homes with as little inconvenience as possible from the late unavoidable interruption in the proceedings of the Legislature.

*Ordered,* That Mr. Young, Mr. McDougall, Mr. Fairbanks, Mr. DesBarres and the Hon. Mr. Uniacke, be a Committee to prepare an Address in answer to His Excellency's Speech.

Com. to prepare Address in answer to Speech

Mr. Huntington, pursuant to leave given, presented a Bill relating to certain Acts and proceedings, had, passed and pending, in the last Session of the General Assembly : and the same was read a first time.

Bill presented to revive Acts and proceedings of last Session

*Ordered,* That the Bill be now read a second time,  
And the same was read a second time accordingly.

Read 2d time & committed

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

On motion, the House resolved itself into a Committee of the whole House, on the consideration of the said Bill relating to certain Acts, &c.

House go into Com. on Bill to revive Acts &c. of last Session

THURSDAY, 5th APRIL, 1838.

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

Report progress

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

Com. to confer with Earl of Durham discharged

On motion of Mr. Howe, *resolved*, that the Committee appointed under the Resolution of the 2d April, by a small majority, with power to confer with the Earl of Durham on the affairs of this Province, be discharged.

House again go into Com. on Bill to revive Acts &amp;c. of last Session

On motion the House again resolved itself into a Committee of the whole House on the further consideration of the Bill relating to certain Acts, &c.

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

Report Bill without amendment

The Chairman reported from the Committee that they had gone through the Bill referred to them, and had directed him to report the said Bill to the House without any amendment: and he thereupon delivered the Bill in at the Clerk's Table.

Bill to be engrossed

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

Leave of absence to Mr. Creighton

*Ordered*, That Mr. Creighton have leave of absence until Thursday next, to return home on urgent private business.

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

Friday, 6th April, 1838.

## PRAYERS.

Engrossed Bill relating to Acts, &amp;c read 3d time and passed

An engrossed Bill relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly.

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

Report of Address in answer to Speech of Gov.

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

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

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

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

*May it please Your Excellency,*

Address.

We, Her Majesty's dutiful and loyal Subjects, the Representatives of Her Majesty's faithful People of Nova-Scotia, thank your Excellency for the Speech with which you have been pleased to open the present Session, and for your Excellency's having convened us at so short an interval after the recent changes in the Legislative and Executive Councils were completed.

It is our earnest desire to finish the business of the Session with the least possible delay,  
and

FRIDAY, 6th APRIL, 1838.

and we trust that the measures still undetermined may be brought to a speedy and satisfactory close, so as to promote the public service, and admit of the Legislature being prorogued at an early day.

*Resolved*, That the said Address be agreed to.

*Ordered*, That the Address be engrossed.

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

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

Address passed to be presented by whole House

Com. to know when Gov. will receive Address

Mr. Holland moved for leave to present to the House a Petition of Edward Morgan and Benjamin Potter, in behalf of the Inhabitants of that part of the Township of Clements, now in the County of Digby, praying that the name of Victoria may be given to that Settlement: which, being seconded, and the question put thereon, passed in the negative.

Leave to present Pet. from Western Clements for change of name of that place to Victoria refused

Mr. Dickson moved for leave to present a Bill relating to the Good Intent Fire Company at Pictou: which, being seconded, and the question put thereon, passed in the negative.

Leave to present Bill relating to Fire Company at Pictou refused

Mr. Young reported from the Committee appointed to wait on His Excellency the Lieutenant-Governor to know his pleasure when he would receive the House with their Address in answer to His Excellency's Speech, that the Committee had, pursuant to order, waited on His Excellency, and that His Excellency was pleased to appoint this day at three of the Clock, at Government-House, for that purpose.

Report of time when Gov. will receive Address

Mr. Speaker and the House attended His Excellency the Lieutenant-Governor with the Address of the House, pursuant to the order of this day: and being returned,

House wait on Gov. with Address

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

Report of answer to Address

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

I return you my thanks for this Address:

The anxiety you evince that the still undetermined measures of the Session (which were unavoidably interrupted) may be brought to a speedy and satisfactory close, is most gratifying to me.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly, with amendments, to which they desire the concurrence of this Honorable House.

Message from Council agreeing to Bill relating to Acts, &c. with amendments

And then the Messenger withdrew.

The said amendments proposed by the Council to the Bill, entitled, An Act relating to certain Acts, &c. were read a first and second time, and considered by the House; and thereupon,

Amendments to Acts Bill agreed to

*Resolved*, That the said amendments be agreed to.

*Ordered*, That the Clerk do carry the Bill and amendments back to the Council, and acquaint them that this House have agreed to the said amendments without amendment.

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, in reference to a Resolution of this House of the 20th March, in the last Session, presented to the House an order of the Court of General Sessions of the Peace at Halifax, under which James Bissett, of Cole Harbor, obtained a Bounty upon the erection of an Oatmill at that place; and the same was read, and is as followeth:

Information relating to Bissetts Oat-Mill at Cole Harbor

HALIFAX, ss.

*Court of Quarter Sessions, June Term, 1835.*

Upon examination of William Turner and Hector Elliot, Freeholders, in the County of Halifax, under oath, it is ordered by the Court, that a Certificate be granted unto James Bissett, of Cole Harbor, in the County of Halifax, that under the aforesaid examinations it has

FRIDAY and SATURDAY, 6th and 7th APRIL, 1838.

has been proved to the Court that the said James Bissett hath erected, and has in full operation, an Oat mill at Cole Harbor aforesaid.

Halifax, 16th June, 1835.

By order of Court,

JAMES S. CLARKE, Clerk of the Peace.

*Ordered*, That the said Paper do lie on the Table.

Copy of Commission  
to Earl Durham as  
Gov.

The Hon. Mr. Uniacke, also by command of His Excellency the Lieutenant-Governor, presented a copy of the Commission granted by Her Majesty the Queen to the Right Honorable the Earl of Durham, as Captain-General and Governor in Chief in and over this Her Majesty's Province of Nova-Scotia—and the same was read.

(See Appendix, No. 82.)

*Ordered*, That the said copy of Commission do lie on the Table.

Message from Council  
agreeing to amend-  
ed Acts Bill

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly, as amended.

And then the Messenger withdrew.

Message from Lt. Gov.

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

Mr. Speaker,

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

Commanding attend-  
ance of House

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

House attend Lt. Gov.

Lt. Gov. assents to  
Bill relating to Acts  
&c.

Mr. Speaker reported that the House had attended His Excellency in the Council Chamber, and that His Excellency had been pleased to give his Assent to the Bill, entitled, An Act relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly.

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

Saturday, 7th April, 1838.

#### PRAYERS.

Order to ascertain  
whether the Act rela-  
ting to certain Acts,  
&c. is in operation

*Ordered*, That the Clerk of this House do ascertain and report, whether the Bill assented to yesterday by His Excellency the Lieutenant-Governor, entitled, An Act relating to certain Acts and proceedings had, passed and pending, in the last Session of the General Assembly, has come into operation by having been endorsed by the Clerk of the Council in General Assembly, pursuant to the Act of the General Assembly, 10, Geo. IV. chap. 26 ; in order that upon said first mentioned Act being in operation, this House may proceed upon the several Bills, Resolutions, Orders, Proceedings, matters and things, passed and pending in the last Session of the General Assembly, in the same manner as if an adjournment of said last Session, until the first day of this present Session, had taken place, instead of a prorogation, pursuant to the terms of said Act passed yesterday.

Report that Act is in  
operation

Mr. Speaker acquainted the House that the Clerk of this House had reported to him that he had complied with the foregoing order of the House, and had ascertained that the Bill assented to yesterday by His Excellency the Lieutenant Governor, entitled, An Act relating to certain Acts and proceedings had, passed and pending, in the last Session of the General Assembly, had come into operation by having been duly indorsed by the Clerk of the Council in General Assembly, pursuant to the statute in such case made and provided ; and thereupon,

House to proceed on  
business of last Sessi-  
on

*Ordered*, That this House do now proceed upon the several Bills, Resolutions, Orders, Proceedings, matters and things, passed and pending in the last Session of the General Assembly, pursuant to law.

An

An engrossed Bill to continue the Act for the encouragement of Schools, and the Act in amendment of the same, was read a third time. Engrossed School Bill read 3d time & passed

*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend the same.

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

*Ordered*, That the Order for sending to the Council for concurrence the Bill, entitled, An Act to alter the sittings of the Inferior Court of Common Pleas and General Sessions of the Peace at Lunenburg be discharged. Order for sending Lunenburg Courts Bill to Council discharged

On motion, *resolved*, that the further consideration of the said Lunenburg Courts Bill be deferred until the next Session.

*Ordered*, That the Chairman of the Committee of the whole House, upon the Bills committed in the last Session, do now report upon the Bills, which, on the 30th March last, he was directed to report to the House; and thereupon, Order for report from Com. of whole on Bills

Mr. Kavanagh, the Chairman of the Committee of the whole House upon Bills committed, reported the Bill to continue the Acts respecting the Militia of the Province, with the amendments made thereto by the Committee; and also, that the Committee recommend that the Bill respecting the Culling of Dry Fish in the Town of Halifax be referred to a Select Committee, to examine and report upon to the House. Report of Militia Bill  
And Bill for Culling of Fish

*Ordered*, That the Bill respecting the Culling of Dry Fish in the Town of Halifax be referred to Mr. DesBarres, Mr. Huntington and the Hon. Mr. Uniacke, to examine and report upon to this House. Culling of Fish Bill referred to Sel. Com.

The amendments to the Bill to continue the Acts respecting the Militia of the Province being read,

Mr. Chipman moved, that the Bill and amendments be re-committed to a Committee of the whole House, for the purpose of reducing the yearly allowance of the Adjutants of the Militia, to a sum not exceeding £5, instead of £7 10s. as provided by the Bill: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, nineteen; against it, eighteen. So it passed in the affirmative. Motion to recommit Militia Bill to reduce pay of Adjutants

*Ordered*, That the Bill and amendments be re-committed to a Committee of the whole House. Militia Bill re-committed

On motion, the House resolved itself into a Committee of the whole House, on the further consideration of the Bill to continue the Acts respecting the Militia of the Province. Com. of whole on Militia Bill

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee, and delivered it in at the Clerk's Table, the Bill referred to them, with amendments. Militia Bill reported with amendments

And the said amendments being read, were, upon the question put thereon, agreed to by the House. Amendments agreed to

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

Mr. Morton moved, that the Order for sending to the Council for concurrence the Bill to define the Boundary Line of the Township of Cornwallis, &c. be discharged: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, eleven, against it, twenty-seven. So it passed in the negative. Motion to discharge order to send Cornwallis Boundary Lia to Council negatived

Mr. Bell moved for leave to present a Bill imposing Fines upon persons performing certain duties, without having been qualified by Law; which, being seconded and put, passed in the negative. Leave refused to present Bill imposing Fines, &c.

Mr. DesBarres reported from the Select Committee appointed this day upon the Bill respecting the Culling of Dry Fish in the Town of Halifax, that the Committee had made some amendments to said Bill, which they recommend to the House, to be adopted with the Bill, Report from Sel. Com. on Culling Fish Bill amendments

SATURDAY, 7th APRIL, 1838.

Bill, and he thereupon delivered the Bill and amendments in at the Clerk's Table, where the amendments were read : and thereupon,

Bill &c. re-committed  
*Ordered*, That the Bill, with the amendments, be re-committed to a Committee of the whole House.

Amendment of Council to St. Mary's District Bill considered  
 On motion, the amendment proposed by the Council to the Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District, was read a second time and considered, and is as followeth :

"4th Clause."

"At the end of this clause add the following Proviso: *Provided always, and be it further enacted*, that before the said first Justice for the said Eastern division shall be obliged to attend such Court of Common Pleas and General Sessions of the Peace, his assent in writing shall be first signified to His Excellency the Lieutenant-Governor."

Motion not to agree to amendment

Whereupon Mr. Chipman moved, that the said amendment proposed by the Council be not agreed to by this House: which, being seconded,

Amendment to question by amendment to Council's amendment

Mr. DesBarres moved an amendment to the question, by leaving out all the words thereof, after the word "Council be," and inserting instead thereof, the following; "amended by leaving out all the words of the amendment proposed by the Council to said Bill, after the word "that" in the beginning of said amendment proposed by the Council and inserting instead of the words so to be left out, the words following: "at the first term or sitting of the said Inferior Court of Common Pleas and General Sessions of the Peace, to be holden at St. Mary's, under this Act, it shall and may be lawful for the said First Justice and President of Sessions, attending said Courts at such first term or sitting thereof, to direct a Grand Jury to be drawn in the usual manner, from a list of persons qualified to serve as Grand Jurors, resident within the said District of Saint Mary's, to be returned to the said Court by the Sheriff, which Grand Jury shall be forthwith summoned to attend such Court of Sessions at such first Term or Sitting thereof, and shall attend accordingly; and also from a List of persons qualified to serve as Petit Jurors, to be returned in like manner by the Sheriff, to cause to be drawn a Petit Jury, and to have the same summoned to attend the said respective Courts of Common Pleas and General Sessions of the Peace, at its said first term or sitting without delay, and at the end of the said first term or sitting of said Courts, and on the last day of every succeeding Term or Sitting thereof, a Grand Jury shall be drawn for the said Court of Sessions, and a Petit Jury for the said respective Courts of Common Pleas and General Sessions of the Peace, which Juries respectively shall be summoned agreeably to Law, to attend at the then next ensuing Term or Sittings of the said respective Courts; and in every case, such Grand Jury and Petit Jury, when so drawn and summoned, shall have the like powers and authorities, and be liable to the same penalties for non-attendance, as any Grand or Petit Jury drawn and summoned agreeably to Law, and for each and every day, which the said First Justice or President of Sessions shall actually and necessarily travel, or be engaged in attending such Courts, from the day he shall leave Guysborough for that purpose, until the day he shall return to Antigonishe, he shall be entitled to demand and receive One Pound Three Shillings and Four-pence, to be drawn by Warrant from the Governor, Lieutenant-Governor or Commander-in-Chief for the time being, on the Treasury of this Province": which, being seconded and put, and the House dividing thereon, there appeared, for the amendment to the main question, nineteen; against it, twenty.

Amendment negatived

For the amendment,

Mr Howe	Mr Young
Mr Dickson	Mr Miller
Mr DesBarres	The Hon Mr Uniacke
Mr Annand	Mr Heckman
Mr McDougall	Mr Taylor
Mr McDonald	Mr Fairbanks
Mr Kavanagh	Mr Elder
Mr McKim	Mr J Sargent
Mr D'Entremont	Mr Whitman
Mr Forrestall	

Against the amendment.

Mr Thorne	Mr Lewis
Mr Sparrowater	Mr Smith
Mr W Sargent	Mr Archibald
Mr Waterman	Mr Huntington
Mr Dickey	Mr Holmes
Mr Holdsworth	Mr Holland
Mr Upham	Mr Benjamin
Mr McLellan	Mr Forrester
Mr Allison	Mr Morton
Mr Robicheau	Mr Chipman

So it passed in the Negative.

The main question being then put,

*Resolved*,

SATURDAY, 7th APRIL, 1838.

*Resolved*, That this House do not agree to the amendment proposed by the Council to said Bill.

Amendment of Council not agreed to

*Ordered*, That the Clerk do carry the Bill and amendment back to the Council, and acquaint them that this House have not agreed to said amendment.

Mr. Young from the Select Committee on the Bill of last Session, for the more effectual prevention of Illicit Trade, reported said Bill without amendment; and thereupon,

Sel. Com. report Illicit Trade Bill

On motion of Mr. Huntington, *resolved*, that the further consideration of said Bill be deferred until next Session.

Bill deferred to next Session

Mr. Young from the Select Committee to whom was referred in the last Session the Bill to establish the Standard Weight of Grain, and to repeal the enactments now in force, reported the Bill with amendments; and thereupon,

Report from Sel. Com.—Amendments to Standard of Grain Bill

Mr. Forrester moved, that the further consideration of the Bill and amendments be deferred until the next Session: which, being seconded,

Motion to defer Bill to next Session amended by committing Bill

Mr. Young moved an amendment to the question, to leave out all the words thereof, after the words "that the," and to insert in place of the words so left out, the following: "Bill with the amendments be re-committed to a Committee of the whole House": which, being seconded and put, passed in the affirmative.

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

On motion of Mr. Young, *resolved*, that the Despatch of the Right Honorable Lord Glenelg, communicated to this House by His Excellency the Lieutenant-Governor, on the subject of the report of the Committee of the Session of 1837, relative to the Post-Office, with the accompanying documents, be referred to a Select Committee, to examine into and report upon to this House.

Despatch &amp;c. on Post Office department referred to Sel. Com.

*Ordered*, That Mr. Young, Mr. Dickson, Mr. Fairbanks, Mr. Chipman and Mr. Huntington, be a Committee for the above purpose.

On motion of Mr. Bell, *resolved* as followeth:

Whereas, certain duties have been imposed by the Legislature during the last Session on Molasses and other Produce, both of the British and Foreign Plantations; and whereas, the Collector of Her Majesty's Customs, in reply to an application from the Collector of Excise "that a Warrant should not be granted for the removal of any Molasses or Foreign Coffee from the Queen's Warehouse, until a Certificate that the Colonial duty thereon has been duly paid or secured," has declared that he considers "such a measure contrary to the letter and spirit of Imperial Acts of Parliament," and that he did not consider himself warranted in complying with such request; and whereas, large exemptions from Duties have been claimed on Foreign Goods, which claims are in the opinion of this House not warranted by Law; therefore, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, respectfully to request, that he would direct the Crown Officers to investigate these subjects, and give their legal opinions thereon, and to take such steps as may be necessary to secure the Provincial Revenue, according to the intention of this House.

Resolution for Com. to wait on Gov. in relation to duties on Molasses and foreign Coffee, &amp;c.

*Ordered*, That Mr. Bell, the Hon. Mr. Uniacke and Mr. Dickson, be a Committee for the above purpose.

Mr. Morton reported in part from the Select Committee appointed on the 26th March last, in the last Session, to prepare and lay upon the Table of this House a statement of the emoluments of the several Officers employed in this Province, and he thereupon presented a certain statement in regard thereto, which was read by the Clerk.

Report from Com. on Salaries &amp;c.

(See Appendix, No. 83.)

*Ordered*, That the statement do lie on the Table.

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

Com. on Bills

Mr.

SATURDAY, 7th APRIL, 1838.

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

Report Billetting Bill

And Passengers Bill  
without amendmentStandard of Grain  
BillAnd Fish Culling Bill  
with amendments

The Chairman reported from the Committee, that they had gone through the Bill to continue the Act, entitled, An Act to provide for the accomodation and billeting of His Majesty's Troops, &c. and the Bill to amend the Act relating to passengers from Great Britain and Ireland arriving in this Province, and had directed him to report the said Bills to the House, severally, without any amendment; that they had also gone through the Bill to establish the standard weight of Grain, and to repeal the enactments now in force; and the Bill respecting the Culling of Dry Fish in the Town of Halifax, and had made several amendments to the said Bills respectively, which they had directed him to report to the House with the Bills, and he afterwards delivered the several Bills and the amendments in at the Clerk's Table.

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

The amendments reported to the two last mentioned Bills, reported from the Committee, were read, and, upon the question put thereon respectively, were agreed to by the House.

*Ordered*, That the Bills, with the amendments, be engrossed.

*Ordered*, That the Bill reported without amendment be engrossed.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker.

Council agree to vote  
of £750 for Yarmouth  
Light-House  
Desire Conference on  
vote of £30 expenses  
of Council

The Council have agreed to the Resolution of this Honorable House, for granting the sum of £750 for the erection of a Light House at the entrance of Yarmouth Harbour.

The Council desire a Conference, by Committee, with a Committee of this Honorable House, on the subject of the Resolution for granting £30 for the expenses of the Council. And then the Messenger withdrew.

Conference agreed to

On motion, *resolved*, that the said Conference be agreed to, as desired by the Council.

*Ordered*, That Mr. Forrester, Mr. Huntington and Mr. Chipman, do manage the said Conference, and that the Clerk do acquaint the Council that this House have agreed to said Conference, and that the Committee of this House are ready to meet the Committee of the Council thereon.

Report of Conference

So the Managers went to the Conference; and being returned, Mr. Forrester reported, that the Managers had been at the Conference, and that the Committee of the Council having thereat communicated to the Committee of this House a proceeding of the Council in relation to Grants of Money, the Committee of this House do not think it consistent with the privileges of this House to report the same to the House.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Council request Con-  
ference on Sable Is-  
land Act

The Council desire a Conference, by Committee, with a Committee of this Honorable House, on the subject of the Bill, entitled, An Act for the better regulation of Sable Island in this Province.

And then the Messenger withdrew.

Conference agreed to

On motion, *resolved*, that the said Conference be agreed to as desired by the Council.

*Ordered*, That Mr. Huntington, Mr. Young and Mr. W. Sargent, do manage said Conference, and that the Clerk do acquaint the Council that this House have agreed to said Conference, and that the Committee of this House are ready to meet the Committee of the Council thereon.

Held and reported

So the Managers went to the Conference: and being returned,

Mr. Huntington reported, that the Managers had been at the Conference, and he stated the substance of the Conference to the House.

Militia Bill read 3d  
time and passed

An engrossed Bill to continue the Acts respecting the Militia of the Province, was read a third time. *Resolved*,

SATURDAY and MONDAY, 7th and 9th APRIL, 1838.

*Resolved*, That the Bill do pass, and that the title be, An Act to revive and continue the Acts respecting the Militia of the Province.

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

Billeting Bill read 3d time & passed

*Resolved*, That the Bill do pass; and that the title be, 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.

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

*Ordered*, That Mr. McDonald and Mr. DesBarres have leave of absence after Monday next, to return home respectively on urgent private business.

Leave of absence to Mr. McDonald & Mr. DesBarres

*Ordered*, That Mr. Smith have leave of absence on Friday next, to return home on account of sickness in his family.

Leave of absence to Mr. Smith

Mr. Bell reported from the Committee appointed this day, to wait upon His Excellency the Lieutenant-Governor, in regard to the Duties imposed upon Articles of Foreign Production, that the Committee had performed the duty assigned to them, and that His Excellency in answer to the request of the House, was pleased to say that he would direct the Crown Officers to be consulted on the subject of the Resolution; and would attend thereto.

Report from Sel. Com. to wait on Gov. relative to duties on Foreign Articles

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

Monday, 9th April, 1838.

PRAYERS.

*Ordered*, That Mr. Taylor have leave of absence to return home on account of his ill state of health.

Leave of absence to Mr. Taylor

An engrossed Bill respecting the Culling of Dry Fish, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act respecting the Culling of Dry Fish.

Engrossed Culling Fish Bill read 3d time & passed

An engrossed Bill to establish the Standard Weight of Grain, was read a third time; and thereupon,

Engrossed Standard of Grain Bill read 3d time

Mr. McLellan moved that the Bill be amended, by leaving out of the second clause thereof, in that part which fixes the Standard Weight of Oats, the word "thirty-six" and inserting instead thereof, the word "thirty-four:" which being seconded and put, and the House dividing thereon, there appeared for the motion, seventeen; against it, sixteen.

Amendment of Bill as regards Standard of Oats

So it passed in the affirmative.

And the amendment was made accordingly.

Mr. Smith then moved that the said Bill be further amended, by leaving out of the second clause thereof, in that part which regulates the Standard Weight of Wheat, the word "Fifty-eight," and inserting instead thereof, the word "sixty:" which, being seconded and put, and the House dividing thereon, there appeared for the motion, nineteen; against it, fifteen.

Amendment of Bill as regard standard of Wheat

So it passed in the affirmative.

And the said amendment was made accordingly.

Mr. McLellan then moved that the following clause do pass, and be added as a rider to the Bill, viz.

Rider to Bill negativ- ed.

*Provided always and be it further enacted*, That nothing herein contained shall extend or be construed to extend to make it imperative on the Seller of any Grain as aforesaid, to pay any Mesurer or Weigher of Grain as aforesaid; unless his services shall be desired by the Purchaser or Seller; which, being seconded and put, and the House dividing thereon, passed in the negative.

Articles 2 read twice and passed. Mr.

MONDAY, 9th APRIL, 1838.

Amendment moved to leave out 3d Clause	Mr. Bell then moved that an amendment be made to the Bill by leaving out the third clause : which, being seconded,		
Amendment moved to question and negatived	Mr. McKim moved that the question be amended by inserting therein the word "of" between the words "out" and "the," and adding at the end of the question the word "weigh" and inserting the words "in value" after the word "equal" in said clause : which, being seconded and put, passed in the negative.		
Main question passed	The main question being then put, and the House dividing thereon, there appeared for the question, twenty-two ; against it, thirteen :		
	For the question,	Against the question,	
	Mr Chipman	Mr Lewis	Mr Smith
	Mr Huntington	Mr McDonald	Mr Heckman
	Mr DesBarres	Mr Waterman	Mr Holland
	The Hon Mr Uniacke	Mr Elder	Mr McKim
	Mr Dickey	Mr McLellan	Mr Morton
	Mr D'Entremont	Mr Allison	
	Mr Robicheau	Mr Forrestall	
	Mr Benjamin	Mr Howe	
	Mr Bell	Mr Spearwater	
	Mr Miller	Mr Forrester	
	Mr W Sargent	Mr Kavanagh	
Third Clause passed	So it passed in the affirmative.		
Motion to defer Bill 3 months negatived	And the Bill was accordingly amended by leaving out the said third clause.		
Will passed	Mr. Morton then moved that the further consideration of the Bill, as amended, be deferred until this day three months : which, being seconded and put, and the House dividing thereon, there appeared for the motion, twelve ; against it, twenty-one. So it passed in the negative.		
	<i>Resolved</i> , That the Bill as amended do pass, and that the title be, An Act to establish the Standard Weight of Grain.		
	<i>Ordered</i> , That the Clerk do carry the Bills to the Council, and desire their concurrence.		
Report from Com. on expenses of Survey of New Line of Eastern Road through Guysborough	Mr. Huntington reported from the Select Committee to whom were referred the Accounts of Messrs. John G. McKenzie and Wentworth Taylor, for expenses of the Survey, pursuant to a Resolution of the Session of 1837, of the proposed new line of Road from Dartmouth to Canso, by way of Musquedoboit and Guysborough ; that the Committee had examined the same and found them correct and fairly stated, and therefore recommend the payment of the sum of Two Hundred and Fifty Pounds, being the amount of the expense incurred in that service ; and the said Report being read by the Clerk,		
Reports of Com. and of Survey referred to Com. of Supply	On motion of Mr. DesBarres, <i>resolved</i> , that the said Report, together with the Report of Survey therein referred to, be referred to the Committee of Supply.		
Report from Sel. Com. on Statute Labor on Highways	Mr. W. Sargent reported from the Committee on the subject of Statute Labor upon Highways ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.		
	(See Appendix, No. 84.)		
Bill for taking Census presented	<i>Ordered</i> , That the Report do lie on the Table.		
Read 1st & 2d time and committed	Mr. McLellan reported from the Select Committee in regard to a Census of the Province ; and thereupon, by leave of the House, presented a Bill for taking a Census of the Province, and the same was read a first time.		
Report from Com. on Despatch relative to Post Office Department	<i>Ordered</i> , That the Bill be now read a second time.		
Bill for regulating Postage	And the same was read a second time accordingly.		
Read 1st & 2d times & committed	<i>Ordered</i> , That the Bill be committed to a Committee of the whole House.		
	Mr. Young reported from the Select Committee to whom was referred the Despatch of Lord Glenelg, &c. in relation to the Post Office Department ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.		
	(See Appendix, No. 85.)		
	Mr. Young, from the same Committee, also by leave of the House, presented a Bill for regulating the internal Postage of this Province, and the same was read a first time.		
	<i>Ordered</i> , That the Bill be now read a second time.		
	And the same was read a second time accordingly.		
	<i>Ordered</i> , That the Bill be committed to a Committee of the whole House.		On

MONDAY, 9th APRIL, 1838.

On motion of Mr. Forrestall, *resolved*, that the Petition of Alexander McRae and others for aid to the Arisaig Pier, be referred to the Committee of Supply.

Pet. to Arisaig Pier referred to Com. of Supply

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to continue the Act relating to the Court of Commissioners at Halifax ; also, to the Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax ; also, to the Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef ; also, to the Bill, entitled, An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof ; also, to the 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, to the Bill, entitled, An Act to continue the Act, to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing ; also, to the Bill, entitled, An Act to continue the Act in addition to the Act for regulating the rates and prices of Carriages ; also, to the 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 ; also, to the Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax, severally without any amendment.

Message from Council agreeing to Bills without amendment viz : to continue Acts relating to Commrs. Court at Halifax Constables' Fees in Commrs. Court Weighing of Beef Firewards at Halifax

Halifax Night Watch

Forestalling

Prices of Carriages

Disorderly driving

Bridewell

The Council have also agreed to the 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, and to the 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—with amendments to said Bills respectively, to which amendments they desire the concurrence of this Honorable House.

Agree with amendments to Bill to continue suspension of Act against Forestalling Cordwood And Bill to continue Halifax Pilotage Acts

And then the Messenger withdrew.

On motion the amendments proposed by the Council to the Bill to continue the Act to suspend the operation of the Act, to prevent Forestalling, &c. were read a first and second time, and considered by the House ; and thereupon,

Amendments of Council to continuing Bills agreed to

*Resolved*, That said amendments be agreed to by this House.

On motion the amendments proposed by the Council to the Bill to continue the Halifax Pilotage Acts, were read a first and second time : and thereupon,

*Resolved*, That the said amendments be agreed to by this House.

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

On motion, the House resolved itself into a Committee of the whole House on the further consideration of the supply granted to Her Majesty.

House in Com. of Supply

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to several Resolutions upon the business referred to them, which they had directed him to report to the House.

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

*Ordered*, That the report of said Resolutions be received to-morrow.

Report postponed

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act in further amendment of the Act, to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges ; the Bill, entitled, An Act to extend for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province ; the Bill, entitled, An

Message from Council agreeing to Bills, viz :

Road expenditure Bill

Poor Settlers relief Bill

Sable Island Bill

Act

MONDAY and TUESDAY, 9th and 10th MARCH, 1838.

Pictou Coasting Bill Act for the better regulation of Sable Island in this Province; the Bill, entitled, An Act to extend to the Town of Pictou the provisions of an Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the hills in the Streets of Halifax; the Bill, entitled, An Act to enable the Proprietors of a certain Meeting House in Merigomishe in the County of Pictou, to sell the same; the Bill, entitled, An Act for establishing the Boundary Line between the Counties of Cumberland and Colchester; the Bill, entitled, An Act to continue the Act, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof, and the Bill, entitled, An Act to revive and continue the Acts respecting the Militia of the Province—severally without any amendment.

And then the Messenger withdrew.

A Message from the Council, by Mr. Halliburton:

Mr. Speaker.

Council agree to Trustees of School Land, Bill with amendment The Council have agreed to the Bill, entitled, An Act for the appointment of Trustees of School Lands, with an amendment—to which they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Amendment agreed to On motion, the amendment proposed by the Council to the Bill, entitled, An Act for the appointment of Trustees of School Lands, was read a first and second time, and considered by the House; and thereupon,

*Resolved*, That this House do agree to the said amendment.

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

Motion for Address to Queen concerning Councils, &c. Mr. Howe moved that the House do come to a Resolution as followeth:  
*Resolved*, That a Committee be appointed to prepare an Address to the Crown, on the subject of the Councils, the Civil List, the reduction of the expense of the Customs and Excise, and the extension of Foreign Trade to the Outports: which, being seconded,

Previous question negatived The Hon. Mr. Uniacke moved that the House do now adjourn: which, being seconded and put, passed in the negative.

Resolution passed The question being then put upon the Resolution, it passed in the affirmative.

Com. named to prepare Address *Ordered*, That Mr. Howe, Mr. Young, Mr. Huntington, the Hon. Mr. Uniacke and Mr. Bell, be a Committee for the purpose of preparing the said Address, pursuant to the foregoing Resolution.

Then the House adjourned until to-morrow at eleven of the clock.

Tuesday, 10th April, 1838.

PRAYERS.

Engrossed Passengers Bill read 3d time An engrossed Bill to amend the Act relating to Passengers from Great Britain and Ireland arriving in this Province, was read a third time; and thereupon,

On motion of Mr. McDougall, *resolved*, that the following enacting clause do pass, and be added as a rider to the Bill, viz:

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

And the said clause being added accordingly,

Bill passed *Resolved*, That the Bill do pass, and that the title be, An Act to amend the Act relating to Passengers from Great Britain and Ireland, arriving in this Province.

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

Wills, &c. An engrossed Bill to explain and amend certain provisions of the Act relating to Wills, Legacies and Executors, was read a third time: and thereupon,

On

TUESDAY and WEDNESDAY, 10th and 11th APRIL, 1838.

On motion of Mr. Dickson, *resolved*, that the Bill be re-committed to a Committee of the whole House.

Mr. Fairbanks reported in part from the Committee upon Crown Lands, and thereupon by leave of the House, presented a Bill to establish sundry regulations for the future disposal of Crown Lands; and the same was read a first time, and ordered to be read a second time.

Report from Com. on Crown Lands—Bill to regulate Crown Lands

A Message from the Council, by Mr. Halliburton:

Message from Council

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia, with sundry amendments—to which amendments they desire the concurrence of this Honorable House.

Agree to Cumberland Canal Bill with amendments

The Council have agreed to the Bill to alter and amend the Act to regulate and support the Pictou Academy, without any amendment.

Agree to Pictou Academy Bill without amendment

And then the Messenger withdrew.

The amendments of the Council to the Cumberland Canal Bill were read a first and second time, and considered by the House; and thereupon,

Amendment to Cumberland Canal Bill agreed to

On motion, *resolved*, that the said amendments be agreed to by this House.

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

On motion the House resolved itself into a Committee of the whole House to consider further of the Supply granted to Her Majesty.

House go into Com of Supply

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had come to several Resolutions upon the business referred to them, which they had directed him to report to the House.

Resolutions passed

*Ordered*, That the Report be received to-morrow.

Report postponed

The Order of the Day being read for receiving this day the report of the several Resolutions of yesterday from the Committee of Supply,

Order of Day for Report from Com. of Supply postponed

*Ordered*, That the report of said Resolutions be received to-morrow.

A Message from the Council, by Mr. Halliburton:

Message from Council

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for the appointment of Trustees of School Lands in this Province, as amended.

Agree to amended Trustees of School Lands Bill

And then the Messenger withdrew.

Mr. Heckman, pursuant to leave given, presented a Bill to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing fires; and the same was read a first time, and ordered to be read a second time.

Lunenburg Fire Engine Bill presented

Then the House adjourned until to-morrow, at eleven of the clock.

Wednesday, 11th April, 1838.

PRAYERS.

A Bill to establish sundry regulations for the future disposal of Crown Lands; and

Crown Lands Bill &

A Bill to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing fires,

Lunenburg Bill

Were severally read a second time.

Read 2d time

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

Committed

WEDNESDAY, 11th APRIL, 1838.

- Report from Com. on Court of Chancery Mr. Young reported from the Select Committee appointed to enquire as regards the principles and practice of the Court of Chancery, and he read the report in his place, and afterwards delivered it in at the Clerk's Table where it was again read.  
(See Appendix, No. 86.)  
*Ordered*, That the Report do lie on the Table.
- Bill reported to amend Chancery Practice Mr. Young also reported further from the same Committee, and thereupon presented a Bill for amending the practice of the Court of Chancery, and the same was read a first time, and ordered to be read a second time.
- Orders of Day The Orders of the Day being read for receiving the reports of Resolutions from the Committee of Supply,  
*Ordered*, That the Chairman do now report said Resolutions : and accordingly,
- Reports from Com. of Supply Mr. Kavanagh, the Chairman of the Committee of Supply, reported from the said Committee the several Resolutions which they had directed to be reported, and the same were read, and are as followeth :
251. Chaplains of House 1. *Resolved*, That it is the opinion of this Committee, that Twenty-five Pounds be granted and drawn by the Clerk of the House of Assembly, to enable him to pay Six Pounds Five Shillings to each of the Clergymen who have attended the House of Assembly as Chaplains, during the present Session.
501. for opening Road from Scott's to head of Basin 2. *Resolved*, That it is the opinion of this Committee, that the sum of Five Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to be applied to the opening of the Road from Scott's, on the Dartmouth line, to the head of the Basin, at Sackville, pursuant to the report of the Committee on that subject, not to be drawn from the Treasury until His Excellency shall be satisfied that monies have been paid from private subscriptions, or work and labor done upon the same line by Individuals on their own account, to the amount of Four Hundred Pounds.
1601. 5s. J. Howe & Son for printing 3. *Resolved*, That it is the opinion of this Committee, that the sum of One Hundred and Sixty Four Pounds Five Shillings, be granted and paid to Messrs. J. Howe & Son, for printing the Journals of the Council, and for extra printing in the last year, agreeably to their account.
301. John McGregor 4. *Resolved*, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted and paid to John McGregor, to compensate him for his services in arranging the records and papers in the Court of Chancery, agreeably to the prayer of his Petition.
1251. Relief of Blacks 5. *Resolved*, That it is the opinion of this Committee, that the sum of One Hundred and Twenty Five Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to relieve the distresses of the coloured Population in Preston, Hammonds Plains and Beech Hill, and to procure seed for them the ensuing spring.
151. 0d. 3d. Nath. Clough 6. *Resolved*, That it is the opinion of this Committee, that the sum of Fifteen Pounds and Three Pence be granted and paid to Nathaniel Clough, Esq. pursuant to the report of the Committee, on his Petition, being the amount of duties actually paid on goods consumed in his store by fire.
2501. expense of Survey of Eastern Road 7. *Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred and Fifty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to enable him to defray the expense of the exploration and survey, so far as the same has been performed, of the proposed new line of Road between Dartmouth and the Gut of Causo, and of the plan and estimate of the probable expense of opening and completing certain sections of said Road, made in pursuance of a Resolution of this House during the last Session.
2531. 13s. 6d. Public Buildings 8. *Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred and Fifty-three Pounds Thirteen Shillings and Eight Pence, be granted and drawn by the Commissioners of Public Buildings, to pay the balance due the late Commissioners, and to pay sundry accounts now due for services performed on the Public Buildings.
71. 15s. to Clerk to pay for Books 9. *Resolved*, That it is the opinion of this Committee, that the sum of Seven Pounds Fifteen Shillings be granted and paid to the Clerk of the House of Assembly, to pay for Law Books imported for the use of the Assembly.  
*Resolved*,

WEDNESDAY, 11th APRIL, 1838.

10. *Resolved*, That it is the opinion of this Committee, that the sum of One Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of paying the Adjutant General of Militia the sum of Sixty Pounds, and to the Quarter Master General the sum of Forty Pounds, for their respective services in the years One Thousand Eight Hundred and Thirty-Seven and one Thousand Eight Hundred and Thirty-Eight.

601. Adj. Gen. &amp; 401. Quarter Master Gen. of Militia

11. *Whereas*, the Bridge at the head of LaHave River, is in a decayed state, and it is necessary that a new Bridge should be built as soon as possible, *resolved therefore*, that it is the opinion of this Committee, that the sum of One Hundred Pounds, be granted for the purpose of procuring materials in the early part of next Winter to be taken out of Road monies to be hereafter granted and appropriated for the service of Roads and Bridges in the County of Lunenburg.

1001. Bridge over LaHave River

12. *Resolved*, That it is the opinion of this Committee, that the sum of Three Hundred and Sixty-Two Pounds Eighteen Shillings and Four-Pence Half-penny, be granted and paid to defray the expences of the Legislative Council, and for fitting the Council Chamber for the reception of the public in the following manner—To be paid to the

3621. 18d. 41 Expences of Legislative Council

Clerk of the Council,	£150 0 0
Gentleman Usher of the Black Rod,	75 0 0
J. Berton's bill for fitting room,	49 14 8
A. Dechezeau's account for stoves, &c.	12 12 7½
Tempest & Tapper's account,	11 0 0
Thompson & Esson's bill for Tables, &c.	49 11 1
Hatsell's Precedents, &c.	15 0 0

£362 18 4½

13. *Resolved*, That it is the opinion of this Committee, that the sum of Twenty-Five Pounds be granted to repair the Bridge and Aboiteau over Abram River, at Argyle.

251. Bridge at Abram River Argyle

14. *Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred and Eighty-Nine Pounds Two Shillings and Three-pence, be granted and paid to John George Marshall, Esquire, to enable him to defray the expenses incurred by him for printing, paper, &c. in the publication of a Work called the "Justice of the Peace and County and Township Officer."—And the sum of Fifty Pounds, as a compensation for his own services in compiling and preparing the said Book for publication.

2891. 2s. 3d. to Judge Marshall for Book

501.

15. *Resolved*, That it is the opinion of this Committee, that the sum of Ten Pounds, in addition to the sum granted in the Year 1837, for building a Beacon on Wedge Island, be granted, paid and applied, for erecting a Beacon on the Devil's Island, near Halifax Harbour.

101. Beacon on Devils Island

16. *Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred Pounds be placed at the disposal of His Excellency the Lieutenant-Governor, to aid the Inhabitants of Arisaig, County of Sydney, in erecting a new Pier or Breakwater, in addition to the unexpended balance of the money formerly voted, provided, that before any amount be drawn from the Treasury under this Resolution, the sum of One Hundred Pounds shall be contributed by the Inhabitants in labor and materials or otherwise, for the said purpose.

2001. to Arisaig Pier

17. *Resolved*, That it is the opinion of this Committee, that the sum of One Hundred and Fifty Pounds be granted and paid for the expenditure on the Road which lies between Liverpool and the Western Borders of Queen's County, pursuant to the Resolution of this House during the Session of 1837.

1501. advance to Road in Queen's County

18. *Whereas*, it is indispensable to keep up the Post Communication for the present year, and for that purpose to grant a sum of money as heretofore, until the decision of Her Majesty's Government, on the future regulation thereof, shall be made known: *Resolved*, that it is the opinion of this Committee, that a sum not exceeding One Thousand Five Hundred Pounds be granted and paid for defraying the expenses of Post Communication for the Year One Thousand Eight Hundred and Thirty Eight, in the same manner as it was kept up and defrayed last Year; and the further sum of Forty Pounds to extend the Post Communication direct from Truro to Tatamagouche and Wallace.

1500 &amp; 401. Post-communication

*Resolved*,

WEDNESDAY, 11th APRIL, 1838.

941. Es. 9d. Robert Gruber

19. *Resolved*, That it is the opinion of this Committee, that the sum of Ninety-Four Pounds, Eight Shillings and Nine-pence, be granted and paid to Robert Gruber, in accordance with the report of the Committee on his accounts respecting Bridewell.

150 Steam Boat Cape Breton

20. *Resolved*, That it is the opinion of this Committee, that the sum of One Hundred and Fifty Pounds be granted towards the support and maintaining of the Steam Boat Cape Breton between Pictou, Prince Edward Island and Miramichi, for the ensuing year.

31. 16s. to W. McCormick

21. *Resolved*, That it is the opinion of this Committee, that the sum of Three Pounds Fifteen Shillings be granted and paid to William McCormick, in accordance with the prayer of his Petition and the report of the Select Committee thereon.

301. Revenue Boat Digby

22. *Resolved*, That it is the opinion of this Committee, that the sum of Sixty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat at the entrance of Annapolis River during the present Year, under the direction of the Collector of Customs at Digby.

151. Stg. Acts of Parliament, &amp;c.

23. *Resolved*, That it is the opinion of this Committee, that such sum as will suffice to pay Fifteen Pounds sterling in London, be granted and paid to the Speaker of this House, to enable him to procure the Acts of Parliament, Journals of the House of Commons and Parliamentary Papers for the last year, as also a copy of the latest addition of Hatsell's Precedents, and of Hammonds Practice in Parliament.

2001. Commissioners of Poor at Halifax

24. *Resolved*, That it is the opinion of this Committee, that the sum of Two Hundred Pounds be granted and paid to the Commissioners of the Asylum for the Poor, towards paying the debts contracted by them for the support of that establishment, agreeably to the report of the Committee.

111. 18s. expenses of shipwrecked Mariners in Cape Breton

25. *Resolved*, That it is the opinion of this Committee, that the sum of Eleven Pounds Eighteen Shillings be granted to pay P. H. Ahern and Thomas Jost, for support and aid afforded to Ship-wrecked Mariners in the County of Cape Breton.

1001. advance to Dr. Gesner

26. *Resolved*, That it is the opinion of this Committee, that the sum of One Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to repay the advance made to Doctor Gesner, pursuant to a Resolution of last Session.

1001. Seed Wheat

27. *Whereas*, by a Resolution of the Legislature during the Session of 1837, there was granted the sum of One Hundred Pounds, to be placed at the disposal of His Excellency for the purchase and importing from England and Scotland Seed Oats and Field Peas for agricultural purposes; *and whereas*, said Oats and Field Peas have been imported, and by order of this House sold for the purpose intended,—*resolved therefore*, that it is the opinion of this Committee, that the net proceeds of the Sale thereof, deducting the amount of the several charges of Importation, commissions on the Sale, and other incidental expenses, be granted and placed at the disposal of His Excellency, together with such further sum in addition as to make the whole amount not exceeding One Hundred Pounds, for the purpose of obtaining from the Northern States of America the most approved kinds of Summer Wheat for Seed.

First resolution agreed to

The first Resolution being read a second time, was agreed to by the House.

The second Resolution (for granting £500 towards opening a road from Scott's, in Dartmouth, to the head of the Basin, at Sackville) being read a second time.

Motion not to receive second Resolution carried

Mr. Young moved that the Resolution be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared, for the motion, twenty-seven; against it, thirteen:

## For the motion,

<i>The Hon Mr Uniacke</i>	<i>Mr D'Entremont</i>	<i>Mr Whitman</i>
<i>Mr Howe</i>	<i>Mr Holdsworth</i>	<i>Mr J Sargent</i>
<i>Mr Dickey</i>	<i>Mr Robicheau</i>	<i>Mr Forrestall</i>
<i>Mr Doyle</i>	<i>Mr Holmes</i>	<i>Mr W Sargent</i>
<i>Mr Lewis</i>	<i>Mr Kavanagh</i>	<i>Mr Thorne</i>
<i>Mr Fairbanks</i>	<i>Mr Forrester</i>	<i>Mr Bell</i>
<i>Mr Young</i>	<i>Mr Chipman</i>	<i>Mr Holland</i>
<i>Mr McDonald</i>	<i>Mr Huntington</i>	<i>Mr Waterman</i>
<i>Mr Heckman</i>	<i>Mr Spearwater</i>	<i>Mr Miller</i>

## Against the motion.

<i>Mr McLellan</i>	<i>Mr Anand</i>
<i>Mr Dickson</i>	<i>Mr Upham</i>
<i>Mr McHaffy</i>	<i>Mr Goudge</i>
<i>Mr Elder</i>	<i>Mr McDougall</i>
<i>Mr Allison</i>	<i>Mr Archibald</i>
<i>Mr Smith</i>	<i>Mr Morton</i>
<i>Mr Benjamin</i>	

So it passed in the affirmative.

Third Resolution agreed to

The third Resolution being read a second time, was agreed to by the House.

The

WEDNESDAY, 11th APRIL, 1838.

The fourth Resolution (for granting £30 to John McGregor) being read a second time, Mr. Upham moved that the Resolution be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, fourteen; against it, twenty-six.

Motion not to receive Resolution granting 30l. to J McGregor negatived

For the motion,

Mr Dickey  
Mr Goudge  
Mr Lewis  
Mr Archibald  
Mr Benjamin  
Mr Upham  
Mr Smith

Mr Forrester  
Mr Chipman  
Mr Huntington  
Mr Spearwater  
Mr Whitman  
Mr McLellan  
Mr Waterman

Against the motion,

Mr Thorne  
Mr Holmes  
Mr Dickson  
Mr Holdsworth  
Mr Forrestall  
Mr W Sargent  
Mr J Sargent  
Mr Kavanagh  
Mr Bell

Mr Holland  
Mr McHeffy  
Mr Elder  
Mr Allison  
Mr Robicheau  
Mr D'Entremont  
Mr Miller  
Mr Donald  
Mr Heckman

Mr Annand  
Mr Young  
The Hon Mr Uniacke  
Mr Doyle  
Mr Fairbanks  
Mr Morton  
Mr McDougall  
Mr Howe

So it passed in the negative.

The said Resolution was then agreed to by the House.

Resolution agreed to

The fifth Resolution (for granting £125 for relief of the Colored Population) being read a second time,

Grant for Colored people

Mr. Archibald moved that the Resolution be not received by the House: which, being seconded and put, and the House dividing thereon, there appeared for the motion, eighteen; against it, twenty-four.

Motion not to receive same negatived

So it passed in the negative.

The said Resolution was then agreed to by the House.

Resolution agreed to

The sixth, seventh, eighth and ninth Resolutions being read a second time, were respectively agreed to by the House.

Other Resolutions agreed to  
Grant for Adj. Gen. & Qr. Mr. Gen. of Militia

The tenth Resolution, (for granting £100 to the Adjutant General and Quarter-Master General of Militia,) being read a second time,

Mr. Goudge moved that the Resolution be not received by the House: which, being seconded and put, passed in the negative.

Motion not to receive same negatived

The said Resolution was then agreed to by the House.

The eleventh Resolution being read a second time, was agreed to by the House.

11th Resolution agreed to

The twelfth Resolution (for granting £362 18s. 4½ expences of the Legislative Council) being read a second time,

Grant for expences of Council

Mr. Forrester moved that the Resolution be amended, by leaving out the "£75," after the words "Gentleman Usher of the Black Rod," and inserting "£50," in place thereof: which, being seconded,

Motion to alter sum for Usher of Black Rod

Mr. Doyle moved an amendment to the question, to add at the end thereof, the words following; and that the Resolution be further amended, by leaving out "Clerk of the Council, £150:" which, being seconded and put, and the House dividing thereon, there appeared for the amendment to the main question, seven; against it, thirty-five.

Amendment moved to question to add reduction of sum for Clerk

For the amendment,

Mr Goudge  
Mr Doyle  
Mr Forrester  
Mr McHeffy  
Mr Chipman  
Mr McLellan  
Mr Waterman

Against the amendment,

Mr Spearwater  
Mr Whitman  
Mr Holmes  
Mr Dickson  
Mr Elder  
Mr Holdsworth  
Mr W Sargent  
Mr Thorne  
Mr J Sargent  
Mr Kavanagh  
Mr Bell  
Mr Holland

Mr Forrestall  
Mr Allison  
Mr McKim  
Mr Howe  
The Hon Mr Uniacke  
Mr Dickey  
Mr Smith  
Mr Upham  
Mr Benjamin  
Mr Miller  
Mr McDonald  
Mr Heckman

Mr Robicheau  
Mr Annand  
Mr Young  
Mr D'Entremont  
Mr DesBarres  
Mr Fairbanks  
Mr Morton  
Mr McDougall  
Mr Archibald  
Mr Lewis  
Mr Huntington

So it passed in the negative.

Amendment negatived

The main question being then put, and the House dividing thereon, there appeared for it, twenty-six; against it, sixteen.

Question carried

WEDNESDAY, 11th APRIL, 1838.

## For the question,

<i>Mr Dickey</i>	<i>Mr Doyle</i>	<i>Mr McDougall</i>
<i>Mr Lewis</i>	<i>Mr D'Entremont</i>	<i>Mr Smith</i>
<i>Mr Morton</i>	<i>Mr Robicheau</i>	<i>Mr Allison</i>
<i>Mr DesBarres</i>	<i>Mr Benjamin</i>	<i>Mr Forrastall</i>
<i>Mr Howe</i>	<i>Mr Annand</i>	<i>Mr Spearwater</i>
<i>Mr Fairbanks</i>	<i>Mr Forrester</i>	<i>Mr Whitman</i>
<i>Mr Goudge</i>	<i>Mr Heckman</i>	<i>Mr Holmes</i>
<i>Mr Huntington</i>	<i>Mr McKim</i>	<i>Mr McLellan</i>
<i>Mr Archibald</i>	<i>Mr McDonald</i>	

## Against the question,

<i>Mr Waterman</i>	<i>Mr Bell</i>
<i>Mr Dickson</i>	<i>Mr Holland</i>
<i>Mr Elder</i>	<i>Mr Upham</i>
<i>Mr Holdsworth</i>	<i>Mr Miller</i>
<i>Mr W Sargent</i>	<i>Mr McHeffy</i>
<i>Mr Thorne</i>	<i>Mr Young</i>
<i>Mr J Sargent</i>	<i>Mr Chipman</i>
<i>Mr Kavanagh</i>	<i>The Hon Mr Uniacke</i>

So it passed in the affirmative : and accordingly,

Resolution amended

*Ordered*, That the said twelfth Resolution be amended by leaving out the "£75," and in-  
" £50," in place thereof, and that the sum total of the grant be reduced accordingly.

Agreed to as amend-  
ed

And the said amendment being made, the Resolution as amended was read, and agreed to  
by the House.

The thirteenth and fourteenth Resolutions being read a second time, were respectively  
agreed to by the House.

Grant for Beacon on  
Devil's Island

The fifteenth Resolution for granting a sum of Money for the erection of a Beacon on  
Devil's Island, being read a second time,

Motion not to receive  
Resolution negatived

Mr. Benjamin moved that the Resolution be not received by the House : which, being  
seconded and put, and the House dividing thereon : there appeared for the motion, eighteen ;  
against it, twenty-one. So it passed in the negative.

Resolution agreed to

The Resolution was then agreed to by the House.

Grant for Arisaig Pier

The sixteenth Resolution, for a grant to build a Pier at Arisaig, being read a second time,

Motion not to receive  
same negatived

Mr. Smith moved that the Resolution be not received by the House : which, being se-  
conded and put, passed in the negative.

Resolution agreed to

The Resolution was then agreed to by the House.

Remaining Resoluti-  
ons agreed to

The eleven remaining Resolutions being then read a second time, were respectively  
agreed to by the House.

Resolutions sent to  
Council

*Ordered*, That the Clerk do carry to the Council the several Resolutions agreed to by  
this House, and request the concurrence of the Council thereto.

Mr. Howe moved that the House do come to a Resolution as followeth :

Resolution for paying  
advance for Black  
Rock Hills Road out  
of Road Money

Whereas the sum of Two Hundred and Seventy-one Pounds was expended in com-  
pleting the alteration at the Black-rock Hills, upon the great Eastern Road, over the sums  
granted for that service, of which One Hundred Pounds has been advanced by Order of His  
Excellency the Lieutenant-Governor, and the sum of One Hundred and Seventy-one Pounds  
still remains due to the Commissioner, Samuel Archibald, Esq.—*Resolved therefore*, that the  
Sum of Two Hundred and Fifty Pounds granted for the repair of the said Hills, and the fur-  
ther sum of Twenty-one Pounds, part of the sum appropriated for that Line of Road, mak-  
ing the sum of Two Hundred and Seventy-one Pounds aforesaid, be placed at the disposal  
of His Excellency to repay the said sum of One Hundred Pounds advanced by his Order,  
and the Balance to the said Commissioner, in full of his account for the said service :

Resolution passed

Which being seconded and put, and the House dividing thereon ; there appeared for the  
motion, thirty-two ; against it, six.

## For the motion,

<i>Mr Morton</i>	<i>Mr Benjamin</i>	<i>Mr Thorne</i>
<i>Mr Dickson</i>	<i>Mr Heckman</i>	<i>Mr Spearwater</i>
<i>Mr Chipman</i>	<i>Mr Robicheau</i>	<i>Mr Elder</i>
<i>Mr DesBarres</i>	<i>Mr D'Entremont</i>	<i>Mr Forrastall</i>
<i>Mr McDougall</i>	<i>Mr Smith</i>	<i>Mr Whitman</i>
<i>Mr Annand</i>	<i>Mr Upham</i>	<i>Mr Waterman</i>
<i>Mr Lewis</i>	<i>Mr McDonald</i>	<i>Mr Holdsworth</i>
<i>Mr Howe</i>	<i>Mr Allison</i>	<i>Mr Archibald</i>
<i>Mr Fairbanks</i>	<i>Mr Holmes</i>	<i>Mr Kavanagh</i>
<i>Mr Young</i>	<i>Mr Huntington</i>	<i>Mr Forrester</i>
<i>Mr McHeffy</i>	<i>Mr Bell</i>	

## Against the motion.

<i>Mr McLellan</i>
<i>Mr Dickey</i>
<i>Mr J. Sargent</i>
<i>Mr W. Sargent</i>
<i>The Hon Mr Uniacke</i>
<i>Mr Doyle</i>

So it passed in the affirmative.

*Ordered*, That the Clerk do carry the Resolution to the Council, and desire their concur-  
rence.

Mr.

WEDNESDAY, 11th APRIL, 1838.

Mr. Smith moved that the House do come to a Resolution as followeth :

Whereas, the practice as heretofore of sending Road Commissions to the Clerks of the Peace in the several Counties has been found in many cases inconvenient :

*Be it therefore resolved,* That a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request that His Excellency will be pleased to direct that, in future, the Commissions for expending Money on the Roads in the several Counties shall be forwarded to one or more of the Magistrates residing in the several Townships or Districts, where road Money is to be expended, and that such Magistrates be directed to have such Bonds as may be necessary executed and returned to the Secretary's Office : which, being seconded,

Mr. McLeilan moved as amendment to said proposed Resolution, to leave out all the words thereof, except the word "*resolved,*" and insert after the said word "*resolved,*" instead of the words left out, the following "that His Excellency the Lieutenant-Governor be requested to direct that, in future, all Road Commissions shall be sent to the several Members for the Counties and Townships : " which amendment, being seconded and put, passed in the negative.

Mr. Young then moved an amendment to the main question, to leave out all the words thereof except the words "*resolved that,*" and instead of the words left out, to substitute the following, after the words "*resolved that,*" "this House do now resolve itself into a Committee of the whole House, to consider the several Bills which stand committed : " which, being seconded and put, and the House dividing thereon, there appeared for the amendment, seventeen ; against it, fourteen. So it passed in the affirmative.

And accordingly the House resolved itself into the said Committee.

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having been counted, and a quorum not being present, he, the Chairman, had thereupon left the Chair.

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill for regulating the Internal Postage of this Province, and the Bill to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials, necessary for extinguishing Fires, and had directed him to report the said Bills to the House, severally, without any amendment ; that the Committee had also gone through the Bill for taking the Census of the Province, and the Bill to establish sundry Regulations for the future disposal of Crown Lands, and had made amendments to the said Bills respectively, which they had directed him to report to the House, with the Bills, and he afterwards delivered the several Bills and amendments in at the Clerk's Table.

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

The said amendments to the last mentioned Bills being read, were, upon the question respectively put thereon, agreed to by the House.

*Ordered,* That the Bills, with the amendments, be engrossed.

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

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have passed a Bill, entitled, An Act to improve the system of administering the Laws, and reduce the number of Courts of Justice to be holden within Nova-Scotia proper, and to diminish the expense of the Judiciary—to which Bill they desire the concurrence of this Honorable House.

And then the Messenger withdrew.

Mr.

Resolutions relative to sending Comms. for expenditure of Road Money to Magistrates

Amendment that they be sent to Members negatived

Amendment carried for Com. on Bills

House go into Com.

Com. Adjourn for want of Quorum

House go again into Com.

Report without amendment  
Postage Bill  
Lunenburg Fire Engine Bill

Census Bill  
And Crown Lands  
Bill with amendments

Bills to be engrossed

Council have passed a Bill for improving administration of the Laws, &c.

WEDNESDAY, 11th APRIL, 1838.

Report from Committee on Seed Oats, &amp;c.

Mr. Morton reported from the Select Committee appointed to dispose of the Seed Oats and Field Peas imported for the Province, that the Committee had performed the duty assigned to them; also, the costs of the Articles so imported to have been £150 12s. together with the incidental expenses, and the amount of Sales £80 6s. 5d. leaving a balance of £70 5s. 7d. unprovided for.

Royal Instructions to Gov. General laid before House

The Hon. Mr. Uniacke, by command of His Excellency the Lieutenant-Governor, presented a copy of Her Majesty the Queen's Royal Instructions to the Right Honorable John George, Earl of Durham, as Captain General and Governor in Chief of this Province, and in his absence, to the Lieutenant-Governor or Commander in Chief, &c. and the same was read.

(See Appendix, No. 87.)

Ordered, That the same do lie on the Table.

Committee to answer Messages, &amp;c. of Gov.

On motion of Mr. Fairbanks, resolved, that a Committee be appointed to prepare and report to the House an answer to the several Messages, Communications and Recommendations of His Excellency the Lieutenant-Governor to this House, not already answered, stating the proceedings of this House relative thereto.

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

Council's Law Administration Bill read and deferred

The engrossed Bill from the Council, entitled, An Act to improve the system of administering the Laws, and reduce the number of Courts of Justice to be holden within Nova-Scotia proper, and to diminish the expense of the Judiciary, was read a first time; and thereupon,

Mr. McDougall moved that the consideration of the Bill be deferred until the next Session: which, being seconded,

Mr. Young moved, as an amendment to the question, to leave out all the words thereof after the words "that the," and to insert instead of the words so left out the following: "Bill be read a second time to-morrow: which, being seconded and put, passed in the negative.

The main question being then put,

Ordered, That the consideration of the Bill be deferred until the next Session.

Engrossed Postage Bill read 3d. time and passed

An engrossed Bill for regulating the Internal Postage of this Province, was read a third time,

Resolved, That the Bill do pass, and that the title be, An Act for regulating the Internal Postage of this Province.

sent to Council

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

Com. to request Gov. to cause survey of Road between Keys' and Brook Field on main Eastern road

On motion of Mr. Smith, resolved, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request that His Excellency will be pleased, during the ensuing Summer, to appoint fit and competent persons to examine the old Road from Keys' Inn, to the end of the new Brookfield Road, on the Main Eastern Road; and also, the several new lines of Road proposed between those points, and to report whether, in their opinion, the old line should be abandoned, and if so, to report which of the proposed lines should be adopted; and also, to return a plan and estimate for completing the line they may recommend.

Ordered, That Mr. Smith, Mr. McHeffy and Mr. Morton, be a Committee for the above purpose.

Message from Council

A Message from the Council, by Mr. Halliburton:

Mr. Speaker.

Council agree to amended Cumberland Canal Bill

The Council have agreed to the Bill, entitled, An Act to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, as amended.

Agree without amendment to Standard of Grain Bill Fish Culling Bill School Bill

The Council have also agreed to the Bill, entitled, An Act to establish the Standard Weight of Grain, and to repeal the enactments now in force; to the Bill, entitled, An Act respecting the Culling of Dry Fish; to the Bill, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend

amend the same ; and to the Bill, entitled, An Act to continue and amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, severally; without any amendment.

County rates Bill

The Council have agreed to the Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, with amendments—to which they desire the concurrence of this Honorable House.

Cape Breton Marriage Bill with amendments

And then the Messenger withdrew.

Mr. Howe reported from the Select Committee appointed to prepare an Address to Her Majesty the Queen on the subject of the Councils, &c. that the Committee had prepared an Address accordingly ; which he read in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

Report of Draft of Address to Queen on subject of Councils &c

Ordered, That the Address reported do lie on the Table.

On motion, the House proceeded to the consideration of the Report of the Committee on the subject of Free Ports ; and thereupon,

House proceed to consider of Free Ports

Mr. Doyle moved that the House do come a Resolution as followeth :

Resolved, as the opinion of this House, that a humble Address be prepared, requesting Her Majesty's Government to declare all the Ports in this Province Free Ports at which there are Custom-Houses established : which, being seconded,

Resolution moved for Free Ports wherever there are Custom Houses

The Hon. Mr. Uniacke moved, as an amendment of the question, to leave out all the words of said proposed Resolution, after the word "declare," and to insert instead thereof, the words "the Ports of Digby and Arichat Free Ports:" which, being seconded and put, passed in the negative.

Amendment moved that Digby and Arichat only be Free Ports negatived

Mr. McHeffy then moved, as an amendment to the question, that the words "with the exception of Windsor to be established as a Port of Entry only," be added at the end of said proposed Resolution : which, being seconded and put, passed in the negative.

Exception as to Windsor negatived

Mr. McLellan then moved, as an amendment to the question, that the words "with the exception of Parrsborough, to be established as a Port of entry only," be added at the end of said proposed Resolution : which, being seconded and put, passed in the negative.

Amendment moved that Parrsboro' be Port of entry only negatived

The main question being then put, and the House dividing thereon, there appeared for the Resolution proposed, twenty-eight ; against it, nine :

Main question carried

For the resolution,

Against the resolution.

- |               |                |               |
|---------------|----------------|---------------|
| Mr Huntington | Mr McKim       | Mr Waterman   |
| Mr Heckman    | Mr Goudge      | Mr Lewis      |
| Mr Morton     | Mr D'Entremont | Mr Dickey     |
| Mr Doyle      | Mr Holland     | Mr Dickson    |
| Mr Fairbanks  | Mr Whitman     | Mr Archibald  |
| Mr DesBarres  | Mr Kavanagh    | Mr Thorne     |
| Mr Howe       | Mr W Sargent   | Mr McDonald   |
| Mr Annand     | Mr Robicheau   | Mr Forrestall |
| Mr McDougall  | Mr Spearwater  | Mr Holmes     |
| Mr Young      |                |               |

- |                    |
|--------------------|
| Mr McLellan        |
| Mr Bell            |
| Mr Holdsworth      |
| Mr Allison         |
| Mr Benjamin        |
| The Hon Mr Uniacke |
| Mr Forrester       |
| Mr Chipman         |
| Mr McHeffy         |

So it passed in the affirmative.

Ordered, That Mr. Spearwater have leave of absence to return home on urgent private business.

Leave of absence to Mr. Spearwater

Ordered, That Mr. W. Sargent have leave of absence, after Saturday next, to return home on urgent private business.

Leave of absence to Mr. Sargent

Ordered, That Mr. Waterman have leave of absence, after to-morrow, to return home on urgent private business.

Leave of absence to Mr. Waterman

Then the House adjourned until to-morrow at eleven of the clock.

Thursday, 12th April, 1838.

PRAYERS.

The amendments proposed by the Council to the Bill, entitled, An Act to make valid certain

Amendments of Council to Cape Breton Marriages Bill agreed to

THURSDAY, 12th APRIL, 1838.

tain Marriages heretofore celebrated in the Island of Cape-Breton, were read a first and second time, and considered by the House; and thereupon,

On motion of Mr. Young, *resolved*, that the said amendments be agreed to.

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

Engrossed Crown  
Lands Bill read &  
passed

An engrossed Bill to establish sundry Regulations for the future disposal of Crown Lands, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to establish sundry Regulations for the future disposal of Crown Lands.

Engrossed Lunenburg  
Fire Engine Bill read  
and passed

An engrossed Bill to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine with other utensils and materials necessary for extinguishing Fires, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine with other utensils and materials necessary for extinguishing fires.

Engrossed Census  
Bill read & passed

An engrossed Bill for taking the Census of the Province, was read a third time.

*Resolved*, That the Bill do pass, and that the title be, An Act for taking the Census of this Province.

Bills sent to Council

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

Motion for advance to  
support Academy  
Annapolis

Mr. Holland moved that the House do come to a Resolution as followeth:

*Resolved*, That His Excellency the Lieutenant-Governor be requested to advance One Hundred Pounds towards the support of the Academy kept by Andrew Henderson, near the Town of Annapolis, and that this House will provide therefor at the next Session: which being seconded,

Amendment to divide  
sum between Anna-  
polis & Bridgetown  
negatived

Mr. Thorne moved, as an amendment to the question, to leave out all the words of the proposed Resolution, except the words "resolved that" and instead of the words so left out, to insert the following "a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and respectfully request that he will be pleased to cause the sum of Fifty Pounds to be paid each, to Andrew Henderson of Annapolis, and William Shipley, Bridgetown, as Teachers of Combined Common and Grammar Schools for the present year, and that this House will make provision for the same amount of One Hundred Pounds next Session:" which, being seconded and put, passed in the negative.

Original Resolution  
agreed to

The main question being then put, the said Resolution thereby proposed was agreed to by the House.

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

House go into Com.  
on Bills

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

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

Report Circuits Court  
Bill with amendment

The Chairman reported from the Committee that they had gone through the Bill to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the Times of holding the Circuits of the said Court; and the Act in amendment thereof, and had made some amendments to the said Bill, which they had directed him to report to the House with the Bill;—that the Committee had also gone through the Bill to continue the Act concerning the terms of the Supreme Court at Halifax, and the Bill to continue the Act concerning the Inferior Courts of Common Pleas within this Province, and had directed him to report the said Bills to the House, severally, without any amendment; and he afterwards delivered the Bills with the amendments in at the Clerk's Table.

Supreme Court  
Terms Bill and Inf.  
Courts Bill without  
amendment

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

THURSDAY, 12th APRIL, 1838.

The amendments to the first mentioned Bill being read, were agreed to by the House.

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

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

Bills reported to be engrossed

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to Twenty-five Resolutions of this Honorable House, for granting the following Sums for the following purposes :

Message from Council

Council agree to 25 Money Votes

£25	0	0	For Chaplains of the House of Assembly.
164	5	0	To Messrs. J. Howe & Son, for printing.
30	0	0	To John McGregor, for services in arranging papers, &c. in the Court of Chancery.
125	0	0	For relief of the colored population near Halifax.
15	0	3	To Nathaniel Clough, return of Duties on Goods destroyed by fire.
250	0	0	To pay expenses of the Survey, &c. of the proposed Line of Road between Dartmouth and Canso.
253	13	8	To pay for repairs done to Public Buildings.
7	15	0	To pay for Books imported for the use of the House of Assembly.
100	0	0	To the Adjutant General and Quarter-Master General of Militia.
100	0	0	To rebuild Bridge over La Have River, in the County of Lunenburg.
25	0	0	For a Bridge over Abram River, in Argyle.
289	2	3	And £50 to Judge Marshall, to pay expenses of a Book published by him.
10	0	0	&c. For a Beacon on Devil's Island.
200	0	0	For building a Pier or Breakwater at Arisaig.
150	0	0	To repay expenditure last year on Main Post Road in Queen's County.
1,500	0	0	And £40 to keep up and extend the Post communication of the Province.
94	8	9	To Robert Gruber, to pay expenses incurred on account of Bridewell.
150	0	0	For the Steam Boat Cape-Breton.
3	15	0	To William McCormick.
60	0	0	For a Revenue Boat at the mouth of Annapolis river.
15	0	0	Sterling for importation of Acts of Parliament, Journals of Com-mons, &c. for Assembly.
200	0	0	To the Commissioners of the Poor at Halifax.
11	18	0	To O'Hearn and Jost, expenses of Ship-wrecked Seamen.
100	0	0	To repay sum advanced to Doctor Gesner.
100	0	0	For the importation of Seed Wheat from the Northern States of America.

The Council have also agreed to the Resolution for placing at the disposal of His Excellency the Lieutenant-Governor, out of the Monies appropriated for the Eastern Post-Road £271, to pay an overpenditure on the Black Rock hill road.

The Council have not agreed to the Resolution for granting £337 18 4½ for expenses of the Council.

Council also agree to Resolution to pay over-expenditure at Black Rock Eastern Road

Council disagree to Resolution for their expenses

And then the Messenger withdrew.

The Hon. Mr. Uniacke moved that the Address reported yesterday to Her Majesty, on the subject of the Councils, &c. be considered by this House on Saturday next : which, being seconded,

Motion to consider Address to Queen on Saturday

Mr. Howe moved that the question be amended, by leaving out the words "on Saturday next," and inserting instead thereof, the words, "this day:" which, being seconded and put, and the House dividing thereon: there appeared for the amendment, twenty-two; against it, sixteen.

Amendment carried for this day

So it passed in the affirmative.

*Ordered*, That the Address reported yesterday to Her Majesty on the subject of the Councils, &c. be considered by the House this day.

The

THURSDAY, 12th APRIL, 1838.

Vote of Credit for  
expenses of Council

The Hon. Mr. Uniacke moved that the House do come a Resolution as followeth:  
*Resolved*, That His Excellency the Lieutenant-Governor be authorized and requested to advance the Sum of Three Hundred and Sixty-two Pounds Eighteen Shillings and Fourpence half-penny, to defray the expenses of the Legislative Council, and for fitting the Council Chamber for the reception of the public, in the following manner:

To be paid to the Clerk of the Council	£150	0	0
“ the Gentleman Usher of the Black Rod	75	0	0
“ J. Berton’s Bill for fitting room	49	14	8
“ A. Dechezeau’s account for Stoves, &c.	12	12	7½
“ Tempest & Tapper’s account	11	0	0
“ Thompson & Esson’s Bill, for Tables, &c.	49	11	1
“ For Hatsell’s Precedents, &c.	15	0	0
	£362	18	4½

And that this House will make provision for the same at its next Session:

Which, being seconded and put, and the House dividing thereon, there appeared for the motion, thirty-one; against it, eight.

For the resolution,

<i>Mr Archibald</i>	<i>Mr Holdsworth</i>	<i>Mr Annand</i>
<i>Mr Fairbanks</i>	<i>Mr D’Entremont</i>	<i>Mr Allison</i>
<i>Mr Smith</i>	<i>Mr Forrestall</i>	<i>Mr McHefly</i>
<i>Mr Dickson</i>	<i>Mr J. Sargent</i>	<i>Mr Thorne</i>
<i>Mr Lewis</i>	<i>The Hon Mr Uniacke</i>	<i>Mr Holland</i>
<i>Mr Miller</i>	<i>Mr McDougall</i>	<i>Mr Elder</i>
<i>Mr Chipman</i>	<i>Mr McKim</i>	<i>Mr Dickey</i>
<i>Mr Robicheau</i>	<i>Mr Young</i>	<i>Mr Bell</i>
<i>Mr Kavanagh</i>	<i>Mr Upham</i>	<i>Mr Whitman</i>
<i>Mr McDonald</i>	<i>Mr Howe</i>	<i>Mr W. Sargent</i>
<i>Mr Heckman</i>		

Against the resolution.

<i>Mr Benjamin</i>
<i>Mr Waterman</i>
<i>Mr McLellan</i>
<i>Mr Holmes</i>
<i>Mr Forrester</i>
<i>Mr Morton</i>
<i>Mr Goudge</i>
<i>Mr Huntington</i>

So it passed in the affirmative.

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

Order of Day consid-  
eration of Address  
to Her Majesty

Pursuant to the Order of this Day, the House proceeded to the consideration of the Address to Her Majesty the Queen, on the subject of the Councils, &c. and the Draft thereof reported from the Committee, was again read, and is as followeth:

### TO THE QUEEN’S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY OF NOVA-SCOTIA IN PROVINCIAL PARLIAMENT.

*May it please Your Majesty;*

Address

We, your Majesty’s dutiful and loyal Subjects, the Representatives of the Province of Nova-Scotia, tender to your Majesty our unfeigned acknowledgments for the gracious consideration bestowed on the humble Address to the Crown, passed at the last Session of the General Assembly. That our late lamented Sovereign should have assured us that “the greater part of the measures” suggested in that Address “were conducive alike to the honour of his Crown, and the welfare of His Majesty’s faithful subjects inhabiting this part of His Majesty’s dominions,” deepens the feeling of regret for his loss, and respect for his memory, which pervades the population of Nova-Scotia. That our youthful Queen should have confirmed the liberal views of the late Sovereign—that she should have signalized the commencement of her reign by expressions of confidence in this Assembly, and the announcement of a determination to redress the grievances of which it complained, has excited the liveliest gratitude; and strengthened the feelings of loyalty and attachment to the Mother Country, for which Novascotians have been so long distinguished.

In again approaching the Throne, we beg your Majesty to believe that we are actuated by no captious desire to intrude into the presence of our Sovereign with unimportant complaints: but are sincerely anxious to carry out, to their legitimate extent, the principles maintained  
in

in the Despatches of Lord Glenelg, of the 30th April, 6th July, and 31st October, 1837; and to quiet all questions, the continual agitation of which has a tendency to disturb this Colony, and excite dissatisfaction with the local, and distrust of the views and policy of the General Government.

The promptitude with which your Majesty met the wishes of your People, by dissolving the Council, and constructing two distinct bodies, to discharge Executive and Legislative powers, demands our warmest gratitude—but we should be wanting in our duty both to your Majesty and to those we represent, if we did not respectfully shew to your Majesty, that, in the formation of those bodies, the wishes of this Assembly, and the wholesome principles announced in the Despatches, have not been followed out.

One point, to which the attention of the Crown was called in the Address of last Session, was the preponderance in the Councils of the Country, given to one religious body, embracing but a fifth of the population, over those of which the other four-fifths were composed.—The reasonableness of this complaint was fully acknowledged. “It is impossible,” said the Colonial Secretary, in the Despatch of the 30th April, “that distinctions so invidious should not be productive of serious discontent.” The directions given upon this point were clear and explicit. Recommendations were to be “altogether uninfluenced by any consideration of the relation in which the proposed Councillors might stand towards the church of England, or any other Society of Christians”—care was to be taken “to avoid, as far as possible, such a selection as might even appear to have been dictated by motives of this description”—and “even the semblance of undue favour to any particular church was to be avoided.”—These commands, founded in justice and sound policy, were reiterated at the close of the Despatch of the 31st Oct. in which your Majesty directed that the new Councils should be composed, “not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration.” Such being the gracious intentions of your Majesty—intentions which, if once fairly carried out, would forever remove from the Province those jealousies that the apparent preference given by the local Government to one class of Christians over all others, is but too well calculated to inspire—your loyal subjects observe with surprise and regret, that in the new Executive Council, as lately remodelled; five of the nine Gentlemen of which it is composed are members of the Church of England—and that eight out of the fifteen who form the Legislative Council, are also members of that Church, his Lordship the Bishop being one.

Though fully appreciating the delicate and difficult nature of the task, which, in the arrangement of these two bodies, devolved on your Majesty's Representative in this Province and which was heightened by the obligation to consult the feelings and admit the claims of many members of the former Council—this Assembly humbly conceive that this invidious and unwise distinction, by which a clear majority is still given, in both Councils, to one body of christians, embracing but a fifth of our population, is as justly offensive now, as the former arrangement, based upon the same policy, was in 1837.

In some other respects, it appears to this Assembly that the wise directions of your Majesty have been overlooked. The Despatch of the 30th April contemplates a fair representation in the Councils of “all the great interests” of the Province; and the appointment of persons “connected not merely with the Capital, but with the other principal Towns, and with the rural Districts.” The composition of the Legislative Council shows that more than one half the members still reside in the Town of Halifax—that while the legal profession sends six members out of fifteen—the Agricultural interest, that which in this, as in most other countries, lies at the foundation of all others, and embraces the greatest amount of population, property and general intelligence, sends but two. Had such a disproportion been forced on the local Government, by any regard to the peculiar claims of former Councillors, or any palpable necessity growing out of the circumstances of the country, the Representatives of the People might have seen less reason to complain—but they would be wanting in their duty to your Majesty, if they did not frankly declare, that in this, as in other respects, the gracious intentions of the Crown do not appear to have been fulfilled. The desire of your Majesty “to entrust the duties attached to members of the res-

THURSDAY, 12th APRIL, 1838.

pective Councils, to Gentlemen entitled to the confidence of the great body of the Inhabitants," would seem to have given place to influences in the Colony, political or religious, against which the Representatives of the people have often had to contend. But, without dwelling on what appears to this Assembly a marked departure from the spirit, if not the letter of the Despatches submitted to us by your Majesty's command, we owe it to our Sovereign—to the desire for mutual confidence between Her Majesty and Her loyal subjects in this Province,—humbly to declare that, in both the Councils, as at present constituted, majorities have been retained of those who are known to be generally hostile to that liberal policy so essential to the permanent tranquility of this portion of your Majesty's Dominions, and to those Reforms to which the People of Nova-Scotia look for the gradual improvement of their country.

In approaching those financial questions, in the final arrangement of which we feel a deep interest, from the important bearing they have on the peaceful developement of our resources, and the preservation of those "moderate and simple habits," which, in a young country, are the best guarantees for public virtue and private happiness,—this Assembly are embarrassed by the difficulty of conveying to their Sovereign an adequate conception of the weight attached, by their constituents, to a wise and satisfactory application of those principles of economy, announced by your Majesty in the Despatch of the 31st of October, from the noble Secretary of State. The natural tendencies of a Colonial Government favor the growth of a pernicious system of official extravagance. In the early history of a Colony its public officers receive their appointments from, and have their emoluments fixed by, patrons in the metropolitan State—often but ill-informed as to the labour required, or the slender resources afforded, by the Province into which they are sent. When a Legislature is conceded, for a series of years it is influenced or controlled by those who ought to be subjected to its authority—but who, surrounding the Executive, and dispensing its patronage—occupying the seats of one Branch, and through their friends and dependents stimulating to extravagance, or neutralizing the efforts of the other, often denounce as disloyal every effort of those who seek to enforce economy and popular control; and weaken the attachment of the people, by making the Sovereign's name, and delegated authority, the sanction for every abuse.—Nova-Scotia has had her share of these evils—she has them now; but her Representatives hail with satisfaction the assurance given by your Majesty that they shall exist no longer—that, while your Majesty graciously admits the right of this Assembly to "control and appropriate the whole public revenue arising in the Province," your Majesty, in the spirit of that Constitution which guards alike the prerogative of the Crown and the property of the humblest of its subjects, also recognizes it as our privilege and duty to fix the amount of remuneration which every public officer, maintained from those Revenues, should receive.

With a view to a permanent settlement of the Civil List, and transfer of the Crown Revenues, a Bill was passed by the House in this Session, granting to the present Lieutenant-Governor, during his continuance in office, the amount which he now receives; and for his successor the sum of £2000 Sterling per annum—to the present Chief-Justice a larger amount than is now borne upon those Revenues; and to the Puisne Judges permanent salaries somewhat higher than those to which they are now by law entitled. These salaries the Representatives of the people believe to be adequate to maintain the dignity and independence of the Judiciary—to attract to the Bench the highest order of legal talent which the Colony affords, and to provide for the stated and firm administration of justice in every County.

Your Majesty will perceive that the provisions of this Bill differ from the scale submitted by the noble Secretary of State for the Colonies, to this extent, that his Lordship contemplates an abandonment by the Chief-Justice of the fees taken by himself and the other Judges, and which the Commons of Nova-Scotia have repeatedly endeavoured to abolish. Having declared them to be unconstitutional and illegal, they cannot recognise any right in the Judges, founded on the mere fact of their reception. In making a small addition therefore, to their salaries, the House was governed by a desire that their remuneration should be adequate to the responsibilities of their stations; in declining further to increase the salary of

THURSDAY, 12th APRIL, 1838.

of the Chief-Justice, they felt that it was already ample—higher than they were justified in giving to his successor in office—and above what the state of society and the resources of Nova-Scotia would warrant. The Assembly, though they have ventured to differ with your Majesty's Government as to the amount to be paid to some of those officers, readily concur in the wisdom of providing for their support by a permanent enactment. They repudiate the claim, set up elsewhere, that even the highest public functionaries, in a colony, should depend upon annual or semi-annual votes of the popular branch. As British subjects they are anxious that the Representative of their Sovereign should be maintained in a position of dignified independence—and that those who are to administer the laws, and guard the justice of the country, should be unbiased by pecuniary considerations. In reviewing the salaries of the Provincial Secretary, and of the Crown Officers, the Assembly have not considered that the necessity for making these permanent was the same. The practice is not sanctioned by that of the Mother Country—and although the duties to be discharged by those officers are of the highest importance, the Assembly conceive that like others who have been liberally provided for in the annual appropriations, and whose emoluments once fixed are rarely diminished, they may safely be confided to the justice and liberality of the representative branch.

In considering the salary of the Secretary, the house has acted on the deliberate conviction that it is, and has been for many years, far too high. That officer also holds the situation of Registrar of Deeds; and besides the very large amount received in Halifax, shares the Registration Fees with all the Deputies throughout the Province. If left in the full possession of his present emoluments, he will be in the receipt of a sum not far short of that offered for the future salary of the Lieutenant-Governor; and this House humbly conceive that a system which raises a few officers to so near an equality of remuneration with the Queen's Representative, weakens the influence which he should exercise over every department, and in the local society—while, at the same time, it is unjust to other officers of equal rank, and performing duties of kindred responsibility, but whose emoluments have been regulated by the local Legislature. The Assembly believe that, from the operation of causes already stated, the sums withdrawn for the support of this department have been always extravagant; they could show to your Majesty, that in a period of ten years, £10,000 have been lavished upon it, which might have been more wisely appropriated to purposes of internal improvement—and they feel confident that, in fixing the prospective Salary of the Provincial Secretary at the same rate at which it is proposed to pay the Judges of the Supreme Court, they should act with a due regard to the respectability of the office, and to the confidence reposed in them by your Majesty.

In promptly voting permanent Salaries to the Lieutenant-Governor and the Judges, this Assembly feel that they have vindicated themselves from any suspicion of a desire to anticipate the arrival of a period, when the Representatives of the People in this Colony should seek to embarrass the general or local Government by a factious or impolitic stoppage of Supplies. But, as they have ventured to differ from some of the views exhibited by the Colonial Secretary, as to the amount of some Salaries, and the permanence of others, they deem it right to acquaint your Majesty, that, besides the officers named and the amount included in the sum proposed to be granted as a Civil List, the Province pays, under permanent Laws, a Master of the Rolls and four other Judges, at an annual cost of £2,450 Currency; and that out of a gross receipt of £60,000, including the Crown Revenues proposed to be surrendered, and all the taxes collected under Imperial and Provincial Acts, there will be, on the passage of such a law as this Assembly propose, no less a sum than £30,000 permanently appropriated by Statute, for the support of the Provincial Government; while the sums included in the annual Appropriation Act, for indispensable public services, amounting to nearly £15,000, leave only £15,000 at the disposal of the Assembly, to be applied to the repair of Roads and Bridges, and the internal improvement of the Country. This frank exposition of the state of the Province, its Revenues and Expenditures, we trust will convince your Majesty that in somewhat reducing the scale fixed by Lord Glenelg, the Representatives of the People have acted with a due regard to the interests entrusted to their care; and that,

in

THURSDAY, 12th APRIL, 1838.

in hesitating to add to the already large amount of permanent Salaries, they have but imitated the example of the Imperial Parliament, which, while it provides during the life of the Sovereign a permanent Civil List, by narrowing as much as possible the range of such appropriations, wisely subjects every department to some degree of popular influence and control.

Among the evils which have grown up, from the causes already referred to, as operating to a certain extent in every Colony, there is none which has more heavily burthened the industry of the people of Nova-Scotia, or excited amongst them more dissatisfaction and complaint, than the costly and anomalous mode of collecting the Duties levied under the Imperial and Provincial Statutes. The Duties received by the Excise Department here are, like the Duties collected under Acts of Parliament, laid exclusively on imports. One set of officers, the Assembly conceives, would therefore be sufficient to collect the whole—and they can see no reason why, if your Majesty's Government would sanction the arrangement, nearly the whole expense of maintaining one of these Departments might not be retrenched. The cost of the Excise Office in the port of Halifax alone amounts to about £1600—£1200 of which might be saved by adding one Clerk to the Customs and one to the Treasury, with two extra Tide Waiters. The principal officers of the Customs do not feel themselves at liberty to entertain any such proposition, without the assent of the Lords of the Treasury at Home; and we have, therefore, humbly to request, that such directions may be given in this behalf, as may authorise the Assembly to pass an Act for so desirable and useful an object. It is also incumbent upon us to call the attention of your Majesty to the propriety of sanctioning a prospective reduction of the expenses of the Customs Department in this Province. Prior to 1826 the Officers were remunerated by fees, and when a scale of permanent Salaries was adopted, these were regulated by a regard for the vested rights of parties, who claimed extravagant sums, upon the ground that a reduction to a rate consistent with the resources of the Colony would deprive them of too large a portion of what they had been accustomed to receive. The whole expense of this Department has, since 1829, exceeded the enormous sum of £10,000 currency per annum. Its duties would as efficiently be performed, in connection with those of the Officers of the Excise, for about £6,000; and it is a source of deep regret to this Assembly and their constituents, that in these Branches of the public service, besides the £25,000 which was freely conceded by the Act of 1829, a sum not less than £40,000 has been wasted within the last ten years, which a system of judicious economy might easily have saved. Without attempting to interfere therefore, with the emoluments of the present officers, or seeking to diminish their incomes, this House strongly recommend, that the scale of Salaries for future incumbents should be revised; with a view to such a reduction as, while it will amply maintain the Establishment, and secure obedience to Acts of Parliament and the enforcement of the provisions of Provincial Statutes, will not consume so large a portion of the Public Revenue, nor excite dissatisfaction and complaint among the people, from whose industry the taxes, both Imperial and Provincial, are raised.

In concluding this Address, the Assembly are bound to acknowledge the aid which they at all times receive from His Excellency the Lieutenant-Governor, in the prosecution of measures intended for the general good. Most of the evils of which they complain have arisen from causes that existed before His Excellency came to the Colony, and it would be expecting too much to require that they should be removed in a single year, under the most impartial administration.

Address read Clause  
by Clause

The said draft of Address was then read by the Clerk Clause by Clause.

First Clause amended

The first Clause being read,

On motion of the Hon. Mr. Uniacke, *resolved*, that the Clause be amended by leaving out the word "Youthful," and inserting in place thereof the word "Gracious."

And agreed to

And the said amendment being made, the Clause, as amended, was read, and agreed to by the House.

Second Clause agreed  
to

The second Clause being read, was agreed to by the House.

The third Clause being read,

The

The Hon. Mr. Uniacke moved that the Clause be amended by leaving out all the words thereof after the word "gratitude:" which, being seconded and put, and the House dividing thereon, there appeared for the motion, ten; against it, twenty-five:

Motion to amend third Clause negatived

For the motion,

Mr Fairbanks  
Mr Kavanagh  
Mr Heckman  
Mr Miller  
Mr Holmes  
Mr Elder  
Mr Thorne  
The Hon Mr Uniacke  
Mr Whitman  
Mr W Sargent

Against the motion,

Mr McLellan	Mr Archibald	Mr Goudge
Mr Bell	Mr D'Entremont	Mr Chipman
Mr Dickson	Mr Upham	Mr Huntington
Mr Waterman	Mr Howe	Mr McDougall
Mr Lewis	Mr McKim	Mr Forrester
Mr Allison	Mr Benjamin	Mr Doyle
Mr Holdsworth	Mr Annand	Mr McDonald
Mr Robicheau	Mr Dickey	
Mr Forrester	Mr Young	

So it passed in the negative.

The said third Clause was then agreed to by the House.

3d Clause agreed to

The fourth Clause being read,

The Hon. Mr. Uniacke moved an amendment thereto, to leave out all the words of the Clause after the words "one religious body," and to insert instead of the words so to be left out, the following: "Over others, and your loyal Subjects observe that in the Executive Council there are five Members of the Church of England, four of whom were Members of the Council previous to the late change, and one is a Member of the Assembly called to that Board, in accordance with the Address of last Session; of the remainder of that Body, one is of the Baptist Persuasion, one of the Catholic, one of the Presbyterian, and one of the Methodist Persuasion, who is also a Member of the Assembly, and elevated to that Body in compliance with said Address. Of the Legislative Council as lately remodelled, there are eight Members of the Church of England, five Presbyterians, one Baptist, and one Roman Catholic; of the first persuasion are the Lord Bishop and the President of that Honorable Board, who had been Speaker of the Assembly for many years, and a Member of that House for upwards of thirty years; and five are selected from the internal parts of the Province, three of whom, for many years previous, had been returned as Members to the General Assembly of the Province; and of the whole Body, most are large Landholders, and five extensively engaged in Agricultural pursuits:" which, being seconded and put, and the House dividing thereon, there appeared, for the motion, fifteen, against it, twenty-four:

Motion to amend 4th Clause negatived

For the motion,

Mr Fairbanks  
Mr Kavanagh  
Mr Heckman  
Mr Forrester  
Mr Allison  
Mr Holmes  
Mr Miller  
Mr Dickey  
Mr Elder  
Mr Thorne  
Mr Bell  
The Hon Mr Uniacke  
Mr Whitman  
Mr J Sargent  
Mr W Sargent

Against the motion,

Mr McLellan	Mr Benjamin	Mr Young
Mr Dickson	Mr McHeffy	Mr Goudge
Mr Waterman	Mr Archibald	Mr Doyle
Mr Lewis	Mr Howe	Mr Chipman
Mr Holland	Mr McKim	Mr McDougall
Mr Holdsworth	Mr Huntington	Mr Forrester
Mr Robicheau	Mr D'Entremont	Mr McDonald
Mr Upham	Mr Annand	Mr Morton

So it passed in the negative.

The said fourth Clause was then agreed to by the House.

4th Clause agreed to.

The fifth Clause being read,

The Hon. Mr. Uniacke moved that the said fifth Clause be left out of the Address: which, being seconded and put, and the House dividing thereon, there appeared for the motion, fourteen; against it, twenty-two:

Amendment to 5th Clause negatived

For the motion,

Mr Fairbanks  
Mr Kavanagh  
Mr Heckman  
Mr Morton  
Mr Holmes  
Mr Forrester  
Mr Dickey  
Mr Miller  
Mr Thorne  
Mr Bell  
The Hon Mr Uniacke  
Mr Whitman  
Mr J Sargent  
Mr W Sargent

Against the motion:

Mr McLellan	Mr Howe
Mr Dickson	Mr McKim
Mr Waterman	Mr Huntington
Mr Lewis	Mr D'Entremont
Mr Holdsworth	Mr Annand
Mr Holland	Mr Young
Mr Robicheau	Mr Doyle
Mr Upham	Mr Chipman
Mr Benjamin	Mr Forrester
Mr McHeffy	Mr Goudge
Mr McDonald	Mr McDougall

So it passed in the negative.

THURSDAY, 12th APRIL, 1838.

Amendment made to  
5th Clause

*Resolved*, That the said fifth Clause be amended by leaving out the words "invidious and," the word "clear," and the word "offensive," and inserting instead of the said word "offensive" the word "objectionable."

5th Clause agreed to  
as amended

And the said amendment being made, the Clause was read, as amended, and agreed to by the House.

The sixth Clause being read,

Amendment to 6th  
Clause negatived

The Hon. Mr. Uniacke moved that the Clause be amended by leaving out all the words thereof after the words "the composition of the Legislative Council shews that," and inserting instead of the words so to be left out, the words "eight of the Members still reside in the Town of Halifax, that the legal profession furnishes six Members, of whom one is your Majesty's Solicitor-General, two have amassed fortunes and retired from practice, and the remaining three are Country Practitioners, who, so far, obtained the confidence and approbation of the Inhabitants of the Rural Districts in which they have resided, as to be returned for a series of years to represent them in the General Assembly; the Commercial class sends three Members, and the Agricultural population of the Country from among themselves eight Members, five of whom are actively engaged in the cultivation of the soil and advancing that important branch of industry:" which, being seconded and put, and the House dividing thereon, there appeared for the motion, twelve; against it, twenty-five.

So it passed in the negative.

Another amendment  
to 6th Clause nega-  
tived

Mr. Fairbanks then moved an amendment to the Clause by leaving out all the words thereof after the words "sends but two": which, being seconded and put, and the House dividing thereon, there appeared for the motion, sixteen; against it, twenty-two:

For the motion,

Mr Fairbanks  
Mr Kavanagh  
Mr Dickson  
Mr Heckman  
Mr Elder  
Mr Allison  
Mr Bell  
Mr Holmes  
Mr Forrester  
Mr Dickey  
Mr Miller  
Mr Thorne  
The Hon Mr Uniacke  
Mr Whitman  
Mr J Sargent  
Mr W Sargent

Against the motion,

Mr Lewis  
Mr Morlon  
Mr Forrestall  
Mr Holdsworth  
Mr Waterman  
Mr McLellan  
Mr Holland  
Mr Robicheau  
Mr Upham  
Mr Benjamin  
Mr McHeffy  
Mr M'Donald  
Mr Howe  
Mr Doyle  
Mr Young  
Mr D'Entremont  
Mr Annand  
Mr McKim  
Mr Goudge  
Mr Chipman  
Mr Huntington  
Mr McDougall

So it passed in the negative.

Another amendment  
to 6th Clause nega-  
tived

The Hon. Mr. Uniacke then moved that the Clause be amended as followeth: leave out the word "had" after the word "two," and insert the word "if" instead of the said word "had"; after the word "disproportion" insert the word "had"; leave out the words "in other respects," and insert instead thereof the word "respect," and after the words "do not appear to have been fulfilled"; leave out the remaining words to the end of the Clause: which, being seconded and put, passed in the negative.

6th Clause amended

On motion of Mr. Howe, *resolved*, that the said sixth Clause, now under consideration, be amended by leaving out after the words "humbly declare that" all the remaining words to the end of the Clause, and inserting instead of the words so left out the words following: "while in both Councils, as at present constituted, there are Members who are friendly to a liberal policy, the majority are known to be unfavorable to many of those Reforms which the people of this Country anxiously desire in their Institutions."

Clause agreed to

And the said sixth Clause being so amended was read, as amended, and the question being put thereon that the House do agree to the Clause, as amended, the House divided, and there appeared for agreeing to the amended Clause twenty-three; against it, fifteen:

For the question,

Mr Goudge  
Mr Chipman  
Mr McKim  
Mr Huntington  
Mr McDougall  
Mr D'Entremont  
Mr Annand  
Mr Young  
Mr Doyle  
Mr Howe  
Mr Mc Donald  
Mr Benjamin  
Mr McHeffy  
Mr Upham  
Mr Forrester  
Mr Robicheau  
Mr Holland  
Mr McLellan  
Mr Morton  
Mr Holdsworth  
Mr Waterman  
Mr Forrestall  
Mr Lewis

Against the question,

Mr W Sargent  
Mr Whitman  
Mr Bell  
Mr Dickey  
Mr J Sargent  
Mr Miller  
The Hon Mr Uniacke  
Mr Thorne  
Mr Holmes  
Mr Allison  
Mr Elder  
Mr Fairbanks  
Mr Dickson  
Mr Heckman  
Mr Kavanagh

So it passed in the affirmative.

And

THURSDAY, 12th APRIL, 1838.

7th Clause

And the said sixth Clause, as amended, was accordingly agreed to.

The seventh Clause being read,

The Hon. Mr. Uniacke moved, as an amendment thereof, to leave out the words "the natural tendencies of a Colonial Government favor the growth of a pernicious system of official extravagance," and after the words "into which they are sent" to leave out the remainder of the Clause: which, being seconded and put, and the House dividing thereon, there appeared for the proposed amendment, ten; against it, twenty-six.

Motion to amend neg-  
gated

So it passed in the negative.

Clause agreed to

The question for agreeing to the seventh Clause being then put, and the House dividing thereon, there appeared for agreeing thereto, twenty-seven; against it, ten:

For the question,

Against it.

Mr Goudge  
Mr Kavanagh  
Mr McKim  
Mr Chipman  
Mr Doyle  
Mr Annand  
Mr McDougall  
Mr Huntington  
Mr D'Entremont  
Mr Young

Mr Dickson  
Mr Howe  
Mr McDonald  
Mr Benjamin  
Mr Morton  
Mr Allison  
Mr Upham  
Mr McHeffy  
Mr Forrester  
Mr Holland

Mr Robicheau  
Mr McLellan  
Mr Bell  
Mr Lewis  
Mr Waterman  
Mr Forrester  
Mr Dickey

Mr W Sargent  
Mr Whitman  
Mr J Sargent  
Mr Miller  
Hon Mr Uniacke  
Mr Thorne  
Mr Elder  
Mr Holmes  
Mr Heckman  
Mr Fairbanks

So it passed in the affirmative.

The eighth Clause of the Address being then read, was, upon the question put thereon, agreed to by the House.

8th Clause agreed to

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for altering the Representation in General Assembly as respects the County of Inverness; the Bill, entitled, An Act for regulating the Internal Postage of this Province; and the Bill to increase the number of Engine Men in the Town of Halifax, severally without any amendment.

Message from Council

The Council have agreed to the Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, as amended.

Council agree without  
amendment to Inver-  
ness Representation  
Bill  
Postage Bill  
And Lunenburg Fire  
Engine Bill  
And to C. B. Marria-  
ges Bill as amended

The Council have agreed to the Resolutions of this Honorable House for granting £30 and £362 18 4½ for expenses of the Legislative Council, and have not agreed to the Resolution for granting £100 to the Clerk of the Legislative Council.

Agree to Resolutions  
for expences of  
Council  
And disagree to first  
vote for Clerk of  
Council

And then the Messenger withdrew.

The Hon. Mr. Uniacke moved that the House do now adjourn: which, being seconded and put, passed in the negative.

Adjournment nega-  
tived

The House then resumed the consideration of the Draft of Address to Her Majesty.

Consideration of Ad-  
dress resumed  
9th & 10th Clauses a-  
greed to

The ninth and tenth Clauses being read were agreed to by the House,

The eleventh Clause being read,

11th Clause amended

On motion of Mr. Howe, resolved, that the Clause be amended by leaving out the words "to anticipate the arrival of a period when the Representatives of the People in this Colony should seek" and inserting instead thereof, the words "at any future period," and further, that the several sums reported in the draft of said Clause be left out, and remain in blank, to be filled in upon the Address being engrossed.

The said eleventh Clause being then read as amended, was agreed to by the House.

Agreed to as amend-  
ed

The twelfth Clause being read,

Ordered, That the Clause be amended by leaving out the words "or excited amongst them more dissatisfaction and complaint," and the words "costly and anomalous," and also by leaving out the word "Excise" where it first occurs twice in said Clause, and inserting instead thereof the words "Colonial Revenue;" and further, by leaving out the words "connection with those of the Officers of the Excise" and inserting instead thereof the words "addition to the collection of the Colonial Revenues."

12th Clause amend-  
ed

And the said amendments being made, the said twelfth Clause, as so amended, was agreed to by the House.

Agreed to as amend-  
ed

The

THURSDAY and SATURDAY, 12th and 14th APRIL, 1838.

- Last Clause agreed to  
Order on Address      The remaining last Clause being then read, was agreed to by the House.  
*Ordered*, That the Address, as amended, be engrossed, and be read again on Saturday next.
- Engrossed Circuit  
Courts Bill read 3d  
time      An engrossed Bill to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof, was read a third time.
- Passed—title added  
to      *Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof, and further to amend the same.
- Engrossed Bill con-  
cerning Terms of  
Sup. Court read 3d  
time and passed      An engrossed Bill to continue the Act concerning the Terms of the Supreme Court at Halifax, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.
- Engrossed Inferior  
Courts Bill read 3d  
time and passed      An engrossed Bill to continue the Act concerning the Inferior Courts of Common Pleas within this Province, was read a third time.  
*Resolved*, That the Bill do pass, and that the title be, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.
- Bills sent to Council      *Ordered*, That the Clerk do carry the Bills to the Council, and desire their concurrence.
- Clerk to prepare Bill  
of Appropriation      *Ordered*, That the Clerk do prepare and present an engrossed Bill for appropriating such part of the supplies granted in this and the last Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.
- Then, (to-morrow being Good Friday) the House adjourned until Saturday next, at eleven of the clock.

Saturday, 14th April, 1838.

PRAYERS.

- Leave of absence to  
Mr. Kavanagh      *Ordered*, That Mr. Kavanagh have leave of absence, after this day, to return home on urgent private business.
- And Mr. Allison      *Ordered*, That Mr. Allison have leave of absence to return home on urgent private business.
- Leave of absence re-  
fused Mr. McLellan      Mr. Dickson moved that Mr. McLellan have leave of absence to return home on urgent private business; which, being seconded and put, and the House dividing thereon, there appeared for the motion twelve, against it fifteen. So it passed in the negative.
- Leave of absence to  
Mr. Elder      *Ordered*, That Mr. Elder have leave of absence to return home on account of sickness in his family.
- Change of Appropria-  
tion for Road to Abup-  
tic County of Yar-  
mouth      On motion of Mr. Huntington, *resolved*, that out of the sum of Twenty Pounds granted to repair the road from the Roman Chapel, to Abuptic River, in the County of Yarmouth, Ten Pounds be applied to repair the road from Abuptic River to John Ryder's.
- Vote of credit for  
African School      On motion of the Hon. Mr. Uniacke, *resolved*, that His Excellency the Lieutenant-Governor be authorised and requested to advance the sum of Forty Pounds to provide a Female Teacher in the African School at Halifax, and that this House will make provision for the same, at its next Session.  
*Ordered*, That the Clerk do carry the Resolutions to the Council, and desire their concurrence.
- Motion for vote of  
credit for a Bridge at  
Wallace      Mr. McKim moved that the House do come to a Resolution as followeth:  
*Resolved*, That a Committee be appointed to wait on His Excellency the Lieutenant-Governor and request His Excellency to cause a Bridge to be erected over Wallace River, near William E. Angevine's, provided the Inhabitants subscribe and pay the sum of Sixty Pounds, and

SATURDAY, 14th APRIL, 1838.

and no larger sum than Forty Pounds be requested from the Treasury, and this House will provide for the latter sum by grant at the next Session of the General Assembly : which, being seconded,

Mr. Fairbanks moved an amendment to be made to the question, by leaving out all the words thereof except the words "Resolved that," and inserting in place thereof the following : "this House deem it inexpedient to depart from the Resolution of the 17th April, 1837, that the House will not pass any vote of credit unless for some unforeseen emergency, on a call of the House, and with assent of at least two thirds of the Members present : which, being seconded and put, passed in the affirmative.

Amended by standing order of last Session

The question, as amended, being then put, was agreed to by the House.

The Hon. Mr. Uniacke moved that the House do come to a Resolution as followeth :

Whereas the Committee of Supply having been closed without making provision for a sum of £150 over-expended on the road round Bedford Basin, under the direction of His Excellency the Lieutenant-Governor ; *Resolved*, that His Excellency be authorised and requested to advance and pay such over-expenditure, and that this House will make provision for the same at its next Session : which, being seconded,

Motion for vote of credit to repay over-expenditure on Bedford Basin Road

Mr. Doyle moved, as an amendment to the question, to leave out all the words of said proposed Resolution after the words "Resolved that," and in place of the words so left out, to insert the following "so much of the £500 Casualty Vote for Roads and Bridges, as may be necessary, shall be applied for that purpose : which, being seconded and put, passed in the negative.

Amendment made for payment thereof out of Casualty Vote negatived

The main question being then put, and the House dividing thereon, there appeared for the Resolution, thirteen ; against it, eighteen. So it passed in the negative.

Original Resolution negatived

On motion of the Hon. Mr. Uniacke, resolved as followeth :

Whereas, by the Act passed in the last Session of the General Assembly, entitled, An Act to continue the Act for granting duties on Licenses for the sale of Sprituous Liquors, and for sales by Auction to persons resident in the Town of Halifax, part of the Auction duties thereby levied are appropriated towards the completion and construction of the new line of Road and Bridge leading southwardly over the Fresh Water River, and the residue of such duties are not by the said Act specifically appropriated. *Resolved therefore*, that all such Auction duties levied in the Town of Halifax be placed at the disposal of His Excellency the Lieutenant-Governor, to be applied for the said line of Road herein before mentioned, and for the new Road round Bedford Basin, in such manner as His Excellency may deem most beneficial to the public, either by payment of the over-expenditure or otherwise.

Resolution to appropriate Auction License Duties to road round Bedford Basin

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

Mr. Dickson moved that the House do come to a Resolution as followeth :

Whereas the Kempt Bridge, on the Main Post Road, in the County of Pictou, is considered to be dangerous from decay, and should the same be impassable the travelling from Halifax to Pictou and parts to the eastward will thereby be wholly interrupted ; *And whereas* a new line of Road has lately been undertaken, and is now partly finished, whereby the said Bridge will hereafter be abandoned, and consequently any repairs made on the said Bridge will be lost to the public. *Resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request that he will be pleased to cause the said Bridge to be inspected by competent persons, and to report the state thereof to His Excellency ; *And further resolved*, should it appear from such report that the said Bridge is likely to become impassable, that His Excellency will be pleased to order the said new line of Road to be completed from Reid's, at Mount Tom, to Murdoch McKenzie's, at the West River of Pictou ; and that in addition to the sum of £85 applied for the said new line, out of the sum granted for the services of the Roads and Bridges in the County of Pictou for the present year, and the sum of £66 13 4, granted for the Post Roads in the said County, by Resolution of the 21st March last, this House will provide for the expense thereby incurred, not to exceed in the whole

Motion relative to Kempt Bridge County of Pictou and completion of new line of road negatived

SATURDAY, 14th APRIL, 1838.

the sum of £400, such additional sum to be deducted from any sum of money granted for Roads in the County of Pictou for the next year: which, being seconded and put, and the House dividing thereon, passed in the negative.

Report from Sel.  
Com. to answer mes-  
sages, &c. of Lt.  
Gov

Mr. Fairbanks reported from the Select Committee appointed to prepare an answer to the several Messages, &c. of His Excellency the Lieutenant-Governor, not hitherto answered; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth:

The Committee appointed to prepare a reply to the several Messages and Recommendations of His Excellency the Lieutenant-Governor to this House, not hitherto answered, report as follows:

That the House, in accordance with the desire of His Excellency at the opening of the late Session, have turned their particular attention to the Law for the regulation of the Militia, and have made such amendments thereof as they trust will remedy the defects in the previous Statutes relating to that subject.

That the Members of this House will make known, through their respective Counties, the desire expressed by the Trustees of the British Museum for contributions of specimens of the natural curiosities of this Province to that Institution, and will use their best exertions to promote the wishes of His Excellency the Lieutenant-Governor in that respect.

That this House have granted to William Reull, Deputy Surveyor in Cape-Breton, a compensation for his services, in surveying sundry Roads in that Island, in conformity with the recommendation of His Excellency to this Assembly.

That they have also granted the sum of One Hundred Pounds for the purchase of Seed Potatoes, and to be distributed under the direction of His Excellency amongst the Poor Colored Population of the Township of Halifax.

That this House have likewise provided for the employment of a Boat and Boatmen at the entrance of Digby, for the protection of the Revenue in that portion of the Province, as suggested by His Excellency.

That upon reference to the Resolution granting the sum of Seven Hundred and Fifty Pounds towards the making a new road round Bedford Basin, it appears that the same was granted upon condition that the Inhabitants of Halifax satisfied His Excellency that they would provide sufficient funds to complete the same, and therefore this House have deemed it inexpedient to provide for the over-expenditure on that road out of the Public Treasury; they have, however, by Resolution extended the appropriation of the Duties arising out of Sales by Auction in the Town of Halifax to the above purpose, and this House trusts that the funds arising therefrom will prove sufficient to replace the sum so expended, and to complete said road.

That with reference to His Excellency's Communication, accompanied by a Letter from Thomas C. Halliburton, Esquire, First Justice of the Inferior Court of Common Pleas for the Middle Division, this House have had under their consideration the subject of the Judiciary of the Province generally, but Her Majesty's Legislative Council and this House having been unable to concur in their views of this important subject, the same has been postponed until the next Session of this Assembly.

S. P. FAIRBANKS, Chairman.

Report adopted

*Resolved*, That the said Report be received and adopted by this House.

Com. to wait on Gov.  
with Report

*Ordered*, That the Committee who prepared the Report be a Committee to wait upon His Excellency the Lieutenant Governor, and present him a copy thereof, as an answer to the several Messages, Communications and Recommendations of His Excellency to this House, not hitherto answered.

Report on Shire  
Town of County of  
Annapolis

Mr. Young reported from the Select Committee, upon the several Petitions in regard to the Shire-town of the County of Annapolis; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 88.)

Adopted

*Resolved*, That the Report be received and adopted by this House.

Mr.

SATURDAY, 14th APRIL, 1838.

Mr. Dickson moved that the House do come to a resolution as followeth.

Whereas the Kempt Bridge on the Main Post Road in the County of Pictou is considered to be dangerous from decay, and should the same become impassable the travelling from Halifax to Pictou and parts to the Eastward will thereby be wholly interrupted; And whereas a new line of road has lately been undertaken and is now partly finished, whereby the said Bridge will hereafter be abandoned, and consequently any repairs made on the said Bridge will be lost to the Public. *Resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request that he will be pleased to cause the said Bridge to be inspected by competent persons, and to report the state thereof to His Excellency. *And further resolved*, should it appear from such report that the said Bridge is likely to become impassable, that His Excellency will be pleased to order the said new line of road to be completed from Reid's, at Mount Tom, to Murdoch McKenzie's, at the West River of Pictou; and that in addition to the sum of £85 applied for the said new line out of the sum granted for the services of the Roads and Bridges in the County of Pictou for the present year, and the sum of £66 13 4 granted for the Post Roads in the said County by Resolution of the 21st March last, this House will provide for the expense thereby incurred, not to exceed in the whole the sum of £390, such additional sum to be deducted from any sum of money granted for Roads in the County of Pictou for the next year: which, being seconded and put, and the House dividing thereon, there appeared for the motion, thirteen; against it twenty. So it passed in the negative.

Resolution as to  
Kempt Bridge Pictou  
negatived

Mr. Forrestall reported from the Select Committee on the Petition of George Brenan and others, and thereupon presented a Bill to shut up an Old Road in the County of Sydney; and the same was read a first time.

Com. on Pet. of Geo.  
Brenan and others  
report Bill to shut up  
old road in County of  
Sydney

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

And the same was read a second time accordingly.

Bill read 2d time and  
committed

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

On motion, the House resolved itself into a Committee of the whole House, on the consideration of the said Bill to shut up an old road in the County of Sydney.

Committee of whole  
on Sydney old road  
Bill

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone through the Bill referred to them, and had directed him to report the same to the House without any amendment; and he afterwards delivered the Bill in at the Clerk's Table.

Bill reported without  
amendment

*Ordered*, That the Bill be engrossed, and be read a third time this day.

Order on Bill

Mr. Huntington, pursuant to special leave given, presented a Bill to prevent the appointment of persons to the Bench of the Supreme Court and Inferior Courts, in case of vacancies occurring before the opening of the next Session of the General Assembly; and the same was read a first time.

Bill presented relating  
to Judges of Courts

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

And the same was read a second time accordingly.

Read 1st & 2d time  
& committed

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

On motion the House resolved itself into a Committee of the whole House, on the consideration of the said Bill to prevent the appointment of persons to the Bench of the Supreme and Inferior Courts, &c.

Committee on Judges  
Bill

Mr. Speaker left the Chair,

Mr. Kavanagh took the Chair of the Committee,

Mr. Speaker resumed the Chair.

The Chairman reported from the Committee that they had gone into the consideration of the Bill referred to them, and that the Committee having been counted, and a quorum not being present, he, the Chairman, had thereupon left the Chair of the Committee.

Adjourned for want  
of Quorum

*Ordered*, That Mr. Morton have leave of absence on Monday next, to return home on urgent private business.

Leave of absence to  
Mr. Morton

Mr.

SATURDAY, 14th APRIL, 1838.

Motion for reading  
Address to Queen

Mr. Doyle moved, that the engrossed Address of this House to Her Majesty the Queen, in relation the Councils, &c. be read : which, being seconded,

Amendment proposed  
to present Appropriation  
Bill negatived

The Hon. Mr. Uniacke moved that the question be amended by leaving out all the words thereof after the words "that the," and inserting instead of the words left out the following : "Clerk do now present the engrossed Appropriation Bill, pursuant to the order of yesterday : which, being seconded and put, and the House dividing thereon, there appeared for the amendment, thirteen ; against it, eighteen ; so it passed in the negative.

Main question agreed  
to

The main question being then put, was agreed to by the House.

Message from Council  
agreeing to Resolutions  
relating to Academy near  
Annapolis  
Road in Yarmouth  
County

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to four Resolutions of this Honorable House, viz: the Resolution for an advance of £100 for support of an Academy near Annapolis ; the Resolution for changing the appropriation of a Sum of Money for a Road to Abuptic River, in the County of Yarmouth ; the Resolution for an advance of £40 for the support of the African School in Halifax, and the Resolution for applying part of the Duties on Auction Licenses in the town of Halifax towards the road round Bedford Basin.

And then the Messenger withdrew.

Address to Queen  
read

The engrossed Address to Her Majesty the Queen, in relation to the Councils, &c. was read ; and thereupon,

Amendment thereto

On motion of Mr. Young, *resolved*, that the said engrossed Address be amended by leaving out of the eleventh clause thereof, the words, "by Statute," and the amendment was made accordingly.

Blanks filled up

On motion of Mr. Huntington, *resolved*, that the several blanks left in the said eleventh clause of the Address as regards certain sums of Money, be filled up with the same Sums respectively, as originally stood in the draft of Address reported.

And the said blanks were respectively filled up accordingly.

Further amendment  
negatived

The Honorable Mr. Uniacke then moved, that the said engrossed Address be further amended by inserting in the said eleventh clause after the words, "Provincial Government," the words following : "and other necessary and indispensable services, as appears by Schedule hereunto annexed, marked A," and that the following Paper, Writing or Schedule, be annexed to the Address, as the Schedule referred to in said amendment, viz :

" Schedule A. referred to in the foregoing Address.

Governor	£3,750
Customs Establishment	10,300
Interest on Funded Debt	3,250
Post Communication	1,500
Excise Department, Colonial Revenue	700
Chief Justice	1,062
Puisne Judges	1,875
Justices of Inferior Courts	1,350
Master of the Rolls	600
Light-Houses	2,500
Sable Island	400
College at Windsor	444
Pictou Academy	400
Grammar School, Halifax	150
Pension to Mr. Franklin	200
"    to Mrs. Green	20
Shubenacadie Canal Interest	1,500
Criminal Prosecutions	200

£30,201

Which,

SATURDAY, 14th APRIL, 1838.

Which, being seconded and put, and the House dividing thereon, there appeared for the amendment, sixteen ; against it, nineteen.

For the amendment,

Mr Dickson	Mr Holmes
Mr Kavanagh	The Hon Mr Uniacke
Mr Forrester	Mr J Sargent
Mr Heckman	Mr Miller
Mr Thorne	Mr W Sargent
Mr Bell	Mr Forrestall
Mr Fairbanks	Mr Whitman
Mr Creighton	Mr Dickey

Against the amendment,

Mr Annand	Mr Chipman
Mr Waterman	Mr Robicheau
Mr M'Donald	Mr Benjamin
Mr Holdsworth	Mr Young
Mr McKim	Mr Doyle
Mr Holland	Mr McEffy
Mr Lewis	Mr Goudge
Mr Howe	Mr Huntington
Mr McDougall	Mr Morton
Mr D'Entremont	

So it passed in the negative.

Mr. Doyle then moved, that the said Address be further amended by inserting the following clause therein, next before the last clause thereof, viz :

There is another topic which the Assembly are desirous of urging on the attention of your Majesty, as affecting the Commercial interests and prosperity of this Province in the highest degree. The gradual extension of the principle of Free Trade to the Colonies, since the Imperial Act of 1826, has been productive of the happiest effects, and the experience of its operation in the Ports that have been permitted to enjoy an unrestricted intercourse with Foreign Countries, conformably to the law as it now stands, has impressed the Assembly with a conviction, that if all other ports, where there is a Custom-House Officer, were declared free, the Mercantile and Shipping interests of this Province would be largely benefitted, the illicit trade that now prevails to an alarming extent would be checked, and our exports increased in value. The House see no reason to fear an equal open competition between the industry of their constituents and that of any other nation. They are satisfied that obedience to the Acts of the Imperial Parliament may be sufficiently enforced by the present Officers of the Customs, or by others whom the Funds already assigned for that service will amply remunerate, and earnestly hope that your Majesty's government will yield to the repeated representations of the Assembly of Nova-Scotia, and permit every port where a Custom House Officer is stationed to enjoy the privileges of a Free Port.

Clause inserted relative to Free Ports

Which, being seconded and put, and the House dividing thereon, there appeared for the motion, twenty-two ; against it, thirteen.

So it passed in the affirmative.

And the said amendment to the Address was accordingly made, by inserting therein the said proposed clause next before the last clause thereof.

The said engrossed Address as amended was then read by the Clerk, and is as followeth :

Address as amended

### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY OF NOVA-SCOTIA IN PROVINCIAL PARLIAMENT.

*May it please your Majesty ;*

We, your Majesty's dutiful and loyal Subjects, the Representatives of the Province of Nova-Scotia, tender to your Majesty our unfeigned acknowledgments for the gracious consideration bestowed on the humble Address to the Crown, passed at the last Session of the General Assembly. That our late lamented Sovereign should have assured us that "the greater part of the measures" suggested in that Address "were conducive alike to the honour of his Crown, and the welfare of His Majesty's faithful subjects inhabiting this part of His Majesty's dominions," deepens the feeling of regret for his loss, and respect for his memory, which pervades the population of Nova-Scotia. That our Gracious Queen should have confirmed the liberal views of the late Sovereign—that she should have signalized the commencement of her reign by expressions of confidence in this Assembly, and the announcement of a determination to redress the grievances of which it complained, has excited the liveliest gratitude ; and strengthened the feelings of loyalty and attachment to the Mother Country, for which Novascotians have been so long distinguished.

In again approaching the Throne, we beg your Majesty to believe that we are actuated by

SATURDAY, 14th APRIL, 1838.

no captious desire to intrude into the presence of our Sovereign with unimportant complaints : but are sincerely anxious to carry out, to their legitimate extent, the principles maintained in the Despatches of Lord Glenelg, of the 30th April, 6th July, and 31st October, 1837 ; and to quiet all questions, the continual agitation of which has a tendency to disturb this Colony, and excite dissatisfaction with the local, and distrust of the views and policy of the General Government.

The promptitude with which your Majesty met the wishes of your People, by dissolving the Council, and constructing two distinct bodies, to discharge Executive and Legislative powers, demands our warmest gratitude—but we should be wanting in our duty both to your Majesty and to those we represent, if we did not respectfully shew to your Majesty, that, in the formation of those bodies, the wishes of this Assembly, and the wholesome principles announced in the Despatches, have not been followed out.

One point, to which the attention of the Crown was called in the Address of last Session, was the preponderance in the Councils of the Country, given to one religious body, embracing but a fifth of the population, over those of which the other four-fifths were composed.—The reasonableness of this complaint was fully acknowledged. “It is impossible,” said the Colonial Secretary, in the Despatch of the 30th April, “that distinctions so invidious should not be productive of serious discontent.” The directions given upon this point were clear and explicit. Recommendations were to be “altogether uninfluenced by any consideration of the relation in which the proposed Councillors might stand towards the church of England, or any other Society of Christians”—care was to be taken “to avoid, as far as possible, such a selection as might even appear to have been dictated by motives of this description”—and “even the semblance of undue favour to any particular church was to be avoided.”—These commands, founded in justice and sound policy, were reiterated at the close of the Despatch of the 31st Oct. in which your Majesty directed that the new Councils should be composed, “not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration.” Such being the gracious intentions of your Majesty—intentions which, if once fairly carried out, would forever remove from the Province those jealousies that the apparent preference given by the local Government to one class of Christians over all others, is but too well calculated to inspire—your loyal subjects observe with surprise and regret, that in the new Executive Council, as lately remodelled, five of the nine Gentlemen of which it is composed are members of the Church of England—and that eight out of the fifteen who form the Legislative Council, are also members of that Church, his Lordship the Bishop being one.

Though fully appreciating the delicate and difficult nature of the task, which, in the arrangement of these two bodies, devolved on your Majesty’s Representative in this Province and which was heightened by the obligation to consult the feelings and admit the claims of many members of the former Council—this Assembly humbly conceive that this unwise distinction, by which a majority is still given, in both Councils, to one body of christians, embracing but a fifth of our population, is as justly offensive now, as the former arrangement, based upon the same policy, was in 1837.

In some other respects, it appears to this Assembly that the wise directions of your Majesty have been overlooked. The Despatch of the 30th April contemplates a fair representation in the Councils of “all the great interests” of the Province ; and the appointment of persons “connected not merely with the Capital, but with the other principal Towns, and with the rural Districts.” The composition of the Legislative Council shows that more than one half the members still reside in the Town of Halifax—that while the legal profession sends six members out of fifteen—the Agricultural interest, that which in this, as in most other countries, lies at the foundation of all others, and embraces the greatest amount of population, property and general intelligence, sends but two. Had such a disproportion been forced on the local Government, by any regard to the peculiar claims of former Councillors, or any palpable necessity growing out of the circumstances of the country, the Representatives of the People might have seen less reason to complain—but they would be wanting in their duty to your Majesty, if they did not frankly declare, that in this,

this, as in other respects, the gracious intentions of the Crown do not appear to have been fulfilled. The desire of your Majesty "to entrust the duties attached to members of the respective Councils, to Gentlemen entitled to the confidence of the great body of the Inhabitants," would seem to have given place to influences in the Colony, political or religious, against which the Representatives of the people have often had to contend. But, without dwelling on what appears to this Assembly a marked departure from the spirit, if not the letter of the Despatches submitted to us by your Majesty's command, we owe it to our Sovereign—to the desire for mutual confidence between Her Majesty and Her loyal subjects in this Province,—humbly to declare that while in both Councils, as at present constituted, there are Members who are friendly to a liberal policy, the majority are known to be unfavorable to many of those Reforms which the people of this Country anxiously desire in their Institutions.

In approaching those financial questions, in the final arrangement of which we feel a deep interest, from the important bearing they have on the peaceful developement of our resources, and the preservation of those "moderate and simple habits," which, in a young country, are the best guarantees for public virtue and private happiness,—this Assembly are embarrassed by the difficulty of conveying to their Sovereign an adequate conception of the weight attached, by their constituents, to a wise and satisfactory application of those principles of economy, announced by your Majesty in the Despatch of the 31st of October, from the noble Secretary of State. The natural tendencies of a Colonial Government favor the growth of a pernicious system of official extravagance. In the early history of a Colony its public officers receive their appointments from, and have their emoluments fixed by, patrons in the metropolitan State—often but ill-informed as to the labour required, or the slender resources afforded, by the Province into which they are sent. When a Legislature is conceded, for a series of years it is influenced or controlled by those who ought to be subjected to its authority—but who, surrounding the Executive, and dispensing its patronage—occupying the seats of one Branch, and through their friends and dependents stimulating to extravagance, or neutralizing the efforts of the other, often denounce as disloyal every effort of those who seek to enforce economy and popular control; and weaken the attachment of the people, by making the Sovereign's name, and delegated authority, the sanction for every abuse.—Nova-Scotia has had her share of these evils—she has them now; but her Representatives hail with satisfaction the assurance given by your Majesty that they shall exist no longer—that, while your Majesty graciously admits the right of this Assembly to "control and appropriate the whole public revenue arising in the Province," your Majesty, in the spirit of that Constitution which guards alike the prerogative of the Crown and the property of the humblest of its subjects, also recognizes it as our privilege and duty to fix the amount of remuneration which every public officer, maintained from those Revenues, should receive.

With a view to a permanent settlement of the Civil List, and transfer of the Crown Revenues, a Bill was passed by the House in this Session, granting to the present Lieutenant-Governor, during his continuance in office, the amount which he now receives; and for his successor the sum of £2000 Sterling per annum—to the present Chief-Justice a larger amount than is now borne upon those Revenues; and to the Puisne Judges permanent salaries somewhat higher than those to which they are now by law entitled. These salaries the Representatives of the people believe to be adequate to maintain the dignity and independence of the Judiciary—to attract to the Bench the highest order of legal talent which the Colony affords, and to provide for the stated and firm administration of justice in every County.

Your Majesty will perceive that the provisions of this Bill differ from the scale submitted by the noble Secretary of State for the Colonies; to this extent, that his Lordship contemplates an abandonment by the Chief-Justice of the fees taken by himself and the other Judges, and which the Commons of Nova-Scotia have repeatedly endeavoured to abolish. Having declared them to be unconstitutional and illegal, they cannot recognise any right in the Judges, founded on the mere fact of their reception. In making a small addition therefore, to their salaries, the House was governed by a desire that their remuneration should be adequate to the responsibilities of their stations; in declining further to increase the salary

of

SATURDAY, 14th APRIL, 1838.

of the Chief-Justice, they felt that it was already ample—higher than they were justified in giving to his successor in office—and above what the state of society and the resources of Nova-Scotia would warrant. The Assembly, though they have ventured to differ with your Majesty's Government as to the amount to be paid to some of those officers, readily concur in the wisdom of providing for their support by a permanent enactment. They repudiate the claim, set up elsewhere, that even the highest public functionaries, in a colony, should depend upon annual or semi-annual votes of the popular branch. As British subjects they are anxious that the Representative of their Sovereign should be maintained in a position of dignified independence—and that those who are to administer the laws, and guard the justice of the country, should be unbiased by pecuniary considerations. In reviewing the salaries of the Provincial Secretary, and of the Crown Officers, the Assembly have not considered that the necessity for making these permanent was the same. The practice is not sanctioned by that of the Mother Country—and although the duties to be discharged by those officers are of the highest importance, the Assembly conceive that like others who have been liberally provided for in the annual appropriations, and whose emoluments once fixed are rarely diminished, they may safely be confided to the justice and liberality of the representative branch.

In considering the salary of the Secretary, the House has acted on the deliberate conviction that it is, and has been for many years, far too high. That officer also holds the situation of Registrar of Deeds; and besides the very large amount received in Halifax, shares the Registration Fees with all the Deputies throughout the Province. If left in the full possession of his present emoluments, he will be in the receipt of a sum not far short of that offered for the future salary of the Lieutenant-Governor; and this House humbly conceive that a system which raises a few officers to so near an equality of remuneration with the Queen's Representative, weakens the influence which he should exercise over every department, and in the local society—while, at the same time, it is unjust to other officers of equal rank, and performing duties of kindred responsibility, but whose emoluments have been regulated by the local Legislature. The Assembly believe that, from the operation of causes already stated, the sums withdrawn for the support of this department have been always extravagant; they could show to your Majesty, that in a period of ten years, £10,000 have been lavished upon it, which might have been more wisely appropriated to purposes of internal improvement—and they feel confident that, in fixing the prospective Salary of the Provincial Secretary at the same rate at which it is proposed to pay the Judges of the Supreme Court, they should act with a due regard to the respectability of the office, and to the confidence reposed in them by your Majesty.

In promptly voting permanent Salaries to the Lieutenant-Governor and the Judges, this Assembly feel that they have vindicated themselves from any suspicion of a desire, at any future period, to embarrass the general or local Government by a factious or impolitic stoppage of Supplies. But, as they have ventured to differ from some of the views exhibited by the Colonial Secretary, as to the amount of some Salaries, and the permanence of others, they deem it right to acquaint your Majesty, that, besides the officers named and the amount included in the sum proposed to be granted as a Civil List, the Province pays, under permanent Laws, a Master of the Rolls and four other Judges, at an annual cost of £2,450 Currency; and that out of a gross receipt of £60,000, including the Crown Revenues proposed to be surrendered, and all the taxes collected under Imperial and Provincial Acts, there will be, on the passage of such a law as this Assembly propose, no less a sum than £30,000 permanently appropriated for the support of the Provincial Government; while the sums included in the annual Appropriation Act, for indispensable public services, amounting to nearly £15,000, leave only £15,000 at the disposal of the Assembly, to be applied to the repair of Roads and Bridges, and the internal improvement of the Country. This frank exposition of the state of the Province, its Revenues and Expenditures, we trust will convince your Majesty that in somewhat reducing the scale fixed by Lord Glenelg, the Representatives of the People have acted with a due regard to the interests entrusted to their care; and that, in hesitating to add to the already large amount of permanent Salaries, they have but imitated the

the example of the Imperial Parliament; which, while it provides during the life of the Sovereign a permanent Civil List, by narrowing as much as possible the range of such appropriations, wisely subjects every department to some degree of popular influence and control.

Among the evils which have grown up, from the causes already referred to, as operating to a certain extent in every Colony, there is none which has more heavily burthened the industry of the people of Nova-Scotia, than the mode of collecting the Duties levied under the Imperial and Provincial Statutes. The Duties received by the Colonial Revenue Department here are, like the Duties collected under Acts of Parliament, laid exclusively on imports.—One set of officers, the Assembly conceives, would therefore be sufficient to collect the whole, and they can see no reason why, if your Majesty's Government would sanction the arrangement, nearly the whole expense of maintaining one of these Departments might not be retrenched. The cost of the Colonial Revenue Office in the port of Halifax alone amounts to about £1600—£1200 of which might be saved by adding one Clerk to the Customs and one to the Treasury, with two extra Tide Waiters. The principal officers of the Customs do not feel themselves at liberty to entertain any such proposition, without the assent of the Lords of the Treasury at Home; and we have, therefore, humbly to request, that such directions may be given in this behalf, as may authorise the Assembly to pass an Act for so desirable and useful an object. It is also incumbent upon us to call the attention of your Majesty to the propriety of sanctioning a prospective reduction of the expenses of the Customs Department in this Province. Prior to 1826 the Officers were remunerated by fees, and when a scale of permanent Salaries was adopted, these were regulated by a regard for the vested rights of parties, who claimed extravagant sums, upon the ground that a reduction to a rate consistent with the resources of the Colony would deprive them of too large a portion of what they had been accustomed to receive. The whole expense of this Department has, since 1829, exceeded the enormous sum of £10,000 currency per annum. Its duties would as efficiently be performed, in addition to the collection of the Colonial Revenues, for about £6,000; and it is a source of deep regret to this Assembly and their constituents, that in these Branches of the public service, besides the £25,000 which was freely conceded by the Act of 1829, a sum not less than £40,000 has been wasted within the last ten years, which a system of judicious economy might easily have saved. Without attempting to interfere therefore, with the emoluments of the present officers, or seeking to diminish their incomes, this House strongly recommend that the scale of Salaries for future incumbents should be revised; with a view to such a reduction as, while it will amply maintain the Establishment, and secure obedience to Acts of Parliament and the enforcement of the provisions of Provincial Statutes, will not consume so large a portion of the Public Revenue, nor excite dissatisfaction and complaint among the people, from whose industry the taxes, both Imperial and Provincial, are raised.

There is another topic which the Assembly are desirous of urging on the attention of your Majesty, as affecting the Commercial interests and prosperity of this Province in the highest degree. The gradual extension of the principle of Free Trade to the Colonies, since the Imperial Act of 1826, has been productive of the happiest effects, and the experience of its operation in the Ports that have been permitted to enjoy an unrestricted intercourse with Foreign Countries, conformably to the law as it now stands, has impressed the Assembly with a conviction, that if all other ports, where there is a Custom-House Officer, were declared free, the Mercantile and Shipping interests of this Province would be largely benefitted, the illicit trade that now prevails to an alarming extent would be checked, and our exports increased in value. The House see no reason to fear an equal open competition between the industry of their constituents and that of any other nation. They are satisfied that obedience to the Acts of the Imperial Parliament may be sufficiently enforced by the present Officers of the Customs, or by others whom the Funds already assigned for that service will amply remunerate, and earnestly hope that your Majesty's government will yield to the repeated representations of the Assembly of Nova-Scotia, and permit every port where a Custom House Officer is stationed, to enjoy the privileges of a Free Port.

In concluding this Address, the Assembly are bound to acknowledge the aid which they at all times receive from His Excellency the Lieutenant-Governor, in the prosecution of measures intended for the general good. Most of the evils of which they complain have arisen from causes that existed before His Excellency came to the Colony, and it would be expecting too much to require that they should be removed in a single year, under the most impartial administration.

Address passed

On motion of Mr. Howe, *resolved*, that the Address as amended, and now read, do pass.

Address to His Excellency on subject of foregoing Address to Queen

On motion of Mr. Howe, *resolved*, that the following Address to His Excellency the Lieutenant-Governor on the subject of the foregoing Address to Her Majesty the Queen, do pass this House.

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

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

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

*May it please your Excellency,*

The House of Assembly have passed an Address, thanking Her Majesty for the gracious reception given to the Address of last Session, and bringing under the notice of Her Majesty the state of this Colony, with a view to a further redress of grievances, and they humbly request that your Excellency will transmit it to Her Majesty with your Excellency's favorable consideration of the prayer thereof.

Motion that whole House present Addresses

Mr. Howe then moved that the foregoing Addresses to Her Majesty and to His Excellency the Lieutenant-Governor, be presented to His Excellency by the whole House: which, being seconded,

Amendment that Com. present Addresses negatived

Mr. Holmes moved as an amendment to the question, to leave out all the words thereof, after the word "by," and to insert, instead of the words so left out, the following: "the Committee who prepared the Address to Her Majesty:" which, being seconded and put, and the House dividing thereon: there appeared for the amendment, ten; against it, twenty-two.

For the amendment,

Mr Forrester  
Mr Heckman  
Mr Thorne  
Mr Holmes  
Mr Creighton  
Mr Miller  
Mr J Sargent  
Mr W Sargent  
The Hon Mr Uniacke  
Mr Fairbanks

Against the amendment,

Mr Forrester  
Mr Waterman  
Mr Holland  
Mr Chipman  
Mr Holdsworth  
Mr Annand  
Mr McKim  
Mr Dickson  
Mr D'Entremont  
Mr Robicheau  
Mr Doyle  
Mr Howe  
Mr Benjamin  
Mr Kavanagh  
Mr McDougall  
Mr McHaffy  
Mr Bell  
Mr Huntington  
Mr Lewis  
Mr Goudge  
Mr Morton  
Mr Young

So it passed in the negative.

The main question being then put,

*Ordered*, That the Addresses be presented to His Excellency by the whole House.

*Ordered*, That the Committee who prepared the Address to Her Majesty be a Committee to wait upon His Excellency the Lieutenant-Governor, to know his pleasure when he will receive the House with the Addresses.

Order for whole House to present Addresses

Com. to ascertain when Gov. will receive Addresses

On motion of Mr. Holmes, *resolved*, that this House will, on Monday next, proceed to the consideration of the Petition of the Constitutional Association of the City of Montreal:

Petition of Constitutional Society of Montreal made Order of Day  
Engrossed Bill to shut up road in County Sydney read 3d time & passed

An engrossed Bill to shut up an Old Road in the County of Sydney, was read a third time.

*Resolved*,

SATURDAY and MONDAY, 14th and 16th, APRIL, 1838.

Resolved, That the Bill do pass, and that the title be, An Act to shut up an Old road in the County of Sydney.

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

Mr. Morton, in the absence of Mr. Smith, reported from the Select Committee appointed on the 11th inst. to wait upon His Excellency, the Lieutenant-Governor, and request a Survey to be made of the road from Keys' Inn to Brookfield, on the main Eastern road, &c. that the Committee had complied with the order of the House, and that His Excellency, in answer to the application, was pleased to say that he would attend to the matter referred to, and would direct the Survey to be made, if necessary, but that he thought the proposed Survey had already been made.

Report from Com. to wait on Gov. relative to Survey on Eastern Road

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

Message from Council

The Council have agreed to the Bill, entitled, An Act for taking the Census of this Province ; the Bill, entitled, An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof, and further to amend the same ; the Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax ; the Bill, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province ; and the Bill to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine with other utensils and materials necessary for extinguishing Fires, severally, without any amendment.

Agree to Census Bill To Circuit Courts Bill

To Sup. Courts Terms Bill

To Inf. Courts Bill

To Lunenburg Fire Engine Bill Severally without amendment

The Council have agreed to the Bill, entitled, An Act to facilitate the issuing Writs of Certiorari, in certain cases, with amendments, to which they desire the concurrence of this Honorable House.

Agree to Certiorari Bill with amendments

And then the Messenger withdrew.

The amendments proposed by the Council to the Bill, entitled, An Act to facilitate the issuing Writs of Certiorari, in certain cases, were read a first time, and ordered to be read a second time.

Amendments to Certiorari Bill read &c.

The Clerk, pursuant to order, presented an engrossed Bill for appropriating such part of the Supplies granted in this and the last Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province, and the same was read a first time.

Appropriation Bill presented

Ordered, That the Bill be now read a second time.

Read 1st & 2d time Passed

And the same was accordingly read a second time.

Resolved, That the Bill do pass, and that the title be, An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and for other purposes therein specified.

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

Sent to Council

On motion of Mr. Young, resolved, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor with a copy of the Report on the Revenues of the Post Office and the Documents thereto annexed, on which the Bill that has passed this House and been assented to by the Legislative Council, was founded, and respectfully request that His Excellency will be pleased to communicate such Report and Documents to the Right Honorable the Colonial Secretary, and recommend the same to the favorable consideration of His Lordship.

Com. to wait on Gov. with Post Office Report

Ordered, That Mr. Young, Mr. Dickson and Mr. McDougall, be a Committee for the above purpose.

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

Monday, 16th April, 1838.

PRAYERS.

Mr. Young reported from the Select Committee on the Petition for changing the place

Report from Sel. Com. on Ferry at Gut of Canso

MONDAY, 16th APRIL, 1838.

for the Ferry across the Gut of Canso ; and he read the report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

(See Appendix, No. 89.)

*Ordered,* That the Report do lie on the Table.

Report of Address on  
State Oaths

Mr. Young reported from the Select Committee appointed to prepare an Address to Her Majesty on the subject of the State Oaths, that the Committee had prepared an Address accordingly ; and he read the same in his place, and afterwards delivered it in at the Clerk's Table, where it was again read, and is as followeth :

Address

### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES FOR THE PROVINCE OF NOVA-SCOTIA IN GENERAL ASSEMBLY CONVENED.

*May it please Your Majesty ;*

The Legislative Council and House of Assembly, during the late Session, passed a Bill for establishing a form of Oath hereafter to be taken by your Majesty's Loyal Subjects in this Province, instead of the Oaths of Abjuration and Supremacy. The abolition of these Oaths was a favorite measure with the last House of Assembly, by whom Bills for that purpose were passed in two successive Sessions, which were rejected by the Upper House ; and the Bill lately concurred in by both Houses has also failed, though it had the usual suspending clause, from His Excellency the Lieutenant-Governor finding himself obliged, by the tenor of his Instructions, to refuse his assent to it.—Your Majesty's faithful Commons therefore approach the Throne with an unanimous expression of their desire that your Majesty will be pleased to authorise your Representative's assent to a similar Bill, if adopted at the next Session of the General Assembly. The invidious distinction between the Oaths now required from your Majesty's Protestant and Roman Catholic Subjects in this Province under the Acts of the Imperial Parliament and of our own Legislature, tends only to perpetuate religious differences, and, if persisted in, might call into activity hostile and angry feelings, now happily forgotten, and whose revival would be deplored as an evil of the greatest magnitude to the people of this Colony. All classes and denominations, Protestant as well as Catholic, recognise, without question or dispute, and with equal readiness and warmth of attachment, the supremacy of the British Crown, and of your Majesty's hereditary and undoubted right to their allegiance and cordial support ; and as the Oaths now imposed by Law as the condition of taking office and exercising professions are offensive, and in the view of this Assembly wholly superfluous and nugatory as a security to the Government, we earnestly and humbly express our hope that your Majesty will sanction their abolition, and the substitution in their room of the Oath of Allegiance only, or otherwise of the Oath that was embodied in the Bill which the Legislative Council and House of Assembly concurred in during the recent Session.

Address adopted

*Resolved,* That the Address be adopted by this House.

Com. to wait on Gov.  
with Address

On Motion of Mr. Young, *resolved,* that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, with the Address to Her Majesty on the subject of the State Oaths, and respectfully request that His Excellency will be pleased to transmit the same as also a copy of the Bill referred to therein, to the foot of the Throne, with his favorable recommendation.

*Ordered,* That Mr. Young, Mr. Dickson and Mr. McDougall, be a Committee for the above purpose.

Motion for Vote of  
Credit for Bridewell

Mr. Bell moved that the House do come to a Resolution as followeth :

*Whereas,* The annual vote of £200 for the support of the Bridewell, has been omitted in the Appropriation Bill, and there are therefore no funds provided for the sustenance of the Criminals therein confined. *Therefore resolved,* That His Excellency the Lieutenant-Governor be respectfully requested to advance to the Commissioners of Bridewell, appointed by

MONDAY, 16th APRIL, 1838.

by His Excellency the Lieutenant-Governor according to Law, the said amount of £200, and that this House will provide for the same at its ensuing Session: which, being seconded,

Mr. Huntington moved an amendment to the proposed Resolution by leaving out the word "said" and "£200" in the latter part thereof, and inserting instead of "£200" the sum of "£100," as the grant thereby proposed: which, being seconded and put, and the House dividing thereon, there appeared for the amendment, thirteen; against it, fourteen.

Amendment negativ-  
ed

So it passed in the negative.

The main question upon the proposed Resolution being then put, and the House dividing thereon, there appeared for it, nine; against it, nineteen.

Original Resolution  
negativd

So it passed in the negative.

On motion of the Hon. Mr. Uniacke, *resolved*, That His Excellency the Lieutenant-Governor be authorized and requested to advance the sum of Twenty Pounds, to pay the expenses of preparing a plan and estimate relative to Bridewell, and that this House will make provision for the same next Session.

Vote of Credit passed  
to pay for estimate  
&c. for Bridewell

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

A Message from the Council, by Mr. Halliburton:

Mr. Speaker,

Message from Council

The Council have agreed to the Resolution of this Honorable House in relation to the advance of £20 to pay for an Estimate and Plan of a Bridewell.

Agreeing to vote of  
credit for Estimate  
&c. for Bridewell

And then the Messenger withdrew.

Mr. Howe reported from the Committee appointed to wait on His Excellency the Lieutenant-Governor, to know his pleasure when he would receive the House with the Addresses relative to the Council, &c. that the Committee had performed that duty, and that His Excellency was pleased to appoint this day at three o'clock, at Government-House, for that purpose.

Report of time when  
Gov. will receive  
House with Addresses

On motion of Mr. Howe, *resolved*, that a Committee be appointed to wait on His Excellency the Lieutenant-Governor, and request His Excellency to cause a Survey to be made from Chezetcook to Eecum Seecum; to connect the heads of the several Harbors lying between those two places, and that this House will, at its next Session, make provision for the expense of such Survey out of two sums granted in the Session of 1837, unexpended, viz: £15 for Bridge at Neeum Teuch and £15 for repair of Road between Ship Harbor and Clam Harbour.

Vote of credit for  
Survey of road from  
Chezetcook

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

Com. to wait on Gov.  
therewith

The Order of the Day being read for considering the Petition of the Constitutional Association of the City of Montreal.

Order of Day Pet. of  
Montreal Association

The Hon. Mr. Uniacke moved that the House do now proceed to consider the same: which, being seconded,

Motion to proceed  
thereon

Mr. Goudge moved an amendment of the question, by leaving out all the words thereof after the word "that," and inserting instead thereof the words "the order of the day be discharged": which, being seconded and put, passed in the negative.

Amendment to dis-  
charge Order nega-  
tived

The main question being then put,

*Ordered*, That this House do now proceed to consider the Petition of the Constitutional Association of the City of Montreal.

Main question for  
Order of Day carried

The said Petition being then read,

Petition read

The Hon. Mr. Uniacke moved that the House do come to the following Resolutions:

*Resolved*, That this House responds to the appeal of the Constitutional Association of Montreal, and sympathises with the Inhabitants of the populous and fertile Province of Lower Canada, now distracted by the artful intrigues of a Rebellious and Revolutionary Faction, whose design is to prostrate the rights of British Subjects, and cast off that allegiance so justly due to Great-Britain.

Resolutions moved  
thereon

MONDAY, 16th APRIL, 1838.

*Resolved*, That this House views with abhorrence the daring attempts of Rebels to dismember the British Empire, and feels that if their design shall prove successful, the rights and liberties of their fellow-subjects of British and Irish origin will be violated, the chain of connexion hitherto so firmly uniting the North American Colonies be severed, and the union with the Mother Country become endangered, a calamity which every good and virtuous Colonist contemplates with indignation.

*Resolved*, That the Canadians were subject to no grievance which could not have been constitutionally redressed, and, by revolting against the Government and denying its supremacy, they evinced base ingratitude to a people who, as conquerors, secured to them free exercise of their Religion, full enjoyment of their Laws, undisturbed use of their language, and equal, political and civil rights.

*Resolved*, That this House, so remote from the Canadas, can offer no opinion on the reunion of those Provinces, but it duly estimates their value as portions of the British North American Possessions, and strongly recommends that prompt and efficient measures be adopted to suppress Rebellion, to repel the dastardly invasion by Citizens of the United States, and by reforming the Constitution of that important Province, and assimilating the language, laws and usages, with the adjoining Colonies, restore peace and tranquillity to that distracted community.

*Resolved*, That this House esteems the firmness and loyalty, conspicuous in those Canadians who have adhered to the Constitution of their Country, and is proud of the bravery and courage so nobly manifested by them in the present unnatural rebellion.

The said Resolutions being read by the Clerk, the first Resolution was seconded and again read, and being proposed, a debate arose thereon; and thereupon,

The time having arrived for attending His Excellency the Lieutenant-Governor with the Addresses to Her Majesty and to His Excellency, on the subject of the Councils, &c.

*Ordered*, That the debate be adjourned until a future hour in this day.

The House, pursuant to order, attended His Excellency the Lieutenant-Governor with the Addresses to Her Majesty and to His Excellency, relative to the Councils, &c.

And being returned,

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

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

I shall transmit this Address to the Right Honorable the Secretary of State for the Colonies, to be laid at the Foot of the Throne, with such observations as may appear to me necessary to elucidate some of the statements therein contained.

Mr. Young reported from the Committee appointed to wait upon His Excellency the Lieutenant-Governor with the Address of this House to Her Majesty the Queen, on the subject of the State Oaths, that the Committee had performed the duty assigned to them, and that His Excellency in answer to the request of the House was pleased to say that he would transmit the Address to be laid at the Foot of the Throne, and give it his favorable recommendation.

Mr. Young also reported from the Select Committee appointed to wait on His Excellency the Lieutenant-Governor with the Report and Documents relative to the Post-Office Department, that the Committee had performed that duty, and that His Excellency was pleased in reply to say to the Committee that he would attend to the request of the House, and give it his favorable consideration.

A Message from the Council, by Mr. Halliburton :

Mr. Speaker,

The Council have agreed to the Bill, entitled, An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes therein specified.

And then the Messenger withdrew.

On

First Resolution proposed & debate thereon

Debate adjourned to attend Gov. with Addresses

House attend Gov. with Addresses

Report of answer of Gov.

Report from Com. attending Gov. with Addresses on Oaths

Report from Com. to attend on Gov. on Post Office revenues report

Message from Council

Agreeing to Appropriation Bill

MONDAY and TUESDAY, 16th and 17th APRIL, 1838.

On motion, the House, pursuant to the order of this day, resumed the adjourned debate upon the first Resolution proposed upon the consideration of the Petition of the Constitutional Association of the City of Montreal, and the question being again proposed from the Chair that the said Resolution do pass,

Adjourned debate resumed on Montreal Petition and Resolution

Mr. Young moved, as an amendment to the question, to leave out all the words of said Resolution except the word "Resolved," and to insert in place of the words so left out the following:—

Amendment proposed to Resolution

"That this House has marked with the liveliest interest and sympathy the progress of the late unhappy commotions in Upper and Lower Canada, and the sufferings to which their fellow subjects have been exposed, and anxiously and sincerely hope that the measures now to be adopted will effectually put down all opposition to the supremacy and power of the British Government, and will strengthen and perpetuate the connexion of these noble Provinces with the Parent State.

That this House is at too great a distance from the scene of action to estimate the full extent of the local abuses which were complained of in the Canadas, but this House is convinced that all of them would have been redressed by the justice and liberality of the Mother Country, and that acts of Rebellion were wholly unjustifiable, were in the last degree precipitate and unwise, and deeply to be deplored by every friend to the advancement and prosperity of the Canadas.

That this House, while it has watched with great anxiety the acts of the Imperial Parliament suspending the Constitution of Lower Canada, is gratified by the temperate and conciliatory policy which has dictated the recent measures, and inclines to the opinion that a re-union of the two Provinces is the best method of attaining a Local Legislature, formed on constitutional principles, attached to British Institutions, animated by British feeling, and capable of fully appreciating the blessings to be derived from an unchanged and intimate connexion with the British Empire, and an assimilation of the laws, language and manners, of the people to those of the Parent State.

That this House views with abhorrence and indignation the attempts of unprincipled adventurers on the borders of the United States against the remonstrances and efforts of their own Government, to invade the Canadas and stir up anew the Rebellion that has been crushed; and this House admires the manly and courageous spirit with which such attempts have been resisted by the sound and truly loyal portion of the Canadian population, while it reprobates the traitorous and designing few, who have instigated these foreign outlaws to hang upon the skirts of a British Colony, and arm themselves against the opinions and wishes of a vast majority, whom this House is proud to recognise as the enlightened and steady friends of monarchical institutions, tranquility and order."

Amendment debated

Which amendment being seconded, and proposed from the Chair, and a debate arising thereon,

*Ordered,* That the debate be adjourned until to-morrow.

Debate adjourned

*Ordered,* That Mr. Lewis and Mr. Dickey, have leave of absence to return home, respectively, on urgent private business.

Leave of absence to Mr. Lewis and Mr. Dickey

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

Tuesday, 17th April, 1838.

PRAYERS.

On motion of the Hon. Mr. Uniacke, *resolved*, that the Commissioners of Public Buildings, during the recess, do make such repairs as are requisite, agreeable to the Report of the Committee, and this House will provide for the payment at the next Session of the General Assembly.

Resolution as to Public Buildings

It appearing to the House that in printing the Journal of the 21st March last, the entry of the administering of the State Oaths to Mr. Creighton, and his taking his seat have been omitted, although the same appears upon the original Journal of this House.

Entry of Mr. Creighton's taking Oaths & his seat

*Ordered,*

TUESDAY, 17th APRIL, 1838.

*Ordered*, That the same be now entered, to be printed, and to stand as an entry of that day; and accordingly the same is now entered, as on the original Journal, as followeth:

John Creighton, Esquire, returned duly elected a Member for the County of Lunenburg, in the place of the Hon. William Rudolf, appointed a Member of the Legislative Council, took his seat, having previously taken the usual State Oaths in the presence of the Honorable James W. Johnston, one of the Commissioners appointed for administering the same.

Report from Com. to wait on Gov. to request Survey of Road from Chezetcook to Eecum Seecum

Mr. Howe reported from the Select Committee appointed to wait on His Excellency the Lieutenant-Governor, and request a survey of road from Chezetcook to Eecum Seecum, that the Committee had performed the duty assigned to them, and that His Excellency, in answer to the application, was pleased to say that he would attend to the request of the House.

Order of Day debate upon Pet. of Constitutional Association of Montreal

The Order of the Day being read, for resuming the adjourned debate, upon the Resolution and amendment proposed thereto, upon the consideration of the Petition of the Constitutional Association of the City of Montreal,

Motion to resume debate

The Hon. Mr. Uniacke moved that the debate be now resumed: which, being seconded and put, and the House dividing thereon, there appeared for the motion, fourteen; against it fourteen:

Division thereon

For the motion,

<i>Mr Fairbanks</i>	<i>Mr Holmes</i>
<i>Mr Whitman</i>	<i>Mr Miller</i>
<i>The Hon Mr Uniacke</i>	<i>Mr Dickey</i>
<i>Mr J. Sargent</i>	<i>Mr Heckman</i>
<i>Mr McHeffy</i>	<i>Mr Thorne</i>
<i>Mr Young</i>	<i>Mr Forrestall</i>
<i>Mr Kavanagh</i>	<i>Mr Dickson</i>

Against the motion.

<i>Mr Waterman</i>	<i>Mr Forrester</i>
<i>Mr Creighton</i>	<i>Mr Benjamin</i>
<i>Mr Robicheau</i>	<i>Mr McKim</i>
<i>Mr Howe</i>	<i>Mr Anmond</i>
<i>Mr D'Entremont</i>	<i>Mr Chipman</i>
<i>Mr McDougall</i>	<i>Mr Huntington</i>
<i>Mr Bell</i>	<i>Mr Goudge</i>

Negated by Speaker's casting vote

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

Message from Lt. Gov. commanding attendance of House

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

Mr. Speaker,

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

House attend His Excellency who gives his assent to Bills

Accordingly, Mr. Speaker, with the House, attended His Excellency in the Council Chamber, where His Excellency was pleased to give his assent to the several Bills following, viz:

Cumberland Navigation

A Bill, entitled, An Act to authorize the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia.

Pictou Sliding

A Bill, entitled, An Act to extend to the Town of Pictou, the provisions of an Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the Hills in the Streets of Halifax.

Merigomische Meeting House

A Bill, entitled, An Act to enable the Proprietors of a certain Meeting-House in Merigomische, in the County of Pictou, to sell the same.

Roads and Bridges

A Bill, entitled, An Act in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.

Standard weight of Grain

A Bill, entitled, An Act to establish the Standard Weight of Grain, and to repeal the enactments now in force.

Engine-men Halifax

A Bill, entitled, An Act to increase the number of Engine-men in the Town of Halifax.

Poor Settlers

A Bill, entitled, An Act to extend, for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province.

Pictou Academy

A Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy.

Representation of Inverness

A Bill, entitled, An Act for altering the Representation in General Assembly, as respects the County of Inverness.

Sable Island

A Bill, entitled, An Act for the better regulation of Sable Island in this Province.

Culling of Dry Fish

A Bill, entitled, An Act respecting the Culling of Dry Fish.

Internal Postage

A Bill, entitled, An Act for regulating the Internal Postage of this Province.

A

TUESDAY, 17th APRIL, 1838.

A Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape Breton.	Marriages Cape Breton
A Bill, entitled, An Act to revive and continue the Acts respecting the Militia of the Province.	Militia of the Province
A Bill, entitled, An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials, necessary for extinguishing Fires.	Fire Engine Lunenburg
A Bill, entitled, An Act for establishing the Boundary Line between the Counties of Cumberland and Colchester.	Colchester Boundary Line
A Bill, entitled, An Act for taking the Census of this Province.	Census
A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef.	Weighing of Beef
A Bill, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend the same.	Schools
A Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto.	Pilotage Halifax
A Bill, entitled, An Act to continue the Act, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also, the Acts in amendment thereof.	Billeting
A Bill, entitled, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.	County Rates
A Bill, entitled, An Act to continue an Act relating to the Court of Commissioners at Halifax.	Commissioners Halifax
A Bill, entitled, An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Re-grating and Monopolizing.	Forestalling Monopolizing
A Bill, entitled, An Act to continue the Act for the preservation of the Property of the inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.	Halifax Night Watch
A Bill, entitled, An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.	Firewards Halifax
A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.	Rates and Prices of Carriages
A Bill, entitled, An Act to continue the Act 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, and further to amend the same.	Trial of Issues in the Sup. Court
A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.	Courts of Common Pleas
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.	Driving of Carriages
A Bill, entitled, An Act to continue the Act to suspend the operation of the Act to prevent Forestalling, Re-grating and Monopolizing, of Cord Wood in the Town of Halifax.	Monopolizing Cord Wood
A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.	Terms of Supreme Court Halifax
A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax.	Bridewell and Police Halifax
A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.	Constable Commrs. Court Halifax
After which Mr. Speaker spake as followeth:	
<i>May it please Your Excellency,</i>	
I beg leave to present to your Excellency, on behalf of Her Majesty's faithful and loyal subjects the people of Nova-Scotia, a Bill for appropriating the Supplies granted in this and the last Session for the support of Her Majesty's Government for the present year, and to request your Excellency's assent to the same.	Speaker presents Appropriation Bill
His Excellency was pleased, in Her Majesty's name, to give his assent to the Bill following, viz:—	Gov. assents to Appropriation Bill.

TUESDAY, 17th APRIL, 1838.

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 Thirty-eight, and for other purposes therein specified.

His Excellency was then pleased to make the following SPEECH :

*Mr. President, and Honorable Gentlemen of Her Majesty's Council:*

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

As the public business is brought to a close I have great pleasure in releasing you from your Legislative labours.

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

I thank you, in Her Majesty's Name, for the Supplies you have granted for the Public Service for the present year.

You have done as much as could be expected by your liberal grant of £10,000 for the Service and Equipment of the Militia, and it will be my ambition, as it is my duty, on any emergency that may arise, to give the fullest effect to the means of defence which you have provided. It is hoped, however, as the outbreak in the Canadas has been suppressed, and as the Government of the United States have adopted active measures for maintaining neutrality on their frontier, that the amicable relations which so happily exist between the Governments, will not be interrupted.

It would have afforded me much gratification if the important business, which it became my duty to bring under your consideration, in obedience to Her Majesty's commands, (in consequence of your Address to the Throne last Session) had been satisfactorily arranged, and I cannot but express my regret that a subject of such deep interest to the prosperity and tranquility of the Province remains unadjusted.

I cannot permit to pass unnoticed the Resolution which you lately handed to me, expressing your regret that, in the formation of the Legislative Council, Her Majesty's gracious Instructions had not been carried out; especially as you took occasion to present that Resolution at the moment when you had reason to believe that it had become necessary for me to make some alteration in that Body, in consequence of Instructions then just received. It was my duty, as well as my inclination, to give the fullest effect to those Instructions, and I can confidently affirm that no means or exertions on my part were wanting; but you, Gentlemen, must first make provision for the payment of the Legislative Council, (in a similar manner as you pay yourselves) before individuals can be induced, or can afford, to come from the country, and give up their time and labour without remuneration.

It is unavailing to attempt to give satisfaction to all—some individuals no doubt are dissatisfied that they are not named to the Council, but as I am responsible to Her Majesty for the selection which I have made, I shall firmly resist any attempt to encroach upon Her Majesty's Prerogative, or to influence me in the fulfilment of my duty.

*Mr. President, and Honorable Gentlemen of the Legislative Council :*

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

I have deemed it proper to withhold my assent to the Bill passed by you, for the appointment of Trustees for School Lands in this Province, because some of these allotments have been for many years past, and still are, in the charge of Trustees, nominated by my predecessors or myself, in pursuance of an Act of the Legislature, passed in the year 1766.

I shall not fail, however, to transmit to Her Majesty's Principal Secretary of State for the Colonies, a copy of this Bill, and request instructions for my guidance, in the event of the consideration of this subject being resumed in the next Session of the General Assembly. I trust that I need not assure you, that I shall do so in such a manner, that it may induce the favourable consideration of Her Majesty's Government to the weight which is due to any subject emanating from both branches of the Legislature.

I have witnessed with much satisfaction, the uninterrupted zeal and harmony which appears to have animated the two Branches of the Legislature during the present Session, and

TUESDAY, 17th APRIL, 1838.

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I confidently rely that you will, on your return to your homes, cultivate in your respective circles those sound principles of loyalty and affection to our most Gracious Sovereign, and attachment to the Parent Kingdom, which alone can promote and secure the real interests of this rising and happy Colony.

Afterwards the President of the Legislative Council, by His Excellency's command, said

GENTLEMEN,

It is His Excellency's will and pleasure that this General Assembly be prorogued to Prorogation of House Thursday, the 19th day of July next, then to be here held.

And this General Assembly is accordingly prorogued to Thursday, the 19th day of July next.

JOHN WHIDDEN, }  
Clerk of the House of Assembly. }

**A P P E N D I X**

TO THE

**J O U R N A L**

OF

**THE HOUSE OF ASSEMBLY,**

OF

**THE PROVINCE OF NOVA-SCOTIA.**



FOR THE TWO SESSIONS,

Commencing the 25th JANUARY, 1838, and ending the 2d APRIL, 1838,  
and commencing the 5th APRIL, 1838, and ending the  
17th APRIL, 1838.



**H A L I F A X:**

PRINTED AT THE ROYAL GAZETTE OFFICE.

# A P P E N D I X

No. 1.

(See Page 237.)

The Committee of Privileges to whom the Letter of the Hon. Alexander Stewart, late sitting Member for the County of Cumberland, and the Petition of Andrew M'Kim, Esq. one of the Candidates for said County, at the Election in 1837, were referred, beg leave to report,

That the Committee who were drawn in the last Session, conformably to the Act of Assembly, on the Petition of the said Andrew M'Kim, against the return of the said Alexander Stewart, were occupied for many days in hearing Evidence and Counsel thereon, but were unable to make any report before the House was prorogued, in consequence of the sitting of several other Election Committees, and the pressure of public business. That all the Members of said Committee, including the nominees of both parties, are still in the House; but its functions, by the usage of Parliament, having ceased, and Mr. Stewart being no longer a Member of the House, a new Committee cannot be organised under the Law as it now stands. The Committee have not been able to find in the reported decisions of Committees in England, that any similar case had there occurred; the cases noted in the margin

[*Leaford Case, 3, Lud. 138. Dumbarton.—Ib. Waterford, 1, Peck. 239, and others.*]

where the sitting Members had withdrawn or resigned their Seats; and the petitioning Candidates, in some instances with, in other without further inquiry were seated, being founded on a different state of facts, and affording only an imperfect analogy. In the absence of decided cases the Committee conceive that the House is remitted to its original inherent jurisdiction, which will provide a remedy for every wrong, and protect the just claims of the Petitioner, and of the Freeholders who supported as well as of those who opposed him. It may be that he is entitled, as he alleges in his Petition, to the Seat, and it would be a strange defect in the power and usages of this House, if no suitable method could be devised for terminating the inquiry. In the case of Mr. Wilkins and Mr. Dill, in 1833, where the votes being exactly equal, there was no sitting Member, on that account a Committee could not be drawn conformably to our Statute, the House of their own authority directed two Committees to be formed, one to determine the validity, the other to try the merits of the Election, on whose report Mr. Wilkins obtained the seat. In the present case the Committee find that the 11th and 12th Sections of the Act of the Imperial Parliament,\* 9, Geo. IV. Cap. 22, point out the course of proceeding, where a member of the House of Commons, whose Election or return has been complained of in any Petition, shall be summoned as a Peer of Great-Britain before such Petition is determined on, and the 56th Section of the same Statute provides that a Select Committee, on any Petition complaining of an undue election or return, shall not be dissolved by prorogation of the House.

The Committee, in all these novel circumstances, refer it to the wisdom of the House to adopt such a course as may appear to them most expedient, with a view to the rights and interests of both parties.

\* See also the 2d, 8d and 33d Sec. of the English Act, 25, Geo. 3, Cap. 52.

Committee Room, Halifax, 27th January, 1838.

W. YOUNG, Chairman; THOS. A. S. DEWOLF, ALEX. M'DOUGALL, E. M. DODD.

No. 2.

(See Page 242.)

No. 1 on List.

(Copy.)  
No. 77.

Downing Street, 30th April, 1837.

SIR,

I have received your Despatch of the 9th of March, in which you transmitted to me a Report of the proceedings of the Legislature of Nova-Scotia since their meeting on the 21st of last January.

It is a ground of sincere satisfaction to me that the House of Assembly rescinded the Resolutions which they adopted on the state of the Province, and I am happy to perceive, on reference to the Journals of the House, that the Resolutions are rescinded on the motion of the same Gentleman who had originally proposed them for the adoption of the House.

## APPEMDIX No. 2.

Hitherto mutual confidence has reigned, almost without interruption, between His Majesty's Government and the Representatives of the People of Nova-Scotia, and I should deeply have regretted to be required to participate in a discussion conducted on either side in a different spirit. I hasten, therefore, to obviate, if possible, any such controversy, and to place you in possession of instructions for your guidance on the questions embraced in those Resolutions. It is the more incumbent on me to adopt this course because you prepare me, not indeed for the immediate revival of all the topics, the discussion of which had been suspended, but for an intimation of the desire of the Assembly for some alteration in the form of their existing constitution.

I am happy to assure you that His Majesty, in acceding to the wishes, or what he conceives to be the wishes, of the Assembly, makes no reluctant concession, but meets them with a cheerful assent, convinced that the greater part of the measures which they have suggested will be conducive alike to the Honour of His Crown, and the welfare of His faithful subjects inhabiting that part of His dominions.

1st.—His Majesty abstains from expressing any opinion on the questions debated between the two Houses of Provincial Legislature with regard to the disuse of Divine Worship in the one and the exclusion of the Public from the Debates of the other.—The King is persuaded that the very grave importance of these measures will be duly appreciated by either House, and that the interference of the Executive Government on such subjects would not only be misplaced but injurious, as it could not fail to be regarded, and justly, as an encroachment on the peculiar privileges of the Legislature.

2ndly.—You give me reason to infer that the Assembly desire such a change in the constitution of the Legislative Council as would bring it into correspondence with the system at present in force in the Canadas and in New-Brunswick. It is of course understood in the Province that in all the British Colonies possessing Representative Assemblies, except the Canadas and New Brunswick, the Council is a single Chamber called at different times to the discharge of Legislative functions, and to the duty of assisting in the administration of the Executive Government.

The separating this Body into two distinct Chambers, the one Legislative, and the other Executive, is an experiment which was first tried in the Canadas by the Act of 1791, and repeated in New-Brunswick in the year 1832. So far as I have been able to judge, the result of this innovation has not been such as to exclude very serious doubts respecting its real usefulness.

It may well be questioned whether the maintenance of the existing Constitution of the Council of Nova-Scotia would not be the best mode of subjecting that Body to a direct and effective responsibility, and of securing to each of the two Houses of Legislature its just weight and legitimate influence in the deliberations and measures of the other.

His Majesty, however, is graciously prepared to act on this question in conformity with such advice as shall be deliberately tendered to Him by the Representatives of the People of Nova-Scotia, because the King will not refuse to His People in that Province every participation in the Institutions of the other Provinces of British North America which their Representatives may regard as conducive to the general good, and because His Majesty is convinced that their advice will be dictated by more exact and abundant knowledge of the wants and wishes of their constituents than any other persons possess or could venture to claim.

I willingly abstain from entering on the discussion of the alternative of an Elective Council suggested in one of the rescinded Resolutions; it is unnecessary for me to say more on this subject than to express my conviction that the suggestion was thrown out by the Assembly rather as a possible compromise of a supposed difficulty than as expressing any fixed opinion that the evils of which they complained could be remedied only by so essential a change in the constitution.

3rdly.—The objections made by the Assembly to the actual composition of the Council are but too well founded, and whether that Body shall retain its present form, or shall be resolved into two separate Chambers, it must undergo a very comprehensive change in its component parts.

It is now for the first time disclosed to me, and, as I have reason to think, it was never understood by any of my Predecessors in Office, that in this small Body there have been in-

## APPENDIX No. 2.

cluded several Gentlemen united together in one Commercial Partnership; that the members have been chosen almost without exception from the Inhabitants of Halifax or its vicinity, and that the great majority of them are all Members of one Religious Community which is stated to be the least numerous of any of those into which the population of Nova-Scotia is divided. It is impossible that distinctions so invidious should not be productive of serious discontent: especially must this be the case when peculiarities of religious belief are assumed as the ground of admission or exclusion.

In the list which you propose to transmit for His Majesty's consideration, of Gentlemen qualified to sit in the Council of Nova-Scotia, it will be your care to introduce the names of persons connected with all the great interests, Agricultural, Commercial, Manufacturing, or Professional, existing in the Province.

You will also, as far as possible, propose candidates connected not merely with the Capital but with the other principal Towns and with the rural Districts.

Your recommendations will be altogether uninfluenced by any consideration of the relation in which the proposed Councillors may stand towards the Church of England, or any other Society of Christians; it will indeed be your care to avoid, as far as possible, such a selection as may even appear to have been dictated by motives of this description, and it may, therefore, be necessary that you should advert to differences of religious opinions amongst the various Candidates for this honor, not as constituting any criterion of eligibility but as a security against the semblance of undue favour to any particular Church.

If the information on which the House of Assembly proceeded shall prove to be accurate, it is not improbable that the necessity may arise, not merely for the introduction of many new Members, but for the exclusion from the List of Councillors of some of the Gentlemen at present holding Seats there.

I advert to this subject the more readily because as no charge has been preferred against any individual, such a change, if really essential to the establishment of public confidence in this Body, will be made without the infliction of any reproach or unmerited pain on any of the Gentlemen who may be immediately affected by it. Thus for example, I do not think it defensible that more than one member of the same Commercial House should sit at the Council Board, and if it be true that this rule has been violated, the retirement of one or more Members of any such Firm will not, I trust, be regarded, as it certainly will not be designed, as a personal slight or degradation.

4thly.—The next in order of the questions raised by the Assembly, is whether the Chief Justice should retain his seat in the Council.

On this question I do not anticipate any serious difficulty.—In the event of the separation of the Council into two distinct Chambers, it is His Majesty's pleasure that neither the Chief Justice nor any of his Colleagues should sit in the Executive Council. Even if that change be not made, the King thinks it right that neither the Chief Justice nor any other Judge should be present at any of the proceedings of the Council in its Executive capacity. The principle to be steadily borne in mind and practically observed is, that all the Judges including the Chief Justice should be entirely withdrawn from all political discussions, and from all participation in the measures of the local Government, or of any persons who may be acting in opposition to it.

It follows that even in Legislation the Chief Justice and his Brother Judges should take no part whenever, as must often happen, the adoption or rejection of a Law may involve some question of party politics. The only motive for retaining the Chief Justice in the Council would be that he would probably contribute to the general improvement of the permanent Laws of the Province, with a greater extent of experience and knowledge than any other Members of that Body; but it may fairly be questioned whether this advantage can be acquired consistently with that security which His Majesty is most anxious should be taken against any of the Judges being drawn into the political discussions of the Country.

Perhaps the wisest course would be that which prevails in some of the Colonies Eastward of the Atlantic where the Judges are excluded from the local Legislature, but are required to revise every Act before it is finally passed, and to report their opinion whether it is framed in such a manner as to secure the attainment of the objects which the Legislature may have in view.

The benefit of judicial knowledge and experience is thus obtained without any sacri-

## APPENDIX No. 2.

of judicial independence. These, however, are questions on which His Majesty desires to act in conformity with the deliberate opinion of the People at large, and with the benefit of the advice of their Representatives.

5thly.—With regard to the management of the unsettled Lands of the Crown you will consider my instructions to Sir A. Campbell as addressed to yourself. I am aware of no reason why the same system should not be established in both Provinces, subject to such minor modifications as local experience may suggest to the Legislatures of each respectively.

6thly.—With respect to the financial question, I fear that the disparity which unhappily exists between the financial resources of New Brunswick and Nova Scotia will render it impossible to pursue a course precisely similar in each.—Having, however, in my Despatch to Sir A. Campbell, and to his Successor Sir J. Harvey, fully explained the principles on which His Majesty has been pleased to authorize a settlement of the financial Administration of New Brunswick, I have His Majesty's command to authorize you to enter into any arrangement with the Legislature of Nova Scotia which may be consistent with and sanctioned by those principles. I inclose for your information and guidance, copies of the more recent parts of that correspondence.

Having thus adverted to the opinions and wishes which appear to have been entertained by the Assembly of Nova Scotia, I trust that I am entitled to conclude that they will find in this Despatch a satisfactory proof of His Majesty's earnest solicitude fully to meet their views for the public good of the Province. The King has indeed peculiar pleasure in thus expressing his sense of the high claims which the Legislature of Nova Scotia have established to His Majesty's favour by a long and uninterrupted course of loyal and zealous attachment to the British Crown, united with an unwearied care for the well-being of that important part of His Majesty's Dominions which is confided to their protection.

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

(Signed)

GLENELG.

His Excellency SIR COLIN CAMPBELL.

No. 2 on List.

(Copy)

No. 88.

SIR,

Downing Street, 6th July, 1837.

I have the honor to acknowledge the receipt of your Despatch, dated 1st May, 1837, No. 71—with the Address to His late Majesty, and to yourself, which it incloses.

Although these documents reached me on the 14th ult. the painful circumstances in which the Country was then placed by the melancholy illness of His late Majesty, prevented their being submitted to Him;—but I am happy to find that, on all the principal questions to which these Addresses refer, His Majesty's Pleasure was signified to you in my Despatch of the 30th April, No. 77.

Having had the honor of laying your Despatch, with its inclosures, before the Queen, I have received Her Majesty's command to refer you to my former Despatch of the 30th April, and to signify Her Majesty's concurrence in the instructions therein conveyed to you.—With reference to some of the demands now preferred in a more specific shape, in the Address from the House of Assembly, I am further commanded to return the following answer :

1st.—The claim of the Assembly to controul and appropriate the whole of the public Revenue arising in the Province, is frankly admitted by the Queen in the comprehensive and specific form in which that claim is now preferred; subject only to the conditions by which His late Majesty was pleased, in the Instructions to the Earl of Gosford, and to Sir Archibald Campbell, of which you possess copies, to qualify the corresponding concession; as, however, in Nova Scotia, a permanent provision has already been made by law for the support of various Public Officers the discussion of the terms of the proposed Civil List may be drawn within much narrower limits than in the adjacent Provinces.

2nd.—The amount of the Salary of the Commissioner of Crown Lands is admitted to be a fit subject for the deliberation of the local Legislature, and every part of the expenditure connected with the land granting Department, will, very properly, be subjected to their

## APPENDIX No. 2.

scrutiny and revision; the conditions being, however, maintained, for which the Crown has stipulated in New Brunswick as to the management of the Crown Lands being vested exclusively in the Executive Government, subject to their liability to account to the Legislature for all expenses incurred in conducting that Branch of the public Service.

3rd.—Discouraging as the account of the receipt and the expenditure of the Land Granting Department since the year 1834, undoubtedly are, they at least prove that Her Majesty's Government judged rightly in opposing the advice offered to them at that time as to the continuance of the old system of gratuitous grants of land. The returns have rather more than balanced the outlay—whereas if those Counsels had been followed, the outlay would have formed an uncompensated charge on the other branches of the Provincial Revenue. You are well aware that the expectations of drawing any considerable income from this source were never sanguine, nor does it now seem reasonable to indulge such hopes. It will be highly gratifying to Her Majesty to learn that the Local Legislature have been able to devise any scheme for rendering this branch of the Revenue more productive, or for managing and collecting it at a reduced charge.

4th—The title of the Mining Company to their lease being undisputed, it is superfluous to say that Her Majesty's Government have no power to resume the Grant; the introduction of their Capital into the Province is at least a very material compensation for any prejudice which the Inhabitants may have sustained by the creation of their interest in the Mines.—Supposing, however, that the Province was injured by that transaction the error will now be repaired to the utmost possible extent, by placing the rents and royalties at the disposal of the Provincial Legislature, and by the enactment of the proposed law, respecting the territorial Revenue of the Crown, which will render it impossible that this measure should be drawn into a precedent.

5th—The exclusion of the Collector of the Customs from the Councils, whether Legislative or Executive, is a measure suggested by the Assembly, but as they have not explained the grounds of that suggestion, I can advance no further on this subject than to state that the strong and obvious motives which appear to recommend this Officer's admission into the Council are opposed by no considerations of equal weight which have occurred to me.

6th—The language of the Address would seem to indicate an opinion, which is not yet distinctly propounded, that the Assembly of Nova Scotia ought to exercise over the Public Officers of that Government a controul corresponding with that which is exercised over the Ministers of the Crown by the House of Commons.

To any such demand Her Majesty's Government must oppose a respectful, but at the same time, a firm declaration, that it is inconsistent with a due advertence to the essential distinctions between a Metropolitan and a Colonial Government, and is, therefore, inadmissible.

On the other hand, the influence which the Assembly claim to derive from the power of refusing the supplies properly belongs to them, it being always assumed that this power will be exercised only in defence of the constitution, and of the rights which the Constitution has created, and it being further assumed that this privilege of refusing the Supplies shall not extend to the case of those Officers for whom provision is to be made by the Civil List.

7th—The Assembly having deliberately expressed their opinion that the welfare of the Province would be promoted by creating two Councils instead of one, Her Majesty defers to their judgment on that question, not indeed without some distrust of the soundness of the conclusion, but convinced that it is a topic on which the greatest weight is due to the advice of the representatives of the people.

The Queen can give no pledge that the Executive Council will always comprise some Members of the Assembly, but commands me to state that the circumstance of any Candidate for that honor—possessing that share of Public confidence which his election as a Member of the Assembly indicates, must of course be considered as enhancing his claims to be preferred to those who, in other respects, may not possess higher qualifications for his trust. The principle on which Councillors should be selected is explained in my despatch of the 30th April. You will, with the least possible delay, transmit to me a List of the names of such Gentlemen as may appear to you best qualified to compose the Legislative and the Executive Councils of Nova Scotia.

## APPENDIX No. 2.

Her Majesty has observed with regret the discussions in which the Council and Assembly have recently become involved.—That regret is, however, materially qualified by the observation that their differences do not relate to any vital and cardinal principles, but are such as may be entertained by those who are yet prepared to co-operate in the pursuit of the one common object, the Public Welfare.

I shall best testify my respect for those branches of the Legislature by declining to enter on those controverted questions, persuaded as I am that the means of reconciliation will be more readily discovered without the intervention of any third party, and that this happy result cannot long be deferred in a case like the present where both parties are animated by a lively zeal for the public good, and both are directed by wisdom and experience in the prosecution of that purpose.

You will communicate to both branches of the Legislature this Despatch, and my Despatch of the 30th April, as containing the answer which Her Majesty is pleased to return to their address.

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

(Signed) GLENELG.

SIR COLIN CAMPBELL, K.C.B. &c. &c. &c.

No. 3 on List.

(Copy.)

No. 101.

SIR,

Downing Street, 31st October, 1837.

I have received and laid before the Queen your Dispatch of the 26th of August, No. 93, containing the plan for a Civil List to be proposed to the Legislature of Nova-Scotia, on the surrender to their appropriation of the Casual and Territorial Revenues of the Crown, and also containing certain suggestions as to the future composition of the Executive and Legislative Councils. I have received Her Majesty's commands to return the following answer :

In approaching these questions, it is impossible for me not to advert to the similar discussion in which it became my duty to engage with the successive Lieutenant-Governors of New-Brunswick, and through them with the General Assembly of that Province. The successful issue of that negotiation is in no small degree to be ascribed to the advantage I enjoyed of direct personal intercourse with two Members of that House, who had been deputed to visit this Country, with a view to a more free and unrestrained communication with the Ministers of the Crown. In the present case I have not that advantage, but I trust that, notwithstanding this circumstance, an adjustment equally satisfactory to all the parties concerned may be concluded. If, however, in the further stages of this discussion, any unforeseen difficulties should arise, and if the House should think it convenient to attempt the removal of them by a Deputation similar to that which was dispatched from New Brunswick, they may be assured that their Delegates will be received with all the respect and confidence to which gentlemen charged with such a mission would be so eminently entitled. The comparison between the cases of the two Provinces exhibits a contrast unfavorable to the financial resources of Nova-Scotia. While in New-Brunswick the Crown placed at the disposal of the Local Legislature an annual Revenue of very large amount, and which had experienced a constant and rapid increase, the whole income which it is possible in Nova-Scotia immediately to place at the disposal of the Legislature, assuming the correctness of the Estimate contained in the Paper No. 3, annexed to your Dispatch, amounts only to £9,190 per annum. Of this sum, no less a portion than £3440 is derived from taxes appropriated permanently to certain specific services by Acts of Assembly. The sum of £8,050 appears to be all that is drawn from property vested in Her Majesty in right of the Crown, although the increase which has recently taken place in the chief source of the Crown Revenue in Nova-Scotia warrants the expectation of a further progressive augmentation of it. The exigences of the public service do not indeed depend on the amount of the funds which it is in the power of the Crown to surrender. Yet it is impossible altogether to exclude that circumstance from consideration in determining the extent of the demand to be made on the liberality of the

## APPENDIX No. 2.

Assembly for a Civil List. Having had frequent occasion in my correspondence with the Governors of the other British North American Provinces to state fully the principles, on which alone, in my opinion, the demand of such a provision for any of the public servants of the Crown can be defended, I abstain from the repetition of them on this occasion. The Despatches to which I refer have been published for the information of Parliament, or have been communicated directly to you. I confine myself therefore to the general statement that the chief, if not the only, motives by which Her Majesty's Government are induced to stipulate for a Civil List are, first, the desire to exempt the Governor, the Judges, and certain other public officers from a pecuniary dependence which would be incompatible with the firm and impartial discharge of their public duties; and secondly, the wish to prevent the revival from year to year of inconvenient and unseemly discussion, as to the amount of the remuneration to be assigned to the chief Executive and Judicial Officers of the Province. These ends secured, Her Majesty's Government have no real, I may add no imaginable, motive for further solicitude on the subject. They have no wish to place any other part of the annual expenditure beyond the annual revision of the Assembly. It is not to them a matter of any serious concern whether the Salaries to be assigned in the Civil List be of greater or less amount, provided only, they are sufficient for the maintenance of the Officers in whose favor they are granted in that station of society to which they must belong. I am not only willing to admit, but even anxious to assert that, in fixing the amount of official Salaries in British North America, great frugality should be observed. In countries recently settled, it is of moment that moderate and simple habits of domestic expenditure should prevail, and should be respected, nor is there any exception to that rule which I should more strongly deprecate, than one which would enable, if not require, official men to distinguish themselves from other classes by a less strict economy and a more costly style of life. Some qualification of this opinion is indispensable in the case of the Lieutenant Governor. It is unavoidable that he should maintain an establishment, and other appearances commensurate in some degree with the dignity of the Sovereign whom he represents. It is on every account desirable that he should place himself at the head of the Local Society, not merely in his political relation to them, but in whatever concerns social intercourse and hospitality. These are duties which must involve a serious expenditure, and which must render the Government of the Province a heavy burthen rather than a pecuniary advantage, if the present emoluments should be materially diminished. I do not however shrink even in the case of the Lieutenant Governor from pursuing to their legitimate consequences the principles to which I have already adverted, and I am happy to find that you concur with me in thinking that on a vacancy in the office some reduction of the present salary may be made. I have no wish that the Lieutenant Governor should be in the receipt of a greater income than upon a full consideration of all the circumstances of the case the Assembly may regard as adequate to his maintenance. If they should fix that income at a rate below his present receipt, they will, I am convinced, admit the necessity of a proportionate reduction in the expenditure which is incurred rather for the support of the dignity of his office, than with a view to his personal gratification. It is right that I should distinctly apprise the House that I am not entitled to calculate on the continuance of the Parliamentary Grant to the Lieutenant Governor beyond your own tenor of office, even should circumstances render it necessary to propose to Parliament to continue the grant during that period. In proceeding to apply the principles which I have thus briefly stated to the present case, there is another consideration which ought not to be lost sight of. I refer to the comparatively small Revenue of the Province of Nova Scotia, which renders it the more incumbent on Her Majesty's Government to avoid all unnecessary expense in the maintenance of those offices which are essential to the public service. After an attentive consideration of the several suggestions which you have made on this subject, and of the circumstances of the Province, I am of opinion that it would not be right to insist on so large an amount as £9,190 per annum for the Civil List in return for the surrender by the Crown of the Revenue now at its disposal. It appears to me that £8,000 would be a sufficient sum, if properly applied, to meet those peculiar expenses for which, on the principle already stated, it is essential to provide in the proposed Civil List. I am therefore to inform you that Her Majesty will be willing to accept the sum of £8,000 sterling, as the amount of the Civil List for Nova Scotia. I proceed to suggest the services to which, in the event of this sum being granted, it should

## APPENDIX No. 2.

be applied, and in doing this I have thought it desirable to affix at once to each office included in the following list that sum which it is proposed permanently to appropriate to it, reserving the question of the right of existing officers to the full amount of salary which was attached to their respective offices at the time of their appointment.

Lieutenant Governor	£3,000
Provincial Secretary	1,000
Chief Justice	1,000
Puisne Judges	1,950
Attorney General	500
Solicitor General	100
Miss Cox's pension	115
Superintendent of Mines	100
Contingencies	200
	<hr/>
	£7,965

You will observe that I have omitted from the list several of the charges suggested by yourself as fit to be comprised in an appropriate Civil List. The first of these is £200 for the Lieutenant Governor's Private Secretary. I have not thought it necessary to insist on this allowance as I think it is sufficiently provided for by the salary of £3000 proposed to be attached to the Lieutenant Governor's office, with an allowance of £200 for contingencies. It is intended therefore that no additional expense shall be incurred on account of a Private Secretary.

2nd.—I propose that the salary of the Provincial Secretary shall be reduced on the first vacancy to £650—this will leave £350 applicable to the expenses of his office, a sum which, under ordinary circumstances will, I hope, prove amply sufficient. I do not of course propose to interfere with the salary received by the present Secretary. The charges therefore now incurred for the Clerks and contingencies of his Office, must be defrayed during the tenure of his Office, from some other source. I shall advert to this again in a subsequent part of this despatch.

3rd.—I can find no adequate ground for exempting from annual revision the salaries of the Clerks of the Crown and Prothonotary, the Harbor Master at Sydney, or the Clerk of the Executive Council.

4th.—I have omitted the Commissioner of Crown Lands and the Surveyor General, not because the independence of such functionaries on annual votes, is in itself undesirable, but owing to the small amount of the Revenue derived from the sale of lands, which appears to me not to justify a proposal that the salaries of those Officers should be included in a Civil List intended to be permanent or for a term of years. Having adverted to those charges which although suggested by you, I have not thought it right to include in the previous list, I proceed to make a few observations on some of the charges which are contained in that list. 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. I have fixed £500 as the salary of the Attorney General on the principle stated in my despatch on this subject, No. 87, of the 28th June last. A small surplus liable to be increased on the cessation of Miss Cox's pension to £140 will remain after providing for the services above enumerated, and

## APPENDIX No. 2.

which will be applicable to any incidental expenses not specifically provided for. There will thus be placed at the disposal of the Assembly about £1500, the difference between the Revenue to be surrendered, and the amount of the proposed Civil List. I regret however to observe 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 Revenue 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. Among these are included the temporary charges of the Office of Provincial Secretary, to which I have before adverted. With respect however to these, and to the remaining charges of this nature, I wish you to consider whether some immediate reduction might not be made without a violation of any pledge on the part of the Crown to the actual holder of the Office. 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. If estimated on that principle 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 those officers. It would be injurious and unreasonable to suppose that the House would wish to refuse them what is requisite for their subsistence in that rank of society to that which they must belong. I proceed to the next subject of your despatch, namely the composition of the Executive and Legislative Councils. Your suggestions have been formed avowedly on the conclusion that it was my intention that all the Members of the present Council should belong to one or other of the New Chambers. Anxious as I am to avoid whatever may tend to unnecessary offence or discontent in any quarter, I cannot satisfy myself that it would be right in the present instance to act on the rule to which you presumed that I should adhere. I feel it to be a duty in the composition of the two Councils to make that selection of individuals which I have reason to believe would be least open to just exception, and which would afford the most satisfactory proof of the desire of Her Majesty to entrust the duties attached to Members of the respective Councils to Gentlemen entitled to the confidence of the great body of the inhabitants. In omitting, however, from the new lists, any Gentlemen who are members of the present Council, I wish it to be distinctly understood that nothing can be further from my intention than to inflict on them any pain, or subject them to any reproach or discredit. To avoid any such suspicion Her Majesty has been graciously pleased, in accordance with your suggestion, to intimate her desire that they should retain their present rank in society on retiring into private life. With the very imperfect personal knowledge which I have of the qualifications of the different candidates for seats in the Council, I could not venture to submit any final advice to Her Majesty on that subject without the support of your authority. It is at the same time extremely desirable that the separation of the existing Council into two bodies should take place without further delay, and under these circumstances, I feel that the safest course which I can adopt, is to convey to you Her Majesty's authority at once to appoint, provisionally, to each of the Councils those Gentlemen whom you consider best qualified for the discharge of the respective duties which will devolve on them. You will of course inform me without delay of the selection which you make in pursuance of this instruction, and of the ground on which it has proceeded, and in case you should find it unnecessary, provisionally, to appoint the full number of which the Councils are intended ultimately to consist, you will at the same time transmit to me the names of other Gentlemen from whom the vacancies may be supplied. With respect to the Executive Council you will carefully adhere to the following principles, first, that not more than one fourth be public officers,—secondly, the Members be drawn from different professions and different parts of the Province,—and thirdly, that they be selected not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration. With reference to the Presidency of the Legislative Council, Her

## APPENDIX No. 2.

Majesty is pleased to confide that duty to the Senior Member for the time being, with the exception of the Bishop, and the Members holding offices of emolument under the Crown. This arrangement is recommended by the experience of other British colonies. You will communicate to both branches of the Provincial Legislature a copy of this despatch, as explanatory of the principles by which the Queen has been guided in the measures actually adopted by Her Majesty, and in the application to be made in Her Majesty's name for a Civil List.

I have the honor to be, Sir,

Your most obedient humble Servant,

(signed)

GLENELG.

Major General Sir COLIN CAMPBELL, &c. &c. &c.

## No. 4. on List.

No. 3.—Statement of a proposed Civil List for Nova Scotia, on the surrender to the Province of Her Majesty's Casual and Territorial Revenue; it being understood that the emoluments of certain offices will undergo revision and reduction as vacancies occur.

	Sterling.
Lieutenant Governor, the remainder of his salary being paid from home.	£2,000
Private Secretary (note No. 1.)	200
Provincial ditto.	1,000
1st Clerk of do. after 28 years service	250
2nd Clerk of do.	100
Stationary, fuel, messenger and other contingencies, (to be accounted for) about	75
Chief Justice (on the abolition of his fees) note No. 2.	1,200
3 Puisne Judges (do. do.) note No. 3.	2,100
Attorney General note No. 4.	600
Solicitor General note No. 5.	150
Clerk of the Crown and Prothonotary	100
Surveyor General	150
Commissioner of Crown Lands note No. 6.	350
Surveyor General, Cape Breton	100
Commissioner of Crown Lands, ditto note No. 7.	200
Superintendent of Mines, do.	100
Harbor Master at Sydney	100
Miss Cox's pension, with premium on bill, about	115
Clerk of the Executive, (if not Provincial Secretary) note No. 8.	100
Contingencies of the Lieutenant Governor, to be accounted for note No. 9.	200
	<hr/>
Amount of Civil List.	£9,190

Of the preceding salaries the Legislature already provide the following.

Lieutenant Governor (by permanent Acts)	£2,000
Three Puisne Judges do.	1,440
Attorney General (by annual votes)	120
Solicitor General do.	80

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£3,640

Amount of Civil List from the other side	9,190
Deduct amount provided for	3,640

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To be provided for by Assembly £5,550

APPENDIX No. 2.

Note, No. 1.—See Sir Colin Campbell's despatches of the 10th March, No. 66, and 23rd July last, No. 85.

Note, No. 2.—The present salary of the Chief Justice being £850, the amount of commutation now proposed for his fees is £350. These fees fluctuate very much: they have exceeded £800 and have fallen below £200 in the year, but on an average of more than 20 years, £500 may be deemed their annual amount, though in the last year they produced only £224. See annexed extract of a letter from Chief Justice dated 15th Feb. 1833.

Note, No. 3.—The proposed increase of the salary of each Puisne Judge is £220 which may exceed, by about £80, the average amount of his fees here assumed to be given up; a Judge's present salary is only £480.

Note, No. 4.—The Attorney General now receives £400 a year from the Casual Revenue, and has heretofore received £200 per annum from the Province, but this allowance was reduced in the last Session to £150 currency, or £120 sterling. Referring to Lord Glenelg's despatch on this subject of 28th June last, No. 87, it is now proposed to restore this Officer's salary to its former amount.

Note, No. 5.—The Solicitor General's salary is only £80, and is now paid by the Province. It is clearly below what it ought to be, and it is proposed to increase it to £150.

Note, No. 6.—It is recommended that the salary of the Commissioner of Crown Lands shall be fixed at £350, which is about the average amount of his emoluments, or that they shall consist as at present of 5-6ths of the net amount of the sales of Crown Lands according as it shall be determined by Lord Glenelg or the Provincial Assembly.

Note, No. 7.—The same remark applies to the Commissioner for Cape Breton, except that the proposed amount of his salary is £200, which is about the average of his present emoluments.

Note, No. 8.—If the Provincial Secretary, who is now Clerk of the Council, should be appointed an Executive Councillor, it may be necessary to nominate a Clerk to that Board, and £100 is suggested for his salary.

Note, No. 9.—For more than fifty years the Assembly have annually granted £250 currency or £200 sterling for the Lieutenant Governor's contingencies, but this vote was discontinued last year, and as much inconvenience has consequently arisen, it is proposed to make it an item in the Civil List, in imitation of the practice in other Colonies.

With the exception of the items noticed in these remarks all the charges included in this paper have already received the sanction of Her Majesty's Government and are provided for.

Government House, Halifax, 26th August, 1837.

Extract of a letter from Chief Justice Halliburton to the Administrator of the Government, dated Halifax, 15th February, 1833.

"The Chief Justice also receives fees at Halifax. I learn from Mr. Nutting that during the twenty-one years he has been Prothonotary the lowest annual amount of those fees has been

	£171 11 6
And the highest	828 14 6
exclusive of fees for indorsements averaged at £12 per annum	24 0 0

Amount of these two years £1,024 6 0

Take one half for an average £512 3 0

The fees paid in the country are also paid as the Chief Justice's fees, and my predecessors have always received the whole of them, whenever they have attended the Circuit Courts. My venerable predecessor Chief Justice Blowers has not attended any Circuit Courts for many years, excepting at Windsor, and he relinquished them on all the other Circuits. Mr. Justice Monk for several years received the whole of them as the senior Judge, and I travelled many Circuits with him without participating in them, until he learned that when Mr. Justice Hutchinson and myself travelled together, we divided them, when he immediately adopted the same practice, which has ever since continued. Although, as I have already observed, it is my intention to travel the Circuits, I am willing to relinquish my interest in these fees in the country, if the Legislature will comply with His Majesty's wishes

## APPENDIX No. 2.

in favour of my brethren ; and if it is thought advisable for the public good to relieve the suitors in Halifax also from the payment of these fees, I have no objection to receive the average sum from the Treasury in lieu of them, or, if that average is deemed too high, let the Prothonotary keep an account, as he now does, of their amount, and let a warrant for that amount issue in my favor at the expiration of every term. As they have been for some years past steadily upon the increase, the latter mode would probably operate more in my favour, but I am quite willing to acquiesce in either plan."

## MEMORANDUM.

In order to shew that the estimate of fees upon the Circuit is tolerably correct, I give the following details, of which the professional Gentlemen in the legislature can form a judgment.

Pictou	2 Terms	£100.	The fees paid at these places fluctuate very much.
Truro	do.	60	They have sometimes exceeded £80 in one
Hants	do.	40	term both at Annapolis and Pictou and some-
Kings'	do.	60	times have fallen below the sum at which I
Annapolis	do.	60	have estimated them, but I think the average
Queen's	1	40	a fair one.
Lunenburg	do.	40	
County Sydney	do.	30	
Cape Breton			
Arichat	do.	20	
Sydney	do.	10	
Co. Cumberland	do.	20	
Shelburne		"	

£480

Mr. Nutting informs me that the fees }  
annually paid to the Puisne Judges for in- }  
dorsement would always exceed.

20

£500

If the present Chief Justice travels the Circuit, and were to pursue the practice of his predecessors, of taking the whole fees whenever he presided, he would, whenever he took an equal share of the duty, receive £250 per annum, but even if he divided them with his brethren, he would receive £125.

No. 5 on List.

(Copy.)

No. 87.

SIR,

Downing Street, 28th June, 1837.

I have received your Despatch, No. 74, of the 4th of May, in which you have submitted for my consideration, the application which (in consequence of the House of Assembly having reduced that part of his Salary which is paid by the Province) the Attorney General of your Government has made, to have the whole of his Salary paid from the King's Casual Revenue.

Having already announced to you the readines of His Majesty's Government to accept a Civil List in exchange for a surrender of the Territorial and Casual Revenue of Nova-Scotia, I concur with you in thinking that the whole Salary of the Attorney General should be provided for, out of that Civil List, the precise amount and terms of which it will remain for you to arrange with the House of Assembly. In preparing your proposals to that body, I would wish you to advert to the settlement made with the adjacent Province of New-Brunswick, as a precedent to be followed as far as the difference of local circumstances may admit.

I have, &c.

[Signed]

GLENEEG.

Major General Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

(Copy.)

(No. 6 on List.)

Halifax, January 18th, 1838.

SIR—

I have the honor to acknowledge the receipt of your Letter of the 29th December last, inclosing an extract from a Despatch from the Right Honorable Lord Glenelg to His Excellency Sir Colin Campbell, dated 31st October, 1837, and requesting me to state whether as Chief Justice I would prefer to retain my present Salary and emoluments, or to receive the increased Salary of £1000 Sterling per annum, proposed by His Lordship for the Chief Justice without Fees.

If the contemplated change affected myself alone, it would not require a moment's consideration for me to decide in favor of retaining my present Salary of £850 sterling with my Fees, which, although they fluctuate very much, may be averaged at £400 sterling annually; but as it is accompanied with an offer that is advantageous to my brother Judges, it would be very painful to me to interpose any obstacle in their way.

Their present Salary of £480 sterling, with the small proportion of the Fees which they receive on the Circuits, I know to be quite inadequate to their decent support. During the 26 years that I was a Puisne Judge, I can safely say that the salary and emoluments of my office scarcely covered two-thirds of my annual expenses. The present Judges are in a worse situation than I was, as the Pound currency in which they are paid is now worth but 16s. sterling, whereas it was worth 18s. sterling during the greater part of the time that I held the office, a change which has occasioned an annual loss of £60 sterling to each of them.

The proposal to relinquish my Fees for the increased salary places me in this dilemma: I must either sacrifice an important part of my own income, or prevent an addition to that of my brethren, who so much require it, for it is evident that these Fees must be altogether relinquished or altogether retained.

It would occasion great confusion and be in itself unjust to collect them from the suitors where I presided, and exonerate those on the Circuits which my brethren should happen to travel. Under these circumstances I will not withhold my assent to the proposal, but as I understand from your Letter that the acquiescence of the Chief Justice and the Judges is to be made the basis of the communication to the Legislature upon this subject it would be uncandid if I did not mention that I have already petitioned Her Majesty to make me a personal allowance out of Her Casual Revenue in Nova-Scotia, to compensate me in some measure for the loss I shall sustain by relinquishing my Fees. These Fees I hold by a grant from the Crown under the Great Seal of the Province, and, so long as I fill the office of Chief Justice, I deem my title to them to be as valid as it is to any part of my Real Estate. The Legislature certainly have the power to pass a Law to deprive me of both, but I cannot think that they have a right to deprive me of either, without adequate compensation.

To accomplish a great public benefit by providing a more adequate support for the Puisne Judges of the Supreme Court of Judicature, in whose independence every man in the Province is interested, I consent to relinquish them, and not from any doubt of their legality, or from any apprehension that the Legislature would arbitrarily wrest them from me. But as I conceive that this public benefit ought not to entail so great a private loss upon me, I have laid my case before my Sovereign, and trust that my just claim for compensation will meet with Her favorable consideration.

I wish it to be fully understood that the Pounds sterling are Pounds of Twenty Shillings each, and that the Chief Justice and Judges are not to be affected by any fluctuation that may occur in the value of the Pound currency.

I think it necessary also to mention that the Fees to be relinquished are the Fees paid by the suitors. We do not conceive that the allowance of one guinea per day made to the Chief Justice and Judges of the Supreme Court for travelling expenses on their respective Circuits, under the Provincial Act of 46, Geo. 3d, is to be affected by this arrangement.

The Province will often gain, and seldom lose by it, even should Her Majesty be graciously pleased to lend a favorable ear to my Petition: for the Fees collected throughout the Province have frequently exceeded £1000 Sterling per annum, and may be averaged at from £850 to £900 Sterling.

## APPENDIX No. 2.

The proposed addition to the Chief Justice's Salary is	£150 Sterling.
Ditto of £170 to Three Puisne Judges	510
	—
	£660
Compensation sought by the present Chief Justice, during his life time	200
	—
	£860

I have the honor to be Sir,  
Your most obedient humble Servant,  
[Signed] BRENTON HALLIBURTON.

The Honorable  
SIR RUPERT D. GEORGE, Bart. &c. &c. &c.

No. 7. on List.

Halifax, 8th January, 1838.

(Copy)  
SIR,

We have had the honor of receiving your letter of the 29th of the last month inclosing an extract of a despatch, dated 31st October last, to His Excellency the Lieutenant Governor, from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, in reference to a proposed Civil List Bill.

From this despatch it appears that His Lordship has fixed the salaries of the Puisne Judges of the Supreme Court at £650 sterling, giving us however the option of accepting this sum or retaining our present salary with the fees received by us on actions brought in that Court.

In answer to His Excellency's desire to know our determination on the alternative offered, we have the honor to state that the agitation of a subject so peculiarly personal to the Judges as that which relates to their own emoluments, has been extremely unpleasant and painful to us, and that we therefore should not have hesitated at any time to have acceded to any equitable arrangement for the discontinuing the receipt of these fees, as was done by Chief Justice Pemberton in 1787 and 1788 upon the proposal of the House of Assembly of that day to commute them, and without further remark, which the present proposal might naturally suggest, we accept of the sum proposed by my Lord Glenelg in lieu of our present salary and these fees.

We have, &c.

(Signed)

LEWIS M. WILKINS.  
WILLIAM HILL.  
W. B. BLISS.

SIR RUPERT D. GEORGE, Bart. &c. &c. &c.

No. 8. on List.

(Copy)

No. 102.

Downing Street, 21st November, 1837.

SIR,

I have received your Despatch No. 98 of the 28th October, submitting a representation which had been made to you by the Chief Justice of Nova-Scotia, as to the inadequacy of the Emoluments received by the Puisne Judges of the Supreme Court.

I have considered the Statement of the Chief Justice with the attention and respect which are on every account so justly due to its author: but I regret that I am under the necessity of referring to my despatch No. 101 of the 31st ultimo, for the only answer which it is in my power to make to the Chief Justice's suggestion, that more liberal Salaries should be assigned to the Puisne Judges out of the Civil List to be obtained from the Legislature in return for the surrender to their control of the Casual and Territorial Reveues of the Crown.

I have, &c.

GLENELG.

Major General SIR COLIN CAMPBELL, K. C. B.  
&c. &c. &c.

## APPENDIX No. 2.

No. 9. on List.

(Copy)

No. 84.

Downing Street, 31st August, 1836.

SIR,

I have to acknowledge the receipt of your despatch of the 16th of March last, No. 19, transmitting the copy of an Address from the House of Assembly of New-Brunswick to His Majesty on various subjects connected with the administration of public affairs in that Province.

I have since received from Messrs. Crane and Wilmot, the Gentlemen deputed by the House of Assembly to represent them in this country, the original address of the Assembly, and I have also been in communication with those Gentlemen as well on the matters to which the address adverts as on others connected with the Colony. I inclose for your information copies of the correspondence which has passed with them.

I have had the honor of laying at the foot of the Throne the Address of the House of Assembly, and I am commanded to express His Majesty's satisfaction at the spirit and temper in which the House have framed this record of their sentiments on subjects of great constitutional interest and importance. The Assembly express their approbation of the Instructions issued by His Majesty's commands to Sir Francis Head and to the Canada Commissioners, and state that it would afford them entire satisfaction if the principles which they involve were carried into operation in New-Brunswick. It is with great pleasure that I am enabled to give the Assembly the satisfaction which they desire. The principles involved in those instructions are not of limited application. They form the basis of the policy which in His Majesty's judgment it is the wisdom of this country to pursue in reference not only to the Canadas but also to all the other States of British North America.

I proceed to bring this general declaration to a practical test in the answers which I am commanded to return to the Address.

1st.—The first subject to which the Assembly advert is the management of the Crown Estate. Their representation in substance is, that the powers at present confided to the Commissioner of Crown Lands are excessive, and that the system which that officer, in the exercise of his discretion, has followed, has tended to retard the settlement and the prosperity of the Province. But, in deference to the judgment already expressed by His Majesty on this subject, the Assembly withdraw, on the present occasion, their claim for the entire control and management of the Crown Lands, and suggest that such control and management should in future be confided to the Administrator of the Provincial Government and the Executive Council. The memorandum inclosed in the joint letter of Messrs. Crane and Wilmot, dated the 27th inst. will explain to you the representations which those Gentlemen have added on this part of the question. From my despatch of the 31st March last you will have seen that the management of the Crown lands in New-Brunswick has lately engaged much of my attention. Without stopping to enquire whether that despatch may not in some degree have anticipated the objections urged by the House of Assembly, I am at once to convey to you His Majesty's decision on the proposed measures of amelioration. His Majesty is pleased to acquiesce in the suggestion that the management of the Crown Lands should for the future be confided to the administration of the Government for the time being, aided by His Executive Council. In pursuance of this decision it will be your duty hereafter, in all questions relating to the disposal of lands or timber belonging to the Crown, to submit the subject for the consideration of the Executive Council, and to proceed only in conformity with the opinion of that Council or of a majority of its members. To the Commissioner of Crown Lands however will still belong the duty of carrying into effect such measures as shall have been thus decided on. His Majesty at the same time readily admits the right of the Legislature of New-Brunswick to pass such laws as may seem to them expedient for the guidance of the Executive Government in this branch of their duties. His Majesty will be at all times prepared to receive and to consider with attention any suggestions or advice respecting the policy and system of management of the Crown lands which may be offered to the Crown by the Council and Assembly of New-Brunswick, whether by address or in the form of Legislative enactment. But as this is a matter in which the prerogative of the Crown is immediately concerned, and as it would ob-

viously be inconvenient that any uncertainty should be introduced into the regulations for the disposal of Crown lands, it will be indispensable that any Act to be passed for such a purpose should contain a clause suspending its operation until His Majesty's pleasure respecting it shall have been declared.

2nd.—The Assembly complain that they have not been able to obtain detailed accounts of the receipt and expenditure of the Casual and Territorial Revenue, and have thus been prevented from making those suggestions respecting the management of that fund which, by Lord Ripon's dispatch of the 2nd January, 1833, they were invited to offer.

It would appear, by the observation annexed by you to the Address, that you dissent in some degree from the correctness of this statement. I am not however called on this occasion to examine into what is past. With respect to the future I have to convey to you His Majesty's commands, that the most prompt attention should be paid to any Addresses which may be presented to you by the House of Assembly for information on subjects connected with the receipt and expenditure of the Casual and Territorial Revenues. His Majesty has no desire to withhold from the Representatives of the People of New-Brunswick any information on points which they may consider necessary for their guidance, but, as some misapprehension appears to have hitherto existed on the subject, I must direct that in future there be annually laid on the table of the House of Assembly, within fourteen days from the commencement of their Session, a detailed account of the receipts and expenditure of the Casual and Territorial Revenue of the Province for the year last past. This Return must be prepared with the utmost clearness; and it might perhaps be possible for you to arrange before hand with the Assembly the form in which it could be most advantageously drawn up. It is scarcely possible to contemplate a case in which it might be necessary to refuse the call of the Assembly for any information on this subject but should such a case occur you will not fail immediately to report the circumstance to me.

3rd.—The Assembly next allude to the composition of the Executive Council. They recommend that the numbers of the Council should be materially increased, and His Majesty will take this suggestion into consideration, although he is not yet prepared to declare whether it can be carried into effect; still less what should be the extent of the proposed increase. The Assembly further express their cordial concurrence in the views of Mr. Spring Rice relative to the summoning to that Board of some members of the popular branch of the Legislature. On this topic the Assembly have expressed themselves with a just delicacy. Declaring their approbation of Mr. Spring Rice's despatch, they yet disclaim any wish to offer an opinion to the King as to the persons whom His Majesty may be pleased to call to fill seats in the Executive Council. It is obvious indeed that a peremptory rule on the subject is inadmissible. At present it is open to the Crown at its own discretion to select members for the Executive Council from all descriptions of His Majesty's subjects. The prerogative is unfettered, and it is in the opinion of His Majesty's advisers most advantageous for all parties that so it should remain. With respect to the manner in which it shall in this branch of it be exercised, His Majesty can give only the general assurance, which he desires me to convey to the House of Assembly, that his selection of persons to sit in the Executive Council will be guided solely by a reference to the permanent interest of the Province and to the qualifications of those whose names may be submitted to him for that distinction.

4th.—The composition of the Legislative Council is the next subject alluded to by the House. Admitting that no great public evil has yet arisen from this source, they nevertheless express their apprehension that, according to the principles laid down in the Instructions to the Canada Commissioners, those members of the Council who hold office under the Crown could not be expected to exercise an unbiassed judgment on the questions which might come before them. His Majesty's Ministers entirely agree in the importance of securing the independence of the Legislative Council. They are not indeed prepared, especially after the candid admission of the Assembly as to the working of the present system, to recommend to His Majesty the supersession of any of the present members of the Council, nor do they consider Office as of itself a disqualification for a seat in the Council. But they freely admit that the introduction into it of too large a number of persons holding places of emolument under the Executive Government would tend to detract from its weight.

as an independent branch of the Colonial Legislature. Lord Ripon in a despatch dated the 1st May 1832, observes that the Legislative Council "should principally consist of gentlemen independent of, and unconnected with, the Executive Government, and selected from the principal inhabitants of the Province, and those having the greatest stake in its welfare." To this principle, although it would seem that accidental circumstances have hitherto prevented it from being carried into full effect, His Majesty's Government continue to adhere. Whenever therefore it may become your duty to recommend to me for His Majesty's approbation the name of any gentleman to be appointed a member of the Legislative Council, you will bear in mind the rule laid down by Lord Ripon in the words which I have just quoted. It may be proper to advert in this place to the impression which has been produced on the minds of the Assembly by those clauses of the Instructions to Sir Francis Head "which (to use their own language) might be supposed to affect the independence of members of the Legislature holding any inferior office or appointment under the Government." On this subject it is enough to point out to the observation of the Assembly that the clauses in question, in so far as they concern persons holding seats in either House, have reference expressly to Members of the Local Government, not to inferior officers, but to those who form an actual portion of the Executive Government and whose cordial sympathy and co-operation are absolutely indispensable to the existence of any system of administration. With regard to such individuals I trust the Assembly will admit the justice of the observation which concludes the consideration of this topic in the Instructions to Sir Francis Head, "unless this course be pursued it would be impossible to rescue the head of the Government from the imputation of insincerity or to conduct the administration of public affairs with the necessary firmness and decision."

5th—I now come to the application of the Assembly for the surrender to them of all the Revenues at the disposal of the Crown in the Province, including the payments of the Nova-Scotia and New-Brunswick Land Company; in return for a Civil List to be granted for a period either of ten years or permanently. After a due consideration of the circumstances of the case, I have to inform you that, subject to two qualifications to be subsequently noticed, His Majesty has been graciously pleased to consent to the application of the Assembly. The two qualifications to which I refer are the following. First.—The appropriation of the House of Assembly is to be exercised, not over the gross but over the net amount of the Revenue to be placed under their control. The proper and moderate charges incident to the collection and management of that Revenue will continue to be defrayed as at present; but an account of those charges will be included in the statement respecting the Casual and Territorial Revenue, which in a former part of this despatch I have directed to be annually submitted to the House of Assembly. I need scarcely add that His Majesty would at all times be prepared to devote the most attentive consideration to every suggestion from either branch of the Legislature, with respect to the amount of the charges of collection. Secondly: The second qualification has for its object to preclude questions which might otherwise arise as to the manner in which the right of appropriation is to be exercised by the House of Assembly.

His Majesty proposes that the law and customs of Parliament, and more especially the established usages of the House of Commons with regard to the appropriation of the surplus of the consolidated fund of Great Britain and Ireland shall be assumed by the Legislature of New-Brunswick, and more especially by the House of General Assembly, as affording the rule for their guidance in the appropriation of the Revenues of that Province. Some exceptions may unavoidably arise out of peculiar local circumstances, forbidding a perfect coincidence in the two systems which, however subject to those exceptions, would be precisely similar.

In regard to the amount of the Civil List to be granted by the House of Assembly I am to inform you that His Majesty will be willing to accept the sum of £14,000 Sterling; that being the sum originally demanded by Lord Stanley. In determining this part of the question, I have not overlooked the fact, that in Lord Stanley's despatch of the 30th September, 1833, it was not distinctly stated whether the sum which he named as the amount of the Civil List was calculated in sterling or in current money. But any doubts which might otherwise exist on this point must be at once decided by the schedule attached to his despatch

patch wherein are recited the services amounting in all to £14,003 sterling, to which he proposed to appropriate the Civil List.

If therefore a bill should be passed by the Provincial Parliament and presented to you, having for its object the securing to His Majesty of a Civil List amounting to £14,000 sterling per annum, either for the space of ten years, or permanently, you will reserve it for the signification of His Majesty's pleasure; and you will not in the meantime consider yourself at liberty to apply any portion of the Casual and Territorial Revenue to Services which have not already received the express sanction of His Majesty's Government.

The following are the services to which in the event of its being granted it is intended in the first instance to apply this sum, viz:

Salary of Lieutenant Governor	£3,500
“ Chief Justice	950
“ Three Puisne Judges	1,950
“ Attorney General	550
“ Solicitor General	200
“ Colonial Secretary	1,430
“ Private Secretary	200
“ Commissioner of Crown Lands	1,750
“ Establishment of do.	909
“ Auditor	300
“ Receiver General	300
“ Scotch Minister	50
“ Emigration Agent, St. John's	100
Annuity to late Surveyor General	150
College	1,000
Indians	54
	<hr/>
	£13,393

After defraying these charges there will still remain a surplus of £607 sterling applicable to any incidental expenses for which no provision shall have been previously made. You will, however, of course understand, that in thus pointing out the offices of which the salaries are to be paid out of this fund His Majesty does not preclude himself from the revision of those salaries at a future date. In the case of some of them indeed it has already been announced to you by my predecessor that reduction will be made on the recurrence of vacancies, and it is probable therefore that the surplus may exceed the sum which I have stated. In anticipation of that event, His Majesty directs me to announce that whatever the amount of that surplus may hereafter be, it will be applied exclusively to objects connected with the Province, and with a view solely to public interests; and an account of it will be annually laid before the House of Assembly.

It has been suggested that as the Quit Rents were included among the Revenues which, according to Lord Stanley's proposal, would have been given up to the Assembly, so among the Revenues to be surrendered under the arrangement now under consideration should be included, the sum granted in the Session of 1835 in commutation of the Quit Rents. To this suggestion His Majesty sees no reason to object, and he would therefore not be disposed to withhold His assent from any Act which might be passed by the Provincial Legislature for the purpose of repealing the Quit Rent Commutation Act of 1835.

In closing this communication I am commanded to express the satisfaction with which His Majesty has felt himself enabled to decide on the various particulars to which it refers. This gracious attention on the part of His Majesty to the wishes of His faithful subjects in New Brunswick will, the King has no doubt, be received by them as a fresh proof of the interest which he takes in their welfare, and of His solicitude to promote the developement of the great and manifold resources of that portion of the British Empire.

I have, &c.

[Signed]

GLENELG.

Major General SIR A. CAMPBELL, G. C. B.

No.

## APPENDIX No. 2.

No. 10 on List. (Copy.)  
 No. 85. Downing Street, 5th September, 1836.

SIR—In my Despatch of the 31st ultimo, I have communicated to you the answer which His Majesty has commanded me to return to the Address of the House of Assembly of New-Brunswick, of the 14th March last. I have at the same time inclosed for your information copies of the correspondence which has passed on the subject of that Address, and on other matters of a public nature, between this Department and Messrs. Crane and Wilmot, the gentlemen deputed by the House of Assembly to represent them in this Country. Having communicated to Messrs. Crane and Wilmot the draft of my Despatch of the 31st ultimo, I have received from them the inclosed observations upon it. I have also had with them personal communications on the subject. I now proceed to inform you in what respects His Majesty has in consequence been pleased to direct that the instructions contained in my Despatch of 31st ultimo, shall be altered or modified.

1. The first alteration proposed by Messrs. Crane and Wilmot is, that the Executive Council should, in compliance with the wishes of the Assembly, be at once enlarged, without waiting the further deliberation contemplated in my Despatch of the 31st ultimo. On this point His Majesty, after a due consideration of the arguments urged by the House of Assembly and of the representations of Messrs. Crane and Wilmot, is prepared to adopt the necessary steps for meeting the wishes of the Assembly. It is unnecessary on the present occasion to offer any pledge as to the precise number of which the Executive Council should hereafter consist, nor indeed could an invariable rule be prescribed on that subject without inconvenience. But you will immediately report to me the names of several gentlemen, whom you may think most eligible for seats in His Majesty's Executive Council. In making your selection you will not confine yourself to any single class or description of persons; but will endeavour to ensure the presence in the Council of gentlemen representing all the various interests which exist in the Province, and possessing at the same time the confidence of the people at large. It may not be possible always to find such persons in the neighbourhood of the Capital; but I am assured that there are gentlemen of fortune in the Province, who, if appointed to the Council would, from public motives, attend to the duty.

2. The Instructions respecting the regulation of the Land Department are next alluded to, and much stress is laid on the expediency of permitting you to give your assent, at once, to any Acts which may be passed by the Legislature for that purpose, instead of reserving them for the signification of His Majesty's pleasure. I must, however, remark that whatever advantages might accrue from this course, they could scarcely compensate for the inconvenience which might result from a disallowance, should that be necessary, of such Acts after they have gone into operation. It would be superfluous to enlarge upon the hardships which might be produced by the annulling of an Act under which property had been already acquired or devised, or to point out how much the disappointment created by such a proceeding must exceed that which would result from a temporary delay in the confirmation of the Act. There is, however, an alternative which, while it would guard effectually against the inconvenience just stated, would, at the same time, I have reason to think, be satisfactory to the Assembly: and this is, that no Act for the regulation of the Land Department shall come into operation till at a given period after its passing. If therefore any Act of that nature, presented to you hereafter, shall contain a clause providing that it shall not come into operation until the expiration of at least four months from its date, you will be at liberty, should you see no objection to the Bill on other grounds, to give your assent to it. In such case, I need hardly state that it will be your duty immediately to transmit the Act to me in order that it may be brought under the consideration of His Majesty in Council.

3. With respect to the surrender of the Casual and Territorial Revenue I have to observe, that in proposing that the net proceeds only should be paid over to the Provincial Treasury, His Majesty's Government made no claim which is not, in strict accordance with the Law and practice of this country. The hereditary Revenues of the Crown have been placed at the disposal of Parliament. Parliament has in turn confided to the Executive Government the powers and the duty of determining, in the first instance, whatever relates to the expense of management and collection, subject to the obligation of rendering

dering an annual account of that expense. It is obvious that if the Legislature should assume the right of pre-determining the various items of that expenditure, that it would be virtually invested with the entire management of the Territory itself, and must exercise a power which has never been placed in this Country in any other hands than those of the Executive Government. To depart from the established usage in this respect would be to subvert the existing balance of the Constitution, and to place powers of the greatest importance in hands not subject to any effective responsibility. I propose therefore, that, as in Great Britain the cession of the hereditary Revenue was accompanied by an enactment which enabled the Lords of the Treasury to fix, in the first instance, all the charges of collection and management, so in New-Brunswick the cession of the corresponding Revenue to the appropriation of the General Assembly should be accompanied by an Act authorising the Governor of the Province, with the advice of His Executive Council, to expend out of the gross income whatever sums they may find necessary for the management and collection of that Revenue; and, as in Great-Britain, the House of Commons, by exercising its judgment on the accounts of the expenditure which are always laid before it, has in effect a sufficient and constitutional control over that expenditure; so in New-Brunswick the same control over the Revenues in question would, by the same means, be vested in the House of Assembly. The assurance which you have been directed to convey to the House of Assembly, that accounts of the receipt and expenditure of that Revenue should be annually laid before them, and that His Majesty will be ever ready to devote the most attentive consideration to any suggestions from either branch of the Legislature in regard to the expense of collection, appear to afford a guarantee against any unnecessary disbursements for that service. But there would be no objection to confirm that assurance by a positive enactment.

4. Messrs. Crane and Wilmot next advert to the amount of the Civil List, and suggest that the sum of £15,000 currency should be substituted for that of £14,000 sterling. Although it has not been in my power to advise His Majesty to accede altogether to this suggestion, I am yet of opinion, after adverting to the arguments urged by those gentlemen, both in their written communications and in conversation, that some modification of the proposition contained in my Despatch of the 31st ultimo may be advantageously made. Among the items therein specified as permanent charges on the Civil List, is the sum of £909 for the establishment of the Commissioner of Crown Lands: This item was inserted in conformity with the scheme contemplated by Lord Stanley in 1833; but there appears to be no sufficient reason why the expenses of the in-door establishment of the Commissioner of Crown Lands should not be defrayed in the same manner as all other expenses incurred for the management of the Crown Estate, and the collection of the Revenue arising from it. This charge therefore being deducted from the Civil List, His Majesty will be ready to accept the sum of £14,500 currency in exchange for the Casual and Territorial Revenue, instead of the sum of £14,000 sterling demanded in my Despatch of the 31st ultimo. I cannot doubt that the Assembly, considering the large and growing Revenue to be given up to their control in return for this sum, will cheerfully agree to the terms offered to them by His Majesty's Government. The sum of £14,500 currency would, I presume, be equal to £13,050 sterling, and there would therefore remain an immediate surplus of £566 sterling, which will of course be hereafter increased by reductions in the amount of Salaries at present borne on the Civil List. Among the objects to which it is my purpose to devote a portion of this surplus, is the institution of any efficient Office of Audit within the Province, for all the Revenues raised and expended in it. I am of course aware, that at present it is the custom of the House of Assembly to appoint, from time to time, Committees of their Body, to whom are referred such financial returns as are laid on their Table, and who, in fact, exercise the power of auditing the Accounts specified in such returns. It is far from my intention to undervalue the labors of these Committees, or to question the advantage which must accrue to the public service from the rigid supervision by the Representatives of the People of the expenditure of the Executive Government. But, at the same time, Committees of a public body are but an inadequate substitute for a permanent and responsible officer, whose duty it would be to inspect the accounts of Public Departments. The experience and practical skill, the intimate and continuous knowledge of official transactions which are necessarily acquired by such an officer, give him many advantages over any fluctuating body. It is also to be observed that the appointment of an Auditor immediately responsible to His Majesty,

## APPENDIX No. 2.

is more consistent with the constitution and practice of this Kingdom, than the consigning of the duty of examining the Public Accounts altogether to the Representatives of the People. The office of Auditor, as at present instituted at New-Brunswick is, I apprehend, insufficient for the duties which I have here proposed to devolve on it. I have therefore to desire, that you will bring the subject under the notice of the Council, and of the House of Assembly, and request them respectively to furnish me with a report on it, specifying among other points, what should be the amount of remuneration to be conferred on the Officer at the head of the proposed Department. On receiving that Report, I shall lose no time in communicating with the Lords Commissioners of the Treasury, and in preparing, in concert with them, the necessary arrangements for the institution and regulation of the office. It is to be understood that I by no means propose, or contemplate, that the Officer so appointed should supersede the labors of the Committees of the House of Assembly. Those Committees will, if the House think fit, continue their inquiries exactly as they do at present, nor will the Auditor in any degree impede or interfere with their proceedings. Indeed it will always be in the power of the House to obviate any such consequences.

(5) The last subject noticed in the enclosed Memorandum is the scale of Salaries of Public Officers; and it is proposed that the reductions to be made in those Salaries, on the occurrence of vacancies, should be distinctly specified in this Despatch to you. It is also stated to be the opinion of the House of Assembly that no Officer in the Province, except the Lieutenant-Governor, should receive a larger Salary than the Chief Justice or a Puisne Judge of the Supreme Court. I am fully alive to the importance of the subject thus brought under my notice, but, adverting to the rapid changes which are taking place in New-Brunswick, and the length of time which may possibly elapse before an opportunity occurs for revising the office of which the emoluments are borne on the Civil List, I am of opinion that it would not be convenient at the present time to pledge His Majesty's Government to the specific amount of remuneration which shall hereafter, and perhaps, under altered circumstances, be attached to those offices. At the same time, I am anxious to institute a course of inquiries calculated to prepare materials for a final and well considered judgment on the subject. With this view, I desire to receive from yourself, and from the Legislative Council and the House of Assembly, respectively, Reports, pointing out the amount of emoluments which, in your opinion, would constitute an adequate remuneration for each of the offices in question. It is of course understood, that during the tenure of the present Officers, their existing emoluments shall be preserved to them; but whenever vacancies shall occur, His Majesty's Government will consider what reduction should be made in those emoluments, and will devote their serious attention to the statements which I have now invited, in the hope that they may be able at once to effect a considerable saving in the public expenditure, without impairing in any degree the efficiency of the respective offices. It must however be distinctly intimated to every Officer who may hereafter be temporarily appointed to any of the situations of which the Salaries are borne on the Civil List, that should such temporary appointment be subsequently confirmed, the emoluments of the Officer will nevertheless be subject to the revision and reduction, and that no claim to compensation for loss of Salary will have been created by the discharge of the duties "ad interim." With respect however to the office of Lieutenant-Governor, I am to observe that it has been already determined, on the occurrence of the next vacancy, to reduce the Salary attached to it to £3,000 sterling per annum. Below that sum it could, I think, scarcely be reduced, consistently with the rank and dignity which the Lieutenant-Governor is required to maintain as His Majesty's Representative.

I have now gone through all the points mentioned in the inclosed Memorandum; but, before I conclude this Despatch, I must advert to a topic which was pressed on my attention by Messrs. Crane and Wilmot. It has been stated that, by the stipulation, that the net proceeds only of the Casual and Territorial Revenue should be ceded to the Assembly, an almost unlimited power of expenditure for purposes connected with the management of the Crown Estate, still remains in the hands of the Executive Government. In order to prevent any abuse of this power, it is proposed that an Instruction should be given to you, that on the presentation of an Address to you from the Assembly expressing their disapprobation of any expenditure then actually in progress, you should suspend the progress of such

expenditure until the King's Government at Home shall have an opportunity of deciding on the propriety or impropriety of continuing it. To this proposition I felt myself unable for several reasons to assent, but I have informed Messrs. Crane and Wilmot, that on the occurrence of the event which they have contemplated, you would receive with all the weight due to the opinion of the Representatives of the People, any Address which might be presented to you by the Assembly, and that you would be instructed to lay that Address before your Executive Council, and to receive their opinions on the subject of it before taking any decisive step; and it would be your duty, moreover, in such a case, immediately to report the circumstances to me, with a full explanation of the grounds on which your ultimate decision shall have proceeded. Such are the modifications of my Despatch of the 31st ultimo, which, after a full consideration of the subject, His Majesty's Ministers have felt themselves at liberty to recommend to His Majesty. While they regret their inability to proceed to the full extent of the wishes of Messrs. Crane and Wilmot, they are yet persuaded that the liberal spirit in which His Majesty's answer to the Address of the House has been conceived, will sufficiently indicate the anxiety of His Majesty to accede, as far as is compatible with public interests, to their wishes, on matters connected with the Administration of the Provincial Government. The differences of opinion that may still remain in some particulars between the views of the Assembly and those adopted in this Country, are perfectly compatible with the existence of a sincere and single desire on both sides, to consult only the permanent well-being of the Province, and cannot therefore, it is trusted, impede the satisfactory settlement of the questions mooted in the Address of the Assembly of the 14th of last March. I have, &c.

[Signed] GLENELG.

Major General SIR ARCHIBALD CAMPBELL, G. C. B.  
&c. &c. &c.

No. 11, on List.

(Copy)

Downing Street, 31st October, 1836.

SEPARATE.

SIR,

From the enclosures which accompanied my confidential despatch of the 30th ultimo, you will have perceived that I was then engaged with the Delegates from the Assembly of New-Brunswick in discussing the provisions of the Bill for securing the Civil List which it is proposed to grant to His Majesty in that Province.

I now transmit to you for your information, and in continuation of the correspondence of which you are already in possession, a Copy of the Bill in question, which has been prepared in concurrence with Messrs. Crane and Wilmot, and has been transmitted to Sir Archibald Campbell for the purpose of being submitted to the Legislature of New-Brunswick.

I have, &c.

(Signed)

GLENELG.

Major General SIR COLIN CAMPBELL, K. C. B.  
&c. &c. &c.

No. 12, on List.

A Bill for the support of the Civil Government in this Province.

Whereas His Most Gracious Majesty has been pleased to signify to His faithful Commons of New-Brunswick, that His Majesty will surrender up to their control and disposal the proceeds of all His Majesty's Hereditary, Territorial and Casual Revenues, and of all His Majesty's Woods, Mines and Royalties now in hand or which may hereafter during the continuance of this Act be collected in this Province, on a sufficient sum being secured to His Majesty, His Heirs and Successors, for the support of the Civil Government in this Province.

And Whereas, We His Majesty's most dutiful and Loyal Subjects the Commons of

New-Brunswick in General Assembly convened, with hearts full of the warmest duty and gratitude, are desirous that ample and liberal provision should be made for the expences of the said Civil Government during the continuance of this Act, by charges on all and every of the Revenues now and hereafter to be levied and collected in this Province, have, therefore, freely and unanimously Resolved to give and grant, unto His Majesty King William the Fourth, His Heirs and Successors, a certain sum for the aforesaid expences of the Civil Government, payable out of the joint Revenues of this Province.

*Be it therefore Enacted,* By His Excellency the Lieutenant Governor, Legislative Council and Assembly, and by the authority of the same, that the proceeds of all and every the said Hereditary, Territorial and Casual Revenues, and the proceeds of all Sales and Leases of Crown Lands, Woods, Mines and Royalties, which have been collected and are now in hand or which shall be collected hereafter during the continuance of this Act (except the Monies which shall be expended in the collection and protection thereof as specially authorized and provided for by the 4th Section of this Act) shall immediately be payable and paid to the Provincial Treasurer, who is hereby authorized to receive the same, for the use of this Province, and, from and after the expiration of this Act, the proceeds of all the said Hereditary, and Territorial and Casual Revenues, and of the said Lands, Woods, Mines and Royalties, shall revert to and be payable and paid to His said Majesty, his Heirs and Successors.

*II. And be it Enacted,* That there shall be granted to His Majesty, His Heirs and Successors, for and during the whole period of the continuance of this Act the clear yearly sum of £14,500 current and lawful money of this Province, and that the said sum shall be charged on and made payable out of the afore mentioned and all other Revenue raised, collected and paid into the Treasury of this Province, and shall commence from and immediately after the 31st day of December now last past, and to be paid by the said Treasurer by Warrant under the hand and Seal of His Excellency the Lieutenant Governor or Commander in Chief for the time being, with preference to all other charges or payments which have heretofore been or which shall hereafter be made upon or payable from the said Revenues; such payments to be made Quarterly (that is to say) on the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December in each and every year, by equal and even portions, out of the Monies in the said Treasury, the first charge for the same to be made on the Quarter day next immediately after the passing of this Act, and to include the proportion of the said sum which may become due for the support of the said Civil Government by the said Quarter day.

*III. And be it Enacted,* That all the Monies which shall be paid to the Provincial Treasurer, under and by virtue of this Act, except the said Sum of Fourteen Thousand and Five Hundred Pounds, hereby granted, shall remain in the Treasury until appropriated or disposed of by an Act or Acts of the General Assembly of this Province to be passed for that purpose.

*IV. And be it Enacted,* That it shall and may be lawful for His Excellency the Lieutenant Governor and Commander in Chief for the time being, by and with the advice of the Executive Council, to expend out of the gross proceeds of the said Hereditary, Territorial and Casual Revenues, and of the said Sales and Leases of Crown Lands, Woods, Mines and Royalties, such sums of Money as they may from time to time deem necessary and requisite for the prudent management, protection and collection of the said Revenue; and that His Excellency the Lieutenant Governor and Commander in Chief for the time being, shall, within fourteen days next after the commencement of each and every Session of the Legislature, cause to be laid before the Assembly a full and detailed account, stating all the particulars of the Income and Expenditure of and relating to the said Hereditary, Territorial and Casual Revenues, Sales and Leases, of Crown Lands, Woods, Mines and Royalties, with all Vouchers to the same appertaining, for the then previous Year.

*V. And be it Enacted,* That all and every Grant, Lease, or other assurance which, during the continuance of this Act, shall be made or granted by His Majesty, His Heirs or Successors, of any Lands, Tenements, Rents, Woods, Mines, Royalties, Revenues or other Hereditaments within this Province, now belonging or hereafter to belong to His Majesty, His Heirs or Successors, whereby any Estate or Interest whatever in Law or Equity shall or may pass from His Majesty, His Heirs and Successors, save and except as hereinafter pro-

## APPENDIX No. 2.

vided, shall be utterly void and of none effect, unless such Grant, Lease or Assurance be made, upon Sale or Rent, to the highest bidder at Public Auction in this Province, due notice having been first given thereof in the Royal Gazette, and unless all such sums of Money and Rents as may be payable in consideration of such Grant, Lease or Assurance, be made payable to His Majesty, His Heirs or Successors during the whole term or time of the continuance thereof respectively.

VI. *And be it enacted*, That nothing in this Act contained shall extend or be construed to extend in any wise to impair or affect any rights or powers of control, management or direction, which have been or may be exercised, by the authority of the Crown or other lawful Warrant, relative to any Suits or proceedings for the recovery of the said Hereditary, Territorial, Casual and other Revenues, or to compositions made or to be made on account of any of the same, or to any remission, mitigation or pardon of any penalties, Fines or Forfeitures incurred, or to any other lawful Act, matter or thing, which has been or may be done touching the said Hereditary, Casual, Territorial or other Revenues, or to disable His Majesty, His Heirs and Successors, to make any Grant or Restitution of any Estate or Estates, or of the produce thereof, to which His Majesty hath or shall become entitled by Escheat for want of Heirs, or by reason of any Forfeiture, or by reason of the same having been purchased by or for the use of any Alien or to make any Grant or distribution of any personal property and devolved to the Crown by reason of the want of next of Kin or personal Representatives of any deceased person, and that the said rights and powers shall continue to be used, exercised and enjoyed, in as full, free, ample and effectual manner, to all intents and purposes, as if this Act had not been made, and as the same have or might have been heretofore enjoyed by the Crown, subject nevertheless to the restrictions and regulations hereinbefore made and provided, it being the true intent and meaning of this Act, that the said rights and powers shall not be in any degree abridged or restrained or affected in any manner whatsoever, but only that the monies arising from the full and free exercise and enjoyment of them, so subject as aforesaid, shall during the continuance of this Act, be carried to, and made part of, the joint Revenues, at the disposal of the General Assembly of this Province.

VII. *And be it further enacted and declared*, That nothing in this Act contained shall operate to annul or prejudice any Sale, Purchase Grant, Lease, enfranchisement, exchange, contract, rent charge, Agreement, Bond, Mortgage, Security, exoneration, or other act, matter or thing, relating to the said Lands, Woods, Mines, or Royalties, which at the time of passing this Act shall have been made, done, given, effected or created, but the same shall remain as good, valid, and effectual, for the benefit or security, either of His Majesty, His Heirs or Successors, or of any of the parties to or with whom, or in whose favor, any such Sale, Grant, Lease, enfranchisement, exchange, contract, Rent charge, agreement, Bond, Mortgage, Security, exoneration, or other act, matter or thing, shall have been made, done, given, effected or created, and be of as full force and virtue, as if this Act had not been passed.

VIII. *And be it further enacted*, That this Act shall continue and be of full force and effect, for and during the full and complete term of ten years, commencing from and immediately after the 31st day of December, in the year 183 last past.

No. 13 on List.

(Copy.)

Downing Street, 4th January, 1837.

SIR—

Your Despatch of the 0th June, No. 32, respecting the forms in which Patents should be made for the Grant of Lands in cases where the purchaser does not pay down the full price in ready money at the time of entering into the Contract, is so intimately connected with one of the subjects of my recent instructions of the 31st August and 5th September, on the general settlement of the affairs of New-Brunswick, that I advert to that Despatch, at present, rather with a view to fill up an apparent chasm in our official Correspondence, than for

## APPENDIX No. 2.

for any other purpose. Amongst the questions connected with the settlement of Crown Lands, upon which His Majesty's Government desire to act in concert with the Local Legislature, and upon their advice, the mode in which conveyances are to be made from the Crown, and all that relates to the forms of such instruments, are to be numbered. By whatever methods simplicity, despatch, and economy, can be most effectually secured, this branch of the public service will be most advantageously conducted.

I do not attempt the solution of this problem, but trust that it will engage the attention of the Council and Assembly, to whom you will have the goodness to communicate, in the usual manner, a Copy of this Despatch, and of the Correspondence of which it forms a part.

I have, &c. [Signed] GLENELG.  
Major-General Sir ARCHIBALD CAMPBELL, G. C. B.

&c. &c. &c.  
No. 14, on List.  
(Copy.)  
CIRCULAR.  
Downing Street, 24th February, 1837.

SIR— My attention having latterly been drawn to the system under which land in His Majesty's North American Possessions is at present disposed of, it has appeared to me that the regulation by which the purchase money of such Land is allowed to be paid by instalments, is open to very serious objection.

It has been stated that the collection of these Instalments is very expensive, and that recovery of the interest on the unpaid portion of the purchase money is virtually impossible; and although the Land becomes liable to forfeiture on a neglect of the established conditions of Sale, the nature of the case necessarily precludes a resort to so extreme a remedy.

The tendency therefore, of the system, is to lead Settlers to buy more land than they require, and consequently to disperse them over a wider extent of Country than they can beneficially occupy. The effect in the case of Timber Land is stated to be still more injurious; inasmuch as it induces parties who wish to cut Timber to purchase the Land on which it grows, by the payment of the first Instalment, and after stripping it of its Timber to abandon it—whereby, not only is the produce of the Timber Fund diminished, but large tracts of uncultivated and unoccupied Lands are locked up for a considerable period from the general purchaser.

It is probable that some of these inconveniencies might be considerably diminished, if not altogether overcome, by more rigidly enforcing the penalties attached to the neglect of the conditions of Sale; but such a course would be attended with much expense and difficulty, and might, perhaps, in many instances, press with severity on the Settlers. A more effectual remedy appears to exist in the establishment of a system of ready money payments, I have therefore to desire that you will forthwith issue a notice in the Province under your Government, that, from and after the 1st of June next, Purchasers of Land belonging to the Crown will be required to pay down at the time of Sale, 10 per cent. on the whole value of the purchase, and the remainder within 14 days from the day of the Sale, that until the whole price is paid the Purchaser will not be put in possession of the Land; and that in the event of payment not being made within the prescribed period, the Sale will be considered void, and the deposit be forfeited. I have deferred the operation of this rule until the first of June next, in order to permit those Settlers who may have already proceeded to North America, on the faith of the existing regulations, to obtain their Lands on terms which they had been led to expect, but in order as much as possible to repress the purchases in the interim of Speculators, not intending to become bona fide Settlers, you will give notice that it is the intention of the Government strictly to enforce the conditions annexed to the Sale of Land under the existing regulations.

I have, &c. [Signed] GLENELG.  
Major-General Sir COLIN CAMPBELL, K. C. B.  
&c. &c. &c.

(Copy.)  
No. 109.

Downing Street, 2nd. March, 1837.

SIR,

I have had the honour to receive your Despatches of the 25th Nov: 23rd. December, and 6th January last, relative to the arrangement effected in the course of last Summer, for surrendering to the House of Assembly of New Brunswick, in return for a Civil List, the Casual and Territorial Revenue of the Province, your Despatches of the 25th Novr: and 23rd. Decr. are designed to call my attention to certain parts of my instructions on this subject which appear to you to have been either indefinitely expressed or founded on incorrect data. Your Despatch of the 6th January encloses the Journals of the House of Assembly of the 4th of that month, shewing the manner in which the answer of His Majesty to their Address of the 14th March 1836 had been received.

Before noticing the two former Despatches I am commanded by His Majesty to express his gratification at the cordial manner in which, from the Journals of the 26th: and 28th Decr. last, His proposals to the Assembly on the Civil List appear to have been accepted; and the satisfaction which he feels at the prospect of an early and conclusive settlement of this important question.

I now proceed to reply to your Despatches of the 25th Novr. and 23d Decr. last, the former of which had, however, in a great measure been anticipated by my subsequent Communication of the 31st Oct., and by the draft of the Civil List Bill enclosed in it.

1st.—In regard to those portions of the Casual and Territorial Revenue which have been invested in various securities, I do not apprehend that any difficulty can arise. Those investments having been effected previously to the surrender of the Revenue to the Assembly, must of course be taken over by that Body subject to any existing obligation.

If they should disapprove the nature of the investment which, however, I see no reason to anticipate, it will be in their power to terminate it at the end of the present year.

2nd.—You state that a considerable error exists in the calculation by which it is made to appear that, after defraying the charges placed on the Civil List, there would remain an available surplus of £566 Stg:—that instead of this the whole surplus would amount to £190 19s Currency, and that if a charge of £300 were inserted for contingencies in conformity with the intention of Lord Stanley in 1834 there would be even a deficiency of £142, 7s. 8d Currency.

This miscalculation you impute to my having overlooked Lord Ripon's Despatch of 24th Octr. 1832, which directed that the Civil Officers should be paid in dollars at the rate of 4s 4d. I much regret that any error of this nature should have occurred, but I do not hold myself responsible for it. In the arrangement of the terms on which the Casual and Territorial Revenue was to be surrendered. I naturally recurred to your correspondence with Lord Stanley on the same subject. In your Despatch of the 24th March, 1834, subsequent to the arrangement for paying the Officers at the rate of 4s 4d to the dollar, I found the following passage;—“It is necessary “to observe that £14,000 Currency amount to nothing more than 12,600 Sterling “that all Officers borne on the Civil List are, and ever have been, as the Assembly “well know, paid in Sterling money, and that as the calculations on which your offer “was founded are obviously made with reference to those Salaries no doubt could be “fairly entertained with respect to the evident meaning of the Despatch on that head.” Nothing having since that time occurred to disturb the proportions between the New Brunswick Currency and Sterling money, I considered myself entitled to act on your calculation. I trust that the error will not be of any serious moment and that with due economy the surplus of the £190 Currency will be adequate for the present to meet any unforeseen contingencies.

Any inconvenience which might arise could indeed be only temporary, since, on the

occurrence of any vacancy among the principal officers borne on the Civil List, the Emoluments of his successor would, as has already been announced, undergo some reduction. If however, the public service should suffer in the interval from the deficiency of the funds at the disposal of the Executive Government, it would probably, be necessary at once to revert to the rate of paying official Salaries which was observed previously to Lord Ripon's Despatch, of the 24th Oct. 1832.

It had not been my intention to exclude from the arrangement the small allowance for contingent expences, but having, as I supposed, a considerable surplus, I did not think it necessary to insert a specific item on that account.

In regard to the current allowances to the Judges I did not propose to defray that service out of the Civil List. Those allowances were invariably paid by the Province up to the year 1836, and I have no doubt that the Provincial Legislature will again make the necessary provision for them.

3rd.—The position in which the unauthorized Settlers on the Crown Estate are placed by the proposed Bill is the next subject to which you advert. On this point I see no reason to doubt the propriety of the course which I adopted. Without denying that such persons acting as the pioneers of civilization confers in many instances a great benefit on society, I should yet have hesitated in advising His Majesty to interfere between them and the Legislature of the Province.

It is scarcely possible for any authority to be so intimately acquainted with the merits and necessities of this class of persons as the representatives of the people of New Brunswick. Nor do I think that there is any danger of the House of Assembly making, or permitting others to make, any harsh use of power in respect to such persons.

The title of these trespassers, or Squatters as they are commonly called, are no more valid now than they will be after the passing of the enactment in question, and I have no doubt that the Assembly of New Brunswick will adopt effectual means for protecting such of them as have an equitable claim to consideration, and whom a human and wise policy shall point out as fit objects for protection.

4th.—In regard to the Officers of the Army and Navy, I did not think it necessary to make any express stipulation. It will be for the Legislature of New Brunswick to consider whether the advantages accruing to the Province, from the resort to it of that class of Settlers are such as to justify the offer to them of peculiar privileges. If the Council and Assembly should decide to continue to Naval and Military Settlers a remission of the purchase money of such Lands as they may buy at Public Auction, His Majesty will cheerfully accede to such an arrangement. But as this is a question immediately effecting the proceeds of the Sales of Crown Lands, the consideration of it now belongs to the Legislature of New Brunswick alone.

5th.—In like manner H. M. Government have not reserved the right to grant any future endowments in Land to Schools or Churches,---although they would be most anxious by every means in their power to promote the general dissemination of religious and moral instructions, they yet see much reason to doubt whether that object can be effectually advanced by a nomination to the Crown of the right of granting such endowments to Ecclesiastical or Scholastic Institutions.

The arguments which have led them to this opinion are very fully detailed in Lord Aberdeen's Despatch to you of the 27th March 1835. I cannot doubt that ample provision will be made by the Legislature of the Province for purposes of education. The intimate acquaintance of the Members of the Legislature with the wants of their fellow Colonists will enable them to judge in what manner this important object may be best attained while the ample funds at their disposal will afford them the means of carrying their decision respecting it into effect. The subject is one most interesting to every inhabitant of New Brunswick and cannot be entrusted to better hands than those of the Provincial Legislature.

6th.—You observe that by the 5th section of the Bill a new feature will be introduced into all questions respecting titles to real property, and that the rule of law by which the Great Seal is considered a prima facie evidence of title will be set aside.

## APPENDIX No. 2.

That it will hereafter be incumbent on the Grantee, in addition to the production of his Grant, to prove that the formalities required by the fifth Section of the Civil List Bill have been complied with, and that, after the lapse of some years, it would be very difficult to procure the necessary evidence for that purpose. I confess that I do not apprehend any serious difficulty on this ground. The rule being once established that no ground should be disposed of except by sale at public auction the production of a Grant under the Public Seal would of itself be *prima facie* evidence that the rule had been complied with. The burthen of proving the contrary must, I conceive, fall on the questioning party, and I presume that the official Records of the Land granting Department would be received as conclusive testimony of the circumstances of the Sale. As this point, however, has been brought to the notice of the House of Assembly they will doubtless take the necessary steps for guarding against inconvenience and obviating any doubts of the nature which you anticipate. But it may be necessary perhaps to take more effectual means than have hitherto been adopted for ensuring the safe Custody of the Records of the Land Granting Department, and for making it appear on the face of every sale whether the conditions necessary for its validity have been strictly complied with.

There are measures which it will be competent to you in your executive capacity to effect, and if they are not fully provided for by the Legislature, I would request you to take such steps as may appear to you most likely to be effectual for the object.

7th.--- You desire, in consideration of the responsibility reposed in you, and with reference to your instructions under the Royal Sign Manual, to receive, either an authority under the Sign Manual, or an Order from H. M. Privy Council empowering you to give your assent to the Bill, for surrendering to the Assembly the Casual and Territorial Revenue.

I do not exactly understand to what part of your Instructions you here allude, but I presume it is to the 14th clause in which you are directed not to give your assent to any Bill of an unusual or extraordinary nature or importance or affecting H. M. Prerogative, unless a clause be inserted suspending its operation until H. Majesty's pleasure shall be known.

The object of that Instruction, however being to prevent the temporary operation of acts which H. Majesty in Council may afterwards see cause to disallow, and His Majesty's concurrence in the Draft of the Bill enclosed is my Despatch for the 31st of Oct. last having been already announced to you I do not see any ground for departure in the present instance from the usual course in such matters.

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

(Signed)

GLENELG.

His Excellency SIR A. CAMPBELL.

No. 16, on List.

(Copy)

No. 2.

Downing Street, 6th April, 1837.

SIR,

I have to acknowledge the receipt of Sir A. Campbell's Despatch of the 20th January last, No. 4, on the subject of the proceedings of the Legislative Council and the Assembly of New Brunswick in regard to the Civil List Bill. Mr. Street, the Solicitor General of the Province, having been deputed by Sir A. Campbell to proceed to this Country in order to afford the benefit of his oral explanations regarding the questions in dispute between the House of Assembly and the Executive Government, I have discussed the whole subject with that Gentleman, and have received from him a letter dated the 23rd ultimo, of which I enclose a Copy for your information. The House of Assembly also having deputed two of their Members, Messrs. Crane and Wilmot to proceed to this Country for the purpose of communicating with his Majesty's Government on the same subject. I have received from those gentlemen an Address from the Assembly to the King which I have laid before his Majesty. I have also had interviews

with Messrs. Crane and Wilmot and have given due attention to every statement which they have thought it necessary to bring under my notice.

I proceed to state to you the result of a deliberate consideration of the various aspects in which the matters controverted between your predecessor and the House of Assembly have thus been presented to His Majesty's Government.

On referring to my Despatch, of the 2nd March, No. 109 which was written before the arrival of Sir A. Campbell's last Despatches you will find that I have anticipated many of the questions which have more recently come under discussion. In order to avoid as far as possible the risk of any misconception on an occasion of so much importance, I shall disregard the minor inconvenience of repeating some of my former statements and explanations.

1st.—Sir A. Campbell did not consider himself as in possession of adequate authority for assenting on his Majesty's behalf to the Civil List Bill. His objection to act upon the instructions which I conveyed to him, may, as I now understand it, be stated as follows:—

The 14th clause of those Instructions contained the following passage, “you are not to pass or give your assent to any Bill or Bills of an unusual or extraordinary nature and importance until you shall have first transmitted to us through one of our principal Secretaries of State and to the Committee of Privy Council for Trade and Plantations the Draft of such Bill or Bills and shall have received our pleasure thereupon,—unless you take care that there be a clause inserted therein suspending and deferring the execution thereof until our pleasure be known concerning the same.” But Sir A. Campbell argues that in the present case neither of these conditions had been fulfilled. The Draft of the Civil List Bill had not been transmitted by him for the signification of His Majesty's pleasure, nor did it contain a suspending clause. It was indeed true that the Draft had been transmitted to the Lieutenant Governor for his guidance by the express command of His Majesty signified through me as one of His Principal Secretaries of State. But it was maintained that this was neither a formal nor a substantial fulfilment of the 14th article of the general instructions. The difference between the form literally prescribed and that which was actually observed requires no explanation. The difference of substance is stated by Sir A. Campbell to be, that a Draft transmitted from the Province to this Country must be accompanied by a Report from the Lieutenant Governor which Report must of course be wanting when that Order of proceeding is reversed.

It is no longer necessary with a view to any practical measure to discuss the distinction which was thus drawn—because I have now had the advantage of receiving the Draft from Sir A. Campbell, accompanied by the comments which it appeared to him to require. Yet I cannot pass from this question without recording my opinion that the Draft of a Bill transmitted by His Majesty's commands to the Lieut. Governor with instructions that, if adopted by the other branches of the Legislature, it should be assented to by him, is precisely the same authority as if that Draft had been drawn up and originally recommended to the King by the Officer Administering the Government of the Province. It is true that in such a course of proceeding the benefit of the previous suggestions of that Officer, is not obtained. But I cannot admit that it is not competent to His Majesty to dispense with that assistance on any occasion on which He may be so advised by the confidential Ministers of the Crown. The contrary supposition might on occasions of the utmost urgency and importance involve the necessity of a delay fatal to the success not merely of measures founded on a local and particular policy, but equally so of such as may have reference to the general interests of the Empire. The purpose of the 14th General Instruction was to place a check on the authority of the Governor, not to fetter the discretion of the King.

Secondly.—Sir A. Campbell next objected that, even admitting his obligation to assent to the Civil List Bill when transmitted to the Province and not originating with himself, yet it was necessary that the Royal Pleasure should be signified, not through His Majesty's Secretary of State but either in the form of an Order in Council or in

## APPENDIX No. 2.

that of instructions under the Royal Sign Manual. I have not succeeded in my attempt to ascertain the precise grounds on which this opinion rests and I am, therefore, unable to controvert them. But on referring to the Commission under which the Government of New Brunswick is administered you will perceive that it requires the Governor "to execute his command according to the several powers and authorities granted to, or appointed him by that commission and the interests therewith given to him," "and by such further powers, instructions and authorities as shall at any time thereafter be granted to or appointed him under the King's Sign Manual only. His Majesty's Order in his Privy Council or by his Majesty through one of his Principal Secretaries of State." I am not aware of the grounds on which Sir A. Campbell concluded that the last of these methods of signifying the Royal Pleasure was inefficient or inapplicable in the present case. The opinion seems to me at variance with the established practice and universal understanding of all the Colonial Possessions of the Crown.

Thirdly.—Sir A. Campbell objected to the Civil List Bill because it involved an error in the calculation of the rate at which Dollars are issued from the Receiver General's Office in the payment of Salaries. I have explained the source of that mistake in my Despatch of the 2nd. March. If it were necessary to insist on the correction of it the Assembly have relieved His Majesty's Government from all difficulty on the subject for on the 7th of January they resolved "that" in the event of its "being thought necessary or proper by me that there should be a clear surplus of £566 Sterling, as stated in my Despatch of the 5th December, the House upon being made acquainted with that fact should immediately place by a permanent vote or during the continuance of the Civil List Bill such additional Grant at the disposal of the Crown as would amount to the surplus above stated." They carry still further their frank and liberal confidence in his Majesty's Government, for no stipulation having been made in the Civil List Bill for the expense of the Judges Circuits, they resolved to provide for that Service also during the continuance of that act.

His Majesty accepts these resolutions as a fresh and gratifying proof that His solicitude for the welfare of His subjects in New Brunswick has been justly appreciated by the Representatives of the people in that Province. I have His Majesty's commands to state that as far as respects the expenses of the Circuit the King does not *hesitate* to ask the fulfilment of this pledge, because every measure which strengthens the security of the independence of the Judges must contribute to the stability of all the social Rights, of which they are the Guardians, But with regard to the farther Grant which is offered to rectify the Miscalculation in the Civil List Bill, His Majesty will not avail himself of the offer of the Assembly. In my Despatch of the 22nd. March I pointed out the resource which might be found for supplying the deficiency by a reduction of the Official Emoluments and Sir A. Campbell's resignation by reducing to the extent of £500 per annum the charge upon the Civil List renders it unnecessary to accept the farther aid proffered by the Assembly, with so much cordiality and in so strict and honourable an adherence to the spirit rather than the letter of the pledge given on their behalf by Messrs. Crane and Wilmot.

Fourthly.—A further question of great importance having been noticed in Mr. Street's letter of the 23rd. of March must not be passed over in silence. That Gentleman suggests that it is not competent to the King with the advice and consent of the Legislative Council and Assembly of New Brunswick to alienate the Hereditary Revenues of the Crown in such a manner as to bind His Majesty's Royal Successors. On this topic I limit myself to a general statement declining as unnecessary and therefore as inadvisable, the decision of the wide constitutional principles involved in this enquiry. On careful reflection I am convinced that Mr. Street's opinion is not well founded. I do not think that this Cession which during the last century it has been customary to make to Parliament of the Hereditary Revenue of the Crown for the life of the reigning Sovereign only, is to be understood as an affirmation of the maxim that the King, Lords and Commons of Great Britain and Ireland are incompetent to conclude a permanent Settlement of the question; on that the existing practice is founded

on the highest grounds of expediency is indeed indisputable, but I do not perceive that the motives which so urgently forbid a permanent alienation of the Hereditary Revenues of the Crown in this Kingdom apply to the case of a British Province on the North American Continent. That such a Cession may be rendered valid by an Act of General Assembly assented to by His Majesty and that the enactment of such a Colonial Law may under some circumstances be judicious and expedient might readily be shown from a reference to our Colonial History. I allude especially to the case of the Island of Jamaica. The objection if well founded would of course apply to a settlement of 10 years as distinctly as if it should be made in perpetuity. Understanding that Messrs. Crane and Wilmot and Mr. Street concur in thinking that it would be expedient that the Civil List should be permanently settled, I have His Majesty's command to acquaint you that if such should be the opinion of the House of Assembly, you are at liberty to assent to the Civil List Bill with that alteration.

Fifthly.—The next in order of the objections made to the Civil List Bill is that it does not secure to the Crown the right of initiating all votes of Public Money. Sir A. Campbell concludes that the necessary Enactment for this purpose was omitted in the Draft by an oversight, because my Despatches on the subject had distinctly adverted to such an arrangement as having been agreed upon with Messrs. Crane and Wilmot. The supposition of an oversight is not, however, well founded. I thought originally and still retain the opinion that the great principles by which the natural rights and obligations of the different Members of the constitution are regulated do not form the proper subject for a statutory Law. It is the felicity of your form of Government that it rests on custom and tradition far more than on written charters and positive enactments. But after a very attentive consideration of the whole subject I am convinced that it is not practicable, would not be wise to insist upon the observance in New Brunswick of the Rules of the House of Commons respecting the initiating of Grants of money. In the first place this would be a departure from the usage of every other Colony possessing a Representative Assembly. In the next place it would be a disturbance of a custom to which the Inhabitants of New Brunswick are familiarized and attached. It would engender continued strife between the Executive Government and the Assembly. In the third place even the Rules of the House of Commons in this respect unless sustained by the Judgment of that House and by the opinion of the Public at large, could afford no effectual security for reserving to the Crown that initiating of money grants which the Crown habitually exercises. These are forms of proceeding in Parliament by which an expenditure may be suggested to the Crown by the Representatives of the People. The establishment of the proposed rule in New Brunswick in the present state of Public opinion on the subject could have no other effect than that of leaving the Assembly to exercise circuitously that power of originating Money Grants which at present they exercise directly. I therefore have to instruct you not to insist upon this condition.

Sixthly.—Mr. Street has objected that any surplus funds which, at the expiration of the term of ten years may remain in the Public Treasury may at that period be claimed by the Assembly although they would have placed at their disposal all the surplus which has been at present accumulated. I do not see the force of this objection. The existing accumulations are surrendered to the House cheerfully, not merely with contentment but with satisfaction. His Majesty can have no other interest in the matter than that the Funds should be expended in whatever manner may best advance the welfare of the Province. On that question His Majesty conceives that reliance may with greater safety be placed on the Judgment of the Representatives of the People, than on any other advice. The cession of the existing Fund is, therefore, not regarded by the King in the light of a sacrifice, but rather in that of a direct advantage. If during the next ten years (supposing the Civil List limited to that time) any new accumulation should take place, it will constitute a saving effected by the frugality of the House of Assembly to the benefit of which they will have the clearest title:

Seventhly.--Mr. Street objects that if the gross proceeds of the Crown Revenue should be paid not as heretofore to the Receiver General, but to the Public Treasurer, the Law would render it impossible for the Lieutenant Governor in Council to withdraw from the hands of the Treasurer except in pursuance of an Act of Appropriation that part of the money which would be indispensable for defraying the expenses of collection and management. It does not appear to me that this objection is well founded.--The first Section of the Bill directs the payment to the Treasury of the proceeds of the Revenues. "Except the monies which shall be expended in the collection and the protection thereof as specially authorized and provided for by the 4th Section." It is then by the 4th Section Enacted "that the Lieutenant Governor with the advice of the Executive Council may expend out of the gross proceeds such sums of money as they may deem requisite for the prudent management, protection, and collection of the said Revenues."--Therefore although it be true that the Treasurer can issue no money except under an Act of Appropriation, yet it is also true that he will receive not the gross, but the nett Income.--Besides the unequivocal intention of the whole arrangement, the spirit in which it has been conducted, and the manifest interest of the Province in enabling the Local Government to meet every necessary charge of collection and management may be considered an ample guarantee against any endeavours on the part of the House to create the apprehended embarrassment.

Eighthly.--Sir A. Campbell and Mr. Street concur in objecting to the enactment in the same Session of the 5th clause of the Civil List Bill, and of the Act passed to restrain the provisions of that clause. It is certainly not to be denied that there is an apparent, if not a real, incongruity and contradiction between the two Statutes, and that it is desirable to avoid such a departure from the ordinary mode of Legislation. But this is rather a question of style and composition than a substantial difficulty. The meaning is perfectly simple. The second Statute qualifies the general rule laid down in the first. But the first Bill contains no words anticipating the subsequent restriction. This objection may be removed either by transferring the 5th clause of the Second Bill of which it might form the commencement, or by adding to that clause in the present Bill a few words declaring that it is to be subject to such qualification as may thereafter be enacted.

Ninthly.--Sir A. Campbell objected to the Bill for restraining the 5th clause of the Civil List Act because "it assumes to the House a right to take the whole controul and management of Crown Lands out of the hands of the Governor and Executive Council and to regulate the prices, qualities, and proportions to Military Officers and all the other minutia in the disposal thereof by Legislative Enactment, thereby taking from the King all His Royal Prerogative right in the disposal of the crown Lands and Forests in the Province." After reading the Bill with great attention I am unable to subscribe to this opinion. The Bill appears to me designed and calculated not to narrow but to enlarge the power which by the civil List Bill are reserved to the Executive Government, nor do I perceive any objection to the provisions which it contains.

Tenthly.--It was objected to the Second Bill that it was passed only for two years. I acknowledge the justice of this objection, and shall be happy if on a review of the subject the Assembly shall be disposed to render the two Bills of equal duration. If, however, they shall persist in limiting the second to a period of two years I do not think the limitation so objectionable as to afford a sufficient ground for the rejection of that measure.

As it appears that both the Bills have been lost by the closing of the Session without the Governor's Assent having been given to them, it will be your first duty on assuming the Administration of the Government to convene the Legislature, and you will transmit to the Legislative Council and the House of Assembly copies of this Despatch, acquainting the Assembly that I have received His Majesty's commands to address to them this communication as comprising the answer which His Majesty

has been graciously pleased to return to that part of their Address which relates to the proceedings of the House and the Lieutenant-Governor, respecting the Bills in question.

To that portion of the Address which adverts to the composition of the Executive Council, I am to offer in reply the following observations.

In my Despatch, No. 85, of the 5th of last September, Sir A. Campbell was directed, with reference to the desire of the Assembly for the increase of that Body, to report to me, without loss of time, the names of such Gentlemen as should appear to him most eligible for Seats in His Majesty's Executive Council. The Instructions contained in that Despatch, I have to desire that you will consider as addressed to yourself. You will accordingly apply yourself, without unnecessary delay, to a compliance with them in this important respect. In conformity with my directions, Sir A. Campbell transmitted to me on the 17th December, a List of several Gentlemen whom he considered proper objects for the honor of the Executive Council. I request that you will take this List into your consideration in connection with the whole subject, and will favour me with your observations on the recommendations which it conveys, as well as with your suggestions regarding any other Gentlemen in the Province whom you may consider more eligible to be Members of the Executive Council.

I cannot terminate this Despatch without expressing my concern that Sir A. Campbell should, at the close of his connection with the Province, have been subjected to the pain of receiving the 2d, 3d, 4th, 5th, and 6th of the Resolutions adopted by the House of Assembly on the 8th of February last. Without presuming to comment on the terms in which the Representatives of the People of New-Brunswick have recorded their solicitude for the interests of their Constituents, I cannot but lament that an Officer possessing so many claims to respect and gratitude, should have failed to obtain their approbation. I would yet indulge the hope that they might find it consistent with their course of public duty, by the adoption of such further measures as may be best adapted for the purpose, to relieve that gallant and estimable Officer from reproaches so painful to an honorable mind. I am convinced that they will concur with His Majesty's Government in thinking that whatever difference of opinion may unfortunately have arisen between the House and the late Lieutenant-Governor, the conduct of Sir A. Campbell has been influenced by no motives other than a strict sense of duty, and an earnest zeal for the good of His Majesty's Service, and the welfare of the People of New-Brunswick.

I have, &c.

[Signed]

GLENELG.

Major-General Sir JOHN HARVEY, &c. &c. &c.

No. 17, on List.

[Copy.]

*London, 22nd March, 1837.*

MY LORD,

In conformity with your Lordship's desire, expressed to me in the interview your Lordship honored me with, I now submit for your Lordship's consideration, the substance of certain proposed alterations, which I am instructed, by the Lieutenant-Governor of the Province of New-Brunswick, to bring under your Lordship's notice, as important to be made in the draft of the Civil List Bill for that Colony, as sent out by your Lordship, to be laid before the Provincial Legislature in December last.

1st. In respect to the amount that is to be granted by the Legislature, your Lordship will perceive by reference to the Despatch from His Excellency Sir A. Campbell, of the 25th November last, that the present charges on the Civil List of the Province, amount in Currency to £14,642, to pay which, and give to His Majesty's Government the surplus of £566 sterling, (equal to £653 16s. currency, in dollars at 4s. 4d. or to £628 17s. 9d. at the usual rate of exchange), would require a grant from the Legislature in currency of £15,295 or £15,271 per annum, according to the rate of Exchange at which the surplus may be calculated; and if it is intended out of that surplus to make provision for an efficient Audit Department in the Province, the expenditure will be probably in Salaries, which if fixed in sterling, will be paid, I presume, at the same rate as the other Salaries on the Civil List of the Province.

## APPENDIX No. 2.

It is true that by the resignation of the present Lieutenant-Governor, the amount charged on the Civil List will be reduced £500 sterling, and it is expected that future reductions will be made, as vacancies occur in other Offices, but I beg, with great deference to submit, whether it is not advisable to retain at His Majesty's disposal any funds that may arise from that source, as the only means in the Province that will be left to His Majesty, for affording any relief or assistance to such old and meritorious, but superannuated servants, of that Colony, as may hereafter (without such aid) from accident or other causes, be left in the decline of life destitute, although their long and faithful services might give them strong claims to the consideration of Government.

The Funds now about to be surrendered up to the Provincial Legislature by His Majesty, are as follow :

Amount deposited in the Provincial Banks, at 3½ per cent. interest, payable at any time on six months notice.	£29,000
Do. on Loan to the St. John Bridge Company, at 6 per cent. interest, payable 1st January, 1838, if required.	6,000
Amount already paid by the Land Company, in part of their purchase, with the accumulation of interest, about	66,000
Amount of unpaid instalments on other lands sold in the Province, part of which are now due, and the remainder will become due, 31st. Dec. 1837.	44,795
Do. of do. on do. which will become due, 31st December, 1838.	25,429
	Total £171,224

Besides the balance due on the purchase of the Land Company, the amount of which, I have no correct information, but the above amount alone, your Lordship will perceive, is sufficient in itself to pay a Grant of £15,295 for ten years, leaving an overplus of £18,274, besides the Annual Revenues accruing in the meantime. I cannot therefore suppose that, after His Majesty's Government has so liberally consented to surrender up the whole of these large Funds, the House of Assembly will, on a review of the question, object to the granting, in lieu thereof, such a liberal provision as will enable His Majesty, after payment of the Civil List, to meet any contingent emergency that may hereafter arise.

2nd. The Despatches from the Lieutenant-Governor before alluded to, have already pointed out to your Lordship that no provision has been made in any part of the arrangements for securing an adherence, by the Colonial Legislature, to the mode of appropriation of the Revenues of the Province, stated by your Lordship in your Despatch of the 31st August last, as one of the express conditions on which His Majesty had consented to make the surrender in question ; and I have only to add in this point, that I believe, and indeed I have no doubt, that the House of Assembly are under the impression, that as this condition has not been noticed in the bill, it is not your Lordship's intention to insist upon an adherence to it. It therefore is of great importance that this should be fully understood by all parties, before the Bill passes, as it will be too late afterwards to raise the question. If, as I am led to believe, from what passed in the interview I had with your Lordship, it is not contemplated by His Majesty's Government to abandon the condition, I with great submission beg leave to suggest, that some provision for it should be inserted in the Bill, for although it is, I am aware, unusual to regulate by Act of Parliament the course to be pursued by that power, in granting monies to the King, yet, if any new mode was to be pursued in regard to the appropriation of any particular fund, differing from what has been the established Constitutional Law and Usage of Parliament, it could only be done, I presume, by some Parliamentary enactment for that purpose ; and I submit that by the same rule, a Colonial Legislature would not feel themselves called on to depart from what had been an established usage with them, in their mode of appropriation of the public monies, without some Legislative or Parliamentary enactment for their so doing ; and the mode of granting monies, that has hitherto been pursued by the Legislature of New-Brunswick, is not according to the Law and Usage of the Imperial Parliament, but one, that was resorted to many years back, by agreement between the Legislative Council and House of Assembly, in the settlement of a long pending dispute upon that subject between those branches ; and that since

## APPENDIX No. 2.

since that period, instead of the Representatives of the People raising and granting only such monies as might be asked for by the Executive, in the name of the King, the King's Representative, in fact, has no voice whatever on the subject—but the House of Assembly raise and grant what they please, and the Executive must either assent to, or reject the whole; and however unconstitutional this mode may appear, it certainly has been found by experience to be the most convenient one for a Colonial Legislature, where there is no Minister of the Crown to come down to the House with an Estimate for the year; and I feel convinced that any attempt that might now be made to alter this course of proceeding, with respect to the ordinary Provincial Revenue, which has already been at the disposal of the Legislature, would create a great excitement in the Province, and probably much difficulty and dissension between the Legislative Council and House of Assembly; but with respect to the Crown Revenue, now about to be surrendered up, any provision that His Majesty's Government may think it prudent to make for securing to the Executive, as one branch of the Legislature, a voice in the disposal thereof, as a check upon its improvident expenditure, could not be considered, I conceive, any interference with what has been the established usage in regard to the other Revenues of the Province.

3rd. I beg to call your Lordship's attention to the question, whether any Act of this nature, made by a Colonial Legislature, even with the King's assent, can be binding for any period beyond His Majesty's life. The impression on my mind is, that in Law it cannot, and if I am right in this Law, this Act and the Provision intended to be thereby made for the Civil List of the Province might be at an end very shortly after the large amount of Crown monies now in hand may have been paid over to, and perhaps actually disposed of, by the Colonial Legislature, and it would then be equally optional with that body, as it would be with the Ministers of the Crown of that day, whether or not they would renew the Act again upon the same terms. This difficulty, if it is one, does not appear to have been noticed either in the House of Assembly or Legislative Council in their discussions on the Bill, but I submit the propriety of its being brought under their notice in the future proceedings.

4th. In any measure that may be adopted on this subject for securing to the Crown a provision for the Civil List of the Province, it is for your Lordship to consider the risk His Majesty's Government runs, by not insisting upon that provision being made a permanent one, for if only made for a limited period, and the Casual and Territorial Revenues, should at the expiration of that time be much reduced in amount (which may happen) the Colonial Assembly may not be disposed to renew the Act, except upon such a scale of Salaries for the Officers on the Civil List as they may themselves dictate, in which case the Government might meet with the same difficulty in New-Brunswick, on that head, as has occurred in Lower Canada; and although the surrender of the Casual and Territorial Revenues may not be held valid for any longer period than the present reign, yet the Bill might be so framed as to make the grant to the Crown so far permanent as to be dependent upon Her Majesty's Heirs and Successors, not reserving the Royal Right to the Revenues in question, and for so long a period as they should respectively continue to surrender the same to the disposal of the Legislature of the Province. In addition to the foregoing remarks on the general principle of the Bill, I now beg leave to call your Lordship's attention to some amendments, which appear to me it requires, in minor points, to prevent difficulty hereafter in carrying the measure into effect. The first Section of the Bill as it now stands, directs that all the Revenues, as well what are in hand, as also, what may hereafter be received (except what may be expended in the collection and protection thereof, as authorized by that Act) shall immediately be paid to the Provincial Treasurer. By this, the money would not go through the hands of the Receiver General, but the Commissioner of Crown Lands and other Officers who collect the same, would be compelled by this Act, to pay over immediately to the Provincial Treasurer, and when once there the money, by the 3rd. Section of the Act, cannot be touched until appropriated by the Act of the General Assembly. But Your Lordship perhaps is not aware that the different Accounts of the various expenses incurred by Deputy Surveyors, and other persons employed in the Surveying and laying out of the lands and timber berths in distant parts of the Province, cannot be got in, adjusted and paid, or the correct amounts ascertained, until long after the purchase money or tonnage on the Timber has been received; and those expenses cannot be paid out of the gross proceeds, until the accounts are examined and passed by the proper authorities. I would therefore suggest

gest that an amendment should be made in this Section, directing that the Accounts should be made up at the end of every quarter by the Receiver General, or other proper Officer appointed for that purpose, of all monies then in hand, and also of all expenses properly incurred during the quarter, or any preceding period; and that the Net Balance in hand, after the payment of such expenses, be then paid over to the Provincial Treasurer. This arrangement would compel the Officers to be regular in rendering their accounts at fixed periods, and prevent mistakes in the amount to be paid over. It will also be perceived that the Bill, as it now stands, makes no provision for any surplus that may remain of the Revenues at the expiration of the Act, if made only for a limited period; and as Lands are sold generally every year, on terms of paying for the same by instalments, there may be, at the expiration of the Act, instalments coming due at a subsequent period for Lands sold while the Act was in force; in which case the House of Assembly might claim those sums when received to be paid over as part of the proceeds of sales, made under the directions of the Act, although their grant for the Civil List had ceased to be payable. So on the other hand very large sums of money might have to be paid over to the Treasurer at the end of the quarter preceding the expiration of the Act, and a large surplus undisposed of may be in the Provincial Treasury when the Act expires, while the Government would be left without any provision for the Civil List for the then succeeding year, except the uncertain amount that might be derived from the income of that year. The 2nd section of the Bill provides, that the grant for the support of the Civil Government shall be paid by the Treasurer, by warrant from the Lieutenant-Governor, in four quarterly payments, that is at the end of each quarter in the year, but there is no direction as to the person in whose favour such warrant is to be drawn, or where this quarterly payment, when so drawn, is to be deposited for the purpose of answering the demands of the Civil Government. It is true this can be regulated by His Majesty's Government, without being inserted in the Act; but your Lordship may think it worthy of consideration, whether it would not be better that the Act should direct, that these quarterly payments should be made to the Receiver General or other proper Officer appointed for that purpose, or a warrant drawn in his favour, by the Lieutenant-Governor or Commander in Chief for the time being, to be applied in the first place, so far as may be necessary, to the support of the Civil Government of the Province, and any surplus that remains to be expended in the Province, in such way as the Lords Commissioners of His Majesty's Treasury may direct.

I now come to the 5th Section, upon which so much has been already said in the Despatches of the Lieutenant-Governor to your Lordship, as to the evil effects its operation would have in the Province, if allowed to pass into a Law as it now stands. It is unnecessary for me to trouble your Lordship with any further remarks upon that head; but I cannot but think the mode adopted by the House of Assembly for providing against such evil, by passing another Bill (which is only to have effect for two years) to restrain the provisions of this, instead of at once making the necessary alterations in this, before it passed into a Law, is a most unprecedented and unparliamentary course of proceeding, and one that will not have the effect intended, for the second Bill has other objects in view relative to the control and management of the Crown Lands and Timber in the Province, and contains provisions on that head, which I think your Lordship will require to be materially altered in several respects before it can go into effect. But at all events, if it is admitted (which it is) that the operation of the 5th section of the Civil List Bill, as it now stands, should be restrained, it surely would be better to have that section altered and modified accordingly, before it passes into a Law, than to trust to other enactments to correct it. I therefore suggest, that, instead of declaring as the section now does, all grants be null and void, unless made upon sale, &c. at Public Auction, the enactment be, that in future, all Crown Lands, &c. to be sold or leased in the Province, (except as hereinafter excepted) shall be sold or leased at Public Auction, after public notice given in the Royal Gazette and other papers, for such length of time as the Act may direct, and at which notice the upset price shall be stated, leaving it to the Governor and Executive Council to fix what that shall be, and let the proviso for the exceptions in the Act, to be therein after set out, provide in addition to what is now excepted therein, that nothing in this Act shall extend to disable His Majesty, His Heirs and Successors, from making any grant or lease of land, &c. by private sale or otherwise,

for

for the endowment of Churches, Schools or other Public Institutions, in the Province, not exceeding            number of acres to any one such Institution, and also the same exception to any person or persons settled in the Province, who may, in the opinion of the Governor and Executive Council, have an equitable claim or preference arising from prior occupancy, or improvement to any particular tract of ungranted land, so that the same do not exceed            number of acres to any one person, upon such person or persons paying for the same such price or sum not less than            shillings per acre, as may be agreed on by the Governor and Executive Council; and also the same exception to extend to any Military, Naval or other Officer, under the Crown, who may be entitled to a commuted allowance in land for his services, according to the graduated scale, and upon the terms and conditions, now (or which may hereafter be) established for such grants. A provision in substance to the above effect, in lieu of the present 5th Section of the Bill, would, I conceive, afford all the security that is requisite for the Province, that the lands will not be improvidently granted, and would, at the same time, relieve the Bill from the present objectionable clause. I have now to apologize for thus trespassing so long upon your Lordship's valuable time, but as I feel very anxious that this matter should be arranged, as both to satisfy the House of Assembly, and protect the just claims of individuals, as also at the same time to afford the requisite security to the Crown; I have ventured thus at length to bring all the points that have occurred to the minds of His Excellency the Lieutenant-Governor and the Executive Council under your notice, at one view, trusting to your Lordship's indulgence for so doing, and I have only to add that, if the Members of the House of Assembly could have divested their minds of the prejudice they have imbibed against the Executive of the Province, from an erroneous impression that we are opposed to the surrender of these Revenues, and have raised difficulties only to throw obstacles in the way of the measure being carried into effect, many of them, and I think a majority, would coincide in opinion with me, as to the propriety of most, if not all, the alterations I have suggested, and although I cannot but think it would be better, after your Lordship has determined what provisions the Bill must contain for the security of the Government, to leave the rest broadly open for the Legislature of the Province (unshackled by any fixed form of a draft sent from this Country) to prepare the Bill there, and to add such provisions of a local nature, as they may think the interests of the Province require, so they do not in effect weaken the security to be provided for the Crown, and to pass the Bill with a suspending clause; yet if your Lordship prefers that the draft should be settled here (as Messrs. Crane and Wilmot are now in London) I shall be ready, if they are so disposed, to assist them in making such alterations in the present draft, as your Lordship may, on further consideration, decide upon; for I am guided solely by a wish to get the matter settled in a way that will be most conducive to the best interests of the Province, and I am quite sure that the same object alone has directed the proceedings of His Excellency Sir Archibald Campbell, and my brother Members of the Executive Council, in every step they have taken on this important subject.

I have, &c.

(Signed)

G. F. STREET.

Lord Glenelg, &c. &c. &c.

#### APPENDIX No. 18.

(Copy)

Downing-Street, 29th April, 1837.

SIR,

I have received Sir Archibald Campbell's Despatch of the 15th ultimo, No. 16, inclosing a Letter which had been addressed to him by the Collector and Comptroller of His Majesty's Customs at St. John, in which they express their opinion, that in the recent arrangement for the surrender of the Revenue at the disposal of the Crown, to the Provincial Legislature, it was not contemplated by His Majesty's Government, to include in that surrender the Duties of Customs received under the Acts, prior to 18, Geo. 3, cap. 12.

It appears scarcely necessary for me to say that the arrangement made between His Majesty and the Legislature of New-Brunswick, cannot embrace any of the Revenues of the Crown, received in that Province from Duties imposed by Acts of Parliament, of which  
Parliament

Parliament may have confided the appropriation to the Lords of the Treasury ; because without an express Parliamentary sanction it would not be within the power of His Majesty to alter, or to assent to the alteration of the Law, regulating the appropriation of such Duties. The cession is co-extensive with the power of the Crown, but must necessarily be limited by them.

I have, &c.

(Signed)

GLENELG.

Sir J. Harvey, &c. &c.

#### APPENDIX No. 19.

##### PETITION OF THE CHAIRMAN AND SECRETARY OF THE CONSTITUTIONAL SOCIETY OF MONTREAL.

To the Honorable the Legislative Council of the Province of Nova-Scotia, in Provincial Parliament assembled.

The Petition of the undersigned, for themselves, and in behalf of the Constitutional Association of the City of Montreal.

RESPECTFULLY REPRESENTS TO YOUR HONORABLE HOUSE—

That anarchy and confusion have set the laws at defiance, and destroyed the harmony and quiet of social life; that sedition and rebellion, followed by atrocious murder, robbery and rapine, have loudly proclaimed themselves in the most populous and prosperous portion of Lower Canada ; and that the rights, the interests and the property, of the Provincial Inhabitants of British origin have been jeopardized, by the designs of a revolutionary French Faction, madly bent upon their destruction.

That in order to expose the real views and designs of that faction, the Constitutional Association of Montreal have undertaken the important duty of explaining to your Honorable House, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present most unhappily, and at the same time most unjustifiably, existing in this Province, and of appealing to the sympathy of your Honorable House in behalf of the inhabitants of British origin in Lower Canada—for the protection of their rights as British Subjects—the maintenance of the Provincial connection with the Parent State—and the acquirement, from the justice of the Imperial Government, of those remedial measures which will prevent a recurrence of existing disorders, and secure the prosperity and improvement of the Colony.

At the conquest of the Province of Quebec by the British arms, the greater proportion of its inhabitants chose to remain in the Province, trusting to the generosity of their Conquerors, rather than to return to the country of their ancestors ; they became British Subjects by the mere fact of their Provincial residence ; and subsequent civil and political benefactions conferred upon them, demonstrated their well-placed trust in the generosity of the British Government.

The full exercise of their religious worship—the complete enjoyment of their ancient civil laws—and the undisturbed use of their native language, were among the number of civil and social privileges guaranteed to them ; and political privileges of equal extent to those enjoyed by the British Provincial inhabitants, were, in addition, subsequently bestowed upon them.

The uncongeniality of the French laws, as a system of Provincial Civil Jurisprudence, with the spirit and feelings of British Settlers, and their expressed desire for a change, from the petty tyranny of a Governor and Council to the freedom of a Representative Provincial Government, procured still greater advantages for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower and Upper Canada, was carried into effect, and a Constitution essentially similar to that of the Parent State was conferred upon each, whilst at the same time universal suffrage was, in effect, granted to their inhabitants.

It was conceived that this measure, by which one division should consist, as much as possible, of those who were well inclined to the English Laws, and the other of those who were

were attached to the French Laws, was best adapted to put an end to all disputes of a legal sort—to reconcile the jarring interests and opposite views of the Provincial inhabitants—to prevent a great degree of animosity and confusion, from their rooted opposition of interests—and to obviate dissatisfaction from a great ascendancy of one party over another in a United Legislature. Two objections to the measure were, however, neglected by the Minister of the day—that it fostered a population of foreigners in a British Colony, and that it contained no provision whereby the inhabitants of the British Islands should be totally excluded from settling themselves in Lower Canada.

The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly show how far the advantageous results anticipated from that impolitic measure have been realized.

The possession of the right of almost universal suffrage, and of a numerical popular majority of the Provincial constituency, gave the complete command of the Representative branch of the Legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes, of the destruction of the interests and rights of the Provincial connection subsisting with the Parent State.

A cursory examination of the composition of the House of Assembly, from its establishment, will show that with scarcely an exception, no individual of British or Irish origin has been returned to serve as a member of that body by a French Canadian majority, unless as a pledged supporter of French Canadian principles; with scarcely an exception, no Provincial Law has been passed, how much soever required for the support of the interests, or the protection of the rights of the inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the legislation of that body will show that its temporary character was adopted to render the Province the more completely subject to their control, or to enable them the more easily to take advantage of their expected predominance, for the abrogation of those very temporary laws which they had been constrained to pass. The political principles of that body will show a fixed opposition to British interests, not only in their aversion to or rejection of every measure which would tend to the introduction of capital and of a British population into the Province; as, for example, an effectual system for the registration of mortgages and an abrogation of the feudal tenure; but also in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing County division of the Province, by which the British and Irish constituency in the Seignories has been completely swamped in the greater numbers of the French Canadians, and the defeated attempt to deprive their fellow subjects of British and Irish origin in the Cities, tenants of leasehold property in co-partnership, from a right of voting for Members of the Assembly. The claim of that body for the sole management and disposal of the whole Revenue of the Province, has constantly had in view the attraction into their own hands of the entire Provincial authority, and of the subjection of the Executive Government to their arbitrary will. From their first insidious attempt in 1795, to obtain the repeal of the permanent appropriation contained in the Act of 1774, for the support of the Civil Government and the administration of Justice, thereby to subject the Executive Government to their good pleasure, for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties, which they have never allowed to slumber, by means of their annual Supply Bills—their difficulties as to the items of that supply—their representations in 1822, not to grant permanent supplies, or supplies during the Sovereign's life—their delegation to England in 1828—and the whole category of their agitation upon this subject down to the year 1831, when the full accomplishment of their long sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations, their first, last great object, was to obtain possession of the Provincial Revenues, well knowing that by this means the Government would be cast into their hands. Finally, the detail of the grievances of that body as representing the opinions of their constituency, the so called great mass of the population, complete the evidence of their exclusive interests; in them will be found the abrogation of the Charter granted to the  
British

British American Land Company, by means of which the Assembly sought to assume the management of the Waste Lands in the Townships, and thereby to prevent the settlement therein of a British and Irish population ; the repeal of the Tenures Act, by which a commutation of Seigniorial Tenure may be effected, from their apprehension of its leading to the introduction into the Province of British Capital ; their indisposition to encourage the settlement of the Townships of this Province, because they are principally inhabited by a British, Irish, and American population ; their unwillingness to co-operate with Upper Canada in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish inhabitants of Lower Canada ; and their pertinacious endeavours to render the Legislative Council elective, because in it alone were to be found the means of opposing the exclusive pretensions, and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit and political principles, fully establish the aim which its Members have constantly in view—the aggrandizement of the population of French, and the opposition of that of British origin.

The recorded testimony of a French Canadian leader, and one of the Delegates to England, in 1828, to represent the grievances of his fellow countrymen, and since that time their paid Agent for similar purposes, corroborate the views taken by the Constitutional Association ; he declared in his examination before the Canada Committee of the House of Commons in 1828, that “ the establishment of the English Laws as applicable to property held in the Townships on the tenure of free and common soccage, would be an infringement of the rights belonging the French Canadians, if not done by the Legislature of Lower Canada ; that the French Laws should be allowed to continue all over the country—that facilities should have been given to the French Canadians to settle in the Townships—that the means of going there should have been given to them—that a system of education according to the notions and ideas of the French Canadians should have been followed—that the desire of the French Canadians must necessarily be to keep up their own Institutions, and to preserve their laws in every part of the country—that the Legislative Council should be composed of men who would side with the mass of the people, and in effecting this latter arrangement, that its effect would be to secure the means of extending the French Laws and the French Canadian system over Lower Canada.”

In the full and complete security of their persons and property, in the free and unrestricted enjoyment of their religious worship, their ancient civil laws, their native and beloved language, and of an equality of rights and privileges in the Provincial Representative Government, with their fellow subjects of British and Irish origin, in possession, moreover, of a numerical popular majority, the French Canadians could have no sympathies in common with the people of another race and speaking another language, no inducement to divest themselves of prejudices dear to them alike from the associations of country and the recollections of life, or to abandon habits and customs which they cherished, and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers, whom they were taught to disregard ; and the natural consequence has been, that in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interest and British connection has finally assumed the form of open and declared rebellion.

The French Canadian population were thus not only nationally inclined to mark their active opposition to their fellow subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil ; they have been taught to feel towards them none of those kindly sympathies which unite together subjects of the same country and possessors of the same rights ; they have, in fine, been taught to believe themselves oppressed by their fellow subject of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors. Overlooking moral feebleness in physical capability, desperate men made an open livelihood by influencing the population of French origin to acts of violence ; missionaries of insurrection by their own example, ostentatiously shewed to them the manner of setting the laws at defiance ; and individuals, loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed. In all cases the object was attained,—active discontent was introduced into the passive population, and noon-day meetings gradually ripened into sedition and rebellion. It

## APPENDIX No. 5.

No. 1773. "An Act to amend the Acts for recovering Debts from absent or absconding Debtors."

No. 1774. "An Act to change the name of the County of Juste-au Corps to the County of Inverness."

No. 1775. "An Act to continue an Act in amendment of certain Acts relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates."

No. 1776. "An Act to continue the Act concerning Malicious Injuries to Property."

No. 1777. "An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats."

No. 1778. "An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash."

No. 1779. "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. 1780. "An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages."

No. 1781. "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."

No. 1782. "An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Act to alter and amend the same."

No. 1783. "An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing."

No. 1784. "An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels."

No. 1785. "An Act to continue the Act, entitled, An Act in further addition to the Act relating to Wells, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates."

No. 1786. "An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges."

No. 1787. "An Act to afford relief to the Poor Settlers in this Province."

No. 1789. "An Act relative to the Establishment of Banks for Savings."

No. 1790. "An Act to continue the Act to regulate the expenditures of Monies, hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof, and to alter and amend the said Acts."

No. 1791. "An Act to extend the benefits of the Insolvent Debtors' Acts to persons arrested upon Mesne Process."

No. 1792. "An Act to amend the Act concerning persons licensed to keep Public Houses or Shops, and the duties thereon."

No. 1794. "An Act to revive, as to the Town of Halifax, the Act to regulate the assize of Bread."

No. 1795. "An Act for placing the Bridge at Bridgetown under the direction of the Commissioners of Highways for Bridgetown."

No. 1797. "An Act in amendment of the Act for the more easy Redemption and Foreclosure of Mortgages."

No. 1798. "An Act to continue and amend the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court in the several Counties and Districts of this Province."

No. 1799. "An Act to repeal the Act for appointing Commissioners to enquire into, and report upon, the expediency of reforming the practice and proceedings of Courts of Law and Equity, and the revising and consolidating the Laws of the Province."

No. 1801. "An Act for providing Fire Engines for the Town of Yarmouth, and for other purposes."

No. 1802. "An Act to prohibit the Exportation of Grain and Potatoes."

No. 1803. "An Act for the Summary Trial of Actions in the Island of Cape Breton."

No.

No. 1804. "An Act to continue and amend the Act for the Summary Trial of Actions and the Act in amendment thereof."

No. 1805. "An Act to repeal an Act in addition to, and amendment of, the Act for the choice of Town Officers, and regulating of Townships, and to revive an Act in further addition to, and amendment of, the several Acts for the choice of Town Officers and regulating of Townships."

No. 1806. "An Act respecting the Militia of this Province."

No. 1809. "An Act to continue the several Acts concerning the Bridewell and Police in Halifax."

No. 1811. "An Act to continue the Act concerning the Terms of the Supreme Court of Halifax."

No. 1812. "An Act to continue the Act concerning the Inferior Courts of Common Pleas, within this Province."

No. 1813. "An Act to continue the Act to provide for the accommodation and billeting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof."

No. 1814. "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. 1815. "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. 1816. "An Act relative to Elections for the Township of Amherst."

No. 1818. "An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Weirs and other incumbrances, obstructing the passage of Fish in the Rivers of this Province."

No. 1819. "An Act to extend to the Counties of Sydney and Guysborough, the Act respecting stray Horses and Cattle in the County of King's County, and for enabling the Owners thereof to discover the same."

No. 1820. "An Act to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax."

No. 1822. "An Act to continue the Act for the better preservation of Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at night."

No. 1823. "An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof."

No. 1824. "An Act to continue the Act in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates."

No. 1825. "An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis."

No. 1826. "An Act to continue the Act further to amend the Act relating to Trespasses."

No. 1827. "An Act to continue the Act for the better regulation of Sable Island and Seal Islands in this Province."

No. 1828. "An Act to continue the Act for the support and regulation of Light Houses."

No. 1829. "An Act to continue the Act to regulate the Weighing of Beef."

No. 1830. "An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax."

No. 1831. "An Act to continue the Act for regulating the Fishery in the River Shubenacadie."

No. 1832. "An Act to continue the Act relating to Grand Juries."

No. 1834. "An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals."

No. 1835. "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. 1836. "An Act to continue the Act relating to the Court of Commissioners at Halifax."

*And Whereas*, the said Acts have been referred to the Committee of the Lords of Her Majesty's

Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty, that the said 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.

No. 6.

(See Page 242.)

(Copy.)

Downing Street, 12th July, 1837.

(Duplicate, No. 89.)

SIR,

I have had the honor to receive your Despatch of the 23d May, No. 77, enclosing a report from a Committee of the Assembly of Nova-Scotia, on the subject of the Fishery in the Gulf of St. Lawrence, and on the Coast of Newfoundland. I beg to assure you that this report will receive the most serious consideration from Her Majesty's Government, and their decision on the subject, so soon as it can be maturely formed, will be communicated to you for your guidance.

I have, &amp;c.

GLENELG.

SIR COLIN CAMPBELL, K. C. B.  
&c. &c. &c.

(Part 2nd.)

(Copy.)

Melville, Halifax, 9th June, 1837.

SIR,

I have the honor to acknowledge the receipt of your Excellency's Letter of yesterday's date, enclosing the Copy of the Report of the Committee of the House of Assembly, appointed the last Session, to take into consideration the subject of the Fisheries, and the infringement of existing Treaties by the Citizens of other Nations, as also the Copies of two Resolutions of the House, and your Excellency's Despatch to Lord Glenelg.

I perfectly concur with your Excellency, in the necessity for the adoption of prompt and efficient measures for the protection of our Fisheries, being also of opinion that the Sum placed at your disposal to enable you to employ a small Vessel in the Service, is totally inadequate, and it must be evident to all concerned, that the few Vessels of War hitherto superintending it, are not sufficient, there being but three employed last year for the whole service, including the Bay of Fundy. With respect to the employment of Steam Vessels, I do not expect they would answer, the Machinery constantly becoming inefficient and difficult to replace; and I consider small Sloops of War, or Schooners, would be better adapted, and certainly in number not less than ten;—during the Winter a proportion of these might be laid up at Halifax, and the remainder employed to the Southward, as occasion might authorize.

On my quitting the West Indies for this part of the extensive Station under my command, I conceived I had made ample provision for the Service alluded to, having ordered five Vessels of War to proceed to this Port for the protection of our Fisheries—two of which, I regret, have been ordered to return direct to England, by the Lords Commissioners of the Admiralty, without being first relieved; one is very much behind her time, and the remaining two I daily look for; it is, however, my intention to despatch the Schooner "Skipjack" on this Service the moment she is ready, having had as many Artificers as possible employed

since

since her arrival here, in hastening that Vessel's refit. I have further the honor to acquaint your Excellency, that I have sent directions to the Senior Naval Officer at Barbados to send on the "Comus" and "Sappho" (expected from England) to this Port, and have also ordered Commodore Sir John S. Peyton, to despatch for the same Service, from Jamaica, any one of His Majesty's Vessels that may be ready for Sea: these can be ill-spared from the above Stations, so many Vessels being required there, especially at Jamaica, for the conveyance of the Mails, as well as generally for the interception of Vessels engaged in the illicit Traffic of Slaves; some delay will also, of necessity, occur in the arrival of the Ships of War in question, as I regret to say there is no regular communication with the West Indies, and I have nothing at my disposal to enable me to effect such Communication.

I have, &c.

[Signed.]

P. HALKETT,  
Admiral, and Commander in Chief.

(Part 3d.)

(Copy.)  
SIR,

Government House, Fredericton, January 22d, 1838.

I have the honor to acknowledge the receipt of your Excellency's Communication of the 10th inst. with the accompanying Copies of the Report, by the Committee of the House of Assembly of Nova-Scotia, upon the subject of the Fisheries, and to acquaint your Excellency that I lost no time in bringing those Documents and your Excellency's Communication under the consideration of both branches of the Legislature of this Province, now in Session; and it affords me satisfaction further to acquaint your Excellency, that important information upon Oath, from respectable individuals of this Province, relative to the open and extensive encroachments of Foreigners upon our Fisheries, on its North-East Coast, has recently been obtained, and will be laid before the Legislature, of the result of whose proceedings I shall not fail to apprise your Excellency.

I have, &c.

[Signed.]

J. HARVEY.  
Lieutenant-Governor.

No. 7.

(See page 247.)

**THE PROVINCE OF NOVA-SCOTIA, Dr.**

For Payments made by the Treasurer, between 1st day of January and the 31st December, 1837.

**MARCH QUARTER.**

March 31.—To paid the Salaries of Officers of Government, Puisne Judges,  
&c. &c., per Abstract and Warrant

	1	£1508	15	0
Secretary of King's College, Windsor	2	111	2	2½
Master of the Halifax Grammar School	3	37	10	0
Hon. H. N. Binney, for pay of Waiters	4	117	15	0
The Respective Stockholders for One Year's Interest on Funded Debt	5	447	4	4½
Deputy Post Master General for Post Communication	6	329	13	4
The Stockholders of the Funded Debt for the quarter ending this day	7	250	0	0
The Western Stage Coach Company	8	50	0	0
The Eastern Stage Coach Company	9	50	0	0
The Commissioners of the Poor to date	10	150	0	0
The Trustees of the Pictou Academy	11	100	0	0
Owners of Parrsborough Packet	12	50	0	0
The Commissioners of Light Houses as balance due them to 31st December last	13	702	0	5
John Ferguson as Bounty on Manufacture of Chocolate	14	7	14	8
The High Sheriffs for returning Members to Assembly	15	73	10	0
				Members

## APPENDIX No. 7.

March 31.—Members for attendance at Assembly	16	£2366	10	0
Clerk of the House of Assembly for extra Services	17	100	0	0
Clerk of Ditto, extra Messengers, Fuel, Stationary, &c.	18	240	0	0
Assistant Clerk of the Assembly	19	200	0	0
The Revd. Archdeacon Willis, Chaplain to Council	20	25	0	0
Deputy Clerk of Council	21	100	0	0
Mathew Forrester, Sergeant at Arms to Assembly	22	50	0	0
John Jennings, Assistant ditto.	23	30	0	0
John Gibbs, Messenger ditto.	24	30	0	0
High Sheriff, opening and closing ditto.	25	10	0	0
Richard Ross and others for Road alteration	26	11	4	0
Ebenezer Bishop and others for ditto.	27	130	16	3
Commissioner and Treasurer of Savings' Bank for Interest to date	28	200	0	0
		£7648	15	3

## JUNE QUARTER.

June 30.—To paid the Salaries of Officers of Government, Puisne Judges, &c. &c. per Abstract and Warrant	1	£1598	15	0
Secretary of King's College, Windsor	2	111	2	2½
Master of the Halifax Grammar School	3	37	10	0
The Hon. H. N. Binney, for pay of Waiters	4	133	7	6
The Respective Stockholders for one year's Interest on funded Debt	5	124	16	3
Ditto for the Half year ending this day	6	200	0	0
Ditto for the quarter ending this day	7	250	0	0
Deputy Post Master General for Post Communication	8	324	13	4
Western Stage Coach Company	9	50	0	0
Eastern Stage Coach Company	10	50	0	0
Commissioners of the Poor to date	11	150	0	0
The Trustees of the Pictou Academy	12	100	0	0
The Trustees of the Acadian School	13	50	0	0
The Trustees of the National School	14	50	0	0
The Trustees of the Catholic School	15	50	0	0
The Managing Committee of the Horton Academy	16	150	0	0
The Trustees of the Arichat Academy	17	50	0	0
The Collector of His Majesty's Customs to pay Salaries to Officers of Customs, to 5th April	18	1786	4	8
Deputy Post Mater General, for Postage of Letters for Members of Council and Assembly	19	321	13	6½
John Howe & Son, for printing Journal of Council	20	106	0	0
C. H. Belcher for Binding 4th Volume Province Laws	21	47	6	9
Gibbs H. Gesner for returning Members to Assembly	22	3	0	0
Allan McDonald for Bounty on Tobacco	23	140	5	0
James Whitney for conveying Mails between Digby and St. John's	24	37	10	0
John Romans for expences in travelling from Truro to Halifax	25	12	0	0
John Farquhar, being for Duties on Goods consumed by Fire	26	26	18	1½
The Overseers of the Poor at Annapolis	27	18	0	6
Eliza Sherlock, as granted to her	28	3	15	0
Messrs. Cunard & Dodd for Services performed relative to Light-Houses	29	100	0	0
Susannah Green, being One Year's Pension to her	30	20	0	0
John Northup in lieu of Notes destroyed by fire	31	2	0	0
To paid Commissioners of Light-Houses for expences in drawing up an award	32	13	5	10
Inspecting Field Officers to 31st March	33	175	0	0
Ditto. ditto. 30th June	34	175	0	0
The Clerk of the Crown for condemning Brandy	35	9	17	0
Alexander Lawson, duties paid on a printing Press	36	8	15	11
Secretary of the Province for relief to Emigrants	37	370	8	10
Mary Wiswell, balance of Salary due her late Husband	38	100	0	0
John George Heirlihy, as granted to him	39	11	0	0
				June

## APPENDIX No. 7.

June 30.—To paid the Overseers of the Poor at Dorchester	40	£33	8	6
James Turnbull, as compensation for extra Services	41	53	13	9
James Whitney for running Steam-Boat between Annapolis and St. John	42	25	0	0
Allan McDonald, as Bounty on Tobacco	43	72	3	9
Messrs. Bain, Shannon & Allison, being return of duties paid at the Custom-House	44	220	8	5
William Foster, as Bounty on Tobacco	45	83	14	9
James Leishman & Co. being the amount of Duties twice paid by them	46	19	13	0
Secretary of the Province, relief to Indians	47	25	0	0
Commissioners of Light-Houses	48	850	0	0
C. B. Watson, as Teacher of Annapolis Academy	49	25	0	0
Rev. Mr. Cossman, being a return of duty paid on a Piano Forte	50	7	2	11
Messrs. Cunard & Co. for Drawback of duties	51	28	11	3
Commissioners of Schools, Lunenburg	52	50	0	0
Charles E. Leonard for extra Services	53	20	0	0
Deputy Clerk of the Crown at Annapolis, for expenses in a Criminal prosecution	54	175	12	3
Rev. Mr. Uniacke, support of a School in the North Suburbs	55	100	0	0
The Commissioners of Bridewell	56	200	0	0
Commissioners of Public Buildings	57	250	0	0
Commissioners and Treasurer for Signing and Issuing Province Notes	58	250	0	0
Munro & McKenzie for expenses in exploring a new line of Road	59	62	15	6
The Trustees of the Arichat Academy	60	20	0	0
The Commissioner and Treasurer of the Savings' Bank for Interest	61	185	0	0
Secretary of the Province, relief to Colored Settlers	62	75	0	0
William Harris, as balance of Road alteration	63	8	0	0
John Munro for Road Surveying	64	17	10	0
Samuel Archibald for ditto.	65	25	5	0
		£9,851	4	6½

## SEPTEMBER QUARTER.

September 30.—To paid the Salaries of Officers of Government, Puisne Judges, &c. &c. per Abstract and Warrant	1	£1598	15	0
Secretary of King's College, Windsor	2	111	2	2½
Master of the Halifax Grammar School	3	37	16	0
The Hon. H. N. Binney for pay of Waiters	4	126	10	0
The Respective Stockholders for one year's Interest on funded Debt	5	109	11	3
Ditto for one quarter ending this day	6	250	0	0
Deputy Post Master General for Post Communication	7	307	3	4
Western Stage Coach Company	8	50	0	0
Eastern Stage Coach Company	9	50	0	0
The Collector of H. M. Customs, to pay the Salaries to Officers of Customs to 5th July	10	1786	4	8
The Trustees of the Pictou Academy	11	100	0	0
The Trustees of the Horton Academy	12	75	0	0
The Commissioners of the Poor to date	13	150	0	0
John Ferguson, Bounty on Chocolate	14	45	13	2½
Allan McDonald & Co. Bounty on Tobacco	15	33	18	9
Isaiah Smith, for running a Boat at Shubenacadie	16	20	0	0
The President and Directors of the Shubenacadie Canal Company, for interest to 5th July	17	750	0	0
Thomas Pushee, for Road alteration	18	14	15	0
Wentworth Taylor, for Road alteration	19	4	16	0
Charles Budd, out of Vote of 1836, for Surveys	20	8	0	0
The Commissioners of Light-Houses	21	1232	5	10
Chief Justice Halliburton, for Travelling expenses	22	32	13	4
The Ladies' Managers of the Infant School	23	50	0	0
				September

## APPENDIX No. 7.

September 30.—To paid the Rev. Dr. Willis for a half year's allowance to African School	24	£50	0	0
Judge Wilkins, for Travelling Expenses	25	28	6	8
Halifax Steam-Boat Company	26	100	0	0
Committee of the Mechanics' Institute	27	50	0	0
Judge Hill, for Travelling Expenses	28	92	13	4
Commissioners of the Poor, for support of a School	29	25	0	0
Stirling and Grigor, in aid of Halifax Dispensary	30	50	0	0
Drawback claimed by the Military Messes	31	294	15	11
Dr. Gesner, as a testimonial set upon his labour, a Geologist	32	100	0	0
Munro & McKenzie, for surveying a Road	33	28	15	8
Barss & Dewolf, in aid for repairing and planking the Liverpool Bridge, vote of 1836	34	200	0	0
Commissioner and 'Treasurer of the Savings' Bank, for interest to date	35	185	0	0
'Trustees of Arichat Academy	36	25	0	0
		£8108	10	2

## DECEMBER QUARTER.

December 31.—To paid the Salaries of Officers of Government, Puisne Judges, &c. &c. per Abstract and Warrant	1	£1598	15	0
Secretary of King's College, Windsor	2	111	2	2½
Master of the Halifax Grammar School	3	37	10	0
The Hon. H. N. Binney, for pay of Waiters	4	129	5	0
The respective Stockholders, for one year's interest on Funded Debt	5	169	13	9
Ditto for the half year, ending this day	6	200	0	0
Ditto for the quarter ending this day	7	250	0	0
Ditto from the 15th June to this day, on £3,800, loaned under the relief Act	8	104	10	0
Commissioner and Treasurer of the Savings' Bank, for interest to date	9	180	0	0
Deputy Post Master General, for Post Communication	10	351	6	3
Western Stage Coach Company	11	50	0	0
Eastern Stage Coach Company	12	50	0	0
The Collector of H. M. Customs, to pay Salaries to Officers of Customs, to 10th October	13	1786	4	8
The Trustees of the National School	14	50	0	0
The Trustees of the Acadian School	15	50	0	0
The Trustees of the Catholic School	16	50	0	0
The Trustees of the Pictou Academy	17	100	0	0
The Trustees of the Horton Academy	18	75	0	0
The Commissioners of the Poor to date	19	150	0	0
James Whitney, for running Steam-Boat	20	25	0	0
Judge Hill, for Travelling Expenses	21	92	13	4
Judge Bliss, for ditto	22	47	16	8
Judge Wilkins, for ditto	23	25	13	4
William & R. Lawson, for Bounty on Barque Beaver	24	518	10	0
Jacob Crook, for services in Burying Seamen	25	5	5	0
Dodge & Gates, in aid in building a Breakwater at Wilmot	26	100	0	0
Officers of the 83d Regiment, for Drawback of Duties	27	85	9	0
Lawrence Kavanagh, for conveying Judges to Cape-Breton	28	40	0	0
James Dawson, for drawback on Paper	29	2	10	0
N. LeCain and others, for Seal Bounty	30	500	10	0
Henry Saunders, for erecting an Oat Mill at Yarmouth	31	20	0	0
Commissioners of Light-Houses, for erecting a Beacon on Wedge Island	32	15	10	2
The Sheriff of Queen's County, returning a Member	33	1	10	0
The Committee of the Bar Society	34	17	4	6
Allan McDonald & Co., for bounty on Tobacco	35	46	15	11
William Foster for ditto	36	9	5	1
John Ferguson, for bounty on Chocolate	37	17	18	8
Samuel Cunard & Co., for running Steam-Boat between Pictou and Prince Edward Island	38	150	0	0
The owners of Parrsboro' Packet	39	45	0	0
The Salary of the Lieutenant-Governor	40	2500	0	0
Officers of the 85th Regiment, for drawback of duties	41	56	2	0
The Speaker of the House of Assembly, to pay for Acts of Parliament	42	19	11	8
The Secretary of the Province, for relief to Indians	43	100	0	0
Mary Hughes, as compensation for a lot of Land at Digby	44	17	10	0
Rev. Dr. Willis, for support of African School	45	50	0	0
William Kenny, for erecting an Oat Mill at Annapolis	46	20	0	0
The Halifax Steam-Boat Company	47	100	0	0
The Collector of Her Majesty's Customs, for payment of Salaries to Of- ficers of Customs	48	1786	4	8
The President and Directors of Shubenacadie Canal Company, for in- terest	49	750	0	0
Commissioners of Light-Houses	50	750	0	0
The Overseers of the Poor at Barrington, for the support of a Transient Pauper	51	5	19	3½
The Trustees of the Yarmouth Academy	52	100	0	0
James Whitney, for running Steam-Boat	53	25	0	0
This sum out of vote for protecting Fisheries	54	93	16	4
'Trustees of Arichat Academy	55	25	0	0
		December		

## APPENDIX No. 7.

December 31.—To paid for rations to Troops on route, per Abstract	56	£420 14 11	
For support of Schools, per Warrant and Abstract	57	4909 11 3	
Adjutants of Militia do. do.	58	240 0 0	
Militia Arms do. do.	59	150 9 2	
Coroners do. do.	60	167 10 0	
Criminal prosecutions do. do.	61	164 8 4	
Drawbacks do. do.	62	214 13 11	
			19856 9 10
Casualty vote do. do.	63	486 2 9	
Old votes and Balances do. do.	64	993 3 9	
For making and repairing Roads and Bridges throughout the Province, per Warrant and Abstract	65	9976 17 11½	
			11456 4 5½
Secretary of the Province, on Account, for purchase of Seed Oats and Field Peas	66		42 1 7
This sum paid in various orders to the several Counties out of the relief Fund			3159 19 4
This sum paid for Postages and Printing			16 18 5
			£60140 3 7
			13096 7 4
			£73238 10 11
	Balance		

## IN ACCOUNT CURRENT WITH CHARLES W. WALLACE, TREASURER.

CR.

December 31, 1836.—By balance of Account rendered at the date			6820 8 7
1837.—Received from the Collector at Halifax			
March Quarter	£5625 0 0		
June Quarter	8250 0 0		
September Quarter	11437 10 0		
December Quarter	11657 10 0		
			£37,000
By received from the Collectors at the Out Ports, between 1st January and 31st December, 1837.			
Liverpool	£768 13 5		
Pictou	900 0 0		
Lunenburg	597 5 4		
Yarmouth	398 14 7		
Digby	341 5 6		
Shelburne	10 0 0		
Barrington	61 7 2		
Colchester	65 0 0		
Cumberland	286 17 0		
Windsor	130 0 0		
Argyle	9 8 7½		
Guysborough	13 19 0		
King's County	176 3 6		
Annapolis	334 13 4		
Weymouth	48 15 10		
Sydney, C. B.	570 13 4		
Arichat	374 10 0		
Port Hood	33 0 0		
Pugwash	46 0 0		
Brier Island	23 0 7		
Antigonish	23 0 0		
Chester	22 0 0		
			£5293 12 5½
By Received from the Collector of H. M. Customs, on Account of Duties, between 1st January and 31st December, 1837.			15772 17 3

## LIGHT DUTY.

By received from the Collector at Halifax			
March Quarter		102 5 10	
June Quarter		442 6 7½	
September Quarter		364 7 1	
December Quarter		293 16 2	
By received from the Out Port Collectors, between 1st January and 31st Decem- ber, 1837.			
Liverpool		119 15 0	
Shelburne		104 1 7	
Yarmouth		195 18 2	
Annapolis		49 9 9	
Pictou (Balance of 1836 included.)		609 7 1	
Argyle		97 16 9	
Weymouth		11 1 4	
Digby		46 0 0	
Sydney, C. B.		689 6 10	
Arichat		190 15 0	
Hants County		135 0 0	
Colchester			
			Amherst

## APPENDIX Nos. 7, 8, 9.

Amherst	£30 2 11
Barrington	57 8 4
Lunenburg	24 19 8
Chester	3 12 4
Brier Island	4 0 0
Pugwash	52 0 0
Sydney, N. S.	17 0 8
Antigonish (1836)	10 10 1
King's County	13 6 5
Gut of Canso (Imlay)	
Ditto ditto (Bigelow)	221 14 6
Ditto ditto (Skinner)	68 12 0
From Jacob Miller, collected afloat	9 13 0
	<hr/>
	£3949 2 1½
Received from the Attorney-General, on account of Duties due by Mr. Janverin, at Arichat	£200 0 0
This sum received to pay for provisions distributed to poor Settlers, under the relief Act, borrowed at 5 per cent.	3800 0 0
Received from John Creighton, late acting Collector at Lunenburg	216 10 6
Received from the Commissioners, on account of Annapolis County Loan	211 0 0
Received from the Executors of the late R. Dickson, on account of balance due by him	35 0 0
This sum received from the Commissioners of Province Notes, in lieu of torn and defaced ones, delivered them £3,000	
	<hr/>
	£73238 10 1½

(Errors excepted.)

Treasurer's Office, Halifax, 31st December, 1837.

CHARLES W. WALLACE, Treasurer.

## No. 8.

(See page 249.)

*Sydney, Cape-Breton, 8th December, 1837.*

SIR—

In compliance with the Resolution of the House of Assembly, and the desire of His Excellency the Lieutenant-Governor, I have the honor of stating that the Fees taken by me as first Justice of the Courts of Common Pleas in the Counties of the Island of Cape-Breton, are received under and pursuant to the following Table contained in the Provincial Statute of the 28th of George III. Chapter 15 :

Justices' Fees, Common Pleas, entering every Cause, first Justice Two Shillings and Six Pence.

Every Cause tried, and final Judgment, first Justice Six Shillings.

Summary Cause, the whole Court Five Shillings.

Taxing Bill of Costs One Shilling.

Taking Bail at his own Chambers Two Shillings.

The whole Fees taken by me, in a Cause wherever there has been a trial and final judgment, amount to Nine Shillings and Six Pence, agreeably to the foregoing Table, and in all other causes, not prosecuted in a Summary manner, and wherever a judgment is given without a trial, I only take Three Shillings and Six Pence, being the Two Shillings and Six Pence for the entry of the cause, and One Shilling for taxing the Bill of Costs. In Summary Causes the Five Shillings allowed are divided among all the Justices attending in the Term, including myself, according to the proportion established in the first mentioned Causes. None of these Fees are taken by me in any suits but such as are entered on the Docket laid before the Court at the opening of the Term, nor are any other Fees, besides those contained in the foregoing Table, taken by me as such first Justice, for any service or duty whatsoever. I think it not improper to add, that as the Law, under which I hold my Commission in those Courts, does not contain any such prohibition or regulation concerning the taking of Fees, as, with reference to the first Justices of such Courts in the other divisions of the Province, is contained in the subsequent Act under which they have been appointed, I consider I am, according to the express terms of the foregoing Table, fully entitled to receive the Fees thereby allowed to the first Justice of such Court.

I have the honor to be, Sir, your obedient Servant,  
JOHN G. MARSHALL.

SIR RUPERT D. GEORGE, Bart. &amp;c. &amp;c. &amp;c.

## No. 9.

(See page 252.)

The Committee to whom was referred the consideration of amendments in the License Law, beg leave to report that the 4th clause in the present Act, which authorises Magistrates, in the first General Sessions of the year, to grant Licenses without the recommendation of the Grand Jury is improper, and contrary to the practice which the Grand Jury always, previously to the passing of that Act, exercised, and which, of right, they

## APPENDIX Nos. 9, 10, 11.

they ought to exercise. They therefore recommend that the Act should be revised, so as to give them that authority—and also, that whereas the recovery of Fines for a breach of the License Law is restricted to prosecution by the Clerk of the License only, who in some parts of the country lives at a great distance from where the offence is committed, that any Magistrate be authorised to prosecute in the name of the Clerk, or of the party giving information.

II. Bell, William Holland, John Morton, Henry Goudge.

## No. 10.

(See page 252.)

The Committee to whom the Petitions and Bills for the Incorporation of two new Marine Insurance Companies in Halifax were referred, beg leave to report that they were divided in opinion as to the expediency and justice of granting such Charters at all—some of the Committee think that it was safer for the public to require the Underwriter, under whatever circumstances, to be liable for the amount insured, and to deny him any legal protection from such liability.—Should the House, however, be disposed to grant both Acts of Incorporation, the Committee are of opinion that the two Companies should be required to invest and secure an equal amount of Capital Stock, and be subjected to the same guards and restrictions for the security of the public.—The two Bills differ materially from each other in these particulars, and in the opinion of the Committee, they ought to be assimilated.

HERBERT HUNTINGTON, Chairman.

3d February, 1838.

## No. 11.

(See page 253.)

TO THE KNIGHTS, CITIZENS AND BURGESSES, OF THE PROVINCE OF NOVA-SCOTIA, IN PROVINCIAL PARLIAMENT ASSEMBLED.

*The Petition of the undersigned for themselves, and in behalf of the Constitutional Association of the City of Montreal.*

RESPECTFULLY REPRESENTS TO YOUR HONORABLE HOUSE—

That anarchy and confusion have set the Laws at defiance, and destroyed the harmony and quiet of social life—that sedition and rebellion, followed by atrocious Murder, Robbery and Rapine, have loudly proclaimed themselves in the most populous and prosperous portion of Lower Canada—and that the rights, the interests, and the property of the Provincial Inhabitants of British origin have been jeopardized by the designs of a Revolutionary French Faction madly bent upon their destruction.

That in order to expose the real views and designs of that faction, the Constitutional Association of Montreal have undertaken the important duty of explaining to your Honorable House, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present most unhappily, and at the same time most unjustifiably, existing in this Province, and of appealing to the sympathy of your Honorable House in behalf of the Inhabitants of British origin in Lower Canada for the protection of their rights as British Subjects, the maintenance of the provincial connection with the Parent State, and the acquirement from the justice of the Imperial Government of those remedial measures which will prevent a recurrence of existing disorders, and secure the prosperity and improvement of the Colony.

At the conquest of the Province of Quebec by the British arms, the greater proportion of its Inhabitants chose to remain in the Province, trusting to the generosity of their conquerors, rather than to return to the country of their ancestors—they became British Subjects by the mere fact of their Provincial residence, and subsequent civil and political benefactions conferred upon them, demonstrated their well-placed trust in the generosity of the British Government.

The full exercise of their Religious Worship, the complete enjoyment of their ancient Civil Laws, and the undisturbed use of their native language, were among the number of civil and social privileges guaranteed to them, and political privileges of equal extent to those enjoyed by the British Provincial Inhabitants were, in addition, subsequently bestowed upon them.

The uncongeniality of the French Laws, as a system of Provincial civil jurisprudence, with the spirit and feelings of British Settlers, and their expressed desire for a change from the petty tyranny of a Governor and Council to the freedom of a Representative Provincial Government procured still greater advantages for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower Canada and Upper Canada was carried into effect, and a Constitution essentially similar to that of the Parent State was conferred upon each, whilst at the same time universal suffrage was, in effect, granted to their Inhabitants.

It was conceived that this measure, by which "one division should consist, as much as possible of those

## APPENDIX No. 11.

those who were well inclined to the English Laws, and the other of those who were attached to the French Laws, was best adapted to put an end to all disputes of a legal sort, to reconcile the jarring interests and opposite views of the Provincial Inhabitants, to prevent a great degree of animosity and confusion, from their rooted opposition of interests, and to obviate dissatisfaction from a great ascendancy of one party over another in a united Legislature."

Two objections to the measure were, however, neglected by the Minister of the day, that it fostered a population of Foreigners in a British Colony, and that it contained no provision whereby the Inhabitants of the British Islands should be totally excluded from settling themselves in Lower Canada.

The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly shew how far the advantageous results anticipated from that impolitic and undesired measure have been realized.

The possession of the right of almost universal suffrage, and of a numerical popular majority of the Provincial Constituency, gave the complete command of the Representative Branch of the Legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes of the destruction of the interests and rights of the Provincial connexion subsisting with the Parent State.

A cursory examination of the composition of the House of Assembly, from its establishment, will shew that, with scarcely an exception, no individual of British or Irish origin has been returned to serve as a member of that Body by a French Canadian majority, unless as a pledged supporter of French Canadian principles—with scarcely an exception, no Provincial Law has been passed, how much soever required for the support of the interests or the protection of the rights of the Inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the Legislation of that body will shew that its temporary character was adopted to render the Province the more completely subject to their controul, or to enable them the more easily to take advantage of their expected predominance for the abrogation of those very temporary Laws which they had been constrained to pass. The political principles of that body will shew a fixed opposition to British interests, not only in their aversion to, or rejection of, every measure which would tend to the introduction of Capital and of a British population into the Province, as for example, an effectual system for the Registration of Mortgages, and an abrogation of the Feudal Tenure; but also, in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing County division of the Province, by which the British and Irish Constituency in the Seignories has been completely swamped in the greater numbers of the French Canadians, and the defeated attempt to deprive their fellow subjects of British and Irish origin in the Cities, tenants of leasehold property in Co-partnership, from a right of voting for Members of the Assembly. The claim of that body for the sole management and disposal of the whole Revenue of the Province has constantly had in view the attraction into their own hands of the entire Provincial authority, and the subjection of the Executive Government to their arbitrary will. From their first invidious attempt, in 1795, to obtain the repeal of the permanent appropriation, contained in the Act of 1774, for the support of the Civil Government and the Administration of Justice, thereby to subject the Executive Government to their good pleasure for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties which they have never allowed to slumber, by means of their annual Supply Bills, their difficulties as to the items of that Supply, their representation, in 1822, not to grant permanent Supplies, or Supplies during the Sovereign's life, their delegation to England in 1828, and the whole category of their agitation upon this subject down to the year 1831, when the full accomplishment of their long sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations, their first, last, great object was to obtain possession of the Provincial Revenues, well knowing that by this means the Government would be cast into their hands.— Finally the detail of the grievances, as representing the opinions of their Constituency, the so called great mass of the population, complete the evidence of their exclusive interests; in them will be found the abrogation of the Charter granted to the British American Land Company, by means of which the Assembly sought to assume the management of the Waste Lands in the Townships, and thereby to prevent the settlement therein of a British and Irish population; the repeal of the Tenures Act, by which a commutation of Seigniorial Tenure may be effected, from their apprehension of its leading to the introduction into the Province of British Capital; their indisposition to encourage the settlement of the Townships of this Province, because they are principally inhabited by a British, Irish, and American population; their unwillingness to co-operate with Upper Canada in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish Inhabitants of Lower Canada; and their pertinacious endeavours to render the Legislative Council elective, because in it alone were to be found the means of opposing the exclusive pretensions and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit and political principle, fully establishes the aim which its Members have constantly kept in view, the aggrandisement of the population of French, and the oppression of that of British origin.

The recorded testimony of a French Canadian leader, and one of the Delegates to England, in 1828, to represent the grievances of his fellow-countrymen, and since that time their paid Agent for similar purposes, corroborate the views taken by the Constitutional Association; he declared, in his examination before the Canada Committee of the House of Commons, in 1828, that "the establishment of the English Laws as applicable to property held in the Townships on the tenure of free and common soccage would be an infringement of the rights belonging to the French Canadians, if not done by the Legislature of Lower Canada; that the French Laws should be allowed to continue all over the Country; that facilities should have been

## APPENDIX No. 11.

been given to the French Canadians to settle in the Townships ; that the means of going there should have been given to them ; that a system of education, according to the notions and ideas of the French Canadians should have been followed ; that the desire of the French Canadians must necessarily be to keep up their own Institutions, and to preserve their Laws in every part of the Country ; that the Legislative Council should be composed of men who would side with the mass of the people, and in effecting this latter arrangement, that its natural effect would be to secure the means of extending the French Laws and the French Canadian system over Lower Canada."

In the full and complete security of their persons and property, in the free and unrestricted enjoyment of their Religious Worship, their ancient Civil Laws, their native and beloved language, and of an equality of rights and privileges in the Provincial Representative Government with their fellow subjects of British and Irish origin, in possession moreover of a numerical popular majority, the French Canadians could have no sympathies in common with people of another race and speaking another language, no inducement to divest themselves of prejudices dear to them alike from the associations of Country and the recollections of life, or to abandon habits and customs which they cherished and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers whom they were taught to disregard ; and the natural consequence has been, that in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interests and British connection has finally assumed the form of open and declared Rebellion.

The French Canadian population were thus not only rationally inclined to mark their active opposition to their fellow subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil ; they have been taught to feel towards them none of these kindly sympathies which unite together subjects of the same country and possessors of the same rights ; they have in fine been taught to believe themselves oppressed by their fellow subjects of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors.—Overlooking moral feebleness in physical capability, desperate men made an open livelihood by influencing the population of French origin to acts of violence, missionaries of insurrection, by their own example, ostentatiously shewed to them the manner of setting the Laws at defiance ; and individuals, loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed.—In all cases the object was attained, active discontent was introduced into the passive population, and noon-day meetings gradually ripened into sedition and Rebellion.

It is this exclusive French Canadian spirit alone which has given rise to all the discontent existing in this Province, it is this which has in fact made the question one of a national origin and not of political party, in it is to be discovered the source of all the disturbances which have brought sedition and rebellion in their train, and in it alone is to be found a full and complete answer to the enquiry, to what causes the present unhappy condition of this Province is to be ascribed.

This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives adopted in 1834, the famous Ninety-two Resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be altogether redressed, or in active course of being so, reference is therein principally had to those which have been already adverted to, the introduction of the elective principle into the composition of the Legislative Council, the abrogation of the Tenures Act, and the disposal of the whole Revenue of the Province, the two former have been most wisely refused, the latter as unwisely granted.

While by their own admission no real oppression exists in the Province, and no real grievance consistent with the preservation of British supremacy remain unredressed, your Petitioners are firmly convinced that the re-union of the Canadas is not only the most effectual means of preventing a recurrence of the disasters which have already occurred but that it will procure to Upper Canada advantages which cannot be anticipated from any other measure, a more equal proportion of the General Revenue, a free outlet to the ocean, and a practical utility for the magnificent improvements in progress at her expense within her own limits, and that it will at the same time promote the prosperity of both the Provinces, secure their just dependance upon the British Government, and prevent a dismemberment of the Empire.

Your Petitioners submit that the Provincial Inhabitants of British origin have real and substantial grounds of complaint—they have been compelled to submit to a system of jurisprudence foreign to their habits and injurious to their interests, to a Feudal Law, which, to the disgrace of the Provincial Legislature, finds a home in Lower Canada alone, to a denial of those Legislative improvements which would have introduced British Capital and enterprise into the Province, and increased therein a British population, and to their privation of their dearest rights as British subjects in their virtual exclusion from a just participation in the Provincial Representation.

Although their supplications and petitions for relief have been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the Mother Country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

At the same time your Petitioners conceive that without a total abandonment of the policy now adopted towards this Province, and its anglicization, in fact, as well as in appearance, by means principally of its re-union with Upper Canada, the same evils will exist, the same causes of disorder will continue, and the same attempts at sedition and rebellion will again occur.

Your Petitioners most respectfully entreat your Honorable House to take the situation of the British Inhabitants of Lower Canada into your serious consideration, and to advise such measures as will promote the objects your Petitioners have in view, the complete anglicization of this Province and its re-union with Upper Canada.

And your Petitioners as in duty bound will every pray.

PETER MCGILL, Chairman Con. Association of Montreal.  
W. BADGLEY, Secy. Con. Association of Montreal.

Montreal, 13th December, 1837.

APPENDIX No. 12.

No. 12.

(See Page, 254.)

Part 1st.

Return of Actions brought in the Supreme Court and Courts of Common Pleas, in the years 1832, 1833, 1834, 1835, 1836.

County.	Year.	Court.	Description of Cause.	Number.	Total in Court.	Total in year.	Jury Causes Tried.	Remarks.
Guysboro'	1832	Common Pleas	Declaration	25	53	53	*	* In several instances the returns of the Deputy Prothonotaries are not sufficiently explicit as to the number of <i>Jury Trials</i> in the several Courts; where such is the case it is noticed in the Jury column.
			Summary	20				
			Sub-Summary	8				
	1833	Com. Pleas	Declaration	19	39	39	4	
			Summary	13				
			Sub-Summary	7				
	1834	Supreme	Declaration	5	10		None	
			Summary	4				
			Sub-Summary	1				
	"	Com. Pleas	Declaration	17	32	42	1	
			Summary	8				
			Sub-Summary	7				
1835	Sup. Court	Declaration	10	15		1		
		Summary	5					
		Sub-Summary	None					
"	Com. Pleas	Declaration	14	36	51	1		
		Summary	16					
		Sub-Summary	6					
1836	Supreme	Declaration	9	18		None,		
		Summary	6					
		Sub-Summary	3					
"	Com. Pleas	Declaration	24	36	54	5		
		Summary	9					
		Sub-Summary	3					
Sydney C.	1832	Supreme	Declaration	21	28			
			Summary	4				
			Sub-Summary	3				
	"	Com. Pleas	Declaration	38	77	105	6	The return from the Deputy Prothonotary is not distinct; from the returns of Fees, this number of Trials supposed in both Courts.
			Summary	25				
			Sub-Summary	14				
	1833	Supreme	Declaration	20	30		3	
			Summary	8				
			Sub-Summary	2				
	"	Com. Pleas	Declaration	19	49	79	3	
			Summary	19				
			Sub-Summary	11				
1834	Supreme	Declaration	17	32		} 2 or 3		
		Summary	8					
		Sub-Summary	7					
"	Com. Pleas	Declaration	16	49	81	3 or 4		
		Summary	22					
		Sub-Summary	11					
1835	Supreme	Declaration	15	18		3		
		Summary	3					
		Sub-Summary	None					
"	Com. Pleas	Declaration	13	39	57			
		Summary	14					
		Sub-Summary	12					
1836	Supreme	Declaration	17	46		1		
		Summary	16					
		Sub-Summary	13					
"	Com. Pleas	Declaration	43					
		Summary	18					

N

County

54  
APPENDIX No. 12.

County	Year.	Court.	Cause.	Number.	Total in Court.	Total in year.	Jury Causes tried.	Remarks.
Sydney C'ty.			Sub-Summary	17	78	124	4 or 5	
Pictou	1832	Supreme	Declaration	49	147		10	The Deputy Prothonotary's Returns for 1835 and 1836, have not been received, but from the Returns of Fees, there will be rather a decrease in the Docket Say for 1835,—360 Causes Say for 1836,—350 do. And from 12 to 15 Jury Trials in both Courts, per annum.
			Summary	57				
			Sub-Summary	41				
	" "	Com. Pleas	Declaration	38	121	268	10	
			Summary	41				
			Sub-Summary	42				
	1833	Supreme	Declaration	42	207		11	
			Summary	77				
			Sub-Summary	88				
	" "	Com. Pleas	Declaration	23	173	390	5	
			Summary	87				
			Sub-Summary	63				
1834	Supreme	Declaration	58	184		9		
		Summary	67					
		Sub-Summary	59					
" "	Com. Pleas	Declaration	56	193	377	9		
		Summary	73					
		Sub-Summary	64					
Colchester	1832	Supreme	Declaration	13	78		6	
			Summary	36				
			Sub-Summary	24				
	" "	Com. Pleas	Declaration	9	39	117	1	
			Summary	20				
			Sub-Summary	10				
	1833	Supreme	Declaration	53	124		5	
			Summary	37				
			Sub-Summary	34				
	" "	Com. Pleas	Declaration	19	59	183	5	
			Summary	22				
			Sub-Summary	18				
1834	Supreme	Declaration	60	106		6		
		Summary	31					
		Sub-Summary	15					
" "	Com. Pleas	Declaration	13	49		None		
		Summary	18					
		Sub-Summary	18					
1835	Supreme	Declaration	55	130		10		
		Summary	37					
		Sub-Summary	38					
" "	Com. Pleas	Declaration	16	70	200	2		
		Summary	30					
		Sub-Summary	24					
1836	Supreme	Declaration	30	52		None	The Return does not show distinctly whether any Jury Cause was tried—probably not.]	
		Summary	12					
		Sub-Summary	10					
" "	Com. Pleas	Declaration	22	42	94	3 or 4		
		Summary	11					
		Sub-Summary	9					
Cumberland	1832	Supreme	Declaration	} in all	39			3
			Summary					
			Sub-Summary					
	" "	Com. Pleas	Declaration	22	54	93		None
			Summary	10				
			Sub-Summary	22				
1834	Supreme	Declaration	38					
		Summary	11					

APPENDIX No. 12.

County.	Year.	Court.	Cause.	Number.	Total in Court.	Total in year.	Jury Causes tried.	Remarks.
Hants*	1834	Com. Pleas	Sub-Summary	10	59	163	1	* The great increase of Declaration Causes on the Docket was owing to a number of Causes brought by the Executors of Governor DesBarres against French Settlers in the Supreme Court.  * The late Deputy, Mr. Nathaniel Jenkins, now deceased, was for some years very infirm, and the Dockets were kept so irregularly up to July, 1835, that accurate Returns cannot be made out. This statement, judging from the Fees paid, must be near the fact—and 7 or 8 Trials yearly by Jury in both Courts.
			Declaration	44	104			
			Summary	35				
	1835	Supreme	Declaration*	100	138	209	None	
			Summary	14				
			Sub-Summary	24				
	" 1834	Com. Pleas	Declaration	27	71	170	1	
			Summary	15				
			Sub-Summary	29				
	1836	Supreme	Declaration	73	115	170	5	
			Summary	17				
			Sub-Summary	25				
	" 1834	Com. Pleas	Declaration	23	55	170	1	
			Summary	16				
			Sub-Summary	16				
	1832	Whole	No. of Causes		Say	\$20	} 7 or 8 Jy. trls yearly	
			1833 do.		"	\$20		
			1834 do.		"	\$30		
	1835	Sup. for Sept. term	Declaration	39	100	197	3 or 4	
			Summary	34				
Sub-Summary			24					
" 1834	Say for Com. Pleas	Declaration	42	105	302	None		
		Summary	25					
		Sub-Summary	38					
1836	Supreme	Declaration	55	98	302	9		
		Summary	29					
		Sub-Summary	14					
" 1834	Com. Pleas	Declaration	20	50	148	1		
		Summary	17					
		Sub-Summary	13					
King's County. 1832	Supreme	Declaration	65	212	293	3		
		Summary	76					
		Sub-Summary	71					
" 1834	Com. Pleas	Declaration	15	86	293	1		
		Summary	36					
		Sub-Summary	35					
1833	Supreme	Declaration	53	156	250	3		
		Summary	27					
		Sub-Summary	76					
" 1834	Com. Pleas	Declaration	23	94	250	2		
		Summary	38					
		Sub-Summary	33					
1834	Supreme	Declaration	90	212	304	5		
		Summary	57					
		Sub-Summary	65					
" 1834	Com. Pleas	Declaration	33	92	304	2		
		Summary	28					
		Sub-Summary	31					
1835	Supreme	Declaration	73	202	306	6		
		Summary	54					
		Sub-Summary	75					
" 1834	Com. Pleas	Declaration	25	104	306	"		
		Summary	42					
		Sub-Summary	37					
1836	Supreme	Declaration	77	170	252	4		
		Summary	38					
		Sub-Summary	55					
" 1834	Com. Pleas	Declaration	24	82	252	1 or 2		
		Summary	19					
		Sub-Summary	39					
Annapolis. 1832	Supreme	Declaration	27	71	175	3		
		Summary	24					
		Sub-Summary	20					
" 1834	Com. Pleas	Declaration	41	104	175	5		
		Summary	29					
		Sub-Summary	34					
1833	Supreme	Declaration	32	75	175	6		
		Summary	23					
		Sub-Summary	20					

## APPENDIX Nos. 12.

County.	Year.	Court.	Cause.	Number.	Total in Court.	Total in Year.	Jury Causes tried.	Remarks.		
Yarmouth	1832	Com. Pleas	Declaration	42	130	205	4 or 5	* In the year 1836, there were about as many Causes as in the preceding year, and but one Jury Trial.—Returns not yet made.		
			Summary	49						
			Sub-Summary	39						
		In both Cts.	Declaration	17	53	53	5			
			Summary	17						
			Sub-Summary	19						
	1833	Do	Declaration	18	40	40	2			
			Summary	10						
			Sub-Summary	12						
Shelburne	1834 & 1835	Do	Declaration	42	134	134	4		The Courts are not distinguished in the Returns from Shelburne.—The exact number of Jury Causes tried is returned.	
				Summary						38
				Sub-Summary						54
		1832	Do	Declaration	32	59	59			7 or 8
				Summary	16					
				Sub-Summary	11					
	1833	Do	Declaration	14	24	24	5			
			Summary	4						
			Sub-Summary	6						
Queen's Co.	1832	Supreme	Declaration	10	32		4	No further Returns from this County for 1836. Probably about the same number of Causes.		
				Summary						12
				Sub-Summary						10
		1833	Com. Pleas	Declaration	24	84	116		2	
				Summary	27					
				Sub-Summary	33					
		1833	Supreme	Declaration	9	21			5	
				Summary	7					
				Sub-Summary	5					
		1834	Com. Pleas	Declaration	29	68	89		2	
				Summary	23					
				Sub-Summary	16					
		1834	Supreme	Declaration	11	19			3	
				Summary	3					
				Sub-Summary	5					
		1835	Com. Pleas	Declaration	27	85	104		3	
				Summary	18					
				Sub-Summary	40					
	1835	Supreme	Declaration	13	34		None			
			Summary	9						
			Sub-Summary	12						
	1836	Com. Pleas	Declaration	9	45	79	2			
			Summary	16						
			Sub-Summary	20						
	1836	Supreme	Declaration	9	35		1			
			Summary	14						
			Sub-Summary	12						
Lunenburg	1832	Com. Pleas	Declaration	24	65	100	2	No Returns have ever yet been made from the Island of Cape-Breton to the Prothonotary at Halifax, as the Prothonotary for the Island continues to act under an appointment given him at the time of the annexation of the Island to Nova-Scotia.—By information received from John G. Marshall, Esq. Chief-Justice of the Common Pleas for Cape-Breton, and from other sources, it appears that the suits brought in the several Courts of Common Pleas there, in 1837 amounted in number to about 235, and that the Jury Causes tried were about 15 during that time—and that the whole number of Causes entered in the Supreme Court in the Island were about 65 yearly for the years 1836 and 1837, of which about three Jury Causes were tried in each year. Judge Marshall also states that the number of Causes brought in the Courts of the Island had for some years past been increasing in the ratio of about one fourth per annum.		
				Summary					14	
				Sub-Summary					27	
		1832	Supreme	Declaration	23	54			4	
				Summary	13					
				Sub-Summary	13					
		1833	Com. Pleas	Declaration	63	111	165		5	
				Summary	25					
				Sub-Summary	23					
		1833	Supreme	Declaration	32	62			7	
				Summary	16					
				Sub-Summary	14					
		1834	Com. Pleas	Declaration	54	165	227		4	
				Summary	60					
				Sub-Summary	51					
		1834	Supreme	Declaration	41	83			2	
				Summary	29					
				Sub-Summary	13					
	1835	Com. Pleas	Declaration	80	167	250	10			
			Summary	46						
			Sub-Summary	41						
	1835	Supreme	Declaration	31	48		*3 or 4			
			Summary	10						
			Sub-Summary	7						
	1835	Com. Pleas	Declaration	69	146	194	*4 or 5			
			Summary	37						
			Sub-Summary	40						

County

## APPENDIX No. 12.

County.	Year.	Court.	Cause.	Number.	Total in Court.	Total in Year.	Jury Causes tried.	Remarks.
	1836	Supreme	Declaration Summary Sub-Summary	30 15 17	62		5	
		Com. Pleas	Declaration Summary Sub-Summary	61 39 29	129	191	5	

*J. W. NUTTING, Prothonotary.*

*Prothonotary's Office, Halifax, 5th February, 1838.*

## Part 2d.

*Province of Nova-Scotia—in Chancery.*

Return of the number of Causes commenced in the Court of Chancery, and of the Decrees passed therein, from the First day of January, in the year One Thousand Eight Hundred and Twenty-six, the year in which the Honorable S. B. Robie was appointed Master of the Rolls, to the Thirty-first day of December, One Thousand Eight Hundred and Thirty-six, distinguishing in such Return the several years when such Causes were commenced in the said Court.

Number of Cause.	Title of Cause.	Date of filing Bill.	Decree given.
No. 719	James Foreman vs. John Walter	Jan. 7, 1826.	
720	Garret Miller vs. Alexander Fiddes & al.	19	Decree
721	Henry Kaulback & al. vs. Joseph Parks & al.	30	do
722	Chrisr. Brehm vs. James Glashan & al.	Feb. 7	do
723	Archibald Gray & al. vs. Daniel Eaton	8	do
724	James Thorn & al. vs. John F. Salter	25	do
725	Michael Tobin & al. vs. Daniel Hingley & ux.	March 1	
726	James Tobin & al. vs. Phineas McNutt	1	Decree
727	James Tobin & al. vs. Edward Fisher	8	
728	George Innes vs. Alexander McKenzie	11	Decree
729	Richard Gibbons vs. Peter Donaldson & al.	14	
730	Elisha Dewolf vs. John B. Best & al.	18	
731	James Tobin & al. vs. David McCollum	20	
732	John Barron vs. Conrad Bergman	21	Decree
733	John Warwick vs. S. Smith & al.	27	do
734	Sarah Robertson vs. James Robertson & al.	April 3	do
735	Joseph N. B. Kerr vs. Josiah W. Maynard	14	
736	Edward Thorne & al. vs. Eunice Scoffield	19	
737	Do vs. C. Haight	19	
738	John Learn vs. Peter H. Clarke	May 5	Decree
739	Thomas Roach vs. Titus Knapp	9	
740	Hugh Bell vs. George Nock	20	Decree
741	James Forman vs. Christopher Brehm	21	
742	Hugh Denoon vs. Thomas Graham	24	Decree
743	David Dickey vs. James Parker & al.	June 3	do
744	Augustus W. DesBarres vs. James S. Morse	7	Depending
745	Henry Heckman vs. James Glawson & al.	30	Decree
746	William White vs. James S. Morse	7	
747	William Black & al. vs. John Robertson	Aug. 7	Decree
748	Mary Polhemus vs. John Yarger	19	do
749	James Slattery vs. John Bull & al.	23	
750	James Forman vs. Robert Clarke	Sept. 16	Decree
751	James S. Morse vs. John Tales	20	do

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of Filing Bill.	Decree Given.
752	George Smith & al. vs. James Mitchell	Oct. 19	
753	Andrew Inglis vs. John McDonald	25	Decree
754	Do vs. John Leard	25	do
755	Thomas Wallace & al. vs. J. B. Uniacke	26	do
756	William Lawson & al. vs. John Liddell & ux.	Nov. 1	do
757	Robert FitzRandolph vs. Samuel Willett & al.	1	
758	Joshua Chandler vs. William Crane	14	
759	Mary Taylor & al. vs. Jonathan Tremain & al.	15	
760	Mary Grassie & al. vs. James Forman & al.	15	Depending
761	Mary Taylor & al. James Tremain & al.	18	do
762	William Lawson vs. Frederick Major	22	Decree
763	Thomas Ritchie vs. David LeCain & ux.	Dec. 2	do
764	Jotham Blanchard vs. Donald McKay	6	
765	William Liddell vs. Robert Dunn	6	Decree
766	John Ross vs. Justina Clark	7	do
767	Thomas King & al. vs. William Lawson & al.	14	
768	Thomas Wallace & al. vs. Frederick Major	16	Decree
769	John Wier & al. vs. Duncan McArthur	18	do
770	Joshua Lee & al. vs. George Hiltz & ux.	23	do
771	Allan McDonald vs. John McDonnell	30	do
772	Henry H. Cogswell vs. Daniel Benjamin	Jan. 3, 1827.	do
773	James Deckman Jun. vs. James Knox	Feb. 5	do
774	Thomas Wallace & al. vs. Eunice Whidden	12	do
775	Do vs. David Borden	12	
776	William Dickson vs. Joseph McDormond	17	Decree
777	Thomas Wallace & al. vs. Jacob Kuhn & al.	20	do
778	The same vs. George Thompson & al.	20	do
779	Andrew Asstcot & al. vs. Peter Christir & al.	21	do
780	Jacob Boutilier & al. vs. Geo. Christr. Dophine & al.	21	do
781	Samuel Street vs. Hugh Emerson & ux.	March 12	
782	Thomas Wallace & al. vs. Mary Rudolph & al.	April 2	Decree
783	The same vs. Mary Kinley & al.	2	do
784	Thomas Roach & al. vs. David Pineo & ux.	12	do
785	Thomas Roach vs. William Foster	May 9	do
786	William A. Chipman & al. vs. Wm. Robinson & al.	19	do
787	John Chipman vs. Amos Eaton & al.	22	
788	W. C. King & al. vs. John Bigelow	22	Decree
789	Thomas Roach vs. Jonathan Worden & al.	22	do
790	Henry Moser vs. Catharine Moser	June 8	do
791	William Sterns vs. John Barrs, Admr. &c.	19	
792	Elizabeth Marvin & al. vs. Elizabeth Cooper & al.	19	Decree
793	Mary Lydiard & al. vs. John Geddes	23	do
794	Francis J. Letson & ux. vs. Janet Kerr & al.	29	
795	James Taylor vs. Phineas Lovett, Jun.	July 6	
796	John Anderson vs. John Fenerty & ux.	23	Decree
797	John Chapplain & ux. vs. Mary Lydiard & al.	23	
798	Enos Collins vs. Eliza Pengree & al.	25	Decree
799	James S. Morse vs. William White	26	
800	James S. Morse vs. Augustus DesBarres	July 30	Depending
801	George Innes vs. Robert Smith	Aug. 11	Decree
802	Ann Brennan & al. vs. John Hussey & al.	11	do
803	James S. Morse vs. Daniel Benjamin & ux.	11	
804	Edmund Burke vs. John Kelly	14	Decree
805	William Jarvis vs. Artimus Odell	28	

Number

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of Filing Bill.	Decree given.
806	Abner Morse & al. vs. John Hicks & al.	Aug. 28	
807	Hugh Bell & al. vs. Alexander Henry & al.	30	Decree
808	James W. Johnston vs. Robert Faulkner	Sept. 1	do
809	Winckworth Allan vs. Brian Corney	1	do
810	Michael Summers vs. Daniel Taylor	1	do
811	W. C. King, Extr. &c. vs. John Northrup	5	do
812	Henry Pearce vs. William Pearce	22	do
813	Hugh McDeed & al. vs. James Creighton	Oct. 27	do
814	John P. Marriott vs. Christopher Warner	30	do
815	S. G. W. Archibald vs. Robert Johnson	Nov. 3	do
816	Asa Fillimore & al. vs. Andrew N. Stevens	5	
817	W. Cochran vs. James Moxen & al.	5	Decree
818	James Claphan & al. vs. Hugh Randall & ux.	14	do
819	Thomas Wallace & al. vs. David Smilie & al.	14	do
820	Jacob Tuttle vs. James Kelly	19	do
821	Alexander Wallace vs. Andrew McLellan	21	
822	Thomas Wallace & al. vs. James Creighton	22	
823	James W. Johnston vs. Stephen McDonald	24	Decree
724	James Gordon & al. vs. William Glazebrook	24	do
825	John Walter & al. vs. Elizabeth Northrup & al.	Dec. 26	do
826	Thomas Wallace & al. vs. Hugh Cleary & al.	27	
827	George Smith vs. William Liddell	31	
828	Nicholas Backman vs. John P. Backman	Jan. 5, 1828.	Decree
829	W. Q. Sawers vs. Nicholas LeCain	6	
830	Abraham Crabtree vs. J. W. Johnston	11	Decree
831	Frederick Major vs. C. R. Fairbanks	11	
832	James Robertson vs. Charles Halliday	24	Decree
833	Benjamin Foster vs. William Patten	24	do
834	Catharine Oxner & al. vs. John P. P. Deal & al.	Feb. 15	do
835	Jane Ross vs. Joseph Austen	19	do
836	John Clarke vs. Rachel Rigby & al.	March 20	do
837	James Ratchford vs. John Holt	24	do
838	Adam Esson vs. Aaron Phelan	28	
839	C. Ross & al. vs. Robert M. Fisher	28	Decree
840	James S. Morse vs. John Carritt	April 5	do
841	W. C. King vs. Andrew Tuller & al.	10	do
842	George Innes vs. Thomas Little	23	
843	Thomas Boggs & al. vs. John Garby & al.	30	Decree
844	G. M. Smith vs. M. Shorfenburg & al.	May 6	do
845	Catharine Oxner & al. vs. Ludwig Wamback & al.	17	do
846	William B. Almon vs. Anthony Beechem	20	do
847	Charles Blanchard vs. John Burton & al.	20	
848	David W. Crandall vs. Esther Pence	June 3	Decree
849	Alexander Stewart vs. Joshua Chandler & al.	3	do
850	Caleb Seely vs. Samuel Kenny & al.	25	
851	Snow Parker vs. Abigail Parker	26	Decree
852	Samuel Davenport vs. Thomas B. Rowland	30	
853	Bathia Davoue vs. Dorothy Whitman & al.	July 14	Decree
854	John T. Hill vs. Mary Pence & al.	18	do
855	William Strachan vs. George Sirret	22	do
856	John Campbell vs. Elizabeth Hamilton & al.	26	do
857	James R. Dewolf vs. Matthias Teewer	26	do
858	The same vs. Randall Hopkins	26	do

Number

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of Filing Bill.	Decree given.
859	George Robertson & al. vs. Lauchlin McDonald & al.	28	Decree
860	John T. Sneden vs. Jesse Oaks	31	do
861	R. J. Uniacke vs. John Curtin & al	Aug. 5	do
862	Michael Bennett vs. Joseph Wright	5	
863	Mary Grassie & al. vs. John Nichols	14	Decree
864	Alexander Murison vs. Wm. K. Reynolds & al.	Sept. 2	do
865	Wm. H. Shey vs. Joseph Whiley	15	
866	W. R. Ruggles & al. vs. James. Robertson & al.	15	
867	W. B. Almon vs. Hugh Bell & al.	18	Decree
868	Fire Insurance Company vs. Samuel Avery & al.	Oct. 2	do
869	James Muir and al. vs. Thomas Heustis and al.	3	do
870	W. Q. Sawers vs. Sush. Creighton and al.	22	
871	Clement Hubert vs. Margaret Giles and al.	29	Decree
872	H. H. Cogswell vs. Samuel F. Avery and al.	Nov. 11	do
873	Fire Insurance Company vs. J. L. Starr	19	
874	Thomas Maynard vs. J. G. A. Creighton and al.	29	Decree
875	The same and al. vs. the same	29	do
876	William Sterns vs. Christian Warner	Dec. 8	do
877	R. J. Uniacke and al. vs. Thomas Wallace and al.	10	do
878	Daniel McFasham vs. Dennis Hurley	29	do
879	T. Wallace and al. vs. Rachel Rigby and al.	29	
880	Henry Austen and al. vs. John Fuller and al.	Jan. 10, 1829.	Decree
881	George Innis vs. Bradford Harlow	28	
882	T. Wallace and al. vs. Richard Dingo	Feb. 9	
883	J. W. Johnston vs. David McQueon	24	Decree
884	Mary Baldwin vs. Edward Bowen	24	do
885	C. Prescott vs. Isaac Smith	March 2	do
886	Michael Bennet vs. David Chisholm	5	do
887	R. J. Uniacke vs. W. Conroy and al.	19	
888	Robert N. Henry and al. vs. William Fennell	25	
889	John Fraser and al. vs. Alexander McDougall	31	
890	Lewis Johnston vs. Archibald Hicks and al.	April 20	Decree
891	Andrew Inglis and al. vs. Robert McHefy and al.	29	do
892	W. A. Chipman and al. vs. John Morton	30	
893	James Tobin & al. vs. John H. Mixner & al.	May 12	
894	S. G. W. Archibald vs. Wm. Robertson and al.	15	
895	John Clark vs. B. G. Gray and al.	18	Decree
896	Geo. Innis vs. John Cobb admr. etc.	July 4	do
897	Richd. Harney vs. John Mixner and al.	7	
898	Catharine Knapp vs. Jos. Embru and al.	21	Decree
899	R. J. Uniacke vs. Patrick McMullin and al.	August 5	do
900	Geo. McKay and al. vs. Hugh Smith and al.	10	do
901	Israel Doane vs. John McKinnon	14	do
902	Wm. Huestis vs. Robt. Durkey	14	do
903	J. T. Hill vs. Peter Daller	19	
904	Jas. Forman vs. Peter Amiram	25	
905	Enos Collins vs. Anthony Landers	25	Decree
906	Jas. Keys and al. vs. Mary A. McHefey and al.	27	
907	Benjamin Horn and al. vs. John Horn	Sept. 5	Decree
908	Hugh McKay vs. Jas. Conwell	Oct. 6	
909	Joseph Fomah vs. Andrew Crain	14	Decree
910	Jas. R. Dewolf vs. Henry Wolf	14	do
911	Jas. Higgins vs. Jas. Gordon and al.	Nov. 12	do
912	Elizabeth Bowen and al. vs. John McKay and al.	25	do

Number

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of Filing Bill.	Decree given.
913	Geo. Grieser and al. vs. Geo. Porter and al.	Oct. 12	
914	Enoch Dodge vs. Stephen Bromley	Dec. 2	
915	James McDougall vs. Patrick Byrne	10	
916	Whitfield Whitman and al. vs. John Winton	12	
917	Jas. Black vs. Jas. Muir and al.	Jan. 9, 1830	
918	Henry Kaulback vs. Mary M. Walter and al.	23	Decree
919	Thos. Boggs and al. vs. John Page	Feb. 3	
920	John Whitman and al. vs. John Winton	9	
921	Hans Hamilton and al. vs. Wm. Hamilton	16	Decree
922	Samuel Morris vs. T. W. James and al.	18	
923	T. Boggs and al. vs. Michael Summers	22	
924	Sarah Rahlms vs. S. B. Robie	24	
925	John French vs. Thos. Cook	27	
926	Richard Harney vs. G. P. Lawson and al.	27	
927	Geo. Smith vs. Wm. Mortimer	March 5	
928	M. Tobin and al. vs. Phineas Lovett	8	
929	Wm. Mattheson vs. John Bogen and al.	11	Decree
930	Wm. Story and al. vs. Charles Boggs and al.	17	
931	Thos. Dickson vs. John McNeil	20	Decree
932	Do. vs. Thos. Copland	20	
933	Jas. McDonald and al. vs. Michael Byron and al.	20	
934	Robt. Thompson vs. John McKinnon	April 7	
935	Elizabeth Bowen and al. vs. Joseph Parker & al.	June 8	
936	J. W. Johnston vs. John McLean and al.	30	Decree
937	Jas. Forman vs. Andrew Miller and al.	July 20	
938	J. L. Starr vs. James Douglass	26	Decree
939	Edwd. Rutledge vs. J. Grant and al.	26	do
940	Fire In. Company vs. Lydia Nichols	Aug. 4	
941	Wm. Sterns vs. Simon Fraser	6	Decree
942	Thos. Cutler and al. vs. Godfrey Cook	10	do
943	Val. Barnardi vs. John Shaw	11	
944	Michael Wallace vs. W. Salter and al.	14	
945	Gavin Johnston vs. Wm. Smith	17	
946	Patrick Byrne vs. Michael Dwyre	17	Decree
947	Sarah Etter and al. vs. Joseph Wilson	19	
948	Archd. Lawson vs. Alexr. Reid	24	
949	do vs. Wm. Currie	Sept. 13	Decree
950	William Macara vs. Richard Scott	Nov. 10	
951	John Crowe vs. Isaiah Smith	Dec. 28	
952	John Barss vs. Jacob Brown	Jan. 10, 1831.	
953	Thos. Cashin and al. vs. Richard Scott	Feb. 15	
954	Jas. S. Morse vs. Andrew N. Stevens	23	Decree
955	Jas. L. DesBarres vs. Adolphus Veith	March 29	
956	Prince Edwd. Payson vs. Jas. Starratt	April 21	
957	Benjamin D. St. Croix vs. John Munro	21	
958	Jas. Thompson vs. Robt. Woodill	May 12	
959	Nicholas Vass vs. Duncan Livingston	18	
960	Lewis E. Piers vs. Geo. Francis	22	
961	Abigail Hutchinson and al. vs. John Williams	June 14	
962	Henry W. Crawley vs. Jacob Kuhn and al.	25	
963	Sush. Woodberry and al. vs. W. Armstrong and al.	25	
964	B. G. Gray vs. William Gray	29	
965	Richard Wood vs. Bartw. Hackett and al.	July 9	
966	E. E. Solomon vs. Daniel Frizzle	23	

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of Filing Bill.	Decree given.
967	Richard Best vs. Hugh McQuinn	July 30	
968	Thos. Marsh vs. Wm. Hague	Aug. 5	
969	Mary Nelson vs. Jas. Robson	9	
970	Wm. O'Brien vs. Thos. Heaviside	10	
971	Conrad Westharn vs. Chas. H. Fader	13	
972	Theophilus Greenwood vs. Samuel Chamberlain	19	
973	Enos Collins vs. George Revill	Sept. 7	
974	Samuel Cunard vs. George Verge	9	
975	Michael Wallace vs. Geo. Marvin and al.	22	
976	T. Wallace and al. vs. John Aymesby and al.	24	
977	Archibald McDonald vs. Edwd. Doherty and al.	Oct. 10	
978	J. Bishop and al. vs. Samuel Bishop and al.	24	
979	Elizabeth Johnston vs. Edwd. Whitman and al.	Nov. 4	
980	E. A. Crawley vs. G. P. Brehm	24	
981	Geo. Smith vs. David Murray	Jan. 11, 1832.	
982	Catherine Knapp vs. Israel Embree	23	Decree
983	Henry Pryor vs. James Kelly	25	do
984	Thos. Ritchie vs. John T. Sneden	26	do
985	John Wallace and al. vs. Geo. Marvin and al.	Feb. 20	do
986	Wm. T. Young vs. Edwd. Kavanagh and ux.	22	do
987	Thos. Ritchie vs. Benjamin Willett	22	do
988	C. D. Archibald vs. John Cunningham	29	
989	Wm. C. King vs. Joshua Ells and ux.	March 1	Decree
990	Thos. Richie vs. John Neily and ux.	6	do
991	Wm. Spurr vs. Justus Videto and ux.	9	do
992	Wm. C. King vs. Abigal Whidden and al.	27	do
993	Do vs. Aaron Sheffield and al.	April 3	do
994	Asa Filmore vs. Andrew N. Stevens	9	do
995	Enos Collins and al. vs. Benjamin Knaut and al.	9	do
996	Ann Miller and al. vs. Elizabeth Philips and al.	May 3	do
997	Thos. Dickson vs. John Smith	24	do
998	Enos Collins vs. Annapolis Mining Company	31	do
999	Stephen Lowrie vs. Geo. Glennie	July 4	do
1000	S. S. Blowers vs. Stephen Wier and ux.	16	do
1001	John Johnson and al. vs. Hugh Emerson	Aug. 10	do
1002	Ann Mitchell and al. vs. Andrew Mitchell	Oct. 2	
1003	Samuel Heather vs. Daniel McFarlane and al.	10	
1004	James Lent vs. Cornelius Van Norden	Nov. 2	Decree
1005	Jas. Purvis vs. Jean Robson and al.	21	do
1006	Thos. King vs. John Leaver and al.	21	do
1007	Joseph Marchington & al. vs. Wm. Aruthris & al.	23	do
1008	Thos. J. Cochrane vs. Chas. Cochrane and al.	Dec. 24	do
1009	Thos. S. Bown & al. vs. Stephen Parker & al.	Feb. 18, 1833.	do
1010	Wm. Lawson and al. vs. Thos. Heaviside	March 5	do
1011	H. W. Crawley vs. John Borden	13	
1012	Thos. Milledge vs. Silas Morse	22	
1013	Robt. R. Thompson vs. John McKinnon	25	Decree
1014	Alexr. McNab and al. vs. John O'Bryan and ux.	27	
1015	J. L. Starr vs. George Verge and ux.	May 16	
1016	Richard Smith vs. Felicite Kavanagh and al.	June 5	Decree
1017	Fire Insurance Company vs. Charles Coxe and ux.	11	do
1018	Andrew Mitchell vs. Chas. Sutherland	15	do
1019	Thos. Bown and al. vs. Fredk. Boutilier	25	

Number

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of filing Bill.	Decree given.
1020	W. B. Bliss vs. David S. Dennison	June 27	Decree
1021	Jas. Ratchford, jr. vs. R. McDonald	July 4	
1022	J. B. Uniacke vs. John Power and ux.	8	
1023	John Clark vs. Patrick Whiston and ux.	24	Decree
1024	Jas. D. Fraser and al. vs. Duncan McDougall	27	do
1025	Archd. McDonald and al. vs. P. Hamilton and ux.	Aug. 3	
1026	John Romans vs. Robert Romans	9	
1027	Hibbert Binney vs. David O'Brien	13	
1028	S. S. Blowers vs. John Croker and ux.	16	
1029	Michael Bennett vs. Thos. Mitchell	17	Decree
1030	J. J. Sawyer vs. John Hafflar and ux.	17	do
1031	Thos. S. Bown and al. vs. Anne Boutilier and al.	Sep. 10	do
1032	John Wellner vs. Chas. R. Rumrell	17	do
1033	J. B. Uniacke vs. A. W. DesBarres and al.	Oct. 7	
1034	Isaac Willett vs. Martin Van Blaricorn	17	Decree
1035	Jas. Dauphine and al. vs. Jos. Falt, jr.	22	
1036	Samuel Cunard vs. Thomas Ellis 3d.	Nov. 13	Decree
1037	J. B. Uniacke vs. Jas. Sullivan and al.	15	do
1038	D. D. Stewart vs. Robt. Kent and ux.	15	
1039	Hugh McDade and al. vs. Mary Hay and al.	15	Decree
1040	S. S. Blowers vs. Isaac Card	19	
1041	Fire Insurance Company vs. Fredk. Major and al.	27	Decree
1042	Jas. Tobin and al. vs. Edwd. Rutledge and al.	Dec. 5	
1043	Wm. G. Cochran vs. Hugh McGonnigle and al.	5	Decree
1044	Thos. Wallace and al vs. D. McPherson and al.	10	
1045	Elizabeth Thompson vs. John Johnson	14	
1046	Geo. Fournier and al. vs. Archd. Gorham	21	
1047	Catherine Oxner and al. vs. John T. Soulis and ux.	24	
1048	Henry Lockyer and al. vs. Garret De Courcey and ux.	27	Decree
1049	Geo. P. Lawson vs. Joseph Austen	31	do
1050	Jas. Forman vs. Joseph Fulton and ux.	31	do
1051	Henry W. Crawley vs. Jacob Kuhn and ux.	Jan. 28, 1834	do
1052	D. McFarlane vs. John Mabie	Feb. 3	do
1053	Thos. Boggs and al. vs. James Crosskill	4	do
1054	Abigal Hutchinson and al. vs. Lucy Wright and al.	8	
1055	David Fletcher vs. Alexr. Cameron	17	Decree
1056	D. D. Stewart vs. Halliburton Grant and ux.	20	do
1057	Thos. Pyke vs. George Pyke and al.	March 13	do
1058	Thos. Wilson vs. Wm. Lowden and al.	14	
1059	Wm. McKay vs. Wm. Oates and ux.	18	Decree
1060	D. McFarlane and al. vs. John O'Bryan and ux.	20	
1061	Henry Sibley vs. Ezekl. Pollock	April 5	
1062	John Witham vs. Mary Hay and al.	12	Decree
1063	Nathaniel Parker vs. Allan Parker	May 10	do
1064	Attorney General vs. Thomas Fowler	14	
1065	D. D. Stewart vs. James Woodman and ux.	15	
1066	Robert Story vs. Richard Tremain and ux.	17	
1067	Fire Insurance Company vs. Thomas J. Brown	23	Decree
1068			
1069	Geo. W. Bown and al. vs. Elizabeth Bown and al.	23	Decree
1070	Jas. G. Ritchie vs. Henry Lockyer	June 9	
1071	Robt. Story vs. John Tremain and al.	18	Decree
1072	W. B. Almon vs. John Haffler and ux.	19	do

Number

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of Filing Bill.	Decree Given.
1073	Michael Bennett vs. John A. Veith and ux.	Aug. 7	
1074	John Cochran vs. Benjamin Wilcox	7	Decree
1075	Robert D. Clarke vs. David P. Aymar and al.	19	
1076	G. R. Young vs. Jas. F. Avery Exr. of Crane	Sept. 15	Decree
1077	R. Winton and ux. vs. Michael Creamer and al.	Oct. 11	
1078	Nicholas Vass vs. Robert Woodill	10	
1079	Stephen Lowrey vs. John McKay	15	Decree
1080	Thomas Maynard vs. T. McCardell and al.	29	do
1081	William Lawson vs. Andrew Belcher	Nov. 11	do
1082	Enos Collins vs. Joseph Austen and al.	15	do
1083	John Creighton vs. Thomas Boehner	15	do
1084	Rebecca McLatchy vs. Robert Alexander and al.	17	do
1085	Thomas Milledge vs. Silas Morse	17	do
1086	G. N. Russell and al. vs. Kenneth McDonald	20	do
1087	William Macara vs. John Starratt and ux.	24	do
1088	S. Cunningham and al. vs. John McKenzie	Dec. 1	
1089	William Macara vs. Patrick Kelly and ux.	15	Decree
1090	D. D. Stewart vs. Stephen Wier and ux.	18	do
1091	William Pryor and al. vs. John C. Weatherbi and al.	29	do
1092	T. N. Jeffery vs. Ezra Witter	29	do
1093	Thomas Marsh vs. William Hague	Jan. 21, 1835	
1094	Enos Collins vs. John Tremain and al.	Feb. 4	Decree
1095	S. G. W. Archibald vs. Alexr. Millar and al.	March 6	do
1096	E. A. Crawley vs. George P. Brehm	11	
1097	Samuel Doyle vs. William Merrick and ux.	17	Decree
1098	Elizabeth Schmidt vs. James Kelly and al.	17	do
1099	William B. Robertson vs. William J. Murphy	18	do
1100	James Murison vs. Thomas King and ux.	23	
1101	P. Holland and al. vs. John McGrigor	26	Decree
1102	J. B. Uniacke vs. Mary Newman and al.	26	do
1103	John H. Anderson vs. Patrick McGinnes and ux.	28	do
1104	Lewis E. Piers vs. Alexander Phillips and al.	April 1	Settled
1105	Hibbert Binney vs. Martin Walsh	3	Decree
1106	Samuel Story vs. David Dean and al.	7	do
1107	William B. King vs. John Walley	10	do
1108	Joseph Read vs. Amos Seaman	11	Dismissed
1109	William Sterns vs. Peter Boutilier and ux.	24	
1110	Elizabeth Schmidt vs. James Moody and ux.	28	Decree
1111	James Tobin and al. vs. Ezra Witter	May 6	do
1112	Mary Fraser vs. Brenton Gardner	13	do
1113	Rebecca Crane and al. vs. Mary Martin and al.	16	do
1114	Peter H. Clarke vs. William Bowman and al.	20	Depend'g.
1115	William H. Snelling vs. Sarah Redman and al.	June 2	Decree
1116	John Young vs. Richard R. Preston	July 3	Settled
1117	Celia Baxter vs. Thomas Andrews	7	Depend'g.
1118	Daniel Sutherland vs. William McKenzie	18	do
1119	William Bowman vs. Thomas O'Meara	23	Settled
1120	James Tobin and al. vs. Michael Murphy	31	Decree
1121	John Young vs. Moses Dry	Aug. 3	do
1122	R. B. Dickson vs. Charles G. Thompson	7	do
1123	Enos Collins vs. Henry Heckman and al.	31	Settled
1124	Edward Hughes vs. Michael McNaughton	Sept. 8	Decree
1125	Michael Bennett vs. Luke Kehoe	23	do
1126	John Kline vs. John Brutcher and ux.	29	do

Number

## APPENDIX No. 12.

Number of Cause.	Title of Cause.	Date of filing Bill.	Decree given.
1127	John Patterson vs. John Russell and ux.	Sept. 30	
1128	James Trimbeay and al. vs. Isaac Wylde	Oct. 7	Decree
1129	Ann Mitchell and al. vs. Israel Harding	7	do
1130	John Spencer and ux. vs. John L. Barry	8	
1131	Abigail Hartshorne and al. vs. Michael Harney and al.	15	Decree
1132	T. C. Haliburton vs. Archibald Carr and al.	16	do
1133	Robert Hill vs. Robert Hill and ux.	28	
1134	Thomas Fielding vs. Eleazer Mitchner and ux.	29	
1135	William B. King vs. Samuel O'Brien and J. O'Brien	29	
1136	do vs. Samuel and Jacob O'Brien	29	
1137	Amelia Mackay vs. Samuel O'Brien and al.	29	
1138	Ann Bowman vs. David Thomas and ux.	Nov. 7	
1139	John Bazalgette vs. John Fisher and al.	10	Decree
1140	William Bowman vs. Edward Roach and ux	11	do
1141	H. H. Cogswell vs. William Starr	16	do
1142	Samuel Cunard vs. Patrick Hays	16	Settled
1143	J. W. Johnston vs. David Vaughan and al.	21	do
1144	William Mattheson vs. James McNaught and ux.	21	
1145	David Henrick and ux. vs. Elias Messenger	23	Depend'g.
1146	John Pryor vs. Samuel Canady and ux.	24	Decree
1147	William Macara vs. Jas. Sutton and al.	Dec. 19	do
1148	James Leishman vs. Joseph Campbell and al.	Jan. 6, 1836	do
1149	Donald McLennan vs. Elizabeth Young and al.	14	do
1150	Abigail Hartshorne vs. George Corbitt and al.	20	Settled
1151	James R. Smith and al. vs. George Isles	21	Depend'g.
1152	Abigail Hartshorne and al. vs. John McLean	27	
1153	Henry Mignowitz and al. vs. R. B. Dickson	29	Depend'g
1154	James Ratchford and al. vs. Andrew Murdock		
1155	George P. Zink vs. Charles Fader	30	Decree
1156	T. Cathcart and al. vs. William Donaldson	Feb. 2	
1157	Stephen Deblois and al. vs. Hector McDonald	9	Decree
1158	James Tobin and al. vs. William Stairs	March 12	do
1159	Richard Scott vs. James Henderson	29	do
1160	John Clark vs. Andrew Wallace and al.	30	do
1161	Asa Torrey and al. vs. Peter H. Jadis	April 4	
1162	George Adam and al. vs. John Dewolf	May 19	
1163	William Fielden vs. Ebenezer Fielden	28	Decree
1164	S. S. Blowers vs. John Allan and ux.	30	do
1165	James Primrose and al. vs. M. J. Wilkins and al.	June 29	
1166	James B. Uniacke vs. Henry Green and al.	July 21	Decree
1167	Margaret Forsyth and al. vs. Susan Dupuy	Aug. 2	Depend'g.
1168	H. E. Macara vs. Lewis Smith	13	
1169	Hugh McDonald vs. Kenneth McDonald	13	Decree
1170	Alexander Stewart vs. Thomas Cooke and al.	Oct. 29	Depend'g
1171	G. N. Russell Extr. vs. William Vickers	Nov. 12	do
1172	M. P. Martin and al. vs. James C. Stevens	14	Decree
1173	John Henry Hyson and al. vs. Val. Zwicker and al.	17	
1174	Thomas Maynard vs. Michael Long and al.	26	
1175	Alexander Murison vs. Thos. Hennessy and ux.	Dec. 21	Depend'g
1176	John Edsall vs. Horatio Curzon	22	do
1177	William Pryor vs. Henry Cowley	28	

N. W. WHITE, Regtr.

Registrar's Office, Halifax, 7th July, 1837.

No.

## APPENDIX Nos. 13, 14, 15.

## No. 13.

*(See page 255.)*

**THE** Committee to whom was referred the Petition of Daniel Durland, for aid in forming a Settlement on the Main Road between Liverpool and Annapolis—report as follows :

That between the Settlements of Queen's County and Annapolis, there is a distance of near thirty miles, except where the Petitioner has recently established himself, which is nearly the centre. That heretofore the only accommodation possessed by Travellers on this route was from a small Hut uninhabited, and in which, materials for striking fire were usually deposited. The inconvenience and frequent danger resulting from this arrangement induced many persons to recommend the Petitioner to remove to the spot, and in the expectation of some aid from the Public, he has succeeded in erecting a Dwelling House, where the Traveller now finds comfortable accommodation. That, owing to the distance of the place from other Settlements, and the extreme roughness of the roads, all his materials have been obtained at a very heavy expense, and he is unable, without assistance, to get up a Barn, which would seem necessary for his own as well as the public convenience, as the travelling is, in that part of the Country, but limited, and the soil in the neighbourhood of the Petitioner scarcely fit for cultivation. The Committee are of opinion, that for some years to come the advantages will prove to be all on the side of the Public ; they are of opinion therefore, and recommend to the House that the sum of Twenty Pounds bestowed upon the Petitioner to aid him in erecting a Barn, would be an appropriation advantageous to the Public, and encourage the Petitioner to improve the accommodation which he has hitherto exerted himself to afford ; they would however, suggest, that only one third of the amount should be advanced, and the remainder only when the Barn is completed, and certified to that effect by a Member from each of the Counties of Annapolis and Queen's.

SAMUEL P. FAIRBANKS, Chairman.

House of Assembly, 6th February, 1838.

## No. 14.

*(See page 257.)*

**THE** Committee to whom the Petition of J. H. Tidmarsh was referred, find that the Manufactory which he has established at a great expence, in the expectation of a supply of Sperm being furnished in this market from the Whale Fishery commenced here, is now nearly inoperative, in consequence of that supply falling far short of expectation, that the high prices of Oils in England has caused the exportation thither of the little brought into this and the Province of New-Brunswick, and the only resource is to import it from the United States. But this mode is under such regulations, duties and restrictions, as amounts almost to a prohibition, and the endeavour to obtain a supply by purchasing in the United States and warehousing in England, and transshipping from thence here loads it with such heavy expences as amounts to nearly the same. The article forms a valuable export, only a small proportion being consumed in the Province—without some protection in such circumstances, the manufactory must be abandoned, and then no benefit will result to the Country, either as to export or Revenue. The Committee are of opinion, that desirable as it is to encourage Manufactories, they cannot and ought not to be supported out of the Revenue by funds derived from other sources, but that every aid should be given, by remission of duties on raw material. On this principle the Tobacco, Chocolate and Nail Manufactories, are encouraged ; and the Committee are of opinion that the Petitioner has an equal, if not superior claim ; they therefore recommend that so much of the Imperial Duty be returned in the shape of Bounty, as will leave in the Treasury a sum equal to that paid on Goods imported from Great-Britain.

All which is respectfully submitted.

HUGH BELL, Chairman.

**THE** Petition of Robert Lawson, praying for a return of duty on Sheet Iron, imported for a Nail Manufactory, being accompanied with suitable Documents to prove the payment of the Duty, and he having hitherto had those duties refunded, the Committee report in favour of his claim.

HUGH BELL, Chairman.

## No. 15.

*(See page 263.)*

**THE** Committee to whom it was referred to ascertain certain particulars touching the Bank of British North America, now doing business in Halifax, beg leave to report—

That

## APPENDIX No. 15, 16.

That Stephen N. Binney, Esq. the Manager of said Bank, came before them and produced the accompanying List of the Shareholders in Nova-Scotia, and form of the Bond for Cash Accounts, and also the List of Proprietors, including very many influential and opulent persons in England, and which the Committee lay upon the Table for the information of Members, but do not annex to their report. In answer to the inquiries of the Committee, Mr. Binney stated that the Capital Stock of the Bank is One Million Sterling, of which two instalments, each of one-fifth, have been called for and paid in—that some of the Shares are still undisposed of, but an amount exceeding £350,000 Sterling has been actually raised and forms the present effective Capital of the Bank—that Eight Hundred and Fifty Shares of £50 each have been taken at Halifax, on which the said two instalments amounting to £17,000 Sterling, have been paid in full—that the Branch doing business here have received upwards of £12,000 in specie from England and New York, and have drawn besides for a very large amount on the funds in London—that the Board have the power to draw for a further sum as the wants of the Community may require it, though they are restricted to a particular amount, which the Manager declined stating—that no limit is imposed on their issues, the amount being left to the discretion of the Local Board, who have authority likewise to extend Cash Accounts, and other accommodation to the public so far as they may conceive to be prudent—that deposits are received to any amount bearing an interest of three per cent. from the day they are lodged, provided they remain for three months and fifteen days, notice of their removal is required—that deposits made in specie will be returned also in specie, and notes are redeemed on demand in Doubloons at Four Pounds each, the other coins in circulation being of fluctuating value.

The Committee have also inquired into the Scotch system of taking Bonds on Cash Accounts, and find that the form adopted by said Bank at Halifax is on the same principle as respects the obligation of the Sureties, and in some respects is more liberal than the form in Scotland, or the form now used by the Bank of Nova-Scotia, who require a warrant to confess judgment along with the Bond. This the Bank of British North America do not at present insist on, being satisfied with two Sureties, and the amount on each Cash Account being limited to Five Hundred Pounds. All which is respectfully submitted.

Committee Room, Feb. 6, 1838.

H. HUNTINGTON, W. YOUNG, THOMAS FORRESTER.

No. 16.

(See page 264.)

*To the Honorable the Speaker and Members of the Provincial Parliament of Nova-Scotia, assembled at Halifax, February, 1838.*

THE REPORT OF THE TRUSTEES OF THE YARMOUTH ACADEMY—

Respectfully Sheweth :

That in accordance with one of the Fundamental Rules of the Yarmouth Education Society, and also in compliance with a Resolution of your Honourable House, passed during the last Session of the Legislature,

The Trustees of the Yarmouth Academy respectfully beg leave to lay before your Honourable House the following Report of the Income, Expenditure, and state of the Funds of that Institution.

INCOME OF THE YARMOUTH ACADEMY FOR THE YEAR 1837.

11 Scholars, Taught Latin, Mathematics, &c. &c. paying each 17s. 6d. per quarter	£38 10 0
14 Scholars, Taught Arithmetic, Book Keeping, &c. paying each 15s. per quarter	42 0 0
8 Scholars, Taught Reading, Writing and Arithmetic, paying each 12s. 6d. per quarter	20 0 0
33 Average number attending the Academy during the year—Four of which are free	
52 Weeks' School Rent for 29 Scholars, each paying three half-pence per week	8 16 8
Amount of Provincial Grant including Grammar School allowance	130 0 0

239 8 6

Expenditure

## APPENDIX No. 16.

## EXPENDITURE.

Paid Head Master	£134	0	0
Paid Assistant Teacher	70	0	0
2 Free Scholars, included in the above number, and classed with those paying 15s. per quarter	6	0	0
2 Free Scholars, also included in the above number, and classed with those paying 12s. 6d. per quarter	5	0	0
Erecting Belfry per Contract	7	10	0
Building Chimney, Benches for School and Glazing	4	4	2
Contract for finishing and painting Building	41	2	6
			<hr/>
	267	16	8
			<hr/>
Balance against the Academy	£28	8	2

The above Statement exhibits a balance of Twenty-eight Pounds Eight Shillings and Two-pence against the Academy, and the Trustees beg leave to assure your Honorable House that the most scrupulous economy has been observed in the expenditure of every farthing of its income—that the whole is strictly in conformity with the objects of the Institution, and for the promotion of its best interests.

In closing this Report the Trustees again earnestly recommend this Institution to the favorable consideration and continued support of the Legislature. All of which is most respectfully submitted.

Yarmouth, 3d February, 1838.

A. V. S. FORBES, JOHN MURRAY,  
E. W. B. MOODY, CHARLES LEWIS, } Trustees.

Sworn to before me as a true and correct Report.

Dated 2d February. 1838.

JAMES BOND, J. P.

## REGULATIONS OF THE YARMOUTH EDUCATION SOCIETY.

We, the Subscribers, taking into consideration the important advantages arising from the formation of a suitable Institution for the Education of Youth, agree to form ourselves into a Society, the object of which is to establish a Seminary for General Instruction, so situated as to afford as much facility of communication to the Inhabitants of Yarmouth as possible, in which the course of Instruction and expence of Tuition shall be adapted to the state of the Society and general wants of the Public, to be conducted without reference to Religious Opinions, either in its Members, Officers or Teachers, and to be open to Children and Persons of any Denomination. And for the Society's future Government, we engage each to the other to observe the following Rules:—

I. The Society to be called the "YARMOUTH EDUCATION SOCIETY," and that an Annual Meeting of its Members be held on the last Monday morning of January in every year.

II. The funds of the Society shall be raised only by voluntary contributions and Tuition Fees, and be expended in purchasing land, in erecting and maintaining a suitable building thereon, in paying the Salary of the Teachers, and in procuring such Books, Maps and Apparatus, as shall be deemed necessary for the studies in which the Pupils may be engaged.

III. The Building, or any part thereof, is never to be appropriated to any purpose but that of Education and its acknowledged branches, Theology excepted, which is never to be taught within its walls.

IV. The Officers shall be five Trustees, three of them to be chosen by a majority of the Members of the Society present at every Annual Meeting; the other two, being also Members of the Society, to be appointed by His Excellency the Lieutenant-Governor of the Province, or the Commander in Chief for the time being.

V. The foregoing Rules are to be considered fundamental, and shall not be repealed or modified in any way, unless by an unanimous vote at an Annual Meeting.

VI. Every person making a donation of Five Pounds, or shall within Twelve Months increase a smaller sum to that amount in one additional payment, shall be a Member for life; and all who shall gratuitously contribute annually Ten Shillings, and shall pay the same in advance at the yearly meeting, shall be Members so long as such support is continued regularly. In each case the rules are to be subscribed to.

VII. The duties of the Trustees are, to conduct all the affairs of the Society in accordance with its rules and object—to receive and apply its funds—to choose proper Teachers—to regulate the different courses of Education, adopting or discontinuing such branches as circumstances may require

## APPENDIX No. 16, 17.

require or the funds admit of; and to regulate the tuition fees—to examine from time to time the progress of the Pupils—to hold a yearly and public Examination of the Scholars on some convenient day in the week next before Christmas, (of which sufficient public notice must be given)—to report to the Members at the Annual Meeting their proceedings, state of the funds, and progress of the Pupils, together with any matter which may deserve consideration, and to call extra general meetings when thought expedient; all their measures to be decided by a majority of the Members; they are to make their own regulations for the times and places of their consultations and meetings, and to equalize their duties to suit their separate conveniences.

VIII. At the yearly or other general Meetings a Chairman is to be chosen by a majority of the whole Society present, whose duty it shall be to keep order in the Meeting and sign the minutes.—He may originate, second, and debate upon a motion, but is only to give his vote when the other votes are equally divided. His office ceases at the close of the meeting, and at any subsequent general Meetings he may be re-elected, or a new one chosen.

IX. Whenever an addition or amendment to these Rules is desired, such addition or amendment must be clearly stated in writing, and posted up in the room where the Society hold their general Meetings, at least three months previous to a general Meeting, and then, if approved of, shall pass into a rule.

X. That the Trustees shall forward to His Excellency the Lieutenant-Governor or Commander in Chief a Report annually of the expenditure and state of the Institution, showing that in every case its object had been strictly adhered to.

XI. That from and after the 14th day of January, 1836, each and every Scholar attending the Academy (free Scholars excepted,) shall, in addition to the established Tuition Fees, pay three half pence per week for School rent, to be exclusively expended in keeping the building in repair; the Master to collect the same, and to account to the Trustees for the amount.

*The following rate of Tuition Fees has been established by the Trustees:*

English Reading, Writing and Arithmetic, per Quarter,	£0 12 6
Do. do. with Geography and the use of the Globes	0 15 0
Latin and Greek, with the above	0 17 6
Do. do. with Practical Mathematics	1 0 0

Making £4 per annum, including all the above Branches.

Four free Scholars will be received, and the preference given to the more distant parts of the County. Those requiring admission must understand Reading.

A. V. S. FORBES, E. W. B. MOODY, } Trustees.  
JOHN MURRAY, CHARLES LEWIS, }

No. 17.

(See page 264.)

(COPY.)

*Government-House, Fredericton, January 27th, 1837.*

SIR—

With reference to the subject of Your Excellency's Communication of the 10th instant, and the Document by which it was accompanied,

I have the honor to transmit herewith a copy of information on oath, from two most respectable Individuals of this Province, detailing in very clear and forcible terms the unwarrantable proceedings of American Fishing Vessels, within our waters, on the north east coast of this Province. These informations, resting upon no equivocal authority, I should feel obliged by your Excellency taking an opportunity of communicating to His Excellency the Vice Admiral Commanding in Chief Her Majesty's Naval Forces on the North American Station.

I have, &c.

(Signed)

J. HARVEY.

His Excellency Major-General Sir COLIN CAMPBELL, K. C. B.

(COPY.)

NEW-BRUNSWICK.

DUNCAN HAY, of Carraquette, in the County of Gloucester, in the Province of New-Brunswick, British North America, Yeoman, and Charles Coughlan of the same place, Yeoman, make oath and state as follows:—First, the said Duncan Hay deposes and saith, that he has lived in Carraquette, in the Bay of Chaleur, in the Gulf of Saint Lawrence, for three years last past, and during that period, and for three years before, was personally employed in carrying on the Fishery at Point Miscou, being the outermost point of the Island of Miscou, a fishing station very much resorted to by

## APPENDIX No. 17, 18.

by the inhabitants on both sides of the Bay des Chaleurs, as well as other British Settlements, both in this Province of New-Brunswick as well as Nova-Scotia, embracing a line of Coast of nearly one hundred miles; that for the whole of the period of time above mentioned, the said fishing grounds have been, during the fishing season, frequented by great numbers of American Fishermen, who are in the constant habit of coming within the line marked out by the Treaty subsisting between the British and American Governments, and, in so doing, interfering with the British Fishermen, to their very great detriment and the prevention of their taking Fish; the destruction, in a great measure, of the beneficial use of the said Fishery by British subjects, and dispersing the shoals of Fish. That this deponent has witnessed every year from the commencement, and during the continuance of the fishing season, in the months of June and July, American fishing Vessels, varying in numbers from thirty, forty, fifty, and sometimes one hundred at a time, actively employed in taking Fish, and not content with so doing in the deep waters, they approach within the small bays, and close in with the shore, as well for catching fish as for the purpose of taking bait, without which latter the fishing cannot be carried on, and, in so doing, frequently directly interfere with the inhabitants and British Fishermen, and in some instances being the most numerous, and therefore not to be restrained or prevented, take such bait out of the Nets and Seines used by the said inhabitants for taking such bait, and also, by the number of Vessels extended in continuous lines in positions that break up and turn the shoals of fish from entering the different bays and places of resort to which the said bait and other fish have been and are in the habit of resorting. That to protect the British subjects in the right of fishing, it will require more than an occasional visit of an armed Vessel; some permanent establishment during the whole of the fishing season, in the opinion of the deponent, will be necessary to do away with the interference and annoyance above detailed.

And the deponent, Charles Coughlan, for himself, saith that he has resided at Carraquette aforesaid, thirty miles from Point Miscou aforesaid, about nine years last past, and has also been employed in carrying on a Fishing Establishment, and that the foregoing statement as relates to the interference of the American Fishermen in taking fish, and the other interruptions mentioned by the deponent Duncan Hay, are correct and true; and that he perfectly coincides with him as to the means of preventing the same.

[Signed]

DUNCAN HAY,  
CHAS COUGHLAN,

Sworn this 24th day of January, 1838, before me,  
at Fredericton, in the County of York.

[Signed]

THOMAS C. LEE, J. P.

Duncan Hay and Charles Coughlan, the deponents named in the accompanying Affidavits, further, by way of general observations relating to the subject of the interference of the American Fishermen, would particularly mention the mode in which they carry on their fishing, which these informants consider to have a very injurious effect on the fishery in general.

In the first place, they, the said American Fishermen, are in the constant habit after catching the fish, of bringing their Vessels in very near to the shore, frequently as near as they will ride, and in that situation clean their fish and throw overboard the garbage, which at that season of the year shortly becomes putrid, and has a direct tendency to drive away the shoals of fish there resorting.

Secondly.—They are in the habit, when their Vessels are surrounded by a shoal or shoals of Mackarel, of cutting up with machines calculated for that purpose, quantities of fish into small pieces, and then scattering the same about to keep the shoals about their Vessels, and at the same time throwing into the water quantities of dry salt, which the fish seize, together with the small cut up bait, which is supposed to stupify or have such effect as to detain them, and thereby the Fishermen are enabled to take the fish in great quantities, and break up the shoals; they also throw into the water, together with the said small bait and dry salt, quantities of Indian Meal, which renders the surface turbid. This course being pursued by a large number of Vessels stationed generally across the entrance of the Bays and other places into which the Mackarel are in the habit of resorting, necessarily turns their course, and prevents the British Fishermen from taking the same in those Bays, Coves and Inlets, where they have always, before the American Fishermen were in the habit of frequenting the said fishing grounds, been accustomed to take fish.

[Signed]

DUNCAN HAY,  
CHAS. COUGHLAN.

Fredericton, 24th January, 1838.

## No. 18.

(See Page 264.)

Report of a Committee of the House of Assembly, on the subject of a Bridewell.  
While crimes are committed, a place for Criminals is, in a state of civilized society, indispensably necessary. An Establishment for this purpose should be suited to the objects for which, under every  
good

good and well ordered Government, such places are designed, viz :—The safety of the Community—the prevention of Crime—the lessening or the removal, if possible, of the burden on the public for their support—and, the reformation of the Criminal. For all these purposes it will be perceived, at one glance, without any laboured investigation, that our present Establishment is utterly unsuitable and inefficient.

The decayed and ruinous state of the Building is such, that were it not for the Military Guard, and the fetters with which the wretched beings are loaded, the prisoners could not be kept, and even with these, it is well known that they frequently do escape. But were there no danger in this respect, the unwholesome noxious effluvia arising from Sewers, and other nuisances, connected with the present wretched Establishment, which no cleanliness on the part of the Keeper can prevent, render it not only unfit for human beings, but absolutely disgraceful to a civilized community. For, while good government requires that crime should be punished; humanity, and reason, and christianity, require that even Criminals should be treated as fellow Mortals and Immortals, and not as irrational beasts.

Respect for our common nature demands this of every well ordered mind, and of every properly organized Government.

It is of importance also, that “the prevention of crime should be a part of every Judicial system.” Indeed the infliction of punishment should not be so much that the Criminal should suffer for crime, as that crime should not be committed; and this is the sentiment of the most able writers and expounders on jurisprudence. But our delapidated and inadequate Establishment has been for many years not a preventive of, but a nursery for crime. Huddled together, and mixing almost without restraint with each other; the long practised and hardened adepts in wickedness, contaminate still further themselves and others, and perhaps confirm in their depravity the youthful offender, and those who are less proficient in crime, and who perhaps under a different system might have been reclaimed, or at least might have been prevented from increasing the amount of crime, and consequently of wretchedness. It is therefore now a part of the system of Prison Discipline, and that to which every enlightened Government directs its attention, to prevent this association. Hence separate or solitary confinement is strongly recommended and acted upon. The Prisons of the United States have strikingly and successfully illustrated the propriety and advantages of this mode, and have forcibly attracted the attention of the Governments of Europe. In England it is now generally adopted, and is strongly recommended to her Colonies: Two volumes of Reports of a Committee of the House of Parliament on the subject, have been sent to His Excellency the Lieutenant-Governor of this Province; and have been by him laid before us, and recommended to our consideration. But such a system cannot be carried into operation until a suitable Building be erected.

To make the labour of the Criminal as productive as possible to his support, is what economy, common prudence, and common sense would dictate. In this all will agree, but in the manner in which this is to be carried into effect, there is great diversity of opinion. In the United States Prisons, are Manufactories, and in many places are fully equal, and in some more than equal, to their support. The large protecting duties, and the high price of labour of Artisans, enable them to do this; here, it would be, except in very few articles, quite impracticable. Self interest is the governing principle of mankind, and few will be found so patriotic as voluntarily to tax themselves for the public benefit. There are perhaps some few things that might be manufactured, if not to a profit, at least to avoid a loss, and employment itself, if it led to habits of industry, would be a benefit both to the offender and to the community. Some of the resources of our own country might thereby be brought into operation, (such as the grinding and preparing of native paints—the dressing of granite and other stones, &c.,) and this as far as it could be accomplished might be adopted. But perhaps there is no employment so unexceptionable, especially in this new country, as agriculture, if a suitable situation, and sufficient ground, could be obtained. In every country the produce of the ground is the basis of its support and prosperity, Commerce and Manufactories can extend no farther than the produce of the ground can pay for them, and all that commerce imports beyond this, (except it be food itself,) is a surplus that causes in business stagnation, distress, and bankruptcy. Every acre of Land therefore, that is brought under cultivation, every bushel of Wheat or Potatoes additional that is produced, whether by the Farmer, the Gentleman or the Criminal, is a real benefit to the public. It is an axiom in political economy that population will always flow in and increase in proportion to the support for them: and Commerce and Manufactures must of course increase with the demands of an increased population. He therefore that furnishes food, if it be only to the extent of an additional bushel of potatoes, is to that extent a benefactor to the community. In this view of the subject, it seems incontrovertible that clearing and cultivating the ground is the best manner in which the Criminals in our Bridewell can be employed. Every acre of Land brought under cultivation, would be a lasting benefit to the public. The inevitable conclusion to which these premises lead, is, that the Bridewell should be placed where these advantages can be derived.

“The reformation of the Criminal,” is held by all enlightened Governments as an important object, and an imperative duty; and increasingly so as light and intelligence are diffused. Hence, the

## APPENDIX No. 18, 19.

the sanguinary and vindictive laws which were dictated by the barbarism of the dark ages, are either permitted to remain inoperative and obsolete, or are abrogated and give place to such as emanate from the genial and meliorating influence of Science and Christianity; and in those Countries where this influence has been the most unchecked and unfettered, has the more humane and philanthropic system the most advanced. Justice has not been deprived of its authority, nor has it let down in the least any of its high attributes. It has walked through the land with dignity and majesty, but also with benignity; protecting with one hand the innocent, and with the other correcting but not destroying the guilty. It has been asserted, and it is a fact, to which every observing and reflecting mind will give ready assent, that is not the amount or the severity, but the certainty of punishment, that is likely to deter from crime. A consciousness of this, and that in consequence of the disproportion in many of our Laws between the offence and the punishment the guilty frequently escape, have no doubt induced some of the greatest minds in the Legislature of our Country to endeavour to revise our criminal code, and make it more accordant with the increased intelligence of the public mind. To carry into effect these benevolent intentions, Prisons are so constructed, and Prison Discipline so directed, as to give to the Criminal the advantages of moral culture, from which more is expected than from Legislative enactments. This moral culture is best applied, and operates most effectually in solitary confinement, to have the advantages of which a suitable Building should be constructed.

But as this must be a Provincial Establishment to receive Criminals from every part of the Province, it ought to be, to a great extent at least, a Provincial charge. The Capital is heavily taxed by the impositions, frauds, and depredations of such characters, who chiefly rendezvous there, and it is not fair that they should be further disproportionably taxed, and thus punished in punishing them. Justice seems to demand that an Institution designed for the general protection of the Province, should be supported from the general funds of the Province.

If the view of the subject above taken be correct, the inference seems to be that it would not be so advantageous to the public to establish the Bridewell on lands already cultivated, as to place it on some part which is altogether unproductive. Hundreds of acres are in this state on the Peninsula. Every acre of this when reclaimed would be doubled or quadrupled in value, if immediately sold; or if retained would increase food for the population, and population would thereby increase with the food. A large tract of Glebe Land is on the shore of the basin, within three miles of the Town, which is of little or no value to the Church, and never will be in its present state. Perhaps a part of it could be obtained, or, if not, some similarly situated might be purchased for a small amount. To have it near the town and near the water are two desirable objects, both as regards the erection of the Building; and the conveying of articles to and from it. Even the stones taken off it would turn to some account.

The subject of this report is one of much Importance to the community, and the consideration of it cannot, from the dilapidated state of the present Bridewell, be much longer deferred. After due investigation and reflection, the above is respectfully recommended and submitted.

H. BELL, Chairman.

## No. 19.

(See Page 266.)

THE Committee appointed last Session of the Legislature to examine into the merits of the Bill, entitled, "An Act to define the Boundary line of the Township of Cornwallis; on the adjoining Bays, Rivers and Creeks, and to declare the boundaries and extent of certain Marsh Lands, and Flats or Sedge Banks, held or claimed by Proprietors of Land in the Township of Cornwallis," beg leave to report—that your Committee, during the recess, repaired to the Township of Cornwallis, and fully examined the said Bays, &c., and found that the Boundaries as established in said Bill are founded in justice, and a due regard to existing rights of the Proprietors that now are in the occupation of the land on the confines of the Bays, &c.

That these Proprietors have long been in the occupation of these lands, and that the common right to these Sedge Flats, or the produce thereof set up by the inhabitants of the adjacent Township of Horton, appears to be vague and ill founded, for the following reasons:—

1st. Because the south side of the River Cornwallis is, on the grant of the Township of Cornwallis, given as the Boundary Line, which exhibits the whole River to the Horton side belonging to Cornwallis.

2d. Because the inhabitants of Horton found their claim to the produce of these Sedge Flats, upon the belief that they, from the operation of the current of water in the Cornwallis River, have passed over to the Cornwallis side thereof—a supposition incapable of proof, as soil swept away by the action of the waters of the Basin of Mines cannot be afterwards traced to any particular place of deposit.

3d. Because the inhabitants of Cornwallis set up no common right to these Sedge Flats, &c. but fully concede the right of proprietorship and produce to the occupiers of the adjoining lots, or their Landlords.

Your Committee therefore advise the passage of the Bill submitted to the House during its last Session.

HENRY GOUDGE,  
JOHN ELDER,  
JOSEPH HOWE.

## APPENDIX Nos. 20, 21

No. 20.

(See Page 269.)

SIR—

I have the honor to acknowledge the receipt of your Letter, requiring me to state if I receive any and what fees, as President of the Court of Sessions or Judge of the Inferior Court of Common Pleas.

In reply I beg leave to state that I have not received any fees in either capacity.

I have the honor to be,

Your obedient Servant,

THOMAS C. HALIBURTON.

Windsor, 6th February, 1838.

SIR RUPERT D. GEORGE, Bart., Provincial Secretary.

5th February, 1838.

SIR—

With reference to the Resolution of the Assembly, as to the fees payable on Suits before the Courts of Common Pleas, I have to communicate for His Excellency's information, that those received for the first Justice of that Court in the eastern division, are specified in the Act 28, Geo. 3, c. 15,—they are the same as taken by my predecessor, Mr. Justice Chipman, after the death of former Recipients. A voluntary arrangement between the late Mr. Justice Chipman and his assistant Justices was made for the division of the fees with which I have never interfered, but not having an account I am unable at present to state the precise amount, which however, I will endeavour to do within a few days.

I have the honor to be, Sir,

Your obedient Servant,

W. Q. SAWERS.

SIR RUPERT D. GEORGE, Bart. Secretary, &c. &c. &c.

No. 21.

[See Page, 270.]

THE Joint Committee of the Legislative Council and House of Assembly, appointed to examine the Public Accounts, report as follows:—

*TREASURER OF THE PROVINCE.*

His Accounts have been received; Balance in his hands on the 31st December last £13,098 7 4

*THE COLLECTOR OF IMPOST & EXCISE.*

*HALIFAX.*

His Accounts to the above date have been received; Balance of Bonds in his hands viz. in Sterling £498 5 2 or Currency £622 16 5

Bonds in Currency	34036 19 1		
Bonds in Hands of the Attorney General	14 0 2	34673 15 8	

*YARMOUTH.*

His Accounts have been received to 31st December last; Balance of Bonds in hands 312 12 11

do.	do.	do.	395 7 5
-----	-----	-----	---------

*COLCHESTER.*

His Accounts have been received to 31st Decr. last; Balance of Bonds in his hands 198 6 0

Of the Balance due by former Collector as reported last Year, which should have been £53 11 5

£35 has been paid to the Treasurer, leaving still due 18 11 5

*LUNENBURGH.*

His Accounts have been received to 31st Dec. last; Balance of Bonds in his hands 657 8 10

Of the Balance due by former Collector as reported last Year, £328 2 4, there has been paid to the Treasurer £216 10 6, leaving unpaid 111 11 10

s

Annapolis

## APPENDIX No. 21.

		<i>ANNAPOLIS,</i>		
His Accounts have been received; Balance in hands				£56 18 10
		<i>WINDSOR, Hants County.</i>		
do do	do			47 10 6
		<i>CORNWALLIS, Kings' County.</i>		
do do	do			302 11 2
		<i>GUYSBOROUGH.</i>		
His Account has been received to 31st Dec. last; Balance due for do.		36	8 6	
And Balance as reported last year, not noticed in his account		18	4 6	54 13 0
		<i>BARRINGTON.</i>		
His Account has been received to 31st Dec. he has paid the Treasurer £61 7 2 and is still liable for error in his account as reported last year		1	3 0	
do. in his account this year		1	1 4	2 4 4
		<i>ANTIGONISH, Sydney County.</i>		
He has paid to the Treasurer				23 0 0
But has furnished no account or return for 1837				
		<i>PORT HOOD.</i>		
His Account has been received to 31st Dec. last; Bonds in his hands				25 3 2
		<i>CHESTER.</i>		
do do	do			6 17 3
		<i>WEYMOUTH.</i>		
do do	do			33 9 4
		<i>PICTOU.</i>		
do do	do			1477 16 11
		<i>DIGBY.</i>		
His account has been received to 31st December last; Balance in his hands				96 14 2
		<i>LIVERPOOL.</i>		
do do	do			374 2 7
		<i>SYDNEY, C. B.</i>		
do do	do			369 1 4
		<i>ARICHAT.</i>		
do do	do			1258 12 4
		<i>WALLACE.</i>		
do do	do			14 0 10
		<i>SHELBURNE.</i>		
do do	do	259	7 7	
And overcharge in Commission as reported last year		2	6 6	261 14 1
		<i>BRIER ISLAND.</i>		
His account has been received, by which it appears he has overpaid		1	14 7	
				£53847 11 3
		<i>SAVINGS' BANK.</i>		
There has been no addition to this debt, it therefore remains as reported last year		£15,000	0 0	
For which the Province pays Interest at 5 per cent.				
		<i>PASSENGER'S ACT.</i>		
By the Accounts furnished, it appears there has been received during the past year, £395 11 8½, and expended in affording relief to distressed Emigrants, £301 10 4½,				
leaving a balance in the Treasury on 31st Dec. last of.		94	1 4	
		<i>LIGHT DUTY.</i>		
		<i>HALIFAX.</i>		
Collected and paid up to 31st Dec. last				£1192 14 2
				Liverpool



## APPENDIX No. 21.

<i>COLCHESTER.</i>				
No Returns or remittance for 1837, and no returns for 1835, as reported last year				
<i>AMHERST.</i>				
Collected and paid			£30	2 11
<i>PUGWASH.</i>				
Amount paid the Treasurer—(no Returns)			52	0 0
do do do			10	10 1
<i>ANTIGONISH.</i>				
No Returns for 1836				
<i>GUYSBOROUGH.</i>				
Remitted to the Treasurer in 1837			17	0 8
No Returns or remittance for 1836				
<i>SHELBURNE.</i>				
Collected and paid			104	1 7
MR. MILLER has Collected and paid to the Treasurer			9	13 7
<i>PUBLIC BUILDINGS.</i>				
The Commissioners Accounts have been received; he has Expended £347 9 1, and has received from the Treasury £250, leaving due sundry persons to 31st Dec. last £97 4 1½, as appears by Commissioners Account, and also £38 15 5½ for Accounts since furnished, making				
			135	19 7
<i>SABLE, MUD, &amp; SEAL ISLANDS.</i>				
The Commissioners Accounts to 31st Dec. last have been received; Balance to that date in the Provincial Treasurer's hands, besides paying £300 for a Vessel purchased for that service				
			1071	3 1
<i>ANNAPOLIS LOAN OFFICE.</i>				
The Commissioners have paid into the Treasury up to the 31st Dec. last £217 6 7½, leaving still due for principal and Interest, to 30th June, 1837, per account furnished				
			487	17 1
<i>COMMISSIONERS OF LIGHT HOUSES.</i>				
The Commissioners Accounts to the 31st Dec. last have been received, amounting to				
			3322	2 6
They have received from New Brunswick, for				
Brier Island Light-House		100	0	0
do do for Seal Island		218	14	1
From the Treasurer, besides £782 0 5,				
the Balance due last year		2847	16	0
Due them to the above date			3166	10 1
			155	12 5
The Receipts from Light Houses to 31st Dec. last, have been sufficient to pay the amount due last year, to meet the current expenses of the year ending at above date, and leaves a Surplus including Balances due by sundry Collectors of				
			244	13 7½
<i>CUSTOM HOUSE.</i>				
The Quarterly Returns from 10th Oct. 1836 to 10th Oct. 1837 have been received, but no account current.				
There has been paid to the Treasurer between the 1st January and 31st Dec. 1837, as appears by his account				
			15772	17 3
<i>PROVINCE NOTES.</i>				
Amount in circulation, as reported last year			59,968	10 0
Delivered to the Treasurer for defaced Notes			3,000	0 0
			62,968	10 0

Burnt

## APPENDIX No. 21.

Burnt by the Committee	3000	0	0
Leaving in Circulation 31st Dec. 1837	£59,968	10	0
<i>FUNDED DEBT.</i>			
Funded in 1834, 1835 & 1836—At 5 per cent.	37,026	0	0
do in 1836 4 per cent.	10,000	0	0
Savings' Bank 5 per cent.	15,000	0	0
Borrowed June 1837, to meet the Grant of last Session, for Loan to poor Settlers	3,800	0	0
Amount of Funded debt, 31st Dec. 1837	£65,826	0	0
Interest paid to that time			

The Committee notice in the Accounts of the Collectors of Excise, for Liverpool and Annapolis, the Guagers Commission of 5 per cent. charged on a larger Sum than the net amount paid into the Treasury as authorised by Law, making a difference of £6 7 4 in the former, and £2 9 10 in the latter.

The Committee also notice, that Guager's fees are uniformly charged on all Duties secured—whether on Dry Goods or those requiring the Services of a Guager.

Committee Room, House of Assembly, 13th February, 1638.

WILLIAM LAWSON, } Committee  
R. M. CUTLER, } of  
JAS. RATCHFORD. } Council.

THOS. A. S. DEWOLF, } Committee  
THOMAS FORRESTER, } of  
JOSEPH HOWE, } House  
JAMES B. UNIACLE, } of  
WILLIAM YOUNG. } Assembly.

SECURITIES in the hands of the Out Port Collectors, with a Statement of Monies paid by each into the Treasury, including Halifax and the Custom House, in the year 1837.

	CASH.			BONDS.		
Halifax	£37,000	0	0	34,659	15	6
Custom-House	15,772	17	3	0	0	0
Liverpool	768	13	5	374	2	7
Pictou	900	0	0	1477	16	11
Lunenburg	597	5	4	657	8	10
Yarmouth	398	14	7	312	12	11
Digby	341	5	6	96	14	2
Shelburne	10	0	0	261	14	1
Barrington	61	7	2	61	14	2
Colchester	65	0	0	198	6	0
Cumberland	286	17	0	187	2	2
Windsor	130	0	0	47	10	6
Argyle	9	3	7	0	0	0
Sydney	13	9	3	29	2	11
Cornwallis	176	3	6	302	11	2
Annapolis	334	13	4	56	18	10
Weymouth	48	15	10	33	9	4
Sydney, C. B.	570	13	4	369	1	4
Arichat	374	10	0	1,258	12	4
Port Hood	33	0	0	25	3	2
Antigonish	23	0	0	0	0	0
Chester	22	0	0	6	17	3
Pugwash	46	0	0	14	0	10

## APPENDIX No. 21.

Brier Island	23 0 7	0 0 0
	<u>£58,006 9 8</u>	<u>£40,430 15 0</u>
Light Duty	3949 2 1	
	<u>£61,955 11 9</u>	

<b>DR.</b>		<b>THE PROVINCE OF NOVA-SCOTIA.</b>	
Dec. 31, 1837.—To this sum undrawn on account of Roads and Bridges, per Abstract, in the year 1836 and 1837			
		1,334 12 0	
Loan Certificates due sundry persons		65,825 12 6	
Province Notes in circulation		59,968 10 0	
Balance due Shubenacadie Canal Company 2 years		3000 0 0	
Balance due Cross Island Light-House 1836 and 1837		250 2 0	
Commissioners of Public Buildings		135 19 7	
Commissioners of Light-Houses		155 12 5	
Halifax Steam Boat Company		500 0 0	
Vote for Scatarie Light-House		500 0 0	
Sable Island 3 years		1,200 0 0	
		<u>£132,870 8 6</u>	
<b>CONTRA.</b>		<b>CR.</b>	
Dec. 31, 1837.—By balance in the hands of the Treasurer			
		£13,098 7 4	
Do. on Sable Island Account		1,071 3 1	
Do. Passengers Act Account		92 1 11	
Loan to Dalhousie College		5000 0 0	
Loan to County of Annapolis		487 17 1	
Due by Collectors of Light Duty		81 0 5	
Securities in the hands of the Collector of Excise at			
Halifax	£34,659 15 6		
Deduct Drawback	5,776 12 10		
		<u>28,883 2 8</u>	
Securities in the hands of the Out-Port Collectors throughout the Province	£5,770 19 6		
Deduct Drawbacks	1,923 19 6		
		<u>3,847 0 0</u>	
Bonds in hands of Attorney-General		23 3 0	
Balance due on Loan for relief to Poor Settlers		3000 0 2	
		<u>Balance 77,286 3 10</u>	
		<u>132,870 8 6</u>	

Committee Room, House of Assembly, 13th February, 1838.

WILLIAM LAWSON,	} Committee of Council.	THOS. A. S. DEWOLF,	} Committee of House of Assembly.
R. M. CUTLER,		THOMAS FORRESTER.	
JAS. RATCHFORD.		JOSEPH HOWE,	
	WILLIAM YOUNG,		
	JAMES B. UNIACKE.		

ABSTRACT of Monies undrawn from the Treasury on Account of Roads and Bridges,  
Votes of 1836.

<b>DISTRICT OF ANNAPOLIS.</b>			<b>SHELBURNE.</b>		
No.					
205	J. Roup	£20 0 0	257	Geddes	35 0 0
212	Tibert	10 0 0	263	Crawley	18 0 0
215	Banks	20 0 0	272	Patterson	20 0 0
236	Miller	10 0 0	337	<b>LUNENBURG.</b>	
				Sibbe	10 0 0
					Cape-Breton

## APPENDIX No. 21.

No.	CAPE-BRETON.		No.	ANNAPOLIS.	
425	Armstrong	£10 0 0	416	Samuel Morse	£5 0 0
440	Clarke	7 16 8	472	William McKenzie	7 10 0
441	Munro	15 0 0		<b>SHELBURNE.</b>	
444	Ditto	174 14 1	516	Tilley Richardson	7 0 0
449	Boudroit	10 0 0		<b>QUEEN'S.</b>	
463	Doucett	10 0 0	537	Zenas Waterman	35 0 0
	<b>1837.</b>		560	No Commissioner named	25 0 0
	<b>DISTRICT OF HALIFAX.</b>			<b>LUNENBURG.</b>	
2	John Munro	30 0 0	583	Joseph P. Miller	10 0 0
17	James Smith	25 0 0	588	Conrod Silver	5 0 0
18	Henry Balcomb	10 0 0	602	William Alexander	10 0 0
23	Frederick Hyson	15 0 0		<b>COUNTY OF RICHMOND.</b>	
	<b>DISTRICT OF COLCHESTER.</b>		620	John Munro	80 0 0
82	John Knight	4 0 0	626	William McKay	15 0 0
83	Daniel Chisholm	4 0 0	627	Donald Matheson	10 0 0
88	Thomas Morrison	4 0 0		<b>CAPE-BRETON</b>	
	<b>SYDNEY, N. S.</b>		632	Angus McGilvray	10 0 0
166	Alexander More Chisholm	5 0 0	651	Thomas L. Bown	166 13 4
197	Angus Campbell	6 10 0		<b>INVERNESS.</b>	
	<b>CUMBERLAND.</b>		653	John Munro	200 0 0
265	John Filmore	5 0 0	654	Hugh McDonald	13 13 8
	<b>HANTS.</b>		673	Edmund Ross	21 5 0
298	Benjamin Dewolf	10 0 0	674	Ross & Crodis	20 0 0
	<b>KING'S.</b>		675	Irad Hart	10 0 0
332	Ebenezer Condon	6 0 0			
370	George Neely	7 10 0			
398	Aaron Bishop	5 0 0			
399	William Johnston	10 0 0			
					£1,168 12 9

Committee Room, 13th February, 1838.

WILLIAM LAWSON,  
R. M. CUTLER,  
JAMES RATCHFORD, } Committee  
of  
Council.

THOMAS A. S. DEWOLF,  
THOMAS FORRESTER,  
JAMES B. UNLACKE,  
JOSEPH HOWE,  
WILLIAM YOUNG. } Committee of  
House of  
Assembly.

**A B S T R A C T**

*Of Dutiable Articles imported into the Province of Nova-Scotia, between the 31st December, 1836, and 31st December, 1837, for which the Duties have been paid or secured at the Excise Office, under the Acts of the Provincial Legislature.*

COUNTIES.	Tobacco		Coffee		Rum.		Bread.		Wines.		Brandy Whisky		Onions.		Sugar.		Beef and Pork.		Apples.		Amount of Goods imported, paying ad- valorem duty.		Total amount of Duties.	
	Lbs.	Cwt.	Gallons.	Cwt.	Gallons.	Cwt.	Gallons.	Gallons.	Cwt.	Gallons.	Cwt.	Gallons.	Cwt.	Gallons.	Cwt.	Gallons.	Cwt.	Bbbs.	Sterling.	Currency.				
Halifax	140,398	29 0 20	289,218	4,737	36,750	1,002	400	2	13,496	2	2,240	82	204,611	15	0	42,307	9	5	715	9	1	5		
Liverpool	1,059	1 0 11	7,606		99	60	14	3	2,680	2	4	6	411	17	7	715	9	1	487	11	5			
Lunenburg		1 2 15	4,786						278	0		5	1,379	0	0	487	11	5	3,336	16	0			
Yarmouth	7,786	1 1 15	3,266						1,035	0		10	3,016	6	0	620	14	1	3,836	16	0			
Arichat	1,660	3 2 12							2	0		10	19,989	4	3	1,453	14	7	3,016	6	0			
Pictou	942								917			18	605	11	8	189	0	0	19,989	4	3			
King's County			1,665						50			18	739	0	0	362	9	1	605	11	8			
Shelburne			4,020		466	176	38	2	8	0		18	3,099	7	6	378	14	2	739	0	0			
Sydney, Cape-Breton	4,795		782						25	1			3,099	7	6	378	14	2	3,099	7	6			
Hants County									59	3			3,099	7	6	378	14	2	539	6	11			
Shelburne									86	3			3,099	7	6	378	14	2	539	6	11			
Annapolis			2,348		197	320			72	0			1,590	19	10	40	12	1	1,590	19	10			
Tisbury			2,218						72	0			1,590	19	10	40	12	1	1,590	19	10			
Port Hood	224		310						2	0			1,590	19	10	40	12	1	1,590	19	10			
Barrington and Argyle									2	0			1,590	19	10	40	12	1	1,590	19	10			
Chester									28	3			1,590	19	10	40	12	1	1,590	19	10			
Weymouth & Brier Ild.			570		182				182	0			1,590	19	10	40	12	1	1,590	19	10			
Guysborough	1,100		316						47	0			1,590	19	10	40	12	1	1,590	19	10			
Colchester	2,007		621						47	0			1,590	19	10	40	12	1	1,590	19	10			
Cumberland			1,020		104	903			141	0			1,590	19	10	40	12	1	1,590	19	10			
	159,971	36 3 17	320,546	7,666	35,533	2,654	456	3	18,221	1	2,380	230	246,726	11	9	48,402	9	5	246,726	11	9			
													61,681	12	11	48,402	9	5	61,681	12	11			
													£308,408	4	8	48,402	9	5	£308,408	4	8			

## APPENDIX No. 22, 23, 24.

No. 22.

*(See page 276.)*

THE Committee to whom was referred the Petition of William Leigh, of Saint Mary's, in the County of Guysborough, praying some remuneration for acting as a Quarantine Officer at Saint Mary's, in the year 1835—beg to report that they have inquired into the facts stated in his Petition, and heard the evidence of Mr. McDonald, the representative from that part of the Country, and are of an opinion, that the Petitioner ought to receive Five Pounds, as the value of the services performed by him in that behalf.

HERBERT HUNTINGTON,  
HUGH McDONALD,  
HENRY GOUDGE.

Halifax, 13th February, 1838.

No. 23.

*(See page 277.)*

THE Committee to whom has been referred the Petition of David and Walter Murray, of Merigomish, County of Pictou, craving aid from this Honorable House to enable them to rebuild and refit their Mills, which have been unfortunately burnt by fire—beg leave to report as follows:—

Without at all admitting the principle, that every person who may meet with losses and damages in their property by fire or otherwise, have a claim on this House for aid and assistance, yet, in particular cases, and in ones such as the present, the liberality of this House has been beneficially extended in contributing to the erection of Oat Mills throughout various parts of the Province. As the prayer of the present Petitioners is especially confined to the seeking of aid for their Oat Mill, (which they have not as yet been able to render serviceable for the purpose,) and as their Petition is certified and recommended by all the Magistrates and many respectable Freeholders in their Township,

The Committee beg leave to recommend that the sum of Twenty Pounds (being the sum usually given by this Honorable House, for the encouragement of building new Oat Mills,) be given said Petitioners, to assist them under their present difficulties.

JOHN HOLMES, Chairman.

Committee Room, February 15th, 1838.

No. 24.

*(See page 384.)*

*Sydney, C. B. 11th January, 1838.*

SIR,

I have the honor to state that, upon receipt of your Circular of the 1st May last, addressed to me as Clerk of the Peace for the County of Cape-Breton, requiring me to transmit to your Office, for the information of the Legislature at its approaching Session, "a General Return of all the Statute Labour performed in the County of Cape-Breton, as well as the number of Persons and Teams liable to perform Statute Labour—stating particularly the number of Statute Labor Districts, and the number of Men and Teams in each District, and the number of days labor performed in the same," I thereupon posted up Notices in several public places containing a copy of your Letter, and also calling on Overseers of Roads to furnish me the information required, but which, notwithstanding, I have not been able to obtain.

The Returns made by Overseers of Roads of the Statute Labour performed in the year 1836, furnish me with no data whatever upon which to make the Return called for, neither are all the Returns, as I have reason to think, ever made, as the Law requires; and as the Law does not call upon Overseers to make Returns until the expiration of their year of office, which for the County of Cape-Breton, for the year commencing with the Spring Term of the Sessions of the Peace in the year 1837, does not expire until next March Term of the said Sessions, their Returns cannot, as a matter of course, or in compliance with the Law, properly be looked for until that period arrives, which consequently renders it impossible for me to make any Return now for the year 1837; and I feel confident that when such Returns do come in, or such part of them as may be made, they will not enable me to make a Return similar to that called for; for the Returns of the Overseers of Highways never comprehend

## APPENDIX No. 24.

comprehend all the information sought for in your Circular, as from the circumstance of Overseers and Constables often being unavoidably very illiterate men, and for other reasons, it has not been found practicable to obtain their Returns, giving all the information the Law requires. I however, have the honor to subjoin the only part of the information called for which it is in my power to give, which is the number of Statute Labor Districts in the County of Cape-Breton, which amounts to Eighty-nine in the said County.

I cannot here conclude, Sir, without taking the liberty to state the hardship of many duties, and which are continually increasing, to be performed by Clerks of the Peace and Treasurers of Counties, for which they obtain no remuneration. The Grand Jury, in voting a Salary for those Officers here, will never award any remuneration for any other services than those performed in the Courts and immediately relative to Parish Officers, and even a very inadequate one for the duties thus performed; while they leave them to look altogether to the Legislature for remuneration for other services which the Laws in force, and continually passing, impose on them; and yet the small pittance formerly allowed to Clerks of the Peace for taking Road Bonds was discontinued during the last Session of the Legislature, and nothing allowed for that service, which is one attended with trouble, and occasionally takes up a part of that Officer's time for sometimes more than half of the year, and at all times of the day, and sometimes late at night.

I have the honor to be, Sir, your obedient, humble servant,  
CHARLES R. WARD.

SIR RUPERT D. GEORGE, Baronet, Provincial Secretary, Halifax.

*A General Return of the Statute Labor performed in the County of Sydney, in the year 1837.*

Number of Overseers.	Township of Dorchester. Names of Overseers.	Number of Men.	Number of days of Men.	Number of days of Oxen.
No. 1	Angus Campbell	10	42	4
2	Edward May	7	38	8
3	Donald McIsaac	10	52	2
4	Ronald Smith	11	41	
5	William Thomson	6	30	12
6	Peter Ronan	22	108	14
7	Alexander Baxter	15	61	12
8	Ronald McDonald	18	69	16
9	John Cameron	5	22	
10	Angus Chisholm	7	26	2
11	Archibald McDonald	16	58	14
12	Owen Callighan	4	18	3
13	Donald McGillivray	22	90	6
14	Peter Murphy	3	14	2
15	William Chisholm	10	34	4
16	John Gordon	7	28	4
17	Alexander McIsaac	5	28	
18	Donald McMillan	14	50	12
19	William Brown	15	72	2
20	Richard Morris	6	22	
21	John Inglis	15	74	8
22	Peter Sutherland	3	12	4
23	James Costley	5	20	4
24	William McGilvray	8	31	6
25	Duncan McKenzie	7	38	1
26	John McDonald	21	69	12
27	Hugh Gillis	6	30	8
28	Angus McGillivray	17	70	14

Number

## APPENDIX No. 24.

Number of Overseers.	Township of Dorchester. Names of Overseers.	Number of Men.	Number of days of Men.	Number of days of Oxen.
No. 29	William McGillivray	21	98	20
30	Allan McDonald	13	65	
31	Edward Whalen	6	22	2
32	Donald McGillivray	9	42	
33	James Nichols	12	41	6
34	Hugh Cameron	4	8	
35	Angus McDonald	7	24	6
36	Donald McDonald	10	49	
37	Angus Grant	2	12	2
38	Donald McDonald	8	33	2
39	John O'Brien	3	14	
40	Angus McLellan	4	20	4
41	Jonathan Reed	26	112	12
42	Alexander McAdam	14	66	10
43	Simon Cameron	11	50	4
44	Alexander McDonald	9	47	
45	John McLean	18	54	16
46	John Chisholm	14	68	12
47	Alexander McDonald, No. 11	13	42	4
48	John Chisholm	5	16	4
49	Alexander Chisholm	18	61	24
50	Charles Bigelow	7	21	16
51	Allan McAdam	9	42	
52	Patrick Carrigan	6	22	
53	Donald McKinnon	7	30	2
54	Donald Boyd	3	12	
55	Commissioners Streets	142	318	107
56	Garret Sears, no return			
57	Angus McDonald	6	28	6
		703	2670	433
Overseers and Commissioners		58	348	
Total for Dorchester		761	3018	433

No.

APPENDIX No. 24.

Township of Saint Andrews.				Township of Arisaig.									
No. of Overseers.	Names of Overseers.			No. of Men	No. of days of Men.	No. of days of Oxen.	No. of Overseers.	Names of Overseers.			No. of Men	No. of days of Men	No. of days of Oxen.
1	Rory McDonald	14	52	14	1	Andrew McGillivray	10	42	12				
2	Angus McIsaac	16	57	10	2	Archibald McIsaac	12	62	4				
3	William Chisholm (Carey)	14	50	10	3	Donald McGillivray	5	18	7				
4	Alexander Fraser	6	24	4	4	Donald McDougall	7	26	2				
5	Michael Deans	12	68		5	Ranald McDonald	6	36					
6	Joseph Vincent	13	54	10	6	Hugh Gillis	2	12					
7	Simon Vincent	13	54	16	7	William McDougall	9	30	8				
8	Alexander McDonald	16	74	6	8	Hugh McGillivray	13	49	4				
9	James Taylor	17	65	16	9	Hector McKimmon	8	41	8				
10	Roderick Chisholm	22	83	13	10	John McDonald	30	128	4				
11	Donald Chisholm	23	88		11	Alexander McDonald	16	77	8				
12	Samuel McDonald	9	40	6	12	Angus McDonald	19	69	11				
13	Angus Campbell	3	18	2	13	Alexander McDonald	2	6	4				
14	John Cameron	5	10	0	14	John McGillivray	5	20	12				
15	John Campbell	11	62	10	15	Hugh McGillivray	6	32					
16	Donald Cameron	9	35	8	16	Donald McGillivray	2	12					
17	Angus McPharlan	19	76	22	17	Angus McDonald	5	26	4				
18	Dougald Cameron	25	108	17	18	John McDonald	8	37	2				
19	Donald McAulley	4	20	2	19	Malcolm Chisholm	20	92	8				
20	Allan McGillivray	27	100	94	20	John Gillis	5	22					
21	John Boyd	17	75	8	21	John McNeil	8	43	6				
22	Duncan Chisholm	8	22	2	22	John McNeil	18	76	16				
23	J. Delvrie	7	30		23	John Gillis	15	66	6				
24	Duncan Gillis	3	29		24	James McNeil	9	36					
25	Andrew Benoit	12	48	8	25	Donald McNeil	19	73	10				
26	John McIntyre	2	12		26	Dougald Livingston	9	46	4				
27	James Grant	4	19		27	Duncan Anderson	13	50	2				
28	Alexander Chisholm	3	24		28	Dougald McPherson	6	33					
29	John McIntosh	16	53	21	29	John McPerson	7	26	4				
30	John Chisholm	9	42	2	30	Alexander McDonald	13	64	5				
31	Hugh McGregor	10	56	8	31	Donald McDonald	16	68	9				
32	Donald McNaughton	11	50		32	George Wilkie	18	70	12				
33	John Cameron	9	32		33	Donald McGillivray	5	20	6				
34	James Burnside	3	24		34	James McNeil							
35	John Gillis, no return												
36	Allan Cameron	8	44	2									
Overseers		36	216		Overseers		33	198		Total for Arisaig			378   1718   177
Total for St. Andrews				450   1962   257									

No. of Overseers.	Township of Tracadie.			Name of Townships.				Total Amount.	
No.	Names of Overseers.			No. of Men	No. of days of Men.	No. of days of Oxen.			
1	Donald Grant	5	30	Dorchester	761	3018	433	£ 517 12 0	
2	John Sutor	2	9	Tracadie	391	1814	184	299 14 0	
3	Luman Atwater	11	38	Saint Andrews	450	1962	257	332 17 0	
4	James Randall	26	90	Arisaig	378	1718	177	284 5 0	
5	Baptiste Delvrie	37	180	Grand Total	1980	8512	1051	1434 9 0	
6	John Cotey	9	46						
7	Benjamin Pettipas	37	186						
8	Edward Elin	3	18						
9	Thomas Bailey	6	18						
10	Jerry Bowden	6	20						
11	James Devost	6	36						
12	Peter Delvrie	36	114						
13	Joseph Symonds	14	72						
14	Thomas Brow	23	117						
15	Charles Morell	50	244						
16	Alexander Chisholm	19	106						
17	Donald McDonald	18	79						
18	John Strachan	16	72						
19	Thomas Fraser	10	50						
20	Angus McNeil	2	12						
21	David Fraser	6	26						
22	John McPhail	2	12						
23	John Johnston	8	36						
24	Martin Carrigan	14	53						
25	Robert Kenny, no return								
Overseers		25	150						
Township of Tracadie, Total				391   1814   184					

Antigonish, 9th January, 1838.

ROBERT N. HENRY, Clerk Peace.

Return

## APPENDIX No. 24.

*Return of Statute Labour performed in the County of Colchester, 1837.*

	Districts.	Men.	Minors, &c.	Teams.
Truro,	25	1327	358	277
Onslow,	22	802	222	295
Londonderry,	26	1344	334	196
Upper Stewiacke,	28	713	126	214
Middle Stewiacke,	4	162	46	46
L. Stewiacke, Shubenacadie, &c.	11	315	126	32
Earl Town,	21	500	166	16
New Annan,	12	299	84	22
Economy,	8	290	80	92
Tatamagouche,	7	368	88	74
Total	164	6120	1630	1264

The above comprehends 9014 days work of Men, Minors, Day Labourers, and Teams, not including deficiencies for past year, which are accounted for at a Special Session, not yet held, but will probably amount to 100 days in addition.

JOHN JOHNSTON, Clerk of Peace,  
County Colchester.

Truro, January 24, 1838.

*A General Return of all the Statute Labour performed in the County of Guysborough, with the number of Statute Labour Districts, Persons and Teams liable to perform Statute Labour, for the year 1837.*

No. of Statute Labor Districts	No. of Persons liable to perform Statute Labor.	No. of Days work by Men.	No. of Days work by Teams.	No. of Statute Labor Districts.	No. of Persons liable to perform Statute Labor.	No. of Days work by Men.	No. of Days work by Teams.
1	10	33	4	43	6	24	2
2	7	30	2	44	3	18	4
3	14	54	0	45	11	51	3
4	13	65	8	46	12	68	10
5	8	29	2	47	7	36	12
6	10	38	14	48	6	28	0
7	4	16	0	49	6	24	8
8	5	18	9	50	4	20	4
9	10	48	9	51	6	17	3
10	12	60	6	52	8	47	0
11	15	62	6	53	4	10	5
12	10	55	8	54	9	36	4
13	15	63	20	55	14	60	10
14	9	37	6	56	2	12	2
15	4	16	0	57	14	59	0
16	21	68	13	58	4	15	0
17	11	50	4	59	13	57	6
18	14	66	10	60	17	72	12
19	7	27	0	61	7	26	3
20	13	56	2	62	2	8	2
21	10	36	0	63	14	48	7
22	9	34	0	64	2	8	2
23	8	36	0	65	16	80	12
24	23	84	0	66	9	35	10
25	6	32	0	67	4	24	0
26	7	34	0	68	14	64	0
27	33	110	10	69	7	30	4
28	9	22	0	70	12	60	8
29	8	36	6	71	4	20	0

No.

APPENDIX No. 24.

No. of Statute Labor Districts.	No. of Persons liable to perform Statute Labor.	No. of Days work by Men.	No. of Days work by Teams.	No. of Statute Labor Districts.	No. of Persons liable to perform Statute Labor.	No. of Days work by Men.	No. of Days work by Teams.
30	8	39	4	72	5	22	0
31	6	32	0	73	6	24	0
32	4	20	0	74	6	12	0
33	4	20	0	75	6	28	0
34	9	30	0	76	12	56	8
35	11	42	0	77	23	85	0
36	9	29	0	78	9	36	6
37	10	30	0	79	15	70	0
38	4	14	0	80	17	74	0
39	13	50	8	81	12	52	0
40	10	44	10	82	5	22	0
41	3	14	4	83	48	225	13
42	3	10	2				
					401	1763	160
	419	1689	167		419	1689	167

TOTALS— 820 3452 327

W. O. HEFFERNAN, Clerk of the Peace.

Guysborough, 15th January, 1838.

Return of all the Statute Labour performed in the County of Yarmouth, in the year 1837.

IN THE TOWNSHIP OF YARMOUTH.

No. of Districts.	Men in Districts.	Teams in Districts.	Days work performed by men.	Ditto by Teams.	No. of Districts.	Men in Districts.	Teams in Districts.	Days work performed by men.	Ditto by Teams.	No. of Districts.	Men in Districts.	Teams in Districts.	Days work performed by men.	Ditto by Teams.
1	12	3	44	6	16	23	9	73	28	31	33	1	144	4
2	22	4	108	8	17	11	5	40	14	32	21	8	99	32
3	18	10	78	20	18	9	3	28	12	33	38	7	194	29
4	21	7	86	14	19	14	4	76	16	34	17	5	68	20
5	21	5	90	10	20	17	3	62	6	35	28	5	134	20
6	8	3	26	12	21	7	2	14	8	36	12	5	50	20
7	13	6	60	12	22	17	4	80	16	37	23	3	108	12
8	5	2	18	8	23	15	5	40	20	38	28	7	102	28
9	16	6	64	12	24	22	1	80	4	39	31	7	124	28
10	9	4	38	8	25	15	5	45	20	40	18	2	74	8
11	11	5	54	10	26	9	5	34	20	41	29	5	112	20
12	16	6	58	24	27	5	2	18	8	42	25	8	88	32
13	6	4	26	8	28	31	5	148	20	43	5	2	18	8
14	32	6	142	14	29	30	2	133	8	44	11	5	40	20
15	9	3	34	12	30	39	2	186	8	45	3	4	12	16
	219	74	926	178		264	57	1057	208		322	74	1367	296
			Men.	Teams.				Days work by men.					Ditto by Teams.	
			988	239				4083					814	

IN THE TOWNSHIP OF ARGYLE.

TOTAL—	No. of Districts.	Men.	Teams.	Work performed by men.	Work by Teams.
	41	670	148	3299	352

The Districts in the Township of Argyle are not numbered—I therefore cannot give them separately.

JOHN TOOKER, C. P.

Yarmouth, 1st February, 1838.

No.

## APPENDIX Nos. 25, 26.

No. 25.

(Copy.)

(See page 284.)

Circular.

*Downing Street, 24th February, 1837.*

SIR,—

My attention having latterly been drawn to the system under which Land in Her Majesty's North American Possessions is at present disposed of, it has appeared to me that the regulation by which the purchase Money of such Land is allowed to be paid by instalments is open to very serious objection.

It has been stated that the collection of these Instalments is very expensive, and that the recovery of the interest on the unpaid portion of the purchase money is virtually impossible. And although the land becomes liable to forfeiture on a neglect of the established conditions of Sale, the nature of the case necessarily precludes a resort to so extreme a remedy.

The tendency therefore of the system is to lead settlers to buy more Land than they require, and consequently to disperse them over a wider extent of Country than they can beneficially occupy.

The effect in the case of Timber Land is stated to be still more injurious, in as much as it induces parties who wish to cut Timber to purchase the land on which it grows, by the payment of the first instalment, and after stripping it of its timber to abandon it, whereby not only is the produce of the Timber fund diminished, but large tracts of uncultivated and unoccupied Lands are locked up for a considerable period from the general purchaser; it is probable that some of these inconveniences might be considerably diminished, if not altogether overcome, by more rigidly enforcing the penalties attached to the neglect of the conditions of Sale; but such a course would be attended with much expense and difficulty, and might perhaps in many instances press with severity on the Settlers.

A more effectual remedy appears to exist in the establishment of a system of ready money payments. I have therefore to desire, that you will forthwith issue a notice in the Province under your Government, that from and after the 1st of June next, purchasers of Land belonging to the Crown will be required to pay down at the time of Sale 10 per cent, on the whole value of purchase, and the remainder within 14 days from the day of Sale—that until the whole price is paid, the purchaser will not be put in possession of the Land, and that in the event of payment not being made within the prescribed period, the sale will be considered void, and the deposit will be forfeited. I have deferred the operation of this rule until the 1st of June next, in order to permit those Settlers who may have already proceeded to North America, in the faith of the existing regulations, to obtain their lands on the terms which they had been led to expect; but in order as much as possible to repress the purchases in the interim of speculators, not intending to become bona fide settlers, you will give notice that it is the intention of the Government strictly to enforce the conditions annexed to the Sale of Lands under the existing Regulations.

I have, &amp;c.

[Signed.]

GLENELG.

Major General Sir Colin Campbell, K. C. B.

&amp;c.

&amp;c.

&amp;c.

No. 26.

(See page 285.)

(Copy.)

*Halifax, 3rd February, 1838.*

TO HIS EXCELLENCY THE LIEUTENANT GOVERNOR.

SIR,—

Agreeably to the instructions received from your Excellency, we proceeded to Pictou, and on the 20th January met such of the Trustees of the Academy as resided in the Town of Pictou, read to them our Commission, stated our desire at once to enter upon the objects of

## APPENDIX No. 26.

of our Mission, and to receive any information touching the present state and condition of the Institution, that they might be willing or desirous to afford.

It is not necessary for us to trouble your Excellency with any sketch of the History of this Institution down to the passage of the Act of 1832, which granted for its support £400 per annum for ten years, and introduced into the trust several Members from the religious body that has usually stood in opposition to its former management.

Since that period it would appear from the minutes furnished by the Secretary, that, to keep up the course of instruction contemplated by that Act, an actual expenditure of £557 is necessary.

This sum is made up of the following items : Salary of the Principal £250, Second Teacher £150, Third Teacher £100. Interest of a debt of £882, £42, and £15 for repairs and incidental expense.—The tuition fees collected in the year ending August 2nd. 1837, from only nine Students attending the higher, and seventeen the lower branches, amounted to but £24 1 6 which, added to the Annual Grant, leaves a deficiency of £132 18 6, without which, it is impossible, that the system of instruction prescribed by the Act of 1832 can be maintained.

When that Act passed it was contemplated by the Legislature that the deficiency would be more than provided for by the additional number of Scholars, which it was said a compromise between the two contending parties would throw into the Seminary, and by the liberal contributions promised by both ; these expectations have not been realized.

The number of Scholars appeared to have gradually decreased since 1833, while the voluntary contributions in aid of the Academy have as steadily declined until in last year, only £11 2 6 was received from this source.

This state of things, your Excellency will perceive, is ruinous to the interest of the Academy, the second teacher being sometimes compelled to relinquish his duties from the inadequacy of the Funds at the disposal of the Trustees to reward him for his labors.

On enquiry into the causes of this apparent failure of the Act of 1832, to answer the purposes for which it was intended, it was stated by the old Trustees who represent the feelings and interest of the congregations attached to the Presbyterian Church of Nova Scotia, that the numerous body of persons connected with the Church of Scotland had entirely failed to fulfil the pledges given at the Bar of the Assembly, and otherwise prior to the passing of that Act,—that they had sent few, if any of their youth to the Academy, and with the exception of three pounds subscribed by one of their Trustees, they had contributed nothing towards its support. That their friends finding that this party gave them no aid, became lukewarm, and determined to withhold the very liberal subscription which they had formerly given every year, and could not be expected to display the zeal they had formerly exhibited, since the former board of Trustees had been broken up upon the faith of pledges which had never been redeemed.

On the other hand, the Trustees representing the Kirk of Scotland complained that, being in minority at the Board they were constantly outvoted, and their suggestions for the general management of the Academy rarely, if ever entertained. That they had objected to pay certain expenses incurred on a Mission to England, because their views and motives had been misrepresented and maligned to the authorities at home, and that they did not and would not contribute to the support of the Academy, while things remained in their present state.

Though we might, perhaps, be able to suggest to your Excellency some plans for the renovation of the affairs of the Academy, or for the more useful application of the Provincial Grant, we find that upon this point there might be amongst us some difference of opinion, and that, under the strict letter of our instructions, we are only bound to report the facts, reserving to ourselves the right to exhibit our individual opinions in our places in the Assembly, whenever fitting opportunities occur.

We have the honor to be, &c. &c.

[Signed.]

JOSEPH HOWE,  
W. F. DESBARRES.  
JOHN HOLMES.

## APPENDIX No. 27, 28, 29.

## No. 27.

(See page 287.)

The Committee to whom was referred the Petition of John McGregor of Halifax, Esq. beg leave to Report, that they have examined the Books and Papers referred to in the Petition, and are satisfied from the mode of entries and arrangement, not only that such a work was necessary to facilitate the business of the Court of Chancery, but that the sum received by the Petitioner was inadequate to the amount of labour required to be performed. The Committee however, as no previous application was made to the House, cannot recommend a precedent which may hereafter prove injurious; but they must at the same time express their conviction that the Petitioner has faithfully performed the services required of him; and that he ought to, from some source or other, be adequately recompensed.

Committee Room,  
February 19, 1838.

W. B. TAYLOR, Chairman.

## No. 28.

(See page 187.)

The Committee to whom was referred the Petitions of George and Jacob Hiltz of Sherbrooke in the County of Lunenburg, and of William H. Ross of the same place, severally, praying aid from this House, to enable them to erect two Grist Mills in said Settlement, in lieu of similar Establishments recently burned down—beg leave to report as follows:—That the Settlement of Sherbrooke was formed some years since by a number of disbanded Soldiers, who have struggled to support themselves and their families under great disadvantages, arising from a want of knowledge of Agricultural pursuits; that although the said Settlement has advanced in numbers, the inhabitants are generally very poor, and, unless some aid is afforded to the Petitioners, it is represented to your Committee, that there are none others of sufficient ability to rebuild those Mills.

That the nearest Grist Mill to this Settlement is at a distance of twenty miles—the two mills burned were five miles a part—and it is therefore evident, that, unless one or both are rebuilt, great inconvenience as well as suffering must arise to the Inhabitants as they are without the means of conveying their grain to such a distance.

Your Committee therefore cannot withhold their recommendation to this Honorable House, of the expediency of granting to each of the Petitioners a small amount in aid of the object of their Petitions, to be equally divided between them, in case they rebuild those Mills, regarding it as a boon more to the poor Settlers in that District than to the Petitioners.

Dated, 20th Feb. 1838.

S. P. FAIRBANKS, Chairman.  
THOS. FORRESTER,  
GARRET MILLER.

## No. 29

(See page 288.)

*Account of Paupers admitted into the Halifax Asylum for the Poor, during the year 1837, distinguishing Halifax from Transient, and the places from whence the Transient Poor came.*

	Men	Days	Women	Days	Children	Days	Total	Days
Halifax	74	10093	106	16855	170	19221	350	45669
Transient	271	28381	163	14003	71	7117	505	44501
Total	345	33474	269	30858	241	26338	855	90170

w.

Places

## APPENDIX No. 29.

Places in the Province other than Halifax.	PLACES FROM WHENCE THE TRANSIENT POOR CAME.							
	Men	Days	Women	Days	Children	Days	Total	Days
Ireland	153	14216	33	7296	29	2122	270	23634
England	42	2489	8	281	3	84	53	2854
Scotland	18	2063	5	361	2	430	25	2868
Guernsey	2	25					2	25
Spain	2	182					2	182
Wales	1	42	1	147			2	189
France	2	439	1	365			3	804
Virginia	2	174					2	174
Isle Franca	2	198					2	198
West Indies	8	512			2	156	10	663
Bermuda	5	101	1	365			6	466
Denmark	2	26					2	26
Norway	1	365					1	365
United States	4	159	2	52	2	270	8	491
Savannah	2	95					2	95
Hanover	1	53					1	53
Sweden	1	40					1	40
Nassau	1	20					1	20
East Indies			1	85			1	85
Quebec			2	123			2	123
Newfoundland	2	367	5	744	3	281	10	1392
Prince Edward Island	1	57			2	358	3	445
New-Brunswick			12	543	7	1185	19	1728
Miramichi					1	365	1	365
Sydney					2	153	2	153
	271	23381	163	14003	71	7117	505	44501

*Statement of Places from whence the Transient Poor came belonging to the Province other than Halifax.*

	Men	Days	Women	Days	Children	Days	Total	Days
Dartmouth	2	50	3	479	3	474	8	1003
Preston	1	203	8	1273	2	404	11	1880
Cole Harbour			1	16			1	16
Pope's Harbour			1	25			1	25
Sheet Harbour			1	12			1	12
Ferguson's Cove			1	23			1	23
Country Harbour]			1	22			1	22
Ship Harbour	1	177					1	177
Bay of Islands	1	88					1	88
Canso	1	65	1	21			2	86
Sherbrooke			1	4			1	4
Potter's Lake			1	4			2	16
Onslow	1	30			1	5	2	35
Chester	1	81			1	33	2	114
Windsor	1	365					1	365
Liverpool	1	40	1	264			2	304
Cornwallis	2	32	2	556	5	106	7	694
Horton	1	111	1	28	1	362	3	501
Douglas	1	102					1	102
Pictou	2	132	2	45			4	177
Lunenburg	1	79					1	79
Shelburne			1	189			1	188
St. Peter's			1	67			1	67
Truro			1	129			1	129
Arichat			1	20			1	20
Yarmouth			3	142	1	29	4	171
Cumberland			2	152			2	152
Annapolis			1	3	1	72	2	75
Shubenacadie	2	168					2	168
Musquedobit			1	91	1	18	2	109
Guyborough			1	71			1	71
Antigonish					2	178	2	178
Foundlings					1	11	1	11
	19	1723	37	3636	18	1704	74	7063

J. W. NUTTING, Chairman of the Board of Commissioners.

ROBERT PHELAN, Clerk to Commissioners.

Halifax, 31st December, 1837.

*Aggregate*

## APPENDIX No. 29.

*Aggregate List of Articles purchased for the Halifax Asylum for the Poor, during the year of 1837.*

Arrow Root, 62 lbs.			£1 18 6
Barley, 70½ cwt.	£65 15 1		
Beer, 4,649½ gallons	59 0 8		
Beef, 18,518½ lbs.	176 0 3		
Butter, 789 lbs.	39 18 7	340 14 7	
Candles, 75½ lbs.	2 18 2		
Coals, 74 Chaldrons	95 15 9		
Contingencies expended by the Matron, whose Account is audited monthly by the acting Comrs.	25 15 4		
Cloathing, Blankets, Sheets, Bedticking, &c.	59 17 9		
Chocolate, 1,064 lbs.	31 0 8	215 7 8	
Flour, Superfine, 171½ bbls.	403 10 0		
“ Rye, 139 do.	267 6 0	670 16 0	
Glazing and Painting	3 0 4		
Ironmongery, Nails, &c.	6 6 4	9 6 6	
Oatmeal, 67½ cwt.	69 4 4		
Indianmeal, 36 bbls.	54 11 3	123 15 7	
Lumber, 7,377 feet	19 8 7		
Leather for Shoes	32 10 2		
Miscellaneous expenses, articles required for the Establishment, not of ordinary consumption, purchased by the Commissioners, which do not come under other heads	35 19 1	87 17 10	
Molasses, 1,106 gallons	113 4 6		
Milk, 2,392 do.	108 5 2	221 9 8	
Oil for Lamps, 256 do.		44 5 0	
Pork, 6 barrels	26 7 6		
Potatoes, 500 bushels	47 8 4		
Peas, 98½ do.	27 14 0	101 9 10	
Repairs to Building	8 14 7		
Removal of Paupers	13 8 9		
Stationary and Printing	6 2 8		
Straw, 161 cwt.	28 12 0	56 18 0	
Soap, soft, 198½ do.	49 13 7		
Hard, 188 lbs.	3 5 4	52 18 11	
Salaries, including charge for Medicines and Medical attendance		281 5 0	
Sugar, 8½ cwt.	19 17 9		
Salt, 6 hhds.	3 15 6		
Tea, 745 lbs.	72 17 11	96 11 2	
Truckages	23 0 0		
Tin Ware and repairs	20 11 3	43 11 3	
Turnips, 30 Bushels		3 0 0	
Wood, 57½ Cords	44 15 9		
Wine for the sick, 53 gallons	15 11 9		
Wool, 52 lbs.	4 11 0	64 18 6	
Jank, 80½ cwt.		49 8 8	
Paid this sum advanced by the acting Commissioner in December last		3 7 8	
Paid the Fire Insurance Company on account of Loan	200 0 0		
4 months interest thereon	4 0 0	204 0 0	
Paid the Town Clerk for his attendance at a Town Meeting called at the request of the Comrs.		1 10 0	
Paid the Matron of the Asylum per vote of the Commissioners		5 0 0	
Paid Discount on £25 New Brunswick Notes		1 5 0	
Balance in hand		108 0 8½	
		£2,788 16 2½	
Due the Fire Insurance Company on account of Loan	200 0 0		
Interest thereon to date	5 16 5		
	205 16 5		

J. W. NUTTING, Chairman of the Board of Comrs.

*Account of the Funds received for the use of the Halifax Asylum for the Poor, during the year 1837, and from whence received.*

1837.	Commissioners.	Treasury for Transient Poor.	Treasury for 10 per cent.	Town and County Treasurer.	Casual.	Total.
January	Hugh Bell, Esq.	£150 0 0	£200 0 0	0 0 0	£5 11 4	£355 11 4
February	J. W. Nutting, Esq.	For quarter ending 31st Dec. 1836.		0 0 0	23 14 11	23 14 11
March	M. B. Almon, Esq.	100 0 0	0 0 0	0 0 0	15 2 0	115 2 0
April	W. M. Allan, Esq.	150 0 0	0 0 0	0 0 0	14 10 4½	164 10 4½
May	Thomas Williamson, Esq.	0 0 0	0 0 0	0 0 0	4 17 3	4 17 3
June	William Lawson, Junr. Esq.	150 0 0	50 0 0	0 0 0	40 0 3	240 0 3
July	Doctor Johnston	0 0 0	0 0 0	90 0 0	0 0 0	90 0 0
August	John Spry Morris, Esq. acting for John Clarke, Esq. }	0 0 0	0 0 0	550 0 0	26 11 10	576 11 10
September	John Howe, Esq.	0 0 0	0 0 0	100 0 0	28 19 8	128 19 8
October	John Spry Morris, Esq.	150 0 0	50 0 0	80 0 0	5 19 4	285 19 4
November	Honorable Joseph Allison.	0 0 0	0 0 0	49 0 0	9 8 6	58 8 6
December	G. N. Russell, Esq.	150 0 0	150 0 0	0 0 0	20 0 8	320 0 8
		£750 0 0	550 0 0	£869 0 0	194 16 1½	

Received

## APPENDIX No. 21.

Received from the Treasury Legislative Grant for the Asylum School	25 0 0
Received Loan from the Fire Insurance Company	400 0 0
	<hr/>
	£2788 16 2½
	<hr/>
Balance in hand brought down	108 0 8½
Halifax, 31st December, 1837.	

(Errors excepted.)

ROBERT PHELAN, Clerk to Commissioners.

J. HOWE,  
THOS. WILLIAMSON, } Committee to Audit the Accounts.

No. 30.

(See page 289.)

Government House, Fredericton, N. B. 11th Feb. 1838.

(Copy.)

SIR,—

At the desire of the Legislature of this Province, I have the honor herewith to transmit to your Excellency, Copies of Addresses presented to me by the Council and Assembly of New Brunswick on the 17th ultimo, praying that I would urge Her Majesty's Government to adopt measures for causing an immediate Survey to be made of the Bay of Fundy, and as this is an object, which must be regarded as of great importance to the Shipping and Commercial Interests of Nova Scotia, I trust that your Excellency will meet the wishes of myself and the Legislature of this Province, by taking an early occasion of bringing the subject under the consideration of the Legislature of Nova Scotia, giving to it such support as to your Excellency it may appear to merit.

I have made Lieut. Kendall, R. N. lately Commissioner of the Nova-Scotia and New-Brunswick Land Company, the bearer of this Communication; Mr. Kendall having been strongly recommended to me, as well by several leading Individuals of this Colony, who are well acquainted with his professional experience and merits, as by the Chamber of Commerce and the Marine Assurance Company of St. John, as an officer eminently qualified not only to give the Admiralty and the Government all the local information which they can require upon the subject, but also for performing the service, in the event of the Lords Commissioners of the Admiralty being pleased to entrust it to him.

The present aspect of affairs in this Hemisphere, the fact of one of the largest Ships of War on this Station having recently been required, in the course of Her Majesty's Service, to enter the Bay of Fundy at a season of the year when its dangers are greatly aggravated by the severity of the climate, and the great probability that other of Her Majesty's vessels may be directed to the same point, in their co-operation in the measures necessary for placing Her Majesty's Trans-Atlantic Possessions in security against Foreign or Domestic Enemies, are circumstances and considerations which your Excellency will, I am convinced, concur with me in regarding as greatly enhancing the necessity for an immediate and accurate exploration of the dangers of the navigation of this Bay, which a regard for the Commercial Interests and for the cause of humanity would alone suggest.

I have, &amp;c.

(Signed.)

J. HARVEY, Lt. Governor.

His Excellency Major General General SIR COLIN CAMPBELL, K.C.B

NEW BRUNSWICK.

(Copy.)

House of Assembly, 17th January, 1838.

Whereas, representations have been made to the House, that no Charts are in existence giving accurate description of the Rocks, Shoal, and other dangerous obstructions in the Bay of Fundy, and of the Shores and Islands contiguous thereto; and whereas, from the increasing Trade to the parts connected with the said Bay, it is highly desirable that such a comprehensive Survey should be made, and Charts taken therefrom, as would particularly designate such Rocks and Shoals, as well as the recently erected Light House Establishments on our Coasts. And whereas Addresses from this House, and from the Legislative Council

## APPENDIX No. 30.

Council in February, 1835, to the then Lieutenant-Governor, were laid before His late Majesty's Government. It was communicated to this House by Message on the 22nd day of June 1835, that Commander Bayfield would terminate his Survey in the Gulf of St. Lawrence in two more seasons, when it was intended to employ the Commander on the West Coast of Nova Scotia and the Bay of Fundy. And whereas that time has elapsed, and it appears by a Communication from Commander Bayfield to His Excellency the Lieutenant-Governor, dated 11th November last, that his Survey in the Gulf of St. Lawrence will not be completed in less than three years from that time, and it being very desirable that a Survey should be commenced at an earlier period, Therefore resolved, that an humble Address be presented to His Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to bring this subject, so deeply important to the Shipping and Commercial interests of the United Kingdom and this Province, again under the consideration of Her Majesty's Government.

[Signed.]

CHARLES P. WETMORE, Clerk.

A true Copy. H. B. PAULIN.

## NEW BRUNSWICK.

(Copy.)

*Legislative Council Chamber, Tuesday 23rd January, 1838.*

On motion made and seconded, the following Resolution was passed :

Whereas Representations have been made to this House, that no Charts are in existence giving an accurate description of the rocks, shoals, and other dangerous obstructions in the Bay of Fundy, and of the Shores and Islands contiguous thereto. And whereas, from the increasing Trade to the Ports connected with the said Bay, it is highly desirable that a full and comprehensive Survey should be made, and Charts taken therefrom, as would particularly designate such Rocks and Shoals, as well as the recently erected Light House Establishments on our Coast.

And whereas Addresses from this House and the House of Assembly in February, 1835, to the then Lieutenant-Governor, were laid before His late Majesty's Government, and a Communication was made by Message to this House on the 22nd day of June following, that Commander Bayfield would terminate his Survey in the Gulf of Saint Lawrence in two more seasons, when it was intended to employ the Commander on the West Coast of Nova-Scotia and the Bay of Fundy. And whereas, that time having some time elapsed, and the service not having yet commenced, and this House being apprehensive that further delay may be productive of serious consequences and loss to the Commerce and Navigation of the Colonies and United Kingdom engaged in the Trade to the Bay of Fundy.

Therefore resolved, that an humble Address be presented to His Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to bring this subject again under the consideration of Her Majesty's Government.

[Signed]

W. T. PETERS, C. L. C.

A true Copy.

H. B. PAULIN.

## NEW BRUNSWICK.

(Copy.)

*House of Assembly, Feb. 10th, 1838.*

Whereas, an Address of this House was made to His Excellency the Lieutenant-Governor on the 17th ultimo, humbly requesting he would be pleased to bring under the consideration of Her Majesty's Government, the important subject of an accurate Survey of the Bay of Fundy being made as soon as convenient.

And whereas the neighbouring Province of Nova-Scotia is deeply interested in this measure,

Therefore resolved, that an Humble Address be presented to His Excellency the Lieutenant-Governor, praying that he will be pleased to communicate a copy of the said Address of the 17th January, to the Lieutenant-Governor of Nova-Scotia, with a request that he will bring the subject under the consideration of the Legislature of that Province.

[Signed]

CARLES B. WETMORE, Clerk.

A true Copy.

H. B. PAULIN.

## APPENDIX Nos. 31, 32.

No. 31.

(Copy.)  
(CIRCULAR)

(See page 289.)

Downing Street, 14th October, 1837.

SIR,—

I have the honor to transmit to you a Copy of a Letter, which has been addressed to me by the Trustees of the British Museum, requesting me to instruct the Governors of Her Majesty's Colonial Possessions, to make known within their respective Governments, the desire of that Institution to receive specimens of the natural History of the Colonies; and also to take advantage of any opportunities which may offer of securing for the Trustees, such rare and curious objects as shall appear to be of sufficient importance to deserve a place in the National Museum. I have, accordingly, to request that you will contribute to the utmost of your power towards the promotion of the views of the Trustees of the British Museum. I also enclose several copies of a Code of Directions which has been prepared by the Officers of the Museum, for the guidance of inexperienced persons in selecting and preserving Mineralogical and other Specimens; and I have to request that you will cause them to be distributed among those who may be willing to collect and present Specimens to the Museum.

I have, &amp;c.

[Signed]

GLENELC.

Major General Sir Colin Campbell, K. C. B. &amp;c. &amp;c. &amp;c.

(Copy.)

British Museum, 2nd. October, 1837.

MY LORD,

I am directed by the Trustees of the British Museum to acquaint your Lordship, that having a prospect of obtaining, at no distant period, much increased space for the deposit and exhibition of the various objects in their charge, they are anxious to extend and improve the several branches of their collections with as little delay as possible.

To this end the Trustees conceive that your Lordship's influence may very powerfully contribute; and, confident of your Lordship's desire to promote the interests of science, they solicit without scruple, that your Lordship will instruct the Governor's of our Colonial dependencies to make the designs of the Museum known in their respective Colonies, and to take advantage of any opportunities which may offer of securing for the Trustees such rare and curious objects as shall appear to be of sufficient importance to deserve a place in the National Museum; these objects, when transmitted to England, will be carefully preserved, and the names of the respective donors, honorably recorded among the contributors to the Museum.

I am further to place at your Lordship's disposal, three hundred copies of a brief code of directions for Collectors of Natural History, drawn up by the Officers of the Museum, and containing some suggestions which may be useful to persons inexperienced in the selection and preservation of Mineralogical, Zoological, and Botanical Specimens.

I have, &amp;c.

(Signed)

J. FORESHALL, Secretary.

The Right Honorable the LORD GLENELG,  
Secretary of State for the Colonies.

No. 32.

(See Page 290.)

(COPY.)

Government-House, Halifax, 25th August, 1837.

MY LORD—

It will probably be in your Lordship's remembrance, that in 1814, a large number of Refugee Slaves were brought to this place from the United States, by the orders of Admiral Sir Alexander Cochrane. They were settled in the neighbourhood of Halifax, and for the first two years received rations from Government; but they have since been, in a great measure, dependent on the charity of the inhabitants of this Town and the bounty of the Provincial Legislature. It was soon found that this climate was ill-adapted for them

## APPENDIX No. 32.

them, and that they never could prosper here—the lots on which they were placed being of very small dimensions and miserably sterile. His Majesty's Government therefore benevolently offered in 1820, to convey them to Trinidad, to which Island they had been invited by the Governor, Sir Ralph Woodford, but of this offer only eighty or ninety chose to avail themselves. It was hoped that on hearing of the kind reception which these met with at Trinidad, the rest would be disposed to follow, and many did in fact express such an inclination at first; but on the arrival of a Transport with orders to take them there, they, one and all, refused to go, influenced, it is thought, by the absurd apprehension, which it was not found possible to remove, that it was intended to return them to their old masters, or to make them slaves again in the West Indies. The same offer has at different periods been renewed, and since the passing of the Emancipation Act; but wretched as their condition is, and must, I apprehend, continue to be here, has always been resolutely rejected. Here they are determined to remain, nor will they consent, as I have proposed, to be distributed in detachments in different parts of the Province, where good land might be provided for them, and where, with the assistance of the wages which they might occasionally obtain as laborers, they, with industry, might earn a comfortable livelihood. But about one hundred or one hundred and twenty of the two hundred and fifty families of which this population consists, are willing to proceed in a body to some other part of the Province.

These poor people being, in the early part of last winter, in a more destitute condition than usual, I took occasion to bring their unhappy case under the consideration of the Council and Assembly in a Message, of which I enclose a copy; and a Committee of the House, having in consequence, visited the several Black Settlements, the enclosed Resolution was subsequently presented to me.

As they persist in their refusal to remove, except in a large body, I required the Surveyor-General to point out the most eligible site for the location of about one hundred families, and to furnish an estimate of the expense of laying out lots for them. In the letter from him, which I have the honor to transmit, that expense is reckoned at about £100, but with the assistance which each family will require towards building a hut, and for its support for the few first months, the whole charge incident to their removal will probably amount to about £500 or £600.

These refugees have already occasioned so much expense to the Province, (into which they were introduced as Paupers, and against the desire of the inhabitants,) that the Assembly can hardly be expected to advance the sum required for the purpose. Without assistance therefore, from His Majesty's Government, or some other source, these unhappy people must continue to remain in their present pitiable condition. I am induced therefore to express a hope, that as His Majesty's Government have already, on more than one occasion, expressed their readiness to defray the expense of conveying them to, and settling them in, another Colony, they will not now be indisposed to extend their bounty in another shape, and bear the charge of transferring them from the barren lands on which they are now living to a better part of the Country, where the fruitful soil might stimulate them to those industrious habits which have been discouraged by the unproductive nature of the lands on which they are now settled.

Should your Lordship approve, as I earnestly trust you will, of lands being allotted for them in the situation specified by the Surveyor-General, or elsewhere, as may be deemed expedient, and place a sum of money at my disposal for this object, it shall be my care to appoint a competent Committee of Gentlemen to make the necessary arrangements for their removal and location with the strictest economy.

I have, &c.

(Signed) C. CAMPBELL.

The Right Honorable Lord GLENELG, &c. &c. &c.

(COPY.)

Halifax, 1st August, 1837.

SIR—

In obedience to the commands of His Excellency the Lieutenant-Governor, contained in your communication of the 4th ultimo, I have made enquiry as to the most eligible situation for placing those Black People who are desirous of removing from Hammond's Plains and Preston, and I find that the Township of Maxwelltown, in the County of Pictou, contains the best, and almost the only tract of good land upon which eighty families could be placed in contiguous allotments of one hundred acres each. This tract of land is distant about sixteen miles from the mouth of Barney's River, at Merigomishe, and a Road has been marked out through it towards Saint Mary's. The cost of surveying these lots of land, and marking the lines and angles as they should be, with the expense of making out tickets of occupation, would be about one hundred pounds currency.

I think it proper to mention, for His Excellency's consideration, my opinion upon the subject of the removal of these people. I think if they could be persuaded to divide themselves into parties of eight or ten families, land could be found in any of the Counties to accommodate them in this way; should a failure of their crops take place they could be more easily supplied at a less burden to the people about them; besides that a general failure of crops in this case could hardly be expected to take place, and if settled altogether in any one County, I fear they would be received with no very friendly feeling by the white population.

I have, &c.

(Signed) JOHN SPRY MORRIS, Surveyor-General.

SIR RUFERT D. GEORGE, Bart. Provincial Secretary.

Copy

COPY.

No. 100.

Downing Street, 25th October, 1837.

SIR—

I have received your Despatch, No. 92, of the 25th August, bringing under my notice the state of the Refugee Slaves, who, in 1814, were removed from the United States, and became settlers in Nova-Scotia, and recommending that you should be authorized to transfer, as suggested by the House of Assembly, these people from their present sterile location to some other part of the Province where more fruitful lands belonging to the Crown might be given to them for their support.

I need not assure you that it would afford me much pleasure to have it in my power to improve the unhappy condition of these Blacks. The mode, however, in which you propose that this should be done is open to serious, and, I fear, to insuperable objections.

The free gift of any of the waste lands of the Crown would involve a departure from the spirit, as well as the letter, of the present land regulations, to the strict observance of which the faith of H. M. Government has been so repeatedly pledged. H. M. Government feel that they would not be justified in sanctioning any infringement of those regulations, excepting in cases where satisfactory proof could be adduced that the public interest imperatively required their relaxation. In the present instance no such proof is afforded. On the contrary the measure is merely an expedient for the relief of these people, the principle as well as the success of which seems to be very doubtful. It is assumed that their possession of a fruitful soil would stimulate them to industry. But it does not appear why the pressure of necessity, accompanied by facilities, which, from their being located near large Towns, I presume, must exist for procuring employment, and a consequent maintenance by their labor, has not hitherto proved a sufficient stimulus to their industry. If the want and privations from which they have so long suffered have not furnished sufficient inducement to active and industrious habits, I should fear that the mere occupation of rich land would fail of that effect.

The proposed scheme appears to me directly calculated to cherish the mistaken and mischievous notion, that if they are to subsist at all it must be as proprietors of Land, and not as laborers for hire.

The adoption of your proposal I perceive, would be attended by another difficulty. I refer to the expenditure which would be required to enable those people to remove to their new locations, and to commence their operations. There are but two sources from which funds could be derived for that purpose, either the Colonial Revenue or the Imperial Treasury. After the liberality which has already been extended by the Assembly towards these people, I cannot assume that they would consent to appropriate any more of the public money for their public benefit. With regard to applying to the Imperial Parliament for a grant for this purpose, Her Majesty's Government feel that they could not consistently do so, without establishing a most inconvenient precedent, and exciting expectations which could not be realized amongst a class of settlers in some of the British Colonies where improvidence has reduced them to great poverty and distress.

The information, however, to be collected from your Despatch, is not sufficient to enable me to arrive at a definitive decision on the subject; I would wish to institute enquiries in order to ascertain.

1st. Whether the Blacks enjoy the same means of obtaining, in the vicinity of their locations, a livelihood, in common with others of the laboring class by their own exertions:

2d. If that should not be the case whether other parts of the Province do not offer an eligible opening for their employment as Labourers.

3d. Whether in that case the Assembly would be disposed to vote a moderate sum to enable the parties to transfer their labour to those Districts.

I have, &amp;c.

(Signed)

GLENELG.

His Excellency Major-General Sir COLIN CAMPBELL, K. C. B. &amp;c. &amp;c. &amp;c.

No. 33.

(See Page 290.)

The Committee to whom was referred the Petition of the Rev. John Burnyeat and others, of the Parish of St. John, in the Township of Truro, County of Colchester, praying the House to pass such enactments as will enable the Petitioners to exchange certain Lands set forth in said Petition, as being situate in the Township of Londonderry, in the County aforesaid, "set apart for the benefit of the Episcopalian Church as Glebe Lands," for other Lands belonging to one Anthony Peppard, Farmer, of the last named Township—report, that upon reference to the Grant Book, folio first, of and for the years 1775 to 1783, both years inclusive, your Committee find that the Land to which Petitioners have reference as being set apart as aforesaid were, with other Lands for Schools and for a Minister of the Church of England, in the grant of the Township of Londonderry, reserved to be thereafter granted. That your Committee are informed that notwithstanding the reservations made in the Grant

of

APPENDIX Nos. 33, 34, 35.

of said Township of Londonderry, some of these Lands have been granted to individuals for their own private use; and your Committee, after diligent search, cannot find that any Grants has of these Lands or any part thereof been made to the Episcopal Church, although reservations similar to these made in the Grant to the Township of Londonderry were formally granted for the purposes respectively set forth in the Grants in other Townships and Counties in this Province.

Your Committee therefore cannot, under all the circumstances connected with the title of the Lands in question, advise the Legislature to grant the prayer of Petitioners.

HENRY GOUDGE, A. L. ARCHIBALD, ALEX. McDOUGALL.

No. 34.

(See Page 296.)

The Committee to whom the Letter of Mr. Justice Marshall, and the Accounts for Printing and Binding his Work presented to the Legislature were referred, beg leave to report that they have examined the volume laid on the Table of the House, and are satisfied that it will be a most useful and valuable assistant to Justices of the Peace and to County and Township Officers in fulfilling their various duties.—Besides very copious and accurate references to the Laws of the Province, it comprehends many forms extracted from Burns' Justice and Notices of the existing Law on matters of most frequent occurrence.—The mechanical execution of the Work is also creditable to the Printer and Binder, and so far as the Committee can judge the prices charged are not unreasonable.—The printing of the 500 copies containing each 84 sheets of 8 pages, cost

	£183 15 0
The paper came to	41 11 3
And the binding of 98 vols. at 3s. 9d., 193 at 2s., and 209 at 2s. 6d., making	
500 in all, cost	63 16 0

£289 2 3

Judge Marshall made a present of the Work to the Legislature, and prefers no claim for the labour of preparing it, but is obviously entitled to a reasonable compensation for the time bestowed in superintending and correcting the printing, and attendance at Halifax, being in fact a part of the expense of publication. His actual outlay he stated to the Committee to be not less than £100, and they have agreed to recommend to the House to allow him £125, making the whole expense of the Work £414 2 3.—The Committee further recommend that the Clerk of the House should take charge of the 500 copies, and, with the aid of two of the Members, have them distributed to the Clerks of the Peace in the several Counties, whose duty it will be to dispose of the volumes bound in calf at 15s., and of the others at 12s. 6d. each, and to remit the proceeds to the Treasurer of the Province—such Clerks to be allowed a commission of five per cent. on the sales for guaranteeing and remitting the respective amounts.

Committee Room, 21st Feby. 1838.

W. YOUNG, Chairman.

No. 35.

(See Page 290.)

The Committee to whom was referred the Petition of Thomas Whittemore respecting his Manufactory of Cotton, Woollen and Machine Cards, beg leave to report that they have particularly examined the Machinery connected with his Establishment, and have been much pleased with the result of their inspection.—That the articles produced are quite as good as, if not better, than those introduced from Great Britain or the United States.—That with

the

## APPENDIX Nos. 35, 36, 37.

the exception of the Wire, which is imported from the Mother Country, the materials used are solely the produce of this Province.—That a saving to Nova-Scotia must be ensured, not only from this circumstance, but from the fact that the Establishment employs many Poor Children and Mechanics, who would otherwise find it difficult to procure employment.—That the Petitioner at present enjoys but small profit from his labor, owing to the introduction of American Cards, many of which they believe have been illegally imported, and which the Petitioner must necessarily undersell.—The Committee, although averse to the general principle of Bounties, would, in this instance, recommend that the Petitioner should receive a certain sum in order to encourage him to import an additional supply of Machinery to put his Factory in a fuller and more effective state of operation, and thereby not only assist the Petitioner but benefit the whole Province.

ALEX. McDOUGALL, Chairman.

Committee Room, House of Assembly, 22d February, 1838.

## No. 36.

(See Page 304.)

THE Committee appointed to consider of the best means for improving the Agriculture and the Manufacturing of Woollen Cloths in the Province, have agreed to report as follows:—That in the opinion of the Committee, the object of greatest importance to the Province in its present state, is the continuance of bounties to encourage the erection of Oat Mills and Kilns, they would gladly recommend to the favorable consideration of the House the numerous Petitions for aid in their erection if it were not that they fear it would be recommending too large a grant for that one object; they therefore recommend that the sum of Twenty Pounds only should be granted to each County for that purpose, under the same rules and regulations that such Bounties were formerly granted.

The next subject which the Committee recommend to bring to the notice of the House, is the manufacturing of Woollen Cloths, and for that object they recommend that the sum of Twenty-five Pounds be granted to each County, to be given as bounties or premiums on the manufacturing of Cloths, or for such other Agricultural purposes as best suits the local interest of each County, under such rules and regulations as shall and may be adopted by the Agricultural Societies in such Counties, and, where no such Society exists, by the Court of General Sessions of the Peace for the said County.

The Committee are also of opinion that in some parts of the Province a bounty for raising Grain upon the now wilderness lands, and seeding the same down with Clover and Herds Grass Seed would be a judicious measure, and therefore recommend that a sum of money be granted for that purpose, not exceeding Five Shillings per acre; said Five Shillings per acre not to be paid until an Affidavit be made by the person claiming the same that he has actually cleared from the wilderness the quantity of land for which he claims the bounty, and seeded the same with not less than four lbs. of Clover Seed, and four quarts of Herds Grass Seed to the acre, under such rules and regulations as may be adopted by the General Court of Sessions for each County.

JOHN MORTON, Chairman.

## No. 37.

(See Page 306.)

Office of Clerk of the Peace, Halifax, 24th February, 1838.

SIR—

Agreeably to your Letter of 1st May last, I beg leave to transmit you for the information of the Honorable the House of Assembly, a return of Statute labor for the County of Halifax, for the year 1837: for the purpose of ensuring as complete a return as possible, I addressed  
and

## APPENDIX No: 37.

and had forwarded Circulars to all of the Overseers, (a copy of which is annexed to the Return,) as also Letters to the different Justices of the Districts, calling their attention to the object, some of the Returns have not come in, but so soon as they reach me I will lose no time in forwarding the same.

I have the honor to be, Sir,

Your most obedient Servant,

JAMES S. CLARKE.

Hon. Sir RUPERT D. GEORGE, Bart. &c. &c. &c.

*Copy of a Letter sent to each of the Overseers named in the following Return.*

*Office of Clerk of the Peace, Halifax, October, 1837.*

SIR—

Having been desired by His Excellency the Lieutenant-Governor, to furnish, for the information of the Legislature, a return of the Statute Labour performed in the County of Halifax, for the year 1837, I have to request that you will transmit to this office on or before the 31st December next, a list of all the number of Persons and Teams liable to perform Statute Labour in your District, with the number of day's labour performed by each, for the year 1837.

I am Sir,

Your obedient Servant,

JAMES S. CLARKE,

Clerk of Peace.

Mr. A. B.

Overseer of the Roads  
from

to

Return

## APPENDIX No. 37

RETURN, shewing number of Statute Labour Districts for the County of Halifax, the number of Men and Teams in each District, the days Labour performed by each for the year 1838, and the name of Overseer.

Districts.	Overseers.	Number of Men.	Days Labor performed.	Number of Teams.	Days Labor performed.	Remarks.
Town of Halifax	Hon. H. H. Cogswell, Hon. Joseph Allison, James Tremain, G. N. Russell and H. Bell, Comrs. of Streets. Richard Deal	2094	5102	403	1125	45 days of Teams, and 510 manual Labor not done. In this is included many persons enrolled as Volunteers in a Company to work Engines at Fires, the enrollment not yet being completed, their names are not yet erased, but they decline doing Statute Labor; also the names of many transient persons who escape working.
Dutch Village	John Wagner	13	12	12	48	2 days labor not done.
Spryfield Road, from the Mill Bridge to Prospect Forks	George Merlin	15	24	3	10	11 days labor not done.
Harrietsfield Road, from the Forks through Harrietsfield	Samuel Smith	16	58	2		8 days labor of Team, and 2 do. of manual not done.
Ferguson's Cove Road, from Spryfield Road to Ferguson's Cove	Alexander Umlaw	35		5		No work done in this District this year.
From Ferguson's Cove Road to Her-ring Cove	Lawrence Johnson	56	188	6	24	
From Herring Cove Road to Bear Cove and Portuguese Cove	John Drysdale	5	26½			No Return.
From Margaret's Bay to Greenhead Settlement	Michael Weaver	11	32	2	3½	No number of Teams returned. 8 days labor not done.
From Prospect Forks to Prospect	John Martin, jun.					
From Portuguese Cove to Ketch Harbour	Isaac Smith	33	125	None		21 days labor not done.
Sambro, from Cooite Cove to Sambro Ferry	William Leary	30	108	None		
From Sambro Ferry to Big Bridge	James Gray, 2d.	9	38	None		
For East side of Sambro	Michael Ryan					No Return.
From Forks of Upper Prospect to Lower Prospect	John Martin					No Return.
For Ketch Harbour	John D. Boutlier	26	58	3	18	
Upper Ward, for lower part of French Village						Districts

## APPENDIX No. 37.

Districts.	Overseers.	Number of Men.	Days Labor performed.	Number of Teams.	Days Labor performed.	Remarks.
From Chester Road to French Village, North East Point	James Croucher	44	76	None		2 days' labour not done—twelve men did their statute labour on private by consent of Magistrate, whose labor is not contained in this return.
Western Shore—from Lunenburg County line to Conrod's	James Harshman	11	38	1	6	
From Conrod's House, 2½ miles from Lunenburg County line, to Puddle Bridge	John Dauphney	21	62	5		No work done by Teams, not being required.
From Ingraham's River to Indian River	Jacob Snare	15	23	6	36	4 days' labor not done.
Lower Ward	Charles F. Boutillier	30	50	11	60	14 days' labor not done.
Lower Ward	Thomas Potts	43	123	1	3	No return.
	William Grino					No return.
	Richard Richardson					No return.
	William Crooks					
Beaver Bank	Robert Campin	5	16	1	2	
	Henry Flugar	12	38	2	2	
Hammond's Plains	Robert Thompson	52	170	6	20	4 days' of Team not done.
For Colored Settlement	William Day	28	78	5	25	15 days' labor not done.
Windsor Road—from Sackville to J. Peverell's	Richard Peverell					No return.
From Shultz's to Thomas Hamilton's	Joseph Mitchell					No return.
From Hamilton's to J. Fenerty's, Upper Line	J. Perry					No return.
From J. Fenerty's Upper Line to Half-way House	Richard Young	14	27	7	4	
From Half-way House to Bushy Hill	Robert Frost	4	6	2	8	
Gay's River—from the County line, at Shubenacadie, to the Black Rock	James Gilbert	17	53	6	12	3 days' work remitted by Magistrate.
From Key's to Nuttall's (1st division)	James Johnston	10	24	2	4	
From Kerr's Brook to Nuttall's (2d division)	Samuel Kerr					No return.

Districts

## APPENDIX No. 37.

Districts.	Overseers.	Number of Men.	Days Labor performed.	Number of Teams.	Days Labor performed.	Remarks.
From Nuttall's to John Cook's	David Annand	12	32	3	6	
From John Cook's to the County line at Black's	John Cook	11	36	8	18	
From Gay's River Bridge, on Truro Road, to Black Rock	John McHaffy	21	68	5	12	6 day's work remitted by Magistrate.
From Black Rock to Key's	George Izenor, jun.					No return.
From William Logan's to John McMichael's, &c.	John McMichael, jun.					No return.
From McDonald's to McMurray's	William Young					No return.
From Hall's Bridge, on the Shubenacadie River, to Miss Miller's	James Hall					No return.
Dartmouth—from Dartmouth to Sackville	Samuel Albro	25	38	6	24	
From do. to Fletcher's	Charles Reeves	33	60	10	34	
From Lower Ferry to John Horn's	James McNab	36	114	11	12	The labour of 5 Teams were expended in manual labor
From Horn's to Hutt's	James Hawkins	28	88	6	24	
Cow Bay Road—from School House to Red Head	F. Major					No return.
From Cummins', at Red Head, to Cole Harbour	John Negus					No return.
Cole Harbour—from Commissioner's limits to Collins' Brook	Samuel Bissett	12	22	4	20	
From Collins' Brook to Smelt Brook	John Lennox	18	50	1		4 days' labor not done, as also Team.
Preston—from Ellen Vale to Allan's Tan Yard	James Bissett					No return.
From Tan Yard to Cranberry Lake	John Allen, jun.	4		4		No labor done in consequence of illness of Overseer.
From George Bell's to Cross Road, at York's	John Thornham					No return.
From Stephen York's to Salmon River Bridge	John Farquharson	22	30	11	62	
From Salmon River Bridge to Patridge River Bridge	T. E. Miller	42	45	18	52	
From Patridge River to Alex. Taylor's	William Phillip	34	32	14	36	
	Alexander Taylor					Districts

## APPENDIX No. 37

Districts.	Overseers.	Number of Men	Days Labor performed.	Number of Teams.	Days Labor performed.	Remarks.
Porter's Lake—from Alex. Taylor's to back Bridge, Lake Porter	Thomas W. Orman					No return.
From Main Road up west side of Lake Porter, including new and old lines	Wm. Cleaveland	19	58	9		Labor of Teams not returned.
From Main Road down to Fairbanks' Mills	John Prescott					
From Fairbanks' Mills to the Beach at Loy's	Samuel Crowell	11	54	6	18	
From entrance of Lake Porter ½ mile Halifax side of Lawrence Town Falls	John Conrod					No return.
Three Fathom Harbor and Chitzencook—from John Leslie's to Leonard Conrod's 1st	James Yates	15	50	12		Labor of Teams not required.
From Leonard Conrod's 1st to Leonard Conrod's 2d	Andrew Conrod	25	78	None		
From the Chapel to Lake Porter	Anthony Foucher	50	155	None		
From Leonard Conrod's 2d to the Chapel	Gasper Conrod	28	68	14		Teams not being required, did no work.
For head of Chitzencook	Jonah Waterman	10	12	4	9	1 Team did no work.
For East side	Charles Lapier	20	54	4	1	Labor of Teams not required.
Lawrence Town—from Main Road to John Conrod's	George Conrod	15	41	5	5½	
From the Falls at Lawrence Town to Richard Gammon's	Thomas Conrod, Sr.	9	40	4	14	
From Cole Harbor to Rich. Gammon's	Thomas Moore	14	31	5	10	No return of number of men or teams.
From Main Road to the head of River and from Smelt Brook to Halifax Marsh	William Lawlor		46		20	
From Main Road to Western Aboteau	John R. Conrod	16	55	10	20	
From Jos. Green's house to main road Bay of Islands	John Settle Angus Brinnan	6 3	16 8	3 1	6 2	

Districts

## APPENDIX No. 37.

Districts.	Overseers.	Number of Men.	Days Labor performed.	Number of Teams.	Days Labor performed.	Remarks.
From Beaver Harbor to Salmon Rivr. For Salmon River	James Farnell George Winters John Smiley	10 19	38 80			No return. 6 days labor not done. 4 days ditto.
From Salmon River to Newdequody Harbor	Nicholas Furlong John O'Leary	18 13	51 40	4 1	18 4	6 days labour not done.
From Newdequody to Jas. Kukir's From Moose Head Brook to Shirr's Pond From	Leonard Mosier James Mosier Henry Pyc Francis Inners	11 13 13	44 54	None None		2 days labour not done, which has been sued for. No return. 26 days labour not done.
From Ekumsekum to Ekumchaugh From Gerard's Point, including East and West Branches (Sheet Harbr.) Upper Musquedoboit—Class No. 1 Class Number Two.	Studley Horton James Dean James Henry Samuel Horton Richard K. Henry John Parker Moses Redmond John Watson Robert Henry Joseph Miller	19 18 16 21 4 5 4 8 18 10	68 58 72 54 24 12 24 24 76 36	7 5 7 9 4 1 3 5 9 2	28 10 14 44 8	4 days labour not done. 6 days labour and 4 days team not done. Most of this labour expended in finishing 2 Bridges.
Do. do. Three Do. do. Four Do. do. Five Do. do. Six Do. do. Seven Do. do. Eight Do. do. Nine						
Lower Musquedoboit— From Annand's to Nutt's by way McDougall's, including bye Settlers From McDougall's to Bruce's, by way of Gordon's From Bruce's Mills to Guysborough Road	Alex. McDougall Samuel Taylor Alexander Bruce	16	66	5	10	No return.
From John Tracy's to Robt. Brown's, by way of Meagher's Bridge From James Dunbrack's lower line to Calder's, including both sides of River	James Meagher Donald Grant 1st	11	54	14		No return. No return.

Districts

APPENDIX Nos. 37.

DISTRICTS.	Overseers.	Number of Men.	Days Labor performed.	Number of Teams.	Days Labor performed.	REMARKS.
From James Dunbrack's lower line to lower end of Magher's Grant, including back Settlement.	Alex. Dunbrack	9	42	4	8	No return.
From Key's to Lower Musquetoboit	Alex. McMillen	25	36	7	42	No return of number of men.
Middle Musquetoboit—from McHaffie's upper line to the mouth of Stewiacke Road	Matthew Gould 1st Henry Lack	8	106	10	20	No return of number of men or teams.
From Stewiacke Road to Mr. Lack's, including Mr. Lack From Emeroe's old place to Mr. Hean's Mill Road	William Hay	10	40	6	12	No return of number of men or teams.
From McGownley's to Angus McLeod's lower line	Matthew McCurdy	10	48	5	24	14 days labor not done.
From Angus McLeod's lower line to McDougall's Bridge	John Hurley	7	28	3	20	No return.
From the Mouth of Stewiacke Road to Robert Dickey's	David Archibald 16th	15	14	6	16	10 days of this labor was expended in breaking Roads in the Winter.
From the Mouth of Stewiacke Road to John Bates' side of River	James Murphy	10	38	6	12	Most of this labor expended in finishing 2 Bridges.
From George Higgins' Road to the Main Road, by McHaffie's upper line	James McCurdy	5	20	3	8	
From the Mill Road, by John Hollingsworth's to Mr. Hannah's, including Cross Road	Robert Higgins	6	24	1	2	
From Hannah's, by James Reed's, to John White's, Mill Road	Wm. G. Archibald	9	38	2	4	
From James Whidden's, by Canada Settlement, to Murkey's Mills	James Reid	2	12	6	4	
From the Main Road to William Guild's 2d, in Glenmore Settlement	James White	18	44	6	6	No teams could be used in this District.
Musquetoboit Harbor—from Pispiswick entrance to Narrows, including both sides	Wm. Guild 2d	19	62	6	12	1 team not required.
From Pispiswick Narrows to head, including both sides	John Young	16	50	7	12	
From Blue Island to John Bayer's	George Gaetz	15	48	4	None	The Road being new no teams could be used.
From Samuel McAdow's to Musquetoboit Narrows	Ronald Bayer	12	30	2	2	Do. do.
From Narrows to Wm. Hawkins', including both sides	George Stephen	18	57	3	3	No work done by the teams.
From Wm. Hawkins' to John MacKill's (Jedore)	Richard Williams	16	56	2	2	Do. do.
From John MacKill's to Thomas Webber's and Henry Miers' (Jedore)	John Cooper	19	38	6	6	26 days manual and 16 days of team not done, which has been sued for.
From Thomas Webber's to Isaac Hopkins', east side of Jedore	Henry Faulknet					
From Isaac Hopkins' to Hercules Hertle's (Clam Harbor)	John Cribbs					
	George Webber					

(See page 307.)

Mr. Holland presented to the House several Petitions praying aid for Roads in the County of Annapolis.

A Petition of Samuel Chapman and others, of Wilmot.  
John Clark and others, of Wilmot.  
Gilbert Reagh and others, of Wilmot.  
Edward Morgan and others, of Clements.

A Petition of Peter Middlemas and others, of Wilmot.  
Isaac Longley and others, of Annapolis.  
Levi Phinney and others, of Wilmot.

Mr. Thorne presented to the House several Petitions praying aid for Roads in the Township of Granville.

A Petition of Handley Chute and others, of Mountain Road in Upper Granville.  
Thomas Clark and others, of Granville Mountain.  
Oliver Sanders and others, of Granville.  
Benjamin Rumsey and others, of Granville Mountain.  
Jeremiah Quinlan and others, of Granville.

A Petition of David Hendrick and others, of Wilmot and Granville.  
John Hall and others, of Bay Shore, Granville.  
John Marshall and others, of Granville Mountain.  
Joseph Wheelock and others, of Dalhousie Settlement and Bridgetown.

Mr. Whitman presented to the House several Petitions praying aid for Roads in the County of Annapolis.

A Petition of James Coplin and others, of Perott Settlement.  
Aaron Potter and others, of Clements.

A Petition of William Marshall and others, of Ramsey Road.

Mr. Robicheau presented to the House several Petitions praying aid for Roads in the County of Annapolis.

A Petition of Charles Glode one of the Nicmac Indians in Annapolis.

A Petition of Josiah Porter and others, of Clare.  
Patrick Nowlan and others, of Sissiboo.

Mr. Miller presented to the House several Petitions praying aid for Roads in the County of Lunenburg.

A Petition of John Butler and others, of Dalhousie and Sherbrooke Settlement.  
James Walker and others, of Sherbrooke and Dalhousie.

A Petition of Jacob Crouse and others, of New Dublin.  
William Greaves and others, of Chester.  
John Chesley and others of New Germany and Upper LaHave.

Mr. Heckman presented to the House several Petitions praying aid for Roads in the County of Lunenburg.

A Petition of George Langille and others, of Lunenburg.  
George Emero and others, of Montreal.  
John Chesley and others, of New Germany Road.  
Peter Krouse and others, of Westfield.

A Petition of Jacob Ernst and others, of Lunenburg.  
George Hirtle and others, of Upper LaHave and New Germany.

Mr. Chipman presented to the House several Petitions praying aid for Roads in the County of King's County.

A Petition of William Harrison and others, of Parrsborough.  
Cyprian Davison and others, of Parrsborough.  
Andrew Thompson and others, of Five Islands.

A Petition of Josiah Ruscoe and others, of New Canaan.  
Francis Walker and others, of Dalhousie Settlement.

Mr. Morton presented to the House several Petitions praying aid for Roads in the Township of Cornwallis.

A Petition of Seth Burgess and others, of Woodville and adjoining Settlements.

A Petition of John Mills and others, of Hall's Harbor.  
Thomas Parker and others, of Hall's Harbour.

Mr. Upham presented to the House two Petitions praying aid for Roads in the Township of Onslow.

A Petition of Alexander Wilson, of Onslow.

A Petition of Robert Blair, of Onslow.

Mr. Archibald presented to the House several Petitions praying aid for Roads in the County of Colchester.

A Petition of William Miller and others, of Old Barns and Shubenacadie.  
William Rutherford and others, of Middle Stewiacke and Musquedoboit.  
Alexander Nelson and others, of Shubenacadie.

A Petition of Robert Simpson and others, of Economy.  
James Smith and others, of Upper Stewiacke.  
William Durning, of Economy.  
Matthew Sheldon and others, of Lower Stewiacke.

Mr. DesBarres presented to the House several Petitions praying aid for Roads in the County of Guysborough.

A Petition of Robert Bates and others, of Manchester.  
John Carr and others, of Manchester.  
Robert Bates, John McDonald and others, of Manchester.  
Anthony Self and others, of Half Island and Wilmot.  
Patrick Walsh and others, of Manchester.  
Robert Hartshorne and others, of Milford Haven and Tracadie.

A Petition of John O'Conner and others, inhabitants on Post-Road from Guysborough to Antigonish.  
Charles Archibald and others, of Country Harbor.  
Edward Pietzsch and others, of Manchester.  
James McKay and others, of Clam Harbour.  
Samuel Byers and others, of the Gut of Canso.

Mr.

## APPENDIX Nos. 38.

Mr. Fairbanks presented to the House several Petitions praying aid for Roads in the County of Queen's County.

A Petition of John Richardson and others, of Port LeBear. Samuel Mack and others, of Mill Village. A Petition of Elisha Freeman and others, of Port Medway River.

Mr. Forrestall presented to the House several Petitions praying aid for Roads in the County of Sydney.

A Petition of Edward Flanagan and others, of South River and Lochaber. Archibald McDonald and others, of Black river. W. B. McLeod and others, of Moydart. A Petition of William Harvey and others, of Antigonish. Maleom McMullin, Patrick Carrigan and others, of the Glen and of Ohio.

Mr. Holmes presented to the House several Petitions praying aid for Roads in the County of Pictou.

A Petition of John Henry and others, of Mount Dalhousie. James Dobson and others, of Carriboo. Duncan Thompson and others, of Bailie's Brook. John McPherson and others, of Glendubla. Roderick McDonald and others, of Knoydart. A Petition of Donald McDonald [Angus' Son] and others, of Knoydart. Joseph G. Ross and others, Freeholders and Inhabitants of Barney's river.

Mr. Young presented to the House several Petitions praying aid for Roads in the County of Inverness.

A Petition of Murdo McCaskill and others, Whycoconah. John Campbell and others, of Whycoconah. Archibald McDonald and others, of Indian river. Lewis L. Smith and others, of Lake Ainslie. Henry Williams and others, of Whycoconah, River Dennis Road and Upper Settlement, River Dennis. Donald Campbell and others, of the north side of the Bay of Whycoconah. Donald McLellan and others, of west side Lake Ainslie. Donald Campbell and others, of Matigowatch. Lody McKinnon and others, of east side Lake Ainslie. Angus McDougald and others, of Lake Ainslie. John McLean and others, of Broad Cove Intervale and Lake Ainslie. Lauchlan McKay and others, of Lake Ainslie. Irad Hart and others, of Margaree. A. McLeod and others, of the south west side of Lake Ainslie. William Hawley, of Mabou. James Clarke and others, of Lake Ainslie and Mabou. A Petition of George C. Lawrence and others of Port Hood and Mabou. John Gillies and others, of South west Branch of Margaree. Malcolm McMillan and others, of east side Lake Ainslie. Alexander McDougall and others, of Broad Cove and Cape road. John McDonald and others, Settlers on North Mountain and of St. George's Channel. Murdoch McLean and others, of Broad Cove and Cape Mabou. Andrew Hingley and others, of Grandance. Peter McLean and others, of Whycoconah. Kenneth Chisholm of Whycoconah. John McEachin and others, of Mabou. Archibald McPhee and others, of Mabou. Archibald McDonald and others, of River Dennis. Allan McDonald and others, of Lake Ainslie and Whycoconah. Jehn McKinnon and others, Black River and Hay River. James McNiven and others, of Mabou Road. James Wright and others, of Mabou River.

Mr. Spearwater presented to the House two Petitions praying aid for Roads in the Township of Shelburne.

A Petition of Lauchlan McPherson and others, of Jordan River. A Petition of John McDonald and others, of Port Le Herbert Harbour.

Mr. W. Sargent presented to the House two Petitions praying aid for Roads in the County of Shelburne.

A Petition of William Greenwood, senr. and others, of Shelburne. Joseph Reynolds and others, of Baccar's Point and Barrington. A Petition of James Knowlan and others, of Cape Negro and Blanch Barrington.

Mr. Doyle presented to the House two Petitions praying aid for Roads in the County of Richmond.

A Petition of P. McKeagney and others, of St. Peter's, L'Ardoise, Grand River, LeArcheveque and St. Esprit. A Petition of Arthur Brymar and others, of LeArdoise, Grand River, Grand River Lake and St. Esprit.

The Hon. Mr. Uniacke presented to the House several Petitions praying aid for Roads in the County of Cape-Breton.

A Petition of Duncan McMillan and others, of Grand Riviere Lakes. John Grant and others, of Bras d'Or Lake. the Inhabitants of the Great Narrows, Benacadly. A Petition of Kenneth Chisholm and others, Settlers on South side St. Patrick's Channel, Wasabuck, Grand Narrows, &c. Neil McIver and others, Settlers of Whycoconah, North side St. Patrick Channel, &c.

The Hon. Mr. Dodd presented to the House the Petition of William W. Blackett and others, of Portage Lake, Sydney, praying aid for deepening a Brook, running from said Lake, in order to open a passage by Boats from the Lake to the Salt water.

Mr. Dickson presented to the House several Petitions praying aid for Roads in the County of Pictou.

A Petition of John Mackay and others, of the West side of the Middle Settlement of the West river of Pictou. George Reid and others, Inhabitants of the Green Hill, Pictou. Angus McKinnon and others, of Merigomish. A Petition of Alexander Fraser and others, of the Middle River of Pictou. John Murphy and others, of Cape John. John Graham and others, Inhabitants of the Middle Settlement of the West River.

Mr.

## APPENDIX No. 38.

Mr. Lewis presented to the House several Petitions praying aid for Roads in the County of Cumberland.

A Petition of D. McFarlane and others, of Wallace.  
John Higgs and others, of Napan.  
John Boss and others, of Spring Hill.  
James Atkinson and others, of Macan.  
Zerobabel Holmes and others, of Little Forks.

A Petition of Martin Horg and others, of Macan.  
the Inhabitants of Malagash in the Township of Wallace.  
Dennis McNamara and others, of Three Sisters.

Mr. Dickey presented to the House several Petitions praying aid for Roads in the County of Cumberland.

A Petition of Francis O'Ryan and others, of Ragged Reef Settlement.  
Joshua Chandler and others, of Amherst.

A Petition of Joseph Coates and others, of Nappan.  
Joseph Coates and others, of Amherst.  
Stephen Oxley, of River Philip.

Mr. Smith presented to the House several Petitions praying aid for Roads in the County of Hants.

A Petition of Charles W. Tremain and others, of Shubenacadie.  
Donald Scott and others, of Nine Mile River.  
Isaac Lake and others, of Kempt.  
Alexander Ferguson and others, of Nine Mile River.

A Petition of James Canty and others, of Bellman Settlement  
Nine Mile River.  
Jacob Withrow and others, of Rawdon and Douglass.  
Peter McPhee and others, of Douglass.

Mr. Goudge presented to the House several Petitions praying aid for Roads in the County of Hants.

A Petition of John Caldwell and others, of Douglass.  
Matthew Fabie and others, of Rawdon.  
James Wall and Daniel Gorman, of Rawdon.  
James Grant and others, of the Gore Settlement.

A Petition of George Tennison and others, of the Eastern Section of the County of Hants.  
Joseph Caldwell and others, of Nine Mile River, Douglas.

Mr. Allison presented to the House the Petition of George Tennison and others, praying aid for a Road in the Township of Newport.

Mr. Howe presented to the House several Petitions, praying aid for Roads in the County of Halifax.

A Petition of George Bissett and others, of Cow Bay.  
George Taylor and others, of Shubenacadie and Gays' river.  
John Leslie and others, of Chazencook.  
John Bushanan and others, of Upper Prospect.  
James Ogilvie and others, of west side Lake Porter.  
Thomas Wilks and others, of New Musquedoboit.  
James White and others, of the New Canada Settlement.  
George Anderson and others, of Musquedoboit.  
William Graham and others, of Stewiacke.

A Petition of David Annand and others, of Gays' River Settlement.  
William Cobright and others, of Eastern Shore.  
William Abbott and others, coloured people of Preston.  
Henry Leslie and others, Tangier.  
John F. Nesdale and others, of Little River Settlement.  
Henry Heneritzky and others, of Musquedoboit Harbour and Jedore.  
James Bruce and others, of Little River.

Mr. Bell presented to the House several Petitions praying aid for Roads in the Township and County of Halifax.

A Petition of Adams Archibald and others, of Musquedoboit.  
Robert A. Logan and others, of Middle Musquedoboit and Upper Stewiacke.  
Joseph McMullin and others of Autrim Settlement Musquedoboit.  
H. A. Gladwin and others, of Middle Musquedoboit.

A Petition of Peter Gordon and others, of Little River Settlement.  
John Rhind and others, of Little River, back Settlement of Musquedoboit.  
Alexander Renfrew and others, of St. Margaret's Bay.  
George Garrison and others, of Peggy's Cove.

Mr. Forrester presented to the House several Petitions praying aid for Roads in the Township of Halifax.

A Petition of John Martin, senr. and others, of Herring Cove, Bear Cove, Hallibut Bay, Portagal Cove and Ketch Harbour.

A Petition of Thomas Johnson of Hammond's Plains.  
Henry Preston and others, of Prospect Road.  
John Cooper and others, of Jedore.

Mr. Annand presented to the House several Petitions praying aid for Roads in the County of Halifax.

A Petition of John Hutchinson, senr. and others, of Hutchinson Settlement, Upper Musquedoboit.  
Alexander McDougall and others, of Middle Musquedoboit and Meagher's Grant.  
Peter Ogilvie and others, of Middle Musquedoboit.

A Petition of James J. Cruikshanks and others, of Lower Settlement, Musquedoboit.  
Martin Mason and others, of St. Margaret's Bay.  
Henry Green and others, of Lawrence Town.  
William Crook and others, of Lawrence Town.  
John Watson and others, of Upper Musquedoboit.

Mr. McDougall presented to the House several Petitions praying aid for Roads in the County of Sydney.

A Petition of Alexander Sinclair and others, of Sydney and Gaysborough.  
Alexander McDonald and others, of west river, Ohio, Beaver Meadow, Dorchester, &c.  
Allan Cameron, of Upper South River.  
David Porter and others, of Rear Settlement, Morris Town.  
W. B. McLeod and others, of Cape George and Hallowell Grant.

Robert Purves and others, of Bailey Brook.  
John McInnes and others, of Ohio.  
George Brennan and others, of Old Gulf Road.  
Patrick Carrigan and others, of Ohio.  
The Reverend John Quinan and others, of Tracadie.  
William Chisholm and others, of Pomket River.  
James Taylor and others, of Pomket.  
Colin Chisholm and others, of Monk's Head.

## APPENDIX Nos. 38, 39.

A Petition of John Cunningham, of Dorchester.  
 John Chisholm and others, of Pomket.  
 Christopher Chisholm and others, of Town Point  
 and St. Andrews.  
 John Cameron and others, of Back Settlement,  
 Black river.  
 Alexander Cameron of Middle River, between  
 South river and Lochaber.  
 Allan Cameron and others, of Upper South River.  
 James Stewart and others, of Lochaber Lake and  
 South River.  
 Alexander Chisholm, of Pomket Forks.  
 Alexander Williams and others, of west river,  
 Township of Dorchester.  
 Ronald McDonald and others, of Beaver Meadow  
 and Ohio.  
 Robert N. Henry and others, of Antigonish.  
 John McDonald and others, of Upper South river.  
 John Stewart, of Lochaber.  
 William Brown and others, of Lochaber Lake.  
 John Cameron and others, of Addington.  
 Angus McPherson, of Antigonish.  
 Edward Whealen of Back Settlement, Morris  
 Town.

A Petition of Archibald McDonald and others, of Morris Town.  
 John McKenzie and others, of Malignant Cove.  
 Angus McDonald and others, of Back Settlement,  
 Malignant Cove.  
 Angus Gillis and others, of Arisaig.  
 Donald McDonald and others, of Back Settlement,  
 Arisaig.  
 A. P. McGilvray and others, of Knoydart.  
 Roderick Kennedy and others, of North Grant.  
 Donald McLeod and others, of St. Andrews.  
 Donald McDonald and others, of Manchester road.  
 James McPherson and others, of Brailey Brook.  
 Patrick Power and others, of Antigonish.  
 Alexander More Chisholm and others, of the Har-  
 bour of Antigonish.  
 Hugh McGillivray, of Morris Town.  
 Allan Levingston and others, of Morris Town.  
 Alexander McPherson and others, of North side  
 Cape.  
 Hugh Gillis and others, of Cape George.  
 Alexander McNeil and others, of Arisaig and Ma-  
 lignant Cove.

## No. 39.

(See page 308.)

The Committee appointed to inquire into the expediency of abolishing the Inferior Courts, or otherwise of modifying the same and the Supreme Court, in the number of Judges, and other particulars, and to ascertain at what times and places the terms of said Courts, or either of them, and of the General Sessions of the Peace, could be most conveniently held in the several Counties, having inquired into, and maturely considered the matters referred to them, report as follows:—

That the Supreme Court sits at present four times a year in Halifax, twice a year in Truro, Pictou, Amherst, Windsor, Kentville and Annapolis, and once a year in Antigonish, Guysboro', Sydney, Arichat and Port Hood, Lunenburg, Liverpool, Shelburne and Yarmouth, being twenty-five terms in all.

That the Inferior Court sits twice a year in each of the thirteen Counties of Nova-Scotia proper, being twenty-six terms in all, including Digby, and exclusive of Cape-Breton, as appears by the accompanying Schedule, marked A.

That the attention of the Committee was turned, in the first place, to the practicability of transferring the business of the Inferior Courts to the Supreme, the Committee being nearly, if not quite unanimous, in thinking that if it were practicable, the entire abolition of the Inferior Courts would be, in many points of view, desirable. The terms in every County might in that case be reduced to two in each year, and the too frequent recurrence of Courts, which all feel and acknowledge to be an evil, would be cured: an uniform system of practice and decisions proceeding from the same tribunal, would prevail throughout the Province; the common law Judges would be four in number, in place of seven, and after the present first Justices of the Common Pleas were provided for, a very considerable saving would be effected. By the accompanying Abstract of the Returns ordered at the last Session, from the year 1832 to 1836, marked B., it appears that the whole number of Actions brought in these five years, in the Inferior Courts, (exclusive of Cape-Breton and Halifax,) were 4064

Of which 1413 were Declaration Suits.

And in the Supreme Court, (exclusive of Halifax and Cape-Breton,) the number was 3790.

Of which 1598 were Declaration Suits.

By the same Abstract it also appears, after a liberal allowance for some of the Returns that are defective, that the whole number of Civil Suits tried in these five years in the Inferior Courts (exclusive of Cape-Breton,) was but 176

Being about 35 a year over the whole Province.

And in the Supreme Court (out of Halifax.)

213

Making in all

389

Being less than 80 trials a year in both tribunals out of Halifax, and exclusive of Cape-Breton.

With these returns the Committee had little doubt that the Chief-Justice and three Judges of the Supreme Court were competent to do the whole of the business, and they proceeded to arrange the Circuits so as to assign to each County out of Cape-Breton two terms a year, and to the town of Halifax three terms. After much deliberation, they agreed on the accompanying Schedule, marked C., and which is capable of further modification by placing the terms at Pictou and Annapolis, in midsummer and winter, as was proposed at Windsor, Kentville, Truro and Amherst, and shortening the period of some of the Spring terms.

The next and most material consideration, was the holding of the General Sessions of the Peace. It seemed to be conceded on all sides, that neither the Inferior Court nor Sessions could be held with satisfaction to the people, nor the law administered therein with steadiness and vigour, unless a competent legal mind should preside. It was then suggested by some of the Committee, that the Justices in Sessions, and Grand Jury, might be convened two or three days in each term before the Petit Jury, and transact the County business, under the superintendance of the Judge of the Supreme Court, combining in fact that tribunal on the Circuit with the Court of Sessions. This expedient, although it appeared to others of the Committee to be open to very serious objections, seemed to be the only way, should the Inferior Courts be abolished, of escaping the necessity of maintaining professional gentlemen as Presidents of the Sessions. Accordingly three of the Committee were instructed to communicate with the Chief-Justice and Judges Hill and Bliss, and had an interview with them, in which the whole subject was gone into. It was also stated to them, that if it were found indispensable to retain the Judges of the Inferior Courts, or two of them, (besides the Chief-Justice of Cape-Breton, whom it was not proposed to disturb,) there might be a disposition in the Assembly to reduce the number of the Judges of the Supreme Court on the first death vacancy. The Chief Justice and Judges, after the plan had been opened to them, concurred in thinking that the Supreme Court was perfectly competent to transact all the Civil and Criminal business, and to hold all trials both of Indictments and Suits throughout the Province, and thought also, that the Circuits might be so arranged as to permit of two terms being held in every County, without the Judges being exposed to fatigue, incompatible with their age and station, and endangering their health. But they objected entirely to the proposed combination of the Supreme Court and Sessions, and were also averse to a reduction in any case of the number of Judges of the Supreme Court. These views his Lordship the Chief-Justice, and their Honors Mr. Justice Hill and Mr. Justice Bliss, submitted to the Committee in the accompanying Schedules, marked D. E. and F.

Part of the Committee concurring in the propriety and wisdom of keeping the Supreme Court altogether distinct from the Sessions, have come to the conclusion, that the same Judges had better continue to preside in the Inferior Courts as heretofore. But that two, on the first death vacancy, will be sufficient, as some think, for the whole Province, including Cape-Breton, and as others contend, for Nova-Scotia proper, leaving Cape-Breton its own Judge.

The Committee are also divided in opinion as to the propriety of reducing the number of the Judges of the Supreme Court; and having fulfilled the duty entrusted to them, of inquiring into facts, they leave it to the wisdom of the Assembly to adopt such a course as will preserve the free and regular administration of Justice, without interfering too much with the industry of the people, or continuing too heavy a burden on the resources of the Country.

Committee Room, 27th February, 1838.

W. YOUNG, Chairman.

Schedule



APPENDIX No. 39.

	Declarations.		Actions entered.		Trials.	
	Inferior.	Supreme.	Inferior.	Supreme.	Inferior.	Supreme.
Shelburne, not distinguish- ing two Courts.	30	30	54	53	7	6
Queen's	113	52	347	141	11	13
Lunenburg	327	162	718	309	29	22
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	1413	1598	4064	3790	176	213

SCHEDULE C.

ARRANGEMENT OF CIRCUITS.

	Spring.		Fall.
Lunenburg	2d Tuesday April	Lunenburg	4th Tuesday October.
Liverpool	4 do.	Liverpool	2 do.
Shelburne	Tuesday following	Shelburne	4 Tuesday September.
Pictou	2 Tuesday April	Pictou	4 Tuesday October
Antigonish	4 do.	Antigonish	2 do.
Guysborough	2 Tuesday after	Guysborough	4 Tuesday September.
		Port Hood	3 Tuesday September.
		Arichat	2 do.
		Sydney	1 do.
Annapolis	2 Tuesday April	Annapolis	4 Tuesday October.
Digby	4 do.	Digby	2 do.
Yarmouth	Week following	Yarmouth	4 do.
Windsor	2 Tuesday July	Windsor	Last Tuesday November
Kentville	4 do.	Kentville	Fortnight before.
Truro	2 Tuesday July	Truro	Last Tuesday November
Amherst	4 do.	Amherst	Fortnight before.
Halifax	1 Tuesday January		
	1 do. June		
	1 do. September		

SCHEDULE D.

Halifax, February 21st, 1838.

GENTLEMEN—

In compliance with your wish that the Judges of the Supreme Court should give you their opinions upon the subject of the Judicial Establishments in this Province, as early as practicable, in order to enable your Committee to make their Report to the House of Assembly, I now submit to you such observations as have occurred to my mind upon this important subject.

If I understood you rightly yesterday, the principal grounds of complaint with the existing system were—1st. It was too expensive. 2dly. It called the people from their homes too often.

The remedy proposed for the first of these evils was either that the offices of first Justices of the Common Pleas and Chairman of the Sessions, should be abolished, and the duties now discharged by them be transferred to the Supreme Court, or if those offices were retained, then, that the number of the Judges of the Supreme Court should be diminished; for the second, that the number of sittings should be reduced in each County.

As it respects expense, I would observe that the Supreme Court in Nova-Scotia, is the least expensive Supreme Court in any of the North American Colonies, excepting the small Island of Prince Edward, notwithstanding that, it is asserted, and I believe with truth, that Nova-Scotia is a more expensive Country to reside in than either of the other three.

The salaries of the Chief-Justice in all of them, exceed that of the Chief Justice of Nova-Scotia.

The Puisne Judges in Lower Canada are paid	£900	} Sterling per Annum.
Upper Canada	900	
Newfoundland	700	
New-Brunswick	650	
Nova-Scotia	480	

## APPENDIX No. 39.

I do not know whether any Fees are paid in the Canadas: In New-Brunswick they are, as I am informed, nearly the same as in Nova-Scotia, but the Puisne Judges receive a larger proportion of them in that Province than in this.

In most Colonies of British origin, the custom of having Courts of Sessions similar to those in England, composed of the Magistracy in each County, has prevailed, and in many of them, some of the senior Magistrates were selected, upon whom jurisdiction, in civil cases, was bestowed.

In Nova-Scotia, this arrangement is, I believe, co-eval with the division of the Province into Counties. When New-Brunswick was separated from us, and erected into a distinct Government, the Legislature there pursued the same course, so that in both Provinces Courts of Session, exercising a criminal jurisdiction over lesser offences, as well as regulating the general business of the County, and County Courts of Common Pleas having jurisdiction in Civil Causes, have long been established and still exist. With the increase of population the business of these County Courts naturally increased also, and in 1824, a measure which had been frequently considered before, that is of placing professional men at the head of the Common Pleas and Sessions in each County, was adopted by the Legislature. This measure produced much angry discussion. Its opponents contended that it was merely designed to provide places for Lawyers. Its advocates asserted that if those Courts were to retain their jurisdiction and administer the Laws of the land, it was necessary that one of their Judges at least should be acquainted with those Laws. It was pretty generally opposed by the Magistracy who may have thought that their influence would be diminished by it. It was as generally supported by the Lawyers, who may have felt that their interests would be advanced by it, and as it was only carried by a majority of one in the House of Assembly, and three of those who voted with the majority were subsequently appointed to the offices thereby created, it was very natural for the public to look upon the measure with suspicion and dislike.

It was however adopted unanimously in the Council, where the Chief Justice and two Judges of the Supreme Court had seats, and as no question had been then raised against the fees paid in the Supreme Court, had they listened to the suggestions of interest, they would not have been the advocates of a measure which so directly tended to retain and increase the civil business of the Country in those County Courts, to the diminution of their own emoluments.

The experience of fourteen years has now enabled the Country to pass a sober judgment upon the measure, and I understood from you yesterday that the Representatives from the different Counties were nearly unanimous in the opinion that no Court should exist without a professional man to preside over it. The improvement then of those Courts has been approved of by the Country. The expense was the necessary consequence of that improvement, for in that day the amalgamation of the Supreme and Inferior jurisdictions was not even dreamt of. Two years afterwards, in 1826, it was deemed expedient by the Legislature to appoint a professional gentleman to be Master of the Rolls, to assist the Governor in the Court of Chancery. This measure, although not so vehemently opposed as the other, had several strenuous opponents, but I believe that, after twelve years experience, few persons would be found hardy enough to propose a recurrence to the old system of doing business in that Court. I enter not upon any questions connected with the improvement of its practice, as upon that branch of the inquiry I am sure the Committee will receive every assistance and information from the able and indefatigable Judge who now holds the office of Master of the Rolls. The creation of these offices has certainly increased the expense of the Judicial Establishment, without, however, adding one Shilling to the expense of the Supreme Court. But the expense of the improvement of the Court of Chancery, like that attendant upon the improvement of the Courts of Common Pleas and Sessions, should rest upon their own merits. If upon mature deliberations, the Legislature should be of opinion that the improvement in either case is not worth the cost, it will be for their wisdom to deal with the subject as they shall deem best suited to the real interest of the Province. But as the Supreme Court remains precisely as it had been constituted for many years before either of those measures was adopted, I trust that the Legislature will cautiously consider the consequences of making any serious innovations upon the highest Court of Common Law in the Province.

## APPENDIX No. 39.

New-Brunswick, it is true, has only four paid Judges, the Governor is still unassisted as Chancellor by any professional adviser. It is rumoured, however, that they are about following our example on that subject. Their Courts of Common Pleas and Sessions proceed as ours did formerly, without professional aid, but I have heard it stated that the want of it is sufficiently conspicuous. Be that as it may, those Courts in both Provinces are distinct from the Supreme Court, and whether unaided by professional knowledge as with them, or aided by it, as with us, I trust that they will ever remain distinct.

It has been deemed expedient to remove the Judges from all connection with Provincial politics, but the plan proposed would involve them in the petty politics of each County, would, by making the Supreme Court the only Court for trials, destroy the wholesome restraint consequent upon the right of appeal from an inferior to a superior jurisdiction, and must necessarily tend to lessen the estimation of the Supreme Court in the eyes of the people, by mixing up the Judges with the Country Magistracy, where unseemly discussions may sometimes be anticipated from the warmth which local interests will occasionally excite. I earnestly hope therefore the proposal that the duties now performed by the Judges of the Common Pleas and Chairmen of the Sessions shall devolve upon the Supreme Court, will not be adopted, and that no attempt will be made at any amalgamation of Courts, which have been distinct from their first creation.

As it respects the reduction of the number of Judges of the Supreme Court, I believe that four Judges constitute the higher Courts of Common Law in several of the North American Colonies, and until a press of business in the Bail Court recently rendered it necessary to increase their number, four Judges composed the three Superior Courts of Common Law at Westminster. It has long been deemed the best number for the composition of a Court, because no man can be affected either in his person or property by the sentence of such Court, unless if the Judges are not unanimous in thinking the law against him, at least three out of the four must concur in declaring it to be so.

If however, as was suggested yesterday, there is a determination to lessen the number of Judges, I should prefer the reduction of the Supreme Court to three, rather than to see it amalgamated with the County Courts and involved in the routine of County business. Neither my brethren nor myself have any disposition to shrink from a fair share of labor, and I admit it is physically possible for the four Judges of the Supreme Court to try all the Civil and Criminal Causes in the Province, if the Legislature deem it wise to transfer to us the business which has been heretofore transacted in the Common Pleas and Sessions of the Peace. Whether this measure can be adopted without interfering, not merely with the comfort of the Judges, but with the convenience of the Country, will require much consideration. The present arrangement of the sittings of the several Courts in the respective Counties is the result of long experience, and should not be hastily altered. I concur, however, fully in the opinion that the people of the Country are too frequently called together, and have often little or nothing to do when they are assembled. This evil may be remedied either by a judicious diminution of the sittings of the Courts, or by rendering it unnecessary to issue any Venire for Grand or Petit Juries oftener than twice a year, once to the Supreme and once to the County Courts, unless eight days before the second sitting of either Court it should be ascertained that there were Criminal charges to be investigated or civil issues for trial.

New-Brunswick is divided into ten Counties. The Supreme Court consists there as here, of four Judges; it sits as we do, four times in the year at the Capital of the Province, twice at St. John, and once only in each of the other Counties. Their County Courts of Common Pleas and Sessions, as I am informed, meet twice a year, so that, excepting at Fredericton and St. John, the people are called there from their homes but three times in each year to attend the Courts. Whether it would be prudent for us to have two meetings only in each County as is proposed it will be for the Legislature to decide—undoubtedly there should be every disposition to leave the command of their own time, as much as possible, to the inhabitants of the Country, and to free them from all unnecessary burthens, but it must at the same time be recollected that the silent and unobserved influence of Courts of Justice is much more extensive and powerful than the mere apparent effects. The Criminal calendar may be, and I rejoice to say generally is, small. The docket of Civil causes may be trivial and

## APPENDIX No. 39.

and unimportant, but the existence of Courts of Justice deter many from the commission of crimes, and the approach of the sittings of the Courts inclines many to make reparation for injuries and to discharge demands when, but for such approaching sitting, the one would have remained unatoned for, and the other unpaid.

I have already said that neither my brethren nor myself object to any increase to the labors of the bench of the Supreme Court. The trials in this Province are not too numerous for us to dispose of them, if it is compatible with the convenience of the Country for those trials to take place before us at such seasons as it will be practicable for us to attend to them. It cannot be expected that men who have attained the age, at which most persons have arrived, before they are appointed Judges of the Supreme Court, would be equal to travel Circuits in our inclement Winters, or when the roads are nearly impassable early in the Spring or late in the Fall. As it respects myself, I can only say that I could not undertake such a task, and I trust that there will be no disposition to impose it upon any of us.

In conclusion, I beg leave to observe, that if the Judicial Establishment in Nova-Scotia is more expensive than in New-Brunswick or the other North American Colonies, it is not in consequence of the Judges of any of the Courts, receiving large salaries, for the salaries of all of them, as has been shown, are much lower than in any other Colony; nor is it because Nova-Scotia has a greater number of Courts, but because the Legislature have thought proper to act upon the principle, that every Court should be provided with a Judge qualified for the discharge of his duty.

If upon the re-consideration of this important subject, the Legislature of the present day should entertain a different opinion from their predecessors, and deem the improvement, which it cannot be denied has been effected, too costly, the more obvious remedy would seem to be to dispense with the new appointments rather than to introduce an entire re-organization of the whole Judicial system, and an amalgamation of jurisdiction, which, in my humble opinion, would confuse the proceedings and diminish the influence and respectability of the Superior Court.

I have the honor to remain, Gentlemen,

Your obedient Servant,

BRENTON HALLIBURTON,

Chief-Justice of Nova-Scotia.

To the Committee  
on the Judiciary.

## SCHEDULE E.

Observations upon the proposals of the Committee of the House of Assembly on the Judiciary of the Province, in the interview which the Judges of the Supreme Court had the honor of holding with that Committee on the 19th inst.

I have deliberately weighed the proposal that the Judges of the Supreme Court should, on their respective Circuits, preside in the Courts of Sessions of the Peace, and perform the Duties of the present Presidents of these Sessions, and am decidedly of opinion that such a measure would be highly injudicious, and instead of having a beneficial, would have an injurious effect.

It has been decided that the Judges of the Supreme Court should be removed as far as possible from every situation naturally tending to their mixing themselves up with, or taking part in, the strife of politics or political contests. This proposal, if carried into effect, would not only naturally, but as it seems to me almost inevitably, lead to their becoming the most dangerous and contaminating, for a Judge, of all politicians—County and local politicians. I need not dwell upon particulars, for every one conversant with the ordinary business of the Court of Sessions must know that it frequently begets divisions, and heats and animosities, an appeal from which, to a tribunal, wholly removed from these, is absolutely necessary. The Judges now go down into the several Counties without any prepossessions or impressions, as to local opinions, prejudices or parties. They keep themselves aloof from receiving these, holding no communications, save those of gentlemanlike courtesy, with any of the inhabitants of the County. They in fact stand in the County wholly independent, and knowing nothing but what passes in the Courts. This disconnexion with the County and Parish matters gives confidence and assurance to the people, that at all events

impartiality

impartiality and integrity will sway the Judges of the highest common Law Court, and that the ears of those Judges who are to try their causes have not been opened to the suggestions of any party or set of men in the County. For myself, I can say there is nothing that I would more deprecate than such a measure.

The general superintending, correcting, and controuling power now exercised by the Supreme Court, has silently an incalculable moral effect in keeping the administration of Justice pure, and preserving to the people their just rights. The controul over the Magistracy which the Supreme Court holds is highly salutary. These gentlemen look up to the decisions of this Court with respect and deference, they form their decisions in accordance with those of the Supreme Court. But once bring the Judges of that Court upon the bench with the Magistrates, when the opinion of the Judges would doubtless often be overruled, and where contests might arise, and all this influence is gone.

The appellate Jurisdiction of the Supreme Court would by this measure be destroyed. Parties now considering themselves aggrieved by the decisions of the Sessions, may appeal to the Supreme Court, where they have an opportunity of bringing their case before Judges, who have not been prepossessed with any opinion maintained below. Make the Judges of the Supreme Court Presidents of Sessions, and in effect, the Parties are without appeal.

This measure would also have a direct tendency to lessen the dignity, and consequently the usefulness and efficiency of the Supreme Court. Make it a part of the ordinary duty of the Supreme Court to decide whether a tavern licence ought or ought not to be given to A. or B. and to me, it would seem to follow, that you ought to alter the style of the Court.

To the question whether the Supreme Court can do all the civil business of the Province, I answer yes. Although the transfer of all this business to the Supreme Court would throw additional labor on the Judges, yet, to that, perhaps they ought not, and I feel confident they would not object, while they are permitted to enjoy health and strength, they would cheerfully perform any duty that could be reasonably cast upon them, and I feel quite satisfied that they would not be required to use any bodily exertions that would be unreasonable to impose upon those, who must attain in most cases, before their appointment to the Supreme Court, to the time of life when they are unequal to extraordinary bodily exertions. If the Legislature should decide on this transfer, I do not imagine there would be much difficulty, if any, in so arranging the Circuits as to enable the Judges to perform their duties with convenience to themselves and the Province.

Upon the abolition of the Inferior Courts, I do not offer, because I do not think I was asked, any opinion. The propriety of adopting that measure is for the consideration of the Legislature, not mine.

As to the proposal of reducing the number of the Judges of the Supreme Court to three, I can only say, that if the alternative of this reduction, or constituting those Judges Presidents of the Courts of Sessions, is put to me, I hesitate not to say, let what may be done, preserve, for the good of the Country, the Supreme Court from being turned into a Sessions House. I must however add, that, as far as I am able to form a Judgment, the administration of Justice cannot be effectually and satisfactorily carried on with a diminished Bench of the Supreme Court, who, at all conversant with Courts, would desire to see the lives and properties of the subject finally decided upon, by the opinion of two Judges, when the Bench is not unanimous. In cases where the life of a fellow creature is at stake, who, under such awful responsibility, would not be most anxious to seek and find support in the opinion of many as to difficult legal questions. In England, in difficult and doubtful cases, the opinion of 12 or 15 Judges of the highest legal attainments is had in criminal cases.

Those only who have felt and experienced distress and anxiety, as to the perfect correctness of their opinion where life hangs upon it, can know the necessity in such cases of advice and support from others.

WILLIAM HILL.

Messrs. Young, Huntington and Fairbanks.

February 22nd. 1838.

Schedule

## APPENDIX No. 39.

## SCHEDULE F.

I have given the fullest consideration, which time permits, to the subject introduced to the notice of the Judges, at the interview with which we were favoured on the 19th inst., by the Committee of the House of Assembly; and understanding that they are desirous of receiving our observations thereon immediately, I now hasten to communicate my own.

I did not understand that any opinion was requested from us respecting the advantages of retaining or abolishing the Inferior Court of Common Pleas, and I wish to offer none. But as the proposed arrangement includes a very remarkable change as respects the Sessions of the Peace, contemplating nothing less than a union of this with the Supreme Court of the Province, I perceive the great propriety with which the House has acted in seeking for the opinion of the Judges on such a point, and I beg to offer my acknowledgments for the courtesy of their communication.

This plan then, I must state, by no means meets with my approbation. It is my deliberate and decided conviction that it cannot be attended with any possible benefit at all commensurate with the mischiefs to be apprehended from so anomalous, and as it appears to me, incompatible an union. Whatever advantages may be expected from it for the Sessions, I fear that the more natural tendency of the measure will be to lessen the character of the Supreme Court in public estimation, and thus materially to diminish its authority, and that salutary moral influence which, indirectly, it exercises.

The Judges of the Supreme Court at present possess this advantage, and that which the Country derives from it is infinitely more important; that they now hold their Courts in every County, strangers in a great degree to all within it, and entirely unconnected and uninfluenced by those measures of local interest which excite and divide the sentiments and feelings of its inhabitants. From these retired habits and severed connexions, they would by this measure be introduced anew to the warm altercations, the local disputes and party questions, some perhaps not wholly free from a political character, which every where arise, and thus become exposed to those failings incident to all, and to the suspicions and animadversions, from which even the most guarded conduct cannot always protect itself. Many matters to be regulated by the Sessions may give rise to prosecutions. Many sources of private litigation are found in its proceedings, all of which will be now brought before the same Judges who preside there, for one of the most remarkable incongruities of the proposed change is, that while the Supreme Court is to be blended with the Sessions, that Court is the only one to be retained for the trial of every cause in the Country. To this must be added, that the immediate as well as the silent controul over the Magistracy, and their proceedings, so important, so essential to the welfare of the community, is vested, as it must be, in the highest tribunal of the Country, the Supreme Court. If that and the jurisdiction of the Magistrates in Sessions, are combined in one, it scarcely need be remarked, that neither can that controul be so freely and independently exercised, nor the respect paid to it be so great, and it will then incur at once the double misfortune of having its authority and influence impaired, and its impartiality questioned. I say nothing of the effect which this proposed measure would have on the appellate jurisdiction of the Supreme Court over cases from the Sessions; of matters being left undetermined at one Session, to be decided at the next by such other Judge as might chance to preside there; many such objections may be easily conceived, and more would be experimentally discovered. I have said enough to warrant my opinion, that the contemplated union would be as injurious in its effects, as it is certainly, as far as I can discern, perfectly anomalous, and opposed to the spirit of our laws and the practice of English jurisprudence.

So far too from such a measure, if carried into effect, producing a final and satisfactory settlement of the question, which it professes to do, I verily believe that none more fatal could be devised for the excitement of constant and general complaint, and of Legislative interference.

It was intimated by the Committee that if the expenses of the Judiciary of the Country cannot be thus diminished, a saving would be effected in another way, by reducing the present number of the Judges of the Supreme Court. Whether the adoption of this alteration must necessarily follow the rejection of the former scheme, I presume not to say. My opi-

## APPENDIX No. 39.

nion of a particular measure has been asked and given; nor can it be influenced or withheld by the consideration of what other step may possibly be followed, if that increase to which it refers, should be deemed impracticable. For one, I should certainly deeply regret, if that were the case, for I am as firmly convinced that no diminution from the bench of the Supreme Court could take place without the most direct and serious injury to the whole Country. No practicable arrangement of the Circuits can possibly be made to be certain and efficient, which will not occupy at least three Judges at the same time; and if this be their whole number, no provision remains for supplying the occasional absence of any one from sickness, accident, or other unavoidable cause. Should such a case occur, the suspension of a whole Circuit would be the consequence.

The present constitution of the Court under four Judges is derived with our laws, from the parent Country, which has furnished a model of the most pure and perfect administration of justice ever enjoyed by mankind; nor has this number been arbitrarily selected, it is one of the prominent excellencies of the Court of Westminster Hall; and the strength and authority of their decisions, and the satisfaction they give, and the submission they receive, depend much on this very circumstance. Owing to this, it results that even in cases where the Bench are divided in opinion, the cause of no suitor can be effected, no judgment given, unless at least three of the Judges, a decided majority, concur therein; and so justly valuable has this right and privilege of every Englishman been esteemed, and so anxiously upheld, that when increasing business at length occupied one Judge almost exclusively in the Bail Court, leaving three only on the Bench, additional Judges were immediately created, one for each of the three Courts, that the integrity of this number might be preserved.

But obvious and great as are its advantages in England, the reasons for retaining the same number for the Court here, acquire additional force. From each of the three Superior Courts at Westminster, an appeal lies to a Court of Error, composed of the Judges of the remaining two, and as a dernier resort to the House of Lords. In Criminal cases of doubt or difficulty, the opinion of the fifteen Judges of England may be taken. In this Province, in the vast majority of Causes, and almost for all practical ends, there is no appeal whatever, and such is the only one we possess, that scarcely an instance is found in which resort has been had to it. The Supreme Court which combines in itself the powers of the Criminal, Civil, and Exchequer Court of England, possesses these therefore in the highest degree, because its decisions are in most cases beyond the reach of revision.

If then its number of Judges be reduced to three, and their opinion, as must often be the case, should not be unanimous, rights of a very dear character, cases of infinite moment to the parties, questions of the utmost nicety, in short, life, liberty, and property, may depend, it may be truly so said, on the opinion and final decision of a single Judge; a circumstance which no one on the Bench, certainly no one off of it, would wish to see. Whether all this may be sufficiently outweighed by the saving which would follow from the diminished number of the Court is for the Legislature alone to decide. I will only add, that though such a change does appear to me pregnant, if not with actual danger, at least with manifold disadvantage to the public; I should still more strongly deprecate the proposal of amalgamating the Supreme Court with the Sessions, as the greater misfortune of the two.

With these remarks I turn to the remaining subject of inquiry, on the part of the Committee, which more particularly concerns the Judges themselves.

If the Legislature should deem it expedient to abolish the Inferior Court, an additional duty will undoubtedly devolve upon the Supreme Court, principally in the length of its Circuit, and the increase of trials. With respect to myself individually, I at once state, that as far as strength and health permit, I will cheerfully undertake any increase of duty that fairly belongs to my office, which the necessities of the Country require, and I can reasonably be expected to discharge. I have no wish on my part to measure too nicely the amount of services which I am bound to render, and I have no doubt that the Province has no disposition to exact their performance in any other spirit. Some consideration is certainly due to the comfort and convenience of the Judges both on their own account, and to enable them to hold their Circuits with regularity and efficiency. These should therefore be so arranged that neither the inclemency of the weather nor the state of the Roads should render their duty unnecessarily severe. Tho' the youngest on the Bench, I am by no means equal to great bodily fatigue, and I can well believe

## APPENDIX Nos. 39, 40.

believe how altogether unendurable it must be to maturer years. The life of a Judge both before and after his appointment, is one more of study than active exertion—his habits disqualify him from enduring much that would be light and trifling to others; and I have already undergone some personal risks, and suffered from exposure in Cape-Breton, enough to satisfy me, that going the Circuit and holding the Court, may be two very distinct things. Under privations and discomforts, the mind of a Judge cannot be so clearly and collectedly exercised as his occupation demands. An increase of business too, will require more close and protracted attention in this Court; but if the exhaustion of long and late sittings is attended with sufferings from the inclemency of the season, it is to be feared that the business of the Court may be interrupted from the personal inability of the Judge to continue it, and Jurors, Suitors and Witnesses, will have attended in vain. One such unavoidable instance, with the disappointment and delay and costs attendant on it, would convincingly shew that in regarding the comfort of the Court, the convenience of the Country itself was studied. I do not doubt however, that such an arrangement of the Circuits may be made as will obviate all objections be advantageous to the Country, and sufficiently provide for the trials of all issues with one Court alone. Whether hereafter, if there should be a more than ordinary increase of trials beyond the present number, the Judges of the Supreme Court will be equal to the duty, I will not say, but at present I think they are; and I do not for my own part shrink from the performance, if the determination should be made to put an end to the Inferior Court. If on the other hand it should be still continued, I think the inconvenience under which the Country is said to labour may be lessened, to a certain extent, without disadvantage to it, by dispensing with the attendance of Grand Jurors at one sitting of the Sessions and one of the Supreme Court in each County.

It is possible, however, that a more frequent attendance on some case of emergency may be required; and as the very facility of obtaining it serves as a check to offenders, and prevents the necessity of the measure, it would be proper to provide, that upon the Certificate of the Sheriff, filed with the Deputy-Clerk of the Crown, that there would probably be business for the Grand Jury, it should be incumbent on the latter to issue a Venire for them. I do not know how the frequency of the Petit Jurors' attendance could be diminished without manifest inconvenience; but it will be recollected that where no Grand Jurors are required, the labors of the former will be the less, and their detention the shorter.

I shall esteem myself happy if, by the observations I have offered, I shall contribute the smallest assistance to the House or the Committee who have done me the honor of consulting me in this question of paramount importance to all; as a member of the Bench or of the community at large, I cannot but feel a deep interest in the present inquiry.

If the system under which the Laws are administered is bad or inefficient, the remedy should be promptly applied, if there are just causes of complaint,—what human institutions are without them—remove them if it be practicable. I shall not fear to give offence, because it is most distant from my thoughts to do so, but I hope I shall be believed to speak from the best and most upright motives, if I add, that the too frequent and familiar agitation of such a subject, followed by no practical benefit, may produce great and lasting mischief, by raising doubts in the ignorant, fears in the weak, dissatisfaction in the unthinking, shaking all confidence in the Courts, all respect for their proceedings—without which the Laws themselves would be vain, possessions insecure, and the very fabric of Society no longer held together.

W. B. BLISS.

22d February, 1838.

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No. 40.

(See page 309.)

The Committee to whom the claim of Mr. William Reuill, and the papers recommended to the favorable consideration of the House by His Excellency the Lieutenant-Governor

## APPENDIX Nos. 40, 41, 42.

vernor were referred, beg leave to report, that in the year 1831 the sum of £250 was granted for surveying Roads in Cape-Breton, and Mr. Reuill was employed to survey those which lead from Port Hood to Broad Cove, and from Lake Ainslie to Whycocomagh. He completed both Surveys in 1832 and 1833, and his Plans and Accounts were transmitted by Capt. Crawley to the Secretary's Office in March, 1834, but the small wooden case in which they were enclosed was inadvertently overlooked until April, 1836, when it was discovered by Mr. James with the seals unbroken. It was produced to the Committee, and the plans seem to be accurately and carefully drawn. With respect to the road from Lake Ainslie to Whycocomagh, the old tract was found so wretched a line that Mr. Reuill was obliged to abandon it altogether, and the people in the vicinity perceiving the great superiority of the new line, opened it without waiting for directions, and both this road and the other as altered by Mr. Reuill from Port Hood to Broad Cove have ever since been in general use. Although his plans were accidentally mislaid, his labour, therefore, has not been lost. Of his accounts, being together £70 14 3, and attested as containing a true statement of the services performed by him, and charges actually disbursed, he has received but £2, and his claim being forgotten, the remainder of the original grant was expended, a balance of £68 14 3 is due, and under these circumstances the Committee recommend that the same should be granted to him.

Committee Room, 28th Feby. 1838.

WM. YOUNG, HENRY GOUDGE, JOHN MORTON.

## No. 41.

(See page 309.)

The Committee to whom the Petition of James Whitman and others was referred, report, that seven distinct properties have been advertised by the Loan Officers under the Act of 1819, to be sold in Annapolis, on the 20th day of March next, for non-payment of the amounts due on the Mortgages thereof given under the said Act; that the whole amount due on the Loans in the County of Annapolis was ascertained on the 13th Dec. 1836, to be £653 15 8, and several payments having been since made, there remained due on the 30th June, 1837, the sum of £487 17 1. Although repeated postponements have been granted to the borrowers, and the period of payment has long since expired, the Committee would be sorry to have the Petitioners' Farms pass out of their hands, if there be any reasonable prospect of the debt being paid. The Loan Officers have done what the Act enjoined, but the Committee are assured that they would readily concur in a further indulgence to the Petitioners, with the sanction of the Assembly. The Committee therefore recommend that the House should authorise the sale being postponed until Tuesday the 27th November next, to take place absolutely on that day, if the respective balances be not previously paid.

Committee Room, 28th Feb. 1838.

WM. YOUNG, JOHN MORTON, S. S. THORNE.

## No. 42.

(See Page 315.)

No.	DISTRICT.	No. Persons liable to perform Stat. Labor.	No. Days' Labour Performed A. D. 1837.	
			Persons.	Teams.
<b>TOWNSHIP OF RAWDON.</b>				
1	North East District	19	80	12
2	First District Beaver Bank Road	11	56	7
3	Second do do do	5	18	0
4	Third do do do	8	32	2
				No.

## APPENDIX No. 42.

No.	DISTRICT.	No. Persons liable to perform Stat. Labor.	No. Days' Labour performed A. D. 1837.	
			Persons.	Teams.
5	Dill's Road District	5	22	8
6	Third District, Main Road	12	60	2
7	North District, do do	0	76	8
8	South District, do do	0	60	6
9	From Murphy's to Stephens's	0	42	8
10	Church to Newport line	0	46	6
11	Haley's to Newport line	0	16	4
12	Bond's to Best's by Burgess'	0	32	4
13	Glensbrook to Rawdon Church	0	85	8
14	Glensbrook to Douglas line	0	52	6
15	School House to Bond's	0	20	4
16	Bridge Road to Barry's Bridge	0	28	6
17	Past J. Withrow's	0	28	6
Total Township of Rawdon.		60	753	97
<i>TOWNSHIP OF UNLACKE.</i>				
District, No. 1.		13	48	0
<i>TOWNSHIP OF WINDSOR.</i>				
1	Jurisdiction of Commissioners of Streets	167	777	0
2	Lower Fork's District	29	102	0
3	Wentworth District	30	58	26
4	St. Croix Bridge to Wier's Bridge	18	56	28
5	From Mr. Murdoch's to Belvidere	18	56	32
6	St. Croix Bridge to Frizzle's Brook	13	28	16
7	Georgefield District	11	30	6
8	From Church to Three mile plain	35	67	32
9	Saul's Brook District	4	18	0
10	Spa Spring District	22	72	36
11	Prospect Hill District	22	48	16
Total Township of Windsor		369	1312	192
<i>TOWNSHIP OF FALMOUTH.</i>				
1	Middle District	34	112	64
2	From Irish farm to Half-way-river Bridge	31	90	24
3	Back Village District	24	94	47
4	Town Plot District	13	70	0
5	Upper Falmouth District	30	89	61
6	Upper Dyke District	14	46	28
Total Township of Falmouth		146	501	224
7	Half-way-river District	20	63	4
		166	564	228
<i>TOWNSHIP OF NEWPORT.</i>				
1	Old Newport Road	10	21	0
2	Meander District	17	80	0
3	St. Croix District	48	115	51
4	Lower District, No. 4.	19	63	14
5	Scotch Village District	27	89	0
6	Leading to Kennetcook River	7	26	0
7	From Terfry's to Felix Cochran's	45	162	0

## APPENDIX No. 42.

No.	DISTRICT.	No. Persons liable to perform	No. Days' Labour performed A. D. 1837.	
		Stat. Labor.	Persons.	Teams.
8	From J. Lockhart's to Cross-roads near Dymock's	23	76	21
9	G. Harris's to Mill Bridge	23	84	16
10	Barrow's District	41	90	29
11	Dymock's line to Constantine	10	30	7
12	William Stephens' to James Harris'	23	106	0
13	Beaver Brook to Cross Roads	11	32	0
14	Glebe line to Douglas line	10	48	0
15	Red Bank to Main-road, Kennetcook	6	28	0
16	G. Laver's to William Canavan's	11	34	3
17	Wilcox District	21	101	0
18	Salter's District	11	56	0
19	Parker's Mill District	16	51	8
20	Chambers' District	11	42	8
21	Simpson's District	11	40	8
22	Kennetcook bridge to Douglas line	16	59	11
23	Meander District	8	28	6
Total Township of Newport		425	1451	182
<i>TOWNSHIP OF KEMPT.</i>				
	Smith District	17	60	10
<i>TOWNSHIP OF DOUGLAS.</i>				
1	Salmah District	26	90	0
2	Five mile river District	16	70	0
3	Rock District	19	66	0
4	Upper District nine mile River	10	64	0
5	Hardwood Land do	5	24	0
6	From McPhee's to Hall's do	6	24	4
7	Upper District, Shubenacadie	17	76	16
8	Lower District Nine-mile River	22	73	26
9	Lower District, Shubenacadie	13	58	8
10	From Freeman's to Horn's Road	7	22	2
11	Gore School House to J. McDonald's	16	56	10
12	Shubenacadie river to Donald McPhee's	18	62	8
13	Nine Mile River Road to Wardrope's	15	40	15
14	D. Withrow's line to Mill-dam	13	44	10
15	Taggarts to Rawdon line	4	24	2
16	Mouth of Gore Road to No. 1. Brook	22	98	0
17	Higgins' Bridge to Gore Road	12	51	0
18	Miller's District	6	35	0
19	Caldwell's to Indian Road	3	18	0
20	Rawdon line to Gore Road	2	10	0
21	Birch Brook to Newport line	0	60	12
22	Dewolfe's Brook to Birch Brook	0	45	4
23	James Miller's to Dewolfe's Brook	0	80	14
24	Donald Forbes' to James Miller's	0	114	18
25	Mouth of Noel Road to Robert Harvey's	0	44	8
26	Robert Harvey's to O'Brien's Mill	0	23	8
27	O'Brien's Mill to Tenescape	0	57	10
28	John Spence's to Robert O'Brien's	0	88	18
29	Robert O'Brien's to William Densmore's	0	31	8
30	William Densmore's to Richard Anthony's	0	82	20
31	Donald McDougall's to Kennetcook Road	0	38	6

No.

## APPENDIX No. 42.

No.	DISTRICT.	No. Persons liable to perform	No. Days' Labour performed A. D. 1837.	
		Stat. Labor.	Persons	Teams.
32	From Five mile river to Watson's	0	39	6
33	Watson's to David Withrow's	0	36	6
34	Wardrope's to Stephen Woodworth's	0	34	4
35	John McPhee's to McPhee's Bridge	0	44	8
36	On the East Road	0	16	2
37	From Taggart's to to seven mile Tree	0	50	14
Total Township of Douglas		252	1886	267

## OFFICE, CLERK PEACE,

Windsor, February, 1838.

I certify that the above are correct Copies of the Returns of Statute Labour for the several Townships of this County, so far as they have been returned to this Office. The Overseers of the Districts (chiefly in the Township of Kempt) who have not made returns, are under rule to appear at the July Court of General Sessions of the Peace, to shew cause why such returns have not been made.

E. F. HARDING,  
Clerk of the Peace, County of Hants.

## ROAD RETURN.

NOVA-SCOTIA, }  
LUNENBURG, SS. }

Return of the Statute Labour for the District of \_\_\_\_\_ in the County of Lunenburg.

No.	Names of Persons.	No. Days of Men.	No. Days of Teams.	No. Days Work remitted to very poor persons, &c.	No. Days required by Law.

The whole of the Statute Labour is properly expended this year.

Dated at Lunenburg, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 183

Sworn to before me, at  
this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 183 }

Overseer of Roads for above District.

LUNENBURG, SS.

A GENERAL RETURN, (made agreeably to a Resolution of the House of Assembly, made on 5th April, A. D. 1837.) of all the Statute Labor performed in the County of Lunenburg, in the year 1836.

No.

APPENDIX No. 42.

No.	District.	No. Persons liable to perform Statute Labor.		Days labor performed, A.D. 1836.		No.	District.	No. Persons liable to perform Statute Labor.		Days labor performed, A.D. 1837.	
		Persons.	Teams.	Prs.	Tms.			Persons.	Teams.	Prs.	Tms.
1	Township of Lunenburg. Jurisdiction of Comrs. of Streets	141	15	440	49	1	Township of New Dublin. Port Medway	11	0	56	0
2	1st Peninsula	16	0	60	0	2	Broad Cove	30	7	63	21
3	Ib. 2d District	30	7	75	20	3	Ferry	12	0	64	0
4	2d Peninsula	42	6	120	18	4	Petite Rivere	24	0	90	0
5	Heckman's Island	21	4	55	11	5	Ib.	27	0	96	0
6	Blue Rocks	12	0	34	6	6	New Italy	14	0	65	0
7	Garden Lots	23	2	56	4	7	New Dublin	36	0	136	0
8	Near Kolp's	18	2	40	7	8	Ib.	32	0	98	0
9	Rosebay No. 1	13	3	41	12	9	Ib.	17	0	58	0
10	Ib. No. 2	14	3	45	9	10	Ib.	14	2	49	3
11	Kingsburg	13	3	40	7	11	Ib.	13	2	40	4
12	5 Houses	17	0	71	0	12	Ib.	21	6	83	6
13	Lower LaHave	14	0	45	0	13	Ib.	24	0	95	0
14	Middle LaHave No. 1	20	6	60	19	14	Ib.	35	0	111	0
15	Ib. No. 2	21	6	50	17	15	Ib.	17	3	70	7
16	Upper LaHave No. 1	23	0	109	0	16	Ib.	13	3	46	12
17	Ib. No. 2	18	2	63	4	17	Ib.	19	3	50	6
18	Ib. No. 3	12	0	41	0	18	Ib.	16	0	62	0
19	Ib. No. 4	4	0	11	0	19	Ib.	16	0	62	0
20	Ib. No. 5	8	3	28	2	20	Ib. } 2 division	12	0	64	0
21	Ib. No. 6	12	0	54	0	21	Ib. }	16	2	35	4
22	New Germany No. 1	7	0	28	0	22	Ib. }	7	0	30	0
23	Machie's Settlement	8	0	26	0	23	Chelsea	17	0	72	0
24	New Germany No. 2	8	1	35	4	24	Bridgwater	18	3	46	5
25	Ib. No. 3	14	0	60	0						
26	Near T. Rahmy's	13	0	48	0						
27	W. K. Waguer's	8	1	35	4						
28	Long Bridge	14	0	60	0						
29	Upper LaHave No. 7	17	0	66	0						
30	Ib. 8	22	0	90	0						
31	Ib. 9	15	0	68	0						
32	Ib. 10	17	3	46	6						
33	Ib. 11	13	0	52	0						
34	Ib. 12	7	0	27	0						
35	Ib. 13	13	4	36	10						
36	North West Range No. 1	20	5	75	15						
37	Ib. 2	46	4	102	16						
38	Ib. 3	31	6	57	24						
39	Ib. 4	32	4	120	16						
40	Maitland No. 1	16	6	62	17						
41	Ib. 2	10	5	40	7						
42	Block-House	4	1	18	4						
43	New Cornwall	14	3	42	10						
44	N. W. Range No. 5	14	6	44	9						
45	Ib. 6	7	0	28	0						
46	Meder's Cove	26	3	86	12						
47	Mahone Bay No. 1	35	8	84	32						
48	Ib. 2	12	4	41	9						
49	Ib. 3	34	5	96	20						
50	Ib. 4	18	2	36	7						
51	Ib. 5	22	0	70	0						
52	Kingsburg No. 1	12	0	45	0						
53	Ib. 2	21	0	89	0						
54	Vetty's South	25	7	44	28						
55	Western Branch	11	2	26	6						
Total Township of Lunenburg		1070	132	3180	396	Total Township Chester		320	67	1418	172

Office Clerk Peace, Lunenburg, 12th Dec. 1837.

The foregoing Return I have prepared from the Returns of the Surveyors of Highways for the respective Districts in this County—which Returns are made pursuant to the annexed Form.

CHARLES B. OWEN, Clerk Peace County of Lunenburg.

RETURN OF STATUTE LABOR

Performed in Queen's County, in the year 1836, as shewn by the returns of the Overseers.

No.	Name of District.	No. of Teams in the District.	Days worked	Manual Labour	Days worked	Whole amount of labor performed in each District.
1	Town of Liverpool	9	54	54	272	326
2	Ditto	5	20	46	160	180
3	Ditto	3	16	57	96	112

No.

## APPENDIX No. 42.

No.	Name of District.	No. of Teams in the Dis- trict.	Days worked.	Manual Labor	Days worked	Whole amount of labor performed in each District.
1	Milton	8	26	24	52	78
2	Ditto	4	16	19	50	66
3	Ditto	3	12	6	10	22
4	Ditto	1	2	9	24	26
	Brown's Mill Road	1	4	4	12	16
	Randall's Road	1	2	3	6	8
	Bristol	2	8	22	94	102
	Sandy Cove	5	20	15	51	71
	Herring Cove	5	20	35	80	100
	Beach Meadows	4	16	20	86	102
	Eagle Head	11	44	18	40	84
1	Port Medway			25	102	102
2	Ditto	2	8	26	110	118
3	Ditto			12	38	38
	Blueberry	12	48	24	56	104
	Mill's Village, west side	4	16	11	38	54
1	Ditto east side	5	20	20	62	82
2	Ditto	2	8	10	21	29
	Black Point	2	4	25	96	100
	Western Head	6	24	10	34	58
	Beech Hill	3	12	8	10	22
	White Point	4	16	19	74	90
1	Hunt's Point	3	12	9	27	39
2	Ditto	8	32	27	82	114
1	Port Mutton	2	8	11	40	48
2	Ditto			8	26	26
3	Ditto	6	24	15	20	44
	Port Jollie, east side	6	12	20	88	100
	Ditto west side	3	6	5	16	22
	Port Herbert	3	12	7	22	34
1	Brookfield	3	12	10	34	46
2	Ditto	5	20	13	20	40
3	Ditto	7	20	13	20	40
	Westfield	3	12	9	18	30
	Hibernia	3	12	6	16	28
	Whiteburn	3	12	11	40	52
	Harmony	8	16	12	44	60
	Kempt	7	28	10	20	48
	Northfield	1	4	5	20	24
	Middlefield	3	12	5	14	26
1	Caledonia	12	24	19	56	80
2	Ditto	7	14	11	38	52
3	Ditto	1	2	3	16	18
	Ponhook	2	6	4	12	18
	Wellington	8	16	9	30	46
1	Pleasant River	4	16	9	30	49
2	Ditto	5	20	16	58	78
3	Ditto	4	16	10	20	36
	Brighton	3	6	8	26	32
	Devonshire	4	16	7	22	38
	Grafton	2	8	7	26	34
		228	814	821	2575	3389

JAMES N. KNAUT, Clerk of the Peace for Queen's County.

Liverpool, 1st November, 1837.

F 2

No.

## APPENDIX Nos. 43, 44.

No. 43.

(See page 316.)

The Committee, to whom were referred the Petition of O. Wilson and others, inhabitants of the Township of Barrington, praying for aid to establish Buoys on the Ledges in "West Passage" in said Township, do report as follows:—

"West Passage," is formed by Cape Sable Island on one side, and the main land of Barrington on the other. The greater proportion of the Coasting Trade to and from the Bay of Fundy passes through this passage, in order to avoid the difficulties, delay and inconveniences, attendant upon going outside of Cape Sable, as well as to avail themselves of a safe and commodious harbour, in case of unfavourable winds or weather. Throughout the whole extent of this passage, and as far westward as "Cockawit pass," so called, are a number of sunken ledges that render the navigation difficult and frequently dangerous, especially to strangers; these difficulties would be in a great measure removed by placing Buoy's on those ledges agreeably to the prayer of the Petitioners, and it is the decided opinion of the Committee, that such a Service would be of great public utility, and not merely of local advantage. The Committee have learned that "Sparr Buoys" have been much resorted to lately, and are found to answer every desirable purpose, and are attended with trifling expence, say from forty to sixty shillings each. The Committee are of opinion that ten or twelve such Buoys will be necessary for the above service, including three or four wanted for the "Beach Channel," or entrance to Barrington harbour, and recommend that the sum of twenty-five or thirty pounds be granted for the same.

The Committee beg leave to suggest the propriety of placing a Sum of Money at the disposal of His Excellency the Lieutenant Governor, for the purpose of having Buoys established in such places throughout the Province, where they may be found necessary.

WINTHROP SARGENT, Chairman.

R. CLEMENTS.

SIMON D'ENTREMONT.

Committee Room, 2nd March, 1837.

No. 44.

(See page 316.)

*RETURN of Fines at the Court of Quarter Sessions for the County of Halifax, for years 1835 and 1836.*

Date.	Name	Offence.	Amount of Fine.
1834 December 16.	Brewer Thomas	Assault	£1 0 0
1835 March 17	Clay Richard	"	0 10 0
June 8	Crozier George	Breaking Glass Windows	10 0 0
" 26	Connors Dennis	Assault	0 5 0
September 18 1834	Cogswell Sarah Ann	"	1 0 0
December 16	Donnavan Henry	"	1 0 0
" 4	Fahie Philip	"	1 0 0
" 9	Furry Benjamin	"	0 5 0
" 16	Findlay James	"	5 0 0
" "	" "	"	5 0 0
1835 March 17	Finlay Henry	"	0 10 0
" "	Finlay William	"	0 10 0
" "	Finlay John	"	0 1 0
1834 December 4	Goff Thomas	"	1 10 0
" "	Holland Nicholas	"	3 0 0
" 16	Horsewell John	"	0 5 0
" "	Henneberry John	"	1 0 0

Date

APPENDIX No. 44.

Date.	Names.	Offence.	Amount of Fine.
1835			
September 11	Hunt Charles	Assault	£1 10 0
June 6	Lahey Patrick	"	2 0 0
" 26	Lawson Charles	Breaking Glass Windows	10 0 0
1834			
December 16	Miller John	Assault	1 0 0
" "	Miller Jacob P.	"	2 0 0
1835			
March 17	McCarthy Thomas	"	0 5 0
" "	McDonald Christiana	"	0 10 0
June 6	Murray James	"	5 0 0
September 17	Marriet Peter	"	1 10 0
" "	Marriet John G.	"	1 0 0
1834			
December 16	Rogers Henry	"	0 5 0
1835			
June 5	Sutherland Donald	"	4 0 0
November 26	Starr J. L.	For non-attendance as Grand Juror	5 0 0
Total amount for year 1835			£65 16 0
1835			
December 9	Barnstead David	Assault	£0 5 0
1836			
March 23	Black W. F.	Neglecting to serve as Assessor	5 0 0
July 25	Cupples Samuel	For non-attendance as Petit Juror 3 days	0 15 0
March 22	Donaldson James	Neglecting to serve as Assessor	5 0 0
" 25	Duffus John	Ditto	5 0 0
July 25	Fraser John	For non-attendance as Petit Juror 3 days	0 15 0
January 14	Gaskin Samuel	Breaking Glass Windows	0 5 0
June 15	Guilfoyle Mary	Assault	2 0 0
January 14	Hannagan David	For non-attendance as Constable 2 days	0 10 0
June 11	Hogan John	Assault	2 0 0
September 6	Hefar John	"	2 0 0
" 7	Hennessy John	"	2 0 0
" 24	Hannagan Andrew	"	1 0 0
" "	Hannagan Ellen	"	1 0 0
June 15	Leonard Mary	"	0 5 0
September 13	Lacey Edward	"	1 0 0
" 14	Lynney Margaret	"	0 5 0
March 15	Murphy Michael	"	1 5 0
September 19	McFetridge John	For receiving Stolen Goods	5 0 0
July 25	Paw George	For non-attendance as Petit Juror 3 days	0 15 0
January 4	Robinson William	ditto ditto 2 days	0 10 0
June 22	Stone Thomas	Assault	1 10 0
September 9	Swayne Patrick	"	0 10 0
January 4	West Nathaniel	For non-attendance as Petit Juror 3 days	0 15 0
July 25	Walsh Patrick	ditto ditto 1 day	0 5 0
" "	Wier Benjamin	ditto ditto 3 days	0 15 0
Total amount for year 1836			£40 5 0

1836  
 December 20 Wier Benjamin Assault 0 10 0  
 The above Fines were paid into the hands of the County Treasurer, Quarterly—have been published in the Royal Gazette—and at the end of each year submitted, together with the Cash Accounts to the Grand Jury for their examination and approval.

The Fees taken at the Court of Quarter Sessions, are as follows :—Upon each Conviction, and paid by the party convicted.

CLERK OF THE PEACE.

Indictment	£0 2 6	
Trials	0 2 6	£0 5 0
There is also paid for the Warrant Service	£0 3 6	
	0 1 0	0 4 6
		Which

## APPENDIX No. 44.

Which is paid to the Justice who issued the Warrant, and repaid the Complainant on application to him  
Sheriff, each Trial

£0 2 6  
0 2 6

Total £0 12 0

The foregoing are paid on convictions for assaults only.

*Number of Convictions upon which said Fees were paid, are as follows :*

December Term	1834	Ten		£2 10 0
March	1835	Four	£1 0 0	
June	"	Five	1 5 0	
September	"	Three	0 15 0	
December	"	Two	0 10 0	
				3 10 0
March	1836	One	0 5 0	
June	"	Four	1 0 0	
September	"	Seven	1 15 0	
December	"	One	0 5 0	
				3 15 0

Total amount of Fees received by the Clerk of the Peace for two years £9 15 0

The foregoing shows amount of Fines received at the Court of Quarter Sessions, for the years 1835 and 1836, specifying amount of Fines, the dates, the names of the parties who paid the same, and for what offence.

JAMES S. CLARKE, Clerk of Peace.

22d February, 1838.

SIR—

In reference to a Resolution of the Assembly relative to Town Property, I take leave to observe that any abstract of the title deeds and memoranda therein alluded to, would necessarily complicate and fall short of the information sought for—I have therefore directed that the trust deed containing plans and descriptions of all such Property, be herewith sent, together with a suggestion, that His Excellency may be pleased to transfer the same to the care of Hugh Bell, Esq. for the information of the House, during any discussion that may require reference thereto.

**BLUE BELLE.**—Regarding the Blue Belle Property alleged to have been purchased for the Town, I refer His Excellency to those with whom the transaction originated, for the authority under which they acted. All my information regarding the same is contained in the Sessional Resolutions and Minutes hereunto annexed, marked A., none of which have ever been recognised or acted upon, as legal, by the Magistrates in the present Commission, which will appear from the annexed Resolutions marked B. The Deed of this Property is to Mr. John Clark, who gave a Bond to convey the same for the use of the Town, when his advance for the purchase thereof and interest should be liquidated.

**POWDER MAGAZINE.**—Under 8, Geo. 4, ch. 27, the Magistrates, by a Resolution of 31st December, 1828, (see Copy annexed marked C.) pledged themselves on the Credit of the Town to pay Messrs. J. & M. Tobin £803 11 10<sup>1</sup>/<sub>2</sub>, borrowed under authority of that Act, to carry the intentions thereof into effect, and thus a Mortgage is created on the Gunpowder Magazine Property.

**ORDNANCE PROPERTY.**—It appears by certain Resolutions of Sessions, (see Copies marked D.) that Property near the Ordnance Yard was appropriated to the use of the Town, and money borrowed to purchase the same, from Messrs. J. & M. Tobin, and the Executors of the Will of the late Mr. Samuel Black, but His Excellency is respectfully referred to the parties concerned for any law or other authority on the subject, as nothing in the office of the Custos, beyond such Resolutions, and the plans and descriptions alluded to, throw any further light thereon. The Deed of this Property, the Weighing Machine excepted, is to Messrs. Tobin, and they agree to convey the same for the use of the Town, on being satisfied their claim. This, together with the Resolution of Sessions alluded to, of 6th July, 1832, under which the money advanced by the Executors aforesaid is supposed to be secured, constitute the incumbrance on this property. All payments of Principal and Interest on account of the Properties above mentioned, together with the sum due thereon, up to 31st December, 1836, appear by the Accounts annexed, marked E. and F. such payments were made from the production of the respective Properties, and not from any other Town Fund.

The Town Property is not otherwise incumbered, and the Weighing Machine is now out of debt.

I have the honor to be,

Your obedient Servant,

W. Q. SAWERS, Custos Rotulorum.

Sir RUPERT D. GEORGE, Bart. Provincial Secretary, &c. &c. &c.

## A

*Extract from Records of Sessions on subject of Blue Belle Property.*

1832, July 6th.—At a Special Sessions held this day—present : James Foreman, Esq. C. R.; John Howe, Rufus Fairbanks, Samuel Head, Henry Yeomans, John Albro, Michael Tobin, George N. Russell, John L. Starr, William H. Roach, John Spry Morris, and John Howe, Junr. Esqs.

The Magistrates having been convened to take into consideration the erection of a Public Slaughter House. On motion of Mr. J. Howe, Junr. it was resolved that a Committee be appointed to procure a suitable situation for a Slaughter House, North-westwardly of the Exercising Ground, with at least three acres of Land, and lose no time in causing a Building to be erected on a sufficient scale, for the accommodation of the Country People and the Butchers of the Town.

It was resolved that Samuel Head and William H. Roach, Esquires, be added to the Committee appointed 10th May, 1832, consisting of John Albro, John Howe, Junr. and James H. Tidmarsh, Esquires, to carry into effect the foregoing Resolution.

1832, July 16th.—At a Special Sessions held this day—present : Rufus Fairbanks, Samuel Head, J. Albro, M. Richardson, G. N. Russell, W. Roach, J. S. Morris, J. Howe, Junr. and James N. Shannon, Esquires.

This Sessions deferred until Mr. Howe received an answer from Mr. Robson as respects the purchase of the Old Blue Belle for a Slaughter House.

July 19th.—At a Special Sessions held this day—present : John Howe, Senr. R. Fairbanks, Samuel Head, John Liddell, John Albro, G. N. Russell, W. Roach, John Howe, Junr. James N. Shannon, and James H. Tidmarsh, Esquires,

Read a Letter from the Rev. James Robson of Picton, dated 14th inst. in answer to a Letter from John Howe, Junr. Esq. relative to the purchase of the Blue Belle, which the Magistrates had in contemplation to procure for a site for a Public Slaughter House; Mr. Robson's terms were One Thousand Pounds, but stated at the same time that the Property was leased until 1st November, 1836, at the rate of £50 per annum, payable in advance.

Messrs. Albro and Tidmarsh were nominated a Committee to ascertain what terms could be made with the Tenant, by two o'clock, to which time the Meeting was adjourned, and the Magistrates not present, to be notified to attend.

At the adjourned Meeting of Two o'clock—present : James Foreman, Esq. C. R.; John Howe, Senr. Rufus Fairbanks, Samuel Head, John Liddell, Richard Tremain, Henry Yeomans, Mathew Richardson, Michael Tobin, G. N. Russell, John S. Morris, John Howe, Junr. James N. Shannon, and James H. Tidmarsh, Esquires.

Messrs. Albro and Tidmarsh reported that the Tenant of Blue Belle Farm would let to the Town Five Acres of Land at the North-eastern part of the Farm at the rate of Fifteen Pounds per annum, for the remainder of his Lease, say to 1st November, 1836, on which to erect a Slaughter House.

Moved by Mr. John Howe, Junr. seconded by Mr. Morris—That a Letter be sent to the Rev. Mr. Robson, stating the readiness of the Magistrates to comply with his terms, which having been put, was carried.

Moved by Mr. John Howe, Junr. seconded by Mr. Morris—That an agreement be immediately made with the person now in possession, for the use of a Five Acre Field of the said Property, at the annual rent of Fifteen Pounds for a term equal to the remaining period of the Lease—which Resolution was carried.

Moved by John Howe, Junr. seconded by Mr. Shannon—That Messrs. Albro and Tidmarsh enter into that agreement on behalf of the Town—which Resolution was agreed to.

It was also resolved that Mr. John Howe, Junr. be authorized to make the purchase of the Old Blue Belle Property, on behalf of the Town.

1832, July 26th.—At a Special Sessions held this day—present: James Foreman, Esq. C. R.; Rufus Fairbanks, Samuel Head, Henry Yeomans, John Albro, Michael Tobin, W. H. Roach, J. S. Morris, John Howe, Junr. and James H. Tidmarsh, Esquires,

Read an undertaking on the part of the Rev. James Robson, to convey to John Howe, Junior, Esq. on behalf of the Town, for One Thousand Pounds, the Lot of Land commonly called the Blue Belle, including relinquishment of Dower, upon which a Committee, consisting of Messrs. Albro, Roach and Shannon, were appointed to procure plans for a Slaughter House, and to advertise for a Loan of Two Thousand Pounds.

July 28th.—At a Special Sessions held this day—present: James Foreman, Esq. C. R.; Rufus Fairbanks, Samuel Head, John Liddell, John Albro, Michael Tobin, Mathew Richardson, George N. Russell, W. H. Roach and James H. Tidmarsh, Esquires.

The Court sent for the Committee of the Grand Jury appointed to assist the Magistrates in selecting a site for a Slaughter House, and the Foreman stated he would summon the Jury to view the place mentioned by the Court.

1832, August 22d.—At a Special Sessions held this day—present: James Foreman, Esquire, C. R.; Rufus Fairbanks, William H. Roach, John S. Morris, G. N. Russell, John Liddell, John Howe, Junior, and James H. Tidmarsh, Esquires.

Resolved, That the purchase of the Blue Belle Property be completed.

## APPENDIX No. 44.

Mr. Howe, Junior, one of the Committee, mentions that no Tender had been made for the Loan of Money—whereupon, it was resolved, that the Committee be authorised to procure Money for the purchase of the Blue Belle Property, and that the said Property be conveyed as security for the repayment of the amount to be borrowed.

(A true Copy.)

JAMES S. CLARKE, Clerk of Peace.

## B.

1835, August 21st.—At a Special Sessions held this day—present: William Q. Savers, Esq. C. R.; Samuel Head, John Liddell, Richard Tremain, John Albro, and George N. Russell, Esquires.

The Magistrates were summoned to take into consideration the subject of the Blue Belle Property, &c. The subject of the Blue Belle Property being taken up. The Letters addressed to M. Richardson, G. N. Russell, and John Howe, Junior, Esqs. from J. W. Johnston, Esquire, on behalf of Mr. John Clark, as also a notice from Mr. Clark, were submitted to the Magistrates for their consideration.

Read the Minutes of the various Sessions of the 6th, 16th, 19th, 26th, 28th July, 1832, and of 22d Aug. 1832, relative to the Blue Belle Property.

Read the Bond from Mr. John Clark to Matthew Richardson, G. N. Russell, and John Howe, Junior, dated 30th August, 1832, relative to Blue Belle Property, and the subject matter thereof, being duly considered, and it appearing that sufficient Slaughter Houses have already been provided, for the use of the Town of Halifax, and other circumstances having combined to render it inexpedient to build for that purpose, It is thereupon resolved that Mr. Clark be informed, through his Counsel, that the Justices are not aware of any source in their controul, or power vested in them, whereby they might raise funds, from which they could pay for the said Property, or any authority by which they could purchase or dispose of the same for public uses, other than appears to have been contemplated by 2, Geo. 4, ch. 19. They deem it prudent therefore to decline acting in any way that might embarrass themselves or the community, and the parties to whom the Bond of Mr. Clark was made, are at liberty to cancel the same for his benefit, in such way (with every desire on the part of the Justices to aid Mr. Clark in being re-imbursed, agreeably to the Resolution of a Sessions held on the 22d August, 1832,) as shall exonerate the Justices from any accountability.

1835, October 9th.—At a Special Sessions held this day—present: William Q. Savers, Esquire, C. R.; Samuel Head, John Liddell, and G. N. Russell, Esquires.

Farther application on the part of Mr. John Clark relative to the Blue Belle Property having been received, the subject is again canvassed: and it is thereupon resolved, that Mr. Clarke be requested to let the matter stand over until the next meeting of the Legislature, with a view that application may be made to the House for powers and means to obtain a title to the said Property, to build a Provincial House of Industry, and for other public uses. That in the mean time the state of the funds raised therefrom may be made up and its proceeds applied to the payment of such Interest as may be found due to Mr. Clark therefrom—the Justices still declining to take upon themselves any responsibility.

(A true Copy.)

JAMES S. CLARKE, Clerk of the Peace.

## C.

*Extract from Record of Sessions on subject of Powder Magazine,*

1828, December 31st.—Messrs. James and Michael Tobin having last year offered to advance from time to time to the Magistrates, on the Credit of the Town, such sum or sums of Money as might be necessary to purchase a piece of Ground on which to erect a Powder Magazine for Merchants' Powder, and also to defray the expence of erecting such Magazine; and the Magistrates having under the Act, passed in the Eighth Year of His Majesty's Reign, authorising them to borrow money on the credit of the Town, accepted of the offer—a piece of ground was purchased—the building of the Magazine proceeded in and completed. And Messrs. Tobins having rendered their accounts, which were examined, audited and certified, by which it appears that the sum of Eight Hundred and Three Pounds Eleven Shillings and Tenpence Half-penny was due for Monies advanced for the above purposes. The Magistrates, under the authority of the aforesaid Act, pledge themselves on behalf of the Town to pay Interest, at six per centum per annum, on the sum of Eight Hundred and Three Pounds Eleven Shillings and Tenpence Half-penny, and to repay that amount by instalments, which Messrs. Tobins agree to receive in payments of not less than Fifty Pounds.

(A true Copy.)

JAMES S. CLARKE, Clerk of the Peace.

## D

*Extract from Records of Sessions on subject of Ordnance Property.*

1831, October 8th.—At a Special Sessions held this day—present: John Howe, Rufus Fairbanks, John Liddell, Henry Yeomans, Michael Tobin, and Mathew Richardson, Esquires.

William Hague having made an offer in writing to sell to the Magistrates, for the use and benefit of the Town, the Lot of Land purchased by him recently from the Ordnance, for the sum of Six Hundred and Ten Pounds. The propriety of acceding to the offer was now taken into consideration, and after some discussion, it was resolved that the Lot should be purchased at the sum proposed for the benefit of the Town—all the Magistrates concurring but Mr. Fairbanks, who opposed the measure.

1832,

## APPENDIX No. 44.

1832, May 10th.—At a Special Sessions held this day—present: James Foreman, Esq. C. R.; John Howe, Senior, Rufus Fairbanks, Samuel Head, Henry Yeomans, John Albro, Michael Tobin, John L. Starr, John S. Morris, John Howe, Junior, and James Tidmarsh, Esquires.

It was resolved that the Commissioners of Town Property and Mr. Tobin, be authorized to erect a Two Story Building, with a pitch Roof, on the Land purchased from Hague.

July 6th.—At a Special Sessions held this day—present: James Foreman, Esq. C. R.; John Howe, Rufus Fairbanks, Samuel Head, Henry Yeomans, John Albro, Michael Tobin, George N. Russell, John L. Starr, William H. Roach, John Spry Morris, and John Howe, Junior, Esquires.

With respect to the Building about to be erected near the Weighing Machine—It was resolved that the Commissioners of Town Property be hereby authorised to complete the Building, make the same Three Stories high, with a suitable roof to the same, and that they are hereby authorised to borrow, on interest, upon the best terms they can, sufficient Money to erect and complete said Building, according to the original Plan, and that the Resolution (relative to the Building) of 10th May, be rescinded.

(A true Copy.)

JAMES. S. CLARKE, Clerk of the Peace.

## E.

*Town Property (opposite the Ordnance,) in account with J. & M. Tobin.*

		INTEREST.	PRINCIPAL.
1831.			
Nov. 11	To Cash		£610 0 0
1832.	Interest to 31st December, 1833, at 5½ per cent. per annum	£71 13 11	
Sept. 29	Cash		300 0 0
1833.	Interest thereon to same date	20 15 3	
Jan. 10	Cash		100 0 0
"	Interest thereon to do.	5 6 11	
April 22	Cash		100 0 0
"	Interest thereon to do.	3 13 4	
May 27	Cash		100 0 0
"	Interest thereon to do.	3 5 5	
Dec. 31	Paid for Recording Deed		0 15 6
		<hr/>	
1834.		104 14 10	1210 15 6
June 22	Received on account of interest	£33 14 6	
Nov. 25	Ditto ditto	45 0 3	
		<hr/>	
1834.		26 0 1	
Dec. 31	Paid Premium of Insurance		8 15 0
	Interest on £1210 15 6, one year at 5½ per cent.	66 11 10	
		<hr/>	
1835.		92 11 11	1219 10 6
May 23	Received on account of interest	29 9 10	
		<hr/>	
1835.		63 2 1	
Dec. 31	Interest on £1219 10 6, one year at 5½ per cent.	67 1 6	
1836.			
Dec. 31	Ditto do. do.	67 1 6	
		<hr/>	
		197 5 1	1219 10 6

## HALIFAX,

*The Commissioners of Town Property,**To the Estate of the late Samuel Black, Dr.*

1833.			
July 13th.	To Cash on Promissory Note of this date		£100 0 0
Aug. 1st.	Ditto ditto ditto		200 0 0
6th.	Ditto ditto ditto		100 0 0
Oct. 26th.	Ditto ditto ditto		250 0 0
Dec. 10th.	Ditto ditto ditto		15 0 0
			<hr/>
1836.			665 0 0
Dec. 31st.	To Interest as follows, viz :		
	On £100 from 13th July, 1833, to this date	£20 16 2	
	On £200 from 1st August, 1833, to do.	41 0 7	
	On £100 from 6th August, to do.	20 8 3	
	On £250 from 26th October. to do.	47 14 2	
	On £ 15 from 10th December, to do.	2 15 0	
			<hr/>
			132 14 2
			<hr/>
			£797 14 2

## F.

*Town Magazine in Account with J. & M. Tobin.*

		INTEREST.	PRINCIPAL.
1835.—Dec. 1	Amount due this date	£40 17 3	£444 16 0
			1836

## APPENDIX Nos. 44, 45, 46.

1836.—Feb. 4	Interest on £444 16 from 1st Dec. 65 days	£4 15 0	
		<u>45 12 3</u>	
Feb. 4	Received on account of Principal and Interest	103 8 1	£58 15 10
		<u>Balance</u>	<u>386 0 2</u>
June 15	Interest on £356 0 2 from 4th Feby. 132 days	8 7 5	
	Received on account of Principal and Interest	90 19 9	72 12 4
		<u>Balance</u>	<u>313 8 10</u>
Dec. 31.	Interest on £313 8 10 from 15th June 199 days	10 4 9	

## No. 45.

(See Page 326.)

The Committee to whom the within Petition was referred, beg to report, that the Road within referred to, is one that has for some time past awakened considerable interest amongst the Inhabitants of Annapolis and Queen's—principally passing through a Tract of Land suitable for cultivation, and making the distance between the capitals of both Counties only 59 miles—that the Road is tolerably good through Queen's on the line, but requires considerable aid in the other County, and therefore the Committee strongly recommend it to the favorable consideration of the Legislature.

S. P. FAIRBANKS, Chairman.

*To the Honourable the House of Assembly, the Petition of the Subscribers, sheweth:*

That the Liverpool Road between the Town of Annapolis and that of Liverpool, is now beginning to be actually settled, on that extremity of it near Annapolis. Two dwelling Houses have been erected thereon, this last Fall, and another person is now clearing, with the intention of building, and settling himself and Family there in the ensuing spring.

As your Honourable House has already a knowledge of the present state of the said Road, and of the valuable Lands generally, through which it passes, from the last year and former Petitions which have been laid before you, suffice to add, for your further information, that your Petitioners hereby certify that the Money granted last Session has been well, faithfully, and judiciously expended, and in addition to the same, your Petitioners are assured by Mr. Gray, the Commissioner, that upwards of Thirty Pounds have been given gratuitously, by the Inhabitants in and about Annapolis, and the same expended under his direction and oversight, in opening and improving the said road.

That so anxious are all classes of the Community to get the said Road opened throughout, it is more than probable that, under a suitable encouragement, from your Honourable House, as much or more will be given by the Inhabitants in the ensuing year.

Your Petitioners therefore humbly pray that your Honourable House will be pleased to do all that its means afford towards speedily forwarding so desirable an object, and to grant them a sum of money for effecting, as far as may be, the said purpose.

And your Petitioners, as in duty bound, will ever pray, &c.

Annapolis Royal, January 29th, 1838.

## No. 46.

(See Page 329.)

Return shewing the Sums paid Post Office Couriers in Nova-Scotia, in the Year which ended 5th January, 1838.

	Paid by the Province.	Paid by the Post Office.
Western Stage Coach Company from Halifax to Annapolis	£256 13 4	£88 0 0
William Davis " Digby to Annapolis		60 0 0
L. Geldert " Windsor to Shelburne	260 0 0	82 3 7
		J.

## APPENDIX No. 46.

		Paid by the Province.			Paid by the Post-Office.			
J. Wyeman	"	Yarmouth to Digby	70	0	0	132	19	3
W. Enslow	"	Shelburne to Yarmouth	90	0	0	13	1	5
N. Smith	"	Terfry's to Noel	50	0	0			
J. McIntosh	"	Pictou to Wallace	65	0	0			
J. Blanchard	"	Pictou to Antigonish	49	10	0	120	10	0
A. Thomson	"	Antigonish to Plaister Cove	52	10	0			
R. M. Cutler	"	Guysboro' to Cape Canso	22	10	0			
W. McKeen	"	Plaister Cove to Mabou	25	0	0			
R. N. Henry	"	Antigonish to St. Mary's	20	0	0			
Henry Taylor	"	Mabou to Margaree	20	0	0			
Edward Joyce	"	Gay's Rvr. to Stewiacke &c.	40	0	0			
S. Morehouse	"	Digby to Brier Island	42	0	0			
J. S. Campbell	"	Economy to Londonderry	20	0	0			
J. Forrestall	"	Antigonish to Guysboro'	40	0	0			
A. McLennan	"	Mabou to Wycocomagh	25	0	0			
J. Fellows	"	Bridgetown to Granville Point	30	0	0			
J. North	"	Wolfville to Cornwallis	20	0	0			
J. O'Brien	"	Newport to Petite	20	0	0			
J. Ratchford	"	Parrsboro to Advocate Har.	30	0	0	25	4	11½
H. McNeil	"	Plaister Cove to Sydney	13	2	11	111	17	1
M. Maddock	"	Arichat to Plaister Cove	15	0	0			
A. Moore	"	Sydney to Baddeck				60	0	0
James Cody	"	Baddeck to Margaree				40	0	0
N. H. Martin	"	Sydney to Bridgeport	15	0	0	5	0	0
Ronald Black	"	do Louisburg	-7	7	1	6	2	11
Extra Couriers employed by Postmaster of Sydney last Winter						11	10	0
D. Urquhart	"	Arichat to St. G's Channel				20	0	0
M. Maddock	"	Arichat to Grand Ance				18	15	0
R. N. Henry	"	Antigonish to Cape George	7	10	0			
George Jollemore	"	Halifax to Margaret's Bay	5	0	0			
Ferry at Brier Island			10	0	0			
Signal man at Digby			5	0	0			
Eastern Stage to Pictou						285	0	0
William Watson from Truro to Westchester						90	0	0
T. Atkinson	"	Westchester to Derchester				205	0	0
J. Dotton Courier from Wallace and River Philip			16	3	10	43	16	2

£1342 7 2 £1419 0 4½

JOHN HOWE,

Deputy Post-Master General.

Return shewing the Nett Receipts of the Post Offices Established in the Interior parts of Nova-Scotia, between 5th April, 1837, and 5th January, 1838, and their application.

Windsor	£107	19	4	} Remitted to General Post-Office, Halifax.
Kentville	94	5	8½	
Annapolis	79	3	10	
Digby	42	11	2½	
Truro	44	15	4½	
Cumberland	81	8	9	
Pictou	283	10	9	

## APPENDIX No. 46.

Yarmouth	132	19	3	} Paid to the Couriers by the respective Post-Masters ap- plied in aid of the payment of the Provincial Couriers.
Shelburne	26	2	10	
Lunenburg	23	3	$\frac{1}{2}$	
Liverpool	45	19	$1\frac{1}{2}$	
Antigonish	120	10	0	
Arichat	74	12	4	
Sydney	182	10	4	
Wallace	43	16	2	
Parrsboro	25	4	$11\frac{1}{2}$	
	£1408	13	0	

JOHN HOWE,  
Deputy Post-Master General.

Salaries paid to the Couriers employed in the Post-Office Department under the Provincial Legislature, for the Year which ended 5th January, 1838.

Western Stage Coach Company, from Halifax to Annapolis	£256	13	4
L. D. Geldert " Windsor to Shelburne	260	0	0
J. Wyeman " Yarmouth to Digby	70	0	0
W. Enslow " Shelburne to Yarmouth	90	0	0
N. Smith " Terfry's to Noel	50	0	0
J. McIntosh " Pictou to Wallace	65	0	0
J. Blanchard " do to Antigonish	49	10	0
A. Thomson " Antigonish to Plaister Cove	52	10	0
R. M. Cutler " Guysboro to Cape Canso	22	10	0
W. McKeen " Plaister Cove to Mabou	25	0	0
R. N. Henry " Antigonish to St. Mary's	20	0	0
Henry Taylor " Mabou to Margaree	20	0	0
Edward Joyce " Gays' River to Stewiacke, &c.	40	0	0
S. Morehouse " Digby to Brier Island	42	0	0
J. S. Campbell " Londonderry to Economy	20	0	0
J. Forrestall " Antigonish to Guysboro	40	0	0
A. McLennan " Mabou to Wycocomagh	25	0	0
J. Fellows " Bridgetown to Granville Point	30	0	0
J. North " Wolfville to Cornwallis	20	0	0
J. O'Brien " Newport to Petite	20	0	0
J. Ratchford " Parrsboro to Advocate Harbour	30	0	0
H. McNeil " Plaister Cove to Sydney	13	2	11
M. Maddock " Arichat to Plaister Cove	15	0	0
A. Moore " Sydney to Baddeck			
N. H. Martin " Sydney to Bridgeport	15	0	0
Ronald Black " do to Louisburg	7	7	1
R. N. Henry " Antigonish to Cape George	7	10	0
George Jollimore " Halifax to Margaret's Bay	5	0	0
Ferry at Brier Island	10	0	0
Signal man at Digby	5	0	0
J. Dotten, Courier from Wallace to River Philip	16	3	10
	£1342	7	2

Drawn from Treasury

£1312 16 3

JOHN HOWE,  
Deputy Post-Master General.

Return

## APPENDIX Nos. 46, 47, 48.

Return of the Receipts and Credits of the General Post-Office for the Year ending 5th January, 1838.

CHARGE.	Currency.	Sterling.	DISCHARGED	Currency	Sterling
To amount of unpaid Letters received from England		1078 2 2	By Salary to Deputy P. General do Assistant		400 0 0
To amount of paid do sent to England		173 4 3	By Dead Letters, sent to England		625 12 8
To amount unpaid received and paid sent from Halifax	2292 19 6		Allowance for Office Rent, Fuel and Stationary		50 0 0
To Nett Revenue remitted by D'ty. Postmasters	1408 13 0		Paid for Riding Work	2761 7 6½	
To Way and Ship Letters	61 10 0		By Letters charged against Halifax, and forwarded to the Interior	810 2 2½	
This Sum received from the Treasury	1312 16 3		By Incidental Expences	227 0 0	
	5675 18 9			3798 9 9	
Exchange 1-10	567 11 10½	5108 6 10½	Balance paid into the Military Chest	379 16 11½	3418 12 9½
		£6359 13 8½			1765 7 10
					£6359 13 3½

JOHN HOWE,  
Deputy Postmaster General.

No. 47.

(See page 329.)

The Committee to whom were referred the several Petitions for aid in building Breakwaters on the southern shore of the Bay of Funday, do report as follows:—

Having examined the said several Petitions, viz:—one from Baxter's Harbour, and one from Givan's Cove, and one from Hall's Harbour, in the Township of Cornwallis, King's County, and one each from Margaretsville, Marshall's Cove, and Gate's Mountain, in Wilmot, Annapolis County, and having taken into consideration, the peculiar situation of the Petitioners, in their several locations—that owing to the absence of any Harbour or Creek, where Vessels can lay in safety to load, they are or would be in a great measure prevented, unless by aid of these Breakwaters, from exporting their farm-produce, wood, lumber, &c.; and as they have contributed already liberally towards accomplishing the object sought for, and have expressed their readiness to extend their exertions in this behalf, this Committee do recommend the said several Petitions to the favourable consideration of the House.

Committee Room, 6th March, 1838.

THOMAS A. S. DEWOLF, Chairman.

No. 48.

(See page 334.)

Office of Clerk of the Peace, Halifax, 7th March, 1838.

SIR—

In answer to your communication of this day's date, enclosing a Resolution of the House of Assembly, requiring the proper officers to assign a reason why the returns required by a Resolution of the House of Assembly of 3d March, 1837, have not been made agreeably to the language and spirit of said Resolution. I beg leave to state, that in October, 1834, I was appointed to the office of Clerk of the Peace, and from that time only had any charge of the Municipal affairs of the Town—that I have furnished the statement required by the House from such appointment up to 31st December, 1836, as I conceive, agreeably to the spirit of said Resolution; but as there does not appear to exist any documents from which such information could be obtained, as the Resolution requires for any period before that time, I preferred complying with the language of such Resolution for the time only that I was myself responsible, and the same being as much as is within my power to accomplish. I beg leave further to state, that although not required to furnish a statement of Fines taken in the Sessions, (but in the Commissioner's Court, where no Fines are imposed) I have furnished an alphabetical list of the same, and how disposed, for the time I have been in office, supposing that is what was required. The ten years returns of the Court of Commissioners, of which Court I am also Clerk, were furnished during the last Session of the Assembly, to which I respectfully refer, for these very long returns I have been compelled to devote a considerable portion of time after the business of the day was closed, and to pay for assistance, for which I have never received any remuneration.

I have the honor to be, Sir,

Your most obedient Servant,

JAMES S. CLARKE,

Sir RUPERT D. GEORGE, Bart.

No.

## APPENDIX Nos. 49, 50.

No. 49.

*(See page 334.)*

The Committee to whom was referred the Petitions of the several Overseers of the Poor for the Townships of Annapolis, Windsor, Maxweltown and Pictou, praying remuneration for the expenses severally incurred by them for the support of Transient Poor, report as follows:—That as respects the Petition of the Overseers of the Township of Annapolis, your Committee have not had sufficient evidence before them to establish the fact, that Margaret Walsh, the person therein named, was a Transient Pauper, and therefore your Committee cannot at present report in favor of the Petitioners receiving remuneration from this House; and as respects the other Petitions, your Committee have examined various Documents and Evidences connected therewith, and after some consideration, have come to the conclusion, that the Petitioners are entitled to the relief claimed by them from this House, and therefore recommend that the sum of £49 3 6, be granted to the Overseers of the Poor for the Township of Pictou; £10 10 7 to the Overseers of the Poor for the Township of Windsor; and £16 16 9 to the Overseers of the Poor for the Township of Maxweltown, being the amounts severally expended by them for the support of Transient Paupers in their respective Townships.

EDMUND M. DODD, Chairman.

Committee Room, 9th March, 1838.

No. 50.

*(See page 335.)*

Would it, in your opinion, be practicable to unite the two Departments of the Customs and Excise, so as to save expense, and yet ensure the collection of the Imperial and Provincial Duties by one set of officers, without injury to the Revenue?

If the Excise Department were merged in that of the Customs, what would be the probable additional cost of effecting the arrangement?

Would or would not, in your opinion, relief be afforded thereby to those engaged in Trade and Navigation?

Could such an arrangement be made to extend to the Out-ports generally, as well as to the Port of Halifax?

State generally your views of the operation of the present system—annex the forms in use—and suggest any alterations or improvements that occur to you, other than those embodied in the interrogatories?

The Collector of Impost and Excise.

In answer to the Interrogatories submitted to me by the Committee of the House of Assembly, I beg leave to state for their information,

FIRST.—That it would, in my opinion, be quite practicable to unite the Departments of the Customs, and Excise so as ultimately to effect a saving to the Province and fully ensure the collection of the Imperial and Colonial Duties by one set of Officers, without injury to the Revenue.

SECOND.—If the Excise Department were merged in that of the Customs, not much, if any, additional expence would be incurred in effecting the arrangement, unless it should be deemed advisable to keep the collection of Duties separate, as the Colonial Department of the Customs.

THIRD.—If the present system of securing and paying the Colonial Duties is continued, much relief would be afforded to persons engaged in Trade, as the multiplicity of Forms at present required might, to a certain extent, be dispensed with.

FOURTH.—Whatever arrangements are made in connecting the Departments at this Port, the same may be made to apply to the different Out-ports within the Province.

FIFTH.—The present system of Revenue is very effective in its operation, and invests the Officers of the Revenue with ample powers to ensure the collection thereof, at the same time that it affords every facility to Merchants.

I herewith inclose the several Forms now used in the Department.

Impost and Excise Office, Halifax, 11th April, 1837.

H. N. BINNEY, Collector.

The Committee of the House of Assembly.

(1)  
Inwards per

(ENTRY FOR DUTY.)

Master, from

Halifax, N S.

Also to be Warehoused at  
1837

(For Duty.)

BOND

APPENDIX No. 50.

(2) (BOND FOR DUTIES.)

KNOW ALL MEN BY THESE PRESENTS, THAT WE, are jointly and severally held and firmly bound to Our Sovereign Lord the King, His Heirs and Successors, in the sum of Lawful Money or Currency of Nova-Scotia, to be paid to Our said Lord the King, His Heirs and Successors : To which payment well and truly to be made, we, and each and every of us, do bind and oblige ourselves, jointly and severally, for the whole, and in gross, our Heirs, Executors, Administrators and every of them, firmly by these presents ; sealed with our Seals, dated the day of in the year of Our Lord One Thousand Eight Hundred and The condition of this obligation is such, that if the above bound shall well and truly pay, or cause to be paid, to HUBERT NEWTON BINNEY, Collector of the Duties of Impost for the District of Halifax, or to the Collector of the Duties of Impost for the time being Lawful Money or Currency of Nova-Scotia, being the amount of the Provincial Duties of Impost on Stock of Dutiable Goods now on hand, agreeable to an account thereof this day rendered to the said Collector in three payments, to be computed from the date hereof, that is to say the sum of one quarter part thereof on or before the day of next, and a like sum on or before the day of next following, and the residue, being the further sum of on or before the day of then next following, and all without fraud or further delay, then the above obligation to be void. But if default shall be made in payment of any or either of the respective sums of Money in manner aforesaid, or any of them, on any of the said days and times above mentioned for the payment thereof, according to the intent and meaning of these Presents, then this obligation is to remain in full force and virtue. Signed, Sealed and Delivered, in the Presence of

KNOW ALL MEN, THAT WE, and Have and by these presents do appoint SAMUEL G. W. ARCHIBALD, Esq. His Majesty's Attorney-General for the Province of Nova-Scotia, and JAMES W. JOHNSTON, Esq. His Majesty's Solicitor-General for the said Province, and each of them, their or either of their Successors, in their said respective Offices of Attorney or Solicitor-General to appear before us, either jointly or severally, in His Majesty's Supreme Court in Halifax, if then sitting, or if out of Term, then before the Chief-Justice, or any of the Judges of the said Supreme Court, and in our names, either jointly or severally, to answer to a certain Declaration or Debt, exhibited against us at the suit of the King, and to sign for us, or either of us, a Plea of Confession for the sum of with costs, and such Plea to file in our behalf, and thereupon to enter up Judgment in due form against us, our Heirs, Executors and Administrators, at the Suit of the King, without further Writ or Process, and to issue Execution thereupon, for our said Lord the King, for the said sum of with the Costs, and this we jointly and severally authorize to be done by the said Attorney or Solicitor-General, for Us, before the Chief-Justice, or other Judges of the said Supreme Court, either in Term or out of Term, pursuant to the Statute in such case made and provided : hereby releasing all and every error or defect of form in such proceeding. In witness whereof, we have hereunto set our Seals, and signed our Names, this day of in the year of the Reign of our Sovereign Lord King William the Fourth, and in the year of Our Lord One Thousand Eight Hundred and Signed, Sealed and Delivered, in the Presence of

(3) (ENTRY FOR THE WAREHOUSE.)  
Inwards per Master, from  
To be warehoused in Store, Halifax, N. S. 183

(4) (BOND FOR THE WAREHOUSING OF GOODS.)  
No.

KNOW ALL MEN BY THESE PRESENTS THAT WE, are held and firmly bound unto our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, in the Sum of of Sterling Money of Great Britain, to be paid to our said Lord the King, His Heirs or Successors : To which Payment, well and truly to be made, we bind ourselves and each of us, by himself, for and in the whole, our Heirs, Executors and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this day of in the Year of the Reign of His said Majesty, and in the Year of Our Lord One Thousand Eight Hundred and WHEREAS the above bounden hath lately imported into the Port in a Ship or Vessel, called the Master, from the undermentioned Goods, namely,

the Duties in respect whereof have not been paid, and which Goods he is desirous of depositing in a Warehouse, situate at under the Provisions and Regulations of an Act of the Legislature, made and passed in the 4th Year of the Reign of His Majesty King William the Fourth, intituled, "An Act for the Warehousing of Goods."  
Now the condition of this Obligation is such, that if all the Goods so imported shall be safely deposited in such Warehouse, situate as aforesaid, and shall be either duly exported or the full Duties due and payable on the Importation of such Goods, or on such part thereof, as shall not have been exported as aforesaid, be paid to the Collector of Impost or other proper officer of the Revenue at the said Port of according to the first account taken of such Goods upon the Landing of the same, and if no Part thereof shall be taken out of such Warehouse until cleared from thence, upon due entry and payment of Duty, if intended for Home Consumption, or upon due entry, if intended for exportation ; and if the whole of such Goods shall be so cleared from such Warehouse, and the duties upon any Deficiency of the Quantity, according to such first Account, shall be paid within two Years from the Date of the first entry thereof, then this Obligation to be void, otherwise to be and remain in full force and virtue.

Signed, Sealed and delivered,

(5) (ENTRY OF GOODS FOR DUTY FROM THE WAREHOUSE.)  
FOR DUTY.

Ex the  
Warehoused by at Master, } from  
Warehouse and now for all Duties HALIFAX,  
1 2 (6)

## APPENDIX No. 50.

(5) (ENTRY FOR THE EXPORTATION OF GOODS FROM THE WAREHOUSE.)  
EXPORTATION.

Ex the  
 Warehouse by at Master, } from  
 Deliver the above. HALIFAX. and now for Exportation, per Master, for

## (7) (BOND GIVEN ON THE EXPORTATION OF GOODS FROM THE WAREHOUSE.)

No.  
 KNOW ALL MEN by these Presents, that We, are held and firmly bound unto our Sovereign Lord WILLIAM the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, in the sum of of Sterling Money of Great-Britain, to be paid to our said Lord the King, His Heirs or Successors: To which Payment, well and truly to be made, we bind ourselves and each of us by himself, for and in the Whole, our Heirs, Executors and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of in the Year of the Reign of His said Majesty, and in the year of Our Lord One Thousand Eight Hundred and

WHEREAS the above bounden hath given Notice of his intention to export to in the Ship Master which said Goods are now deposited in Warehouse, situate at in the Port of under the Provisions and Regulations of an Act of the Legislature of this Province, made and passed in the 4th Year of the Reign of His Majesty King William the Fourth, intitled, An Act concerning Goods exported, and for granting Drawbacks"

Now THE CONDITION of this obligation is such, that if the said Goods and every part thereof shall be duly shipped, and shall be exported to and landed at aforesaid, or if the above bounden shall account for the said Goods to the satisfaction of the Board of Revenue of the Province, then this Obligation to be void, otherwise to be and remain in full force and virtue.

*Signed, Sealed and Delivered*

*Custom-House, Halifax, 11th April, 1837.*

SIR—

We have the honor to enclose, in obedience to His Excellency the Lieutenant-Governor's command, in your note of the 8th instant, the Collectors reply to certain queries submitted by the Committee of the House of Assembly, on a proposal for amalgamating His Majesty's Customs with the Colonial Excise.

We have the honor to be, Sir, your most obedient, humble Servants,

THOMAS N. JEFFERY, Collr.  
 J. WALLACE, Comptr.

To Sir R. D. George, Bart. Provincial Secretary, &c. &c. &c.

Q.—Would it, in your opinion, be practicable to unite the two Departments of the Customs and Excise, so as to save expense, and yet ensure the collection of the Imperial and Provincial Duties by one set of Officers, without injury to the Revenue?

A.—It is not, in my opinion, practicable to unite the two Departments of Customs and Excise and save expence, the duty to be performed by the indoor Department of the service being already onerous, seven hours a day being the time generally required to meet the pressure, being inadequately provided with Clerks and other Officers, independent of which the two services in the spirit and letter of their Laws are separate and distinct in their nature—that of the Customs is by the Imperial Act not exclusively for Revenue but are charged with the performance of other important duties connected with the observance of the Trade and Navigation Laws, the granting Certificates of the origin of the Produce, and enabling His Majesty's Government to possess at one view the Trade of His Majesty's Possessions Abroad, and other important services not necessary here to detail, which compel His Majesty's Government to maintain Establishments more expensive than would be required for the sole object of collecting Duties.—The policy of the Imperial Parliament is most evident on this point, it has only fixed the minimum of Duties as regulating the Trade, leaving it with the Colonial Legislature that of the maximum for the purposes of Revenue.

Q.—If the Excise Department were merged in that of the Customs, what would be the probable additional cost of effecting the arrangement?

A.—I can afford no information on the point, being unacquainted with the manner of keeping the Colonial Accounts, but as separate and distinct Records must of necessity be kept, I should think no material saving could be effected.

Q.—Would or would not, in your opinion, relief be afforded hereby to those engaged in Trade and Navigation?

A.—I do not consider that it would afford any relief to the Trade beyond the clerical Duty—the Merchants enjoy to the full extent every accommodation and despatch in my own Department, and Strangers generally admit to an extent not frequently met by them in other Ports.

Q.—Could such an arrangement be made to extend to the Out-ports generally, as well as the Port of Halifax?

A.—At the Out Bays, with one or two exceptions, although the principle will apply as stated in the first query, I think the little Trade carried on at the Out Bays makes it less objectionable than at Halifax.

Q.—How far would you feel yourself justified in assenting to such an arrangement—or would it be necessary to obtain the sanction of the Board of Customs, or the Lords of the Treasury in England?

## APPENDIX Nos. 50, 51.

A.—I do not in the slightest degree consider myself authorised to answer the question further than that it appears to me most evident that the Laws of the Customs which place the management of the Office under the Lords of the Treasury and Commissioners of the Customs, never contemplated any such an attempt to amalgamate the services either in England or the Colonies—and cannot, in my opinion, be effected without the sanction of the Imperial Parliament.

Q.—State generally your views of the operation of the present system—annex the Forms in use—and suggest any alterations or improvements that occur to you, other than those embodied in the foregoing interrogatories?

A.—I have stated in reply to the several previous queries every thing that suggests itself to me upon the points submitted, and, for the reasons alleged in the answer to the second query, I am unable to afford a further opinion on the operation of the present system, and beg to lay before the Committee a Book of Forms which are used at present in the Department, which I have to request may be returned at an early hour, being one of constant reference. I should respectfully submit all matter relative to the Provincial Excise to the head of that Department.

*Reply to Queries submitted by the Committee of the House of Assembly.*

1st.—I conceive, as regards expence, but little could be saved in the junction of the Excise and Treasury Departments.

2d.—The present number of Waiters would be required, and such other competent assistance in the Office, the fair remuneration for which service could not be procured for a less sum than £300.

3d.—The Out Port Collectors are now under the direction of the Treasury.

4th.—I am in favor of the present mode of collecting the Revenue, and the trifling amount of saving would be so small as not to compensate for the delays of payments of Excise Bonds when parties had any claims upon the Treasury, and might use them as an off-set to paying the Duties as they became due.

I purpose, during the recess of the Legislature, to make such enquiries relative to the operation of the Excise and Treasury Department at St. John, N. B. as they exist, as to give a more full account of its practicability or inconvenience.

CHARLES W. WALLACE, Treasurer.

## No. 51.

(See Page 335.)

The Committee to whom was referred the Petition of Roger Cunningham, complaining of a Suit having been instituted against him, by the Attorney and Solicitor General, as surety,—in the balance of an Excise Bond for £14 0 2 currency, without having been notified of the defalcation of the Principal—and having thereby incurred an expense of £10 3 2, which might have been saved had the Collector of Excise given petitioner notice of the defalcation of the principal—beg leave to report:—That the material facts stated in said petition to the House of Assembly are true, and that the Petitioner's case is one of very great hardship and vexation, but in which your Committee regret they cannot recommend pecuniary relief; your Committee in their investigation of this matter, have enquired into the usage of the Collector of Excise in similar cases, and discover that it is not the practice of that officer to give notice to a party to a bond securing the Provincial duties when the principal has failed to make the stipulated payments to that office, because, as is alleged, the public interest might be affected by such a course. Nor has it been the custom of the Attorney General (nor perhaps would it be right that he should do so) to give notice to the surety, of the principal having failed in his engagement, but so soon as the bond is placed in his possession by the Collector of Excise he feels it to be his duty to pursue the strict course which the law points out. But your Committee cannot perceive a sufficient reason why a party to an excise bond, in good credit, and in solvent circumstances, should not be informed of the defalcation of the principal in order to his satisfying the Bond, and saving the expense of a prosecution, as such is only justifiable when loss to the Revenue is to be apprehended.

Your Committee conceive that inducements should rather be afforded to Gentlemen of credit and substance to come forth and secure the duties of the Province, than that acts should be performed which are eminently calculated to repel, and that no severity, beyond what is necessary to secure the Revenue, should be used toward those who perform those acts of friendship and responsibility. Your Committee also think it but justice, that the surety

## APPENDIX Nos. 51, 52.

surety to an Excise Bond, who, in the event of the negligence or failure of the principal, stands to all intents and purposes in his stead, should at least receive the notice which should have been effectively answered by the principal. In order therefore to guard the sureties to Excise Bonds from such an apparently unnecessary expense and annoyance, your Committee would recommend to this Honorable House, that in future, reasonable notice shall be given to the surety before the bond is placed in the hands of the Attorney or Solicitor General for coercive collection. All of which are respectfully submitted to your Honorable House.

THOMAS FORRESTER, Chairman.

## No. 52.

(See page 337.)

The Committee to whom were referred the Petitions of a number of the Inhabitants of the Counties of Halifax, Colchester and Hants, praying for an alteration in the Eastern Main Road from Scott's on the Dartmouth Road to Sackville Bridge, beg leave to report as follows: that they have had several meetings upon the subject, and have had under their consideration several Petitions from the inhabitants of the Counties above mentioned, accompanied by very liberal subscriptions in favour of the above described alteration; there has also been submitted to the Committee the Petitions of a number of the Inhabitants of Halifax, accompanied also by a subscription in favour of a line from the Dartmouth road to the Windsor road by way of Fultz's Inn, and having fully examined all the Petitions, Plans, and Reports, relating to the several lines submitted, and having had before them several persons who have made actual surveys by measuring the distance, and by taking the levels of those several lines of road, are of opinion, that by adopting the line from Scott's to Sackville Bridge, the Public will be better accommodated than by any other route that has been brought under the notice of the Committee, it being about two miles shorter, and the land for the most part nearly level, the rise not exceeding in any part more than one foot to thirty, whereas upon the other line that has been proposed, the land is much more uneven, and a road cannot be made in some parts with a less rise than one foot in twenty, and the Committee having considered it as an object of the utmost importance to all the Eastern and Northern Counties, that this road should be fixed upon the shortest and most level line, so that it will not need to be changed at any future period, have unanimously agreed to recommend to the House to adopt the proposed line from Scott's on the Dartmouth road to Sackville Bridge near the Head of Bedford Bason, as that which will be most for the advantage of the Public, and as the Petitioners in favour of this proposed alteration have stated their intention to raise, by private subscription, the sum of Five Hundred Pounds to be laid out in opening the said road, and it having been made appear to the Committee that the sum of Four Hundred Pounds has been already subscribed for that purpose, the Committee beg leave to recommend to the House to grant the sum of Five Hundred Pounds to aid the Petitioners in effecting so desirable an object.

Committee Room, House of Assembly,  
12th March, 1838.

BENJAMIN SMITH, Chairman.  
A. L. ARCIBALD,  
WILLIAM ANNAND,  
A. M. UPHAM,  
JOHN MORTON,  
JOHN HOLMES.

## APPENDIX Nos. 53, 54.

No. 53.

(See page 337.)

(Copy.)

Halifax, 2nd February, 1838.

SIR,—

We have the honor to acknowledge the receipt of your letter of the 1st inst. requiring us to furnish for the information of His Excellency, an estimate of the additional sum that may be required to put the Light House on Cross Island in useful operation, and also to give our opinion as to the best means of distinguishing this Light from other Lights on the Coast.

We are of opinion that the most effectual mode of distinguishing this Light would be by erecting another Tower, the cost of which would be about £780, and the additional annual expense for lighting about £160. The lantern was sometime ago removed from Cross island Light-House to Sambro, and another will be required for the present Tower—the cost of which including lamps, reflectors, &c. will be about £360, the total expense to be incurred, if another Tower is erected, may therefore be estimated as follows :

New Tower, including lantern, reflectors, &c.	£780
Lantern for present Tower	360

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£1140

Additional annual expense

---

£160

It has been suggested (and it is the opinion of Mr. Miller) that a flash Light might be sufficient to distinguish this Light, and if nautical persons should be of that opinion the cost will then be for lantern for the present building, £360 including lamps and reflectors, and machinery for the flash light, the expense of which we have no means of correctly ascertaining, but presume it would not much exceed £150.

We have, &amp;c.

[Signed.]

S. CUNARD,  
THOS. MAYNARD,  
J. P. MILLER.

SIR RUPERT D. GEORGE, Bart. Provincial Secretary.

Extract of a Letter from the Commissioner of Light-Houses in New-Brunswick, to the Commissioners of Light-Houses in Nova-Scotia, dated, St. John, 14th February, 1838.

“ In answer to yours of the 2nd inst. we beg leave to say that the Flash Light established on Gannet Rock answers remarkably well,—that is was made here, and that parties in whom we have confidence will undertake to make any such. It is completely distinguished from Revolving Lights, the full ray being instant, in place of gradual and vice versa.”

No. 54.

(See page 342.)

General Post-Office, Halifax, 7th March, 1838.

SIR,

I beg to submit to your Excellency a Statement of the Disbursements made by me, under the authority of the Legislature, in aid of the Post Communication of the Province,

J 2

&c.

## APPENDIX No. 54.

&c. between the 1st January and 31st December 1837, and acquaint your Excellency that the Sum of Fifteen Hundred and Twenty Pounds will be required for similar services until the 31st December next.

I have the honor to be, with great respect,  
Your Excellency's most obedient, humble Servant,

JOHN HOWE,  
Deputy Postmaster General.

His Excellency Major General SIR COLIN CAMPBELL, K. C.-B.

&c. &c. &c.

Dr. The Province of Nova-Scotia in Account Current with John Howe, Deputy-Postmaster General.

Jan. 5, 1837.	To Balance due John Howe			£5	0	0
Jan. 5, 1838.	To Cash paid Western Stage Coach Company, conveying Mails to Annapolis			256	13	4
	J. Wyeman, conveying Mail between Yarmouth and Digby			70	0	0
	L. D. Geldert " Windsor, &c.			260	0	0
	W. Enslow " Shelburne and Yarmouth			90	0	0
	N. Smith " Terfry's and Noel			50	0	0
	J. McIntosh " Pictou and Wallace			65	0	0
	J. Blanchard " do and Antigonish			43	10	0
	A. Thomson " Antigonish and Plaister Cove			52	10	0
	R. M. Cutler " Guysboro and Cape Canso			22	10	0
	W. McKeen " Plaister Cove and Mabou			25	0	0
	R. N. Henry " Antigonish and St. Mary's			20	0	0
	Henry Taylor " Mabou and Margaree			20	0	0
	Edward Joyce " Gays' River & Stewiacke, &c.			40	0	0
	S. Morehouse " Digby and Brier Island			42	0	0
	J. S. Campbell " Londonderry and Economy			20	0	0
	M. Maddock " Arichat and Discouse			15	0	0
	J. Forrestall " Antigonish and Guysboro			40	0	0
	A. McLennan " Mabou and Wycocomagh			25	0	0
	J. Fellows " Bridgetown and Granville Point			30	0	0
	J. North " Wolfville and Cornwallis			20	0	0
	J. O'Brien " Newport and Petite			20	0	0
	J. Ratchford " Parrsboro & Advocate Harbour			30	0	0
	N. H. Martin " Sydney and Bridgeport			15	0	0
	George Jollimore " Halifax and Margaret's Bay			5	0	0
	H. McNeil " Plaister Cove and Sydney			13	2	11
	R. N. Henry " Antigonish and Cape George			7	10	0
	Ferry at Brier Island			10	0	0
	Signal man at Digby			5	0	0
				<hr/>		
				£1317	16	3
				<hr/>		
Jan. 1, 1838.	To Balance due J. Howe			£5	0	0
	CR.					
April 3, 1837.	By Cash received from the Treasury			£329	13	4
July 1,	do do do			324	13	4
Oct. 2,	do do do			307	3	4
Jan. 1, 1838.	do do do			351	6	3
						Jan.

## APPENDIX Nos. 54, 55, 56.

Jan. 1, 1838, By Balance due John Howe

5 0 0

£1317 16 3

Errors Excepted,  
General Post Office,  
Halifax, N. S., Feb. 1838.

JOHN HOWE,  
Deputy Post-Master General.

No. 55.

(See page 342.)

HALIFAX, N. S.

To John Howe &amp; Son, Dr.

The Province of Nova-Scotia,  
1837.

February 22	To advertising Bill for deepening East River Pictou	£2 10 0
	200 Circulars respecting Fisheries, on Fine Foolscap	4 0 0
March 1	Advertising Petite Plaister Bill	2 0 0
April 5	100 Copies of Act prohibiting exportation of Grain and Potatoes	0 17 6
	50 Copies of Act respecting duty on Licenses	0 10 0
27	500 Copies of Address to Her Majesty	7 17 6
	Cash paid for 21 quires paper for do.	1 10 0
	100 Copies Act relating to Fisheries	2 0 0
	350 Reports, &c. respecting Fisheries, (52 large quarto pages)	15 0 0
	Reprinting Road Votes, by order of the Secretary of the Province	8 0 0
	30 Quires Bond Commissions on best Foolscap paper	12 0 0
June 21	4 Ditto Road Bonds, 7s. 6d.	1 10 0
	4¼ Sheets Index to Journal of 1837, 100s	21 5 0
Nov. 1	100 Forms of Prayer for Thanksgiving Day	1 10 0
	2½ Sheets Index to Journals of 1783, 1784, 100s	11 5 0
	Journals of Council, 14½ Sheets, 100s	72 10 0
		<u>£164 5 0</u>

No. 56.

(See Page 344.)

The Committee to whom was referred the Petition of B. K. Dodge, beg leave to report,

That your Committee having taken into consideration the subject of said Petition, report as follows:

That

## APPENDIX Nos. 56, 57.

That, although the provision already made for the support of such as may, through infirmity or casualty, or otherwise, be rendered unable to support themselves, may possibly, in some instances, be abused by its recipients, or misapplied by those into whose hands pauper support happens to be entrusted. Nevertheless, your Committee, in the present instance, do not deem it advisable to recommend any change; and what confirms your Committee the more in this opinion is, that they do not find, to the Petition in question, the signature of any persons, excepting that of the Petitioner.

Your Committee beg leave to suggest that, in their humble opinion, the Poor Law might be amended; but such amendment, if made, ought to be at the request of a County or Township, through the medium of their respective Representatives.

WILLIAM HOLLAND, Chairman.

## No. 57.

(See Page 344.)

The Committee to whom was referred the Petition of Stephen Parker, complaining of certain proceedings taken against him as Collector of Rates for the Township of Wilmot, beg leave to report as follows:

That it appears from enquiries made and information furnished your Committee, that in the Spring of last year the Petitioner was appointed Collector for said Township, and sometime after received a List of the names of those persons assessed within his District, and the respective amounts to be collected from them, accompanied with a Letter from Samuel Cowling, Esquire, Clerk of the Peace for the County of Annapolis, directing him to proceed in the discharge of his duty. That the Petitioner, supposing his authority sufficient, did commence his labor, but was enabled to make collection from very few persons, in consequence of an objection raised by the Inhabitants to the right of said Petitioner to collect any sums from them, without a warrant under the hands of two Justices, and without having a Rate Bill, signed by the Assessors. That, under these circumstances, your Committee are further informed that the Petitioner applied to a Justice of the Peace in said County, to enforce the Rate against the Defaulters, but, the same objection to the authority of the Petitioner existing in the mind of said Justice, he declined proceeding to enforce the collections—that subsequently, the said Petitioner received a Letter from the County Treasurer, requiring him to pay in the amount of the bill, or that he would be prosecuted, upon which Petitioner called and offered the sum he had in hand, which he refused to accept—that Petitioner then handed the Papers to the Clerk of the Peace, who returned them, directing Petitioner to proceed with his collection, which again Petitioner attempted, but without success. That it appears that Petitioner was afterwards summoned by the County Treasurer to appear before two Justices of the Peace, in the Town of Annapolis, to shew cause why he should not pay a fine of Ten Pounds for neglect of duty. That Petitioner accordingly attended, and although the fine was not enforced, he was obliged to give his obligation for the costs of the prosecution, besides having to travel a distance of thirty-five miles, to answer the charge—at the same time he was assured he should have the authority required by Law to enable him to proceed with the collection. That it appears to your Committee that the Petitioner has sustained inconvenience and loss, by the proceedings in this case, which would have been saved had he been furnished, in the first instance, with the authority which the Law points out in such cases; but your Committee are not aware of any redress which this House can afford to him.

S. P. FAIRBANKS, Chairman.

(See page 346.)

THE Committee to whom was referred the Petitions of the Inhabitants of the Counties of Hants and Colchester, relating to an alteration in the Eastern Main Road between Polly's and Keys'—beg leave to report, that the object of the Petitioners appears to be, that the House will adopt such measures as to ascertain by Survey and Estimate the shortest, cheapest, and most level line of Road, between Keys' Inn and Polly's, at the end of the new Brookfield Road, and to stop the expenditure of any further sum of money upon the old Road, until it is correctly ascertained whether the course they propose to follow will not be attended with many advantages, and be a saving to the Province.

The Petitioners assert that the proposed line affords great facilities for making a short, cheap, and level Road, that part of the road is now made and travelled, and that a Bridge at Nelson's, on the proposed line, would connect the Eastern and western Counties, and greatly facilitate the travelling from Windsor, Newport, &c., to the Eastward, and the Petitioners have subscribed the sum of £111 10s. for the purpose of erecting a Bridge at Nelson's. With these objects in view, the Committee have examined the plan of the Road, and have had several persons before them acquainted with the route; and being convinced that the Main Eastern Road from Keys' to Polly's, is at present circuitous and hilly, and would require large sums of money to be expended to avoid or cut down the hills, were that line adhered to, that the line proposed by the Petitioners has been measured by a Surveyor named Faulkner, who reports it to be seventeen and a half miles, and shorter by nearly three miles than the old or present road. Faulkner's line commences at the new Bridge lately erected at Keys', follows the Hant's side of the River until it strikes the River again at Nelson's, this section of the Road being eight miles, is now opened and travelled, and is level; Faulkner's line then goes in a direct line until it strikes the Stewiacke at Tea's Farm. From what information the Committee can obtain, they are satisfied that this line is shorter than the old Road, that it passes through a level Country, it crosses the Shubenacadie, near the head of the tide, and it appears to the Committee that it is a desirable object that the Main Eastern Road should be carried in the most direct and level route that can be found, provided that such course will not be attended with additional cost—that the line proposed by the Petitioners appears to afford these facilities, and the prayer of the Petitioners appears to be reasonable and correct.

The Committee therefore beg leave to recommend to the House, that His Excellency the Lieutenant-Governor be requested to have this route explored and surveyed, and correct estimate made of the expense of the Road and of the Bridges which will be required to be made, and also, to stop any further expenditure on the old line of Road between Keys' and Polly's, until the House can ascertain at its next Session, which is the most desirable line to be followed.

EDMUND M. DODD, Chairman,  
THOMAS A. S. DEWOLF,  
W. F. DESBARRES,  
A. L. ARCHIBALD,  
BENJAMIN SMITH.

Committee Room, Halifax, March 19th, 1838.

(See page 346.)

HALIFAX, MARCH 3d, 1838.

SIR—

We beg leave herewith to lay before you the following extract of a Letter lately received from the Commissioners of Light-Houses for St. John's, N. B.

We have the honor to be,

Sir,

Your most obedient Servants,

THOS. MAYNARD,  
J. P. MILLER.

To Sir Rupert D. George, Baronet, Provincial Secretary.

“ We intend immediately to import Reflectors for a Light-House which we are about to build on Cape Enrage, in this Bay, near to the entrance of the Peticodiac River. This Light, like the Quaco one, will as much advantage Nova Scotia Vessels as those of this Province, as the one presently contemplated will light all Chignecto Bay; and if we may be allowed to suggest the matter for your consideration, we would much wish, that in return for these erections, you would do your own Navigation, and in some measure ours, the essential service of placing a  $\frac{3}{4}$  plain White Light on Cape Split, which will guide Vessels from Isle Haut there, and from thence up the Basin of Mines, or possibly on Cape Sharp in place of Cape Split. It would neither be expensive in its erection nor keeping, as it needed not to be in operation more than eight months in the year.

(Signed)

JOHN WARD, ROBERT W. CROOKSHANK,  
JOHN WARD, JUN. L. DONALDSON.

## APPENDIX No. 61.

No. 61.

*(See page 350.)*

The Committee to whom it was referred to institute inquiries as to the Printing for the Legislature, beg to report as follows :

That they have been attended by Messrs. Gossip, English and Cunnabell, and endeavoured to ascertain from them whether they were in a condition to undertake and carry on the work, in case it should be thrown open, after the present Session, to competition, and, if it were so, whether a saving, and to what extent, was likely to be effected. The Committee stated to them that the House had come to no final decision on the mode in which the work was to be done in future, and that they were desirous, as far as possible, of ascertaining the facts. The Committee turned their attention also to the reports made in 1835 and 1837, and put into their hands copies of the Laws and of the Journals of the Council and House of Assembly for 1836. With the explanations and materials thus furnished them, the three Printers then before the Committee required, and afterwards sent in the written communications which are laid upon the Table with this Report. Messrs. English & Blackadar, and Cunnabell, would not, it seems, be competitors, from the causes they assign, and both of them considered the charges made by Mr. Howe to be fair and reasonable. Neither of them formed any estimate, but that is the general impression from what was stated by them to the Committee, or is in their Letters. Mr. Gossip goes into the question at large, and while he also esteems Mr. Howe's prices and the Salary paid him not unreasonable, he expresses an opinion that the spirit of competition and other considerations, would cause the work to be done at a less rate, and in the same style. These several communications the Committee shewed to the Queen's Printer, and received from him the following explanations : The Committee at first supposed that the Sheets of the Journals and Laws, as stated in the report of 1835, (Appendix page 65) were sheets of eight pages, but were informed by Mr. Howe that they were sheets of four pages only. He stated that the lowest price at which a sheet of eight pages could be supplied, including the cost of the paper, was Five Pounds—that calculating the Journals of the House and the Appendix thereto, without the Index, at that rate, the Laws of each Session at the same rate, the twenty-five copies of the Laws printed on fine paper and sent to England at Twenty Shillings a Copy, and the Laws inserted in the Gazette at Thirty-five Shillings a column, (which is admitted to be a reasonable charge), adding the cost of all these, with the stitching and covering of the Journals and Laws, the Salary of £350, settled in 1834, fell considerably short of the amount. Mr. Howe further stated that he prints 150 copies of the Journals of the House, besides those which are furnished during the Session—that he prints 500 copies of the Laws, of which about 450 are required for the Members of the Legislature, Justices of the Peace, &c. and that the paper costs him 25s. a ream. In case the House should desire the insertion of the Laws in the Gazette to be to a certain extent discontinued, Mr. Howe said he was willing to exhibit an account to the House every Session, charging the Journals, Appendix and Laws, at the above rate, and so many Columns of the Gazette as might be actually occupied by the Laws, and to deduct the deficiency, if any, from his Salary of £350. But he would not consent to take less than Five Pounds for a sheet of eight pages, which price he invariably paid to other Printers when he needed to employ them. The Journals of the Council, of which he prints 120 copies this year, and the indexes to the House Journals, he charges in his accounts for extra printing, at the same rate.

Supposing the House were authorised to offer the printing of the Laws as well as the Journals of both Houses, with the Appendixes and Indexes, to a free and open competition, the question is, whether they are likely to be done at a rate much less, if any, than the above price. The Committee understanding that Mr. Belcher had a printing press, inquired also at him, but he considered it unfair to Mr. Howe to put the question, unless it were really intended to offer the work for Contract, in which case, he said, he would probably give in a Tender.

On the whole, it appears not unlikely, that the work could be done by Contract somewhat less, but the result of the inquiry would seem to indicate that the saving would not be large. It is impossible for the Committee to speak with greater precision, as the Printers feel a natural delicacy in expressing any decided opinion, which might injure Mr. Howe, without benefitting themselves.

The Committee recommend that such of the Laws as may be specially ordered by either branch of the Legislature, and no other, should hereafter be inserted in the Gazette.

All which is respectfully submitted.

Committee Room, 15th March, 1838.

W. Young, Chairman ; Edmund M. Dodd, Thomas Forrester,  
Samuel Chipman, Henry Goudge.

HALIFAX, MARCH 3, 1838.

To the Committee appointed to report on the subject of Printing by Contract.

GENTLEMEN—

Upon a perusal of the Reports of the several Committees of the House, appointed to consider whether it would not be more beneficial that the Public Printing should be done by Contract, the following observations occur :

The

## APPENDIX No. 61.

The Committee of 1835 seemed to consider, that the extra Printing was only a sufficient remuneration for the services of the King's Printer, who has to publish the Laws, Royal Proclamations, &c.; and that if it were taken away, the House would be bound in justice to make compensation for his official duties, which it might be inferred, from the Report, he does gratis. If, as appears to be entertained by the House, the emoluments of the Gazette through the Government, and the printing of the Laws, are the right of the King's Printer, it will be for the Committee to take into consideration whether they are a sufficient remuneration—for if "common justice" should require an additional compensation to be made, there is little likelihood that the saving effected by the Contract principle, would be equal to the amount which the House might think it necessary to bestow on the Officer above mentioned.

The Report of the Committee of 1837 states the Extra Printing to be—Indexes to the Journals, Bonds, Road Commissions, Circulars, &c. and Advertizing in the Gazette. The printing of the Indexes could not well be separated from the Office which printed the Journals without confusion. For the Blanks mentioned, I have no guide to estimate the cost of printing, except the amounts received by Mr. Howe. That, however, shows they would be worth contracting for. The Advertizements seem to be the undoubted right of the Queen's Printer, and Contract, I should think, would not affect his prices, which are fair and reasonable.

From the dubious style of the Committees' Reports, and from the nature of the information sought from the different Printers, I do not feel myself at liberty to give an opinion on the prices received by Mr. Howe, or to give an estimate, which might, after all, not end in opening up the Printing to competition. If, however, the House seriously intend to set up the Public Printing to Contract, (which I cannot discover they do by the Reports of the Committee,) and would so make their pleasure distinctly known, either by a Resolution that such a measure was expedient, or by advertizing for Tenders for any fair specific part, or the whole of the work, as experiment, I have no doubt the Printers in the first case would give every information; and in the second, having Mr. Howe's prices before them, the spirit of competition, to say nothing of other considerations, would cause the work to be done at a less rate, in the same style in every respect. In offering the Printing to competition, it would be necessary to let the Contract run for three years at least, or perhaps for the period of an Assembly.

But though I feel a delicacy in giving an unqualified opinion, I am (and I doubt not all others in the profession are) very naturally desirous that the monopoly in this instance should be done away; and that in a matter so essentially of a public nature, so much of the work as the House should feel themselves warranted to open to competition, should be tendered for.

Referring now to the Report of 1835, I find, that in compliance with the requirements of the Committee, the King's Printer furnished a detailed statement of the work performed for his Salary, being

47 Sheets Journals, 200 copies, at £3	-	-	-	-	£141	0	0
17 do Appendixes, do	3	10	-	-	59	10	0
26 do Laws 450 copies	3	10	-	-	91	0	0
79 Columns Laws in Gazette, at 1 15	-	-	-	-	138	5	0
25 Copies Laws for England, fine paper	-	-	-	-	25	0	0
					£454	15	0

With reference to the above statement, I would remark, that your then Chairman mentioned distinctly, that each sheet was to be considered a sheet of 8 pages. Now, in this instance, I can only come to the conclusion, that the sheet meant in the account rendered to the Committee of 1835, is a sheet of four pages—for 8 times 47 sheets would give 376 pages, a larger number, I believe, than any Journal ever reached. Four times 47 gives 188 pages; and I find in 7 years, from 1830 to 1837 inclusive, the Journals have averaged 186 5-7 pages. Mr. Howe, therefore, charged for the work printed for his Salary at the following rate:

Journals, 200 copies, £6 per sheet of 8 pages.	
Appendixes, 200 do.	7 do. 8 do.
Laws, 450 do.	7 do. 8 do.

As it was my impression that your Committee generally understood the charge was for a sheet of 8 pages, I would recommend the foregoing statement to your careful consideration. As the charge in the report stands, it is liable to mislead, and perhaps did mislead, those who estimated in that year. The Gentlemen who composed the Committee of 1835, it is very probable, reported under a supposition that the sheets contained each 8 pages; the work could not be accomplished with profit, if the charge in that report was at the rate of 8 pages to the sheet.

By report of Committee of 1837, to which is subjoined an account of John Howe & Son, I find that the charge for printing 3 sheets of Index to Journals 1833, calculated at 8 pages to the sheet, is £15, thus showing analogically that I am right in my statement, that £3 and £3 10s. for Journals and Appendixes, per sheet, is the charge for a sheet of 4 pages.

It will be seen from the foregoing, that Mr. Howe charges for

Two sheets of Journals of 4 pages, making 8 pages, £6.	
Two do. Appendix 4 do.	8 do. 7.
Two do. Laws 4 do.	8 do. 7.

And that in his account for Extra Printing, he charges, as per Appendix for 1837, No. 84, p. 179, at the rate of £5 per sheet of 8 pages for the Laws.

Take the total amount of charge, as per report of Committee 1835.

£454 15 0	
350 0 0 amount of Salary King's Printer.	

£104 15 0 loss to Mr. Howe.

Take the Extra Printing charge of the Laws, which are not much more troublesome to print than the Journals—the Appendix being the most difficult of the three, and we would probably have a difference in the charges thus:

Salary charge of Journals	£6 0 0, 8 pages to sheet.
Extra Printing charge	5 0 0 do.
Difference	£1 0 0
Salary charge of Appendix	£7 0 0 do.
Extra Printing charge	6 0 0 do.
Difference	£1 0 0
Salary charge of Laws	£7 0 0 do.
Extra Printing charge, per Report 1837	5 0 0 do.
Difference	£2 0 0
Deduct from 47 sheets Journals £1 per sheet	£47 0 0
Do. 17 do. Appendixes 1 do.	17 0 0
Do. 26 do. Laws 2 do.	52 0 0
Difference between Salary and Extra Printing charge	£116 0 0
Loss to Queen's Printer on Salary charge	104 15 0
Gain on Salary at Extra Printing charge	£11 5 0

At

## APPENDIX Nos. 61, 62.

At the Extra Printing charge, as stated in the Report of 1835, the Printing could be performed for £11 5s. less than the Salary of £350; but in making this distinction, I do not mean to admit, as the matter stands at present, that the Salary charge is an unreasonable one. As Queen's Printer, Mr. Howe is necessarily deprived of a great share of public consideration, from the necessity, I presume, of being very guarded, and devoting a large portion of his Journal to official matter, which is not generally interesting; and therefore it would appear but reasonable and fair, that as his interest is affected with the public, it should be made up to him in the emolument of his Office—whether this is done by the Advertizements and other work which the Queen's Printer enjoys as a right, as I before stated, it remains with the Committee to ascertain, and is a just ground of enquiry, that a public servant may not suffer for the sacrifices he is obliged to make to the duties of his Office.

If these observations shall be of any service in helping the Committee to a just conclusion, I shall feel happy in having contributed thereto, and any further information which can be given consistently, will be readily furnished.

I am, Gentlemen,

Your most obedient Servant,

WM. GOSSIP, Printer.

DEAR SIR—

Having attentively considered the proposals of the Committee of the House of Assembly on Printing—we find that the expense of procuring type, and the outlay of capital which would be thereby occasioned, are too weighty to allow us to think of entering into competition, and, therefore, it would be presumptuous and indecorous in us to offer an opinion on the subject which the Committee has under their consideration.

We have the honor, Sir, to be,

With sincere respect,

Your humble and obedient Servants,

ENGLISH & BLACKADAR.

JAMES F. GRAY, Esq. Assistant Clerk House of Assembly, N. S.

HALIFAX, MARCH 12, 1838.

*To the Committee of the House of Assembly, appointed to Report on the subject of Printing certain work of the House, by Contract.*

GENTLEMEN—

I have looked over such Documents as were within my reach, for the purpose of forming an opinion on the subject of the charges for Printing the work of the House of Assembly. These means of judging were not so full as should be desired before a decided answer could be given. Judging to the best of my ability however, I think the charges made by Mr. Howe are fair, and am inclined to believe that no great saving could be effected after properly remunerating a Contractor. Mr. Howe, as Printer of the Gazette, has advantages by transferring the Laws to his Newspaper Columns, &c. which another Printer would not have, and which would make a smaller profit on such item more an object to him. The work is not offered for Contract, and therefore I have no need of forming any estimate; and if it were offered, the cost which should be incurred for materials would considerably affect the calculation of one newly established in business. The collection of materials fitted for the work, is another advantage possessed by Mr. Howe, and no doubt the loss which would result by setting them comparatively aside, would enter into the consideration of the House in their decision on this subject.

Gentlemen,

I remain your obedient Servant,

W. CUNNABELL.

No. 62.

(See Page 352.)

The Committee to whom was referred that part of the Speech of His Excellency the Lieutenant-Governor at the opening of the present Session, relating to the Militia of the Province, beg leave to report that they have had the said subject under their consideration, and although the conclusion to which said Committee arrived were not unanimous, they beg to submit the following alterations in the present system, and in the provisions of these Acts.

FIRST.—That the Militia throughout the Province be called out for training, and for inspection of the Arms, once in the year, either in Companies or Detachments, as shall be attended with the least inconvenience to the men, the place to be fixed by the Commanding Officer of each Regiment or Battalion.

SECOND.—That the Adjutants be required to attend the said meetings of the Companies

or

## APPENDIX Nos. 62, 63.

or Detachments, and make returns once every year to the Commanding Officers of the strength of the respective Regiments or Battalions, and of the Arms and Accoutrements and condition thereof, and that for such Service each Adjutant should be entitled to receive the Sum of Fifteen Shillings per day, whilst actually employed—not to exceed in the whole £7 10s. per annum, to be certified by the Commanding Officer.

THIRD.—That the allowance for cleaning Arms should be raised to sixpence per stand.

FOURTH.—That in case there be a necessity for calling the Militia into actual service, that the Commanding Officers in each Battalion or Regiment may be authorized to accept the offers of volunteers, and only to resort to a draft, where a sufficient number of volunteers cannot be had.

FIFTH.—That the Sum of £30 to the Adjutant General, and £20 to the Quarter Master General, be provided for their services, during the present year.

SAMUEL P. FAIRBANKS, Chairman.

No. 63.

(See page 352.)

The Committee to whom was referred the Petition and Accounts of Robert Gruber, who informs them that he was, by Judge Sawers, appointed a General Superintendant of Bridewell, beg leave to report, that, as far as they can ascertain, the items composing that Account are proper and the prices fair—that the whole expense of that Establishment from May last to January, 1838, including repairs thereof, has been £383 8 2½, and the whole proceeds thereof being for the labour of Criminals, &c. amounts to £208 13 9½, which leaves the sum of £174 15 5 to be defrayed from the grant of £200 of the Session of the Legislature in 1837, “to the use of the Commissioners of Bridewell for the support of the present Establishment for the current year, and for the temporary repairs of the Buildings”—that only £79 14 8 has been appropriated as directed by the Legislature, which Mr. Gruber has received, and that there appears to be now due to and advanced by him £94 8 9, which your Committee recommend should be paid to him. Your Committee have reason to believe that the sum of £120 4 4 has been unduly drawn from the Provincial Treasury, and disposed of in a manner inconsistent with the intention of the Legislature, and upon reference to the accounts of the Treasurer of the County of Halifax, printed in the Royal Gazette, dated February 28th, 1838, your Committee find that part of the sum granted as aforesaid for the use of Bridewell, was disposed of in payment of debts alledged to be due on account of that Establishment contracted in 1836, or prior thereto; and further they find in the account last referred to, the sum of Ten Pounds charged by the Halifax County Treasurer as Commissions on the £200 granted in 1837 for use aforesaid for paying and receiving the same, which charge your Committee submit is improper and inconsistent, as is also the custody of funds granted by the Legislature in this respect, or in any other, by that officer, unless especial provision in the grant gives him such custody.

Your Committee cannot pass by this charge without expressing a strong opinion that measures should be taken to re-invest the Provincial Treasury with this sum so improperly charged, as silence in this case would not only be dereliction of duty but admit a principle which may with equal justice be made applicable to annual Grants of the Legislature for the support of the Transient Poor, Sable Island Establishment and the like, but every other Grant, the Grants to the Road and Bridge service not excepted. Your Committee are further of opinion that not only the Ten Pounds charged as aforesaid, but that the whole sum of £120 4 4 should be returned to the Provincial Treasury, to be appropriated for the purpose for which it was granted. All of which is respectfully submitted.

HENRY GOUDGE, Chairman.

(Copy.)

15th March, 1838.

SIR,

By the Published Debates of the Legislature, I learn that the Judicial Establishments of the Province, have again formed a subject of discussion before that honorable body, with a view to the reduction of the expense at which they are supported; and that these discussions have terminated in a difference of opinion, between the Upper and Lower Houses, as to the mode in which this reduction is to be effected. To the Judges the continued agitation of this subject cannot but be most painful, but on the present occasion it has assumed a new aspect. The Supreme Court and Common Pleas, Tribunals of nearly concurrent Jurisdiction, have been brought into contrast, and for the first time they have been tried by their popularity.

The proposed transfer of the whole of the business from the latter Court, in which the greater portion is transacted, to the other Tribunal, has also brought into collision the interests of the Country and Metropolitan Bar, and the one Court and the other is alternately lauded or disparaged as they are severally affected by the adoption or rejection of this measure. In this stage of the affair the Judges of the Supreme Court, in reply to certain queries submitted to them by a Committee of the Assembly, have expressed their willingness to undertake, and their ability to perform, the whole business of the Common Pleas, and with a liberality which does them great honor, have not demanded for this increased labor an increase of Salary—so far as I am personally concerned, I feel that under these circumstances, I cannot consistently with what is due to the public, or to my own honor, withhold a tender of my resignation, on such terms as the Legislature shall think proper to impose.—In accepting the office I have now the honor to hold, I relinquished a Seat in the Legislature, a local appointment of profit, and a practice at the bar, far exceeding my Salary as a Judge. Preferring the retirement of private life to the excitements of Politics, and the study and administration of Law, to the active pursuits of a profession, I was willing to make the sacrifice, and supposed, when I was doing so, that as it was done under the faith of a permanent statute, the arrangement would also be permanent; I have therefore expended a very large sum of money to provide a suitable retreat for the remainder of my life, a sum so large that I cannot again expect to realise it by sale: under these circumstances I feel that I am entitled to retire, when my services are no longer necessary upon full pay; but I waive this right, and am willing to relinquish office on any terms that the Legislature shall think proper to impose. I feel that my position has been rendered so painful that I am willing to undergo any privation, and to submit to any pecuniary losses in preference to a continuance in office—I prefer poverty to degradation—living in total seclusion and being naturally of unexpensive habits, my wants are few, and I have never hitherto felt the absence of means.

It is only now, for the first time, when wounded feelings dictate a surrender of office, that the want of private resources adequate to the decent support of my family, imposes the necessity of making that surrender conditional—that every feeling of my mind suggests ought to be unqualified—that I feel the unhappiness that arises when independence of mind is not united with an independence of means. I have, therefore, respectfully to request that you will be pleased to submit to His Excellency the Lieutenant-Governor this Communication, with an application to him on my part, to do me the favor to transmit to the Assembly my proposal *to withdraw from office on any retired allowance they may be pleased to make*, in order that my incumbency may no longer be a bar to any arrangements they may, in their wisdom, see fit to make, respecting the Judicial Establishments of the Province.

I have, &amp;c. THOS. C. HALIBURTON,

C: Justice Com. Pleas for Mid. Province.

Hon. Sir R. D. George, Bart. &amp;c. &amp;c. &amp;c.

APPENDIX Nos. 65, 66.

No. 65.

(See Page 357.)

(Copy.)  
No. 126.

Downing Street, 7th February, 1838.

SIR—

Two Acts, passed by the Lieutenant-Governor, Council and Assembly, of the Province of Nova-Scotia; in the month of April, 1837, Nos. 1807 and 1817, having been referred by the Queen in Council, to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty, in-Council; their opinion that the said Acts should be left to their operation.

I have the honor to transmit to you herewith, an Order of Her Majesty, in Council, dated the 29d ultimo, approving that Report.

I have the honor to be, Sir,

Your most obedient humble Servant,

GLENELG.

Major-General Sir COLIN CAMPBELL, K. C. B.

(L. S.)

At the Court at Buckingham Palace, 29d January, 1838.

P R E S E N T :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,	§	Viscount Palmerston,
Lord President,	§	Viscount Melbourne,
Lord Privy Seal,	§	Viscount Howick,
Lord Steward,	§	Lord Holland,
Lord Chamberlain,	§	Lord Glenelg,
Earl of Albermarle,	§	Mr. Chancellor of the Exchequer.
Lord John Russell.		

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 two Acts, which have been transmitted, entitled as follows :

No. 1807. An Act to render less dangerous the Navigation of the Gulf of Saint Lawrence, by erecting Light-Houses on the Islands of Saint Paul's and Scataric, and for the support and maintenance thereof.

No. 1817. An Act to amend the Act to incorporate sundry Persons, by the name of the President, Directors and Company of the Bank of Nova-Scotia.

And whereas, the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said 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.

WILLIAM L. BATHURST.

No. 66.

(See page 357.)

(Copy.)  
No. 110.

Downing Street, 20th December, 1837.

SIR—

I have received your Despatch, No. 79, of the 12th of July, submitting, at the instance of the House of Assembly, for the re-consideration of Her Majesty's Government, the claim of Messrs. Reid and Clarke, to have certain Goods restored to them, which had been seized by the Customs Officers at Halifax, for a breach of the Navigation Laws; having referred your Despatch with its enclosures to the Lords Commissioners of the Treasury, I enclose for your information and guidance, a copy of the answer received from that Board, from which you will perceive how far their Lordships have felt themselves justified in relieving Messrs. Reid and Clarke from the consequence of their oversight.

I have the honor to be, &c.

(Signed)

GLENELG.

Major-General Sir COLIN CAMPBELL, &c. &c. &c.

(Copy.)

Treasury Chambers, 16th December, 1837.

SIR—

I have it in command from the Lords Commissioners of Her Majesty's Treasury, to request you will state to Lord Glenelg, that since the receipt of the Letter which was, by direction of His Lordship, addressed to this Board on the 14th September last, my Lords have again had, under their consideration the whole of the circumstances attending the seizure of certain Goods imported into the Province of Nova-Scotia from New-York, in the year 1835, by Messrs. Reid and Clarke, Merchants of Halifax; with the Report of the Committee of the House of Assembly of the Province, on the Petition addressed to the House by these parties.

These Goods were imported in a Vessel of the United States, and consisted of Oranges and Filberts, the produce of the South of Europe, and a quantity of Coffee, the produce of LaGuayra.

The importation of these Articles in a Vessel belonging to a Country of which they were not the produce, being contrary to the provisions of the Act of the 3d and 4th W. 4, Cap. 54, relating to British Shipping and Navigation; they were seized, and as they were

## APPENDIX Nos. 66, 67, 68.

were of a perishable nature, and the Agent for the Importers, the parties themselves being at the time absent from Halifax, was not prepared to avail himself of an offer of the Officer of Customs, to place the Goods at his disposal, upon sufficient security being given to abide the decision of the Board of Customs, in regard to the seizure, they were sold, and the proceeds of the sale, amounting to about £90, were placed in deposit to await the decision of the competent tribunal, in regard to the disposition of them.

The Goods having been condemned by a competent Court, the deposit has been retained, but the further penalty which might have been imposed on the Master of the Vessel was not enforced.

Under these circumstances, Messrs. Reid and Clarke, the importing Merchants, applied to my Lords for restoration of the proceeds, alleged that they were not aware that the fruit was not the produce of the United States; and that having discovered that the Coffee was Foreign, it had been their intention to enter it at Halifax for re-exportation, but this intention was frustrated by the Master of the Vessel leaving New-York, without one of the applicants who had intended to proceed with the Goods to Halifax.

As these allegations did not appear to be substantiated, and as the Coffee would have been equally inadmissible to entry at Halifax for re-exportation as for consumption, my Lords did not consider that such grounds were adduced as would warrant a compliance with Messrs. Reid and Clarke's application. But as the House of Assembly of Nova-Scotia have seen reason to conclude that there were circumstances of mitigation attending the transaction, my Lords having communicated with the Lords of the Committee of Privy Council for Trade, on the subject, are willing to modify their former decision; and adopting the most lenient course of proceeding on such occasion, to confirm the forfeiture of the proceeds only as a mitigated penalty for the infractions of the Laws which were committed, and they will accordingly direct the Commissioners of Customs to authorize their Officers at Halifax to pay over to Messrs. Reid and Clarke three fourths of the nett proceeds of the sales of the seized Goods, after deducting the amount of such duties as would have been payable on the Articles, if legally imported for consumption, and to retain the remaining one fourth of the nett proceeds as the penalty above mentioned.

I am, &amp;c.

(Signed)

A. Y. SPEARMAN.

JAMES STEPHEN, Esquire, &amp;c. &amp;c. &amp;c.

## No. 67.

(See Page 357.)

*Invoice of Sixty-five Sacks Seed Grain, imported by W. & J. Murdoch, per Order and on Account of the Province of Nova-Scotia.*

1 a 20	80 Bushels finest early Angus Oats,	£15 0 0
21 a 40	80 " " " Potatoes	15 6 0
41 a 60	80 " " " Hopetoun	15 6 8
61 a 66	20 " " " Maple Peas	5 5 0
	65 Sacks	7 0 10
		<hr/> £57 19 2

## CHARGES.

Freight from Edinburgh to Glasgow	£4 7 11
Glasgow to Liverpool	2 5 1
Dock & Town dues Cartage Bills, Postage, Shipping, &c., at Liverpool	3 14 6
Freight from Liverpool here	5 18 2
Insurance	1 5 6
	<hr/> £17 11 2
Commission on do. c. 5 per cent.	£75 10 4
	3 15 8
	<hr/> Sterling £79 5 1
Prem. & Exchs. on do. Bills, 15 per cent.	22 0 0
Truckage, wharfage and labour hire	0 15 8
	<hr/> Currency £102 1 7
Nett Cash this day	
Errors excepted.	

Halifax, N. S. 6th March, 1838.  
W. & J. MURDOCH.  
DUNCAN McCOLL, Junr.

## No. 68.

(See Page 359.)

The Committee to whom the Petition of Edward P. Timpany, and other Merchants, resident at Digby, was referred, beg leave to report—

That by the official returns it appears that the Trade of that Port has largely increased during the last two years. In 1835, 240 Vessels entered inwards, measuring 12,739 tons, and in 1837 496 Vessels, measuring 30,178 tons. In 1835, 277 Vessels were cleared outwards, measuring 14,976 tons. In 1837, 533 Vessels, measuring 32,965 tons. The comparative value of the imports the Committee have not ascertained, but the staple exports amounted in 1835 to £7206. In 1836 to £20438. In 1837 to £28973.

The Excise Duties collected in 1835 came to £209. 1836 they came to £667, but in 1837 they fell to £437; the duties being thus considerably less, while the amount of Shipping and Trade had largely

## APPENDIX Nos. 68, 69.

largely increased. This apparent anomaly the Petitioners attribute to the extent and activity of illicit traffic; and they state some extraordinary facts, which are confirmed from other sources, and deserve the earnest regard of the Assembly. A considerable portion of the Trade of the District is carried on in Vessels from the Township of Granville and Clements, over whose movements the Revenue Officer at Digby has no control. The Cargoes of these Vessels, though perpetually employed, yield nothing to the Revenue, insomuch that at Moose River, a settlement of considerable size, with several Stores, no entry of any dutiable article has been made since November, 1836. At Bear River, with six or eight Stores, and six Trading Vessels constantly in motion, an amount of but £15 has been paid in twelve months; and at Granville, employing thirteen Vessels, many of them of large size—the duties paid in a year are under £5. Of the above sum of £687, the Petitioners state that nine-tenths were paid by persons resident in Digby, on the Cargoes of these small Packet Schooners trading to New-Brunswick, and which are owned in Digby, and discharge their Cargoes at the Quays, under the surveillance of the Officers of Revenue. The Merchants of Digby are thus subjected to a system of checks, from which their neighbours are exempt, and hence, we may presume, these interesting revelations, these instructive glimpses into the real state of the Shipping and Revenue in that part of the Bay of Fundy. But it seems that in 1836 a Revenue boat was employed which searched all Vessels entering the River, and the Provincial Duties rose in consequence, from £209 to £687, at Digby, and from £277 to £456 at Annapolis. The Boat was withdrawn by the Board of Customs in 1836, and the Duties are again on the decline. It could be kept up with suitable boatmen for about £60, and as it will clearly increase the amount of Revenue and of Light Duties, and at the same time protect the fair trader, the Committee recommend that the sum of £60 be placed at the disposal of His Excellency the Lieutenant-Governor for the purpose of employing a Revenue Boat at the entrance of the River, during the present year, under the direction of the Collector of Customs at Digby.

W. Young, Chairman; R. Clements, James B. Holdsworth,  
Frederick A. Robicheau, Thos. A. S. Dewolf.

## No. 69.

(See Page 360.)

The Committee appointed at the last Session to examine and Report upon the state of the Provincial Buildings, and to ascertain their condition and the repairs necessary, also to make enquiry on the best mode of providing for the annual repairs and management of said Buildings, also to cause the Roofs of said Buildings to be repaired during the recess—Report as follows:—That they caused a survey to be held by competent Mechanics on Government House and the Province Building, and found the Roof of the former very much out of repair and leaky, also the area wall defective in consequence of the surface water not being conveyed under ground, but allowed to flow into the area, and soak down behind the wall, to obviate which, the Committee recommend a drain under ground to communicate with the Public Sewer, which may be accomplished by trifling expenditure; the Stables also required repair, in other respects the Government House is in good order. The state of the Province Building required immediate attention, the joice, sleepers and sills, are quite rotten at the ends, and supported principally by the centre wall, the roof was also leaky, and the joice of the Council Chamber and Assembly Room very much decayed, the Committee directed the Roofs of both Buildings to be repaired, and supports to be placed under the principal floor of the Province House, which has cost the Sum of £116 12 4,\* the accounts of which are herewith submitted.—The Committee are of opinion that the future management of the above Buildings must be left to the discretion of the Commissioners, who ought to be allowed a sufficient sum of money to employ a respectable laborer through the winter months to remove snow from the roof and areas of the Province

* Metzler,	£41	10	0
Ives,	24	18	1
Downs,	10	18	11
do	39	5	4

£116 12 4

n 2

Building.

## APPENDIX Nos. 69, 70.

Building, a precaution generally adopted by private Individuals in this climate, and more requisite from the peculiar construction of the roof of that Building. The Committee also recommend that the nature of the repairs to be made by the Commissioners ought to be distinctly pointed out, to prevent the Provincial Revenue being made chargeable unnecessarily.—Lastly, the Committee report that the Supreme Court House, Grand Jury and Committee Rooms, require painting and fitting up, and the floors and joice throughout the building to be examined and repaired,—and that drains should be constructed for carrying the surface water under ground to the public Sewer. All of which is respectfully submitted.

19th March, 1838.

JAMES B. UNIACKE.

## No. 70.

(See page 362.)

The Grand Jury beg leave to present to the worshipful Court, that in compliance with its recommendations, as well as from a deep sense of the duty they owe to their fellow townsmen, they have applied themselves diligently to the investigation of the defects in the administration of our local affairs. In pursuing their inquiries the Grand Jury regret to state, that many defects, which have been the cause of repeated complaints, still exist, and they are convinced that a few slight modifications of the present Laws will not be sufficient to satisfy the reasonable demands of the People. It is also their unanimous opinion that the introduction of the elective principle into our municipal institutions, will not afford the best remedy for existing evils, and that while the Public feeling is so much divided on that subject, it becomes the duty of the Grand Jury to propose such measures as will be less open to objection; the Grand Jury know this to be a difficult task, but the hesitation they feel in offering their suggestions to the Court is materially relieved by the conviction that any plan which they may bring forward will be severely scrutinized, and its errors detected before it can become Law: under this impression they respectfully submit, that in the future management of the County and Town Affairs, a well defined system should be adopted; that for this purpose separate Offices should be assigned for the peculiar business of each, and that although the duties of both may easily be performed by the same individuals, they should be distinctly recognized as Officers for the County and the Town.

That there should be one Chief Magistrate placed at the head of all local authorities, as President of Sessions and Custos, who shall exercise a general Superintendance over them, and devote his whole time to the duties of his office, that other Magistrates should be added to the present Bench, and the new commission to class them as County Magistrates and Town Magistrates.

That Auditors should be appointed for the County and the Town, and all orders for the Payment of Money be signed by the Chief Magistrate.

That the Police Office should be under the charge of three Police Magistrates, one of whom to receive a Salary, and the others to give their attendance when required; the office to be kept constantly open.

That the Chief Magistrate and two Assistants should be empowered to try all cases of Assault and Battery, Petit Larceny or other minor offences, in a summary way, and to impose fines to the amount of Five Pounds, but reserving the right of the Prosecutor to proceed by Indictment, if he insists upon doing so; with this abridgement of the duties of the Court, the Grand Jury are of opinion that three General Sessions of the Peace will be sufficient in each Year, to be held in March, July and November.

That the President and two new Commissioners shall hold the Commissioners Court with Jurisdiction extended over the County, all fees and fines to be accounted for as part of the County Funds, and the different officers receive fixed Salaries, commensurate with their duties.

The Grand Jury further recommend that a new Assessment Act should be passed for the purpose of obtaining a more equal distribution of the Public Burthens, that 5-6ths of the amount

## APPENDIX No. 70.

amount assessed should be levied on real and personal Estate, and 1-6th as a poll Tax on all the Male Population over a certain age. An Assessment Office to be kept with permanent Appraisers, and a Clerk to conduct its business, additional Assessors to be chosen from each ward annually. It is also essential that more effectual means should be employed to enforce the Payment of Rates in distant parts of the County.

That the persons holding the different County Offices shall hold similar Offices for the Town, with separate Books and Accounts, which may always be referred to by the Public; with such a system, under the management of an efficient presiding Officer, the Grand Jury believe that every just cause of complaint will speedily disappear; they are aware that all these important changes cannot be accomplished during the present Session of the Provincial Legislature, but it is their wish that Bills should be immediately introduced to extend to the Magistrates the power of trying persons guilty of minor offences, and for dispensing with one of the General Sessions as before mentioned. The Grand Jury have agreed upon several additional details connected with the system here suggested, and they will take measures to have the necessary Bills prepared, during the recess, for carrying their views into effect.

The Grand Jury concur in the opinion repeatedly expressed by their predecessors, that the County of Halifax should not be taxed for the support of the Bridewell; and they have learned with much satisfaction that a proposition is now before the House of Assembly for the erection of a Provincial Establishment of this kind on an improved plan—they have therefore only to express their earnest hope that the Honorable House will make a suitable appropriation for this important object—they also learn that a Bill has been prepared for enlarging the authority of Magistrates, in providing for vagrant children found in the streets of Halifax, to which they recommend that clauses be added, giving the Magistrates additional authority in enforcing the Laws for the better observance of the Sabbath; an amendment is also necessary in the Act under which Measurers of Grain are appointed—those officers conceiving it to be their duty to measure grain imported in bags and sold by weight, although their services may not be required either by the purchaser or seller.

Another Act, passed in 2nd Geo. III. chap. VIII. making it imperative on the Shippers of all dry fish to have them culled by a sworn Culler, should be repealed, as it is of no practical benefit, and penalties may be imposed under it, not contemplated in any of the recent enactments for the regulation of the Trade of this Province.

The Grand Jury regret that they are compelled to present an incomplete list of Officers for the Town and County, in consequence of the proper returns not having been received from the following Districts, viz:

Sambro

St. Margaret's Bay

Herring Cove

Portuguese Cove

Catch Harbour

Blind Bay, &c.

Prospect

Little River Settlement

Musquedoboit (proper)

Sheet Harbour

To prevent the recurrence of the neglect complained of, the Magistrates in distant parts of the County should be required, by Law, to furnish their returns to the Clerk of the Peace, at least ten days before the Sessions at which such officers are appointed.

The Grand Jury having considered the recommendation of the Court, that a Horse and Cart and Labourers should be employed at this season, to clear the streets, as authorized by former Grand Juries, are of opinion that the expense incurred for this service last year was too great, and they recommend that the privilege of collecting the manure from the streets, should be disposed of annually, by wards, in the month of March, and the Health Inspector be requested to take care that the regulations to be made by the Court for its immediate removal are properly enforced.

While on this subject, the Grand Jury have to express their regret, that no eligible site has yet been fixed upon for a Country Market—the accumulation of filth and obstruction of the streets, occasioned by the waggons and sleds standing for hours in the principal thoroughfares of the Town being a great inconvenience to its inhabitants.

In making the return of Inspectors of salted Beef and Pork for exportation, the Grand Jury recommend that, as the Law under which they are to be appointed has not hitherto been enforced,

## APPENDIX Nos. 70, 71, 72.

enforced, the Inspectors now returned, be not sworn into office before the 1st May next, and beg leave to suggest the propriety of immediately republishing the Act for the information of the Public. The Grand Jury further recommend that a new set of Standard Scales, Weights and Measures be procured for the use of the County, to be kept in charge of the Clerk of the Market.

In closing this presentment, the Grand Jury feel pleasure in bearing testimony to the anxiety manifested by the Court, to render every assistance in its power in promoting measures of improvement in the administration of our local affairs. All which is respectfully submitted.

(Signed)

WM. STAIRS, Foreman.

Grand Jury Room, 19th March, 1838.

A true Copy.

JAMES S. CLARKE, Clerk of the Peace.

## No. 71.

(See Page 362.)

## An Abstract from the Return of Statute Labour, County of Pictou, 1837.

No. of Districts,	159	No. of Teams and Driver at 6s.	959
No. of Men,	2290	Amount at 10s. per day,	287 14 0
No. of Days work,	9443		1416 9 0
Amount at 3s. per day,	£1416 9 0		£1704 3 0

## No. 72.

(See Page 371.)

THE Committee to whom was referred the general subject of Education, and various Petitions respecting Schools, beg leave to report—that, on entering upon the discharge of the duties assigned to them, the first question which presented itself to their minds, was the propriety of introducing the principle of compulsory assessment, to extend, by one uniform system, over the whole Province, and providing for the instruction of the Children of the whole population. In favor of that principle, and of its immediate application to Nova-Scotia, many Members of the Committee entertain a very strong opinion, and others, while they admit its value, are only deterred from recommending such application, by doubts as to whether the Country is sufficiently advanced to justify the experiment.

The experience of Scotland—of the New England States—of Prussia—and many of the smaller States of Germany, furnish evidence of the most decided and encouraging character to sanction the principle of assessment. There are however, some points of difference in the position in which Nova-Scotia stands, as compared with either of those Countries, which deserve to be noticed. The Parochial Schools of Scotland grew up at a period of intense political and religious excitement—they were fostered and sustained by the Pastors of a National Religion, who have ever watched over them with vigilance—soothed any feeling of irritation which direct taxation aroused, and have formed a numerous body of active and intelligent Agents, to suggest improvements, and keep the Government informed of the operation of the system. These are advantages that it may be difficult to obtain in a Country where the population are divided into numerous denominations of Christians—whose Ministers, though they may all duly estimate the importance of Education, might not agree as to what should be taught in our Schools, or as to the course of discipline to be pursued; and who, for other reasons, can hardly be expected to carry out, with the necessary uniformity and zeal, the details of a general measure.

The assessment system of the New England States arose with the earliest attempts at Colonization in Massachusetts Bay—but it must be borne in mind that the first Settlers of that Province were educated men—deeply imbued with religious enthusiasm—which could only be fed by constant perusal of the Sacred Scriptures—and among whom, to be unable to read, was to be shut out from the paths of ambition, and the chief charms of social life. Such a People, settled in small neighbourhoods, would readily consent to be amerced to make provision for the enjoyment of privileges and pleasures, which formed the chief inducement to abandon their ancient homes, and cast their lot in a strange land—to brave a rigorous climate, and contend with a savage foe. Contrasting these Settlements, therefore, with the situation of Nova-Scotia at the present day, though it must be acknowledged, the balance upon almost every point is largely in our favor, still the important difference must not be altogether overlooked, that we have to legislate for a population, a large proportion of whom, from their very ignorance, are incapable of appreciating the value of Education, and cannot be relied on to sanction and enforce compulsory provision for its extension.

In Prussia the duty of sending Children to School is enforced by Law, which provides that “every Inhabitant, who cannot or will not provide his Children with education at home, is required to send them to School at the age of five. After that age no child shall be allowed to be absent from School, except for special reasons, and with the consent of the Civil and Ecclesiastical Authorities.” Schools for Poor Children exist in almost every village, where they are educated at the public expense. Every village is bound by law to have a School of primary instruction. The whole number of Schools in Prussia, in 1833, was upwards of 20,000. The choice of Masters is particularly attended to. “In order rightly to fulfil his destination,” says the Law of 1819, a Schoolmaster must be pious and discreet, and penetrated with his high and holy vocation. He must know the duties of that vocation according to the degree of primary instruction in which he is to be occupied; he must possess the art of teaching and guiding youth; he must be steadfast in his fidelity towards the State, conscientious in the discharge of his duty, and friendly and sensible in his inter-

course

## APPENDIX No. 71.

course with the parents of his pupils and fellow citizens in general." In order to secure these qualifications, Seminaries are directed by the law to be formed in each district, the sole object of which is the education of Schoolmasters. In these the future instructors of the youth of Prussia themselves receive instruction; and, according to the Certificates which they obtain, the chance of a future appointment as Schoolmaster is rigidly regulated. Under this admirable system almost every child in Prussia is reared up in the paths of useful knowledge, and that Country presents the singular spectacle of a Government, despotic in its form, but under which the people enjoy more privileges, and have their intellects more highly cultivated, than in Countries whose constitutions are more liberal and democratic.

Viewing, as the Committee did, the results of such a system with astonishment and delight—and anxious as they were to attempt a humble imitation of its scope and efficiency, they feel it a duty to acknowledge that, to the strong Executive arm—to the despotic power of the Sovereign—whose word is law—whose influence is felt to pervade every part of this moral police—must in a great measure be ascribed the success of that bold measure, which in less than twenty years has scarcely left an uneducated person among the millions which Prussia contains. In such a Country as this, however, where despotic rule is unknown, we must be content to set the good we have against the benefits which might sometimes be derived from a wise exercise of arbitrary power. A free people will not consent to be benefitted without the concurrence of a vast majority of their numbers, and a people whose whole revenues are raised by duties upon imports, must have their feelings deeply interested; and be firmly convinced of the necessity for direct taxation—even for an object of the highest importance—or else they will resist and defeat a measure, however wisely and accurately framed.

With these views the Committee decided to state the difficulties which pressed upon them frankly to the House, leaving it to a majority to decide either for or against assessment for the ensuing year. If they decide in favor, then, taking our population at 180,000, and assuming that the children of a School-going age, either between five and twelve, or seven and fourteen, amount to 26,000, we should require eight hundred and eighty-six Schools to educate the whole. To sustain these would require a very large sum, and deducting the amount now paid from the Provincial funds, and all that is voluntarily contributed for the support of Common Schools, the amount to be raised would be so considerable, that public opinion should be fully prepared for its imposition before such a law was passed.

Should it be determined to continue the present law, the Committee recommend that an additional £1000 be added to the amount now granted under it—that a new and more equitable distribution of the whole sum be made, and that such improvements be carried out in the details as will make it more efficient, among these the Committee recommend the introduction of itinerating Schoolmasters in scattered Settlements; and the admission of Female Teachers, who are often the most valuable that can be obtained, to some participation in the benefits of the law.

Petitions in favor of assessment have been received from John Watson, of Upper Musquedobit, and thirty others—from Adams Archibald, of Middle Musquedobit, and fourteen others—from the Rev. John Spratt, also of Musquedobit, and fifty-two others—from John McDonald, a Licensed Teacher, who concurs in the same opinion, and suggests certain essential details of the general measure, which he anticipates will be passed. Against the assessment, there are petitions from Robert Embree, and forty-four others, inhabitants of Cumberland—from John Henderson, and one hundred and twenty-eight others, living in Musquedobit and adjoining Settlements—and the Committee cannot but regret that, on a subject of so much importance, the population of other Counties have not stated their views.

The Committee visited all the Halifax Schools, and found them, notwithstanding the numbers were diminished by the prevalence of Measles and Scarlet Fever, generally efficient—well attended—and doing a vast amount of good. Without dwelling on the peculiar claims of either, the Committee have concluded to recommend them all to the favorable consideration of the House, with an addition of £40 to the Female Teacher of the African School.

YARMOUTH ACADEMY.—Whole income, (including £130 Provincial Grant and Grammar School allowance) £239—Debt, £28 8s. 2d.—Rate of Tuition, £4 per annum, for English Reading, Writing, Arithmetic, Geography, Latin, Greek, and Practical Mathematics, average number of Scholars for the year '33, four of whom are free. Salary of head Master, £134—Licensed Teacher, £70.

THE BAPTIST ACADEMY owed in 1837, £1603 10s. 7½d.—£511 4s. 1d. has been paid off during the last year, leaving £1092 6s. 6½d. as the present debt of the Institution. The private contributions towards its support in the two years last past, amount to £831 11s.—and upwards of £3500 have been raised from the voluntary contributions of its friends, since its foundation. Number of Students, sixty-eight, of whom thirty-eight are Baptists, and thirty of other denominations. Average rate of Tuition, £4—Board, £20—Salary of Principal, £200—of second Teacher, £77—Tuition money received in the year, £80 5s. 5d.—Provincial Grant, £300.

THE ANNAPOLIS Academy appears to be doing little if any good. James Gray and thirty-three others, resident in that Village, "view with deep concern the slender opportunities of instruction afforded to the rising generation by this Institution, notwithstanding the liberal support afforded by the House. They have sent to Scotland for a Teacher, and promised to pay him £100 for one year, and they pray that it may be put on the same footing as the Yarmouth Academy." While this Institution has dwindled to insignificance, from the effect of causes to which it is not worth while here to refer; the Committee are happy to find that another has sprung up at Annapolis, which more than supplies its place, and which is better deserving the fostering care of the Legislature. They had before them a Petition from Andrew Henderson, who has resided in the County of Annapolis since 1820, and has taught the Public Schools at Bridgetown and Annapolis. For eleven years he has had a Boarding Establishment connected with his School. He teaches English Grammar, Composition, History, Geography, Geometry, Trigonometry, Mensuration, Surveying, Navigation and Algebra—has built an Academy at his own expense, and has attached to it a Library of between two and three hundred Volumes. The facts stated in his Petition are confirmed by eighty-seven signatures, and the Committee being convinced of his strong claims as a useful public Teacher, recommend that the sum usually given to support an Academy at Annapolis, be granted to him.

The Petition in favor of a Grammar School at Digby, as it only asks for the usual allowance, will be answered by the re-enactment of the existing law.

A Petition from Nathaniel Allen Caster and ninety-six others, stating that while the Township of Parrsboro' contains a population of two thousand five hundred souls, it does not receive above £20 from the King's County grant, for Schools, and praying for a grant of £100 to establish an Academy, was before the Committee, but they agreed to refer the claims of this Township to the Members for the County, whose duty it is to see that a fair distribution of the sum allotted to it is made. The prayer of John Hemmings' Petition cannot be granted, as the House has often determined, by large majorities, to give nothing in aid of the erection of School Houses. To grant the loan asked for in the Petition of Mathew McLellan would be equally unwise.

Dennis Morrissey, of Indian Harbour, County of Guysborough, states in his Petition, that from the beginning of May to the 30th November, 1836, he taught about thirty Scholars, being assured he would participate in the Provincial allowance. The Commissioners refused his claim on the ground that the 4th Section of the Act had not been complied with. A list of thirty Children, including three Charity Scholars, is annexed to the Petition, and as the man appears to have earned the allowance, the Committee recommend him, notwithstanding the informality, to the favorable consideration of the Commissioners.

A Petition, signed by John Cooper, of Jedore, and twenty others, strongly exhibits the destitute condition of the Settlements on the Southern Coast. Petitioners state "that whilst the blessings of Education are more or less diffused over every corner of the Province, the Settlement of Jedore has shared but little of its enlightening influence, of forty-four heads of families, nineteen are totally incapable of reading, or writing, whilst a young generation, to the number of one hundred and fifty-six, are growing up in a state of the most deplorable ignorance, only five of them being able to read a single line."

In closing their Report, the Committee recommend that, if a Commission of three intelligent gentlemen, could be appointed to serve, without remuneration, and collect information respecting the operation of the School Act throughout the Province, to suggest improvements at the commencement of every Session—to compare the systems adopted in other Countries, and endeavour to introduce into all our Schools, the most approved Books, Maps and Diagrams, it might render essential service to the course of Education.

## APPENDIX Nos. 72, 73, 74.

ation, should such a Board be constructed, the Committee recommend that the sum of £30 be placed at their disposal, to be applied to these objects. All which is respectfully submitted.

JOSEPH HOWE,  
JAMES W. ALLISON,

JAMES B. UNIACKE, } I object to withdrawing grant  
} from Annapolis Academy &  
} applying it to another.

A. L. ARCHIBALD,  
THOMAS A. S. DEWOLF,  
GAIUS LEWIS,  
WILLIAM HOLLAND,  
ALEX. McDOUGALL,  
JOHN HOLMES,  
ZENAS WATERMAN,  
GARRET MILLER,  
W. YOUNG.

## No. 73.

(See page 371.)

THE Committee to whom was referred the Petition of Jonathan Archibald, having carefully enquired into the circumstances and facts set forth in his petition—beg leave to report that the Petitioner, being encouraged by a Legislative bounty of £50, offered for the purpose, erected in 1823, a Dwelling House and Barn for the accommodation of Travellers, and cleared several acres of Land at an expense of upwards of £200, on that part of the line of the Great South Eastern Road, lying between Musquedobit and Saint Mary's, which it would appear, was then intended to be improved, but which has since been entirely neglected and become impassable. That on the erection of said Dwelling House, the Petitioner removed thereon with his family, and there kept Entertainment for Travellers, until it became evident that no improvement whatever was likely to be made on this Road, and that the application of further labour or expenditure on said Premises would be altogether thrown away. That in 1836, the Petitioner having previously removed therefrom, the said House was accidentally burnt, by the carelessness of some person or persons who had taken shelter therein, leaving no building on said premises, with the exception of a Barn, rendered of little or no value, in consequence of the total abandonment of this Road. Viewing the case of the Petitioner as one of peculiar hardship, the Committee have agreed to recommend, and do therefore recommend, that a sum of money equal to the upset price of five hundred acres of Wilderness Crown Lands, be granted by this House to the Petitioner, to enable him to obtain a grant of that quantity of said Lands from the Government, as an indemnification for the serious losses he has sustained.

W. F. DESBARRES,  
THOMAS DICKSON,  
SAMUEL CHIPMAN,  
JOHN HOLMES.

House of Assembly, March 22d, 1838.

## No. 74.

(See page 371.)

The Committee appointed to report to this Honorable House how far the Resolution of the 3d March, 1837, had been complied with, beg leave to report :

That the part of the said Resolution requiring an "Abstract of the Title Deeds and Memoranda of the Tenure of all the Real Property belonging to the Town of Halifax, including County Court-House, so called, Jail, Poor Asylum, Work-House, Meat and Fish Markets, Slips, &c."—Has been complied with this Session.

"Also," that the part of said Resolution requiring "an account of the Real Property purchased for the Town, by whom purchased, and by what authority, and whether the same is mortgaged and to whom, and when so incumbered, what interest has been paid, and from what fund, and what amount of interest is due up to the 31st Dec. 1836."—Has been complied with this Session.

"Also," that part of the said Resolution requiring "a Return of the Annual Rents of the Public Property of this Town, designating the amount of each Tenement, and the names of persons who occupied the same and paid such Rents, and the manner in which the same have been appropriated for the *last ten years*."—Has been partially complied with by a Return received last Session from the Town and County Treasurer, embracing only one year and a half.

"Also," that part of the said Resolution requiring "a Return of the sums for which the Town of Halifax has been annually rated, and the sums which have actually been paid annually on account of their rates, shewing whether on account of fines or on account of Poor and County Rates, for the *last ten years*."—Has been partially complied with, by a Return made by the Town and County Treasurer last Session, for two years, 1835 and 1836.

"Also,"

## APPENDIX Nos. 74, 75.

“Also,” that part of the said Resolution requiring “a Return of Salaries paid, and to whom paid, out of the funds of the Town, exhibiting an annual feature for the *last ten years*.”—Has been partially complied with, by a Return made this Session for *one year*.

“Also,” that part of said Resolution requiring “a Return of all the Fines and Fees, and in what amount taken in the Police Office and Commissioners’ Court, exhibiting an Alphabetical List of the parties who paid the fines for the *last ten years*.”—Has been complied with to the following extent, by a Return of the Fines taken in the Police Office for ten years, which has been made this Session, but no Return of the *Fees* taken in said Office has yet been made, and no Return has been made of the Fees taken in the Commissioners’ Court.

“Also,” that part of the said Resolution requiring “a Return of the sums received and expended annually by the Commissioners of Streets now in office belonging to Halifax, designating the sums paid annually on account of Salaries, and to whom paid, and on account of Commissions or per centages on annual disbursements, and to whom paid since said Commissioners came into office, to 31st December, 1836.”—Has been complied with, by a Return made last Session, but without being verified by the signature of any Officer of the Department.

“Also,” that part of said Resolution requiring “the names of the parties from whom the £10,000 was borrowed for the repairs and improvements of the Streets of Halifax”—Has been complied with, by a Return made last Session, but without being verified by the signature of any Officer of the Department.

THOMAS FORRESTER, Chairman.

Committee Room, 21st March, 1838.

No. 75.

(See page 377.)

Crown Office, Halifax, 23d March, 1838.

SIR—

I herewith enclose a Return of Fines from the year 1825, to 12th February, 1835, being the same made by me at that date, by order of His Excellency the Lieutenant-Governor, for the House of Assembly. The Returns subsequent thereto, up to 22d March, 1837, were made during the last Session of the House, and are published in their Journals.

I am, Sir,

Your obedient Servant,

J. W. NUTTING, Clerk of the Crown.

To the Honorable Sir RUPERT D. GEORGE, Bart. &c. &c. &c.

Return

APPENDIX No. 75.

*Return of Fines imposed, levied and paid, in Her Majesty's Supreme Court in the Province of Nova-Scotia, since the year 1825, inclusive, up to 12th February, 1835, being all the Fines imposed in the Supreme Court at Halifax, or returned as imposed by any of the several Courts in the Country, during the above period.*

Place.	Date.	Name.	Offence.	Amount.	REMARKS, &c.
Halifax	Hilary Term, 1825	Thomas Forrester	Libel	£100	Received and paid into Province Treasury, less Commission allowed by Court of 10 per cent. to Sheriff and Clerk of the Crown, for expenses, fuel, &c. Levied on Execution, and paid over by Sheriff to the Attorney-General, as appears by Sheriff's return.
do	do 1827	Alexander Hyde	Rec. Smug. Goods	20	
do	Easter do 1828	John Kennedy	Assault	2 10	
do	do 1833	John H. Flohr	Nuisance	10	Received by Clerk of the Crown, and retained to meet above expenditure, and also, to re-imburse Sheriff for repairs and alterations to a large amount, made in the Court-House by direction of the Court.
Annapolis Cumberland Lunenburg		None returned None do. None do.			A fine of £5 was imposed on R. Tremain, Esq., in Hilary Term, 1832, but was never paid in.
Truro	Sept. Term, 1831	Isaac Rayne H. A. Gladwin Thomas Miller do do do do	Assault	1 10 1	Paid to the Deputy Clerk of the Crown, at Truro, and by direction of the Court disposed of for purchase of Judgment Books, &c.
Hants Yarmouth King's County Pictou		do do do do do do			
Queen's County Shelburne do	Sept. Term, 1829 May do 1830 July Term, 1828 do do do	John McCara do do Charles Bower A. D. Bower	Assault do. Assault	5 1 6 4	Paid into the District Treasury, and appropriated for general County purposes. Paid and appropriated as above.
Sydney County		None returned			

The above Return was made to the House of Assembly, 12th February, 1835, and contains the only Returns of Fines that have ever been made to the Crown Office at Halifax, during the above period.—Since then the Sheriffs, Deputy Clerks of the Crown, and the Clerks of Sessions, have been directed by His Excellency the Lieutenant-Governor to make yearly Returns.—All Returns of Fines subsequent to those above specified are contained in the Return made by me for the House of Assembly in their last Session, up to 22d March, 1837, the date of such Return, and published in their Journals.  
Crown Office, Halifax, 23d March, 1838. J. W. NUTTING, Clerk of the Crown.

*Fines and Forfeitures in Account Current with the Treasurer.*

Dr.	Cr.
February 15, 1836—To paid John Creighton, Lunenburg Library,	£90 0 0
March 7, " Edmund Dodd, expenses of Execution,	10 0 0
June 23, " John Kennedy, Horse Hire,	5 0 0
October 10, " R. & J. Scott, erecting a Fence, Lunenburg,	1 0 0
April 6, 1837—" John Heckman, Fence round Burial Ground,	45 9 11
April 13, " Master of the Rolls,	5 0 0
June 23, " Henry Davenport, for Pilotage,	2 0 0
	2 0 0
Balance	£160 9 11

Treasurer's Office, Halifax, 24th March, 1838. No.

**APPENDIX No. 76.**

From St. Andrew's to Pomquet forks	£7	0	0
Town Point to Broussaid's Bridge	5	0	0
Town Point to Duncan Chisholm's	5	0	0
Pomquet forks through Frazer's grant	5	0	0
to Little River, past Indian Chapel	7	10	0
to Pomquet Ferry, past French Chapel	5	0	0
Cove to Pomquet Chapel	5	0	0
Forks to Guysboro' Road, by Meadow Green	5	0	0
Jemie's Pond to Guysboro' Road, east of Little River	5	0	0
Cross Road, Big Tracadie, past Boyle's	4	0	0
Big Marsh, old Gulf Road, to Dorchester	6	10	0
Beaver Meadow, up west side Ohio, past Carrigan's, to Fisher's new Mill	8	0	0
Angus McPherson's, past Callahan's, east side Ohio	4	0	0
Benjamin Stern's, new Gulf Road, past French John's, to John Grant's	3	0	0
North side Cape George, through Hallowell Grant and Dean and Chapter			
Land, to Big Marsh	5	0	0
James Anderson's Cape, through back Settlement, to John McIsaac's rear			
division, north side Cape	5	0	0
Horrahan's upper south River to County line	5	0	0
	<hr/>		
Amount appropriated to Great Roads	£256	10	0
Do. do. Cross Roads	203	10	0
	<hr/>		
	£460	0	0

*In the House of Assembly, 27th March, 1838.*

**RESOLVED**, That the sum of Four Hundred and Sixty Pounds, appropriated for the service of Roads and Bridges for the County of Guysborough, be applied as follows, viz:—

**GREAT ROADS.**

From Guysboro' to the County line at Glen's, and to open a new line of Road from John Aiken's to Kenny's and to pay over-expenditure of £5	£118	0	0
the Chapel, on the Road to Saint Mary's and to repair Country Harbour Bridge	15	0	0
Guysborough to half-way Cove, including the new line to Joseph Hart's	15	0	0
Guysborough to the Chapel, on St. Mary's Road	20	0	0
Half-way Cove to Canso	20	0	0
Boylston's to Carter's Ferry, at the Gut of Canso	15	0	0
Sherbrooke to the Cross Roads below the forks, on the Antigonish Road	25	0	0
the Cross Roads below the forks to the County line, on the Road to Antigonish	15	0	0
the County line of Halifax to the east branch of St. Mary's	20	0	0
<b>CROSS ROADS.</b>			
Broad Cove to McKay's Cross Roads, and to continue the alteration towards the Intervale	20	0	0
Clam Harbour Ferry to Alexander McKay's, and to continue the alteration at the west end of Clam Harbour Bridge	10	0	0
Alexander McKay's, by Oyster Ponds, to Sand Point, at the Gut of Canso	7	0	0
Sand Point to the County line above Cape Porcupine, and to repair the Bridges at Pirate Cove and Steep Creek	20	0	0
Aiken's, on the new line, to the South River, and to pay the balance of Contract for Road and Bridge at Curran's last year 40s.	5	0	0
Ferguson's to the County line, on the new line from the head of Guysborough Intervale towards Tracadie and Little River	5	0	0

From

APPENDIX No. 76.

From Milford Haven, on the old Tracadie Road, to half way run, and thence on the new line to Patrick Davis's, at the County line	£10	0	0
Salmon River Bridge to the Township line, on the Road to New Harbour	5	0	0
New Harbour Road to Torbay	5	0	0
Township line to New Harbour	5	0	0
Chapel, on St. Mary's Road, to Kenny's	5	0	0
Canso Road along the north side of Salmon River, and to repair the Bridge on Spank's Brook	5	0	0
Sangster's to Clam Harbour Road	5	0	0
Stewart's, on the Gut Road, to Ragged Head	5	0	0
Oyster Ponds, by King Creek Settlement, to the Gut Road	5	0	0
Stormont, at Country Harbour to the County line, on the Road to Anti- gonish, and to build a Bridge at Morris' Creek	25	0	0
Archibald's to Hurley's	5	0	0
Sherbrooke to the mouth of St. Mary's	10	0	0
Mouth of St. Mary's to Indian Harbour	5	0	0
Sherbrooke to Ekemsegum	10	0	0
Cross Roads below the forks to David McKeen's, and to repair Black Brook Bridge	10	0	0
West branch, by the Mill, to East branch	10	0	0
Fisher's Mills to County line on Sinclair's Road	5	0	0
	£460	0	0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Four Hundred and Sixty Pounds, appropriated for the use of Roads and Bridges in the County of Richmond, be applied as follows:—

**MAIN POST ROADS.**

From Ship Harbour to River Inhabitant Bridge	£20	0	0
River Inhabitant Bridge to Widow McPherson's	15	0	0
Widow McPherson's to John Madden's Bridge, and to compensate for the alteration of Road	70	0	0
John Madden's Bridge to River Teeyar Bridge	25	0	0
River Teeyar Bridge to Daniel Sheehan's House	20	0	0
Daniel Sheehan's House to Corbit's Brook	50	0	0
Soldiers' Cove to John Cashe's, Red Islands	20	0	0
Grand Dique Ferry to Arichat	25	0	0

**CROSS ROADS.**

St. Peter's to Lardoise	30	0	0
Lardoise to Grand River	40	0	0
Grand River to Larshaweek	10	0	0
Larshaweek to St. Esprit	20	0	0
River Teeyar to River Bourjoise	40	0	0
East side of Black River, to open a Road to the Grant	30	0	0
St. Peter's to Kennedy's, West Bay, Bras d'Or	10	0	0
Disgoose to Arichat	25	0	0
Rocky Bay to the Bridge on Disgoose Road	10	0	0

£460 0 0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Five Hundred and Ten Pounds, appropriated for the service of Roads and Bridges in the County of Cumberland, be appropriated as follows:—

For the Road from the north end of Folly Lake to William E. Angevine's	£10	0	0
Widow Forshner's to River Philip	20	0	0

For

APPENDIX No. 76.

For the Road from Black River Road	£5	0	0
William E. Angevine's to the Widow Forshner's	9	0	0
Widow Forshner's to Pugwash	20	0	0
Little forks to John Stewart's	8	0	0
King's County line to Napan Bridge	30	0	0
West Brook to the River Hebert	5	0	0
Little Bridge, near Chapman's, to the School House, Rockwell	5	0	0
Maccan River to River Hebert	7	10	0
Goose River to Black's Ferry	5	0	0
Shinimicas Bridge, down the River, to Nathaniel Angus'	5	0	0
Goose River Road to the Leicester Road, by Smith's	5	0	0
Leicester to Tates, River Philip	5	0	0
Leicester to John Filmore's, by Thomas Johnson's	5	0	0
Maccan to the River Philip	8	0	0
Amherst to Goose River	15	0	0
Fanningsborough Road	5	0	0
Gulf Shore Road to Pugwash, by Abraham Brown's	5	0	0
Peter G. Tuttle's to William E. Angevine's	8	0	0
John Wood's to Charles Atkinson's	5	0	0
Caleb Horton's to Malagash, by William Smith's	10	0	0
Charles Oxley's to Cyprian Stephen's, by James Fountain's	12	0	0
Lewis K. Purdy's to the Lime Kiln, by Porter's	5	0	0
Joseph Keiver's to Calvin Bent's	10	0	0
Gilbert Purdy's, Westchester, to the Methodist Meeting, Wentworth	15	0	0
Major King's to River Philip Road, near the Bridge	23	0	0
Cyprian Stephen's to James Ryan's, by O'Brian's	5	0	0
David Montrose's to James Ryan's, by Crawford's	5	0	0
Three Sisters to Advocate Harbor	5	0	0
Gilbert Lawrence, an over-expenditure	2	0	0
Kenneth McKenzie's, in the woods, to Wallace Harbor	5	0	0
Malagash point to Alexander McNab's	10	0	0
Horton's to Tidnish Bridge	15	0	0
The main Road to the Salt Springs	5	0	0
Salt Springs to David Herrett's	5	0	0
Maxwell's to Collingwood Oxley's	10	0	0
Maccan Road to David Gilroy's, by G. Smith's	5	0	0
Barronsfield to the Joggin's, Lower Cove	9	0	0
Town Plot to James Tuttle's	10	0	0
Abraham Seaman's to White's Ship-yard	10	0	0
Oxley's to the head of Fox Harbour	5	0	0
Tuttle's to the Gulf Shore	5	0	0
Pugwash to George McIver's	5	0	0
Widow Taylor's to the County line towards Bass River	9	0	0
Bland's to Wallace Bridge, by Harrison's	5	0	0
Peter Nelson's to David Herrett's	5	0	0
Dewer's Bridge to Wallace Bridge	10	0	0
Isaac Rushton's to the Widow Web's	5	0	0
Stewart's to James Ryan's, Newtown	5	0	0
John Palmer's to Isaac Teed's, by Henderson's	10	0	0
Maccan River towards the Five Islands	8	0	0
James Hustis' to Kenneth McKenzie's, by Colter's	5	0	0
Leicester Road	15	0	0
Fountain's to Castlereagh	5	0	0

For

APPENDIX No. 76.

For the Road from Jeremiah Brownwell's to John W. Oxley's	£7	0	0
Isaac Rindress, for over-expenditure	7	10	0
Bridge near Humphrey's Mills, Amherst	9	0	0
Shipleigh, over-expenditure on Maccan Bridge	8	0	0
Casey's to the Post Road, near John Bent's	5	0	0
Maccan Road to David Herrett's	10	0	0
Gray's Road to River Philip, not expended last year	5	0	0
	<hr/>		
	£515	0	0
For the alteration of the Maccan Road, near Thomas Harrison's, not expended last year	£100	0	0

In the House of Assembly, 27th March, 1838.

RESOLVED, That the sum of Seven Hundred and Fifty Pounds, granted for the service of Road and Bridges in the County of Hants, be applied as follows:—

For repairs of the lower Kennetcook Bridge	£25	0	0
From Kennetcook Bridge to Noah Anthrup's	5	0	0
For Ryan's Road	4	0	0
From John Dimock's to Parker's Mill	10	0	0
James Fish's, Black Smith's Shop, to Parker's Mill	5	0	0
Samuel Knowles' to Post Road	10	0	0
George Mosher's to Knowle's line	5	0	0
George Laver's by Mahr's to Rawdon line	5	0	0
Oliver Dimock's to John Cochran's	4	0	0
For Bridge at Felix Cochran's, and Road from thence to Trefry's	10	0	0
From Mitchell's, on old Ardoise Road by Lodowick Hunter's	5	0	0
St. Croix to Josiah Davidson's, east Marsh Road	5	0	0
On new western Ardoise Road by Dawson's	5	0	0
From Isaac Dewolf's to old Avon Bridge	10	0	0
Richard Trenholm's to Metzler's	8	0	0
Lime Rock Hill to half way River	6	0	0
Half way River to Horton line	6	0	0
George Potter's to main Road, by Stoddard's Mill	11	0	0
Back Road to Lyon's Mill	10	0	0
Halifax County line to John Godfrey's	75	0	5
Old Avon Bridge to Horton line	10	0	0
Thomas Manning's, on new Post Road, to Horton line	30	0	0
For repairs of old Avon Bridge	10	0	0
From Densmore's Mill to Jacob Henegar's, to be paid when certified under oath that a subscription of £23 6s. is paid (and expended in this service	10	0	0
To Adam Roy for over-expenditure on a Bridge in Shubenacadie	1	4	0
For the Road leading to Chester	45	0	0
From Thompson's Mill to Halifax County line	45	0	0
Do. to Thomas Fahie's	10	0	0
Stephen's to Murphy's, in Rawdon	5	0	0
Murphy's to Isaac Whitear's	7	10	0
Do. to Glen's Brook	6	0	0
Rawdon line to Kennetcook, by Glen's Brook	6	0	0
Wardrope's to bridge on new road, near Keys'	30	0	0
For over-expenditure to John Robinson, (in 1837)	23	0	0
From Hall's bridge to McPhee's bridge	15	0	0
To alter and avoid the hills near John McPhee's	15	0	0
From Maxen's to Barney Knowles'	5	0	0
Sandford's to Gore Road	5	0	0
Bond's River to School House at Best's Farm	5	0	0
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			From

APPENDIX No. 76.

(See Page, 335.)

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Nine Hundred and Fifty Pounds, granted for the service of Roads and Bridges in the County of Halifax, be applied as follows:—

For the Main Road from Dartmouth to Gay's River, to include £20 balance of over-expenditure on Black Rock Hills	£150	0	0
“ Post Road from Halifax to line of Hants County, (exclusive of the sum of £75 granted for this service)	50	0	0
	£200	0	0

The above sum of Two Hundred Pounds to be expended under the direction of His Excellency the Lieutenant-Governor.

To repair Road from Blue Bell to head of the North West Arm	30	0	0
from North West Arm to forks of Harriet's Field Road	15	0	0
through Harriet's Field	10	0	0
from M'Intosh's Bridge to Ferguson's Cove	10	0	0
from forks of Road to Ferguson's Cove to Herring Cove, and repair Bridge	15	0	0
from Portuguese Cove to Ketch Harbour	15	0	0
from Ketch Harbour to Sambro	15	0	0
forks of Harriet's Field Road to Nine Mile River	10	0	0
from Nine Mile River to Bay	15	0	0
For Road from head of Prospect Harbour to Bridge at head of Bay	15	0	0
James Covey's to Peggy's Cove	10	0	0
French Village to Hammond's Plains	20	0	0
line of Lunenburg County towards Daupheney's	40	0	0
Johnson's, at Hammond's Plains, to old Windsor Road	10	0	0
the Basin to Paper Mill	20	0	0
leading to Beaver Bank Settlement	10	0	0
the old Windsor Road	10	0	0
Road from head of North West Arm to Beech Hill	10	0	0
Road round east side of Basin	10	0	0
alteration of Road between Lawrence Town and Dartmouth	30	0	0
Eastern Passage Road	13	0	0
Cow Bay Road	10	0	0
Bridge at Cow Bay	10	0	0
alteration of Road from Three Fathom Harbour to Lawrence Town	15	0	0
Road from Dartmouth to Little Salmon River	15	0	0
Little to Great Salmon River	15	0	0
Nelson's, in Preston, to Lawrence Town	15	0	0
Great Salmon River to Waterman's, in Chezetcook	15	0	0
between Waterman's, in Chezetcook, and Musquedoboit Harbour	30	0	0
via Petpiswick, (after completion of Survey)	30	0	0
from Cape Jarvis to head of Jeddore	20	0	0
from Pope's Harbour to Tangier	20	0	0
at Taylor's head	5	0	0
To complete Bridge at Sheet Harbour	12	0	0
at Salmon River, in addition to £10 undrawn from Treasury	10	0	0
at Ecumsaken, in addition to £10 undrawn from Treasury	10	0	0
To erect Bridge over Smelt Brook	5	0	0
Smith's Cove Brook	15	0	0
For Road from Sheet Harbour to Beaver Dam	15	0	0
Beaver Dam to Upper Musquedoboit	15	0	0
Gay's River to Middle Musquedoboit	10	0	0
Cook's, at Gay's River, to Nuttal's	10	0	0
Nuttal's, on old Guysborough Road to Main Road, near Key's	10	0	0

For

APPENDIX No. 76.

For Road from William Logan's, on Main Eastern Road, to Keer's Road	£10	0	0
alteration of Road at Little River, Musquedoboit	20	0	0
Road from Fox's Brook to Braden's	5	0	0
new Bridge, at Little River, by Gordon's, to intersection of main Road	5	0	0
To repair Brown's Bridge, Middle Musquedoboit	15	0	0
Road from Higgin's Settlement to Main Road	9	0	0
Road leading by William Graham's to Stewiacke	6	0	0
Bridge on Road leading to Hutchinson Settlement	5	0	0
For Road from Taylor's, on Canal Road, towards Nuttal's, on new line	10	0	0
For alteration of Road in Upper Musquedoboit, between the Mill Road and Benvie's Brook, not to be drawn from Treasury until it is certified that the sum of not less than £25 has been subscribed, in addition to the sum of	50	0	0
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	£950	0	0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Seven Hundred and Twenty Pounds, appropriated for the service of Roads and Bridges in the County of Colchester, be applied as follows:—

For the Main Road from Gay's River to the County line of Pictou	£50	0	0
From the Main Road to the Settlement on Salmon River	6	0	0
Polly's to Middle Stewiacke, including the Bridge	25	0	0
Brookfield to Stewiacke, on the new line	20	0	0
the South Branch to Middle Stewiacke	5	0	0
For the new line of Road, Coxe's Bridge, across the interval, continuing the line	14	0	0
From Stewiacke towards Musquedoboit line, on the Main Road	5	0	0
Stewiacke towards Musquedoboit, by William Graham's	4	0	0
Stewiacke to Pictou, by new Larwick, (£5 between Crocket's & Ellises, of this sum)	26	0	0
Corbet's, at Gay's River, to Stewiacke, on the Shubenacadie Road	12	0	0
Tatamagouche to Onslow	40	0	0
Green's Creek to Fort Ellis	10	0	0
Main Post Road to William Durning's, at Economy Point	5	0	0
Economy to new Boston	5	0	0
For the line of Road from Economy towards River Philip	10	0	0
From McLaughlin's Settlement to Barss River	10	0	0
For to rebuild a Bridge on the Main Road, near William Moore's, in Economy	8	0	0
From Currie's to Forbes'	10	0	0
From Block House to John Henderson's	10	0	0
For the Bridge at Black Rock, on Waugh's River	10	0	0
From the French River, Mattetall's Lake	6	0	0
For the Bridge at Samuel Waugh's	4	0	0
From Oliver's Bridge to Byer's Mill	5	0	0
Oliver's Bridge to James Munro's	5	0	0
Tatamagouche to Oliver's Bridge	10	0	0
Gavin Bell's to Onslow Road	6	0	0
the Lake Road to James McGeorge's	4	0	0
Onslow Road to John Wilson's	5	0	0
Luke Upham's, North River, to McKay's Mills	20	0	0
McKay's Mills to David Nelson's, on Urquhart's line	10	0	0
For the Onslow Road, by Munag's Mill, to Mrs. McLeod's	9	0	0
From Widow McLeod's to Hugh Munro's	8	0	0
Fall Bridge to Widow Sutherland's	5	0	0
McKay's Mill to George Ross'	5	0	0
			From

APPENDIX No. 76.

From George Ross' to George Langill's	£5	0	0
Mathenson's to John Wilson's	5	0	0
George Ross' to William Sutherland's	4	0	0
Paul McDonald's towards River John, past Alexander Baillie's	7	0	0
David Nelson's to William Waugh's	6	0	0
Green's Creek to the mouth of the Shubenacadie	10	0	0
Old Barn's to Black Rock	16	0	0
Old Barn's Shore Road to Shubenacadie	4	0	0
Old Barn's to Philip's	6	0	0
Green's Creek to Pleasant Valley	5	0	0
Charles Moor's to Upper Brookfield	5	0	0
Robert Moor's towards Stewiacke	7	0	0
Stewiacke Road to Henderson's Mill	5	0	0
Jesse Gourley's to Irvin's	5	0	0
Mrs. Cartney's to Greenfield	8	0	0
Crow's Mills to Samuel Dunlap's	7	0	0
Robert Moor's to Thomas Lynd's	8	0	0
Hamilton's to the new Brookfield Road	5	0	0
Halifax Road to John Kennedy's	4	0	0
To repair the North River Bridge and the Main Post Road	20	0	0
To complete a Bridge near Alexander Wilson's	10	0	0
Towards building a Bridge near Robert Blairs, on the Road to Kempt Town	17	0	0
From Onslow Meeting House, past Crow's Mills, to Barnhill's	10	0	0
Gordon Higgin's to John Staple's, Junior	6	0	0
To open a new line of Road from Ephr. H. Blair's to Charles Marsh's	12	0	0
From Ephr. H. Blair's to Tatamagouche Road	8	0	0
Luke Upham's to Thompson's Hills	8	0	0
Gideon McNutt's, Senior, to John Lynd's, Junior	5	0	0
Edward Lynd's Mills to Robert Blair's Mills	5	0	0
Samuel Nelson's to Christie's	5	0	0
To repair the Road over the Hill, near David Philip's	5	0	0
For repairing the Bridges on the Main Road, and to pay 37s. 10d. already expended on the same Road	5	0	0
Repairing Bridge at Alexander Barnhill's	5	0	0
Bridge at Alexander Deyarmout's	5	0	0
the Road from John Peppard's to Cotman's	4	0	0
Joseph Crow's to Capt. Fletcher's	5	0	0
William Fletcher's to Joel Slacks	4	0	0
Widow Flemming's to Joel Slack's	5	0	0
Folly Village to Widow Flemming's	5	0	0
Folly Mountain to Cumberland Road	5	0	0
John Dill's to Joseph McDormont's	4	0	0
John Dill's to Cumberland Road	4	0	0
Great Village to Cumberland line	5	0	0
Joseph Mahon's to Point Pleasant	4	0	0
Cumberland Road to Portique	4	0	0
Portique to Sutherland's, by Alexander Morrison's	4	0	0
Portique to Bass River Back Road	7	0	0
Françis Fulton's to Economy	5	0	0
From Widow Fulton's to Economy, and to pay a sum already expended by F. Fulton, of £6 10s. on the same Road	8	0	0
Portique to Castlereagh	7	0	0
Widow Flemming's to Town line, on the Wallace Road	5	0	0
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	£720	0	0
			In

APPENDIX No. 76.

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Four Hundred and Sixty Pounds, appropriated for the service of Roads and Bridges in the County of Sydney, be applied as follows:—

**GREAT ROADS.**

From the County line to Malignant Cove, and to repair Bridges	£25	0	0
Malignant Cove to the new Bridge at Irish's, and to assist the alteration either at Carter's or Rand. McDonald's	25	0	0
Malignant Cove to Livingston's Brook, north side Cape George	6	0	0
Livingston's Brook to McNair's Mill, round point of the Cape	9	0	0
McNair's Mill to South Lake	6	0	0
South Lake to Ogden's Pond, and to repair Bridges	13	0	0
Ogden's Pond to Dorchester	10	0	0
Village, by Salt Springs to Lochaber Lake	10	0	0
Ohio Road, past Big Clearing, to County line	5	0	0
Antigonish to South River, and to repair the Bridge at South River, Manchester Road	12	0	0
South River, on Manchester Road, to County line	10	0	0
Beech Hill to Pomquet forks, and to repair the Bridges on that line	25	0	0
Pomquet forks to Big Tracadie	7	10	0
Big Tracadie to Havre au Bushie Bridge	15	0	0
Havre au Bushie to County line at Auld's, and to pay the sum over-expended last year by mistake	12	0	0
Gulf Shore at D. McDonald's, back to the Mountain Road	5	0	0
Arisaig to back Settlement	5	0	0
Post Road, up west side South River, to Horrahan's	10	0	0
Post Road, up east side from Hugh Cameron's, to Duncan McMillan's	5	0	0
Post Road up past Decker	4	0	0
Post Road through Fraser's grant	4	0	0
Little River to Big Tracadie Bridge, including that and Geror's Bridge	10	0	0
Big Tracadie Bridge to Little Tracadie Harbour	5	10	0
Flinn's, Ohio Road, to McLean's Mill	10	0	0
McLean's Mill to west end Ohio Bridge	7	10	0

**CROSS ROADS.**

From McNeil's Brook to Back Settlement, Malignant Cove	3	10	0
Roman's to Widow McEachran's	5	0	0
Purvis's, by new line to Jonathan Reid's	7	10	0
Reid's, on Mountain Road, to County line	5	0	0
Graham's, through Back Settlement, to Donald B. McDougall's	5	0	0
Morristown Chapel, through Hallowell grant, to Campbell's	5	0	0
South Lake, through Hallowell grant, to Big Marsh	5	0	0
Donald More Chisholm's, through Hallowell grant, to Malignant Brook, and to include the sum of Five Pounds not expended last year	3	0	0
Ballantyne's Cove to Livingston's, across Cape George	3	0	0
Andrew Whelan's to French John's Road	4	10	0
Ohio Bridge to Lochaber Lake	10	0	0
Baxter's past McDonald's, Glenco and Big Clearing	5	0	0
Beaver Meadow to Keppoch back Settlement, Ohio	5	0	0
Ohio Road, past Gaspereaux Lake to McEachran's	2	10	0
Cameron's, east side Lochaber Lake, to County line	5	0	0
Malcolm McMillan's, west side Lake, to County line	5	0	0
Lochaber Lake to South River, by Sutherland's	7	10	0
Salt Springs, Pitcher's Farm, toward's Fisher's Mill	5	0	0
McBride's past Allen Cameron's	5	0	0
Angus Boyle, past Campbell's, to Grace's Farm	3	0	0
McPherson's Mill past D. McIntyre's	4	0	0
St. Andrew's to Town Point Ferry, by Pomquet Cove	10	0	0

From

APPENDIX No. 76.

From Taggart's to Shubenacadie, on Indian road	£10	0	0
Wardrope's to Nine Mile River bridge	15	0	0
Burton's to Indian road	5	0	0
Isaac Whitear's to Taggart's	5	0	0
For the Hibbert road	7	10	0
alteration at Mill Dam angles	30	0	0
From Five Mile River to Frank McDonald's	10	0	0
For over-expenditure to F. Parker and William Salter, 1836	25	0	0
From Petite to Rainy Cove	10	0	0
Cockmagun to Petite	10	0	0
For alteration on Kempt Road, near Bradshaw's, to be paid when certified under oath that ten pounds has been paid and expended	16	16	0
From Tenescape to Petite:	15	0	0
Tenescape to Noel	10	0	0
Gore to Carver's land	5	0	0
Noel to Kennetcook bridge	9	0	0
Noel to mouth of Shubenacadie:	5	0	0
Dimock's to Murphy's	12	0	0
James Mosher's to John Blois'	10	0	0
Nine Mile River bridge to Garden's	5	0	0
Isaac Whitear's to Kennetcook bridge	7	0	0
Bond's to Thompson's, on Beaver Bank	5	0	0
For Caldwell's, on Indian road	5	0	0
From Rawdon, past Sim's, Gore Road.	5	0	0
Noel to Burncoat Bay	5	0	0
	£750	0	0

RESOLVED, That the Sum of Seven Hundred and Fifty Pounds, appropriated for Roads and Bridges in the County of King's, be applied as follows, viz:

CORNWALLIS.

For the New Road at Pero from J. Lyons', by White Water, to the Top of the Mountain	£ 6	0	0
For the road from Daniel Huntly's to Pero, and the alteration at Lyons' Hill	10	0	0
From Peter Woodworth's, by Elisha Eaton's, to Split Hollow	5	0	0
Joseph Newcomb's, up the Mountain, to Scotch Bay	13	0	0
Charles Wood's, by James Newcomb's, to the Bay	5	0	0
The Brow of the Mountain to Judah Eaton's place to the Bay	5	0	0
Amos Davinson's up the Mountain and to make the alteration	10	0	0
The Baxter Road, Westerly by Ross' to Newcomb's Mill	5	0	0
For the Road and-alteration, by Simon Newcomb's, to Black Hole at the Bay	6	0	0
From Samuel C. Woodworth's to Hall's harbour, and for the Vault East of North's, £2 of which sum to be expended on the Vault	7	0	0
The Hall's harbour road easterly by Bowls' to the Sheffield Vault	5	0	0
Daniel Griffin's, past Rockwell's, up the Mountain, and Luther Porter's to Foot's	8	0	0
For the Road up the Mountain by Bentley's to Robert Foot's	6	0	0
From Robert Foot's to Huntington Point at the Bay Shore	5	0	0
For the Road past Stephen Dunham's to Hall's harbour, and the Road Westerly to Huntington Point	7	0	0
From the Black Rock road Easterly by Thomas White's	6	0	0
For the Road past Barnaby's Mill to the Bay Shore	5	0	0
For the Road up the Mountain by Benjamin Burges', Junr,	6	0	0
From the Ilsley Settlement to the Black Rock road	6	0	0
For the Black Rock road, and the hill at the Black Rock.	5	0	0
The Turner Point Road to the Bay Shore	7	0	0
The Cove Road	7	0	0
The Road West of Turner Point road by O. H. Cogswell's to Aylesford line	5	0	0
From John Givan's Southerly to Sharp's line	8	0	0
Alfred Skinner's Northerly to George Smith's place	8	0	0
The Aylesford line by A. Woodworth's to the Black-rock road	7	0	0
For the Road, by Earl Newcomb's, to Graham Bowls', and to complete the alteration.	7	0	0
From Joseph Dunham's by Bishop's Mill to Brandy-wine Street, two thirds of which sum to be expended Southerly of the Mill	8	0	0

APPENDIX No. 76.

For the Road passing Brinnen and Murphy's, £2 of which sum to be paid John Rockwill for Land	£5 0 0
From the Annapolis Road by Davidson's Northerly to John Person's place	6 0 0
John Person's to the Baptist Meeting-house in Bill Town	5 0 0
For the Road from James Griffin's Northerly through the Woods to R. Parker's	7 0 0
From the Aylesford line under the South Mountain to the Joel English Road past Enoch Condon's, and the Road by Woodman's to the Post-road, £3 of which sum to be expended on the Woodman road	13 0 0
From William Pinio's on the Road to David Shaw's	5 0 0
To alter the Road on the East line of Jonathan Newcomb's land	10 0 0
From the Annapolis Road by Chute's, Southerly to the Canan Road	6 0 0
For to pay George Harrington for Land, for which an alteration of the Post road passes through	5 0 0

HORTON.

From Half way River on the Post road to Stone Bridge	15 0 0
The Falmouth line on the Mount Denson road to Horton	11 0 0
Samuel Beckwith's on the Bluff Shore road to Pelig Card's	10 0 0
Follet's to Cogswell's Mill	6 0 0
On the Cross Road from S. Fitch's westerly to the Halifax Road	5 0 0
From Hancock's Southerly to Scofield Bridge	8 0 0
For commencing the alteration on the Main Post Road from Mitchell's, Northerly by the Margin of the Upland to Kentville, agreeably to the Petition of Inhabitants	10 0 0
From Theodore Reed's, westerly to the foot of O'Leary's Hill in addition to £5, granted last year unexpended	2 0 0
Wolfville on the new Great road leading to Avon Bridge to the Township Line, to be expended on such Section or Sections of said road, as the Commissioner may conceive to be most conducive to the public good	50 0 0
Nictau Road northerly to Sylvanis Davis'	6 0 0
Sylvanis Davis' northerly to James Kenny's	6 0 0
John Reed's to James Vaughan's	5 0 0
T A. Davison to Duncon's mill	5 0 0
Cyrus Davison's, senr. to S. Benjamin's junr.	6 0 0
James Coldwell's to James Pitt's, and to rebuild Black River Bridge	8 0 0
To repair the Bridge over J. Martin's Mill-dam	4 0 0
From John Gutridge's to James Coldwell's, and to repair the Bridge over Cold Brook	8 0 0
O'Leary's to new Canan	7 0 0
Timothy Bishop's by Redman's to Cornwallis line	7 0 0
J. Fitch's to Quigley's	5 0 0
Waistcoat's Shop to Stephen Dodge's, and to repair the Bridge over Mill Brook	7 0 0
Kentville on the Great Road to Sherbrooke, £3 to make an alteration across Ward's field, and £4 from David Casey's past Quigley's	7 0 0
The Gaspereau Bridge on the Sherbrooke road to Lunenburg Line at Sherbrooke	15 0 0
Daniel Seafield's to Wm. Scofield's	7 0 0
McCulley's to Daniel Coldwell's	5 0 0

AYLESFORD.

The Methodist Church to the Bishop's place	8 0 0
Samuel Parker's on the Great Road to Sherbrooke	8 0 0
The Lunenburg line through Sherbrooke, in King's County, to Wilmot line, and to open the Road towards Aylesford	8 0 0
Parker Road easterly by Lewis Palmer's to the Cornwallis Town Line	4 0 0
Cornwallis line westerly on the Canan Road to Wilmot Line	5 0 0
Parker Road westerly by Hodge's to the Nichols Road	5 0 0
Nichols Road westerly by Jackson's to the Glebe Road	5 0 0
Neily Road and the Canan road westerly to Wilmot line	5 0 0
For the Road leading from the Neily road to Wilmot line south of the Ward road	5 0 0
Road and Bridge leading from the Post-road to Keaton's Mills, in addition to £7 10s. granted last year unexpended	4 0 0
From the Post road by Spinney's to the Canan road	7 0 0
For the Glebe road to the Canan road, to be expended south of the Ward road	6 0 0
Road leading easterly from the Glebe road to the Nichols road	5 0 0
From the Post road by the Nichols's Mill to the Canan road	7 0 0
Post road northerly on the Bishop's road to the Bay	5 0 0
For the Clement road and the road easterly by Morton's to the Mordain road	8 0 0
Mordain road to the Bay	6 0 0
Ormsby road from the foot of the Mountain to the Bay, and the road easterly by A. Clowry's	6 0 0
Road leading from the Ormsby road easterly by A. Woodworth's	6 0 0
Alteration as began by Willis Foster's place	12 0 0

Parrsboro'.

APPENDIX No. 76.

PARRSBORO'.

From Partridge Island on the Post-road to white Hall, to complete the alteration	£25	0	0
White Hall by the Church on the Cumberland road to the County line	15	0	0
Cumberland road to Ratchford River, £5 of which to be expended in completing the alteration across the Marsh at Fox River, £2 on the Road leading past Gal- lagerh's and John Morrise's	17	0	0
Frances Frayers westerly to Spurr's, by Mahoney's Mill, to cut out and open that road	10	0	0
To cut down the Big Rock on the Shore, near N. Knowlton's place	7	0	0
From Spurr's, at Spencer's Island, to Advocate Harbor, by the Flat	7	10	0
The Cumberland road to Swan Creek	7	10	0
Moose River, westerly to the two Island Settlement, not to be expended until the road is inoroughly explored and surveyed	10	0	0
Alex. Thompson's northerly on the west Macan road	8	0	0
For the road through Little York Settlement at Five Islands	5	0	0
From Partridge Island on the new road to Diligent River to Robinson's	6	0	0
Robinson's to Diligent River on the new road	7	0	0
T. D. Dicken's to Black Rock Settlement	7	0	0
To pay John Morris amount over expended on Ratchford River Bridge last year	5	0	0
From Cumberland road commencing at the County line by Ruscoe's to Hannah's Mills	8	0	0
Cumberland road near the new Meeting House at Half-way River, northerly by Harrison's	5	0	0
	£750	0	0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Four Hundred and Fifty Pounds, granted for the service of Roads and Bridges for the County of Annapolis, be applied as follows:

For Paradiice bridge £10, in addition to £5 granted last year and undrawn	£10	0	0
Lawrence Town bridge	15	0	0
Woodberry's or Gates' bridge	10	0	0
Repairing the bridge by Parker Oakes', on Post Road	10	0	0
To be paid Parker Oakes, for over-expenditure on above bridge	1	15	0
For Nictau bridge	10	0	0
Bridgetown bridge	7	10	0
Bloody Crick bridge	5	0	0
Repairing bridge over the D'St. Crox brook, Bay Shore, Granville, by Theo- dore Hill's	5	0	0
Completing the alteration on main road at Ryerson's Hill	25	0	0
Road from Asaph Bent's to the Chief Justice's Farm	10	0	0
From Stephenson's, on the Delusion Road, to the Cove at Margaretville, by Brown's and McNeely's	10	0	0
For Bay Shore road, by Peter Middlemas'	12	0	0
Road by Patrick Scandling's to the Bay Shore	10	0	0
Road by Eri Welton's to Aylesford	10	0	0
Road from New Harmony to Canian road	10	0	0
Road to Lunenburg by Peter Moore's	10	0	0
Opening a new road through New Albany	10	0	0
Dalhousie road, East of the Cross road	20	0	0
Road through Grenton Settlement	11	10	0
On the Tremper Cross road, Clements	8	0	0
For road from Moose River bridge to the Hessian line	10	0	0
On Shelburne road, from the General's bridge to Pardon Sanders'	5	0	0
On the Dalhousie road, from Alex. Easson's to Thomas Fossy's	10	0	0
For road from Thomas Fossy's to Staylan's Mill	15	0	0
From Staylan's Mill to the Cross road	10	0	0
For the Eastern part of the Waldeck road	5	0	0
The New Liverpool road from Alexander Easson's to Lamb's brook	15	0	0
Road from Lamb's brook to Queen's County line	25	0	0
On the Perott road, South of the Ten-Mile River	10	0	0
On the Ramsey road, Dalhousie Settlement	4	10	0
			On

APPENDIX No. 76.

On the Lamberson Cross road from the main road to the East and West road over the North Mountain	£10 0 0
On the East and West road over the Mountain, East from the Lamberson road to John Quereau's West line	7 10 0
On the McKinzey Cross road from the main road to the foot of the Mountain	5 0 0
On the East and West road, over the Mountain, from Alex. McKinzey's West to the hollow at Delap's Cove	5 0 0
On the Johnson Cross road, by Mill's line, from the main road to the Bay	7 10 0
On the Parker Cross road £5, and £5 West on the road over the Mountain between Jonathan Milner's and Francis Halliday's	10 0 0
On the Young Cross road from main road to the Bay Shore	7 10 0
On the Shore road, West from the Young Cross road to Abraham Young's	5 0 0
On the Phinney Cross road, in Granville, from the main road to the Shore road	10 0 0
On the Chute Cross road from the top of the Mountain to the Shore road	5 0 0
On the new alteration on the East and West road over the Mountain, by Wright's	7 10 0
On the James' Cross road from the limits of Bridgetown to the Lake at the top of the Mountain	15 0 0
On the Messenger Cross road from the Shore road to the East and West road over the Mountain	7 10 0
On the new alteration on the road near Zebulon Phinney's, in Wilmot	17 5 0
	£450 0 0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Four Hundred and Fifty Pounds, granted for the service of Roads and Bridges in the County of Digby, be applied as follows:

MAIN AND POST ROADS.

From Petete Passage to Briar Island	£20 0 0
Little River to Petete Passage	15 0 0
Sandy Cove to Trout Cove	10 0 0
Seawall to the late Jacob Smith's Farm	10 0 0
Stephen Nichol's to E. K. Timpany's East line	15 0 0
For back road, by Bear River bridge, from G. Togin's to George Welche's Farm	20 0 0
Completing the bridge over Sissaboo River, and paying the over-expenditure of 1836	15 0 0
Repairing the bridge over Turner's brook on the road from Digby to the Light-House	7 0 0
From Bear River Ferry to John Salice's Farm	10 0 0
For repairing the bridge over Salmon River	10 0 0
Repairing the bridge over Monteghan River	10 0 0
The road on the Township line of Digby and Clare	20 0 0
The new Yarmouth road from Payson's Meadows to Frederick A. Robicheau's Farm	35 0 0
From the Upper Chappel to Corberi Settlement	20 0 0
CROSS ROADS FOR THE TOWNSHIP OF DICBY AND HILLSBOROUGH.	
From the Shore road from Smith's Cove to Bear River, back road	10 0 0
James Urquhart's, east line, to cross road	10 0 0
James Daly's to Broad Cove road	10 0 0
Blin's Farm to Dowling's do.	10 0 0
North to South Range cross road	10 0 0
St. Mary's Bay to North Range road	15 0 0
Jacob Wyman's to the Post Road, in District No. 45, to Sissiboo barrens	10 0 0
For the road leading to the Duck Pond Settlement	10 0 0
From Sissiboo Falls, on the north side of the River, from Woodow's Mill brook to Malanson's cross road	10 0 0
	From

APPENDIX No. 76.

From Bear River, on the South Range road, to Zeigler's Settlement	£15	0	0
For the road over the Mountain from Post's brook to Donald Rosse's, east line	7	0	0
From James Budd's Farm to Joseph Henderson's	5	0	0
William Payson's to the Township line	10	0	0
Stephen Payson's, on the N. Range road, to the cross road leading to South Range	6	0	0

CROSS ROADS FOR THE TOWNSHIP CLARE.

From Grosse Cogue's River to Corberi Settlement	20	0	0
For Bonafant's line road	10	0	0
Joseph Saulnier's line road	10	0	0
Mathurine M. Corneau's line road	10	0	0
From Gabriel Deveau's to Corning's brook	10	0	0
Archangel Deveau's to Melchia Settlement	10	0	0
For Stephen Saulnier's line road	8	0	0
Patrick Noland's line road	7	0	0
The long road between the first and second location	10	0	0
	£450	0	0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Four Hundred and Sixty Pounds, granted in the year 1838, for the service of Roads and Bridges in the County of Yarmouth, be applied as follows:

From Beaver River to Sanders' bridge	£15	0	0
To repair Sanders' bridge	10	0	0
From Jacob Tedford's to Salmon River	10	0	0
To repair the bridge by Chipman Porter's	10	0	0
From John Pitman's to Pitman's road	10	0	0
Starr's to John Vickery's	10	0	0
George Terfry's to John Ballam's, including repairs of Salmon River bridge	10	0	0
John Ballam's to Tusket Village, including repairs of Tusket bridge, and the road from the Parade to Gavill's	15	0	0
Lent's corner to the Roman Chapel, and to repair the bridge over Abram's River	20	0	0
Roman Chapel to Abuptic River	20	0	0
John Rider's to Patrick Heslin's, including the repairs of Pubnico bridge	10	0	0
Walter Larkins' to Still Water	15	0	0
William Halstead's to the head of Lake Carlton	30	0	0
Edmund Crawley's to Bethune's Mill	10	0	0
John K. Crosby's to Yarmouth line	20	0	0
Samuel Hilton's to James B. Gallie's	25	0	0
James B. Gallie's to the east side of Pleasant Valley bridge	20	0	0
Yarmouth line, on the east side of Cedar Lake, to Abiel Crosby's	10	0	0
Churchill's Mill to the Widow Sullivan's	10	0	0
William Thurston's to Foot's Cove	10	0	0
Job Reynard's to Pleasant Valley	10	0	0
Charles Amiro's to Barrington line	10	0	0
Simon D'Entremont's to Barrington road	15	0	0
John Spinney's to Ceril D'Eon's	10	0	0
Eel Lake to the Forks	20	0	0
Joshua Porter's to McKimmon's Point	10	0	0
To repair the bridge at Robert's Island	10	0	0
From the main road to the Indian Sluice	10	0	0

APPENDIX No: 76.

To repair the bridge at Gavill's Falls	£10	0	0
From John Burke's to the head of Eel Lake	20	0	0
Edmund Crawley's to the old Kemptville road	15	0	0
Nathaniel Churchill's to the head of Lake Carlton	15	0	0
Joseph White's to the main road west of Abram's River	15	0	0
	£460	0	0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Four Hundred and Sixty Pounds, granted for the service of Roads and Bridges in the County of Shelburne, be applied as follows:—

GREAT ROADS.

From Still Water to Barrington bridge	£25	0	0
Barrington bridge to Clyde River, and to alter the road round the three hills near Goose Creek, and to repay an over-expenditure of £3 12 6½ on said road last year, including the repairs made to Clemons Pond bridge last fall	50	0	0
Clyde River to Beaver Dam	25	0	0
Beaver Dam to Shelburne	40	0	0
Shelburne Town to Jordan River, including repairs of Jordon bridge	45	0	0
Jordan River to Sable River	40	0	0
Sable River to Eastern bounds of the County	10	0	0

CROSS ROADS BARRINGTON.

From Levi Crowell's, Cockawit, to Levi Nickerson's, Shag Harbour	15	0	0
Judah Crowell's to Joseph Atwood's	10	0	0
For Sheroe's Island bridge	15	0	0
From Seth Nickerson's to John McGray's, Cape Island	15	0	0
Shelburne road to W. Watt's, on Clyde River	12	10	0
Clam Creek to Shelburne road	25	0	0
And to re-pay an over-expenditure of Ten Pounds on said road last year	10	0	0
James Snow's to Baker's River	5	0	0
Port Lebare to Sable River, in addition to Seven Pounds granted but undrawn last year	3	0	0
The Settlement on the west side of Port Lebare to the Post road at the head of the Harbor	7	0	0
The head of Sable River to the head of Ragged Island Bay	7	0	0
Little Harbor to Richard Wall's	10	0	0
Little Harbor to Edward Dunn's	5	10	0
The head of Ragged Island Bay to Green Harbor	10	0	0
Green Harbor to Jordan River	10	0	0
James Hog's, east side Roseway River, to upper part of New Settlement	30	0	0
Shelburne bridge to New Cambria	15	0	0
Solomon Smith's to Benjamin Perry's	17	10	0
Abiel Hagar's to Birch Town	7	10	0
	£460	0	0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Five Hundred and Thirty Pounds, appropriated for the service of Roads and Bridges in Queen's County, be applied as follows:—

Lunenburg

APPENDIX No. 76.

Lunenburg County line to Mills Village	£100	0	0
Mills Village to Herring Cove	15	0	0
Herring Cove to intersection of Milton Road	20	0	0
First Beech Hill to Broad River, and to repair Bridge	20	0	0
Broad River to McAdam's, Port Mutton	5	0	0
Port Mutton to Port Jolie	10	0	0
Port Jolie to bounds of the County	35	0	0
Cowie's Tanyard to Milton, and to repair Bridge	45	0	0
Milton to Middlefield	35	0	0
Middlefield to Brookfield	10	0	0
New line through Brookfield	40	0	0
Mills Village to Ponhook	30	0	0
Oliver Tupper's to Liverpool Ponhook	20	0	0
For the Bridge at Bear Falls	10	0	0
Mills Village to Portmedway	12	10	0
Solomon's to Port Medway	7	10	0
Kolp's Western Head to Munro's	10	0	0
Jonas Phillip's to Hunt's Point	20	0	0
To aid in building Bridge across Port Mutton Creek	25	0	0
From Stuart's, Point L'Herbert, to the Main Road	15	0	0
Robert McDonald's, Sandy Bay, to Port L'Herbert	5	0	0
Eagle Head to Pudding Pan	7	10	0
Port Medway Road to Blueberry	5	0	0
Milton to Herring Cove Lake Mills	5	0	0
From Middlefield to Greenfield	20	0	0
Ford Freeman's to Chelsea	10	0	0
Wellington Road to Buckfield	3	0	0
Caledonia Road round Douglas Hill	12	10	0
Kempt Road	5	0	0
Northfield Road	8	0	0
Mount Merit Road	3	0	0
Pleasant Rout Road	8	0	0
Devonshire Road	5	0	0
Whiteburn Road to Davis'	5	0	0
Defeat Road to Mullin's	5	0	0
Brougham Road to Forrester's	5	0	0
Hibernia Road from Cameron's to Robertson's	5	0	0
Rosette Road, two branches	6	0	0
Westfield Road	6	0	0
Pleasant River Road to D. McKay's	3	0	0
Pleasant River to James Smith's	3	0	0
	£530	0	0

*In the House of Assembly, 27th March, 1838.*

RESOLVED, That the sum of Seven Hundred Pounds, granted for the Main and Cross Roads in the County of Lunenburg, be applied as follows:—

From Pernet's Ferry to Acker's Mills	£10	0	0
Acker's Mills to Lunenburg	10	0	0
Lunenburg to Kiddy's Bridge, Mahone Bay	10	0	0
Kiddy's Bridge to Martin's River	10	0	0
Leonard Young's to Block House	10	0	0
Block House to Robar's Mill	10	0	0
Robar's Mill to Peter Lant's	10	0	0
			From

APPENDIX No. 76.

From Peter Lant's to New Germany	£10	0	0
John Beck's to John Langille's	10	0	0
John Langille's to Hirtle's Mills	10	0	0
Hirtle's Mills to Geo. Hirtle's and to avoid hill near Henry Koch's	20	0	0
George Hirtle's to Conrod Wentzell's	10	0	0
Conrod Wentzell's to New Germany	10	0	0
New Germany to Annapolis County line	10	0	0
Rouche's brook to Fish Lots	10	0	0
North West Street to James Vieno's 300 Acre Lot and outwards	15	0	0
Clear Land to open the road to Sherbrooke and Dalhousie	15	0	0
Block House to Mahone Bay	10	0	0
Meeting House, North West Range, to Casper Kaulback's	10	0	0
Slauhenwaite's Lake to Jacob Westhaver's, Jun.	5	0	0
On the road from North West Street to Geo. Slaugenwaite's 300 Acre Lot	10	0	0
From New Germany road to Edward Power's	10	0	0
Rear of Maitland Settlement to LaHave	5	0	0
Mullock's to Nichs. Crouse's and outwards	10	0	0
John Silner's to LaHave River	10	0	0
Silner's road to Peter Eichel's	10	0	0
Koch's bridge to Rose Bay	15	0	0
Frederick Vieno's, North West Range, to John Demon's	5	0	0
Geo. Langille's 300 Acre Lot to the Big Lake	10	0	0
Hant's County line to Robinson's corner	50	0	0
John Webber's to Middle River	10	0	0
Middle River bridge to Martin's River, and to avoid the hills	40	0	0
Crandall's to Rose Bank bridge	40	0	0
Church at Sherbrooke to Kentville	10	0	0
Church at Sherbrooke to Dalhousie	15	0	0
Chester to Halifax County line	10	0	0
Windsor road to New Canaan	15	0	0
Windsor road to Henry Schweinhammer's	5	0	0
West side of Gold River to Rafuse's Farm, including an over-expenditure of £2 10 last year	5	0	0
Queen's County line to Broad Cove Mills	30	0	0
Broad Cove Mills to Petit Riviere bridge	15	0	0
Petit Riviere bridge to Pernet's Ferry	20	0	0
LaHave bridge to Conquerall Road	20	0	0
Conquerall Road to Rev. Mr. Weeks', and to repair Smelt Brook bridge	15	0	0
Sperry's to Bell's, Dublin Shore	10	0	0
Meeting-House, Petit Riviere, to Conquerall Settlement	15	0	0
LaHave River to Conquerall	10	0	0
Conquerall to Camperdown	10	0	0
LaHave bridge to John Fancy's, Pleasant River road	10	0	0
John Fancy's to Pleasant River	10	0	0
Pleasant River road to Chelsea	10	0	0
Pleasant road to Michael Mailman's, by Peter Krouse's	10	0	0
Camperdown to New Settlement of Montreal	5	0	0
Pleasant River road to Lapland	10	0	0
	<b>£700</b>	<b>0</b>	<b>0</b>

## APPENDIX Nos. 77, 78, 79.

No. 77.

*(See Page 386.)*

The Committee appointed by a resolution of this House of the 10th inst. to examine into, and report upon, certain charges made by an Honorable Member of this Assembly, against the Officers of the Police Establishment, having attended to that duty, now beg leave to report—

That they have carefully investigated the evidence brought before them, as well in support of those charges as in refutation thereof, and have also duly noticed all papers and matters relative thereto, submitted for their consideration, and do not find any one charge either as to taking Fees improperly, or as to the misapplication of Fines, made out or substantiated; but on the contrary, so far as the Committee, during this extended examination, have been made acquainted with the general proceedings in the Police Office, and with the conduct of the Magistrates connected therewith, the affairs of that establishment appear to them to be fairly, honestly, and judiciously conducted, and lead them to the conclusion, that the very injurious aspersions and insinuations, so frequently thrown out against that body of Magistrates are groundless and unfounded in fact. The Committee think it also due to the parties accused, to state that they manifested a readiness on all occasions to furnish any information required, and rather courted than shrunk from a full investigation. All which is respectfully submitted.

Committee Room, 27th March, 1838.

THOS. A. S. DEWOLF, Chairman.

L. O. C. DOYE.

RICHARD J. FORRESTALL.

R. MCG. DICKEY.

JOHN MORTON.

W. B. TAYLOR.

J. ELDER.

No. 78.

*(See Page 386.)*

The Committee to whom the Petition of Nathaniel Clough, Esq. was referred, having inquired into the facts, and obtained the accompanying affidavit, report that the Petitioner's Stores in the Gut of Canso were consumed by Fire in the winter of 1836, and a large quantity of valuable property destroyed. That the goods stated in his affidavit were burned in said Stores, and the duties thereon having been actually paid at the Custom House and Excise, the Committee recommend that the amount thereof being Fifteen Pounds and Three Pence currency be granted to the Petitioner.

Committee Room, 27th March, 1838.

WM. YOUNG.

THOMAS DICKSON.

H. HUNTINGTON.

No. 79.

*(See Page 387.)*

*In the House of Assembly, 28th March, 1838.*

**RESOLVED**, That the sum of Seven Hundred and Sixty Pounds granted for the service of Roads and Bridges for the County of Pictou, be applied as follows, viz :

From the County line of Colchester to the 10 Mile Inn	£10 0 0
Reid's, Mount Tom, to Murdock McKenzie's on the new line, an over expenditure of £22 19 7 made thereon last year, to be paid thereout	85 0 0

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From

## APPENDIX No. 79.

From the 10 Mile Inn, West River, to the Town Gut	£15	0	0
Pictou to Carriboo River, on the new line to River John	25	0	0
Carriboo River, through River John by the Bridge to the county line, on the Tatamagouche Road	15	0	0
The 10 Mile Inn, West River, to the Middle River, to be expended in opening the new line round Green Hill	20	0	0
The middle River to the East River	5	0	0
New Glasgow to Sutherland's River	10	0	0
Sutherland's River to the County line of Sydney	20	0	0
Fisher's Grant to New Glasgow, including the ferry wharf at the Grant	30	0	0
Fraser's Point to New Glasgow, including the ferry wharf at MacDonald's	25	0	0
The forks of the Road on Fraser's mountain, past Newton, to the road leading from Fisher's Grant to New Glasgow	5	0	0
The Colchester County line through new Larig, on Canar's line	25	0	0
To rebuild the Bridge at Bailie's Brook	35	0	0
From McGei's, at the Mill-Brook Gulf, through the back settlements of Bayley's Brook to the Mountain Road	5	0	0
The County line of Sydney, at McKinnon's in the back settlement of Knoydart, towards Bayley's Brook	5	0	0
The Post Road, at Bayley's Brook, through the Gushet and Glendher Settlement, to the Mountain Road	5	0	0
George McLeod's to the Back Settlement, Bayley's Brook	5	0	0
David Murray's up the West side of Barney's River, to the head of the West Branch thereof	12	10	0
The Bridge at Robertson's, west Branch of Barney's River, past Adam McKenzie's and Irvin's to the rear settlement	£10	0	0
The main Road up the middle Branch of Barney's River	5	0	0
David Murray's up the East side of Barney's River, and across the Bridge at R. McDonald's	7	10	0
Joseph McDonald's, Barney's River, to the County line of Sydney, on the Mountain road	5	0	0
The French River Bridge on the New road to Barney's River, called Gillis' road	7	10	0
The Main Road to the Back Settlement, at Lammont's	2	10	0
The main road to the back Settlement at Patrick Sullenger's	2	10	0
The Albion Mines to Hopewell	20	0	0
Grant's Bridge to Fraser's, west side of East Branch	10	0	0
Fraser's Bridge to the County line on the St. Mary's Road, and to pay an over expenditure last year	10	0	0
James Fraser's Marsh to McPherson's Glen	10	0	0
The Mill Brook to the Middle River, and to pay an over expenditure done by R. Sutherland	17	0	0
Cameron's, West Branch, East River, to the middle River forks	13	0	0
The Church, West Branch, east river, to the head of the River, west side	7	10	0
Dunbar's, West Branch, to the Big Brook	5	0	0
Robertson's Mill to McLellan's Brook	5	0	0
Fraser's Mill to the head of the East Branch	5	0	0
McCulloch's Brook to John Marshall's, middle river	7	10	0
Little Harbour, past McDonald's Mill to the Pine Tree Gut	15	0	0
Little Harbour to New Glasgow	7	10	0
Lower Settlement, East River, to Grant's Cross Road	10	0	0
The Pine Tree Gut to the Marsh, McLellan's Brook,	5	0	0
The East Branch by Cameron's to Blanchard's Road	5	0	0
David McLearn's, Esq. to the Head of the west Branch	5	0	0
			From



## APPENDIX No. 80.

1837.		Sterling.		Currency.			
		£.	s.	D.	£.	s.	D.
Dec. 31.—To paid the Superintendent of Mines in Cape-Breton	“ 100 “	92	6	2	115	7	9
Harbor Master, Sydney, C. B.	“ 100 “	92	6	2	115	7	9
Clerk of the Crown	“ 100 “	92	6	2	115	7	9
Mr. James 1st Clerk Secretary's Office	“ 250 “	230	15	4	288	9	2
Mr. Passau, 2d. do do		83	1	6	103	16	11
Mr. Wm. H. Keating for occasional assistance, Secretary's Office,		36	18	5	46	3	0
John Howe for printing for Government		22	4	10	27	16	0
Provincial Secretary for Stationary, Fuel, Messenger, &c.		46	3	1	57	13	10
John S. Morris, Esq. being his Salary (nominally £500) as Commissioner of Crown Lands for the last year		461	10	9	576	18	5
do being for the Salary of his Clerk and contingencies		118	8	11	148	1	2
H. W. Crawley, Esq. Commissioner of Crown Lands in Cape Breton in payment of his Salary and contingencies of his office		403	9	10	504	7	3
Surveyor General of Cape-Breton for Office Rent		16	0	0	20	0	0
Paid for Bills of Exchange remitted to Miss Cox in payment of her pension of £100 Sterling for the year, with premium on Bill		101	6	8	126	13	5
Paid Balance of Loan due to Mining Association		1053	1	4	1316	6	8
Paid the Herald for Proclaiming the Queen		10	0	0	12	10	0
Paid Commissioner of Crown Lands, being 5 per cent. on £1100 Currency the amount of excess paid by him in 1836 and 1837		44	0	0	55	0	0
Paid Dr. Abraham Gesner, being the amount paid by him for a lot of Crown Land, and returned to him in pursuance of a recommendation of the Executive Council		40	0	0	50	0	0
		£5251	12	10	6564	11	2
Balance in hand		£2101	5	11	2626	12	4
		£7352	18	9	9191	3	6

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December 31st, 1837.		Sterling.		Currency.			
		£	s.	D.	£	s.	D.
By Balance in hand, nominally £1040 14 1 Sterling, actually		£925	1	4	1156	6	8
By rent of the Reserved Mines in Cape-Breton and Pictou for the year ending this day, nominally £3000, actually		2666	13	4	3333	6	8
By one years rent of Mines under Lease to His late Royal Highness the Duke of York		1	0	0	1	5	0
By duty on 19,252 Chaldrons, 30 Bushels Coal, Newcastle measure, raised over 20,000 Chals. at 2s. currency per Chaldron		1542	12	0	1928	5	0
By received from Commissioners of Sable Island in repayment of an advance to them in 1835		88	17	9	111	2	2
By amount of balance retained by the Commissioner of Crown Lands in former years, and ordered to be paid into the Casual Revenue, by Lord Glenelg		544	11	3	680	14	1
By proceeds of Sales of Crown Lands received from the Commissioner, John S. Morris, Esq.		579	19	8	724	19	7
By proceeds of Crown Timber seized in the County of Pictou		8	0	0	10	0	0
By received from Commissioner of Crown Lands, being part of the Balance of £414 15s. Currency, stated in his account of 1837, to be in his hands		162	6	4	202	17	11
By received from H. W. Crawley, Esq. being the nett amount of receipts by him as Commissioner of Crown Lands during the past year		403	9	10	504	7	4
By amount of Fees received at the Secretary's Office, including those from Cape-Breton during the year ending this day, deducting £10 paid to Deputy Surveyor McNab for Surveying St. Andrew Channel, by order of the Government		430	7	3	537	19	1
		£7352	18	9	9191	3	6

RUPERT D. GEORGE,

Treasurer of the Casual Revenue.

Halifax, 28th March, 1838.

NOTE.—The balance in the Treasurer's hands on the 1st January, 1837, was, as within stated, £1,156 6 8 Currency. This reduced into Sterling by the old rule, that is by the deduction of a tenth, makes £1,040 14 1, the balance in nominal Sterling stated to be in hand in the account current for 1836. For greater perspicuity two columns of figures are adopted in this account, one shewing the payment and receipts in Currency, and the other denoting their real value in Sterling, which is obtained, now that sixteen shillings Sterling are equal to the one pound note current in this Province, by deducting a fifth instead of a tenth, as formerly, when the pound Currency was equal to eighteen shillings Sterling, and thus the above balance of £1,156 6 8 Currency reduced into Sterling becomes £925 1 4, as within stated.

By comparing this account with the Schedule of Sterling Salaries fixed for the Officers paid from the Casual Revenue, it will be seen that they do not receive the amounts to which they are respectively entitled. For instance, the Chief-Justice's Salary is £850 Sterling, but this account shews that instead of receiving that amount last year he only received £784 12 4 Sterling, and all the other Officers are alike losers in proportion to their respective Salaries.

R. D. G.

No.

## APPENDIX No. 81.

No. 81.

(See page 394.)

The Committee appointed to take into consideration all matters connected with the Post Office, having examined the several matters and Petitions to them referred, agree to report as follows :

1st.—That the Statement of the Disbursements made by the Deputy Post Master General during the past year are correct.

2d.—The Committee in reference to the Petition of the Freeholders of Margaree and Mabou, suggesting a change of the Post Route through the said Settlement, have agreed to refer the same to the next Session of the Legislature, as there appears to be conflicting statements on the subject, from the parties interested, when better evidence can be had.

3d.—That having considered the various Petitions and Applications for an extension of the Post Communication, the Committee have agreed to recommend the following in addition to the service as heretofore established, viz :

To extend the Post Communication from Crane's, in Economy, to Moose River, at the two Island Settlements	£10 0 0
To effect the same service from Partridge Island to Advocate Harbour, in addition to the sum now paid	5 0 0
To effect the same service from Guysborough to Charles Archibald's, Esq. Country Harbour	20 0 0
To effect the same service from New Glasgow, through Hopewell, and across to Duncan Cameron's, on the East Branch of the East River of Pictou	20 0 0
To effect the same service from Truro to Tatamagouche	40 0 0
To effect the same service from the West line of Cornwallis, through the back Settlements of Aylesford to Willis Foster's	6 0 0
To effect the same service during the whole year from Parrsborough to Amherst	40 0 0
To establish a Weekly Communication from Antigonishe to Sherbrooke, in addition to the sum heretofore paid on that line.	10 0 0
To pay the Courier between Big Village & Economy, for passing through the Upper Settlement of Portauisque and Barss River and Kerr's mountain, on his way to Crow's	2 10 0
	<hr/>
	£153 10 0
In addition to the foregoing sum, there will be required to keep up the Post Communication as heretofore established, the sum of	£1342 7 2
Also such further sum as will defray the expense of Franking Letters of Members of the different branches of the Legislature, &c. during the present Session, estimated at	340 0 0
	<hr/>
	£1835 17 2

The Committee therefore report that a sum not exceeding £1835 17 2 be granted and applied for the support of the Post Communication, and the various services connected therewith, as before set forth, for the present year.

4th.—In reference to the several applications in favour of the Western and Eastern Stage Coaches, and the transmission of the Mails, by these Conveyances from Halifax to Annapolis, and from Halifax to Pictou, twice in each week, the Committee, after having given the subject their mature consideration, report that, in their opinion, it is very desirable that regular Mails should be conveyed as above mentioned, at least twice in each week—that they have been informed, and, upon investigating the subject, find it to be a fact, that the sum allowed by the Legislature in the last Session, only gives to the Western Stage, the sum of £55 6 8, and to the Eastern Stage the sum of £15, over and above the sums for which they have respectively contracted to carry the Mails once in each week to the above places—That these sums being of so little consequence as compared with the loss and inconvenience which those Establishments sustain from the interruption and detention caused by being bound, if they accept the above sums, to take, under all circumstances, the Mails twice a week, the Proprietors of the Coaches have determined that, unless further allowance be made, they will no longer carry the Mails more than once in each week:—This will be seen by the following Statement—

The sum now allowed to the Western Stage for carrying the Mails twice in each week to Annapolis, is	£400 0 0
There has been paid for conveying the Mail from Halifax to Annapolis, once in each week, for a great many years, (and the Stage Owners now have the same Contract) the sum of	344 13 4
	<hr/>
Difference	£55 6 8
	<hr/>
The sum now allowed the Eastern Stage Coach for conveying the Mails twice in each week to Pictou is	£300 0 0

## APPENDIX Nos. 81, 82.

The cost of conveying the same Mail for the last 20 years, no more than once in each week, and for which the Owners of the Eastern Stage now have the Contract, is

£285 0 0

Difference

£15 0 0

The Committee therefore recommend that a further allowance be made those Establishments, viz: To the Western Stage the sum of £88, and to the Eastern Stage the sum of £85—in all £173, and when the importance of the service, which will thereby be secured to the Public is taken into account, the Committee conceive they are fully warranted in recommending the claims of the several Applicants to the most favorable consideration of the House. The Petition from Pictou, in particular, details fully the loss and inconvenience which will be felt by that Community, should the present arrangement fall through.

5th.—In regard to the Returns made by the Post Office Department, by order and for the information of the House, the Committee do not find therein all the information which they conceive to be necessary, in order to form a correct opinion as to the propriety of assuming the duties and responsibilities of that office in this Province, with a view of deriving a Revenue therefrom.—For while, on the one hand, from the Report of the Committee of the House at the last Session of the Legislature, it might be inferred that such a measure would be one of gain—on the other, it is asserted by the Heads of the Department in England, as appears by a Dispatch lately received and published here, that it would be a positive loss. Under these conflicting views of the case, and at this late period of the Session, the Committee have concluded to defer further investigation for another year.—All of which is respectfully submitted by the Committee.

Committee Room, House of Assembly, March 28th, 1838.

JAMES B. UNIACKE, Chairman.  
THOMAS DICKSON,  
THOMAS FORRESTER.

## No. 82.

(See Page 405.)

VICTORIA, by the Grace of GOD, of the United Kingdom of Great-Britain and Ireland, Queen, Defender of the Faith, To Our Right Trusty and Right Well-beloved Cousin and Councillor, JOHN GEORGE, Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath.

## GREETING :

WHEREAS, Our Royal Predecessor, His late Majesty King William the Fourth, did, by certain Letters Patent, under the Great Seal of our United Kingdom of Great-Britain and Ireland, bearing date at Westminster, the first day of July, One Thousand Eight Hundred and Thirty-five, amongst other things therein contained, constitute and appoint our Right Trusty and Right Well-beloved Cousin and Councillor, Archibald, Earl of Gosford, to be Captain-General and Governor in Chief in and over the Province of Nova-Scotia, during His said late Majesty's Royal pleasure, as by the said recited Letters Patent, relation being thereunto had may more fully and at large appear. NOW KNOW YOU, that WE have revoked and determined, and by these Presents do revoke and determine, such part only and no more, of the said recited Letters Patent, as extend or relate to the Province of Nova-Scotia, and every Clause, Article and Thing, therein contained, relative to the said Province, and to the said Province only; And further, know you, that We, reposing especial trust and confidence in the prudence, courage and loyalty, of you, the said John George, Earl of Durham, of our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint, and do, by these Presents, constitute and appoint you, the said John George, Earl of Durham, to be our Captain General and Governor in Chief in and over our said Province of Nova-Scotia, in America, the said Territory being bounded on the westward by a line drawn from Cape Sable across the entrance to the centre of the Bay of Fundy, on the Northward by a line drawn along the centre of the said Bay to the mouth of the Musquat River, by the said River to its source; and from thence by a due east line across the Isthmus into the Bay of Verte, on the Eastward by the said Bay and the Gulf of Saint Lawrence to the Cape or Promontory, called Cape-Breton, in the Island of that name, including the said Island; and also, including all Islands within six leagues of the Coast; and on the Southward by the Atlantic Ocean from the said Cape to Cape Sable aforesaid, including the Island of that name, and all other Islands within forty leagues of the Coast, with all the Rights, Members and Appurtenances whatsoever thereunto belonging. And whereas, we have deemed it expedient that there should henceforward be two distinct Councils in our said Province of Nova-Scotia, for the purposes hereinafter mentioned. We do therefore, by these Presents, grant, provide and declare, that there shall henceforward be within our said Province of Nova-Scotia, two distinct and separate Councils, to be respectively called The Legislative Council and the Executive Council, of our said Province; And we do further direct and declare our pleasure to be, that all and every the powers and authorities heretofore vested in, or exercised by, the Council of our said Province, so far as respects the Enactment of any Laws to be made within our said Province, shall henceforth be, and the same are hereby, vested in the said Legislative Council, and that all other powers and authorities whatsoever, vested in, or exercised by, the Council of our said Province, shall be, and the same are hereby vested in the said Executive Council. And we do hereby appoint and declare, that the said Executive Council and the said Legislative Council respectively shall hereafter consist of such and so many Members as shall from time to time for that purpose be nominated and appointed by Us, under our Sign Manual and Signet, or as shall be provisionally appointed by you, the said John George, Earl of Durham, until our pleasure therein shall be known. Provided nevertheless, and we do hereby declare our will and pleasure to be, that the total number of the Members for the time being, of our said Executive Council, resident within our said Province, shall not at any time, by any provisional appointments, be raised to a greater number in the whole than nine, and that the total number of Members of the said Legislative Council resident within our said Province, shall not at any time by any such provisional appointments be raised to a greater number in the whole than fifteen. And we do further direct and appoint, that five Members of our said Executive Council, shall be a quorum for the despatch of the business thereof, and that eight Members of our said Legislative Council shall be a quorum for the despatch of business thereof. And we do further direct and appoint, that the Members of the said respective Councils shall hold their places therein during our pleasure, and not otherwise, and that the senior Members respectively for the time being, of each of the said respective Councils, shall preside at all the deliberations thereof, save only when you, the said John George, Earl of Durham, shall be

## APPENDIX No. 82.

present and presiding at the deliberations of the said Executive Council; the seniority of the Members of the said Councils respectively between themselves being determined by such rules and regulations as are for that purpose provided by such instructions as are hereinafter mentioned; and we do hereby require and command you to do and execute all things in due manner that shall belong to your said command, and the trust we have reposed in you, according to the several powers and authorities granted or appointed you by this present commission, and the Instructions herewith given to you or by such further powers and instructions, and authorities, as shall at any time hereafter be granted or appointed you, under our Sign Manual and Signet, or by our order in our Privy Council, or by us through one of our Principal Secretaries of State, and according to such reasonable Laws and Statutes as are now in force, or shall hereafter be made and agreed upon by you, with the advice and consent of the Legislative Council and Assembly of our said Province of Nova-Scotia, under your government, in such manner and form as hereinafter is expressed, and our will and pleasure is, that you, the said John George, Earl of Durham, as soon as may be after the publication of these our Letters Patent, do take the oaths appointed to be taken, by an Act, passed in the first year of the reign of King George the First, intituled, "An Act for the further security of His Majesty's Person and Government, and the succession of the Crown, in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors," as altered and explained by an Act, passed in the sixth year of the reign of His late Majesty King George the Third, intituled, "An Act for altering the oath of abjuration, and the assurance, and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled, "An Act for the improvement of the Union of the two Kingdoms," as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned, to persons indicted for High Treason or misprision of Treason," or in lieu thereof, the oath required to be taken by an Act, passed in the Tenth year of the reign of His late Majesty King George the Fourth, intituled, "An Act for the relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last mentioned Act shall be applicable to your case—and likewise, that you take the usual oath for the due execution and performance of the office, and trust of our Captain-General and Governor in Chief of our said Province, and for the due and impartial administration of Justice; and further, that you take the Oath required to be taken by Governors of Plantations; to do their utmost, that the several Laws relating to Trade and Plantations be duly observed; all which said Oaths, our Executive Council of our said Province of Nova-Scotia or any three or more of the members thereof, have hereby full power and authority, and are required to tender and administer unto you; which being duly performed, you shall administer unto each of the members of the said Executive Council and of the said Legislative Council respectively, such of the said oaths mentioned in the said several Acts as shall be applicable to the case of the Individual Member of our said respective Councils, taking the same, and you are also to administer to them the usual oaths for the due execution of their places and trusts; and we do further give and grant unto you, the said John George, Earl of Durham, full power and authority from time to time, and at any time hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give such of the said oaths in the said several Acts contained, as shall be applicable to the case of the Individual to whom the same shall be administered, to all and every person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into our said Province, or be resident or abiding therein; and we do hereby give and grant unto you, the said John George, Earl of Durham, full power and authority to suspend any of the Members of our said Executive and Legislative Councils respectively, from sitting, voting or assisting in such respective Councils, if you shall find just cause for so doing; and if it shall at any time happen, that by the death, departure out of our said Province, suspension or resignation, of any of the said Councillors, or otherwise, there shall be a vacancy in either of our said Councils, our will and pleasure is that you signify the same to us by the first opportunity, that we may, under our Sign Manual and Signet, constitute and appoint others in their stead. But that our affairs at that distance may not suffer for want of a due number of Councillors, we do hereby give and grant unto you, the said John George, Earl of Durham, full power and authority to choose as many persons out of the principal Freeholders, Inhabitants of our said Province of Nova-Scotia, as shall be necessary to supply any vacancy or vacancies which may from time to time occur in the said Councils, or either of them, which persons so chosen and appointed by you, shall be to all intents and purposes Councillors in our said Province, until their appointment shall either be confirmed or disallowed by us; and we do hereby give and grant unto you, the said John George, Earl of Durham, full power and authority, with the advice and consent of our said Executive Council, from time to time as need shall require, to summon and call General Assemblies of the Freeholders and Settlers within the said Province, under your government, in such manner and form as has been already appointed and used, or according to such further powers, instructions and authorities, as shall at any time hereafter be granted or appointed you, under our Sign Manual and Signet, or by our Order in our Privy Council, and our will and pleasure is, that the Persons thereupon duly elected by the major part of the Freeholders of the respective Counties and places so returned shall, before their sitting, take such of the oaths mentioned in the said several Acts as shall be applicable to the case of the Individual taking the same: which oaths you shall commission fit persons, under the Public Seal of our said Province of Nova-Scotia, to tender and administer unto them, and until the same shall be so taken, no person shall be capable of sitting though elected; and we do hereby declare, that the persons so elected and qualified shall be called and deemed the General Assembly of our said Province of Nova-Scotia, and that you, the said John George, Earl of Durham, with the advice and consent of our said Legislative Council and Assembly, or the major part of them, shall have full power and authority to make, constitute and ordain, Laws, Statutes and Ordinances, for the public peace, welfare and good government of our said Province, and of the people and Inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our Heirs and Successors; which said Laws, Statutes and Ordinances, are not to be repugnant, but, as near as local circumstances will admit, agreeable to the Laws and Statutes of our United Kingdom of Great Britain and Ireland; provided that all such Laws, Statutes and Ordinances, of what nature or duration soever, be, within three months or sooner after the making thereof, transmitted to us, under the Public Seal of our said Province of Nova-Scotia, for our approbation or disallowance of the same, as also Duplicates of the same by the next conveyance, and in case any or all of the said Laws, Statutes and Ordinances, not before confirmed by us, shall at any time be disallowed and not approved, and so signified by us, our Heirs and Successors, under our or their Sign Manual and Signet, or by order of our or their Privy Council, unto you, the said John George, Earl of Durham, then such and so many of the said Laws, Statutes and Ordinances, as shall be so disallowed and not approved, shall from thenceforth cease, determine, and become utterly void and of none effect, anything to the contrary thereof, in any wise notwithstanding; and to the end, that nothing may be passed or done by our said Legislative Council or Assembly to the prejudice of us, our Heirs and Successors, we will and ordain, that you, the said John George, Earl of Durham, shall have and enjoy a negative voice in the making and passing all Laws, Statutes and Ordinances as aforesaid, and you shall, and may likewise from time to time, as you shall judge it necessary, adjourn, prorogue or dissolve all General Assemblies as aforesaid; and our further will and pleasure is, that you shall and may keep and use the Public Seal of our said Province of Nova-Scotia, for Sealing all things whatsoever, that shall pass the Seal of our said Province under your Government; and we do hereby authorize and empower you to constitute and appoint Judges, and, in case requisite, Commissioners of Oyer or Terminer, Justices of the Peace, and other necessary officers and ministers in our said Province, for the better administration of Justice, and putting the Laws in execution, and to administer or cause to be administered unto them, such oath or oaths as are usually given for the due execution and performance of Offices and Places and for the clearing of truth in judicial causes; and we do hereby give and grant unto you, the said John George, Earl of Durham, full power and authority, in case any person or persons commissioned or appointed by us, to any office or offices within our said Province, from which they may be liable to be removed by us, shall in your opinion, be unfit to continue in our service, to suspend or remove such person or persons from their several employments; and we do hereby give and grant unto you, the said John George, Earl of Durham, full power and authority, when you shall see cause or shall judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders, and to remit all such offences, fines and forfeitures; and we do by these Presents give and grant unto you, the said John George, Earl of Durham, full power and authority, without expecting any further Special Warrant from us, from time to time, to give, order and warrant, for the preparing of grants of the custodies of Idiots and Lunatics and their estates, as shall be found, by Inquisition thereof, taken or to be taken, and returnable in our Courts of Chancery, and thereupon to make and pass grants and commitments, under the Public Seal of our said Province of Nova-Scotia, of the custodies of Idiots and Lunatics and their estates, to such person or persons Suitors in that behalf

## APPENDIX Nos. 82, 83.

behalf, as according to the Rules of Law, and the use and practice in those and the like cases, you shall judge meet for that trust ; and we do by these Presents, authorize and empower you, the said John George, Earl of Durham, to collate any person or persons to any Churches, Chapels or other Ecclesiastical benefices within our said Province of Nova-Scotia, as often as any of them shall be void ; and our will and pleasure is, that all public monies raised, or which shall be raised by any Act made, or hereafter to be made as aforesaid, in our said Province, be issued out by Warrant from you, by and with the advice and consent of our said Executive Council, and disposed of by you for the support of the Government of our said Province, or for such other purposes as shall be particularly directed in and by any such Act and not otherwise ; and we do hereby give and grant unto you, the said John George, Earl of Durham, full power and authority, by and with the advice and consent of our said Executive Council in our name, and on our behalf, to grant and dispose of, under the Public Seal of our said Province, such Lands, Tenements and Hereditaments, within the said Province, as now are or hereafter shall be in our power to grant or dispose of ; Provided nevertheless, and we do require, that in granting and disposing of all such Lands, Tenements and Hereditaments, you do conform to and observe the provisions in that behalf contained in any Act or Acts, made or to be made by the Governor, Council and Assembly of Our said Province, for regulating the Sale and Settlement thereof ; and we do hereby declare our pleasure to be, that all such grants shall be entered upon record by such officer or officers as shall be appointed thereunto, and shall be good and effectual in Law against us, our Heirs and Successors ; and we do hereby declare and appoint, that you, the said John George, Earl of Durham, shall and may hold, execute, and enjoy, the office and place of our Captain General and Governor in Chief, in and over our said Province of Nova-Scotia, together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure, and in case of your death or absence out of our said Province of Nova-Scotia, we do by these Presents, give and grant all and singular the Powers and Authorities herein to you granted, our Lieutenant-Governor for the time being of our said Province, or in the absence of any such Lieutenant-Governor, to such person as we may, by Warrant under our Sign Manual and Signet, authorize and appoint to be the Administrator of the Government of our said Province, such powers and authorities to be by him executed and enjoyed during our pleasure ; but if upon your death or absence out of our said Province of Nova-Scotia, there be no person upon the place commissioned and appointed by us to be our Lieutenant-Governor, or specially appointed by us to administer the Government within our said Province, our will and pleasure is, that until your return from any such absence, or until our further pleasure shall be known, the Senior Military Officer for the time being, in command of our Forces within our said Province of Nova-Scotia, shall take upon him the administration of the Government thereof, and shall execute this our commission and the aforesaid Instructions, and the several powers and authorities therein contained in the same manner, and to all intents and purposes, as other our Captain General and Governor in Chief should or ought to do ; and we do hereby require and command all our Officers and Ministers, Civil and Military, and all other the Inhabitants of our said Province of Nova-Scotia, to be obedient, aiding and assisting unto you, the said John George, Earl of Durham, in the execution of this our Commission, and of the powers and authorities herein contained. In Witness whereof we have caused these our Letters to be made Patent. Witness, ourself at Westminster, the Sixth day of February, in the First Year of Our Reign.

By Writ of Privy Seal.

EDMUNDS.

## No. 83.

(See page 408.)

The Committee appointed to inquire into the amount of the Salaries of Officers of the Government of this Province, beg to report as follows:—

That the Lieutenant-Governor is paid		Currency.	
		£2500	0 0
Casual Revenue	Secretary of the Province	1153	16 8
	1st Clerk in his Office	288	9 2
	2d. do	103	16 11
	Occasional Assistance	46	3 0
	Stationary for Warrants to be drawn on Treasury	20	0 0
			£4169 19 7
Expense of Judiciary.			
Casual Revenue.—Chief Justice		£980	15 4
3 Associate Justice at £600 each		1800	0 0
First Justice Common Pleas, Cape-Breton, besides fees		500	0 0
3 first Justice in Nova-Scotia proper		1850	0 0
Judges travelling expenses including £40 paid for conveyance to Cape-Breton		234	13 8
Master of Rolls		600	0 0
Attorney General £180 Treasury, remainder from Casual Revenue besides £95 8 2,			
Fees		611	10 8
Solicitor General besides £93 18 6 fees in 1837		100	0 0
Criminal prosecutions in the Country in the year 1837		164	8 4
Casual Revenue.—Clerk of the Crown		115	7 9
			£6456 15 9
The Judges of the Supreme Court receive fees amounting as they state in some years to as low as sum as £400, and in others to £1000, which the Assembly have declared invalid.			
Collection of the Revenue.			
Treasurer		£600	0 0
Collector of Excise, Halifax		700	0 0
Guager do		200	0 0
Excise Waiters do		506	7 6
Clerk Crown Revenue		45	0 0
Expense of Savings' Bank		150	0 0
			£2201 7 6
The			

## APPENDIX Nos. 83, 84.

The Excise Offices in the Country are paid 15 per cent. in the amount collected by them, which is deducted from the same before paid to the Treasury.

	Sterling.	Currency.
Customs.		
Collector at Halifax	£1500	0 0
Compensation for past Services, do.	500	0 0
1st Clerk in his Office do	250	0 0
2nd do do	200	0 0
3rd do do	150	0 0
Controller £750, Compensation for past Services, £100	850	0 0
Warehouse keeper	300	0 0
2 Waiters and Seachers, 1 £350, 1 do. £300	650	0 0
Extra Clerk	182	10 0
Two tide Surveyors at £150 each	300	0 0
One Locker	73	0 0
Boatmen	146	0 0
Tideman	198	12 0
Collector at Liverpool	200	0 0
Controller do	150	0 0
Collector Shelburne	100	0 0
do Lunenburg	150	0 0
do Barrington	100	0 0
do Argyle	100	0 0
do Yarmouth	209	0 0
Warehouse-keeper do	150	0 0
Collector New-Edinburgh	100	0 0
do Digby	120	0 0
do Cornwallis	150	0 0
do Pictou	200	0 0
Warehouse-keeper, do	150	0 0
Collector, Windsor	150	0 0
do Cumberland	100	0 0
do Guysborough	120	0 0
do Sydney Caps-Breton	400	0 0
Controller do	250	0 0
Collector, Arichat	200	0 0
Tide Surveyor, Bridgeport	100	0 0
do Pictou	14	2 10
do Liverpool	3	12 0
do Yarmouth	43	0 0
Collector, Douglas and Farrisborough	120	0 0
Other Incidental Expenses in the year 1834, for Repairs, Stationary, Fuel, &c.	206	11 6½
	£8977	8 4½ £10693 0 3

This Statement of the Customs Salaries is made out from the Report of the Officers in the year 1834, who state that there is no material alteration. £2000 is drawn out of the old Crown Duties, towards the payment of this Sum, viz. out of the proceeds of Acts passed prior to the 18th, Geo. 3rd.

	Sterling.	Currency.
Deputy Post-Master General	£400	0 0
Assistant	100	0 0
Office Rent	50	0 0
	£550	0 0 £700 0 0

The Secretary is also Registrar of Deeds throughout the Province, the Committee were unable to obtain the amount received by him in that capacity, the returns not being in from the Country.

## LAND GRANTING DEPARTMENT.

	Currency.	Sterling.
Surveyor General	£173	6 0
Commissioner Crown Lands	576	18 5
Clerk and Contingencies	148	1 2
Surveyor General, Cape-Breton	115	7 9
Commissioner Crown Lands, do. Salary and Contingencies	504	7 3
Office Rent	20	0 0
		1538 0 7
Superintendent Mines, Sydney	115	7 9
Harbour Master, Sydney	115	7 9
	£230	15 6 £230 15 6

JOHN MORTON, CHAIRMAN.

No. 84.

(See Page 411.)

The Committee to whom was referred the subject of the Statute Labour, beg to report that they have had several meetings, with a view of ascertaining whether any more equitable mode could be derived of apportioning the Statute Labour, either by days works or an assessment upon property.

## APPENDIX Nos. 84, 85.

During the last Session of the Legislature Returns were required by the House from the different Counties in the Province, in order to ascertain what amount would be required to keep the Roads in their present state of improvement; these Returns have been received from some of the Counties, and the results are as here stated.

In the County of Yarmouth 1650 persons and 337 teams performed 8548 days' work, at 3s., amounting to £1287 4 0

In Queen's County there were performed by men and teams 3389 days' work at 3s. 508 7 0

In Lunenburg 1852 persons and 230 teams performed 1578 days' work at 3s. 880 10 0

In the County of Hants 1302 persons and 976 teams performed 7050 days' work at 3s. 1057 10 0

In Inverness 2059 persons and teams performed 11781 days' labor at 3s. 1767 13 0

In Sydney 1980 men performed 8572 days' work, and teams performed 1057 do. at 3s. 1352 2 0

In Guysborough 3779 days' work was performed by men and teams at 3s. 566 17 0

In Pictou 2290 men and 437 teams performed 10902 days' work at 3s. 1704 3 6

In Halifax 3681 men and 836 teams performed 12022½ days' work at 3s. 1803 7 6

In Colchester there was performed by men and teams 9014 days' labor at 3s. 1352 2 0

Many of the Returns from Halifax County are deficient; and from the other Counties no Returns have been received at all.

It is apparent to the Committee that the Returns are not strictly correct—they however serve to show that a very large amount is expended at present, and nearly what will be required, if the Assembly shall decide on assessing property in place of requiring days works as at present.—The Committee are unanimously of an opinion that much less labor expended and paid for in cash would do as much work as under the present system.—The majority of the Committee fear that so large an amount collected in money at one time from off the Country may lead in many cases to distress and difficulty, a part of the Members were however in favour of it.

HERBERT HUNTINGTON,  
HENRY GOUDGE.

Halifax, 29th March, 1838.

## No. 85.

(See Page 411.)

The Committee to whom the Dispatch from the Right Honorable the Colonial Secretary to His Excellency the Lieutenant-Governor, dated Sept. 29, 1837, on the subject of the Post Office, was referred, beg leave to report—

That they have carefully and thoroughly examined the accounts rendered by the Deputy Post Master General, in compliance with Resolutions of the House of Assembly, and ending respectively the 5th day of January, 1837 and 1838, and have received personal explanations of the various items therein, which that Officer politely and readily afforded to the Committee. It appears from these accounts that the statements in the Letter from the General Post Office to Mr. Stephen, dated Sept. 23, 1837, vary from the conclusions drawn in the report of last year therein referred to, on account of the total net revenue arising from the Posts in Nova-Scotia and New-Brunswick being mixed up, which ought to be considered, as in fact they they are, distinct and separate from each other. But even assuming the net produce of the Postage in Nova-Scotia to be £714, the circumstance of £1644 having been paid into the Military Chest at Halifax, for the year 1836, confirms the view taken by the Committee. The difference between the Packet Postage for 1836, as stated in the account rendered to the Assembly, being £1161, and the amount stated in the foregoing Letter being £1248 arises from some difference in the accounts, which cannot be explained by the Committee, and but slightly affects the general results they have come to. They annex to this report abstracts of the Accounts Current furnished by the Deputy Post Master General for 1836 & 1837, and after an exact and full examination, they are unanimously and clearly of opinion that a large saving would be effected, if the Internal Postage were accounted for to this Legislature, and the whole charge for riding work and incidental expenses paid out of our Treasury, on the principles set out in the Bill now reported. Should this Bill receive the assent of the Assembly, the Committee trust that the conclusions appearing in the annexed Abstracts, will be justified by experience,

## APPENDIX No. 85.

experience, and that it will save a large annual amount now contributed by the Province, while it will not impair the control of Her Majesty's Government over the Post Office, or disturb the regular transmission of the Mail throughout the Province, or the payment of the Packet Foreign Postage into the Military Chest, after deducting therefrom the Salaries of the Deputy Post Master General, and of his Assistant, and the allowance for Office Rent and Fuel and Stationary, as heretofore.—All of which is respectfully submitted.

Committee Room, 1st April, 1838.

W. Young, Chairman ; Herbert Huntington, Samuel Chipman,  
Samuel P. Fairbanks, Thomas Dickson, Thomas Forrester.

*Abstract of Post Office Accounts for 1836.*

## ENGLISH POSTAGE.

Amount received for unpaid Letters from, and paid Letters for, England, Sterling		£1161	0	0
	PAYMENTS.			
Salary to Deputy Post Master General	£220	0	0	
To Assistant	70	0	0	
Office Rent, Fuel & Stationary	50	0	0	340 0 0
				<u>£821 0 0</u>
Dead Letters sent to England	531	0	0	
One Third of which is chargeable to other Colonies	177	0	0	354 0 0
				<u>467 0 0</u>
Clear Balance resulting from English Postage				1644 0 0
But the sum paid into the Military Chest was				<u>£1177 0 0</u>
Shewing an excess of (Sterling)				

## INTERNAL POSTAGE.

Amount received for unpaid Letters at, and paid Letters sent from, Halifax Office		2464	0	0
Net Revenue remitted by Deputy Post Masters, after paying their Commission		1454	0	0
Way & Ship Letters		64	0	0
				<u>3982 0 0</u>
Off Letters charged against Halifax, and sent to the Interior		876	0	0
				<u>3106 0 0</u>
Off half of the above £354—£177 Stg.		196	0	0
				<u>2910 0 0</u>
Net amount of Internal Postage received				
	PAYMENTS			
Riding Work in all, (Currency)	2588	0	0	
Incidental Expenses	224	0	0	2812 0 0
				<u>£98 0 0</u>
Leaving an excess of				
The above sum of £1177 Stg. is made up of the above excess of	98	0	0	
And of the sum drawn from our Treasury being	1210	0	0	
				<u>1308 0 0</u>
Off, difference of Exchange 1-10	131	0	0	
And the sum comes out in Stg.				<u>£1177 0 0</u>

It is therefore apparent from the Official Returns that this Province paid into the Military Chest, on account of Postage, in the year 1836, no less a sum than (Currency) £1308 0 0  
From which the only deduction is for American Postage, being £250 0 0

Leaving

£1058 0 0  
A sum nearly equal to the Provincial Grant, and the greater part of which might therefore have been saved, agreeably to the report of last year.

*Abstract*

## APPENDIX No. 85, 86.

*Abstract of Post Office Accounts for 1837.*

## ENGLISH POSTAGE.

Amount received for unpaid Letters from, and paid Letters for, England			Stirling.	
			£1251	0 0
	PAYMENTS.			
	Sterling.			
Salary to Postmaster General	400	0	0	
do to Assistant	100	0	0	
Office rent, Fuel and Stationary	50	0	0	550 0 0
				<hr/>
				701 0 0
Dead Letters sent to England	625	0	0	
One third of which is chargeable to other Colonies	208	0	0	417 0 0
				<hr/>
Clear Balance resulting from English Postage				£284 0 0
But the sum paid into the Military Chest, is				1765 0 0
				<hr/>
Shewing an excess of				Sterling £1481 0 0
	INTERNAL POSTAGE.			
Amount received for unpaid Letters at, and paid letters sent from Halifax Office			Currency	2893 0 0
Net revenue remitted by Deputy Postmasters- after paying their Commission				1408 0 0
Way and Ship Letters				61 0 0
				<hr/>
				4362 0 0
Off Letters charged against Halifax and sent to the Interior				810 0 0
				<hr/>
				3552 0 0
Off half of the above £417, £208 Sterling				231 0 0
				<hr/>
				3321 0 0
	PAYMENTS.			
Riding work in all			Currency	£2761 0 0
Incidental expenses				227 0 0
				<hr/>
				2958 0 0
Leaves an excess of (independently of any Provincial Grant)				<hr/>
The above Sum of £1481 Sterling is made up of the above excess of				£333 0 0
And of the sum drawn from our Treasury being				333 0 0
				1312 0 0
				<hr/>
Off difference of exchange 1-10.			Currency	1645 0 0
				164 0 0
				<hr/>
And the sum comes out				Sterling 1481 0 0
It is therefore apparent from the Official Returns, that this Province paid into the Military Chest on account of Postage in the 1837, no less a sum than				<hr/>
From which the only deduction is for American Postage, being			Currency	1645 0 0
				250 0 0
				<hr/>
				Leaving £1395 0 0
A Sum exceeding the Provincial grant, and all of which might therefore have been saved, agreeably to the report of last year.				

No. 86.

(See page 415.)

The Committee, on the practice of the Court of Chancery, report that they have communicated with the Chief-Justice and Judges of the Supreme Court, and the Master of the Rolls, and have received their several replies, dated the 23d March and 10th instant, which the Committee lay upon the Table along with this report. The leading improvements that are practicable this Session, they have embodied in the accompanying Bill, and as most of the

## APPENDIX No. 86.

the provisions in it have been fully discussed and received the sanction of the Assembly, the Committee trust that at this late period it will occupy but little of our time.

Committee Room, 11th April, 1838.

W. YOUNG, Chairman.

*Halifax, 23d March, 1838.*

SIR—

I have the honor to acknowledge the receipt of your Letter of the 19th instant, conveying to me copies of two Resolutions adopted by the House of Assembly on the 12th February last, on the subject of the Provincial Chancery, and acquainting me, by desire of the Committee appointed on this subject, and of which you are Chairman, that they will feel happy to receive any suggestions I may think fit to offer, towards a reform of the practice and proceedings of that Court.

Upon receiving this communication, it became my duty to submit the Resolutions to His Excellency the Chancellor, as the head of the Court, in which, tho' constituted his responsible adviser, and the Judge in all cases before it for adjudication—I, otherwise, occupy but a subordinate office.

On requesting his commands as to the answer I should make to your Letter, His Excellency enquired whether the Rules of the English Chancery were in force here—my reply was, that by the terms of the existing law they were obligatory on the Court, except only in those matters for which particular regulations had been introduced for its guidance. He was then pleased to say, that at the present time, and particularly at the advanced period of the Session of the Legislature, and in view of my intended absence, he did not consider it advisable to enter upon the measures contemplated by the Resolutions in reference to the reform of the Chancery Practice here; and this answer His Excellency directed me to make known to the Committee.

In my own name, permit me to add that, since I undertook the duties of the Master of the Rolls, the amendments authorised by the Provincial Act of 1833, in our existing system of Practice, have occupied a large portion of my time and attention.—Much has been done towards preparing a body of Regulations, more suitable than those now in use, to the circumstances of the Province, and to the nature of the questions most frequent in the Court; and in prosecuting this object the necessity of reducing the length and consequent expense of the proceedings in a Suit, and of presenting it for decision in the shortest possible time, consistent with a due regard to the rights and protection of Suitors, has been scrupulously kept in view.—In this task many particular points occurred, as to which I could not feel myself justified in introducing extensive modifications, that appeared advisable, of the present Practice, without the consent of the Legislature; and, as it was not expedient to submit to it an imperfect system, I was obliged to defer any separate propositions, until the whole arrangement could be brought before that Body for its sanction.—The points on which alterations have, I understand, been urged as necessary, have not appeared so important as to induce a departure from the course proposed; if they were, His Excellency the Chancellor, I have no doubt, on proper representations of inconvenience sustained, would exert his authority by directing orders for their remedy or prevention.—But as to the improvements in contemplation, the arrangements I trust to see provided, the Committee will permit me to suggest that these must be made with a full sense of the very important interests entrusted to the protection of the Court in which I preside, and with a full degree of caution, on a subject such as the Practice of Chancery, which I fear is even still imperfectly understood by the Profession here, and on which I have also much to learn; it seems more judicious to proceed deliberately to alter existing modes of proceeding rather than, by hastening material changes, to incur the danger of making rash or ill-advised innovations.

The anxiety which has always actuated me for the relief of Suitors from every possible obstacle to the assertion of their rights in Chancery, from every unnecessary restraint, on the means of obtaining a speedy and satisfactory adjudication thereon, will induce me to persevere in bringing to a completion the plans I had formed; and I trust that such matters as may appear to demand the Legislative sanction will, at a future Session, be submitted to the Assembly in such a shape as to receive their approbation.

I have the honor to remain, Sir, your very obedient and humble Servant,

CHARLES R. FAIRBANKS, Master of the Rolls.

To William Young, Esq. Chairman of the Committee of Assembly on Chancery Practice.

The Chief-Justice presents his compliments to Mr. Young, and informs him that the Judges of the Supreme Court wish to decline giving any opinion relative to the practice of the Court of Chancery, as they feel that all suggestions upon that subject will come with more force and propriety from the Master of the Rolls.

Halifax, April 10th, 1838.

No. 87.

(See page 421.)

(Copy.)

VICTORIA R.

*Instructions to our Right trusty and Right Well-beloved Cousin and Councillor, John George, Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, Our Captain-General and Governor in Chief in and over our Province of Nova-Scotia, or in his absence to our Lieutenant-Governor or Officer Administering the Government of our said Province, for the time being. Given at our Court at Buckingham Palace, this 6th day of February, 1838, in the first year of our Reign.*

L. S.

**FIRST.**—With these our Instructions you will receive our Commission under the Seal of our United Kingdom of Great Britain and Ireland, constituting you our Captain General and Governor in Chief in and over our Province of Nova-Scotia. You are therefore, with all convenient speed to assume and enter upon the execution of the trust we have reposed in you.

**SECOND.**—And whereas we have by our said Commission, appointing you our Captain General and Governor in Chief as aforesaid, declared our pleasure to be that there shall be within our said Province of Nova-Scotia two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of our said Province, with certain powers and authorities therein mentioned. And we have further declared our pleasure to be that the said Executive Council and the Legislative Council respectively should hereafter consist of such and so many members as shall for that purpose be nominated and appointed by us, under our Royal Sign Manual and Signet, or as shall be provisionally appointed by you, the said John George, Earl of Durham, until our pleasure therein shall be known. Provided always, that the total number of the members for the time being of such Executive Council, resident within our said Province, shall not at any time, by any such provisional appointment, by you be raised to a greater number in the whole than nine, and that the total number of the members of such Legislative Council, resident within our said Province, shall not any time, by any such provisional appointment, by you be raised to a greater number in the whole than fifteen; now we do hereby authorise and empower you, the said John George, Earl of Durham, to nominate and appoint, provisionally, such persons as you shall think fit to be members of our said Executive and Legislative Councils respectively, who shall hold their said appointments provisionally, until our further pleasure shall be known. Provided nevertheless, and we do hereby require you forthwith to transmit to us, through one of our Principal Secretaries of State, the names and qualifications of the several members so provisionally appointed by you, to be members of our said Executive and Legislative Councils respectively, to the intent that their said appointments may be either confirmed or disallowed by us, as we shall see occasion.

**THIRD.**—And you are with all due and usual solemnity, to cause our said Commission to be read and published at the first meeting of our said Executive Council of Nova-Scotia— which being done, you shall then take, and also administer to each of the members of our said Executive Council, the several oaths therein required.

**FOURTH.**—You shall also administer, or cause to be administered, the oaths mentioned in our said Commission to the members and officers of the said Executive and Legislative Council and Assembly, and to all Judges, Justices and other persons, who hold any office or place

## APPENDIX No. 87.

place of trust or profit in our said Province; without the doing of all which, you are not to admit any person whatever into any public-office, nor suffer those who may already have been admitted to continue therein.

**FIFTH.**—You are not to suspend any of the members of either our said Councils without good and sufficient cause, nor without the consent of the majority of the members of our respective Councils, signified in Council, after due examination of the charge against such Councillor and his answer thereunto; and in case of the suspension of any them, you are to cause your reasons for so doing, together with the charges and proofs against such Councillor and his answer thereunto, to be duly entered upon the Council Books, and forthwith to transmit copies thereof to us through one of our Principal Secretaries of State; nevertheless, if it should happen that you should have reasons for suspending any Legislative or Executive Councillor, not fit to be communicated to the said respective Councils, you may in that case suspend such person without their consent, but you are thereupon immediately to send to us, through one of our Principal Secretaries of State, an account of your proceedings therein, with your reasons at large for such suspension.

**SIXTH.**—And whereas effectual care ought to be taken to oblige the members of our said respective Councils to a due attendance therein, in order to prevent the many inconveniences that may happen for want of a quorum of the said respective Councils to transact business as occasion may require, it is our will and pleasure, that if any of the members of our said respective Councils, residing in our said Province, shall hereafter wilfully absent themselves from the said Province and continue absent above the space of six months together, without leave from you first obtained under your hand and seal, or shall remain absent for the space of one year without our leave, given them under our Royal Signature, his or their places in the said respective Councils shall immediately therefrom become void; and that if any the members of our said respective Councils residing in our said Province, shall wilfully absent themselves hereafter from the said respective Councils when duly summoned by you, without good and sufficient cause, and shall persist in such absence, after being thereof admonished by you, you are to suspend such Councillors so absenting themselves till our further pleasure be known therein, giving immediate notice thereof to us through one of our Principal Secretaries of State. And we do hereby will and require you, that this our Royal pleasure be signified to the several members of our said respective Councils, and that it be entered in the respective Council Books as a standing rule.

**SEVENTH.**—You are to communicate to our said respective Councils such and so many of these our instructions, wherein their advice and consent are mentioned to be requisite, and likewise all such orders from time to time as you shall find convenient for our service to be imparted to them.

**EIGHTH.**—You are to permit the Members of our said respective Councils to have and enjoy freedom of debate, and vote in all affairs of public concern which may be debated in the said respective Councils.

**NINTH.**—And whereas by our Commission to you under our Great Seal of our United Kingdom of Great Britain and Ireland, you are authorized and empowered, with the advice and consent of our said Executive Council, to summon and call General Assemblies of the Freeholders, inhabitants of our Province under your Government, and with the advice and consent of the Legislative Council and Assembly of our said Province, or the major part of them, to make, constitute, and ordain laws, statutes and ordinances, for the public peace, and good government of our said Province: it is our will and pleasure that the following regulations be carefully observed in the framing and passing all such laws, statutes and ordinances, as may be passed by you with the advice and consent of our said Legislative Council and Assembly, viz:

That the style of enacting the said laws, statutes and ordinances, be, by the Governor, Council and Assembly, and no other.

That each different matter be provided for by a different law, without including in one and the same Act such things as have no proper relation to each other. That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary Law. That no Law or Ordinance whatever be suspended, altered, continued, revised, or repealed, by general words, but that the title and date of such law or ordinance be particularly mentioned in the enacting part.

That

## APPENDIX No. 87.

That no law or ordinance respecting private property be passed without a clause suspending its execution, until our Royal pleasure be known, nor without a saving of the right of us, our Heirs and Successors, and of all bodies, politic and corporate, and of all persons, except such as are mentioned in the said law or ordinance, and those claiming by, from or under, them, and before such law or ordinance is passed proof must be made before you in Council and entered in the Council Books, that public notification was made of the party's intention to apply for such Act in the several parish churches where the lands in question lie, for three Sundays at least successively; before any such law or ordinance shall be proposed, and you are to transmit and annex to the said law or ordinance a certificate under your hand that the same passed through the forms above mentioned.

That in all laws and ordinances for levying money or imposing Fines and Forfeitures, express mention be made that the same are granted and reserved to us, our heirs and successors, for the public use of the said Province, and the support of the Government thereof, as by the said law or ordinance shall be directed.

That all such laws, statutes and ordinances, be transmitted by you within three months or sooner after the passing thereof to us, through one of our Principal Secretaries of State, and that all such laws, statutes or ordinances, be fairly abstracted in the margins, and accompanied with very full and particular observations upon each of them, that is to say, whether the same is introductory to a new law—declaratory to a former law, or does repeal a law then before in being, and you are also to transmit in the fullest manner the reasons and occasions for enacting such laws or ordinances, together with fair copies of the journals and minutes of the proceedings of the Legislative Council and Assembly.

**TENTH.**—It is our will and pleasure that you do not give your assent to any Act or Acts for raising money by the institution of any public or private lotteries.

**ELEVENTH.**—It is our will and pleasure that you are not to give your assent to any Bill for ascertaining the duration of Assemblies—the fixing or altering the qualifications of the electors or elected, or establishing any regulations with respect thereto, until you shall have transmitted the draft of such Bill or Bills unto us, through one of our Principal Secretaries of State, and shall have received our Royal pleasure thereupon, or that a suspending clause as aforesaid shall be inserted therein,

**TWELFTH.**—It is our will and pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that hereafter may be passed by the Legislative Council and Assemblies of the Province under your Government for the naturalization of Aliens nor for the divorce of persons bound together in holy matrimony, nor for establishing a title in any person, to lands, tenements and real estates in our said Province, originally granted to, or purchased by, Aliens antecedent to naturalization.

**THIRTEENTH.**—And whereas great mischief may arise from passing Bills of an unusual and extraordinary nature and importance in our plantations, which Bills remain in force there from the time of enacting, until our pleasure be signified to the contrary: We do hereby will and require you not to pass or give your assent to any Bill or Bills of an unusual or extraordinary nature and importance, wherein our prerogative, or the property of our subjects may be prejudiced, or the trade and shipping of this Kingdom, in any way affected, until you shall have first transmitted unto us, by one of our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received our Royal pleasure thereupon, unless you take care that there be a clause inserted therein suspending and deferring the execution thereof until our pleasure shall be known concerning the same.

**FOURTEENTH.**—And it is our further will and pleasure that you do not re-enact any law to which the assent of Us, or our Royal Predecessors, has once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us through one of our Principal Secretaries of State, of the reasons and necessity of passing such a law.

**FIFTEENTH.**—And it is our express will and pleasure, that no Law for constituting any Court or Courts of Judicature, or for establishing the Militia, shall be a temporary Law, and that no Law for granting unto Us any sum or sums of money by duties of impost, tonnage, or excise, be made to continue for less than one whole year, as also that no other Laws whatsoever be made to continue for less time than two years, except only in cases where it may

## APPENDIX No. 87.

may be necessary upon some unforeseen emergency to make provision by Law for a service in its nature temporary and contingent.

**SIXTEENTH.**—It is our will and pleasure that you do not, on any pretence whatsoever, give your assent to or pass any bill or bills in our Province, under your government, by which the lands, tenements, goods, chattles, rights and credits of persons who have never resided within our said Province and its Dependencies, shall be liable to be attached for the recovery of debts due from such persons in any manner inconsistent with the usage and practice within this our United Kingdom of Great Britain and Ireland, until you have first transmitted unto Us, through one of our principal Secretaries of State, the draft of such bill or bills, and shall have received our Royal pleasure thereupon, unless you take care in passing such bill or bills that a clause or clauses be inserted therein, suspending and deferring the execution thereof until our Royal pleasure shall be known thereupon.

**SEVENTEENTH.**—It is our will and pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament, passed in the Fourth year of the Reign of His late Majesty King George the Third, entitled, “An Act to prevent paper bills of credit hereafter to be issued in any of His Majesty’s Colonies or Plantations in America from being declared to be a legal tender in payment of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the period limited for calling in and sinking the same.” And also of an Act, passed in the thirteenth year of His late Majesty King George the Third, to explain and amend the above recited Act, passed in the Fourth year of his said late Majesty’s reign, as aforesaid, and you are not to give your assent to, or pass, any Act whereby bills of credit may be struck, or issued in lieu of money or for payment of money to you our Governor, or to any other person whatsoever, unless a clause shall be inserted in such Act declaring the same shall not take effect until the said Act shall have been approved and confirmed by Us, our Heirs or Successors.

**EIGHTEENTH.**—You are not to suffer any public money whatsoever to be issued or disposed of otherwise than by warrant under your hand, but the Assembly may nevertheless be permitted from time to time to view and examine the accounts of money disposed of by virtue of Laws made by them, as there shall be occasion.

**NINETEENTH.**—And we do hereby particularly require you to take care that fair books of accounts of all receipts and payments of all public monies be duly kept, in which book shall be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end that we may be satisfied of the right and due application of the revenue of our said Province, with the probability of the increase or diminution of the same, under every head and article thereof.

**TWENTIETH.**—Our will and pleasure is that you do in all civil causes, on application being made to you for that purpose, permit and allow appeals from any of the Courts of Common Law in our said Province, and you are for that purpose to issue a writ in the manner which has been usually accustomed returnable before yourself and the Executive Council for the said Province, who are to proceed to hear and determine such appeals wherein such of the said Executive Councillors of our said Province as shall be at that time Judges of the Court from whom such appeal shall be so made to you and to our said Executive Council as aforesaid, shall not be admitted to vote upon the said appeal, but they may nevertheless be present at the hearing thereof, to give the reasons of the judgment given by them in the causes wherein such appeal shall be made. Provided nevertheless, that in all such appeals the sum or value appealed for do exceed the sum of Three Hundred Pounds Sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence be affirmed; and if either party shall not rest satisfied with the judgment of you and our Executive Council as aforesaid, our will and pleasure is that the appellant may then appeal to Us in our Privy Council, provided the sum or value so appealed for unto Us do exceed Five Hundred Pounds Sterling, and that such appeal shall be made within fourteen days after sentence, and good security be given by the appellant that he will effectually prosecute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by Us in case the sentence of you and the said Executive Council shall be affirmed. Provided nevertheless, when the matter in question relates to the taking or demanding any duty payable to Us or to any fee of office or annual Quit Rent, or other such like matter.

## APPENDIX No. 87.

matter or thing, where our rights in future may be bound, in all such cases you are to admit an appeal to Us in our Privy Council, although the immediate sum or value appealed for be of a less amount or value. And it is our further will and pleasure, that in all cases where, by your instructions, you are to admit appeals to us in our Privy Council, execution being suspended until our final determination of such appeals, unless good and sufficient security be given by the appellee, to make such ample restitution of all that the appellant shall have lost by means of such decree or judgment, in case upon the determination of such appeal such decree or judgment should be reversed, and restitution awarded to the appellant.

**TWENTY-FIRST.**—You are also to permit appeals unto us in our Privy Council in all cases of fines imposed for misdemeanors, provided the fines so imposed amount to the sum of One Hundred Pounds Sterling, the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation if the sentence by which such fine was imposed be confirmed.

**TWENTY-SECOND.**—You shall not remit any Fines or Forfeitures whatsoever above the sum of Fifty Pounds, nor dispose of any Forfeitures whatsoever, until you signify the same to Us, through one of our Principal Secretaries of State, and have received our directions thereupon, but you may in the meantime suspend the payment of the said Fines and Forfeitures.

**TWENTY-THIRD.**—You are, with the advice and consent of our Executive Council, to take especial care to regulate all Salaries and Fees belonging to places or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made on any occasion whatsoever, as also that Tables of Fees be publicly hung up in all places where such Fees are to be paid.

**TWENTY-FOURTH.**—And you are to transmit to Us, through one of our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices and officers, powers, authorities, fees and privileges, granted and settled within our said Province, as likewise an account of all the expenses, if any, attending the establishment of the said Courts.

**TWENTY-FIFTH.**—You shall not appoint any person to be a Judge or Justice of the Peace, without the advice and consent of a majority of our said Executive Council. And it is our will and pleasure that all Commissions to be granted by you to any person or persons to be Judge, Justice of the Peace, or other necessary officer, be granted during pleasure only.

**TWENTY-SIXTH.**—You shall not displace nor suspend any of the Judges, Justices, Sheriffs or other Officers or Ministers within our said Province, without good and sufficient cause, to be signified in the most full and distinct manner to Us, through one of our Principal Secretaries of State.

**TWENTY SEVENTH.**—It being of the greatest importance to our service and to the welfare of our plantations, that justice be every where speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented. We do particularly require you to take especial care that in all Courts where you are authorized to preside, justice be impartially administered, and that in all Courts established within our said Province, all Judges and other persons therein concerned do likewise perform their several duties without delay or partiality.

**TWENTY-EIGHTH.**—You shall not by colour of any power or authority, hereby or otherwise granted unto you, take upon you to give, grant or dispose of, any place or office within our said Province, which now is or shall be granted by warrant, under our Signet or Sign Manual, any further than that you may upon the vacancy of any such office, or place, or upon the suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interim until you have represented the matter unto Us, through one of our Principal Secretaries of State.

**TWENTY-NINTH.**—And whereas, complaints have been made by the Officers of our Customs in our Plantations in America, that they have been frequently obliged to serve upon Juries, or personally to appear in arms whenever the Militia is drawn out, and thereby are much hindered in the execution of their employments. Our will and pleasure is, that you take effectual care and give the necessary directions that the several Officers of our Customs

be

be excused and exempted from serving on any Juries, or personally appearing in arms in the Militia, unless in cases of absolute necessity, or serving in any parochial offices which may hinder them in the execution of their duties.

**THIRTIETH.**—And whereas you will receive from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great-Britain and Ireland, and of the Plantations, a Commission constituting you Vice-Admiral of our said Province, you are required and directed carefully to put in execution the several powers thereby granted to you.

**THIRTY-FIRST.**—And there having been great irregularities in the manner of granting Commissions in the Plantations to private ships of war, you are to govern yourself, whenever there shall be occasion, according to the Commission and Instructions granted in this Kingdom, but you are not to grant Commissions of Marque or Reprisal against any Prince or State in amity with us, to any person whatsoever without our especial commands.

**THIRTY-SECOND.**—Whereas Commissions have been granted in our Colonies and Plantations for trying Pirates in those parts, pursuant to the several Acts for the more effectual suppression of Piracy, and a Commission will be prepared empowering you as our Captain General and Governor in Chief of our Province of Nova-Scotia, with other persons therein mentioned to proceed accordingly, in reference to the said Province, our will and pleasure is that in all matters relating to Pirates you govern yourself according to the intent of the said Acts.

**THIRTY-THIRD.**—You are to permit all persons inhabiting our Province under your Government to have full liberty of conscience, and the free exercise of all such modes of Religious Worship as are not prohibited by law, provided they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government.

**THIRTY-FOURTH.**—You shall take especial care that God Almighty be devoutly and duly served throughout your Government, that the Book of Common Prayer, as by law established, shall be 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 which are or hereafter shall be erected in our said Province, be well and orderly kept, and that, beside a competent maintenance to be assigned to the Minister of each order of Church, a convenient house be built at the common charge for each Minister, and you are to take care that the parishes be so limited and settled as you shall find most convenient for accomplishing this good work.

**THIRTY-FIFTH.**—It is our will and pleasure to reserve to you the power of granting Licenses for Marriages, Letters of Administration, and Probate of Wills, as heretofore exercised by your predecessor, and also to reserve to you and all others to whom it may lawfully belong the right of patronage and presentation to benefices. But it is our will and pleasure that the person so presented shall be instituted by the Bishop or his Commissary duly authorized by him.

**THIRTY-SIXTH.**—And you are to take especial care that a table of Marriages established by the canons of the Church of England, be hung up in all places of public worship, according to the rites of the Church of England.

**THIRTY-SEVENTH.**—And in case of distress of any other of our Plantations, you shall, upon the application of the respective Governors to you, assist them with such aid as the condition and safety of our said Province under your Government can spare.

**THIRTY-EIGHTH.**—You are likewise from time to time to give unto Us, through one of our Principal Secretaries of State, an account of the wants of our said Province—what are the chief products thereof—what new improvements are made therein by the industry of the inhabitants or planters, and what further improvements you consider may be made, or advantages gained by trade, and which way we may contribute thereunto.

**THIRTY-NINTH.**—If any thing shall happen which may be of advantage or security to our Province under your Government, which is not herein or by your Commission provided for, we do hereby allow unto you, with the advice and consent of our said Executive Council, to take order for the present therein, giving unto Us, through one of our Principal Secretaries of State, speedy notice thereof, that you may receive our ratification, if we shall approve the same;—Provided always, that you do not by color of any power or authority hereby given, commence or declare war without our knowledge and particular commands therein.

**FORTIETH.**

**FORTIETH.**—And whereas by our several Commissions, under the Great Seal of our United Kingdom of Great Britain and Ireland, we have appointed you to be our Captain General and Governor in Chief of our Provinces of Upper Canada, Lower Canada, New Brunswick and Nova-Scotia, and of our Island of Prince Edward; and it is our intention that the Lieutenant-Governors commanding in the said Provinces of Upper Canada, New Brunswick and Nova-Scotia, and in our Island of Prince Edward, shall have and enjoy the full salaries, perquisites and emoluments granted to them, and arising from the respective Governments, in as full and ample a manner as if the said Governments were under distinct Governors in Chief, it is therefore, our will and pleasure that you shall not at any time or times when you shall be resident or commanding in chief in either of our said Provinces of Upper Canada, New Brunswick, Nova-Scotia, or in our Island of Prince Edward, have or receive any part of the said salaries, perquisites or emoluments, but that the same shall continue to be paid and satisfied to the respective Lieutenant-Governors of the said several Provinces and Island in like manner as they usually are during your absence therefrom.

**FORTY-FIRST.**—And you are upon all occasions to send to Us, through one of our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.

The Right Honble. the **EARL OF DURHAM**, K. C. B.  
Instructions, Nova Scotia.

No. 88.

(See Page 435.)

The Committee to whom the several Petitions for and against the substitution of Bridgetown for Annapolis, as the Shire Town of the County were referred, beg leave to report, that while the claims urged by the Petitioners for the proposed change, seem to the Committee worthy of the fullest inquiry and examination, they cannot recommend any proceedings upon them until the next Session of the Assembly, where the whole subject may be taken up, and all parties heard before the adoption of a measure, which has naturally excited the liveliest interest in the County of Annapolis.

Committee-Room, April 14th 1838.

WM. YOUNG, Chairman.

No. 89.

(See Page 445.)

The Committee to whom the Petition for altering the Ferry at the Gut of Canso was referred, report that, supposing the spot pointed out by the Petitioners to be the most eligible for the Ferry, it cannot be adopted till the road is made round Cape Porcupine, and as the House declined granting a sum therefor in the present Session, the further consideration of the petition must necessarily be deferred until next year.

Committee Room, 16th April, 1838.

WM. YOUNG, Chairman.

# INDEX

## VOL. XVII.

### PART 2D.

#### A

- Absence ; Leave of, granted to Members, 265, 276, 296, 308, 311, 327, 331, 336, 384, 397, 410, 422, 433, 436, 448 ; granted to Mr. Clements for purpose of piloting H. M. Ship Pique to St. John, N. B. with Troops, 386, 387.  
Leave of, refused, 387, 433.
- Absentees ; Committee to consider of taxing Lands of, 251.
- Academies ; See Petitions, No. 7, and Arichat.
- Account Current of Provincial Treasurer, laid before the House, 247.
- Accounts ; Public, Joint Committee of House on, 234 ; of Council, 238, their report, 270, and see Appendix, No. 21.
- Acts—Of Parliament, &c. ; Grant to pay for, 417, 424.  
Of General Assembly, confirmed by Queen, in Council, see *Appendix, Nos. 5, and 65.*
- Addresses :
- No. 1 In answer to Speech of Lieutenant-Governor at opening of Session—Committee to prepare, 234 ; report thereof, 235, amended, passed, &c. 237, presented and answered, 239.
  - 2 To Her Majesty, of Condolence on death of late King, and congratulation on Her Accession, (Joint with Council) 251 ; sent to Governor by Committees, 252, and see Messages from Council, No. 3, and to Council, No. 3.
  - 3 To Lieutenant-Governor, requesting him to forward the last foregoing Address (No. 2) to Her Majesty, 252.
  - 4 To Lieutenant-Governor, requesting him to co-operate with Lieutenant-Governor of New-Brunswick, in endeavouring to procure a Survey of the Bay of Fundy, ordered, 333, reported, 342, adopted, &c. 343.
  - 5 To Her Majesty on subject of encroachments by Americans upon the Fisheries of this Province ; (reported from joint Committee,) 361, adopted, 362, sent to Lieutenant-Governor by Committee with Address, (No. 6.) 368.
  - 6 To Lieutenant-Governor, requesting him to forward the last Address, No. 5, to Her Majesty, (reported from joint Committee,) 367, adopted and sent to His Excellency, 668.
  - 7 To Her Majesty, on the subject of the Shubenacadie Canal, (Committee appointed to prepare, who report) 381, passed, 383.
  - 8 To Lieutenant-Governor, requesting him to forward the foregoing Address, No. 7, to Her Majesty, (the two sent to Governor by Committee,) 383.
  - 9 To Her Majesty on the subject of State Oaths, and Bill regarding the same, lately passed House and Council, and not assented to by Lieutenant-Governor ; Committee to prepare, 394, reported, passed, and sent to Lieutenant-Governor, by Committee, with request that he would forward it, 445, answer of Lieutenant-Governor, 447.

No. 10 In answer to Speech of Lieutenant-Governor at opening of 2d Session in this year—Committee to prepare 402, reported, presented and answered, 403.

11 To Her Majesty on the Subject of the Councils—the Civil List—the reduction of the expense of the Customs and Excise, and the extension of Foreign Trade to the Out-ports—Committee to prepare, 413, reported, 422, made Order of Day, 424, considered, 425, amended, &c. 429 to 432, ordered to be engrossed, &c. 433, read as engrossed, and amended, 437, 438, entered as amended, passed and ordered to be presented with Address to Lieutenant-Governor by whole House, 438 to 443, answer of Lieutenant-Governor, 447.

12 To Lieutenant-Governor, requesting him to forward the foregoing Address (No. 11) to Her Majesty, 443; answer of Lieutenant-Governor, 447.

Adjutant-General of Militia; Grant to, 416, 418, 424.

Adjournment of House, to attend Funeral, 309.

Over Good Friday, 433.

Agriculture and Manufactories; Committee on, 240, Committee report in part with respect to the Imported Seed Oats, 298, 299, report in full, 304, see Appendix, No. 36, referred to Committee of Supply, 329.

And see *Oatmills and Oats*.

Alteration of Main Eastern Road from Scott's, at Dartmouth, to Sackville Bridge; Committee to enquire into expediency of, 303, report, 337, see Appendix, No. 52.

Amherst; Controverted Election for, see Petitions, No. 3.

Annapolis—County—Shire Town of, See *Petitions, No. 14, and Appendix, No. 88*.

Loan Money due in, See *Petitions, No. 60, and Appendix, No. 41*.

Act for division of, confirmed by Queen, in Council, see *Appendix, No. 5*.

Representation of; See *Bills, No. 86*.

Town—Road between Liverpool and; See *Appendix, No. 45*.

Basin—Illicit Trade; See *Petitions, No. 79, and Appendix, No. 68*.

Academy and Combined School; See *Petitions, No. 7, and Bills, No. 49*.

Appendix—to Journal, referred to therein by Nos. as follow, viz :

No. 1 Report from Committee of Privileges on Petition of Andrew M'Kim, and Letter of the Hon. Alexander Stewart, 237; page of Appendix, 1; see Petitions, No. 3.

2 Copies of Despatches and Letters relative to the formation of the Legislative and Executive Councils—the commutation of the Casual Revenue—fixing of Civil List Allowance—Judges' Fees, &c. 242; pages of Appendix, 1 to 38.

3 Despatch relative to landing in Nova-Scotia of Convicts from Bermuda, 242; page of Appendix, 38.

4 Despatch relating to Provincial Post Office Revenues, 242; page of Appendix, 38, see report of Committee hereon, Appendix, No. 85.

5 Copies of Orders of Queen, in Council, confirming three Acts with suspending Clauses, viz : Members' resignation of Seats Act—Annapolis County Division Act, and *Nullum Tempus* Act—also, seventy-two other Acts, 242; pages of Appendix, 39 to 43.

6 Despatch and Letters on subject of encroachments by Foreigners upon the Fisheries, 242; pages of Appendix, 43, 44.

7 Province Treasurer's Account Current for 1837, 247; pages of Appendix, 44 to 49.

8 Letter from Justice Marshall in relation to Fees taken by him in Inferior Court of Common Pleas, Cape-Breton, 249; page of Appendix, 49.

9 Report of Select Committee on alterations, &c. required in Laws for Licensing Public Houses, &c. 252; page of Appendix, 49.

10 Report of Select Committee on Petitions and Bills relating to Marine Insurance 252; page of Appendix, 50.

11 Petition of the Constitutional Association of the City of Montreal, 253; pages of Appendix, 50 to 52, see Petitions, No. 23.

- No. 12 Returns of Actions brought in Supreme Court, Inferior Court of Common Pleas and High Court of Chancery, 254 ; pages of Appendix, 53 to 65.
- 13 Report on Petition (No. 20) of Daniel Durland for aid to Half-way House between Annapolis and Liverpool, 255 ; page of Appendix, 66.
- 14 Report on Petitions of J. H. Tidmarsh and R. Lawson, for remission of Duties on Articles imported for Factories, 257 ; page of Appendix, 66.
- 15 Report of Select Committee on certain matters connected with the Bank of British North America, 263 ; pages of Appendix, 66, 67.
- 16 Annual report of Trustees of Yarmouth Academy, 264 ; page of Appendix, 67.
- 17 Letter from Lieutenant-Governor of New-Brunswick with Affidavits relative to encroachments upon the Fisheries by Americans, 264 ; page of Appendix, 69.
- 18 Report from Select Committee of last Session in relation to a Bridewell at Halifax, 264 ; pages of Appendix, 70 to 72.
- 19 Report from Select Committee appointed last Session in relation to the Cornwallis Boundary Bill, 266 ; page of Appendix, 72.
- 20 Letters from Justices Haliburton and Sawers, relative to Fees of Judges in Inferior Court of Common Pleas, 269 ; page of Appendix, 73.
- 21 Report of Joint Committee on Public Accounts, 270, pages of Appendix, 73 to 80.
- 22 Report on Petition, (No. 28,) of William Leigh, 276, page of Appendix, 81.
- 23 Report on Petition of David and Walter Murray, for aid to re-build Oat Mill, destroyed by fire at Merigomishe, 277, page of Appendix, 81, see Petitions, No. 8.
- 24 Returns of Statute Labor on Highways, 283, 284, pages of Appendix, 81 to 86.
- 25 Despatch relative to system of disposing of Crown Lands, 284, page of Appendix, 87.
- 26 Report made by Commissioners of state of Pictou Academy, 285, page of Appendix, 87.
- 27 Report on Petition (No. 39) of John McGregor, 287 ; page of Appendix, 89.
- 28 Report on Petitions of G. and J. Hiltz, and of W. H. Ross, for aid to rebuild Mills destroyed by fire at Sherbrooke, 287, page of Appendix, 89, see Petitions, No. 8.
- 29 Accounts of Poor House at Halifax, shewing number of transient poor, expences, &c. 288, pages of Appendix, 89 to 92.
- 30 Despatch from Lieutenant-Governor of New Brunswick, with Copies of Resolutions of New Brunswick Legislature, relative to a survey of the Bay of Fundy, 289, page of Appendix, 92.
- 31 Despatch from Lord Glenelg, with letter of Trustees of British Museum, 289, page of Appendix, 94.
- 32 Correspondence between Colonial Secretary, and Lieutenant-Governor, relative to removal of the colored people now in the vicinity of Halifax, 290, pages of Appendix, 94 to 96.
- 33 Report on Petition, (No. 34) of Rev. Mr. Burnyeat, and others, relating to Glebe Lands, 290 ; page of Appendix, 96.
- 34 Report on Letter of Judge Marshall, and accounts of expence of his book, 296 ; page of Appendix, 97, and see Marshall.
- 35 Report on Petition, (No. 29) of Thomas Whittemore, for aid to Woollen and Cotton Card Manufactory, 299 ; page of Appendix, 97.
- 36 Report from Select Committee, on Agriculture and Manufactories, 304 ; page of Appendix, 98.
- 37 Letter from Clerk of Peace at Halifax, with returns of the Statute Labor on Highways, in the County of Halifax, in 1837,—306 ; page of Appendix, 98 to 105.
- 38 List of ordinary Petitions for aids to Roads and Bridges, 307 ; page of Appendix, 106 to 109.
- 39 Report of Select Committee, in relation to the Supreme Court and Courts of Common Pleas, their proposed modifications, &c. 308 ; page of Appendix, 109.
- 40 Report on Accounts of W. Reuill, for surveying roads in Cape Breton, 309 ; pages of Appendix, 119, 120, see Cape-Breton.
- 41 Report on Petition (No. 60) of J. Whitman, and others, for further time to repay

- Annapolis County loan money, 309 ; page of Appendix, 120, and see Messages to Governor, No. 6.
- 42 Returns of Statute Labor on Highways, in the Counties of Hants, Lunenburg and Queen's, in 1837, 315 ; pages of Appendix, 120 to 125.
- 43 Report on Petition, (No. 74) of Obadiah Wilson and others, for aid in placing Buoys in Barrington Harbor, 316 ; page of Appendix, 126.
- 44 Returns of Fines and Fees taken at the Court of Quarter Sessions, for the County of Halifax, for 1835 and 1836, and returns of Real Estate, belonging to the Town of Halifax, 316 ; pages of Appendix, 128 to 132.
- 45 Report on Petition, for aid to Road between the Towns of Annapolis and Liverpool, 326 ; page of Appendix, 132, see Petition, No. 1.
- 46 Accounts of Receipts and Disbursements of Post Office Department in Nova Scotia, for the year ending 5th January, 1838, 329 ; pages of Appendix, 132 to 135.
- 47 Report on Petitions (No. 9) for aids to Breakwaters or Piers, 329 ; page of Appendix, 135.
- 48 Letter from Clerk of the Peace at Halifax, relative to Returns not laid before House, 334 ; page of Appendix, 135 ; see Messages to Governor, No. 5.
- 49 Report on Petitions (No. 6) for reimbursement of expences of Transient Paupers, 334 ; page of Appendix, 136.
- 50 Papers containing information obtained by Select Committee appointed last Session in regard to combining the Excise Department at Halifax with the Customs or Treasury, 335 ; pages of Appendix, 136 to 139.
- 51 Report on Petition, No. 48, of Roger Cunningham, 335 ; page of Appendix, 139.
- 52 Report on Petitions for alteration of Main Eastern Road between Sackville Bridge and Scott's, in Dartmouth, 337 ; page of Appendix, 140 ; and see *Sackville*.
- 53 Letters from Commissioners of Light Houses relative to Cross Island Light House, 337 ; page of Appendix, 141.
- 54 Estimate by Deputy-Post-Master-General at Halifax, of sum required from Provincial Treasury for service of his Department for the current year, and an account of receipts and disbursements in the past year, 342 ; page of Appendix, 141.
- 55 Account of Messrs. J. Howe & Son for 1837, for Extra Printing for Government and the Legislature, and printing Journals of Council, 342 ; page of Appendix, 143 ; and see *Printing*.
- 56 Report on Petition (No. 62) of B. K. Dodge, of Granville, 344 ; page of Appendix, 143.
- 57 Report on Petition (No. 26) of Stephen Parker, of Wilmot, 344 ; page of Appendix, 144.
- 58 Report, &c. of survey of proposed line of Road from Dartmouth to the Gut of Canso, 344, 345 ; page of Appendix, 145.
- 59 Report on Petitions relative to alteration of Main Eastern Road between Polly's and Keys', 346 ; page of Appendix, 149 ; see Petitions, No. 1.
- 60 Letter from Commissioners of Light Houses in New Brunswick, relative to proposed Light House at the head of the Bay of Fundy, 346 ; page of Appendix, 149.
- 61 Report of Select Committee on subject of Printing for Government and the General Assembly, 350 ; pages of Appendix, 150 to 152.
- 62 Report on subject of Militia, 352 ; page of Appendix, 152.
- 63 Report on Petition (No. 52) of Robert Gruber, for payment of expences of Bridewell at Halifax, 352 ; page of Appendix, 153.
- 64 Letter from Thomas C. Haliburton, Esq. First Justice Common Pleas, Middle Division, to Provincial Secretary, offering to retire on allowance, 357 ; page of Appendix, 154.
- 65 Copy of Despatch, with order of Queen, in Council, confirming St. Paul's and Scatarie Islands Light House Act, and Act to amend Nova-Scotia Bank Incorporation Act, 357 ; page of Appendix, 155.
- 66 Copy of Despatch, with answer from Lords of Treasury, to application of House

- last Session, on behalf of Messrs. Reid and Clarke, 357; page of Appendix, 155.
- 67 Account of expences of Seed Oats and Peas imported from Great Britain on account of Province, 357; page of Appendix, 156.
- 68 Report of Select Committee on Petition (No. 79) from Digby, relative to Illicit Trade in the Basin of Annapolis, 359; page of Appendix, 156.
- 69 Report of Committee appointed last Session to examine and report upon the State of the Provincial Buildings, 360; page of Appendix, 157.
- 70 Presentment of Grand Jury at Halifax, in relation to the Incorporation of the Town of Halifax, and its Municipal Affairs, 362; page of Appendix, 158.
- 71 Abstract of Returns of Statute Labor on Highways in the County of Pictou last year, 362; page of Appendix, 160.
- 72 Report of Select Committee on Education, generally, and Petitions (No. 7) respecting Schools, 371; pages of Appendix, 160 to 162.
- 73 Report on Petition (No. 33) of Jonathan Archibald, 317; page of Appendix, 162.
- 74 Report of Select Committee appointed to examine how far Returns of Municipal Affairs of Town of Halifax, requested last Session, have been made, 371; page of Appendix, 162.
- 75 Return from Clerk of Crown of Fines imposed by Supreme Court from 1825 to 1835, and of the disposal thereof, with Provincial Treasurer's Account of application of proceeds, 377; pages of Appendix, 163, 164.
- 76 Scales of Sub-division of Road Money, 385; pages of Appendix, between 164 and 181.
- 77 Report from Select Committee on charge against Officers of Police in Halifax, of having pocketed Fees and Fines, 385, 386; page of Appendix, 181.
- 78 Report on Petition of N. Clough, for return of Duties on Goods destroyed by Fire, 386; page of Appendix, 181, see Petitions, No. 4.
- 79 Scale of Sub-division of Road Money for the County of Pictou, 387; pages of Appendix, 181 to 183.
- 80 Account of Receipts and Disbursements of Her Majesty's Casual Revenue in Nova-Scotia, during the past year, 389; page of Appendix, 183.
- 81 Report on Post Office Department and Accounts, with Petitions (No. 16) for establishment of new routes, &c. 394; page of Appendix, 185.
- 82 Copy of Commission to Earl Durham, as Captain General, &c. of Nova-Scotia, 405; pages of Appendix, 186 to 188.
- 83 Statement of emoluments of various public Officers of the Province, 408; page of Appendix, 188.
- 84 Report on subject of Statute Labor on Highways, 411; page of Appendix, 189, 190.
- 85 Report of Select Committee on Despatch (Appendix, No. 4) relative to Post Office Revenues, &c. in Nova-Scotia, 411; pages of Appendix, 190 to 192.
- 86 Report from Select Committee in regard to the Court of Chancery, 415; pages of Appendix, 192 to 194.
- 87 Copy of Royal Instructions to Governor-General and Lieutenant-Governor of Nova-Scotia, 421; pages of Appendix, 194 to 200.
- 88 Report on Petitions (No. 14) in regard to fixing the Shire Town in the County of Annapolis, 435; page of Appendix, 200.
- 89 Report on Petitions for change of place of Ferry across the Gut of Canso, 445; page of Appendix, 200, and see Petitions, No. 10.
- Archibald, S. G. W. restored to Health, and in the Chair at the opening of the Session, 232.
- Argyle; Grant to repair Bridge and Aboiteau over Abram River at, 416, 424.
- Arichat Academy; Grant for, 339, 354.
- Court of Common Pleas at, *see Bills, No. 23.*
- Arisaig Pier; Petition for aid to, 372, 412; grant therefor, 416, 419, 424.
- Attorney-General; Grant of Salary to, 356, 395.
- Avon Bridge Company; Grant for outlay by, on Road, 340, 354.

Auction Duties, in Halifax, to be applied to Fresh Water River Road and Bedford Basin Road, 434, 437.

Axe Fire Company of Halifax; *See Petitions, No. 19, and Bills, No. 91.*

## B.

Bakers; Petition for increase of Duty on imported Biscuit, &c. 287.

Ballot; *See Petitions, Nos. 35 and 73.*

Bank of British North America; Committee to enquire into affairs of, 250; who report, 263; *see Appendix, No. 15.*

Of Nova-Scotia; Act to amend Incorporation Act of, confirmed by Queen, in Council; *see Appendix, No. 65.*

Banking Company Halifax; *See Petitions, No. 45.*

Barrington Harbor; Buoys in, *see Petitions, No. 74, and Appendix, No. 43.*

Baxter's Harbor, Cornwallis; Breakwater at, *see Petitions, No. 9.*

Bay of Fundy Survey of, *see Appendix, No. 30, and Addresses, No. 4.*

Of Annapolis; Illicit trade in; *see Petitions, No. 79, and Appendix, No. 68.*

Beacon on Devil's Island; Grant for erection of, 416, 419, 424.

Bear River—Indians; *See Petitions, No. 41.*

Proposed Mills at, by incorporated Company; *see Petitions, No. 57, and Bills, No. 132.*

Petition for aid to clear out, 284; withdrawn, 326.

Bills; Limitation of time for bringing in, 239; extended, 285.

Leave to bring in, refused, 384, 387, 406.

Quadrennial Assemblies  
To abolish Oaths of  
Abjuration, &c.

No. 1. For further limiting the duration of the General Assemblies, 238, 239, 279, 281.

2 To abolish Oaths of Abjuration and Supremacy, 238, 239, 246, 261, 262; amendments of Council, amended, 269; Council agree, and Bill passed with different title, 274; agreed to by Council, 277; Conferences thereon, 312, 313; reported, 317, 330, and *see Messages, also Privileges.*

Insolvent Debtors

3 Respecting Insolvent Debtors, and persons embarrassed in business, 238, 239, 294, 295.

Prevention of  
Smuggling

4 For the more effectual prevention of Illicit Trade, 238, 239; reported from Select Committee, and deferred until next Session, 408.

To Incorporate  
Union Marine In-  
surance Company

5 To Incorporate a new Marine Insurance Company in Halifax, 238, 240, 252; (*see Appendix, No. 10,*) 253, 254; third reading, title altered.—“To Incorporate the Union Marine Insurance Company of Nova Scotia,” 259; agreed to by Council, with amendments, 301; amendments agreed to in part, 347; Conference with Instructions, 358, 359, 361; one amendment re-considered and agreed to, 378; Council agreed to Bill as amended, 391; assent of Governor, 393.

Inverness Repre-  
sentation  
To Incorporate Ha-  
lifax Marine Insur-  
ance Company

6 To increase Representation of County of Inverness, 240, 243, 246, 261.

7 To Incorporate Halifax Marine Insurance Company, 240, 252, (*see Appendix, No. 10,*) 253, 258, 259; agreed to by Council, with amendments, 301; amendments agreed to in part, 379; Council do not adhere, &c. 389; Council agree to Bill as amended, 391; assent of Governor, 393.

Fines and Penalties

8 To provide for the better application of Fines and Penalties, 240, 243, 252, 253, 258, 259, 275, 276, 290.

Joint Tenancy

9 Relating to Joint Tenancy, 240, 243, 246.

Grand Jurors

10 To provide for the proper selection of Grand Jurors, 241, 273, 279, passed on third reading, with title “For the regulation of Juries, 290; amended by Council, and amendments agreed to in part, 308, and Conference thereon asked, 309; Conference agreed to, and Instructions thereon, 312; further Conference and Council adhere, 313; Conferences reported, 317; Free Conferences, 321, 329, 330; House adhere in part, 331; Council agree and House pass the Bill, as amended, 331; Council agree, 337, assent of Governor, 393.

Judgments by Con-  
fession

11. To reduce the Expenses of Suits at Law, on Judgments by Confession, 241, 243, 246.

- |   |   |
|---|---|
| <p>No. 12 To enable a Company called the Bank of British North America to sue and be sued, in the name of any one of the Local Directors, &amp;c. 244, 246, 275, 276, 308, 313; assent of Governor, 393.</p>                  | <p>Bank of British North America</p>  |
| <p>13 Concerning the Judiciary of this Province, 244, 265; made Order of Day, 318, 319; reported from Committee of whole, and motions for re-committal lost, 319, 320; Bill passes House, 322.</p>                            | <p>Judiciary</p>  |
| <p>14 To abolish Inferior Court of Common Pleas in Colchester, 245.</p>   | <p>To abolish Courts of Com. Pleas in Colchester</p>  |
| <p>15 To abolish one of the Sittings of the Inferior Courts of Common Pleas and General Sessions of the Peace for the Counties of Cumberland, Colchester and Pictou, 245, 322.</p>  | <p>To abolish one sitting of Com. Pleas in Cumberland, &amp;c.</p>                            |
| <p>16 For Improving the Administration of Criminal Justice, 246, 250.</p>   | <p>Criminal Justice</p>   |
| <p>17 To abolish Inferior Courts of Common Pleas within this Province, and to repeal the Act to make further provision for the equal Administration of Justice in the Province of Nova-Scotia, 247.</p>                       | <p>To abolish Com. Pleas &amp; make further provision for equal administration of justice</p> |
| <p>18 For the relief of Poor Debtors, 252, 254; deferred until next Session, 360.</p>   | <p>Poor Debtors</p>   |
| <p>19 Relating to the appointment of Foreman of Grand Juries, 252, 254.</p>   | <p>Foreman of Grand Juries</p>  |
| <p>20 For opening the Poll at Portique, in the County of Colchester, 253, 254, 306; on third reading, title "Respecting Elections for the County of Colchester," 307; agreed to by Council, 313; assent of Governor, 393.</p> | <p>Colchester Elections</p>   |
| <p>21 Respecting Elections for the Township of Horton, 253, 291; deferred until next Session, 321.</p>  | <p>Horton Election</p>  |
| <p>22 For the more speedy and less expensive decision of Controverted Elections, 253, 254.</p>  | <p>Controverted Elections</p>   |
| <p>23 To alter the times of holding the Inferior Courts of Common Pleas at Arichat in the County of Richmond, 254, 258, 259, 275; assent of Governor, 393.</p>  | <p>To alter times of holding Com. Pleas at Arichat</p>  |
| <p>24 To repeal Windsor Fire Engine Act, 255, 258, 259.</p>   | <p>Repealing Windsor Fire Engine Act</p>  |
| <p>25 To continue Act for regulating the Exportation of Red or Smoked Herring, 255, 258, 259, 273; assent of Governor, 393.</p>   | <p>Herring exportation</p>  |
| <p>26 To continue Act additional concerning Nuisances, 255, 258, 259, 260, 273; assent of Governor, 392.</p>  | <p>Nuisances</p>  |
| <p>27 To continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, &amp;c. 255, 258, 260, 273; assent of Governor, 392.</p>   | <p>Contagious Diseases</p>  |
| <p>28 To continue Act to regulate Landings in King's County, 255, 258, 260, 273; assent of Governor, 392.</p>   | <p>King's County Landings</p>   |
| <p>29 To continue Act in amendment of the Acts relating to the Commissioners of Sewers, 255, 258, 260, 273; assent of Governor, 393.</p>  | <p>Commrs. of Sewers</p>  |
| <p>30 To continue the Act respecting the Collection of Poores' Rates, Pictou, 255, 258, 260, 273; assent of Governor, 392.</p>  | <p>Poores' Rates Pictou</p>   |
| <p>31 To continue the Act to restrain the issuing Writs of Attachment in certain cases, 255, 258, 260, 274, 376, 378, 380; assent of Governor, 393.</p>   | <p>Restraining attachments</p>  |
| <p>32 To continue the Act to amend an Act for establishing a Public School in the Town of Halifax, 256, 258, 260, 273; assent of Governor, 393.</p>   | <p>Halifax Grammar School</p>   |
| <p>33 To continue the Act relating to gathering Sea Manure in Queen's County, 256, 258, 260, 273; assent of Governor, 392.</p>  | <p>Queen's County Sea Manure</p>  |
| <p>34 To continue Act in amendment of Act to extend Laws of Nova Scotia to Cape-Breton, 256, 258, 260, 273; assent of Governor, 392.</p>  | <p>Extension of laws to Cape Breton</p>   |
| <p>35 To continue the Act relating to Marriage Licenses, 256, 258, 260, 274, 376, 378, 380; assent of Governor, 393.</p>  | <p>Marriage Licences</p>  |
| <p>36 To continue the Act to lessen the expense of the proof of Written Documents, 256, 258, 260, 274, 376, 378, 380; assent of Governor, 392.</p>  | <p>Proof of Written Documents</p>   |
| <p>37 To continue Acts in addition to, and amendment of, Act relating to Wills, &amp;c. 256, 258, 260, 261, 273; assent of Governor, 392.</p>   | <p>Wills addition and amendment Act</p>   |
| <p>38 To continue the Act concerning Malicious Injuries to Property, 256, 258, 261, 273; assent of Governor, 392.</p>   | <p>Malicious Injuries</p>   |
| <p>39 To continue the Act to encourage the killing of Bears, &amp;c. 256, 258, 261, 273; assent of Governor, 392.</p>   | <p>Killing Bears, &amp;c.</p>   |

- Pugwash Harbor No. 40 To continue Pugwash Harbor Act, 256, 258, 262, 273 ; assent of Governor, 392.
- Supervisors of Public Grounds 41 To continue the Act for appointing Supervisors to take charge of Public Grounds, &c. 256, 258, 262, 274 ; assent of Governor, 392.
- Town Officers 42 To continue Act in further addition to, and in amendment of, Town Officers Act, 256, 258, 262, 274 ; assent of Governor, 392.
- Fishermen's Nets 43 To continue Act to prevent damage to the Nets of Fishermen, &c. 256, 258, 259, 262, 274 ; assent of Governor, 393.
- Highways 44 To continue the Act in the amendment of the Act relating to Highways, 256, 259, 262, 274 ; assent of Governor, 392.
- Pickled Fish inspection 45 To continue Pickled Fish Inspection Acts, 256, 259, 262, 263, 275 ; assent of Governor, 393.
- Road expenditure Acts 46 To continue Road Expenditure Acts, 256, 259, 263, 274 ; assent of Governor, 392.
- Settlement of Poor 47 To continue the Act in amendment of the Act for the Settlement of the Poor, &c. 256, 259, 263, 274 ; assent of Governor, 392.
- River Nuisance 48 To continue River Nuisance Act, 256, 259, 263, 274 ; assent of Governor, 393.
- Annapolis Academy 49 To continue Annapolis Academy Acts, 256, 259, 263, 274 ; assent of Governor, 393.
- Light Houses 50 To continue the Act for the support and regulation of Light Houses, 256, 259, 263, 274 ; assent of Governor, 393.
- Shubenacadie Fishery 51 To continue the Act for regulating the Fishery in the River Shubenacadie, 256, 259, 263, 274 ; assent of Governor, 392.
- Bite of Animals 52 To continue the Act to provide against the occurrence of Diseases from the Bite of Animals, 256, 259, 263, 274 ; assent of Governor, 292.
- Quarantine 53 To continue Quarantine Acts, 256, 259, 263, 274 ; assent of Governor, 392.
- Summary Trials 54 To continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof, 256, 259, 263, 274 ; assent of Governor, 392.
- Rates & prices of Carriages 55 To continue the Act for regulating the Rates and Prices of Carriages, 256, 373, 374, 412 ; assent of Governor, 450.
- Forestalling Cord Wood 56 To continue the Act suspending Forestalling Cordwood Act, 256, 373, 374, 412 ; assent of Governor, 450.
- Forestalling 57 To continue Act suspending Forestalling Acts, 256, 373, 374, 412 ; assent of Governor, 450.
- Circuit Court 58 To continue the Act for regulating the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits, &c. 256, 423, 433, 444 ; assent of Governor, 450.
- Militia 59 To continue the Acts respecting the Militia of the Province, 257, 369, 397 ; reported from Committee of whole, and re-committed in order to reduce Pay of Adjutants, and again reported with amendments, &c. 406 ; read third time, and passed title, " to revive and continue," &c. 409, 410 ; agreed to by Council, 413 ; assent of Governor, 450.
- Bridewell 60 To continue Bridewell and Police Acts, 257, 373, 374, 412 ; assent of Governor, 450.
- Terms of Sup. Court 61 To continue the Act concerning the Terms of the Supreme Court at Halifax, 257, 423, 433, 444 ; assent of Governor, 450.
- Inf. Court of Com. Pleas 62 To continue the Act concerning the Inferior Courts of Common Pleas within this Province, 257, 423, 433, 444 ; assent of Governor, 450.
- Billeting 63 To continue Billeting Acts, 257, 409, 410, 413 ; assent of Governor, 450.
- Halifax Pilotage 64 To continue Halifax Pilotage Acts, 257, 373, 375, 412 ; assent of Governor, 450.
- Halifax Night Watch 65 To continue Halifax Night Watch Act, 257, 273, 375, 412 ; assent of Governor, 450.
- Firewards 66 To continue the Act to repeal the Act to amend the Halifax Firewards Acts, 257, 373, 375, 412 ; assent of Governor, 450.
- Sable Island 67 To continue the Act for the better regulation of Sable Island and Seal Islands, &c. 257, 380, 381 ; passed with title " for the better regulation of Sable Island in this Province," 384 ; Conference held thereon, 409, 413 ; assent of Governor, 449.
- Beef weighing 68 To continue the Act to regulate the Weighing of Beef, 257, 373, 375, 412 ; Assent of Governor, 450.

No. 69. To continue School Acts, &c. 257, 386, 387, 394, 406, 421; assent of Governor, 450.	Schools
70. To continue the Act to direct and ascertain the mode of assessing County and District Rates, &c. 257, 374, Title "continue and amend," &c. 375, 422; assent of Governor, 450.	County and District Rates
71. To continue the Act to prevent Disorderly Riding, &c. 257, 373; Ryder negatived, and Bill passed, 375, 376, 412; assent of Governor, 450.	Disorderly riding
72. To continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax, 257, 373, 375, 412; assent of Governor, 450.	Fees of Constable of Court of Comrs. Halifax
73. To continue the Act relating to Grand Jurors, 257.	Grand Jurors
74. To continue the Act relating to the Court of Commissioners at Halifax, 257, 373, 375, 412; assent of Governor, 450.	Halifax Commissioners Court
75. For disposing of certain Waste Lands in the Township of Granville, &c. 261, 262, 265, 266, 341, 345, 347, 348.	Waste Lands Granville
76. To authorize sale of Old Jail at Liverpool, and Lot of Land on which it stands, 264, 265, 279, 281, 301; assent of Governor, 393.	Sale of Old Jail Liverpool
77. For vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance service, in the Principal Officers of Her Majesty's Ordnance, &c. 264, 265, 275, 281.	Ordnance property
78. Further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, 265, 266, 275, 276, 389, 391; assent of Governor, 393.	Cemeteries
79. To define the Boundary Line of the Township of Cornwallis on the adjoining Bays, &c. and to declare the right to certain Marsh Lands, &c., read 1st and 2nd time, 266; passed in Committee of whole, report thereof, postponed, 345; Report received; Bill engrossed, read 3rd time, ryder added, and Bill passed and ordered to be sent to the Council, 390; motion to discharge Order for sending to Council, negatived, 406.	Cornwallis Boundary line on Bays, &c.
80. Respecting Assessment of Poor and County Rates, 267, 268, 275, 301; recommended from Committee of whole to be deferred until next Session, Report not received and Bill re-committed, 348.	Poor & County Rates
81. To Incorporate the City of Halifax, 275, 288, 301, 302, 303; deferred until next Session, 360; and see <i>Petitions, No. 66.</i>	Halifax Incorporation
82. Relating to Commissioners of Streets, in and for the several Towns throughout this Province, in which such Commissioners are now by Law appointed, excepting the Town of Halifax, 276, 278; deferred three months, 279.	Comrs. of Streets
83. Respecting the Travelling Fees of Constables, in certain cases, 276, 278, 279, 281, 301; assent of Governor, 393; and see <i>Petitions, No. 18.</i>	Travelling Fees of Constables
84. To prevent Members of the Legislature from taking Office, in certain cases, 281; deferred three months, 291.	To prevent Members of Legislature taking Offices
85. To prevent injuries to the Fisheries within the County of Lunenburg by Mill-dams, &c. 281, 291, 316, 328; assent of Governor, 393.	Lunenburg Fisheries
86. Further to regulate the representation of the County of Annapolis, 284; deferred three months, 291.	Annapolis Representation
87. To repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof, 285, 291, 316; Council amend, 350; amendment agreed to, 351; Council agree to amended Bill, 353; assent of Governor, 393.	Windsor Public Landing
88. To authorise the settlement of a certain Debt claimed from the Township of Windsor, 285, 291, 306, 307, 350; assent of Governor, 393.	Settlement of debt claimed from Windsor
89. To authorise the Incorporation of a Company for making a Ship Canal across the Isthmus of Cumberland, 286, 292, 345, 346, 369, 414, 421; assent of Governor, 449.	Cumberland Canal
90. To modify the provisions of the Act for preventing persons leaving the Province without a Pass, 290, 292, 316, 328; assent of Governor, 393.	To amend Pass-Act
91. Respecting the Fire Men for the Town of Halifax, 292, 296, 306, 307, 313; assent of Governor, 393.	Halifax Fire Men

- Chedabucto Bay Fishery] No. 92 To regulate the Fisheries in Chedabucto Bay, 295, 296, 310, 330, 345, 347, 350 ; assent of Governor, 393.
- Repair of Streets Windsor] 93 More effectually to provide Funds for repair of Streets in Windsor, &c. 296, 303, 310, 312.
- Equitable claims upon Real Estate] 94 To provide for the settlement of equitable claims upon Real Estate, in certain cases, 297, 350 ; Report from Committee of whole, recommending Bill to be deferred three months, received by casting vote of Speaker, 368 ; motion to rescind resolution to defer, negatived, 369.
- For making Lands & Tenements liable to Debts] 95 For making Lands and Tenements liable to debts, and to repeal the Acts now in force, 297, 303, 304, 330, 360, 372.
- Opening Roads Queen's County] 96 To provide for the opening of certain new Roads in Queen's County, 297, 322, 335, 341, 350 ; assent of Governor, 393.
- Exportation of Grindstones] 97 Respecting the exportation of Grindstones, 298, 303, 306 ; Ryders added on 3d reading, 307 ; Council amend, 350 ; amendments agreed to, 351 ; Council agreed to amended Bill, 353 ; assent of Governor, 393.
- Shutting up Old Road in Sydney] 98 For shutting up an Old Road in the County of Sydney, 299, 303.
- Light Houses] 99 To amend the Act for the support and regulation of Light Houses, 299, 303, 306, 307 ; assent of Governor, 393.
- Comurs. of Highways, Halifax] 100 To amend Act relating to Commissioners of Highways in Halifax and certain other places, as to the Town of Halifax, 300, 303.
- To establish Clements, in the County of Digby, into a separate Township] 101 To establish that part of the Township of Clements lying in the County of Digby, into a separate Township, 304, 307, 316, 328 ; assent of Governor, 393.
- Digby Shire Town] 102 To establish the County or Shire Town in the County of Digby, 304, 307, 321, 322, 336, 337, 347, 353 ; assent of Governor, 393.
- Whaling Company] 103 To Incorporate Nova-Scotia Whaling Company, 316, 320, 335, 341, 355, 358, 361 ; assent of Governor, 393.
- Cumberland & Colchester Boundary line] 104 For establishing the Boundary Line between the Counties of Cumberland and Colchester, 321, 322, 348, 349, 360, 363, 413 ; assent of Governor, 450.
- To abolish one sitting of Sup. Court in Cumberland] 105 To abolish one of the Sittings of the Supreme Court for the County of Cumberland, 321, 322.
- To set off St. Mary's as a separate District] 106 To divide and set off the Township of St. Mary's in the County of Guysborough into a separate and distinct District, 321, 322, 348, 349, 361, 391 ; Council's amendment considered and not agreed to, 407, 408.
- County & District Rates amendment] 107 To amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, 331, 333.
- Taxing Banks] 108 For taxing Banks, 334 ; motion for second reading, amended by going into Committee of Supply, 343 ; read second time and withdrawn, 349.
- John's Island] 109 To enable the Proprietors of John's Island, Pubnico, to divide the same, 336, 341, 348, 351, 357, 358, 373, 380, 391 ; assent of Governor, 393.
- Pictou Academy] 110 To alter and amend the Act to regulate and support the Pictou Academy, 337, 341 ; reported from Committee of whole, and consideration of the report postponed, 348 ; Bill reported without amendment and re-committed, 349 ; reported again without amendment, and motion against receiving report negatived, 350 ; read third time, 351 ; Ryder negatived and Bill passed and sent to Council, 352 ; agreed to by Council, 414 ; assent of Governor, 449.
- Trustees of School Lands] 111 For the appointment of Trustees of School Lands in this Province, 340, 341, 368, 369 ; agreed to by Council with an amendment which House agree to, 413 ; Council agree to amended Bill, 414 ; assent of Lieutenant-Governor withheld, for reasons stated in his Speech, 451.
- Civil List] 112 To provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues, 342 ; read second time, passed in Committee of whole, and ordered to be engrossed, the House dividing thereon, 345 ; read third time and passed, 347.
- Meeting House Merigomishe] 113 To enable the proprietors of a certain Meeting House in Merigomishe, in the County of Pictou, to sell the same, 344, 347, 360, 363, 413 ; assent of Governor, 449.

- No. 114 To continue and amend the Act for granting Colonial Duties of Impost, &c. 348, 349, 353, 354; Conference held, and Committee of House do not report a suggestion of the Council in regard to duties as being against the privileges of the House, 370, 371; Council agree to Bill, 389; assent of Governor, 391. **Impost**
- 115 To continue and amend the Act for regulating the Importation of Goods, 348, 349, 353, 354, 368; assent of Governor, 391. **Regulating importation**
- 116 To continue and amend the Act for the Warehousing of Goods, 348, 349, 353, 354, 368; assent of Governor, 391. **Warehousing**
- 117 To continue the Act for the general regulation of the Colonial Duties, 348, 349, 353, 354, 368; assent of Governor, 392. **Duties regulation**
- 118 To continue the several Acts for the prevention of Smuggling, 348, 349, 353, 355, 368; assent of Governor, 392. **Smuggling**
- 119 To continue and amend the Act concerning Goods exported and for granting Drawbacks, 348, 349, 373, one rider negated and another passed, 376; Council agree to Bill with an amendment, which House refuse to consider as affecting taxation, 389; Council do not adhere to amendment, but agree to Bill, 391, assent of Governor, 391. **Drawbacks**
- 120 To continue Chocolate Manufacture Bounty Act, 351, 353, 355, 368, assent of Governor, 391. **Chocolate Bounty**
- 121 To continue and amend Tobacco Manufacture Bounty Act, 351, 353, 355, 368, assent of Governor, 391. **Tobacco Bounty**
- 122 In further amendment of the Road Expenditure Act, 351, 354, 373, 375, 412, assent of Governor, 449. **Road expenditure**
- 123 To continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax, 352, 353, 355, 368, assent of Governor, 392. **Halifax Liquor and Auction License**
- 124 To continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, 352, 353, amendments made and rider added on 3d reading, 355, Council amend, 368; House agree in part, 370, Conference held and Council adhere, 371, Conference reported, 372, House adhere, 379, Bill disagreed to by Council, 381. **General License**
- 125 To establish the Standard Weight of Grain, and to repeal enactments now in force, 359, 363, 374, 408, 409, on third reading amendments made and rider negated, 410, further amended, motion to defer three months, negated, and Bill passed and sent to Council, 411, agreed to by Council as amended, 421, assent of Governor, 449. **Standard of Grain**
- 126 Respecting the Culling of Dry Fish in Halifax, 362, 363, 397, 406, amendments reported by Select Committee, and Bill recommitted to Committee of whole, 406, 407, reported from Committee, 409, passed on third reading, 410, agreed to by Council, 421; assent of Governor, 449. **Culling of Dry Fish**
- 127 For regulating Election of Members to serve in General Assembly, 368, deferred until next Session, 370. **Elections**
- 128 For regulating the Trial of Controverted Elections, &c. 368, deferred until next Session, 370. **Controverted Elections**
- 129 To explain and amend certain provisions of the Act relating to Wills, &c. 371, 388, read third time and re-committed, 413, 414. **To explain and amend Wills Act**
- 130 To facilitate the issuing of Writs of Certiorari, in certain cases, 371, 380, 381, 386, 388, 390, 444. **Certiorari**
- 131 To make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, 379, 386, 388, 390, 422, 423, 432, assent of Governor, 450. **Cape-Breton Marriages**
- 132 To incorporate the Imbert Mills Company, 379, 380, 384. **Imbert Mills Com.**
- 133 To extend to the Town of Pictou the provisions of the Act to prevent Boys and others from Coasting and Sliding down the Hills in the Streets of Halifax, (read 1st and 2d time and passed in Committee) 380, passed and sent to Council, 384, agreed to by Council, 413, assent of Governor, 449. **To extend to Pictou Halifax Coasting Act**
- 134 To continue the Act for granting Duties on Licenses, and in amendment thereof, 381, 383, 384, 389, assent of Governor, 392. **Duties on Licenses**

- Poor Settlers** No.135 To extend for a further space of time certain provisions of the Act to afford relief to Poor Settlers, (read 1st and 2d time, and passed in Committee of whole) 383, passed and sent to Council, 384, agreed to by Council, 412, assent of Governor, 449.
- Settling Titles to Mire Grant, C. B.** 136 For settling Titles in a certain Tract of Land in Cape-Breton, called the Miré Grant, 384, 387, 388, 389, 390.
- Halifax Engine Men** 137 To increase the number of Engine Men in Halifax, (read 1st and 2d time, and reported from Committee of whole) 383, read 3d time and passed, 390, agreed to by Council, 432, assent of Governor, 449.
- To alter the sittings of Lunenburg Com. Pleas** To alter the Sittings of Common Pleas and Sessions at Lunenburg, (read twice, and reported from Committee of whole) 388, 389, read third time, passed, and ordered to be sent to Council, 390; order for sending to Council, discharged, and consideration of Bill deferred to next Session, 406.
- Passenger Act** 139 To amend Passenger Act, 391, 394, 409, continuing clause added as rider on third reading, and Bill passed and sent to Council, 413.
- Inverness Representation** 140 For altering the Representation, in General Assembly, as respects Inverness, 393, 394, 395, 432, assent of Governor, 449.
- Acts, &c. of last Session** 141 Relating to certain Acts had, passed, and pending in the last Session of the General Assembly, 402, 403, 404, agreed to by Council, and assented to by Governor, and reported by Clerk of House to have come into operation, 405.
- Census** 142 For taking a Census of the Province, 411, 420, 423, 444, assent of Governor, 450.
- Internal Postage** 143 For regulating Internal Postage, 411, 420, passed and sent to Council, 421, agreed to by Council, 432, assent of Governor, 449.
- Crown Lands** 144 To establish sundry regulations for the disposal of Crown Lands, 414, 420, 423.
- Lunenburg Fire-Engine** 145 To enable Inhabitants of Lunenburg to procure a Fire Engine, &c. 414, 420, 423, 444, assent of Governor, 450.
- Chancery** 146 For amending the practice of the Court of Chancery, 415.
- To improve administration of Laws and reduce Courts** 147 (From Council) To improve the system of Administering the Laws, and reduce the number of Courts of Justice, &c. 420, deferred until next Session, 421.
- Old Road Sydney** 148 To shut up an old Road in the County of Sydney, read 1st and 2d time and passed in Committee, 436, read 3d time, 443, passed and sent to Council, 444.
- Judges' appointment** 149 To prevent appointments to Benches of Supreme and Inferior Courts in case of vacancies before next Session, read 1st and 2d time, and Committee of whole thereon, adjourned for want of Quorum, 436.
- Appropriation** 150 Of Appropriation—Clerk to prepare, 433; presentation of, moved and negatived, 437, presented and passed, 444, agreed to by Council, 447, presented by Speaker, and assented to by Governor, 450.
- Binding of Journals, Laws, &c. ; Report thereon, 311 ; Grant for, 356, 395.**
- Black Population ; Grant for relief of, 415, 424.**
- Removal of, see Appendix, No. 32.**
- Rock Hills ; Grant of Money to complete alteration of road at, 366, not received by House, 367, non-reception rescinded, and vote agreed to, 369, agreed to by Council, 396 ; Appropriation changed to meet advances made on alterations, 419, 424.**
- Blue Book ; House request that Copy of, may be laid before them, 373.**
- Breakwaters ; See Petitions, No. 9, Appendix, No. 47.**
- Bridewell—near Halifax ; Committee to procure plans and estimates for, and enquire as to site of, 264, vote of credit to pay for plans, &c. 446.**
- Debt incurred on account of ; grant for liquidation of, 417, 424, and see Petitions, No. 52, Appendix, No. 63.**
- Committee of last Session report in relation to a proposed new one, 264, and see Appendix, No. 18.**
- Votes of credit for support of, negatived, 445, 446.**
- Acts relating to, continued, see Bills, No. 60.**
- Bridges ; See Roads.**
- Bridgetown, proposed as Shire Town for County of Annapolis ; See Petitions, No. 14, and Appendix, No. 88.**

## C

- Canada; House express their sense of disturbances in, 251.  
*See also Soldiers.*
- Canal—Shubenacadie; *See Petitions, No. 71, and Addresses, Nos. 7, 8.*  
 Across Isthmus of Cumberland; *See Bills, No. 89.*
- Canso; Grant of expences of survey of, proposed great road through Guysborough, between Dartmouth and; 415, 424, and *see Petitions, No. 1, Appendix, No. 58.*
- Cape-Breton; Accounts of W. Reuill for Surveys in, laid before House, 290, reported on, 309, *see Appendix, No. 40*; grant thereon, 364, 395.  
 Grant for expences of Shipwrecked Mariners in, 417, 424.  
 Road Money for County of, placed at disposal of Lieutenant-Governor, 385.
- Card Manufactory; *See Petitions, No. 29.*
- Casual Revenue, Civil List, &c.; Consideration of, made Order of Day, 319, considered in Committee of whole, 330; Resolutions reported, motions for amendments, &c. negatived, 332; Committee appointed to bring in Bill thereon, 333, Bill presented, 342, *see Bills, No. 112.*
- Casualties, Bridges, &c.; Vote to provide for, 356, 395.
- Cemetery Act, further amended; *See Bills, No. 78.*
- Census of Province; Committee to consider of best mode of taking, 389, 390, report by Bill, 411, *see Bills, No. 142.*
- Certiorari; Bill to facilitate issuing Writs of, *see Bills, No. 130.*
- Chairman of Committees; Grant to, 340, 354.
- Chancery; *See Judiciary.*  
 Papers; Arrangement of, *see Petitions, No. 39.*  
 Return of Actions in; *See Appendix, No. 12.*
- Changes of Appropriation—For Road in County of Yarmouth, 433, 437.
- Chaplain to House, proposed, 237, amendment carried that several officiate in weekly succession, 238, acceptance thereof, &c. 239, grant for, 415, 424.  
 To Council; Grant to, 338, 353.
- Chedabucto Bay; Fisheries in, regulated; *see Bills, No. 92, Petitions, No. 72.*
- Civil List; *See Bills, No. 112, also, Casual and Estimate.*
- Clements; Western—made separate Township; *See Petitions, No. 42, Bills, No. 101.*  
 In Annapolis County; Petition that Poll be held there at Elections, referred to Committee on Election Laws, 336.  
 Leave refused to present Petition for settlement in, to be named Victoria, 404.
- Clerk of House; Grant of Salary to, 338, 353.  
 Assistant of House; Grant of allowance to, 338, 353.  
 Of Legislative Council; Grant of allowance to, 338, not agreed to by Council, 432.  
 Of Commissioners of Revenue; Grant to, 339, 353; ordered to make a return of Drawbacks, 349.
- Clerks of Peace; *See Petitions, No. 12.*
- Clough, N.; *See Petitions, No. 4, and Appendix, No. 78.*
- Colchester and Cumberland; Division Line between Counties of, *see Cumberland.*  
 Proposed annexation of Five Islands to, *see Petitions, No. 61.*  
 Courts in; *See Bills, Nos. 14, 15.*
- Colored People; *See Blacks.*
- Commissioners for administering Oaths to Members—their Commission, &c. 232.
- Common Pleas; Inferior Courts of, *see Appendix, Nos. 8, 12, 20, 39, 64*; *Bills, Nos. 14, 15, 17, 23, 62, 138*; Messages to Governor, No. 11.  
*Also, Judiciary.*
- Constitutional Society, Montreal; *See Petitions, No. 23.*
- Contingent Expences of Legislature; Grant for, 356, 395.
- Controverted Elections; *See Petitions, No. 3.*
- Convicts landing from Bermuda; *See Appendix, No. 3.*
- Cornwallis Boundary Line and Sedge Flats; *See Appendix, No. 19, and Bills, No. 79.*

Councils; Legislative and Executive—Despatches, &c. relative to formation of, see Appendix, No. 2; House express to Lieutenant-Governor their regret in relation to late appointments to, 396; Lieutenant-Governor mentions necessity of alterations in, 402; see also *Addresses*, No. 11.

Expences of; *See Legislative.*

Courts of Common Law and Chancery; *See Judiciary.*

Creighton, John; Takes his seat for County of Lunenburg, in place of Hon. W. Rudolf, appointed to the Legislative Council, 449.

Criminal Justice; Administration of, *see Bills*, No. 16.

Cross Island Light House; *See Appendix*, No. 53.

Crown Lands; Committee on, 251; Papers referred to Committee, 253; Report by Bill, 414; *see Bills*, No. 144.

*See also Petitions*, No. 46.

Culling Fish; *See Bills*, No. 126.

Cumberland, County; Controverted Election for, *see Petitions*, No. 3.

Courts in, *see Bills*, Nos. 15, 105.

Isthmus; Canal across, *see Bills*, No. 89.

And Colchester Counties Boundary Line between, *see Bills*, No. 104.

Cunningham, Roger; *See Petitions*, No. 48.

Customs Department; Proposed uniting thereof with Excise, *see Appendix*, No. 50, and *Addresses*, No. 11.

#### D.

Dartmouth and Canso; Road between, *see Canso.*

Road from Sackville Bridge and Scott's in, proposed, *see Sackville.*

Delegation—From Assembly to Home Government, petitioned for by Inhabitants of Musquedoboit, 272.

To Governor General—*See Durham.*

Despatches from Colonial Secretary, &c.; *See Appendix passim.*

Dickson, Thomas, takes his seat for County of Pictou, in place of Hon. George Smith, appointed to the Legislative Council, 303.

Digby; Petition from, relative to Illicit Trade, *see Petitions*, No. 79.

County—Shire Town of; *See Petitions*, No. 13, and *Bills*, No. 102.

Dispensary, Halifax; *See Petitions*, No. 38.

Dodge, B. K.; *See Petitions*, No. 62.

Dorchester; Shutting up of old Road in, *see Petitions*, No. 64, *Bills*, No. 148.

Drawbacks; Clerk of Commissioners of Revenue ordered to make a Return of, 349.

Durham, Earl of; Committee appointed to correspond, and, if necessary, to confer with, at Quebec, concerning the interests of the Colony, 397, 398; Committee discharged, 403.

Copies of Commission and Royal Instructions to, *see Appendix*, Nos. 82, 87.

Durland, Daniel; *See Petitions*, No. 20, and *Appendix*, No. 13.

Duties; Remission of, &c. *see Petitions*, No. 4, *see also Drawbacks.*

#### E.

Eastern Main Roads; *See Roads*, *Petitions*, No. 1; *Appendix*, Nos. 52, 58, 59.

Education; Committee upon, 239; addition to Committee, 241; Report of Committee, 371; *see Appendix*, No. 72, and *Petitions*, No. 7.

Elections of Members and Registration of Voters; Committee to report thereon by Bill, &c. 245; Bill reported, 368, and *see Bills*, No. 127.

Polls at; Committee to regulate the holding of, 349.

**Elections, Controverted; Committee to revise the Law of, &c. 245; Bill reported, 368; see Bills, No. 128.**

**Controverted before House; See Petitions, No. 3.**

**Equitable claims upon Real Estate; See Bills, No. 94.**

**Estimate of expense of Civil Government for 1838, laid before House, and referred to Committee of Supply, 289.**

**Excise Department; Proposed uniting of, with Customs or Treasury; see *Appendix*, No. 50, and *Addresses*, No. 11.**

**Expiring Laws; Committee on, 234; Report by Bills, 255.**

**F.**

**Fees of Constables; See Petitions, No. 18, and Bills, No. 83.**

**And Fines taken in Police Office; Committee to investigate charge relating to, 335; addition to Committee, 351; Report, 385; see *Appendix*, No. 77.**

**Taken in Police Office, and Commissioners Court; motion for return of, negatived, 371, 372.**

**Taken by Judges of Common Pleas; see *Appendix*, Nos. 8, 20, and *Messages to Governor*, No. 11.**

**Ferries; Grants for, at Gut of Canso and Shubenacadie, 340, 354; see also *Petitions*, No. 10.**

**Fines taken in the Police Office at Halifax; returns of, laid before House, 340; in Quarter Sessions, Halifax; see *Appendix*, No. 44; in Supreme Court; see *Appendix*, No. 75; See also *Fees*, and *Bills*, No. 8.**

**Fish; Leave to bring in Bill to regulate the Culling of, 301; presented, 362; and see *Bills*, No. 126.**

**Fisheries; Committee on, 243; Council join by Committee, 248; Address to Queen, reported from, 361; see *Addresses*, No. 5.**

**Encroachment on, by Foreigners; see *Appendix*, Nos. 6, 17; *Addresses*, No. 5. See *Chedabucto, Whaling*.**

**Five Islands in Parrsboro, proposed annexation of, to Colchester; see *Petitions*, No. 61.**

**Flour for Fisheries; Resolution for imposing duty, 314; rescinded, 314, 315.**

**Exportation of; see *Petitions*, No. 51.**

**Manufacturers of, at Halifax, pray for protecting duties on Importation, &c. 278.**

**Forrestall, R. J. takes his seat for County of Sydney, in place of John Young, (deceased,) 233.**

**Free Conferences on Juries Bill, 321, 329, 330.**

**Free Ports; Committee in relation to, 277; Report resolutions for consideration of House, 380; Subject considered and resolution passed, that all Ports at which there are Custom Houses, should be declared Free Ports, 422; clause to that effect inserted in Address to Her Majesty, (No. 11.) 438.**

**Funded debt of Province; Committee to enquire as to paying off a part of, 369.**

**Fundy; See Bay.**

**Funeral; House adjourn for purpose of attending, 309.**

**G.**

**Gates' Pier, in Wilmot; See *Petitions*, No. 9.**

**Gauger and Weigher at Halifax; Grant to, 338, 353.**

**Gesner, Doctor; Grant of sum advanced to, 417, 424.**

**Givan's Cove in Cornwallis; Breakwater at, see *Petitions*, No. 9.**

**Glebe Lands; See *Petitions*, No. 34.**

**Good Friday; House adjourn over, 433.**

- Grain ; Leave to bring in Bill to regulate the Standard Weight of, 301 ; Bill presented, 360,  
*see Bills, No. 125.*  
 Granville ; Waste lands in ; *see Bills, No. 75.*  
 Grindstones ; Exportation of ; *see Bills, No. 97.*  
 Grocers in Halifax ; *see Petitions, No. 76.*  
 Gruber, Robert ; *see Petitions, No. 52.*  
 Guysborough, Packet ; Grant for, 339, 354.  
     Road through from Dartmouth to Canso ; *see Canso.*  
     Petition from, on subject of School Lands, 329, 330.

## H.

- Haliburton ; First Justice of Common Pleas, Middle division, offers to retire upon allow-  
 ance ; *see Appendix, No. 64.*  
 Halifax ; Incorporation of ; *see Bills, No. 81 ; Petition, No. 66, and Appendix, No. 70.*  
     Municipal affairs of ; *see Appendix, Nos. 44, 48, 70, 74, 77 ; Messages to Go-*  
     *vernor, Nos. 5 and 8, and Bills passim.*  
     Statute Labor in County of ; *see Appendix, No. 37.*  
     Steam Boat ; *see Petitions, No. 10.*  
     Fire and Engine Companies ; *see Petitions, Nos. 19 and 22, and Bills, Nos. 91*  
     *and 137.*  
     Dispensary ; *see Petitions, No. 38.*  
     Mechanics' Institute and Library ; *see Petitions, Nos. 30 and 43.*  
     Banking Company ; *see Petitions, No. 45.*  
     Poor ; *see Petitions, No. 80, and Poor.*  
 Harris, W. ; *see Petitions, No. 58.*  
 Horton ; Elections for, *see Bills, No. 21.*  
     Academy ; *see Petitions, No. 7.*

## I.

- Illicit Trade ; *see Bills, No. 4, and Petitions, No. 79.*  
 Imbert Mill Company ; *see Petitions, No. 57, and Bills, No. 132.*  
 Imperial, Provincial Horse ; *see Messages to Governor, No. 9.*  
 Impost Act continued ; *see Bills, No. 114.*  
 Incorporation of Companies ; *see Petitions, No. 5, also Whale and Canal.*  
     Of Halifax ; *see Halifax.*  
 Indians ; Grant for relief of, 339, 353.  
     At Bear River ; *see Petitions, No. 41.*  
     In Douglas, *see Petitions, No. 56.*  
 Inferior Courts ; *see Common Pleas.*  
 Insolvent Debtors ; *see Bills, No. 3.*  
 Inverness County ; Representation of, *see Bills, Nos. 6 and 140 ; Petitions, No. 11.*  
     Road Money for, placed at disposal of Lieutenant-Governor, 385.

## J.

- Jail ; Old, at Liverpool ; *see Bills, No. 76.*  
 John's Island, Pubnico, Division of ; *see Petitions, No. 32 and Bills, No. 109.*  
 Joint Tenancy ; *see Bills, No. 9.*  
 Journals of House to be sent to all the Town Clerks for the several Townships, 372.  
     Of House of Commons, &c ; Grant for procuring, 417, 424.  
     Of Council ; *See Printing.*

- Judiciary ; Consideration of, made Order of the Day, 246 ; postponed, 254 ; considered in Committee of whole, and made further Order, 262 ; further considered, &c. 265, 266 ; Resolutions reported relative to Chancery, and order made for further consideration, 267, 268 ; Resolutions passed for enquiry by Select Committee, as to the Supreme and Inferior Courts and Sessions, 268 ; Select Committee as to Chancery, 269 ; Order of Day discharged, 271 ; Select Committee report as to Common Law Courts, 308 ; *see Appendix*, No. 39 ; report read and Resolutions passed thereon, 317, 318 ; motion to rescind one of Resolutions negatived, 319 ; Committee report as to Chancery, 415 ; *see Appendix*, No. 86, and Bills, No. 146 ; *see also Bills*, No. 149.
- Judges of Supreme Court, Grant for conveyance of, in Cape Breton, 339, 353 ; for their Letters in relation to changes in the Courts ; *see Appendix*, No. 39 ; Fees of, *see Appendix*, No. 2, pages 11 to 14.
- Of Common Pleas, for their Letters in regard to Fees ; *see Appendix*, Nos. 8, 20 ; *see also Messages to Governor*, No. 11, and *Haliburton*.
- And *see Judiciary*.
- Juries ; *see Bills*, Nos. 10 and 19.

K.

- King, The late ; Condolence on death of ; *see Addresses*, No. 2.
- Keeper of Assembly Rooms, &c. ; Grant to, 339, 340.

L.

- Lake Porter ; *See Petitions*, No. 15.
- LaHave River ; Grant for procuring materials to re-build Bridge over, 416, 424.
- Lands and Tenements ; *see Bills*, No. 95.
- Law Books imported for House ; Grant to pay for, 415, 427.
- Leave of absence to Members ; *see absence*.
- Legislative Council ; usual grant for expences of, 338 ; Conference thereon not reported on account of privileges of House, 409 ; vote agreed to by the Council, 432.
- Grant of Expences of, 416 ; amended, 418, 419 ; not agreed to by Council, 424 ; Vote of Credit for expences of, 425, 432.
- Licensed Houses and Shops ; Committee to report amendments in Acts relating to, 241 ; report, 252 ; and *see Appendix*, No. 9, and *Bills*, Nos. 123, 124 and 134.
- Light Houses ; Act for support of, amended ; *see Bills*, No. 99.
- Liverpool ; Sale of Old Jail at ; *see Bills*, No. 76.
- Road from Annapolis to ; *see Appendix*, No. 45.
- Londonderry ; Glebe Lands in ; *see Petitions*, No. 34.
- Lunenburg ; County, Writ for Election of Member for, 243, and *see Creighton*.
- National School ; Grant for, 339, 354 ; *see Petitions*, No. 7.
- River ; Fisheries in ; *see Bills*, No. 85.
- Sitting of Common Pleas and Sessions in ; *see Bills*, No. 138.

M.

- Mails ; *See Petitions*, No. 16, and *Post Office*, *Appendix*, Nos. 46, 54, 81.
- Manufactories ; *See Agriculture, Flour*.
- Marine Insurance ; Incorporation of Companies for purpose of ; *see Petitions*, No. 5 ; *Appendix*, No. 10, and *Bills*, Nos. 5 and 7 ; also *Messages to Council*, No. 8.
- Marriages in Cape-Breton ; Legalization of ; *see Bills*, No. 131, and *Petitions*, No. 84.

- Marshall, Judge ; His letter to Speaker, respecting Books with Accounts, 257, referred to Committee on Printing, 280 ; Report of Committee, 296, and see Appendix, No. 34 ; Resolution to send his Books to Clerks of Peace to be sold, 298 ; Grant to, 416, 424.
- Maxweltown ; Transient Poor in ; see *Petitions*, No. 6.
- McHeffy, Richard A. ; takes his seat for town of Windsor in place of Hon. Lewis M. Wilkins, appointed to the Legislative Council, 302.
- McKim, Andrew ; takes his seat for County of Cumberland, 306, and see *Petitions*, No. 3.
- Mechanics' Institute ; see *Petitions*, No. 43.  
Library ; see *Petitions*, No. 30.
- Meeting of Legislature ; House desire that it may be in December, 316 ; answer reported from Lieutenant-Governor, that he would attend to the wishes of the House, 342.  
House at Merigomishe ; see *Bills*, No. 113.
- Members Pay ; Grant of, rescinded, 340.  
Grant of, made, 344, 354.  
Leave of absence to ; see *Absence*.  
Sworn ; see *Oaths*.  
To prevent the taking of Office by ; see *Bills*, No. 84.
- Merrigomishe ; Sale of Meeting House ; see *Bills*, No. 113.
- Messages from Lieutenant-Governor to House, delivered at the Bar :
- No. 1. Commanding attendance of the House, 233, 391, 399, 402, 405, 449.
  - 2 With Copies of Despatches from Colonial Secretary of State, relative to commutation of Casual and Territorial Revenues, 241, 242 ; see Appendix, No. 2.
  - 3 With Copies of Papers on several Subjects contained in, Nos. 3, 4, 5, and 6, of Appendix, 242.
- Messages from House to Lieutenant-Governor :
- No. 1. To know when he would receive the House with Address in answer to Speech, (answer reported,) 237.
  - 2 To request reply from Secretary of State, to address on subject of Fisheries, 238.
  - 3 To request information on subject of Crown Lands, 251.
  - 4 To communicate vote for relief of Families of Soldiers gone to Canada, 293 ; answer, 298.
  - 5 To request reason why information on Municipal Affairs of Halifax has not been given to House, 294 ; answer, 298 ; and see Appendix, No. 48.
  - 6 To request Governor to carry into effect the recommendation of Committee in report, (Appendix, No. 41,) on Petition, (No. 60,) for further time for payment of Annapolis County loan Money, 309.
  - 7 To acquaint the Governor, that towards the last of December would be the most convenient time for convening the Legislature, 316 ; answer, 342.
  - 8 To request that reason may be assigned why returns of the Municipal Affairs of Halifax have not been made, 321 ; answer, 327.
  - 9 To communicate resolution relating to Horse Imperial, and to request that proceedings against John C. Hall, Esq. may cease, 321 ; answer reported, 341.
  - 10 To request that Public Accounts may be made up to 31st October next, 329 ; answer, 342.
  - 11 To request Governor to acquaint First Justice of Common Pleas for the Eastern District that the Fees taken by him are, by the House, considered illegal, 333, 334 ; answer, 342 ; answer, 347.
  - 12 To request inquiry to be made into charge of James Bissett of Cole Harbor, having improperly obtained a Bounty on an Oat-mill, 359 ; paper relative thereto, laid before House, 404, 405.
  - 13 To request Governor to cause House to be informed why Returns have not been made of Fines imposed in Supreme Court and Sessions, 372.
  - 14 To request Copy of Blue Book to be laid before House at commencement of every Session, 373.

- 15 To request an account of Duties remitted, and Drawbacks and Bounties paid for encouragement of Fisheries, 377.
- 16 To communicate vote of credit for arming and disciplining Militia, in case of war or invasion, 378.
- 17 To express regret of House that the liberal views of Her Majesty's Government have not been carried out in the late appointments to the Legislative Council, &c. 396; answer, 397.
- 18 To request Governor to direct Crown Officers to investigate subject of exemption from duties of Foreign Molasses, Coffee, &c. at Custom House, 408; answer, 410.
- 19 To communicate answer of House, to Messages, &c. of Governor, not before answered, Committee to prepare, 421; reported, adopted, and sent by Committee, 435.
- 20 To request examination to be made of roads between Keys' and Brookfield on main Eastern road, 421; answer, 444.
- 21 To know when His Excellency would receive House with Addresses, Nos. 11 and 12, on subject of Councils, 443; answer reported, 446.
- 22 To request His Excellency to forward to Colonial Secretary copy of Report, &c. of Select Committee on Post-Office, 444; answer, 447.
- 23 To request him to forward Address, [No. 9,] to Her Majesty on subject of State Oaths; 445; answer.
- 24 To request Governor to cause survey to be made of road from Chezetcook to Ecum Seecum, 446; answer, 449.

Messages,—Special, from Council to House.

- No. 1. Naming their Committee on Public Accounts, 238.
- 2 Announcing Joint Committee on Fisheries, 248.
- 3 To request House to join in Address to the Queen, of Condolence, on the death of His late Majesty, and congratulation on her accession, 249.
- 4 To announce change of one of their Committee of Public Accounts, 258.
- 5 To inform House that they cannot join as requested in Message from House, No. 4, 280.
- 6 Requesting House to Join in Address to Her Majesty, praying her assent to the Oath's Bill, 280; referred to Committee of Privileges, 280, and see *Messages to Council*, Nos. 5 and 7.

Messages,—Special, from House to Council.

- No. 1. Announcing Committee of Public Accounts, 234.
- 2 Requesting Joint Committee on Fisheries, 243.
- 3 To acquaint Council of House, joining in Address of Condolence, &c. to Her Majesty, 249.
- 4 To request Council to join by Committee in carrying into effect Resolutions of the House relative to Supreme and Inferior Courts, and Chancery, 269, and see *Messages from Council*, No. 5.
- 5 To communicate Report and Resolution, declining to join in Address to Her Majesty, in relation to the Oaths' Bill, [No. 2,] 311, 312.
- 6 Communicating views of House in regard to Councils' amendment to Juries Bill, [No. 10,] 312.
- 7 Stating reasons why the House deem it premature to join in Address to Her Majesty, on subject of Oaths' Bill, [No. 2,] 334.
- 8 To state the reasons of the House for not agreeing to certain amendments of the Council to the Union Marine Insurance Company Bill, [No. 5,] 358, 359.
- 9 To communicate reasons of House for not agreeing to amendments, making perpetual the Acts relating to Marriage Licenses, restraining Attachments and proof of Written Documents, [Bills, Nos. 35, 31, 36,] 376, 377.

Messenger, to Governor and Councils; Grant of Salary to, 338, 353.

To House Grant to, 338, 353.

Micmac Indians; See Petitions, No. 56.

Militia—that part of Speech of Lieutenant-Governor relating to, referred to Select Committee, 344 ; who report, 352 ; see Appendix, No. 62 ; report read and Resolutions moved, as to training and cleaning of Arms, 377.

Vote of Credit for Arming and disciplining of, in case of war or invasion, 378, 389.

Grant to Adjutant General and Quarter Master General of, 416, 418, 424.

Mills ; See *Oatmills*, *Petitions*, No. 8, and *Appendix*, No. 36.

Mirè Grant in Cape-Breton ; see *Bills*, No. 136.

Molasses, Foreign ; Leave refused to bring in Bill relating to duty on, 370, and see *Petitions*, No. 83.

Museum—The British ; See *Appendix*, No. 31.

Musquedoboit ; New proposed road through, from Dartmouth ; see *Canso*.

## N

Negroes ; See *Black*.

Nets of Fishermen ; Act relating to, continued, see *Bills*, No. 43.

## O

Oaths Administered to Members, 232, 233, 235, 240, 243, 246, 262, 302, 303, 306, 449.

Oat Mills ; Committee to request Governor to investigate charge of Bounty having been improperly obtained for one at Cole Harbor, 359 ; paper relative thereto, laid before House, 404.

In each County—Grant for, 365, 396, and see *Petitions*, No. 8, *Appendix*, No. 36.

Oats and Peas—Seed imported ; Report of Agricultural Committee as to their disposal, and Resolutions thereon, 298, 299, 300, 304, ordered to be sold at Auction, 362, 363 ; Grant of proceeds for purchase of other Seed, 417, 424 ; Report of Committee of Sale, 421.

Ordnance Property ; See *Bills*, No. 77.

Over-expenditures on Roads ; See *Petitions*, No. 2, and *Black Rock Hills*.

Overseers of Poor, claiming reimbursement of expences of Transient Paupers ; see *Petitions*, No. 6.

## P

Packets ; See *Parrsborough*, *Guysborough*, and *Petitions*, No. 10.

Parliament ; Grant to pay for Acts of, 417, 424.

Parrsborough Packet ; Grant for, 339, 354.

Pass ; Modification of Act relating to persons leaving Province without, see *Bills*, No. 90.

Passengers ; Leave to bring in Bill to regulate landing of, 301, and see *Bills*, No. 139.

Paupers ; See *Poor*.

Peas ; See *Oats*.

Petitions ; Private.

Time limited for introduction of, 239, extended, 285.

Time fixed for consideration of, 319, considered, 323, 324, 325, 326.

Leave to present, refused, 320, 359, 404.

No. 1 For aids to Roads and Bridges, Surveys thereof, &c. viz : Road to Shelburne Light-House, 255, 323 ; Great Road through Musquedoboit to Canso, 272, 281, 341.

Alterations of Main Eastern Road ; Survey, &c. 284, 300, 301, 303, 311, 315, Committee thereon, 303, Committees report, 337, 346, and see *Appendix*, Nos. 52 and 59, 373, 421, 444 ; See also, *Sackville* and *Canso*.

- Roads and Bridges—In Cape-Breton, 288, 289, 297, 327; In County of Sydney, 293, 295, 297, 327, 328; Near Kentville, 294, 327, 328; In County of Pictou, 297, 328; Annapolis to Liverpool, 298, 326, 327, and see Appendix, No. 45.
- Ordinary, referred to Members, 307, and see Appendix, No. 38.
- 2 For payment of Over-expenditures on Roads and Bridges, viz :—At Cockmagun River, 267; At Black Rock Hill, 270, 324, 325, Vote of Credit therefor, 419, 424; Of J. Sentill, on Avon Bridge, 287.
- 3 In relation to Controverted Elections.
- Cumberland—Of Mr. M'Kim, claiming seat lately held by Hon. Alexander Stewart, (referred to Committee of Privileges) 235, report thereon, 237, (see Appendix, No. 1) further proceedings and debate adjourned, 240, 241, Committee ordered for trial thereof, 241, 242, Petitions against Mr. M'Kim's claim, 266, in favor of it, 267, for leave to oppose it, 271, Committee balloted for, 271, struck, 273, Petition for writ for new Election, 286, report in favor of Mr. M'Kim, (adopted, &c. 292), Resolution moved to rescind, &c. 295, 296, Return amended, 297, Mr. M'Kim takes his seat, 306, Order to return to Sheriff the Deeds, &c. accompanying the Scrutiny, 346.
- Amherst—Of Mr. Logan, against return of Mr. Dickey, the sitting Member, 245, Committee thereon, balloted, and struck, 246, 247, 248, Adjournment, 255, 277, Final report in favor of sitting Member, 284, 285.
- 4 For return, remission, or drawback of Duties—Of John Munro, of St. Ann's, C. B. 240, 323, Grant, 363, 395; Of James H. Tidmarsh, on Spermaceti, 247, (Report, 257, see Appendix, No. 14), 323, Grant, 363, 395; Of R. Lawson, on Sheet Iron, 247, (Report, 257, see Appendix, No. 14), 323, Grant, 365, 395; Of S. Binney, on Wine Lost at Sea, 247, 323, Grant, 363, 395; Of P. Morrisey, on Goods destroyed by Fire, 285, 326, Grant, 364, 395; Of Major Ruxton, duty on Carriage, 290, 327, Grant, 364, 395; Of N. Clough, on Goods destroyed by Fire, 303, Committee report, 386, and see Appendix, No. 78, Grant, 415, 424; Of Messrs. Ives, of Pictou, on Brandy, (leave to present, refused), 320; Of H. Goudge, 337, 346, Grant, 365, 395.
- 5 For Acts of Incorporation—For Halifax Marine Insurance Company, 240, report thereon, 252, see Appendix, No. 10, and Bills, No. 7—For Union Marine Insurance Company, 247, 248, report thereon, 252, see Appendix, No. 10, and Bills, No. 5; Of Imbert Mills Company, 293, and see Petitions, No. 57; Of Society of Tailors, in Halifax, 294, 327.
- 6 For expences of Transient Paupers, &c.; of J. McKinnon, C. B. for expences of a wandering Maniac, 241, 323, Grant, 363, 395; From Overseers of Poor at Pictou, 253, 311, Grant, 364, 395; From Overseers, Annapolis, 290, 311; From Overseers, Windsor, 310, Grant, 364, 395; From Overseers, Maxwiltown, 320, Grant, 364, 395; From Commissioners of Poor at Halifax, see Petitions, No. 80.
- 7 In relation to Academies, Schools, and Education, generally—Common Schools, 249, 250, 269, 271, 286, 287, 298, 300; Rev. Mr. Uniacke's, 253, Grant therefor, 339, 354; Yarmouth Academy, 264, 324, Grant, 339, 354; A. Henderson's Combined School, Annapolis, 266, Vote of Credit, 423, 437; Combined, at Sydney, C. B. 267, 324, Grant, 364, 395; National School, Halifax, 269, 324; Acadian School, Halifax, 269, 324; African School, Halifax, 270, 297, 324; Vote of Credit, 433, 437; Combined, at Digby, 276; School House, South-East Passage, 286; Halifax Infant School, 288, Grant, 339, 340, 354; Baptist Academy, 288, 327, Grant, 339, 354; Annapolis Academy, 294, 322; For Grammar School at Lunenburg, 294, 328; For Academy, at Parrsborough, 303; For School House at Newport, (leave to present, refused) 359.
- General report of Committee, 371, and see Appendix, No. 72.

- No. 8 For aids to Oat Mills, and other Mills—At Ship Harbour, 250 ; Near Kentville, 250 ; At Bridgetown, 261 ; At Merigomishe, 261, report thereon, 276, 277, (see Appendix, No. 23), 323, Grant, 364, not received by House, 366 ; At Margaree, 261 ; At Grand Hans, 261 ; At Sherbrooke, 261, 269, 271, report thereon, 287, (see Appendix, No. 28), 324, Grants, 364, 395, motions against receiving them, 366 ; At Falmouth, 264 ; Truro road, 270 ; At Jeddore, 271 ; At Wilmot, 275 ; At Earl Town, 275 ; At Ohio, Antigonishe, 286 ; At Manchester, 287 ; At Lake Ainslie, 294 ; Near Kentville, 294 ; In Granville, 296 ; At Lower Horton, 299 ; At St. Mary's Bay, Digby, 302 ; At Parrsborough, 322 ; General report from Committee, 304, and see Appendix, No. 36, General Grant, 365, 396.
- 9 For aids to Breakwaters, Piers, &c.—At Givan's Cove, in Cornwallis, 250, 251, Grant, 365, 395, motion not to receive same negatived, 366 ; At Gates' mountain, Wilmot, 254, 285, Grant, 365, 396, motion against same, negatived by amendment, 366 ; At Marshall's Cove, Wilmot, 254, Grant, 365, 396, motion against same, negatived, 366 ; At Margaretville, in Wilmot, 263, 264, vote therefor, 365, not received, 667 ; At Baxter's Harbor, Cornwallis, 288, vote therefor, 365, not received by House, 366 ; At Hall's Harbor, Cornwallis, 322, 323 ; General report from Select Committee, 329, and see Appendix, No. 47 ; Arisaig Pier, 372, 412, Grant therefor, 416, 419, 424.
- 10 Relating to Packets, Ferries and Steam Boats—Ferry at Sable River, 255, 323, Grant, 363, 395, motion against receiving it, negatived, 366 ; Ferries at LaHave River, 264, 295, 324, 328 ; Halifax Steam Boat Company, 270, 325, Grant, 364, 395, motion not to receive same, negatived, 366 ; Of J. Whitney, for aid to Steam Boat from St. John, N. B. to Annapolis, 270, 325, Grant, 364, 395 ; Shubenacadie Ferry, 287, withdrawn, 326 ; Gut of Canso Ferry, proposed alteration of, 297, 298, Report of Select Committee, 444, 445, and see Appendix, No. 89.
- 11 Relating to the Representation in General Assembly—From Colchester, 254 ; From Musquedoboit, 272 ; From Inverness, 395, and see *Bills, Nos. 6, 140*.
- 12 From Clerks of Peace, for remuneration in relation to Road Warrants, &c.—Western division, 277, 325, Eastern, 285, 326, Grants, 364, 395, motion against same, negatived, 364.
- 13 In relation to proposed Shire Town for County of Digby, 278, 280, Report by Bill, 304, and see *Bills, No. 102*.
- 14 Praying that Bridgetown may be the Shire Town of County of Annapolis, and Court House and Jail at Annapolis sold, 312, against the same, 347, Report by Select Committee, 435, and see Appendix, No. 88.
- 15 For aid to clear out Rivers and Harbors—Bear River, 284, withdrawn, 326 ; Tracadie Harbor, 285, 326, Grant thereon, 364, 395 ; Lake Porter, 286, 326, Grant, 364, 395.
- 16 In relation to the Post Office Department, Couriers, Routes, &c.—From Inverness, 285 ; Parrsborough, 218 ; Amherst to Parrsborough, 294, 298 ; Across LaHave River, 295 ; To Portipique, 297 ; To Country Harbor, 309 ; Economy to Five Islands, 322 ; By Stage Coaches to Pictou, 379 ; General Report of Committee, 394, and see Appendix, No. 81.
- 17 For Free Ports—Digby, 277 ; Annapolis, 294, 319 ; Shelburne, 379 ; Report from Committee, 380.
- 18 Relating to Constables' Travelling Fees, 240, and see *Bills, No. 83*.
- 19 Of Axe Fire Company of Halifax, 247 ; Report by Bill, 292, and see *Bills, No. 91*.
- 20 Of Daniel Durland for aid to Half-way House between Annapolis and Liverpool, 250, 255, 323, and see Appendix, No. 13, Grant 363, 395, motion not to receive it, negatived, 366 ; see Appendix, No. 13.
- 21 Of John Jack, relating to his claim on Town of Windsor, 250.
- 22 Of Union Engine Company, in Halifax, for extension of privileges, 252 ; against the same, 373 ; Report by Bill, 388, and see *Bills, No. 137*.

- No. 23 From the Constitutional Society of Montreal, 253, 388, 397, 443 ; considered and Resolutions proposed, and debate adjourned, 446, 447 ; Debate resumed and adjourned, 448 ; Motion to resume debate, negatived by casting vote of Speaker, 449 ; made Order of Day, 443 ; motion to discharge Order of Day, negatived, House proceed therein and Resolutions moved, 446 ; debate thereon adjourned, 447 ; resumed and amendment moved to Resolutions, and debate again adjourned, 448 ; motion to resume debate negatived, by casting vote of Speaker, 449 ; For the Petition, see Appendix, No. 11.
- 24 Of Wm. Eager for aid towards "Landscape Illustrations of Nova-Scotia," 255 ; withdrawn, 323.
- 25 From Cape-Breton, for appointment of A. McRae as a Commissioner of Roads, 258 ; referred to Members of County of Richmond, 323.
- 26 Of S. Parker in relation to collecting of Rates in Wilmot, 261 ; Committee report, 344. and see Appendix, No. 57.
- 27 For aid to erect Yarmouth Light House, 261, 323.
- 28 Of Wm. Leigh for compensation for services at St. Mary's, in relation to the prevention of the Cholera, 264 ; Report thereon, 276, (see Appendix, No. 22,) 324 ; Grant, 363, 395.
- 29 Of T. Whittemore, for aid towards his Woollen and Cotton Card Manufactory, 265 ; Report thereon, 299, 324 ; Grant, 363, 395 ; motion against receiving it, negatived, 366.
- 30 For aid to Halifax Mechanics' Library, 266, 324 ; Grant for same, 354.
- 31 For alteration of Boundary Line between Annapolis and Queen's, 268 ; Report against same, adopted, 284.
- 32 For An Act to divide John's Island, in Pubnico Harbor, 269.
- 33 Of Jon. Archibald in relation to the Public House erected by him, between Musquedoboit and St. Mary's, 270, 360 ; Committee report, 371 ; and see Appendix, No. 73.
- 34 For An Act to enable Glebe Lands in Londonderry to be exchanged for other Lands, 270 ; Report thereon, 290 ; [See Appendix, No. 33.]
- 35 From Musquedoboit for triennial Parliaments, and vote by ballot, 272.
- 36 From Musquedoboit relating to Statute Labor on Highways, 272.
- 37 From Musquedoboit for delegation from Assembly to the Home Government, 272.
- 38 For aid to the Halifax Dispensary, 276, 325 ; Grant, 340, 354.
- 39 Of J. McGregor for compensation for arranging Chancery Papers, 276 ; Report thereon, 287 ; (See Appendix, No. 27,) 325, 373 ; Grant, 415, 424.
- 40 From Manufacturers of Flour, &c. in Halifax for protection, by regulating Duties on Importation, &c. 278.
- 41 From Indians at Bear River, for grant to procure attendance of a Catholic Clergyman, 280 ; withdrawn, 325.
- 42 From Western Clements to be made a separate Township, 281 ; Report by Bill, 304, and see Bills No. 101.
- 43 From Halifax Mechanics' Institute, for further aid, 281, 325 ; Grant therefor, 354.
- 44 Of Dr. Sawers for remuneration for Services in relation to the Cholera, 281 ; withdrawn, 325.
- 45 Of Halifax Banking Company, complaining of Speech stated to have been made in the House by a member, (referred to Committee of Privileges,) 281 ; Report thereon, 282 ; Report adopted, Petition dismissed and Communications thereon made to Executive and Legislative Councils, 283, 290, 291.
- 46 From Lunenburg, praying time for payment to be given upon Sale of Crown Lands, (to Lieutenant-Governor,) 284.
- 47 From John Oal for reduction of duty on Home Manufacture of Whiskey, 286.
- 48 Of R. Cunningham, for relief from Judgment against him as security for Duties, 287 ; (Committee report, 335, and see Appendix, No. 51.)
- 49 Of Bakers, in Halifax, for increase of Duties on Imported Biscuit, &c. 287.
- 50 Relating to measuring of Salt, 287.

- No. 51 Relating to Exportation of Flour, 287.
- 52 Of R. Gruber, in relation to Bridewell, 288, 327; (Committee report, 352, and see Appendix, No. 63,) 373; Grant, 417, 424.
- 53 For Bounties to Whaling Company, 288, 327; Grant of, general, 343, 344, 355.
- 54 From St. Mary's, for separate District, 288, 289.
- 55 Of M. McLoughlin for loan on credit of School Fund, 289.
- 56 From Micmac Indians for aid to build Chapel in Douglas, 293, 327; Grant, 364, 395.
- 57 From Imbert Mills Company for leave to erect Mills at Bear River, Act of Incorporation, &c. 293, 327, and see Bills, No. 132.
- 58 Of W. Harris, of Clements, for compensation for Road run through his Land, 293; withdrawn, 327.
- 59 Of Rev. S. Lawlor for allowance for services at Fishing Establishments, 294; withdrawn, 327.
- 60 From Annapolis, for further time for re-payment of Loan Money, 296; Report thereon, 309, and see Appendix, No. 41; Committee to wait on Governor with report, 309.
- 61 From Five Islands, for annexation to Colchester, 296; second Petition, 359; Report of Select Committee, 387; Leave refused to bring in Bill to annex, 387.
- 62 Of B. K. Dodge, of Granville, for establishment of County Work-house there, 296, 297; Committee report, 344, and see Appendix, No. 56.
- 63 From County of Pictou, for further time for re-payment of Loan under Act for relief of Poor Settlers, 297, 328; report by Bill, 383, and see Bills, No. 135.
- 64 Against Act for Shutting up Old Road near Dorchester, 297, 381; Report by Bill, 436, and see Bills, No. 148.
- 65 Of Geo. Weale, for allowance as Adjutant of Militia, 300.
- 66 Against Incorporation of Halifax, 301; See Bills, No. 81.
- 67 Of M. & A. Bolman for compensation of their late Father's services as Health Officer at Lunenburg, 301; withdrawn, 328.
- 68 Of M. & A. Bolman for confirmation of an Old line of road at Lunenburg, and compensation for Land taken upon alteration of a road, &c. 302.
- 69 Against any Bill being passed for Sale of Common Lands at Annapolis, 302.
- 70 Of W. McCormick for pay for arresting, &c. Clem Petit charged with Murder on the High Seas, 302, 328; Committee report, 359, Grant, 417, 424.
- 71 Of Inhabitants of Halifax in relation to Shubenacadie Canal, praying favorable Address to Her Majesty, 304, 381.
- 72 For Act to regulate the Shore Fisheries in Chedabucto Bay, 309, and see Bills, No. 92.
- 73 From Pictou for Election of Representatives by Ballot, 309.
- 74 For placing of Buoys in Barrington Harbor, 310; Report thereon, 316, and see Appendix, No. 43, Grant therefor, 365, 395.
- 75 From Antigonishe, for measures for protection of Salmon Fisheries, 321.
- 76 Of Grocers, in Halifax, relating to Tare on Sugar and Rice, 322.
- 77 Of Inhabitants of Guysborough, on subject of School Lands, 329, 330.
- 78 From Clements, that Poll may be held there at Elections, 336.
- 79 (Sent down by Governor,) from Merchants at Digby, representing extent of Illicit Trade at Digby, and suggesting the employment of a boat to prevent it, 346; Committee report, 359, and see Appendix, No. 68; Grant for boat, 417, 424.
- 80 Of Commissioners of Poor at Halifax, for Grant of, money 347, 358; Report thereon, 379; Grant 417, 424.
- 81 Of Anne Lady Rodney against passage of Equitable claims, Real Estate Bill, (No. 94.)
- 82 Of Merchants, of Halifax, relating to the Bill of Measuring Grain (No. 125,) 370; another on same subject, 374.
- 83 Of Merchants, in Halifax, praying that proposed duty on Foreign Molasses may not attach until a certain period, 370.

- No. 84 For legalization of Marriages in Cape-Breton, 379, and see Bills, No. 131.  
85 From part of Clements, in County of Digby, for name of Victoria for that Settlement, (leave to present, refused,) 404.
- Pictou, County; Writ for Election of Members for, 234, and see *Dickson*.  
Academy; See *Appendix*, No. 26, and *Bills*, No. 110.  
Township—Transient Poor in, see *Petitions*, No. 6.  
Coasting in Streets of Town of, see *Bills*, No. 133.
- Piers; See *Petitions*, No. 9.
- Poor; Select Committee to revise Acts for support of, 277.  
Settlers—Information required as to appropriation of Money granted last Session for relief of, 290, further time granted for re-payment by them, see *Petitions*, No. 63, and *Bills* No. 135.  
Of Halifax—Grant of Duties on Live Stock, &c. for, 356, 395, see also *Petitions*, No. 80.  
House, in Halifax; Grant for School in, 339, 354.
- Porter's Lake; See *Petitions*, No. 15.
- Post-Office; Committee to prepare Bill relative to, 239, substitution of one Member for another on the Committee, 309.  
Despatch from Lord Glenelg in answer to proposition of Assembly for transfer to them of the Control of this Department, 242, see *Appendix*, No. 4, referred to Select Committee, 408, who report, 411, see *Appendix*, No. 85.  
Communication—Grant for support of, for present year, 416, 424.  
Accounts and Estimate; See *Appendix*, Nos. 46, 54, for additional routes, &c. see *Petitions*, No. 16; Report of Select Committee on Accounts, *Petitions*, &c. see *Appendix*, No. 81.
- Previous Questions; See *Questions*.
- Printing—Of Papers, &c. ordered, 242, 243, 275.  
Extra—subject of, considered, &c. 248, Grant therefor, and for Printing Journals of Council, 415, 424, and see *Appendix*, Nos. 55, 61.  
For Government, Grant for, 339, 353.
- Privileges; Committee—Omitted name of Member, inserted as one of, 235.  
Request of Council to join in Address to Her Majesty on the Oaths' Bill, No. 2, referred to Committee of, 280, report thereon, 311, answer of Council thereto, and see *Messages*.  
Petition of Halifax Banking Company, referred to Committee of, 281, report, 282, and see *Petitions*, No. 45.  
Of House, infringed by suggestion of Council, as to Duties, &c. 370, 371, 409.
- Prorogations of House, 399, 452.
- Prothonotary of Supreme Court required to furnish Copies of Papers in Ejectment Causes of Lady Rodney, 297, laid before House, 306.
- Provincial Buildings; See *Public*.
- Public Buildings; Commissioner of, recommended by House, 244, Grant of balance due for repairs of, 415, 424, Vote of credit for future repairs of, 448; for report of Committee appointed last Session in relation to, see *Appendix*, No. 69.

Q

- Quadrennial Assemblies; See *Bills*, No. 1.
- Quarter-Master-General of Militia; Grant to, 416, 418, 424.
- Queen—Her Majesty the; See *Addresses*.
- Queen's County; Grant of expenditure on Main Road in, 416, 424.  
Opening of New Roads in, see *Bills*, No. 96.

Questions, Previous—Of Adjournment, carried, 244, negatived, 413.

Of Order of Day, carried, 302.

Quorum ; Committees of whole adjourned for want of, 345, 353, 388, 396, 420, 436.

## R

Reid and Clarke ; Communication from Governor relative to their Petition, &c. of last Session, 315.

Reports of Committees ; *See Appendix and Messages to Governor, and from Council passim* ; see also Stationary, and *Petitions No. 80*, for report on Petition of Commissioners of Poor at Halifax.

Rescinding of Road Scale, negatived, 306.

Of Resolution for Duty on Fishery Flour, 314, 315.

Of Resolution for reducing the number of Judges of Supreme Court, negatived, 319.

Of Vote for Member's Pay, 340.

Of Resolution to defer Equitable Claims Real Estate Bill, (No. 94) negatived, 369.

Of Resolution not to receive report of Grant for Post Roads, carried, 369.

Of Vote for Breakwater at Givan's Cove, negatived, 369.

Returns requested by House in former Session—Committee to examine, &c. 337.

*And see Appendix passim.*

Or remission of Duties ; *see Petitions, No. 4.*

Revenue Bills ; Committee to prepare, 316 ; Chairman of Committee changed, 336, and *see Bills, Nos. 114 to 121, and 123, 124, 134.*

Ryders added to Grindstone Bill, (No. 97) 307 ; proposed to Pictou Academy Bill, (No. 110) and negatived, 352 ; added to Licence Bill, (No. 124) 335 ; moved to Bill, No. 71, to continue Act against Disorderly Driving, &c. negatived, 375, 376 ; to Drawback Bill, (No. 119) 376 ; added to Cornwallis Boundary Bill, (No. 79) 390 ; to Grain Standard Bill, (No. 125) negatived, 410 ; added to Passengers Bill, (No. 139) 413.

Rivers ; *See Bear, and Petitions, No. 15.*

Rodney, Lady Anne ; *See Petitions, No. 81, and Prothonotary.*

Roads and Bridges ; Grant of £10,000 for service of, 293, 301 ; Scale of Division moved and superseded by previous question, 302 ; Scales of Division moved, and one adopted, 304, 305, rescinding thereof, negatived, 306 ; Members to report Scales of Sub-division, and Road Petitions referred to them, 306, 307 ; further Grant for Eastern and Western Post Roads, and Bridges over Sydney and Margaree Rivers, 365, 366, 369, 396 ; motion against the Grant for Eastern and Western Post Roads, carried, 367, rescinded, 369 ; Scales of Sub-division reported, &c. 384, 385, 387 ; Division and Sub-division agreed to by Council, 394.

Commissions for expending Money, on motion that they be sent to Magistrates—a amendment that they be sent to Members, negatived, and main question amended by motion carried for Committee on Bills, 420.

## S

Sable Island ; Grant for, 339, 354,

Sackville, to Scott's, in Dartmouth—Sum reported from Committee of Supply for proposed alteration, 415, not received by House, 417, and *see Petitions, No. 1, Appendix, No. 52.*

- Salaries, &c.; Committee to prepare statement of, 381, who report, 408.  
Scales of Division and Sub-division of Road Money; *See Roads.*  
School Lands; *See Bills, No. 111.*  
Schools; Returns from Commissioners of, laid before House, 296.  
*And see Education.*  
Scrutiny on Cumberland Election; Order to return Deeds, &c. given in evidence at, 346.  
*And see Petitions, No. 3.*  
Seed Oats and Peas; *See Oats.*  
Sergeant at Arms to House, and Assistant; Grants to, 338, 353.  
Sheriff of Halifax; Grant to, for Services at opening and closing of Session, 356, 395.  
Shubenacadie Canal; *See Canal.*  
Soldiers—marched from this Garrison to the Canadas; Grant for relief of their Families, 293, 299.  
Solicitor-General; Grant of Salary to, 356, 395.  
Speaker of House, restored to Health, and in the Chair at opening of Session, 232, Grant of his Salary, 338, 353.  
Stage Coaches; *See Petitions, No. 16.*  
Stationary for Legislature; Report of Select Committee of last Session in regard to, 811, Grant for, in this Session, 356, 395.  
Statute Labor on Highways; Committee to bring in Bill for revision of Acts relating to, 238, addition to Committee, 241.  
Steam Boat, Cape-Breton; Grant for, 417, 424.  
*See also Petitions, No. 10.*  
St. Mary's—Township; Setting off, as District, *see Bills, No. 106.*  
Supply, granted, 289; Committee of, made Order of Day, and Estimate referred to Committee, 289.  
Ways and Means for raising, made Order of Day, 289.  
House in Committee of, Grant sums for relief of Families of Soldiers gone to Canada, and for Roads and Bridges, 293.  
Committee of, made Order of Day, 336.  
House in Committee, and report made of Resolutions in part, 337, 338, 339, 340; House again in Committee, Resolutions not reported, 341, 342—again in Committee, report in part, 343, 344—again in Committee, 355, report in part, 356; In Committee, 412, 414, report of Resolutions, 415.  
Survey—Of Great Road from Dartmouth to Canso; Committee to report upon expences of, 360, their report referred to Committee of Supply, 411.  
Of Eastern Main Road between Key's and Brookfield, *see Messages to Governor, No. 20.*  
Of Road from Chezetcook to Eecum Seecum, *see Messages to Governor, No. 24.*

**T**

- Tariff of Duties; Committee to review, &c. 249.  
Transient Poor at Halifax; Grant for, 339, 353.  
Treasurer of Province; Grant of his Salary, 338, 353.  
Treasury; Combining of Excise with, *see Excise.*  
Trustees of School Lands; *See Bills, No. 111.*

**U**

- Uniacke, Rev. Mr.; Schools under his charge, *See Petitions, No. 7.*  
Union Engine Company in Halifax; *See Petitions, No. 22, and Bills, No. 137.*

## V

- Vessels ; Inconvenience of, being obliged to have "Halifax," painted on Stern of, and Address to Governor to be framed thereon, 277.
- Votes of Credit—For an Academy near Annapolis, 423, 437.  
 For expences of Legislative Council, 425, agreed to by Council, 432.  
 For African School, Halifax, 433.  
 For Wallace Bridge, amended by Resolution adhering to Rule that two thirds of Members should be present, &c. 434.  
 To pay Over-expenditure on Road round Bedford Basin, negatived, 434.  
 For Road, &c. near Kempt Bridge, Pictou main road, negatived, 434, 435, 436.  
 For Bridewell, negatived, 445, 456.  
 Of sum to pay for Plans, &c. of Bridewell, passed and agreed to by Council, 446.  
 For Survey of Road from Chezetcook to Eecum Seecum, (to be repaid by change of Appropriation) 446.  
 For repairs of Public Buildings, 448.

## W.

- Waiters of Excise ; Grant of Allowance to, 338, 353.
- Ways and Means ; Committee of, made Order of Day, 289 ; Order of Day postponed, 302, 306 ; House in Committee of, 308, 313 ; Resolutions reported for continuing system of Revenue, and for imposing duty on Fishery Flour, 314 ; last Resolution rescinded, 314, 315 ; Committee of whole, and Resolution reported, &c. for continuing Licence Duties, 341.
- Whale Fishery ; Bounty granted thereon, 343, 344, 355.  
 And see Petitions, No. 53, and Bills, No. 103, for Incorporation of Company.
- Whiskey ; See *Petitions*, No. 47.
- Windsor ; Writ for election of Member for, 235, and see *McHeffy*.  
 Fire Engine Act ; See *Bills*, No. 24.  
 Public Landing at ; See *Bills*, No. 87.  
 Debt claimed from ; See *Bills*, No. 88.  
 Repairs of Streets in ; See *Bills*, No. 93,  
 Transient Paupers in ; See *Petitions*, No. 6.
- Wine lost at Sea ; Return of Duty on ; See *Petitions*, No. 4.

## X

## Y

- Yarmouth ; Grant for Light-Houses at, 363, 409.  
 Academy ; See *Petitions*, No. 7, and *Appendix*, No. 16.

## Z