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

From 28th January to 31st March, 1840.
Being the Fourth Session of the Twelfth General Assembly.



FREDERICTON, NEW BRUNSWICK:
JOHN SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1840.



By His Excellency Major General Sir JOHN HARVEY, K. C. B.
and K. C. H. Lieutenant Governor and Commander in Chief of
the Province of New Brunswick, &c. &c. &c.

J. HARVEY, Lt. Governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to the third Tuesday in December instant; I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Tuesday the twenty eighth day of January next, then to meet at Fredericton for the dispatch of business.

Given under my Hand and Seal, at Fredericton, the fifth day of December, in the year of our Lord one thousand eight hundred and thirty nine, and in the third year of Her Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.

JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF THE
Province of New Brunswick.

FOURTH SESSION OF THE TWELFTH GENERAL ASSEMBLY.
ANNO TERTIO VICTORIÆ REGINÆ.

His Excellency Major General Sir John Harvey, K. C. B. and K. C. H.
Lieutenant Governor and Commander in Chief.

At Fredericton, in the Province of New Brunswick.

LEGISLATIVE COUNCIL CHAMBER, Tuesday, 28th January, 1840.

The General Assembly having been by a Proclamation prorogued to this day,
the House met,—

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore.

Mr. Baillie.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Robertson.

PRAYERS.

The House was adjourned during pleasure.

After some time the House resumed.

At two o'clock His Excellency Major General Sir John Harvey, Knight Commander of the Most Honorable Military Order of the Bath, and Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief of the Province, came to the Council Chamber, and being seated in the Chair on the Throne, The Honorable the President commanded the Gentleman Usher of the Black Rod to let the Assembly know: "It is His Excellency's pleasure that they attend him immediately in this House."

Who being come, with their Speaker,

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

"Mr.

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

“ **W**HEN I reflect upon the many unequivocal manifestations on the part of the Inhabitants of this loyal Province,—of their anxious desire and firm determination to remain in indissoluble connexion with that Glorious Country, “ our Parent State,” under the shadow of whose protecting Power they feel themselves in the enjoyment of a degree of Rational Liberty which has probably never been attained under any other than British Institutions,—it is with, if possible, an increased degree of Pride and Satisfaction, that I again meet you in Provincial Parliament for the purpose of co-operating with you, as the Representative of a Gracious and beloved Sovereign, to whom the Happiness and Prosperity of all Classes of Her Subjects are dear, in the consideration and adoption of such Measures, as may, in our concurrent judgment, tend to increase that Happiness—to promote that Prosperity—and to call forth the varied Resources of this highly favoured Portion of Her Majesty’s Dominions.

“ Upon the actual condition of the Province, I rejoice in being enabled to offer you my hearty congratulations ;—Its Trade and consequently its Revenues and Financial Affairs are flourishing beyond any former Period. The unavoidable increase in the expenditure of the past year, owing to the Proceedings of a Neighbouring State, has been happily met by a corresponding increase of the Revenue ; accordingly I have the satisfaction of informing you that every demand upon the Provincial Treasury, arising out of the Emergency to which I have adverted, has been fully met, under your appropriation, by the *Surplus* Revenue of the Current year, without imposing upon me the necessity of disturbing those for other Services. The product of the Harvest though not perhaps quite equalling the sanguine expectations which were at one time entertained, has yet been such as to leave our valuable Agricultural Interests without any reasonable ground of complaint,—in a word, there is nothing in the internal condition of the Province to cause regret, nor any thing in its external Relations to excite uneasiness or alarm.

“ I now proceed to advert to the ordinary business of the Session, and I know not that I can do this better than by recalling to your consideration some of the Topics referred to in my Address to you at our last Annual Meeting,—adding such observations as change of circumstances may appear to render necessary or expedient.

“ With regard to the “ Great Roads,” my impression remains unchanged as to the advantage of committing the care and superintendence of them, if only as an experimental measure, to Salaried Officers, appointed by and responsible to the Executive Government, as the best mode which has occurred, or has been suggested to me, of ensuring uniformity in the System of their Construction and repair, as well as Economy in the outlay connected with this very important branch of the Public expenditure: With regard to that leading to Lower Canada, I invite your attention to the Report from the Supervisor which will be laid before you, and by which you will, I trust, find that the sum which your liberality placed at my disposal for the improvement of that very important Line of Communication, has been usefully and judiciously expended, and the views and recommendations of Her Majesty’s Government, with reference to the proposed improved Post Communication between England, Halifax and Quebec, so far carried out:—A further appropriation will, however, be requisite for the comple-

tion of this Road, as well as in aid of the passage of the Mails across the Bay of Fundy—which I accordingly recommend to your favourable attention.

“With reference to the “Coast and Harbour Fisheries,” I have received from the zealous and intelligent Naval Officers, who have been lately employed in their protection, several valuable practical suggestions, which shall be communicated to you, and I rely upon your extending to this valuable branch of the Provincial Resources, all due encouragement and Protection.

“A Despatch from Her Majesty’s Colonial Secretary of State will be communicated to you, upon the subject of an Exploration, by a properly qualified Civil Engineer, of the best Line for a Canal to connect the Bay of Fundy with the Gulph of Saint Lawrence. On the subject of the Expense which may attend this Exploration, I am ready to communicate with His Excellency the Governor General and the Lieutenant Governors of the Sister Provinces, should such be your wish.

“The Representations which have reached me from the Sheriffs, as well as the Inmates of some of the Prisons of the Province, have induced me to institute Enquiry, which has satisfied me that their improvement, as well as that of the condition of the incarcerated Debtor, calls for the interposition of a humane Legislature—Documents connected with these views will be laid before you.

“Persuaded as I am, and as is the Queen’s Government, that in no part of Her Majesty’s North American Colonies are the Interests of the Aboriginal Inhabitants of the Country more humanely attended to than in New Brunswick, it is only necessary for me to remind you, that the present Season has been hitherto adverse to their Pursuits and to recommend them to your Compassionate Protection.

“I feel that I ought not to refrain from again inviting your attention to those Interests upon which the ultimate Prosperity of New Brunswick appear to me to depend, in a far higher degree than either upon its Timber or Mineral Treasures, valuable and apparently exhaustless as are the latter—I refer to those of Agriculture;—of the most proper mode of giving encouragement to these Interests, you will yourselves be the fittest judges.

“As intimately connected with this subject, I would request your attention to a Communication which has been addressed to me by an Association composed of Individuals of high station, wealth and influence, called the “North American Colonial Association of Ireland” (and of London), who profess themselves desirous of acquiring Land in this Loyal Province, and of co-operating with its Legislature and its Government in the introduction into it of a valuable Class of Settlers, under fixed and well considered Regulations, and upon receiving from the Province such reasonable aid and encouragement as it may be disposed to offer in promotion of this most important object. The high price of labour, owing to the insufficiency of its labouring Population, which prevails throughout the Province, is confessedly cramping the enterprise and exertions, and otherwise operating most injuriously upon its Commercial and Agricultural Interests, and this consideration would alone appear to me to offer sufficient inducement for entertaining a proposition which I understand to go to the extent of ensuring a regular and adequate supply of that valuable Class of our fellow Subjects, to whom encouragement and assistance is proposed to be given to enable them, whenever so inclined, to settle upon Lands of good quality, to be previously selected and purchased by the Association for that purpose. I cannot too strongly recommend this Proposition, and the subject of

“Immigration,”

“Immigration” generally, to your serious and favorable attention, under the conviction which I feel that by no other measure can the Prosperity of the Province be more certainly and rapidly advanced, than by the judicious outlay of capital in the introduction of a respectable Class of Emigrants.

“I have deemed it to consist with my Duty to the Province to cause several of our Frontier Battalions of Militia to receive a certain degree of Training, during the past Summer, which has been done in a manner highly creditable to the Officer whom I selected for the performance of this useful service.—Five Thousand of our Militia have had the benefit of this Training—and I rely upon your liberality to enable me to continue a System of Instruction which, while it affords satisfaction and confidence to the Militia themselves, has the effect of greatly increasing the efficiency of that loyal, brave and Constitutional force,—for a limited number of which I have also felt it proper to cause Provision to be made of suitable Uniform Clothing of good quality, in order, in the event of any Emergency occurring, to guard against the inconvenience and suffering to which some of them were exposed during the last Winter.

“There are other matters upon which I will communicate with you by Message.

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

“I have given directions for full and detailed Accounts of all Receipts of the Public Revenues, as well as of the Expenditure under the Acts of Appropriation and otherwise, to be laid before you, and I rely with unabated confidence upon your disposition to make all due Provision for the Exigencies and probable Contingencies of the Public Service during the ensuing year.

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

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

“I will not conclude this Address without expressing to you the confident expectation which I entertain that the result of the exploration of certain parts of the Disputed Territory which has been recently made by Commissioners, appointed by Her Majesty for that purpose, will enable Her Majesty’s Government to advance such propositions to that of the United States, as the Basis of the settlement of the momentous question involved, as must lead to its early, amicable and final adjustment. In the mean time I would express my hope that sentiments of moderation and forbearance may prevail on either side.”

Which being ended,

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

The Honorable the President reported His Excellency’s Speech.

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

ORDERED, That the Honorable Messrs. Chandler and Robertson be appointed a Committee for this purpose.

ORDERED, That the Journals of the House be printed daily, and that two hundred copies thereof be furnished.

Adjourned until To-morrow at 12 o’clock.

WEDNESDAY,

WEDNESDAY, 29th. January, 1840.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.**Mr. Shore.**Mr. Boxford.**Mr. Lee.**Mr. Robertson.**Mr. Saunders.**Mr. Attorney General.**Mr. Chandler.*

PRAYERS.

The Honorable Mr. Chandler, 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, they 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 JOHN HARVEY, Knight Commander of the Most Honorable Military Order of the Bath, and Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

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

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council in General Assembly, beg leave to express to Your Excellency our best thanks for Your Excellency's Speech at the opening of the present Session.

We rejoice to learn from Your Excellency that the Revenues and Financial Affairs of the Province are flourishing beyond any former period, and that the increased and unavoidable expenditure, caused by a recent emergency, has been fully met by the increased Revenue of the current year.

While offering the assurance of our gratitude for the happy internal condition of the Province, we desire to express the great satisfaction with which we receive Your Excellency's assurance, that there is nothing in its external relations to cause uneasiness or alarm.

We are fully impressed with the importance of the subject of *Great Roads*, especially the proposed improved Post Communication between Halifax and Quebec, and

and we assure Your Excellency that we shall not fail to give our earnest attention to the Report of the Supervisor of that Road which Your Excellency has been pleased to say shall be laid before us, and we shall cheerfully concur in any further appropriation which may be required for the completion of this Road, as well as in aid of the passage of the Mails across the Bay of Fundy.

We thank Your Excellency for the assurance that information shall be communicated to us upon the subject of our *Coast and Harbour Fisheries*, and Your Excellency may be assured that any measure calculated for the protection and encouragement of this important branch of the resources of the Province, will receive our cordial concurrence.

We desire to express our satisfaction for the information that the subject of the Canal to connect the waters of the Bay of Fundy with those of the Gulph of Saint Lawrence, has engaged the attention of Her Majesty's Government, and we thank Your Excellency for the assurance that the Despatch from Her Majesty's Colonial Secretary of State upon the subject of an Exploration, by a properly qualified Civil Engineer, of the best line for this Canal, shall be laid before us. Viewing this undertaking as of great National importance, we confidently anticipate that the neighbouring Provinces, aided by the Home Government, will cheerfully contribute towards the expense of such Survey and Exploration.

We duly appreciate the humane consideration which induced Your Excellency to institute enquiries into the state of the Prisons of the Province, and fully agreeing with Your Excellency that the subject calls for the interposition of the Legislature, we shall not fail seriously to deliberate upon any provisions which may be proposed for their improvement.

We regret that the present season has hitherto been adverse to the pursuits of the Aboriginal Inhabitants of the Province, and we feel the propriety of still extending to them the compassionate protection of the Legislature.

We are fully sensible of the paramount importance of affording every protection and encouragement to the Agriculture of the Province, and we beg to express our full concurrence in the opinion so often impressed upon us by Your Excellency, that the permanent prosperity of the Province depends in a much greater degree on the success of its Agriculture than upon either its Timber or its Mineral resources.

Connected with these views we shall not fail to give every attention to the subject of *Immigration*, as brought under our notice by Your Excellency; convinced as we are that the introduction into the Province of a respectable class of emigrants from the Mother Country will tend more than any other measure, rapidly to advance its best interests.

We are happy to learn from Your Excellency that the Training of several Frontier Battalions of Militia during the last Summer, has been conducted with so much success, and we shall cheerfully co-operate in any measure having for its object the discipline and efficiency of that Loyal and Constitutional Force.

We beg leave to express the gratification which we feel at the announcement of Your Excellency's confident expectation that the recent Exploration of certain parts of the Disputed Territory will enable Her Majesty's Government to advance such propositions to that of the United States as must lead to an early, amicable and final adjustment of this momentous question; meanwhile we participate in the hope expressed

pressed by Your Excellency, that on this subject sentiments of moderation and forbearance may prevail on either side.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 30th January, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore.

Mr. Baillie.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Robertson.

PRAYERS.

The Honorable Mr. Chandler, from the Committee appointed to wait upon His Excellency the Lieutenant Governor to ascertain when this House would be received with their Address in answer to His Excellency's Speech at the opening of the Session, reported, that they had done so, and His Excellency was pleased to say he would receive the Address this day, at half past one o'clock.

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

A Petition from W. H. Street, of Saint John, praying a return of Duties upon three hogsheads of Brandy shipped by him for Nova Scotia in December last:

A Petition from Daniel Scovil and Robert Summers, praying for a return of head money paid for Passengers on board the Barque Branches, from Dublin, in June last:

A Petition from Joseph Baxter, praying remuneration for services performed by him as Provincial Tide Waiter in the District of West Isles, from the 1st November, 1832, to 17th April, 1833, for reasons set out in the Petition:

A Petition from Francis M'Dermott, manufacturer of Looking Glasses and Picture Frames, praying for Legislative encouragement:

A Petition from John Marshall, praying a return of Head money paid by him for Passengers brought from Londonderry in the Brig Highlander, in the year 1836: and

A Petition from Benjamin Dawson, of Bathurst, praying for remuneration for services performed by him as Provincial Tide Waiter at the Port of Bathurst, in the year 1833.

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

At half past one o'clock the House proceeded to the Government House with their Address, and having returned,

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

Mr.

“Mr. President and Honorable Gentlemen,

“I receive your Address with great satisfaction, conveying as it does the most gratifying pledge of your willing and hearty co-operation with me and the other Branch of the Legislature, in perfecting such measures as may tend to advance the prosperity of this loyal and thriving Province.”

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 31st January, 1840.

PRESENT.

THE HON.

*Mr. Shore.
Mr. Botsford.
Mr. Chandler.*

*Mr. Saunders.
Mr. Attorney General.*

The Honorable Mr. Shore sat President.

PRAYERS.

There not being eight Members present, the House adjourned until Monday next at 12 o'clock.

MONDAY, 3rd February, 1840.

PRESENT.

THE HON.

*Mr. Baillie.
Mr. Attorney General.*

*Mr. Botsford.
Mr. Chandler.*

The Hon. Mr. Baillie sat President.

PRAYERS.

There not being eight Members present, the House adjourned until To-morrow at 12 o'clock.

TUESDAY, 4th February, 1840.

PRESENT.

THE HON.

*Mr. Shore.
Mr. Botsford.
Mr. Chandler.*

*Mr. Saunders.
Mr. Attorney General.*

The Hon. Mr. Shore sat President.

PRAYERS.

There not being eight Members present, the House adjourned until To-morrow at 12 o'clock.

WEDNESDAY

WEDNESDAY, 5th. February, 1840.

PRESENT.

THE HON.

Mr. Shore.
Mr. Robinson.
Mr. Botsford.
Mr. Lee.

Mr. Baillie.
Mr. Saunders.
Mr. Attorney General.
Mr. Chandler.

The Hon. Mr. Shore sat President.

PRAYERS.

The Honorable Mr. Botsford, by direction of His Excellency the Lieutenant Governor, lays before the House copies of certain Despatches and Documents, which were read by the Clerk as follows:—

TENURE OF PUBLIC OFFICES.

Downing Street, 16th October, 1839.

SIR,

I am desirous of directing your attention to the tenure on which public offices in the gift of the Crown appear to be held throughout the British Colonies. I find that the Governor himself, and every person serving under him, are appointed during the Royal pleasure, but with this important difference: The Governor's Commission is in fact revoked whenever the interests of the public service are supposed to require such a change in the Administration of local affairs. But the Commissions of all other public officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that during the present or the two last Reigns, a single instance has occurred of a change in the subordinate Colonial officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice which formerly prevailed of selecting all the higher class of Colonial Functionaries from persons who, at the time of their appointment, were resident in this country; and amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least considerable, that except on those terms, they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the Colonies persons resident there, has taken away the strongest motive which could thus be alleged in favor of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the Province of New Brunswick.

You will understand, and cause it to be made generally known, that hereafter the tenure of Colonial offices held during Her Majesty's pleasure will not be regarded as equivalent to a tenure during good behaviour, but that not only such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the Governor will be considered as a sufficient reason for any alterations which his Successor may deem it expedient to make in the list of public Functionaries, subject of course to the future confirmation of the Sovereign.

These remarks do not extend to Judicial offices, nor are they meant to apply to places which are altogether Ministerial, and which do not devolve upon the holders of them duties, in the right discharge of which the character or policy of the Government are directly involved. They are intended to apply rather to the Heads of Departments than to persons serving as Clerks, or in similar capacities under them. Neither do they extend to officers in the services of the Lords Commissioners of the Treasury. The Functionaries who will be chiefly, though not exclusively affected by them, are the Colonial Secretary, the Treasurer or Receiver General, the Surveyor General, the Attorney and Solicitor General, the Sheriff or Provost Marshall, and other officers who, under different designa-

tions from these, are entrusted with the same or similar duties. To this list must be also added the Members of the Council, especially in those Colonies in which the Legislative and Executive Councils are distinct Bodies.

The application of these rules to officers to be hereafter appointed, will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shewn for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained, in practice as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disappointment, even by pecuniary grants, when it may appear unjust to dispense with their services without such an indemnity.

I have the honor, &c.

(Signed)

J. RUSSELL.

Major General Sir JOHN HARVEY, K. C. B. and K. C. H. &c. &c. &c.

STEAM COMMUNICATION AND MAIL ROUTE FROM HALIFAX TO QUEBEC.

Downing Street, 4th May, 1839.

SIR,

With reference to my predecessor's Circular Despatch of 24th October last, I have the honor to transmit herewith for your information, an Extract of a Letter from the Secretary to the Lords Commissioners of the Treasury, stating the arrangements which have been made by their Lordships for establishing Steam Communication between Great Britain and British North America.

I also enclose an Extract of a Report, addressed to the Post Master General by the Deputy Post Master General at Quebec, on the subject of the route by which the Mail may be most conveniently carried from Halifax to Quebec. On this point I do not feel competent to express any decided opinion, more especially, as I have not before me any late report on the state of the Metis Road, but I request you to take the subject into your early consideration, and to report to me your opinion as to the route which it would be most advisable to select for the conveyance of the Mail, not only with reference to rapidity of communication, but with reference to security in the event of collision between this country and the United States.

I have, &c.

(Signed)

NORMANBY.

Major General Sir JOHN HARVEY, &c. &c. &c.

“ With reference to your Letter of the 3d instant, and its enclosure from Sir John Harvey, urging the importance of establishing a Steam Communication between this Country and British North America, at the earliest possible moment; and to the correspondence which has previously taken place on the subject of Steam Communication with Halifax, I have it in command from the Lords Commissioners of Her Majesty's Treasury, to request you will state to the Marquis of Normanby, that my Lords have not failed to use their earnest efforts to carry the views expressed in their former communications into effect.

“ In furtherance of this object, the Lords of the Admiralty, in communication with this Board, advertised for tenders, but no offer was made on conditions which answered the advertisement, or which my Lords considered it would be satisfactory to accept.

“ Subsequently, however, my Lords have been able to conclude an arrangement, by which a communication by Steam twice every month will be effected, and they have every reason to believe this arrangement will be carried into effect in June, 1840.

“ With reference to this point, my Lords herewith transmit copy of a Letter, dated 12th instant, from the Board of Admiralty, which will furnish Lord Normanby with the detailed information.

“ Their Lordships would further add, that they have directed a considerable reduction to be made in the Packet rate of Postage on Letters from and to the British Colonies in North America, which has already come into operation.

“ These

“These arrangements, my Lords trust, will carry into effect the expectations held out by them in their former communications. But much of the benefit to be derived therefrom will depend upon the efforts made in the Colonial possessions of Her Majesty in improving the Roads, and their Lordships cannot too earnestly press this subject upon Lord Normanby’s attention.”

“Admiralty, 12th April, 1839.

“SIR,

“With reference to your Letter of the 27th February last, respecting the conveyance of the Mails in Steam Vessels, by Contract, between this country and the North American Colonies, I am commanded by my Lords Commissioners of the Admiralty, to acquaint you for the information of the Lords Commissioners of Her Majesty’s Treasury, that my Lords have concluded an agreement with Mr. Cunard for the conveyance of the Mails, &c., twice in each Calendar month, between Liverpool and Halifax, (Nova Scotia,) and between the latter place and Boston, United States, and also, between Pictou, New Brunswick, and Quebec, as long as the Saint Lawrence is open, for the sum sanctioned by the Lords of the Treasury, viz. £55,000, in Vessels of not less than 300 Horses Power, for the trans-Atlantic passage, and not less than 150 Horses Power for the other passages. The service to commence 1st June, 1840, or sooner, if possible.

“I am, &c.

(Signed)

“JOHN BARROW.”

To F. BARING, Esq. &c. &c. &c.

“The route from Quebec to Halifax at present travelled, after leaving the River Saint Lawrence at Saint André, 108 miles below Quebec, passes for about 100 miles through the Territory in dispute between our Government and that of the United States. The greater part of this route is undeserving the name of a Road. It comprises precipitous mountains, forests and swamps, over and through which, at certain periods of the year, the unfortunate Couriers have to convey the Mail bags on their backs, no other mode of conveyance being practicable; and I will leave you, Sir, to fancy the toil and misery which must attend the transport of fifteen or sixteen hundred pounds weight of Mails (for an English Mail now amounts to this enormous weight,) through such a wilderness. This line of communication, as already observed, passes through a portion of the Territory in dispute between Great Britain and the United States, and on this account Her Majesty’s Government may not deem it advisable to incur a heavy expense in improving it. It is, nevertheless, the natural channel to New Brunswick and Nova Scotia, for it leads through the heart of the former Province, taking in Fredericton the seat of Government. Should it become absolutely necessary to adopt another route, there is only one choice, and that is the neglected road partially opened by His Excellency Sir James Kempt, which leaving the Saint Lawrence at Metis, 207 miles below Quebec, strikes the Restigouche River near the village of Campbelltown, New Brunswick, and bears the name of the Metis or Kempt Road. This road was never completed, and is now almost filled up by a secondary growth of trees, and is, consequently, in such a state as to be barely practicable for a foot post, which I established some years ago, and which now travels weekly. The distance from the Saint Lawrence to the Settlements on the Restigouche, by this route, is about 95 miles. It will cost from £15,000 to £18,000, judiciously laid out, to make this a good carriage road. After reaching Dalhousie on the Restigouche, the roads become better and continue so along the shore of the Gulf of Saint Lawrence, and thence to Halifax. The journey from Quebec to Halifax, by this route, (after the Metis Road is improved) may be accomplished in from seven to eight days; but then it must be recollected that Fredericton is left out, and that that City can only be communicated with by a lateral route from Miramichi, a distance of about 100 miles. As a preliminary step to a thorough amelioration of the Post to Halifax, it will be for the Government to decide which of the two roads, the Penniscouta or the Metis is to be permanently improved. The advantage of the Metis Road is, that it runs through a territory not as yet disputed by the United States, and free from every risk of hostile interruption from the Americans, unless they can overrun the whole of New Brunswick. In a Military point of view this road is especially deserving the support of Government, (whether the Penniscouta is abandoned or not,) because supplies of Troops and Arms may be brought up the Restigouche by water from Halifax to within

300 miles of Quebec, at periods when the River Saint Lawrence is not practicable. I beg leave here to refer to a Communication from me to you, dated 25th August last, covering copy of a Memorial to the Governor General, which details at some length my views on the Post Roads to Halifax.

“Whichever of the two Roads Her Majesty’s Government may permanently improve, the Mails may be carried through in from 7 to 7½ days, probably 7. I would not undertake to pledge myself to a shorter course of Post than seven days. A light express with a small Valise of Letters may, under very favorable circumstances, get through in six days, or six days and a half. It has already once been accomplished in six days on good winter roads, but it is a very different thing travelling light to conveying a Mail weighing a thousand or fifteen hundred pounds.”

SURVEY OF A CANAL FROM THE BAY OF FUNDY TO THE GULPH OF SAINT LAWRENCE.

Downing Street, 31st October, 1839.

SIR,

I have to acknowledge the receipt of your Despatch No. 62, of the 11th ultimo, transmitting a Petition to the Queen from the Chamber of Commerce at Saint John, in which they pray that Her Majesty would be pleased to direct a Survey to be made by some scientific person duly qualified for the purpose of ascertaining the most eligible line for a Canal to connect the waters of the Bay of Fundy with those of the Gulf of Saint Lawrence on the Eastern shore of New Brunswick.

In reply, I have to observe, that as I should not wish to recommend the Lords Commissioners of Her Majesty’s Treasury to defray the expense which would attend this Survey, from the Revenues of this Country, it is necessary in the first place that it should be ascertained that there is some local source from which it can be secured. If the House of Assembly of New Brunswick singly, or the Provinces which may be supposed to be mutually interested in such a work, jointly, will make or guarantee a provision for the remuneration of the person to whom the Survey would be entrusted, I shall be happy to do every thing in my power to secure the services of some one for the work, thoroughly conversant with the science of Civil Engineering. You will therefore take such measures as may appear to you most convenient, for ascertaining this point, by communicating in the first place with the Chamber of Commerce at Saint John, and if it should be necessary, with the House of Assembly of New Brunswick, and the authorities of the other Provinces.

I have the honor, &c.

(Signed)

J. RUSSELL.

Major General Sir JOHN HARVEY, K. C. B. &c. &c. &c.

Downing Street, 14th September, 1839.

SIR,

I transmit herewith, for your information, a copy of a Letter from Mr. Charles Hare, containing his remarks on the subject of a Canal which it is proposed to cut between the Bay of Fundy and the River Saint Lawrence.

I have the honor, &c.

(Signed)

J. RUSSELL.

Major General Sir J. HARVEY, K. C. B. &c. &c. &c.

36 Arundel Street, Strand, 11th September, 1839.

The Port of Shediac, on the east side of the Province of New Brunswick, possesses most favorable advantages and facilities for establishing a depot and communication from thence to the Bay of Fundy for Sailing Vessels and Steam Ditto, not exceeding 16 feet water, as 18½ feet is to be obtained across the Bar and up to the Point of Le Chene, from which place a Wharf is to be built, the Province Government having already allotted money for that purpose.

A Canal is in contemplation to be cut, but from what part of the head of the Bay of Fundy is not yet determined. By the way of Dorchester Island, at the entrance of the Memramcook River, is decidedly the most eligible, as I am assured beyond doubts that 12 feet can be brought to the entrance to that River at low water, and consequently little or no delay created by waiting for tide. Moreover, that River can easily be dam’d a little way above its entrance at little expense, the soil being strong

strong brown clay and quite level, with a rise of 50 feet of water. Another point of great importance is, that that River is not backed by any heavy River or rear water, it is consequently slow and easy in its rise and fall;—all the other approaches by the Peticodiac or Cumberland Basin run at a furious rate and would be attended with great risk and danger and probably delay.

When this Canal is cut a distance not exceeding 16 or 18 miles, Steamboats will be enabled to effect a passage from the Wharfs in Saint John to Quebec in 56 or 60 hours, according to the weather and season.

The foregoing are the opinions of Lieut. C. Hare, who, in the summer of 1838, walked over all the ground and surveyed the Harbour of Shediac; in fact whatever private interest may induce the extensive Land Proprietors to use their influence with the Government (and no doubt cause delay) in its completion, he begs to say that he is totally unconnected and disinterested with all Land and Party, that and that alone, is the only safe and proper route to proceed in.

(Signed)

C. HARE.

REMISSION OF DUTIES ON MILITARY EQUIPMENTS FOR MILITIA.

Downing Street, 22d July, 1839.

SIR,

I have the honor to transmit to you, for your information, the enclosed copy of a Correspondence which has passed between the Under Secretary of State and the Secretary to the Treasury, on the subject of the remission of the Export Duty on certain Military Equipments supplied by Messrs. Hayter and Howell, for local corps in New Brunswick.

I have the honor to be, &c.

(Signed)

NORMANBY

Major General Sir JOHN HARVEY, K. C. B. &c. &c. &c.

[See Appendix, No. 1.]

FISHERIES, LIGHT HOUSES, &c.

[See Appendix, No. 2.]

REPORT ON CANADA LINE OF ROAD.

[See Appendix, No. 3.]

MILITIA TRAINING.

[See Appendix, No. 4.]

NORTH AMERICAN COLONIAL ASSOCIATION OF IRELAND.

[See Appendix, No. 5.]

ORDERED, That the said Despatches and Documents do lie on the Table.

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

A Petition from John Alexander, for himself and Alfred Randall and Samuel Curtis, praying a lease to them of all the Mines and Minerals in the Parish of Dorchester, in the County of Westmorland, upon terms stated in their Petition:

A Petition from Frances Jemima Earles, praying an allowance for teaching a School in the County of Carleton; and

A Petition from David Kilpatrick, of the same County, with a similar prayer.

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

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

A Petition from James Millar, of Chatham, in Northumberland, praying an allowance for teaching a School from October, 1833, to March, 1838; and

A Petition from the Justices of the Peace of King's County, praying that certain expenses incurred by them on prosecutions recently investigated under a Special Commission of Oyer and Terminer may be repaid to them.

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

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

A Bill to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte;" and

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

The said Bills were severally read a first time.

ORDERED, That they stand for a second reading to-morrow.

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

A Bill to continue the Act imposing a duty on Rum and other Liquors distilled within the Province:

A Bill to continue the Act for prohibiting and suppressing of Lotteries in this Province; and

A Bill to continue the Act to provide for the payment of interest on Warrants.

The said Bills were severally read a first time.

ORDERED, That they stand for a second reading to-morrow.

A Message was brought from the Assembly, by Mr. Barberie, with a Bill to continue an Act to prevent disorderly riding on Streets and Highways in this Province, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 6th February, 1840.

PRESENT.

THE HON.

Mr. Shore.
Mr. Botsford.
Mr. Lee.
Mr. Street.

Mr. Baillie.
Mr. Attorney General.
Mr. Chandler.
Mr. Kinnear.

The Honorable Mr. Shore sat President.

PRAYERS.

The Honorable the President informed the House that he had received from the Honorable the Secretary of the Province,

An

An Abstract shewing the state of the Bank of New Brunswick on the sixth day of January, one thousand eight hundred and forty:

Abstracts shewing the state of the Central Bank, on the first Mondays in June and December, one thousand eight hundred and thirty nine:

An Abstract shewing the state of the Saint Stephen Bank, on the first Monday in July, one thousand eight hundred and thirty nine: and

General Returns of the affairs of the Marine Assurance Company, dated the first day of July, one thousand eight hundred and thirty nine, and first day of January, one thousand eight hundred and forty.

ORDERED, That the same do lie on the Table.

Messages from His Excellency the Lieutenant Governor were delivered by the Honorable Mr. Botsford, a Member of Her Majesty's Executive Council.

The Honorable the President read the same;

And they were again read by the Clerk as follows:—

NEW BRUNSWICK.

Message to the Legislative Council,
5th February, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor informs the Council, that frequent applications have been made to him for Licences to practice Physic and Surgery, for the granting of which a previous examination is by Law required; but there is no properly constituted Board of Examiners, and in some instances the Gentlemen applied to for the purpose have declined to serve. The Lieutenant Governor therefore invites the attention of the House to this subject, and recommends that provision be made for the appointment of a Medical Board, to whom applicants for Licences may present themselves for examination, and authorizing reasonable compensation to the Members of that Board for their services.

J. H.

NEW BRUNSWICK.

Message to the Legislative Council,
4th February, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays before the Council, a copy of a Despatch from Her Majesty's Secretary of State for the Colonies, transmitting a proposition from the Directors of the Nova Scotia and New Brunswick Land Company, relative to the completion of the payments due from that Company for Lands purchased in this Province; and recommends to the consideration of the Council the making of an amicable arrangement with the Company upon that subject.

J. H.

Downing Street, 31st August, 1839.

SIR,

I transmit herewith for your information the copies of a Correspondence which has passed between this Department and the Directors of the New Brunswick Land Company, in respect to the completion of the payments due from the Company to Her Majesty's Government on account of the land purchased by them in New Brunswick.

I have to request that you will bring this correspondence under the early consideration of the House

House of Assembly, in order that they may decide whether the arrangement proposed by the Directors of the Company is such as they can approve.

I have, &c.

(Signed)

NORMANBY.

Major General Sir JOHN HARVEY, K. C. B., &c. &c. &c.

New Brunswick and Nova Scotia Land Company,

5 Copthall Court, London, 19th August, 1839.

MY LORD,

We are instructed by the Directors of the New Brunswick and Nova Scotia Land Company, to acknowledge the receipt of your Lordship's Letter, dated 15th instant, enclosing a copy of Major General Sir John Harvey's Despatch, dated 22d June, stating the result of a conference which had taken place on the 21st June, between the Agents of the Crown and those of the New Brunswick and Nova Scotia Land Company.

Having very recently received Letters from the Company's Commissioner, Captain Hayne, dated 27th June, on the same subject, the Directors are fully inclined to acknowledge that the period is arrived when the Company is bound to make provision for paying a portion of the balance due for the purchase, and arranging the dates for paying the remainder; and in stating this the Directors also admit that the period is approaching when the first portion so provided will have to be paid.

Having referred very carefully both to the contents of Sir John Harvey's Despatches, addressed to your Lordship, and to Captain Hayne's Letter of the 27th June, the Directors do not find any data as to the number of acres to be conveyed by the Crown to the Company which might enable either the Colonial Department or the Directors to calculate the Balance due from the Company to Her Majesty's Government, neither can the Directors infer from Captain Hayne's letter that the Crown Survey is yet perfectly adjusted, nor the Map completed, so as to form a component part of the Company's title.

Being, however, extremely desirous to prove that they have never supported any plea for delaying payment of the balance which was not actually connected with the incomplete state of the Crown Survey, the Directors beg leave to propose to your Lordship, that the payment of the whole sum which shall be finally ascertained to be due to Her Majesty's Government, shall be divided into four instalments, payable as follows, viz:—

£8,000 as speedily as the receipt of the payment of a call now about to be made upon the Company's Capital Stock enables the Directors to pay the amount, say on or about the 20th October next.

£8,000 the 30th September, 1840.

£8,000 the 30th September, 1841; and

the remainder as the amount may be finally adjusted, on the 1st September, 1842.

Total.

The payment of the first of these instalments to be made unconditionally, and the payment of the other instalments to be conditional on the complete adjustment of the Survey, and the details therewith connected.

The grounds upon which the Directors appeal with confidence to your Lordship for the modification in the payment of the balance by instalments, instead of at once, are, that the New Brunswick and Nova Scotia Land Company, although not bound by the conditions of the original contract to make any improvement upon their tracts of land, have expended upwards of £70,000 in roads, clearings, and settlements: that Crown Lands in the Province of New Brunswick, which at the time of the original contract were selling at five shillings per acre, are now offered for sale at two shillings and six pence and three shillings and six pence, Currency: that the state of political affairs in British North America has very materially diminished the emigration of British Subjects to these Provinces, and thus deprived the Company of any returns arising from sales of their Lands; added to which there is a very heavy existing pressure in the Money Market.

We are particularly desirous to take this occasion to apologize for an apparent want of attention on the part of the Directors, in not having duly acknowledged your Lordship's Communication, dated

17th

17th June last. It was, however, deferred at the time, because it appeared from the tenor of that Communication, that a reference from the Colonial Department to the Lieutenant Governor of New Brunswick, on the subject of the Survey, was awaiting a reply from thence; neither had the Directors received any conclusive information on the subject from the Company's Commissioner.

We have, &c.

(Signed)

J. BAINBRIDGE,
W. AGGAS.

Downing Street, 31st August, 1839.

GENTLEMEN,

I am directed by the Marquis of Normanby to acknowledge the receipt of your letter of the 19th instant, in which you propose to pay the remainder of the purchase money due on account of the Land bought by the New Brunswick Land Company of Her Majesty's Government.

In reply, I am to inform you that as the payments of the Company form a part of that Territorial Revenue which has been ceded to the local Legislature in return for a Civil List, Her Majesty's Government have no authority to relax the conditions of the original agreement in respect to the manner and rate of payment; but Lord Normanby will transmit a copy of your letter to Sir John Harvey, and will direct him to bring it under the consideration of the House of Assembly at their next meeting, in order that their opinion on the proposed arrangement may be ascertained.

I have, &c.

Pursuant to the Order of the Day, the following Bills were severally read a second time :—

A Bill to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte :"

A Bill to continue the Act for the punishment of persons who shall be guilty of the respases therein mentioned in the City of Saint John :

A Bill to continue the Act imposing a duty on Rum and other Liquors distilled within the Province :

A Bill to continue the Act for prohibiting and suppressing of Lotteries in this Province :

A Bill to continue the Act to provide for the payment of interest on Warrants ; and

A Bill to continue an Act to prevent disorderly Riding on Streets and Highways in this Province.

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

The Honorable Mr. Botsford, by leave, presented a Petition from James Long, praying compensation for work performed by him, on a Bridge over Cocagne River, more than by his Contract he was bound to do.

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

The Honorable Mr. Chandler, by leave, presented a Petition from Deborah Foster, praying remuneration for teaching a School in Westmorland, in the year one thousand eight hundred and thirty nine.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 7th February, 1840.

PRESENT.

THE HON.

Mr. Shore.
Mr. Botsford.
Mr. Chandler.

Mr. Saunders.
Mr. Lee.

The Hon. Mr. Shore sat President.

PRAYERS.

There not being eight Members present, the House adjourned until Monday next at 12 o'clock.

MONDAY, 10th February, 1840.

PRESENT.

THE HON.

Mr. Shore.
Mr. Botsford.
Mr. Lee.
Mr. Wyer.
Mr. Kinnear.

Mr. Baillie.
Mr. Attorney General.
Mr. Chandler.
Mr. Hatch.

The Honorable Mr. Shore sat President.

PRAYERS.

The Honorable Mr. Chandler, by leave, presented a Petition from Gilmour, Rankin and Company, Joseph Cunard and Company, and others of Northumberland, praying aid for building a Light House on Point Escuminac.

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

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

A Petition from the Reverend Doctor Alley praying a grant of money for a School House in the Town of Saint Andrews :

A Petition from the Overseers of the Poor of Saint Andrews, praying that the sum of three hundred and sixty seven pounds seven shillings and six pence be granted to them, for supporting Transient Poor in the year 1839 :

A Petition from the same Overseers, praying the sum of thirty six pounds eighteen shillings and eleven pence may be granted to remunerate their Medical attendant :

A Petition from Mary Hasson, praying an allowance to her for the services of her daughter in teaching a School in Saint Andrews, from December, 1838, to April, 1839: and

A Petition from Hannah Rogers, of Saint David, in Charlotte County, praying an allowance for past service as a School Mistress in the Parish of Saint James.

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

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

A Petition from Caroline Smith, praying an allowance for teaching a School in the Parish of Saint Andrews, for six months, ending the 17th April, 1839: and

A Petition from Samuel Fry, Physician and Surgeon, residing in Saint Andrews, praying remuneration for services in disseminating the benefits of vaccination in Charlotte County, from the year 1811.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act to prevent disorderly riding on Streets and Highways in this Province.

The Honorable Mr. Baillie 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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act imposing a duty on Rum and other Liquors distilled within this Province.

The Honorable Mr. Baillie 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 the third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act for prohibiting and suppressing of Lotteries in this Province.

The Honorable Mr. Baillie 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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act for the punishment of persons who shall be guilty of the trespasses therein mentioned, in the City of Saint John.

The Honorable Mr. Baillie 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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act to provide for the payment of Interest on Warrants.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable the President informed the House, that he had received from the Honorable the Secretary of the Province,

An Abstract shewing the state of the Saint Stephen Bank, on the first Monday in January, one thousand eight hundred and forty; also

Michael Harley's report of an exploration of a line of Road from Salmon River to Richibucto,

ORDERED, That the same do lie on the Table.

A Message was brought from the Assembly, by Mr. M'Almon, with a Bill, intituled "A Bill to continue an Act to provide for the services of the Clerk of the Circuit Courts in this Province," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

The Honorable Mr. Chandler, by leave, presented a Petition from the Directors of the Saving's Bank, in Saint Andrews, praying a further grant of money in consequence of new claims arising from the defalcation of the Cashier of the Bank.

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

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

A Petition from Thomas Lee and John Agnew, Ferrymen at the mouth of the Nashwaak River, praying compensation for past services:

A Petition from James and William Swim, praying a grant to them to enable them to continue the communication between Fredericton and Newcastle: and

A Petition from the President of the Saint Andrews and Saint John Stage Coach Company, with a similar prayer, with regard to a communication between Saint Andrews and Saint John.

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

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

A Petition from Henry Blakslee, of Saint John, praying for a return of duties on goods destroyed by fire at Saint John, in August last:

A Petition from Messrs. Barlows and Ketchum of the same place, with a similar prayer:

A Petition from Thomas Wallace, Agent for John Haynes, Master of the Brig Joseph P. Dobie, praying a return of Head money paid on Passengers brought to Saint John in August last: and

A Petition from the President of the Chamber of Commerce of Saint John, praying the attention of the Legislature to the promoting of a daily communication between Saint John and Halifax.

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

The Honorable Mr. Hatch, by leave, presented a Petition from the Magistrates of Charlotte County, praying that the County may be assessed the sum of two thousand pounds, to pay off the contingent expenses of the County.

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

The Honorable Mr. Wyer, by leave, presented a Petition from George Acheson, praying a compensation for losses and expenses paid, relating to a lot of Land purchased by him from the Crown.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 11th February, 1840.

PRESENT.

THE HON.

Mr. Baillie.
Mr. Botsford.
Mr. Lee.
Mr. Robertson.
Mr. Hatch.

Mr. Robinson.
Mr. Attorney General.
Mr. Chandler.
Mr. Wyer.
Mr. Kinnear.

The Hon. Mr. Baillie sat President.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read the third time and passed:—

A Bill to continue the Act for the punishment of persons who shall be guilty of the trespasses therein mentioned, in the City of Saint John:

A Bill to continue the Act imposing a duty on Rum and other Liquors distilled within the Province:

A Bill to continue the Act for prohibiting and suppressing of Lotteries in this Province: and

A Bill to continue an Act to prevent disorderly Riding on Streets and Highways in this Province.

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

Pursuant to the Order of the Day, the Bill to continue an Act to provide for the services

services of the Clerk of the Circuit Courts in this Province, was read a second time.

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

A Message was brought from the Assembly, by Mr. M'Almon, with a Bill, intituled "A Bill to continue the Act to provide for the better assessment of County and Parish Rates," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A Bill to provide for the establishment of a Grammar School in the County of Restigouche :

A Bill to continue an Act, intituled "An Act to grant a bounty on the destruction of Bears in this Province :"

A Bill to continue the Act to regulate the ungranted Ferries within this Province :
and

A Bill to continue the Act to regulate Pawn Brokers within this Province.

The said Bills were severally read the first time.

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

A Message was brought from the Assembly, by Mr. Freeze, with a Bill, intituled "A Bill for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Palmer, with a Bill, intituled "A Bill to continue the Act to regulate the exportation of Lumber," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Messages were brought from the Assembly by Mr. Rankin, with the following Bills, to which they desire the concurrence of this House:—

A Bill to continue an Act, intituled "An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland :"

A Bill to continue an Act, intituled "An Act in addition to the Laws now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester :"

A Bill to continue an Act, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal all the Laws now in force for appointing Firewards, and the better extinguishing Fires, so far as the same relates to the Town of Fredericton,' and to make regulations more suitable to the said Town, to the Towns of Newcastle and Chatham, and their vicinities, in the County of Northumberland :"

A Bill to continue an Act, intituled "An Act for the better security of the navigation of certain Harbours in the County of Northumberland, and to make more effectual

tual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester."

The said Bills were severally read a first time.

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

A Message was brought from the Assembly, by Mr. M'Leod, with a Bill, intituled "A Bill for altering the times of holding one of the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of King's," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

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

A Petition from Thomas Emerson, Benjamin Wolhaupter, Joseph Gaynor, James T. Hanford, and upwards of three hundred others, Freeholders and Inhabitants of Fredericton, praying, for the reasons set forth in the Petition, that no Bill to effect the exchange of certain Lands between the Ordinance Department and the Town of Fredericton, may pass into a Law: and

A Petition from John C. Vail and George Pitfield, proprietors of a Coach established by them to keep up a communication between the City of Saint John and Dorchester, may have an allowance to assist them in their undertaking.

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

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

A Petition from Adam D. Thomson, praying remuneration for teaching a School in the Parish of Saint Andrews, in the year 1833: and

A Petition from the Firemen of the Town of Saint Andrews, praying they may by law be excused from serving as Jurors on the Juries summoned to attend the Supreme Courts in the said County.

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

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

A Petition from Dorcas Clarke, of the Parish of Saint George, praying an allowance for teaching a School in the said Parish:

A Petition from Elizabeth Harley, of the Parish of Saint Patrick, with a similar prayer: and

A Petition from Julia Crowley, of the Town of Saint Andrews, with a like prayer.

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

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

A Petition from Robert W. Crookshank, Daniel Leavitt, William Leavitt, and ninety six other persons, inhabitants of the City of Saint John, sufferers by the fire in that City in the month of August last, setting forth that they have found the Acts passed at the last Session of the Legislature to bear exceedingly hard upon them, and praying that the same may be amended, or other relief granted to them:

A Petition from Ralph M. Jarvis, Robert W. Crookshank, John Johnston, and one hundred and ninety two other persons, sufferers at the same fire, setting forth an impossibility on their part to comply with the said Acts, without aid from the Legislature: and

A Petition from William Leavitt of the City of Saint John, praying a return of duties upon Flour destroyed by the fire above mentioned.

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 12th February, 1840.

PRESENT.

THE HON. •

Mr. Shore.
Mr. Saunders.
Mr. Lee.
Mr. Street.
Mr. Hatch.

Mr. Baillie.
Mr. Botsford.
Mr. Chandler.
Mr. Wyer.
Mr. Kinnear.

The Honorable Mr. Shore sat President.

PRAYERS.

A Message was brought from the Assembly, by Mr. Jordan, with a Bill, intituled "A Bill to continue the Act relating to Landlord and Tenant," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the following Bills were severally read a second time:—

A Bill to continue the Act to provide for the better assessment of County and Parish Rates:

A Bill to provide for the establishment of a Grammar School in the County of Restigouche:

A Bill to continue an Act, intituled "An Act to grant a bounty on the destruction of Bears in this Province:"

A Bill to continue the Act to regulate the ungranted Ferries within the Province:

A Bill to continue the Act to regulate Pawn Brokers within the Province:

A Bill for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township:

A Bill to continue the Act to regulate the exportation of Lumber:

A Bill to continue an Act, intituled "An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland:"

A Bill to continue an Act, intituled "An Act in addition to the Law now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester:"

A Bill to continue an Act, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal all the Laws now in force for appointing Firewards, and the better extinguishing Fires, so far as the same relates to the Town of Fredericton,' and to make regulations more suitable to the said Town, to the Towns of Newcastle and Chatham and their vicinities, in the County of Northumberland."

A Bill to continue an Act, intituled "An Act for the better security of the navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester: and

A Bill for altering the times of holding one of the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of Kings.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act to provide for the services of the Clerk of the Circuit Courts in this Province.

The Honorable Mr. Baillie 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 the third time to-morrow.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte:"

The Honorable Mr. Baillie 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 the third time to-morrow.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to continue the Act to provide for the payment of Interest on Warrants.

The Honorable Mr. Baillie 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 the third time to-morrow.

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

A Petition from the Justices of the Peace of the County of Gloucester, praying aid for

for repairing the Gaol of that County, and that the County may be assessed the sum of one hundred pounds for the same purpose : and

A Petition from the Trustees of Schools in the Parish of Woodstock, praying additional pecuniary aid for the support of Schools in that Parish.

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

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

A Petition from Samuel T. Gove, Vaccinating Surgeon in Saint Andrews, praying an allowance for services performed : and

A Petition from Henry Helmes, of Saint George, in the County of Charlotte, praying to receive damages in consequence of injuries sustained by his Vessel whilst in the employ of the Commissioners of Light Houses for the Bay of Fundy.

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

The Honorable Mr. Chandler, by leave, presented Petitions from James M'Queen, Thomas Burnett and George Powell, severally praying allowances for teaching Schools in King's County.

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

The Honorable Mr. Wyer, by leave, presented a Petition from Patrick Sheals, praying an additional allowance for teaching a School in York County.

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

A Message was brought from the Assembly, by Mr. Hanington, with sundry Resolutions of Appropriation, dated the fourth day of February, instant, to which they desire the concurrence of this House.

The said Resolutions were read the first time.

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 13th February, 1840.

PRESENT.

THE HON.

Mr. Shore.
Mr. Robinson.
Mr. Chandler.
Mr. Hatch.

Mr. Baillie.
Mr. Botsford.
Mr. Wyer.

The Honorable Mr. Shore sat President.

PRAYERS.

There not being eight Members present, the House adjourned until To-morrow at 12 o'clock.

FRIDAY,

FRIDAY, 14th February, 1840.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.**Mr. Shore.**Mr. Baillie.**Mr. Robinson.**Mr. Botsford.**Mr. Lec.**Mr. Chandler.**Mr. Street.**Mr. Wyer.**Mr. Hatch.**Mr. Kinnear.*

PRAYERS.

The Honorable the President informed the House, that he had received from the Cashier of the Commercial Bank,

Abstracts shewing the state of the Commercial Bank, on the sixth day of April and first day of October, 1839.

ORDERED, That the same do lie on the Table.

A Message was brought from the Assembly, by Mr. Street, with a Bill, intituled "A Bill to make more effectual provisions against the profanation of the Lord's Day, commonly called Sunday," to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the said Bill stand for a second reading on Monday next.

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

A Bill to continue an Act in addition to an Act, intituled "An Act to repeal all the Laws now in force for the organization and regulation of the Militia," and to make further provision for the same:

A Bill to continue an Act to authorize the Justices of the Peace in the County of York to make further provision for the payment of the Treasurer of that County: and

A Bill to alter the time for holding the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of York.

The said Bills were severally read the first time.

ORDERED, That the said Bills be severally read a second time on Monday next.

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

A Petition from the President and Directors of the Tobique Mill Company, for permission to relinquish a portion of the Land purchased by the Company, and praying that a Grant issue for the proportion paid: and

A Petition from Thomas R. Robertson, Robert Chestnut, Thomas Pickard and one hundred and sixty others, praying that the above Petition may be taken into favorable consideration.

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

On motion—

The following Bills were severally read a third time and passed:—

A Bill to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte."

A Bill to continue the Act to provide for the payment of interest on Warrants; and
 A Bill to continue an Act to provide for the services of the Clerk of the Circuit Courts in this Province.

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

On motion—

The Bill to continue the Act relating to Landlord and Tenant, was read 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.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue the Act to provide for the better assessment of County and Parish Rates.

The Honorable Mr. Baillie 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 on Monday next.

On motion—

The House was put into Committee of the whole, to take into consideration the Bill to provide for the establishment of a Grammar School in the County of Restigouche.

The Honorable Mr. Baillie 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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue an Act, intituled "An Act to grant a bounty on the destruction of Bears in this Province."

The Honorable Mr. Baillie 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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue the Act to regulate the ungranted Ferries within this Province.

The Honorable Mr. Baillie took the Chair,

After some time the House resumed.

The

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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue the Act to regulate Pawn Brokers within this Province.

The Honorable Mr. Baillie 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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue the Act to regulate the exportation of Lumber.

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 the third time on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue an Act, intituled "An Act to regulate the Assize of Bread in the Towns Newcastle and Chatham, in the County of Northumberland."

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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill

Bill to continue an Act, intituled "An Act in addition to the Laws now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester."

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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue an Act, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town, to the Towns of Newcastle and Chatham, and their vicinities, in the County Northumberland.'"

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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue an Act for the better security of the Navigation of certain Harbours in the County of Northumberland, and to made more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester.

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 the third time on Monday next.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill for altering the times of holding one of the terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of King's.

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 on Monday next.

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

A

A Bill to amend and continue an Act passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal all the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews," and to make regulations more suitable to the said Town, and for other purposes therein mentioned :

A Bill to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts : and

A Bill to continue the act to regulate the inspection of dry and pickled Fish, for home consumption and for exportation.

The said Bills were severally read a first time.

ORDERED, That the said Bills stand for a second reading on Monday next.

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

A Petition from Joseph Gibson, Alexander Hamilton and other persons, pedlars and Hawkers, praying to be released from the payment of License money : and

A Petition from Mary Albee, praying remuneration for teaching a School in the Parish of Saint Stephen.

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

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

A Petition from the Mechanics Institute, of Saint John, praying Legislative aid towards the erection of a Building for Lecture and School Rooms, and other purposes, and for the support of the School established in connection with the Institution : and

A Petition for David Hatfield, of Saint John, praying a return of Duties on articles reshipped for exportation.

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

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

A Petition from the Overseers of Poor in the Parish of Saint Patrick, praying to be reimbursed expences in support of an emigrant pauper :

A Petition from John Brown, praying for Legislative aid to enable him to run a daily Stage between Fredericton and Woodstock :

A Petition from Alexander M'Donald, and seventy five other persons, praying that the present line of Road between Saint Andrews and Saint Stephen may be continued, with certain alterations, and that no new Road may be opened between Saint Andrews and Waweig : and

A Petition from the Rev. S. D. Lee Street, and others, Trustees of Schools in Woodstock, on behalf of James Kellen, praying Legislative aid.

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

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

The Honorable the President read the same.

And it was again read by the Clerk as follows :—

NEW BRUNSWICK,

NEW BRUNSWICK.

Message to the Legislative Council,

14th February, 1840.

J. HARVEY, Lt GOVERNOR.

The Lieutenant Governor lays before the Council a copy of a Report, made by the Gentleman who has been employed in making Geological explorations, of a discovery in the Mineral treasures with which this Province is known to abound, which promises to be of considerable value; and submits to the consideration of the Council whether it may not consist with the true interests of the Province to enable the Executive Government to prosecute those interesting and important researches.

J. H.

The Honorable Mr. Chandler presented to the House a Bill, intituled "An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement of the Estates of Intestates."

The said Bill was read the first time.

ORDERED, That the said Bill be printed, and that one hundred copies thereof be furnished.

Adjourned until Monday next, at 12 o'clock.

MONDAY, 17th February, 1840.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.**Mr. Baillie.**Mr. Peters.**Mr. Robinson.**Mr. Botsford.**Mr. Attorney General.**Mr. Lee.**Mr. Chandler.**Mr. Street.**Mr. Wyer.**Mr. Hatch.**Mr. Kinnear.*

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed:—

A Bill to continue the Act to provide for the better assessment of County and Parish Rates:

A Bill to provide for the establishment of a Grammar School in the County of Restigouche:

A Bill to continue an Act, intituled "An Act to grant a bounty on the destruction of Bears in this Province:"

A Bill to continue the Act to regulate the ungranted Ferries within this Province:

A Bill to continue the Act to regulate Pawn Brokers within this Province:

A Bill to continue the Act to regulate the exportation of Lumber:

A Bill to continue an Act, intituled "An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland:"

A Bill to continue an Act, intituled "An Act in addition to the Laws now in force for

for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester :

A Bill to continue an Act intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires so far as the same relate to the Town of Fredericton,' and to make regulations more suitable to the said Town, to the Towns of Newcastle and Chatham, and their vicinities, in the County of Northumberland :

A Bill to continue an Act, intituled "An Act for the better security of the navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester:" and

A Bill for altering the times of holding one of the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of Kings.

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

Pursuant to the Order of the Day, the following Bills were severally read a second time:—

A Bill to make more effectual provisions against the profanation of the Lord's Day, commonly called Sunday :

A Bill to continue an Act in addition to an Act, intituled "An Act to repeal all the Laws in force for the organization and regulation of the Militia," and to make further provisions for the same.

A Bill to continue an Act to authorize the Justices of the Peace in the County of York, to make further provision for the payment of the Treasurer of that County :

A Bill to alter the time for holding the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of York :

A Bill to amend and continue an Act passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews," and to make regulations more suitable to the said Town, and for other purposes therein mentioned :

A Bill to authorize the Grand Jurors of the several Counties within this Province to inspect the public Accounts: and

A Bill to continue the Act to regulate the inspection of dry and pickled Fish, for home consumption and for exportation.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act relating to Landlord and Tenant.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The

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 the third time to-morrow.

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

A Bill to continue the Act relating to Church Wardens and Vestrymen, and to persons having voices in their election, so far as relates to the Parish Church of Saint Andrews: and

A Bill to continue an Act relating to the navigation of the Inner Bay of Passamaquoddy.

The said Bills were severally read a first time.

ORDERED, That they stand for a second reading to-morrow.

A Message was brought from the Assembly, by Mr. Boyd, with a Bill, intituled "A Bill to regulate the Assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte," and to repeal the Acts now in force relating to the Town of Saint Andrews, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A Bill to continue the Act for the more speedy and effectual punishment of persons keeping Disorderly Houses: and

A Bill to amend and continue an Act, intituled "An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Mill Town, and its immediate vicinity."

The said Bills were severally read a first time.

ORDERED, That the said Bills be read a second time to-morrow.

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

A Petition from the Mayor, Aldermen and Commonalty of the City of Saint John, praying that An Act may pass for limiting the extent to which Wharves may be built into the Harbour of Saint John, and for establishing the line of low water mark: and

A Petition from the same Corporation, praying the Act for widening certain Streets in the City of Saint John may either be altered or amended, or relief granted from the public funds to aid in carrying it into execution.

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

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

A Petition from Isaac B. Gidney, and others, of the Parish of Richmond, praying Provincial aid towards the support of a School in that Parish: and

A Petition from the Woodstock and Fredericton Stage Coach Company, praying a pecuniary grant to the Company.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY,

TUESDAY, 18th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to continue the Act relating to Landlord and Tenant, was read a third time and passed.

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 following Bills were severally read a second time:—

A Bill to continue the Act relating to Church Wardens and Vestrymen, and to persons having voices in their election, so far as relates to the Parish Church of Saint Andrews :

A Bill to continue an Act relating to the navigation of the Inner Bay of Passamaquoddy :

A Bill to regulate the Assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte, and to repeal the Acts now in force relating to the Town of Saint Andrews :

A Bill to continue the Act for the more speedy and effectual punishment of persons keeping Disorderly Houses : and

A Bill to amend and continue an Act, intituled "An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Mill Town, and its immediate vicinity.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act to regulate the inspection of dry and pickled Fish, for home consumption and for exportation.

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 the third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend and continue an Act passed in the ninth year

year of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews," and to make regulations more suitable to the said Town, and for other purposes therein mentioned.

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, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section I. expunge the remainder of the Section, and insert as follows:—
 "That an Act made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled 'An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned,' be and the same is hereby continued and declared to be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and forty five."

At B. in Section II. expunge the remainder of the Section.

At C. in the Title, expunge the words "amend and."

The said amendments being read the 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 tomorrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act in addition to an Act, intituled "An Act to repeal all the Laws in force for the organization and regulation of the Militia," and to make further provisions for the same.

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 tomorrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act to authorise the Justices of the Peace in the County of York, to make further provision for the payment of the Treasurer of that County.

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 the third time tomorrow.

Pursuant

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorise the Grand Juries of the several Counties within this Province, to inspect the public Accounts.

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 said Bill be read a third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to alter the times for holding the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of York.

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, they 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. Kinnear, by leave, presented the following Petitions:—

A Petition from James White, Nehemiah Merritt, Robert Rankin and Company, William Hughson, Daniel Scovil, and others, praying that no steps may be taken by the Legislature to repeal the duty on Flour :

A Petition from James Whitney, praying a grant of money to assist him in conveying the Mails from Saint John to Annapolis, by Steamers in the Summer Months, and Sailing Vessels in the Winter :

A Petition from Matthias Quirk, of Bridgetown, in Nova Scotia, praying for a return of Duties on one hogshead of Gin and one hogshead of Brandy, exported from Saint John to Bridgetown on the 16th of November, 1837: and

A Petition from James Bradley, Courier between Saint John and Fredericton, praying for reimbursement of monies paid by him for Ferriage of Her Majesty's Mails at different places.

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

The Honorable the Attorney General, by leave, presented a Petition from James Robertson, Robert W. Crookshank, James T. Hanford, John Ward, Junior, and eleven hundred and seventy one Inhabitants of Saint John, praying the Legislature will take such measures as will obtain the repeal of the Imperial Act, levying a duty on Foreign Flour and Salted Provisions.

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

A Message was brought from the Assembly, by Mr. Wilson, with a Bill, intituled "A Bill to continue the several Acts now in force relating to insolvent confined Debtors," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

The Honorable Mr. Hatch, by leave, presented a Petition from Colin Campbell,
William

William Ker, William Garnett, and eighty other Inhabitants of Charlotte County, praying the Legislature may adopt some measures to cause the repeal of the Laws imposing duties on Wheat Flour and Salted and Fresh Provisions imported into this Province.

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

The Order of the Day for the House to be put into a Committee of the whole, to take into consideration the Bill to make more effectual provision against the profanation of the Lord's Day, commonly called Sunday, being read, it was

On motion—

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 19th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read the third time and passed:—

A Bill to continue an Act in addition to an Act, intituled "An Act to repeal all the Laws in force for the organization and regulation of the Militia," and to make further provision for the same:

A Bill to continue an Act to authorise the Justices of the Peace in the County of York, to make further provision for the payment of the Treasurer of that County:

A Bill to authorise the Grand Jurors of the several Counties within this Province to inspect the public Accounts: and

A Bill to continue the Act to regulate the inspection of dry and pickled Fish, for home consumption and for exportation.

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

Pursuant to the Order of the Day, the Bill to amend and continue an Act passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews," and to make regulations more suitable to the said Town, and for other purposes therein mentioned, as amended, was read a third time and passed.

ORDERED,

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.

Pursuant to the Order of the Day, the Bill to continue the several Acts now in force relating to insolvent confined Debtors, was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act relating to Church Wardens and Vestrymen, and to persons having voices in their elections, so far as relates to the Parish Church at Saint Andrews.

The Honorable Mr. Baillie 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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act relating to the navigation of the Inner Bay of Passamaquoddy.

The Honorable Mr. Baillie 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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to regulate the Assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte, and to repeal the Acts now in force relating to the Town of Saint Andrews.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section III. insert the words, “and into any Shop or other place where Bread is sold or offered for sale, and carefully to inspect and weigh all Bread so manufactured or offered for sale.”

At B. insert the words, “or the Commissioner of the Poor House, as the case may be.”

At C. in Section IV. expunge the word “Clerk,” and insert the words “respective Clerks.”

At D. in Section V. insert the words, “or on confession of the party charged.”

The

The said amendments being read the 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 the third time to-morrow.

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

The Honorable the President read the same.

And it was again read by the Clerk as follows:—

NEW BRUNSWICK.

Message to the Legislative Council,

18th February, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council, a Plan of a Building proposed to be erected by Mr. John Walker, in the City of Saint John, for a Custom House, Treasury and Bonded Warehouse, together with Letters on the subject from the Collector of the Customs and the Province Treasurer; and, supported as this proposition is, by the strong recommendation of those officers, and by the conviction which must force itself upon the minds of all, of the eminent advantage to the commercial prosperity, credit and beauty of the City of Saint John, which it presents, the Lieutenant Governor feels it to be unnecessary for him to do more than strongly to recommend it to the favorable consideration of the Council.

J. H.

Custom House, Saint John, New Brunswick, 12th February, 1840.

SIR,

I have the honor to lay before Your Excellency a Plan of a Building proposed to be erected by Mr. John Walker, a Merchant of this City, upon premises belonging to him, which in my opinion are admirably adapted for the purpose, namely, for offices required by this Department, and also for the accommodation of the Provincial Treasurer, and for Warehouses, wherein goods to be bonded for duties may be safely and conveniently deposited, secure from frost, and also from fire, as far as any precaution that can be taken will ensure.

In offering my views for the consideration of Your Excellency, I respectfully beg leave to state that I cannot be actuated by any other motive than a desire to afford security and convenience to the mercantile community, and facilities for conducting the business of a Department in which I have served in this Province for upwards of fifteen years. I am induced to offer this remark, as the proposition now submitted may meet with opposition from certain persons, who may not fully understand the advantages to be gained, or from interested motives. I therefore propose to point out to Your Excellency some of the advantages that will arise from the adoption of the Plan submitted, and I purpose to place this communication in the hands of the Provincial Treasurer, to afford him an opportunity of expressing his opinions thereon, before it is laid before Your Excellency, who can command such further opinions as may appear to Your Excellency necessary.

Owing to the numerous fires that have taken place in this City, it will readily be acknowledged that fire proof Warehouses must be beneficial to the trade, and if better security can be afforded without additional expense of Storages, the heavy cost of Insurance upon goods deposited in wooden Buildings will be a clear gain. The site of the proposed Building from its contiguity to the places of landing and shipment, will prove a saving to the Merchant in cartages. In the instructions from the Commissioner of Customs to Collectors with respect to the approval of Warehouses, which instructions were no doubt, framed upon a general knowledge of the requisites for Warehouses, the principle of approving of

Warehouses.

Warehouses pointed out, is "that the approval is confined as far as practicable to one entire stack of Warehouses, and the preference given to those of Brick or Stone nearest the usual places of landing and shipping, and best adapted for the security of the goods deposited therein, and the accommodation of Trade."

By confining Warehouses to an entire stack of Buildings, a great saving is effected in the number of officers required to give attendance, as when Warehouses are scattered, unless a number of persons are employed, great delays will unavoidably occur in affording the facilities of inspecting and delivery of goods, furnishing samples, &c. which are absolutely requisite for the convenience of Trade and the dispatch of business. The depth of water for Shipping at the Wharves near to the proposed site is said to be greater than any other part of this City.

Being desirous to avoid trespassing upon Your Excellency's time, I will not enter into a more minute detail of the advantages which I am confident would arise by adopting the proposed Plan. In the fire of 17th August last, there were consumed in Warehouses (which were only temporarily used for the convenience of Importers, the regular Warehouses being full,) 1,100 cwts. of Sugar, and 17,459 gallons of Molasses, the Imperial Duties upon which amounted to £500 sterling, dollars @ 4s. 4d. and the Provincial Duties to £210 currency.

The amount of rent for the offices required for the Customs and the Provincial Treasurer, would not exceed £400 currency per annum, the rent at present paid for very inferior accommodation is £150 currency per annum for the Custom House, and £60 per annum for the Treasury. Should the proposition herewith submitted meet with the approval of Your Excellency and the Legislature, I entertain no doubt that the Commissioners of Customs will meet their wishes by defraying a fair proportion of the expense to be incurred in providing offices, which are necessary for this Department, upon an improved scale. The Trade of this Port, particularly for the past year, has been such as to warrant an expectation that an enlarged establishment is necessary, as well as desirable for the respectability of a Port that possesses a Trade to the extent that this place does.

I have the honor to be, Sir,

Your Excellency's most obedient humble servant,
H. BOWYER SMITH, *Collector.*

Major General Sir JOHN HARVEY, K. C. B. and K. C. H. &c. &c. &c.

Fredericton, 15th February. 1840.

SIR,

The Collector of Her Majesty's Customs at Saint John, having handed me his Letter to Your Excellency, dated 12th instant, relative to a Building proposed to be erected by Mr. John Walker, Merchant, of Saint John, for a Custom House, Treasury and Bonded Warehouse, for the purpose of expressing my opinions thereon, I beg leave respectfully to submit for Your Excellency's consideration the following remarks:—

That the present offices for the Custom House and Treasury are very confined and inconvenient.

That the number of Bonded Warehouses at present occupied, for want of one sufficiently large for the increasing business of the Port, greatly multiplies the duties of the out door officers.

That the erection of such an establishment as is now proposed would raise the character of the Port in the estimation of Merchants abroad, and remove from their minds the fear of the loss by fire of such shipments as they might feel disposed to consign for sale to Merchants in Saint John.

That the confidence thus created would, by multiplying the business of the Port of Saint John, greatly assist the general prosperity of the Province, and increase its Revenues.

The principal income to be derived to the proprietor of the proposed Building, will be from the Storage of Goods in the Bonded Warehouse, which of course will not be increased above the rates at present paid by the Merchants. I would therefore suggest that Your Excellency would recommend to the House of Assembly to adopt the proposed plan, and to offer to share with Her Majesty's Government in paying the rent named for the Custom House and Treasurer's offices.

I have the honor to be,

Your Excellency's most obedient and very humble servant,
B. ROBINSON, *Province Treasurer.*

Major General Sir JOHN HARVEY, K. C. B., K. C. H. &c. &c. &c.

On motion—

The Bill, intituled “An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement of the distribution of the Estates of Intestates,” was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act for the more speedy and effectual punishment of persons keeping Disorderly Houses.

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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend and continue an Act, intituled “An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Mill Town, and its immediate vicinity.”

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, they 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. Kinnear, by leave, presented a Petition from the Honorable John Robertson, praying a return of duties paid on Bricks and Granite imported from the United States of America.

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

The Honorable Mr. Chandler, by leave, presented a Petition from Thomas Pickard, John T. Smith and Edmund Ward, praying certain amendments may be made in the Law relating to Tavern Keepers and Retailers.

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

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

A Petition from the Office Bearers and Members of the Northumberland Agricultural Society, and one hundred Inhabitants of the County of Northumberland, praying a yearly sum to be granted from the Legislature in aid of the Agricultural Societies in the Province:

A Petition from John Fraser, James Souter, William N. Venning and others, praying aid to a Grammar School at Newcastle, in the County Northumberland:

A Petition from David Crocker, Supervisor of the Great Road from Restigouche to Newcastle, praying remuneration for expences and loss of time incurred by him in defending a prosecution against him, whilst in discharge of his duty: and

A Petition from Henry C. D. Carman, praying a return of duties paid by him at Chatham on Wine imported from Prince Edward Island.

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

The

The Honorable Mr. Peters, by leave, presented a Petition from Andrew Shanklin, praying an allowance for teaching a School in King's County, in the year 1837.

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

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

A Petition from John Reid, John Murray, George Thomas, and other Branch Pilots, and a number of Merchants in Saint John, praying that Pilots may be allowed certain fees, generally termed "distance money," at the rate now allowed at the Port of Saint Andrews: and

A Petition from the President of the Chamber of Commerce, at Saint John, praying relief may be granted by law to prevent the evils now existing for want of Seamen to man the numerous new Vessels annually built in the Province.

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

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

A Petition from William Simpson, praying for the establishment of a Ferry on the Waveig River, and aid to keep it up:

A Petition from James Bradley, Courier, praying aid for his exertions in keeping up a daily communication between Fredericton and Saint John: and

A Petition from William While, praying a Ferry may be established at Oak Point, in Charlotte County, and that a sum of money may be allowed him for keeping it.

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

The Honorable Mr. Shore, by leave, presented a Petition from Lieutenant Colonel Maxwell, commanding Her Majesty's 36th Regiment, praying for a remission of duties on Wine, imported into this Province for the use of the Regiment.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 20th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed:—

A Bill to continue the Act relating to Church Wardens and Vestrymen, and to persons having voices in their elections, so far as relates to the Parish Church of Saint Andrews: A

A Bill to continue an Act relating to the navigation of the Inner Bay of Passamaquoddy: and

A Bill to continue the Act for the more speedy and effectual punishment of persons keeping Disorderly Houses.

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

Pursuant to the Order of the Day, the Bill to regulate the Assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte, and to repeal the Acts now in force relating to the Town of Saint Andrews, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to amend and continue an Act, intituled "An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Mill Town, and its immediate vicinity."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDREED, That the Report be received.

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

At A. expunge the words, "Firewards and."

At B. expunge the words, "holden or to be holden in the County of Charlotte," and insert the words, "at the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Charlotte."

The said amendments being read the 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 the third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the several Acts now in force relating to insolvent confined Debtors.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

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

NEW BRUNSWICK.

Message to the Legislative Council,
19th February, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council, a copy of a Report of George Hayward and James A. Maclauchlan, Esquires, upon the subject of a Boom across the Restook River, and of the rates of Boomage which, in their opinion, should be demanded ; together with a Report upon a proper site for a Bridge over that Stream, to which the Lieutenant Governor invites the attention of the Council, and recommends it to their favorable consideration as an object of great public utility.

J. H.

[*See Appendix, No. 6.*]

The Honorable Mr. Shore, by leave, presented a Petition from the Firewards, and others, of the Town of Fredericton, praying for a remittance of duty on a Fire Engine, imported from the United States for the use of the Town ; also for pecuniary aid to enable them to pay the balance due.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Hatch, by leave, presented a Petition from the President and Directors of the Saint John Hotel Company, praying the Act incorporating the Company may be amended.

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

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

A Petition from James R. Tupper, praying aid for running a Stage from Woodstock to the Grand Falls :

A Petition from James Cameron, praying compensation for compiling and publishing a Work called *The Militia Man's Guide*, and to enable him to publish a Work in the Press called *The Young Officer's Guide* :

A Petition from Barrent Rogers, praying an allowance for ferrying the Mails at Woodstock :

A Petition from George W. Cleary, praying a return of Duties paid on Musical Instruments, imported for the First Battalion of the Carleton Militia : and

A Petition from Ninian Lindsay, praying leave to relinquish a part of the Land purchased by him from the Government in the year 1835.

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

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

A Petition from the Justices of the Peace, of Saint John, praying assistance for the Coloured Inhabitants at Loch Lomond:

A Petition from the Reverend Doctor Gray, Messieurs Ambrose-S. Perkins, Charles D. Everitt and others, praying more effectual Laws may be passed respecting Tavern Keepers and Retailers: and

A Petition from John Kerr, and others, praying a return of Duties paid on Bricks imported into this Province.

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

The Honorable Mr. Botsford, by leave, presented a Petition from James Reid, and others, of Newcastle, Northumberland, praying money for a School House in that Parish.

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

The Honorable Mr. Chandler, by leave, presented a Petition from Ann M'Donald, widow of an officer who served in the American Revolutionary War, praying aid.

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

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

A Petition from Thomas C. and Charles D. Everitt, of Saint John, praying that no steps may be taken by the Legislature to repeal the duty on Flour: and

A Petition from Samuel M. Chamberlain, of Saint John, praying that a penalty he has been prosecuted for, may be remitted.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 21st February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to amend and continue an Act, intituled "An Act for the appointment of Firewards, and the better extinguishing of Fires which

which may happen in that part of the Parish of Saint Stephen commonly called Mill Town, and its immediate vicinity," as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill for erecting a part of the Parish or Township of Susséx, in King's County, into a separate and distinct Parish or Township.

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 recommend the same, without amendment, to the adoption of the House.

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

Messages from His Excellency the Lieutenant Governor, were delivered by the Honorable Mr. Shore, a Member of Her Majesty's Executive Council.

The Honorable the President read the same.

And they were again read by the Clerk as follows:—

NEW BRUNSWICK.

Message to the Legislative Council,

20th February, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays before the Council an extract from the Minutes of the College Council on the subject of the Charter of that Institution, and submits the same to the consideration of the Council.

J. H.

IN COLLEGE COUNCIL, *18th February, 1840.*

The Council having resumed the consideration of such modifications of the Charter as might be deemed expedient, and the Report of the Committee thereon, are of opinion, that the objects for which the College was established might be secured, and objections to its constitution in a great measure obviated, should Her Majesty be pleased to ordain and grant as follows, *videlicet*:—

First.—That the Governor, Lieutenant Governor or person administering the Government of the Province for the time being, shall be the Visitor.

Secondly.—That the Chief Justice of the Province for the time being, be the Chancellor.

Thirdly.—That the President of the College be appointed by Her Majesty, Her Heirs and Successors, or by the Visitor on Her Majesty's behalf, and that the present provision in the Charter—"That the Arch-Deacon of the Province for the time being, shall, by virtue of such his office, be at all times the President of the College," be rescinded.

Fourthly.—That the Professors be appointed by Her Majesty, or the Visitor on Her Majesty's behalf, always requiring the Professor of Divinity to be a Clergyman of the United Church of England and Ireland.

Fifthly.—That the Council consist of the Chancellor, the Bishop of the Diocese in which Fredericton may be situated, or (in the absence of the Bishop) the Arch-Deacon, the President of the College, the Master of the Rolls, the Speaker of the House of Assembly, the Secretary of the Province, the Attorney General, and six other Members, (of whom two shall be Professors in the College,) nominated or to be nominated by the Visitor, with the power of suspension in the Visitor now vested in

the

the Chancellor, provided however, that the seat of any of the present Members of the Council shall not be affected hereby, and that no less than seven Members shall form a quorum for the despatch of business.

Sixthly.—That it shall not be necessary that the Members of the Council be Graduates, nor shall any religious test or qualification be appointed for or required of them.

Seventhly.—That the Council have power to make, revoke, renew, augment or alter Statutes, Rules and Ordinances, on the motion of any Member, without the previous sanction of the Chancellor, subject, however, to the approbation of the Visitor, as now provided by the Charter.

Eighthly.—That the Registrar shall in each and every year prepare a full and detailed account, duly attested, of the income and expenditure of the College for the previous year, together with a statement of the number and names of all the Officers and Members, to be laid before the several Branches of the Provincial Legislature, within fourteen days after the meeting of the General Assembly.

The Council are further of opinion, that should the foregoing modifications of the Charter take place, it shall be expressly provided, that Divine Service in the College shall be performed according to the order, rites and ceremonies of the United Church of England and Ireland.

A true Extract from the College Minutes.

(Signed)

GEO. FRED. STREET, *Registrar*.

NEW BRUNSWICK.

Message to the Legislative Council,

20th February, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays before the Council a copy of a Letter addressed to him by the Collector of the Customs at Saint John, with a copy of the Regulations proposed by the Commissioners of the Customs to be adopted for the Trade between this Province and Nova Scotia, which the Lieutenant Governor submits to the consideration of the Council.

J. H.

[*See Appendix, No. 7.*]

Pursuant to the Order of the Day, 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 through the Resolutions of Appropriation dated the fourth day of February, instant, and recommended that the House should concur in the same, and asked leave to sit again.

Whereupon the Resolutions of Appropriation dated the fourth day of February were concurred in by the House.

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

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

A Petition from Patrick O'Neal, of Saint Andrews, praying a return of Duties paid by him on Fresh Provision imported by him:

A Petition from Thomas Carson, of Charlotte County, praying relief as regards a lot of Land purchased by him from the Government.

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

The

The Honorable Mr. Shore, by leave, presented a Petition from Keillor Hoyt, an old Soldier, praying for pecuniary assistance.

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

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

A Petition from James Moran, and one hundred other persons of the Parish of Saint Martins, praying the Act relating to the Alms House in Saint John may be amended in some way to relieve them: and

A Petition from Henry Blakslee, of Saint John, praying a return of Duties paid by him on Bricks imported into the Province for his own use.

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

The Honorable Mr. Black, by leave, presented a Petition from James Lockwood and Company, of Saint John, praying a return of Duties on Goods destroyed by a fire in Saint John in August last.

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

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

A Petition from Elisha D. W. Ratchford, and others, of Saint John, praying a return of Duties paid by them on Goods destroyed by fire in August last:

A Petition from Melissa Ann Black, praying compensation for teaching a School in the Parish of Saint Martins:

A Petition from Henry Rigby, praying compensation for teaching a School in Portland:

A Petition from James Tilley, Thomas Harrison and sixty five other persons, praying a sum of money to open Loder's Creek in Sheffield: and

A Petition from Stephen Peabody, and forty seven other persons, praying a grant of money to preserve the banks of the River Saint John at Maugerville.

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

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

A Petition from the Commissioners of Alms House, York County, praying a return of money paid for Transient Poor supported by them:

A Petition from Henry E. Dibblee, Sub-Collector at Woodstock, praying compensation for services performed: and

A Petition from Isabel Jouett, of York County, praying an allowance to her for teaching a School in the Parish of Saint Mary's.

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

Adjourned until Monday next, at 12 o'clock.

MONDAY, 24th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Baillie.

N

Mr.

Mr. Peters.
Mr. Botsford.
Mr. Lee.
Mr. Street.
Mr. Hatch.

Mr. Robinson.
Mr. Attorney General.
Mr. Chandler.
Mr. Wyer.
Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township, was read a third time and passed.

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 House was put into a Committee of the whole, to take into further consideration the Bill to continue the several Acts now in force relating to insolvent confined Debtors.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

A Petition from John Bedell, Francis Rice, and two hundred and thirty four others, inhabitants of the County of Carleton, praying an alteration in the site for public Buildings hereafter to be erected in the County:

A Petition from J. R. Tupper, praying for a return of the Duties paid by him on a Stage, a Sleigh, a Waggon and a Horse, imported by him for carrying the Mails from Woodstock to the Grand Falls:

A Petition from James Gilmour, and forty seven others, praying a sum of money may be granted, in aid of individual subscription, towards building a Bridge across the North West Branch of the Miramichi River:

A Petition from Donald M'Kay, and forty two others, with a similar prayer: and

A Petition from Alexander M'Laggan, and sixty others, with a similar prayer.

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

A Message was brought from the Assembly, by Mr. Hayward, that the Assembly had agreed to the amendments made by this House to the following Bills:—

A Bill to amend and continue an Act passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned:" and

A Bill to regulate the Assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte, and to repeal the Acts now in force relating to the Town of Saint Andrews: and

With

With a Bill, intituled "A Bill for the Naturalization of Aliens in this Province," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Hayward, with a Bill, intituled "A Bill to continue the Act to provide for the collection of County and Parish Rates," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to make more effectual provision against the profanation of the Lord's Day, commonly called Sunday.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received; and it was thereupon

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

On motion, made and seconded—

RESOLVED, That the Petition of the President and Directors of the Tobique Mill Company, praying permission to relinquish a portion of the Land purchased by the Company, and that a Grant may issue for the quantity paid for, and also the Petition of T. R. Robertson, and one hundred and sixty others, in support thereof, be referred to a Select Committee of three Members to examine into the subject and report thereon; and also to inquire into and report upon the proper course to be taken by the Legislature in such cases.

ORDERED, That the Honorable Messrs. Botsford, Chandler and Street, do compose the Committee.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill, intituled "An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates."

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, they 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. Shore, by direction of His Excellency the Lieutenant Governor, lays before the House a copy of a Letter received by him from the Honorable Thomas Baillie; which was read by the Clerk as follows:—

Fredericton, 20th February, 1840.

MAY IT PLEASE YOUR EXCELLENCY,

A short time since I received a Message from Your Excellency, through the Honorable Mr. Shore, that I should hand to the Commissioners for inspecting the Accounts of the Crown Land Office, a certain Book kept in that Office, called the "Deposit Book." This Book I had taken to my House for safe custody, as it contained many entries which I considered of the greatest importance to me personally. Upon Your Excellency's wish being communicated to me, however, (although I had left a copy of such part as related to the public in the Office) I most cheerfully presented the Book to the Commissioners, together with a correct account of all my private transactions with the several Accountants of that Office since my arrival in the Province, thereby proving that there was nothing I wished to conceal, but, on the contrary, that I courted enquiry into every public and private act in any way connected with the business.

While doing this for myself, however, I think I have a right to demand that the same course may be pursued towards others, who have had any transactions with the Financial affairs of that Office, one of whom has been recognised by the Government as exercising authority, as well during two periods when I was in England as when I have myself been present in Fredericton.

I have reason to believe that the Commissioners would be willing to go fully into the matter, provided they were clothed with sufficient power; in which case I have to assure Your Excellency that every exertion of which I am capable shall be used to facilitate and lighten their duty, and I really believe that if certain measures which I can suggest are adopted, one month will be found sufficient to complete the business.

Life is at all times uncertain; and moreover, under present circumstances, I am particularly anxious to bring all my affairs to a close, and as I am unwilling that any person should have it in his power to say, that he had paid one penny into the Office I had held, for which he had not had proper credit, or that the Crown had lost a pound which it ought to have received, so I am also unwilling to lose any thing myself; and if I have disbursed on account of the Crown more than I have received (which I have reason to believe) it is but fair that I should have full credit for it.

I cannot help believing that such a proceeding would be highly satisfactory to most of the parties concerned, as well as to the public generally, and to myself it would be no more than an act of justice; as it does appear to me that I have now a right to demand and receive a full and formal *quietus* and discharge from the Crown for all monies received; or if that cannot be given, that the enquiry I now request may be instituted, commencing from the 1st January, 1830, which will embrace nearly all the Land sales, and so comprise every thing that may be necessary, provided the Commissioners be armed with sufficient powers to compel the necessary papers to be produced and persons to appear and answer under oath. I have therefore humbly, but earnestly, to request of Your Excellency, that the Act under which the Commissioners to examine the Accounts of the Crown Land Office are appointed, should be revived and extended, with such other provisions as the case may appear to require.

I have the honor to be,

Your Excellency's most obedient humble servant,

THOS. BAILLIE.

His Excellency Major General Sir John Harvey, K. C. B. & K. C. H. &c. &c. &c.

ORDERED, That the same do lie on the Table.

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

A Bill to alter and amend an Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick:"

A Bill to amend an Act, intituled "An Act to incorporate the Saint John Hotel Company:" and

A Bill to incorporate Saint Luke's Church, in the Parish of Portland.

The

The said Bills were severally read a first time.

ORDERED, That they stand for a second reading to-morrow.

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

The Honorable the President read the same ;

And it was again read by the Clerk as follows:—

NEW BRUNSWICK.

Message to the Legislative Council,

22d February, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council a Report, made by Lauchlan Donaldson, Esquire, who was employed to inspect the Light Houses in the Bay of Fundy ; and recommends that provision be made for the permanent appointment of a Surveyor of Light Houses, with an adequate Salary, as well as remuneration to Mr. Donaldson for his past services, and an appropriation for the various repairs and improvements that he has suggested.

J. H.

[*See Appendix, No. 8.*]

On motion, made and seconded—

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct the usual abstracts of the Provincial Revenue for the past year, to be laid before this House.

ORDERED, That the Honorable Messrs. Peters and Botsford be a Committee to present the same.

On motion, made and seconded—

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will cause to be laid before this House, a Return of all Sales of Crown Lands made since first of January, one thousand eight hundred and thirty five, of lots of five hundred acres and upwards, arranged by Counties, and comprising the names of the purchasers, the date of sale, the price per acre, the amount paid and the amount due, as also whether the same be secured by bond or otherwise ; also a Return of all Sales of Crown Lands, made since the first of August, one thousand eight hundred and thirty seven, distinguishing whether sold by Auction or otherwise, the names of the purchasers, the number of acres in each lot, the price per acre and the amount paid, as also whether the lots so sold had been surveyed expressly, or whether previously surveyed and comprised in any Return made in obedience to orders issued prior to the passing of the Civil List Bill ; also a Return of all free Grants, if any, made or ordered to be made since the first of August, one thousand eight hundred and thirty seven, and upon what grounds the said Grants had been made, or ordered to be made.

ORDERED, That the Honorable Messrs. Baillie and Botsford be a Committee to present the same.

The

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

A Petition from De Vere Burr, praying that an Act may pass incorporating the Saint George Lime Company: and

A Petition from Joshua Knight, Patrick Clinch, James Rait, and other inhabitants of Charlotte, praying an Act to incorporate the Saint George Lime Company.

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

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

A Petition from the Mayor, Aldermen and Commonalty of Saint John, praying that an Act may pass to authorize the said Corporation to purchase the Stock of the Saint John Water Company, and to enable them to supply the City of Saint John with Water: and

A Petition from the Stockholders and Members of the Bank of New Brunswick, praying that the number of Directors for the management of the concerns of that Corporation may be reduced.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 25th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to continue the several Acts now in force relating to insolvent confined Debtors, was read a third time and passed.

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 continue the Act to provide for the collection of County and Parish Rates, was read a second time.

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

Pursuant to the Order of the Day, the Bill to incorporate Saint Luke's Church, in the Parish of Portland, was read a second time.

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

Pursuant

Pursuant to the Order of the Day, the Bill for the naturalization of Aliens in this Province, was read a second time.

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

ORDERED, That a Select Committee of three Members be appointed to report upon such Bills relating to Corporations as may be referred to it during the present Session; and that the Honorable Messrs. Peters, Botsford and Chandler do compose the same.

Pursuant to the Order of the Day, the Bill to alter and amend an Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick," was read a second time.

ORDERED, That the said Bill be referred to the Select Committee, appointed to examine and report upon Bills relating to Corporations.

Pursuant to the Order of the Day, the Bill to amend an Act, intituled "An Act to incorporate the Saint John Hotel Company," was read a second time.

ORDERED, That the said Bill be referred to the Select Committee appointed to examine and report upon Bills relating to Corporations.

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

A Bill to amend an Act, intituled "An Act in addition to and in amendment of the Laws now in force for regulating Elections of Representatives to serve in General Assembly in this Province:" and

A Bill to authorize an assessment on the inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned.

The said Bills were severally read the first time.

ORDERED, That they stand for a second reading to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

The Honorable Mr. Chandler took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly, by Mr. Hanington, with a Bill, intituled "A Bill to amend the Act relating to the exportation of Butter," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

A Message was brought from the Assembly, by Mr. M'Leod, with a Bill, intituled "A Bill to authorize Her Majesty's Justices of the Peace of King's County, to erect a Building in the said County for a Common Gaol, and to assess the inhabitants towards defraying

defraying the expenses thereof," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to alter the time for holding the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of York.

The Honorable Mr. Baillie 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 to-morrow.

A Message was brought from the Assembly, by Mr. Brown, with a Bill, intituled "A Bill to incorporate the Saint George Lime Company," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

The said Bill was read a second time.

ORDERED, That the said Bill be referred to the Select Committee, appointed to examine and report upon Bills relating to Corporations.

The Honorable Mr. Peters, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, praying that certain Returns from the Provincial Treasury Department may be laid before the House, reported that they had attended to that duty, and that His Excellency had been pleased to say the wishes of the House should be complied with.

The Honorable Mr. Baillie, from the Committee appointed to wait upon His Excellency with the Address of this House, praying for certain Returns from the Crown Land Office, reported that they had attended to that duty, when His Excellency was pleased to say that they should be prepared and laid before the House without delay.

The Honorable Mr. Hatch, by leave, presented a Petition from John Wilson, of Saint Andrews, praying for an Act of Incorporation affecting certain Mills at Chamcook.

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

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

A Petition from the Magistrates of King's County, praying Legislative aid towards the expense of erecting a new Gaol in said County :

A Petition from the Overseers of the Poor, of the Parish of Kingston, King's County, praying to be reimbursed expenses incurred in the support and maintenance of John Carew, a maimed transient pauper.

A Petition from Ezekiel C. Wilson, of the Parish of Hampton, in King's County, praying to be remunerated for teaching a School in that Parish for one year, ending in September, 1838: and

A Petition from Neil M'Lean, praying that Duties paid by him on a puncheon of Rum may be refunded to him.

ORDERED,

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

A Message was brought from the Assembly, by Mr. End, with a Bill, intituled "A Bill in amendment of the Law regulating Juries," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 26th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to alter the time for holding the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of York, was read a third time and passed.

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 following Bills were severally read the second time:—

A Bill to amend an Act, intituled "An Act in addition to and in amendment of the Laws now in force for regulating Elections of Representatives to serve in General Assembly in this Province:"

A Bill to authorize an assessment on the inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned:

A Bill in amendment of the Law regulating Juries:

A Bill to amend the Act relating to the exportation of Butter: and

A Bill to authorize Her Majesty's Justices of the Peace of King's County, to erect a Building in the said County for a Common Gaol, and to assess the inhabitants towards defraying the expenses thereof.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue the Act to provide for the collection of County and Parish Rates.

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 the third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill for the naturalization of Aliens 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, they had made some progress therein, and asked leave to sit again on Friday next.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Chandler, by leave, presented a Petition from J. and H. Kinnear, praying a grant for Return Duties on forty five hogsheads of Molasses, shipped to Halifax.

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

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

A Petition from Messrs. Macpherson and Coy, Spafford Barker and F. W. Hatheway, praying a grant of money to pay off a debt incurred in erecting a public Wharf in Fredericton: and

A Petition from Sarah Gill, praying for the Provincial allowance for teaching a School in the Parish of Saint Mary, for the year one thousand eight hundred and thirty eight.

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

The Honorable Mr. Peters, from the Select Committee on Bills relating to Corporations, presented a Report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations, report that they have had under consideration "A Bill to alter and amend an Act, intituled 'An Act to incorporate sundry persons by the name of the President, Directors and Company

Company of the Bank of New Brunswick," and recommend the same, without amendment, to the favorable consideration of the House.

HARRY PETERS, Chairman.

ORDERED, That the House be put into a Committee of the whole, to-morrow, to take the said Bill and Report of the Select Committee thereon into consideration.

The Honorable Mr. Wyer, by leave, presented a Petition from James Allanshaw and Company, John Wilson, William Babcock and Son, Nehemiah Marks, and forty others, Merchants and Ship owners, praying that steps may be taken by the Legislature to have such part of the Imperial Act 2 and 3 Victoria, Chap. 44, as prohibits the carrying of Deck Loads in Vessels laden with Timber, repealed, as relates to Vessels employed in the West India and Coasting Trade between this and the sister Provinces and the United States of America.

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

The Honorable Mr. Wyer gives notice that he will, to-morrow, submit a Resolution on the subject of the above Petition.

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

A Petition from the Justices of the Peace for the City and County of Saint John, praying that the Overseers of the Poor for the City of Saint John may be reimbursed for the expenses of the Lunatic Asylum, and that compensation may be made to the officers attending the same:

A Petition from the Mayor, Aldermen and Commonalty of the City of Saint John, praying for further aid towards the Steam Ferry and its approaches, between Carleton and Saint John, in connexion with the Great Road of Communication leading to Fredericton and Saint Andrews from the said City.

A Petition from Robert Rankin and Company, and others, of the Parish of Portland, praying aid towards a Fire Department in that Parish:

A Petition from the Mayor, Aldermen and Commonalty of Saint John, praying a grant for Duties paid on a Fire Engine and Apparatus, imported from the United States subsequently to the great Fire in August last:

A Petition from the Mayor, Aldermen and Commonalty of the City of Saint John, praying that an Act may pass for the establishment of a Fire Department and Fire Police Establishment in the said City: and

A Petition from James Kirk, of Saint John, praying a grant for Duties paid on Merchandise consumed by the great Fire in August last.

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

A Message was brought from the Assembly, by Mr. Brown, with a Bill, intituled "A Bill relating to Highways," to which they desire the concurrence of this House.

The said Bill was read the first time.

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

The Honorable Mr. Wyer, by leave, presented a Petition from Henry Jones, George E. Ketchum, Joseph A. C. Phillips and Richard R. Ketchum, praying for a pecuniary grant

grant to enable them to establish a line of Track Boats on the River Saint John, between Fredericton and Woodstock.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 27th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Baillie.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to continue the Act to provide for the collection of County and Parish Rates, was read a third time and passed.

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 relating to Highways, was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize Her Majesty's Justices of the Peace of King's County, to erect a Building in the said County for a Common Gaol, and to assess the inhabitants towards defraying the expenses thereof.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend the Act relating to the exportation of Butter.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole,
to

to take into consideration the Bill to authorize an assessment on the inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made several amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the report be received, and the Bill be engrossed and read a third time to-morrow.

A Message was brought from the Assembly, by Mr. Woodward, with a Bill, intituled "A Bill to authorize the Justices of the Peace for the City and County of Saint John to erect a Building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Hill, that the Assembly have agreed to the amendments made by this House to the Bill to amend and continue an Act, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Mill Town, and its immediate vicinity."

The Honorable the President presented to the House a Bill, intituled "An Act to declare the law with regard to Commissions for taking affidavits to be read in the Supreme Court."

The said Bill was read the first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to alter and amend an Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick," with the Report of the Select Committee thereon.

The Honorable Mr. Baillie 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 the third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend an Act, intituled "An Act in addition to and in amendment of the Laws now in force for regulating Elections of Representatives to serve in General Assembly in this Province."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Kinnear, by leave, presented a Petition from the Justices of the Peace for the City and County of Saint John, praying that an Act may be passed to authorize the building of a new Gaol for the said City and County.

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

The Honorable Mr. Hatch presented to the House a Bill, intituled "An Act in addition to an Act, intituled 'An Act to alter and amend an Act to provide for the greater safety of Passengers on board Steamboats.'"

The said Bill was read a first time.

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

The Honorable Mr. Chandler presented to the House, a Bill to amend the law of evidence in regard to the proof of Records and Letters Patent.

The said Bill was read a first time.

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

The Honorable Mr. Kinnear presented to the House a Bill, intituled "An Act further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant."

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Gilbert, with a Bill, intituled "A Bill to authorize the Justices of the Peace for Queen's County to lease a certain Lot of Land in the Town Plat of Gagetown," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Connell, with sundry Resolutions of Appropriation, dated the twenty fourth and twenty fifth day of February, one thousand eight hundred and forty, to which they desire the concurrence of this House.

The said Resolutions of Appropriation were read the first time.

ORDERED, That they be referred to the Committee of the whole House upon Resolutions of Appropriation.

Pursuant

Pursuant to notice, the Honorable Mr. Wyer moved the following Resolution:—

Whereas an Act of the Imperial Parliament, passed in the second and third years of the Reign of Her Majesty, intituled “An Act for the prevention of loss of life and Vessels clearing from Ports in British North America, wholly or in part laden with Timber, with deck loads, from 1st September, 1839, to 1st May, 1840;” has been construed as applying to Vessels clearing for Ports in the West Indies as well as Great Britain, although the former are neither wholly nor in part laden with Timber, properly so called: And whereas the said Act so construed has been found by experience injuriously to affect the West India Trade of this Province, as well as that with the United States and the Coasting Trade; therefore

RESOLVED, That an humble Address be presented to Her Majesty, praying that the said Act may not be continued so far as relates to the Trade with the West Indies, the United States and the Coasting Trade; and further resolved, that the House of Assembly be requested to join in such Address.

And the question being put thereon, it passed in the affirmative.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 28th February, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to alter and amend an Act, intituled “An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick,” was read a third time and passed.

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 following Bills were severally read a second time:—

A Bill to authorize the Justices of the Peace for the City and County of Saint John to erect a building in the said City for a Common Gaol and to raise a sum of money for erecting and completing the same:

A Bill to declare the Law with regard to Commissions for taking affidavits to be read in the Supreme Court:

A Bill in addition to an Act, intituled "An Act to alter and amend an Act to provide for the greater safety of passengers on board Steamboats:"

A Bill to amend the Law of evidence in regard to the proof of Records and Letters Patent:

A Bill further to regulate proceedings in Replevin by allowing damages in certain cases to the Defendant: and

A Bill to authorize the Justices of the Peace for Queen's County to lease a certain Lot of Land in the Town Plat of Gagetown.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill relating to Highways.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the Bill, intituled "An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates," was read a third time and passed.

ORDERED, That the title be "An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

The Honorable Mr. Shore, by direction of His Excellency the Lieutenant Governor, lays before the House,

An Abstract from the Provincial Treasurer of the Revenues of the Province in the year one thousand eight hundred and thirty nine; also

A Detailed Account of the expenditure of fourteen thousand five hundred pounds, granted for the Civil List of the Province for the year one thousand eight hundred and thirty nine.

ORDERED, That these Documents do lie on the Table.

The Province of New Brunswick in Account Current with the Province Treasurer and Deputy Treasurers, from 1st January to 31st December, 1839.

DR.

To amount of Warrants paid and charged to Ordinary Revenue, viz:—

Old Series prior to 1839,	£31,404	17	7	
Interest thereon,	1,130	13	11	
Series of 1839,	72,558	7	6	
Interest thereon,	236	3	9	—£108,330 2 9
Ditto of Interest on Credit Account with the Bank of New Brunswick,				319 16 2
Ditto paid to the Savings Bank at Saint John, Balance of Account,				2,732 19 0

Carried forward,

£111,382 17 11

	<i>Brought forward,</i>	£111,382	17	11
Ditto of Warrants paid and Charged to Casual and Territorial Revenue Account, viz:—				
Series of 1838,	3,625	0	0	
Series of 1839,	10,875	0	0	14,500 10 0
Ditto of nett balance of Account paid for Militia Clothing and Appointments,				2,997 18 10
Ditto of Warrants paid and Charged to Passengers and Emigrant Fund Account—Series 1839,				1,395 6 5
Ditto of Warrants paid and charged to Light House Account,				
Series 1838,	873	18	5	
Series 1839,	2,206	10	6	
Advances to Commissioners,	397	0	5	3,477 9 4
Ditto paid to Commissioners of the Marine Hospital at Saint John, and charged to sick and disabled Seamen's Fund,				840 0 0
Ditto of Drawbacks paid, viz:—				
At Saint John,	£3,189	11	11	
Miramichi,	277	14	9	
Dalhousie,	119	10	10	3,586 17 6
Ditto of Discounts paid—				
At Saint John,	28	10	11	
Miramichi,	70	4	0	
Bathurst,	34	1	3	
Dalhousie,	56	14	3	189 10 5
Ditto of Bonds put in suit by the Province Treasurer,				130 7 7
Ditto of charges made for Office Rent &c.				
By Deputy Treasurer, Bathurst,	5	0	0	
Ditto do. Saint George,	3	9	6	8 9 6
Ditto paid to Commissioners for the care of sick and disabled Seamen, viz:—				
At Miramichi,	829	11	6	
Bathurst,	44	10	0	
Dalhousie,	141	15	9	
Saint Andrews,	486	16	5½	1,502 13 8½
Ditto of Commissions allowed to Deputy Treasurers, viz:—				
Miramichi,	300	0	0	
Bathurst,	119	11	1	
Dalhousie,	267	3	11	
Saint Andrews,	168	3	5	
Richibucto,	149	17	9	
Saint George,	14	12	7	
Woodstock,	33	8	0	
Shediac,	0	18	10	
West Isles,	22	8	5	
Fredericton,	3	12	0	
Saint Stephen,	60	1	0	1,139 17 0
Balance on the 31st December, 1839, viz:—				
Due by the Province Treasurer,	55,896	10	6½	
Deputy Treasurer at Miramichi,				
Ordinary Revenue,	5,386	11	6½	
Seamen's Fund,	212	10	7	5,599 2 1½
Deputy Treasurer at Bathurst,				
Ordinary Revenue,	319	19	1½	
Seamen's Fund,	66	10	1	386 9 2½
<i>Carried forward,</i>	£61,882	1	10½	141,151 8 2½

	<i>Brought forward,</i>	£61,882	1	10½	141,151	8	2½
Deputy Treasurer at Dalhousie,							
Ordinary Revenue,	1,711	10	0				
Seamen's Fund,	218	0	5—	1,929	10	5	
Deputy Treasurer at Richibucto,							
Ordinary Revenue,	1,100	4	9				
Seamen's Fund,	123	17	9—	1,224	2	6	
Deputy Treasurer at Saint Andrews,							
Ordinary Revenue,	279	2	2				
Seamen's Fund,	51	16	0½—	330	18	2½	
Deputy Treasurer at Saint George,							
Ordinary Revenue,	73	16	11				
Seamen's Fund,	22	6	0—	96	2	11	
Deputy Treasurer at West Isles,							
Ordinary Revenue,	61	1	3½				
Light House,	111	18	4—	172	19	7½	
Deputy Treasurer at Saint Stephen,							
Ordinary Revenue,				149	17	5	
Deputy Treasurer at Woodstock,							
Ordinary Revenue,				96	13	1	
The Sureties of James Campbell, late Deputy Treasurer,							
Ordinary Revenue,	£1,959	0	4				
Seamen's Fund,	118	16	1—	2,077	16	5	
Outstanding, being a Draft charged by Deputy Treasurer,							
Bathurst, but not received in time for Accounts of 1839,				200	0	0—	68,160 0 5½
							<u>£209,311 8 8</u>

Cr.

By the following balance on 1st January, 1839, viz:—							
Due by the Province Treasurer,				£74,133	7	9	
Deputy Treasurer at Miramichi,							
Ordinary Revenue,	£5,269	16	1				
Seamen's Fund,	431	12	1—	5,701	8	2	
Deputy Treasurer at Bathurst,							
Ordinary Revenue,	491	18	6				
Seamen's Fund,	61	15	4—	553	13	10	
Deputy Treasurer at Dalhousie,							
Ordinary Revenue,	1,449	17	11				
Emigrant Fund,	20	17	0				
Seamen's Fund,	346	7	9—	1,717	2	8	
Deputy Treasurer at Saint Andrews,							
Ordinary Revenue,	1,984	0	10				
Seamen's Fund,	336	16	6—	2,320	17	4	
Deputy Treasurer at Richibucto,							
Ordinary Revenue,	1,062	13	11				
Seamen's Fund,	67	8	1—	1,130	2	0	
Deputy Treasurer at Saint Stephens,							
Ordinary Revenue,				94	5	0	
Deputy Treasurer at Saint George,							
Ordinary Revenue,				133	13	1	
Deputy Treasurer at Woodstock,							
Ordinary Revenue,				64	10	7	
							<u>£85,849 0 5</u>
<i>Carried forward,</i>				£85,849	0	5	

	<i>Brought forward,</i>	£85,849	0	5	
Deputy Treasurer West Isles,					
Ordinary Revenue,		87	17	2	
Light House Fund,		89	3	3	177 0 5
					<u>£86,026 0 10</u>
General Duties collected at					
At Saint John,		£43,112	19	4	
Miramichi,		7,836	12	11½	
Bathurst,		962	12	2	
Dalhousie,		2,505	2	2	
Saint Andrews,		1,047	14	8	
Richibucto,		1,133	18	3	
Saint Stephen,		329	7	10	
Saint George,		39	2	4	
Woodstock,		297	2	11	
Shediac,		5	0	4	
West Isles,		23	7	2	57,293 0 2
Auction Duties collected at					
At Saint John,		1,259	1	2	
Miramichi,		51	14	8	
Dalhousie,		38	9	9	
Saint Andrews,		12	7	11	
Saint Stephen,		7	11	2	
Woodstock,		18	7	0	
Fredericton,		24	10	5	1,412 2 1
Received for Pedlars' Licences, issued—					
At Saint John,		20	0	0	
Miramichi,		2	10	0	
Bathurst,		2	0	0	
Dalhousie,		2	10	0	
Saint Andrews,		5	0	0	
Woodstock,		5	0	0	
Fredericton,		11	10	0	48 10 0
Received from the Officers of H. M. Customs—					
At Saint John,		22,250	0	0	
Miramichi,		3,753	14	10	
Bathurst,		262	6	8	
Dalhousie,		585	14	1	
Richibucto,		302	4	10	
Woodstock,		213	0	8	
Saint Andrews,		856	3	2	28,223 4 3
Amount of Casual and Territorial Revenue paid into the hands of the Province Treasurer, viz:—					
Interest received on Bonds for Loans,		1,715	0	0	
Amount from Receiver General,		14,708	13	6	
Proceeds of Bills of Exchange,		9,672	18	10	26,096 12 4
Amount of Emigrant Duties Collected—					
At Saint John,		692	17	0	
Saint Andrews,		83	6	8	
Miramichi,		16	0	0	
Shediac,		0	15	0	792 18 8
	<i>Carried forward,</i>	£113,866	7	6	<u>86,026 0 10</u>

	<i>Brought forward,</i>	£113,866 7 6	86,026 0 10
Amount of Light House Duties collected—			
At Saint John,	2,421 0 8		
Saint Andrews,	366 12 4		
Saint Stephen,	269 19 8		
Saint George,	73 16 4		
West Isles,	124 7 0		
Grand Manan,	5 10 0—	3,261 6 0	
Amount of sick and disabled Seamen's Duties collected—			
At Saint John,	£834 11 7½		
Miramichi,	610 10 0		
Dalhousie,	125 18 3		
Bathurst,	54 14 2		
Richibucto,	62 15 2		
Shediac,	3 6 11		
Saint Andrews,	166 13 2		
Saint Stephen,	126 19 10		
Saint George,	33 7 6		
West Isles,	36 16 4—	2,056 12 11½	
Amount of sums refunded into the Treasury to Account of the Province Treasurer,		4,053 7 11	
Amount received from Her Majesty's Attorney General on account of Bonds put in suit,		44 14 0	
Amount credited to the Province by Deputy Treasurer at Bathurst, for portion of a Seizure,		2 19 5½	
		<hr/>	123,285 7 10
			<hr/> <u>£209,311 8 8</u> <hr/>
The whole balance due by Deputy Treasurer Campbell is for			
Ordinary Revenue Account,			£1,959 0 4
Seamen's Fund Account,			118 16 1
Buoys and Beacons Fund Account,			109 12 10
Proceeds of Seizures,			16 4 0
	Total,		<hr/> <u>£2 203 13 3</u> <hr/>
The Province Treasurer's balance stands thus			
Due to Casual and Territorial Revenue Account,			£70,264 1 8
Ditto Light House Account,			948 17 11
Ditto Seamen's Fund Account			740 16 7½
			<hr/> <u>£71,953 16 2½</u> <hr/>
Due from Ordinary Revenue Account,	£13,463 9 4		
Ditto Emigrant Account,	2,593 16 4—	16,057 5 8	
			<hr/> <u>£55,896 10 6½</u> <hr/>

B. ROBINSON, *Province Treasurer.**Treasury, Saint John, 1st January, 1840.**Detailed*

Detailed Account of the Expenditure of £14,500, granted for the Civil List of the Province for the year 1839.

March 31.	Paid Salary of the Lieutenant Governor to date,	£865	7	8		
	Ditto Private Secretary,	57	13	10		
	Ditto Chief Justice,	274	0	9		
	Ditto Judge Botsford,	187	10	0		
	Ditto Judge Carter,	93	15	0		
	Ditto Judge Parker,	187	10	0		
	Ditto Provincial Secretary,	399	17	9		
	Ditto Commissioner of Crown Lands,	504	16	1		
	Ditto Auditor General,	125	0	0		
	Ditto Assistant Auditor,	75	0	0		
	Ditto Receiver General,	86	10	9		
	Ditto Attorney General,	158	13	0		
	Ditto Solicitor General,	57	13	10		
	Ditto Emigrant Agent,	28	16	11		
	Ditto Presbyterian Minister,	14	8	5		
	Donation to King's College,	277	15	6		
	Ditto to Indians,	15	0	0		
	Contingencies of Office of Audit,	25	0	0		
	Annuity to A. Lockwood, Esquire,	43	5	4		
	Paid Provincial Secretary's Postage,	17	1	4	—	3,494 16 2
	<i>Second Quarter.</i>					
June 30.	Paid Salary of Lieutenant Governor to date,	£865	7	8		
	Ditto Private Secretary,	57	13	10		
	Ditto Chief Justice,	274	0	9		
	Ditto Judge Botsford,	187	10	0		
	Ditto Judge Carter,	187	10	0		
	Ditto Judge Parker,	187	10	0		
	Ditto Provincial Secretary,	399	17	9		
	Ditto Auditor General,	86	10	9		
	Ditto Receiver General,	86	10	9		
	Ditto Attorney General,	158	13	0		
	Ditto Solicitor General,	57	13	10		
	Ditto Emigrant Agent,	28	16	11		
	Ditto Presbyterian Minister,	14	8	5		
	Donation to King's College,	277	15	6		
	Ditto to Indians,	15	0	0		
	Annuity to A. Lockwood, Esquire,	43	5	4		
	Contingencies of Audit Office,	18	15	0		
	Provincial Secretary's Postage,	24	11	11		
	Paid Salary of Commissioner of Crown Lands to date,	290	0	0		
	Reverend William Dollard, for his services,	50	0	0	—	3,311 11 5
	<i>Third Quarter.</i>					
Sept. 30.	Paid Salary of Lieutenant Governor to date,	£865	7	8		
	Ditto Private Secretary,	57	13	10		
	Ditto Chief Justice,	274	0	9		
	Ditto Judge Botsford,	187	10	0		
	Ditto Judge Carter,	187	10	0		
	Ditto Judge Parker,	187	10	0		
	Ditto Provincial Secretary,	399	17	9		
	<i>Carried forward,</i>					
		£2,159	10	0		6,806 7 7

	<i>Brought forward,</i>	£2,159 10 0	6,806 7 7
Paid Salary of Commissioner of Crown Lands,		299 0 0	
Ditto Auditor General,		86 10 9	
Ditto Receiver General,		86 10 9	
Ditto Attorney General,		158 13 0	
Ditto Solicitor General,		57 13 10	
Ditto Emigrant Agent,		28 16 11	
Ditto Presbyterian Minister,		14 8 5	
Donation to King's College,		277 15 6	
Ditto to Indians,		15 0 0	
Annuity to A. Lockwood, Esquire,		43 5 4	3,227 4 6
	<i>Last Quarter.</i>		
Dec. 31. Paid Salary of Lieutenant Governor,		£865 7 8	
Ditto Private Secretary,		57 13 10	
Ditto Chief Justice,		271 0 9	
Ditto Judge Botsford,		187 10 0	
Ditto Judge Carter,		187 10 0	
Ditto Judge Parker,		187 10 0	
Ditto Provincial Secretary,		399 17 9	
Ditto Commissioner of Crown Lands,		299 0 0	
Ditto Auditor General,		86 10 9	
Ditto Receiver General,		86 10 9	
Ditto Attorney General,		158 13 0	
Ditto Solicitor General,		57 13 10	
Ditto Emigrant Agent,		28 16 11	
Ditto Presbyterian Minister,		14 8 5	
Donation to King's College,		277 15 6	
Ditto to Indians,		15 0 0	
Annuity to A. Lockwood, Esquire,		43 5 4	
Provincial Secretary's Postage,		20 5 4	
Paid Judge Carter part of his Salary, while in England,		81 7 9	3,328 17 7
			<hr/> 13,362 9 8
Amount of Civil List,			14,500 0 0
			<hr/> 1,137 10 4
Less this amount overdrawn in 1838,			112 7 10
			<hr/> £1,025 2 6

F. P. ROBINSON.

Auditor's Office, 27th February, 1840.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill for the naturalization of Aliens 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 Bill, they had made an amendment thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received.

The

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

At A. expunge the fifth Section.

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

ORDERED, That it be engrossed, and the Bill, as amended, read the third time on Monday next.

A Message was brought from the Assembly, by Mr. Connell, with a Bill, intituled "A Bill to extend the provisions of the fourth Section of an Act, intituled 'An Act to amend the Act to provide for the collection of the Revenue of the Province,' to Woodstock, in the County of Carleton," to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the said Bill stand for a second reading on Monday next.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to authorize an assessment on the inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned.

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 on Monday next.

The Honorable Mr. Botsford, from the Committee to whom were referred all Bills relating to Corporations, presented a further Report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations, further report that they have had under consideration a Bill to amend an Act, intituled "An Act to incorporate the Saint John Hotel Company," and have prepared certain amendments thereto, which they recommend to the favorable consideration of the House.

E. BOTSFORD.

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

The Honorable Mr. Botsford, by leave, presented to the House, a Bill in addition to the Acts now in force relating to Commissioners of Sewers.

The said Bill was read a first time.

ORDERED, That the said Bill stand for a second reading on Monday next.

Adjourned until Monday next, at 12 o'clock.

MONDAY, 2d March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr.

Mr. Black.
Mr. Robinson.
Mr. Attorney General.
Mr. Street.
Mr. Hatch.

Mr. Baillie.
Mr. Botsford.
Mr. Chandler.
Mr. Wyer.
Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill for the naturalization of Aliens in this Province, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to authorize an assessment on the inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned, was read a third time and passed.

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 following Bills were severally read a second time:—

A Bill in addition to the Acts now in force relating to Commissioners of Sewers: and

A Bill to extend the provisions of the fourth section of an Act to amend the Act to provide for the collection of the Revenue of the Province, to Woodstock, in the County of Carleton.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to amend an Act, intituled "An Act in addition to and in amendment of the Laws now in force for regulating Elections of Representatives to serve in General Assembly in this Province."

The Honorable Mr. Baillie 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 thereof be postponed for three months.

ORDERED, That the Report be received; and it was thereupon

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

The Honorable Mr. Hatch, presented to the House, a Bill to revive and amend an Act, intituled "An Act to incorporate the Chamcook Mill and Factory Company."

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill relating to Highways.

The Honorable Mr. Baillie took the Chair.

After

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section I. expunge the remainder of the Bill, and insert the words following:—

“That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled ‘An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same;’ and also an Act made and passed in the sixth year of the same Reign, intituled ‘An Act in amendment of the Act relating to Highways,’ be and the same are hereby continued and declared to be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and forty two.”

At B. in the title insert the words, “to continue the Acts.”

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to authorize the Justices of the Peace for the City and County of Saint John, to erect a Building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same.

The Honorable Mr. Baillie 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 said Bill be read a third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to declare the Law with regard to Commissions for taking affidavits to be read in the Supreme Court.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend an Act, intituled “An Act to incorporate the Saint John Hotel Company,” and the Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the

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

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

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 an Act, intituled "An Act to alter and amend an Act to provide for the greater safety of Passengers on board Steam-boats."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, they had made certain amendments thereto, and recommend the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received, and the Bill be engrossed and read a third time to-morrow.

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

A Bill relating to Wrecked Property :

A Bill to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof:

A Bill for enabling persons indicted of Felony, to make their defence by Counsel :

A Bill to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton: and

A Bill to extend the provisions of an Act, intituled "An Act to lay a Tax on Dogs in a certain part of the Parish of Chatham, in the County of Northumberland," to a certain part of the Parish of Newcastle, in the said County.

The said Bills were severally read a first time.

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

A Message was brought from the Assembly, by Mr. End, with a Bill, intituled "A Bill to authorize Her Majesty's Justices of the Peace of the County of Gloucester, to assess the said County for repairing public Buildings therein," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Palmer, with a Bill, intituled "A Bill to amend an Act, intituled 'An Act to repeal all the Laws now in force relating

relating to Parish Schools, and to make other provisions respecting the same," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The Honorable Mr. Kinnear presented to the House, a Bill in addition to the Acts for the amendment of the Criminal Law.

The said Bill was read a first time.

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

The Honorable Mr. Botsford, from the Select Committee appointed to examine and report upon all Bills relating to Corporations, presented a further Report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations, have had under their consideration a Bill to incorporate the Saint George Lime Company, report that they have prepared certain amendments thereto, which they recommend to the adoption of the House.

E. BOTSFORD.

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

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

A Petition from the Justices of the Peace for the City and County of Saint John, praying aid for the House of Correction, and offering the use of the establishment for convicted criminals:

A Petition from the same Justices, praying that the Overseers of the Parish of Portland may be reimbursed for expenses incurred by them towards the support of the Black Refugees at Loch Lomond:

A Petition from Michael Downing, praying for an allowance for teaching a School in the Parish of Pennfield:

A Petition from William Hammond, praying a return of Duties paid on Sugar destroyed by the late fire in Saint John:

A Petition from Robert Foulis, of the City of Saint John, praying aid to his School of Arts: and

A Petition from the President and Directors of the Saint John Water Company, praying that an Act may pass to authorize the transfer of the Stock of the Company to the Mayor, Aldermen and Commonalty of the City of Saint John.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY,

TUESDAY, 3d March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Baillie.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace for the City and County of Saint John, to erect a Building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same, was read a third time and passed.

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 relating to Highways, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant, as amended, was read the third time and passed.

ORDERED, That the Title be, "An Act further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

Pursuant to the Order of the Day, the following Bills were severally read a second time:—

A Bill to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof :

A Bill to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton :

A Bill relating to Wrecked Property :

A Bill in addition to the Acts for the amendment of the Criminal Law :

A Bill to extend the provisions of an Act, intituled "An Act to lay a Tax on Dogs in a certain part of the Parish of Chatham, in the County of Northumberland," to a certain part of the Parish of Newcastle, in the said County :

A Bill to amend an Act, intituled "An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same :"

A Bill to authorize Her Majesty's Justices of the Peace of the County of Gloucester, to assess the said County for repairing the public Buildings therein : and A

A Bill for enabling persons indicted of Felony, to make their defence by Counsel.

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

Pursuant to the Order of the Day, the Bill to revive and amend an Act, intituled "An Act to incorporate the Chamcook Mill and Factory Company," was read a second time.

ORDERED, That the said Bill be referred to the Select Committee, appointed to examine and report upon Bills relating to Corporations.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to extend the provisions of the fourth Section of an Act, intituled "An Act to amend the Act to provide for the collection of the Revenue of the Province," to Woodstock, in the County of Carleton.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section I. expunge the words "of the above recited," and insert the words following: "of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Act to provide for the collection of the Revenue of the Province."

At B. in Section II. expunge the words "Act to which this is an extension," and insert the words "above recited Act."

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

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

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 Acts now in force relating to Commissioners of Sewers.

The Honorable Mr. Baillie 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 engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill in addition to an Act, intituled "An Act to alter and amend an Act to provide for the greater safety of Passengers on board Steamboats."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received, and the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to declare the Law with regard to Commissions for taking affidavits to be read in the Supreme Court.

The Honorable Mr. Baillie 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 engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to amend an Act, intituled "An Act to incorporate the Saint John Hotel Company," and the Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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. expunge the several clauses of the Bill, and insert the words following—

"Whereas the sum required in and by the ninth Section of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled 'An Act to incorporate the Saint John Hotel Company,' to be paid in for the purposes of the said Corporation, was actually so paid in within the time therein mentioned and required, but the Certificate of such payment was omitted to be filed in the office of the Secretary of the Province within the time for that purpose prescribed; and whereas such Certificate is now filed and remains in the said office, and it is considered expedient to revive the said recited Act, and to confirm all proceedings had thereunder to the same extent as if such Certificate had been filed in due time.

"Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby revived and declared to be in full force and effect, save and except the ninth Section thereof."

"II. And be it enacted, That all proceedings had, or professed to have been had under and by virtue of the said recited Act, shall be valid and effectual to all intents and purposes, in the same manner and to the same extent as if such Certificate had been filed in the office of the Secretary of the Province within the time prescribed by the ninth Section of the said recited Act."

At B. in the Title, expunge the word "amend" and insert the word "revive."

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,

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to incorporate the Saint George Lime Company, and the Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section IV. expunge the fourth and fifth Sections, and alter the numbers of the remaining Sections accordingly.

At B. in the preamble, insert the words “in the County of Charlotte.”

At C. insert the words “and whereas it hath been deemed expedient to afford protection and encouragement to the said Association by an Act of Incorporation.”

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to authorize Her Majesty's Justices of the Peace of King's County, to erect a Building in the said County for a Common Gaol, and to assess the Inhabitants towards defraying the expences thereof.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received, and the Bill be read the third time to-morrow.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to amend the Act relating to the exportation of Butter.

The Honorable Mr. Baillie 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 thereof be postponed for three months.

ORDERED, That the Report be received ; and it was thereupon

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

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

A

A Bill to make more effectual provision for the regulation of Seamen in this Province : and

A Bill to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence.

The said Bills were severally read a first time.

ORDERED, That they stand for a second reading to-morrow.

The Honorable Mr. Botsford, by leave, presented a Petition from the Justices of the Peace of Restigouche, praying a sum of money to assist in building a Court House and Gaol.

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 4th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Bluck.

Mr. Baillie.

Mr. Botsford.

Mr. Attorney General.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinneaur.

PRAYERS.

Pursuant to the Order of the Day, the Bill to declare the Law with regard to Commissions for taking affidavits to be read in the Supreme Court, was read a third time and passed.

ORDERED, That the Title be, "An Act to declare the Law with regard to Commissions for taking affidavits to be read in the Supreme Court."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

Pursuant to the Order of the Day, the Bill in addition to the Act providing for the greater safety of Passengers on board Steamboats, was read a third time and passed.

ORDERED, That the Title be, "An Act in addition to the Act providing for the greater safety of Passengers on board Steamboats."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

Pursuant to the Order of the Day, the Bill in addition to the Acts now in force relating to Commissioners of Sewers, was read a third time and passed.

ORDERED, That the Title be, "An Act in addition to the Acts now in force relating to Commissioners of Sewers."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and

and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

Pursuant to the Order of the Day, the following Bills, as amended, were severally read a third time and passed :—

A Bill to amend an Act, intituled “ An Act to incorporate the Saint John Hotel Company :”

A Bill to incorporate the Saint George Lime Company : and

A Bill to extend the provisions of the fourth Section of an Act, intituled “ An Act to amend the Act to provide for the collection of the Revenue of the Province,” to Woodstock, in the County of Carleton.

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

Pursuant to the Order of the Day, the Bill to authorize Her Majesty's Justices of the Peace of King's County, to erect a Building in the said County for a Common Gaol, and to assess the Inhabitants towards defraying the expenses thereof, was read a third time and passed.

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.

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

A Bill to alter and amend an Act to provide for the safe keeping of the County Records, so far as regards the County of Carleton : and

A Bill to facilitate the means of supplying the City of Saint John with Water.

The said Bills were severally read a first time.

ORDERED, That they stand for a second reading to-morrow.

Pursuant to the Order of the Day, the following Bills were severally read a second time :—

A Bill to make more effectual provisions for the regulation of Seamen in this Province : and

A Bill to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and establishments in the Gulph of Saint Lawrence.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received.

The

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

At A. in Section I. insert the words “ intitled an Act.”

At B. at the end of Section III. insert as follows—

“ Provided always, that nothing in this Section contained shall extend to prevent any such Court, in their discretion, from granting Tavern Licences for the sum of Twenty Shillings to any person residing in remote situations, when the same shall appear to such Court absolutely necessary for the accommodation of Travellers.”

At C. in Section XIII. expunge the word “ apparently.”

At D. in the same Section, expunge the word “ apparently.”

At E. in the same Section, expunge the word “ apparently.”

At F. in Section XIX. expunge the words “ at hard labour.”

At G. in Section XXII. expunge the words “ or any one of them.”

At H. in the same Section, expunge the words “ or any one of them.”

At I. expunge the Section XXV. and alter the number of the following Section.

At J. in the form of Execution, expunge the words “ at hard labour.”

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-morrow.

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 Acts for the amendment of the Criminal Law.

The Honorable Mr. Baillie 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 engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to extend the provisions of an Act, intituled “ An Act to lay a Tax on Dogs in a certain part of the Parish of Chatham, in the County of Northumberland,” to a certain part of the Parish of Newcastle, in the said County.

The Honorable Mr. Baillie 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 thereof be postponed for three months.

ORDERED, That the Report be received ; and it was thereupon

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 to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The

The Chairman reported, that the Committee had gone through the Bill, they had made certain 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 Section II. expunge the words “ Clerks of the Markets shall respectively,” and insert “ Clerk of the Market shall.”

At B. in Section III. expunge the word “ Clerks,” and insert the word “ Clerk.”

At C. in the same Section, expunge the word “ them,” and insert the word “ him.”

At D. in the same Section, expunge the words “ to be forfeited by the party guilty of such neglect.”

At E. in Section IV. expunge the words “ such Parish in which the offence shall have been committed,” and insert the words “ the said Parish.”

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-morrow.

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

A Petition from the Justices of the Peace for the City and County of Saint John, praying a sum of money for distressed Emigrants :

A Petition from John Johnston, William Scovil, Robert W. Crookshank and others, praying relief respecting the operation of the late Act for widening certain Streets in the burnt district in the City of Saint John :

A Petition from Messrs. Crookshank and Walker, praying a return of Duties on Cigars and Molasses destroyed by the late fire :

A Petition from William H. Scovil, praying a return of Duties in certain cases in the Petition specified: and

A Petition from Thomas Lamb, Keeper of the Light House at Quaco, praying additional assistance to maintain said Light House.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 5th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Chundler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant

Pursuant to the Order of the Day, the following Bills, as amended, were severally read a third time and passed:—

A Bill to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof: and

A Bill to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton.

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

Pursuant to the Order of the Day, the Bill to alter and amend an Act to provide for the safe keeping of the County Records, so far as regards the County of Carleton.

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

Pursuant to the Order of the Day, the Bill to facilitate the means of supplying the City of Saint John with Water, was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and establishments in the Gulf of Saint Lawrence.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

The Honorable the President informed the House, that he had received from the Honorable the Secretary of the Province, an Abstract shewing the state of the Central Fire Insurance Company, on the third day of March, instant.

ORDERED, That the same do lie on the Table.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to make more effectual provisions for the regulation of Seamen in this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, they 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. Botsford, from the Committee appointed to enquire into and report upon the Petition from the President and Directors of the Tobique Mill Company, presented a Report.

ORDERED, That the Report be received.

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

The Committee to whom was referred the petition of the President and Directors of the Tobique Mill Company, praying permission to relinquish a portion of the land purchased

purchased by them; and also, the Petition of T. R. Robinson, and one hundred and sixty others, in support thereof; and to report upon the proper course to be adopted by the Legislature in such cases, have taken the same into consideration, and Report, that by the "Act for the support of the Civil Government in this Province," the power to make remission or composition in all such cases is clearly reserved to the Crown. Your Committee are, therefore, of opinion, that the Executive of the Province has the right to deal with the application of the President and Directors of the Tobique Mill Company as in its discretion it should deem meet; and from the nature of the facts set forth in this instance the Committee have no doubt this discretion will be exercised favorably towards the applicants.

With respect to the proper course to be taken by the Legislature in such cases, we have to suggest, that whenever the particular circumstances of any similar application are such as to demand the interference of this House, it should be by an Address to His Excellency the Commander in Chief, containing such recommendations as in the opinion of the House the case may require.

E. BOTSFORD, Chairman.

March 5, 1840.

ORDERED, That the Report be received.

The Honorable Mr. Shore, by leave, presented a Petition from Richard Ketchum, John Dibblee, Adam B. Sharp, and eleven other Magistrates of the County of Carleton, against the removal of the public Buildings.

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

The Honorable Mr. Botsford, from the Committee appointed to examine and report upon all Bills relating to Corporations, presented a further Report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations, further report that they have had under consideration a Bill to revive and amend an Act, intituled "An Act to incorporate the Chamcook Mill and Factory Company," and recommend the same to the adoption of the House.

E. BOTSFORD, Chairman.

March 5, 1840.

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

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 through the Resolutions of Appropriation dated the twenty fourth and twenty fifth day of February last, and recommended that the House should concur in the same, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the twenty fourth and twenty fifth day of February were concurred in by the House.

On

On the question of concurrence being put on the three following Resolutions:—

“That there be granted to L. A. Wilmot, Esquire, in addition to the sum of two hundred and eighty eight pounds, seventeen shillings and sixpence, now in his hands unexpended from monies voted for the expenses of the Deputation of the year one thousand eight hundred and thirty six, the sum of two hundred pounds, as a remuneration for such services in the year one thousand eight hundred and thirty six :

“That there be granted to L. A. Wilmot, Esquire, the sum of three hundred pounds, as a remuneration for his services as one of the Deputation to England in the year one thousand eight hundred and thirty seven :

“To the Honorable William Crane, one of the late Deputation to England on the affairs of this Province, such sum as will procure a Bill of Exchange on London for two hundred and forty three pounds sixteen shillings, sterling, being amount advanced by him in England in the year one thousand eight hundred and thirty seven, as part of the expenses of the Deputation in that year :”

The House divided:—

CONTENT.	NON-CONTENT.
The Chief Justice.	Mr. Street.
Mr. Black.	
Mr. Shore.	
Mr. Baillie.	
Mr. Robinson.	
Mr. Saunders.	
Mr. Botsford.	
Mr. Attorney General.	
Mr. Chandler.	
Mr. Wyer.	
Mr. Hatch.	
Mr. Kinnear.	

And so it passed in the affirmative.

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 twenty fourth and twenty fifth day of February.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to amend an Act, intituled “An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same.”

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 tomorrow.

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

A Petition from the Mayor, Aldermen and Commonalty of Saint John, praying an amendment of the Act for the more effectual prevention of Fires in the City of Saint John: and

A Petition from Lewis Burns, and others, of the City of Saint John, praying that an Act may pass for the Incorporation of the Orphan Benevolent Society.

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

The Honorable Mr. Chandler, by leave, presented a Petition from William P. Ranney, of Saint John, praying a grant for return of Duties on Goods destroyed by fire at Fredericton, in the year one thousand eight hundred and thirty nine.

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

The Honorable Mr. Botsford, by leave, presented a Petition from the Overseers of the Poor of the Parish of Addington, in Restigouche, praying aid to them for taking care of a transient Pauper.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 6th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to amend an Act, intituled "An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same," was read a third time and passed.

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.

The Honorable Mr. Street, by leave, presented a Petition from Charles Perley, and other Inhabitants and Magistrates of the County of Carleton, in support of their former Petition for altering the site of the public Buildings in the said County.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to alter and amend an Act to provide for the safe keeping of the County Records, so far as regards the County of Carleton.

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 on Monday next.

On

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill for enabling persons indicted of Felony, to make their defence by Counsel.

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 recommend the same, without amendment, to the adoption of the House.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to revive and amend an Act, intituled "An Act to incorporate the Chamcook Mill and Factory Company," and the Report of the Select Committee thereon.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to authorize Her Majesty's Justices of the Peace of the County of Gloucester, to assess the said County for repairing the public Buildings therein.

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 on Monday next.

On motion—

The Order of the Day for the third reading of the Bill in addition to the Acts for the amendment of the Criminal Law was ordered to be discharged, and that the House be put into a Committee of the whole, on Monday next, to take the said Bill into further consideration.

A Message was brought from the Assembly, by Mr. Fisher, with Resolutions of Appropriation, dated the fourth and fifth day of March, instant, to which they desire the concurrence of this House.

The said Resolutions were read the first time.

ORDERED, That they be referred to the Committee of the whole House upon Resolutions of Appropriation.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to amend the Law of Evidence in regard to the proof of Records and Letters Patent.

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, they had made some progress therein, and asked leave to sit again on Monday next.

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

Adjourned until Monday next, at 12 o'clock.

MONDAY, 9th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed:—

A Bill for enabling persons indicted of Felony, to make their defence by Counsel:

A Bill to alter and amend an Act to provide for the safe keeping of the County Records, so far as regards the County of Carleton: and

A Bill to authorize Her Majesty's Justices of the Peace of the County of Gloucester, to assess the said County for repairing the public Buildings therein.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to revive and amend an Act, intituled "An Act to incorporate the Chamcook Mill and Factory Company," and the Report of the Select Committee thereon.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, they had made certain amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received, and the Bill be engrossed and read a third time to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and establishments in the Gulf of Saint Lawrence.

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 the Bill be read a third time to-morrow.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to incorporate Saint Luke's Church, in the Parish of Portland.

The Honorable Mr. Peters 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 thereof be postponed until the next Session of the General Assembly.

ORDERED, That the Report be received ; and it was thereupon

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace for Queen's County to lease a certain Lot of Land in the Town Plat of Gagetown.

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 the Bill be read a third time to-morrow.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill relating to Wrecked Property.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

A

A Message was brought from the Assembly, by Mr. Weldon, with a Bill, intituled "A Bill for ascertaining the population of this Province," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Brown, that the Assembly had agreed to the amendments made by this House to the Bill relating to Highways: and The Bill to incorporate the Saint George Lime Company.

A Message was brought from the Assembly, by Mr. Connell, that the Assembly had agreed to the amendments made by this House to the Bill to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton: and

A Bill to extend the provisions of the fourth Section of an Act, intituled "An Act to amend the Act to provide for the collection of the Revenue of the Province," to Woodstock, in the County of Carleton.

The Honorable the President informed the House, that he had received from the Honorable the Secretary of the Province, an Abstract shewing the state of the Central Bank on the first Monday in March, one thousand eight hundred and forty.

ORDERED, That the same do lie on the Table.

A Message was brought from the Assembly, by Mr. End, that the Assembly had agreed to the amendments made by this House to the Bill to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof.

A Message was brought from the Assembly, by Mr. Fisher, with a Bill, intituled "A Bill to define the boundaries of certain Parishes in the County of York, and to erect two new Parishes in the said County," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Wilmot, that the Assembly had agreed to the amendments made by this House to the Bill to amend an Act, intituled "An Act to incorporate the Saint John Hotel Company:" and with the following Resolutions:—

House of Assembly, 7th March, 1840.

Whereas a false and scandalous libel against the Queen's Representative in this Province has been published in a weekly Newspaper printed in Saint John, called the "Weekly Chronicle," under date the 28th day of February last, entitled "Another new and improved Constitution," which is calculated, if unnoticed, to bring the Provincial Government into contempt; therefore

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to give directions to Her Majesty's Attorney General to adopt proceedings at Law against the author or publisher of the said Newspaper for the said false and scandalous libel; and further

RESOLVED, That the Legislative Council be requested to join in the said Address.

CHAS. P. WETMORE, *Clerk.*

His Honor the President withdrew.

The

The Honorable Mr. Black sat President.

The House having had under consideration a Resolution of the House of Assembly, communicated to this House for concurrence, touching a false and scandalous libel against the Queen's Representative in this Province, the following Resolution was moved and seconded :—

RESOLVED, That the House of Assembly be requested to communicate to this House the paper containing such libel.

The question being put on this Resolution, the House divided :—

CONTENT.	NON-CONTENT.
Mr. Baillie.	Mr. Black.
Mr. Peters.	Mr. Shore.
Mr. Botsford.	Mr. Robinson.
Mr. Attorney General.	Mr. Saunders.
Mr. Lee.	Mr. Wyer.
Mr. Chandler.	Mr. Hatch.
Mr. Street.	Mr. Kinnear.

And so it passed in the negative.

On motion that the foregoing Resolution be re-considered, the House decided in the affirmative; and thereupon the Resolution was passed.

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

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

House of Assembly, 9th March, 1840.

RESOLVED, That the public Newspaper, printed in Saint John, under date the 28th day of February last, called the "Weekly Chronicle," and containing the false and scandalous libel against the Queen's Representative in this Province, referred to in the Resolution of this House of the 7th instant, be forthwith communicated to the Legislative Council.

CHAS. P. WETMORE, *Clerk.*

The paper referred to in the Resolution from the Assembly, as containing a false and scandalous libel against the Queen's Representative in this Province, being read, and also the Resolution of the Assembly upon such paper, and consideration being thereon had,

RESOLVED, UNANIMOUSLY, That this House do agree with the Assembly in the said Resolution and Address.

ORDERED, That the Master in Chancery do acquaint the Assembly therewith, and return the paper communicated to this House by the Assembly.

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

A Bill further in amendment of the Law, and the better advancement of Justice; and

A Bill to prevent the destruction of Oysters in the Harbours of the Counties of Westmorland and Kent.

The said Bills were severally read a first time.

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

The

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

A Petition from William O. Smith, and other inhabitants of the County of Westmorland, praying encouragement towards running a Packet between Shediac and Prince Edward Island : and

A Petition from David B. Wetmore, and one hundred and ninety inhabitants of King's County, praying that no proceedings may be adopted to discontinue or reduce the duty on Flour and Salted Provisions.

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

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

A Petition from Michael Harley, praying compensation for services performed as a Deputy Surveyor of Crown Lands : and

A Petition from John Cameron, praying compensation for teaching a School in the County of Gloucester.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 10th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to incorporate the Chamcook Mill and Factory Company, was read a third time and passed.

ORDERED, That the Title be, "An Act to incorporate the Chamcook Mill and Factory Company."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed :—

A Bill to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and establishments in the Gulf of Saint Lawrence : and

A Bill to authorize the Justices of the Peace for Queen's County to lease a certain Lot of Land in the Town Plat of Gagetown.

ORDERED,

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

Pursuant to the Order of the Day, the following Bills were severally read a second time:—

A Bill for ascertaining the population of this Province :

A Bill to define the boundaries of certain Parishes in the County of York, and to erect two new Parishes in the said County: and

A Bill to prevent the destruction of Oysters in the Harbours of the Counties of Westmorland and Kent.

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

Pursuant to the Order of the Day, the Bill further in amendment of the Law and the better advancement of Justice, was read 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, to take into further consideration the Bill in addition to the Acts for the amendment of the Criminal Law.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received, and the Bill be engrossed and read a third time to-morrow.

A Message was brought from the Assembly, by Mr. Woodward, that Mr. L. A. Wilmot, Mr. Partelow, Mr. Allen and Mr. Connell, are appointed a Committee on the part of the Assembly to join such Committee as may be appointed by this House to wait upon His Excellency the Lieutenant Governor with the joint Address of both Houses, upon the subject of the false and scandalous libel against the Queen's Representative in this Province.

ORDERED, That the Honorable Messrs. Black and Shore be appointed a Committee on the part of this House to join the Committee from the Assembly for the above purpose.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to make more effectual provisions for the regulation of Seamen 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 Bill, they had made

made certain amendments thereto, and recommend the Bill, as amended, 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 Section I. expunge the word “are,” and insert the word “is.”

At B. in Section II. expunge the words “Innholder, Shopkeeper, or any other person whomsoever,” and insert the word “person.”

At C. in the same Section, expunge the words “or pretence of debt made,” and insert the word “contracted.”

At D. in Section III. insert “in the case of persons allowed by Law to affirm.”

At E. insert the words “or Consignee.”

At F. at the end of the Section, add “And it shall be the duty of the Owner or the Master, or the Officer or the Consignee of such Ship or Vessel, complaining as aforesaid, to supply for the use of the said Mariner or Seaman, all necessary bedding, provisions and maintenance during the time of his detention in prison as aforesaid, and pay to the Gaoler of said prison his lawful fees on receiving and discharging such Mariner or Seaman; and in default thereof the said Gaoler may make the supplies aforesaid and maintain an action therefor, together with the fees aforesaid, against the Owner of the said Vessel, or the Master, or the Officer or Consignee complaining as aforesaid, in any Court of Record, or if the same shall not exceed five pounds, before any Justice of the Peace, according to the provisions of the Act, intituled ‘An Act to regulate proceedings before Justices of the Peace in Civil Suits.’”

At G. in Section IV. insert the words “knowing him to have deserted from or to belong to any other Ship or Vessel in the Province.”

At H. in the same Section, insert the words “in the case of persons allowed by law to affirm.”

At I. insert the word “charged.”

At K. expunge the remainder of the Section, and insert as follows:—

“He may be entitled to on board the Vessel entered by him after such desertion, to be detained by the Master or Owner of such Vessel to and for the use of the Owner of the Vessel from which he deserted, and to be sued for and recovered from him by such last mentioned Owner, by action of debt or on the case in any Court of Record, or before any Justice of the Peace, if the sum claimed do not exceed five pounds, agreeably to the above recited Act for regulating the proceedings of Justices in Civil Suits.”

At L. in Section V. insert the words “in the case of persons allowed by Law to affirm.”

At M. in the same Section, insert the words “in the case of persons allowed by Law to affirm.”

At N. in Section VI. expunge the remainder of the Section.

At O. in Section VIII. expunge the words “cause or procure,” and insert the words “provide or procure, or cause to be provided or procured for.”

At P. expunge the Section, and insert the following:—

“IX. And be it enacted, That if any person shall detain any Seaman or Mariner’s Clothes, Chest, Hammock, or other property, it shall and may be lawful for any two

of Her Majesty's Justices of the Peace, upon complaint made to them by any such Seaman or Mariner, on oath or affirmation (in the case of persons allowed by Law to affirm), to issue their Warrant directed to any Constable of the County in which such Justices shall have jurisdiction, requiring the said Constable to bring such Clothes, Chest, Hammock, or other property before them, and to summon the person so detaining the same to appear before them to answer for such detainer, and upon a full hearing of the case on the oath, or affirmation (in the case of persons allowed by Law to affirm,) of the parties and their witnesses, taken *viva voce*, or on proof that the person required to be summoned could not be found and that a copy of such Warrant was left at his last place of abode, the said Justices shall and may make such order touching the articles mentioned in the said Warrant and so brought before them, and the delivery thereof to the party complaining, or the restoration thereof to the party charged with detaining the same, as may be reasonable and just: and in case the articles cannot be found, on proof thereof and on the appearance of the party charged and hearing all parties as aforesaid, or proof of the service of a copy of the said Warrant as aforesaid, then the said Justices shall and may order payment of the value thereof, together with the costs of prosecution, if the same shall to them appear reasonable and just, to be levied by warrant of distress and sale of the goods and chattels of the party upon whom such order shall be made, to the use of the said Seaman or Mariner, and in default thereof the said person so detaining the same to be committed to Gaol, there to remain without bail until the payment of the sum so ordered and costs aforesaid: Provided always, that no proceedings shall be had unless the value of the articles alleged to be detained shall not exceed ten pounds: And provided also, that no Innholder, or Tavern Keeper, or other such person, shall be allowed to make any claim before the said Justices for any lien on the said articles mentioned in the said Warrant, or any debt due from the said Seaman or Mariner, if it shall appear that the said Seaman or Mariner was, at the time of such application, a deserter from or belonging to any Ship or Vessel."

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 tomorrow.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to facilitate the means of supplying the City of Saint John with Water.

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, they had made some progress therein, and asked leave to sit again on Monday next.

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

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

House of Assembly, March 9, 1840.

RESOLVED, That this House do concur in the proposed joint Address, requested by the

the Legislative Council on the 28th day of February last, to be presented to Her Majesty upon the subject of an Act of the Imperial Parliament, passed in the second year of Her said Majesty's Reign, intituled "An Act for the prevention of loss of life and Vessels clearing from Ports in British North America; wholly or in part laden with Timber, with deck loads, from 1st September, 1839, to 1st May, 1840," with a view that the said Act may not be continued, so far as relates to the Trade with the West Indies, the United States, and the Coasting Trade.

CHAS. P. WETMORE, *Clerk.*

ORDERED, That the Honorable Mr. Wyer be a Committee on the part of this House, to join such Committee as may be appointed by the Assembly, to prepare the Address.

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

Messages from His Excellency the Lieutenant Governor, were delivered by the Honorable Mr. Shore, a Member of Her Majesty's Executive Council.

The Honorable the President read the same.

And they were again read by the Clerk as follows:—

NEW BRUNSWICK.

Message to the Legislative Council,

9th March, 1840.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays before the Council, and submits to their favorable consideration, a letter from His Excellency Sir Charles A. Fitzroy, with an Address from the House of Assembly of Prince Edward Island, on the subject of a Communication by Steam between that Island and Nova Scotia and New Brunswick, an object, the importance of which the Lieutenant Governor feels confident will be duly appreciated by the Council.

J. H.

Government House, Prince Edward Island, February 29, 1840.

SIR,

I have the honor to enclose a copy of an Address which has this day been presented to me by the House of Assembly of this Colony, the object of which is, as Your Excellency will perceive, to secure to the Provinces of Nova Scotia, New Brunswick and this Colony a frequent intercommunication by means of Steam navigation.

I need not point out to Your Excellency the intimate connexion which exists between this Island and the whole of that part of Your Excellency's Government which borders upon the Gulph of Saint Lawrence, particularly Miramichi, and the reciprocal advantages which cannot fail to arise from facilitating the intercourse between them.

I therefore rely with confidence upon Your Excellency's endeavors to procure from the Province of New Brunswick, during the present Session of the Legislature, its co-operation in this desirable measure.

I have the honor &c

CHARLES A. FITZROY.

His Excellency Major General Sir JOHN HARVEY, K. C. B. &c. &c. &c.

To His Excellency Sir Charles Augustus Fitzroy, K. H. Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

The Contract with the Owners of the "Cape Breton," Steamer, being about to expire at the close

of the present year, and the House of Assembly being fully alive to the advantages of keeping up a frequent intercourse by means of steam, with the neighbouring Provinces of Nova Scotia and New Brunswick, would respectfully request Your Excellency to cause a correspondence to be opened with the Governments of Nova Scotia and New Brunswick with a view of ascertaining how far those Provinces are disposed to co-operate with this Island in running a Steam Boat of at least eighty horse power twice a week between Charlotte Town and Pictou, and once a week between Pictou, Charlotte Town and Miramichi.

WM. COOPER, *Speaker*.

House of Assembly, February 29th 1840.

NEW BRUNSWICK.

*Message to the Legislative Council,
9th March, 1840.*

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays before the Council a copy of a Report made by the Honorable the Attorney General and Colonel Shore, with an Account of expences amounting to £91 19 9, which the Lieutenant Governor deemed it indispensably necessary to incur, to relieve the Inhabitants of Madawaska from a state of severe and increasing distress, and for which he recommends that provision be made.

J. H.

[*See Appendix, No. 9.*]

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill in amendment of the Law regulating Juries.

The Honorable Mr. Peters 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 thereof be postponed for three months.

ORDERED, That the Report be received; and it was thereupon

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

A Message was brought from the Assembly, by Mr. Brown, with a Bill, intituled "A Bill to continue an Act for the better regulation of the office of Sheriff in this Province," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The Honorable Mr. Street, by leave, presented a Petition from Thomas Murray, and Isaac Murray, praying relief from certain incumbrances on property set forth therein.

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

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

A Petition from Peter Clinch, Junior, Claudius Messinett, Tyler P. Shaw, and others, Inhabitants of the Parish of Saint George and Pennfield, praying a grant of money may be made to open a road from Red Rock to the Nerepis: and

A Petition from Thomas Wood, an old Soldier, praying assistance.

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

On motion—

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

The Honorable Mr. Peters 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 third day of March instant, they had made some progress therein and asked leave to sit again.

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

Adjourned until To-morrow at 11 o'clock.

WEDNESDAY, 11th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill in addition to the Acts for the amendment of the Criminal Law, was read a third time and passed.

ORDERED, That the Title be, "An Act in addition to the Acts for the amendment of the Criminal Law."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

Pursuant to the Order of the Day, the Bill to make more effectual provisions for the regulation of Seamen in this Province, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to continue an Act for the better regulation of the office of Sheriff in this Province, was read a second time.

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

Pursuant

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to prevent the destruction of Oysters in the Harbours of the Counties of Westmorland and Kent.

The Honorable Mr. Baillie 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 tomorrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill for ascertaining the population of this Province.

The Honorable Mr. Baillie 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 the third time tomorrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to define the boundaries of certain Parishes in the County of York, and to erect two new Parishes in the said County.

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 recommend that the same should be referred to a Select Committee of three Members to examine and report thereon.

ORDERED, That the report be received; and thereupon

ORDERED, That the Bill be referred to a Select Committee of three Members to examine and report thereon, and that the Honorable Messrs. Baillie, Saunders and Street do compose the Committee.

The Honorable Mr. Black, from the Committee appointed to join a Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor with the joint Address of both Houses, upon the subject of the false and scandalous libel against the Queen's Representative in this Province, which appeared in the Weekly Chronicle of the date of the twenty eighth of February last, reports, that they have attended to that duty, and His Excellency was pleased to make the following reply:—

GENTLEMEN,

I came among you charged by our Gracious Sovereign to announce to the inhabitants of this loyal Province, the Royal decision upon a proposition which had been laid by them at His Majesty's feet, and with respect to which, to use the emphatic language of one of the most excellent men and ablest Statesmen of his day, "The King had only to be satisfied of its advantages, as respects the interests of His faithful subjects of New Brunswick, to insure for it His Majesty's most willing and gracious assent."—The circumstances therefore under which I assumed the Administration of the affairs of this Province, appeared to be calculated to disarm political hostility, to calm party feeling

feeling, and to unite all classes of the King's subjects in gratitude towards their Paternal Monarch, and in a desire to manifest their confidence in His Representative. From that hour to the present I have devoted myself zealously, and, I will add, laboriously, to the duties of my station, and have used my best endeavours to convince the Legislature and the People of this Province of my anxious desire to administer its Government upon sound, Constitutional principles, in conformity with the commands of my Gracious Sovereign, and therefore in accordance with the wishes and interests of Her Majesty's Provincial Subjects,—and that I have not wholly failed in effecting these important objects of my mission, I proudly appeal to the Legislature and the Country, from both of which I have received so many gratifying assurances and proofs of confidence and satisfaction,—to say that I am *deeply sensible* of these repeated marks of approbation and good will, is to use language which very inadequately conveys the intensity of the feelings under which I now address you.

With reference to the immediate cause of your present Address I would observe, that from an early period after my arrival in this Province, I found myself, my measures and my confidential advisers, assailed through the Print in question, by calumnies so bitter, so malignant, so personally abusive, so atrociously and scandalously false, as to excite my utmost indignation and *astonishment*, never before having, in any Country, been made the object of any thing of the kind, during the whole course of a long public life.

That these attacks have proceeded from a small and disappointed party, I have not entertained a doubt,—but that any individuals of respectability can have lent themselves to anonymous proceedings of so mean, so base, so unmanly a character I must continue incredulous, until such proof shall have been produced as may satisfy the minds of a Jury of the Country.

Government House, 11th March, 1840.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to amend the Law of evidence in regard to the proof of Records and Letters Patent.

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, they had made certain amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the report be received, and the Bill be engrossed and read a third time to-morrow.

A Message was brought from the Assembly, by Mr. Allen, that the Assembly had agreed to the Bill, intituled "An Act in addition to the Act providing for the greater safety of Passengers on board Steamboats," with amendments, to which they desire the concurrence of this House: and

That the Assembly had agreed to the Bill, intituled "An Act to declare the Law with regard to Commissions for taking affidavits to be read in the Supreme Court," without any amendment.

The

The Honorable Mr. Saunders, by direction of His Excellency the Lieutenant Governor, lays before the House certain Returns from the Crown Land Office, as prayed for by the Address of this House on the twenty fourth day of February last.

ORDERED, That these Documents do lie on the Table.

Adjourned until To-morrow at 11 o'clock.

THURSDAY, 12th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Baillie.

Mr. Peters.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinneear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to amend the Law of evidence in regard to the proof of Records and Letters Patent, was read a third time and passed.

ORDERED, That the Title be, "An Act to amend the Law of evidence in regard to the proof of Records and Letters Patent."

ORDERED, That the Master in Chancery do take the said Bill down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill, and desire the concurrence of the Assembly thereto.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed:—

A Bill for ascertaining the population of this Province: and

A Bill to prevent the destruction of Oysters in the Harbours of the Counties of Westmorland and Kent.

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

The House proceeded to take into consideration the amendments sent up from the Assembly to the Bill, in addition to the Act providing for the greater safety of Passengers on board Steamboats.

The same were then read as follows:—

At A add the following Sections, and alter the number of the succeeding Section.

"II. And be it enacted, That if any such Master or Owner shall permit any such Vessel to depart from any Port or Place within this Province as aforesaid, without having on board such number of Fire Buckets and Life Preservers in good serviceable condition, he shall forfeit the sum of fifty pounds for each and every time such Vessel may so depart without being so provided, to be recovered, levied and applied, as is prescribed in and by the third Section of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An

Act

Act to provide for the greater safety of Passengers on board of Steam Boats.

“III. And be it enacted, That any one of the Commissioners to be appointed by the Act, of which this is an amendment, are hereby required and directed respectively to go on board, as often as need be, any such Steam Vessel, and in the event of any such Steam Vessel departing or navigating without being equipped as is prescribed by the first Section of this Act, it shall be the duty of such Commissioners respectively, to report the same to the Lieutenant Governor or Commander in Chief for the time being, in order that the party or parties so offending, may be proceeded against in the manner prescribed by the said third Section of the Act, to which this is an amendment.”

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act for the better regulation of the office of Sheriff in this Province.

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 the Bill be read a third time to-morrow.

On motion—

The House was put into a Committee of the whole, to take into further consideration, Resolutions of Appropriation sent from the Assembly.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of Resolutions of Appropriation dated the third and fourth March, instant, they had made further progress therein, and asked leave to sit again.

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

A Message was brought from the Assembly, by Mr. Hill, that Messrs. Hill and M'Leod are appointed a Committee of the Assembly to join the Committee of this House, to prepare an Address to Her Majesty on the subject of an Act of the Imperial Parliament, respecting Vessels clearing from the North American Colonies laden with Timber, with deck loads.

A Message was brought from the Assembly, by Mr. Brown, with a Bill, intituled “A Bill to authorize the Justices of the Peace of the County of Charlotte to levy an assessment to pay off the County debt,” to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Fisher, that the Assembly had agreed to the Bill, intituled “An Act in addition to the Acts now in force relating to Commissioners

Commissioners of Sewers," with an amendment, to which they desire the concurrence of this House.

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 13th March, 1840.

PRESENT.

THE HON.

Mr. Peters.
Mr. Botsford.
Mr. Lee.
Mr. Wyer.
Mr. Kinnear.

Mr. Robinson.
Mr. Attorney General.
Mr. Chandler.
Mr. Hatch.

PRAYERS.

The Honorable Mr. Peters sat President.

Pursuant to the Order of the Day, the Bill to continue an Act for the better regulation of the office of Sheriff in this Province, was read a third time and passed.

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 authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt, was read a second time.

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

The House proceeded to take into consideration the amendment sent up from the Assembly to the Bill, intituled "An Act in addition to the Acts now in force relating to Commissioners of Sewers."

The same was then read as follows:—

At A. add the following Section:—

"III. Whereas doubts have arisen whether Collectors, appointed pursuant to the provisions of the Act mentioned in the first Section of this Act, have power to distrain in any part of the County beyond the District or place for which the Commissioners of Sewers, appointing such Collectors, may be appointed: Be it therefore enacted and declared, That any such Collector may distrain, pursuant to the directions of the said recited Act, within any part of the County within which such Collector may be appointed, whether within or beyond the District or Parish for which the Commissioners of Sewers appointing him may be appointed, any Law or usage to the contrary notwithstanding."

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

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

A Message was brought from the Assembly, by Mr. End, with a Bill, intituled "A
Bill

Bill further to provide for the expenses of the Legislature," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

On motion—

The House was put into a Committee of the whole, upon Resolutions of Appropriation, sent up from the Assembly.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the third and fourth day of March, instant, and recommended that the House should concur in the same, with certain exceptions, which the Committee recommended should not be concurred in, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the third and fourth day of March were concurred in, with the following exceptions:—

To Neil M'Lean, of Newcastle, in the County of Northumberland, the sum of eight pounds five shillings, being remission of duty on a puncheon of Rum destroyed by accident:

To the Justices of the Peace for the County of Northumberland, the sum of sixty pounds, to be applied towards liquidating a debt incurred in building a School House at Newcastle, in the said County, for the benefit of the poorer classes of the inhabitants of said place:

To Thomas E. Perley, the sum of nineteen pounds six shillings and six pence, being Return Duties on Cavalry Caps imported from the United States for the use of the Carleton Light Dragoons:

To James Bradley, the sum of fifteen pounds, to reimburse him for Ferriages paid in transporting Her Majesty's Mails:

To the Justices of the Peace for the City and County of Saint John, the sum of one hundred and fifty pounds, in aid of individual subscription, to be paid to R. Rankin and Company, and others, towards the purchase of Fire Engines in England, and apparatus, to preserve that thickly settled Parish from the ravages of fire, and in consequence of the weight of taxation in other respects with which that Parish is burthened:

To the Overseers of the Poor of the Parish of Saint Stephen, in the County of Charlotte, the sum of eighty eight pounds eight shillings and eight pence, to reimburse them for expenses incurred during the past year for the support of Transient Poor, being Emigrants:

To the Justices of the Peace for the County of York, the sum of one hundred pounds, to reimburse B. Wolhaupter, and others, Firewards of the Town of Fredericton, for duties and other expenses paid on a Fire Engine and apparatus imported from the United States, and to assist in paying off the balance due:

To the Firewards of the Fire Company established at Mill Town, in the Parish of Saint Stephen, in the County of Charlotte, the sum of thirty pounds, to assist them in building an Engine House and purchasing Fire Hooks and other apparatus for the more effectual extinguishment of Fires in that district: and

To Mrs. Margaret M'Donald, of Newcastle, in the County of Northumberland, the sum of twenty pounds, as compensation for the instruction of youths in various branches of Education since she came to the Province in the year one thousand eight hundred and twenty.

Which were not concurred in by the House.

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 third and fourth day of March, instant, with the exceptions before mentioned.

Adjourned until To-morrow at 11 o'clock.

SATURDAY, 14th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Peters.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill further to provide for the expenses of the Legislature was read 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, to take into consideration the Bill to authorize the Justices of the Peace for the County of Charlotte, to levy an assessment to pay off the County debt.

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 the Bill be read a third time on Monday next.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill relating to Wrecked Property.

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 the Bill be read a third time on Monday next.

A Message was brought from the Assembly, by Mr. Rankin, that the Assembly had agreed to the amendments made by this House to the Bill to make more effectual provisions for the regulation of Seamen in this Province.

Adjourned until Monday next, at 12 o'clock.

MONDAY, 16th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinneear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed:—

A Bill relating to Wrecked Property: and

A Bill to authorize the Justices of the Peace for the County of Charlotte, to levy an assessment to pay off the County Debt.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to facilitate the means of supplying the City of Saint John with Water.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made an amendment thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received.

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

At A. in Section IX. insert as follows:—

“ [Or in case of a loan for carrying on the operation of the said Saint John Water Company,] — — — of— [here insert place of residence and other particulars as before,] having loaned to the said Mayor, Aldermen and Commonalty for and on account of the said Saint John Water Company the sum of — — — .”

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

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

A Message was brought from the Assembly, by Mr. Weldon, that the Assembly had agreed to the Bill, intituled "An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates," with amendments, to which they desire the concurrence of this House.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill further to provide for the expenses of the Legislature.

The Honorable Mr. Baillie 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 to-morrow.

A Message was brought from the Assembly, by Mr. Hill, that the Assembly had agreed to the Bill, intituled "An Act to incorporate the Chamcook Mill and Factory Company," without any amendment.

A Message was brought from the Assembly, by Mr. Woodward, that the Assembly had agreed to the Bill, intituled "An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent," without any amendment.

A Message was brought from the Assembly, by Mr. Connell, that the Assembly had agreed to the Bill, intituled "An Act in addition to the Acts for the amendment of the Criminal Law," without any amendment.

A Message was brought from the Assembly, by Mr. Allen, with a Bill, intituled "A Bill to amend the Act to alter the time for the appointment of Sheriffs and Supervisors of Great Roads," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Jordan, with a Bill, intituled "A Bill to incorporate the Saint John Orphan Benevolent Society," to which they desire the concurrence of this House.

The said Bill was read 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 the second time.

The said Bill was read a second time.

ORDERED, That the said Bill be referred to the Select Committee appointed to examine and report upon Bills relating to Corporations.

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

The Honorable the President read the same;

And it was again read by the Clerk as follows:—

NEW BRUNSWICK.

*Message to the Legislative Council,
16th March, 1840.*

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council a Report of the Commissioners appointed to superintend the expenditure of the money granted for the erection of additions to the Province Hall, with an Account, and an Estimate of such further sum as will, in their opinion, be required for completing the work.

J. H.

[*See Appendix, No. 10, 11.*]

A Message was brought from the Assembly, by Mr. Woodward, that the Assembly had agreed to the Bill, intituled "An Act further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant," without any amendment: and

That the Assembly had passed the following Bills, to which they desire the concurrence of this House:—

A Bill to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of rates of Pilotage, beyond the limits now prescribed by Charter: and

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

The said Bills were severally read a first time.

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

Adjourned until To-morrow at 11 o'clock.

TUESDAY, 17th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Chandler.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to facilitate the means of supplying the City of Saint John with Water, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill further to provide for the expenses of the Legislature, was read a third time and passed.

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.

The Honorable Mr. Peters, from the Committee appointed to examine and report upon Bills relating to Corporations, made a further Report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations, further report, that they have examined a Bill to incorporate the Saint John Orphan Benevolent Society, to which they have prepared an amendment, which they recommend to the adoption of the House.

HARRY PETERS, *Chairman.*

ORDERED, That the House be put into a Committee of the whole, to-morrow, to take the said Bill and Report of the Select Committee thereon into consideration.

Pursuant to the Order of the Day, the following Bills were severally read a second time:—

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

A Bill to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads: and

A Bill to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of rates of Pilotage beyond the limits now prescribed by Charter.

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

The Honorable Mr. Baillie, from the Select Committee appointed to examine and report upon the Bill to define the boundaries of certain Parishes in the County of York, and to erect two new Parishes in the said County, presented a Report.

ORDERED, That the Report be received.

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

The Select Committee to whom was referred the Bill to define the boundaries of certain Parishes in the County of York, and to erect two new Parishes in the said County, beg leave to report, that after mature deliberation they cannot recommend the Bill to the favorable consideration of the House.

THOMAS BAILLIE, *Chairman.*

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

The House proceeded to take into consideration, the amendments sent up from the Assembly to the Bill, intituled "An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates."

The same were then read, as follows:—

At A insert the following Section, and alter the enumeration of the following Sections:

"XVIII. And be it enacted, That the testimony taken by any Surrogate in relation to the proof of any Will in any controversy before him, relating to any matter of which he has cognizance, shall be reduced to writing, and shall be entered in a Book to be kept for that purpose."

At

At B in Section XLVIII. dele "fifth," and insert "sixth."

At C in Section LVIII. dele the remainder of the Section.

At D insert the following :

"Table of Fees to be taken and allowed in the Surrogate Courts.

FOR THE SURROGATE.

Examining Petition for Letters of Administration or Probate of a Will, and granting Order for the same,	£0	6	8
Every Fiat for Appraisers or Bondsmen,	0	2	6
Every Order not herein specially provided for,	0	2	6
Certificate endorsed on Will, of the proof thereof,	0	6	8
Certificate endorsed on Will, of Oath to Executors,	0	3	4
For the Probate of a Will or Letters of Administration, where the Estate does not exceed £300,	0	16	8
When above £300 and not exceeding £1000,	1	3	4
Above £1000,	2	6	8
Signing Warrant of Appraisement,	0	2	6
Citation, including Order for the same,	0	3	4
Every Subpœna, Attachment, Execution or other process, not otherwise provided for, including Order for the same,	0	2	0
Letters <i>ad Colligendum</i> ,	0	10	0
Sentence or Decree in ordinary cases of granting Licence to sell Real Estate, passing Accounts, or of distribution, &c.	1	3	4
Sentence or Decree for Probate of a Will, Letters of Administration, or on granting Licence to sell Real Estate, passing Accounts, or distribution, &c. where there is a contest,	2	6	8
Transmitting Appeal, with statement of reasons,	1	3	4
Taking Testimony in Writing, each Witness, if Testimony does not exceed three folios,	0	3	4
Every folio above,	0	1	0
Examining and taxing Costs,	0	2	6
Every Oath,	0	1	0

REGISTERS' FEES.

Filing Petition for Probate of Will or Letters of Administration, and Order of Surrogate thereon,	£0	1	0
Entry of Order for Probate on Letters of Administration and every other Special Order not herein otherwise provided for,	0	2	6
For the Probate of a Will or Letters of Administration, where the Estate is under £300,	0	15	0
When above £300 and not exceeding £1000,	1	0	0
All above £1000,	1	6	8
Copy of Will annexed to Probate, per folio,	0	1	0
Registry of Will in Book, per folio,	0	0	9
Preparing Bond of Administration, or on sale of Real Estate, or for payment of Costs on Appeal,	0	6	8
Preparing Citation and Seal,	0	4	0
			Each

Each copy thereof to be served,	0	2	0
Preparing Affidavit of service of Citation or other process, or any other necessary Affidavit,	0	1	0
Warrant of Appraisement and Seal,	0	4	0
Filing every Paper, except Vouchers filed with Accounts,	0	0	6
Filing every Account and Vouchers,	0	3	4
All copies of Papers, for first folio,	0	1	0
Every additional folio,	0	0	6
Certificate under the Seal, including the Seal,	0	5	0
Entry of every Order or Decree in the Registry Book, not specially provided for, per folio,	0	0	9
For every inspection of original Will, and attending the party inspecting the same,	0	2	0
Every search in every other case,	0	1	0
Preparing Subpœna and Seal,	0	2	6
Each copy or Ticket required,	0	1	0
Entry of Caveat or Appeal,	0	3	4
Preparing every Execution, Attachment or other Process not specially provided for,	£0	2	0
Certificate of Licence for sale of Real Estate,	0	5	0

PROCTOR AND ADVOCATE'S FEES.

Taking instructions from Client to commence or defend any proceeding in a Surrogate Court,	£0	15	0
Preparing every Petition, Allegation or other Paper necessary to be prepared by him, per folio,	0	1	6
Every additional copy thereof, per folio,	0	0	6
Every necessary attendance on the Surrogate,	0	6	8
Every hearing or argument before the Surrogate not less than half a guinea, nor more than three guineas, at the discretion of the Surrogate.			
Serving every Notice, or other paper, on each person,	0	1	0

SHERIFF OR OTHER MINISTERIAL OFFICER'S FEES.

Serving Citation or other process, (Subpœna excepted,) on each person,	£0	2	6
Posting up same in three public places, directed by Surrogate,	0	5	0
Serving Subpœna on each person,	0	1	0
Mileage the same as in other Courts."			

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill further in amendment of the Law, and the better advancement of Justice.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section IV. expunge the words “in the Record side of the said Court,” and insert the words “not Summary.”

At B. in Section VI. expunge the Section.

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-morrow.

A Message was brought from the Assembly, by Mr. Woodward, with a Bill, intituled “A Bill to provide for a regular supply of Seamen for new Ships, fitted out or loaded in this Province,” to which they desire the concurrence of this House.

The said Bill was read the first time.

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

The Honorable Mr. Wyer, from the joint Committee of the Legislative Council and Assembly, appointed to prepare an Address to Her Majesty upon the subject of an Act of the Imperial Parliament, intituled “An Act for the prevention of loss of life and Vessels clearing from Ports in British North America, wholly or in part laden with Timber, with deck loads, from 1st September, 1839, to 1st May, 1840,” reported a draft; which he read in his place.

ORDERED, That the report be received, and that the House be put into a Committee of the whole, to-morrow, to take the said Address into consideration.

Adjourned until To-morrow at 11 o'clock.

WEDNESDAY, 18th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill further in amendment of the Law, and the better advancement of Justice, as amended, was read a third time and passed.

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

E*

Pursuant

Pursuant to the Order of the Day, the Bill to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province, was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to appropriate a part of the public Revenue to the payment of the Ordinary Services of the Province.

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 presently.

The said Bill was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of rates of Pilotage beyond the limits now prescribed by Charter.

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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to incorporate the Saint John Orphan Benevolent Society, and the report of the Select Committee thereon.

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, they had made some progress therein, and asked leave to sit again on Friday next.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads.

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 to-morrow.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the draft of an Address to Her Majesty on the subject of an Act of the Imperial Parliament on the subject of Vessels clearing from Ports in British North America, laden with Timber, with deck loads. The

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 Draft of the said Address, they had made some progress therein, and asked leave to sit again to-morrow.

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

Adjourned until To-morrow at 11 o'clock.

THURSDAY, 19th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botzford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed:—

A Bill to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads: and

A Bill to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of rates of Pilotage beyond the limits now prescribed by Charter.

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to define the boundaries of certain Parishes in the County of York, and to erect two new Parishes in the said County, and the Report of the Select Committee thereon.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received; and it was thereupon

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

A Message was brought from the Assembly, by Mr. Woodward, that the Assembly had agreed to the amendments made by this House to the Bill to facilitate the means of supplying the City of Saint John with Water: and

That

That the Assembly had passed a "Bill to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Fisher, with a Bill, intituled "A Bill to impose a tax upon Wild Lands," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province.

The Honorable Mr. Baillie 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 same be referred to a Select Committee of three Members, to examine and report thereon.

ORDERED, That the report be received; and thereupon

ORDERED, That the said Bill be referred to a Select Committee of three Members, to examine and report thereon; and that the Honorable Messrs. Black, Botsford and Kinnear, do compose the Committee.

Pursuant to the Order of the Day, the House was again put into a Committee of the whole, upon the draft of an Address to Her Majesty relative to an Act of the Imperial Parliament, on the subject of Vessels clearing from Ports in British North America, laden with Timber, with deck loads.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Address, they had agreed thereto, and recommended the same to the adoption of the House.

ORDERED, That the Report be received.

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

To the Queen's Most Excellent Majesty.

The Joint and Humble Address of Her Majesty's Legislative Council and House of Assembly of the Province of New Brunswick, in General Assembly convened.

MAY IT PLEASE YOUR MAJESTY,

The Legislative Council and House of Assembly, in behalf of Her Majesty's faithful and loyal subjects, the Inhabitants of the Province of New Brunswick, beg leave, with the most profound humility and respect, to represent for the Gracious consideration of Your Majesty,

That under the operation of an Act of the Imperial Parliament, passed in the second year of Your Majesty's Reign, intituled "An Act for the prevention of loss of life, and Vessels

Vessels clearing from Ports in British North America wholly or in part laden with Timber with deck loads, from the 1st day of September, 1839, to the 1st day of May, 1840," the Trade between this Province and the West Indies, as well as with the United States of America, and also the Coasting Trade, has been materially injured, owing to the construction given to the Act by the Officers of Customs, and Law Officers of the Crown in this Province.

That although no Timber, properly so called, is ever exported from the Province to any other than the Ports of Great Britain, the Officers of Your Majesty's Customs and the Law Officers, have considered the true construction of the Act to refer to Deals, Boards and other Lumber, as well as Timber, and to the Trade with the West Indies and other parts, as well as the Mother Country; and no Vessels laden with Deals or Lumber of any kind have accordingly been allowed to clear out with Deck Loads: at the same time an entirely different construction and line of conduct have been adopted in the Sister Province of Nova Scotia.

That the injury to this Trade has been materially enhanced by the different construction which has thus obtained in the neighbouring Province of Nova Scotia, by which not only are the Vessels of this Province induced to repair thither and load, instead of receiving their loading at home, but the singular anomaly is occasioned of Vessels of two Provinces so closely connected, sailing some with and some without Deck Loads, governed by the constructions thus given to the same Act.

That the duty on Lumber imported into the West Indies from the United States becomes, under the present system, no longer a protection to the Lumber exported from this Province, the freight earned by the Vessels of that country on the Deck Load, which our Vessels are not allowed to carry, about equalizing the amount of the duty they have to pay, thereby rendering the object of the duty nugatory.

That in consequence of this decision many Vessels which had been built purposely for the West India Trade, and so constructed as to carry Deck Loads with safety to the Vessel and the lives of those on board, and with advantage to the owners, have either been laid up, are turned into some other Trade, or are prosecuting the one for which they were expressly built with great loss; while it is important to press on the attention of Your Majesty that this Trade has not been attended by the loss of life and destruction of property known to exist in the transmission of Timber to Europe; and it is therefore conceived, whatever ambiguity may arise from the terms of the Act, that was the only object intended to be embraced by its provisions.

That for West India voyages there is no part of the year more dangerous to Vessels sailing from the North American Colonies than between the months of May and November, which is the period excepted from the operation of the Act, and emphatically the period for hurricanes in those warm latitudes; thus prohibiting Deck Loads to be carried at a season of the year when our Vessels leave a cold for a milder climate, and allowing them at a time when the danger is greatest, and thus presenting another argument to prove that it could not have been the object of the Imperial Parliament to interfere with this portion of our Trade.

The Council and Assembly therefore beg leave most respectfully to lay this representation before Your Majesty, in the humble hope that their apprehension of the highly injurious consequences which have resulted and must continue to result to this important portion of the Trade of the Province, may be removed by Your Majesty's

Government refraining to have the Act referred to continued, so far as the same relates to the Trade of this Province with the West Indies and the United States, and also as respects the Coasting Trade.

And as in duty bound will ever pray.

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

Messages were brought from the Assembly, by Mr. Jordan, with the following Bills:—

A Bill to repeal certain Sections of an Act, intituled "An Act for the more effectual prevention of Fires in the City of Saint John:" and

A Bill to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province: and

With Resolutions of Appropriation dated the seventeenth and eighteenth days of March, to which they desire the concurrence of this House.

The said Bills and Resolutions were severally read a first time.

ORDERED, That the said Bills severally stand for a second reading to-morrow: and

That the Resolutions of Appropriation be referred to the Committee of the whole House upon Resolutions of Appropriation.

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 20th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read a second time:—

A Bill to repeal certain Sections of an Act, intituled "An Act for the more effectual prevention of Fires in the City of Saint John:"

A Bill to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province: and

A Bill to impose a Tax upon Wild Lands.

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

Pursuant to the Order of the Day, the Bill to limit the extent and regulate the building of Wharves in the eastern side of the Harbour of Saint John, was read a second time.

ORDERED,

ORDERED, That the said Bill be referred to a Select Committee of three Members, to examine and report thereon.

ORDERED, That the Honorable Messrs. Peters, Botsford and Kinnear, do compose the Committee.

A Message was brought from the Assembly, by Mr. Hayward, with sundry Resolutions of Appropriation, dated the nineteenth day of March, instant, to which they desire the concurrence of this House.

The said Resolutions were read the first time.

ORDERED, That they be referred to the Committee of the whole House upon Resolutions of Appropriation.

A Message was brought from the Assembly, by Mr. Fisher, with a Bill, intituled "A Bill to encourage the settlement of Crown Lands," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

On motion—

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation, dated the seventeenth and eighteenth days of March, and recommended that the House should concur in the same: also

That they had gone into consideration of the Resolutions of Appropriation, dated the nineteenth day of March, they had made some progress therein and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation, dated the seventeenth and eighteenth day of March, were concurred in by the House.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to incorporate the Saint John Orphan Benevolent Society, and the report of the Select Committee thereon.

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, they had made an amendment thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the Report be received.

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

At A. insert the following Section:—

"II. And be it enacted, That the said Corporation shall have, in all respects, the like power and authority, by and with the consent of two or more Justices of the Peace,

Peace, to bind out any such Orphan Children as the Overseers of the Poor now have, under and by virtue of the second Section of an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled 'An Act to regulate and provide for the support of the Poor in this Province.'"

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

ORDERED, That it be engrossed, and the Bill, as amended, read the third time to-morrow.

Adjourned until To-morrow at 11 o'clock.

SATURDAY, 21st March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Buillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to incorporate the Saint John Orphan Benevolent Society, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to encourage the settlement of Crown Lands, was read 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, to take into consideration the Bill to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of 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 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 on Monday next.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to repeal certain Sections of an Act, intituled "An Act for the more effectual prevention of Fires in the City of Saint John."

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The

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 on Monday next.

The Honorable Mr. Black, from the Select Committee appointed to examine and report upon the Bill to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province, presented a Report.

ORDERED, That the Report be received.

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

The Select Committee to whom was referred the “ Bill to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province,” have taken the same into consideration, and report that they have prepared certain amendments to the said Bill, which they recommend to the favorable consideration of the House.

WILLIAM BLACK, *Chairman.*

ORDERED, That the twenty-third Rule of this House be dispensed with as regards this Bill, and that the House be put into a Committee of the whole presently, to take the said Bill and Report of the Select Committee 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, they had made some progress therein, and asked leave to sit again on Monday next.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to impose a Tax upon Wild Lands.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration, 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 further consideration of Resolutions of Appropriation, dated the nineteenth day of March, instant, they had made further progress therein, and asked leave to sit again.

ORDERED, That the report be received and leave granted.

A Message was brought from the Assembly, by Mr. Woodward, with a Bill, intituled, “ A Bill imposing duties for raising a Revenue,” to which they desire the concurrence of this House.

The said Bill was read a first time.

ORDERED, That the said Bill stand for a second reading on Monday next.

A Message was brought from the Assembly, by Mr. Hill, that the Assembly had agreed to the Address, prepared by the Joint Committee of both Houses, to Her Majesty, on the subject of the Act of the Imperial Parliament relating to Vessels clearing from Ports in British North America laden with Timber, with deck loads.

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

A Petition from Dugald Stewart, Deputy Treasurer of Dalhousie, praying a sum advanced for postages may be repaid him, for reasons set forth : and

A Petition from Thomas Wood, a Schoolmaster in Westmorland, praying he may have an allowance for teaching a School in the Parish of Botsford, in the year one thousand eight hundred and thirty six.

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

Adjourned until Monday next, at 12 o'clock.

MONDAY, 23d March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hutch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills were severally read a third time and passed :—

A Bill to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province : and

A Bill to repeal certain Sections of an Act, intituled “ An Act for the more effectual prevention of Fires in the City of Saint John.”

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

Pursuant to the Order of the Day, the Bill imposing duties for raising a Revenue was read a second time.

ORDERED, That the twenty-third rule of this House be dispensed with, as regards this Bill, and 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. The

The said Bill was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to encourage the settlement of Crown Lands.

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 thereof be postponed for three months.

ORDERED, That the Report be received; and it was thereupon

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 further consideration the Bill to provide for a regular supply of Seamen for new Ships, fitted out or loaded in this Province, and the Report of the Select Committee thereon.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

A Bill for the better extinguishing of Fires which may happen in the City of Saint John: and

A Bill to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and laying out other Streets therein."

The said Bills were severally read a first time.

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

A Message was brought from the Assembly, by Mr. Gilbert, with a Bill, intituled "A Bill to provide for the more effectual prevention of Trespasses, and protection of Timber growing on the Crown Lands within this Province," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly, by Mr. Jordan, that the Assembly had agreed to the amendments made by this House to the Bill to incorporate the Saint John Orphan Benevolent Society.

On motion—

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into further consideration of Resolutions of Appropriation, dated the nineteenth day of March, they had made further progress therein, and asked leave to sit again.

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

The Honorable Mr. Peters, from the Select Committee to whom was referred the Bill to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John, presented a report.

ORDERED, That the report be received.

The same was read by the Clerk, as follows :—

The Select Committee to whom was referred "A Bill to limit and regulate the building of Wharves on the eastern side of the Harbour of Saint John," beg leave to report that they have had the said Bill under consideration, to which they have prepared several amendments, which they recommend to the adoption of the House.

HARRY PETERS, *Chairman.*

ORDERED, That the House be put into a Committee of the whole, to-morrow, to take the said Bill and Report of the Select Committee thereon into consideration.

Adjourned until To-morrow at 11 o'clock.

TUESDAY, 24th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinneear.

PRAYERS.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to provide for a regular supply of Seamen for new Ships, fitted out or loaded in this Province, and the report of the Select Committee thereon.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee having the said Bill under consideration, it was moved to be

RESOLVED, as the opinion of the Committee, That the further consideration of the Bill should be postponed until the next Session of the General Assembly.

Whereupon

Whereupon the Committee divided as follows:—

CONTENT.	NON-CONTENT.
Mr. Baillie.	Mr. Chief Justice.
Mr. Attorney General.	Mr. Black.
Mr. Lee.	Mr. Shore.
Mr. Street.	Mr. Peters.
Mr. Wyer.	Mr. Robinson.
Mr. Hatch.	Mr. Saunders.
	Mr. Botsford.
	Mr. Kinnear.

And so it passed in the negative.

The Chairman further reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section I. expunge the words "Shipbuilder or."

At B. expunge the word "known."

At C. expunge the words "within this Province," and insert "therein."

At D. expunge the word "Province," and insert "same."

At E. expunge the words "the Province."

At F. expunge the words "by importing," and insert the words "necessary for such Ship or Vessel by procuring."

At G. expunge the words "two hundred and fifty," and insert the words "three hundred."

At H. expunge the word "imported," and insert the word "brought."

At I. expunge the word "Shipbuilder."

At K. expunge the word "known."

At L. expunge the word "import," and insert the words "procure as aforesaid."

At M. expunge the word "imported," and insert the word "procured."

At N. in Section II. expunge the words "builder, owner or owners, resident in this Province, or the known agent of any owner or owners not resident within this Province, of any new Ship or Vessel built within the Province," and insert the words "owner or owners resident in this Province, or the agent of the owner or owners not resident therein, of any new Ship or Vessel built within the same."

At O. expunge the word "imported," and insert the word "procured."

At P. insert the words "over and above the customary crew of the Vessel in which such additional seamen have been brought."

At Q. in Section III. expunge the words "builder or."

At R. expunge the word "known."

At S. expunge the words "within this Province," and insert "therein."

At T. expunge the word "importing," and insert the word "procuring."

At U. expunge the word "Shipbuilder."

At V. expunge the word "known."

At W. expunge the word "Shipbuilder."

At X. expunge the remainder of the Section.

At Y. in Section IV. expunge the Section, and insert as follows:—

“IV. And be it enacted, That the several penalties and forfeitures hereinbefore mentioned may be prosecuted, sued for and recovered in the Supreme Court, or in any of the Inferior Courts of Common Pleas in this Province, by action of debt, bill, plaint or information, by any one who shall prosecute for the same, and when recovered shall be paid one moiety to the person so suing and prosecuting, and the other moiety into the Treasury of the Province, for the use and support of sick and disabled Seamen within the Province: Provided always, that in case any owner or agent as aforesaid, shall make it appear at the trial of any action for any such penalty, that the number of Seamen required under the provisions of this Act have been actually engaged and shipped on board of some one or more Vessel or Vessels from the United Kingdom, but who by reason of death, capture, shipwreck, or other unavoidable casualty, shall not have arrived within this Province, then and in such case the said owner or agent shall not be liable to such penalty.”

At Z. in Section VII. expunge the word “imported,” and insert the word “procured.”

At Aa. in the same Section, expunge the words “importing him or them into this Province, shall be subject to all the forfeitures and subject to all the penalties of an Act passed in the seventh year of the Reign of His late Majesty William the Fourth, intituled “An Act to repeal all the Laws now in force for the regulation of Seamen, and to make more effectual provisions for that purpose,” and insert the words “bringing him or them into this Province, as well as the owner or agent as aforesaid, shall be subject to all the provisions, forfeitures and penalties of all the Laws which may be in force for the regulation of Seamen in this Province.”

At Bb. in the Preamble, expunge the words “within the Province,” and insert the word “therein.”

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-morrow

Pursuant to the Order of the Day, the following Bills were severally read a second time:—

A Bill for the better extinguishing of Fires which may happen in the City of Saint John: and

A Bill to provide for the more effectual prevention of Trespasses and protection of Timber growing on the Crown Lands within this Province.

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

Pursuant to the Order of the Day, the Bill to alter and amend an Act, intituled “An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein,” was read a second time.

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

On motion—

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation, dated the nineteenth day of March, and recommend that the House should concur in the same, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation, dated the nineteenth day of March, were concurred in by the House.

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

Messages were brought from the Assembly, by Mr. Woodward, with sundry Resolutions of Appropriation, dated the twenty first and twenty third days of March, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

ORDERED, That they be referred to the Committee of the whole House upon Resolutions of Appropriation.

On motion—

The House was put into a Committee of the whole, to take into further consideration 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 Resolutions of Appropriation, dated the twenty first day of March, they had made some progress therein, and asked leave to sit again.

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

RESOLVED, That a Select Committee of three Members be appointed to investigate the contingent accounts of this House for the present Session.

ORDERED, That the Honorable Messrs. Robinson, Botsford and Hatch do compose the Committee.

ORDERED, That the Honorable Mr. Wyer be a Committee, with such Committee as the House of Assembly shall appoint to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses to Her Majesty on the subject of an Act of the Imperial Parliament, respecting Vessels clearing from the North American Colonies laden with Timber; with deck loads, and request His Excellency will be pleased to transmit the same to be laid at the foot of the Throne.

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

Adjourned until To-morrow at 11 o'clock.

WEDNESDAY,

WEDNESDAY, 25th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wjer.

Mr. Hutch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to impose a Tax upon Wild Lands.

The Honorable Mr. Peters 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 thereof be postponed until the next Session of the General Assembly.

ORDERED, That the Report be received; and it was thereupon

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

ORDERED, That the said Bill be published for three successive weeks in the Royal Gazette.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to provide for the more effectual prevention of Trespasses, and protection of Timber growing on the Crown Lands within 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 Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section I. expunge the words "and unauthorizedly located."

At B. insert the words "or without right derived from the Crown so to do."

At C. in Section II. expunge the words "or unauthorizedly located."

At D. expunge the words "first had and obtained," and insert the words "or right as aforesaid."

At

At E. expunge the words "first had and obtained," and insert the words "or right as aforesaid."

At F. expunge the word "is," and insert the word "are."

At G. in Section III. expunge the words "and unauthorizedly located."

At H. expunge the words "or unauthorizedly located."

At I. expunge the words "for that purpose appointed," and insert the words "appointed to seize the same."

At K. in Section IV. expunge the words "or unauthorizedly located."

At L. insert the words "or right."

At M. expunge the words "first duly had and obtained."

At N. expunge the words "or unauthorizedly located."

At O. expunge the words "first duly had and obtained," and insert the words "or right."

At P. in Section V. expunge the words "the same be claimed by the owner or owners thereof, or some person duly authorized by such owner or owners to make such claim within fourteen days from the day of seizing the same," and insert the words "the owner or owners thereof, or some person duly authorized by him or them, shall within fourteen days after the day of seizing the same, give notice to the seizing officer that he claims the same."

At Q. insert the word "have."

At R. in Section VII. expunge the words "the Surveyor General, or in the name of."

At S. in Section VIII. expunge the word "hereinafter," and insert the word "hereinbefore."

At T. expunge the words "shall and."

At U. expunge the remainder of the Section.

At V. expunge Section X. and alter the number of the remaining Section.

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 the third time tomorrow.

A Message was brought from the Assembly, by Mr. Woodward, with Resolutions of Appropriation dated the twenty fourth day of March, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

ORDERED, That they be referred to the Committee of the whole House upon Resolutions of Appropriation.

A Message was brought from the Assembly, by Mr. Hill, that Mr. Hill and Mr. M'Leod are appointed a Committee of the Assembly to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses to Her Majesty, on the subject of an Act of the Imperial Parliament respecting Vessels clearing from the North American Colonies laden with Timber, with deck loads.

The House adjourned during pleasure.

After some time the House resumed.

His Excellency the Lieutenant Governor came to the Council Chamber, and being seated

seated in the Chair on the Throne, the Honorable the President commanded the Gentleman Usher of the Black Rod to let the Assembly know, "it is His Excellency's pleasure they attend him immediately in this House."

The House attended accordingly.

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

An Act imposing Duties for raising a Revenue.

An Act to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte :"

An Act to continue the Act for the punishment of persons who shall be guilty of the Trespasses therein mentioned, in the City of Saint John :

An Act to continue the Act imposing a Duty on Rum and other Liquors distilled within the Province :

An Act to continue the Act for prohibiting and suppressing of Lotteries in this Province :

An Act to continue the Act to provide for the payment of Interest on Warrants :

An Act to continue the Act to provide for the better assessment of County and Parish Rates :

An Act to continue an Act to prevent disorderly riding on Streets and Highways in this Province :

An Act to continue an Act to provide for the services of the Clerk of the Circuit Courts in this Province :

An Act to provide for the establishment of a Grammar School in the County of Restigouche :

An Act to continue an Act, intituled "An Act to grant a Bounty on the destruction of Bears in this Province :"

An Act to continue the Act to regulate the ungranted Ferries within this Province :

An Act to continue the Act to regulate Pawn Brokers within this Province :

An Act to continue the Act to regulate the exportation of Lumber :

An Act to continue an Act, intituled "An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland :"

An Act to continue an Act, intituled "An Act in addition to the Laws now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester :"

An Act to continue an Act, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town,' to the Towns of Newcastle and Chatham, and their vicinities, in the County of Northumberland :"

An Act to continue an Act, intituled "An Act for the better security of the navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester :"

An Act for altering the times of holding one of the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of Kings :

An Act to continue the Act relating to Landlord and Tenant :

An

An Act to continue an Act in addition to an Act, intituled "An Act to repeal all the Laws in force for the organization and regulation of the Militia, and to make further provisions for the same:"

An Act to continue an Act to authorize the Justices of the Peace in the County of York to make further provision for the payment of the Treasurer of that County:

An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts:

An Act to continue the Act to regulate the Inspection of Dry and Pickled Fish for Home consumption and for Exportation:

An Act to continue the Act relating to Church Wardens and Vestrymen, and to persons having voices in their election, so far as relates to the Parish Church of Saint Andrews:

An Act to continue an Act relating to the navigation of the Inner Bay of Passamaquoddy:

An Act to continue the Act for the more speedy and effectual punishment of persons keeping disorderly Houses:

An Act to regulate the Assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte, and to repeal the Acts now in force relating to the Town of Saint Andrews:

An Act to continue an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards and for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned:"

An Act for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township:

An Act to continue the several Acts now in force relating to Insolvent Confined Debtors:

An Act to alter the time for holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of York:

An Act to amend and continue an Act, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Mill Town, and its immediate vicinity:"

An Act to continue the Act to provide for the collection of County and Parish Rates:

An Act to alter and amend an Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick:"

An Act to authorize an assessment on the inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned:

An Act to authorize Her Majesty's Justices of the Peace for King's County to erect a building in the said County for a Common Gaol, and to assess the inhabitants towards defraying the expenses thereof:

An Act to authorize the Justices of the Peace for the City and County of Saint John to erect a building in the said City for a Common Gaol, and to raise a sum of Money for erecting and completing the same:

An Act to amend an Act, intituled "An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same:"

An Act for enabling persons indicted of Felony to make their defence by Counsel:

An

An Act to alter and amend an Act to provide for the safe keeping of the County Records, so far as regards the County of Carleton :

An Act to authorize Her Majesty's Justices of the Peace for the County of Gloucester to assess the said County, for repairing the Public Buildings therein :

An Act to amend an Act, intituled "An Act to incorporate the Saint John Hotel Company :"

An Act to incorporate the Saint George Lime Company :

An Act to continue the Acts relating to Highways :

An Act to extend the provisions of the fourth Section of an Act, intituled "An Act to amend the Act to provide for the collection of the Revenue of the Province," to Woodstock, in the County of Carleton :

An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof :

An Act to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton :

An Act to authorize the Justices of the Peace for Queen's County to Lease a certain Lot of Land in the Town Plat of Gagetown :

An Act to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence :

An Act to declare the Law with regard to Commissions for taking Affidavits to be read in the Supreme Court :

An Act for ascertaining the Population of this Province :

An Act to prevent the destruction of Oysters in the Harbours of the Counties of Westmorland and Kent :

An Act in addition to the Act providing for the greater safety of Passengers on board Steamboats :

An Act to continue an Act for the better regulation of the Office of Sheriff in this Province : and

An Act in addition to the Acts now in force relating to Commissioners of Sewers.

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

A Message was brought from the Assembly, by Mr. Fisher, with a Bill, intituled "A Bill further to provide for a limited time for the support of the Civil Government of the Province," to which they desire the concurrence of this House.

The said Bill was read 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 the second time.

The said Bill was read 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. The

The said Bill was read a third time and passed.

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

Adjourned until To-morrow at 11 o'clock.

THURSDAY, 26th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to provide for the more effectual prevention of Trespasses and protection of Timber growing on the Crown Lands within this Province, as amended, was read a third time and passed.

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

A Message was brought from the Assembly, by Mr. Woodward, with Resolutions of Appropriation dated the twenty fifth day of March, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

ORDERED, That they be referred to the Committee of the whole House upon Resolutions of Appropriation.

On motion—

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the twenty first, twenty third, twenty fourth and twenty fifth days of March, and recommended that the House should concur therein, with certain exceptions, which they recommended should not be concurred in, and asked leave to sit again.

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

Whereupon the said Resolutions were concurred in by the House, with the exception of the following grants, viz :—

To His Excellency the Lieutenant Governor, the sum of three hundred pounds, for

he purpose of building a sufficient Bridge, with a draw therein, over the Musquash River, on or adjoining the site of the present Bridge, near the residence of G. C. Carman, Esquire; the said sum to be paid to the Lancaster Mill Company, on their undertaking and giving security to build the Bridge without further claim on the Province, and to maintain the draw in said Bridge at their own expense; the same to be taken out of the grant made this Session on the Great Road from Saint John to Saint Andrews:

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of four hundred pounds towards the erection of a Public Wharf at the Public Landing in Indian Town, Parish of Portland, for the accommodation of the Steamers and other craft in the River Saint John, the same not to be drawn until the year one thousand eight hundred and forty one: and

To His Excellency the Lieutenant Governor, the sum of one hundred pounds to reimburse James Cameron for the expenses of printing one thousand copies of the "Militiaman's Guide," and five hundred copies of the "Officers' Instructor," as well as to remunerate him for his valuable services in preparing these Works for the Press, and distributing them throughout the Province.

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 twenty first, twenty third, twenty fourth and twenty fifth days of March, with the exceptions hereinbefore entered.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John, and the report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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. expunge the first Section and alter the numbers of the remaining Sections.

At B. in Section II. expunge the words "And be it enacted," and insert the words "Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly."

At C. expunge the word "about."

At D. expunge the words "at low water mark, formed by," and insert the word "in."

At E. insert the words "distant sixty feet from the western end of the said Wharf."

At F. expunge the words "following the line of low water mark, as shewn on said Plan," and insert the words "in a direct line."

At G. add the words "as marked on the said Plan, and that the said Plan so prepared by the said Commissioners shall be signed by them and filed in the office of the Secretary of the Province."

At H. in Section IV. expunge the words "And be it enacted, that as," and insert the word "Whereas."

At I. insert the words "Be it enacted, that."

At

At K. expunge the words "described in this Act."

At L. expunge the word "also."

At M. expunge the words "person or persons having a right so to build."

At N. in Section V. expunge the words "so defined as aforesaid."

At O. insert the words "shall be."

At P. expunge the word "Queen," and insert the word "Princess."

At Q. in the Preamble expunge the words "of low water mark."

At R. expunge the words "and to limit," and insert the words "to which."

At S. insert the words "shall be limited."

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill for the better extinguishing of Fires which may happen in the City of Saint John.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section V. insert "every Engineman who, before the passing of this Act, may have faithfully served as such for an uninterrupted period of not less than fourteen years."

At B. insert "or as an Engineman."

At C. expunge the remainder of the Section, and insert the words "as are allowed to the Officers of such Fire Department and Enginemen by this Act."

At D. expunge Section VI. and alter the number of the remaining Sections.

At E. expunge Sections XIV. XV. XVI. XVII. and XVIII. and alter the number of the remaining Section.

At F. in Section XIX. insert the words "An Act made and passed in the fifty ninth year of the Reign of George the Third, intituled 'An Act in addition to and amendment of an Act, intituled, An Act to revive and make perpetual an Act authorizing the Mayor, Aldermen and Commonalty of the City of Saint John, to make regulations for the more effectual prevention of Fires within the said City,' together with.

At G. in the Title, insert the words "and to continue a certain Act relating to the same matter therein mentioned."

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-morrow.

The Honorable Mr. Wyer, from the Joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Joint Address

Address of the two Houses to Her Majesty, relative to the Act of the Imperial Parliament on the subject of Timber laden Vessels with deck loads, and to request that His Excellency would be pleased to transmit the same to be laid at the foot of the Throne, reports that they have attended to that duty, and His Excellency was pleased to say he would transmit the Address with great satisfaction, accompanied with his recommendation.

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 27th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Botsford.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the following Bills, as amended, were read a third time and passed:—

A Bill to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John: and

A Bill for the better extinguishing of Fires which may happen in the City of Saint John.

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

A Message was brought from the Assembly, by Mr. Woodward, with Resolutions of Appropriation dated the twenty sixth day of March, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

ORDERED, That they be referred to the Committee of the whole House upon Resolutions of Appropriation.

On motion—

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation, dated the twenty sixth day of March, and recommended that the House should concur in the same.

ORDERED, That the report be received.

Whereupon

Whereupon the Resolutions of Appropriation dated the twenty sixth day of March were concurred in by the House.

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

A Message was brought from the Assembly, by Mr. M'Leod, that the Assembly had agreed to the amendments made by this House to the Bill to provide for a regular supply of Seamen for new Ships, fitted out or loaded in this Province.

A Message was brought from the Assembly, by Mr. Fisher, that the Assembly had agreed to the amendments made by this House to the Bill to provide for the more effectual prevention of Trespasses and protection of Timber growing on the Crown Lands within this Province.

On motion, made and seconded—

RESOLVED, UNANIMOUSLY, That an humble and dutiful Address be presented to the Queen's Most Gracious Majesty, congratulating Her Majesty on Her Marriage with His Royal Highness Prince Albert of Saxe Coburg and Götha.

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

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

A Message was brought from the Assembly, by Mr. Jordan, with a Bill, intituled "A Bill to authorize the Justices of the Peace in and for the City and County of Saint John, to make compensation to the assessors of Taxes for the Parish of Portland, for the year one thousand eight hundred and thirty nine," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Adjourned until To-morrow at 11 o'clock.

SATURDAY, 28th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace in and

and for the City of Saint John, to make compensation to the Assessors of Taxes for the Parish of Portland for the year 1839, was read a second time.

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

The Honorable Mr. Baillie 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 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.

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

House of Assembly, 27th March, 1840.

Resolved, unanimously, That this House do agree to the proposed Joint Address to Her Most Gracious Majesty the Queen, congratulating Her on Her Marriage with His Royal Highness Prince Albert of Saxe Coburg and Gotha.

CHAS. P. WETMORE, *Clerk.*

ORDERED, That the Honorable Mr. Peters be a Committee on the part of this House to join such Committee as may be appointed by the Assembly to prepare the said Address.

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

The Honorable Mr. Kinnear, by leave, presented a Petition from the Mayor, Aldermen and Commonalty of the City of Saint John, praying that a new assessment may be provided for in the Bill now before the House for Dock Street, Nelson Street and Smyth Street.

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to alter and amend an Act, intituled “An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein.”

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section I. expunge the words “so much of.”

At Aa. insert “and estimate of damages.”

At B. expunge the words “and so much of the estimate of damages as relates to Dock Street in the said City.”

At

At C. in Section III. insert the words "or hereafter to be appointed, re-appointed or supplied according to the provisions of the said in part recited Act."

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 this day.

A Message was brought from the Assembly, by Mr. Wilmot, with a Bill, intituled "A Bill to authorize the granting of certain Lands to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof," to which they desire the concurrence of this House.

The said Bill was read 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 the second time.

The said Bill was read 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 into consideration of the said Bill, and recommend that the same should be referred to a Select Committee of three Members, to examine and report thereon.

ORDERED, That the report be received; and thereupon

ORDERED, That the said Bill be referred to a Select Committee of five Members, to examine and report thereon; and that the Honorable Messrs. Baillie, Peters, Botsford, Street and Kinnear, do compose the said Committee.

A Message was brought from the Assembly, by Mr. Woodward, with a Bill, intituled "A Bill to amend an Act, intituled, 'An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of the Province,'" to which they desire the concurrence of this House:

That the Assembly had agreed to the amendments made by this House to the following Bill:—

A Bill for the better extinguishing of Fires which may happen in the City of Saint John: and

A Bill to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John.

The first mentioned Bill was read 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.

The said Bill was read 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. Baillie 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. The

The said Bill was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein," as amended, was read a third time and passed.

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

Messages were brought from the Assembly, by Mr. Fisher, that Mr. Fisher and Mr. Hayward are appointed a Committee on the part of the Assembly to prepare a Joint Address from both Houses to Her Majesty, congratulating Her on Her Marriage with His Royal Highness Prince Albert of Saxe Coburg and Gotha: and

With a Bill, intituled "A Bill to provide for the opening and repairing Roads and erecting Bridges throughout the Province," to which they desire the concurrence of this House.

The said Bill was read 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.

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

Adjourned until Monday next, at 12 o'clock.

MONDAY, 30th March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to provide for opening and repairing Roads and erecting Bridges throughout the Province.

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,

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

The said Bill was read a third time and passed.

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

A Message was brought from the Assembly, by Mr. Woodward, that the Assembly had agreed to the amendments made by this House to the Bill to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein:" and

That the Assembly had passed a Bill, intituled "A Bill to provide for the erection of a new Bridge over the Musquash River," to which they desire the concurrence of this House.

The said Bill was read the 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.

The said Bill was read a second time.

On motion made and seconded, it was

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

The Honorable Mr. Baillie, from the Select Committee appointed to examine and report upon the Bill to authorize the granting of certain Tracts of Land to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof, presented a report.

ORDERED, That the report be received.

The same was read by the Clerk, as follows:—

The Committee to whom was referred the "Bill to authorize the granting of certain Tracts of Land to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof," beg leave to report, that they have attended to that duty, and recommend the Bill, with certain amendments, to the favorable consideration of the House.

THOMAS BAILLIE, *Chairman.*

ORDERED, That the twenty-third rule of this House be dispensed with, as regards this Bill, and that the House be put into a Committee of the whole presently, to take the said Bill and the report of the Select Committee thereon into consideration.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, 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 Section I. expunge the word "three," and insert the word "one."

At B. expunge the word "five," and insert the word "three."

At C. expunge the word "ten," and insert the word "six."

At D. insert the words "Which two last mentioned instalments shall be duly secured by bond or otherwise, to the satisfaction of the Lieutenant Governor and Her

Majesty's Executive Council: provided always, that every such Grant shall be subject to the right of the Crown to all Coals, and Mines and Minerals in such Lands so to be granted, and that all and every Grant or Grants that may be made to the said Association without containing a clause reserving such right to Her Majesty, Her Heirs and Successors, shall and are hereby declared to be null and void, any thing herein contained to the contrary thereof notwithstanding."

At E. in Section II. insert the words "nor less than five."

At F. expunge the words "by some duly qualified person," and insert the words "under the direction of the Surveyor General of the Province."

At G. expunge the word "six," and insert the word "twelve."

At H. expunge the word "one," and insert the word "three."

At I. expunge the word "one," and insert the word "three."

At J. expunge the words "one tenth," and insert the words "nine per cent."

At K. expunge the word "ten," and insert the word "eight."

At L. insert the words "block of."

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.

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

ORDERED, That the Master in Chancery do take the said Bill 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.

The Honorable Mr. Peters, from the Joint Committee of the Legislative Council and Assembly, appointed to prepare an Address to Her Majesty the Queen, congratulating Her on Her Marriage with His Royal Highness Prince Albert of Saxe Coburg and Gotha, reported a draft thereof, which he read in his place;

And it was again read by the Clerk as follows:—

To the Queen's Most Excellent Majesty.

The Humble and Dutiful Address of the Legislative Council and House of Assembly of the Province of New Brunswick.

MAY IT PLEASE YOUR MAJESTY,

With sentiments of the most profound respect and attachment, we beg leave to approach Your Majesty, and tender our most humble and hearty congratulations on the auspicious occasion of Your Majesty's Marriage.

We rejoice to believe that this event will greatly increase Your Majesty's domestic comfort, and also have a most important influence on the welfare of Your people; and assure Your Majesty that none of Your Majesty's subjects in Your widely extended Dominions feel a deeper interest in Your Majesty's happiness, and in the glory of Your Crown, than the Inhabitants of this loyal Province.

RESOLVED, That this House do agree to the said Address, and that the Master in Chancery do go down to the Assembly and communicate the Resolution.

ORDERED, That the Honorable Messrs. Botsford, Street and Kinnear be a Committee to procure Books for and to superintend the Library of this House.

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

House of Assembly, March 30, 1840.

Resolved, That the House do agree to the Joint Address of the Legislative Council and Assembly, as prepared by the Committees of both Houses, to Her Majesty, congratulating Her on Her Marriage with His Royal Highness Prince Albert of Saxe Coburg and Gotha.

CHAS. P. WETMORE, *Clerk.*

ORDERED, That the Honorable Mr. Peters be a Committee on the part of this House, to join such Committee as may be appointed by the Assembly, to wait upon His Excellency the Lieutenant Governor with the Address, and request His Excellency will be pleased to transmit the same, to be laid at the foot of the Throne.

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

A Message was brought from the Assembly, by Mr. Fisher, that the Assembly had agreed to the amendments made by this House to the Bill to authorize the granting of certain Tracts of Land to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof: and

That Mr. Fisher and Mr. Hayward are appointed a Committee on the part of the Assembly, to join the Committee of this House, to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses to Her Majesty, congratulating Her on Her Marriage with His Royal Highness Prince Albert of Saxe Coburg and Gotha, and request His Excellency will be pleased to transmit the same, to be laid at the foot of the Throne.

Adjourned until To-morrow at 10 o'clock.

TUESDAY, 31st March, 1840.

PRESENT.

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black.

Mr. Shore.

Mr. Baillie.

Mr. Peters.

Mr. Robinson.

Mr. Saunders.

Mr. Botsford.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

Mr. Wyer.

Mr. Hatch.

Mr. Kinnear.

PRAYERS.

The Honorable Mr. Botsford, from the Select Committee appointed to examine and report upon the Contingent Accounts of this House, presented their report.

ORDERED, That the report be received.

And the same was then read by the Clerk, as follows:—

The Select Committee appointed to examine and report upon the Contingencies of this

this Honorable House, beg leave to report, that they have had under their consideration the Accounts of the Clerk for the last year; they find the balance of £52 9 9 in his hands by last year's statement, thus accounted for:—

1838.

April 6. Paid the Widow of the late Gentleman Usher of the Black Rod, £20 0 0

1839.	Robert Fulton,	7 13 0
	John C. Allen,	2 13 0
	Angus Johnson,	0 10 0
	David Wilson,	1 2 10
	Labourers, Freight and Cartage,	3 10 0

£35 8 10

leaving in his hands a balance of £17 0 11, to which the Committee recommend should be added the sum of £50, to be applied in liquidating Contingencies, the amount of which cannot now be ascertained, the said sums to be accounted for at the next sitting of the Legislature.

The Committee recommend that the sum of £100 be placed at the disposal of the Library Committee, to be applied towards the purchase of Books.

They have also carefully examined the Contingencies of the present Session, consisting of the following charges, which they recommend should be allowed, viz:—

No. 1.	John & George Munro's Account, Stationery, Fuel, &c.	£157 18 11
	Newspapers.	
2.	Quebec Mercury,	1 10 0
3.	Montreal Herald,	1 5 0
4.	Halifax Times,	1 2 6
5.	Albion,	1 10 0
6.	Toronto Patriot,	1 5 0
7.	National Intelligencer,	3 1 9
8.	Sentinel,	1 10 0
9.	Sleigh Hire,	165 0 0
10.	Postages,	105 8 9
11.	Watts and Brannen, services in recess,	2 10 0
12.	William Watts, sundries,	0 10 0
13.	James F. Gale, sundries,	1 8 0
14.	Francis Beverly, Book Binding, Stationery, &c.	33 11 8
15.	William Reynolds, ditto,	3 16 10
16.	Henry S. Beek, ditto,	5 16 4
17.	James Willox, Council Furniture,	4 10 5
18.	Justin Spahn, ditto,	6 8 3
19.	Spafford Barker, ditto,	1 16 7
	Superintending Index, Journal, &c.	40 0 0
		£540 0 0

In consideration of the expense incurred by James and John Biggs, in providing a superior

superior Carriage and Sleigh for the accommodation of the Members of the Council, we recommend that they should receive the sum of £50.

All which is respectfully submitted.

W. H. ROBINSON, *Chairman.*

A Message was brought from the Assembly, by Mr. Jordan, with the following Resolution of Appropriation, dated the twenty eighth day of March, to which they desire the concurrence of this House.

RESOLVED, That there be granted to the Clerk of the House of Assembly, the sum of two thousand five hundred and ninety four pounds seventeen shillings and sixpence, for the Contingent expenses of the present Session.

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

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

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

The said Bill was read 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.

The said Bill was read 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. Baillie 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, and the Bill be read a third time.

The said Bill was read a third time and passed.

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

The Honorable Mr. Peters, from the Joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor with an humble Address, praying that he would be pleased to transmit, to be laid at the foot of the Throne, the Joint Address of both Houses, congratulating Her Majesty on Her Marriage with His Royal Highness Prince Albert of Saxe Coburg and Gotha, reported, that they had attended to that duty, and His Excellency was pleased to say he would have great pleasure in forwarding the Address to the Colonial Secretary, that it may be laid at the foot of the Throne.

A Message was brought from the Assembly, by Mr. Woodward, with a Bill, intituled "A Bill in amendment of an Act, intituled 'An Act imposing Duties for raising a Revenue.'"

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.

The said Bill was read 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. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and recommend that the House should concur therein.

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

The said Bill was read a third time and passed.

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

The House was adjourned during pleasure.

After some time the House resumed.

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

The House attended accordingly.

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

An Act to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province :

An Act to appropriate a part of the Public Revenue to the Services therein mentioned :

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province :

An Act in amendment of an Act, intituled "An Act imposing Duties for raising a Revenue :"

An Act further to provide for a limited time, for the support of the Civil Government of the Province—*with a suspending clause* :

An Act to make more effectual provisions for the regulation of Seamen in this Province :

An Act further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant :

An Act in addition to the Acts for the amendment of the Criminal Law :

An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent :

An Act to incorporate the Chamcook Mill and Factory Company :

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt :

An Act relating to Wrecked Property :

An Act further to provide for the expenses of the Legislature :

An Act to extend the Jurisdiction of the Corporation of the City of Saint John, for the regulation of rates of Pilotage, beyond the limits now prescribed by Charter :

An Act to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads :

- An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates :
- An Act to facilitate the means of supplying the City of Saint John with Water :
- An Act to incorporate the Saint John Orphan Benevolent Society :
- An Act to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province :
- An Act to repeal certain Sections of an Act, intituled "An Act for the more effectual prevention of Fires in the City of Saint John :"
- An Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province :
- An Act to provide for the more effectual prevention of Trespasses, and protection of Timber growing on the Crown Lands within this Province :
- An Act to amend an Act, intituled "An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province :"
- An Act to authorize the Justices of the Peace in and for the City and County of Saint John to make compensation to the Assessors of Taxes for the Parish of Portland, for the year one thousand eight hundred and thirty nine :
- An Act for the better extinguishing of Fires which may happen in the City of Saint John :
- An Act to limit the extent and regulate the building of Wharves on the Eastern side of the Harbour of Saint John :
- An Act to authorize the granting of certain Tracts of Land to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof : and
- An Act to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein."

His Excellency was 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 offer you my hearty congratulations upon the proceedings of the Session, which have been marked not only by a close attention to the business of the Country, but by, if possible, an increased disposition on the part of each Branch of the Legislature to carry on the duties of Legislation in a spirit of perfect good understanding with the other. Possessing a Legislature animated by such dispositions and composed of men practically and thoroughly versed in what its true interests consist,—enjoying the blessings of the British Constitution and the powerful protection of the Parent State, New Brunswick cannot fail, under the protecting care of Divine Providence, to be carried rapidly forward in that course of prosperity which she is evidently destined to pursue.

" The joyful event of the Marriage of our gracious and beloved Queen has afforded you an opportunity, of which you would not separate without availing yourselves, to renew to Her Majesty the assurance of those feelings of Loyalty and devotion towards Her Majesty's Person, which will ever lead you warmly and affectionately to sympathize

thize in any and every event which promises to promote Her happiness:—It will be my pleasing duty to transmit Your Address to be laid at Her Majesty's feet.

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

“ In the name of the Queen, I thank you for the liberality which has characterized your Grants and Appropriations for the Public Service, and it will be my earnest endeavour in carrying them into effect, to make them, to the utmost extent, available for the beneficial purposes for which they are intended.

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

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

“ The prospect of any further disturbance with the Neighbouring States appears to have greatly diminished, if not wholly to have vanished, in consequence of the prudent course adopted by our more immediate Neighbours of Maine, in having placed the conduct of the Boundary Dispute wholly in the hands of the General Government of the United States—thereby affording to both Countries the most satisfactory guarantee that the peace and friendship, now happily subsisting between two of the greatest and most enlightened Nations of the World, and in the maintenance of which their best interests are acknowledged mutually to consist, will not be suffered to be disturbed, or interrupted on light or insufficient grounds.

“ In now taking my leave of you, therefore, I do so in the confident hope that nothing may occur, during the Recess, calculated to impair the prosperous and satisfactory state of Public Affairs under which we separate.”

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

WM. TYNG PETERS, CLERK.

APPENDIX.

No. 1.

[See Journal 5th February, 1840.]

Treasury Chambers, 18th June, 1839.

SIR,

I HAVE it in command from the Lords Commissioners of Her Majesty's Treasury, to transmit a Letter from Messrs. Hayter and Howell, dated 15th instant, requesting permission to ship, duty free, certain articles of Military equipment for local Corps formed in New Brunswick; and I am to request that in submitting the same to the Marquis of Normanby, you will move His Lordship to favor my Lords with his opinion thereon.

I am, &c.

(Signed)

G. J. PENNINGTON,
Pro. Sec.

JAMES STEPHEN, Esquire, &c. &c. &c.

Downing Street, 26th June, 1839.

SIR,

I am directed by the Marquis of Normanby to acknowledge the receipt of your Letter of the 18th instant, enclosing an application from Messrs. Hayter and Howell to be allowed to ship, free of duty, certain Military equipments intended for local Corps recently formed in New Brunswick.

In reply I am to inform you, that if the Lords of the Treasury should be satisfied that the order for these equipments proceeded from the Lieutenant Governor of New Brunswick, Lord Normanby is opinion that the application of Messrs. Hayter and Howell should be conceded.

I have, &c.

(Signed)

JAMES STEPHEN.

J. PENNINGTON, Esquire, &c. &c. &c.

Treasury Chambers, 12th July, 1839.

SIR,

With reference to your Letter of the 26th ultimo, on an application of Messrs. Hayter and Howell to ship, duty free, certain Military equipments for a local Corps formed in New Brunswick, I am commanded by the Lords Commissioners of Her Majesty's Treasury herewith to transmit a copy of a Letter from Messrs. Gilpin and Co., addressed to Messrs. Hayter and Howell, and to acquaint you for the information of the Marquis of Normanby, that on the assurance therein given that the expenses

expenses of the Government of New Brunswick will be reduced in proportion to the remission of duties granted, and adverting to the peculiar circumstances under which the local Corps of that Province have been called into service, my Lords have on this occasion given their sanction for the remission of the export duty which had been applied for.

I am, &c.
(Signed)

F. BARING.

JAMES STEPHEN, Esquire, &c. &c. &c.

Northumberland Street, 5th July, 1839.

GENTLEMEN,

With reference to the Letter received by you from the Treasury respecting the remission of the duties upon the exportation of certain Military equipments for New Brunswick, we have to inform you that they were ordered from us by His Excellency Sir John Harvey, expressly for the use of local Corps raised and serving in that Province, and that the charge to be defrayed by the Government will be duly reduced in proportion to the extent of remission of duties granted.

We have, &c.
(Signed)

GILPIN & CO.

Messrs. Hayter & Howell, Mark Lane.

No. 2.

[See Journal 5th February, 1840.]

H. M. S. Ringdove, Saint John, September 21st, 1839.

SIR,

I have the honor to inform you that Her Majesty's Sloop under my command will have to return to Halifax in the course of next week. I am happy to say her presence in the Bay of Fundy has checked the encroachments of the Americans upon our Fisheries and Shores, there being few in the neighbourhood of Grand Manan compared to what there were when I first arrived there.

I have inspected the Light Houses in the Bay, they are in good repair and attention appears to be paid to their Lights. The verticle Lights on Point Le Preau are too near each other. At a greater distance than five miles they appear in one. The Gannet Rock is only eighteen feet above high water. The Light House on it being built of wood I do not consider secure. It should be raised upon a stone tower ten or twelve feet high. In a gale, last winter, several shingles were washed off the lower part of the Light House: had it been Spring Tides at the time it would have gone. A Bell attached to each Light House would be of great service to Shipping in thick weather. These are the improvements I would suggest to Your Excellency.

There has been a decrease in the Line Fishery this year, but the vast quantity of Herring taken will compensate for it.

Previous to my departure I shall have the honor of waiting upon Your Excellency, when I hope to afford better information upon these subjects.

I have the honor, &c.

(Signed)

KEITH STEWART.

His Excellency Major General Sir JOHN HARVEY, K. C. B. and K. C. H. &c. &c. &c.

PRECIS.

PRECIS.

Honorable Captain Stewart of Ringdove.

1. State of the Fisheries. See Report of, September 21st, 1839.
2. State of Light Houses. See do. do. Urge the necessity of a substantial Stone Building being erected on the Gannet Rock.
3. A couple of well found Provincial Schooners to be placed at his disposal, having each a Pilot on board; he will man and employ them, and will be answerable for their useful service.
4. The Law as it now stands tends to encourage illicit trade,—for example, Flour, Plaister of Paris conveyed from the Basin of Mines to Eastport is paid for in duty, &c., which articles cannot be seized at Sea, but only if found in the act of being landed without entry at a Custom House—consequently duty is scarcely ever paid upon the Flour &c. Surely this points with great force to the necessity of repealing the Imperial Duty on Flour &c. *Illustration*—Captain Stewart detained and carried into Saint John on the 11th September, the Schooner "Industry," of Halifax; and "William," of Saint John, each having several barrels of Flour, Gun Powder, &c. on board, though cleared in Ballast. The Collector gives it as his opinion that under the Act regulating the Trade of the British Colonies (viz. 3 & 4 W. 4, c. 59,) these vessels are not liable to seizure. He allows them to proceed, detaining the goods to abide a decision from Home.—Quotes a similar case of Captain Dilkes of H. M. S. Wanderer in 1836.
5. Every British Boat should have a Licence, otherwise it is impossible to discriminate them from American.—This should be a joint Legislative arrangement on the part of New Brunswick and Nova Scotia.

No. 3.

[See Journal 5th February, 1840.]

To His Excellency Major General Sir John Harvey, K. C. B. and K. C. H. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

THE REPORT OF JAMES A. MACLAUCHLAN, ESQUIRE, SUPERVISOR OF THE CANADA LINE OF ROAD.

Most respectfully sheweth,

In my annual Report which I had the honor to lay before Your Excellency in January last, I stated that this important line of Communication with the Canadas was only opened by appropriations of the Legislature as far as the Grand Falls, about one hundred and thirty miles above Fredericton, the seat of Government.

That in March last I was called upon by Your Excellency for information on the state of the remaining part of this line, from the Falls to the Saint Lawrence Portage at Lake Tamisquata, a distance of eighty miles, which Report I shortly after transmitted to Your Excellency, as well as another on the same subject in June.

In these Reports I endeavoured to explain to Your Excellency the very serious inconvenience the Government and the Public daily experienced by this communication not being opened, by land or water, more particularly through the unsettled parts of it, that is on the Little Madawaska River and round the west shore of Lake Tamisquata, a distance of forty five miles.

That

That on receiving Your Excellency's instructions to expend the appropriation of the Legislature of the last Session on that part of the Communication supposed to be immediately required by the Government, and which Your Excellency considered was that section of it between the entrance of the Little Madawaska and the Saint Lawrence Portage at Lake Tamisquata, no time was delayed by me in complying with Your Excellency's wishes, and the following improvements were made during the season, which I must beg to assure Your Excellency have been found very useful to the public, by affording a temporary land and water communication until adequate appropriations are made by the Legislature for the completion of this very important line, which will pass through a country well adapted for making an excellent level Road with little expense for Bridging, and when finished, together with the contemplated improvement between Fredericton and the Grand Falls, including *the much required Bridge* at the Restook River, that I had the honor of reporting on to Your Excellency last year, will enable the public to perform the route between Fredericton and Quebec, distant three hundred and fifty miles, in five days, particularly as the Canadian Government now appear determined on making a good and efficient Road across the Portage, which was commenced last Summer by an expenditure of upwards of two thousand pounds.

The Towing Path made under my direction on the left bank of the Little Madawaska at its confluence with the Saint John, and extending up to the Degeli at Lake Tamisquata, twenty six miles, is from twelve to twenty feet in width, by having the trees and bushes cut down and removed; also a track or path levelled four feet wide, and Bridges of six feet in breadth built over the small Tributaries and Hollows where required. This path was found very useful through the season from its answering the purposes of a temporary highway, as well as affording Boats and Canoes to pass up and down the Stream with facility, and without danger from the removal of the overhanging trees and bushes on its banks.

The cost of this Towing Path is about twenty two pounds a mile, and was made by contracts and the hire of the inhabitants of Madawaska, as Your Excellency wished, in order to prevent as much as possible expense to the Province in furnishing provisions for the relief of their families, at that time so much required.

From the Degeli round the west shore of Lake Tamisquata to the Portage, eighteen miles, the ground was thoroughly explored and the Road made by a Turnpike of twenty four feet in width, with a skirting of twenty feet on each side down to the Cabano, two miles, at one hundred and sixty pounds a mile: and from thence to the Degeli it is also opened and almost all stumped the same width at one hundred pounds a mile. Of this distance two miles were made by the inhabitants and the remainder by contract.

Two permanent Bridges have been built on this line: one at the Cabano River, which cost one hundred and ninety eight pounds, the other at Perel Brook for thirty pounds. Contracts were also entered into for the remaining three Bridges on this route, which will cost one hundred and sixty pounds: but the season being too far advanced to have them properly made, I allowed the Contractor at his own expense to erect temporary ones for the winter communication, which enabled the public to use the road since the early part of December.

Before closing this Report, I must again be permitted to bring under Your Excellency's

Excellency's notice, the state of this line between Woodstock and the Grand Falls, a distance of seventy five miles, as I am fearful unless an appropriation is made by the Legislature this Session for the necessary repairs of the Road and Bridges, as well as the building of the Restook Bridge, that Her Majesty's Mail may be seriously delayed on the route to Quebec.

All which is respectfully submitted by

Your Excellency's

Very obedient humble servant,

J. A. MACLAUHLAN, SUPERVISOR.

Kingswood, January 18, 1840.

No. 4.

[See Journal 5th February, 1840.]

Maugerville, 12th November, 1839.

SIR,

I have the honor to transmit for the information of His Excellency the Lieutenant Governor and Commander in Chief, a general Report of the Drill of the several Battalions of Militia which I have been directed to visit between the 20th day of June and 19th October, 1839.

3rd July. } I this day completed the Drill of the 2d Battalion of the
2d Battalion Carleton } Carleton County Militia. Both officers and men have been
County Militia. } regular in attendance, and very attentive while at Drill, not a
single instance of drunkenness or any other irregularity occurred. I have not yet
been furnished with a State by the Officer commanding, but from the number of Arms
and Accoutrements issued each day, upwards of 400 men of this Battalion have been
drilled.

I further beg leave to state for the information of His Excellency, that the Arms and Accoutrements in Store at the Tobique are many of them much out of repair; there are two firelocks without bayonets and without a ramrod, and one with a broken ramrod; two with upper jaw of the cock and cock screw deficient, and several others with the interior of the locks out of repair, and the whole of the Arms excessively rusty and otherwise very dirty, from some of them having been fired out of and in that state put into Store. There is a cask with some ball ammunition in; this cask is open having no lid to it. The Accoutrements when I found them were placed on the shelves of the front room of the Store, amongst articles exposed for sale; the Arms are not in boxes but piled up in a corner of the Store. If my time would have permitted I would have had them oiled. The Accoutrements, almost all of them, require some little repairing from the sewing having given way. I have caused a bag to be tied over the top of the ammunition cask, and the Accoutrements to be stowed away in an upper room, where they will be more secure than where I found them.

20th July. } I this day completed the Drill of the 1st Battalion of the
1st Battalion Carleton } Carleton County Militia. 550 of the Non-Commissioned Of-
County Militia. } ficers and Privates attended and have been instructed in the
firelock exercise, principally to the priming, loading and firing; some of the young
officers

officers fell into the ranks and were instructed with the men, others were drilled at the sword exercise, and for the time performed well: there were some absentees, both officers and men, owing as I was informed by the Commanding Officer, Major Dibblee, to their having been absent from their homes when the Drill was ordered. Major Dibblee attended every drill of this Battalion, and did all in his power to forward the public service. The men, with the exception of the absentees before mentioned, were punctual in their attendance, and exceedingly attentive while at drill, and all throughout has been conducted with the utmost order and regularity.

I beg leave to suggest to you, for the favorable consideration of His Excellency, that about 80 stand of Arms, with a like number of Accoutrements, be deposited with Lieutenant Connell at the Village of Victoria (Wakefield). Mr. Connell informed me that, should His Excellency approve of the arrangement, he would willingly take the charge. This officer has a good Store Room, and in my opinion the Arms would be full as safe there as at Woodstock, and would be upon the spot where two strong Companies assemble.

Of the 58 stand of Arms and one bayonet, in Store with Mr. Carman at Hardscramble (Woodstock), two of them are unserviceable from the stocks being broken completely through, and one from the lock being much out of repair.

I beg to draw your attention to the state of the Woodstock Light Dragoons, the Captain of which did not attend a single drill; the men are a fine body, all young and well mounted; twenty of them have provided uniform, and the remainder are ready to do so when they shall have been completed with swords, belts, &c.

3d August. } I this day completed the Drill instruction of 705 Non-Com-
2nd Battalion York } missioned Officers and Privates of the 2nd Battalion of the York
County Militia. } County Militia, all of whom conducted themselves at the different Drills in the most orderly and praiseworthy manner. The payment for the carriage of the Arms for the Drill of this Battalion was made from the Regimental Funds by direction of Lieutenant Colonel Allen. One Company of this Battalion, viz. Captain Dow's, did not attend at the Drills. On enquiry I was informed that the men had not been warned according to the Militia Law, owing to Captain Dow being away from home. I am aware that his Company was not drafted last winter, which, together with their having been absent from the Training, seems to have created a general dissatisfaction in the other Company in this part of the district of the Corps.

17th August. } I have completed the instruction Drill of the 3rd Battalion of
3rd Battalion York } the York County Militia, when there were present under Arms
County Militia. } 10 Captains, 13 Subalterns, 22 Sergeants and 350 Privates. I beg leave to state, that on account of this being the season for cutting the hay, and to afford those concerned an opportunity to be amongst it as much time as the service would admit of, I arranged with the Commanding Officer to keep the officers and men a longer period each day for two days for each detachment, instead of three days as was ordered, which, together with additional Drills that the men volunteered to attend, enabled me to put them through the same course of Drill as the other corps, and as the Battalion did not lose any instruction by the arrangement, I trust that His Excellency will not disapprove of it. I have further to state, that both the officers and men were regular in their attendance, and exceedingly attentive while present: the
cost

cost of the carriage of arms was defrayed from the Regimental fund, by direction of Lieutenant Colonel Robinson, the Commanding Officer.

1st September. } I have completed the instruction Drill of the 1st Battalion of
1st Battalion Queen's } the Queen's County Militia, when there were present 9 Cap-
County Militia. } tains, 18 Subalterns and 250 Non-Commissioned Officers and
Privates ; both officers and men were extremely attentive, and the Commanding Officer, Lieutenant Colonel Peters, accompanied by Major Foshay, superintended at all the Drills, when every thing was conducted with the utmost order and regularity ; there are 120 stand of Arms in possession of this Battalion, 7 stand of which are reported to be unserviceable from want of their being put in repair. The Arms were taken to and from the Drill ground at the expense of the Regiment.

12th September. } I have completed the instruction Drill of the 1st Battalion
1st Battalion Charlotte } of the Charlotte County Militia, under the command of Lieu-
County Militia. } tenant Colonel Campbell, when there were present under
Arms at the different Drills 4 Captains, 3 Lieutenants, 5 Ensigns, 14 Sergeants and 218 rank and file. The Commanding Officer attended at the whole of the Drills, and so did Major Garnett at Saint Andrews, but not in the country. All the officers and men were punctual in their attendance and attentive to the instructions given to them at Drill. I here beg leave to particularize the Rifle Company, under the command of Captain Boyd, as having been exceedingly so. Captain Boyd appears to be a zealous officer, to have paid much attention to the instruction of his Company, who are in a tolerable good state of Drill, so much so as to render them a credit to the Battalion to which they belong. The Arms were taken to the detachment which assembled in the country, as well as the Drill Sergeants, free of expense to the Government.

26th September. } I have completed the instruction Drill of the 4th Battalion
4th Battalion Charlotte } of the Charlotte County Militia, when there were present one
County Militia. } Lieutenant Colonel, 1 Major, 9 Captains, 8 Lieutenants, 8
Ensigns, 18 Sergeants, and 471 rank and file ; both officers and men were regular in attendance and exceedingly anxious to gain information in Military exercise, the Rifle Company in particular, the men of which, after having attended the three days Drill according to the General Order on that head, assembled on the afternoon of the 25th instant, on my return from the Drill of Saint David's, when I was requested by the officer commanding the Company to give them an additional Drill, which request I complied with. This Company is composed of young men who had not received any instructions previous to this, and now from their zealous attention at the Training of this year, are able to perform the manual and platoon exercise of Riflemen, and have made some progress in skirmishing Drill. I have further to report for the information of His Excellency, that the Arms for the use of the two divisions which assembled in the country, viz. at Saint James' and Saint David's, were conveyed there ; as well as the Drill Sergeants, free of expense to the public : also that I found in store at this Town (Saint Stephen's), 187 stand of Arms and 143 sets of Accoutrements ; the number of Arms over that of Accoutrements were obtained last winter by Major Marks from some of the old inhabitants in this neighbourhood, and deposited in store. 44 sets of Accoutrements are wanting to complete the number of Arms in possession of this Battalion.

5th October. } I have this day completed the Drill of the 1st Battalion
 1st Battalion Saint John } Saint John City Militia, when there were present 1 Lieu-
 City Militia. } tenant Colonel, 1 Major, 10 Captains, 20 Lieutenants, 1 En-
 sign, 34 Sergeants, 513 rank and file. Too much cannot be said in favor of this Corps
 for its steadiness and attention under Arms, and the officers far exceed those of any other
 Corps that have come under my notice during my tour of duty this Summer in the
 knowledge of their duty. Four Companies of this Battalion have provided themselves
 with Military Clothing, and from a desire to become acquainted with their Drill, in
 order to be useful in case of need, they have, previously to this Training, met for
 Drill under a competent instructor of their own providing, and are at present in such
 a state of discipline as to be able to march and perform evolutions with Her Majesty's
 Troops. The Bayonet Belts, Pouch Belts and Slings in the use of this Battalion are
 fairly worn out, and so bad as to be quite unfit to be worn upon any duty.

11th October. } I have this day completed the Drill of the 2nd Battalion
 2nd Battalion Saint John } of Saint John City Militia, when there were present 14
 City Militia. } Captains, 13 Lieutenants, 6 Ensigns and 390 Non-Com-
 missioned Officers and Privates. No Arms could be obtained for the Drill of this
 Battalion except those in charge of Captain Thurgar; the officers and men were gene-
 rally attentive. Lieutenant Colonel Ward did not attend any of the Drills.

6th November. } I attended at the following places on the dates mentioned, accom-
 Sunbury County } panied by the Drill Sergeants, for the purpose of giving instruction
 Militia. } to the Sunbury County Militia, viz.: At the south branch of the
 Oromocto on the 14th and 15th; at the mouth of the Oromocto on the 16th and 17th,
 and at Sheffield on the 18th and 19th October. There were present 1 Lieutenant
 Colonel, 1 Major, 6 Captains, 5 Lieutenants, 6 Ensigns, 25 Sergeants, and 590 rank
 and file; all of whom, with the exception of a trifling irregularity in one of the Com-
 panies at the mouth of the Oromocto, behaved with the utmost propriety. Lieutenant
 Colonel Miles caused 48 stand of Arms and a like number of Accoutrements to be
 conveyed to the Oromocto and to Sheffield, for the use of the Drill.

I have the honor, &c.

(Signed)

GEORGE PRIESTLEY,

Captain and Staff Adjutant of Militia.

Hon. Lieutenant Colonel SHORE, Adjutant General of Militia, &c. &c. &c.

No. 5.

[See Journal 5th February, 1840.]

Fredericton, 18th January, 1840.

MAY IT PLEASE YOUR EXCELLENCY,

Herewith I have the honor of submitting various documents addressed to Your
 Excellency by the North American Colonial Association of Ireland, stating their views
 and wishes with respect to Emigration on an extensive scale under fixed regulations.

The objects and plans of the Association are so fully developed in the accompanying
 papers, that I need only allude to them; and on behalf of the Association, I respect-
 fully crave Your Excellency's consideration of this important subject, feeling
 convinced

convinced that a matter in which the welfare of New Brunswick is so deeply concerned will gain immediate attention.

I have the honor, &c.
 (Signed) M. H. PERLEY,
*Agent at New Brunswick for the
 North American Colonial Association of Ireland.*

His Excellency the Lieutenant Governor, &c. &c. &c.

No. 6.

[See Journal 20th February, 1840.]

MAY IT PLEASE YOUR EXCELLENCY,

We the undersigned, having been appointed by Your Excellency Commissioners to examine and report upon the state of the Boom across the Restook River with the probable cost of the same, and to recommend the rate of Boomage to be demanded by the Government, beg leave to submit the following Report.

This Boom which is erected near the entrance of the River is formed of three Piers, about sixteen by thirty two feet each, and fourteen feet in height, made of flatted Hemlock and Cedar, filled with Stone,—from these Piers part of the Boom was hanging, and supported by Chains connected with the shore.

It will be necessary to raise the Piers at least eight feet, as they were under water during the greater part of the Spring Freshet,—this, together with the want of two extra Piers, no doubt was the principal cause of the destruction of the Boom last year. On each side of the River opposite the Boom, a Log Camp has been built of Hemlock Logs, twenty five by fourteen feet, and eight feet in height, covered with split Cedar and worth about ten pounds each.

With respect to the cost of this Boom it is impossible for us to form any correct estimate, not knowing the expense incurred for Chains and Iron work,—but the probable value of the Piers, two of which have been removed from their original position, we should say was about seventy five pounds each.

The Boomage to be demanded by Government from persons securing Timber in this Boom, in our opinion should not exceed one shilling per ton.

Your Excellency having at the same time requested us to examine and report upon a proper site for a Bridge over this Stream, we beg to recommend its being thrown across at the lower end of the Boom instead of the upper, (the site pointed out by Mr. Maclauchlan in his Report of last year,) so that the two extra Piers required for the safety of the Boom, will answer as abutments for the Bridge,—and in the event of the Legislature making an appropriation for this work during the present Session, which we consider will cost from six hundred to eight hundred pounds, much time and expense will be saved by contracting for the materials during the winter season.

We have the honor to be,
 Your Excellency's most obedient servants,
 GEO. HAYWARD.
 J. A. MACLAUHLAN.

His Excellency Major General Sir JOHN HARVEY, K. C. B. &c.

No. 7.

[See Journal 21st February, 1840.]

Custom House, Saint John, N. B., 15th July, 1839.

SIR,

I have the honor to lay before Your Excellency a copy of an order which I have received from the Honorable the Commissioners of Customs, No. 40, dated 25th May last, enclosing a copy of the Coasting Regulations proposed to be adopted between this Province and Nova Scotia; I also enclose a copy of the said Regulations, and have the honor to observe to Your Excellency that the Regulations in question, if carried into operation, would be rendered nugatory by the existing Provincial Law, 6 W. 4, c. 4, sec. 3, intituled "An Act to provide for the collection of the Revenue of the Province." It is therefore desirable in my opinion, that prior to these Regulations being adopted with reference to this Department, that the subject should be taken into consideration by the Provincial Authorities. I therefore transmit the accompanying papers to enable Your Excellency, should Your Excellency think fit, to call for the Report of the Provincial Treasurer thereon, or refer the matter to the consideration of the Legislature of this Province.

In order that I may be able to comply with the directions contained in the Honorable Board's order, I have respectfully to request that Your Excellency will be pleased to favor me with such observations as may, in Your Excellency's opinion, appear necessary.

I have the honor to be, Sir,

Your Excellency's obedient humble servant,

H. BOWYER SMITH, *Collector.*

His Excellency Major General Sir JOHN HARVEY, K. C. B. and K. C. H.

No. 40.

Custom House, London, 25th May, 1839.

SIR,

The Board having caused Regulations to be prepared for establishing a Coasting Trade between the Provinces of Nova Scotia and New Brunswick, under the provisions of the 25th Section of the Act 1st and 2d Victoria, c. 113—

I have it in command to transmit herewith a copy of the Coasting Regulations proposed to be adopted, and to direct you to report your observations thereon, and as to the practicability of giving effect to the same. You are also to communicate them to the Merchants and others interested in the measure, and to report to the Board any observations which such parties may make thereon.

I am, Sir,

Your most obedient servant,

(Signed)

L. KER.

Collector, Saint John, New Brunswick.

Regulations for the Coasting Trade between the Provinces of Nova Scotia and New Brunswick.

Whereas by an Act passed in the third and fourth years of the Reign of His late Majesty

Majesty King William the Fourth, entitled "An Act to regulate the Trade of the British Possessions abroad," it was amongst other things enacted, that it should be lawful for the Commissioners of His Majesty's Customs to make and appoint such Regulations for the carrying Coastwise of any Goods, or for the removing of any Goods for Shipment, as to them should appear expedient, and that all Goods laden, waterborne or unladen, contrary to any Regulations so made and appointed shall be forfeited.

And whereas by an Act passed in the first and second years of the Reign of Her present Majesty, entitled "An Act to amend the Laws relating to the Customs" it is amongst other things enacted, that "whenever it shall appear to the Commissioners of Her Majesty's Customs expedient to establish a Coasting Trade for the removal of Goods generally, or for the removal of any particular Goods, between neighbouring Ports of different Colonies similarly circumstanced in respect of Duties in any of the British Possessions abroad, it should be lawful for the said Commissioners to issue directions for that purpose, and from and after the publication thereof in the Gazette, or other public paper printed in the said Colonies to which such Coasting Trade had been extended, the same should come into and be in full force and effect; and such Coasting Trade should be subject to the like rules, regulations, penalties and forfeitures as the said Commissioners are authorized to make for the carrying Coastwise of any Goods under the provisions of the said Act for regulating the Trade of the British Possessions abroad;"

We, the undersigned, Commissioners of Her Majesty's Customs, pursuant to and in execution of the powers vested in us by the said Act, do hereby order that the Trade between the Provinces of Nova Scotia and New Brunswick shall, from and after the promulgation of these Regulations be taken and deemed to be a Coasting Trade for the removal of Goods similarly circumstanced in respect of Duties in the said two Provinces, under the following Regulations:—

First.—All British Vessels or Boats, owned and navigated according to Law, may carry from any part of Nova Scotia to any part of New Brunswick all Goods, the Produce of either Nova Scotia or New Brunswick, or of the British Fisheries, similarly circumstanced in respect of Duties in the two Provinces, without entry or clearance.

Secondly.—All such Vessels or Boats may carry as aforesaid all other Goods without entry or clearance, provided the Master shall keep a Cargo Book, in which shall be entered an account of all Goods taken on board his Vessel or Boat, noting the respective days on which the same had been laden, also the marks and numbers of the several packages, the qualities and description of the Goods therein, and the quantities and description of any Goods stowed loose; also the names of the respective Shippers and Consignees, so far as such particulars shall be known to the said Master, who shall also note in such Cargo Book the respective days upon which any such Goods shall be delivered out of such Vessel or Boat during each respective voyage, and the Master of such Vessel shall produce his Cargo Book to any Officer of Customs whenever the same shall be demanded, who shall be at liberty to make any remark therein which he may deem proper; and if at any time any Goods, not the produce of the Provinces nor of the British Fisheries, shall be found on board any Vessel or Boat employed as aforesaid which shall not be inserted in the Cargo Book, the same shall be forfeited.

Thirdly.—And if the Cargo Book hereinbefore required to be kept by the Master
of

of every Vessel carrying Goods as aforesaid shall not be duly kept on board the same, or if the same shall not be produced to any officer of the Customs as herein before required, in either of such cases the whole of the Goods found on board such Vessel or Boat shall be forfeited.

No. 8.

[See Journal 24th February, 1840.]

To His Excellency Major General Sir John Harvey, K. C. B. & K. C. H. Lieutenant Governor of the Province of New Brunswick.

MAY IT PLEASE YOUR EXCELLENCY,

Having been requested by Your Excellency's Letter of the 3d May last, to do the duties of Surveyor of Light Houses in the Bay of Fundy, I duly attended to those establishments, and beg leave to report—

That the alterations made in the Quaco establishment last year, have added much to the efficiency of that Light, which now gives satisfaction to the Trade. No special repairs are required, nor are any charges contemplated, so that the outlay there will not in all probability require to be of moment in 1840. Mr. Lamb is attentive to his duties, and the condition of his charge is at all times creditable to him as a Keeper. There are here 6 reflectors of 24 inches diameter, and the revolving machinery is in good order.

The Light House at Partridge Island is in order, and requires no repairs or alterations, and a good Light is always kept at it. The Keeper's house is old and not worth repairing, as will be seen by the certificate of Messrs. Hagerty and Portmore, among the vouchers of the Commissioners for their Account of the year at this station. The Commissioners did not consider it to be their duty to build a new house for the Keeper without thus bringing the subject before the Legislature, the more especially as it is their opinion that the public service would be promoted by a small building for the Keeper being placed near the Light House, instead of being at such a distance as the present one,—to which, in the most inclement seasons and in storms, the Keeper must necessarily repair at various hours in the night to trim his Lamps. The Commissioners also have no authority to build within the circle of the Battery unless leave is first had from the Commander in Chief. It is to be hoped some directions will be conveyed to the Commissioners on this head. The charge for the new Lantern at this station will be spoken of when reporting on the Cape Enrage Light House. There will, in 1840, be 15 reflectors in this Light House of 23 inches diameter.

The Beacon Light House is in good order, and the contingent expenses are likely, as this year, to continue small. It is intended to take the reflectors (4 of 23 inches diameter) of this station to Cape Enrage, and substitute 4 of those now imported, and spoken of in the report on Cape Enrage Light—but this will be attended by no expenditure.

Point Lepreau establishment, both in respect to the Light House and Keeper's House, is in good order, the Light is well spoken of. The buildings will require painting in 1840, but I see no other expenditure necessary, unless, indeed, the lowering of the under Light to the ground floor may be done, which many competent persons think would be an improvement, as at five or six miles off the two Lights are thrown into
one

one from the short space separating them,—this will be investigated more fully next summer; while the 5 upper reflectors are of 23 inches diameter the 5 on the lower flat of the building are only of 15 inches diameter. The Oil Tanks here, and at the different stations answer well, and the Boat Landing cut out of the rocks here a few years since, proves a great convenience to the public service in landing Stores, and to the Keeper and others. Mr. Petingell has, by his perseverance and industry, made Point Lepreau, from being one of the worst stations, probably the best belonging to the Province, and he lives most comfortably.

Head Harbour Light House I found in all respects perfectly clean and in good order, except some leaks near the windows and some deficiency in the foundation. These have doubtless been repaired when the house, then about being built for the Keeper, was completed, which it has been. Here there are 8 reflectors of 22 inches diameter, with the same size burners as at all the other New Brunswick Light Houses. No Oil Tanks were, at the period of my visit, at this or any other of the Charlotte County stations, but Mr. Campbell having been strongly urged by the writer last winter to provide such, they have now, I understand, arrived at Saint Andrews; any small deficiencies of glass &c. I stated to Mr. Campbell on visiting Saint Andrews; and he immediately attended to the same.

There are two matters which require notice at this station; 1st, the Landing (from Head Harbour) should be cleared of the loose and very large stones which render it so difficult and dangerous for any one to land, either personally or with oil or other stores or supplies; and 2ndly, the Lantern is unfit for the reflectors at this station, it is so small that the Keeper cannot get into it without great difficulty, and the reflectors have been placed on the frame in a pivot, so as to be turned round, and thus enable the Keeper to clean them and the Lamps as each may come opposite to the aperture—of this again, when treating of the Saint Andrews Light. The deck here is sufficiently large to receive any new Lantern of proper size which may be placed on it.

The Saint Andrews Light was clean and in order, notwithstanding the keeping there of the Oil and other supplies for the different stations under charge of the Saint Andrews Commissioners. There are 4 reflectors here of 15 inches diameter. The Light House is not lathed and plastered, and I should think the oil during winter, and in an inland station like this, would be apt to thicken, especially as from the shape of the frame the Keeper cannot burn a Winter Lamp. The Keeper has only £30 per annum with the use of a house, and I should have thought his remuneration small had not the Commissioners said they could get others to do the duties at the same rate. The premises should be painted in 1840, and the inside of the Light House washed with lime, if it is not plastered. The foundation of the Light House is not good, or rather it is not properly secured on the wharf, as a shake on the Balcony Rods near the Lantern, makes the whole of the fabric tremble or rather totter. This can be remedied at small expense and it ought to be done, as in a gale of wind the building must shake so as to cause the Lamps to overflow and go out.

This Lantern is, and ever has been, utterly unfit. Its size is such as to prevent any one from going into it except with great difficulty, even if only a small man. The burners are turned round on a pivot, and brought to where the Keeper has to stand, in order to be cleaned and have the reflectors put in order. The size of the glass is

reduced (partly owing to the large and unnecessary mouldings,) to $11\frac{1}{2} \times 7\frac{1}{2}$ inches, so that, while the oil is consumed the light furnished cannot nevertheless be thrown out on Saint Andrews Bay. No time should be lost in procuring another Lantern, and probably if the Head Harbour one was removed to this place, and a new one got for that station, it would be the best and least costly plan, and the 4 15 inch diameter reflectors of this station would have room enough in the Head Harbour Lantern, though it is too small for the 8 22 inch diameter ones.

Machias and Seal Islands are always reported as giving a good light. I came upon this station very early in the morning, and before the Keeper had his Lamps cleaned, but I found every thing in perfect order, and had entire satisfaction in viewing every part of the establishment. Both Light Houses as well as the Keeper's House will require painting in 1840. The new Landing was just being finished, it promises to answer well and was much needed. There is a general regret expressed that the two Lanterns here were not each some ten or twelve feet higher. Should it be considered proper to elevate them, the expense of adding some few feet to the present deck would be but small, (the frame being very good) or the elevation of the whole building and placing a stone wall under each, would not be very expensive, and in some instances this would seem to be required, as in high tides, with South and S. W. winds, the sea rises to the door,—but the subscriber would not like to recommend such change, nor the having one of these Lights, as well as the Beacon Light in the Harbour of Saint John, shaded with red glasses, without the advice of the Commissioners, after an examination on the spot. The reflectors are 8 and 8 of 23 inch diameter each, and with two winter Lamps. A signal gun should be placed here, as also at Gannet Rock, without delay; by this means the Keepers would often be enabled to warn vessels of their danger when nearing the Reefs and Ledges, as in one instance the writer had an opportunity of seeing in August last, when two Brigs would have run on the Rosemount Rock but for the firing of muskets from the Gannet Rock. This Keeper has a cow, garden, and every comfort, and is an excellent Pilot. I think he should be bound to keep a proper assistant in this lone station, even if £10 or £12 in addition was granted to his salary.

Gannet Rock is a fearful place in storms. Found every thing perfectly clean, and the lantern, reflectors, and flash machinery in good condition. There are 8 reflectors of 23 inches diameter. Examined into the damages done last winter, and put the Artificers carried down with me to work. It may be doubted if anything less than a cut stone wall of 12 or 14 feet in height and 4 feet thick, bolted with iron into each stone and erected around this Light House, can make it safe; and I fully concur in opinion with the Keeper, Mr. Kent, that nothing but the numerous iron braces and chains making fast the building to the rock, and which were placed there in 1838, saved the whole establishment and its inhabitants from being swept off during the gale of wind which destroyed the Mount Desert and other Light Houses in January, 1839. Much has now been done to render it safe, but there can be no confidence in its remaining so for an hour if a southerly gale rises during high tides, and I should hope that during this year the opinions of some well qualified persons, as well as the Commissioners, may be taken on this subject. If the navigation of the Bay requires the support of this station (as it no doubt does), humanity is concerned in seeing that the Keeper and his family are made secure, besides the first outlay may be less than the

constant repairs paid by the Province. The iron gangway for aiding in having the boats and the supplies taken up, (made of 2 *inch square Iron*,) is completely destroyed, and the iron twisted into a thousand forms. I recommend that an excavation be made in the rock from the Light House door to the water, and a gangway of iron placed down in such gulch, this would allow the seas to pass over without doing harm; it is necessary to do something of the kind as neither boats nor other articles can now be got up except with much labor and many hands. The Keeper is a good Pilot for this neighbourhood, but in winter he could not get a boat into the water from want of a gangway. A signal gun should be placed here as well as on the Seal Islands, as stated on a report on that station.

The Advertisements, Tenders, Plan and other Documents regarding the erection of Cape Enrage Light House, will be seen with the account of the Commissioners, detailing the purchase of the ground and buildings placed on that station.

The Commissioners concluded to shift the Partridge Island Lantern to Cape Enrage, procuring one of greater height for the former place, where a double range of reflectors was to be placed, and they had reason to expect, from having written to England in February, 1839, that the required articles would have arrived in time sufficient to enable them to effect the change before the winter commenced, but in this they were disappointed as will be seen by the letters of the agents accompanying the accounts. The new Lantern is placed at Partridge Island, and the other will be placed on Cape Enrage in the spring. The £150 sterling Bill of Exchange charged in this account, and which was sent to England in part of the claim for new reflectors, &c. &c., was considered by the Commissioners equivalent to the cost of the Lantern, Lamps, Glass, and Reflectors which will be sent there in the spring, and the public service is advantaged by the exchange, as it was better to have the superior Lantern and Reflectors off this Harbour. There is a balance of £211 3 2 still due in England, which will be sent in a short time,—the new Reflectors &c. are of the first order. The £18 charged per James Munson in the Cape Enrage account, is to pay him for living in and taking care of the establishment, though he is not to receive full pay till the Lamps are in use.

The Light Houses at Briar Island and Cape Sable would have been visited this year, but after having made the necessary arrangements to sail from Gannet Rock the weather became so unsettled that the writer abandoned the attempt, especially as the Schooner was cast on shore at these Islands and got some injury; they will be visited next year.

GENERAL OBSERVATIONS.

The consumption of oil varies considerably at different Light Houses, partly owing to the difference in time of lighting and extinguishing the Lamps, and partly from the superior attention and neatness of keepers. No loss of oil now takes place as the Tanks are perfectly tight; the old oil is every year removed from the various stations, and sold in Saint John, and in 1840 there will be a credit of £21 6 1 for oil sold this year per Mr. Hanford's account, and which came in too late for this year's statement. While Gannet Rock consumes under the 40 gallons per burner, and the Seal Islands about that quantity, the major part of the stations use more than this range,—but as
all

all the burners are of one size, if we allow that there are 70 in use, the quantity used will be found to be about 2,800 gallons per annum. I would most respectfully solicit an increase of income for Mr. Kent, (probably £25 a year) as also for Mr. Lamb. Their labour and anxiety in keeping machine working Lights is much greater than the others, and they live on mere spots of rock where grass never grows and consequently where they can keep no Cow and have no garden. Mr. Kent is cut off from all intercourse with the world and lives at considerable expense. I told him he could not be allowed to keep the Assistant paid for by the Province of a mere labouring class, but that he must hire a man of some standing in event of accidents happening to himself in this wild place,—he has had consequently to hire a person at £35 per annum, which sum with the board of the person eats too deeply on his £165. All the other Keepers are more comfortable in every respect.

Were the person acting as Assistant at Gannet Rock (Mr. Albert Worster, who engaged on the 20th December,) assured by the Executive, that on the first vacancy he would be promoted to a Light House, and another young man be placed in his stead at Gannet Rock, to be also in like way advanced on a vacancy arising, the Province would soon have a class of respectable young men in their employ, and who, in every case, would have experience before they were put in charge,—this would put an end to the practice of getting up petitions recommending the aged, the lame, and too often even the unsteady, as Keepers of Lights. In any country to keep a Light House is, for a person advanced in life, an arduous task, but in a climate like this it is often most severe, and we have seen the birth applied for, and formerly too often granted, as if it were considered as a refuge for the destitute.

New Brunswick, on her Bay of Fundy line, requires no Light House other than at the stations already occupied,—and the erection and support of those having been completed without Provincial aid, and entirely from the Shipping of the present day, it is certain that if the navigation of the Province holds at or near to its present extent, a reduction of the tax will soon take place, even though improvements attended with expense may be adopted to render the present Lights more perfect. The navigation of the Bay would be advantaged by a Harbour Light at Apple River Head in Nova Scotia, and if one third or even one half the cost of erection and support of this $\frac{3}{4}$ or $\frac{1}{2}$ Light was even defrayed by New Brunswick, it would be paying only a small sum for a great benefit, as all the trade of that place and its neighbourhood belongs to New Brunswick.

All which is respectfully stated by

L. DONALDSON,
Surveyor of the Bay of Fundy Light Houses.

Saint John, 1st January, 1840.

No. 9.

[See Journal 10th March, 1840.]

Fredericton, 29th June, 1839.

MAY IT PLEASE YOUR EXCELLENCY,
In consequence of Your Excellency's Letter, which was received by us at Madawaska,
on

on the subject of the suffering state of many of the Inhabitants of that Settlement for want of provisions, we called on the Reverend Mr. Langvin, the Roman Catholic Priest, and communicated the contents thereof to him. He said it was true that a number of persons in the Settlement were really in a suffering state for want of food, which from its great scarcity could not be procured for money; the communications with the Settlement having been impeded the whole Spring by the flooded state of the Rivers, which prevented all supplies being got up even by the Merchants; but that the *real* distress was chiefly confined to poor Canadians and their families, who had emigrated in the course of the last year or two from the Canada Settlements about Saint André, the Rivers Ouelle and Deloup. That the real Madawaska Parishioners were not many of them in that state.

The Priest was much gratified at ascertaining Your Excellency's intention of affording the assistance contemplated, but suggested that it would not answer to make a direct issue of provisions, even to those persons who actually were in need thereof, unless the same could be effected as a remuneration for labour of some kind, as the report of such aid being furnished in the way of donation, would very soon reach the settlers on the Saint Lawrence and induce great numbers to remove to Madawaska immediately, by which means the distress would be eventually increased.

At our suggestion it was at length arranged that Lieutenant Colonel Maclauchlan, who, as Supervisor of the Canada line of road, was then about selling the road, as it is called, should reserve small parts of half or quarter of a mile in extent in different places to be worked by such of these poor people as should produce the Priest's certificate, who would receive provisions in advance, and if they should fail in performing the labour sufficient to pay for the whole amount of provisions, such deficiency only would be chargeable to the fund intended for charity, under Your Excellency's intentions of affording assistance.

As no provisions are to be purchased at Madawaska, it will require that the same shall for the present be advanced from the Queen's Stores at the Great Falls.

We have the honor to be, &c.
(Signed) GEO. SHORE.
C. J. PETERS.

To His Excellency Sir JOHN HARVEY, &c. &c. &c.

No. 10.

[See Journal 16th March, 1840.]

Fredericton, 12th March, 1840.

SIR,

Having been appointed by Your Excellency as Commissioners for the expenditure of the money granted for the erection of additions to the Province Hall, we immediately after our appointment advertised for Tenders and closed a Contract for the sum of £1,620.

Owing to the delay which was caused by the short Session in September last, the Committee could not finish the work in time, and some portion thereof remains to be completed during the present year, to secure the performance of which we have retained £120 on the Contract.

We have the honor herewith to lay before Your Excellency an account of our expenditure of the £2000, shewing a balance of £47 13s. not applied.

In consequence of many alterations made during the progress of the Contract work and the erection of an additional Building, a further sum will be required to pay for those services, and from the accounts rendered to us of those services we are of opinion that a further sum of £2000 will be required from the Legislature, as well to pay for those extra services as to defray the expense of other additional work which we know will require to be done.

We have the honor to be,

Your Excellency's obedient humble servants,

GEO. SHORE,
L. A. WILMOT, } *Commissioners.*
JAMES TAYLOR, }

Major General Sir JOHN HARVEY, K. C. H., K. C. B., &c. &c. &c.

No. 11.

[See Journal 16th March, 1840.]

Province in Account Current with Commissioners of Province Hall.

DR.

To paid on account of Contract,	£1,500	0	0
“ “ of Extra Work,	130	0	0
“ Inspector on Account,	79	0	0
“ Drawing Contract and Specification,	6	0	0
“ Robert Leipsit, Levelling Ground,	4	8	0
“ A. T. Coburn, 60 yards Carpeting,	15	0	0
“ A. P. Miller, 3 dozen Chairs,	14	0	0
“ J. Annand's Bill,	4	0	6
“ Nisbet & Son's Account,	74	9	6
“ James Maloney,	5	9	0
“ Balance due on Contract retained until the Work is completed,	120	0	0
R. Dunn's Account, Tables &c. not yet paid.			

£1,952 7 0

£2,000 0 0

CR.

1839.
June 15. By amount of Warrant, £2,000 0 0

GEORGE SHORE, }
L. A. WILMOT, } *Commissioners.*
JAMES TAYLOR, }

Fredericton, 12th March, 1840.

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