





**JOURNAL**

OF THE

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**LEGISLATIVE**

**COUNCIL.**

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

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**FIFTH SESSION OF THE TWELFTH GENERAL ASSEMBLY.**

ANNO QUARTO 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, Wednesday, 20th. January, 1841.*

The General Assembly having been by three Proclamations prorogued to this day,  
the House met,—

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Saunders.*

*Mr. Lee.*

*Mr. Chandler.*

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

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

**"I**N addressing you under the circumstances in which we now meet, it appears to me that it will equally consist with my duty as the Queen's Representative and with your wishes as the Representatives of the Loyal Population of New Brunswick, that I should give a due prominence to that topic in which we must at all times feel the deepest interest, but especially at the present moment—I allude to the health of a Sovereign, who, possessing the strongest claims upon our duty and affection on Her own account, has acquired an increased title to our love, in the fulfillment, under the blessing of Divine Providence, of the hopes which the Nation had so ardently cherished:—A Princess has been given to us—the Heir to her Royal Mother's virtues, and to a Throne based upon the imperishable love of Her People.

"Upon this joyful event, and upon Her Majesty's restored health, I offer you my heartfelt congratulations; and I do not doubt your responding to them in a manner alike honorable to yourselves and accordant with the well known sentiments by which the Legislature and People of New Brunswick have ever been distinguished.

"The actual condition of the Province next claims our attention,—and upon this subject I am happy to say, that although some degree of commercial embarrassment has occurred, yet its causes appear to me to be so thoroughly understood, that more

than half the evil may be considered as remedied by that circumstance, and to the practical good sense of those whose individual interests are concerned (in all cases the best resource), may be safely committed its entire removal.

“In the meantime, I rejoice to know, that the restoration of that portion of the Commercial Capital of the Province which suffered so severely by the conflagration of 1839, is in a rapid course of being effected, greatly through the means of your prompt and enlightened liberality, and in a manner which has surpassed the expectations which had been formed, as well in respect to the solid advantages of increased security—the great object contemplated—as to the health and beauty of the City.

“With respect to our Agricultural Interests, we have to be thankful that the blessing of Providence has been liberally extended to this and our Sister Provinces, and generally to this great Continent during the past season. The Harvest has been abundant, and the open season so protracted and favorable as to have afforded ample time to the industrious and provident Farmer, for the due preparation of his ground for the crops of the ensuing Spring. And here I cannot but repeat the expression of a fervent hope, that through the industry and perseverance of its Agricultural Population, coupled with an improved system of cultivation, and under the fostering and patriotic aid and encouragement of its Legislature, the Inhabitants of this fine Province may ere long cease to be dependant upon surrounding Countries for the supply of their Bread; but in order to do this rapidly and effectually, due encouragement should be given to a well considered system of Immigration; and I am much disposed to think that in the two Associations, whose operations are, and are about to be extended to New Brunswick, we may, if such reasonable encouragement be given to them as may in your judgment consist with the true interests of the Province, find the means of which we are in want, of ensuring a steady and adequate supply of Farm and other Settlers and Labourers of good character. On this subject it will be for you to consider whether an appropriation for a regular annual survey of a moderate quantity of Wild Lands of good quality and in favorable situations, laid out in lots of 100 acres, and to be disposed of for actual settlement, at a reasonable upset price, might not be among the most effectual encouragements which could be held out to the introduction into New Brunswick of a valuable class of Settlers.

“The beneficial effects of the large sums which have from year to year been so liberally granted for the improvement of the Great Lines of Roads, throughout the Province, are beginning to be very apparent. These Roads, with few exceptions, are now admitted by travellers to be at least equal, if not superior, to those of any of the surrounding Provinces. With reference to the important Communication between Her Majesty's Upper and Lower Provinces, Copy of a Circular Despatch from the Secretary of State for the Colonies will be laid before you, inviting the Legislatures of the Provinces concerned to come forward with liberality, and “meet by corresponding feelings the exertions made by the Parent State to promote a regular and rapid intercourse with these Colonies,” by means of a Line of Steam Packets between England and Halifax,—an establishment which has already shewn itself superior to any other of the same kind connected with this Continent.

“In connexion with this subject, I offer you my congratulations upon the arrangements which are in progress, under the directions of His Excellency the Governor General, for the improvement in the conveyance and reduction in the rates of Post Communications in British America.

“Upon the subject of the Coast and Harbour Fisheries, the Report which was addressed to me by the zealous and intelligent Naval Officer to whom was committed the protection of British Interests in the Bay of Fundy during the late Season, having been printed by my direction, will be sent to you, and I recommend the suggestions which it contains to your attentive consideration.

“To a people who feel it to be one of the high privileges conferred upon them by the happy Constitution under which they live, that no British Subject is excluded from a free competition for the highest Offices of the State, the subject of the Education of their Children must always be regarded as one of primary interest, and it will accordingly, I doubt not, continue to receive from you that liberal aid for its advancement and diffusion, and that serious and anxious consideration for the improvement of the system under which it is at present conducted, which must consist with a due sense of its paramount importance,—for the promotion of this latter object I offer you my cordial co-operation.

“The useful information regarding the mineral treasures of the Province which has already been acquired by the Geological Exploration of certain of its districts, will, I trust, lead you to enable me to continue researches which promise to be attended by so many solid advantages,—on this subject I invite your attention to the printed Report which will be presented to you.

"I have much satisfaction in acquainting you, that the Officers selected by me to superintend the training of some of the Frontier Battalions of Militia, and of the Artillery Companies, report very favorably of their general progress and attendance during the late Season. Copies of these Reports will be communicated to you, and I trust to your liberality to enable me to continue a system which has been attended with so much advantage and satisfaction, and which it is my wish gradually to extend to the whole Militia Force of the Province.

"There are other subjects connected with our relative duties to the Public, upon which I will communicate with you by Message, and I renew to you my invitation freely to bring to my notice any matters in which my co-operation may appear to you to be essential for the advancement of the Public Interests. Copies of several Despatches which have been received by me from Her Majesty's Secretary of State for the Colonies, since the last Session of the Legislature, will be communicated to you, and will, I doubt not, receive that degree of respectful consideration which is due to the source from which they proceed, and to the anxious desire which is invariably manifested by our gracious Queen, to promote the interests and happiness of all classes of Her Subjects in this Province.

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

"I have directed that full and detailed statements of the Provincial Receipts and Expenditure, since the last Session, be laid before you without delay, and I feel happy in being enabled to congratulate you upon the satisfactory state of the Public Revenue.

"I likewise feel that I need not add to what I have already said under the several heads of this Address, any general recommendation to you to make that suitable provision for the expenditure connected with the efficient administration of your affairs, which I have never found you otherwise than ready to do with alacrity and liberality.

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

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

"I regret that I have it not in my power as yet to communicate to you any definite arrangement of the Boundary Line. Experte Explorations have been made on either side, preparatory to the final settlement of that important question, and I see no reason to apprehend that the result can be otherwise than favorable to British Interests, as well as to the continuance of that good understanding with the neighbouring States, which it is the true interest, and I am convinced, the sincere desire of both Nations cordially to promote."

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. Peters and Chandler 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.*

# Legislative Council Chamber.

THURSDAY, 21st January, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Lee.*

*Mr. Chandler.*

PRAYERS.

The Honorable Mr. Saunders, by direction of His Excellency the Lieutenant Governor, lays before the House a copy of a Despatch from the Right Honorable Lord John Russell, Secretary of State for the Colonies, which was read by the Clerk as follows :—

*Downing Street, 23d November, 1840.*

SIR—

I have the honor to acquaint you that on the 21st instant, at ten minutes before two o'clock, P. M., the Queen was safely delivered of an Infant Princess.

By the blessing of Divine Providence Her Majesty's recovery has advanced, without interruption, in the most satisfactory manner.

I have the honor to be, Sir,  
Your most obedient Servant,

(Signed)

J. RUSSELL.

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

The Honorable Mr. Peters, 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. Baillie 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,

The happy intelligence of the birth of a Royal Princess, and Heir to the Throne, diffused throughout this Province the most lively and universal joy. On this most important and auspicious event, and the restored health of Her Majesty, we gladly embrace this opportunity of cordially responding to Your Excellency's congratulations. For the continued health and happiness of our Gracious Sovereign, who has thus acquired an increased title to the love and affection of all Her Subjects, we offer our most devout aspirations.

We fully coincide in the opinion expressed by Your Excellency, that the degree of Commercial embarrassment which has lately occurred in this Province, will be best remedied by the prudence and practical good sense of those whose individual interests are concerned, and a more perfect knowledge of the causes which have given rise to the late derangement in business.

We are happy to learn that the injury caused by the great Conflagration of 1839 to the Commercial Capital of the Province is in a course of being so speedily repaired, and that this is attributable, in a great degree, to the provision made by the Legislature, under Your Excellency's special recommendation; and that the expectations formed of increased security being given to property in that rising City have thereby been so fully realized, as well as its health and beauty materially improved.

We are deeply sensible of the blessing of the late abundant harvest, and participate in the hope so earnestly expressed by Your Excellency, that the inhabitants of this Province may soon cease to be dependant on the surrounding Countries for their supply of Bread, which we are confident can be accomplished by the industry of its Agricultural population, aided by an improved system of cultivation and the fostering care of the Legislature; and as connected with this important subject we shall anxiously apply our attention to any measure which may be submitted to encourage the introduction of a valuable class of Immigrant Settlers.

We thank Your Excellency for the intimation that a copy of a Circular Despatch from the Secretary of State for the Colonies, on the important subject of the Communication between the upper and lower Provinces, shall be laid before us; and Your Excellency may rely on our continued disposition to concur in any appropriation which may be made for the important object referred to in the Despatch. And we look forward with much interest to the arrangements which Your Excellency has been pleased to inform us are in progress, for the improvement in the conveyance and reduction in the rates of Post Communications.

In obedience to Your Excellency's recommendation, we will give our serious attention to the suggestions contained in the Report which Your Excellency has been pleased to say shall be laid before us, on the subject of the Coast and Harbour Fisheries.

We fully acknowledge the paramount importance of the subject of Education, and we shall cheerfully bestow our most anxious consideration on any measure having for its object the improvement of the system on which it is now conducted.

Encouraged by the information already obtained by the Geological exploration of certain Districts of the Province, we shall willingly concur in any further assistance which may be required to develop its mineral treasures, and we look forward with interest to the Report which Your Excellency is pleased to say shall be presented to us on the subject.

We are gratified to learn from Your Excellency, that favorable reports have been received of the training of several Battalions of Militia and Artillery Companies, and it will give us great satisfaction to join in any provisions having for their object the extension of a similar benefit to the whole Militia Force of the Province.

We are fully sensible of the lively interest constantly exhibited by Your Excellency in the welfare of the Province; and Your Excellency may be assured that any matter which Your Excellency may be pleased to communicate to us by Message, as also the subjects of any Despatches from the Secretary of State for the Colonies which may be laid before us, shall receive that deep and respectful consideration which is justly due to the source from which they proceed.

We lament with Your Excellency that it is not yet in Your Excellency's power to communicate to us any definite arrangement of the Boundary Question; but we have every confidence that this important matter will ultimately be settled in favor of British claims, without any violation of that good understanding which it is the true interest and sincere desire of both Nations to preserve.

ORDERED, That the Honorable Messrs. Peters and Chandler 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.*

# Legislative Council Chamber.

FRIDAY, 22d January, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Lee.*

*Mr. Chandler.*

PRAYERS.

The Honorable Mr. Peters, 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 three o'clock.

At half past three 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. President and Honorable Gentlemen,*

*“ I thank you for this Address, and I receive with great pleasure the renewed assurance of your disposition cordially to co-operate with me in advancing the objects of the Session.”*

*Adjourned until Monday next, at 12 o'clock.*

MONDAY, 25th January, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Baillie.*

*Mr. Chandler.*

PRAYERS.

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

TUESDAY, 26th January, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

PRAYERS.

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

# Legislative Council Chamber.

WEDNESDAY, 27th January, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*  
*Mr. Shore.* *Mr. Baillie.*  
*Mr. Robinson.* *Mr. Saunders.*  
*Mr. Attorney General.* *Mr. Lee.*  
*Mr. Chandler.*

PRAYERS.

The Honorable Mr. Saunders, 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:—

HOUSE OF CORRECTION, SAINT JOHN.

[No. 34.]

*Downing Street, 10th March, 1840.*

SIR,—I have had under my consideration, an Act, (No. 1232,) passed by the Legislature of New Brunswick during their last Session, providing for the Government and Regulation of the House of Correction for the City and County of Saint John.

It is to be regretted that the Plans of this Building, which is stated to be in progress, at a great public expense, should not have been transmitted to England before the Building commenced, as it is not improbable, from the attention which is now given to the subject of Prison construction in this Country, that some improvements in those Plans might have been suggested.

The second clause of this Act confers on the Commissioners of the House of Correction, the uncontrolled power of making Rules and Regulations for the management of the House, and of the several persons confined in it. The Act of Parliament, 1 & 2 Vict. c. 67, for the better government of the Prisons in the West Indies, required that no rule should be enforced in a Prison, until it should have been approved and certified by the Governor in Council, who likewise possess the power of amending and adding to such rules; and it is desirable that this power should be vested in the Governor and Executive Council of New Brunswick.

I enclose for your information, an extract from the Act to which I refer.

I would also suggest that the Board of Commissioners should be authorized to appoint Visitors from their own Body, with powers similar to those possessed by visiting Justices of Prisons in England, under the provisions of the Act, 4 Geo. 4, c. 64, extracts from which I likewise enclose.

You will lay this Communication before the Council and Assembly, and recommend the adoption of these suggestions in an amended Act, and in the meantime Her Majesty's decision on the present Act will be suspended.

I am, &c.

(Signed)

J. RUSSELL.

Lieutenant Governor Sir JOHN HARVEY, K. C. B. &c. &c. &c.

*Extract from the 1 & 2 Vict. C. 67.*

“That it shall be lawful for Her Majesty, with the advice of Her Privy Council, or with respect to the Prisons of each Colony, for the Governor in Council of such Colony, to make rules for the government of the Prisons in Her Majesty's Colonies in the West Indies, and for the care and superintendance of the Prisoners, and for the duties of the Keepers and Officers of such Prisons, and also to amend or annul any such rules in force at the time of the Proclamation of this Act, or which shall be made after such Proclamation; and that all such rules so made or amended, shall be binding on all persons within such Colony; and no rule which shall be made after the Proclamation of this Act in any of the said Colonies for any of the purposes aforesaid, shall be of any force until it shall have been approved by the Governor and Council of the Colony, or by Her Majesty in Council; and no rule for any of the purposes aforesaid, which shall be annulled by the authority aforesaid, shall thereafter be of any force or validity: Provided always, That it shall be lawful for Her Majesty in Council, to amend or annul any such rule, although it may have been approved by the Governor and Council of the Colony.”—Section 1.

“And be it further enacted, That whenever the Governor of any of the said Colonies shall, with the advice of his Council, make, amend, or annul any rule or rules for the government of any Prison, he shall by the earliest convenient opportunity, transmit to one of Her Majesty's Principal Secretaries of State, a copy of the rule or rules so made, amended or annulled, and a copy of all such rules shall be laid before Parliament within forty days after it shall be so received, if Parliament shall then be sitting, and a copy of all rules made, amended or annulled, under the authority of this Act, by Her Majesty in Council, shall be laid before Parliament within forty days after it shall have been so made, amended or annulled, if Parliament shall then be sitting: or in either case, if Parliament shall not be then sitting, such copy shall be laid before Parliament within forty days after the commencement of the then next Session of Parliament.”—Section 2.

*Substance of the Sections of the 4th Geo. 4, C. 64, which relate to the appointment and duties of Visiting Justices.*

“And be it further enacted, That the said — (Board of Commissioners) shall, and they are hereby required to nominate two or more of their own body, who shall consent thereto, to be Visitors of each Gaol and House of Correction within their jurisdiction, and to report the names and places of abode of such Visitors to — (His Excellency the Governor); and one or more of the visiting — (Commissioners) so appointed, shall personally visit and inspect each Prison at least three times in each quarter of the year, and oftener if occasion shall require, and shall examine into the state of the Buildings, so as to form a judgment as to the repairs, additions or alterations which may appear necessary, strict regard being had to the separation, classification, inspection, instruction, em-

ployment or hard labour of the Prisoners, and shall further examine into the behaviour and conduct of the respective Officers, and the treatment, behaviour and condition of the Prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the Prison, and of all abuses within the same, and in matters of pressing necessity and within their powers as — (Commissioners), shall take cognizance of and proceed to regulate and redress the same.”—See 4 Geo. 4, c. 64, s. 16.

“And be it further enacted, That it shall be lawful for any one of the said — (Commissioners) at his own free will and pleasure, and without being appointed a Visitor, to enter into and examine any Prison under the superintendence of the — (Board of Commissioners) at such time or times, and as often as he shall see fit; and if he shall discover any abuse or abuses therein, he is hereby required to report them in writing to — (such Board) at their next meeting, and the said — (Board) are hereby required to adopt the most effectual measures for inquiring into and rectifying such abuse or abuses as soon as the nature of the case will allow.”—See 4 Geo. 4, c. 64, s. 17.

“And be it further enacted, That at every Meeting of the — (Board of Commissioners) the Visiting Justices shall make a report in writing of the state and condition of each Prison within their jurisdiction, of what repairs, additions or alterations shall have been made or may be required, and of any abuse or abuses which they may have observed, or of which they may have received information, in the management of the Prison, as well as of the general state of the Prisoners as to morals, discipline, employment and hard labour, and observance of Rules; and the — (Commissioners) assembled shall proceed to consider every such Report, and to act forthwith as they may see occasion.”—See 4 Geo. 4, c. 64, s. 17.

#### BASTARDY ACT, &C.

[No. 35.]

*Downing Street, 10th March, 1840.*

SIR,—I have the honor to acknowledge the receipt of your Despatch, No. 70, of the 30th September, and No. 74, of the 21st October last, transmitting two series of Acts passed by the Legislature of New Brunswick in the months of March and September last, respecting which I have to make the following observations:—

The Act No. 1243, (Cap. 42), amending the Law relating to Bastardy, is opposed to the principle on which the Bastardy clauses, in the British Poor Law Amendment Act, 4 & 5 Wm. 4, c. 76, was founded.

After repealing the third section of a former Act, the present Law proceeds to enact, (section 2) — ‘That all orders of affiliation to be made in pursuance of the Act 32 Geo. 3, shall be made by the Justices of the Peace in General Sessions,’ and (section 3) ‘That in case any person appearing before such Court of General Sessions, charged with being the reputed father of a bastard child, *likely to become chargeable to any Parish*, shall traverse or deny the charge, such Court, *on the oath of the mother of such child*, or such other testimony as may be offered to their satisfaction, may adjudge such person the reputed father.’

The 4th section enacts—‘That when the child, of which the woman may be pregnant, likely to be chargeable as aforesaid, may not be born at the time of any person appearing before such Court, charged with being the reputed father of such child, or in any case where the Court shall consider it necessary to put off the consideration of the charge or the making of an order of affiliation until the next Court of General Sessions, such Court shall be at liberty so to order and direct; and thereupon the person so charged, shall forthwith enter into recognizance, with one or more sufficient sureties, for his appearance at the next General Sessions, to answer the said charge, and further to be dealt with according to law; and on neglect or refusal to give such recognizance, he may be committed by such Court to the Common Gaol of the County.’

The 5th section enacts—‘That when the said Court adjudge such person the reputed father of such child, they shall thereupon make their order of affiliation, in which shall be specified the expenses already incurred, as well for the lying in expenses as for the apprehension and conviction of such reputed father, and also for the support of such child up to the time of making such order, and also such weekly sum as shall thereafter be paid by such reputed father for the future support of such child, while chargeable on any Parish.’

The 6th and subsequent sections contain provisions respecting the payment, to the Overseers of the Poor, of the sums directed by the Order—the punishment of the reputed father for neglect to pay—the entering into sufficient recognizances—the forfeiture of recognizances, and the proceedings thereupon,—together with some subordinate provisions for carrying the purposes of the Act into execution.

It appears from these enactments, that this Act would establish the system which existed in England before the passing of the Poor Law Amendment Act, namely, the making of orders of affiliation upon the simple oath of the woman, and before the child becomes chargeable, and the placing the putative father under recognizances before the birth of the child.

Before sanctioning a system, faulty in principle, and productive of great evils in practice, I should wish that the Provincial Legislature should have the opportunity of re-considering this Act, in connexion with the British New Poor Law Amendment Act, and still more with reference to the Report of the Poor Law Commissioners made in 1834, a copy of which I herewith enclose for your information.

If after considering the objections entertained to the old system, as ably stated in pages 165 to 178, the Legislature should still be of opinion that there are peculiar circumstances connected with the Province of New Brunswick, which render it inadvisable to adopt the new principle of the Bastardy clauses of the British Statute, Her Majesty’s Government will be ready to receive from you such a Report, and to give it the fullest consideration before advising Her Majesty on the final disposal of this Act.

I enclose three orders passed by Her Majesty in Council, on the 29th of January and 5th of March, leaving the Acts mentioned in the margin to their operation.\*

The rest of the Acts of these series are still under the consideration of Her Majesty’s Government.

I am, &c.

(Signed)

J. RUSSELL.

Lieutenant Governor Sir JOHN HARVEY, K. C. B. &c. &c. &c.

\* Acts passed in March and September 1839, except 2 Vic. c. 28, 29, 30, 35, 36, 37, and 3 Vic. c. 1 and 2.

## SALARY TO LIEUTENANT GOVERNOR.

[No. 43.]

Downing Street, 28th April, 1840.

SIR,—I have received your Despatch, No. 15, of the 24th March, communicating the information that the Legislative Assembly of New Brunswick, had unanimously voted that the Table allowance of £500 enjoyed by your Predecessors, should be granted to you from the commencement of your administration, and to continue during your tenure of the Office of Lieutenant Governor of the Colony.

I am happy to be able to convey to you, Her Majesty's permission to accept this addition to your official income. I cannot doubt that as the Assembly thus feel the inadequacy of the Salary assigned to the Representative of the Sovereign in New Brunswick, they will hereafter display a similar spirit of liberality towards your Successor.

I have, &amp;c.

(Signed)

J. RUSSELL.

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

## MILITARY AND POST COMMUNICATION TO LOWER CANADA.

[No. 50.]

Downing Street, 13th May, 1840.

SIR,—I have to acknowledge the receipt of your Despatch, No. 26, of the 6th April, communicating the Grant by the Provincial Legislature of a further sum of £1500, which has been placed at your disposal, for the completion of the Military and Post Communication between New Brunswick and Lower Canada.

I have to express my gratification at this renewed mark of the liberality of the House of Assembly.

I take it for granted, that, in executing the work for which this money has been appropriated, you will not sanction any proceeding which shall contravene the subsisting agreement between the British and American authorities, on the subject of the Disputed Territory.

I have, &amp;c.

(Signed)

J. RUSSELL.

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

## COURT OF CHANCERY.

[No. 58.]

Downing Street, 23d May, 1840.

SIR,—With reference to the latter part of my Despatch, No. 35, of the 10th March last, I have now the honor to convey to you the decision of Her Majesty's Government, on the Acts of the last Session of the Legislature of New Brunswick, which then remained undisposed of.

The Act No. 1237, for the improvement of the practice in the Court of Chancery, appears to be very objectionable, for the following reasons:—

1st. Because of the absolute power which it gives to the Judge, without supervision or control, to alter the practice and constitution of the Court:

2nd. Because of the very summary proceeding which it sanctions, of taking Bills *pro confesso*, on any default:

3rdly. Because of the loose enactments which it contains respecting executing decrees, and conducting the examination of witnesses: and

4thly. Because of its leaving the amount of fees to the mere discretion of the Chancellor and Master of the Rolls.

You will make these objections known to the Legislature, and recommend the amendment of the Act accordingly. In the mean time the decision of Her Majesty in Council on this Act will be suspended.

The Acts, Nos. 1252 and 1253, for the prevention of Fires, and the widening of the Streets in the City of Saint John, form the subject of a Petition to Her Majesty, from the Common Council, complaining that these Acts infringe unnecessarily upon the privileges of their Charter. Your despatch also transmitted extracts from the Council Minutes, and copies of an address from the Common Council to yourself, and of your answer.

I have laid the Petition before Her Majesty.

It has not been thought desirable to withhold the Royal assent to the first mentioned Act, but that for widening the Streets of Saint John, appears to be liable to the objections so strongly taken to it by the Common Council, that it amounts to a direct and unnecessary infringement of the Charter, granted by His late Majesty King George the Third,—Her Majesty cannot be advised to confirm it. It must therefore be amended.

I enclose an order passed by Her Majesty in Council, on the 22d instant, leaving the Acts, Nos. 1230, 1231, 1238 and 1252, to their operation.\*

Also, an order in Council, passed on the same day, specially confirming the Act, No. 1258, in accordance with my despatch, No. 43, of the 28th ultimo.†

I have, &amp;c.

(Signed)

J. RUSSELL.

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

\* 2 Vic. c. 28, 29, 36. 3 Vic. c. 1.

† 3 Vic. c. 84.

## COLONIAL ASSOCIATION.

[No. 60.]

Downing Street, 4th June, 1840.

SIR,—I have the honor to acknowledge the receipt of your Despatch, No. 28, of the 6th ultimo, transmitting an Act passed by the Legislature of New Brunswick, without a suspending clause, enabling the Lieutenant Governor to grant 100,000 acres of land to the British North American Colonial Association of Ireland, upon the condition therein specified, that is, by private sale, without an auction, at the rate of three shillings per acre. This is therefore a departure from the general principle under which the Crown agreed to transfer to the Lieutenant Governor and Executive Council the conduct of the business of settling the waste Lands of the Province. It is also an exception to the provisions of the Act of the General Assembly, under which that power was created. Her Majesty's Government have, however, not thought it necessary to advise the Queen to disallow this Act, on account of this irregularity, but you will consider yourself forbidden hereafter from assenting to any Act departing from the general law, in favor of any private person or body of persons,

without previous reference to the Crown, or without a clause suspending the operation of the Act for the signification of Her Majesty's pleasure.

I enclose an Order passed by Her Majesty in Council, on the 22d instant, leaving the Act to its operation, and I have forwarded a copy of the Act to Earl FitzWilliam, according to your request. I have the honor, &c.

(Signed)

J. RUSSELL."

Lieutenant Governor of New Brunswick.

[No. 65.]

*Downing Street, 30th June, 1840.*

SIR,—With reference to the Despatch which I addressed to you on the 4th instant, on the subject of the Act lately passed by the Legislature of New Brunswick to authorize the Lieutenant Governor of that Colony to dispose of 100,000 acres of Land, by private sale, to the North American Colonial Association of Ireland, I desire to add that although I cannot doubt that it is the intention of the Legislature to apply the proceeds of this extensive sale to the encouragement of Emigration, I wish, nevertheless, that you would, on the earliest occasion after the meeting of the House of Assembly, suggest to them the great benefit which the Province would derive from applying the proceeds of this sale to such purposes as Emigration.

I have, &c.

(Signed)

J. RUSSELL.

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

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

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,*

*26th January, 1841.*

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council a Petition of Catharine Gordon, with Copies of the Correspondence relating thereto, praying compensation for Lands formerly granted to her Father and since escheated, and recommends the same to the favorable consideration of the Council.

J. H.

[*See Appendix, No. 1.*]

NEW BRUNSWICK,

*Message to the Legislative Council,*

*26th January, 1841.*

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays before the Council a Report made by Messrs. Hayward and Brown, Commissioners appointed to explore a Line of Road from Woodstock to the Great Falls. This service appears to have been executed by them in a very satisfactory manner, and embraces an object of great public importance, which the Lieutenant Governor therefore recommends to the early and favorable consideration of the House.

J. H.

[*See Appendix, No. 2.*]

The Honorable Mr. Shore, 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:—

DESPATCHES AND DOCUMENTS RELATIVE TO THE BALANCE DUE BY THE NEW BRUNSWICK AND NOVA SCOTIA LAND COMPANY.

[*See Appendix, No. 3.*]

CASUAL REVENUE ACCOUNTS.

*Crown Lands' Department, 22d January, 1841.*

SIR,—I have the honor to transmit to Your Excellency, an Annual Return, in Duplicate, of the Detailed Account of Her Majesty's Hereditary, Territorial and Casual Revenues, from the first day of January to the thirty first day of December, 1840, including

1st. Receipts on account of Timber.

2d. Receipts on account of Lands.

3d. Receipts on account of Contingencies.

4th. Balances on account of Land to 31st December, 1840.

5th. Balances on account of Timber Leases to 31st December, 1840.

6th. Balance due for Duties on Timber and Lumber cut in excess and without Licence to 31st December, 1840.

I have the honor to be, Sir,

Your Excellency's most obedient, humble servant,

JOHN S. SAUNDERS,

*Surveyor General.*

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

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

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 the Birth of the Princess Royal, and Her Majesty's happy recovery.

On motion, made and seconded—

RESOLVED UNANIMOUSLY, That an Address be presented to His Royal Highness Prince Albert of Saxe Coburg and Gotha, congratulating His Royal Highness on the Birth of the Princess Royal, and the happy recovery of the Queen.

ORDERED, That the Honorable the Attorney General and the Honorable Mr. Chandler be a Committee to prepare the several Addresses.

The Honorable Mr. Shore, 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:—

STEAM PACKETS, AND COMMUNICATION BETWEEN HALIFAX AND QUEBEC.

*Downing Street, -- March, 1840.*

SIR,—I transmit herewith, for your information, a Copy of the Contract which has been entered into by Mr. Cunard with H. M. Government for the conveyance in Steam Vessels of the Mails between this country and British North America.

I have, &c.

(Signed)

J. RUSSELL.

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

[*See Appendix, No. 4.*]

RATES OF POSTAGE.

[Circular.]

*Downing Street, -- July, 1840.*

SIR—I have the honor to transmit to you for your information, the copy of a Letter from the Secretary to the Board of Treasury, reporting their Lordships determination to reduce the Rates of Postage on Letters to and from the United Kingdom and British North America.

Instructions have been sent to the Governor General to appoint a Commission to investigate and report upon the state of the British North American Post Office; and I have to desire that you will, without loss of time, collect together and forward to the Governor General, for the use of the Commission, all the information which you can procure, respecting the administration of the Post Office in your Province, the remuneration of its Officers, the Rates of Postage, the improvement of the Mail Roads, and every other matter requisite to facilitate a full and complete enquiry into the subject.

I have, &c.

(Signed)

J. RUSSELL.

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

*Treasury Chambers, 9th July, 1840.*

SIR—I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you for the information of Lord John Russell, that my Lords, having carefully considered the Despatch from the Governor General of British North America which was enclosed in your Letter of the 27th May last, and feeling convinced that the present high Rates of Postage between the British Isles and the North American Colonies, which amount frequently to three or four shillings for a single Letter, must be a serious grievance to the poorer Settlers in the North American Colonies and their Correspondents in this Country, must tend injuriously to check emigration, and to discourage the friendly intercourse which it is so important to promote between the Colonies and the Mother Country, have determined to reduce such Rates of Postage to an extent nearly equal to that recommended by the Governor General.

In conformity with this determination my Lords will adopt the following regulations:—

1st. As regards all Letters passing between this Country and our North American Colonies, and conveyed between them direct, either by Packet or Ship, to charge the internal Colonial Postage, if any, not as heretofore according to the number of enclosures and by distance, but according to weight, adopting the same scale of weight and number of rates as now apply to the Packet and Ship rates on the same Letters: and

2nd. To continue to charge on the above Letters the present Packet and Ship Letter Postage, but to reduce the internal Colonial Postage on the same, to a uniform charge of 2d. the single rate, whatever the distance within the Colonies the same shall be conveyed.

Under this arrangement a Letter not exceeding half an ounce, if posted in any part of the United Kingdom for delivery in our North American Colonies, or if posted in our North American Colonies for delivery in any part of the United Kingdom, will be charged as follows:—

If a Packet Letter, and either posted or delivered at Halifax or at Saint John's Newfoundland, (the Packet Ports)—one shilling. But if either posted or delivered at any other place in our North American Colonies,—one shilling and two pence.

If a Ship Letter, and either posted at the Port of the Ship's departure from our North American Colonies, or delivered at the Port of the Ship's arrival in our North American Colonies,—eight pence. But if posted or delivered at any other place in our North American Colonies,—ten pence.

The Colonies to which these regulations will apply are—Upper and Lower Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward's Island; and the reduction in the internal Colonial Rates is to extend to all Letters passing between the said Colonies and the British Isles, whether in transit to or from any other British Colony or Foreign Country, or otherwise, provided that such Letters in passing between the said Colonies and the British Isles are conveyed direct by Packet or Ship, and do not pass through any Foreign Country.

I am further directed to state that my Lords will immediately authorize the Post Master General to issue instructions to his Officers in the North American Colonies, in conformity with these regulations, and will instruct his Lordship to fix the earliest convenient day for bringing them into operation.

As regards the internal Colonial Rates on the Letters to which the preceding Regulations do not apply, as for instance; the Letters which are both posted and delivered in the North American Colonies, my Lords proposed to leave such Rates as a subject of enquiry in the Colonies; and with a view to such enquiry their Lordships recommend that it should be suggested to the Governor General to appoint three Gentlemen, of whom an officer of the Post Office Department should be one, to investigate and report on the state of the British North American Post Office, including its administration, the remuneration of its Officers, the Rates of Postage, and every other matter comprehended in a full and complete enquiry.

I am, &c.

(Signed)

R. GORDON.

JAMES STEPHENS, Esquire, &c.

IMPROVEMENT OF ROADS IN CONNEXION WITH STEAM PACKETS.

[Circular.]

*Downing Street, 24th August, 1840.*

SIR,—The new line of Steam Packets between this country and Halifax, having come into operation, I have to call your attention to the great importance of improving the main routes of communication within your Government, and to desire you to use all the influence in your power to induce the Colony of New Brunswick to continue its efforts in that respect, and meet by a corresponding feeling the exertions made by this Country, for the purpose of keeping up a regular and rapid communication with the Colonies.

I have the honor, &c.

(Signed)

J. RUSSELL.

The Lieutenant Governor of New Brunswick.

INTERNAL COMMUNICATION BETWEEN HALIFAX AND QUEBEC.

[Circular.]

*Downing Street, 23d December, 1840.*

SIR—With reference to my Circular Despatch of the 24th of August last, in which I called your attention to the great importance of improving the main routes of communication within your Government, in consequence of the new line of Steam Packets between this Country and Halifax having come into operation, I now transmit to you the enclosed copy of a Letter from the Lords Commissioners of Her Majesty's Treasury on the same subject. I cannot too strongly urge the subject on your attention. You will take the earliest opportunity of bringing it under the consideration of the Legislature of the Province of New Brunswick.

I have the honor to be, &c.

(Signed)

J. RUSSELL.

Lieutenant Governor Sir JOHN HARVEY, K. C. B. &c. &c. &c.

*Treasury Chambers, 21st December, 1840.*

SIR—I am directed by the Lords Commissioners of Her Majesty's Treasury herewith to transmit for the information of Lord John Russell, a copy of a letter from the Postmaster General, of the 26th ultimo, enclosing a Report from the Deputy Postmaster General of Canada, relative to the improvement in the communication between Quebec and Halifax, and with reference to the Letter from this Board, of the 19th of August, to the Colonial Department, I am to request you will represent to Lord John Russell the great importance of the necessary steps being taken, with as little delay as practicable for the improvement of the main lines of Roads in the North American Colonies, more especially that between Halifax and Quebec, and by these means completing the system of rapid communication with the Mother Country, towards which so much has already been accomplished by the establishment of the Halifax line of Steam Packets.

In promoting the establishment of these Packets, and in sanctioning the very heavy expenditure without which the communication could not be maintained, my Lords acted in the confident expectation that the Colonies on their part would not be unwilling to improve the local communication, and they trust that after so great a sacrifice has been made by the Home Government no further time will be lost by either of the Colonial Legislatures in providing for the necessary, and comparatively small expenditure which they are called upon to make.

My Lords have reason to think that the apparent unwillingness to incur this expenditure arises from the impression that the North American Post Office is a source of Revenue to the Home Government, and that for this reason the cost of constructing Roads for the conveyance of the Mails should be defrayed out of the proceeds of the Post Office. Their Lordships, therefore, direct that it may be stated to you, for the information of Lord John Russell, that even before the recent large reduction in the internal Colonial Postage of Letters to and from Europe, the whole Revenue of the North American Post Office, derived from the internal Rates, excepting that part which was contributed by the Military departments, was absorbed in the cost of management.

I am &c.

(Signed)

R. GORDON.

*To the Right Honorable the Lords Commissioners of Her Majesty's Treasury.*

MY LORDS—I beg to transmit for your Lordship's information copy of a Despatch, dated 27th ultimo, from the Deputy Postmaster General of Canada, respecting the improvement of the Roads of Post communications between Quebec and Halifax, with reference to Mr. Gordon's Letter of the 19th August last, and my Letter of the 28th ultimo.

I have the honor &c.

(Signed)

LITCHFIELD.

*General Post Office, 26th November, 1840.*

*Montreal, 27th October, 1840.*

SIR—I have the honor to acknowledge the receipt of your Letter of the 26th August, respecting the improvement of the Roads of Post communication between Quebec and Halifax, accompanied by a

Letter from Mr. Gordon, of the Treasury, to the Postmaster General on the subject, dated the 19th of the same month. I took an early opportunity, being near the Governor General, of speaking to His Lordship on the subject, and have since officially laid your Letter and its enclosure before him. I am not yet prepared to make so full a report as the subject calls for; I think it my duty, however, to inform you, for the information of His Lordship the Postmaster General, that very satisfactory progress has been made this year in the improvement of the Tamisquata route across the Grand Portage, a distance of about 38 miles; this has heretofore been the worst portion of the whole route, but with the £5000 placed at my disposal as Commissioner for improving it, I have the satisfaction of saying that almost as good a Road as the nature of the Country will permit has been made. I have recently returned from inspecting this piece of road, and am so much pleased with the result of our exertions, that I am more anxious to attack the remainder of the difficulties which stand in the way of a perfect communication with New Brunswick and Nova Scotia, and in furtherance of this object, so strongly recommended in your Letter, and that from Mr. Gordon, I have, with the authority of the Governor General, sent on a competent person to survey the other portions of the route to Fredericton, which require melioration, and I shall shortly have the honor of submitting to you a detailed report on the subject.

It may not be improper for me here to mention that the Province of New Brunswick has at different times given about £3000 for the improvement of this route (that is for the part which I am now causing to be surveyed) and that I have reason to think, that they are disinclined to give any more money for the same purpose. I should suppose that a sum of from ten to twelve thousand pounds would be required to put it in a proper condition.

His Lordship the Governor General, who is intent upon carrying out the views of Government upon this very important object, will doubtless devise suitable means for attaining the end.

When making my further report upon the Tamiscouta route I shall not fail to treat of the other channel, that of Metis.

I have, &c.

(Signed)

T. A. STAYNER.

Lieut. Colonel Maberly.

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

The Honorable Mr. Chandler, by leave, presented a Petition from the Justices of the Peace of Kent, praying an Assessment may be made on the County to pay debts due by the County.

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

The Honorable Mr. Shore, by leave, presented a Petition from Donald M'Kendrick, Samuel Robertson, George Murray and others, inhabitants on the north side of Richibucto River, praying that the Line of Road laid out by Deputy Surveyor Harley may be adopted as the Great Line between Grand Lake and Richibucto.

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

The Honorable Mr. Baillie, by leave, presented a Petition from the Gloucester Mining Association, praying that the time for exploration, limited in their Lease of the Mines and Minerals in the Counties of Gloucester and Restigouche, may be extended.

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

The Honorable the President informed the House that he had received from the Honorable the Secretary of the Province, a Census of the Population of the Province, taken in the year 1840.

[See Appendix, No. 5.]

ORDERED, That the same do lie on the Table.

*Adjourned until To-morrow at 12 o'clock.*

14  
**Legislative Council Chamber.**

THURSDAY, 23<sup>th</sup> January, 1841.

PRESENT.

THE HON.

<i>The Honorable Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Shore.</i>	<i>Mr. Baillie.</i>
<i>Mr. Robinson.</i>	<i>Mr. Saunders.</i>
<i>Mr. Botsford.</i>	<i>Mr. Attorney General.</i>
<i>Mr. Lee.</i>	<i>Mr. Chandler.</i>
<i>Mr. Wyer.</i>	<i>Mr. Hatch.</i>

PRAYERS.

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

A Petition from Thomas Jones, William Garnett, and a great number of inhabitants of the County of Charlotte, praying that an Act may pass granting compensation to persons serving as Grand and Petit Jurors at the Courts in that County :

A Petition from James W. Street, Colin Campbell and William Garnett, and one hundred and seventy five other persons, praying measures may be taken to cause the Act of the Imperial Parliament imposing duties on Wheat Flour to be altered :

A Petition from the Board of Health of the County of Charlotte, praying Legislative aid respecting their establishment on Hardwood Island, for reasons set out in the Petition :

A Petition from Denis Leary, a Schoolmaster in Charlotte, praying a sum of money for services :

A Petition from the Justices of the Peace of Charlotte County, in General Session, praying the sum of five hundred pounds may be granted to enable them to pay for the new Court House :

A Petition from Margaret Morrison, praying an allowance for teaching a School in the Parish of Saint Patrick :

A Petition from William White and William Simpson, Ferrymen at Oak Point, in Charlotte County, praying a grant similar to that made to them last year may be approved of :

A Petition from the Commissioners of Buoys and Beacons in Charlotte, praying a grant of money to enable them to remove obstructions in the Harbour of Saint Andrews, and for other objects of improvement :

A Petition from a Grand Jury of Charlotte County, regarding compensation to Grand and Petit Jurors, for their services and attendance on the Courts :

A Petition from Samuel Buhot, praying an allowance for teaching a School in Charlotte County :

A Petition from James Curtin, Mail Carrier between Saint Andrews and Robinstown, praying a grant of money for past services : and

A Petition from Margaret Heney, of West Isles, praying an allowance for teaching a School.

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 Hugh A. Caie, and one hundred and forty four other persons, praying a grant of money in aid of subscriptions to complete a Road over Shippegan Morass, in the County of Gloucester : and

A Petition from Xavier Brideau, a Schoolmaster in Gloucester, praying a remuneration for services.

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 Commissioners of the Saint Andrews Alms House and Work House, and Overseers of the Poor for the Parish of Saint Andrews, in Charlotte County, praying a sum of money be allowed them for supporting transient Poor : and

A Petition from Timothy Conners, an old Soldier, desiring aid from the Provincial funds.

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

The Honorable Mr. Chandler, from the Committee appointed to prepare an Address to Her Majesty the Queen, congratulating Her on the auspicious event of the Birth of the Princess Royal and Her Majesty's happy recovery, 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.

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's dutiful Subjects, the Legislative Council of the Province of

New Brunswick, in General Assembly convened, beg leave, with the deepest feelings of loyalty and reverence, to approach Your Majesty's sacred person, and to offer our heartfelt congratulations on the Birth of the Princess Royal, and Your Majesty's happy recovery.

This pledge of wedded love, while it lays open to Your Majesty the most pure and hallowed source of domestic joy, adds new support to Your Throne, and raises to Your Majesty a new pillar of affection in the hearts of Your faithful people.

The Province of New Brunswick yields to no part of the British Empire in sincere attachment to Your Majesty's illustrious house and person, and in ardent desires for Your Majesty's health and happiness, and we offer our constant and hearty prayers to the Throne of Grace that the Heavenly blessing may ever be shed on Your Majesty, and every member of Your august family.

RESOLVED, That the House do agree to the said Address.

The Honorable Mr. Chandler, from the Committee appointed to prepare an Address to His Royal Highness Prince Albert of Saxe Coburg and Gotha, congratulating him on the auspicious event of the Birth of the Princess Royal, and the happy recovery of the Queen, reported a draft thereof, which he read in his place; and it was again read by the Clerk as follows:—

TO HIS ROYAL HIGHNESS PRINCE ALBERT OF SAXE COBURG AND GOTHA.

MAY IT PLEASE YOUR ROYAL HIGHNESS,

We Her Majesty's dutiful and loyal subjects the Legislative Council of the Province of New Brunswick, in General Assembly convened, ask leave most respectfully to approach Your Royal Highness, and to present our sincere congratulations on the Birth of the Princess Royal, and the happy recovery of the Queen.

The loyal Province of New Brunswick deeply partook of the joy which pervaded the whole Empire on the auspicious event of the Nuptials of Her Majesty with Your Royal Highness, and in fulfilment of our wishes we hail with delight this offspring of Your union, not only as a sacred pledge of Your domestic happiness, but as adding fresh stability to Her Majesty's Throne, and forming a new and most endearing tie of affection both towards Her Majesty and Your Royal Highness in the hearts of Her Majesty's faithful subject.

We beg Your Royal Highness to accept our hearty wishes that Your Royal Highness may be long continued a blessing to Her Majesty and the Empire, and may ever enjoy that happiness which is the sure reward of virtue.

RESOLVED, That the House do agree to the said Address.

ORDERED, That the Honorable the Attorney General and the Honorable Mr. Chandler, be a Committee to wait upon His Excellency the Lieutenant Governor with the foregoing Addresses to request His Excellency will be pleased to transmit the respective Addresses to be laid before Her Majesty and His Royal Highness Prince Albert.

The Honorable Mr. Hatch presented to the House a Bill, intituled "An Act to authorize the Justices of the Peace of Charlotte to hold the Lot of Land on which the old Court House stands for the benefit of the Town of Saint Andrews."

The said Bill was read a first time.

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

The Honorable Mr. Shore, 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:—

VESSELS WITH DECK LOADS.

[No. 63.]

*Downing Street, 18th June 1840.*

SIR,—With reference to my Despatches Nos. 47 and 48, of the 6th May, I have to inform you that the Lords of the Committee of Privy Council for Trade having taken the subject into consideration, have reported their opinion that the prohibition of carrying Deck Loads by timber vessels imposed by the Imperial Act 2nd and 3d Viet. c. 44, should be confined to voyages across the Atlantic to Ports of the United Kingdom; and that in the case of such voyages the prohibition should extend to Deck Loads of any description of Wood. A Bill for the renewal of the above mentioned Act, is about to be introduced into Parliament which has been framed in conformity with this opinion.

You will communicate this Despatch to the Legislature of New Brunswick for their information, and the substance of it to the Chambers of Commerce at Saint John and Saint Andrews.

I have the honor, &c.

(Signed)

J. RUSSELL.

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

PROVINCIAL BANKS.

[No. 30.]

*Downing Street, 14th February, 1840.*

SIR,—With reference to your Despatch, No. 27, of the 25th of April last, transmitting two Acts of the Provincial Legislature, I have to call your attention to the following observations on the Act No. 1201 for Incorporating the Provincial Bank.

The object of this enactment, which has a suspending clause, is, the consolidation of some of the Banking Companies already formed, and possessing corporate privileges in the Province, into one corporation, of which the principal establishment shall be at Saint John; and it is accordingly pro-

vided, that the Capital of the Corporation shall in the first instance be constituted to the amount of £135,000, in shares of £25 each, of capital actually paid up of such Banks in the Province, as shall be willing to coalesce, and to relinquish their present Charters or Acts of Incorporation, but with power subsequently to increase the same to £500,000 in all, by the creation of new shares to a further amount of £365,000—and the Act further purports to provide for the general regulation and arrangement of all matters connected with the proceedings of the Corporation, and the management of its Banking transactions.

On considering this Act with reference to the conditions to which it has appeared to Her Majesty's Government to be advisable that other Banking establishments in the Colonies applying for Corporate powers or privileges should conform, with a view to the security of the Communities in which their transactions are carried on, I find that it will in several respects require amendment. First, as regards the extension of Capital: I see no objection to the Corporation being empowered to effect such extension, by the creation from time to time of further shares in addition to the Capital of £135,000, or such other amount as may be constituted in the first instance by the coalition of existing Companies, but it is desirable that the issue and sale of new shares to such amount as may be specified in the notices mentioned in the 22d Section of the Act, should be subject to the condition that the whole amount of the subscription on any number of new shares created, should be paid up within a given period, not exceeding two years from the date of issue.

2dly.—More specific provision should be made for restricting the transactions of the Corporation to the proper business of Bankers only, for preventing the loan of its money on Mortgage or on pledges of Merchandize; and for precluding the Corporation from holding either property or goods as collateral securities, or from retaining either the one or the other when taken in satisfaction of debt, except for such time only as may be requisite for disposing of them.

3dly.—The Corporation should not only be prohibited from making advances on the pledge of shares in its Capital Stock, but should likewise be prohibited from holding those shares under any other circumstances.

4thly.—The Act provides that the Corporation shall not issue any note of a less denomination than 20s.; but it should further provide that no notes should be issued, except for that amount or multiples thereof.

5thly.—The Corporation should be prohibited from making any Bye Laws at variance in any respect with the Laws in force in the Province; and

6thly.—Express provisions should be made for the forfeiture of all Privileges conferred by the Acts of Incorporation in the event of any suspension of payment of the Company's Promissory Notes in specie on demand at any of its establishments, which should endure for sixty days within any one year.

At the same time that the amendment of the Act in the foregoing respects is indispensable, and will render it necessary that Her Majesty's confirmation of it, in its present form, should be withheld, it further appears, on adverting to the numerous details relating to the appointment of officers and other internal regulations and arrangements for the transactions of the Company's business comprised therein, that it would be more desirable that an Act of this description should only provide specifically for the incorporation and the special powers and privileges of the Company to which it may relate, for duly realizing a proper Capital for the purpose for which the Company may be formed, and for regulating and controlling its proceedings so far as regards the interests and security of the public; but that the above mentioned details should be regulated by a Deed of Settlement among the Shareholders, of which it would be sufficient that the Act should contain a succinct recognition.

I have the less hesitation in recommending to the Assembly the amendment of this Act in the manner above described, which would considerably simplify the measure, as I observe that the Provincial Attorney General reports the Act to be "novel in its nature, multifarious in its provisions, and complex in its machinery, and the good to arise therefrom, in case it should pass into a Law, must at best be problematical."

I have the honor, &c.

(Signed)

J. RUSSELL.

[Circular.]

Downing Street, 4th May, 1840.

SIR—I transmit to you herewith, for your information and guidance, and that of the Legislative Bodies and Local Authorities in the Colony under your Government, Copy of certain Rules and Conditions prescribed by the Lords Commissioners of the Treasury, for observance in Charters, or Legislative Enactments for Incorporating Banking Companies in the Colonies.

I have the honor to be, &c.

(Signed)

J. RUSSELL.

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

*Regulations and Conditions, for the observance of which, provision should be made in the Charter or Legislative Enactments relating to the Incorporation of Banking Companies in the Colonies.*

1st.—The amount of the Capital of the Company to be fixed; and the whole of such fixed amount to be subscribed for within a limited period, not exceeding eighteen months from the date of the Charter or Act of Incorporation.

2d.—The Bank not to commence business until the whole of the Capital is subscribed, and a moiety at least of the subscriptions paid up.

3d.—The whole amount of the Capital to be paid up within a given time from the date of the Charter or Act of Incorporation; such period, unless under particular circumstances, not to exceed two years.

4th.—The Debts and Engagements of the Company on Promissory Notes, or otherwise, not to exceed at any time thrice the amount of the paid up Capital, with the addition of the amount of such Deposits as may be made with the Company's Establishment by individuals in specie or Government paper.

5th.—All Promissory Notes of the Company, whether issued from the principal Establishment or from Branch Banks, are to bear date at the place of issue, and to be payable on demand in specie at the place of date.

6th.—No Promissory or other Notes to be issued for sums under £1 sterling, (or in the North American Colonies, £1 Halifax currency,) or the equivalent thereof in any other local currency, and not for fractional parts of that amount.

7th.—Suspension of Specie payments on demand at any of the Company's Establishments, for a given number of days. (not in any case exceeding 60,) within any one year, either consecutively or at intervals, forfeit the Charter.

8th.—In event of the assets of the Company being insufficient to meet its engagements, the shareholders are to be responsible to the extent of twice the amount of their subscribed shares, (that is, for the amount subscribed and paid up, and for an additional amount equal thereto.)

9th.—The Company shall not hold shares in its own stock, nor make advances on the security of those shares.

10th.—The discounts or advances by the Company on securities bearing the name of any Director or Officer thereof, as drawer, acceptor or endorser, shall not at any time exceed one third of the total advances and discounts of the Bank.

11th.—The Company shall not advance money on security of lands, or houses, or ships, or on pledge of merchandize, nor hold lands or houses, except for the transaction of its business, nor own ships, or be engaged in trade except as dealers in Bullion or Bills of Exchange; but shall confine its transactions to discounting commercial paper and negotiable securities, and other legitimate Banking business.

12th.—The Dividends to Shareholders are to be made out of profits only, and not out of the Capital of the Company.

13th.—The Company to make up and publish periodical statements of its Assets and Liabilities, (half yearly or yearly,) shewing, under the heads specified in the annexed form, the average of the amount of its Notes in circulation and other liabilities, at the termination of each week or month during the period to which the statement refers, and the average amount of Specie or other Assets that were available to meet the same. Copies of which statements are to be submitted to the Government of the Colony within which the Company may be established; and the Company to be prepared, if called upon, to verify such statements by the production, as confidential documents, of the Weekly or Monthly Balance Sheets, from which the same are compiled; and also to be prepared, upon requisition from the Lords Commissioners of Her Majesty's Treasury, to furnish in like manner such further information respecting the state or proceeding of its Banking Establishments, as their Lordships may see fit to call for.

14th.—No Bye Law of the Company shall be repugnant to the conditions of the Charter or Act of Incorporation, or to the Law of any Colony in which the Company's Establishment may be placed.

15th.—The Charter or Act of Incorporation, may provide for an addition to the Capital of the Company, within specified limits, with the sanction of the Lords Commissioners of the Treasury, such additional Capital, and the shares and subscriptions that may constitute the same, being subject in every other respect, from and after the date of the above mentioned sanction, to the conditions and regulations similar to those applying to the original Capital.

16th.—In all cases in which shares in the Company's Stock are transferred between the period of the grant of the Charter or Act of Incorporation, and the actual commencing of business by the Bank, the responsibility of the original holder of the transferred shares, shall continue for six months at least after the date of the transfer.

17th.—As the insertion in Charters or Acts of Incorporation, of provisions relating to the detailed management of the business of the Corporation, has, in several instances, been found to render the documents complicated and unintelligible, and has been productive of great inconvenience, it is desirable that such insertion should be avoided, and that the provisions of such Charters or Acts should be confined, as far as practicable to the special powers and privileges to be conferred on the Company, and the conditions to be observed by the Company, and to such general regulations relating to the nomination and powers of the Directors, the institution of Bye Laws or other proceedings of the Company, as may be necessary with a view to the public convenience and security.

#### FORM OF RETURN REFERRED TO IN REGULATION, No. 13.

*Return of the Average Amount of Liabilities and Assets of the Bank of ———, during the period from (1st January) to (30th June) 184 .*

LIABILITIES.			
Promissory Notes in circulation, not bearing Interest,	-	-	£
Bills of Exchange in circulation, not bearing Interest,	-	-	£
Bills and Notes in circulation, bearing Interest,	-	-	£
Balances due to other Banks,	-	-	£
Cash Deposits, not bearing Interest,	-	-	£
Cash Deposits, bearing Interest,	-	-	£
Total Average Liabilities,	-	-	£
ASSETS.			
Coin and Bullion,	-	-	£
Landed, or other property of the Corporation,	-	-	£
Government Securities,	-	-	£
Promissory Notes or Bills of other Banks,	-	-	£
Balances due from other Banks,	-	-	£
Notes and Bills discounted, or other Debts due to the Corporation, not included under the foregoing heads,	-	-	£
Total Average Assets,	-	-	£

COMMANDER ROBB, ON FISHERIES AND NAVIGATION OF BAY OF FUNDY.

[See Appendix, No. 6.]

COASTING TRADE REGULATIONS.

[See Appendix, No. 7]

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

FRIDAY, 29th January, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

The Honorable Mr. Saunders, by direction of His Excellency the Lieutenant Governor, lays before the House a copy of a Report of the Supervisors of the Great Road leading from Fredericton to Woodstock.

ORDERED, That the same do lie on the Table.

[*See Appendix, No. 8.*]

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

A Petition from Cyrus C. Munger, praying a return of Duties on Goods exported to the United States:

A Petition from the Overseers of the Poor for the Parish of Saint Stephen, in the County of Charlotte, praying certain expenses incurred by them for transient Poor may be repaid from the Provincial funds:

A Petition from John Sabattis and Peter Joseph, in behalf of the Passamaquoddy Tribe of Indians, praying a grant of money to enable them to purchase Land in Charlotte County, for Camping, and other purposes:

A Petition from William Parker, praying an allowance for teaching a School in the Parish of Saint Patrick: and

A Petition from John M'Laughlin, relating to the Ferry at Oak Point, in the County of Charlotte.

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

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

Petitions from Edward and Joseph Wilson, praying a return of Head money paid by them on Passengers in the brig Thomas Hanford, in the year one thousand eight hundred and thirty nine and one thousand eight hundred and forty; and in the brig Sarah and Nancy, in the year one thousand eight hundred and forty.

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

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace of the County of Charlotte to hold the Lot of Land on which the old Court House stood for the benefit of the Town of Saint Andrews, 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, made and seconded—

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, to request that His Excellency will be pleased to direct that a copy of the Despatch laid before the House on the 27th January, instant, from the Right Honorable the Secretary of State for the Colonies, under date of 23d May last, relating to the Act of Assembly passed in the second year of Her present Majesty's Reign, for the improvement of the Practice in the Court of Chancery, be furnished His Honor the Master of the Rolls, in order that His Honor may consider the several objections pointed out in the Despatch to some of the provisions of such Act, and may report his observations thereon to His Excellency; and to request that His Excellency would be pleased to communicate such Report when received to this House.

ORDERED, That the Honorable Messrs. Chandler and Hatch be a Committee to present the same.

On motion, made and seconded—

RESOLVED, That the Despatch of the Right Honorable the Secretary of State for the Colonies, under date of 10th March last, on the subject of the Act of Assembly passed in the second year of the Reign of Her present Majesty, "to amend the Law relating to Bastardy," be referred to a Select Committee of three Members, to consider the suggestions contained in such Despatch, and to report their observations thereupon to the House.

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

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

Abstracts shewing the state of the Central Bank on the first day of June and seventh day of December, one thousand eight hundred and forty:

The Marine Assurance Company on the thirtieth June, one thousand eight hundred and forty :

The Saint Stephen's Bank on the first Monday in July, one thousand eight hundred and forty, and first Monday in January, one thousand eight hundred and forty one :

Bank of New Brunswick on the fourth day of January, one thousand eight hundred and forty one.

The Honorable Mr. President also informed the House that he had received from the Cashier of the Commercial Bank, Abstracts shewing its state on the fourth of April and thirtieth of October, one thousand eight hundred and forty.

ORDERED, That the same do lie on the Table.

The Honorable Mr. Shore, 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:—

BARRACKS, &C. AT GRAND FALLS.

[No. 59.]

*Downing Street, 30th May, 1840.*

SIR,—With reference to your Despatch, No. 78, of the 7th of November last, enclosing an account of expenses which have been incurred to the extent of £396 2 4, for the construction of Barracks, a Magazine and Boats at the Grand Falls and the Degelee, I have to acquaint you that the Lords Commissioners of the Treasury have given directions to the Officer commanding Her Majesty's Troops in Nova Scotia, to grant his Warrant on the Military Chest for the repayment to the Provincial Treasury of New Brunswick of that sum.

I have, &c.

(Signed)

J. RUSSELL.

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

*Government Emigrant Office, Saint John, New Brunswick, 30th December, 1840.*

SIR,—I have the honor to acquaint you, for the information of His Excellency the Lieutenant Governor, that the immigration to the Province during the year amounts to seven thousand seven hundred and seventy seven, being an increase of four thousand six hundred and seventy four over 1839, viz.:—

At Saint John,	-	-	6,569
“ Saint Andrews,	-	-	677
“ Miramichi,	-	-	516
“ Bathurst,	-	-	15
Total,			7,777

yielding a fund, subject to deductions for double duty, of nineteen hundred and forty five pounds.

I respectfully beg leave to notice a peculiar feature in our immigration which, in my humble view, indicates the most healthful character of it, both for the individuals and the country. It is the relative division of adults and minors. I regret that I can only quote Saint John and Saint Andrews, and although the latter is only one tenth of the former, their comparative connexion is the same—thus

<i>Port.</i>	<i>Men.</i>	<i>Women.</i>	<i>Children.</i>	<i>Total.</i>
Saint John,	3082	2151	1336	6569
Saint Andrews,	311	249	117	677

I have the honor, &c.

(Signed)

A. WEDDERBURN,  
*G. E. A.*

HENRY JOHN HARVEY, Esquire, &c.

CANAL BETWEEN BAY OF FUNDY AND THE SAINT LAWRENCE.

*Government House, Montreal, 9th January, 1841.*

SIR,—I have the honor to acknowledge the receipt of Your Excellency's Despatch of the 19th ultimo, No. 43, on the subject of the Survey of the best line for a Rail Road or Canal to connect the Bay of Fundy with the Gulph of Saint Lawrence. In reply I have to inform you that I have proposed to the Special Council a vote of £500 from the funds of Lower Canada towards this service, and that sum having been granted by them, has been embodied in the appropriation ordinance, to which my assent has this day been given.

I have the honor, &c.

(Signed)

SYDENHAM.

His Excellency Sir JOHN HARVEY, K. C. B., &c. &c. &c.

*Government House, Halifax, 11th January, 1841.*

Sir,—I have the honor to acknowledge the receipt of your Excellency's Despatch of the 19th December, 1840, relative to the proposed survey, by properly qualified persons, of the best line for a Canal or Rail Road to connect the waters of the Bay of Fundy with the Gulph of Saint Lawrence. I will communicate with the Nova Scotia Legislature as early as possible on this subject, and no co-operation shall be wanting on my part to promote, on fair terms, to both this Province and that of New Brunswick, the completion of an undertaking so likely to prove highly beneficial to both Countries.

I have the honor, &c.

(Signed)

FALKLAND.

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

REPORT OF COMMISSIONERS ON MACHIAS SEAL ISLAND, AND OTHER LIGHT HOUSES.

[See Appendix, No. 9.]

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

The Honorable the Attorney General, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Addresses of this House to Her Majesty and His Royal Highness Prince Albert, congratulating them on the auspicious event of the Birth of the Princess Royal, and the happy recovery of Her Majesty, and to request His Excellency would be pleased to transmit the respective Addresses to be laid before Her Majesty and His Royal Highness Prince Albert, reported that they had attended to that duty, and His Excellency was pleased to say he would with great pleasure comply with the wishes of the House.

*Adjourned until Monday next, at 12 o'clock.*

20

# Legislative Council Chamber.

MONDAY, 1st February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Baillie.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Hatch.*

*Mr. Shore.*

*Mr. Robinson.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Wyer.*

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 authorize the Justices of the Peace of the County of Charlotte to hold the Lot of Land on which the old Court House stands for the benefit of 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 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 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 they were again read by the Clerk as follows:—

NEW BRUNSWICK.

*Message to the Legislative Council,*

*1st February, 1841.*

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council copy of a Letter from the Collector of the Customs at Saint John, together with one from the Province Treasurer, representing the insufficiency of the Out Door Establishments of those Departments to prevent illicit Trade, which has increased to an extent materially to affect the Revenue of the Province; and recommends that provision be made for checking this serious evil.

J. H.

[*See Appendix, No. 10.*]

The Honorable Mr. Hatch, by leave, presented a Petition from Elizabeth Gibb, of the Town of Saint Andrews, praying relief to herself and family, her husband having, in the execution of his duty in the Light House at Head Harbour, received an injury which caused his death.

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 Sarah Wallace, Widow of the late Jonathan Wallace, an old Soldier, praying Legislative assistance:

A Petition from Orisson Robinson, of Saint Stephen's Parish, in Charlotte County, praying an allowance for teaching a School:

A Petition from the Overseers of Poor of Kingston, in King's County, praying money expended by them to support John Carew, a maimed transient Pauper, may be allowed from the Provincial funds: and

A Petition from Thomas Armstrong, James Frink, Nehemiah Marks, Robert Hitchings, and two hundred and sixty five other persons, inhabitants of the Parishes of Saint Stephen's, Saint James and Saint David, in Charlotte County, praying the before named Parishes may by Law be declared to be and established a County separate from the County of Charlotte, for reasons set forth in their Petition.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

TUESDAY, 2d February, 1841.

PRESENT.

THE HON.

*Mr. Baillie.*  
*Mr. Robinson.*  
*Mr. Attorney General.*  
*Mr. Chandler.*  
*Mr. Wyer.*

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

The Honorable Mr. Baillie sat President.

PRAYERS.

The Honorable Mr. Peters, by leave, presented a Petition from Samuel Scovil, Charles Harrison, Alexander B. M'Donald, and thirty other freeholders and inhabitants of Queen's County, praying the sum of two hundred pounds may be granted to build a floating Bridge across the Jemseg Creek, to insure the safe conveyance of Mails, and for public convenience.

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

The Honorable Mr. Wyer, by leave, presented a Petition from Sarah Cyphers, the Widow of an Officer who served in the Revolutionary War in America, praying Legislative aid, considering her husband's services entitle her to receive the same.

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

The Honorable Mr. Botsford, by leave, presented a Petition from Peter Etter, John G. Allan and Richard Lowerson, praying Legislative assistance in building the Aboi-deau over the AuLac River, in the County of Westmorland.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

WEDNESDAY, 3d February, 1841.

PRESENT.

THE HON.

*Mr. Baillie.*  
*Mr. Robinson.*  
*Mr. Botsford.*  
*Mr. Lee.*  
*Mr. Wyer.*  
*Mr. Kinnear.*

*Mr. Peters.*  
*Mr. Saunders.*  
*Mr. Attorney General.*  
*Mr. Chandler.*  
*Mr. Hatch.*

PRAYERS.

The Honorable Mr. Baillie sat President.

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 of the County of Charlotte to hold the Lot of Land on which the old Court House stands for the benefit of the Town of Saint Andrews.

The Honorable Mr. Peters 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.

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

A Message was brought from the Assembly, by Mr. Connell, with sundry Resolutions of Appropriation, dated the twenty seventh day of January last, to which they desire the concurrence of this House.

The said Resolutions were read the first time.

The Honorable Mr. Chandler, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with an humble Address, praying His Excellency would be pleased to direct that a copy of the Despatch laid before this House on the 27th day of January last, from the Right Honorable the Secretary of State for the Colonies, under date of the 23d day of May last, relative to the Act of the General Assembly recently passed for the improvement of the Practice in the Court of Chancery, be furnished His Honor the Master of the Rolls, in order that he may consider the several objections pointed out in the Despatch to some of the provisions of such Act, and report his observations thereon to His Excellency, and to request His Excellency would be pleased to communicate such report to this House, reported that they had attended to that duty, and His Excellency was pleased to say the wishes of the House should be complied with without delay.

The Honorable Mr. Peters, by leave, presented a Petition from R. Hayne, Commissioner of the New Brunswick and Nova Scotia Land Company, praying a "Bill for imposing a Tax upon Wild Lands" may not be allowed to pass, and if such Bill should pass that a clause may be inserted, exempting the Company's Land from such taxation.

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 the Mechanics' Institute in the City of Saint John, praying for further aid:

A Petition from Robert Rankin and Company, praying a return of double Head money, paid on Passengers by the Brig Caroline, from Ballyshannon, on 10th April, 1840: and

A Petition from the same parties, with a similar prayer respecting Passengers by Brig Perceval, from Cork, on the 20th May, 1840.

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

A Message was brought from the Assembly, by Mr. Hanington, with a Bill, intitled, "A Bill to authorize the Justices of the Peace in certain Counties in this Province to exempt the French inhabitants from the assessment of Poor 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.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

THURSDAY, 4th February, 1841.

PRESENT.

THE HON.

*Mr. Shore.*  
*Mr. Peters.*  
*Mr. Robinson.*  
*Mr. Attorney General.*  
*Mr. Chandler.*  
*Mr. Hatch.*

*Mr. Baillie.*  
*Mr. Allanshaw.*  
*Mr. Botsford.*  
*Mr. Lee.*  
*Mr. Wyer.*  
*Mr. Kinnear.*

The Honorable Mr. Shore sat President.

## PRAYERS.

The Honorable Mr. Peters, by leave, presented a Petition from James Scott, of the Parish of Kingsclear, in York County, an old Soldier, praying a free grant may be made to him of Lot No. 8, in the Smithfield Settlement, or that a sum of money may be allowed him by the Legislature to purchase the land.

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 Alexander Campbell, of Saint Stephen, in Charlotte County, respecting three thousand acres of Land bought by him from the Government, in 1835, and praying the amount paid by him towards the payment for such land may be returned to him from the Provincial funds, or that he may have a grant of land equal to such amount paid by him, he not being able to comply with the conditions of his original bargain with the Government:

A Petition from John Marks, of the same County, regarding a purchase of five thousand acres of Land made by him from the Government, with a similar prayer:

A Petition from the Justices of the Peace, in King's County, praying aid to enable them to pay for the new Gaol erected in the County: and

A Petition from John Smith, James Brittain, Daniel Peatman and forty three other persons, inhabitants of the Parishes of Westfield and Greenwich, praying from the Legislature a grant to pay the expence of running a Mail from the mouth of the Nerepis River through these Parishes.

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

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

An Abstract from the Provincial Treasurer of the Revenue of the Province, in the year one thousand eight hundred and forty.

# ABSTRACT OF THE REVENUE OF THE PROVINCE OF NEW BRUNSWICK. FOR THE YEAR 1840.

WHERE COLLECTED.	Ordinary Revenue.	Casual and Territorial Revenue.	Received from H. M. Customs.	Auction Duties.	Pedlar's Licences.	Passenger and Emigrant Duties.	Light House Duties.	Sick and disabled Seamen's Duties.	TOTAL.
Saint John,.....	35,597 2 3	24,299 15 4	22,674 17 10	1,264 4 11	14 15 0	1,627 9 0	2,357 7 8	835 12 6	88,671 4 6
Miramichi,.....	7,056 9 3	0 0 0	3,103 18 4	10 10 0	0 0 0	133 0 0	0 0 0	604 17 8	10,908 15 3
Dalhousie,.....	2,258 9 1	0 0 0	793 6 0	0 0 0	0 0 0	21 5 0	0 0 0	134 10 1	3,207 10 2
Bathurst,.....	511 11 0	0 0 0	243 1 6	2 12 5	0 0 0	3 10 0	0 0 0	59 7 4	829 2 3
Richibucto,.....	935 2 3	0 0 0	422 4 1	0 0 0	0 0 0	0 0 0	69 9 3	65 5 4	1,492 0 11
Saint Andrews,.....	1,498 6 10	0 0 0	568 11 10	57 8 0	6 10 0	0 0 0	349 17 8	161 12 0	2,824 3 0
Saint Stephen,.....	517 16 8	0 0 0	0 0 0	18 1 11	2 10 0	0 0 0	338 12 4	152 18 6	1,029 19 5
Saint George,.....	32 8 0	0 0 0	0 0 0	0 0 0	4 2 6	0 0 0	41 8 0	20 7 0	98 5 6
West Isles,.....	151 11 11	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	115 2 4	31 13 2	298 17 5
Fredericton,.....	0 0 0	0 0 0	0 0 0	53 7 0	0 0 0	0 0 0	0 0 0	0 0 0	53 7 0
Woodstock,.....	267 10 7	0 0 0	188 13 10	3 1 3	0 0 0	0 0 0	0 0 0	0 0 0	459 5 8
Bay of Verte,.....	8 6 4	0 0 0	0 0 0	0 0 0	13 0 0	0 0 0	0 0 0	0 0 0	148 17 10
Shediac,.....	146 12 1	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	2 5 9	5 0 0
Sackville,.....	0 0 0	0 0 0	0 0 0	5 0 0	0 0 0	0 0 0	0 0 0	0 0 0	5 0 0
<b>TOTALS,....</b>	<b>£48,981 6 3</b>	<b>24,299 15 4</b>	<b>27,994 13 5</b>	<b>1,414 5 6</b>	<b>49 17 6</b>	<b>1,967 10 8</b>	<b>3,271 17 3</b>	<b>2,068 9 4</b>	<b>£110,047 15 3</b>

### ABSTRACT OF EXPENDITURE.

Warrants on the General Revenue,.....	£158,335 18 10
Do. do. Emigrant Fund,.....	369 13 10
Paid to Commissioners of Light Houses,.....	3,579 1 1
Do. do. Seamens Hospital,.....	1,967 17 0
Do. for Interest,.....	2,334 18 10
Do. for Drawbacks,.....	1,961 14 7
Do. for Discounts,.....	199 15 3
	£168,749 0 3

### THE PROVINCE DEBTS ARE

To the Saint John Savings Bank,.....	£10,000 0 0
To the Bank of New Brunswick,.....	36,368 10 8
Unpaid Warrants in the Treasury, to No. 533 inclusive,.....	3,216 8 1
Total Debts,.....	£49,584 18 9

### THE ASSETS ARE

Bonds and Cash in the hands of the Treasurer and Deputy Treasurers, 40,000 0 0	£50,000 0 0
In the hands of the Agent General of the Crown Colonies, £9800 of } 10,000 0 0	
3 per cent Consols, equal to at least in Currency, }	

Treasurer, Saint John, 1st January, 1841.

BEVERLEY ROBINSON, Province Treasurer.

ORDERED, That the said Document do lie on the Table.

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

A Petition from Bernard M'Garry, Samuel Getty, William M'Lean and one hundred and eighteen other persons, of Charlotte County, praying that it may be ordered that the new Bridge to be erected across the Waweig Stream may be placed near the entrance thereof:

A Petition from John Fish, Daniel Gilmour, Daniel Corning and others, praying the old line of Road from Fredericton to Saint Andrews, by the way of True's and Pleasant Ridge may not be abandoned, but that it may for the benefit of the old settlers, still have the support of the General Assembly: and

A Petition from George D. Morris, praying an allowance for teaching a School in the Parish of Saint James.

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

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace in certain Counties in this Province to exempt the French Inhabitants from the assessment of Poor 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.

A Message was brought from the Assembly by Mr. M'Leod with a Bill to continue An Act to provide for the prompt payment of all demands upon the Provincial Treasury, 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. Gilbert, with the following Bills, to which they desire the concurrence of this House:—

A Bill to extend the provisions of an Act, intituled "An Act to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield and Waterborough to lay out Highways and to appropriate part of the Statute Labor for securing the Bank of the River in front of those Parishes, to the Parish of Gagetown, in Queen's County," to which they desire the concurrence of this House: and

A Bill to continue an Act, intituled "An Act for the better and more effectual securing the Navigation of the Newcastle River, in Queen's 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. Wilson, with a Bill to incorporate the Westmorland Mining Company, 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. M'Almon, with the following Bills, to which they desire the concurrence of this House:—

A Bill to authorize the Justices of the Peace in the County of Kent to levy an Assessment to pay off the County Debt: and

A Bill to continue an Act to provide for the summary punishment of persons committing Trespasses upon square Timber and other Lumber.

The said Bills were severally read a first time.

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

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.

ORDERED, That this House be put into a Committee of the whole, on Monday next, to take into consideration any Resolutions of Appropriation sent up from the Assembly.

ORDERED, That the Resolutions of Appropriation, dated the 27th of January last, be referred to the said Committee.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

FRIDAY, 5th February, 1841.

PRESENT.

THE HON.

*Mr. Shore.*  
*Mr. Peters.*  
*Mr. Saunders.*  
*Mr. Lee.*  
*Mr. Wyer.*  
*Mr. Kinnear.*

*Mr. Baillie.*  
*Mr. Allanshaw.*  
*Mr. Botsford.*  
*Mr. Chandler.*  
*Mr. Hutch.*

The Honorable Mr. Shore sat President.

PRAYERS.

Messages from His Excellency the Lieutenant Governor were delivered by the Honorable Mr. Saunders, 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,*  
3d February, 1841.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor informs the Council, that a Petition has been presented to him by the Mechanics' Institute of Saint John, praying for aid to enable them to continue, with success, the efforts which have already been made to effect the objects of their Institution—a measure to which the Lieutenant Governor is disposed to attach no ordinary degree of importance, and he therefore particularly recommends it to the fostering care and encouragement of the Council, as one most intimately connected with the best interests of this rising Province.

J. H.

NEW BRUNSWICK,  
*Message to the Legislative Council,*  
4th February, 1841.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council, a Report of the Commissioners appointed to enquire respecting Improvements in the Steam Boat Landing at Indian Town, together with an opinion of the Attorney General, and recommends that provision be made for carrying into effect the plan proposed.

J. H.

*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.*

MAY IT PLEASE YOUR EXCELLENCY,

The Subscribers having been appointed to report on the subject of the improvement of the Landing at Indian Town, in the Parish of Portland, County of Saint John, beg leave to state to Your Excellency, that they have caused a Plan to be made of the shores and the erections and buildings now on the same, —which they herewith submit—on which Plan they have marked in red such improvements as, in their opinion, will much benefit the public; and, as they think, without injury to the proprietors of property at the place, they recommend that the Road leading to the water be extended out into the River about one hundred and fifty feet; thence a Pier or Wharf to be carried down Stream, nearly in a line with the bank, about four hundred and seventy five feet in length by fifty feet wide, making a continuance of the Road along the Wharf. They have also suggested that the Slip now open between the north side of the Road and the Wharf owned by Mr. Robertson be kept open for the accommodation of small market Boats, and at the termination of the Wharf, above alluded to, another Slip of one hundred feet wide be left for the same purpose, and from thence to Marble Point, a Road way or Wharf be carried a distance of about five hundred and eighty feet. These improvements carried out, in their opinion, would improve the Landing, and provide accommodation for the public. At the same time they do not think it necessary that all the suggested improvements should be made at present—but the Wharf, if carried as far as the south side of Reynold's Wharf, would provide accommodation for many years. This, they think, from enquiries made and information obtained, would not cost over fifteen hundred pounds.

The Subscribers are not aware in what manner the suggested improvements might interfere with private rights, but, in their opinion, the property of the proprietors on the bank would be improved and increased in value; neither do they presume to say what regulations or law should be made to carry out the detail of the said improvements, but they expect it will be necessary to pass some Le-

gislative enactment to provide for carrying the recommendation, if it should be approved of by Your Excellency, into effect. The Plan marked A, referred to and signed by the Subscribers, and this Report are respectfully submitted by

Your Excellency's obedient Servants,

I. WOODWARD,  
JOHN M. WILMOT,  
JOHN WARD, JUN.

*Saint John, N. B. 11th January, 1841.*

*Opinion of Attorney General.*

*Fredericton, 4th February, 1841.*

MAY IT PLEASE YOUR EXCELLENCY,

Your Excellency having delivered to me the Report of the Committee appointed on the subject of the improvement of the Landing Place at Indian Town, in the Parish of Portland, in the County of Saint John, together with a Plan accompanying the same, for my consideration and any observations I might deem necessary to make relating thereto, I have to state, I am not aware of any serious difficulties to prevent the accomplishment of an object so very necessary and desirable for the public good.

It appears to me the course to be pursued will be for Your Excellency, by Message, to invite the attention of the Assembly to the subject, and the necessity of an appropriation of money being made to enable Your Excellency to carry the design into effect, when Your Excellency can appoint Commissioners to have the same completed, under such directions and instructions as may be given to them on the subject.

The land over which the projected improvement is contemplated to be made, belongs to the Crown, and can without much difficulty be appropriated for the purposes intended; and although a small part of it is in possession of individuals who have erected Wharves thereon, yet they are intruders, and cannot, by such their unlawful act, be considered as having deprived the Crown of its rights. And I am quite satisfied that, by prudent management, their interests can be advanced in a way to afford them ample compensation for any injury they may, in the first instance, consider they will sustain.

When the work necessary to complete the Landing shall be effected, it may be deemed proper by the Legislature to place the same under the controul of the Justices of the Peace for the City and County of Saint John, to make and establish necessary rules and regulations respecting the public use thereof.

All which is humbly submitted by Your Excellency's most obedient Servant.

CHARLES I. PETERS, *Atty. Gen.*

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

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

A Petition from the Overseers of Poor for the Parish of Saint Patrick, praying an allowance for taking care of an Emigrant Pauper during the last year:

A Petition from a number of Magistrates and other persons in the County of Carleton, praying the Gaol Limits in that County may be enlarged:

A Petition from John Wilson, a Merchant of Saint Andrews, setting forth certain hardships he had been subjected to under the operation of the Law relating to Seamen, and praying to be relieved from certain penalties incurred by him: and

A Petition from Robert Lindsay, and fifty other inhabitants of the Parish of Saint Stephen, praying that the present system regarding Statute Labour may be altered, and that an amount may be directed to be paid in money by the inhabitants.

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

The Honorable Mr. Hatch, by leave, presented a Petition from Peter M'Cullum, and one hundred and twenty other persons, praying a proper opening may be made in the Bridge across the Digdegnash River, for the convenience of the public.

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

The Honorable Mr. Peters, by leave, presented a Petition from the Magistrates of the County of Carleton, on the subject of a contemplated Sluice at the Great Falls of the River Saint John.

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

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

A Bill to continue An Act to provide for the prompt payment of all demands upon the Provincial Treasury:

A Bill to extend the provisions of an Act, intituled "An Act to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield and Waterborough to lay out Highways and to appropriate part of the Statute Labor for securing the Bank of the River in front of those Parishes, to the Parish of Gagetown, in Queen's County:"

A Bill to continue an Act, intituled "An Act for the better and more effectual securing the Navigation of the Newcastle River, in Queen's County:"

A Bill to authorize the Justices of the Peace in the County of Kent to levy an assessment to pay off the County Debt: and

A Bill to continue an Act to provide for the summary punishment of persons committing Trespasses upon Square Timber and other Lumber.

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

Pursuant to the Order of the Day, the Bill to incorporate the Westmorland Mining 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 authorize the Justices of the Peace in certain Counties in this Province to exempt the French inhabitants from the assessment of Poor 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.

A Message was brought from the Assembly, by Mr. Hill, with a Bill to continue and amend an Act, intituled "An Act to restrain the provisions of the fifth Section of an Act, intituled 'An Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Lands and Timber in certain cases,'" 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.

*Adjourned until Monday next at 12 o'clock.*

# Legislative Council Chamber.

MONDAY, 8th February, 1841.

PRESENT.

THE HON.

*Mr. Shore.*  
*Mr. Robinson.*  
*Mr. Botsford.*  
*Mr. Chandler.*  
*Mr. Wyer.*  
*Mr. Kinnear.*

*Mr. Allanshaw.*  
*Mr. Saunders.*  
*Mr. Lee.*  
*Mr. Street.*  
*Mr. Hatch.*

The Honorable Mr. Shore sat President.

PRAYERS.

A Message was delivered from His Excellency the Lieutenant Governor, by the Honorable Mr. Saunders, 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,*

*5th February, 1841.*

J. HARVEY, LL. GOVERNOR.

The Lieutenant Governor informs the Council that in the month of March, 1839, three hundred and ten Great Coats, obtained from the Ordnance Store, were issued to the Militia, then on duty, and retained by them. For these Great Coats payment has been demanded, by order of the Board of Ordnance, at the estimated value of one shilling and sixpence, Army sterling, each,—for defraying which expense the Lieutenant Governor recommends that provision be made.

J. H.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace in certain Counties in this Province to exempt the French Inhabitants from the assessment of Poor 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 to continue and amend an Act, intituled "An Act to restrain the provisions of the fifth Section of an Act, intituled 'An Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Lands and Timber in certain cases,'" 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.

A Message was brought from the Assembly, by Mr. Boyd, with a Bill to provide for the expenses of Grand and Petit Jurors in the County of Charlotte, 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. Owen, with a Bill to impose a Tax on Dogs in the Parish of Campo Bello, in the County of Charlotte, 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. Woodward, with a Bill to regulate the Survey of Saw Logs, 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, by leave, presented the following Petitions:—

A Petition from the Mayor, Aldermen and Commonalty of the City of Saint John, praying an amendment of the Act to prevent forestalling and regrating:

A Petition from George A. Lockhart, of Saint John, praying for a return of Duties paid on Sugar exported to Nova Scotia:

A Petition from H. and D. M'Kay, Charles D. Everitt, William Eagles, and nine other persons, praying a grant of money to pay the expense of filling up the space between the main land and the Split Rock at the mouth of the River Saint John :

A Petition from Robert Payne, John Owens, and other inhabitants of Portland, praying aid to assist them in paying for a Fire Engine :

A Petition from the Firewards of the Parish of Portland, praying an alteration in the Fire Law, and an exemption from the duties of Jurymen to the Engine men:

A Petition from Ezekiel Barlow, of Saint John, praying the Lancaster Mill Company Lands may be exempted from the operation of the Bill now before the Assembly, to impose a Tax on Wilderness Lands:

A Petition from Murtagh O'Flaherty, praying to be remunerated for the loss of a Horse in assisting to convey the Queen's Troops from Saint John to Fredericton, in the year 1838 :

A Petition from the Chamber of Commerce of Saint John, praying for a reduction of Duties on all kinds of Spirits, that a Revenue Cutter may be provided, and that the Duties on Beer and Leather, when imported from Nova Scotia, may be taken off.

A Petition from the Minister, Trustees and Members of Saint Paul's Church, in Fredericton, and others, inhabitants of York County, praying alterations may be made in the Charter of King's College :

A Petition from Thomas E. Millidge, of Saint John, praying Duties paid by him on articles destroyed by Fire may be returned:

A Petition from Thomas Lamb, Light House Keeper at Quaco, praying an increase of Salary :

A Petition from Alexanders, Barry & Company, of Saint John, praying a return of Duties paid on Bricks imported from the United States in the year 1839 :

A Petition from James Bradley and James Green, praying aid to assist them in continuing to keep up a Daily Communication between Saint John and the seat of Government: and

A Petition from Robert Payne, James Gallagher, and thirty six other persons, inhabitants of Portland Parish, praying that the Wharf at the termination of the Indian House Road may be extended further into the River.

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

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

A Petition from the Trustees of Saint John's Church, in connexion with the Church of Scotland, in Richmond, praying this House may concur in allowing them to sell certain Land, and invest the proceeds in other Lands more suitable to them: and

A Petition from the Justices of the Peace in York County, praying assistance to enable them to pay for the new Gaol.

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 provide for the prompt payment of all demands upon the Provincial Treasury.

The Honorable Mr. Allanshaw 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. Barberie, with a Bill relating to the summoning and attendance of Petit Jurors at the respective Sittings and Circuit Courts 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.

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 enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield and Waterborough to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes," to the Parish of Gagetown, in Queen's County.

The Honorable Mr. Allanshaw 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 authorize the Justices of the Peace in the County of Kent to levy an assessment to pay off the County Debt.

The Honorable Mr. Allanshaw 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 an Act to provide for the summary punishment of persons committing Trespasses upon Square Timber and other Lumber.

The Honorable Mr. Allanshaw 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 Resolutions of Appropriation sent from the Assembly.

The Honorable Mr. Allanshaw 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 twenty seventh January last, they had made some 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. Beardsley, with the following Bills, to which they desire the concurrence of this House:—

A Bill to continue and amend an Act, intituled "An Act to authorize the further extension of the Gaol Limits in the Parish of Woodstock, in the County of Carleton:—"

A Bill to provide for the expenses of Grand and Petit Jurors in the County of Carleton: and

A Bill to establish a Division Line between the Parishes of Northampton and Brighton, in the County of Carleton.

The said Bills were severally read a first time.

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

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

A Petition from Charles Loring, of Charlotte County, praying a grant of money for a road from L'Etang to the Great Road leading to Saint John:

A Petition from James R. Tupper, praying a sum of money to enable him to continue his line of Stages between Woodstock and the Great Falls:

A Petition from James Brown, with a similar prayer, respecting his route between Fredericton and Woodstock:

A Petition from the Magistrates of Carleton, praying the sum of three hundred pounds may be assessed on the inhabitants to pay off County Debts:

A Petition from Thomas E. Perley, praying a return of Duties paid on Caps for the Militia Cavalry of Carleton:

A Petition from Isabel F. Jouett, praying an allowance for teaching a School: and

A Petition from Barrent Rogers and Charles Bull, praying for compensation for keeping a Ferry in the Parish of Woodstock.

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

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

A Petition from a Grand Jury of Saint John, and other inhabitants, praying Stipendiary Magistrates and Constables may be appointed for the City of Saint John and Parish of Portland:

A Petition from the Woodstock and Fredericton Stage Coach Company, praying money to enable them to continue their undertaking:

A Petition from the Overseers of the Poor in Woodstock, praying to be refunded money expended in taking care of transient Poor: and

A Petition from Stephen Orser, and others, praying for a grant of money to open a road near the Dobiq, in the Parish of Perth.

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 Abraham Gesner, praying such assistance as will enable him to purchase certain Instruments requisite for a correct Geological Survey of the Province:

A Petition from William M'Kenny, praying a sum of money to which Catharine Hubert, the widow of a Soldier, would be entitled to, should be paid to him :

A Petition from Thomas Moses, Deputy Treasurer at West Isles, praying he may be placed on the same allowance as other Deputy Treasurers :

A Petition from Lucien L. Copeland and William Dougan, Proprietors of the Mail Stage between Saint John and Saint Andrews, praying for aid to keep up that Establishment :

A Petition from Thomas Davis, praying a grant may pass to him for his services in building a Bridge over the Magaguadavic River : and

A Petition from Colin Campbell, late Sheriff of Charlotte, praying a return of money he has been obliged to pay while in the execution of his duty, for reasons set out in the Petition, in the case of the Queen against Sylvanus Blake.

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 Robert Matheson, a School Master in Gloucester, praying aid for his School : and

A Petition from Thomas Falle, of Shippegan, in the same County, praying certain duties paid by him may be returned from the Provincial Funds.

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

A Message was brought from the Assembly, by Mr. Woodward, with a Bill to permit the establishment of a Fish Market in one of the public Slips in the City 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.

The Honorable the President informed the House, he had received from the Honorable the Secretary of the Province, an Abstract statement of the affairs of the Saint John Whale Fishing Company, in compliance with the directions of their Charter of Incorporation.

ORDERED, That the Document, and papers annexed thereto, do lie on the Table.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

TUESDAY, 9th February, 1841.

PRESENT.

THE HON.

*Mr. Peters.*  
*Mr. Robinson.*  
*Mr. Botsford.*  
*Mr. Wyer.*

*Mr. Allanshaw.*  
*Mr. Saunders.*  
*Mr. Chandler.*  
*Mr. Hatch.*

The Honorable Mr. Peters 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 an Act to provide for the prompt payment of all demands upon the Provincial Treasury:

A Bill to extend the provision of an Act, intituled "An Act to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield and Waterborough to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River, in front of those Parishes," to the Parish of Gagetown, in Queen's County: and

A Bill to continue an Act to provide for the summary punishment of persons committing Trespasses upon square Timber and other Lumber.

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 impose a tax on Dogs in the Parish of Campo Bello, in the County of Charlotte:

A Bill to continue and amend an Act, intituled "An Act to authorize the further extension of the Gaol limits in the Parish of Woodstock, in the County of Carleton:

A Bill to permit the establishment of a Fish Market in one of the Public Slips in the City of Saint John: and

A Bill to establish a Division Line between the Parishes of Northumberland and Brighton, 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 Bill to regulate the Survey of Saw Logs was read a second time.

ORDERED, That the said Bill be referred to a Select Committee of two Members, to examine and report thereon.

ORDERED, That the Honorable Messrs. Allanshaw and Hatch do compose the Committee.

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

A Bill to provide for the expenses of Grand and Petit Jurors in the County of Charlotte:

A Bill relating to the summoning and attendance of Petit Jurors at the respective Sittings and Circuit Courts in this Province: and

A Bill to provide for the expenses of Grand and Petit Jurors in the County of Carleton.

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

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 provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen: and

A Bill to authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephen, in the said County, for the erection of a Wharf on the Public Landing at Salt Water in the said Parish.

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. Street, with a Bill to lay a Tax

on Dogs in certain parts of the Parishes of Newcastle and Nelson, in the County of Northumberland, 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. Chandler, by leave, presented the following Petitions:—

A Petition from John Stevens, of the Parish of Stanley, in the County of York, praying to be compensated for damages sustained by him in the alteration of the Great Road leading to Miramichi from Fredericton :

A Petition from John Walker, of Saint John, praying a loan of money to assist him in completing the Building now in course of erection at Saint John, intended to be used as a Bonded Ware House, Treasury Office, Custom House, and other Public Offices :

A Petition from a Committee of Sessions in Carleton County, praying a return of Duties paid on a Fire Engine : and

A Petition from Richard Ketchum, A. B. Sharp, and a number of other inhabitants of Carleton, praying that no Act may pass to tax that County for the payment of Jurors, but that the business of the County may be allowed to go on as usual.

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 L. R. Coombs, James D. Robertson, Colin Allan, Joseph Gaynor, and sixty one other Freeholders of Fredericton, and in the Province, praying measures may be taken for shortening the time of holding Elections for Members to serve in General Assembly, and also for shortening the duration of Provincial Parliaments:

A Petition from Barret Rogers, J. R. Upham, Charles E. Beardsley and other inhabitants of Carleton, praying an Act may pass to tax the Inhabitants for the payment of Grand and Petit Jurors :

A Petition from the Justices of the Peace and Grand Jury of Carleton, praying the Parish of Wakefield may be divided : and

A Petition from the Commissioners of Highways in Woodstock, praying money for improving the Road from Maduxnikick Bridge up the River.

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

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

A Petition from John T. Williston, William Joplin and three other Justices of the Peace, of Northumberland, praying for a Lock-up House, to be established in the Parish of Chatham :

A Petition from William Letson, William Joplin, Phineas Williston and two hundred and fifty six others, praying that an Act may pass for the better support of the Poor in the Parish of Chatham :

A Petition from John T. Williston, Dudley Perley, Francis Peabody and two hundred and thirteen others, praying that an Act may pass for the better support of the Poor in the Parish of Chatham : and

A Petition from the Commissioners of Roads in the Parishes of Glenelg and Chatham, praying for aid to erect a Bridge over the Napan River.

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

The Honorable Mr. Allanshaw, by leave, presented a Petition from the Reverend George M. Donald, Mugh Munro and one hundred and seventeen other inhabitants of Gloucester, setting forth that Petitions had at various times been presented to procure certain alterations in the Charter of King's College, which should admit Members of the Church of Scotland to a full and equal participation in all its rights, privileges and immunities, and praying that no alteration be sanctioned in said Charter, which shall not admit such free communication of rights and privileges.

The Honorable Mr. Hatch, by leave, presented a Petition from the Reverend James Souter, James Gilmour, and one hundred and thirty other persons, inhabitants of Northumberland, with a similar prayer :

The Honorable Mr. Wyer, by leave, presented a Petition from Alexander M. Laggan, and one hundred and forty five other persons, inhabitants of Northumberland, with a like prayer : and

The Honorable Mr. Chandler, by leave, presented a Petition from Alexander Wright, and one hundred and sixteen other inhabitants of Westmorland, with the same prayer.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

WEDNESDAY, 10th February, 1841.

PRESENT.

THE HON.

*Mr. Baillie.*  
*Mr. Allunshaw,*  
*Mr. Lee.*  
*Mr. Wyer.*

*Mr. Peters.*  
*Mr. Botsford.*  
*Mr. Chandler.*  
*Mr. Hatch.*

The Honorable Mr. Baillie sat President.

PRAYERS.

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

A Bill to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen:

A Bill to authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephen, in the said County, for the erection of a Wharf on the public landing at Salt Water, in said Parish: and

A Bill to lay a Tax on Dogs, in certain parts of the Parishes of Newcastle and Nelson, in the County of Northumberland.

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 establish a Division Line between the Parishes of Northampton and Brighton, in the County of Carleton.

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 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 and amend an Act, intituled "An Act to authorize the further extension of the Gaol Limits in the Parish of Woodstock, in the County of Carleton."

The Honorable Mr. Peters took the Chair.

After same 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 impose a Tax on Dogs in the Parish of Campo Bello, in the County of Charlotte.

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.

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 further consideration of the Resolutions of Appropriation, dated the 27th day of January last, 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. End, with the following Bills, to which they desire the concurrence of this House.

A Bill relating to the Mines and Minerals in the County of Gloucester: and

A Bill to authorize Her Majesty's Justices of the Peace of the County of Gloucester to contract for the erection of a new Gaol in the said County, and for other purposes therein mentioned.

The said Bills were severally read a first time.

ORDERED, That the said Bills 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 authorize the Justices of the Peace in the County of Kent 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 into the further consideration of the said 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.

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

A Petition from the Central Bank of New Brunswick, praying that 15,000 acres of Land, granted to the Tobique Mill Company, may pass to them, a debt having been incurred by the Company to them, which has not been paid:

A Petition from the Reverend Robert Archibald, F. Peabody, A. Key, and one hundred and five others, inhabitants of Northumberland, on the subject of the Charter of King's College, and praying no alteration be sanctioned in the Charter not conformable to the wishes of the Petitioners: and

A Petition from John M'Curdy, Minister of the Presbyterian Secession Church at Chatham, praying that such alterations may be made in the Charter of King's College as will place all religious classes in the Province, known to be loyal and faithful subjects, upon a footing of perfect equality.

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

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

A Petition from John Jardine, and one hundred and twenty five others, inhabitants of the County of Kent, on the subject of the Charter of King's College, and praying no alteration may be sanctioned in the Charter, which may prevent Members of the Church of Scotland participating in all its rights, privileges and immunities:

A Petition from Joseph Samuel, Caleb M'Culley, Alexander Fraser, Junior, and eighty four others, inhabitants of Chatham, praying that any Bill for the erection of a Parish Poor and Work House in the Parish may not pass at the present Session, in order that they may have time to make a representation to the Justices of the Peace of the County, in General Session, regarding a County Building to be erected, more in accordance with the wishes of the Petitioners: and

A Petition from the Overseers of Poor of Chatham, praying expenses incurred by them for transient Poor may be allowed from the Province funds.

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

The Honorable Mr. Chandler, by leave, presented a Petition from the Board of Health of Northumberland, praying the sum of £496 6s. may be granted to them for expenses necessarily incurred by the Board.

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

*Adjourned until To-morrow at 12 o'clock.*

36  
**Legislative Council Chamber.**

THURSDAY, 11th February, 1841.

PRESENT.

THE HON.

*Mr. Shore.*  
*Mr. Peters.*  
*Mr. Robinson.*  
*Mr. Botsford.*  
*Mr. Chandler.*  
*Mr. Hatch.*

*Mr. Baillie.*  
*Mr. Allanshaw.*  
*Mr. Saunders.*  
*Mr. Lee.*  
*Mr. Wyer.*

The Honorable Mr. Shore sat President.

PRAYERS.

The Honorable Mr. Saunders, a Member of Her Majesty's Executive Council, lays before the House, by direction of His Excellency the Lieutenant Governor, 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 forty: and

An Abstract of the Receipts and Expenditures of the Queen's Casual and Territorial Revenues of the Province, for the year ending the 31st day of December, 1840.

CIVIL LIST FOR THE YEAR 1840.

*First Quarter—31st March.*

His Excellency Sir John Harvey, Lieutenant Governor,	£865 7 8
Henry J. Harvey, Esquire, Private Secretary,	57 13 10
Honorable Ward Chipman, Chief Justice,	274 0 9
" William Botsford, Justice Supreme Court,	187 10 0
" James Carter, do. do.	187 10 0
" Robert Parker, do. do.	187 10 0
" William F. Odell, Provincial Secretary,	399 17 9
" Frederick P. Robinson, Auditor General,	86 10 9
" Thomas C. Lee, Receiver General,	86 10 9
" Charles J. Peters, Attorney General,	158 13 0
" George F. Street, Solicitor General,	57 13 10
Mr. Alexander Wedderburn, Emigrant Agent,	28 16 11
Reverend Robert Wilson, Presbyterian Minister,	14 8 5
Honorable George F. Street, Treasurer of King's College,	277 15 6
Commissioners of Indians, Donation,	15 0 0
Anthony Lockwood, Annuity—not to be paid until life } Certificate is produced,	43 5 4
£2,928 4 6	
696 15 6	
£3,625 0 0	

Surplus on the Quarter,

*Second Quarter—30th June.*

His Excellency Sir John Harvey, Lieutenant Governor,	£865 7 8
Henry J. Harvey, Esquire, Private Secretary,	57 13 10
Honorable Ward Chipman, Chief Justice,	274 0 9
" William Botsford, Justice Supreme Court,	187 10 0
" James Carter, do. do.	187 10 0
" Robert Parker, do. do.	187 10 0
" William F. Odell, Provincial Secretary,	399 17 9
" Frederick P. Robinson, Auditor General,	86 10 9
" Thomas C. Lee, Receiver General,	86 10 9
" Charles J. Peters, Attorney General,	158 13 0
" George F. Street, Solicitor General,	57 13 10
Mr. Alexander Wedderburn, Emigrant Agent,	28 16 11
Reverend Robert Wilson, Presbyterian Minister,	14 8 5
Honorable George F. Street, Treasurer of King's College,	277 15 6
Commissioners of Indians, Donation,	15 0 0
Anthony Lockwood, Annuity—not to be paid until life } Certificate is produced,	43 5 4
2,928 4 6	
696 15 6	
£3,625 0 0	

Surplus on the Quarter,

*Third Quarter—30th September.*

His Excellency Sir John Harvey, Lieutenant Governor,	£865	7	8
Henry J. Harvey, Esquire, Private Secretary,	57	13	10
Honorable, Ward Chipman, Chief Justice,	137	0	4
" William Botsford, Justice Supreme Court,	187	10	0
" James Carter, do. do.	187	10	0
" Robert Parker, do. do.	187	10	0
" William F. Odell, Provincial Secretary,	399	17	9
" Frederick P. Robinson, Auditor General,	86	10	9
" Thomas C. Lee, Receiver General,	86	10	9
" Charles J. Peters, Attorney General,	158	13	0
" George F. Street, Solicitor General,	57	13	10
Mr. Alexander Wedderburn, Emigrant Agent,	28	16	11
Reverend Robert Wilson, Presbyterian Minister,	14	8	5
Honorable George F. Street, Treasurer of King's College,	277	15	6
Commissioners of Indians, Donation,	15	0	0
Anthony Lockwood, Annuity—not to be paid until life } Certificate is procured, }	43	5	4

£2,791 4 1

£833 15 11

£3,625 0 0

Surplus on the Quarter,

*Fourth Quarter—31st December.*

His Excellency Sir John Harvey, Lieutenant Governor,	£865	7	8
Henry J. Harvey, Esquire, Private Secretary,	57	13	10
Honorable Ward Chipman, Chief Justice,	274	0	9
" William Botsford, Justice Supreme Court,	187	10	0
" James Carter, do. do.	187	10	0
" Robert Parker, do. do.	187	10	0
" William F. Odell, Provincial Secretary,	399	17	9
" Frederick P. Robinson, Auditor General,	86	10	9
" Thomas C. Lee, Receiver General	86	10	9
" Charles J. Peters, Attorney General,	158	13	0
" George F. Street, Solicitor General,	57	13	10
Mr. Alexander Wedderburn, Emigrant Agent,	28	16	11
Reverend Robert Wilson, Presbyterian Minister,	14	8	5
Honorable George F. Street, Treasurer of King's College,	277	15	6
Commissioners of Indians, Donation,	15	0	0
Anthony Lockwood, Annuity—not to be paid until life } Certificate is produced, }	43	5	4

£2,928 4 6

696 15 6

£3,625 0 0

Surplus on the Quarter,

*Distribution of the Surplus Civil List for the year ending 31st December, 1840.*

DR.

No. 9.	January 8.	William B. Phair, Provincial Secretary's Postage, to 31st December, 1839,	£19	9	11
10.	April 7.	William B. Phair, Provincial Secretary's Postage to 31st March 1840,	24	4	10
11.	" 9.	Honorable T. Baillie, retired allowance to 31st March, 1840,	110	2	8
12.	July 3.	William B. Phair, Provincial Secretary's Postage to 30th June, 1840,	24	2	0
13.	" 30.	Honorable T. Baillie, retired allowance to 30th June, 1840,	150	0	0
14.	August 26.	Honorable John S. Saunders, on account of his Salary,	500	0	0
15.	Sept. 30.	Honorable T. Baillie, retired allowance to 30th September, 1840,	150	0	0
16.	October 3.	William B. Phair, Provincial Secretary's Postage to 30th September, 1840.	20	18	6
17.	December 31.	Honorable T. Baillie, retired allowance to 31st December, 1840,	150	0	0
		Balance,	2,800	7	0
			£3,949	4	11

CR.

Surplus in the Receiver General's hands, 31st December, 1839,	£1,025	2	6
Ditto on the quarter ending 31st March, 1840,	696	15	6
Ditto on the quarter ending 30th June, 1840,	696	15	6
Ditto on the quarter ending 30th September, 1840,	833	15	11
Ditto on the quarter ending 31st December, 1840,	696	15	6
	£3,949	4	11

Balance in Receiver General's hands, 31st December, 1840,

£2,800 7 0

*Abstract of the Receipts and Expenditure of the Queen's Casual and Territorial Revenues of the Province of New Brunswick, for the Year ending the 31st December, 1840.*

DR.

To balance in favor of the Revenue on 31st December, 1839,	£3,184	7	7
Gross proceeds of Tonnage on Timber and Lumber cut upon Crown Lands,	18,530	7	5
Gross proceeds of Land sold and leased,	4,120	9	4
Contingencies collected at Secretary's Office,	377	5	0
Contingencies collected at Crown Land Office,	298	8	8
Fines in Courts of Law,	17	1	0
	<u>£26,527</u>	<u>19</u>	<u>0</u>

CR.

By amount refunded sundry Persons for payments on Land not being vacant,	£68	3	1
Ditto paid sundry Surveys and Inspections in various parts of the Province,	1,529	19	1
Ditto paid Indoor Establishment of the Crown Lands Office, four quarters,	1,010	0	0
Ditto extra Clerk hire in the Crown Lands Department,	533	6	0
Ditto paid Seizing Officer's Commission on Seizures,	94	15	3
Ditto paid Postage, Crown Land Office,	186	2	8
Ditto paid Binding and Printing,	148	16	6
Ditto paid for alterations and repairs of Crown Land Office,	106	14	8
Ditto paid Travelling expenses of the Members of the Executive Council,	555	6	8
Ditto paid for Stationery for the Crown Land Office,	101	18	10
Ditto paid costs in sundry suits of the Queen vs. others,	224	13	7
Ditto paid Receiver General's Office contingencies,	14	11	8
Ditto paid Auditor General's Office contingencies,	11	5	0
Ditto paid Attorney General's allowance for Stationery,	10	0	0
Ditto paid R. Power, Esquire, compensation for loss of Office,	346	3	0
Ditto refunded for Timber applications,	49	10	0
Ditto paid for Wood and Bark, and other expenses for Crown Land Office,	96	8	10
Ditto payments to Provincial Treasurer under Act of General Assembly,	18,539	17	10
Balance in favour of the Revenue,	2,900	6	4
	<u>£26,527</u>	<u>19</u>	<u>0</u>

Balance in favor of the Revenue, made up as follows:—

Audited and allowed balance in the hands of the late Commissioner of Crown Lands,	£324	4	9
Balance in the Receiver General's hands,	2,596	14	1
	<u>£2,920</u>	<u>18</u>	<u>10</u>
Less unpaid Warrants,		20	12
		<u>6</u>	<u>6</u>
Balance,	£2,900	6	4

F. P. ROBINSON.

*Office of Audit, Fredericton, N. B. 14th January, 1841.*

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

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 further in amendment of the Law, and the better advancement of Justice: and  
A Bill for the Naturalization of Aliens in this Province.

The said Bills were severally read a first time.

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

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace in the County of Kent to levy an assessment to pay off the County Debt 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 relating to the Mines and Minerals in the County of Gloucester: and

A Bill to authorize Her Majesty's Justices of the Peace of the County of Gloucester to contract for the erection of a new Gaol in said County, and for other purposes therein mentioned:

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 continue and amend an Act, intituled "An Act to authorize the further extension of the Gaol Limits in the Parish of Woodstock, in the County of Carleton."

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 thereof 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 provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen.

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.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to lay a Tax on Dogs in certain parts of the Parishes of Newcastle and Nelson, in the County of Northumberland.

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 recommend that the further consideration thereof be postponed for three months; and it was thereupon

RESOLVED, That the further consideration thereof 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 authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephen, in the said County for the erection of a Wharf at the Public Landing at Salt Water in the said Parish.

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 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 to establish a Division Line between the Parishes of Northampton and Brighton, in the County of Carleton.

The Honorable Mr. Peters 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.

The Honorable Mr. Peters, from the Select Committee appointed to examine and report upon all 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 incorporate the Westmorland Mining Company," and have prepared certain amendments thereto, 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.

The Honorable Mr. Wyer, by leave, presented a Petition from the President of the Lancaster Mill Company, praying that a Bridge may be built over the Musquash River with a Draw in it.

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 George Taylor, of Chatham, praying a return of Duties paid on Flour:

A Petition from Barnaby Julian, and sixteen other Indians of Northumberland, praying aid to complete a Chapel in the County of Northumberland: and

A Petition from the Proprietors of the line of Stages between Dorchester and Saint John, praying for Legislative aid.

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 John Sears, of Saint John, praying a return of Duties paid on Coffee destroyed by Fire in the year 1839: and

A Petition from Messrs. Crookshank and Walker, of Saint John, praying a return of Duties on fifty six hogsheads of Molasses exported to Halifax in the year 1840.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

FRIDAY, 12th February, 1841.

PRESENT.

THE HON.

*Mr. Shore.*  
*Mr. Peters.*  
*Mr. Robinson.*  
*Mr. Botsford.*  
*Mr. Wyer.*  
*Mr. Kinnear.*

*Mr. Baillie.*  
*Mr. Allanshaw.*  
*Mr. Saunders.*  
*Mr. Chandler.*  
*Mr. Hatch.*

The Honorable Mr. Shore sat President.

PRAYERS.

Messages from His Excellency the Lieutenant Governor were delivered by the Honorable Mr. Saunders, 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,*

*10th February, 1841.*

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor submits to the Council a proposition made by Mr. Hayne, the Agent of the Nova Scotia and New Brunswick Land Company, for the final adjustment and settlement of the account for the purchase of Land by that Company, which the Lieutenant Governor recommends to the favorable consideration of the Council.

J. H.

*Stanley, February 6, 1841.*

SIR,—Although loath to trespass on the valuable time of His Excellency the Lieutenant Governor at this busy season, I trust you will consider the adoption of this course to be fully justified by the importance of the occasion, which indeed I believe to be the legitimate, if not the only one left open to me, for bringing the affairs of the New Brunswick and Nova Scotia Land Company under the consideration of the Legislature of the Province.

With this impression then, I beg to preface my communication by assuring you of the anxiety of the Company to bring all existing differences to a speedy and an amicable adjustment, and which differences, I must here add, have arisen solely from the fact of the Company not having been furnished with such a Survey and Plan of their Tract of Land, as that to which Lord Glenelg, in a letter to Mr. Maubert, of the 21st December, 1835, has stated the Company to be strictly and justly entitled.

His Excellency being aware of the purport of the Resolution passed by the Honorable House of Assembly on the 28th March last, relative to the Instalments due on the Company's purchase, and to the charge of Interest on the arrears, will scarcely be surprised at my pressing the subject on His notice prior to any further discussion on the matter by either of the Legislative Bodies.

With regard to the Balance due—The Company consent to pay with promptitude the amount in two Instalments; but the Company relying on the liberality of the Legislature and on its own desire to meet the wishes of the Provincial Government, trust that the claim for Interest will no longer be urged.

In stating to His Excellency that the Company were wholly unprepared for the demand for Interest on the monies due, I consider it my duty to advance some of the grounds on which they rest their claim for indulgence on this account:—In the first place, no provision is made in the original contract for the payment of Interest; but having herein set out by expressing a desire for an amicable termination to all differences, I disclaim all intention to raise a legal question on the spirit and intent of the said contract. Secondly, delays have taken place in the execution of the Survey, as will be seen by the correspondence of the late Surveyor General; which will also shew that imperfections must exist in the Survey of the Company's Tract of Land. Thirdly, although the professed intention of the Company was to settle and cultivate the Wilderness Lands, no express stipulation to this effect is introduced in the contract. I therefore with confidence hope His Excellency will give the Company due credit for having fully acted up to the spirit of the intention, first by refusing to sell large tracts of Land to the speculators of 1835 and 1836, which otherwise might have been done with large profits; and then by the introduction of Settlers into the Province; by extensive clearances of their Wilderness Lands; by the expenditure in short of upwards of £100,000 in their endeavours to encourage Emigration and the settlement of their Lands. Viewing, therefore, the efforts of the Company to promote the object of their speculations, and the injurious effects arising out of the non-completion of a perfect Survey, (the least of which is not that of the Interest now demanded,) I pray His Excellency's support, in claiming the immense outlay of the Company, as a just offset to all demands for Interest on the Monies considered to be due. I cannot conclude the subject of the improvements effected by the Company, without informing you, that they are still disposed to follow up their original plan in spite of their losses; and with this view they have conditionally engaged to send out a few experienced Agriculturalists, of good character, to settle on Land which is to be prepared for their reception at the expense of about Eighty pounds sterling per Lot of 200 acres. I feel warranted, besides, by the lively interest His Excellency has ever taken in the promotion of Agricultural pursuits, in requesting you to hand to His Excellency the accompanying Abstract, shewing the

amount of Land cleared by the Company—the produce of this Land in 1840—and the quantity of Stock the bona fide property of the Settlers on the Company's Land. These facts, while they will both surprise and please His Excellency, will at the same time fail not to convince His Excellency that the Company's operations have been, and are likely to be beneficial to the interests of the Province, if they do not prove so to their own.

It is with feelings of the greatest satisfaction I have learnt that the payment made by the Company in 1840, amounting to £16,000 sterling, has been received by many Members of the Legislature as an earnest of their intention to meet all just demands on account of their purchase, both promptly and honorably; and satisfied of a desire to extend every reasonable indulgence to the Company, they willingly throw themselves on the consideration and liberality of the Provincial Legislature: And with a view to an early settlement of all matters in dispute, I beg to submit for His Excellency's consideration the following proposals, viz:—

1st.—That the Company bind themselves to pay the balance found to be due on their purchase, in two equal annual instalments, the one to be paid on the 30th November, 1841, and the other on the 30th November, 1842.

2d.—That the Legislature make an abatement of 5 per cent. on the superficial content of their tract of Land, as a compensation for imperfections and inaccuracies of survey, and for Lakes and Rivers within their bounds.

3d.—That the Legislature refund the amount received at the Crown Land Office, for stumpage on Timber, &c. cut from off the Company's Land, pending the negotiations for purchase.

4th.—That a plan of the Company's Land, on a scale of 50 chains to an inch be placed in the Company's hands at the earliest convenience of the Surveyor General.

Should this proposal for a final adjustment of all existing differences fully meet the views of His Excellency, I shall encourage a hope that the Company will be favoured with the cordial support of His Excellency in bringing about the settlement of a question which has retarded the operations of the Company, which has been highly prejudicial to its interests, and which has moreover most unfortunately drawn down the ill-will of the Legislature.

I have the honor to be, Sir,

Your obedient humble servant,

(Signed)

R. HAYNE,

Commissioner N. B. & N. S. Land Company.

HENRY HARVEY, Esquire, Private Secretary, &c.  
Government House, Fredericton.

#### ABSTRACT STATEMENT

*Of the Crops raised in 1840, of the Lands cleared up to October last, and of the Stock possessed by the Settlers on the Lands belonging to the New Brunswick and Nova Scotia Land Company.*

1. Grain and Root Crops raised in 1840,	15,460 Bushels.
2. Hay,	194 Tons.
3. Land cleared, up to October, 1840,	1,550 Acres.
	33 Horses.
4. Stock, the bona fide property of the Settlers, on the 31st December, 1840, exclusive of that possessed by the occupants of the improved Farms, privately purchased by the Company.	113 Head of Horned Cattle.
	45 Sheep.
	100 Pigs.
	Poultry in proportion.

R. HAYNE,

Commissioner N. B. & N. S. Land Company.

January 30, 1841.

NEW BRUNSWICK,  
Message to the Legislative Council,  
10th February, 1841.

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor submits to the Council a statement of Mr. Kinnear, one of the Queen's Counsel, of expences incurred, and services performed in the investigation respecting the burning of the Church at Grand Manan, and recommends that provision be made for defraying this expence, and for remunerating the services performed.

J. H.

Fredericton, 9th February, 1841.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honor to lay before Your Excellency a statement with reference to my services as Queen's Counsel, on the prosecution ordered by Your Excellency, for burning the Church on Grand Manan, in 1839.

My actual expences, on the several occasions on which I was called to Saint Andrews, amounted to £15 8 4, and I should not think a fee of 25 Guineas for conducting the investigation, and the same for managing *alone* the Criminal Prosecution, in the room of the Attorney General, would be considered an unsuitable pecuniary charge for the heavy responsible duties I had to discharge on those occasions. Before proceeding to the Island I had twice to visit Saint Andrews, and on the morning of New Year's day was obliged to leave Saint John for the Island, having been absent from home, altogether, in the first instance, in the dead of winter, seventeen days. On the second occasion, when I received Your Excellency's commands to conduct the Trial at Saint Andrews, in consequence of other engagements of the Attorney General, I was absent fifteen days, entirely on this business.

I have the honor, &c.

W. B. KINNEAR, Q. C.

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

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 in amendment of the Law regulating Juries: .

A Bill to incorporate the Grand Falls Company: and

A Bill to authorize the Justices of the Peace of the County of Carleton to assess the said County to pay off the County Debt.

The said Bills were severally read a first time.

ORDERED, That the Bill to authorize the Justices of the Peace of the County of Carleton to assess the said County to pay off the County Debts be read a second time to-morrow.

ORDERED, That the Bill in amendment of the Law regulating Juries be read a second time on Monday next.

ORDERED, that the twenty-third rule of this House be dispensed with as regards the Bill to incorporate the Grand Falls Company, and that the same be read a 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 brought from the Assembly, by Mr. Hill, with the following Bills, to which they desire the concurrence of this House:—

A Bill in further amendment of the Law :

A Bill in addition to an Act, intituled " An Act relating to Landlord and Tenant : " and

A Bill to continue and amend an Act, intituled " An Act for the relief of old Soldiers of the Revolutionary War and their Widows. "

The said Bills were read a first time.

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

Pursuant to the Order of the Day, the Bill to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen, 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 read a second time:—

A Bill further in amendment of the Law and better advancement of Justice: and

A Bill for the Naturalization of Aliens in this Province.

ORDERED, That the House be put into a Committee of the whole on Monday next, to take these 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 authorize Her Majesty's Justices of the Peace of the County of Gloucester to contract for the erection of a new Gaol in the said County, and for other purposes therein mentioned.

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.

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 County of Charlotte to assess the Parish of Saint Stephen, in the said County, for the erection of a Wharf on the Public Landing at Salt Water, in said Parish.

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.

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 the Mines and Minerals in the County of Gloucester.

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.

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 Westmorland Mining 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 same, 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 Preamble, and insert the following:—

“Whereas the efficient opening and working of Coal Mines, in the Parish of Dorchester, in the County of Westmorland, will be highly advantageous to the Province; and whereas the amount of Capital necessary to be invested in such an undertaking renders it essential that the Company engaged therein should be incorporated;”

At B. in Section I. expunge the words, “for the purpose mentioned in the Preamble of this Act.”

At C. add the words, “for the purpose of opening and working of Coal Mines, in the Parish of Dorchester, in the County of Westmorland, and establishing all necessary works therewith connected, and for the convenient carrying on and managing the same.”

At D. in Section II. expunge the whole Section and insert,

“And be it enacted, That the first meeting of the said Corporation shall be held at Dorchester, in the County of Westmorland, and shall be called by John Alexander, or in case of his death, neglect or refusal by any two of the said Company, by giving at least twenty days’ notice in the Royal Gazette published in this Province, previous to such meeting.”

At E. in Section VI. expunge the Section.

At F. expunge “VII.” and insert “VI.”

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 further consideration the Bill to establish a Division Line between the Parishes of Northampton and Brighton, in the County of Carleton.

The Honorable Mr. Peters 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, which they recommend 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. expunge the remainder of the Bill, and insert the words, “from thence a true east course until it strike the eastern boundary line of the County, any law to the contrary notwithstanding.”

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. Woodward, with a Bill to authorize the Justices of the Peace for the City and County of Saint John to levy an assessment to pay off the County Debt.

The said Bill was read a first time.

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

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

A Petition from the Commissioners of the Alms House in York County, praying that the sum of £144 be allowed them for supporting transient Poor: and

A Petition from William Woodforde, M. D., relating to duties performed by him for indigent emigrants.

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 James White, William Livingstone, Ezekiel Barlow, and others, of the City of Saint John, praying a sum of money for the School in Saint John for the instruction of children of African origin: and

A Petition from the Mayor, Aldermen and Commonalty of Saint John, praying a Bill may pass authorizing them to establish a Fish Market in one of the Public Slips of the City.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

SATURDAY, 13th February, 1841.

PRESENT.

THE HON.

*Mr. Shore.*  
*Mr. Peters.*  
*Mr. Robinson.*  
*Mr. Botsford.*  
*Mr. Chandler.*  
*Mr. Hatch.*

*Mr. Baillie.*  
*Mr. Allanshaw.*  
*Mr. Saunders.*  
*Mr. Lee.*  
*Mr. Wyer.*  
*Mr. Kinneear.*

The Honorable Mr. Shore sat President.

PRAYERS.

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

A Bill to establish a Division Line between the Parishes of Northampton and Brighton, in the County of Carleton: and

A Bill to incorporate the Westmorland Mining Company.

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

A Bill to authorize the Justices of the Peace for the County of Charlotte, to assess the Parish of Saint Stephen, in said County, for the erection of a Wharf on the Public Landing at Salt Water, in said Parish:

A Bill relating to the Mines and Minerals in the County of Gloucester: and

A Bill to authorize Her Majesty's Justices of the Peace for the County of Gloucester to contract for the erection of a new Gaol in the said County, and for other purposes therein mentioned.

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 authorize the Justices of the Peace of the County of Carleton to assess the said County to pay off the County Debts: and

A Bill in further amendment of the Law:

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

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

A Bill in addition to an Act, intituled "An Act relating to Landlord and Tenant:"

A Bill to continue and amend an Act, intituled "An Act for the relief of old Soldiers of the Revolutionary War and their Widows:" and

A Bill to authorize the Justices of the Peace for the City and County of Saint John to levy an assessment to pay off the County Debt.

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

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 for the better and more effectual securing the Navigation of the Newcastle River in Queen's County."

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 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.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to permit the establishment of a Fish Market in one of the Public Slips in the City of Saint John.

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.

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

Petitions from John Kerr, Edward L. Jarvis and Company, and William A. Robertson, Merchants of the City of Saint John, severally praying Duties on Bricks received from them may be returned, the articles having been imported to rebuild their establishments, destroyed by Fire in the year 1839.

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 Asa Davidson, John Brittain, William Simpson, and five hundred and sixteen other inhabitants of King's County, praying a Bill may pass increasing the Representation of the County:

A Petition from Thomas Carson, of the Parish of Saint Patrick, in the County of Charlotte, setting forth his having purchased from Government a Lot of Land in the year 1832, that he has complied with the conditions of Sale, and from reasons unknown to him a grant cannot pass to him, and that he is also threatened with a prosecution as a Trespasser, and asking relief from the Legislature for compensation for the expense and labour incurred by him under the purchase: and

A Petition from David B. Wetmore, John Barbarie, and fifty other inhabitants of the Parishes of Norton and Kingston, in King's County, praying for an alteration in the Division Line between the said Parishes.

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

The Honorable Mr. Allanshaw, by leave, presented a Petition from Samuel M'Curdy, Teacher of the Madras School at Saint Andrews, praying the usual Provincial allowance to Parish Schoolmasters may be granted to him, in addition to his present Salary, for reasons set forth in his Petition.

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

*Adjourned until Monday next, at 12 o'clock.*

# Legislative Council Chamber.

MONDAY, 15th February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Lec.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

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,*

13th February, 1841.

J. HARVEY, Lt. GOVERNOR.

With reference to the Despatches laid before the Council on the 27th of January, relative to the improvement of the Lines of Communication between Halifax and Quebec, the Lieutenant Governor now submits to the Council, two Reports of Mr. Maclauchlan, the Supervisor, on the same subject, to which the serious and favorable consideration of the Council is invited, not only as connected with the views of Her Majesty's Government, but also as a means of securing the transmission of the Mails by a route so highly advantageous to the interests of New Brunswick; and the Lieutenant Governor therefore recommends that provision be made for the performance of this important service.

J. H.

[*See Appendix, No. 11.*]

The Honorable Mr. Shore also lays before the House, a Report of the Commissioners appointed by the Lieutenant Governor to report respecting the best manner and the practicability of establishing a Daily Mail from Halifax to Saint John: and

A Report of Lauchlan Donaldson, Surveyor of Light Houses in the Bay of Fundy, on the state of Light Houses in the Bay of Fundy.

[*See Appendix, No. 12.*]

ORDERED, That the Documents do lie on the Table.

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

A Bill to continue an Act, intituled "An Act for the better and more effectual securing the Navigation of the Newcastle River, in Queen's County:" and

A Bill to permit the establishment of a Fish Market in one of the Public Slips 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 in amendment of the Law regulating Juries 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 in further amendment of the Law.

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.

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 of the County of Carleton to assess the said County to pay off the County Debts.

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 provide for the expenses of Grand and Petit Jurors in 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 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. Hill, with a Bill to amend an Act, intituled "An Act to regulate proceedings before Justices of the Peace in Civil Suits," 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. Rankin, with a Bill for the better and more effectual securing the Navigation of the River Miramichi, in the County of Northumberland, and to protect the Fisheries on the said River, 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. Wyer, by leave, presented a Petition from George Ewart Thomas Flemming, Simon C. Morse, and one hundred and ninety eight others, inhabitants of Charlotte, praying that no Crown Duties may be taken for Shingles made for the West India Market, and that a protecting Duty may be imposed on all Foreign Shingles brought into the Province.

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

The Honorable Mr. Peters, from the Select 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, report that they have had under consideration "A Bill to incorporate the Grand Falls Company," they have prepared certain amendments thereto, 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 the Report of the Select Committee thereon, into consideration.

*Adjourned until To-morrow at 11 o'clock.*

# Legislative Council Chamber.

TUESDAY, 16th February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Kinnear.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Saunders.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace of the County of Carleton to assess the said County to pay off the County Debts, 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 amend an Act, intituled "An Act to regulate proceedings before Justices of the Peace in Civil Suits," was read a second time.

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

Pursuant to the Order of the Day, the Bill for the better and more effectual securing the Navigation of the River Miramichi, in the County of Northumberland, and to protect the Fisheries in the said River, 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 in addition to an Act intituled "An Act relating to Landlord and Tenant."

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 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 incorporate the Grand Falls 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 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.

A Message was brought from the Assembly, by Mr. M'Leod, with a Bill to alter the Division Line between the Parishes of Kingston and Norton, in King's 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.

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 and amend an Act, intituled "An Act for the relief of old Soldiers of the Revolutionary War and their Widows."

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 authorize the Justices of the Peace for the City and County of Saint John to levy an assessment to pay off the County Debt.

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.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to provide for the expenses of Grand and Petit Jurors in the County of Charlotte.

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.

On motion—

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 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 insert the following Section:—

“ III. And be it enacted, That if any person, taking and subscribing the Oath or Affirmation required by this Act, shall falsely swear or affirm as to the fact of residence in such oath or affirmation contained, such person so falsely swearing or affirming shall be deemed guilty of perjury, and shall be liable to the pains and penalties incident by law to the crime of perjury; and moreover, upon conviction of such offence shall be adjudged to have forfeited and lost, and shall forfeit and lose all the privilege of a natural born subject, to which he or she might otherwise have been entitled by virtue of having been naturalized under this Act.”

At B alter the number of the Section to Section IV.

At C in the Schedule, expunge the remainder of the Oath.

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.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to continue and amend an Act, intituled “ An Act to restrain the provisions of the fifth Section of an Act, intituled ‘ An Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Lands and Timber in certain cases.’ ”

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 the Trustees of the Savings’ Bank in the City of Saint John, praying the Treasurer of the Province, or his Deputies, may be authorized to receive deposits from the Trustees of Savings’ Bank, a sum to the amount of £20,000:

A Petition from the Justices of the Peace of the City and County of Saint John, praying an Act may pass for altering the mode of raising money to pay for the erection of an Alms House, and for a grant of money to assist to pay for the Building:

A Petition from the same Justices for a sum of money to reimburse the Overseers of Poor for supporting the Lunatic Assylum:

Petitions from James Lockwood and Company, Thomas M’Avity and Company, John V. Thurgar, Willard Buchanan and Company, and Otis Small, Merchants of the City of Saint John, respectively praying certain Duties paid on Bricks, Granite and Slate imported by them, and used in erecting buildings on the burnt District in the City, may be returned to them:

A Petition from George Ball, of the City of Saint John, praying a return of Head Monies on Passengers brought to Saint John:

A Petition from John Brass Robertson, Master of the Brig Cleofrid, with a similar prayer: and

A Petition from Thomas Barlow, Daniel Leavitt, Noah Disbrow, George A. Lockhart, and others, praying for the establishment by Law of a Copper Coinage.

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

*Adjourned until To-morrow at 12 o’clock.*

# Legislative Council Chamber.

WEDNESDAY, 17th February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Kinnear.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Saunders.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Hatch.*

PRAYERS.

The Honorable the President presented to the House a Bill, intituled "An Act in addition to the Acts relating to the Circuit Courts."

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 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 the said Bill with amendments, to which they desire the concurrence of the Assembly.

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

A Bill to authorize the Justices of the Peace for the City and County of Saint John to levy an assessment to pay off the County Debt: and

A Bill to continue and amend an Act, intituled, "An Act for the relief of old Soldiers of the Revolutionary War and their Widows."

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 alter the Division Line between the Parishes of Kingston and Norton, in King's County, 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 further consideration the Bill to incorporate the Grand Falls 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 through the Bill, they had made certain amendments thereto, which they recommended to the adoption of the House.

ORDERED, That the report be received.

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

At A in Section I. expunge the remainder of the Section, and insert the words—"and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Sluice Way, Dams, Booms and Piers, at and near the Grand Falls on the River Saint John, for the more convenient passage and security of Timber, Lumber and Logs passing down the same."

At B in Section II. insert the words, "within the distance of one mile and a half."

At C insert the words, "or to erect any Dam or Dams across said River, either above the Grand Falls or below the Lower Landing so called."

At D in Section III. expunge the words, "and above any other charge," and insert the words, "the ordinary charge for Boomage."

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 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 continue and amend an Act, intituled

"An Act to restrain the provisions of the fifth Section of an Act, intituled 'An Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Lands and Timber in certain cases.'"

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 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 words, "except so far as the same is hereby amended."

At B expunge the words, "together with this Act."

At C expunge the II. Section.

At D in the title, expunge the words, "and amend."

And the amendments being read a second time, and upon the question of concurrence being put, on the same, the House divided—

CONTENT.	NON-CONTENT.
Mr. Chief Justice.	Mr. Baillie.
Mr. Shore.	Mr. Wyer.
Mr. Peters.	
Mr. Allanshaw.	
Mr. Robinson.	
M. Saunders.	
Mr. Botsford.	
Mr. Lee.	
Mr. Chandler.	
Mr. Hatch.	
Mr. Kinnear.	

And so it passed in the affirmative.

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 the following Bills, to which they desire the concurrence of this House:—

A Bill to amend an Act, intituled "An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John."

A Bill in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John:

A Bill relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish: and

A Bill to extend the provisions of an Act, intituled "An Act to encourage the establishment of Banks for Savings in this Province."

The said Bills were severally read a first time.

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

A Message was brought from the Assembly, by Mr. Wilson, that the Assembly had agreed to the amendments made by this House to the Bill to incorporate the Westmorland Mining Company.

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 better and more effectual securing the Navigation of the River Miramichi, in the County of Northumberland, and to protect the Fisheries on the said River.

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.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill in amendment of the Law and the better advancement of Justice.

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, 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. End, with a Bill to declare the Law relating to the Registering of Judgments and Recognizances, 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 27th day of January last, and recommended that the House should concur in the same, and asked leave to sit again.

Whereupon the Resolutions of Appropriation dated the 27th day of January 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.

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

A Petition from William Abrams, James Gilmour, and twenty four other inhabitants of Northumberland, praying Legislative aid in support of a Grammar School in the Parish of Newcastle: and

A Petition from Daniel Sullivan, praying compensation for the performance of a Road Contract taken under Mr. Goodfellow, a Supervisor.

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

The Honorable Mr. Wyer, by leave, presented a Petition from Isaac Perry, John Brittain, and one hundred and eighty eight other persons, inhabitants of Kingston, praying the Bill to alter the Division Line between that Parish and Norton, may not pass into a Law.

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

The Honorable Mr. Chandler, by leave, presented a Petition from William Eagles, Michael Fisher, Barnes Travis, and other inhabitants of Portland, praying aid to complete the Canal from the head of South Bay to the River Saint John, near Indian Town.

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

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

A Petition from Joseph Reid, and fifty eight other inhabitants of Bathurst, praying a part of the Legislative assistance may be granted to Robert Matheson for teaching a Grammar School in the said Town:

A Petition from the said Robert Matheson, with a like prayer: and

A Petition from Hugh A Caie, and one hundred and forty three other persons, praying a special grant to the Road from Pokemouche to Shippegan.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

THURSDAY, 18th February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Allanshaw.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

The Honorable Mr. Shore, by direction of His Excellency the Lieutenant Governor, lays before the House a Communication made to His Excellency by the Honorable the Master of the Rolls, on the subject of the Law regarding the practice of the Court of Chancery, as prayed for by the Address of this House on the 29th day of January last.

Those Documents were read by the Clerk as follows:—

*Fredericton, 17th February, 1841.*

SIR—I have the honor to acknowledge the receipt of your letter of 2d February, instant, transmitting a copy of a Resolution of the Legislative Council of the 29th January last, on the subject of certain objections to an Act of the Provincial Legislature, of the second year of Her present Majesty, for the improvement of the Practice of the Court of Chancery, stated in a Despatch of the Right Honorable Lord John Russell, of the 23d May last, and also a copy of the Despatch referred to, in order that I may consider and report my observations on the several objections.

The objections are four in number.

1st. In regard to the power given to the Judge over the Practice and Constitution of the Court.

2d. In respect to the taking of Bills *pro confesso*.

3d. In reference to execution of decrees, and the examination of Witnesses.

4th. Respecting the Table of Fees.

I now beg to submit the accompanying observations in regard to the several objections, in the order in which they occur, with a copy of the Fee Table.

I have the honor to be, Sir,

Your most obedient servant,

N. PARKER, M. R.

The Honorable WILLIAM F. ODELL, Provincial Secretary.

1. The Act of Assembly provides that “the Chancellor, by and with the advice and consent of the Master of the Rolls, shall have full power and authority from time to time, to direct and declare the forms of process, and to prescribe, modify, alter and amend the practice and proceedings to be observed in all matters, of which the Court has or hereafter may have cognizance and jurisdiction.”

This provision certainly gives the sanction of the Legislature to the establishment and regulation of the Practice of the Court, by the Chancellor and Master of the Rolls; and this without any express supervision and control.

It may however be observed, that similar powers have been sanctioned by the Legislature, both in England and in the Colonies, and that though in the mother Country, particular points of Practice have been at different times the subject of special legislation, yet the system in the English Court of Chancery, has mainly grown out of a series of Orders, made from time to time for the regulation of its proceedings, by the Officers presiding therein. The course of modern legislation moreover in particular, has been in a great degree to leave to the Courts themselves, the regulation of their own Practice, the power remaining in the Legislature of interfering at all times notwithstanding, whenever occasion might appear to call for its special interposition.

In a late English Act for the further amendment of the Law, a clause has been introduced, requiring the Rules of Practice framed by the Judges under its authority, to be laid before the Legislature, and restraining their operation until a certain period thereafter. A similar clause might have been introduced into the Act under consideration, and an enactment to the same effect may still be made by way of amendment, which would operate on all future Orders. An objection to this arises out of the inconvenience which may at times occur from the delay thus interposed in altering a Rule of Practice which may have been found to operate injuriously, or in making a new one which circumstances might render necessary. It is also to be apprehended, that the supervision thus provided for, would be rather nominal than real. On the other hand, the attention of the Legislature being thus invited to the regulations so submitted, they would thus obtain the tacit approbation of the Assembly, in case no enactments were made to restrain their operation. It is questionable how far the advantage obtained would counterbalance the objection already stated.

It is to be observed, that neither the Act of Parliament, 3d and 4th Wil. 4, cap. 94, nor the Act 4th and 5th Wil. 4, cap. 78, contain any such restriction to the authority thereby given, for the alteration of the Practice in Chancery in England and Ireland, respectively. The former of these two Acts, after having made sundry previous provisions, goes on to enact, that the Lord Chancellor, with the advice of the Master of the Rolls or Vice Chancellor or either of them, may make such General Orders as they shall think fit, for carrying the provisions of that Act into operation, “and such other Rules and Orders” not inconsistent with the enactments and the provisions of that Act, “as they shall think fit and proper, for simplifying, establishing and settling the course of Practice of the said

“ Court and of its several Officers.” And by the following Section he is authorized by the like General Orders, “ from time to time to annul, alter or vary, any Orders which may have been so as “ aforesaid made or issued, and to issue new Rules and Orders for the purpose.”

The Act for the amendment of the Practice and Proceedings of the Court of Chancery in Ireland, 4th and 5th Wil. 4, cap. 78, in like manner provides, that the Lord Chancellor, by and with the advice and assistance of the Master of the Rolls, may make and issue such General Orders as he may think fit, for abolishing or altering any Writ or Writs of Process or any pleading or course of proceeding in the said Court, and then proceeds to give the same general authority for making Rules for the simplifying, establishing and settling, and for annulling and altering the same, and issuing new Rules of Practice as is contained in the Act relating to England already cited.

The Act of the Upper Canada Legislature, 7th Wil. 4, cap. 2, provides that the Vice Chancellor shall have full power and authority from time to time, to settle and declare the form of Process, and to define the Practice and Proceedings to be observed in the said Court, to regulate the amount of Fees to be taxed, and make such other Rules and Regulations respecting the Practice in the said Court, as shall in his opinion be necessary to facilitate the despatch of business and occasion the least expense.

Beside Parliamentary controul, it is not easy to discover any other means of supervision. To make the regulation of the Court subject to the approbation of any other body, would impose strange duties on the body so selected, and be anomalous and otherwise objectionable.

It may further be remarked, that the powers inherent in all the Superior Courts, to regulate the proceedings and prescribe the Practice in regard to the subject matters of their jurisdiction, are necessarily extensive, and that the present Act to a great extent but sanctions what would have been within the authority of the Court, independent of legislation. As however the limits of this authority are not very clearly defined, the exercise of its power to the extent that would seem necessary in the establishment of a system of Practice suited to the circumstances of the Country, would appear to render a Legislative sanction highly expedient even when it might not be absolutely indispensable.

2 and 3. The Act having thus in express terms conferred a general power for framing Rules of Practice, contains special enactments on several heads of principal importance, viz: the dismissal of Bills, the taking them *pro confesso*, the examination of Witnesses and the execution of Decrees. The object of these clauses would seem to be rather to indicate certain general principles on these points and to furnish an outline for the guidance of the Court in forming its regulations, than professing to lay down precise rules, leaving the details to the Court itself. For this purpose its provisions seem to be advisedly framed so as to leave the Court unfettered by too restrictive provisions. This course of proceedings will perhaps appear less objectionable when it is considered that a different one would have involved the Legislature in the details of Chancery practice, for which it would have scarcely felt prepared.

Thus with regard to taking Bills *pro confesso* the Act is not imperative, but authorizes this proceeding in the case of the default of the Defendant, subject nevertheless to such rules and restrictions as may be established by the orders of the Court in that behalf.

The practice of taking Bills *pro confesso* prevails in England, 1st. in certain cases where Defendants are beyond the jurisdiction and not served with process; 2d. where the Defendant is served and is in custody; 3d. where, whether in custody or not, he has appeared but does not answer. The proceeding in the two latter cases is sufficiently guarded, but the same result is arrived at in the end, though after much delay and several intermediate proceedings, which certainly increase the expense while the benefit to the Defendant for whose advantage and protection they are introduced, is very doubtful. The Act under consideration aims at establishing a more expeditious course, not however contemplating, as has been seen, an unrestricted application of the rule in cases of default. An amendment may however, as it appears to me, be properly introduced restricting the authority of the Court in pronouncing such Decree to those cases only where the Defendant has not fully answered any Bill or amended Bill filed against him.

With regard to the provision for the execution of Decrees and the examination of witnesses, from the view already taken of the Act, it may be doubted how far it would be advisable at present to interfere.

The Act having passed the Legislature and received the assent of His Excellency the Lieutenant Governor in March, 1839, and Rules of Practice having been subsequently promulgated which have been since acted upon, it will be for the consideration of the Legislature whether these circumstances may not, on consideration by Her Majesty's Government, be deemed a sufficient reason for leaving the Act on these points to its operation.

4th. The fourth objection relates to the power given to the Chancellor and Master of the Rolls to establish at their own discretion a Table of Fees. The Act so far differs from the English Act that it does not require that the Table should be laid before the Assembly. The duty being however imposed upon the Court it became necessary to act upon it; but involving as it did a principle of great importance, it was not deemed advisable, although permitted by the Act, that the new Table of Fees should go into operation until after the reassembling of the Legislature, and until it had been first submitted to several of the professional Members of the Assembly. As however after this was done the House did not think proper to Legislate upon the subject it was subsequently promulgated, and has been since acted upon. A copy of the Table accompanies this Report.

Respectfully submitted.

N. PARKER, M. A.

[See Appendix, No. 13.]

Pursuant to the Order of the Day, the Bill to incorporate the Grand Falls Company, 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.

The Order of the Day being read for the third reading of the Bill to continue and amend an Act, intituled “ An Act to restrain the provisions of the fifth Section of an

Act, intituled 'An Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Lands and Timber in certain cases,' the said Bill was accordingly read the third time.

Then the following further amendment was made to the said Bill:—

At Aa in Section I. insert the words, "made and passed in the first year of the Reign of Her present Majesty."

The question was put, "whether this Bill, with the amendments, shall pass?"

It was Resolved 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 said Bill, with amendments, to which they desire the concurrence of the Assembly.

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

An Act in addition to the Acts relating to Circuit Courts:

A Bill to amend an Act, intituled "An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John:

A Bill in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John: and

A Bill to extend the provisions of an Act, intituled "An Act to encourage the establishment of Banks for Savings in 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 following Bills were severally read a second time:—

A Bill to declare the Law relating to the Registering of Judgments and Recognizances: and

A Bill relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish.

ORDERED, That the House be put into a Committee of the whole on Monday next, 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 alter the Division Line between the Parishes of Kingston and Norton, in King's 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, 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 regulate proceedings before Justices of the Peace in Civil Suits."

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, and recommended that the further consideration of the same 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 for the better and more effectual securing the Navigation of the River Miramichi, in the County of Northumberland, and to protect the Fisheries on said River.

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.

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,*  
 17th February, 1841.

J. HARVEY, LT. GOVERNOR.

With a view to bring under the notice of the Council a subject so deeply affecting the interests of the Province as the proposed modifications of the Charter of King's College, of which the object is to increase its popularity and usefulness, the Lieutenant Governor lays before the House an Extract of a Despatch from the Right Honorable the Secretary of State, pointing out the mode of proceeding which His Lordship recommends to be adopted for effecting this object.

To this document the Lieutenant Governor adds the copy of a Memorial from certain leading Members and Ministers of the Scottish, Wesleyan and Baptist Congregations, which has been laid by the Lieutenant Governor before the College Council, but upon which no definite action has yet been adopted by that Body.

It is proper to state, that a clause has been adopted by the College Council, with a view to its being introduced into the new Charter, giving full effect to the suggestion contained in the concluding paragraph of Lord John Russell's Despatch.

J. H.

(Extract.)

[No. 87.]

*Downing Street, 3d November, 1840.*

SIR,—I have received your Despatch, No. 67, of the 10th September, requesting my decision as to the mode in which the proposed modification of the Charter of King's College shall be effected.

Under all circumstances, I conceive the better course to be to issue a new Charter from the Crown.

You will accordingly invite the Council to execute a formal surrender of the existing Charter, and to prepare the Draft of the new one which they would desire. With a view to avoid the necessity of altering the Draft after its receipt here, or the delay of a reference back to the Colony, I think it desirable that it should in the first instance be submitted to you, in order that you may have an opportunity of suggesting and effecting any amendments which may appear to you necessary. The Council should also nominate some person in this Country as their Agent, with authority to assent to, or dissent from any modification of the terms of the Draft, for which, on the behalf of the Crown, it may be thought fit to stipulate, and to defray the expenses attending the issue of a Charter under the Great Seal.

As the object of this measure is to increase the popularity and usefulness of the College, it will be for you to determine, when the terms of the Draft are matured, whether it would be desirable to submit them for the approval of the House of Assembly. But if the Assembly moves in the question at all, it ought to do so by Address and not by Bill.

With regard to the exemption of Students from compulsory attendance on Divine Service, according to the rites of the Church of England, I beg to observe that the Statutes do not effect the object which I had in view.

They merely confer a dispensing power on the President or Vice President, whereas I intended that conscientious Dissenters should have a *right* to such exemption. You will use your best endeavours to obtain this privilege for them.

I have, &c.

(Signed)

J. RUSSELL.

Major General Sir JOHN HARVEY.

*His Excellency Major General Sir JOHN HARVEY, K. C. B. and K. C. H., Lieutenant Governor, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned having maturely considered the modifications proposed to be made in the Charter of King's College, of date the 18th February, 1840, find that the exclusive character of the Council under these would still remain, inasmuch as that Board would be, composed wholly of members of the Established Church of England.

That to remedy this, in the opinion of the undersigned, four Members at least should be added to those proposed by the Council, and also that the tests for degrees in Divinity in this University should be the same as the tests for Divinity degrees in the Universities of Oxford and Edinburgh, and that it should be in the power of the University, nevertheless, to confer a degree in Divinity on any Protestant Clergyman whose talents, piety and erudition might, in the opinion of the University, entitle him to such a mark of distinction, upon his signing a declaration in his belief in the Trinity, and the authenticity of the Holy Scriptures. Should these equitable and moderate concessions be made, the undersigned have no hesitation in saying that, in their belief, the numerous Members of the Church of Scotland and of the Methodist and Baptist persuasions in this Province would be satisfied—a fruitful cause of disension among Christians would be removed, and this Collegiate Institution, built and munificently endowed at the public expense, would be likely to prove a general benefit, instead of being, as heretofore, a source of discord and contention.

With the sincere desire of promoting so desirable a consummation these propositions are now submitted to your Excellency, with a request that your Excellency will be pleased to lay them before the College Council, at their first meeting.

The undersigned have the honor to be, with great respect,

Your Excellency's &c.

(Signed)

JOHN BIRKMYRE, D. D.  
 JAMES SOUTER, A. M.  
 W. B. KINNEAR,  
 L. A. WILMOT,  
 JOHN M. WILMOT.

*Fredericton, 9th February, 1841.*

The Honorable Mr. Chandler, presented to the House, a Bill, intituled "An Act to amend the Law relating to the practice in the Inferior Courts of Common Pleas."

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, that the Assembly had agreed to the amendments made by this House to the Bill to establish a Division Line between the Parishes of Northampton and Brighton, in the County of Carleton :  
and

With a Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a distinct Town or Parish, 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. Hatch, by leave, presented a Petition from William Mackintosh, Lorenzo Drake, James Morse, and other inhabitants of the Island of Grand Manan; praying that a School may be established on the Island, with a Salary allowed to the Teacher greater than at present is permitted by the General School Law in the Province.

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

#### DISSENTIENT

To the amendments to the Bill to continue and amend an Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Lands and Timber in certain cases."

Because, by the Speech of His Excellency the Lieutenant Governor at the opening of the present Session of the Provincial Parliament the important subject of Immigration was strongly recommended to the favorable consideration of the Legislature; which the present system of obliging Settlers to pay all money down for the Land they may wish to purchase, tends almost entirely to defeat, very few of that class of Immigrants who resort to this Province being possessed of sufficient means to enable them to do so.

Because, although the price of two shillings and sixpence per acre appears to be a reasonable sum for Wilderness Land, yet a heavy addition is made thereto by the Settler being obliged in very many cases (in consequence of so small a portion of the Lands of the Province being surveyed for settlement,) to pay for an isolated Survey of the piece of Land he may wish to obtain, thus actually making the price of his Land equal to four or five shillings per acre.

THOMAS BAILLIE.  
THOMAS WYER.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

FRIDAY, 19th February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Allanshaw.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hutch.*

*Mr. Kinnear.*

PRAYERS.

Pursuant to the Order of the Day, the Bill for the better and more effectual securing the Navigation of the River Miramichi, in the County of Northumberland, and to protect the Fisheries on said River, 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 following Bills were read a second time:—

A Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a distinct Town or Parish; and

The Bill, intituled “An Act to amend the Law relating to the Practice in the Inferior Courts of Common Pleas.”

ORDERED, That the House be put into a Committee of the whole on Monday next, 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 amend an Act, intituled “An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John.”

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.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill in further amendment of the Law.

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 Tuesday next.

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

A Message was brought from the Assembly, by Mr. Beardsley, that they had agreed to the amendments made by this House to the Bill to incorporate the Grand Falls Company.

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 encourage the establishment of Banks for Savings 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, 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 in addition to and in amendment of an Act

to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

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.

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 grant of money in aid of the House of Correction established in and for the City and County of Saint John:

A Petition from the same Justices, praying that the Overseers of the Poor for the City of Saint John and Parish of Portland may be repaid certain sums of money expended by them to relieve distressed Emigrants: and

A Petition from James Whitney, of Saint John, praying aid in paying for a Steam Vessel built by him to keep up a Communication between Saint John and Boston, and also for an annual grant for a term of years.

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

The Honorable Mr. Wyer, by leave, presented a Petition from Joseph Walton, of the County of Charlotte, praying the sum of £73 2s. 5d. overpaid in the purchase money of certain Lands may be refunded to him, and that no Bill may pass to tax the said Land.

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

*Adjourned until Monday next, at 12 o'clock.*

# Legislative Council Chamber.

MONDAY, 22d February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Builke.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

The Honorable the President lays before the House a general return of the Marine Insurance Company, on the first day of January, 1841, received by him from the Honorable the Secretary of the Province.

ORDERED, That the same do lie on the Table.

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

The said Resolutions were read the first time.

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

A Message was brought from the Assembly, by Mr. H. T. Partelow, with a Bill to alter the times for holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Sunbury, 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 Bill to extend the provisions of an Act, intituled "An Act to encourage the establishment of Banks for Savings 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 House was put into a Committee of the whole, to take into further consideration the Bill to amend an Act, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John."

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.

A Message was brought from the Assembly, by Mr. Fisher, with a Bill to impose a Tax on Wilderness Land for the improvement of the 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. Street, with a Bill to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, 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. Hanington, with a Bill relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland, 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 consideration the Bill to declare the Law relating to the Registering of Judgments and Recognizances.

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 Thursday 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 addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

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.

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. 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.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill relating to the summoning and attendance of Petit Jurors at the respective Sittings and Circuit Courts 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 Thursday next.

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

A Message was brought from the Assembly, by Mr. Hill, that the Assembly had agreed to the amendments made by this House to the Bill for the Naturalization of Aliens in this Province.

A Message was brought from the Assembly, by Mr. Jordan, with Resolutions of Appropriation, dated the 20th day of February, 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 the Bill in further amendment of the 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.

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

At A insert the following Preamble:—

“Whereas it is customary in this Province to give Notes payable in Timber, Country Produce, and other specific articles, and it is expedient to place such Notes on the

same footing, as regards the proof of consideration, with Promissory Notes payable in money."

At B expunge the remainder of the Bill and insert as follows:—

"All Notes in writing for a sum certain payable otherwise than in money, shall be deemed and held *prima facie* to import that they were given for a valuable consideration, in like manner as Promissory Notes for the payment of money."

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 to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a distinct Town or Parish.

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 Wednesday next.

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

The Honorable Mr. Hatch, by leave, presented a Petition from Soloman Vail, praying aid for services rendered by him in keeping a convenient Stage during the present winter, for the convenience of Travellers between Fredericton and Saint Andrews.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

TUESDAY, 23d February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

Pursuant to the Order of the Day, the Bill in further amendment of the Law, 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 following Bills were severally read a third time and passed:—

A Bill to amend an Act, intituled “An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John:” and

A Bill in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in, and for the City and County 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 to impose a Tax on Wilderness Land for the improvement of the Roads, 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 following Bills were severally read a second time:—

A Bill relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland:

A Bill to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County: and

A Bill to alter the times for holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Sunbury.

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, intituled “An Act to amend the Law relating to the practice of the Inferior Courts of Common Pleas.”

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.

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 16th day of February instant, 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 16th day of February instant, 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.

The Honorable Mr. Chandler, from the Committee appointed to consider the subject of the Despatch of the Right Honorable the Secretary of State for the Colonies, relating to the Bastardy Act 2 Vict. c. 42, presented a Report, which he read in his place.

ORDERED, That the Report be received.

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

The Committee appointed to consider the subject of the Despatch of the Right Honorable the Secretary of State for the Colonies, under date of 10th March last, relating to the Act of Assembly passed in the second year of the Reign of Her present Majesty, intituled “An Act to amend the Law relating to Bastardy,” and to report their observations thereupon to the House, report,—

That they have carefully considered the subject, as also the Report of the Poor Law Commissioners made in 1834, and the British Poor Law Amendment Act of 4 and 5 Wm. 4, c. 76, referred to in the Despatch.

The general objection stated by the Right Honorable the Secretary of State for the Colonies to the provisions of this Act is—that this Act *establishes* the system which existed in England before the passing of the “Poor Law Amendment Act.”

And the particular grounds of this objection appear to be—1st. The making an order of affiliation upon the simple oath of the woman and before the child becomes chargeable. 2ndly. The placing the father under recognizance before the birth of the child.

In answer to the general objection your Committee need only state, that the system thus objected to is not by the Act in question sought to be for the first time established in this Province,—on the contrary the provisions of the English Act of 18 Eliz. c. 3, were expressly extended to this Province by an Act of the Legislature passed so long since as the thirty second year of the Reign of His late Majesty King George the Third, under the title of “An Act to provide for the maintenance of Bastard Children,” which Act continued in operation without amendment until the passing of the recent Act for the amendment of the Law relating to Bastardy.

As regards the particular grounds of objections, your Committee have the satisfaction to observe, that the present amended Act in a great measure obviates the first objection urged against the old system, namely, the “making an order of affiliation before the child becomes chargeable.”

The second Section of the amended Act, which enacts that orders of affiliation, which it will be observed by the old system, could formerly be made before any two Justices, (and even before the birth of the Child,) shall only be made by the Court of General Sessions of the Peace.

And the fourth Section provides that when the Child shall not be born at the time of the person appearing before such Court, charged with being the Father, the Court is authorized to put off the consideration of the charge, or the making an order of affiliation.

In addition to these amendments, your Committee would recommend that the provisions contained in the 72d Section of the Imperial Act, 4 and 5 Will. 4, intituled “An Act for the amendment and better administration of the Laws relating to the Poor in England and Wales,” so far as regards the oath of the Mother being corroborated in some material particular by other testimony, and limiting the liability to support the Child until it arrives at the age of seven years, should be enacted by way of further amendment to the Bastardy Laws of this Province.

And your Committee would suggest that a provision might be added, making it obligatory on the Court of General Sessions in all cases, to put off the making of an order of affiliation until the Child becomes chargeable.

The remaining particular ground of objection, namely, the placing the putative Father under recognizance before the birth of the Child, your Committee are of opinion, cannot consistent with the enforcing the other provisions of the Acts be avoided.

The habits and character of the individuals who are generally subject to such a charge, and the great facilities afforded to escape by reason of the proximity of this Province to a foreign State, render it peculiarly necessary that the individual so charged, should be placed under recognizance on the first complaint.

Under these circumstances, and as the main grounds of objection urged against the old system are or will be remedied by the Act in question, and the proposed further amendments, and as the disallowance of the Act would have the effect of restoring the old system with all its acknowledged defects, your Committee venture to hope that Her Majesty’s Government will be induced to leave the Act to its operation.

E. B. CHANDLER, *Chairman.*

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

The Honorable Mr. Kinnear presented to the House, a Bill, intituled "An Act in addition to and in amendment of the Act against Forestallers and Reqraters."

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 the following Bills, to which they desire the concurrence of this House:—

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

A Bill relating to Debtors and Creditors.

The said Bills were severally read a first time.

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

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

A Petition from the Overseers of the Poor of the Parish of Addington, praying for assistance to enable them to defray the expenses incurred in supporting sick and distressed Emigrants for the year 1840: and

A Petition from the Justices of the Peace for the County of Restigouche, for a sum to reimburse the Overseers of the Poor for the Parishes of Durham and Dalhouse, for advances made for the attendance and support of Lewis Gagnio and Patrick Kean, transient and lunatic Paupers.

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

*Adjourned until To-morrow at 1 o'clock.*

# Legislative Council Chamber.

WEDNESDAY, 24th February, 1841.

PRESENT:

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Wyer.*

*Mr. Kinnear.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill, intituled "An Act to amend the Law relating to the practice in the Inferior Courts of Common Pleas," as engrossed, was read a third time and passed.

ORDERED, That the Title be "An Act to amend the Law relating to the practice in the Inferior Courts of Common Pleas."

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 the said 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, intituled "An Act in addition to and in amendment of the Act against Foresters and Regraters:"

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

A Bill relating to Debtors and Creditors.

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 erect the upper part of the Parish of Wakefield, in the County of Carleton, into a distinct Town or Parish.

The Honorable Mr. Baillie 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.

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 Northumberland to erect a Lock-up House in the Town of Chatham, 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 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. Gilbert, with sundry Resolutions of Appropriation, dated the 22d day of February, instant, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

ORDERED, That the said Resolutions be referred to the Committee of the whole House on Resolutions of Appropriation.

A Message was brought from the Assembly, by Mr. Owen, with a Bill to authorize the Justices of the Peace in the several Counties to impose a Tax on Dogs, 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 relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland.

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, 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 alter the times for holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for [the County of Sunbury.

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 Report of the Select Committee on the subject matter of the Despatch of the Right Honorable the Secretary of State for the Colonies, relative to the Bastardy Act 2 Vict. c. 42.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had had the said Report under consideration, and had passed the following Resolution :

RESOLVED, as the opinion of this Committee, That a Select Committee should be appointed by the House to prepare and bring in a Bill agreeably to the suggestions contained in this Report now under consideration.

ORDERED, That the report be received.

RESOLVED, That the House do concur in the foregoing Resolution, and that the Honorable Messrs. Chandler and Hatch be the Committee for the purpose expressed in the Resolution.

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

A Bill relating to the Office of Coroner in this Province: and

A Bill to authorize the erection of Gates across certain Bye Roads in this Province.

The said Bills were severally read a first time.

ORDERED, That the last mentioned Bill be read a second time to-morrow.

ORDERED, that the twenty-third rule of this House be dispensed with as regards the Bill relating to the Office of Coroner in this Province, and that the same be read a second time.

Read the said Bill a second time.

ORDERED, That the said Bill be referred to a Select Committee of three Members to report upon ; and that the Honorable Messrs. Botsford, Chandler, and Kinnear be the Committee for that purpose.

On motion—

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

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 20th of February, instant, 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 20th of February, instant, 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.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to alter the Division Line between the Parishes of Kingston and Norton, in King's County.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into further 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.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

THURSDAY, 25th February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Allanshaw.*

*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 a third time and passed :—

A Bill relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland :

A Bill to alter the times for holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Sunbury : and

A Bill to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County.

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 Bills without any amendment.

The Honorable the Attorney General, by leave, presented a Petition from M'Pherson and Coy, Spafford Barker, and F. W. Hatheway, for themselves and other Inhabitants of Fredericton, praying Legislative assistance towards the completing of a Public Wharf in Fredericton.

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

The Honorable Mr. Wyer, by leave, presented a Petition from the Overseers of the Poor for the Parish of Saint George, praying to be reimbursed the expenses incurred by them for the support of poor Emigrants during the past year.

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

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,*  
25th February, 1841.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor submits to the Council copy of a representation made to him by the Clerk of the Crown in the Supreme Court, on the subject of the safe keeping of the Records of his office, to which the Lieutenant Governor invites the favorable consideration of the Council, and recommends that provision be made for an object of such great public importance.

J. H.

[*See Appendix, No. 14.*]

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 in the several Counties to impose a Tax on Dogs : and

A Bill to authorize the erection of Gates across certain Bye Roads in the 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 House was put into a Committee of the whole, to take into consideration the Bill relating to Debtors and Creditors.

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 had passed the following Resolution :—

RESOLVED, as the opinion of this Committee, That the Bill now under consideration should be referred to a Select Committee to examine and report thereon.

ORDERED, That the report be received.

RESOLVED, That the House do concur in the foregoing Resolution, and that the Honorable Messrs. Allanshaw, Street, and Kinnear be the Committee for the purpose expressed in the Resolution.

The Honorable Mr. Chandler, from the Select Committee appointed for that purpose, presented a Bill, intituled "An Act further to amend the Law relating to Bastardy."

The said Bill was read a first time.

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

The Honorable Mr. Kinnear, by leave, presented a Petition from John Ward, W. H. Street, John Kinnear, and other Merchants of Saint John, praying to be incorporated under the name and style of the Atlantic Assurance Company.

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

The Honorable Mr. Kinnear presented to the House a Bill, intituled "An Act to incorporate sundry persons by the name of the Atlantic Assurance Company."

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.*

# Legislative Council Chamber.

FRIDAY, 26th February, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Wyer.*

*Mr. Kinnear.*

*Mr. Peters.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Street.*

*Mr. Hatch.*

PRAYERS.

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

A Bill in amendment of the Law for establishing Circuit Courts in this Province: and

A Bill to authorize the appointment of Commissioners to lay out a Street or Highway in the Town of Chatham, and to establish and regulate Public Landings in said Town.

The said Bills were severally read a first time.

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

Pursuant to the Order of the Day, the Bill further to amend the Law relating to Bastardy 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 Bill to incorporate sundry persons by the name of the Atlantic Assurance 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 authorize the Justices of the Peace in the several Counties to impose a Tax on Dogs.

The Honorable Mr. Peters 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 I. expunge the remainder of the Section.

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 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 authorize the erection of Gates across certain Bye Roads in this Province.

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 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 appropriate a part of the Public Revenue to the payment of the Ordinary Services of the 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 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.

A Message was brought from the Assembly, by Mr. H. T. Partelow, with sundry Resolutions of Appropriation, dated the 23d day of February, 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.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill relating to the summoning and attendance of Petit Jurors at the respective Sitting and Circuit Courts 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 said 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 in addition to and in amendment of the Act against Forestallers and Reqraters.

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 Monday next.

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

On motion—

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

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation, dated the 22d day of February, instant, 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 22d 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.

*Adjourned until Monday next, at 12 o'clock.*

# Legislative Council Chamber.

MONDAY, 1st March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*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 authorize the Justices of the Peace in the several Counties to impose a Tax on Dogs, 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 relating to the summoning and attendance of Petit Jurors at the respective Sittings and Circuit Courts 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 following Bills were severally read a second time:—

A Bill in amendment of the Law for establishing Circuit Courts in this Province: and

A Bill to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town.

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 further to amend the Law relating to Bastardy.

The Honorable Mr. Botsford 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 and in amendment of the Act against Forestallers and Regraters.

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.

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 erection of Gates across certain Bye Roads 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 recommend 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. M'Almon, with Resolutions of Appropriation, dated the 24th and 25th days of February last, 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 on Resolutions of Appropriation.

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 on Wilderness Land for the improvement of Roads.

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.

The Honorable Mr. Botsford, from the Select Committee appointed to examine and report upon the Bill relating to the Office of Coroner in this Province, 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 “Bill relating to the Office of Coroner in this Province,” beg leave to report, that they have attended to that duty, and recommend the Bill, with an amendment, to the adoption of the House.

A. E. BOTSFORD, *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 thereon, into consideration.

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 report, that they have had under their consideration “A Bill to incorporate sundry persons by the name of the Atlantic Assurance Company,” and recommend the same to the adoption of the House.

A. E. BOTSFORD, *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 into consideration.

The Honorable Mr. Saunders, a Member of Her Majesty’s Executive Council, lays before the House by direction of His Excellency the Lieutenant Governor, a Communication from His Excellency the Lieutenant Governor of Prince Edward Island, with a copy of a Resolution of a Committee of the House of Assembly on the matter of the contemplated Canal from the head of the Bay of Fundy to the Gulf of Saint Lawrence; which was read by the Clerk as follows:—

[Copy.]

*Government House, Prince Edward Island, }  
15th February, 1841. }*

SIR—I have the honor to transmit to Your Excellency the copy of a Resolution of the House of Assembly of this Island, pledging itself to vote the sum of two hundred pounds towards the expense of a Survey, Exploration and Estimate of the line of a proposed Canal, from the head of the Bay of Fundy to the Gulf of Saint Lawrence.

I have the honor, &c.

(Signed)

CHAS. FITZROY.

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

“HOUSE OF ASSEMBLY, 9th February, 1841.

Whereas it is contemplated by the Government of the Province of New Brunswick, to open a Canal from the head of the Bay of Fundy to the Gulf of Saint Lawrence, and the Legislature of the said Province has granted a sum of money to be applied in obtaining a Survey, Exploration and Estimate of the said proposed line of Canal; and whereas the accomplishment of such a measure will be productive of many advantages to this Island in its Trade and Commerce;

*Resolved*, therefore, That it is the opinion of this Committee, that the House of Assembly do pledge itself to vote when in Committee of Supply a sum not exceeding Two hundred pounds, to be appropriated if the same should be required towards the expenses of the said Survey and Exploration.

I certify this to be a true copy of the Report submitted to and adopted by the House of Assembly.

WILL. CULLEN, *Clerk.*

ORDERED, That the Documents do 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. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the Resolutions dated the 23d day of February last, they had made some progress therein and asked leave to sit again.

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

The Honorable Mr. Hatch, by leave, presented a Petition from the Rector, Church Wardens and Vestry of Grace Church, in the Parish of Portland, praying to be incorporated under the name of Saint Luke’s Church.

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

*Adjourned until To-morrow at 12 o’clock.*

# Legislative Council Chamber.

TUESDAY, 2d March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*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 further to amend the Law relating to Bastardy was read a third time and passed.

ORDERED, That the Title be, "An Act further to amend the Law relating to Bastardy."

ORDERED, That the Master in Chancery do carry 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 and in amendment of the Act against Forestallers and Reqraters, was read a third time and passed.

ORDERED, That the Title be, "An Act in addition to and in amendment of the Act against Forestallers and Reqraters."

ORDERED, That the Master in Chancery do carry 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 House was put into a Committee of the whole to take into consideration the Bill in amendment of the Law for establishing 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 into consideration of the said Bill, and recommended that the further consideration of the same 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 authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town.

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.

A Message was brought from the Assembly, by Mr. Hill, that the Assembly had agreed to the amendments made by this House to the Bill in further amendment of the Law: and

With a Bill to commute the fees of the Judges of the Supreme Court, and for other purposes therein mentioned, 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.

Mr. Hill also brought up Resolutions of Appropriation dated the first 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.

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 the Office of Coroner, 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.

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

At A in Section VI. expunge the words, “or where any such Order has been served at the residence of any Medical Practitioner.”

At B in Section VII. expunge the word “permission,” and insert the word “permissive.”

At Bb expunge the words “and Parish.”

At C expunge the word “permission,” and insert the word “permissive.”

At D expunge the remainder of the Section.

At E in Section VIII. expunge the word “permission,” and insert the word “permissive.”

At F expunge Section XI.

At G in the Schedule, expunge the word “permission,” and insert the word “permissive.”

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 incorporate sundry persons by the name of the Atlantic Assurance 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 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.

On motion—

The House was put into a Committee of the whole upon Resolutions of Appropriation.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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 the Overseers of the Poor for the City of Saint John, and the Parish of Portland, may be reimbursed for expenses incurred by them in support and relief of sick and distressed Emigrants.

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

The Honorable Mr. Chandler presented to the House a Bill, intituled “An Act to amend the 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 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.*

# Legislative Council Chamber.

WEDNESDAY, 3d March, 1841.

PRESENT,

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Lec.*

*Mr. Street.*

*Mr. Hatch.*

*Mr. Allanshaw.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Kinnear.*

PRAYERS.

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

A Bill to amend the Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates: and

A Bill to commute the fees of the Judges of the Supreme Court, and for other purposes therein mentioned.

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

ORDERED, That there be a call of the House on Tuesday the 9th day of March, instant, and that the Clerk do notify absent Members.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a distinct Town or Parish.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into further consideration of the said Bill, and recommended that its further consideration 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—

Whereas the withholding of the Royal assent to an Act passed in the third year of Her present Majesty's Reign, 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 intimated in the Despatch of the Right Honorable Lord John Russell, under date of the 23d May, 1840, laid before this House on the 27th January last, would be attended with most prejudicial effects; therefore

RESOLVED, That an humble Address be prepared, to be presented to Her Majesty on this important subject, and 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.

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 sundry persons by the name of the Atlantic Assurance 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 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. Wyer, by leave, presented a Petition from Samuel Stickney, praying for a grant of money paid by him to Lewellin J. Evans, a licenced School-master.

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 the Mayor, Aldermen and Commonalty of Saint John, praying a further grant to aid the Corporation and the inhabitants of the said City in paying off the balance of the sum assessed for widening the Streets in the burnt District of the said City :

A Petition from the Coloured Inhabitants of Loch Lomond, praying for a grant of money to assist in establishing a School for the said inhabitants of Loch Lomond :

A Petition from James T. Hanford, praying a draw back on the exportation of a quantity of Molasses :

A Petition from Richard Calvert, of Saint John, praying a return of Duties paid on Granite imported into Saint John : and

A Petition from Messieurs Ratchford and Brothers, praying to be allowed certain drawbacks on Molasses and other Goods exported from Saint John.

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 Robert Hall, praying a return of excess of Head money paid on Passengers arrived during the last Season in Ship Pallas : and

A Petition from George Salter, praying a drawback on Loaf Sugar exported from this Province.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

THURSDAY, 4th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Batsford.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Hatch.*

*Mr. Allunshaw.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Wyer.*

*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 amend the 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. 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.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to commute the Fees of the Judges of the Supreme Court, and for other purposes therein mentioned.

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 Tuesday next.

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

A Message was delivered from His Excellency the Lieutenant Governor, by the Honorable Mr. Saunders, 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,*  
3d March, 1841.

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays before the Council, a Copy of a Despatch from the Secretary of State on the subject of the erection of a Barrack at Woodstock, together with a Report from the Surveyor General, by which it will appear that Land suitable for the purpose cannot be obtained, except by purchase. The Lieutenant Governor therefore recommends that provision be made for this object, being one of acknowledged importance to the interests of the Province.

J. H.

[No. 102.]

*Downing Street, 1st February, 1841.*

SIR,—Her Majesty's Government have under their consideration the propriety of erecting at Woodstock, New Brunswick, the Barrack recommended by Sir Colin Campbell in May, 1840, for the accommodation of a Military Force to protect the Line of Communication between that Province and Canada.

A question has arisen as to the mode of obtaining the Land which will be required for its site.

If there is no Military Reserve at the place, which can be made available for the purpose, I apprehend that under the existing Law of New Brunswick, the Land can only be obtained by purchase in the ordinary way, or by a Special Grant of the Legislature.

It is very desirable that no time should be lost in executing the work, when decided on; and I have therefore to desire that you will make immediate inquiry into the subject. If you should find that the Land can not be procured, excepting by purchase at the Crown Sales, I have to instruct you to apply, on behalf of the Crown, to the Provincial Legislature for the necessary grant.

The Land should be conveyed to the Ordnance by the Colonial Government, free of all charge, before any building is commenced.

I have the honor, &c.

(Signed)

J. RUSSELL.

[Copy.]

*Crown Land Office, February 25, 1841;*

SIR,—I beg to acknowledge the receipt of your Communication of this date, enclosing a Despatch from the Secretary of State, on the subject of a Barrack proposed to be erected at Woodstock; and inquiring whether there is any Military Reservation there, or if not, where, and upon what terms, Land sufficient and suitable for the purpose can be procured.

In reply, I have the honor to report, for the information of His Excellency the Lieutenant Governor, that there are no other Military Reservations in the County of Carleton, than those at Presqu' Isle and the Grand Falls. The Land in Woodstock and its Vicinity, to the distance of upwards of six miles around it, has already been granted by the Crown many years ago, and is now all private property, and unless purchased for Government, in the ordinary way, can only be reserved by Her Majesty in the manner pointed out by Law.

Having no information in this Department, as to the extent or situation of the site, proposed for the intended Barrack, it is not in my power, therefore, to report as to the terms upon which the Land required for that purpose can be obtained.

I have the honor to be, Sir,  
Your obedient servant,  
(Signed) JOHN S. SAUNDERS, S. G.

The Honorable WILLIAM F. ODELL.

The Honorable Mr. Chandler, by leave, presented a Petition from the President, Directors and Company of the Central Bank of New Brunswick, praying that the Act authorizing an increase of the Capital Stock may be extended so far as to give a further period of five years, or some time for the sale of the remainder of their additional Stock.

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 the Mayor, Aldermen and Commonalty of the City of Saint John, praying for a grant of money to assist in building a new Ferry Boat, and in paying off debts incurred in keeping up the Ferry between Saint John and Carleton:

A Petition from the same Corporation, praying that a Bill to authorize the said Corporation to lay out and open a Street in the said City, in continuation of John or Water Street, southwardly, to the prolongation of Saint James' Street, may not pass into a Law:

A Petition from Henry Palmer, praying a return of Duty on a Horse imported to be taken to Nova Scotia, but landed from necessity at Saint John:

A Petition from John V. Thurgar, praying to be allowed the drawback on Goods exported by him: and

A Petition from Messieurs Ratchford and Brothers, praying an amount of Duties may be returned them, an error in figures having occurred which is explained in the Petition.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

FRIDAY, 5th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish.

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 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 the Preamble, expunge the words, “the said Act be repealed and.”

At B insert the words, “And whereas it is expedient that the said recited Act should be repealed.”

At C in Section II. expunge the words, “Act now,” and insert the word, “Acts.”

At D in Section IV. expunge the words “made under the authority an Act to regulate the election of Church Wardens and Vestrymen in the Parish of Portland, in the County of Saint John, and to extend such regulations to other Parishes where the Sitings in the Church may be free and open.”

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 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 incorporate sundry persons by the name of the Atlantic Assurance 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, and the Bill be engrossed and 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 to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town.

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.

A Message was brought from the Assembly, by Mr. Taylor, with sundry Resolutions of Appropriation, dated the 2d 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.

The Honorable Mr. Wyer, by leave, presented a Petition from Nehemiah Marks, in behalf of the Inhabitants of Saint Stephen, praying money in aid of an assessment for building a Public Wharf in Saint Stephen.

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

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 2d day of March, 1841.

ORDERED, That the same do lie on the Table.

*Adjourned until Monday next, at 12 o'clock.*

# Legislative Council Chamber.

MONDAY, 8th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Peters.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Kinnear.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town, 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 the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish, 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 incorporate sundry persons by the name of the Atlantic Assurance Company, was read a third time and passed.

ORDERED, That the Title be, "An Act to incorporate sundry persons by the name of the Atlantic Assurance 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.

The Honorable the President informed the House he had received from the Honorable Secretary of the Province, an Abstract shewing the state of the Central Bank on the 1st day of March, 1841.

ORDERED, That the same do lie on the Table.

The Honorable Mr. Kinnear, by leave, presented a Petition from Messrs. Faulkner and Wheeler, praying a return of Duties paid on articles destroyed by Fire.

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 in addition to the Acts relating to Circuit Courts.

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.

On motion—

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 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. Taylor, that the Assembly had agreed to the amendments made by this House to the Bill relating to the office of Coroner in this Province; and with

A Bill to extend the provisions of the Act for the increase of the Capital Stock of the Central Bank of New Brunswick; also with Resolutions of Appropriation, dated the 5th day of March, to which they desire the concurrence of this House.

The said Bill and Resolutions were severally read a first time.

ORDERED, That the said Bill be read a second time to-morrow;

And the Resolutions be referred to the Committee of the whole House upon Resolutions of Appropriation.

The Honorable Mr. Allanshaw, from the Select Committee appointed to examine and report upon the Bill to regulate the Survey of Saw Logs, presented a Report.

ORDERED, That the report be received.

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

The Select Committee appointed to examine and report upon the Bill "To regulate the Survey of Saw Logs," beg leave to report, that after giving the Bill the fullest consideration they cannot recommend it to the adoption of the House.

J. ALLANSHAW, *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 thereon, into consideration.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to impose a Tax on Wilderness Land, for the improvement of the Roads.

The Honorable Mr. Baillie 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 Wednesday next.

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

A Message was delivered from His Excellency the Lieutenant Governor by the Honorable Mr. Saunders, 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,*  
8th March, 1841.

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor submits to the Council, and recommends to their favorable consideration, the copy of a Letter from Sir Charles FitzRoy, with an Address and Resolution, presented to His Excellency by the House of Assembly of Prince Edward Island, with reference to the erection of Light Houses on the North Cape and Eastern Coast of that Island.

J. H.

*Government House, Prince Edward Island, 1st March, 1841.*

SIR,—I have the honor to transmit to Your Excellency the copy of a Resolution which has been presented to me by the House of Assembly of this Colony, with reference to the erection of Light Houses on the North Cape and Eastern Coast of this Island, together with a copy of the Address to myself, which accompanied the Resolution.

The advantage of Light Houses, in the situations referred to by the Assembly, to Shipping trading in the Gulph of Saint Lawrence, must be obvious, and I beg leave to request that Your Excellency will be pleased to bring the subject matter of the Resolution under the consideration of the Legislature of the Province under Your Government.

I have the honor, &c.

(Signed).

CHARLES FITZROY.

His Excellency Sir JOHN HARVEY, K. C. B. & K. C. H. &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 the Territories thereunto adjacent Chancellor and Vice Admiral of the same, &c.*

MAY IT PLEASE YOUR EXCELLENCY,

The House of Assembly having, on the 11th instant, adopted a Resolution on the expediency of erecting Light Houses on some of the most eligible points on the Coasts of this Island, most respectfully request that Your Excellency will be pleased to give effect to the said Resolution, by entering, at your earliest convenience, into communication with the various Governments therein referred to, on the subject.

(Signed)

WM. COOPER, *Speaker.*

*House of Assembly, 18th February, 1841.*

HOUSE OF ASSEMBLY, 11th February, 1841.

*Resolution reported from the Committee on the State of the Colony:*

Whereas the erection of Light Houses on the North Cape in Prince County, being one of the principal Head Lands on the Coast of this Island, and on Cape Bear or Wood Islands, or such other

place on the Coast of this Island as may be most eligible for the safety of navigation within the Eastern end of the Straits of Northumberland, would tend greatly to the preservation of the Vessels and Crews of the Shipping of this and the neighbouring Colonies, and also of Great Britain and the United States ; therefore

Resolved, That it be recommended to the House to address His Excellency the Lieutenant Governor, respectfully requesting that He will be pleased to enter into communication with the Imperial Government and with the Governments of the adjacent Colonies, and also with the Governor General of British North America, relative to the Government of the United States, in order to ascertain how far those Governments may be willing to contribute a portion of the funds necessary to defray the cost and maintenance of such erections.

I certify this to be a true Copy of the Resolution reported to, and adopted by the House of Assembly.

(Signed)

WILL. CULLEN, *Clerk.*

A Message was brought from the Assembly, by Mr. Hanington, that the Assembly had agreed to the Act, sent down by this House, further to amend the Law relating to Bastardy, with amendments, to which they desire the concurrence of this House.

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

A Petition from the Central Fire Insurance Company, praying for an amendment of the Act incorporating the said Company : and

A Petition from Thomas H. Black, a Schoolmaster in Saint Martins, praying for compensation for services.

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

The Honorable Mr. Botsford, by leave, presented a Petition from the Overseers of Poor for the Parish of Bathurst, praying to be reimbursed for expences incurred in taking charge of a Lunatic, and relieving distressed Emigrants.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

TUESDAY, 9th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Hatch.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Kinnear.*

PRAYERS.

Pursuant to the Order of the Day, the Bill in addition to the Acts relating to Circuit Courts, as amended, was read a third time and passed.

ORDERED, That the Title be "An Act in addition to the Acts relating to Circuit Courts."

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 the Day, the Bill to amend the 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 to amend the 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.

A Message was brought from the Assembly, by Mr. Fisher, informing the House that the Assembly concurred in a proposed joint Address to Her Majesty upon the subject of the Act relating to the Widening and enlarging of certain Streets in the City of Saint John; and with

A Bill to repeal the Act to restrain the provision of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province, and to establish other regulations for the disposal of Crown Lands and Timber in certain cases;" and with

Resolutions of Appropriation dated the 6th and 8th days of March instant, to which they desire the concurrence of this House.

The said Bill and Resolutions were severally read a first time.

ORDERED, That the said Bill be read a second time to-morrow; and

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

The Honorable Mr. Allanshaw from the Select Committee appointed to examine and report upon the Bill relating to Debtors and Creditors, presented a report.

ORDERED, That the report be received, and the same was read by the Clerk as follows:—

The Select Committee to whom was referred the Bill, entitled "A Bill relating to Debtors and Creditors," report, that they have gone into consideration of this Bill, and have made progress in preparing some of the numerous amendments they consider the same requires, but, although the Committee are fully impressed with the necessity there exists for some enactment to effect the object the framers of this Bill appear to have had in view, yet, in proceeding in the details thereof, so many new provisions have occurred to them, as necessary to meet the various exigencies that would probably arise in carrying such a Law into operation, they are of opinion, more time and consideration should be given to it, and more information should be obtained on the subject than is at present before the House, particularly as the proposed measure is one of great importance, and may, if hastily and injudiciously framed, produce evils much more serious to the Mercantile interests of the Province than any now existing, which it is intended to remedy.

The Committee have, therefore, come to the conclusion, that it will be more advisable for the House to postpone the further consideration of this Bill until the next Session of the General Assembly, in the hope that some of the Members of both

Houses, conversant with the subject, will turn their attention thereto, during the recess, and will unite in preparing a well digested measure, to submit to the Legislature at the next Session of the General Assembly.

All which the Committee respectfully recommend to the consideration of the House.

JAMES ALLANSHAW,  
GEORGE F. STREET,  
W. B. KINNEAR.

Committee Room, Tuesday 9th March, 1841.

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 House was called,

PRESENT.

The Honorable Ward Chipman, President.

“ “ William Black,  
“ “ Thomas Baillie,  
“ “ Harry Peters,  
“ “ James Allanshaw,  
“ “ William H. Robinson,  
“ “ John S. Saunders,  
“ “ A. Edwin Botsford,  
“ “ The Attorney General,  
“ “ Thomas C. Lee,  
“ “ Edward B. Chandler,  
“ “ George F. Street,  
“ “ Thomas Wyer,  
“ “ Harris Hatch,  
“ “ W. B. Kinnear.

ABSENT.

The Honorable George Shore, Sick,

“ “ Joseph Cunard,

“ “ John Robertson, } Excused by leave of absence  
from the Lieutenant Governor.

A Message was delivered from His Excellency the Lieutenant Governor, by the Honorable Mr. Saunders, 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,  
9th March, 1841.

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor informs the Council, that in consequence of several mitigating circumstances in the case of two Prisoners, now in confinement under sentence of Death for the crime of Robbery, he has been induced to commute their punishment to Transportation for Life. For this purpose it will be requisite to send them to England, in order that their final destination may be determined by Her Majesty; and, as will appear by an Extract of the Regulations made by Her Majesty's Government relating to this subject, and herewith laid before the Council, the cost of sending them to England must be borne by this Province; the Lieutenant Governor, therefore, recommends that provision be made for carrying this measure into effect.

J. H.

*Extract from the Rules and Regulations made by His Majesty's Government, for the information and guidance of the principal Officers and others in His Majesty's Colonial Possessions, relating to the Transportation of Convicts in the Colonies.*

“ Throughout His Majesty's American, West Indian and Mediterranean Colonies, it will be convenient that the uniform practice be observed, of sending to England all persons condemned to transportation, in order that such persons may be removed from this Country to whatever place His Majesty may from time to time see fit to appoint.

“ As the charge of forwarding Convicts from Great Britain to the place of their ultimate destination is borne by this Kingdom, though it is not properly a British but a Colonial expenditure, so the cost of sending the Convicts to England for transportation must be borne by the respective Colonies in which the convictions may take place.

“ Convicts are to be supplied with Clothing and Provisions, properly adapted to the season of the year and the duration of the voyage.”

Pursuant to the Order of the Day, the Bill to extend the provisions of the Act for the increase of the Capital Stock of the Central Bank of New Brunswick, 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.

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 23d, 24th and 25th days of February, and recommended that the House should concur in the same, with certain exceptions, which the Committee recommend 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 23d, 24th and 25th days of February was concurred in, with the following exceptions:—

To the Overseers of the Poor of the Parish of Kingston, King's County, the sum of twenty pounds two shillings to reimburse them for expenses incurred from the 1st of May, 1839, to the first of May, 1840, in support of John Carew, a transient Pauper, the same to be taken from the Emigrant Fund:

To the Overseers of the Poor for the Parish of Saint Patrick, in the County of Charlotte, the sum of eighteen pounds nine shillings and ten pence to reimburse them for expences sustained in the support of an Emigrant Pauper, for one year ending on the first day of February instant:

To the Overseer of the Poor for the Parish of Chatham, in the County of North-berland, the sum of thirty three pounds ten shillings and ten pence to reimburse them for expenses incurred in the support of transient Poor in said Parish, in the year 1840:

To the Justices of the Peace for the County of Gloucester, the sum of forty pounds in aid of a Mathematical School taught by Robert Matheson, at Bathurst, for the year 1840, in lieu of the grant allowed by Law for the County of Gloucester, for that year, for the support of a Grammar School, and the Legislative provision for Parish Schools:

To the Overseers of the Poor for the Parish of Newcastle, in the County of Northumberland, the sum of fifty eight pounds seventeen shillings and six pence to reimburse expences in that Parish for the support of transient Poor: and

To the Overseers of the Poor for the Parish of Woodstock, the sum of one hundred pounds, in full for expences incurred in maintaining transient Poor, for the year 1840; Which were not concurred in.

On the question of concurrence being put on the three following Resolutions:—

To the Commissioners of the Alms House and Work House, and Overseers of the Poor for the Parish of Saint Andrews, the sum of five hundred and four pounds two shillings and eleven pence, to reimburse them for expenses incurred in the support and relief of sick, indigent and distressed Emigrants, at Saint Andrews, in the year 1840, the same to be taken from the Emigrant Fund:

To the Overseers of the Poor of the Parish of Saint Stephen, the sum of one hundred and ten pounds three shillings and nine pence to reimburse them for expences incurred in the support and relief of indigent, sick and distressed Emigrants at that Parish, in the year 1840, the same to be taken from the Emigrant Fund: and

To the Commissioners of the Alms House in the County of York, the sum of one hundred and sixty four pounds to reimburse them for expences incurred in support and relief of sick, indigent and distressed Emigrants, in the year 1840; twenty pounds of the above sum to be paid Doctor Woodforde for Medical attendance, this charge not being included in the Account, the same to be taken from the Emigrant Fund;

The House divided—

CONTENT.

The Honorable Mr. Black.  
Mr. Peters.  
Mr. Allanshaw.  
Mr. Robinson.  
Mr. Saunders.  
Mr. Botsford.  
Mr. Wyer.  
Mr. Hatch.  
Mr. Kinnear.

NON-CONTENT.

The Honorable The Chief Justice.  
Mr. Baillie.  
Mr. Attorney General,  
Mr. Lee.  
Mr. Chandler.  
Mr. Street.

And so they severally 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 several Resolutions of Appropriation dated the 23d, 24th and 25th of February last, with the exceptions hereinbefore entered.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

WEDNESDAY, 10th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Allanshaw.*

*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 repeal the Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province, and to establish other regulations for the disposal of Crown Lands and Timber in certain cases," 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 extend the provisions of the Act for the increase of the Capital Stock of the Central Bank of New Brunswick.

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 relating to Debtors and Creditors, 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 consideration of the said Bill, and recommended that the further consideration thereof be postponed until the next Session of the Legislature.

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 Legislature.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to regulate the Survey of Saw Logs, 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 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. Woodward, that the Assembly had agreed to the amendments made by this House to the Bill relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish; and with

A Bill to amend an Act to encourage the establishment of Banks of Savings 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.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to declare the Law relating to the Registry of Judgments and Recognizances.

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 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. expunge the Preamble and the first Section, and insert as follows:—

Whereas it was the object and intention of an Act made and passed in the second year of the Reign of Her present Majesty, intituled "An Act to declare the priority of Registered Deeds and other incumbrances upon Land," to declare the Law as it stands under the Registry Acts of this Province, with regard to tacking together Mortgages and other incumbrances on Land: And whereas doubts are entertained whether the terms used in the said Act will not give it a more extensive operation than was intended: For remedy whereof, Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby repealed; and in lieu thereof,

"II. Be it declared and enacted, That no Mortgage, Judgment or other incumbrance on Land shall have any priority or effect by reason of being held by or vested in the same person, with another Mortgage or incumbrance of prior date and Registry, any law, usage or custom to the contrary notwithstanding."

At B. expunge the second Section, and insert as follows:—

"III. And be it enacted, That from and after the first day of May, which will be in the year of our Lord one thousand eight hundred and forty two, Judgments of the Supreme Court of this Province shall after the expiration of five years from the time of the Registry of a Memorial thereof, as required in and by the provisions of an Act made and passed in the eighth year of the Reign of His late Majesty King George the Fourth, intituled 'An Act to provide for the Registering of Judgments and Recognizances which are intended to bind or effect Real Estates,' be null and void against any Lands, Tenements or Hereditaments as to Purchasers or Mortgagees for valuable consideration, unless a like Memorial as was required in the first instance is again registered within five years, before the Deed or instrument of conveyance to any such Purchaser or Mortgagee is duly registered: Provided always, that any bona fide sale of such Lands, Tenements or Hereditaments which may have taken place under Execution issued on any such Judgment, before the Registry of the Deed or conveyance to such Purchaser or Mortgagee, shall in no wise be affected by this Act."

At C. expunge the remainder of the Title, and insert "in addition to the Registry Acts of this Province."

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 be read the third time to-morrow.

A Message was brought from the Assembly, by Mr. Fisher, with a Bill to amend the Act to incorporate the Central Fire Insurance Company of New Brunswick, 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 said Bill be referred to the Select Committee appointed to examine and report upon Bills relating to Corporations.

The House proceeded to take into consideration the amendments sent up from the Assembly to the Bill, intituled "An Act further to amend the Law relating to Bastardy.

The same were then read as follows:—

At A. in Section I. insert the words "where the Court may deem such corroborative testimony necessary."

At B. in the same Section, insert the words "and the expenses incurred in the apprehension and conviction of such reputed father."

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, upon Resolutions of Appropriation.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 1st, 2d, 5th and 6th days of March, instant, and recommended

that the House should concur in the same, with certain exceptions, which the Committee recommend 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 1st, 2d, 5th and 6th of March were concurred in, with the following exceptions:—

To Thomas Black, the sum of twenty pounds, for teaching a School in the Parish of Saint Martin's, in the County of Saint John, for one year ending the fifteenth day of September, one thousand eight hundred and thirty five, it appearing that no Trustees of Schools were appointed in the said Parish in that year:

To Dennis Leary, the sum of ten pounds, for teaching a School in the Parish of Saint Patrick, in the County of Charlotte, for six months, ending the nineteenth day of November, one thousand eight hundred and forty:

To William M'Donald, the sum of forty pounds, in consideration for his services for teaching in the Grammar School in the County of Westmorland, for the year ending the first day of June, one thousand eight hundred and forty, in lieu of the annual grant for a Teacher of the Grammar School, it appearing that the Trustees cannot certify that he possessed in every respect the acquaintance with the dead languages necessary to qualify him for a Grammar School allowance: and

To George D. Morrison, the sum of forty pounds, for teaching a School for two years, from the first day of September, one thousand eight hundred and thirty six, to the same period in the year one thousand eight hundred and thirty eight, in the Parish of Saint James, in the County of Charlotte.

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 1st, 2d, 5th and 6th of March, instant, with the exceptions before mentioned.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

THURSDAY, 11th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*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 declare the Law relating to the registering of Judgments and Recognizances, 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 extend the provisions of the Act for the increase of the Capital Stock of the Central 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 Bill further to amend the Act to encourage the establishment of Banks of Savings 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.

On motion, made and seconded—

ORDERED, That the Honorable Messieurs Botsford and Kinnear be a Committee on the part of this House to join such Committee as may be appointed by the Assembly to prepare an Address to Her Majesty on the subject of the Act relating to widening and enlarging of certain Streets in the City of Saint John.

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

The Honorable Mr. Peters 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 further report, that they have had under consideration "A Bill to amend an Act to incorporate the Central Fire Insurance Company," and have prepared an amendment to the said Bill, 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 into consideration.

On motion—

The House was put into a Committee of the whole upon Resolutions of Appropriation.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 8th day of March, instant, 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 8th 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.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

FRIDAY, 12th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*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 House was put into a Committee of the whole, to take into consideration the Bill to amend the Act to encourage the establishment of Banks of Savings 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 amend an Act to incorporate the Central Fire Insurance Company of New Brunswick, 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 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 repeal the Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province, and to establish other regulations for the disposal of Crown Lands and Timber in certain cases."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee having gone into the consideration of the said Bill, it was moved and seconded, that the following clause in the sixth Section be expunged :—

"And provided also, that no grant issue for the said Land to such half pay Officer or Officers until it be certified to the satisfaction of His Excellency the Lieutenant Governor or Commander in Chief that the said Land is actually settled by such Officer in person, or that five acres be cleared and improved on the same for each and every one hundred acres thereof."

Whereupon the Committee divided—

CONTENT.

Mr. Baillie.

Mr. Attorney General.

Mr. Lee.

Mr. Street.

NON-CONTENT.

The Chief Justice.

Mr. Black.

Mr. Peters.

Mr. Saunders.

Mr. Botsford.

Mr. Chandler.

Mr. Hatch.

Mr. Kinnear.

And it was decided in the negative.

The Chairman further reported, that the Committee had made some progress in the consideration of the said Bill, and that he was directed to ask 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. Freeze, with Resolutions of Appropriation dated the 11th day of March, instant, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

A Message was brought from the Assembly, by Mr. Woodward, with a Bill to grant a Loan of £6000 to John Walker, of the City 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.

Messages were delivered from His Excellency the Lieutenant Governor, by the Honorable Mr. Saunders, 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, 1841.

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor submits to the Council a Treatise on Popular Education, published by the Secretary to the British and Foreign School Society, and containing practical suggestions for daily and Sunday School Teachers, which it is believed would, if placed in the hands of the Teachers in this Province, be productive of great benefit. The Lieutenant Governor therefore recommends that an appropriation be made for procuring such a number of copies of this work as would be sufficient to place one in the hands of every Schoolmaster in the Province.

J. H.

NEW BRUNSWICK,  
*Message to the Legislative Council,*  
12th March, 1841.

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor acquaints the Council that, by a Dispatch which he has recently received from His Excellency the Governor General, he is informed that the sum of Five thousand pounds has been granted by the Special Council of Lower Canada, upon His Lordship's suggestion, for the improvement of the Post Route between the Saint Lawrence and the Little Falls of the Madawaska River.

J. H.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

SATURDAY, 13th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Allanshaw.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

Pursuant to the Order of the Day, the Bill further to amend the Act to encourage the establishment of Banks of Savings 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 grant a Loan of £6000 to John Walker, of the City of Saint John, 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 to incorporate the Central Fire Insurance Company of New Brunswick, and the report of the Select Committee thereon.

The Honorable Mr. Botsford 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 fourth Section.

At B expunge "V." and insert "IV."

At C expunge "VI." and insert "V."

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 on Monday next.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to impose a Tax on Wilderness Land for the improvement of Roads.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had risen.

ORDERED, That the report be received.

On motion—

The House was put into a Committee of the whole, to take into further consideration Resolutions of Appropriation sent down from the Assembly.

The Honorable Mr. Botsford 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 11th 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.

A Message was brought from the Assembly, by Mr. Freeze, that the Assembly had agreed to the Bill to incorporate sundry persons by the name of the Atlantic Assurance Company.

*Adjourned until Monday next, at 12 o'clock.*

# Legislative Council Chamber.

MONDAY, 15th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Baillie.*

*Mr. Allanshaw.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill to amend an Act to incorporate the Central Fire Insurance Company of New Brunswick, as amended, was read a third time and passed.

ORDERED, That the Master in Chancery do 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 repeal the Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province, and to establish other regulations for the disposal of Crown Lands and Timber in certain cases."

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 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 expunge the words, "eighth year of the Reign of His late Majesty King William the Fourth," and insert, "first year of the Reign of Her present Majesty."

At B in Section II. expunge the words, "eighth year of the Reign of His late Majesty King William the Fourth," and insert, "An Act made and passed in the first year of the Reign of her present Majesty."

At C in Section V. expunge the remainder of the Section, and insert the words, "to be paid immediately on the application being complied with, and before the applicant take possession thereof."

At D in Section VI. insert the words, "and fifty."

At E expunge the word "Government," and insert the word "Departments."

At F insert a new Section as follows:—

"IX. And be it enacted, That notwithstanding the repeal or expiration of the said Act, intituled "An Act to restrain the provisions of the fifth Section of an Act, intituled 'An Act for the support of the Civil Government of this Province, and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases,' all grants, leases, licences, regulations and proceedings made and had under and by virtue of the provisions of the said recited Act shall be and remain valid and effectual in like manner as if the said recited Act continued in force."

And alter the numbers of the following Sections.

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, be read the third time to-morrow.

A Message was brought from the Assembly, by Mr. Wilmot, with Resolutions of Appropriation, dated the 12th 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.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to grant a Loan of £6000 to John Walker, of the City of Saint John.

The Honorable Mr. Botsford 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 Resolutions of Appropriation.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

That the Committee had gone through the Resolutions of Appropriation dated the 11th day of March, and recommended that the House should concur in the same, with an exception, which the Committee recommend 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 11th day of March were concurred in by the House, with the exception of the following grant:—

To the Committee of the Baptist Education Society at Fredericton, the sum of £250 towards paying off the debt due by that Society.

Which was 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 11th instant, with the exception before mentioned.

A Message was brought from the Assembly, by Mr Woodward, that Mr. Woodward, Mr. J. M. Wilmot, Mr. End and Mr. Fisher, are appointed a Committee on the part of the Assembly to join the Committee of this House to prepare an Address to Her Majesty the Queen upon the subject of the Act relating to widening and enlarging of certain Streets in the City of Saint John: and

With a Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to lay out and open a Street in the said City, in continuation of John or Water Street so called, southwardly, to the prolongation of Saint James Street, 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. End, that the Assembly had agreed to the amendments made by this House to the Bill to declare the Law relating to the registering of Judgments and Recognizances.

ORDERED, That the Honorable Mr. Chandler be appointed (in the place of Mr. Kinnear, now absent) a Member of the Committee on the part of this House to join the Committee appointed by the Assembly to prepare an Address to Her Majesty the Queen, upon the subject of the Act relating to widening and enlarging of certain Streets in the City of Saint John.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

TUESDAY, 16th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill to grant a Loan of £6000 to John Walker, of the City of Saint John, 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 Order of the Day being read for the third reading of the Bill to repeal the Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province, and to establish other regulations for the future disposal of Crown Lands and Timber in certain cases," as amended,

The said Bill was accordingly read the third time.

Then the following amendment was made to the said Bill:—

At Bb in Section II. expunge "of His then Majesty," and insert "Crown."

The question was put thereupon, and it was resolved in the affirmative.

The question was put—Whether the Bill with the amendments shall pass, and it was Resolved 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 this Bill, with amendments, to which they desire the concurrence of the Assembly.

Pursuant to the Order of the Day, the Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to lay out and open a Street in the said City in continuation of John or Water Street, so called, southwardly, to the prolongation of Saint James' Street, 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 House was put into a Committee of the whole, 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 into consideration of the said Bill, they had made some progress therein, and asked leave to sit again tomorrow.

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. 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 12th day of March, and recommended that the House should concur therein, with an exception, which the Committee recommend 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 grant:—

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twelve hundred pounds for the Great Road from Saint John to Saint Andrews, and

for new Bridges necessary to be erected on the said Road, a sufficient sum to be applied in making Draws in the Bridges at the mouths of the Digdeguash and Musquash.

Which was 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 12th day of March, instant, with the exception before mentioned.

On motion made and seconded—

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to lay before this House copies of any Communications that have taken place between His Excellency, the House of Assembly, and the College Council, relative to the proposed modifications of the Charter of King's College, since His Excellency's Message to this House of the 17th of February last; and that His Excellency will be pleased also to inform this House if the College Council have agreed to any and what alteration in the modifications proposed by them on the 18th of February, 1840, and in what state the proceedings now are on this important subject, conceiving as this House does that it must have been a mere inadvertent omission in the Despatch from the Right Honorable the Secretary of State for the Colonies of the 3d November last, in not suggesting to His Excellency the propriety of submitting the terms of any proposed alteration in the above mentioned Charter, as well for the approval of this House as of the House of Assembly, if submitted at all, to either Branch of the Legislature.

ORDERED, That the Honorable Messrs. Street and Wyer be a Committee to present the same.

A Message was brought from the Assembly, by Mr. Taylor, with Resolutions of Assembly, dated the 15th day of March instant, to which they desire the concurrence of this House.

The said Resolution was read a first time.

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

The Honorable Mr. Chandler presented to the House a Bill in addition to the Act relating to the sale and disposition of the real Estates of Infants.

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.*

# Legislative Council Chamber.

WEDNESDAY, 17th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill in addition to the Act relating to the sale and disposition of the Real Estate of Infants, 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. Street, that they had agreed to the Bill in addition to the Acts relating to Circuit Courts.

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 15th day of March, instant, 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 15th 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.

On motion, made and seconded—

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, to request that His Excellency will be pleased to bring under the immediate notice of Her Majesty's Government a copy of the Report of a Select Committee of this House, on the subject of the Despatch of the Right Honorable the Secretary of State for the Colonies, under date of the 10th March, 1840, relating to the Act passed in the second year of the present Reign, intituled "An Act to amend the Law relating to Bastardy;" and also to the Bill passed by this House and the House of Assembly during the present Session in further amendment of the same Law, and also to request that His Excellency will be pleased to make known to Her Majesty's Government our humble hopes that Her Majesty will, under the circumstances, be induced to leave these Acts to their operation; and further

RESOLVED, 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 Resolutions.

The Honorable Mr. Chandler, by leave, presented a Petition from William M'Donald, a Schoolmaster in Westmorland, praying an allowances for services.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

THURSDAY, 18th March, 1841.

PRESENT.

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Black.</i>	<i>Mr. Baillie.</i>
<i>Mr. Robinson.</i>	<i>Mr. Saunders.</i>
<i>Mr. Botsford.</i>	<i>Mr. Attorney General.</i>
<i>Mr. Chandler.</i>	<i>Mr. Street.</i>
<i>Mr. Wyer.</i>	<i>Mr. Hatch.</i>

PRAYERS.

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 Act relating to the sale and disposition of the Real Estate of Infants.

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. Street, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House of the 16th instant, for information on the subject of King's College, reported, they had attended to that duty and that His Excellency was pleased to say that he should have great pleasure in complying with the wishes of the House, and that the information required should be furnished forthwith.

A Message was delivered from His Excellency the Lieutenant Governor by the Honorable Mr. Saunders, 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 March, 1841.

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor lays before the Council, in answer to their Address of the 16th instant, the copy of an Address presented to him by the House of Assembly, with copy of his answer, and also Extracts from the Minutes of the College Council thereon, comprising all the proceedings relative to the modifications of the Charter of King's College that have taken place with the Lieutenant Governor since the 17th of February last.

J. H.

HOUSE OF ASSEMBLY, Friday, 5th March, 1841.

1st. *Resolved*, as the opinion of this Committee, That the recommendation of the Select Committee, as expressed in their report of the first day of March, instant, does not go so far, as in the opinion of this Committee, is desirable, to make King's College as generally beneficial as it might be, with regard to the composition of the Council; inasmuch as the affairs of the Institution, in the opinion of this Committee, would be better managed by a Council of Laymen than if Clergymen of different Denominations were allowed to be a part of such Council, and that no Clergyman should be eligible to a seat at the College Board; and that the whole number of the Council should not exceed thirteen Members.

Upon the question for adopting this Resolution, the Committee divided as follows:—

YEAS.  
The Honorable Mr. Speaker,  
The Honorable Mr. Weldon,  
Mr. Hill,  
Owen,  
Connell,  
Fisher,  
Gilbert,  
M'Leod,  
Freeze,  
Woodward,  
Hanington,  
Wilson,  
H. T. Partelow,  
Palmer,  
M'Almon.

NAYS.  
Mr. Jordan,  
Street,  
L. A. Wilmot,  
Taylor,  
J. M. Wilmot,  
Hayward,  
Brown,  
Boyd,  
Rankin.

And so it was carried in the affirmative.

2d. *Resolved*, as the opinion of this Committee, That the number of ex officio Members of the Council be reduced to the following persons, viz :—The Chancellor, the President of the Legislative Council, the Speaker of the House of Assembly, and that not more than one Professor shall have a seat in the Council.

3d. *Resolved*, as the opinion of this Committee, That the recommendation of the Select Committee as to the Religious Tests, be adopted by the House, and that this Resolution and the two former ones, be embodied in an Address to His Excellency the Lieutenant Governor, praying that His Excellency will bring the same, at as early a day as possible, before the College Council, in order to ascertain whether that body will concur therein, and inform the House of their deliberations on the subject.

*Ordered*, That the Report be accepted.

On motion of Mr. L. A. Wilmot,

Whereas certain modifications of the Charter of King's College were proposed by the College Council, under date of the 18th of February last : and whereas a Committee of the whole House have recommended the following alterations and additions to those modifications :—That no Clergyman of any Denomination be eligible to a seat in the Council, and that the number of ex officio Members be reduced to the Chancellor, the President of the Legislative Council, the Speaker of the House of Assembly, and not more than one Professor ; that the Tests for Degrees in Divinity be those of the Universities of Oxford and Edinburgh, and a declaration of belief in the authenticity of the Holy Scriptures and the Doctrine of the Trinity ; therefore

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to lay before the College Council, at as early a day as possible, the foregoing propositions, and inform this House of the result of their deliberations thereon, and whether the Council will concur therein.

Copy. *New Brunswick, Message to the House of Assembly, 12th March, 1841.*

J. HARVEY, Lt. Governor.

The Lieutenant Governor submits to the House, an Extract from the Minutes of the College Council, in answer to the Address of the House of the 6th instant, on the subject of proposed modifications of the Charter of King's College. J. H.

*Extracts from the Minutes of the College Council, of 15th February, 1841.*

RESOLVED, That the subject of the modifications of the College Charter having been submitted to the Legislature by the gentlemen of the Scotch Church, which Communication has been brought by His Excellency the Chancellor before the Board, which must necessarily form a subject of discussion, and in all probability lead to an expression of the opinion of both branches of the Legislature on the subject, the Council respectfully suggest to His Excellency the Chancellor, as their opinion, that it would be expedient to defer for the present the consideration of the further modifications now proposed, in order that the result of the deliberations in the Assembly should be first ascertained.

RESOLVED FURTHER, That in reference to that part of the Despatch of the Right Honorable Lord John Russell, Secretary of State for the Colonies, to His Excellency the Lieutenant Governor, under date of the 3d of November last, which recommends that the College Council would surrender the present Charter in order that a new Charter should be issued conforming with the proposed modifications, that His Excellency be requested to state to His Lordship, on the behalf of this Board, that as the College Council does not compose the Corporation, but is a Select Body formed within the Corporation, with certain defined powers which do not extend to a surrender of the Corporate existence, this Board conceives, and begs most respectfully to submit to His Lordship, that a surrender of the Charter by this Board would not be valid ; and further, that this Board in their proceedings on the 18th of February, 1840, in regard to the modifications of the Charter, contemplated that these would be carried into effect by an additional Charter to be granted by Her Majesty, as the Founder of the College, without a surrender of the present Charter, which this Board considered would remain in force in all respects except as to those parts of it which might be altered by the new Charter to be granted.

A true Extract from the College Minutes.

GEO. F. STREET, Registrar.

*Extract from the Minutes of a College Council, held at Government House, on Thursday the 11th March, 1841.*

His Excellency lays before Council the following Address, presented to him from the House of Assembly, 5th March, 1841 :—

“Whereas certain modifications of the Charter of King's College were proposed by the College Council, under date of the 18th of February, 1840 : And whereas a Committee of the whole House have recommended the following alterations and additions to those modifications.

“That no Clergyman of any Denomination be eligible to a seat in the Council, and that the number of ex officio members be reduced to the Chancellor, the President of the Legislative Council, the Speaker of the House of Assembly, and not more than one Professor.

“That the Tests for Degrees in Divinity be those of the University of Oxford and Edinburgh, and a declaration of belief in the authenticity of the Holy Scriptures, and the Doctrine of the Trinity ; therefore

“RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to lay before the College Council, at as early a day as possible, the foregoing propositions, and inform this House of the result of their deliberations thereon, and whether the Council will concur therein ;” whereupon

RESOLVED, That while the Council adhere to the proposed modifications of the 18th of February, 1840, generally in regard to the Constitution of the College Council, yet in token of their sincere desire to meet the wishes of the Assembly, they are willing to agree that the Constitution of that Body

be so far altered as to dispense with the provision requiring that two of their Members be Professors ; and they are further willing to agree that the number of the Council be enlarged to 15 instead of 13; and further

RESOLVED, That in regard to any alteration in the present Charter in respect to Degrees in Divinity, the Council leave the decision of that point to Her Majesty's Government.

A true Extract from the Minutes.

GEO. F. STREET, Registrar.

The Honorable Mr. Botsford gave notice that he would, on Monday next, move Resolutions expressive of the opinion of the House with respect to the modifications of the Charter of King's College.

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 amend an Act to incorporate the Central Fire Insurance Company of New Brunswick.

A Message was brought from the Assembly, by Mr. Woodward, that the Assembly had agreed to the Bill to amend the Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates ; and

With a Bill further to alter and amend an Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets 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.

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

FRIDAY, 19th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill further 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 to-morrow, to take the said Bill into consideration.

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

*House of Assembly, 18th March, 1841.*

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to bring under the notice of Her Majesty's Home Government, a copy of the Report of the Select Committee of this House, together with a copy of the Letter of His Honor the Master of the Rolls to His Excellency, under date of 17th ultimo, and laid before the Honorable the Legislative Council, by Message from His Excellency, on the 18th of the same month, upon the subject of that part of the Despatch from the Right Honorable Lord John Russell, Secretary of State for the Colonies, to His Excellency, relative to the Act of Assembly, passed in the third year of the Reign of Her present Majesty, for the improvement of the practice of the Court of Chancery in this Province, under date of 28th May last, and laid before this House by His Excellency on the 25th January last, which Report has been adopted by a Resolution of this House; and that in so doing, His Excellency will be pleased to impress upon Her Majesty's Government the propriety of giving effect to the Act in question, for the reasons set forth in the above mentioned Report; and further

*Resolved*, That the Honorable the Legislative Council be requested to join with this House in such Address.

CHAS. P. WETMORE, *Clerk.*

The said Resolution and Address having been read by the Clerk,

RESOLVED, That this House do concur in such Address, and that the Honorable Mr. Chandler be a Committee on the part of this House to join such Committee as may be appointed by the Assembly to present such 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. L. A. Wilmot, with the following Resolution:—

*House of Assembly, 18th March, 1841.*

Whereas this House has learned with deep regret, that our esteemed Lieutenant Governor has been recalled by Her Majesty from the Government of this Province: And whereas His Excellency's Administration of this Government has been characterized by a sound and liberal policy, and has given universal satisfaction to the Constituency of this Province: And whereas this House is of opinion, that to the prudent and judicious course pursued by His Excellency during the excitement on the Frontier in the years 1838 and 1839, may be attributed under Divine Providence, the pacific termination of the then existing difficulties, which threatened to involve our Nation in a calamitous and expensive war with the United States: And whereas this House is of opinion, that a substantial Testimonial should be presented to His Excellency, in token of the high estimation in which His valuable and indefatigable exertions are held by all classes of Her Majesty's loyal Subjects in this Country; therefore

*Resolved*, That an humble Address be presented to His Excellency, praying that His Excellency will be pleased to accept from the Legislature of this Province, a Service of Plate, on his retirement from the Government, as commemorative of the estimation in which His valuable services are held by the People of New Brunswick; and further

*Resolved*, That such sum as will procure a Bill of Exchange for £1500, Sterling, be voted in Supply for that purpose, and that it be placed at the disposal of a Commissioner, who shall cause to be engraved on the principal pieces of the said Plate, the following inscription:—

“ Presented by the Legislature of New Brunswick to Major General Sir John Harvey, K. C. B. and K. C. H., in token of the high esteem in which His wise administration of the Government is held by all classes of Her Majesty's Subjects in this Province.—18th March, 1841.”

*Resolved*, That the foregoing Resolutions be communicated to the Legislative Council, and that they be requested to join this House in the proposed Address.

CHAS. P. WETMORE, *Clerk*.

The said Resolutions having been read by the Clerk; it was

**RESOLVED UNANIMOUSLY**, That this House doth concur with the Assembly in the above Resolutions and proposed Address.

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

A Message was brought from the Assembly, by Mr. Connell, with Resolutions of Appropriation dated the 17th day of March, instant, 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 on Resolutions of Appropriation.

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 establish a Provincial House of Correction; and

A Bill imposing Duties for raising a Revenue.

The said Bills were severally read a first time.

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

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:—

An Act to authorize the Justices of the Peace in certain Counties in this Province to exempt the French Inhabitants from the assessment of Poor Rates:

An Act to continue an Act to provide for the prompt payment of all demands upon the Provincial Treasury:

An Act to extend the provisions of an Act, intituled “An Act to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes,” to the Parish of Gagetown, in Queen's County:

An Act to continue an Act to provide for the summary punishment of persons committing Trespasses upon Square Timber and other Lumber:

An Act to authorize the Justices of the Peace in the County of Kent to levy an assessment to pay off the County Debt:

An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephens:

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the Parish of Saint Stephens, in the said County, for the erection of a Wharf on the Public Landing at Salt Water, in the said Parish:

An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to contract for the erection of a new Gaol in the said County, and for other purposes therein mentioned:

An Act to continue an Act, intituled “An Act for the better and more effectual securing the navigation of the Newcastle River, in Queen's County”:

An Act to permit the establishment of a Fish Market in one of the Public Slips in the City of Saint John:

An Act to authorize the Justices of the Peace of the County of Carleton to assess the said County to pay off the County Debt:

An Act to continue and amend an Act, intituled "An Act for the relief of old Soldiers of the Revolutionary War, and their Widows":

An Act to authorize the Justices of the Peace for the City and County of Saint John to levy an assessment to pay off the County Debt:

An Act to incorporate the Westmorland Mining Company:

An Act to establish a Division Line between the Parishes of Northampton and Brighton, in the County of Carleton:

An Act for the better and more effectual securing of the navigation of the River Miramichi, in the County of Northumberland, and to protect the Fisheries on the said River:

An Act to extend the provisions of an Act, intituled "An Act to encourage the establishment of Banks for Savings in this Province":

An Act in addition to and in amendment of an Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John:

An Act to amend an Act, intituled "An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John":

An Act relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland:

An Act to alter the times for holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Sunbury:

An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County:

An Act in further amendment of the Law:

An Act relating to the summoning and attendance of Petit Jurors at the respective Sittings and Circuit Courts in this Province:

An Act relating to the office of Coroner in this Province:

An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town:

An Act further to amend the Law relating to Bastardy:

An Act relating to the Parish Church of the Parish of Portland, in the County of Saint John, and to the Church Corporation of the said Parish:

An Act to extend the provisions of the Act for the increase of the Capital Stock of the Central Bank of New Brunswick:

An Act further to amend the Act to encourage the establishment of Banks of Savings in this Province:

An Act to incorporate sundry persons by the name of the Atlantic Assurance Company:

An Act in addition to the Registry Acts of the Province:

An Act in addition to the Acts relating to Circuit Courts: and

An Act for the Naturalization of Aliens in this Province,—with a suspending clause.

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

*Adjourned until To-morrow at 12 o'clock.*

# Legislative Council Chamber.

SATURDAY, 20th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

Pursuant to the Order of the Day, the Bill to establish a Provincial House of Correction 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 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. Botsford 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 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 further 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. Botsford 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, 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 upon Resolutions of Appropriation.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the Resolutions of Appropriation, they had made some 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. Wilmot, with the following Resolution:—

*House of Assembly, 20th March, 1841.*

*Resolved,* That a Committee be appointed, consisting of a Member from each County in the Province, as also a Member from the City of Saint John, to join such Committee as may be appointed by the Honorable the Legislative Council, to present the Joint Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to accept from the Legislature of this Province a Service of Plate, on his retirement from the Government, as commemorative of the estimation in which his valuable services are held by the people of New Brunswick.

*Ordered,* That Mr. L. A. Wilmot, Mr. Connell, Mr. Hayward, Mr. Gilbert, Mr. M'Leod, Mr. Woodward, Mr. Partelow, Mr. Wilson, Mr. McAlmon, Mr. Rankin, Mr. End, Mr. Barberie, and Mr. Brown be the Committee on the part of this House.

CHAS. P. WETMORE, *Clerk.*

The same having been read by the Clerk ; it was

ORDERED, That the Honorable Messrs. Botsford, Lee, Chandler, Wyer, Hatch and Kinnear be the Committee on the part of this House to join the Committee appointed by the Assembly to present the said Address.

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. Brown, with a Bill to authorize the opening of a Draw in the Bridge at the mouth of the River Digdeguash, and the erection of a Draw Bridge over the River Musquash, 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 the second time.

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

A Message was brought from the Assembly, by Mr. Connell, with a Bill to prevent Disorderly Riding or Driving on Public Bridges : and

With sundry Resolutions of Appropriation dated the 19th March, 1841, 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.

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

The Resolutions of Appropriation dated the 19th of March, instant, 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. L. A. Wilmot, with the following Resolution :—

*House of Assembly, 18th March, 1841.*

*Resolved,* That it is desirable that the Libraries of this House and the Legislative Council should be united, and that should the Legislative Council concur in this opinion, this House will appropriate the new Library Room for that purpose ; and further

*Resolved,* That the sum granted at the last Session should be re-appropriated, together with such further sum as may be considered necessary to cover the required importations for the completion of the stock of Books required, and also for the fitting up of the Room, and that a Standing Committee of this House be appointed to join such Committee as may be appointed by the Legislative Council, to have the management of the said Library.

*Ordered,* That Mr. L. A. Wilmot, Mr. Fisher, and Mr. End be the Committee on the part of this House.

CHAS. P. WETMORE, *Clerk.*

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.

*Adjourned until Monday next, at 12 o'clock.*

# Legislative Council Chamber.

MONDAY, 22d March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

•Pursuant to the Order of the Day, the Bill imposing Duties for raising a Revenue, 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 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 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 consideration the Bill to authorize the opening of a Draw in the Bridge at the mouth of the River Digdeguash, and the erection of a Draw Bridge over the River Musquash.

The Honorable Mr. Botsford 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 prevent Disorderly Riding or Driving on Public Bridges.

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 establish a Provincial House of Correction.

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.

A Message was brought from the Assembly, by Mr. Street, that Mr. Street and Mr. Hanington are appointed a Committee of the House of Assembly, to join the Committee of this House to present the Joint Address to His Excellency the Lieutenant Governor on the subject of the Act for the improvement of the Practice in the Court of Chancery.

A Message from His Excellency the Lieutenant Governor was delivered, by the Honorable Mr. Saunders, 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 March, 1841.

J. HARVEY, LT. GOVERNOR.

The Lieutenant Governor lays before the Council, a copy of a Despatch received from the Right Honorable the Secretary of State, in answer to their Address on the Birth of the Princess Royal.

J. H.

[Copy.]

Downing Street, 19th February, 1841.

SIR,—I have received your Despatch, No. 5, of the 29th of January, enclosing Addresses to the Queen and to Prince Albert, from the Legislative Council of New Brunswick, on the Birth of the Princess Royal.

I have had the honor to lay the Address to the Queen before Her Majesty, and have received Her Majesty's commands to instruct you to acquaint the Legislative Council that Her Majesty has received with gratification their renewed assurances of loyal attachment to Her Majesty's person, and their congratulations on an event so deeply interesting to Her Majesty's feelings.

I have forwarded to Prince Albert the Address to His Royal Highness.

I have the honor &amp;c.

(Signed)

J. RUSSELL.

Lieutenant Governor Sir JOHN HARVEY, K. C. B.

The Honorable the President laid before the House the following Letter; which was read by the Clerk:—

Buckingham Palace, 23d February 1841.

SIR,—I have this day had the honor to lay before Prince Albert the congratulatory Address of the Legislative Council of the Province of New Brunswick upon Her Majesty's safe delivery of a Princess, and I am commanded by the Prince to convey to you, and all who concur in this Address, the expression of His Royal Highness' sincere thanks, for the gratifying sentiments it contains.

I have the honor to be, Sir,

Your most obedient servant.

ROB. GROSVENOR.

The Honorable WARD CHIPMAN, Esquire, President, &amp;c.

The Honorable Mr. Saunders, by direction of His Excellency the Lieutenant Governor, lays before the House the following Document, which was read by the Clerk:—

[Copy.]

The Commissioners for auditing the Casual Revenue Accounts having examined the Account submitted by the Auditor General, wherein it is shewn that the sum of £324 4 9, is alleged to be in the hands of the late Commissioner of Crown Lands, being a part of a balance formerly reported by the Auditor General as due from the said late Commissioner, are of opinion that the said alleged balance has been accounted for in the following payments made to the late Receiver General, viz:—

1835.		
May 7.	Draft in favor of F. B. Barker,	£14 8 5
	Ditto do. James Willox,	16 0 0
Nov. 7.	Cash paid Receiver General,	30 0 1
20.	Draft on Cashier Crown Land Office,	10 0 0
22.	Ditto in favor of F. Beverly,	9 19 1
Dec. 19.	Cash paid Receiver General,	5 0 0
	J. A. Beckwith's Check on W. N. Akerley, dated 21st December, 1833,	
	sworn to as having been paid by latter,	196 7 2
	Forged Notes on United States Bank in Crown Land Office,	42 10 0
		<hr/>
		£324 4 9

The Commissioners therefore conceive that Mr. Baillie should be exonerated from the said amount, and that the Auditor General should charge the Revenue accordingly. It may be proper to remark that the Auditor General could not have been justified in releasing Mr. Baillie from this claim without authority from the proper quarter.

Respectfully submitted,

A. E. BOTSFORD,

J. R. PARTELOW,

L. A. WILMOT.

} Commissioners.

March 13, 1840.

ORDERED, That it do lie on the Table.

A Message was brought from the Assembly, by Mr. Connell, with Resolutions of Appropriation, dated the 20th day of March, instant, 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.

Pursuant to notice the Honorable Mr. Botsford moved the following Resolutions:—

RESOLVED, That the Institution of King's College has a decidedly Religious character, inasmuch as the first object expressed in the Charter is "the education of youth in the principles of the Christian Religion."

RESOLVED, That this Religious character, and the benefits which should result therefrom, can only be secured by establishing and maintaining some one distinct form of Religious Worship, Doctrine and Discipline within the College, and that accordingly His late Majesty King George the Fourth, the founder of the College, made provision for this purpose in the Charter by making the united Church of England and Ireland the form of Christianity which was to give to the College its Religious character, and that no desire for a change in this respect has been expressed in any quarter; nevertheless it is the opinion of this House, in accordance with the spirit of the Charter and

the universal sentiment on this subject, that all the benefits of education which the Institution affords should be freely open to Christians of all Denominations.

**RESOLVED**, That in the opinion of this House the proposal which has been lately made for the exclusion of Clergymen of all Denominations from the College Council, the governing body in the Institution, is in direct variance with its Religious character, and that if dissension and difficulty are to be apprehended from the admission into the College Council of Clergymen of other Denominations than the Church of England, the true remedy would be not to appoint any such Clergymen to a seat in the said Council.

**RESOLVED**, That this House gives its consent to the modifications of the College Charter which have been agreed to by the College Council, in case the same shall be approved of by Her Majesty's Government.

And the question being put on each, they were severally passed in the affirmative.

**RESOLVED**, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit a copy of the foregoing Resolutions to Her Majesty's Secretary of State for the Colonies.

**ORDERED**, That the Honorable Messrs. Botsford and Hatch be a Committee to wait upon His Excellency the Lieutenant Governor with the Address.

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 into consideration of the Resolutions of Appropriation dated the 17th 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.*

110

# Legislative Council Chamber.

TUESDAY, 23d March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

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

A Bill to prevent Disorderly Riding or Driving on Public Bridges: and  
A Bill to establish a Provincial House of Correction.

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, upon Resolutions of Appropriation sent up from the Assembly.

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 17th day of March, instant, and recommended that the House should concur in the same, with certain exceptions, which the Committee recommend 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 17th day of March were concurred in by the House, with the following exceptions:—

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £250 for the next four years, for the purpose of encouraging the continuance of a Steam Boat to ply between Saint John and Boston; which annual amount to be paid to James Whitney or any other person, (he failing to accomplish it,) on a certificate being produced from Commissioners to be appointed for the purpose, to the Commander in Chief for the time being, on or before the 31st January in each year, that such Boat has plied on the said route, at least once a week, (unavoidable accidents excepted,) between the 1st day of May and the first day of November, in the said year for which such certificate is given:

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £30 for the purpose of aiding in the establishment of a Courier to carry a weekly Mail between Waters', at the mouth of the Nerepis, in Westfield, King's County, and Gagetown in Queen's County; the said Courier to pass by the Shore Road:

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £20 to pay two Ferrymen £10 each for keeping up the Ferry between Oak Point and the mouth of Waweig River, in the County of Charlotte; the same not to be drawn until the end of the present year, and not until a Certificate is received from the Justices of the said County in Session, that the said Ferry has been properly attended.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £20 for the purpose of aiding in the establishment of a Courier to carry a weekly Mail from the Narrows, on the Washademoac, in Queen's County, to Studholm's Mill Stream, in King's County; and further, the like sum of £20 for a Courier to carry a weekly Mail between the intersection of the Great Road at Lyons', through the Parishes of Studholm and Salisbury, to Pittfield's, in Westmorland:

To Henry Swim, of Blissfield, in the County of Northumberland, the sum of £10 in support of a Ferry, and for conveying Her Majesty's Mails across the River Miramichi.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £10 for remunerating John Nixon for ferrying Mails across the River Saint John last year, in connexion with the Great Road to Miramichi, when it shall be certified to His Excellency the Lieutenant Governor or Commander in Chief that the said Ferry has been efficiently kept:

To the Commissioners for running a Stage between Fredericton and Newcastle, in Northumberland, the sum of £10 in support of a Team Ferry Boat, and for conveying Her Majesty's Mails across the River Miramichi for the year 1840:

To the Justices of the Peace for the County of York, the sum of £7 10s. for ferrying the Mails across Burgoyne's Ferry, in the County of York, for the Year 1840:

To John Rennie, the sum of £10 to compensate him for carrying the Bathurst and Fredericton Mails across the River Miramichi, opposite Chatham.

Which were not concurred in.

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 17th day of March, with the exceptions before mentioned.

A Message was brought from the Assembly, by Mr. Henry T. Partelow, with Resolutions of Appropriation dated the 22d 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. M'Leod, with a Bill for the prevention of Fraud in the importation of Foreign Wheat Flour, 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 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 to-morrow, to take the said Bill into consideration.

*Adjourned until To-morrow at 11 o'clock.*

112  
**Legislative Council Chamber.**

WEDNESDAY, 24th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Chandler.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

PRAYERS.

The Honorable Mr. Botsford, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying that His Excellency would be pleased to accept from the Legislature of this Province a Service of Plate, on his retirement from the Government, as commemorative of the estimation in which his valuable services are held by the people of New Brunswick, reports, that they had attended to that duty, and His Excellency was pleased to make the following reply to the said Address:—

*“ Gentlemen,*

*“ Cheered and sustained by this Address, I shall be enabled to present myself with confidence to my Sovereign, and to render such an ‘account of my Stewardship’ as may satisfy Her Majesty’s maternal heart, that Her anxious wishes for the happiness and prosperity of Her loyal Subjects in New Brunswick, have not been lost sight of by me, nor Her Majesty’s delegated authority abused in my hands.*

*“ With regard to the munificent Testimonial of your kind feelings towards me, I can only say, that I am proud and happy in receiving it—subject nevertheless to Her Majesty’s approbation—as the memorial of a degree of Legislative harmony, which may have been equalled, but which can never have been exceeded.*

*“ For myself I feel that it is unnecessary for me to say more;—I am known to you, as you are to me,—and our sentiments of mutual good will and esteem cannot change; but for my family—for my children—and my children’s children, I take upon myself to assure you, that my (and consequently *their*) connexion with this noble Province, which the splendid memorial now presented to me is intended to commemorate, will be affectionately cherished in their grateful recollections, when the actors in the present scenes shall have passed away.*

*“ Government House, March 23, 1841.”*

A Message was brought from the Assembly, by Mr. Wilson, with Resolutions of Appropriation dated the 23d day of March, instant, 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. Street, with the following Resolution:—

*House of Assembly, 24th March, 1841.*

*Resolved,* That this House doth agree to the proposed Joint Address of the Honorable the Legislative Council to His Excellency the Lieutenant Governor, and which was communicated to the House on the 19th instant, upon the subject of the Acts passed at the last and present Session of the Legislature, relating to Bastardy, requesting His Excellency to bring the same under the notice of Her Majesty’s Government, with a view of inducing Her Majesty to leave the said Acts to their operation.

CHAS. P. WETMORE, *Clerk.*

ORDERED, That the Honorable Mr. Chandler be a Committee on the part of this House to present the same.

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

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 prevention of Fraud in the importation of Foreign Wheat Flour.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairmah reported, that the Committee had gone into 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.

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 into the consideration of the Resolutions of Appropriation dated 19th, 20th, 22d and 23d of March, instant, and recommended that the House should concur therein, with certain exceptions, which the Committee recommend should not be concurred in, and asked leave to sit again.

ORDERED, That the report be received.

Whereupon the Resolutions of Appropriation dated 19th, 20th, 22d and 23d March were concurred in by the House, with the exception of the following grants:—

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, the sum of £200 to be paid to the Managing Committee of the Baptist Education Society, to aid in the support of the Seminary in Fredericton under the control of the Committee, when it shall be certified to the satisfaction of His Excellency the Lieutenant Governor that the Male and Female Departments are in an efficient state: and

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £100 to be paid to the Publisher of a Periodical for the diffusion of Agricultural information throughout the Province, to be issued monthly; such sum to be paid when it shall be certified by the President and one or more of the Members of the Agricultural and Horticultural Society of Saint John, that a well conducted Periodical of the character contemplated, has been printed and circulated for the space of six months, and that ten copies of such paper be sent to the President of each of the Agricultural Societies in the Province:

Which were not concurred in by the House.

On motion made and seconded—

RESOLVED, That this House doth concur in the proposition from the House of Assembly for uniting the Libraries of the two Houses, as conveyed in their Resolution of the 18th of March last, with the distinct understanding that the House of Assembly do appropriate the new Library Room for the exclusive use of the Joint Library, and that such Library be placed under the superintendence of a standing Committee, consisting of three Members from each House, who shall frame rules and regulations for the proper management of the said Library, which rules &c. shall be laid before the two Houses for their approval, and shall have authority to appoint a Librarian to take charge of the Library, and carry such rules and regulations into effect.

ORDERED, That the Honorable Messrs. Botsford, Street and Kinnear be the standing Committee on the part of this House.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to authorize the opening of a Draw in the Bridge at the mouth of the River Digdeguash, and the erection of a Draw Bridge over the River Musquash.

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 “and also erect a good and sufficient Bridge over the River Musquash, with a proper Draw therein for the admission of Coasters and other Vessels passing to and from the head of the tide waters on that River.”

At B expunge “the said erections” and insert “making the said Draw.”

At C insert a new Section, as follows:—

“II. And whereas a new Bridge over the Musquash, River in the County of Saint John, will soon be required, and whenever the same is built it will be expedient to allow a Draw therein, to be made at the expense of the Lancaster Mill Company: Be it therefore enacted, That if the said Company shall enter into a sufficient Bond, to be approved of by the Lieutenant Governor or Commander in Chief for the time being,

that they will pay to the Supervisor who may erect such Bridge, the expense of placing and fitting such Draw in said new Bridge, and will also defray the expence of the maintaining the said Draw and of opening and shutting the same at all times hereafter when necessary, the said Supervisor shall then, and in such case place and make a good and sufficient Draw in the said new Bridge when so erected, fit for the passage of Vessels of burthen, and to report the expense of such Draw to the Lieutenant Governor or Commander in Chief for the time being, in order that the said Company may pay the same, and in the event of failure so to do, such Bond so given as aforesaid shall and may be sued for and recovered in any Court of competent jurisdiction."

At Cc expunge "II" and insert "III."

At D expunge the remainder of the Section, and insert "according as they may be situate within their respective Counties."

At E insert a fourth Section, as follows:—

"IV. And be it enacted, that the said Justices of the Peace for the County of Charlotte, in General Sessions, shall and may appoint a fit and proper person to attend the said Draw in the Digdeguash Bridge, and to allow him such reasonable compensation therefor as they may think proper, to be paid in like manner as other contingent charges of the County."

At F in the Preamble expunge the remainder of the Preamble and insert "River Digdeguash is impeded by the present Bridge over said River, on the Great Road leading from Saint John to Saint Andrews."

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, be read the third time to-morrow.

A Message was brought from the Assembly, by Mr. Henry T. Partelow, with a Bill to provide for the protection of the Revenue, 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 the second time.

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

A Message was brought from the Assembly, by Mr. Street, that Mr. Street and Mr. End are appointed the Committee on the part of the Assembly, to join the Committee of the Legislative Council to wait upon His Excellency the Lieutenant Governor with the Joint Address upon the subject of the Acts passed at the last and present Session of the Legislature, relating to Bastardy.

On motion made and seconded—

RESOLVED, That the Order of this House made this Day, that "the Bill for the prevention of Fraud in the importation of Foreign Wheat Flour, should be taken into further consideration by a Committee of the whole House to-morrow, be discharged; and further

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

ORDERED, That the Honorable Mr. Botsford be appointed in place of the Honorable Mr. Chandler the Committee on the part of this House, to present to His Excellency the Lieutenant Governor the joint Address of both Houses, on the subject of the Law regarding the practice of the Court of Chancery.

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

ORDERED, That the Honorable Mr. Botsford be appointed a Committee on the part of this House, in the place of the Honorable Mr. Chandler, to present to His Excellency the Lieutenant Governor the joint Address of both Houses, on the subject of the Acts passed at the last and present Session of the Legislature, relating to Bastardy.

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

*Adjourned until to-morrow at 11 o'clock.*

115  
**Legislative Council Chamber.**

THURSDAY, 25th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Swunders.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the opening of a Draw in the Bridge at the mouth of the River Digdeguash, and the erection of a Draw Bridge over the River Musquash, 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 consideration the Bill to provide for the protection of the Revenue.

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 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.

A Message was brought from the Assembly, by Mr. M'Leod, with a Bill to provide for 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.

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 down to the Assembly, and acquaint that House that the Legislative Council have agreed to the said Bill.

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

*House of Assembly, 24th March, 1841.*

*Resolved,* That this House doth concur in the propositions contained in the Message received this day from the Honorable the Legislative Council, in reference to uniting the Libraries of the two Houses, and that the new Library Room be appropriated for the exclusive use of the Joint Library.

CHAS. P. WETMORE, *Clerk.*

The Honorable Mr. Botsford, from the Joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Address of the two Houses upon the subject of the Acts relating to Bastardy, reports, that they have attended to that duty, and that His Excellency was pleased to say the wishes of the Legislature should be complied with.

The Honorable Mr. Botsford, from the Joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Joint Address of the two Houses upon the subject of the Acts relating to the Court of Chancery, reports, that they have attended to that duty, and His Excellency replied that he would comply with the prayer of the Address.

The Honorable Mr. Botsford, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House relating to the proposed modifications of the Charter of King's College, reports, that they have attended to that duty, and His Excellency was pleased to say he would comply with the wishes of the House in that particular.

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 Contingent expenses of this Honorable House, beg leave to report, that they have had under their consideration the Accounts of the Clerk for the last year, they are accompanied by the requisite vouchers and are satisfactory, leaving a balance of £22 8 11 in his hands, 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, in consideration of the expense incurred by John Biggs in providing a superior Sleigh for the accommodation of the Members of the Council, that he receive the sum of £35.

They have also carefully examined the Contingencies of the present Session, consisting of the following charges, which they recommend should be allowed, viz.:

Munro, Wallace & Co., Stationery, Fuel, &c.	....	....	....	£266	19	10
Francis Beverley, Book Binding, Stationery, &c.	....	....	....	24	19	3
Henry S. Beek, Ditto,	....	....	....	9	7	0
James Willox, sundries,	....	....	....	3	10	2
William Watts, Ditto,	....	....	....	2	15	0
Justin Spahn, services,	....	....	....	5	2	9
Sleigh Hire,	....	....	....	175	0	0
Newspapers,	....	....	....	16	0	0
Watts and Brannen, services in recess,	....	....	....	2	10	0
Superintending Index, Journal, &c.	....	....	....	40	0	0

£546 4 9

Respectfully submitted.

A. E. BOTSFORD, *Chairman.*

*Adjourned until To-morrow at 11 o'clock.*

117

# Legislative Council Chamber.

FRIDAY, 26th March, 1841.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Street.*

*Mr. Wyer.*

*Mr. Kinnear.*

PRAYERS.

A Message was brought from the Assembly, by Mr. Fisher, with the following Resolutions of Appropriation, dated the 23d day of March, to which they desire the concurrence of this House:—

*Resolved*, That there be granted to William B. Phair, Esquire, Postmaster at Fredericton, the sum of £449 6 8 for the Postages of the Legislature during the present Session: and

To the Clerk of the House of Assembly, the sum of £2,095 14 1, for the Contingent expenses of the present Session.

The said Resolutions being read were 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. Henry T. Partelow, with 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. Botsford took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and recommend 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 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:—

An Act imposing Duties for raising a Revenue:

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 for the services therein mentioned:

An Act to provide for the opening and repairing Roads and erecting Bridges throughout the Province: and

An Act for the Protection of the Revenue.

An Act to grant a Loan of Six thousand Pounds to John Walker of the City of Saint John:

An Act to amend the 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 amend an Act to incorporate the Central Fire Insurance Company of New Brunswick:

An Act to prevent disorderly Riding or Driving on Public Bridges :

An Act further 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" :

An Act to establish a Provincial House of Correction :

And as regards the following Bills, His Excellency was pleased to reserve the same for the consideration of Her Majesty :—

An Act relating to the Mines and Minerals in the County of Gloucester : and

An Act to incorporate the Grand Falls Company.

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,*

" In releasing you from further attendance upon your Legislative labours, it is again my pleasing duty to renew to you, for myself and for my Royal Mistress, my acknowledgements of the assiduous and satisfactory discharge of your Legislative duties, and, in Her Majesty's name, to thank you for the liberality of the Supplies which you have granted in aid of the Public Service, and more especially for the noble provision which you have made for the improvement of the Great Lines of Communication between Halifax and Quebec, passing through this Province ; thereby unequivocally manifesting your readiness to meet the wishes and suggestions of the Imperial Government in all that tends to bind and consolidate the connexion of New Brunswick with Great Britain. By these proceedings you have, I am well convinced, faithfully fulfilled the wishes of your Constituents, whose gratitude you have thereby merited, while you have at the same time nobly sustained the lofty position which New Brunswick has taken among the Colonies of the British Empire for unshaken loyalty to the Sovereign and affectionate attachment to the Mother Country. And here I ought not to refrain from observing, that anxiously desirous as I have ever been to conduct my administration in accordance with the "best interests" of the community over which I was appointed to preside, it has been with no ordinary degree of satisfaction that I have found that principle of Government to be identical with the "wishes" of a rational—a sound judging—and a loyal People.

" The Queen having been pleased to terminate my official connexion with New Brunswick, the painful necessity is imposed upon me of bidding you adieu, which I know you will believe that I do with feelings of deep emotion, arising as well from gratitude for the confidence which you so frankly reposed in me, from the first hour of our intercourse—a confidence which has alleviated and facilitated the anxious duties attaching to my station, and rendered their performance satisfactory and delightful, and, as I will hope, and as you have been pleased to assure me, beneficial to the Province,—from regret at my disseverance from a People among whom several of the happiest years of my life have been passed, and to whom I shall ever feel myself linked in sentiments of unceasing regard and affection,—and lastly, from pride and satisfaction at the prosperous and happy state in which I leave you.

" In imploring for the People of this noble Province the continuance of those blessings to which their many high minded qualities so justly entitle them, I will add, that for myself it will constitute one of the chief consolations of my remaining days, to witness, though at a distance, the rapid progress which New Brunswick is destined to make in all that relates to her prosperity and improvement.

" England already looks with great interest to the People of New Brunswick, as to an impregnable barrier against the spread of unsound and unconstitutional opinions on this Continent; and I foresee, that, in the course of events, that feeling will be elevated into one of just pride in the possession of so noble a Bulwark of her glorious Institutions.

" I have yet one more observation to make, and if that observation should be deemed superfluous, I trust to your candour to impute it to its true motive—an anxious desire to perpetuate to you, as far as my advice or influence may be permitted to extend, the blessings which must ever attend the harmonious working of the machinery of which Legislation and Government are composed.—Permit me then to impress upon you the advantage to the Public Interests, which must result from according to the distinguished Individual, who may be selected by the Sovereign to represent Her Majesty in this Province, the same degree of confidence which you were pleased to repose in me, and to which, I repeat, I mainly impute, under the blessing of Divine Providence, whatever of success may have attended my efforts to be useful."

After which the President of the Council, the Honorable Mr. Chief Justice Chipman, by His Excellency's command, declared the Assembly prorogued until the third Tuesday in June next.

WM. TYNG PETERS, Clerk.