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JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF THE

PROVINCE

OF

NEW BRUNSWICK,

FROM THE SIXTH

TO THE

TWENTY SECOND DAY OF JULY.

Being the Fifth Session of the Eleventh General Assembly.

FREDERICTON:

JOHN SIMPSON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1837.

JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF THE

PROVINCE

OF

NEW BRUNSWICK.

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

FREDERICTON, Thursday, 6th July, 1837.

THE House having by Proclamation been prorogued until this day, then to meet for the Despatch of Business, and being met—

A Message from His Excellency the Lieutenant Governor, by the Gentleman Usher of the Black Rod, requiring the attendance of the House in the Council Chamber.

The House attended, and being returned—

Mr. Partelow moved for leave to bring in a Bill, relating to Vessels or Boats propelled by Steam.

Leave granted.

Mr. Speaker then reported, that His Excellency had been pleased to make a Speech to both Houses, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy; which he read to the House, and is as followeth:—

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

"I HAVE called you together at this unusual season of the year, for the purpose of communicating to you His Majesty's final pleasure in reference to a measure of no ordinary favor and liberality on the part of the Crown—the surrender, to your control and disposal, of the proceeds of all His Majesty's Casual and Territorial Revenues in this Province, upon certain conditions; and the only observation with which I will accompany the important documents, copies of which I have directed immediately to be laid before you, is that I feel an entire conviction that the suggestions of the King's Government will be received by you with the most respectful attention.

"Mr,

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

"My connexion with this Province is of much too recent a date to warrant my submitting to you, at present, any suggestions relative to the objects to which it might appear to me advantageous to the interests of the Province to recommend to you to apply any portion of the Revenues to which I have alluded. I will therefore merely express to you the satisfaction which, as His Majesty's Representative, I feel in being authorized and instructed to ratify, on the part of our truly paternal Sovereign, an arrangement with His Majesty's loyal subjects of this Province, of the advantages of which, as respects *their* interests, the King had only to be satisfied in order to insure His Majesty's most willing and gracious assent.

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

"I will detain you from the exercise of your Legislative duties only for the purpose of expressing my earnest and confident hope that a spirit of harmony and of wisdom will continue to guide your deliberations upon the very important measures now to be brought under your renewed consideration, and upon which the future welfare and prosperity of this Province so mainly depend."

On motion of Mr. Allen,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor in answer to His Speech.

Ordered, That Mr. Allen, Mr. Johnston and Mr. Weldon, be a Committe to prepare the Address.

On motion of Mr. Johnston,

Resolved, That a Committee be appointed to whom may be referred all matters which may hereafter arise that may in any way be supposed to affect the privileges of this House.

Ordered, That Mr Johnston, Mr. Weldon, Mr. Street, Mr. Brown and Mr. Partelow, do compose the Committee.

On motion of Mr. Street,

Resolved, That no Petition be received or Bill brought in after the 12th day of July instant, except by special leave of the House.

On motion of Mr. End,

Resolved, That two hundred copies of His Excellency's Speech be forthwith printed for the use of the Legislature.

On motion of Mr. Partelow,

Whereas certain accounts connected with the King's Casual Revenue, laid before the House at its last Session, and ordered to form a part of the Appendix to the Journal of that Session, were not communicated in sufficient time to report thereon; therefore

Resolved, That so much of the said Journal of the 3d and 20th of February which required the printing thereof, in order that they might form a part of such Appendix, be expunged.

On motion of Mr. L. A. Wilmot,

Ordered, That the House do to-morrow go into Committee of the whole in consideration of His Excellency's Speech.

The House adjourned until to-morrow morning at 10 o'clock.

Friday, 7th July, 1837.

Prayers.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Baillie, by command of His Excellency, communicated to the House

House copies of the important Documents referred to in His Excellency's Speech at the opening of the Session, connected with the surrender of the Casual and Territorial Revenues.

The same were then severally read at the Clerk's Table, and are as follow:—

"*DOWNING STREET, 6th April, 1837.*

"SIR,

"I HAVE to acknowledge the receipt of Sir Archibald Campbell's Despatch of the 28th January last, No. 4, on the subject of the proceedings of the Legislative Council and Assembly of New Brunswick, in regard to the Civil List Bill. Mr. Street, the Solicitor General of the Province, having been deputed by Sir A. Campbell to proceed to this country in order to afford the benefit of his oral explanations regarding the questions in dispute between the House of Assembly and the Lieutenant Governor, I have discussed the whole subject with that Gentleman, and have received from him a Letter, dated the 23d ultimo, of which I inclose a copy for your information. The House of Assembly also having deputed two of their Members, Messrs. Crane and Wilmot, to this country, for the purpose of communicating with His Majesty's Government on the same subject, I have received from those Gentlemen an Address from the Assembly to the King, which I have laid before His Majesty. I have also had interviews with Messrs. Crane and Wilmot, and have given due attention to every statement and suggestion, which they have thought it necessary to bring under my notice.

"I proceed to state to you the result of a deliberate consideration of the various aspects in which the matters controverted between your predecessor and the House of Assembly, have thus been presented to His Majesty's Government.

"On referring to my Despatch of the 2d March, No. 109, which was written before the arrival of Sir A. Campbell's last Despatches, you will find that I have anticipated many of the questions which have more recently come under discussion. In order to avoid, as far as possible, the risk of any misconception on an occasion of so much importance, I shall disregard the minor inconvenience of repeating some of my former statements and explanations.

"First. Sir A. Campbell did not consider himself as in possession of adequate authority for assenting, on His Majesty's behalf, to the Civil List Bill. His objection to act upon the Instructions which I conveyed to him, may, as I now understand it, be stated as follows.

"The 14th clause of those Instructions contained the following passage—"You are not to pass "or give your assent to any Bill or Bills of an unusual and extraordinary nature and importance, until "you shall have first transmitted to us, through one of our Principal Secretaries of State, and to the "Committee of Privy Council for Trade and Plantations, for their information, the drafts of such "Bill or Bills, and shall have received our pleasure thereupon, unless you take care that there be a "clause inserted therein, suspending and deferring the execution thereof, until our pleasure shall be "known concerning the same." But Sir A. Campbell argues that in the present case neither of these conditions had been fulfilled. The draft of the Civil List Bill had not been transmitted by him for the signification of His Majesty's pleasure, nor did it contain a suspending clause. It was indeed true that the draft had been transmitted to the Lieutenant Governor for his guidance, by the express command of His Majesty, signified through me, as one of His Principal Secretaries of State. But it was maintained that this was neither a formal nor a substantial fulfilment of the 14th article of the General Instructions. The difference between the form literally prescribed, and that which was actually observed, requires no explanation. The difference of substance is stated by Sir A. Campbell to be, that a draft transmitted from the Province to this country must be accompanied by a Report from the Lieutenant Governor, which Report must of course be wanting when that order of proceeding is reversed.

"It is no longer necessary, with a view to any practical measure, to discuss the distinction which was thus drawn, because I have now had the advantage of receiving the draft from Sir A. Campbell, accompanied by the comments which it appeared to him to require; yet I cannot pass from this question without recording my opinion, that the draft of a Bill transmitted by His Majesty's commands to the Lieutenant Governor, with instructions that if adopted by the other branches of the Legislature, it should be assented to by him, is precisely of the same authority as if that draft had been drawn up and originally recommended to the King by the Officer administering the Government of the Province. It is true that in such a course of proceeding the benefit of the previous suggestions of that Officer is not obtained; but I cannot admit that it is not competent to His Majesty to dispense with that assistance on any occasion on which He may be so advised by the confidential Ministers of the Crown. The contrary supposition might, on occasions of the utmost urgency and importance, involve the necessity of a delay fatal to the success, not merely of measures founded on a local and particular policy, but of such as may have reference to the general interests of the Empire. The purpose of the 14th General Instruction was to place a check on the authority of the Governor, not to fetter the discretion of the King.

"Secondly. Sir A. Campbell next objected, that even admitting his obligation to assent to the Civil List Bill when transmitted to the Province, and not originating with himself, yet it was necessary that the Royal pleasure should be signified, not through His Majesty's Secretary of State, but either in the form of an Order in Council, or in that of Instructions under the Royal Sign Manual. I have

have not succeeded in my attempts to ascertain the precise grounds on which this opinion rests, and I am therefore unable to controvert them. But on referring to the Commission under which the Government of New Brunswick is administered, you will perceive that it requires the Governor "to "execute His Command according to the several powers and authorities granted to or appointed him "by that Commission, and the Instructions therewith given to him; and by such further powers, in-"structions and authorities as shall at any time thereafter be granted to or appointed him under the "King's Sign Manual and Signet or by His Majesty's Order in His Privy Council, *or by His Ma-"jesty through one of His Principal Secretaries of State.*" I am not aware of the grounds on which Sir A. Campbell concluded that the last of these methods of signifying the Royal pleasure was insufficient or inapplicable in the present case. The opinion seems to me at variance with the established practice and universal understanding of all the Colonial Possessions of the Crown.

"Thirdly. Sir A. Campbell objected to the Civil List Bill because it involved an error in the calculation of the rate at which Dollars are issued from the Receiver General's office, in the payment of Salaries. I have explained the sources of that mistake in my Despatch of the 2d March. If it were necessary to insist on the correction of it, the Assembly have relieved His Majesty's Government from all difficulty on the subject; for on the 7th of January they resolved that "in the event "of its being thought necessary or proper by me that there should be a clear surplus of £566 ster-"ling, as stated in my Dspatch of 5th September, the House, upon being made acquainted with that "fact, should immediately place by a permanent vote or during the continuance of the Civil List "Bill, such additional Grant at the disposal of the Crown as would amount to the surplus above "stated." They carry still further their frank and liberal confidence in His Majesty's Government, for no stipulation having been made in the Civil List Bill for the expense of the Judges Circuits, they resolved to provide for that service also during the continuance of that Act.

"His Majesty accepts these Resolutions as a fresh and gratifying proof that his solicitude for the welfare of His subjects in New Brunswick has been justly appreciated by the Representatives of the people in that Province. I have His Majesty's commands to state that as far as respects the expenses of the Circuits, the King does not hesitate to ask the fulfilment of this pledge, because every measure which strengthens the security for the independence of the Judges, must contribute to the stability of all the social rights of which they are the guardians. But with regard to the further Grant which is offered to rectify the miscalculation in the Civil List Bill, His Majesty will not avail himself of the offer of the Assembly. In my Despatch of the 2d of March, I pointed out the resource which might be found for supplying the deficiency, by a reduction of Official emoluments; and Sir A. Campbell's resignation, by reducing to the extent of £500 per annum the charge upon the Civil List, renders it unnecessary to accept the further aid proffered by the Assembly with so much cordiality, and in so strict and honorable an adherence to the spirit rather than the letter of the pledges given, on their behalf, by Messrs. Crane and Wilmot.

"Fourthly. A further question of great importance having been noticed in Mr. Street's letter of the 23d of March, must not be passed over in silence. That Gentleman suggests that it is not competent to the King, with the advice and consent of the Legislative Council and Assembly of New Brunswick, to alienate the Hereditary Revenues of the Crown in such a manner as to bind His Majesty's Royal Successors. On this topic I limit myself to a general statement, declining as unnecessary, and therefore as unadvisable, the discussion of the wide constitutional principles involved in this inquiry. On careful reflection, I am convinced that Mr. Street's opinion is not well founded. I do not think that the cession which during the last century it has been customary to make to Parliament of the Hereditary Revenue of the Crown, for the life of the reigning Sovereign only, is to be understood as an affirmation of the maxim, that the King, Lords and Commons of Great Britain and Ireland are incompetent to conclude a permanent settlement of the question. That the existing practice is founded on the highest grounds of expediency, is indeed indisputable, but I do not perceive that the motives which so urgently forbid a permanent alienation of the Hereditary Revenues of the Crown in this Kingdom apply to the case of a British Province on the North American Continent. That such a cession may be rendered valid by an Act of General Assembly, assented to by His Majesty, and that the enactment of such a Colonial Law may under some circumstances be judicious and expedient might readily be shewn from a reference to our Colonial History. I allude especially to the case of the Island of Jamaica. The objection if well founded would of course apply to a settlement for ten years, as distinctly as if it should be made in perpetuity. Understanding that Messrs. Crane and Wilmot and Mr. Street concur in thinking that it would be expedient that the Civil List should be permanently settled, I have His Majesty's commands to acquaint you that if such should be the opinion of the House of Assembly, you are at liberty to assent to the Civil List Bill with that alteration.

"Fifthly. The next in order of the objections made to the Civil List Bill is, that it does not secure to the Crown the right of initiating all votes of public money. Sir Archibald Campbell concludes that the necessary enactment for this purpose was omitted in the draft by an oversight, because my Despatches on the subject had distinctly adverted to such an arrangement as having been agreed upon with Messrs. Crane and Wilmot. The supposition of an oversight is not however well founded. I thought originally, and still retain the opinion, that the great principles by which the mutual rights and obligations of the different members of the Constitution are regulated, do not form the proper subject of a Statutory Law. It is the felicity of our form of Government that it rests on customs and traditions, far more than on written charters and positive enactments. But after a very attentive consideration

of

of the whole subject, I am convinced that it is not practicable, and if practicable would not be wise, to insist upon the observance in New Brunswick of the rules of the House of Commons respecting the initiation of Grants of Money. In the first place this would be a departure from the usage of every other Colony possessing a Representative Assembly. In the next place, it would be a disturbance of a custom to which the inhabitants of New Brunswick are familiarized and attached. It would engender continued strife between the Executive Government and the Assembly. In the third place, even the rules of the House of Commons in this respect, unless sustained by the judgment of that House and by the opinion of the public at large, would afford no effectual security for reserving to the Crown that initiative of Money Grants which the Crown habitually exercises. There are forms of proceeding in Parliament by which an expenditure may be suggested to the Crown by the Representatives of the people. The establishment of the proposed rule in New Brunswick, in the present state of public opinion on the subject, could have no other effect than that of leaving the Assembly to exercise circuitously that power of originating Money Grants which at present they exercise directly. I therefore have to instruct you not to insist upon this condition.

"Sixthly. Mr. Street has objected that any surplus funds which at the expiration of the term of ten years may remain in the Public Treasury, may at that period be claimed by the Assembly, although they would have placed at their disposal all the surplus which has been at present accumulated. I do not perceive the force of this objection. The existing accumulations are surrendered to the House cheerfully; not merely with contentment but with satisfaction. His Majesty can have no other interest in the matter, than that the funds should be expended in whatever manner may best advance the welfare of the Province, and on that question His Majesty conceives that reliance may with far greater safety be placed on the judgment of the Representatives of the people than on any other advice. The cession of the existing fund is, therefore, not regarded by the King in the light of a sacrifice, but rather in that of a direct advantage. If during the next ten years (supposing the Civil List limited to that time) any new accumulation should take place, it will constitute a saving effected by the frugality of the House of Assembly, to the benefit of which they will have the clearest title.

"Seventhly. Mr. Street objects, that if the gross proceeds of the Crown Revenue should be paid not as heretofore to the Receiver General, but to the public Treasurer, the law would render it impossible for the Lieutenant Governor in Council to withdraw from the hands of the Treasurer, except in pursuance of an Act of appropriation, that part of the money which would be indispensable for defraying the expenses of collection and management. It does not appear to me that this objection is well founded. The first section of the Bill directs the payment to the Treasury of the proceeds of the Revenues except the monies which shall be expended in the collection and the protection thereof, as specially authorized and provided for by the 4th section. It is then by the fourth section enacted, "that the Lieutenant Governor, with the advice of the Executive Council, may expend out of the "gross proceeds such sums of money as they may deem requisite for the prudent management, pro-"tection and collection of the said Revenues." Therefore although it be true that the Treasurer can issue no money except under an Act of appropriation, yet it is also true that he will receive not the gross but the net income. Besides the unequivocal intention of the whole arrangement, the spirit in which it has been conducted on behalf of the Assembly, and the manifest interest of the Province in enabling the local Government to meet every necessary charge of collection and management, may be considered an ample guarantee against any endeavour on the part of the House to create the apprehended embarrassments.

"Eighth. Sir A. Campbell and Mr. Street concur in objecting to the enactment, in the same Session, of the 5th clause of the Civil List Bill and of the Act passed to restrain the provisions of that clause. It is certainly not to be denied that there is an apparent if not a real incongruity and contradiction between the two Statutes, and that it is desirable to avoid such a departure from the ordinary mode of legislation. But this is rather a question of style and composition than a substantial difficulty. The meaning is perfectly simple. The second Statute qualifies the general rule laid down in the first; but the first Bill contains no words anticipating the subsequent restriction. This objection may be removed, either by transferring the fifth clause to the second Bill, of which it might form the commencement, or by adding to that clause in the present Bill a few words declaring that it is to be subject to such qualification as may thereafter be enacted.

"Ninthly. Sir A. Campbell objected to the Bill for restraining the fifth clause of the Civil List Act because, "it assumes to the House a right to take the whole control and management of the Crown "Lands out of the hands of the Governor and Executive Council, and to regulate the prices, quan-"tities and proportions to Military Officers and all the other minutiæ in the disposal thereof by Legis-"lative enactment, thereby taking from the King all His Royal Prerogative Rights in the disposal "of the Crown Lands and Forests in the Province." After reading the Bill with great attention, I am unable to subscribe to this opinion. The Bill appears to me designed and calculated not to narrow but to enlarge the powers which by the Civil List Bill are reserved to the Executive Government, nor do I perceive any objection to the provisions which it contains.

"Tenthly. It was objected to the second Bill that it was passed only for two years. I acknowledge the justice of this objection, and shall be happy if on a review of the subject, the Assembly shall be disposed to render the two Bills of equal duration. If however they shall persist in limiting the second to a period of two years, I do not think the limitation so objectionable as to afford a sufficient ground for the rejection of that measure.

"As it appears that both the Bills have been lost by the closing of the Session without the Governor's

assent

assent having been given to them, it will be your first duty on assuming the administration of the Government to convene the Legislature, and you will transmit to the Legislative Council and the House of Assembly copies of this Despatch, acquainting the Assembly that I have received His Majesty's commands to address to them this communication, as comprising the answer which His Majesty has been graciously pleased to return to that part of their Address which relates to the proceedings of the House of Assembly and the Lieutenant Governor respecting the Bills in question. To that portion of the Address which adverts to the composition of the Executive Council, I am to offer in reply the following observations.

"In my Despatch No. 35, of the 5th of last September, Sir A. Campbell was directed with reference to the desire of the Assembly for the increase of that body, to report to me without loss of time, the names of such Gentlemen as should appear to him most eligible for seats in His Majesty's Executive Council. The instructions contained in that Despatch I have to desire that you will consider as addressed to yourself. You will accordingly apply yourself without unnecessary delay to a compliance with them in this important respect. In conformity with my directions, Sir A. Campbell transmitted to me on the 17th December a list of several Gentlemen whom he considered proper objects for the honor of the Executive Council. I request that you will take this list into your consideration in connexion with the whole subject, and will favour me with your observations on the recommendations which it conveys, as well as with your suggestions regarding any other Gentlemen in the Province whom you may consider more eligible to be Members of the Executive Council.

"I cannot terminate this Despatch without expressing my concern that Sir A. Campbell should at the close of his connexion with the Province have been subjected to the pain of receiving the 2d, 3d, 4th, 5th and 6th of the Resolutions adopted by the House of Assembly on the 8th of February last. Without presuming to comment on the terms in which the Representatives of the people of New Brunswick have recorded their solicitude for the interests of their constituents, I cannot but lament that an Officer possessing so many claims to public respect and gratitude should have failed to obtain their approbation. I would yet indulge the hope that they might find it consistent with their sense of public duty, by the adoption of such further measures as may be best adapted for the purpose, to relieve that gallant and estimable officer from reproaches so painful to an honorable mind. I am convinced they will concur with His Majesty's Government in thinking that whatever differences of opinion may unfortunately have arisen between the House and the late Lieutenant Governor, the conduct of Sir A. Campbell has been influenced by no motives other than a strict sense of duty, and an earnest zeal for the good of His Majesty's service, and the welfare of the people of New Brunswick.

"I have the honor, &c.

(Signed) "GLENELG."

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

"*DOWNING STREET, 2d March*, 1837.

"SIR,

"I HAVE had the honor to receive your Despatches of the 25th November, 23d December and 6th January last, relative to the arrangements effected in the course of last summer for surrendering to the House of Assembly of New Brunswick in return for a Civil List the Casual and Territorial Revenues of the Province. Your Despatches of the 25th November and 23d December are designed to call my attention to certain parts of my instructions on this subject, which appear to you to have been either indefinitely expressed or founded on incorrect data. Your Despatch of the 6th January encloses the Journals of the House of Assembly up to the 4th of that month, shewing the manner in which the answer of His Majesty to their Address of the 14th March, 1836, had been received. Before noticing the two former Despatches, I am commanded by His Majesty to express His gratification at the cordial manner in which from the Journals of the 26th and 28th December last, His proposals to the Assembly on the subject of the Civil List appear to have been accepted; and the satisfaction which He feels at the prospect of an early and conclusive settlement of this important question.

"I now proceed to reply to your Despatches of the 25th November and 23d December last—the former of which had, however, been in a great measure anticipated by my subsequent communication of the 31st October, and by the draft of the Civil List Bill enclosed in it.

"1st. In regard to those portions of the Casual and Territorial Revenue which have been invested in various securities, I do not apprehend that any difficulty can arise. Those investments having been effected previously to the surrender of the Revenue to the Assembly, must of course be taken over by that body subject to any existing obligations. If they should disapprove the nature of the investment, which however I see no reason to anticipate, it will be in their power to terminate it at the end of the present year.

"2d. You state that a considerable error exists in the calculation by which it is made to appear that after defraying the charges placed on the Civil List, there would remain an available surplus of £566 sterling; that instead of this the whole surplus would amount only to £190 19s. currency, and that if a charge of £300 were inserted for contingencies, in conformity with the intention of Lord Stanley in 1834, there would even be a deficiency of £142 7s. 8d. currency. This miscalculation you impute to

to my having overlooked Lord Ripon's Despatch of the 24th October, 1832, directing that the Civil officers should be paid in dollars at the rate of 4s. 4d. I much regret that any error of this nature should have occurred; but I do not hold myself responsible for it. In the arrangement of the terms in which the Casual and Territorial Revenue was to be surrendered, I naturally recurred to your correspondence with Lord Stanley on the same subject. In your Despatch of the 24th March, 1834, subsequent to the arrangement for paying the officers at the rate of 4s. 4d. to the dollar, I found the following passage, "It is necessary to observe that £14,000 currency amounts to no more than "£12,600 sterling—that all officers borne upon the Civil List are, and ever have been, as the Assem-"bly well know, paid in sterling money, and that as the calculation on which your offer was founded "were obviously made with reference to those salaries, no doubt could fairly be entertained with "respect to the evident meaning of the Despatch on that head." Nothing having since that time occurred to disturb the proportions between the New Brunswick currency and sterling money, I considered myself entitled to act on your calculation. I trust that the error will not be of any serious moment, and that with due economy the surplus of £190 currency will be adequate for the present to meet any unforeseen contingencies. Any inconvenience which might arise could indeed be only temporary, since on the occurrence of any vacancy among the principal officers borne on the Civil List, the emoluments of his successor would as has been already announced undergo some reduction. If however the public service should suffer in the interval from the deficiency of the funds at the disposal of the Executive Government, it would probably be necessary at once to revert to the rate of paying official salaries, which was observed previously to Lord Ripon's Despatch of the 24th October, 1832. It had not been my intention to exclude from the arrangement the usual allowance for contingent expenses, but having as I supposed a considerable surplus, I did not think it necessary to insert a specific item on that account. In regard to the Circuit allowances to the Judges, I did not propose to defray that service out of the Civil List; those allowances were invariably paid by the Province up to the year 1836, and I have no doubt that the Provincial Legislature will again make the necessary provision for them.

"3d. The position in which the unauthorized Settlers on the Crown Estate are placed by the proposed Bill is the next subject to which you advert. On this point I see no reason to doubt the propriety of the course which I adopted. Without denying that such persons, acting as the pioneers of civilization, confer in many instances a great benefit on society, I should yet have hesitated in advising His Majesty to interfere between them and the Legislature of the Province. It is scarcely possible for any authority to be so intimately acquainted with the merits and necessities of this class of persons, as the Representatives of the People of New Brunswick, nor do I think that there is any danger of the House of Assembly making or permitting others to make, any harsh use of power in respect to such persons. The titles of these Trespassers, or Squatters as they are commonly called, are no more valid now than they will be after the passing of the enactment in question; and I have no doubt that the Assembly of New Brunswick will adopt effectual means for protecting such of them as have an equitable claim to consideration, and whom a humane and wise policy shall point out as fit objects for protection.

"4th. In regard to Officers of the army and navy, I did not think it necessary to make any express stipulation. It will be for the Legislature of New Brunswick to consider whether the advantages accruing to the Province from the resort to it of that class of settlers, are such as to justify the offer to them of peculiar privileges. If the Council and Assembly should decide to continue to naval and military settlers a remission in the purchase money of such Land as they may buy at public auction, His Majesty will cheerfully accede to such an arrangement; but as this is a question immediately affecting the proceeds of the sales of the Crown Lands, the consideration of it now belongs to the Legislature of New Brunswick alone.

"5th. In like manner His Majesty's Government have not reserved the right to grant any future endowments in Land to Schools or Churches. Although they would be most anxious by every means in their power to promote the general dissemination of religious and moral instruction, they yet see much reason to doubt whether that object can be effectually advanced by a reservation to the Crown of the right of granting such endowments to ecclesiastical or scholastic Institutions. The arguments which have led them to this opinion are very fully detailed in Lord Aberdeen's Despatch to you of the 27th March, 1835. I cannot doubt that ample provision will be made by the Legislature of the Province for purposes of education. The intimate acquaintance of the Members of the Legislature with the wants of their fellow Colonists will enable them to judge in what manner this important object may be best attained, while the ample funds at their disposal will afford them the means of carrying their decision respecting it into effect. The subject is one most interesting to every inhabitant of New Brunswick, and cannot be entrusted to better hands than those of the Provincial Legislature.

"6th. You observe that by the fifth section of the Bill a new feature will be introduced into all questions respecting titles to real property, and that the rule of law by which the Great Seal is considered as *prima facie* evidence of title will be set aside—that it will hereafter be incumbent on the Grantee, in addition to the production of his Grant, to prove that the formalities required by the fifth section of the Civil List Bill have been complied with, and that after the lapse of some years it would be very difficult to procure the necessary evidence for that purpose. I confess that I do not apprehend any serious difficulty on this ground. The rule being once established that no Land is to be disposed of except by sale at public auction, the production of a Grant under the public seal would of itself be *prima facie* evidence that this rule had been complied with. The burthen of proving the contrary must, I conceive, fall on the questioning party, and I presume that the official Records of the Land

Land Granting Department would be received as conclusive testimony of the circumstances of the sale. As this point however has been brought to the notice of the House of Assembly, they will doubtless take the necessary steps for guarding against any inconvenience, and obviating any doubts of the nature which you anticipate. But it may perhaps be necessary to take more effectual means than have hitherto been adopted for ensuring the safe custody of the records of the Land Granting Department, and for making it appear on the face of every sale whether the conditions necessary to its validity have been strictly complied with. These are measures which it will be competent to you in your Executive capacity to effect, and if they are not fully provided for by the Legislature, I would request you to take such steps as may appear to you most likely to be effectual for the object.

"7th. You desire in consideration of the responsibility imposed on you, and with reference to your instructions under the Royal Sign Manual, to receive either an authority under the Sign Manual or an order from His Majesty's Privy Council, empowering you to give your assent to the Bill for surrendering to the Assembly the Casual and Territorial Revenue. I do not exactly understand to what part of your instructions you here allude, but I presume it is to the 14th clause in which you are directed not to give your assent to any Bill of an unusual or extraordinary nature or importance, or affecting His Majesty's prerogative, unless a clause be inserted suspending its operation until His Majesty's pleasure shall be known. The object of that instruction however being to prevent the temporary operation of Acts which His Majesty in Council may afterwards see cause to disallow, and His Majesty's concurrence in the draft of the Bill enclosed in my Despatch of the 31st October last having been already announced to you, I do not see any ground for departing in the present instance from the usual course in such matters.

"I have the honor to be, &c. &c.

(Signed) "GLENELG."

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

"*DOWNING STREET*, 4*th January*, 1837.

"Sir,

"YOUR Despatch of the 6th of June, No. 32, respecting the forms in which Patents should be made for the Grant of Lands in cases where the purchaser does not pay down the full price in ready money at the time of entering into the contract, is so intimately connected with one of the subjects of my recent Instructions of the 31st August and 5th September, on the general settlement of the affairs of New Brunswick, that I advert to that Despatch, at present, rather with a view to fill up an apparent chasm in our official correspondence, than for any other purpose. Amongst the questions connected with the settlement of Crown Lands upon which His Majesty's Government desire to act in concert with the local Legislature, and upon their advice, the modes in which conveyances are to be made from the Crown, and all that relates to the forms of such instruments, are to be numbered. By whatever methods simplicity, dispatch and economy can be most effectually secured, this branch of the Public Service will be most advantageously conducted.

"I do not attempt the solution of this problem, but trust that it will engage the attention of the Council and Assembly, to whom you will have the goodness to communicate in the usual manner a copy of this Despatch, and of the correspondence of which it forms a part.

"I have the honor, &c.

(Signed) "GLENELG."

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

"*BERNER'S HOTEL*, 23*d March*, 1837.

"My Lord,

"IN conformity with Your Lordship's desire expressed to me in the course of the interview Your Lordship honored me with on Monday last, I now submit in writing for Your Lordship's consideration the substance of certain proposed alterations which I am instructed by the Lieutenant Governor of the Province of New Brunswick to bring under Your Lordship's notice, as important to be made in the draft of the Civil List Bill for that Colony, as sent out by Your Lordship to be laid before the Provincial Legislature, in December last.

"First. In respect to the amount that is to be granted by the Legislature, Your Lordship will perceive by reference to the Despatch from His Excellency Sir Archibald Campbell, of 25th November last, that the present charges on the Civil List of the Province amount in currency to £14,642; to pay which, and give to His Majesty's Government the surplus of £566 sterling, (equal to £653 1*s.* 6*d.* currency in dollars at 4*s.* 4*d.* or to £628 17*s.* 9*d.* at the usual rate of exchange,) would require a grant from the Legislature in currency of £15,295 or £15,271 per annum, according to the rate of exchange at which the surplus may be calculated; and if it is intended out of that surplus to make provision for an efficient Audit Department in the Province, the expenditure will be probably in salaries, which, if fixed in sterling, will be paid I presume at the same rate as the other salaries on the Civil List of the Province.

"It

"It is true that by the resignation of the present Lieutenant Governor the amount charged on the Civil List will be reduced £500 sterling, and it is expected that future reductions will be made as vacancies occur in other Offices; but I beg with great deference to submit for Your Lordship's consideration whether it is not advisable to retain at His Majesty's disposal any funds that may arise from that source, as the only means in the Province that will be left to His Majesty for affording any relief or assistance to such old and meritorious, but superannuated servants of that Colony as may hereafter (without such aid,) from accident or other causes be left in the decline of life destitute; although their long and faithful services might give them strong claims to the consideration of Government.

"The Funds now about to be surrendered up to the Provincial Legislature by His Majesty, are as follow:

Amount deposited in the Provincial Banks at 3½ per cent. interest, payable at any time on six months notice,	£29,000
Ditto or Loan to the Saint John Bridge Company at 6 per cent. interest, payable 1st January, 1838, if required,	6,000
Amount already paid by the Land Company in part of their purchase, with the accumulation of interest, about	66,000
Amount of unpaid instalments on other Lands sold in the Province, part of which are now due and the remainder will become due on the 31st December, 1837,	44,795
Ditto of ditto on ditto, which will become due 31st December, 1838,	25,429
Total,	£171,224

Besides the balance due on the purchase of the Land Company, the amount of which I have no correct information; but the above amount alone Your Lordship will perceive is sufficient in itself to pay a grant of £15,295 for ten years, leaving an overplus of £18,274 besides the annual Revenues accruing in the meantime. I cannot therefore suppose that, after His Majesty's Government has so liberally consented to surrender up the whole of these large funds, the House of Assembly will, on a review of the question, object to the granting in lieu thereof such a liberal provision as will enable His Majesty, after payment of the Civil List, to meet any contingent emergency that may hereafter arise.

"Secondly. The Despatches from the Lieutenant Governor before alluded to have already pointed out to Your Lordship, that no provision has been made in any part of the arrangements for securing an adherence by the Colonial Legislature to the mode of appropriating the Revenues of the Province, stated by Your Lordship in your Despatch of the 31st August last as one of the express conditions upon which His Majesty had consented to make the surrender in question. And I have only to add on this point that I believe, and indeed I have no doubt, that the House of Assembly are under the impression, that as this condition has not been noticed in the Bill it is not your Lordship's intention to insist upon an adherence to it. It therefore is of great importance that this should be fully understood by all parties before the Bill passes, as it will be too late afterwards to raise the question. If, as I am led to believe from what passed in the interview I had with Your Lordship, it is not contemplated by His Majesty's Government to abandon this condition, I with great submission beg leave to suggest that some provision for it should be inserted in the Bill, for although it is, I am aware, unusual to regulate by Act of Parliament the course to be pursued by that power in granting monies to the King, yet if any new mode was to be pursued in regard to the appropriation of any particular fund, differing from what had been the established constitutional law and usage of Parliament, it could only be done, I presume, by some Parliamentary enactment for that purpose; and I respectfully submit for Your Lordship's consideration, that by the same rule a Colonial Legislature would not feel themselves called upon to depart from what had been an established usage with them in their mode of appropriation of the public monies, without some Legislative or Parliamentary enactment for their so doing; and the mode of granting monies that has hitherto been pursued by the Legislature of New Brunswick is not according to the law and usage of the Imperial Parliament, but one that was resorted to many years back by agreement between the Legislative Council and House of Assembly, in the settlement of a long pending dispute upon that subject between those branches; and that since that period instead of the Representatives of the people raising and granting only such monies as might be asked for by the Executive in the name of the King, the King's Representative in fact has no voice whatever on the subject, but the House of Assembly raise and grant what they please, and the Executive must either assent to or reject the whole; and however unconstitutional this mode may appear, it certainly has been found by experience to be the most convenient one for Colonial Legislature, where there is no Minister of the Crown to come down to the House with an estimate for the year; and I feel convinced that any attempt that might now be made to alter this course of proceeding with respect to the ordinary Provincial Revenue which has already been at the disposal of the Legislature, would create a great excitement in the Province, and probably much difficulty and dissension between the Legislative Council and House of Assembly; but with respect to the Crown Revenues now about to be surrendered up, any provision that His Majesty's Government may think it prudent to make, for securing to the Executive as one branch of the Legislature a voice in the disposal thereof, as a check upon its improvident expenditure, could not be considered I conceive any interference with what has been the established usage in regard to the other Revenues of the Province.

"Thirdly. I beg to call Your Lordship's attention to the question whether any Act of this nature made by a Colonial Legislature, even with the King's assent, can be binding for any period beyond

His

His Majesty's life. The impression upon my mind is that in law it cannot; and if I am right in this law, this Act and the provision intended to be thereby made for the Civil List of the Province, might be at an end very shortly after the large amount of Crown Monies now in hand may have been paid over to, and perhaps actually disposed of by the Colonial Legislature; and it would then be equally optional with that body, as it would be with the Ministers of the Crown of that day, whether or not they would renew the Act again upon the same terms. This difficulty, if it is one, does not appear to have been noticed either in the House of Assembly or Legislative Council in their discussions on the Bill, but I respectfully submit for Your Lordship's consideration the propriety of its being brought under their notice in the future proceedings.

"Fourthly. In any measure that may be adopted on the subject for securing to the Crown a provision for the Civil List of the Province, it is for Your Lordship to consider the risk His Majesty's Government incurs, by not insisting upon that provision being made a permanent one, for if only made for a limited period, and the Casual and Territorial Revenues should at the expiration of that time be much reduced in amount, which may happen, the Colonial Assembly may not be disposed to renew the Act except upon such a scale of salaries for the officers on the Civil List as they may themselves dictate, in which case the Government might meet with the same difficulty in New Brunswick on that head as has occurred in Lower Canada; and although the surrender of the Casual and Territorial Revenues may not be held valid for any longer period than the present reign, yet the Bill might be so framed as to make the grant to the Crown so far permanent as to be dependent upon His Majesty's Heirs and Successors not resuming the Royal right to the Revenues in question, and for so long a period as they should respectively continue to surrender the same to the disposal of the Legislature of the Province.

"In addition to the foregoing remarks upon the general principle of the Bill, I beg leave now to call Your Lordship's attention to some amendments, which appears to me it requires in minor points, to prevent difficulty hereafter in carrying the measure into effect.

"The first section of the Bill as it now stands, directs that all the Revenues as well what are in hand as also what may hereafter be received (except what may be expended in the collection and protection thereof as authorized by that Act) shall immediately be paid to the Provincial Treasurer. By this the money would not go through the hands of the Receiver General, but the Commissioner of Crown Lands and other officers who collect the same, would be compelled by the Act to pay them over immediately to the Provincial Treasurer, and when once there, the money by the third section of the Act cannot be touched until appropriated by Act of the General Assembly. But Your Lordship perhaps is not aware that the different accounts of the various expenses incurred by Deputy Surveyors and other persons employed in the surveying and laying out of the lands and timber berths in distant parts of the Province cannot be got in, adjusted and paid, or the correct amounts ascertained, until long after the purchase money or tonnage on the timber has been received, and those expenses cannot be paid out of the gross proceeds until the accounts are examined and passed by the proper authorities. I would therefore suggest that an amendment should be made in this section, directing that the accounts should be made up at the end of every quarter by the Receiver General or other proper officer appointed for that purpose, of all monies then in hand, and also of all expenses that have been properly incurred during the quarter or any preceding period, and that the net balance in hand after the payment of such expenses be then paid over to the Provincial Treasurer. This arrangement would compel the officers to be regular in rendering their accounts at fixed periods and prevent mistakes in the amount to be paid over.

"It will also be perceived that the Bill as it now stands makes no provision for any surplus that may remain of the Revenues at the expiration of the Act, if made only for a limited period, and as lands are sold generally every year on terms of paying for the same by instalments, there may be at the expiration of the Act instalments coming due at a subsequent period for lands sold, while the Act was in force; in which case the House of Assembly might claim those sums when received to be paid over as part of the proceeds of sales made under the directions of the Act, although their grant for the Civil List had ceased to be payable, so on the other hand very large sums might have to be paid over to the Treasurer at the end of the quarter preceding the expiration of the Act, and a large surplus undisposed of may be in the Provincial Treasury when the Act expires, while the Government would be left without any provision for the Civil List for the then succeeding year except the uncertain amount that might be derived from the income of that year.

"The second section of the Bill provides that the grant for the support of the Civil Government shall be paid by the Treasurer by warrant from the Lieutenant Governor in four quarterly payments, that is at the end of each quarter in the year, but there is no direction as to the person in whose favor such warrant is to be drawn, or where this quarterly payment when so drawn is to be deposited for the purpose of answering the demands of the Civil Government. It is true that this can be regulated by His Majesty's Government without being inserted in the Act, but Your Lordship may think it worthy of consideration whether it would not be better that the Act should direct that these quarterly payments should be made to the Receiver General or other proper officer appointed for that purpose, on a warrant drawn in his favor by the Lieutenant Governor or Commander in Chief for the time being, to be applied in the first place so far as may be necessary to the support of the Civil Government of the Province, and any surplus that remains to be expended in the Province in such way as the Lords Commissioners of his Majesty's Treasury may direct.

"I now come to the fifth section, upon which so much has been already said in the Despatches of the

the Lieutenant Governor to Your Lordship, as to the evil effects its operation would have in the Province if allowed to pass into a law. As it now stands it is unnecessary for me to trouble Your Lordship with any further remarks on that head; but I cannot but think the mode adopted by the House of Assembly for providing against such evil by passing another Bill (which is only to have effect for two years) to restrain the provision of this, instead of at once making the necessary alterations in this before it passes into a law, is a most unprecedented and unparliamentary course of proceeding, and one that will not have the effect intended, for the second Bill has other objects in view relative to the control and management of the Crown Lands and Timber in the Province, and contains provisions on that head which I think Your Lordship will require to be materially altered in several respects before it can go into effect.

"But at all events if it is admitted, as it is, that the operation of the fifth section of the Civil List Bill as it now stands should be restrained, it surely would be better to have that section altered and modified accordingly before it passes into a law, than to trust to other enactments to correct it.

"I therefore beg leave respectfully to suggest that instead of declaring, as the section now does, all grants &c. null and void unless made upon sale &c. at public auction, the enactment be that in future all Crown Lands &c to be sold or leased in the Province (except as therein after excepted) shall be sold or leased at public auction, after public notice given in the Royal Gazette and other papers for such length of time as the Act may direct, and in which notice the upset price shall be stated, leaving it to the Governor and Executive Council to fix what that shall be, and let the proviso for the exceptions in the Act to be therein after set out, provide in addition to what is now excepted therein, that nothing in this Act shall extend to disable His Majesty, His Heirs and Successors from making any grant or leases of land &c. by private sale or otherwise for the endowment of Churches, Schools or other public institutions in the Province not exceeding number of acres to any one such institution; and also the same exception to extend to any person or persons settled in the Province, who may, in the opinion of the Governor and Executive Council, have an equitable claim or preference arising from prior occupancy or improvement to any particular tract of ungranted land, so that the same do not exceed number of acres to any one person, upon such person or persons paying for the same such price or sum, not less than shillings per acre, as may be agreed on by the Governor and Executive Council; and also the same exception to extend to any military, naval or other officer under the Crown who may be entitled to a commuted allowance in land for his services according to the graduated scale, and upon the terms and conditions now or which may hereafter be established for such grants.

"A provision in substance to the above effect in lieu of the present fifth section of the Bill, would I humbly conceive afford all the security that is requisite for the Province that the Lands will not be improvidently granted, and would at the same time relieve the Bill from the present objectionable clause.

"I have now to apologize for thus trespassing so long upon Your Lordship's valuable time, but as I feel very anxious that this matter should be so arranged as both to satisfy the House of Assembly, and to protect the just claims of individuals, as also at the same time to afford the requisite security to the Crown, I have ventured thus at length to bring all the points that have occurred to the minds of His Excellency the Lieutenant Governor and the Executive Council under Your Lordship's notice at one view, trusting to Your Lordship's indulgence for so doing. And I have only to add that if the Members of the House of Assembly could have divested their minds of the prejudice they have imbibed against the Executive of the Province, from an erroneous impression that we are opposed to the surrender of these Revenues, and have raised difficulties only to throw obstacles in the way of the measure being carried into effect, many of them, and I think a majority, would coincide in opinion with me as to the propriety of most, if not of all the alterations I have here suggested; and although I cannot but think it would be better, after Your Lordship has determined what provisions the Bill must contain for the security of the Government, to leave the rest broadly open for the Legislature of the Province (unshackled by any fixed form of a draft sent from this country) to prepare the Bill there, and to add such provisions of a local nature as they may think the interest of the Province requires, so as they do not in effect weaken the security to be provided for the Crown, and to pass the Bill with a suspending clause. Yet if Your Lordship prefers that the draft should be settled here, as Messrs. Crane and Wilmot are now in London, I shall be ready, if they are so disposed, to assist them in making such alterations in the present draft as Your Lordship may on further consideration decide upon; for I am guided solely by a wish to get the matter settled in a way that will be most conducive to the best interests of the Province; and I am quite sure that the same object alone has directed the proceedings of His Excellency Sir A. Campbell and my brother members of the Executive Council, in every step they have taken on this important subject.

"I have, &c.

"GEO. FRED. STREET."

The Right Honorable Lord GLENELG,
&c. &c. &c.

"DOWNING

"*DOWNING STREET, 29th April*, 1837.

"Sir,

"I HAVE received Sir Archibald Campbell's Despatch of the 15th ultimo, No. 16, enclosing a Letter which had been addressed to him by the Collector and Comptroller of His Majesty's Customs at Saint John, in which they express their opinion that in the recent arrangement for the surrender of the Revenue at the disposal of the Crown to the Provincial Legislature, it was not contemplated by His Majesty's Government to include in that surrender the Duties of Customs received under Acts prior to 18 Geo. 3, C. 12.

"It appears scarcely necessary for me to say, that the arrangement made between His Majesty and the Legislature of New Brunswick cannot embrace any of the Revenues of the Crown received in that Province from Duties imposed by Acts of Parliament, of which Parliament may have confided the appropriation to the Lords of the Treasury; because without an express Parliamentary sanction, it would not be within the power of His Majesty to alter or to assent to the alteration of the Law regulating the appropriation of such Duties. The cession is co-extensive with the powers of the Crown, but must necessarily be limited by them.

"I have the honor, &c.

(Signed) "GLENELG."

Sir J. Harvey.

On motion of Mr. Johnston,

Ordered, That 600 copies of the same be forthwith printed.

Mr. Johnston, by leave, presented a Petition from Robert F. Hazen, Henry Porter, Daniel Leavitt, and 150 others, Freeholders and Inhabitants of the City of Saint John, praying that an Act may pass better regulating the Laws between Landlord and Tenant; which he read.

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

Mr. Johnston moved for leave to bring in a Bill, to facilitate the recovery of possession of Lands, Tenements and Premises from Tenants holding over their term or neglecting to pay their rent agreeably to the terms of the demise.

Leave granted.

Mr. Partelow, pursuant to leave, brought in a Bill relating to Vessels or Boats propelled by steam; which was read a first time.

Mr. Hill, by leave, presented a Petition from William Porter, George M. Porter, William Todd, and 24 others, Stockholders in the Saint Stephen's Bank, incorporated by Act of Assembly of this Province, praying an amendment of their Act of Incorporation; which he read.

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

Mr. Hill moved for leave to bring in a Bill, in addition to an Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Saint Stephen's Bank, in the County of Charlotte."

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Allen, 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, and it being handed in at the Clerk's Table, was there again read.

Ordered, thereupon, That it be accepted.

On motion of Mr. Weldon,

The House went into Committee of the whole on the said Address.

Mr. M'Leod in the Chair of the Committee.

M. Speaker resumed the Chair.

The Chairman reported, they had had the draft referred to them under their consideration, and agreed to the same.

Ordered, That the Report be accepted.

On motion of Mr. Johnston,

Resolved, unanimously, That the Address be engrossed, signed by the Speaker, and presented to His Excellency by the whole House; and

On

On motion of Mr. Weldon,

Resolved, That a Committee be appointed to wait upon His Excellency to know when he will be pleased to receive the House therewith.

Ordered, That Mr. Weldon, Mr. Partelow and Mr. Johnston, be a Committee for that purpose.

Mr. Partelow, by leave, presented a Petition from Charles D. Everitt, Henry Porter, Daniel Ansley, and 80 others, of Saint John, praying that an Act may pass for the incorporation of the Saint John Mill and Manufacturing Company; which he read.

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

Mr. Partelow moved for leave to bring in a Bill, to incorporate *The Saint John Mill and Manufacturing Company.*

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Hill moved the following Resolution:—

Resolved, That this House will at the next Session of the Legislature make a reasonable compensation to the person reporting the debates thereof during the present Session.

To which Mr. Weldon moved as an amendment, to strike out all after the word "*Resolved,*" and insert,

"That it is inexpedient for this House to make provision for the services of a Reporter of the Debates of this House, unless the same can be published in Fredericton."

And upon the question for adopting the amendment, it was decided in the negative.

The question was then taken on the original Resolution, and it passed in the affirmative.

On motion of Mr. Weldon,

The House proceeded to the Order of the Day to go into Committee of the whole, on the Speech of His Excellency the Lieutenant Governor at the opening of the Session.

The Order of the Day being read, the House accordingly resolved itself into the said Committee.

Mr. G. D. Robinson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the matter referred to them under their consideration, had passed one Resolution, which he was directed to submit to the House, and having read the same, it was then handed in at the Clerk's Table, and there again read, and is as follows:—

Resolved, as the opinion of this Committee, That a Select Committee be appointed to prepare and bring in a Bill for the support of the Civil Government of this Province.

Ordered, That the Report be accepted.

On motion of Mr. Partelow,

Resolved, That a Select Committee be appointed to prepare and bring in a Bill for the support of the Civil Government of this Province.

Ordered, That Mr. L. A. Wilmot, Mr. Partelow, Mr. Johnston, Mr. Brown and Mr. Miles, do compose the Committee.

On motion of Mr. Johnston,

Ordered, That the House do on Monday next the 10th instant, go into Committee of the whole in consideration of the several important Documents on the subject of the surrender of the Crown Revenues, communicated to the House yesterday by command of His Excellency the Lieutenant Governor.

The House adjourned until to-morrow morning at 10 o'clock.

Saturday, 8th July, 1837.

Prayers.

Mr. Weldon, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the House with their Address in answer to His Excellency's Speech at the opening of the Session, reported, that they had attended to that duty, and that His Excellency was pleased to say, he would receive the House this day at half-past 12 o'clock, at Government House.

Mr. Partelow, by leave, presented a Petition from the President and Directors of the Saint John Water Company, praying that a Provincial loan may be made them to enable the said Company the more expeditiously to complete the important works now in progress; which he read.

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

It being the time appointed by His Excellency the Lieutenant Governor to receive the House with their Address in answer to His Speech at the opening of the Session, the House waited upon His Excellency at Government House, and presented the same, which is as follows:—

"*To His Excellency Major General Sir* John Harvey, *K. C. H. and C. B. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

"THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY.

"May it please Your Excellency,

"WE, the Representatives of His Majesty's loyal subjects, the people of New Brunswick, thank Your Excellency for the Speech you have been pleased to make at the opening of this Session.

"Although this Season of the year is an unusual one for the Legislature to be convened, and the attendance to many of its members extremely inconvenient, yet the great importance of the measures to be submitted, connected as they are with the surrender of His Majesty's Casual and Territorial Revenues in this Province, and the hope that the question may now be finally settled, outweigh every consideration of a personal nature; and we assure Your Excellency that in our deliberations upon this deeply interesting subject, the suggestions of His Majesty's Government shall be received by us, as they ever have been, with the most respectful attention.

"We highly appreciate the disposition entertained by Your Excellency, to avail yourself of information regarding such objects of importance to the interests of this Province as would appear to Your Excellency best deserving encouragement from the Revenues about to be placed under the control of the Legislature, and which, in your opinion, your very recent connexion with the Province does not on the present occasion warrant your Excellency in bringing under our notice. At the same time we are gratified to receive the assurance of Your Excellency's satisfaction at being authorized and instructed to ratify and carry into effect an arrangement so highly acceptable to the people of this Province, and we feel an entire conviction that His Most Gracious Majesty, at all times, needs only to be satisfied of the tendency of any measure to promote the interests of His loyal subjects to insure to it His most willing and gracious assent.

"That a spirit of harmony will continue to animate our deliberations on the measures to be brought under our renewed consideration, we feel the most perfect confidence; and it has always been the most earnest wish of the Assembly of New Brunswick to cultivate and maintain a like harmony with the other Branches of the Government.

"CHARLES SIMONDS, *Speaker.*"

Being returned—

Mr. Speaker reported, that His Excellency had been pleased to make the following reply thereto:—

"*Mr.*

"*Mr. Speaker, and Gentlemen:*

"I THANK you for this Address, and more especially for the cheerful alacrity with which you have sacrificed every consideration of personal convenience to the object of endeavouring to promote the interests of your Constituents, and of the Province at large, by the settlement of the great question, for the consideration of which you have been convened.

"The conviction which you have expressed that our Most Gracious Sovereign has only to be satisfied of the tendency of any measure to promote the interests of His Majesty's Loyal Subjects, to ensure for it His most willing and gracious assent, is most gratifying to me; and I infer from the whole tenor of your Address, a determination to approach the business of the Session in such a disposition as cannot fail, in harmonious concurrence with the other Branches of the Legislature, to conduct us to a satisfactory and beneficial result.

"J. H.

"*Government House, July* 9, 1837."

Read a second time the following Bills:—

A Bill to incorporate *The Saint John Mill and Manufacturing Company:*

A Bill relating to Vessels or Boats propelled by Steam: and

A Bill in addition to an Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Saint Stephen's Bank, in the County of Charlotte."

Mr. L. A. Wilmot, from the Committee appointed to prepare a Bill providing for the Civil Government, reported, that they had attended to the duty required of them, and he was directed to submit a draft thereof, under the title of "A Bill for the support of the Civil Government in this Province."

Ordered, That the Report be accepted.

The Bill as reported from the Committee being then handed in at the Clerk's Table, was there read a first time.

Mr. Weldon moved for leave to bring in a Bill, to amend an Act, intituled "An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick."

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Johnston, pursuant to leave, brought in a Bill, to facilitate the recovery of possession of Lands, Tenements and Premises from Tenants holding over their term or neglecting to pay their rent agreeably to the terms of the demise; which was read a first time.

Mr. L. A. Wilmot moved for leave to bring in a Bill, to provide for the travelling expenses of the Justices of the Supreme Court on the several Circuits in this Province.

Leave granted.

Mr. Partelow, by leave, presented a Petition from James Kirk, E. D. W. Ratchford, John Robertson, William H. Street, and William Walker, of Saint John, local Directors of the Bank of British North America, recently established in London, praying that an Act may pass to give facility to their operations in this Province; which he read.

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

Mr. Partelow moved for leave to bring in a Bill, to enable the proprietors or stockholders of a Company, called *The Bank of British North America,* to sue and be sued in this Province, in the name of the manager or of any one of the local Directors for the time being of the said Company.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Johnston moved for leave to bring in a Bill, relating to Private Banking.

Leave granted.

The said Bill being brought in, was read a first time.

The House adjourned until Monday morning next at 10 o'clock.

MONDAY,

Monday, 10th July, 1837.

Prayers.

Read a second time the following Bills:—

A Bill for the support of the Civil Government in this Province:

A Bill to amend an Act, intituled "An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick:"

A Bill to facilitate the recovery of possession of Lands, Tenements and Premises from Tenants holding over their term, or neglecting to pay their rent agreeably to the terms of the demise:

A Bill to enable the proprietors or shareholders of a Company, called *The Bank of British North America*, to sue and be sued in this Province, in the name of the manager or of any one of the local Directors for the time being of the said Company: and

A Bill relating to private Banking.

On motion of Mr. Partelow,

Whereas certain Resolutions passed this House on the 28th February last, relative to the accounts connected with the King's Casual Revenue, which, together with the Report from the Select Committee on which the same were founded, were directed by the House to be brought under the consideration of His Majesty by the Deputation who had been despatched to England on the public affairs of this Province: And whereas it is desirable that the House should be in possession at an early day of information as to the results produced by such submission to His Majesty; therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will inform this House whether any directions have been received from His Majesty's Government touching the subject matter of the said Resolutions and Report; and if so, that he will be pleased to communicate the same to the House.

Ordered, That Mr. Partelow, Mr. Hayward and Mr. Hill, be a Committee to wait upon His Excellency with the Address.

Mr. Partelow moved for leave to bring in a Bill, to grant a loan to the Saint John Water Company.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Woodward moved for leave to bring in a Bill, to repeal the Laws relating to Wharfage and Cranage, and for establishing rates of Wharfage and Cranage on Ships and other Vessels, and on Merchandize.

Upon the question for granting leave, it was decided in the negative.

On motion of Mr. Street,

Whereas sundry Resolutions passed this House at the last Session of the Legislature, relative to making Bridges and for other purposes therein mentioned, pledging this House to make provision for the services therein contemplated at the then next Session of the Legislature: And whereas sundry special Committees were also appointed at the same Session for the purposes in the Resolutions appointing such Committees expressed, which Committees were respectively to make report of their doings at the then next Session of the Legislature: And whereas the next Session then in contemplation was the usual annual Session; therefore

Resolved, That all such Resolutions be considered as applicable and extended to the next succeeding Session of the Legislature.

On motion of Mr. Partelow,

The House went into Committee of the whole, on a Bill to incorporate *The Saint John Mill and Manufacturing Company.*

Mr. Hayward in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having gone into consideration of the Bill referred to them, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Mr.

Mr. Partelow, by leave, presented a Petition from Alexander M'Grotty, and other Surveyors of Lumber in the City of Saint John, praying that the Act passed at the last Session regulating the exportation of Lumber may be altered and amended; which he read.

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

Mr. L. A. Wilmot, from the Deputation appointed at the last Session to proceed again to England, with an Address to His Majesty resulting from the rejection of the Civil List Bill by the late Lieutenant Governor, with instructions to bring the same under His Majesty's most gracious consideration, as also other important matters involving the interests of the Province, submitted a Report of their proceedings up to the 6th of April last; and Mr. Wilmot at the same time informed the House that his colleague, Mr. Crane, remained in London to attend to such further objects connected with their mission as might afterwards be considered advisable to bring under the notice of His Majesty's Government.

The Report being first read by Mr. Wilmot, was then handed in at the Clerk's Table, and there again read.

Ordered, That the same be accepted, and lie on the Table; and

On motion of Mr. Partelow; further

Ordered, That *one thousand copies* of the said Report be forthwith printed, and that the same form a part of the Appendix to the Journals of this present Session.

[*See Appendix, No.* 1.]

Mr. Partelow then moved the two following Resolutions, which were unanimously adopted by the House:—

1. *Resolved*, That this House deem it their indispensable duty again to express their high sense of the attention of the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonial Department, to the Deputation during their late mission on the public affairs of the Province.

2. *Resolved*, That the ability, zeal and diligence displayed by William Crane and L. A. Wilmot, Esquires, the Members comprising the said Deputation, deservedly entitle them to the reiterated thanks of this House, and that they do now receive the same.

On motion of Mr. Johnston,

Ordered, That the Order of the Day for going into Committee of the whole House this day, on the several important documents connected with the surrender of the King's Casual and Territorial Revenues, referred to in the Speech at the opening of the Session, and communicated to the House by command of His Excellency on the 7th instant, be discharged, and stand the Order of the Day for Wednesday next.

Mr. Miles, by leave, presented a Petition from Thomas Mersereau, Henry Boon, Luke Dewitt, Samuel Smith, Clapman Smith, and 40 others, of the County of Sunbury, praying that an Act may pass to empower the Justices of the County of Sunbury to make regulations for driving Timber and Saw Logs down the several Rivers and Streams within the said County; which he read.

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

Mr. Miles moved for leave to bring in a Bill, to regulate the driving of Timber and Saw Logs down the several Rivers and Streams in the County of Sunbury.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Hanington, by leave, presented a Petition from Ichabod Lewis, and 49 others, of the Parish of Moncton, in the County of Westmorland, praying aid to assist many of the poor inhabitants in that Parish who are suffering by failure of the crops last season; which he read.

Ordered, That the said Petition be received, and referred to a Select Committee to report thereon; and further

Ordered, That Mr. Woodward, Mr. Weldon and Mr. L. A. Wilmot, do compose the Committee.

Mr. L. A. Wilmot, by leave, presented a Petition from Mark Needham, William Wilmot, William Dell Hartt, and John A. Beckwith, Firewards of the Town of Fredericton, and Edward W. Miller, H. G. Clopper, and 120 Inhabitants of the said Town, praying an amendment in the Act regulating Statute Labour by exempting the Members of the Union Fire Company from the performance of such labour; which he read.

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

On motion of Mr. L. A. Wilmot,

Whereas the North Eastern Boundary between the United States of America and this Province remaining so long unsettled, is highly injurious to the interests and prosperity of His Majesty's subjects, and it is desirable that the same should be brought to as speedy an issue as possible; therefore

Resolved, That an humble Address be presented to His Majesty upon the subject, and that the Legislative Council be requested to join this House in such Address.

Ordered, That Mr. L. A. Wilmot communicate the said Resolution to the Council.

On motion of Mr. Freeze,

Whereas the Bridge on that part of the Great Road of Communication between Saint John and the Nova Scotia line which crosses Trout Creek in the Parish of Sussex, in King's County, is in a ruinous state;

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to cause directions to be given to the Supervisor of the said Road to take a contract this autumn for rebuilding the said Bridge early next season; and that this House will provide for the same out of the grant which may be made for the said Great Road at the next Session of the Legislature.

Ordered, That Mr. Freeze, Mr. M'Leod and Mr. Morehouse, be a Committee to wait upon His Excellency with the Address.

Mr. Partelow, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this day, praying that His Excellency would be pleased to lay before the House any directions he may have received from His Majesty's Government on the subject matter of the accounts connected with the King's Casual Revenue, reported, that they had attended to that duty, and that His Excellency was pleased to say he would communicate the same to the House.

Mr. End, by leave, presented a Petition from William Stevens, of Bathurst, in the County of Gloucester, setting forth that he has been engaged in a Mineralogical exploration in that County, and is desirous of continuing the same, and praying some Legislative protection to secure him in the result of his labours; which he read.

Ordered, That the said Petition be received, and referred to a Select Committee to report thereon by Bill or otherwise; and further

Ordered, That Mr. End, Mr. L. A. Wilmot and Mr. Street, do compose the said Committee.

On motion of Mr. Partelow,

Resolved, That the Report submitted by the Deputation be printed under the direction and superintendence of a Select Committee, and when published delivered to the Clerk of this House, to be by him distributed.

Ordered, That Mr. Partelow, Mr. D. L. Robinson and Mr. Woodward, do compose the said Committee.

The House adjourned until to-morrow morning at 10 o'clock.

Tuesday, 11th July, 1837.

Prayers.

Read a second time,

A Bill to regulate the driving of Timber and Saw Logs down the several Rivers and Streams in the County of Sunbury: and

A Bill to grant a loan to the Saint John Water Company.

Mr.

Mr. Woodward, by leave, presented a Petition from Lauchlan Donaldson, President of the Chamber of Commerce at Saint John, on behalf of that body, praying for an Act of Incorporation; which he read.

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

On motion of Mr. Hill,

The House went into Committee of the whole, on a Bill in addition to an Act, intituled "An Act to incorporate sundry persons by the name of *The President, Directors and Company of the Saint Stephen's Bank*, in the County of Charlotte."

Mr. G. D. Robinson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having gone into consideration of the Bill referred to them, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Mr. Hill, by leave, presented a Petition from William Porter, and 20 others, Inhabitants of Saint Stephen, in the County of Charlotte, praying an amendment in the second section of the Act incorporating *The Saint Stephen's Whale Fishing Company;* which he read.

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

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Baillie, a Member of the Executive Council, by command of His Excellency, delivered the following Message :—

"J. HARVEY.

"THE Lieutenant Governor lays before the House of Assembly detailed accounts of all receipts and payments by the Commissioner of Crown Lands, for the two quarters commencing 1st January and ending 30th June, 1837, with their proper vouchers.

"The Commissioner will be ready to attend any Committee of the House, for the purpose of affording any further explanation relative to the accounts of his office which may be required.

"J. H.

"*Government House, July* 11, 1837."

The following copy of a Letter from the Commissioner of Crown Lands to His Excellency, accompanied the accounts :—

"*CROWN LAND OFFICE, Fredericton, 8th July*, 1837.

"SIR,

"I HAVE the honor to transmit herewith detailed accounts in duplicate, of all receipts and payments of this Department for the two quarters ending the 30th of June last, and numbered from one to four inclusive, together with the proper vouchers, to be laid before the two branches of the Legislature, in accordance with a Despatch from the Right Honorable Lord Glenelg to Sir Archibald Campbell; and I confidently trust the same will meet the approval of Your Excellency and of the Legislature.

"I have the honor to be, Sir,

"Your most obedient humble servant,

(Signed) "T. BAILLIE, C. C. L."

Major General Sir J. HARVEY.
&c. &c. &c.

On motion of Mr. Weldon,

Resolved, That the said accounts, as also all others relating to the Casual Revenue, be referred to a Select Committee to examine and report thereon.

Ordered, That Mr. Partelow, Mr. Johnston, Mr. Rankin, Mr. Taylor, Mr. Woodward, Mr. Weldon and Mr. Brown, being the same Committee appointed at the last Session to examine and report upon the accounts then before the House, be continued.

Mr. Hill moved for leave to bring in a Bill, in addition to an Act, intituled "An Act to incorporate *The Saint Stephen's Whale Fishing Company.*"

Leave granted.

The said Bill being brought in, was read a first time.

Mr.

Mr. Weldon, from the Committee to whom was referred the Petition of Ichabod Lewis, and others, presented to the House yesterday, having had the same under their consideration, submitted a Report thereon, which he read, and handed the same in at the Clerk's Table, where it was again read, and is as follows:—

"The Committee appointed to examine into the matters contained in the Petition of Ichabod Lewis, and others, inhabitants of the Parish of Moncton, in the County of Westmorland, praying aid to assist certain persons in indigent circumstances, Report:—

"That they have attended to that duty, and that from the examination of James Robertson, a person deputed by the said inhabitants, your Committee find that what is termed the Irish Town Settlement, and the Shediac Road Settlement, so called, containing about sixty families, are in a very destitute condition, some of them having been obliged to boil wild brakes and milk only for a subsistence; that the Road Monies had not yet been expended, except on the Great Roads; and your Committee are informed, that had not the recent changes of Supervisors in that District taken place, this application, it is not probable, would be made, it having been the practice of the former Supervisor to afford accommodation by making some advances; in the present year, the Supervisor being at a long distance from their Roads, and a stranger to the people in that quarter, does not feel justified in advancing.

"Under these circumstances, your Committee recommend relief to be extended to the said inhabitants, by presenting an humble Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to issue a warrant upon the Treasury for £120 in favor of Commissioners to be appointed to expend the same, and that the House make provision for the same at the next Session of the Legislature; such sum so to be granted to be considered in appropriating the Road Money for that County at the next Session.

"J. W. WELDON,
I. WOODWARD,
L. A. WILMOT.

"*Committee Room, 10th July*, 1837."

Ordered, That the Report be accepted.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Frederick P. Robinson, a member of the Executive Council, delivered the following Message:—

"J. Harvey.

"The Lieutenant Governor sends down to the House of Assembly copies of two Despatches from the Right Honorable the Secretary of State for the Colonies, under date the 4th and 13th May, 1837, which he trusts will be found to contain the information sought by their Address to him of yesterday.

"J. H.

"*Government House, July* 11, 1837."

The Despatches being severally read at the Clerk's Table, are as follow:—

"*DOWNING STREET, 4th May*, 1837.

"Sir,

"I HAVE received Sir Archibald Campbell's Despatch, dated 10th March last, No. 15, enclosing various documents from the Commissioner of Crown Lands of New Brunswick. I have not read them without great regret. It is very painful to learn that an Officer who has served the public so long, and with such frequent testimonies of the approbation of his employers, should have incurred so severe a censure from a select Committee of the House of General Assembly of the Province. It is my earnest hope that your mediation will be successfully employed to replace Mr. Baillie in the more favourable and indulgent judgment of the Representatives of the People.

"If any thing had been wanting to convince me of the sound policy of placing the receipt and expenditure of the Crown Land Department under the superintendence of the Assembly, I should have found such additional evidence in these documents. They demonstrate the impossibility of effectually avoiding jealousy and misunderstanding respecting so important a branch of the public service when conducted by the Executive Government, without any interference or controul on the part of the Provincial Legislature. Retaining an unshaken reliance in Mr. Baillie's zeal, talents and fidelity, I yet cannot be surprised that the Assembly, or that a select Committee of that House should have reviewed his official conduct with some disfavour. His office is perhaps inferior in importance

to

to none but that of the Governor and the Chief Justice, and places him in relations of a delicate and invidious nature with almost every Landholder and Merchant in New Brunswick, yet hitherto it has been conducted by rules framed and varied at the pleasure of the Executive Government alone. The responsibility of the Commissioner of Crown Lands has been acknowledged as due only to the King and to His Majesty's Officers, and the local Legislature has possessed only an occasional and imperfect acquaintance with the proceedings of his office. That they should have regarded with suspicion, and that the officer himself should have been the victim of censures which were really due not to him but to the system he had been appointed to administer these are results so natural and so much to have been anticipated, that the concern with which I regard them is unmixed with any surprise.

"I am not entitled to comment on the language in which, in discharge of their public duty, a select Committee of the Assembly of New Brunswick have remarked upon the conduct of the Commissioner of Crown Lands. Yet, without any infringement of the respect due from me to that House, I may perhaps venture to express my conviction, that had they been in possession of the explanations which Mr. Baillie has addressed to me, they would have softened or perhaps have entirely discarded the language in which their censure has been expressed. Whenever a Committee shall be reappointed for the same object, Mr. Baillie will, I am convinced, perceive the necessity and propriety of yielding to all their requisitions for accounts and other information, not merely a constrained obedience, but a frank and cheerful compliance. If any dissatisfaction has been produced by a supposed wish on his part to frustrate or embarrass their inquiries, it will be most effectually removed by the proofs which I am persuaded he will afford of alacrity to meet and even to anticipate their wishes. Having in truth no reason to dread, but every motive to court, inquiry into his public conduct, Mr. Baillie will best consult for his own welfare by repressing the sense of injury under which he appears to labour, and by zealously co-operating with any Committee which may be appointed to pursue this investigation.

"On the other hand, whatever jealousy the Committee of the last Session may have entertained of the Crown Land Department will infallibly be diminished, and as I trust, altogether removed by the complete explanations which will thus be given, and by the spirit in which they will be afforded.

"The revival of such distrusts hereafter will be obviated by the new and intimate relation in which the Land Department will be brought with the two Houses of local Legislature.

"I cannot quit this part of the subject without observing that the question raised respecting the production of Mr. Baillie's vouchers seems to me to have been founded on an evident misapprehension. He supposed that the House had it in contemplation permanently to deprive him of the custody of them—a construction which the mere words of the requisition may perhaps have justified, but which the subsequent report of the Committee satisfactorily repels. Their object was only to examine and not to detain the vouchers, and had Mr. Baillie attended with them before the Committee, he would have been permitted to remove them for safe custody to his own office whenever they were not in actual use. If he had understood the Address of the House in this sense, his objection would not have been reasonable, and I am therefore well convinced would not have been made. Of course therefore it will not be repeated.

"It only remains for me to declare my conviction, that the Assembly of New Brunswick cannot have entertained the design which Mr. Baillie attributes to them, of denying the full benefit of the audits through which his accounts have already passed, and of the acquittances which he has already received.

"To whatever extent the House of Commons may be bound by the decisions of the Lords of the Treasury, founded on the reports of the Auditors of public accounts, in reference to the Revenues of this country, to the same extent the Assembly of New Brunswick will doubtless acknowledge itself to be bound by similar decisions, founded on similar Reports, in reference to the receipt and expenditure of the Land Revenue of the Province as formerly administered. To that extent Mr. Baillie has the most decided claim on His Majesty's Government for protection and support, because if the former system of audit was imperfect or unsatisfactory, the responsibility rests not with him, but with them.

"You will communicate a copy of this Despatch to Mr. Baillie.

"I have the honor, &c.
(Signed) "GLENELG."

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

"*DOWNING STREET*, 18*th May*, 1837.

"SIR,

"I CONSIDER it so important that the good feeling which I trust will be the result of the proposed financial arrangement with the House of Assembly of New Brunswick, should not be exposed to any chance of interruption, that I cannot help again addressing you on the subject of my Despatch of the 4th instant, No. 11. I wish to impress upon you, and I request you to impress upon the officers under you, how material it is that there should be no difficulty or delay in communicating to the House of Assembly all the information which they may desire respecting financial affairs. The repeated directions to this effect; which have issued from my predecessors in this office, seem to have been misunderstood, or not understood in their proper force. I am therefore induced to request that you will convey to the officers concerned, my desire that they will furnish the Assembly not only

with

with the required accounts, but also with the vouchers that may be called for by the Assembly. They may either attend in person (as I before suggested) with those documents, or may supply copies of them. I must repeat that it is quite out of the question to imagine that in so doing they run any risk of being deprived of papers which it is so essential for them to have in their possession.

"I have the honor to be, Sir,

"Your most obedient servant,

(Signed) "GLENELG."

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

On motion of Mr. End,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that a warrant on the Treasury may issue for the sum of hundred pounds in favor of His Majesty's Justices of the Peace for the County of Gloucester, to aid the destitute inhabitants in the said County in such manner as may be expedient; the same to be deducted from such Bye Road appropriations as may be made at the next Session of the Legislature for the District in which the same may be expended.

Upon the question for adopting the Resolution, the House divided as follows :—

YEAS.	NAYS.
Mr. End,	Mr. G. D. Robinson,
Allen,	Hanington,
Ford,	Weldon,
Palmer,	Wilson,
Taylor,	Street,
Morehouse,	Partelow,
Connell,	Johnston,
L. A. Wilmot,	J. M. Wilmot,
Wyer,	Burns,
Rankin.	Woodwrad,
	Freeze,
	M'Leod,
	Gilbert,
	Hill,
	Hayward,
	Miles,
	D. L. Robinson,
	Brown,
	Clinch.

And it was thereupon decided in the negative.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, communicated the following Resolutions :—

"*Legislative Council Chamber, Tuesday, 11th July*, 1837.

"*Resolved*, That this House will join the Assembly in the proposed Address to His Majesty, on the subject of the Boundary Line between this Province and the United States of America.

"*Resolved*, That the Honorable Messrs. Botsford and Chandler be a Committee to join such Committee as may be appointed by the Assembly to prepare the same.

"WM. TYNG PETERS, *Clerk*."

On motion of Mr. L. A. Wilmot,

Resolved, That a Committee be appointed by this House to join the Committee of the Council in preparing the said Address.

Ordered, That Mr. L. A. Wilmot, Mr. Johnston, Mr. Weldon and Mr. Partelow, do compose the Committee; and further

Ordered, That Mr. L. A. Wilmot acquaint the Council therewith.

On motion of Mr. Hanington,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to issue his warrant on the Treasury

Treasury for the sum of one hundred and twenty pounds, in favor of a Commissioner or Commissioners to be appointed by His Excellency to expend the same, in relieving the distress in the Parish of Moncton, in the County of Westmorland; and further

Resolved, That this House will make provision for the same at the next Session of the Legislature out of the Road monies for that County; and all persons receiving relief thereby shall give their obligation for the value of such articles, payable to the Province Treasurer, which receipts may be cancelled by certificates from the Commissioner or Commissioners to be appointed to expend the same, at any time during the present season.

Upon the question for adopting the Resolution, the House divided as follows :—

YEAS.	NAYS.
Mr. G. D. Robinson,	Mr. Rankin,
Ford,	Street,
Hanington,	Johnston,
Allen,	J. M. Wilmot,
Palmer,	Burns,
Weldon,	M'Leod,
Wilson,	Gilbert,
Partelow,	Hill,
End,	D. L. Robinson,
Woodward,	Miles,
Taylor,	Wyer,
Morehouse,	Brown,
Connell,	Clinch.
Freeze,	
L. A. Wilmot.	

And it was thereupon carried in the affirmative.

Mr. Partelow then moved the following :—

Resolved, That the Resolution for the Address be communicated to the Legislative Council, and that they be requested to join therein.

And upon the question for the adoption of this Resolution, the House again divided as follows :—

YEAS.	NAYS.
Mr. Partelow,	Mr. Palmer,
Ford,	Hanington,
Weldon,	G. D. Robinson,
Wilson,	Johnston,
Street,	J. M. Wilmot,
Taylor,	Burns,
D. L. Robinson,	Woodward,
End,	Connell,
Allen.	Gilbert.
	Hayward,
	Hill,
	Miles,
	Wyer,
	L. A. Wilmot,
	Brown,
	Clinch.

Whereupon it was decided in the negative.

Mr. Hanington then moved—

Resolved, That a Committee be appointed to wait upon His Excellency with the Address.

And upon the question, the House again divided—

YEAS, 7. NAYS, 19.

And it was likewise decided in the negative.

Read a third time as engrossed,

A Bill to incorporate *The Saint John Mill and Manufacturing Company.*

Resolved, That the Bill do pass.

Ordered,

Ordered, That Mr. Partelow take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. L. A. Wilmot,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to order to be laid before this House copies of any Despatches received from the Right Honorable Lord Glenelg, on the subject of the Mines and Royalties of this Province.

Ordered, That Mr. L. A. Wilmot, Mr. Clinch and Mr. D. L. Robinson, be a Committee to wait upon His Excellency with the Address.

The House adjourned until to-morrow morning at 10 o'clock.

Wednesday, 12th July, 1837.

Prayers.

On motion of Mr. Hanington,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to appoint a Commissioner or Commissioners to expend the sum of one hundred and twenty pounds in relieving the distress in the Parish of Moncton, in the County of Westmorland; and further

Resolved, That the House will make provision for the same at the next Session of the Legislature out of the Road Monies for that County, and all persons receiving relief thereby shall give their obligation for the value of such articles, payable to the Province Treasurer, which receipt may be cancelled by certificate from the Commissioner or Commissioners to be appointed to expend the same, at any time during the present season.

To which Mr. J. M. Wilmot moved the previous question.

That the question be now put.

And it was decided in the negative.

Mr. Woodward moved for leave to bring in a Bill, to alter and amend an Act, intituled "An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province."

Leave granted.

The said Bill being brought in, was read a first time.

Read a second time,

A Bill in addition to an Act, intituled "An Act to incorporate *The Saint Stephen's Whale Fishing Company.*"

Read a third time as engrossed,

A Bill in addition to an Act, intituled "An Act to incorporate sundry persons by the name of *The President, Directors and Company of the Saint Stephen's Bank*, in the County of Charlotte."

Resolved, That the Bill do pass.

Ordered, That Mr. Hill take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Wyer,

Resolved, That a Committee be appointed to take into consideration the state of poor Settlers and Emigrants in various parts of this Province, now represented as suffering from the want of the common necessaries of life, and report thereon to this House by Bill or otherwise.

Upon the question for adopting the Resolution, the House divided—

YEAS, 15. NAYS, 9.

And it was thereupon carried in the affirmative.

Ordered, That Mr. Wyer, Mr. Ford, Mr. Palmer, Mr. Allen, Mr. Connell, Mr. End, Mr. Hayward, Mr. Gilbert, Mr. M'Leod, Mr. Street, Mr. Partelow and Mr. Burns, do compose the said Committee.

Mr.

Mr. Woodward moved for leave to bring in a Bill, to authorize the extension of the Gaol Limits in the City and County of Saint John.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Woodward, by leave, presented a Petition from Robert Rankin, John Haws, John W. Smith, and others, Inhabitants of the Parish of Portland, in the County of Saint John, praying that an Act may pass authorizing the appointment of Firewards and Engine men, and for making rules and regulations for the government of Firemen and others attending at fires; which he read.

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

Mr. Woodward moved for leave to bring in a Bill, 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.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Woodward, by leave, presented a Petition from Robert Rankin, John Haws, John Owens, and others, Inhabitants and Freeholders in the Parish of Portland, praying that that part of the said Parish which lies to the westward of the Aboideau may be excepted from the operation of the eleventh section of the Act 5 Wm. 4, in amendment of the Act regulating, laying out and repairing Highways; and that Streets may there be laid out and established of the width of fifty feet; which he read.

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

Mr. Woodward moved for leave to bring in a Bill, to alter and amend an Act, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same," so far as relates to the Parish of Portland, in the County of Saint John.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. L. A. Wilmot, pursuant to leave, brought in a Bill to provide for the travelling expenses of the Justices of the Supreme Court on the several Circuits in this Province; which was read a first time.

On motion of Mr. Weldon,

That the House proceed to the Order of the Day of the 10th instant, to go into Committee of the whole on the several Documents connected with the surrender of the Casual and Territorial Revenues, referred to in the Speech of His Excellency the Lieutenant Governor, and which were communicated to the House on the 7th inst.

The Order of the Day being read, the House accordingly resolved itself into said Committee.

Mr. Taylor in the Chair of the Committee.

M. Speaker resumed the Chair.

The Chairman reported, that the Committee having the matters referred to them under their consideration, they had passed several Resolutions, which he read, and handed the same in at the Clerk's Table, where they were again read, and are as follow:—

1. *Resolved*, unanimously, as the opinion of this Committee, That the House should entertain the deepest feelings of gratitude to His Majesty for the additional proof of His solicitude for the welfare and happiness of His loyal subjects in this Province, as expressed in the Despatches from the Right Honorable Lord Glenelg of the 2d March and 6th April last, now under consideration.

2. *Resolved*, as the opinion of this Committee, That the House should pass the Civil List Bill in exact conformity with the draft transmitted by the Right Honorable Lord Glenelg to Sir Archibald Campbell, on the 31st day of October last, and agreed to by the Assembly and Legislative Council at the last Session.

To which Resolution an amendment was moved, by adding thereto the following:—

"With the exception of inserting therein the usual Parliamentary clause, that it is to be subject to such qualification as may be thereafter enacted during the present or any subsequent Session; and further, that the said Bill shall be made permanent instead of for the period of ten years."

An amendment was then moved to the said amendment to expunge the following words:—

"And further, that the said Bill shall be made permanent instead of for the period of ten years."

Upon which last amendment the Committee divided as follows:—

YEAS.		NAYS.
Mr. Speaker,	Mr. L. A. Wilmot,	Mr. End,
Ford,	Connell,	Street.
Hanington.	M'Leod,	
Weldon,	Gilbert,	
Partelow,	Hill.	
Johnston,	Hayward.	
J. M. Wilmot,	Wyer,	
Burns,	Brown,	
Woodward,	Rankin.	
Morehouse,		

And it was carried in the affirmative.

The question was then taken upon the amendment as amended, when the Committee again divided—

YEAS.	NAYS.	
Mr. Hanington,	Mr. Speaker,	Mr. Connell,
Ford,	Weldon,	Gilbert,
End,	Partelow,	Woodward,
Street,	Johnston,	Hill,
M'Leod,	J. M. Wilmot,	Hayward,
Wyer.	Burns,	Brown,
	Morehouse,	Rankin.

Which was decided in the negative.

The question being then taken upon the original Resolution, it passed in the affirmative.

3. *Resolved*, as the opinion of this Committee, That any modification of the fifth section of the Civil List Bill to meet particular or special cases, should as before, form the subject of a separate Bill containing regulations respecting the Crown Land Department.

And the Chairman then further reported, that he was directed to ask leave to sit again.

Ordered, That the Report be accepted, and leave granted.

Mr. Taylor, by leave, presented a Petition from the President and Directors of the Central Fire Insurance Company, praying that an Act may pass to exempt the Members of the Fredericton Union Fire Company from Statute Labour; which he read.

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

Mr. Johnston moved for leave to bring in a Bill, in further amendment of the Law relating to nuisances in the Parish of Portland in the County of Saint John.

Leave granted.

The said Bill being brought in, was read a first time.

On motion of Mr. Woodward,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct the Clerks of the Peace of the several Counties in this Province, to make returns to the Provincial Secretary, for the information of the Legislature, of the amount of assessments made in the different Parishes in each County in the year 1836, for the support of the poor therein.

Ordered, That Mr. Woodward, Mr. Burns and Mr. Rankin, be a Committee to wait upon His Excellency with the Address.

Mr.

Mr. Allen, by leave, presented a Petition from Charles Lee, Aaron Hartt, and 50 others, of the Parish of Kingsclear, in the County of York, praying that the proposed alteration in that part of the Great Road from Fredericton to the Canada Line which lies between Camber's Creek and Burgoyne's Ferry, may be suspended until such time as some further exploration be made by Commissioners, to be appointed for that purpose; which he read.

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

On motion of Mr. Weldon,

The House went into Committee of the whole, on a Bill for the support of the Civil Government in this Province.

Mr. Hanington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Mr. Partelow moved for leave to bring in a Bill, to empower the Executive in certain cases to authorize the suspension of specie payments by the incorporated Banks in this Province.

Leave granted.

Mr. Brown, by leave, presented a Petition from Peter Smith, Miles J. Hannah, Thomas Sime, and others, depositors of monies in the Charlotte County Savings Bank, praying that a grant may pass to remunerate them for the losses sustained by the failure of the said Institution, and for other purposes therein mentioned; which he read.

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

Mr. Brown moved for leave to bring in a Bill, relating to the late Charlotte County Savings Bank.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Allen, by leave, presented a Petition from the Rector, Church Wardens and Vestry of Christ Church, Fredericton, praying that an Act may pass to enable them to alienate certain Lands; which he read.

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

Mr. Allen moved for leave to bring in a Bill, to enable the Rector, Church Wardens and Vestry of Christ Church, Fredericton, to alienate certain Lands belonging to that Corporation.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. L. A. Wilmot moved for leave to bring in a Bill, to exempt the Union Fire Company of the Town of Fredericton from Statute Labour on the Highways and Streets within the said Town.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. Partelow moved for leave to bring in a Bill, to alter and amend the Lumber Law.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. L. A. Wilmot, from the Committee appointed to present an Address to His Excellency the Lieutenant Governor of yesterday, praying for copies of any Despatches received from the Right Honorable Lord Glenelg, on the subject of the Mines and Royalties of this Province, reported, that they had attended to that duty, and His Excellency was pleased to say that the said Address should be complied with.

Mr. Freeze, from the Committee appointed to wait on His Excellency the Lieutenant Governor, with an Address of the 10th instant, relative to the re-building the Bridge over Trout Creek, on the Great Road from Saint John to Nova Scotia, leading

through

through Sussex, in King's County, reported, that they had attended thereto, and that His Excellency was pleased to say he would attend to the same with much pleasure.

Mr. L. A. Wilmot, by leave, presented a Petition from Holmes S. Daggett, of Fredericton, in the County of York, praying Legislative enactment to encourage the construction of a steam passage Boat for facilitating the communication between Fredericton and Woodstock; which he read.

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

Mr. Wyer, by leave, presented a Petition from Thomas Sime, William Babcock, Henry O'Neil, Thomas Turner, and Samuel Watts, Overseers of the Poor for the Parish of Saint Andrews, in the County of Charlotte, praying for Legislative aid to enable them to enlarge the Alms House and Work House in the said Parish; which he read.

Ordered, That the said Petition be received, and referred to the Committee appointed to take into consideration the state of the poor Settlers and Emigrants in the Province.

Mr. Taylor, by leave, presented a Petition from Timothy Killean, and 17 others, poor settlers on the Hanwell road, in the Parish of Kingsclear, in the County of York, setting forth that the Statute Labour in the district is of small amount, and praying a grant in aid thereof, to be expended between that Settlement and Fredericton; which he read.

Ordered, That the said Petition be received, and referred to the same Committee.

Mr. Connell, by leave, presented a Petition from John Bedell, Richard Ketchum, Esquires, and other Magistrates, and principal Inhabitants of the County of Carleton, praying further pecuniary Provincial aid in behalf of the many individuals in that County who are suffering from the failure of their crops during the last Season; which he read.

Ordered, That the said Petition be received, and referred to the same Committee.

Mr. Connell also, by leave, presented a Petition from Leonard R. Coombes, and Francis Rice, Esquires, and Charles L. Beckwith, on behalf of the inhabitants of Madawaska, in the County of Carleton, praying like relief for the sufferers at that place; which he read.

Ordered, That the said Petition be received, and referred to the same Committee.

On motion of Mr. Partelow,

Resolved, That this House will make provision, at the next Session of the Legislature, for so much of the expenses incurred and to be incurred in printing the Journals of the present Session as may be advanced for that service by the Central Bank of New Brunswick.

Mr. Partelow, by leave, presented a Petition from the Justices of the Peace for the City and County of Saint John, praying that a grant of money may be made for the support and relief of sick and distressed Emigrants in that City; which he read.

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

Mr. Partelow moved for leave to bring in a Bill, to appropriate a part of the Emigrant Fund for the purposes therein mentioned.

Leave granted.

The said Bill being brought in, was read a first time.

Mr. L. A. Wilmot moved for leave to bring in a Bill, to encourage the construction of a steam passage Boat for facilitating the communication between Fredericton and Woodstock.

Leave granted.

The said Bill being brought in, was read a first time.

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY,

THURSDAY, 13th July, 1837.

Prayers.

Read a second time the following Bills:—

A Bill to provide for the travelling expenses of the Justices of the Supreme Court on the several Circuits in this Province:

A Bill to alter and amend an Act, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same," so far as relates to the Parish of Portland, in the County of Saint John:

A Bill 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 to authorize the extension of the Gaol Limits in the City and County of Saint John:

A Bill to alter and amend an Act, intituled "An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province:"

A Bill to enable the Rector, Church Wardens and Vestry of Christ Church, Fredericton, to alienate certain Lands belonging to that Corporation:

A Bill to alter and amend the Lumber Law:

A Bill to exempt the Union Fire Company of the Town of Fredericton from Statute Labour on the Highways and Streets within the said Town:

A Bill relating to the late Charlotte County Savings Bank:

A Bill in further amendment of the Law relating to nuisances in the Parish of Portland, in the County of Saint John:

A Bill to appropriate a part of the Emigrant Fund for the purposes therein mentioned: and

A Bill to encourage the construction of a steam passage Boat for facilitating the communication between Fredericton and Woodstock.

On motion of Mr. Hill,

The House went into Committee of the whole, on a Bill in addition to an Act to incorporate *The Saint Stephen's Whale Fishing Company.*

Mr. Morehouse in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under consideration, agreed to the same under the title of "A Bill in addition to and in amendment of an Act, intituled 'An Act to incorporate *The Saint Stephen's Whale Fishing Company.*'"

Ordered, That the Report be accepted, and the Bill engrossed under the amended title.

On motion of Mr. Weldon,

The House went into Committee of the whole, on a Bill to amend an Act, intituled "An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick."

Mr. Brown in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under consideration, had made progress therein, and he was directed to ask leave to sit again.

Ordered, That the Report be accepted, and leave granted.

A Message from His Excellency the Lieutenant Governor,

The Honorable Mr. Saunders, a Member of the Executive Council, delivered the following Message:—

"J. HARVEY.

"The Lieutenant Governor has directed to be laid before the House of Assembly copy of the only Despatch from the Right Honorable the Secretary of State for the

Colonies,

Colonies, which he has received on the subject to which the Address of the House of yesterday refers.

"J. H.

"*Government House, July* 12, 1837."

The Despatch accompanying His Excellency's Message having been then read at the Clerk's Table, is as follows:—

"*DOWNING STREET*, 24*th April*, 1837.
[Received 6th June.]

"Sir,

"I HAVE received Sir A. Campbell's Despatch of the 22d February, No. 11, enclosing a Petition addressed to me by the New Brunswick Mining Company, praying that a Grant or Lease may be made to them of the Royalty in Coals to be raised by them from Lands now in their possession.

"I have considered with much attention the objects which the New Brunswick Mining Company have in view, and now proceed to offer some observations on the subject.

"As I can regard the Coal Mines only as a part of that Territory, the appropriation of which has been surrendered to the Provincial Legislature, you must proceed respecting them in the manner which may be prescribed by the Law which has been the subject of so much discussion.

"It will be for the Executive Council to consider whether it would be conducive to the public interest that these Mines should at present be disposed of, and on what terms—that is, whether by a sale of the fee simple or by lease for a term of years, as also what particular Mines or Mining District should be disposed of by any such sale or lease. These questions being decided, the sale or letting must of course be effected, not by a private contract, but by a public auction, at a fair upset price, to the highest bidder.

"Considering however the very general importance of this measure, and the necessity of placing on a secure and permanent basis the conduct of the Executive Government respecting it, and considering also that there is some uncertainty how far the Law about to be passed may reach, or how it may apply to a question of this nature, you will not adopt any measure respecting it, unless you will be fully satisfied after consulting with the Law Officers of the Crown in the Province, that it is in strict conformity with the spirit and letter of the new Law, nor unless you shall be convinced that it will be conducive to the general good and to the interest of the Revenue. If you should find room for any reasonable doubt on either of these topics, it will be your duty to pause until you shall have brought the whole subject of disposing of Mines under the consideration of the two Houses of Provincial Legislature, and shall have submitted to their consideration this correspondence, with any reports or other proceedings on the subject, of the Executive Council and of the Provincial Law Officers of the Crown.

"I have the honor to be, Sir,
"Your most obedient humble servant,
(Signed) "GLENELG."

Sir J. Harvey.

On motion of Mr. Miles,

The House went into Committee of the whole, on a Bill to regulate the driving of Timber and Saw Logs down the several Rivers and Streams in the County of Sunbury.

Mr. Hanington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under consideration, made progress therein, and he was directed to ask leave to sit again.

Ordered, That the Report be accepted, and leave granted.

Read a third time as engrossed,

A Bill for the support of the Civil Government in this Province.

Resolved, That the Bill do pass.

Ordered, That Mr. L. A. Wilmot take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Partelow,

The House went into Committee of the whole, on a Bill to grant a loan to the Saint John Water Company.

Mr. Clinch in the Chair of the Committee.

Mr. Speaker resumed the Chair,

The Chairman reported, that the Committee having the Bill referred to them under their

their consideration, agreed to the same under the title of "A Bill to grant a loan of five thousand pounds to the Saint John Water Company."

Ordered, That the Report be accepted, and the Bill engrossed under the amended title.

On motion of Mr. Weldon,

Resolved, That this House will, at the next Session of the Legislature, pass a Bill to pay off the loan from the New Brunswick Fire Insurance Company to the Province, on the 1st day of June, 1838.

On motion of Mr. Partelow,

Whereas it appears from information before this House, that four warrants, purporting to be the third annual appropriation for His Majesty's Quit Rents for 1837, amounting to £1200, have been drawn by the late Executive of this Province in April last, on the Treasurer, which warrants are declared by the Royal Gazette of yesterday, published by authority, to be now in the Treasurer's office: And whereas in the opinion of this House such warrants have been issued contrary to the provision of the Act making said commutation, the Royal Assent not having been had to the said Act until August, 1835, and its promulgation not having been made in this Province until the 28th October following; therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct the said warrants to be withdrawn from the Treasury.

Ordered, That Mr. Partelow, Mr. Weldon and Mr. Johnston, be a Committee to wait upon His Excellency with the Address.

On motion of Mr. Johnston,

The House went into Committee of the whole, on a Bill relating to private Banking.

Mr. Hayward in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, made amendments thereto, and then agreed to the same under the title of "A Bill to prevent the issue of private Bank Notes in this Province."

Ordered, That the Report be accepted, and the Bill engrossed as amended, under the amended title.

On motion of Mr. Woodward,

Whereas it appears by a copy of a Despatch from the Right Honorable Lord Glenelg to His Excellency Sir John Harvey, dated 4th May, 1837, communicated to this House by Message of His Excellency the Lieutenant Governor on the 11th instant, that the Commissioner of Crown Lands had communicated to the Right Honorable the Secretary of State for the Colonies sundry documents which induced his Lordship to believe, that "had they (the Select Committee of the House of Assembly) been in possession of the said documents, they would have softened, or perhaps have entirely discarded the language in which the censure has been expressed:" And whereas this House have every wish to do justice to every public officer; therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to cause copies of the documents above referred to, to be laid before this House for the information of the same.

Ordered, That Mr. Woodward, Mr. J. M. Wilmot and Mr. Palmer, be a Committee to wait upon His Excellency with the Address.

On motion of Mr. Partelow,

The House went into a Committee of the whole, on a Bill relating to Vessels or Boats propelled by steam.

Mr. M'Leod in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, made amendments thereto, and then agreed to the same under the title of "A Bill to provide for the greater safety of passengers on board Steam Boats."

Ordered,

Ordered, That the Report be accepted, and the Bill engrossed as amended, under the amended title.

Mr. Woodward, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address of the House of yesterday, praying His Excellency would be pleased to direct the Clerks of the Peace for the different Counties, to make returns of the assessments made in the year 1836, for the support of the poor, reported, that they had attended thereto, and that His Excellency was pleased to answer that the returns should be immediately ordered.

On motion of Mr. Weldon,

The House went into Committee of the whole, on a Bill to provide for the travelling expenses of the Justices of the Supreme Court on the several Circuits in this Province.

Mr. Woodward in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, made amendments thereto, and then agreed to the same under the title of "A Bill to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts."

Ordered, That the Report be accepted, and the Bill engrossed as amended, under the amended title.

The House adjourned until to-morrow morning at 9 o'clock.

Friday, 14th July, 1837.

Prayers.

On motion of Mr. Hill,

The House went into Committee of the whole, upon the re-consideration of the Bill to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Circuits.

Mr. Hanington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill again before them, made a further amendment thereto, and then agreed to the said Bill.

Ordered, That the Report be accepted, and the Bill as further amended engrossed.

Read a third time as engrossed.

A Bill in addition to and in amendment of an Act, intituled "An Act to incorporate *The Saint Stephen's Whale Fishing Company.*"

Resolved, That the Bill to pass.

Ordered, That Mr. Hill take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Johnston,

Resolved, That a Select Committee be appointed to take into consideration that part of the Right Honorable Lord Glenelg's Despatch of the 5th September last, relating to the remuneration of officers whose salaries are borne on the Civil List of the Province.

Ordered, That Mr. Johnston, Mr. L. A. Wilmot, Mr. Weldon, Mr. Partelow, Mr. Rankin, Mr. Wyer and Mr. Hill, do compose the Committee.

Mr. L. A. Wilmot, from the Committee appointed to prepare a Bill for the support of the Civil Government, reported, that having that subject again before them, they had prepared a Bill, under the title of "A Bill 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 future disposal of Crown Lands and Timber in certain cases," which he was directed to submit to the House.

Ordered, That the Report be accepted.

The

The Bill as reported by the Committee being then handed in, was read a first time.

On motion of Mr. Johnston,

The House went into Committee of the whole, on a Bill in further amendment of the Law relating to nuisances in the Parish of Portland, in the County of Saint John.

Mr. Gilbert in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

On motion of Mr. Woodward,

The House went into Committee of the whole, on a Bill to authorize the extension of the Gaol Limits in the City and County of Saint John.

Mr. Gilbert in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, it was moved—"That the further consideration thereof be postponed until the next Session of the General Assembly."

And upon the question the Committee divided—

YEAS, 9. NAYS, 14.

Whereupon it was decided in the negative.

That the Committee then went through the Bill, and agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

On motion of Mr. Woodward.

The House went into Committee of the whole, on a Bill to alter and amend an Act, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same," so far as relates to the Parish of Portland, in the County of Saint John.

Mr. Palmer in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

On motion of Mr. Woodward,

The House went into Committee of the whole, on a Bill 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.

Mr. Wyer in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Read a third time as engrossed,

A Bill to grant a loan of five thousand pounds to the Saint John Water Company.

Resolved, That the Bill do pass.

Ordered, That Mr. Woodward take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Johnston,

The House went into Committee of the whole, on a Bill to facilitate the recovery of possession of Lands, Tenements and Premises from Tenants holding over their term or neglecting to pay their rents agreeably to the terms of the demise.

Mr. Partelow in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, the question was taken to reconsider the second section,

 which

which provides "That no such *Certiorari* shall in the mean time stay or suspend the execution of the judgment of such Justices."

Whereupon the Committee divided—

YEAS, 4. NAYS, 17.

And it was decided in the negative.

That the Committee then went through the Bill, and agreed to the same under the title of "A Bill relating to Landlord and Tenant."

Ordered, That the Report be accepted, and the Bill engrossed under the amended title.

Mr. Wyer, from the Committee appointed to inquire into the state of the poor Settlers and Emigrants in the different parts of the Province, with directions to report by Bill or otherwise, submitted a Report, and having read the same, he handed it in at the Clerk's Table, where it was again read, and is as follows :—

"The Committee have taken into consideration the various Petitions submitted to them, and recommend that the sum of £100 be granted for the relief of the poor Settlers in Madawaska, as they are shut out from the resources of trade and the fisheries, which conduce so much to the support of the poor in other parts of the Province ; and little or no Road money being expended in that part of the country, places them in a different situation from any other part of the Province—the £100 to be taken out of the Bye Road money for the County of Carleton the ensuing year. Your Committee further recommend, that a Bill be passed for the relief of the poor and distressed Emigrants in the Town of Saint Andrews, in the County of Charlotte, who have lately arrived there—the same to be taken out of the Emigrant fund ; and your Committee further recommend, that the Petition of the Magistrates and others, inhabitants of the County of Carleton, praying for Provincial aid in behalf of the suffering poor of that County, and also the Petition of Timothy Kelleam and others, praying for Provincial aid, be not complied with.

"THOMAS WYER, *Chairman*.

"*Committee Room*, 13*th July*, 1837."

Mr. Wyer then submitted the draft of a Bill under the title of "A Bill to provide for the relief of Poor Emigrants in the Town of Saint Andrews, in the County of Charlotte."

Ordered, That the Report be accepted.

The Bill as reported by the Committee being then handed in, was read a first time.

Read a second time,

A Bill 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 future disposal of Crown Lands and Timber in certain cases.

Read a third time as engrossed,

A Bill to prevent the issue of private Bank Notes in this Province.

Resolved, That the Bill do pass.

Ordered, That Mr. Allen take the said Bill to the Council, and desire their concurrence thereto.

Mr. Weldon, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House upon the subject of the warrants issued by the late Executive upon the Provincial Treasury, for the third year's commutation of His Majesty's Quit Rents, reported, that they had attended to that duty, and that His Excellency was pleased to say he had much satisfaction in acquainting the House that the warrants had been withdrawn and cancelled.

On motion of Mr. Morehouse,

Whereas by the Report of the Select Committee appointed to take into consideration the state of the poor Settlers and Emigrants in different parts of the Province, it is recommended that the sum of one hundred pounds be granted for the relief of the poor Settlers in the Parish of Madawaska, in the County of Carleton—the same to be taken out of the Bye Road money for the County the ensuing year; therefore

Resolved, That this House will make provision for the same at the next Session of the Legislature.

On

On motion of Mr. Weldon,

The House went into Committee of the whole, on a Bill to amend an Act, intituled "An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick."

Mr. D. L. Robinson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Mr. Woodward, from the Committee appointed to wait upon His Excellency with an Address of yesterday, praying that His Excellency would be pleased to cause to be laid before the House copies of documents sent to the Right Honorable Lord Glenelg by the Commissioner of Crown Lands, referred to by His Lordship in his Despatch of the 4th May last, communicated to the House by Message from His Excellency on the 11th instant, reported, that they had attended to that duty, and that His Excellency was pleased to say that he would do all in his power to meet the wishes of the House.

On motion of Mr. Partelow,

The House went into Committee of the whole, on a Bill to appropriate a part of the Emigrant Fund for the purposes therein mentioned.

Mr. Brown in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House, that the Council had agreed to the Bill, intituled "A Bill in addition to an Act, intituled 'An Act to incorporate sundry persons by the name of the President, Directors and Company of *The Saint Stephen's Bank*, in the County of Charlotte.'"

Read a second time,

A Bill to provide for the relief of Poor Emigrants in the Town of Saint Andrews in the County of Charlotte.

On motion of Mr. Burns,

The House went into Committee of the whole, on a Bill to alter and amend an Act, intituled "An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province."

Mr. Miles in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Mr. End, from the Committee appointed to examine into the Petition of William Stevens, Mineralogist, presented to the House on the 10th instant, submitted their Report, and having read the same, handed it in at the Clerk's Table, where it was again read, and it is as follows:—

"The Committee to whom was referred the Petition from William Stevens respecting a Mineralogical exploration in the County of Gloucester, having had the same under consideration, and also having examined the Petitioner on the subject, are of opinion that the objects contemplated by him are likely to open a new and productive source of trade, and therefore recommend that an humble Address be presented to His Excellency the Lieutenant Governor, praying that the right to all mines within the County of Gloucester for the term of fifty years be exposed to sale by public auction, at an early day, under the following conditions and restrictions, viz.:

"That the purchaser shall have five years to explore and select his mining ground, and open any shaft or shafts; that after the expiration of the said five years the purchaser

purchaser be confined to such mines only as he may have opened and worked, and shall have then in operation; and should it happen that during the said term of fifty years any mine should not be worked for the space of twelve consecutive months, the said mine so remaining unworked should revert to the Crown; and further, that the said right be sold for an amount in gross, as preference money, and that a *per centage* equal to one twentieth of the produce of the mine or mines to be opened and worked under the authority thereof, be exacted from and paid by the lessee or lessees after the expiration of ten years from the date of the sale of the sale or lease.

"Respectfully submitted,

"WILLIAM END,
J. A. STREET,
L. A. WILMOT.

"*Committee Room, 14th July*, 1837."

Ordered, That the Report be accepted.

Read a third time as engrossed,

A Bill to provide for the greater safety of Passengers on board Steam Boats.

Resolved, That the Bill do pass.

Ordered, That Mr. Allen take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Allen,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct the Supervisor of the Great Road from Fredericton to the Canada Line to take no further proceedings on that part of the new line lately marked out by the said Supervisor, between Camber's Creek and Burgoyne's Ferry, except as regards the Bridges now under construction across Camber's Creek and Brewer's Creek, until a further exploration shall be made.

Ordered, That Mr. Allen, Mr. Brown and Mr. End, be a Committee to wait upon His Excellency with the Address.

On motion of Mr. Miles,

The House went into Committee of the whole, in further consideration of a Bill to regulate the driving of Timber and Saw Logs down the several Rivers and Streams in the County of Sunbury.

Mr. Hanington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill again before them, made several amendments thereto, and then agreed to the said Bill under the title of "A Bill to empower the Justices of the County of Sunbury to make regulations for driving Timber and Logs down the several Rivers and Streams in that County."

Ordered, That the Report be accepted, and the Bill engrossed as amended, under the amended title.

On motion of Mr. Weldon,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct to be prepared and laid before this House at an early day the next Session—

A list of all five year Licenses to cut Timber and Logs, the persons to whom the same were granted, and where situated; the date of the application, the time when the Licenses issued, and the period when the same are to expire; the conditions under which the same were granted, and the names of the obligors on the bonds given for the payment of the duties. Also, the extent of Reserves granted for Mills in the Province, the persons to whom the same were granted, and where the same are situated; the time when the applications for such Reserves were made, and when complied with; the conditions under which the same were granted, the period such Reserves are to be held, and whether any and what quantity of Timber and Logs are to be annually cut on the said five year Licenses and Reserves. And also if any preference money was paid upon the said five year Licenses and Mill Reserves; and also the number and

and names of applicants for such Licenses and Mill Reserves, which were complied with and have since been abandoned or relinquished, and whether any and what sums of money were paid upon such applications respectively.

Ordered, That Mr. Weldon, Mr. Wyer and Mr. Woodward, be a Committee to wait upon His Excellency with the Address.

On motion of Mr. L. A. Wilmot,

The House went into Committee of the whole, on a Bill to exempt the Union Fire Company of the Town of Fredericton from Statute Labour on the Highways and Streets within the said Town.

Mr. Gilbert in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, it was

"*Resolved,* That the further consideration of the said Bill be postponed for three months."

Ordered, That the Report be accepted.

On motion of Mr. End,

Whereas public money has already been appropriated towards the erecting of a Bridge across the Middle River Basin, in the County of Gloucester: And whereas it is expedient that the Commissioners should be authorized to carry into effect the intentions of the Legislature, and protected from any personal liability on their contract for the said Bridge; therefore

Resolved, That this House will make provision, at the next Session, for such sum as may be required to erect the said Bridge over and above the monies already granted by the Legislature and subscribed by the inhabitants, provided the same does not exceed hundred pounds; such provision to be taken from the Great Road appropriations of the County of Gloucester.

Upon the question for adopting the Resolution, the House divided as follows:—

YEAS.	NAYS.
Mr. End,	Mr. Weldon,
Hanington,	Partelow,
Taylor,	Johnston,
Palmer,	J. M. Wilmot,
Wyer,	Burns,
Rankin,	Woodward,
Street,	Gilbert,
Clinch,	Morehouse,
Ford.	Connell,
	Freeze,
	Hayward,
	M'Leod,
	Miles,
	Hill,
	Brown,
	D. L. Robinson.

And it was thereupon decided in the negative.

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY, 15th July, 1837.

Prayers.

Read a third time as engrossed,

A Bill to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts.

Resolved, That the Bill do pass.

Ordered,

Ordered, That Mr. Weldon take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Wyer.

The House went into Committee of the whole, on a Bill to provide for the relief of Poor Emigrants in the Town of Saint Andrews, in the County of Charlotte.

Mr. Morehouse in the Chair of the Committee.

M. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

On motion of Mr. Brown,

The House went into Committee of the whole, on a Bill relating to the Charlotte County Savings Bank.

Mr. Hayward in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same with an amendment.

Ordered, That the Report be accepted, and the Bill engrossed as amended.

On motion of Mr. Partelow,

That the House do now go into Committee of the whole, on a Bill to alter and amend the Lumber Law; whereupon

Mr. Weldon moved as an amendment—"That the further consideration of the said Bill be postponed until the next Session of the General Assembly."

And upon the question it was decided in the affirmative.

On motion of Mr. Allen,

The House went into Committee of the whole, on a Bill to enable the Rector, Church Wardens and Vestry of Christ Church, Fredericton, to alienate certain Lands belonging to that Corporation.

Mr. Miles in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, it was moved—"That the further consideration of the said Bill be postponed until the next Session of the General Assembly."

And upon the question the Committee divided, when it was carried in the affirmative.

Ordered, That the Report be accepted.

Read a third time as engrossed,

A Bill to authorize the extension of the Gaol Limits in the City and County of Saint John.

Resolved, That this Bill do pass.

Read a third time as engrossed,

A Bill in further amendment of the Law relating to nuisances in the Parish of Portland, in the County of Saint John.

Resolved, That this Bill do pass.

Ordered, That Mr. Woodward take the said Bills to the Council, and desire their concurrence thereto.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Frederick P. Robinson, a Member of the Executive Council, delivered the following Message :—

"J. Harvey.

"The Lieutenant Governor lays before the House a Report and Plan of the exploration of a proposed line of Road between Fredericton and Saint Andrews, together with a Petition against the said line. "J. H.

"*Government House, July* 14, 1837."

[*See Report and Petition, Appendix, No.* 2.]

Mr.

Mr. Street, by leave, presented a Petition from William Davidson, Henry Cunard, Martin Cranney, James Thomson, and 1,580 others, Merchants, Lumberers and other inhabitants of the County of Northumberland, praying that the rates of duty on Timber and Logs may be reduced ; which he read.

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

Mr. Ford, by leave, presented a Petition from John Jardine, John Wheten, and 86 others, Merchants, Lumberers and other inhabitants of the County of Kent, praying a like reduction in the duty on Timber and Logs; which he read.

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

The House adjourned until Monday morning next at 9 o'clock.

MONDAY, 17th July, 1837.

Prayers.

Read a third time as engrossed,

A Bill to appropriate a part of the Emigrant Fund for the purposes therein mentioned.

Resolved, That the Bill do pass.

Ordered, That Mr. Allen take the said Bill to the Council, and desire their concurrence thereto.

Read a third time as engrossed,

A Bill to provide for the relief of Poor Emigrants in the Town of Saint Andrews, in the County of Charlotte.

Resolved, That the Bill do pass.

Ordered, That Mr. Wyer take the said Bill to the Council, and desire their concurrence thereto.

Read a third time as engrossed,

A Bill to alter and amend an Act, intituled "An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province."

Resolved, That the Bill do pass.

Ordered, That Mr. Woodward take the said Bill to the Council, and desire their concurrence thereto.

Read a third time as engrossed,

A Bill to amend an Act, intituled "An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick."

Resolved, That the Bill do pass.

Ordered, That Mr. Allen take the said Bill to the Council, and desire their concurrence thereto.

Read a third time as engrossed,

A Bill to alter and amend an Act, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same," so far as relates to the Parish of Portland, in the County of Saint John.

Resolved, That the Bill do pass.

Ordered, That Mr. G. D. Robinson take the said Bill to the Council, and desire their concurrence thereto.

Mr. Weldon, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House upon the subject of five year Licenses and Mill Reserves, reported, that they had attended to that duty, and that His Excellency was pleased to say he would take care the necessary returns should be prepared.

Mr.

Mr. Partelow, from the Committee to whom was referred the Casual Revenue accounts, submitted a Report, and having read the same, handed it in at the Clerk's Table, where it was again read, and is as follows :—

"The Committee appointed to examine and report upon the accounts connected with the King's Casual Revenue, commencing with the year 1831, which were directed to be laid before the House by His Majesty's Government, have to report :—

"That as the accounts for the years 1834 and 1835, had not been furnished at the last Session, they considered that before proceeding with the investigation they should first ascertain whether the accounts for those years were in readiness to be submitted; they accordingly addressed a communication to the Honorable Thomas Baillie, requesting information whether the said accounts were prepared, to which he replies, "That the accounts for 1834 are nearly completed, and those for 1835 are in progress, but he regretted to say that he feared they could not be furnished during the present sitting of the Legislature, in which case he should be happy to receive the wishes of the Committee as to whom he should transmit them in the recess."

"The House will at once perceive the difficulties still existing which prevent the Committee from going into the examination, with an interval of two years accounts between 1833 and 1836, and while they cannot avoid expressing their surprise at this unexpected delay, they are unanimously of opinion some effectual step should be pointed out to prevent its longer continuance.

"The mode they would recommend would be the enactment of a Law, authorizing His Excellency to appoint Commissioners to take up the whole subject during the recess, with power to call for persons and papers; such Commissioners to report the result of their investigation to the House.

"Respectfully submitted,

"JOHN R. PARTELOW,
J. W. WELDON,
H. JOHNSTON,
ALEX. RANKIN,
J. WOODWARD,
JAMES TAYLOR,
J. BROWN, JUN.

"*Committee Room*, 17*th July*, 1837."

Ordered, That the Report be accepted.

Mr. Weldon moved for leave to bring in a Bill, for the appointment of Commissioners to examine and report upon the Casual Revenue accounts.

Leave granted.

The said Bill being brought in, was read a first and second times.

On motion of Mr. L. A. Wilmot,

The House went into Committee of the whole, on a Bill 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 future disposal of Crown Lands and Timber in certain cases.

Mr. Wyer in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having gone into consideration of the Bill to them referred, had made progress therein, and he was directed to ask leave to sit again.

Ordered, That the Report be accepted, and leave granted.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House that the Council had agreed to The Bill for the support of the Civil Government in this Province.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Frederick P. Robinson, a Member of the Executive Council, delivered the following Message :—

"NEW BRUNSWICK:

"New Brunswick.

"*Message to the House of Assembly, 17th July, 1837.*

"J. HARVEY, *Lieutenant Governor.*

"The Lieutenant Governor submits to the consideration of the House of Assembly the case of a number of Families recently arrived from England in a destitute condition; and recommends that some provision should be made for their relief, and to enable them to establish themselves as settlers in the Province.

"J. H."

A Message from His Excellency the Lieutenant Governor, by the Gentleman Usher of the Black Rod, requiring the attendance of the House in the Council Chamber.

The House attended, and being returned—

Mr. Speaker reported, that he had addressed His Excellency to the following effect:—

"*May it please Your Excellency,*

"From the the commencement of this Session the most anxious attention has been given by the Assembly to the highly gratifying Despatches from the Right Honorable Lord Glenelg, which were at an early period submitted to them by Your Excellency.

"The measures of the Executive Government, and of the two deliberative branches of the Legislature, relative to the surrender, by our most Gracious Sovereign, of the proceeds of all His Casual and Territorial Revenues to the controul of the Legislature, have since the last Session been submitted to His Majesty, who has thereupon been graciously pleased to signify His Royal approbation of all the proceedings of the Assembly.

"It became the first duty of the Assembly to pass a Bill for the support of the Civil Government of the Province, in strict accordance with the terms agreed on, and approved by the King; this Bill agrees in every particular with the Bill which passed the Council and Assembly at the last Session, to which the then Administrator of the Government was advised to withhold his assent, whereby the gracious intentions of His Majesty have to the present time been delayed.

"The auspicious appointment of Your Excellency to the Government at so important a crisis in our public affairs, has removed the chief difficulty which heretofore prevented His Majesty's wishes and commands from being carried into full effect, and I no longer doubt that the highly important Bill which I have to present to Your Excellency will now become a law of this land.

"I feel assured that this Bill, with others which may from time to time be passed for carrying into effect the great principles established by it, will prove highly beneficial to this rising Colony. I believe that every loyal subject will agree with me when I say, that in giving effect to the provisions of this Bill, and such others as may follow it, entire confidence may be placed in the ability, integrity and impartiality of Your Excellency's administration.

I now present to Your Excellency, in the name and on behalf of His Majesty's faithful and loyal subjects, the Commons of New Brunswick, *A Bill for the support of the Civil Government in this Province*, to which I pray Your Excellency's assent."

And that His Excellency was then pleased to give his assent to the said Bill.

Read a third time as engrossed,

A Bill to empower the Justices of the County of Sunbury to make regulations for driving Timber and Logs down the several Rivers and Streams in that County.

Resolved, That the Bill do pass.

Ordered, That Mr. Miles take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. L. A. Wilmot,

The House went into Committee of the whole, in further consideration of a Bill 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 future disposal of Crown Lands and Timber in certain cases.

Mr.

Mr. Wyer in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had the Bill again before them, and he was directed to report as follows :—

When the first section was under consideration, the question was taken upon that part thereof which relates to the granting of lands to persons who may now be settlers thereon, wherein it provides—" That in no case shall more than one hundred acres be granted to any one person."

Whereupon the Committee divided.

YEAS, 14. NAYS, 12.

And it passed in the affirmative.

The Committee then again divided upon the price per acre, viz:

" For not less than two shillings immediate payment, and two shillings and six pence by four annual instalments."

YEAS, 14. NAYS, 12.

Which likewise passsed in the affirmative.

The second section of the said Bill, which fixes the rates of duties on Timber and Logs, was then taken up in the Committee.

And upon the question for fixing that of Pine Logs at two shillings and sixpence per thousand superficial feet,

The Committee divided as follows :—

YEAS.	NAYS.
Mr. Ford,	Mr. Speaker,
End,	D. L. Robinson,
Street,	Palmer,
J. M. Wilmot,	Hanington,
Taylor,	Weldon,
Morehouse,	Partelow,
Connell,	Johnston,
Rankin,	Woodward,
Miles,	Freeze,
Hayward,	M'Leod,
Hill,	Gilbert,
Clinch.	Brown,
	G. D. Robinson,
	L. A. Wilmot.

And it was decided in the negative.

The question was then taken upon the sum of three shillings.

Upon which the Committee again divided—

YEAS.	NAYS.
Mr. Palmer,	Mr. Speaker,
Hanington,	G. D. Robinson,
Weldon,	End,
Freeze,	Street,
L. A. Wilmot,	Partelow,
Miles,	Johnston,
Hayward,	J. M. Wilmot,
D. L. Robinson,	Woodward,
Brown,	Taylor,
Clinch.	Morehouse,
	Connell,
	M'Leod,
	Gilbert,
	Rankin,
	Hill.

Which was likewise decided in the negative.

It was then moved, for the sum of three shillings and sixpence.

Whereupon the Committee again divided—

YEAS.

YEAS.	NAYS.
Mr. Speaker,	Mr. Weldon,
Palmer,	Ford,
Hanington.	End,
Partelow,	Street.
Johnston,	Taylor,
Woodward,	Morehouse,
G. D. Robinson,	Connell,
M'Leod,	Rankin.
Freeze,	L. A. Wilmot,
Gilbert.	D. L. Robinson,
	J. M. Wilmot,
	Miles,
	Hayward,
	Brown,
	Clinch.
	Hill.

Which was also decided in the negative.

It was then moved to settle the rates on Pine and Spruce Logs equal, and fix the same at two shillings and sixpence.

And upon this question the Committee again divided as follows:—

YEAS.	NAYS.
Mr. Weldon,	Mr. Speaker,
End,	Palmer,
Street,	Hanington,
J. M. Wilmot,	Ford,
Taylor,	Partelow,
Morehouse,	Johnston,
Connell,	Woodward,
Rankin,	G. D. Robinson,
Hayward,	Freeze,
Miles,	M'Leod,
Clinch,	Gilbert,
Hill,	Brown.
L. A. Wilmot,	
D. L. Robinson.	

So it passed in the affirmative.

The Committee then settled the scale of Duties as follows:—

For square Red Pine Timber,	- - -	2s. 6d.	per ton.
" ditto White and Sapling Red Pine	ditto, -	1s. 6d.	"
" ditto Birch and other Hardwood	ditto, -	1s. 3d.	"
" ditto Spruce and Hemlock	ditto, -	1s. 0d.	"

For Pine and Spruce Logs, 2s. 6d. per thousand superficial feet.

The following was then moved as an amendment to the said second section, viz.:—

"Provided always, that nothing herein contained shall extend or be construed to extend to alter any of the rates or duties imposed by or agreed to be paid for, or on account of any Sales, Leases or Reserves heretofore made to, or for any person or persons."

And upon the question it passed in the affirmative.

The Committee then made further progress in the Bill, and he was directed to ask leave to sit again.

The Report being then read at the Clerk's Table;

Ordered, That it be accepted, and leave to sit again granted.

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY,

Tuesday, 18th July, 1837.

Prayers.

Read a third time as engrossed,
A Bill relating to the late Charlotte County Savings Bank.
Resolved, That the Bill do pass.
Ordered, That Mr. Brown take the said Bill to the Council, and desire their concurrence thereto.

Read a third time as engrossed,
A Bill relating to Landlord and Tenant.
Resolved, That the Bill do pass.
Ordered, That Mr. Johnston take the said Bill to the Council, and desire their concurrence thereto.

Mr. L. A. Wilmot moved for leave to bring in a Bill, to authorize His Excellency the Lieutenant Governor to appoint Commissioners to negociate Exchange on London for the amount paid by the Nova Scotia and New Brunswick Land Company.
Leave granted.

Mr. Allen, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with an Address of the 14th instant, praying that His Excellency would be pleased to direct that no further proceedings should be taken on the new line of Road recently marked out by the Supervisor on that part of the Great Road from Fredericton to the Canada Line, between Camber's Creek and Burgoyne's Ferry, until a further exploration be made, reported, that they had attended to that duty, and His Excellency was pleased to say that the wishes of the House should be complied with.

On motion of Mr. Weldon,
The House went into Committee of the whole, in further consideration of a Bill 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 future disposal of Crown Lands and Timber in certain cases.
Mr. Wyer in the Chair of the Committee.
Mr. Speaker resumed the Chair.
The Chairman reported, that the Committee having gone into further consideration of the Bill, he was directed to report as follows:—
Upon motion to re-consider the second section, fixing the rates of duties on Timber and Logs—
The question was taken, and the Committee divided as follows:—

YEAS.	NAYS.
Mr. Speaker,	Mr. End,
Allen,	Ford,
Palmer,	Weldon,
Hanington,	Taylor,
G. D. Robinson,	J. M. Wilmot,
Partelow,	Morehouse,
Johnston,	Connell,
Woodward,	Street,
Freeze,	D. L. Robinson,
M'Leod,	Clinch,
Gilbert,	Rankin.
L. A. Wilmot,	
Hayward,	
Miles,	
Brown.	

Whereupon it was caried in the affirmative.
And the several rates of duties as previously filled up expunged therefrom.
It was then moved to fill up the first blank, for Red Pine Timber with two shillings and sixpence per ton.
To which an amendment was proposed, for the sum of two shillings. And

And upon the question for the amendment, the Committee divided—

YEAS.	NAYS.
Mr. Ford,	Mr. Speaker,
End,	Allen,
J. M. Wilmot,	Palmer,
Taylor,	Hanington,
Connell,	Weldon,
Rankin,	G. D. Robinson,
Clinch,	Partelow,
Street.	Johnston,
	Woodward,
	Freeze,
	M'Leod,
	Gilbert,
	L. A. Wilmot,
	Hayward,
	Miles,
	Brown.

When it was decided in the negative.

The question being then taken upon the original motion, the Committee again divided—

YEAS, 16. NAYS, 8.

Which was carried in the affirmative.

Upon motion to fill up the secondblank, for White and Sapling Red Pine with two shillings per ton, an amendment was moved to fill up the same with one shilling and sixpence.

And on the question for the amendment, the Committee again divided as follows :—

YEAS.	NAYS.
Mr. Ford,	Mr. Speaker,
End,	Palmer,
J. M. Wilmot,	Hanington,
Taylor,	G. D. Robinson,
Connell,	Partelow,
Rankin,	Johnston,
Clinch,	Woodward,
Street,	Freeze,
Allen,	M'Leod,
Weldon.	Gilbert,
	L. A. Wilmot,
	Hayward,
	Miles,
	Brown.

Whereupon it was decided in the negative.

The question being then taken upon the original motion, the Committee again divided—

YEAS, 14. NAYS, 10.

And it passed in the affirmative.

A motion was then made as to the third blank, for Birch, Spruce and Hemlock, to fill up the same with one shilling and sixpence per ton.

To which an amendment was also moved, for one shilling.

Upon the question for this amendment, the Committee again divided—

YEAS, 7. NAYS, 17.

And it was decided in the negative.

The question being then taken upon the original motion, it was carried in the affirmative.

It was then moved as to the fourth blank on Pine and Spruce Logs, per thousand superficial feet, to fill up the same with three shillings and sixpence.

And to this an amendment was offered, for two shillings.

Whereupon the Committee divided—

YEAS.	NAYS.
Mr. Palmer,	Mr. Speaker.
Street,	Hanington,
Ford,	Partelow,
Taylor,	Johnston,
Connell,	G. D. Robinson,
J. M. Wilmot,	Woodward,
Clinch,	L. A. Wilmot,
Rankin,	Freeze.
End.	M'Leod.
	Gilbert,
	Hayward,
	Miles,
	Brown,
	Allen.

And it was decided in the negative.

The question was then taken upon the original motion, when the Committee again divided—

YEAS, 14. NAYS, 9.

Which was carried in the affirmative.

The section being then agreed to, the scale or rates of Duties stands as follows:—

Square Red Pine Timber, - - -	2s. 6d. per ton.
do. White and Sapling Red Pine, -	2s. 0d. do.
do. Birch, Spruce and Hemlock, - -	1s. 6d. do.
Pine and Spruce Logs, - -	3s. 6d. per M. superficial feet.

A motion was then made to re-consider the first section of the Bill, which authorizes the granting of Lands to persons who may have settled and improved the same previous to the passing of this Act, and provides that no such grant be made for less than two shillings per acre for immediate payment, and two shillings and sixpence by instalments.

Upon the question the Committee divided as follows—

YEAS.	NAYS.
Mr. Speaker,	Mr. Palmer,
D. L. Robinson,	Ford,
L. A. Wilmot,	End,
Allen,	Weldon,
Hayward,	Hanington,
Brown,	Rankin,
Miles,	Street,
Hill,	Connell,
Gilbert,	Freeze,
Taylor,	M'Leod,
Woodward,	J. M. Wilmot,
Johnston,	Clinch.
Partelow,	
G. D. Robinson.	

When it was carried in the affirmative, and the prices per acre as filled up expunged therefrom.

It was then moved to fill up the first blank with the sum of two shillings and six pence.

To which an amendment was proposed, for two shillings.

Whereupon the Committee divided—

YEAS.

YEAS.	NAYS.
Mr. End,	Mr. Speaker,
Palmer,	Partelow,
Ford,	Johnston,
Hanington,	Woodward,
Rankin,	L. A. Wilmot,
Street,	G. D. Robinson,
Connell,	Taylor,
Freeze,	Gilbert,
M'Leod,	Hill,
J. M. Wilmot.	Hayward,
	Brown,
	Miles,
	Allen.

And it was decided in the negative.

The question was then taken upon the original motion, when the Committee again divided—

YEAS, 13. NAYS, 10.

When it was carried in the affirmative.

It was then moved as to the second blank, to fill up the same with the sum of three shillings.

To this also an amendment was offered for, Two Shillings and sixpence.

And upon this the Committee again divided—

YEAS, 10. NAYS, 13.

When it was decided in the negative.

The question being then taken on the original motion, it was carried in the affirmative.

The Committee then went through the Bill, and agreed to the same without making any amendment thereto.

Ordered, That the Report be accepted, and the Bill engrossed.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House that the Council had agreed to

A Bill to grant a loan of five thousand pounds to the Saint John Water Company:

A Bill to provide for the greater safety of passengers on board of Steam Boats: and

A Bill in addition to and in amendment of an Act, intituled "An Act to incorporate *The Saint Stephen's Whale Fishing Company.*"

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Frederick P. Robinson, a Member of the Executive Council, delivered the following Message:—

"J. HARVEY.

"The Lieutenant Governor lays before the House of Assembly a Petition which has been addressed to him, grounded upon certain affidavits, representing the distressed state of some of the poorer settlers in the County of Carleton and the upper parts of the County of York, and praying for immediate relief, which the Lieutenant Governor did not hesitate in authorizing to be granted to them.

"J. H.

"*Government House, July* 17, 1837."

On motion of Mr. Weldon,

The House went into Committee of the whole, on a Bill for the appointment of Commissioners to examine and report upon the Casual Revenue accounts.

Mr. Taylor in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

On

On motion of Mr. Partelow,

The House went into Committee of the whole, on a Bill to enable the Proprietors or Shareholders of a Company, called *The Bank of British North America*, to sue and be sued in this Province, in the name of the manager or of any one of the local Directors for the time being of the said Company.

Mr. Johnston in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill referred to them under their consideration, it was moved—"That the further consideration of the said Bill be postponed until the next Session of the General Assembly."

And upon the question, the Committee divided, and it was decided in the negative.

The following was then moved to be added as a fourteenth section thereto:—

"XIV. And be it enacted, that this Act shall continue and be in force for five years from the passing of the same, and no longer."

Which was also decided in the negative.

That the Committee then went through the Bill, and agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Mr. Wyer, a Member for the County of Charlotte, applied for leave of absence, which was granted.

The House adjourned until to-morrow morning at 9 o'clock.

Wednesday, 19th July, 1837.

Prayers.

Read a third time as engrossed,

A Bill 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.

Resolved, That the Bill do pass.

Ordered, That Mr. Woodward take the said Bill to the Council, and desire their concurrence thereto.

Read a third time as engrossed,

A Bill for the appointment of Commissioners to examine and report upon the Casual Revenue accounts.

Resolved, That the Bill do pass.

Ordered, That Mr. Weldon take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Weldon,

The House went into Committee of the whole, in further consideration of the Messages from His Excellency the Lieutenant Governor.

Mr. Taylor in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had under their consideration that of the 17th instant, recommending some provision to be made towards the relief of Families recently arrived from England in a destitute condition; as also that of the same date, and which was received yesterday relative to relief extended by His Excellency for poor settlers in the Counties of York and Carleton; and they had passed two Resolutions, which he read, and handed the same in at the Clerk's Table, where they were again read, and are as follow:—

1. *Resolved*, as the opinion of this Committee, That a sum not exceeding two hundred pounds should be placed at the disposal of His Excellency the Lieutenant Governor, to be by him applied towards locating upon Wilderness Lands in this Province, the Emigrants recently arrived in this country from the north of England, and now in Fredericton, in such manner as His Excellency shall deem most advisable to effect the above object.

2.

2. *Resolved*, in the opinion of this Committee, That the peculiar circumstances under which His Excellency the Lieutenant Governor issued a warrant on the Treasury for four hundred and fifty pounds for the relief of sufferers in the Counties of York and Carleton, the House should make provision to indemnify His Excellency for so doing.

And the Chairman then further reported, that he was directed to ask leave to sit again.

Ordered, That the Report be accepted, and leave granted.

On motion of Mr. Weldon,

Resolved, That the House do concur in the Resolution reported from the Committee of the whole House upon the subject of the several Messages of the Lieutenant Governor of the 17th instant, and that they will make provisions for the several sums recommended by the said Committee at the next Session; and further

Resolved, That a Committee be appointed to wait upon His Excellency, and acquaint him therewith.

Ordered, That Mr. Weldon, Mr. Partelow and Mr. Ford, be the Committee therefor.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House that the Council had agreed to the following Bills:—

A Bill to provide for the relief of Poor Emigrants in the Town of Saint Andrews, in the County of Charlotte:

A Bill to alter and amend an Act, intituled "An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province;"

A Bill to appropriate a part of the Emigrant Fund for the purposes therein mentioned:

A Bill to amend an Act, intituled "An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick:"

A Bill to authorise the extension of the Gaol Limits in the City and County of Saint John:

A Bill to alter and amend an Act, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same," so far as relates to the Parish of Portland, in the County of Saint John: and

A Bill in further amendment of the Law relating to nuisances in the Parish of Portland, in the County of Saint John.

And that they had also passed a Bill, intituled "An Act to remedy the failure of the annual Courts or Meetings of the Corporation of the Madras School in this Province," to which they desire the concurrence of the Assembly.

The Bill relating to the Meetings of the Madras Corporations was then read a first and second times.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House that the Council had agreed to The Bill to prevent the issue of private Bank Notes in this Province; with amendments, to which they desire the concurrence of the House.

On motion of Mr. Partelow,

The House proceeded to take into consideration the said amendments.

The amendments being severaly read, and the question put thereon.

Resolved, That the House do concur therein.

Ordered, That Mr. Johnston return the Bill with the amendments to the Council, and acquaint them therewith.

Read a third time as engrossed,

A Bill to enable the proprietors or shareholders of a Company, called *The Bank of British North America*, to sue and be sued in this Province, in the name of the manager or of any one of the local Directors for the time being of the said Company.

Resolved, That the Bill do pass.

Ordered, That Mr. Partelow take the said Bill to the Council, and desire their concurrence thereto.

Read a third time as engrossed,

A Bill 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 future disposal of Crown Lands and Timber in certain cases.

Resolved, That the Bill to pass.

Ordered, That Mr. L. A. Wilmot take the said Bill to the Council, and desire their concurrence thereto.

On motion of Mr. Freeze,

Whereas by an Act passed at the last Session of the Legislature, intituled "An Act to provide for opening and repairing Roads and erecting Bridges throughout this Province," it is enacted, among other things, "That there be granted to His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand eight hundred pounds for the improvement of the Great Road between Saint John and the Nova Scotia Line, to be laid out as follows:—one thousand pounds on the road from the Aboideau, Saint John, to Hayward's Mills, including two hundred and fifty pounds for the new Bridge over the Hampton Ferry:" And whereas the said sum of two hundred and fifty pounds for the new Bridge over Hampton Ferry was so granted to aid in building the said new Bridge, undertaken by private individuals at a great expense from their own private funds, under the authority of a Law of this Province, but it has been included in the warrant in favor of B. L. Peters, Esquire, the Supervisor of the Great Road on which the said Bridge is now in course of erection: And whereas, by the Act referred to, Azor Hoyt, Silvester Z. Earle, Edwin Fairweather, and others, are the parties named to whom such authority for building the said Bridge is given, who have accordingly proceeded to provide materials, and have proceeded in the building of said Bridge, the piers of which are now erected, and further contracts are entered into by them towards the completion thereof; and it is expedient that the amount so granted should be made available for the purposes intended; therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying him to authorize and direct the said B. L. Peters, Esquire, to pay over the said sum of two hundred and fifty pounds into the hands of the said Azor Hoyt, Silvester Z. Earle, Edwin Fairweather, and their associates, upon their executing a good and sufficient bond in double the amount to His Majesty, His Heirs and Successors, conditioned that the same shall be applied towards the building of the said Bridge, and that the accounts and vouchers for such expenditure be rendered on affidavit to the office of the Provincial Secretary, to be laid before the Assembly.

Ordered, That Mr. Freeze, Mr. M'Leod and Mr. Morehouse, be a Committee to wait upon His Excellency with the Address.

On motion of Mr. End,

The House went into Committee of the whole, on the Report from the Select Committee of the 14th instant, on the Petition of William Stevens, relative to a Mineralogical exploration in the County of Gloucester.

Mr. Hanington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having gone into consideration of the business referred to them, had passed one Resolution, which he read, and handed the same in at the Clerk's Table, where it was again read, and is as follows:—

Resolved, as the opinion of this Committee, That the House should approve of the Report of the Select Committee; and further, that the Legislative Council should be requested to concur in the recommendation of the said Select Committee.

Ordered, That the Report be accepted.

On motion of Mr. End,

Resolved, That the Report of the Committee of the whole House, together with the Report of the Select Committee on the Petition of William Stevens, be communicated to His

His Majesty's Legislative Council, and that they be requested to concur in the recommendation of the said Committee.

Ordered, That Mr. End do communicate the same.

Mr. Hanington, a Member for the County of Westmorland, applied for leave of absence, which was granted.

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY, 20th July, 1837.

Prayers.

On motion of Mr. Partelow,

The House went into Committee of the whole, on a Bill sent from the Council, intituled "An Act to remedy the failure of the annual Courts or Meetings of the Corporation of the Madras School in this Province."

Mr. Woodward in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having gone into consideration of the Bill referred to them, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

The said Bill was then read a third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Weldon return the said Bill to the Council, and acquaint them therewith.

Mr. L. A. Wilmot moved for leave to bring in a Bill, to empower the Province Treasurer to subscribe for Bank Stock in behalf of the Province.

And upon the question for granting leave the House divided—

YEAS, 8. NAYS, 8.

And the division being equal, Mr. Speaker decided in the negative.

On motion of Mr. L. A. Wilmot,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to order to be laid before the Assembly at an early day in the next Session, a copy of the Survey and Report of the Commissioners on the proposed line of Railway from Quebec to Saint Andrews, as also to inform the House what portion of the £10,000 sterling, authorized to be appropriated on the said Survey by the Right Honorable Lord Glenelg, in his Despatch, No. 59, of the 5th May, 1836, has been expended, and on what part of the proposed line, together with a detailed account of the expenditure.

Ordered, That Mr. L. A. Wilmot, Mr. Brown and Mr. M'Leod, be a Committee to wait upon His Excellency with the Address.

Mr. L. A. Wilmot, pursuant to leave, brought in a Bill to authorize His Excellency the Lieutenant Governor to appoint Commissioners to negotiate exchange on London for the amount paid by the Nova Scotia and New Brunswick Land Company; which was read a first and second times; and

On motion of Mr. Weldon,

The House went into Committee of the whole on the said Bill.

Mr. G. D. Robinson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill under their consideration, it was moved—"That the further consideration of the said Bill be postponed until the next Session of the General Assembly."

And upon the question, it was carried in the affirmative.

Mr. Johnston, from the Committee appointed on the 14th instant, to take into consideration the Despatch from the Right Honorable the Secretary of State for the Colonies, relative to the salaries of officers which are chargeable on the Civil List, submitted

submitted their Report, and having read the same, handed it in at the Clerk's Table, where it was again read, and is as follows:—

"The Committee to whom was referred that part of the Right Honorable Lord Glenelg's Despatch, of the 5th September last, which relates to the remuneration of officers whose salaries are borne on the Civil List of the Province, report as follows:—

"That their attention was directed in the first place to the scale of salaries now chargeable on that list, and although apprized by Lord Glenelg in the aforesaid Despatch of the then intention of His Majesty's Government to continue the existing emoluments to the present officers, yet they cannot forbear bringing under the notice of the House the enormous salaries of the Commissioner of Crown Lands and Provincial Secretary, the former amounting to £2,000 and the latter £1,600 currency per annum, with a view of having them again submitted to the Home Government; these salaries greatly exceed in the opinion of the Committee, the maximum of emolument that should be derived from any office in this Province, and at the same time are very disproportionate to the salaries of the other officers chargeable on the Civil List. The Committee are also of opinion that the granting of large salaries to the officers of Government in a new Country is objectionable on other and more important considerations than merely the amount of money they draw from the Provincial Treasury; the expensive style in which they are enabled to live has a most injurious effect on the society in which they move, producing habits of extravagance too often attended with the most injurious consequences. With these impressions, the Committee, after a deliberate consideration of the matter referred to them, are unanimously of opinion, that the scale now submitted by them provides a fair remuneration for the respective offices now borne on the Civil List of the Province, and by its adoption a considerable saving will be effected in the public expenditure without impairing in any degree the efficiency of either.

"The separation of the offices of Commissioner of Crown Lands and Surveyor General, they think very desirable, and that it must be attended with beneficial effects to the Province. It is quite evident to the Committee that the duties of both offices cannot be so well discharged by one individual as by different persons; to the Commissioner will belong the supervision and disposal of the Crown Estate, and to the Surveyor General the not less important duty of laying off and adjusting all boundaries and division lines; besides, the Committee are of opinion that such a division of those offices would ensure a mutual check on the proceedings of each other.

"Respectfully submitted,

"HUGH JOHNSTON,
JOHN R. PARTELOW,
J. W. WELDON,
L. A. WILMOT,
ALEX. RANKIN.

"*Committee Room, 20th July,* 1837."

PROPOSED SCALE OF SALARIES.

	Currency.
The Lieutenant Governor,	£3,500
Chief Justice and President of the Legislative Council,	1,200
Three Puisne Judges, £750 each, exclusive of fees and travelling charges,	2,253
Attorney General, including the Provincial allowance of £100,	750
Solicitor General, ditto ditto,	250
Provincial Secretary, for his services as Secretary, Register, and Clerk of the Executive Council, including allowanee for two Clerks,	1,150
Private Secretary to Lieutenant Governor,	200
Commissioner of Crown Lands,	600
Surveyor General,	600

Ordered, That the Report be accepted; and

On motion of Mr. Partelow,

The House went into Committee of the whole, on the said Report.

Mr. Clinch in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The

The Chairman reported, that the Committee having the business referred to them under their consideration, one Resolution had been agreed to, which he was desired to submit, and having read the same, he handed it in at the Clerk's Table, where it was again read, and is as follows :—

Resolved, That in the opinion of this Committee, the House should adopt the Report of the Select Committee.

That upon the question for sustaining the same, the Committee divided.

YEAS, 14. NAYS, 8.

And it was carried in the affirmative.

Ordered, That the Report be accepted.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House, that the Council had agreed to

The Bill to establish Circuit Courts in this Province and to provide for the travelling expenses of the Judges holding such Courts.

And that they had also agreed to

The Bill relating to Landlord and Tenant; with an amendment, to which they desire the concurrence of the Assembly.

On motion of Mr. Johnston,

The House then proceeded to take into consideration the said amendment.

The amendment being read, and the question put thereon.

Resolved, That the House do concur therein.

Ordered, That Mr. Allen return the Bill with the amendment to the Council, and acquaint them therewith.

On motion of Mr. Weldon,

Resolved, That a copy of the Report form the Select Committee to whom was referred that part of the Right Honorable Lord Glenelg's Despatch of the 5th September last, which relates to the remuneration of Officers whose allowance are charged on the Civil List, be transmitted to the Colonial Office, as containing the opinion of this House upon the subject matter of the said Report ; and that such copy be presented to His Excellency the Lieutenant Governor, with a request that His Excellency will be pleased to transmit the same to His Majesty's Secretary of State for the Colonies.

Ordered, That Mr. L. A. Wilmot, Mr. Allen and Mr. Gilbert, be a Committee to wait upon His Excellency with the Address.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Frederick P. Robinson, a Member of the Executive Council, delivered the following Message :—

"J. HARVEY.

"The Lieutenant Governor lays before the House of Assembly a Letter from the Commissioner of Crown Lands, with copies of the communication addressed to the Right Honorable the Secretary of State for the Colonies, referred to in the Address of the House to the Lieutenant Governor of the 13th instant.

"J. H.

"*Government House, July* 20, 1837."

Mr. Wyer, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of yesterday upon the subject of the grant for the new Bridge over Hampton Ferry, reported, that they had attended thereto, and His Excellency was pleased to say that he would comply with the wishes of the House.

Mr. L. A. Wilmot, from the Committee appointed to wait upon His Excellency with the Address on the subject of the explorations of, and the expenditures upon, the contemplated line of Railway from Quebec to Saint Andrews, reported, that the Committee had attended to that duty, and that his Excellency was pleased to say that he would do all in his power to furnish the required information.

On motion of Mr. L. A. Wilmot,

Whereas in the proceedings heretofore adopted by the Crown for enforcing the payment of the Quit Rents in this Province, sundry Judgments of Escheat were

entered against a great number of Grantees, whereby the titles have been forfeited and the lands have reverted to the Crown: And whereas His Majesty's Government have ordered all sums collected for and on account of the said Quit Rents to be refunded to the persons who had paid the same, and it is but just and reasonable that the aforementioned forfeited titles should be restored and quieted ; therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency would be pleased to order a detailed statement of the lots, pieces or parcels of Land mentioned and set forth in the said Judgments of Escheats to be prepared and laid before the Legislature on an early day in the next Session, that such relief may be extended in the premises as may be deemed reasonable and just.

Ordered, That Mr. L. A. Wilmot, Mr. Partelow and Mr. Street, be a Committee to wait upon His Excellency with the Address.

On motion of Mr. Allen,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct a further exploration to be made on that part of the Great Road leading to Canada between Camber's Creek and Burgoyne's Ferry, and that he will appoint three Commissioners for that purpose.

Ordered, That Mr. Allen, Mr. Morehouse and Mr. Connell, be a Committee to wait upon His Excellency with the Address.

Mr. Weldon, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to communicate to His Excellency the Resolutions of this House upon the subject of His Excellency's Messages of the 17th instant, reported, that they had attended to the duty required of them.

The House adjourned until to-morrow morning at 9 o'clock.

Friday, 21st July, 1837.

Prayers.

Mr. L. A. Wilmot, from the Committee appointed by this House on the 11th instant to join the Committee of the Legislative Council in preparing an Address to His Majesty on the subject of the North Eastern Boundary between the United States of America and this Province, reported, that the Committee had met and prepared the same, which he was directed to submit to the House.

Having then read the Address, he handed the same in at the Clerk's Table, where it was again read ; and

On motion of Mr. Johnston,

The House went into Committee of the whole, on the said Address.

Mr. G. D. Robinson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had the Address referred to them under their consideration, and agreed to the same.

Ordered, That the Report be accepted, and the Address engrossed ; and

On motion of Mr. Weldon,

Resolved, That a Committee be appointed to acquaint the Legislative Council that the House have agreed to the said Address.

Ordered, That Mr. Weldon do communicate the same.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Saunders, a Member of the Executive Council, by command of His Excellency, laid before the House accounts from the Province Treasurer shewing the state of the Treasury up to the 30th June last.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House that the Council had agreed to

The

The Bill 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 future disposal of Crown Lands and Timber in certain cases; with amendments, to which they desire the concurrence of the House.

On motion of Mr. Johnston,

The House proceeded to take into consideration the said amendments.

The amendments being severally read, and the question put thereon,

Resolved, That the House do concur therein.

Ordered, That Mr. L. A. Wilmot return the Bill with the amendments to the Council, and acquaint them therewith.

On motion of Mr. Miles,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct that a further exploration be made of that part of the Great Road lying between the River Nashwaak and the lower line of the County of York, and that His Excellency will be pleased to appoint three Commissioners to make such exploration.

Ordered, That Mr. Miles, Mr. Hayward and Mr. Allen, be a Committee to wait upon His Excellency with the Address.

On motion of Mr. L. A. Wilmot,

The House went into Committee of the whole, in further consideration of the documents referred to in the Speech of His Excellency the Lieutenant Governor at the opening of the Session, and which were communicated to the House on the 7th instant.

Mr. Taylor in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the several Despatches again before them, had passed several Resolutions, and having read the same, with the divisions thereon, they were then handed in at the Clerk's Table, and there again read, and are as follow:—

1. *Resolved*, as the opinion of this Committee, That the House should entertain a deep feeling of gratitude towards the Right Honorable Lord Glenelg, for the highly gratifying manner in which his Lordship has been pleased to express His Majesty's approbation of their proceedings on the subject of the differences which had unfortunately arisen respecting the enactment of the Civil List Bill, and for the promptness with which the numerous unimportant objections advanced by the Executive of this Province against the completion of this measure were disposed of by his Lordship.

2. *Resolved*, as the opinion of this Committee, That as very great discretionary powers are vested in the Lieutenant Governor and Executive Council by the Act for the support of the Civil Government of this Province, that Council should be composed of persons possessing the confidence of the Country, and not of those a majority of whom have evinced a decided hostility to the principles of the late important arrangement.

To which an amendment was moved, to expunge all after the words "the opinion of this Committee," and substitute the following:—

"That the Executive Council should be composed of persons possessing sufficient firmness and independence of mind to do what is right in defiance of popular clamour."

Upon the question for the amendment, the Committee divided as follows:—

YEAS.	NAYS.	
Mr. Street,	Mr. Speaker,	Mr. Gilbert,
End.	G. D. Robinson,	Hayward,
	Partelow,	Miles,
	Johnston,	Brown.
	Woodward,	Allen,
	J. M. Wilmot,	Clinch,
	Morehouse,	L. A. Wilmot,
	Connell,	D. L. Robinson.
	M'Leod,	

And it was thereupon decided in the negative.

The

The question was then taken upon the original Resolution, and it passed in the affirmative.

3. *Resolved*, as the opinion of this Committee, That while the House should repose the most entire confidence in the present Lieutenant Governor, and hail his appointment as an additional proof of His Majesty's paternal solicitude for the welfare of His devoted subjects in this Province, and as auspicious of a more liberal and satisfactory policy than that which characterized the late administration, they should deeply regret that the Executive Council remain unchanged, whereby His Excellency is precluded from obtaining that practical advice and assistance so essentially necessary to a successful administration of the Government.

To this Resolution an amendment was moved, to expunge the word "while," in the first line, and also all after the words "devoted subjects in this Province."

Whereupon the Committee again divided—

YEAS, 2. NAYS, 18.

And it was decided in the negative.

The question was taken upon the Resolution, and it passed in the affirmative.

4. *Resolved*, as the opinion of this Committee, That the House ought fully to recognize the principle laid down by Lord Glenelg, that the Executive Council should be composed of persons possessing the confidence of the Country at large, and that the cordial sympathy and co-operation of that Body are absolutely indispensable to the existence of any system of administration, and although the House should repudiate the claims set up by another Colony, that the Executive Council ought at all times to be subject to removal on an Address for that purpose from the popular Branch of the Government, yet they should view the present case as one unprecedented in the annals of Colonial history, and which peculiarly calls for the interposition of His Majesty's Government.

To this amendments were likewise moved, to expunge the word "although," in the fifth line," as also the word "all," in the next line, and then the residue of the Resolution after the words "popular Branch of the Government."

And the Committee again divided thereon—

YEAS, 2. NAYS, 11.

When it was decided in the negative.

The question being then taken upon the Resolution, it passed in the affirmative.

5. *Resolved*, as the opinion of this Committee, That independently of other considerations, the great powers vested in the Executive Council for the expenditure of public monies under the fourth section of the Act for the support of the Civil Government, make it incompatible for the Commissioner of Crown Lands (under whose authority a large portion of such expenditure must arise,) to hold a place in that Body.

Upon the question for sustaining this Resolution, the Committee again divided—

YEAS, 13. NAYS, 5.

And it was carried in the affirmative.

6. *Resolved*, as the opinion of this Committee, That the aforegoing Resolutions should be brought under the consideration of His Majesty's Government, by an Address from this House to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit the same.

Ordered, That the Report be accepted.

On motion of Mr. Partelow,

Resolved, That the aforegoing Resolutions be brought under the consideration of His Majesty's Government, and that an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit the same.

Ordered, That Mr. Partelow, Mr. Taylor and Mr. Gilbert, be a Committee to wait upon His Excellency therewith.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House that the Council had agreed to The Bill to enable the Proprietors or Shareholders of a Company called *The Bank of*

of British North America, to sue and be sued in this Province, in the name of the Manager or of any one of the local Directors for the time being of the said Company.

And that they had also agreed to

The Bill for the appointment of Commissioners to examine and report upon the Casual Revenue accounts; with amendments, to which they desire the concurrence of the House.

And that he was further directed to communicate the following:—

"*Legislative Council Chamber*, 21*st July*, 1837.

"*Resolved*, That this House do concur in the recommendation of the Select Committee of the House of Assembly in regard to the Petition of William Stevens, relative to a Mineralogical exploration in the County of Gloucester.

"WM. TYNG PETERS, *Clerk*."

On motion of Mr. Weldon,

The House proceeded to take into consideration the amendments made by the Council to

The Bill for the appointment of Commissioners to examine and report upon the Casual Revenue accounts.

The amendments being severally read, and the question put thereon,

Resolved, That the House do concur therein.

Ordered, That Mr. Weldon return the Bill with the amendments to the Council, and acquaint them therewith.

On motion of Mr. End,

Resolved, That a Committee be appointed to communicate to His Excellency the Lieutenant Governor the Resolution of this House respecting the Petition of William Stevens, Mineralogist, which passed the House on the 19th instant.

Ordered, That Mr. End, Mr. Street and Mr. L. A. Wilmot, do compose the Committee.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Frederick P. Robinson, by command of His Excellency, laid before the House

Copy of a Letter from George Baillie, Esquire, Agent General for the Crown Colonies, dated London, 31st March last, notifying the payment of the fourth instalment by the New Brunswick Land Company; as also

An account of the interest which accrued upon the several investments.

[*See Appendix, No.* 3.]

On motion of Mr. L. A. Wilmot,

Whereas the inhabitants of this loyal Province are deeply grateful to the Right Honorable Lord Glenelg, Secretary of State for the Colonies, for the liberal and enlightened policy, which, under our Most Gracious Sovereign, has characterized his Lordship's decisions on the important question recently brought under his notice by this House: And whereas this House is desirous that a personal as well as a political remembrance of that noble Lord should be perpetuated in this Province; therefore

Resolved, unanimously, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency would communicate with His Lordship, and on behalf of this House request that His Lordship would be pleased to allow his full length Portrait to be taken and sent to this Province, to be placed in the Assembly Room; and further, that this House will make provision for the same.

Ordered, That Mr. L. A. Wilmot, Mr. Johnston and Mr. Taylor, be a Committee to wait upon His Excellency with the Address.

Mr. Allen, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of yesterday, praying that he would be pleased to appoint Commissioners to make a further exploration on the Road to the Canada Line, between Camber's Creek and Bourgoyne's Ferry, reported, that they had attended thereto, and His Excellency was pleased to say, that he would comply with the wishes of the House.

A Message from the Legislative Council.

Mr. Miller, Master in Chancery, informed the House that the Council had agreed to The joint Address to His Majesty on the subject of the Boundary Line between this Province and the United States of America, and that the Honorable Mr. Botsford is appointed a Committee on the part of the Council, to join such Committee as may be appointed by the Assembly, to wait upon His Excellency the Lieutenant Governor, to request that His Excellency will be pleased to transmit the same to His Majesty.

The Address of the Legislative Council and Assembly to His Majesty was then read as engrossed, and is as follows:—

"To the King's Most Excellent Majesty.

"*The joint Address of the Legislative Council and Assembly of New Brunswick.*

"May it please Your Majesty,

"WE, Your Majesty's Loyal subjects, the Legislative Council and Assembly of New Brunswick, respectfully beg leave again to call the attention of Your Majesty's Government to the highly important question of boundary between this Province and the United States of America.

"The Council and Assembly would earnestly press upon the consideration of Your Majesty's Government, the incalculable value of the territory in dispute to Your Majesty's North American Possessions generally, and to this Province particularly.

"The Council and Assembly entertain the most unlimited confidence in Your Majesty's Government, and feel assured that the integrity of this growing appendage of Your Majesty's Empire will be duly preserved.

"The Council and Assembly deem it unnecessary to enter into a minute statement of circumstances connected with the history of the above mentioned boundary, but they would respectfully and anxiously represent to Your Majesty that further delay is on every account to be deprecated, for while the question remains open and unadjusted, every year will invest it with additional embarrassments.

"The Council and Assembly therefore humbly pray that Your Majesty would be graciously pleased to take this matter into Your Royal consideration, and to direct such proceedings to be adopted as may lead to an early settlement of this long pending and important question."

On motion of Mr. Weldon,

Resolved, That a Committee be appointed to join the Committee of the Council to wait upon His Excellency the Lieutenant Governor with the said Address, and request he will be pleased to transmit the same.

Ordered, That Mr. Weldon and Mr. L. A. Wilmot be the Committee for that purpose; and further

Ordered, That Mr. Weldon communicate the same to the Council.

Mr. L. A. Wilmot, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House on the subject of the Quit Rent Escheats, reported, that they had attended to that duty, and that His Excellency was pleased to say that he would have much pleasure in furnishing the House with the desired information.

Mr. L. A. Wilmot, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House of yesterday on the subject of the Report on the reduction of Salaries, and to request His Excellency to transmit the same to His Majesty's Government, reported, that they had attended to that duty, and that His Excellency was pleased to say the wishes of the House should be complied with.

Mr. Miles, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with an Address of the House, praying that His Excellency would be pleased to direct a further exploration on that part of the Great Road lying between the Nashwaak and the lower line of the County of York, and to appoint Commissioners therefor, reported, that they had attended thereto, and that His Excellency was pleased to say he would with much pleasure comply with the wishes of the House.

On

On motion of Mr. Weldon,

Resolved, That this House will make provision at the next Session for so much of the contingent expenses of the present Session as applies to the payment of the Doorkeepers and Messengers, and other indispensable expenses as may be advanced by the Central Bank, upon the certificate of the President of the Legislative Council and Speaker of the Assembly.

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY, 22d July, 1837.

Prayers.

On motion of Mr. Allen.

Resolved, That this House will take into consideration the Petition of William Dell Hartt, Esquire, complaining of the undue Election and Return of Daniel Ludlow Robinson, a Member for the County of York, at an early day the next Session.

On motion of Mr. Weldon,

Resolved, That this House will take into consideration at an early day the next Session, the Message from His Excellency the Lieutenant Governor of the 20th instant, relative to the communication from the Honorable Mr. Baillie to Lord Glenelg.

Mr. Partelow, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address praying that His Excellency would transmit to His Majesty's Government certain Resolutions which passed this House yesterday on the subject of the Executive Council, reported, that they had attended to that duty, and that His Excellency was pleased to say that he would comply with the wishes of the House.

Mr. End, from the Committee appointed to lay before His Excellency the Lieutenant Governor the Report of the Select Committee on the Petition of William Stevens, Mineralogist, and the several Resolutions of the House thereon, reported, that they had attended to that duty, and that His Excellency was pleased to say he would do all in his power to carry the wishes of the House into effect.

Mr. L. A. Wilmot, from the joint Committee of the Legislative Council and this House appointed to wait upon His Excellency with the Address to His Majesty on the subject of the North Eastern Boundary of the United States, to request that His Excellency would be pleased to transmit the same to be laid at the foot of the Throne, reported, that they had attended to that duty, and that His Excellency was pleased to say that he would immediately forward the said Address to His Majesty's Government.

Mr. L. A. Wilmot, from the Committee appointed to wait upon His Excellency with the Address on the subject of Lord Glenelg's Portrait, reported, that they had attended to that duty, and that His Excellency was pleased to say that the Address afforded him great satisfaction, and that he would be most happy to do all in his power to gratify the desire of the House as expressed in the Address.

A Message from His Excellency the Lieutenant Governor, by the Gentleman Usher of the Black Rod, requiring the immediate attendance of the House in the Council Chamber.

The House attended, and being returned—

Mr. Speaker reported to the House, that he had addressed His Excellency to the following effect:—

"*May it please Your Excellency.*

"The Assembly, since the Bill for the support of the Civil Government became a Law, proceeded to the consideration of such other measures as appeared to be necessary in consequence of that highly important enactment; they have also passed A

A Bill to appropriate a part of the Emigrant Fund for the purposes therein mentioned:

A Bill to provide for the relief of poor Emigrants in the Town of Saint Andrews, in the County of Charlotte: and

A Bill to alter and amend an Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.

"These Bills I now present in the name of His Majesty's faithful and loyal subjects the Assembly of New Brunswick, and pray Your Excellency's assent thereto."

That His Excellency was then pleased to give his assent to the said Bills, and also to the following:—

A Bill 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 future disposal of Crown Lands and Timber in certain cases:

A Bill in addition to an Act, intituled "An Act to incorporate sundry persons by the name of *The President, Directors and Company of the Saint Stephen's Bank*, in the County of Charlotte:"

A Bill in addition to and in amendment of an Act, intituled "An Act to incorporate *The Saint Stephen's Whale Fishing Company*."

An Act to remedy the failure of the annual courts or meetings of the Corporation of the Madras School in this Province:

A Bill to grant a loan of five thousand pounds to *The Saint John Water Company*:

A Bill to prevent the issue of private Bank notes in this Province:

A Bill to provide for the greater safety of passengers on board Steam Boats:

A Bill to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts:

A Bill to alter and amend an Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same, so far as the same relates to the Parish of Portland, in the County of Saint John:

A Bill to authorize the extension of the Gaol Limits in the City and County of Saint John:

A Bill in further amendment of the Law relating to nuisances in the Parish of Portland, in the County of Saint John:

A Bill relating to Landlord and Tenant:

A Bill for the appointment of Commissioners to examine and report upon the Casual Revenue accounts:

A Bill 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 to enable the proprietors or shareholders of a Company, called *The Bank of British North America*, to sue and be sued in this Province, in the name of the manager or of any one of the local directors for the time being of the said Company: and

A Bill to amend an Act, intituled "An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick," (*with a suspending clause.*)

And His Excellency was then pleased to make the following Speech to both Houses:—

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

"MY thanks, and in my opinion those of the Province, are due to you for the alacrity with which you assembled for the performance of your Legislative duties at this unusual and inconvenient season of the year, for the zeal and assiduity with which you have attended to those duties, and above all, for the spirit of harmony and unanimity in which they have been conducted.

"Upon the successful result of your joint labours, as regards the public interests, I offer you and the Province my sincere congratulations,—to which permit me to add the expression of an earnest hope, that the great object by which the minds of the inhabitants

inhabitants of this Colony have been so long engaged having been brought to so satisfactory a conclusion, any feelings of irritation which may have connected themselves selves with the discussions to which it has given rise may now subside, and mutual good will—wherever that feeling may have been unhappily interrupted—be renewed and re-established betwixt all classes of His Majesty's subjects in this Province.

"In now releasing you from further attendance upon your Legislative duties, I beg to assure you that I look forward with the utmost confidence and satisfaction to again meeting you, in your Legislative capacities, at the period usually appointed for that purpose, or whenever the interests or the exigencies of the public service may appear to me to render it expedient to call for your advice and assistance.

"In the mean time I do not allow myself to doubt that those sentiments of loyalty to the King and of unshaken attachment to British connexion, for which the people of this Province have always been distinguished, will be (if possible) strengthened by feelings of gratitude for the recent proofs which His Majesty has given them of His paternal regard and solicitude for their welfare."

After which His Honor the President of the Legislative Council then said :

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

"It is His Excellency the Lieutenant Governor's will and pleasure, that this General Assembly be prorogued until the third Tuesday in September next, and then here to be holden ; and this General Assembly is accordingly prorogued until the third Tuesday in September next."

CHAS. P. WETMORE, Clerk.

APPENDIX.

No. 1.

REPORT

FROM

THE DEPUTATION,

Submitted to the House of Assembly on the 10th July, 1837.

MESSRS. W. CRANE and L. A. WILMOT, a Deputation appointed by the House on the 8th of February last, to proceed to England with an Address to His Majesty, and to negociate with the Government on the subject of all matters of difference between the Executive and Representative branches of the Colonial Legislature, inform the House that they have attended to the important duties devolved upon them, and beg leave to submit the following report of sundry interviews and conversations with the Right Honorable Lord Glenelg, Secretary of State for the Colonies.

On our arrival in London, we immediately sent the following note to the Colonial Office.

12, *Devonshire Street, Portland Place, 20th March,* 1837.

MY LORD,

We beg leave to announce to your Lordship our arrival from New Brunswick with another important Address to His Majesty from the Provincial Assembly, and we respectfully pray your Lordship to honor us with an early interview for the purpose of presenting the same with the accompanying documents.

We have the honor to be,
My Lord,
Your Lordship's obliged and humble servants,
(Signed) WILLIAM CRANE,
L. A. WILMOT.

To the Lord Glenelg, &c &c. &c.

On the afternoon of the same day, we received a note from Lord Glenelg's Private Secretary, in answer to the above, informing us that his Lordship would see us on the following day at three o'clock.

Tuesday, 21st March.

Waited upon Lord Glenelg at three o'clock, and after briefly adverting to the circumstances which had led to our return, we read the Address, and delivered it with the accompanying documents to his Lordship.

We then informed Lord Glenelg that the Province had been thrown into an extraordinary state of excitement, by the recent conduct of the Governor and his Council, and that we were prepared to assure his Lordship that nothing would thoroughly allay that excitement, short of a recall of His Excellency from the Government, and the immediate removal of a majority of his present advisers. To effect such a change, as also to insure the confirmation of the late arrangements with his Majesty's Government, were the objects of our second mission.

Lord Glenelg informed us that Sir Archibald Campbell had sent home his resignation, and that Sir John Harvey was to succeed him immediately in the Government.

We expressed our regret that some of the Council had not also sent in their resignations, as they had not only lost all public confidence, but had exposed themselves to public censure, by their open and determined hostility against the best interests of the Province. We were not disposed to make any distinction between His Excellency and his advisers—they were alike implicated in the endeavors to defeat the late arrangements with His Majesty's Government, for while Sir Archibald Campbell was postponing the giving of his assent to the Civil List Bill *with the hope* of receiving further instructions from his Lordship, (whereby an attempt was made to lull the House into a false security) secret preparations were at that very time being made to dispatch Mr. Street, with all haste to the Colonial Office, for the purpose of breaking up the arrangements which we had so lately concluded; and we assured his Lordship that nothing could be more calculated to excite universal suspicion and dissatisfaction, than the manner in which Mr. Street had left the Province.

We then begged of his Lordship to appoint an early day for another interview, when we should be prepared to go through every objection raised by the Executive against the Civil List Bill, and furnish his Lordship with the opinions of the House thereon—that there was not one objection which we esteemed of any value, and we would be prepared to show his Lordship why.

Saturday, 25th March.

Waited upon Lord Glenelg at three o'clock. His Lordship informed us that he had written to Sir Archibald Campbell, under date the 2d instant, in answer to His Excellency's Despatches of 25th November and 23d December last, and that he would read to us a copy of his answer; His Lordship also informed us that he had received another despatch from Sir Archibald under date 28th January, repeating and enforcing some of the former objections, and raising additional ones, but that having heard we were on our way, he had let the last remain unanswered, though he had prepared a draft of an answer, which he would also read to us. His Lordship further informed us that Sir Archibald had furnished him with the Journals of the House containing the Resolutions and proceedings on the subject of the Civil List Bill, and His Lordship expressed himself very much pleased and gratified with the proceedings of the Assembly, and thought that they had acted in the most liberal and handsome manner.

Lord G. then read to us his Despatch of the 2d March, and also the draft of answer to Sir Archibald's Despatch of the 28th January.

We expressed ourselves highly gratified with his Lordship's views and decisions, and assured him that they would afford very great satisfaction to the Assembly, as they were in perfect and striking accordance with the opinions of the House.

Lord G. then observed, that as the Civil List Bill had not been enacted, and the whole matter was consequently left open, it would be well to consider upon a few points, with a view to such improvements as we might agree upon.

We answered that we should be very happy to consider any suggestions which might be made for the improvement of the present measure.

Lord G. then asked whether we would have any objection to removing the fifth section of the Civil List Bill to the Land Bill?

We answered that we could by no means give our consent to any such alteration—that the fifth section was the only security to the Province, that the Crown resources should be rendered productive in future, and that both the Council and Assembly wished that security to stand as a part of the Civil List Bill. That the Land Bill would probably be of shorter duration than the Civil List Bill; and that, therefore, in case of the removal of the fifth section as suggested, the security to the Province would not be co-extensive with the Legislative obligations to the Crown.

His Lordship replied, that he would pass by this question, and called our attention to the mode of appropriating, as established in the Provincial Legislature.

We

We explained to his Lordship the mode adopted by the Council and Assembly, in appropriating the public monies, and referred to our conversation on the subject with his Lordship, in one of our interviews during the last summer.

His Lordship observed, that when he wrote the Despatch of the 31st August last, he intended that the system of Government estimates should be introduced into the Assembly, but he was not at present at all disposed to disturb the established usage of the Colony. That if the Laws and Customs of Parliament were introduced into the Province, the Assembly could at any time, by address, move the appropriation of sums of money not recommended by the Executive, and that, therefore, it would be of no real importance to make such a change; but his Lordship wished to know whether there would be any objection to allowing the Lieutenant Governor a consideration upon the Resolutions of Appropriation *separatim* similar to that exercised by the Legislative Council, under the present system?

We answered that there would be very great objections to extending such a privilege to the Lieutenant Governor, for it was already thought, that as the Legislative Council were appointed by the Crown, the Government had sufficient influence over the appropriations.

Lord G. then asked whether a special Session of the Legislature had not better be called by Sir John Harvey immediately on his arrival.

We answered that such a step would be very desirable, as it was of the last importance to the Province to have the Civil List Bill enacted, and the measures contingent thereon, disposed of with as little delay as possible.

We then begged to call his Lordship's attention to the subject of the alleged error in calculation. It had been insinuated in another quarter, that we had in our former communications concealed the fact from his Lordship, that his Excellency had been authorized to pay the Officers of Government in dollars at 4*s.* 4*d.* We observed that we had communicated all the information which had ever been furnished the Assembly, which was, the bare charge in the accounts, without a why or a wherefore for so doing, except in the case of the Provincial Secretary, who was authorized to receive his salary in dollars at 4*s.* 6*d.* by an order from the Treasury in 1834. The former authority from Lord Ripon, which had lately made its appearance, was not, previously to the last Session, communicated to the House, or made public in any way, and therefore we had been kept in total ignorance of that, as we had been of the authority for many other extraordinary acts of the Executive Government.

His Lordship expressed his satisfaction with our former conduct on this subject, and assured us of his conviction that we had given every information in our power.

Lord G. then informed us that he had seen Mr. Street a few days since, who was preferring some further objections to the Civil List and Land Bills, when he (Lord G.) requested him to submit them in writing—but that he had not yet heard from that Gentleman, and his Lordship thought it was due to Mr. Street to hear all he had to say, before the negociations were closed.

We informed his Lordship that we should hold ourselves ready at any moment to meet any further objections which Mr. Street might raise, and we asked his Lordship how long we should be obliged to wait for the promised statement in writing.

Lord G. answered, that he would send word to Mr. Street immediately, and that whenever his communication was submitted, he (Lord G.) would inform us.

In the course of the above conversation, we remarked that His Excellency and Mr. Baillie were inclined to give themselves great credit for the late increase of the Crown Revenues in New Brunswick, and to attribute that increase exclusively to their good management—but that we, and every person at all conversant with the recent Land transactions in the Colonies, and the imprudent proceedings of the Crown Land Department in New Brunswick, so far from considering the Crown Revenues as owing their increase to good management, must be surprised that they had so accumulated in spite of such mis-management.

Lord G. then asked us whether we had seen the Report of a Committee of the Assembly of Upper Canada, setting forth the heads of a Bill for the regulation of the Land Office in that Province—and upon our answering that we had not seen it, his Lordship furnished us with a copy for our examination. We

We then called his Lordship's attention to what the new Executive Council had done for us—and observed, that it was what every person might have anticipated from its composition. That if the Council had been constituted as formerly, the Bill would have been passed, and the Province saved from the delay, excitement and expense to which it was now subjected by the opposition of two or three individuals.

Wednesday, 29th March.

Waited upon Lord Glenelg by appointment at 4 o'clock. His Lordship informed us that he had received Mr. Street's communication, but that it contained nothing which would disturb any of the points already decided. His Lordship then observed, that there was a question or two which might be at once discussed—and asked whether there could be any difficulty in his Excellency drawing the amount reserved for the Civil List from the Treasury? for that he (Lord G.) had been induced to suppose, that according to the established usage in the Province, that amount could not be drawn from the Treasury without an annual appropriation by the House.

We answered that his Lordship had certainly been misinformed as to the usage, and let the former custom of the House be what it might, the very terms of the Civil List Bill gave sufficient authority to the Lieutenant Governor to draw the amount, even without the advice of the Executive Council. We then mentioned the case of the Provincial Grant to King's College as being annually drawn without the intervention of the House—and we expressed our surprise that any person should have conveyed so extraordinary an idea to his Lordship, as that which he had suggested.

Lord G. then asked us, whether we had considered further upon removing the fifth section from the Civil List to the Land Bill?

We answered that we were still settled in the opinion, that such removal would not be sanctioned either by the Council or Assembly.

His Lordship then asked, whether we could not settle upon the provisions of a Bill for the general regulation of the Land Office in the same manner as we had formerly arranged the terms of the Civil List Bill; and inquired whether we had examined the heads of the Bill for the regulation of the Land Department as reported in Upper Canada?

We answered that we had not gone attentively through the heads of that Report with a view to their merits, because that we would not venture to agree with his Lordship on the details of a system for New Brunswick, without consulting the opinion of the Assembly thereon; but that we would turn our attention to the scheme proposed in Upper Canada, with a view to recommend to the Assembly the adoption of such portions as were applicable. We could venture, however, to assure his Lordship that until the Assembly of New Brunswick had more confidence in the Executive Department, they never would consent to give so much discretionary power to that branch of the Government, as was proposed to be given in Upper Canada. In that Province there was now fortunately a mutual confidence and harmony of proceeding between every part of the Government, which we earnestly hoped would soon be the case in New Brunswick.

Lord Glenelg then referred to our former conversation on the proposed change in the mode of appropriation, by allowing the Lieutenant Governor a voice on each item—and observed, that as the present system worked well both in New Brunswick and Nova Scotia, he was not disposed to advise the introduction of any new mode.

We remarked, that we considered such a change by no means desirable, even on the part of the Crown—for if carried into practice it would be a source of constant dissatisfaction and complaint to the public, while it would afford no real additional security to the Government.

Lord Glenelg then adverted to the separation of the Executive and Legislative Councils, and asked whether the Assembly would prefer having those Councils divided as at present, or to resort back to the former mode.

We answered that there was no complaint against the *principle* of separation, but that there had always been very good and just grounds of dissatisfaction with the

manner

manner in which the present Executive Council had been got up. That in forming that body, old and experienced Councillors had been unaccountably passed by, and persons appointed, who, whatever their qualifications might have been in other respects, were inexperienced in legislation, and could not bring to their assistance any practical knowledge of the wants, capabilities and interests of the Province; and that radical change had been effected when no complaint whatever was made against the old system, and when no such change was asked for. That some undue influence had no doubt been exercised to bring about that change, in order to gratify the ambitious views of a party in the Province. We gave it as our opinion, with his Lordship's permission, that the most important duty of the Lieutenant Governor of a Colony consisted in a prudent and impartial selection both of Legislative and Executive Councillors, and that the proper discharge of that duty, formed the only stable and sure basis of Colonial Government as at present established in the North American Provinces—that if those Councils were impartially filled with persons of property, experience and influence, and not composed of favorites and officials, they would always command the confidence of the public, and secure harmony in the movements of the different branches of the Government.

Lord Glenelg then asked whether we thought Sir Archibald Campbell had not been actuated by honest motives, and had not done what he really thought was for the best in his recent proceedings.

We observed, that whatever might have been his Excellency's motives, and however honest his intentions, we considered that they afforded no excuse for his extreme and unyielding opposition to the combined wishes of His Majesty, His Ministers, the Council, the Assembly, and the People of New Brunswick. As His Majesty's Representative and Servant, we thought his Excellency should have yielded implicit obedience to His Majesty's commands, and, as one branch of the Colonial Government, he should have respected, and have been guided by the opinions and advice of the other two—but as if reckless of the consequences to himself or to others, he had acted in opposition to all. The Assembly had great reason to complain of his Excellency's conduct from the very commencement of the Session. In his Speech at the opening there was a bare allusion to "*some important Despatches*"—not one opinion—not one word of congratulation—not one ray of cordial feeling appeared in that Speech—and what the Assembly especially complained of in his Excellency's conduct, was, that he had seized upon and magnified every *apparent* ground of objection in order to *defeat* the measure at the *Colonial Office*, instead of making those seeming difficulties a subject of amicable adjustment with the Provincial Legislature. Had his Excellency entertained any desire whatever to forward the views of his Majesty's Government, and had evinced that desire by cordial and conciliatory conduct towards the Assembly, there would have been no difficulty whatever in adjusting every important point with satisfaction both to the Crown and the people; and we were sure that his Lordship must have observed in his Excellency's Despatches, several points which should have been brought before the Assembly only, and with which His Majesty's Government would never interfere.

Lord Glenelg admitted that there were several subjects which should be left altogether to the consideration of the Provincial Legislature.

His Lordship then asked whether the office of Receiver General might not be dispensed with after the passage of the Civil List Bill?

We answered in the affirmative; and reminded his Lordship of our remarks on that subject during our former negociations. It was then agreed that this point should stand over to be considered by the House in connection with the reduction of salaries, and the establishment of the new office of audit.

Lord Glenelg then asked us whether we had heard of the proposition to unite a number of Members of the Legislatures of Upper and Lower Canada for the purpose of a joint regulation of their affairs; and inquired whether we thought New Brunswick, Nova Scotia and Prince Edward Island would be willing to join in such confederation?

We answered, that the same reasons which required such a union between the Canadas did not exist with regard to the Lower Provinces, and that there was not that

community

community of interest, except in a national point of view, which would justify such a Legislative connection. But as the point was one of importance, and quite new to us, we would consider further upon it.

Lord Glenelg then observed, that as the several points connected with the Civil List Bill were now determined upon, he would immediately prepare a draft of a Despatch to Sir John Harvey, and submit it to us.

We reminded his Lordship that there was a very principal part of the last Address of the House not yet disposed of. We alluded to the required change in the Executive Council.

His Lordship observed, that upon this point he would like to consult the Successor to the Government, before any decisive step was taken; and his Lordship informed us that Sir Archibald Campbell had forwarded the list of names required in the Despatch of the 5th September, but that under existing circumstances, of course he (Lord G.) would not act upon those recommendations, but would submit them for the examination and revision of Sir John Harvey.

We replied that rather than be considered by his Lordship as extreme or unreasonable in our demands, and more especially after his Lordship had so fully supported the views of the Assembly in other respects, we would yield to his Lordship's wishes by not pressing this all-important point further at present, although at the risk of being censured by our Constituents.

His Lordship then remarked, that as it was somewhat anomalous to pass an Act in amendment of a former one of the same Session, it would perhaps be as well to express in the Civil List Bill, that it would be subject to such restrictions and modifications as might be enacted during the present Session. It certainly was not, he thought, a point of any substantial importance, but he (Lord G.) merely threw it out for our consideration.

We answered that there could be no possible objection to adding a few words to the Civil List Bill to the effect mentioned by his Lordship, though we were of opinion that the second Act would be of equal validity without them.

Lord Glenelg, then in compliance with our request, promised to send us a copy of his Despatch of the 2d March.

We also wished to be furnished with a copy of Mr. Street's communication, in case there were any points therein which had any weight on his Lordship's mind.

His Lordship answered that there would be no necessity of giving us a copy, as he had determined upon all the points.

Monday, 3d April.

Called at the Colonial Office, when Lord Glenelg read to us the draft of Despatch to Sir John Harvey. We reminded his Lordship that he had omitted saying any thing on the subject of the Executive Council—when his Lordship promised us that he would add a paragraph on that point, which he would show us on the following day.

We then informed his Lordship that we were in hourly expectation of a Petition from the inhabitants of New Brunswick to His Majesty, praying for the recall of his Excellency and the removal of his Executive Council; that from the intelligence we had received from the Province since we had last seen his Lordship, we had additional reasons for believing that nothing short of such a radical change in the Executive Department would satisfy the country. That if the present members were continued in the Executive Council, notwithstanding their hostility to the public interests, the Assembly would immediately use every endeavour to prevail on His Majesty's Government to abolish the present Executive Council altogether, and fall back upon the old mode of combining the Executive and Legislative functions in the same Body.

Tuesday, 4th April.

Waited upon Lord Glenelg, but the proposed amendment to the draft of Despatch not being prepared, we called his Lordship's attention to the subject of the Disputed Territory,

Territory, and expressed our earnest hope that His Majesty's Government would endeavor to effect an early adjustment of that important question.

His Lordship observed that he would mention the subject to Lord Palmerston, who he knew was very anxious to bring the pending dispute to a close.

Wednesday, 5th April.

Called at the Colonial Office, and Lord Glenelg being absent, Mr. Secretary Stephen read the amendment to the Despatch; and while we were in conversation with Mr. S. on the necessity of a re-organization of the Executive Council, Lord Glenelg arrived, and requested to see us. We informed his Lordship that we had heard the amendment, and that we should have been much better satisfied had his Lordship instructed Sir John Harvey to revise the *old* Council, as well as the list of recommendations for new members.

All which is respectfully submitted.

(Signed) WILLIAM CRANE,
L. A. WILMOT.

London, 12 *Devonshire Street, Portland Place*, 6*th April*, 1837.

The foregoing Report contains the account of our proceedings up to the day of my departure.

No intelligence having reached us of the proceedings of the House subsequently to the 12th February, and the Instructions for the immediate convening of the Assembly having been prepared for the Falmouth Packet of the 8th, it was arranged between Mr. Crane and myself, and communicated to Lord Glenelg, that I should immediately return to New Brunswick by the Packet, and that Mr. Crane would remain in London to conduct such further negociations with His Majesty's Government as might be required.

Respectfully submitted.

(Signed) L. A. WILMOT.

Committee Room, 10*th July*, 1837.

No. 2.

REPORT

OF

L. B. RAINSFORD

ON ROAD FROM FREDERICTON TO SAINT ANDREWS.

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

MAY IT PLEASE YOUR EXCELLENCY,

HAVING been appointed to explore and mark out that part of the line of the Great Road between Fredericton and Saint Andrews, which lies between Brockway's in the County of York, and Connick's at Waweig in the County of Charlotte, I beg to inform Your Excellency that I obtained the services of George Hayward, and James Brown, Junior, Esquires, as assistants, and Charles R. Hatheway, as Surveyor, and having performed the services required, do now respectfully submit a plan of the exploration and survey, and also the following Report :—

After diligent inquiry into the state of the Roads, and the situation of the Settlements in the districts and neighbourhoods between the tide waters at Waweig, and the Bridge over the Magaguadavic near Brockway's, and after a careful and repeated exploration a line was determined upon, marked out, staked and measured, and is designated in the accompanying plan as commencing at a stake by the old Fredericton Road, near the dwelling house of Mrs. Connick; thence northerly to the Mill Stream, which will require a Bridge, the cost of which is estimated at £15; thence onward in the same direction to the Mill Stream again, where another Bridge of the same estimated cost will be required; thence onward through William Doak's clearing to the green woods. This distance from the point of commencement is three and a half miles, and all over cleared or burnt land; there are no hills, and two and a half miles of the distance is so dry as not to require ditching or draining. Thence through open woods on level land to a Saw Mill where a Bridge at a cost of £15 will be required; thence on a sled Road twenty feet wide to Greenlaw's in the Grimmick or Turner Ridge Settlement, making a distance of five miles and sixty four rods from the place of beginning, and all level land; thence northerly along the main Road through the said Settlement three and three quarters miles to the Saint David Road (this part of the line is mostly turnpiked, and the value of the improvements therein is estimated at £340); thence through open woods and cleared land to William Gass' south line by the country Road; thence north five degrees east descending gradually through cleared and burnt land to the River Digdeguash, where a Bridge at the estimated cost of £60 will be required; thence onward in the same direction crossing a bog seventy rods wide, which will have to be avoided by a curve to the north west; thence to Jones' brook, and thence through a green mixed growth to a large barren, one hundred rods wide, but the depth of the bog being only about eighteen inches, it will be advisable to keep the direct line; thence over good level land to lower Trout Brook Bridge, and thence to the new Bridge near Brockway's, crossing upper Trout Brook on the Bridge formerly built there.

From

From the Digdeguash River to lower Trout Brook, the line crosses several tracts of land of superior quality for cultivation, there being on the south east side of the line about twelve hundred acres in one block, and on the north west side about two thousand acres in another.

By reference to the plan, it will be seen that from the situation of the various Settlements, it is not possible to carry a Road so as to pass through them all without going over a number of steep hills, and so rendering it unfit for a Great Road of traffic and communication; and as the line recommended is as far as has yet been ascertained the most direct and level that can be found, so also will it accommodate as great a number of settlers, and facilitate the settlement of as great a quantity of good land, as any line that can be marked out in that district of the Province.

The distance from the point of commencement to the Bridge near Brockway's is twenty one miles and one hundred and four rods; and the whole distance from the Market House in Fredericton to the Court House in Saint Andrews is a little short of seventy four miles.

I have the honor to be,
Your Excellency's most obedient servant,

L. B. RAINSFORD, SUPERVISOR.

Fredericton, N. B. July, 1837.

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

The Petition of sundry Inhabitants of Parish of Saint Patrick and others, in the County of Charlotte.

MOST HUMBLY SHEWETH,

THAT the Road from the late Samuel Connick's at the Waweig, as lately laid out by the Supervisor, is through the wilderness to the Grimmick Settlement at Greenlaw's Bridge, crossing three times the Waweig Stream—that the land is not so well adapted for a Road as the old one, and from the want of settlers thereon, it cannot be kept open in the winter season without great expense.

That many of your Petitioners are settled on either side of the Road now travelled, in the expectation that it would be continued, making some necessary deviations so as to avoid some hills, which would comparatively be of small cost to what the expenditure will be in making a new one.

That if the late line of Road is fixed upon, it will run through the rear of some of your Petitioners land, thereby lessening its value by having two Roads at a small distance running parallel or nearly so.

That your Petitioners understand that this late line of Road is continued and crosses the Digdeguash about three miles above the Rolling Dam, thence to Brockway's upon the Magaguadavic, in direct opposition to the law establishing the route by an Act of Assembly lately made and provided—that the route so established has governed many of their Settlements, and if altered will have a tendency to embarrass many of your Petitioners without taking into consideration the great additional expense of making a new one and abandoning the one now travelled, which by some alterations would also be a good Road, and greatly convenience the inhabitants thereon and the public.

Your Petitioners therefore pray that the new line of Road may be abandoned, and the old Road, for the reasons alleged, adhered to, making such alterations as the nature of the ground may require.

And as in duty bound will ever pray.

[*Signed by Samuel M'Farlane and* 68 *others.*]

Saint Patrick, July 3, 1837.

No. 3.

AGENT GENERAL CROWN COLONIES

Notifying the payment of the fourth instalment by the

NEW BRUNSWICK LAND COMPANY.

No. 2, Parliament Street, 31st March, 1837.

SIR,

I HAVE the honor to transmit to Your Excellency the copy of my account with the Government of New Brunswick for the year 1836, and I avail myself of this opportunity of acquainting you that on the 6th instant I received from the Directors of the New Brunswick Land Company the sum of £7,031 5*s.*; being the fourth instalment due to His Majesty's Government, which I invested the following day in the three per cent. Consols, having purchased £7,812 10*s.* stock, in the names of George Lodowick Wilder, William Sargent, and George Baillie.

I have the honor to be, Sir,
Your most obedient humble servant,
(Signed) G. BAILLIE.

His Excellency Sir Archibald Campbell, Bart. &c. &c. &c.

The Government of New Brunswick in account with George Baillie, Esquire, Agent General for Crown Colonies, from 1st January to 31st December, 1836.

1836.	PAYMENT.			
Sept. 17.	To paid Sir Archibald Campbell's bill, Lawrie, of 8th July,	£1000	0	0

1836.	RECEIPTS.			
	Balance in hand 31st December, 1835, - - - -	£381	7	3
April 12.	By received six months dividend due 5th January, on £7,768 15*s.* 8*d.* three per cent. consols, - -	116	10	7
July 29.	By ditto ditto, due 5th July, - - - -	116	10	7
Sept. 30.	By 366 days interest on £7,500. Bills dated 29th Sept. 1835,	171	11	3
Dec. 21.	By ditto days interest on £5,300. Exchequer Bills dated the 17th December, 1835, exchanged for new Bills, dated the 19th December, 1836, - - - -	128	1	8
		£914	1	4
	Balance overpaid, - - - -	85	18	8
	E. E.	£1000	0	0

(Signed) G. BAILLIE.

21st March, 1837.

INDEX.

JULY SESSION, 1837.

B

Bills.

Petitions.

T

U

W