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FREDERICTON, TUESDAY, MARCH 9, 1816.

PROVINCIAL LEGISLATURE.  
HOUSE OF ASSEMBLY.

(Continued from Report of Friday last, page 63.)

TUESDAY, February 24.

Several Bills received a second reading this morning. Mr. HILL read the petition of James Abbe Esq. praying remuneration for services performed as a Government officer in seizing Timber agreeable to instructions received from the Government.

Hon. Mr. SIMMONS said the petitioner was himself an officer of the Government, and had some time since forwarded similar claims with those in the Petition, to the Executive, but after due investigation his claim had been disallowed; and such being the case, he (Mr. S.) hoped the House would not for a single moment entertain it.

Mr. PARTLOW thought it was an affair entirely between the Government and Mr. Abbe; and he (Mr. P.) could not doubt, that if he had performed services, he would have received payment.

Mr. BROWN said he was sorry the Hon. Member (Mr. Partlow) had so soon forgotten his own arguments delivered in a similar case—that of Mr. Carruthers, Officer of Partlow. The case was very different. He (Mr. B.) thought not. The very same objections applied in that of Carruthers. These were the facts—A number of persons in that part of the Country had applied for Licences to cut timber, and had also paid their mileage. These were authorized to proceed with their business, and were in daily expectation of receiving their licences. In the mean time a good deal of timber was cut and sold to the part of the Government, and they came at last to the conclusion not to grant the Licences at all. What, under such circumstances, could the lumbermen do? they had paid their money, and had a right to proceed with their business, and they did so. It was then that Mr. Abbe was ordered to proceed to the woods and seize the timber thus procured—but scarcely had he done so, when the Government again reversed round, and issued the licences. Mr. Abbe performed his duty, and naturally looked for his pay; but when he came to demand it he met with a refusal. It was then that the Executive that their own officer had to apply to the House; for he had received a remuneration from the Government which had employed him, he would not have required it anywhere else. He (Mr. Brown) closed his observations by stating that he had no objection to let the petition go to a select Committee, instead of the Committee of Supply.

Mr. PARTLOW rose to explain.—The cases cited were not alike—Carruthers performed services for the Government to the amount of £40; but although the Executive had acknowledged the justice of the claim they had no funds in their hands to pay him. It was then that Mr. Carruthers found it necessary to apply to the House of Assembly, which was not a case of his point.

Mr. BROWN then observed, that Mr. Abbe only asked his right—he had been ordered to perform certain services as a sizer officer, and had complied with the order—he had asked for payment, and failing for some reason or other, in obtaining remuneration where he first preferred his claim, he had naturally turned to the House of Assembly, where he expected to receive justice.

Mr. HANCOCK said he was at a loss to know what to do on the present occasion. He would wish to know if Mr. Abbe still continued an Officer of the Government. "He does" by several. Then he (Mr. H.) proposed that they were quite willing to try their officers, and besides, he had always thought they proceeded more on the plan of paying too much than too little. The Crown Land office was always supposed to have the means of paying, and he (Mr. H.) thought it was another reason why this case should be left in their hands. But if the House should now take the power from the Crown Land Office, there must be no complaint made, if business were not properly transacted hereafter. If an Officer of the Government were not satisfied with the pay which he received, he should resign his situation—but nevertheless, if the Officer of the House had been referred to the Committee of Supply, he (Mr. H.) thought this ought to go the same way—if it could only be proved that *they* were not a right.

Mr. PARTLOW made some observations which would not report at the moment.

Mr. JORDAN thought it better to refer the Petition to a select Committee; for the Petition of Mr. Carruthers was last year disposed of in a similar way, and fully investigated. In the present instance, however, the Committee was ignorant; and therefore it would be necessary to place the petition in the position already occupied by the other. But in the event of the select Committee reporting favourably in respect to the Petition, then he (Mr. J.) was a member of that House—so long as he had the honour to hold a seat in it—had his help to guard the rights and support the proper claims not only of the petitioner, but of any individual approaching the House in the legitimate channel of seeking Legislative redress.

Hon. Mr. McLEOD thought it better to let the present application go to the new Executive, as the old one had failed in giving it support. This he would say, that the claim made by Mr. Abbe had received much consideration and that the former Executive had done their best with it—still, the impression on his (Mr. McLeod's) mind had been, that Mr. Abbe had made the seizures without orders.

Mr. TAYLOR did not fully understand the object; but from what he had learned of it he thought the claim; just one, and there should be no hesitation in receiving the Petition although there might not be an exact analogy between the cases. Both the Petitions were before the House, and they should be treated alike.

Mr. HILL would be willing to let the Petition go to a select Committee. The case of Mr. Carruthers had come before the House, as he (Mr. H.) was informed, on account of the conflicting claims of two parties—one of them having a stronger degree of Executive power than the other, which naturally drew the latter to the House of Assembly. (A laugh.) It had been objected, that Mr. Abbe's claims should not be allowed, because he had not proceeded to sell the timber—(here the hon. member, read extracts from a correspondence to prove that Mr. Abbe was ordered not to sell the timber.) The seizures were, however, made, and afterwards the Government issued the licences, but in the mean time, Mr. Abbe had incurred great expenses; and in making his representations on this subject, surely the Executive could not misunderstand him.

Some further observations were made on this subject; Mr. Taylor patting the question whether Mr. Abbe had seized any more timber than that covered by the licences; and on a negative answer being received, the discussion was closed, by referring it to a select committee.

Here the House went in supply, and several smart debates took place, the prominent one being on a motion bro't by Mr. Gilbert for a grant to assist in building a wharf on the river St. John in the Parish of Hampton. The motion miscarried on a division of 19—8. In the next place, the grant for £100 conceded some time ago by the House for the purpose of suppressing the small pox in the County of Westmorland, came up in supply when a short debate took place upon Mr. Gilbert opposing it, if not allowed (by way of remission) to the Province generally.

Mr. PARTLOW said he thought it almost unnecessary to make any reply—the affair was well understood already—the question had been asked whether any objection would be brought to the grant, and not the least sign of hostility had been manifested—how then could the opposition come on now?

Hon. Mr. HAZEN was astonished at the observations made by the hon. members from Queen's. How could he raise an objection now, after the understanding—so perfectly understood—which existed on that subject?

Mr. GILBERT said he did not perfectly comprehend the question; but even now he would not be willing to vote away so much money, unless it were to be applied generally for the benefit of the Province.

Hon. SPEAKER said that when he put the question the other day, he had looked explicitly towards the hon. member from Queen's, knowing him to be the only one in the House who would oppose his grant, and that gentleman was silent—how then could he now say a single word hostile to a grant, the propriety of which he had then virtually acknowledged?

Mr. GILBERT was thankful for the hon. Speaker's good opinion—but he could never on any account neglect the performance of what he conceived to be his duty.

WEDNESDAY, February 25.  
ROMAN CATHOLIC BISHOP BILL.

On motion of Mr. END, the House went into Committee of the whole on a Bill to incorporate the Roman Catholic Bishop of New Brunswick.

Mr. TAYLOR in the Chair.

Mr. END rose and said that the Bill which he had now the honour to introduce, was intended for the purpose of placing the Roman Catholic Church in this Province, on an equal footing with the other Religious Communities, in respect to the powers of holding Churches, Churchyards, Houses and Lands, belonging to that Church, in perpetuity the legal title in these Churches, Churchyards, Houses and Lands were now held by Trustees—a mode of holding such property which was not only very inconvenient, but very dangerous—inasmuch as requiring a constant succession of deeds from Trustee to Trustee, whenever the former might feel disposed to surrender his trust, and dangerous to the property of the holder, although a mere Trustee—for instance subjecting such property to the claims of the widows and heirs of those Trustees who might die without assigning their trust—and he would add, rendering their property liable to the private debts of the Trustees. This defective state of title had long even felt by other denominations of Christians, and the Legislature had readily remedied them by passing acts of Incorporation whereby the property descended in legal perpetuity without any difficulty—and he (Mr. E.) felt that, in these enlightened times, the Legislature would not be backward in remedying the same in the case of the Roman Catholic people of this Province.

It was by no means his (Mr. E.'s) wish to cast any reflections on the signers of the one petition, or to indulge in any undue laudation of the others. He was willing to take them up as they lay, and he found signatures of seven thousand in favour of the Bill, and merely one hundred and ten against it, and he would ask the Committee if they would refuse to pass a Bill because there appeared to be some dissenting names, or whether they would consider the small number of 110 petitioning against the Bill was the best evidence of its goodness, for the Committee would remember that the Bill had been published repeatedly in the Royal Gazette, during the last summer, and that every person in the Province was made fully aware of its provisions. Indeed for some reason which he (Mr. E.) could not fathom, probably no measure had ever been so thoroughly published as this—and after all—it had produced a dissenting petition bearing the mighty phalanx of 110 signatures! His (Mr. E.'s) friend the hon. member from the County of St. John was very anxious to hear this dissenting petition read. If that hon. member would read the petition, he would find that its objections were aimed at the *power of sale*, a clause which did not now exist in the Bill. He (Mr. E.) thought the objections should be disregarded, the measure was one of common justice, the principle had been twice solemnly approved of by the House, when they passed the Bill of the last year, and that which he (Mr. E.) introduced three years ago, both the Bills had been lost in the Legislative Council, on the grounds of their being no petitions in favour of the measure, that deficiency was now supplied. He (Mr. E.) was prepared to sustain the Bill now under consideration, and he trusted, to be able to meet any objection to be urged against it. He would therefore move that it be read section by section.

Hon. Mr. HAZEN introduced an amendment to the 6th section of the Bill of which he had given notice on a previous day, by adding, in the 6th section which reserves the rights of certain persons (the rights of Church Wardens, Auditors and Pewholders in any Catholic Church in the Province. We were not in the House when the hon. gentleman rose; we understood that he stated that he was prepared to support, and had supported this Session and the last, the general provision of the Bill which he contended the Catholics of the Province were justly entitled to, to enable them to hold the Church Lands and secured to them as was the case with other denominations. He had been of this opinion last year and saw no cause to change it. But among his constituents of that persuasion, differences existed as to the details of the Bill and knowing those differences he was found from the petitions that Church Wardens and Auditors of Accounts, and Pewholders did exist in different parts of the Province; and he saw no reason that

their rights, whatever they might be, should not be secured in this Section: if they had no right, no difficulty could arise. He had submitted his amendment to the Learned Member who had introduced the Bill; and told him he would persist in it. He had refused to meet it, and it was understood the Bishop would not consent to it, and it was said would not take the Bill subject to it. He (Mr. H.) had no desire to destroy the Bill: such was not his object, which was to preserve to those persons their rights, whatever they might be. As he thought the Petition from St. John presented by his Colleague Mr. Partlow, was entitled to consideration, he was doing but his duty, and justice as far as was in his power, by seeking to uphold the rights of the petitioners as they now existed. He would divide the House on the Amendment; and whatever might be the result, he would not be sorry to see the Bill pass, and that gentleman to take to the Bill subject to it. He (Mr. H.) had no desire to destroy the Bill: such was not his object, which was to preserve to those persons their rights, whatever they might be. As he thought the Petition from St. John presented by his Colleague Mr. Partlow, was entitled to consideration, he was doing but his duty, and justice as far as was in his power, by seeking to uphold the rights of the petitioners as they now existed. He would divide the House on the Amendment; and whatever might be the result, he would not be sorry to see the Bill pass, and that gentleman to take to the Bill subject to it.

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It was a painful task for members of the Legislature to perform, called upon as they were to divide upon the conflicting claims of interested parties in religious matters. The hon. member of the Bill assumed it must pass because it had passed this House twice before, but the Committee would recollect there were no petitions against it and therefore concluded the whole of the Roman Catholic population was satisfied, but the Bill having been postponed in another branch of the Legislature until this Session and being published in the mean time in the Royal Gazette and the provisions of the Bill known, the result was the counter petition was now before the House. The hon. member also thought it should pass because there were numerous signed petitions in its favour, and he (Mr. E.) was willing to show their prayer to its fullest extent for as they were concerned, but at the same time he thought the other petition although not so numerous signed was equally respectable and being deeply interested, had a right to be favourably considered by this Committee. Most of them were pew-holders had assisted in building the Church in St. John, had property in vest in it and did not think this House had power to invade private rights to invest the management of their affairs, for them to place it in the hands of other persons, and that against their expressed wish: as well might they pass an Act to deprive them of the control of their Lands or Houses; and as to the petitioners in favour of the Bill, he (

