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

FROM 15th to 24th JUNE, 1835.
Being the Second Session of the Eleventh General Assembly.



FREDERICTON, NEW BRUNSWICK:
PRINTED BY JOHN SIMPSON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.
1835.



By His Excellency Major General Sir ARCHIBALD
CAMPBELL, Baronet, G. C. B. Lieutenant Governor
and Commander in Chief of the Province of New
Brunswick, &c. &c. &c.

ARCHIBALD CAMPBELL.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the Nineteenth day of May instant, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the Second Tuesday in June next ensuing.

Given under my Hand and Seal at Fredericton, the Ninth Day of May, in the Year of Our Lord One thousand eight hundred and thirty five, and in the Fifth Year of His Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.



By His Excellency Major General Sir ARCHIBALD
CAMPBELL, Baronet, G. C. B. Lieutenant Governor
and Commander in Chief of the Province of New
Brunswick, &c. &c. &c.

ARCHIBALD CAMPBELL.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to the Second Tuesday in June next, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Monday the Fifteenth Day of June next ensuing ; *then to meet at Fredericton for the despatch of business.*

Given under my Hand and Seal at Fredericton, the Twenty sixth Day of May, in the Year of Our Lord One thousand eight hundred and thirty five, and in the Fifth Year of His Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.

JOURNAL

OF

THE LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

SECOND SESSION OF THE ELEVENTH GENERAL ASSEMBLY.

ANNO QUINTO GULIELMI QUARTI REGIS.

HIS EXCELLENCY MAJOR GENERAL SIR ARCHIBALD CAMPBELL, BARONET, G. C. B.
LIEUTENANT GOVERNOR AND COMMANDER IN CHIEF.

At Fredericton in the Province of New-Brunswick.

LEGISLATIVE COUNCIL CHAMBER, Monday, 15th June, 1835.

THE General Assembly having been by two Proclamations prorogued to this day, the Council met—

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. F. P. Robinson.

Mr. Simonds.

Mr. W. H. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

At Eleven o'Clock, His Excellency Major General Sir Archibald Campbell,
Baronet,

Baronet, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant Governor and Commander-in-Chief of the Province, came to the Council Chamber, and, by Message, commanded the attendance of the House of Assembly.

The House of Assembly attended accordingly, and His Excellency opened the Session by a Speech.

The House of Assembly having withdrawn, His Excellency was pleased to retire.
PRAYERS.

The Honorable the President informed the House that he was in possession of a copy of His Excellency's Speech, which he read and is as follows:—

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

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

“ **A**T the close of the last Session of the General Assembly I had to express to you the regret which I felt at the loss of the Appropriations. This feeling has since been very much increased by the Petitions I have received from many of the Counties, representing the inconvenience and distress likely to arise from this unhappy circumstance, which, if not remedied, will create difficulty and embarrassment in every branch of the public service, and cannot fail to prove particularly discouraging to the poor classes who derive benefit from the expenditure of the public Monies, which the bounty of the Legislature is accustomed annually to distribute throughout the Country.

“ The earnest solicitations contained in those Petitions that I should reassemble the Legislature at an early period, for the purpose of relieving the Country from the anticipated evils, have alone induced me to call you together at this unusual and inconvenient season. If, however, you should deem it expedient to confine your proceedings to this single object, your absence from your homes need not be of any long duration.

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

“ I rely upon your liberality and zeal for the public good, to make such Appropriations as the public service requires.

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

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

“ I earnestly trust that a spirit of wisdom and moderation will guide your deliberations to such a result as will promote the welfare of the People, advance the interests of the Province, and thereby afford the most solid and lasting satisfaction to your own minds.”

ORDERED, That a Committee be appointed to draft an Address to His Excellency the Lieutenant Governor, in answer to His Speech.

ORDERED, That the Honorable Messrs. W. H. Robinson and Saunders be appointed the Committee for the above purpose.

Adjourned until To-morrow at 11 o' Clock.

TUESDAY,

TUESDAY, 16th June, 1835.

PRESENT.

THE HON.

	<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Shore.</i>		<i>Mr. Baillie.</i>
<i>Mr. Peters.</i>		<i>Mr. F. P. Robinson.</i>
<i>Mr. Simonds.</i>		<i>Mr. Allanshaw.</i>
<i>Mr. W. H. Robinson.</i>		<i>Mr. Saunders.</i>
<i>Mr. Botsford.</i>		<i>Mr. Attorney General.</i>
<i>Mr. Hazen.</i>		<i>Mr. Lee.</i>

PRAYERS.

ORDERED, That the Journals of this House be printed daily, and that the Printer do furnish Two hundred copies thereof.

The Honorable Mr. W. H. Robinson, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, in answer to his Speech at the opening of the Session, reported a Draft thereof, which he read in his place.

ORDERED, That the Report be received; and the said Draft was again read by the Clerk.

ORDERED, that the House be put into a Committee of the whole presently, to take the same into consideration.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Draft into consideration, had made some amendments thereto, and recommended the same as amended to the adoption of the House.

The said Address having been read, was approved of by the House, and is as follows:—

“ To His Excellency Major General Sir Archibald Campbell, Baronet, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

“ THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL IN GENERAL ASSEMBLY.

“ MAY IT PLEASE YOUR EXCELLENCY,

“ **D**EEPLY participating in your Excellency's regret for the loss of the Appropriations of the last Session of the General Assembly, We gratefully acknowledge your regard for the well-being of the Province, evinced by the prompt manner in which you have responded to the urgent requests, addressed to your Excellency from the different parts of the Country, soliciting you to reassemble the Legislature at an early period, by which judicious measure, We trust a remedy will be afforded for the difficulties and embarrassments under which the various branches of the public service would otherwise labour; and the evils anticipated as likely to press with peculiar hardship on the poor classes, by the withholding of the expenditure of the public monies, will be avoided.

“ Anxious

“Anxious as We are to confine our attention to the object which induced your Excellency to call us together at this unusual season, We trust no obstacle will occur to retard us in the immediate despatch of the business before us.

“It will be our constant endeavour to cultivate that spirit of moderation and wisdom so earnestly recommended by your Excellency, and We hope that our deliberations will be attended with the happy result of promoting the welfare of the people, and the best interests of the Province.”

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

The Honorable Mr. Simonds, by leave, presented a Petition from Thomas Nesbit and others, Mechanics and Tradesmen of the City of Saint John, praying that an Act may pass to incorporate them under the name of *The Saint John Mechanics' Whale Fishing Company*.

ORDERED, That the said Petition be received and lie on the Table.

The Honorable Mr. Allanshaw, by leave, presented a Petition from the Rector, Church Wardens and Vestry of All Saints' Church, in the Parish of Saint Andrews, praying that a Bill may pass enabling them to dispose of certain Land in said Parish.

ORDERED, That the said Petition be received and lie on the Table.

Adjourned until to-morrow at 11 o'clock.

WEDNESDAY, 17th June, 1835.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Simonds.

Mr. Allanshaw.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Hazen.

Mr. Lee.

PRAYERS.

The Honorable Mr. Hazen, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when this House would be received with its Address, in answer to His Excellency's Speech at the opening of the Session, reported that they had done so, and that His Excellency had appointed the hour of twelve o'clock, this day, for that purpose.

The Honorable Mr. Simonds, by leave, presented a Petition from Sylvester Z. Earle, Azor Hoyt, Edwin Fairweather, and others, Inhabitants of King's County, praying that an Act may pass to authorize the erection of a Bridge over the Kennebecasis

nebeccasis River, near Hampton Ferry, and praying also for Legislative aid towards the erection of said Bridge.

ORDERED, That the said Petition be received and lie on the Table.

The Honorable Mr. Hazen, by leave, presented the following Petitions:—

A Petition from Joshua Upham and 278 others, Inhabitants of King's County, praying for an Act of Incorporation for a Company, under the name of *The Norton Bridge Company*.

A Petition from M. S. Harris and 233 others, Inhabitants of King's County, praying for an Act of Incorporation for a Company, under the name of *The Norton Bridge Company*: and

A Petition from William Burnett and 19 others, Inhabitants of King's County, praying for an Act of Incorporation for a Company, under the name of *The Norton Bridge Company*.

ORDERED, That the said Petitions be received and lie on the Table.

The Honorable Mr. Simonds, by leave, presented a Petition from the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, in King's County, praying that an Act may pass to enable them to erect a Toll Bridge over the Kennebecasis River at Hampton Ferry.

ORDERED, That the said Petition be received and lie on the Table.

At twelve o'Clock the House proceeded to the Government House with their Address, and having returned—

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

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

The sentiments expressed in this Address are most acceptable to me, and I thank you for the assurance it contains of your ready co-operation in the attainment of the important object for which I deemed it necessary to reassemble the Legislature.

ORDERED, That there be a Call of the House on Monday next the 22d day of June, and that the Clerk do notify the absent Members of this Order.

Message from the Assembly, by Mr. Street, with a Bill, intituled "A Bill to provide for the expenses of the Speaker and Members of the House of Assembly attending in General Assembly."

Read the said Bill a first time.

Adjourned until To-morrow at 11 o' Clock.

THURSDAY, 18th June, 1835.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. F. P. Robinson.

Mr. Simonds.

Mr. Allanshaw.

Mr. W. H. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Hazen.

Mr. Lee.

PRAYERS.

The Honorable Mr. Hazen, by leave, presented a Petition from Justus S. Wetmore and James Whitney, praying to be incorporated under the title of "*The Norton Bridge Company*," with a view of building a Toll Bridge over the Kennebec-casis River.

ORDERED, That the said Petition be received and lie on the Table.

Message from the Assembly, by Mr. Wyer, with a Bill, intituled "A Bill to authorize the Rector, Church Wardens and Vestry of All Saints' Church, in the Parish of Saint Andrews, in the County of Charlotte, to sell and dispose of certain Land in the said Parish," to which they desire the concurrence of this House.

Read the said Bill a first time.

ORDERED, That the said Bill stand for a second reading to-morrow.

Message from the Assembly, by Mr. Partelow, with the following Bills, to which they desire the concurrence of this House :

A Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*; and

A Bill to incorporate *The Norton Bridge Company*.

Message from the Assembly, by Mr. Morehouse, with a Bill, intituled "A Bill for altering the times of holding the Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton," to which they desire the concurrence of this House.

Read the said Bill a first time.

ORDERED, That the said Bill stand for a second reading to-morrow.

Read a first time, the Bill to incorporate *The Norton Bridge Company*.

ORDERED, That the said Bill stand for a second reading to-morrow.

Read a first time, the Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*.

ORDERED, That the said Bill stand for a second reading to-morrow.

The Honorable Mr. Baillie, by leave, presented a Petition from the Reverend Robert Wilson and other Clergymen, Trustees and Elders of the several Scotch Kirks in the Province, praying that the ninth section of the Act relating to Saint Andrew's Church in Saint John may be amended.

ORDERED, That the said Petition be received and lie on the Table. The

The Honorable Mr. Allanshaw, by leave, presented a Petition from William Porter, John M'Allister and eighteen others, Inhabitants of the Parish of Saint Stephen, in the County of Charlotte, praying that an Act of Incorporation may pass for the establishment of a Bank in said Parish.

ORDERED, That the said Petition be received and lie on the Table.

The Honorable Mr. Shore, by leave, presented a Petition from the Justices of the Peace of the County of Carleton, praying an alteration of the times of holding the Terms of the Courts of General Sessions and Inferior Courts of Common Pleas in said County.

ORDERED, That the said Petition be received and lie on the Table.

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 19th June, 1835.

PRESENT.

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	<i>Mr. Baillie.</i>
<i>Mr. Shore.</i>	<i>Mr. F. P. Robinson.</i>
<i>Mr. Peters.</i>	<i>Mr. Allanshaw.</i>
<i>Mr. Simonds.</i>	<i>Mr. Saunders.</i>
<i>Mr. W. H. Robinson.</i>	<i>Mr. Attorney General.</i>
<i>Mr. Botsford.</i>	<i>Mr. Lee.</i>
<i>Mr. Hazen.</i>	

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Rector, Church Wardens and Vestry of All Saints' Church, in the Parish of Saint Andrews, in the County of Charlotte, to sell and dispose of certain Land in the said Parish, was read a second time, and it was

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

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and that the said Bill be read a third time.

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill without any amendment.

Pursuant to the Order of the Day, the Bill for altering the times of holding the Terms

Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton, was read a second time; and it was

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and that the said Bill be read a third time.

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill without any amendment.

Pursuant to the Order of the Day, the Bill to incorporate *The Norton Bridge Company*, was read a second time; and it was

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, and recommended that the further consideration of the same should be postponed for three months.

ORDERED, That the report be received; and it was

On motion—RESOLVED, That the further consideration of the said Bill be postponed for three months.

Pursuant to the Order of the Day, the Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*, was a second time read; and it was

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and leave granted.

Message from the Assembly, by Mr. Chandler, with sundry Resolutions of Appropriation, dated 16th and 17th of June.

Read the said Resolutions a first time.

RESOLVED, That this House be put into a Committee of the whole to-morrow, to take into consideration any Resolutions of Appropriation sent from the Assembly.

ORDERED,

ORDERED, That the Resolutions of Appropriation of the 16th and 17th of June, be referred to the said Committee.

Adjourned until To-morrow at 11 o' Clock.

SATURDAY, 20th June, 1835.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Simonds.

Mr. Allanshaw.

Mr. Botsford.

Mr. Attorney General.

Mr. Hazen.

Mr. Lee.

PRAYERS.

On motion—The House was put into a Committee of the whole, upon Resolutions of Appropriation.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the Resolutions of Appropriation dated the 16th of June, and recommended that the House should concur in the same, and that the Committee asked leave to sit again.

ORDERED, That the report be received, and leave granted.

Whereupon the Resolutions of Appropriation dated the 16th of June, were concurred in by the House; and it was

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to the Resolutions of Appropriation dated the 16th of June.

Message from the Assembly, by Mr. Taylor, with a Bill, intituled "A Bill to amend an Act to repeal all the Laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating sundry persons Pewholders of the said Church, and of the several Churches erected or to be erected in the Province, in connexion with the Church of Scotland," to which they desire the concurrence of this House.

Read the said Bill a first time.

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

Read the said Bill a second time.

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had made

made some amendments thereto, which they recommended to the adoption of the House.

ORDERED, That the report be received.

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

At A. insert the words “ By the Lieutenant Governor, Council and Assembly.”

At B. expunge the words “ and which is inserted within a circumflex.”

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

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

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill with amendments, to which they desire the concurrence of the Assembly.

Message from the Assembly, by Mr. Street, with a Bill, intituled “ A Bill in addition to the Laws now in force for establishing a legal tender in all payments, to be made in this Province,” to which they desire the concurrence of this House.

Read the said Bill a first time.

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

Read the said Bill a second time.

ORDERED, That the House be put into a Committee of the whole on Monday next, to take the said Bill into consideration.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, further to take into consideration the Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and leave granted.

Message from the Assembly, by Mr. Burns, with a Bill, intituled “ A Bill to repeal an Act intituled ‘ An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John,’ and to make other and more effectual provision for that purpose,” to which they desire the concurrence of this House.

Read the said Bill a first time.

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

Read the said Bill a second time; and it was

ORDERED, That the same be referred to a Select Committee of two Members to report thereon; and that the Honorable Mr. Peters and the Honorable the Attorney General be appointed a Committee for that purpose.

Adjourned until Monday next at 11 o' Clock.

MONDAY,

MONDAY, 22d June, 1835.

PRESENT.

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Black.</i>	<i>Mr. Shore.</i>
<i>Mr. Baillie.</i>	<i>Mr. Peters.</i>
<i>Mr. F. P. Robinson.</i>	<i>Mr. Simonds.</i>
<i>Mr. Allanshaw.</i>	<i>Mr. W. H. Robinson.</i>
<i>Mr. Saunders.</i>	<i>Mr. Botsford.</i>
<i>Mr. Attorney General.</i>	<i>Mr. Hazen.</i>
<i>Mr. Lee.</i>	

PRAYERS.

The Honorable the Attorney General, from the Select Committee, to whom was referred the Bill to repeal an Act, intituled "An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John, and to make other and more effectual provision for that purpose," reported that the Committee had carefully examined the said Bill, and recommend that the further consideration of the same should be postponed for three months.

ORDERED, That the report be received.

Whereupon—RESOLVED, That the further consideration of the said Bill be postponed for three months.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill in addition to the Laws now in force for establishing a legal tender in all payments to be made in this Province.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and leave granted.

The Honorable Mr. Baillie, by direction of His Excellency the Lieutenant Governor, lays before the House certain papers relating to a survey of the Bay of Fundy.

Whereupon the same were read by the Clerk, and are as follows:—

(COPY.) Downing-street, 26th March, 1835.

SIR,

I have to acknowledge the receipt of your Dispatch, No. 5, of the 7th of February, transmitting Addresses from the Legislative Council and from the House of Assembly of New Brunswick, praying that fresh Surveys may be made of the Bay of Fundy. Having directed that application to be referred to the Lords Commissioners of the Admiralty, I have now the honor to enlose to you the copy of a Letter which has been addressed to this Department by their Lordships' Secretary upon the subject.

(Signed)

ABERDEEN.

Major General Sir Archibald Campbell, Baronet, G. C. B.

&c.

&c.

&c.

(COPY.)

(COPY.)

Admiralty, 26th March, 1835.

SIR,

Having laid before my Lords Commissioners of the Admiralty, your Letter of the 25th instant, transmitting a copy of a Dispatch from the Lieutenant Governor of New Brunswick, suggesting fresh marine Surveys and Plans of the Bay of Fundy, I am commanded by their Lordships to acquaint you, for the information of the Earl of Aberdeen, that the Survey of the Gulph of Saint Lawrence, on which Commander Bayfield is employed, will probably terminate in two more seasons, when it is intended to employ the Commander on the West Coast of Nova Scotia and the Bay of Fundy.

I am, &c.

(Signed)

GEO. R. DAWSON.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, further to take into consideration the Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and had made some amendments thereto, which they recommend to the adoption of the House.

ORDERED, That the report be received.

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

At A. in the second Section, expunge the word "Ten," and insert "Twenty."

At B. insert the words "subsequent to the first instalment."

At C. expunge the Twelfth Section, and insert the following in lieu thereof:—

"And be it further enacted, That the joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the said Corporation; and that no creditor or person or persons having any demands against the said Corporation for or on account of any dealings with the said Corporation shall have recourse against the separate property of any Shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due or demand against the same, that then and in such case, the Goods and Chattels, Lands and Tenements of each Shareholder shall and may be levied upon, taken and seized respectively to satisfy such debt or demand to the extent of double the amount of the share or shares or interest of such Shareholder in the joint stock of the said Corporation, but no more; and that such double amount or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of Execution in the same suit in which such debt, due or demand may be recovered against the said Corporation."

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

ORDERED, That they be engrossed, and the Bill, as amended, read a third time to-day: pursuant

~~Pursuant to the Order of the Day, the House was called:~~

Present.

The Honorable Chief Justice Chipman.

“ Mr. Black.
 “ Mr. Shore.
 “ Mr. Baillie.
 “ Mr. Peters.
 “ Mr. F. P. Robinson.
 “ Mr. Simonds.
 “ Mr. Cunard.
 “ Mr. Allanshaw.
 “ Mr. W. H. Robinson.
 “ Mr. Saunders.
 “ Mr. Botsford.
 “ Mr. Attorney General.
 “ Mr. Hazen.
 “ Mr. Lee.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, further to take into consideration Resolutions of Appropriation.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the Resolutions of Appropriation dated the 17th of June into consideration, and recommended that the House should concur in the same with certain exceptions;

That the Committee had agreed to two Resolutions which they recommended to the adoption of the House; and they asked leave to sit again.

ORDERED, That the Report be received and leave granted.

Whereupon the Resolutions of Appropriation, dated the 17th of June, were concurred in by the House with the following exceptions:—

1st. To the Clerk of the Legislative Council in General Assembly, the sum of one hundred and fifty pounds for his services the last Session.

2dly. To the Clerk Assistant of the Legislative Council, the sum of twenty shillings per diem for his services during the last Session.

Upon which Resolutions of Appropriation, the Resolution recommended by the Committee was read by the Clerk as follows:—

RESOLVED, That this House do request a Conference with the House of Assembly on the subject matter of the Resolutions of Appropriation, granting allowances to the Clerk and Assistant Clerk of this House.

And the question of concurrence upon this Resolution being put, it was agreed to by the House.

3dly. To the Speaker of the House of Assembly the sum of Twenty-five pounds for the present Session, and to each and every Member of the House of Assembly for defraying the expenses of attendance in General Assembly the present Session, the sum of fifteen shillings per diem, not however to exceed Forty pounds for such attendance; and for the travelling charges of each and every Member the present Session

Session the sum of fifteen shillings per diem, allowing Twenty Miles for each day's travel, to be certified by the Speaker; the same to be in lieu of any sum which the Speaker or Members of this House may be entitled to, by any Act to be passed this Session.

Upon which Resolution of Appropriation, the Resolution recommended by the Committee was read by the Clerk as follows:—

RESOLVED, That the further consideration of this Resolution be postponed until the next Session of the General Assembly.

And the question of concurrence being put upon this Resolution, it was agreed to by this House.

ORDERED, That the Master in Chancery do go down to the Assembly and communicate to that House the foregoing proceedings upon the Resolutions of Appropriations dated the 17th of June.

Message from the Assembly, by Mr. Taylor, that they have agreed to the amendments made to the Bill to amend an Act to repeal all the Laws now in force relating to Saint Andrew's Church in the City of Saint John, and for incorporating certain persons Pewholders of the said Church and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland.

Read a third time as amended, and passed the Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill with amendments, to which they desire the concurrence of the Assembly.

Read a second time, the Bill to provide for the expenses of the Speaker and Members of the House of Assembly attending in General Assembly.

On motion—**RESOLVED**, That the further consideration of the said Bill be postponed until the next Session of the General Assembly.

The Honorable the Attorney General presented the following Petitions:—

A Petition from the Corporation of the City of Saint John, praying for the passage of an Act to prevent certain trespasses in the City of Saint John; and

A Petition from the Corporation of the City of Saint John, praying for additional powers to be given them as conservators of the Harbour of Saint John.

ORDERED, That the said Petitions be received and lie on the Table.

Adjourned until To-morrow at 11 o' Clock.

TUESDAY, 23d June, 1835.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr.

Mr. F. P. Robinson.
 Mr. Allanshaw.
 Mr. W. H. Robinson.
 Mr. Attorney General.
 Mr. Lee.

Mr. Simonds.
 Mr. Cunard.
 Mr. Botsford.
 Mr. Hazen.

PRAYERS.

Message from the Assembly, by Mr. Street, with a Bill, intituled "A Bill for the Commutation of His Majesty's Quit Rents in the Province of New Brunswick," to which they desire the concurrence of this House.

Read the said Bill a first time.

Message from the Assembly, by Mr. Woodward, with the following Bills, to which they desire the concurrence of this House :—

A Bill to authorize the erection of a Toll Bridge on the River Kennebecasis, in King's County : and

A Bill for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John.

Pursuant to the Order of the Day, the House went into Committee of the whole, further to take into consideration the Bill in addition to the Laws now in force for establishing a legal tender in all payments in this Province.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

Read a third time and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill without any amendment.

Read a first time, the Bill to authorize the erection of a Toll Bridge over the River Kenebeckacis in King's County.

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

Read the said Bill a second time.

ORDERED, That the House be put into a Committee of the whole presently, to take the same into consideration.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Bill into consideration and recommended the same without amendment to the adoption of the House.

ORDERED, That the report be received and the Bill be read a third time.

Read a third time and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill without any amendment.

Read

Read a first time, the Bill for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John.

ORDERED, That the twenty third Rule of this House be dispensed with as regards the Bill for the Commutation of His Majesty's Quit Rents in this Province, and that the said Bill be read a second time.

Read the said Bill a second time.

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and the Bill be read a third time.

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill.

ORDERED, That the twenty third Rule of this House be dispensed with as regards the Bill for the punishment of persons who shall be guilty of the trespasses therein mentioned, in the City of Saint John, and that the said Bill be read a second time.

Read the said Bill a second time.

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and the Bill be read a third time.

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill without any amendment.

Message from the Assembly by Mr. Woodward, that they have agreed to the amendments made to the Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*.

Message from the Assembly, by Mr. Chandler, with the following Resolution:—

“*House of Assembly, 23d June, 1835.*”

“RESOLVED, That this House will at the next Session grant such allowances to the Clerk and Assistant Clerk of the Legislative Council for their services during the last Session, as will be equal to the amounts granted to the Clerk and Clerk Assistant of this House.

“RESOLVED, That this House doth agree to the Conference proposed by the Legislative

gislative Council on the subject of the Resolutions of Appropriation to the Clerk and Clerk Assistant of the said Council, and that a Committee of this House will be appointed on the 1st day of July next, to meet such Committee as may be appointed by that House to manage the said Conference."

On motion—RESOLVED, That this House do concur in the following Resolutions of Appropriation:—

To the Clerk of the Legislative Council in General Assembly the sum of one hundred and fifty pounds for his services the last Session:

To the Clerk Assistant of the Legislative Council the sum of twenty shillings per diem, for his services during the last Session.

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

Message from the Assembly, by Mr. Street, with the following Resolution:—

"House of Assembly, 23d June, 1835.

"Whereas the House of Assembly have passed a Bill for the Commutation of His Majesty's Quit Rents in this Province, with a suspending clause until His Majesty's pleasure be known, which Bill has been concurred in by the Council;

"Therefore—RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to suspend the collection of the Quit Rents in this Province, until the final determination of His Majesty relative to the said Bill be known.

"Also—RESOLVED, That His Majesty's Legislative Council be requested to join in such Address."

RESOLVED, That this House do agree to the proposed Address, and that the Honorable Messrs. Peters and Cunard be a Committee on the part of this House to join such Committee as may be appointed by the Assembly to present the same.

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

Adjourned until To-morrow at 10 o' Clock.

WEDNESDAY, 24th June, 1835.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. F. P. Robinson.

Mr. Simonds.

Mr. Allanshaw.

Mr. Cunard.

Mr. W. H. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Hazen.

Mr. Lee.

E

PRAYERS

PRAYERS.

Message from the Assembly, by Mr. Street, that Mr. Street, Mr. Chandler, Mr. End and Mr. Partelow, were appointed a Committee of the Assembly to join the Committee of this House, to wait upon His Excellency the Lieutenant Governor, with the joint Address on the subject of the Quit Rents.

Message from the Assembly, by Mr. Brown, with a Bill, intituled "A Bill to appropriate a part of the Public Revenue to the payment of the ordinary services of the Province," to which they desire the concurrence of this House.

Read the said Bill a first time.

ORDERED, That the Twenty-third Rule of this House be dispensed with as regards this Bill, and that the same be read a second time.

Read the said Bill a second time.

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received.

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill.

Message from the Assembly, by Mr. Connell, with a Bill intituled "A Bill to provide for opening and repairing Roads and erecting Bridges throughout this Province," to which they desire the concurrence of this House.

Read the said Bill a first time.

ORDERED, That the Twenty third Rule of this House be dispensed with as regards this Bill, and that the same be read a second time.

Read the said Bill a second time.

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received.

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill.

Message from the Assembly, by Mr. Hanington, with the following Resolution of Appropriation.

To the Clerk of the House of Assembly, the sum of two hundred and sixty pounds for Contingencies of the present Session.

The said Resolution being read, was concurred in by the House.

ORDERED;

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

Message from the Assembly, by Mr. Hanington, with a Bill intitled "A Bill to appropriate a part of the Public Revenue for the services therein mentioned," to which they desire the concurrence of this House.

Read the said Bill a first time.

ORDERED, That the Twenty third Rule of this House be dispensed with as regards this Bill, and the said Bill be read a second time.

Read the said Bill a second time.

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received.

Read a third time, and passed the said Bill.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to this Bill.

The Honorable Mr. Peters, from the joint Committee of the Legislative Council and Assembly, appointed to present to His Excellency the Lieutenant Governor an Address, praying the suspension of the collection of the Quit Rents, until the Royal pleasure shall have been ascertained on the Bill for the commutation of the said Rents; passed both Houses during this Session, reported, that they had attended to that duty, and that His Excellency was pleased to say, he would comply with the wishes of the Houses, with much satisfaction.

The House was adjourned during pleasure.

After some time the House resumed.

His Excellency the Lieutenant Governor came to the Council Chamber, and by Message commanded the attendance of the House of Assembly.

The House of Assembly attended accordingly.

His Excellency gave his assent to the following Bills:—

A Bill to appropriate a part of the public Revenue to the payment of the Ordinary Services of the Province:

A Bill to appropriate a part of the public Revenue for the Services therein mentioned:

A Bill to provide for opening and repairing Roads and erecting Bridges throughout this Province:

A Bill for commuting His Majesty's Quit Rents in the Province of New Brnswick, with a suspending clause.

A Bill to authorize the Rector, Church Wardens and Vestry of All Saints' Church in the Parish of Saint Andrews, in the County of Charlotte, to sell and dispose of certain land in the said Parish:

A Bill for altering the times of holding the Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton :

A Bill to amend an Act to repeal all the Laws now in force relating to Saint Andrews Church in the City of Saint John, and for incorporating certain persons Pew-holders of the said Church, and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland :

A Bill in addition to the Laws now in force for establishing a legal Tender in all payments to be made in this Province :

A Bill to authorize the erection of a Toll Bridge over the River Kennebeckacis in King's County :

A Bill for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John : and

A Bill to incorporate *The Saint John Mechanics' Whale Fishing Company*.

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

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

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

“ **I**N releasing you from your further attendance at the present Session, I must express to you my great satisfaction at your having so promptly responded to the wants and wishes of the Country. The result of your deliberations on the subject of the Quit Rents will be hailed with congratulations by every well-wisher to the prosperity of the Province, and I have the most confident expectation that it will prove entirely acceptable to His Majesty's Government.

“ I am persuaded that, on your return to your respective homes, you will continue to cultivate those sentiments of loyalty to our Most Gracious Sovereign, of attachment to the Parent State, and of respect and affection for our Provincial Institutions, for which this Colony has always been distinguished, and which alone, under the blessing of Providence, can insure its future peace and welfare.”

After which the President of the Council, the Honorable Mr. Chief Justice Chipman, by His Excellency's command, declared the General Assembly to be prorogued to the Third Tuesday in September next.

APPENDIX.

POPULATION Of the Province of New Brunswick in the Year 1834.

Main data table with columns for County/City/District, Inhabited Houses, Families occupied, Houses now Building, Other Houses uninhabited, Whites (Males/Females), People of Colour (Males/Females), and Total of Persons.

Grand Total,

JAMES HOLBROOK.

ABSTRACT
Shewing the Population of the Province in the Years 1824 and 1834,
and the Increase.

COUNTY.	Total of Persons in the Year 1824.	COUNTY.	Total of Persons in the Year 1834.	INCREASE.
York,	10,972	York,	10,478	8,999
Saint John,	12,907	Carleton,	9,498	7,761
King's,	7,930	Saint John,	-	4,265
Queen's,	4,741	King's,	-	2,463
Sunbury,	3,227	Queen's,	-	611
Westmorland,	9,303	Sunbury,	-	4,902
Northumberland,	15,829	Westmorland,	-	-
		Northumberland,	11,170	-
		Kent,	6,031	-
		Gloucester,	8,323	-
Charlotte,	9,267	Charlotte,	-	9,695
				6,585
Grand Total,	74,176	Grand Total,	119,457	45,281

JAMES HOLBROOK.

No. 2.

[See Journal 26th January, 1835.]

1.

Downing-street, 30th March, 1834.

SIR,

I HAVE the honor to acquaint you that His Majesty has not been advised to confirm an Act passed by the Legislature of New Brunswick in 1832, entitled "An Act to provide for the Custom House Establishment in New Brunswick."

The enclosed letter from the Secretary to the Treasury, with the report by which it is accompanied from the Commissioners of Customs, will explain to you the grounds on which His Majesty's confirmation of this Act is withheld. I have no doubt that the deviation of the House of Assembly from the course which was expected in consequence of its Address of the 1st of March 1831, has been unintentional; and that the House will readily supply the defects which are pointed out in the annexed papers. You will therefore transmit to the Assembly by Message, the present Despatch with its enclosures, and will state to them the confident expectation of His Majesty's Government, that they will substitute for their recent measure a Bill making an effectually permanent provision for the Custom House Establishment.

I have the honor &c.

(Signed) E. G. STANLEY.

Major General Sir Archibald Campbell, Bart. G. C. B.
&c. &c. &c.

2.

Treasury Chambers, 15th March, 1834.

SIR,

I am commanded by the Lords Commissioners of the Treasury to return here-with the Act of the Legislature of New Brunswick, submitted to this Board in your Letter of 3d of November last, and also to transmit a copy of a report of the Commissioners of Customs of 7th instant thereon, and I am to request that in laying the same before Mr. Secretary Stanley you will call his attention to the terms of the Address to His Majesty from the House of Assembly, dated 31st March 1831, to which this Act is stated to have reference, and to the communication from this Department to Lord Howick of the 4th January 1832, and will observe to him that my Lords cannot by any means consider that the provisions of the present Act fulfil the pledge given by the House of Assembly in that Address "to make a permanent grant to His Majesty of £4,250 Sterling per annum, for the payment of the Officers of Customs, either in gross or in such other way as His Majesty might direct, payable annually out of the duties received by virtue of the Acts of the Imperial Parliament, in the event of all such duties being paid over to the Treasurer of the Province." My Lords cannot consequently recommend that the Act should be approved of, or should be permitted to pass into a Law, more especially as it has been a paramount object in the arrangement made with the Legislature of other Colonies, to secure a permanent provision for the payment of the sum to be contributed from the Colonial Funds towards the expenses of the Customs Establishments.

B

The

The desire of my Lords to bring the question of the provision for the payment of the Customs Establishments in New Brunswick, to a distinct and amicable settlement, was sufficiently evinced in the readiness with which they acceded to the proposal in the Address of 31st March, 1831, and to the immediate directions they gave for carrying that proposal into effect, so far as related to the relief of the Colony from all charge for the Customs department, exceeding the amount of the proffered contribution, without awaiting the passing of an Act by the Legislature.

My Lords would suggest that the Lieutenant Governor should be instructed to call the attention of the House of Assembly to this circumstance, and to the unequivocal terms in which the offer of the permanent provision of £4,250 per annum, specifically charged upon duties accruing under Acts of the Imperial Parliament, was made, and to express to the House the confident expectation of His Majesty's Government, that the Legislature of New Brunswick will not hesitate to redeem the pledge thus distinctly given and unreservedly accepted.

I am, &c.

(Signed) J. STEWART.

R. W. HAY, Esquire, &c. &c. &c.

3.

MAY IT PLEASE YOUR LORDSHIPS,

Your Lordships having referred to us the annexed letter from Mr. Hay, transmitting by desire of Mr. Secretary Stanley an Act which had been framed by the Legislature of the Province of New Brunswick, in the month of March 1832, entitled "An Act to provide for the Customs Establishment of New Brunswick;" we report,

That your Lordships were pleased by Mr. James Stewart's letter, dated 4th January, 1832, to acquaint us, that with the view of relieving the Province of New Brunswick from some portion of the annual charge of £7,144 for maintaining the Customs Establishments in that Province, you had acceded to a proposition which had been made by the House of Assembly in an Address to His Majesty, wherein they propose to make a permanent grant £4,250 per annum towards defraying the expenses of Customs Establishments at the Ports of St. John, St. Andrews, Miramichi and their dependencies, such grant to be made either in gross or in such other way as His Majesty might direct, and payable out of the duties secured by virtue of the Acts of Imperial Parliament: your Lordships at the same time desired that we would instruct our Officers at New Brunswick to retain in each year, out of the Revenue which might be collected by them, the sum of £4,250 for the payment of the salaries and expenses of the Customs Department, and to draw Bills on the Receiver General of this Revenue for such further sums as might be necessary for that purpose; and the necessary directions were accordingly issued by us to the Collectors and Controllers of this Revenue in New Brunswick.

That by the Act of the House of Assembly of New Brunswick which your Lordships have been pleased to refer for our consideration and report, and which proposes to have been passed for the purpose of carrying the foregoing proposition into effect, it is provided that there should be annually included in the estimate for the
 Ordinary

Ordinary Services towards the support of the Custom House Establishments in the Province the sum of £4,250 Sterling, out of the monies arising from the duties which might be collected in that Province within the year for which such annual appropriation should be made, the same to be applied by the Lieutenant Governor or Commander in Chief for the time being, and paid quarterly by Warrants of His Excellency, by and with the advice and consent of His Majesty's Council in the Province, in twenty days after the payment over and account exhibited of such duties by the principal Officers of Customs; upon which we have to observe, that the proposed enactments appear to be entirely opposed to the principles which governed your Lordships in acceding to the proposition which had been made by the House of Assembly at New Brunswick, in as much as your Lordships in acceding thereto intended that the grant of £4,250 should be the first charge upon the duties collected by the Officers of this Revenue in the Province, and be retained therefrom in quarterly proportions of £1,062 10s. for the purpose of being applied towards defraying the expenses of the Customs Department of the Province, whereas by the Act above referred to, the total amount of duties collected is required to be paid over in the first instance to the Receiver General of the Colony, and no part of the grant of £4,250 can be issued from the Colonial Treasury until twenty days after the Collector and Controller shall in each quarter have paid over and accounted for the total amount of duties received by them within that period, and then only under the Warrant of the Governor with the consent of His Majesty's Council in the Province.

We beg leave further to state, that in the event of the annexed Bill being passed into a Law, the greatest inconvenience would arise to the public service, in as much as the Collector of St. John, would be under the necessity of sending his Accounts to the Colonial Secretary who resides at Fredericton, which place is ninety miles distant from St. John, before he could obtain the Governor's Warrant of payment upon the Colonial Treasurer resident at St. John, and the Collector of St. Andrews would in like manner, and for the same purpose, be required to send his Accounts to Fredericton, from which place St. Andrews is one hundred and fifty miles distant, and having obtained the Governor's Warrant for payment, it would be necessary for him to proceed to St. John a distance of sixty miles, before he could obtain payment of the amount from the Colonial Treasurer, who as before stated resides at that place. Under the foregoing circumstances, we beg leave to offer our entire concurrence in the opinion expressed by Mr. Secretary Stanley, that should the Act be confirmed, the Officers of the Customs in the Province of New Brunswick would still be dependent upon the annual votes of the House of Assembly, no specific fund under the direct control of His Majesty's Government having been appropriated to the payment of the Officers' Salaries; and as the annual grant of £4,250 cannot in our opinion be considered as a permanent provision within the meaning of your Lordships' minute transmitted to us in Mr. Stewart's letter of 4th January 1832, for defraying the expense of Custom Establishment of New Brunswick, we cannot recommend that His Majesty's assent should be given to the Bill in question.

(Signed)

R. B. DEAN,
LUSHINGTON,
E. STEWART,
BINNING.

Custom House, 7th February, 1834.

No. 3.

No. 3.

[See Journal 26th January, 1835.]

Extracts from a Despatch from the Right Honorable the Secretary of State for the Colonial Department, dated Downing-street, 5th October, 1834.

“THE Representations which have from time to time been received from the Legislature and Inhabitants of several of the Colonies in North America, respecting the internal Postage in that part of the British Dominions, have not failed to attract the serious attention of His Majesty’s Government, and I have now the gratification to send you an Act passed in the late Session of Parliament, which I hope will prove the means of settling this important question, to the satisfaction of all parties. The Act provides that so much of the Statute 5 Geo. 3, c. 25, as authorizes the taking of certain rates of Inland Postage within His Majesty’s Dominions in North America, shall be repealed from the time when His Majesty’s consent shall be signified to Acts of the Provincial Legislatures, imposing the same or other rates of Postage, and making such regulations for the management of the Post Office by the Post Master General or his Deputies, as to the Legislatures may seem expedient.

“You will observe, that in order to give effect to this Act, certain Bills must be passed by the Provincial Legislatures, and receive the Royal Assent; and I need scarcely add that to establish a practicable system, it is essential that a uniformity of view should pervade their Bills. His Majesty’s Government, therefore, in order to secure those important conditions, has thought it best to direct the preparation of one common Bill to be submitted to the Legislative Council and Assembly of each Colony affected by the present measure.

“I have the honor to inclose the draft thus prepared, which you will cause to be brought before the Assembly. You will, at the same time, assure the Assembly, that the Bill has been framed with the most anxious deliberation on the part of the Post Master General and my predecessor, and with the most minute attention to every detail which it embraces.

“It was found impossible to devise any practicable plan for keeping separate the Accounts of the Post Office Revenue and Expenditure in each possession in North America, and when the Accounts were blended no mode of distributing the surplus Revenue appeared to be free from serious objection, except to apportion it according to the gross amount of Postage collected within each Colony. A provision therefore, to this effect, has been made in the Imperial Act of Parliament. In order however to admit of any other plan which might be preferred by the Provincial Legislatures, a power has been left to them to alter this clause by local enactments. I should scarcely anticipate that at the present time any more eligible expedient is likely to be suggested than the one adopted by the Imperial Act; and as any alteration of it could not be carried into effect until agreed to by each separate Legislature, it is perhaps to be wished that, at any rate for a period sufficient to try the remainder of the proposed measure, the provision made by Parliament on this point should remain untouched.

“I shall now proceed to offer a few explanatory remarks on the Bill proposed to the acceptance of the Legislative Council and Assembly of New Brunswick.

“The

“The projected Tariff of Postage effects a considerable reduction upon the existing Rates, more especially in the longer distances. The tendency of this arrangement to encourage intercourse between the more widely separated portions of His Majesty’s extensive Territory in North America will not fail, I feel assured, to meet the approbation of the Legislative Council and Assembly. In settling the scale of postage His Majesty’s Government has been guided in a great measure by the report of a Committee of the House of Assembly in Upper Canada, which sat about three years ago, and which is understood to have founded its recommendation chiefly on the rates of charge in the United States.

“In the important matter of the charges on the conveyance of Newspapers and printed periodical Works, His Majesty’s Government has not been unmindful of the representations which it has from time to time received of the wishes of the people in British North America: a rate of Postage is proposed in the present Bill which is little more than one half of the rate charged in the United States, and which is as low as it could be unless the papers were conveyed for nothing; a course which might render the amount of business in the Post Office perfectly unmanageable.

“It will be observed that the Bill confers on the Deputy Post Master General the power of determining, with the concurrence of the Government and the Executive Council, what shall be deemed a Newspaper, printed Vote, &c. within the meaning of the Act.

“This power is designed to spare the necessity of tedious actions in Law to ascertain doubtful points, and is conformable with a power which has been given to the Post Master General in this Country, in concurrence with the Lords Commissioners of the Treasury, by the late Act 4 and 5 W. 4, c. 44.

“I have now to draw your attention to a very important part of the Bill:—Should the Post Office Revenue prove unequal to the expenditure, it is obvious that there must be some immediate means of supplying the want, a temporary deficiency in the Post Office Revenue, however short, must be attended with the most serious inconvenience, as affecting a service which could not stop for a day without injuring the Commerce, and confounding the general transactions of the whole Country. Impressed by this view His Majesty’s Government has determined, with a full sense of the magnitude of the discretionary authority which the measure will place in the Governor, to propose a clause authorizing him to grant a Warrant for any sum within certain specified limits, which may be shewn to his satisfaction to be necessary for the conduct of the Post Office Department.

“In considering the limits to be assigned to this authority in each Colony, the Government has been guided by the following portions of a report from the Deputy Post Master General at Quebec.

“The Deputy Post Master General of British North America supposes, upon a rough estimate, that the deficiency in Receipts, to meet the current expenditure in the management of the Post Office Department, may amount to even as much as £6,000 per annum, and he states that without some certain means of obtaining that, or any less deficiency, the business of the Department would come to a stand still, and the framers of the Law would be upbraided for not having provided against such a contingency. Calculating the supposed deficiency at the maximum of

£6,000 he proceeds to state that the following sums correspond pretty nearly with the proportionate amount of postage business transacted within the Provinces :

Lower Canada,	- - - - -	£2,000
Upper Canada,	- - - - -	2,000
Nova Scotia,	- - - - -	1,200
New Brunswick,	- - - - -	600
Prince Edward's Island,	- - - - -	200
		£6,000

“ Conformably with the foregoing report, £600 is proposed as the extent to which the Officer administering the Government may issue Warrants on account of the Post Office in New Brunswick.

“ It is contemplated to attach the privilege of Franking to Seats in the Council and Assembly, in imitation of the right enjoyed by the Members of the two Houses of Parliament in this Country. I hope that this provision will be deemed just in principle and conducive to that distinction which it must be desirable to confer on individuals who form part of the Legislature of the Country.

“ In carrying into effect the amendments in the old Law of 5 Geo. 3, cap. 25, His Majesty's Government would have preferred after having passed the necessary Imperial Statute, to have left the subsidiary Provincial enactments to the discretion of the different Legislatures. But it was felt that the efficiency of the measure depended almost entirely on an uniformity of Legislation in the several Provinces, and this could only be accomplished by preparing in this Country a draft of the Bill which the Imperial Act would render necessary. The only objection to this course has been that it might be construed into an interference with the deliberations of the Provincial Legislatures, which it is desirable to leave on all occasions free and unshackled. I should hope however that in a question of this nature, there is no reason to fear such an objection.

“ I think it will be desirable that you should endeavour to impress on the Assembly the necessity of their abstaining as much as possible from amendments destructive of the uniformity of the Bill. There are some clauses, nevertheless, which are left wholly for the decision of the Colonial Legislatures. I allude to the punishments to be inflicted under the Act. His Majesty's Government have felt great delicacy in offering any suggestion on these points; and it is perhaps the most satisfactory course to leave them to the consideration of the Assemblies themselves, who will, I doubt not, devote to the subject that mature deliberation which its importance demands.

“ It is of course necessary that all the Acts passed by the several Legislatures on the present subject should take effect from the same day. The first of January 1836 is named in the accompanying draft in order to secure ample time for the due consideration of the Acts.

“ I have the honor, &c.
(Signed) T. SPRING RICE.”

“ Major General Sir Archibald Campbell, Bart. G. C. B.
&c. &c. &c.”

No. 4.
[See Journal 27th January, 1855.]

1.

Custom House, Saint Andrews, 14th October, 1834.

MAY IT PLEASE YOUR EXCELLENCY,

I HAVE the honor to transmit copy of a letter received by me from the Cashier of the Greenwich Hospital fund, in which I am desired to apply for the sums due to that Institution from the Masters and Crews of the Provincial Revenue cruisers "Elizabeth" and "Defiance," and which had been retained from the pay of the Crews and Officers by the Deputy Colonial Treasurer.

It is necessary to acquaint your Excellency that a correspondence had taken place, formerly, by my predecessor Mr. J. M. Spearman, and His Honor the President (Black), on this subject but which did not terminate in a manner to satisfy the claims of the Hospital Charity, in consequence of which I am under instructions to renew it, and I now very respectfully appeal to your Excellency, with the hope that you will take interest on behalf of the claim, and that the money, now in the Province Chest, will be directed to be paid to me, as the proper Officer to receive it.

I have the honor to inclose copies of the whole of the previous correspondence, to which I can add no new matter.

The claim is sixpence per man per month for the Officers and Crews of the Schooners Elizabeth and Defiance, for the whole period those vessels were in Commission.

I have the honor, &c.

(Signed)

ALEX. GRANT, *Deputy Receiver.*

(COPY.)

2.

Greenwich Hospital, 7th May, 1834.

SIR,

Mr. Spearman, your predecessor, having stated that the sixpenny dues before his time at Saint Andrews, had not been collected from the Colonial Revenue Cutter Elizabeth, Captain M. Master, nor subsequently from the Defiance, Captain Baxter, though the same were retained from the pay of the Crews and Officers by the Colonial Treasurer the late Beverly Robinson, Esquire, and at his decease by Simonds, Esquire, I have to call your attention to these claims, on the part of the Hospital, which Mr. Spearman informs me you will find fully set forth in the copies of the correspondence left by him in the Office, and of which Mr. Harley has full cognizance, and having made such claim in the proper quarter you will be pleased in the event of its not being complied with, to report the grounds of refusal in order that I may bring the same to the notice of the Commissioners of this Institution, that this matter may be pressed to a conclusion.

I am, &c.

(Signed)

W. PAINE, *Cashier.*

(COPY.)

(COPY.)

3.

Custom House, Saint Andrews, 1st January, 1830.

SIR,

The Seamen's Sixpences due from yourself and your Crew while in command of the Provincial Revenue Schooner, never having been paid to me as Receiver of the said Sixpences at this Port, I have the honor by command of the Commissioners of the Royal Hospital Greenwich to forward you a form which you are required to fill up with the least possible delay, and return into this Office.

I am, &c.

J. M. SPEARMAN, *Depy. Recr.*

Captain BAXTER, &c. &c. &c.

(COPY.)

4.

St. Andrews, 1st July, 1830.

SIR,

I beg leave to request you will do me the favour to lay the enclosed letter before His Honor the President.

The letter of which this is a Copy, I had the honor of addressing to His Honor, so long ago as the 11th April last, and suppose it must have miscarried as I have not yet had the honor of a reply.

I have the honor, &c.

(Signed) J. M. SPEARMAN, *Depy. Receiver.*

JOHN BLACK, Esquire, Private Secretary.

*Copy referred to in the preceding Letter.**Saint Andrews, 11th April, 1830.*

TO HIS HONOR THE PRESIDENT.

Sir,

The Lords Commissioners of the Admiralty having been pleased by their Commission to appoint me Deputy Receiver of Seamen's Sixpences for this Port, I beg leave to represent to your Honor that there is a large sum due on this account from the Masters and Crews of the Revenue Cutters Elizabeth and Defiance. I also beg leave to state that on making application to the late and present Masters of the above vessels, I have been informed that they always accounted for these sums, on drawing from the Treasury the wages and subsistence of themselves and Crews, and that the same are now in the hands of the Provincial Treasurer. I have therefore the honor to request that you will issue your order to that Officer to pay over to me the amount of the said sums at the rate of Sixpence per man per month for the whole period the said vessels have been in Commission, otherwise I shall be unable to prepare and forward the Accounts called for by the Receiver General.

I have the honor, &c.

(Signed) J. M. SPEARMAN, *Deputy Receiver.*

(COPY.)

(COPY.)

5.

Treasury, St. Andrews, 9th April, 1831.

SIR,

In reply to your letter of this date I have the honor to inform you that Captain Baxter has regularly deducted from the wages of the Seamen of the Revenue Schooner *Defiance* the money for Greenwich Hospital, and did at the close of the first Quarter tender the amount then stopped to the Collector (your predecessor) of this Port, who declined receiving it, in consequence of which Captain Baxter, with my advice, deducted the amount on the face of his account and left it in the Provincial Chest, receiving from the Provincial Treasurer only the net sum to be paid to the men.

I have no doubt that your representation to His Honor the President will cause the whole amount to be paid into your hands.

I have the honor, &c.

(Signed)

B. ROBINSON,

Deputy Treasurer.

J. M. SPEARMAN, Esquire, &c. &c. &c.

(COPY.)

6.

Frederickton, 28th June, 1831.

SIR,

I am directed by the President to acquaint you, that some time ago he received your letter on the subject of Greenwich Hospital money that should have been received by you, as Deputy Receiver, from the Crews of the Revenue Cutters *Elizabeth* and *Defiance*; claims which he is much surprised had not been brought forward at the proper time and, not at this late hour.

Upon inquiry, the President has ascertained that Captain Baxter in settling his Accounts for last season did give the Province credit for something of the kind; but the subject cannot now be investigated until the next Session of the Legislature.

I have the honor, &c.

(Signed)

JOHN BLACK,

J. M. SPEARMAN, Esquire, Collector, &c. Saint Andrews.

(COPY.)

7.

Custom House, Saint Andrews, 4th July, 1831.

SIR,

I have this day had the honor of your letter of the 28th ult. acquainting me by order of His Honor the President that he had some time ago received my letter of the 11th April last, on the subject of Greenwich Hospital money, which should have been received by me as Deputy Receiver, from the Crews of the Revenue Cutters *Elizabeth* and *Defiance*; claims which he is much surprised had not been brought forward at the proper time, and not at this late hour; also acquainting me that His Honor had ascertained that Captain Baxter in settling his accounts for last season, did give the Province credit for something of the kind, but that the subject cannot now be investigated and adjusted till the next Session of the Legislature. In

D

In reply to this communication, I beg leave to acquaint you for His Honor's information that the claims in question were brought forward by me on the receipt of my Commission and the copy of my instructions under which as Deputy Receiver I am authorized to act; and that I can admit of no person's interference as to when these claims should be made but my superiors, by whom I am appointed.

I must also beg leave to observe, that I cannot perceive what the Legislature of this Province has to do with the business. A certain sum of money is voted by the Provincial Legislature as wages to the Crews of the Cutters, and an Act of the Imperial Parliament enacts that Sixpence Sterling per Man per month, the Masters included, shall be paid to the Receiver General of Greenwich Hospital and his Deputies for the use of that Establishment.

This sum having been voted as above by the Provincial Legislature, what further have they to do with the matter? They are not called upon to vote a further sum, the money being at this moment in the Treasury, as will appear from the accompanying copy of a letter from the Deputy Provincial Treasurer.

I also beg leave to state that immediately upon receiving my Commission as Deputy Receiver, I applied, in the first instance to the late Captains of the Cutters, and that being informed by them that upon drawing the wages of themselves and Crews from the Treasury they had always left the Greenwich Hospital money in the Treasurer's hands not knowing to whom they should have paid it; it was upon receiving this information, and Mr. Robinson's acquainting me that the statement was correct, that I applied to His Honor on the subject.

I beg also to observe that your letter makes no mention of the Revenue Cutter "Elizabeth," saying only that "Captain Baxter did give the Province credit for something of the kind." I have therefore the honor to request you will acquaint me at your earliest convenience whether the account of that vessel is acknowledged or not.

In conclusion I beg leave to acquaint you, that by my Instructions I have the power of detaining all vessels till the Hospital money is paid, and that I should certainly have detained the "Defiance" till I had received the money instead of allowing her to proceed to Saint John to be sold, had I not understood from Mr. Robinson, that he had no doubt that the subject only required representation. You will also have the goodness to acquaint me whether His Honor wishes your letter of the 28th ult. to be sent Home as his final reply to my application.

I have the honor, &c.

(Signed)

J. M. SPEARMAN.

JOHN BLACK, Esquire, Private Secretary, &c.

(COPY.)

8.

Secretary's Office, Fredericton, 18th July, 1831.

SIR,

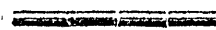
By direction of His Honor the President, I have the honor to state to you in answer to your letter of the 4th instant addressed to John Black, Esquire, on the subject of Greenwich Hospital money stated to be due from the Crews of the Revenue Cutters

Cutters Elizabeth and Defiance, that whatever money may have been left by those Crews, or either of them, in the Province Treasury, having been merged in the general funds of the Province, nothing can be done respecting it without a special application to the Legislature.

I have the honor, &c.

WM. F. ODELL.

J. M. SPEARMAN, Esquire, &c. &c. &c.



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