

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Pagination is as follows: p. [4], [547]-569, [i]-iii.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x	14x	18x	22x	26x	30x
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x	16x	20x	24x	28x	32x

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

---

From 10th to 20th September, 1839.  
Being the Third Session of the Twelfth General Assembly.

---



---

**FREDERICTON, NEW BRUNSWICK:**

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

1839.



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

*J. HARVEY, Lt. Governor.*

## A PROCLAMATION.

**W**HEREAS the General Assembly of this Province stands prorogued to Tuesday the fourth day of June, instant, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the first Tuesday in September next.

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

*By His Excellency's Command.*

WM. F. ODELL.



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

*J. HARVEY, Lt. Governor.*

## A PROCLAMATION.

**W**HEREAS the General Assembly of this Province stands prorogued to the first Tuesday in September next; and whereas in consequence of a great recent public calamity, and other weighty reasons, an early meeting of the Legislature is found expedient; I do therefore, by the advice of Her Majesty's Executive Council, further prorogue the said General Assembly, until Tuesday the tenth day of September next, then to meet at Fredericton, for the dispatch of business.

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

*By His Excellency's Command.*

WM. F. ODELL.

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

---

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

ANNO TERTIO VICTORIÆ REGINÆ.

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

*At Fredericton in the Province of New Brunswick.*

*LEGISLATIVE COUNCIL CHAMBER, Tuesday, 10th September, 1839.*

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

PRESENT.

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Black.</i>	<i>Mr. Shore.</i>
<i>Mr. Baillie.</i>	<i>Mr. Peters.</i>
<i>Mr. Attorney General.</i>	<i>Mr. Lee.</i>
<i>Mr. Hatch.</i>	

PRAYERS.

The House was adjourned during pleasure.

After some time the House resumed.

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

Who being come, with their Speaker,

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

"Mr.

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

**“ H**AVING called you together for a special purpose, at a season of the year when the absence from your homes, of some among you, may be attended with inconvenience, I will not unnecessarily prolong that absence by directing your attention at present to any other than the immediate objects for which I have deemed it my duty to convene you. These objects are to invite you to take into your consideration, as well the measure and the conditions of the relief which you may deem it expedient to extend to such of the sufferers from the effects of the late calamitous Fire, by which the city of Saint John has again been visited, as may require such assistance, as the still more important subject of devising and passing Legislative enactments, making more effectual provision for the future prevention or prompt extinction of Fires, (and the protection of property upon such occasions,) and thereby restoring confidence to the inhabitants, and upholding the commercial credit of that wealthy and enterprising City.—You will, I doubt not, approach the consideration of the details of these important matters with an entire conviction of the intimate, the indissoluble connexion of the interests of its great Commercial Emporium with those of the Province at large.

“ It only remains for me to renew to you the assurance of my sincere desire to co-operate with you upon this, as upon every other occasion, in devising and maturing such measures as may tend to promote the general satisfaction and prosperity of the inhabitants of this loyal Province.

“ I will cause copies of several Despatches to be laid before you, by which you will find that our Gracious Sovereign is duly sensible of the loyalty and devoted attachment to Her Majesty of Her faithful subjects in this Province, and is highly gratified at observing the cordiality subsisting between all the Branches of the Provincial Legislature.

“ You will also find that prompt attention has been paid by Her Majesty’s Government to your representations regarding the protection of the Fisheries and other matters connected with the welfare and interests of New Brunswick.

“ I have satisfaction in acquainting you that Her Majesty’s Government has recently sent out to this Province a Commission, composed of two Gentlemen of eminent scientific attainments, for the purpose of making a Topographical examination of certain parts of the Territory on the Frontier of this Province and Lower Canada, which is in dispute between Great Britain and the United States. The Commissioners have commenced their operations, and I indulge a confident hope that the result of their explorations may enable the General Governments of the two Nations to bring this long agitated question to an early and amicable determination.

“ In conclusion, I will offer you my sincere congratulations upon the abundant Harvest with which it has pleased the Bountiful Giver of all good things to bless this section of the Globe,—a blessing in which this Province has largely participated.”

Which being ended,

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

The Honorable the President reported His Excellency’s Speech.

ORDERED,

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

ORDERED, That the Honorable the Attorney General and the Honorable Mr. Lee, be appointed a Committee for the above purpose.

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

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

WEDNESDAY, 11th September, 1839.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Hatch.*

PRAYERS.

The Honorable the Attorney General, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, in answer to his Speech at the opening of the Session, reported a draft thereof, which he read in his place.

ORDERED, That the report be received, and the said draft was again read by the Clerk.

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said draft into consideration, and recommended the same to the adoption of the House.

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

*To His Excellency Major General SIR JOHN HARVEY, Knight Commander of the Most Honorable Military Order of the Bath, and Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

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

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council in General Assembly, thank Your Excellency for Your Speech at the opening of the present Session of the Legislature.

We are fully sensible of Your Excellency's continued attention to the welfare of the

the Province, in having called us together so shortly after the calamitous Fire with which the City of Saint John has been recently visited, in order to submit for consideration as well the measure and conditions of such relief as it may be expedient to extend to the sufferers, as the still more important object of providing, by Legislative enactment, for the prevention and more prompt extinction of Fires and protection of property on such occasions in that wealthy and enterprising City, all which we assure Your Excellency shall receive our serious attention and favorable consideration.

It affords us great satisfaction to receive Your Excellency's renewed assurance of Your sincere desire to co-operate with the Legislature of the Province, on all occasions, in such measures as may tend to promote the general prosperity, and give satisfaction to the Inhabitants of the Province.

We shall receive with much pleasure the several Despatches to which Your Excellency alludes, assuring us that our Most Gracious Sovereign is duly sensible of the loyalty and attachment of Her faithful subjects in this Province, and that attention has been paid to the protection of the Fisheries and other matters connected with our welfare and interests.

Your Excellency's information that Her Majesty's Government has recently sent out two Gentlemen of eminent scientific attainments, for the purpose of making a Topographical examination of certain parts of the Frontier Territory of the Province in dispute between Great Britain and the United States, with the view of bringing that long agitated question to an early and amicable determination, we receive with the most lively interest.

We cannot be too thankful that Your Excellency feels yourself enabled to offer to us Your congratulations upon its having pleased the Bountiful Giver of all Good to bless this section of the Globe with an abundant harvest.

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

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

---

THURSDAY, 12th September, 1839.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

The Honorable the Attorney General, from the Committee appointed to wait upon His Excellency the Lieutenant Governor to ascertain when this House would be received with their Address in answer to His Excellency's Speech at the opening of the Session,

Session, reported, that they had done so, and His Excellency was pleased to say he would receive the Address this day, at half past twelve o'clock, at the Government House.

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

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

*“ Mr. President and Honorable Gentlemen,*

*“ I beg you to receive my thanks for having so promptly and cordially responded to the observations and suggestions which I deemed it my duty to address to you from the Throne, and for the assurance that the measures to which I have directed your attention shall engage your serious and favorable consideration.”*

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

A Petition from Crane and M'Grath, of the City of Saint John, praying a return of Duties on Goods destroyed by fire on the night of the 17th of August last: and

A Petition from Charles M'Lauchlan, of the same place, Merchant, with a similar prayer.

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

The Honorable Mr. Black, by leave, presented a Petition from Henry Gilbert, of the City of Saint John, praying a Bill may pass granting to him the privilege of carrying water into the City, and authorizing him to lay down pipes, leaders and conduits through the said City and Parish of Portland.

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

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

FRIDAY, 13th September, 1839.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Attorney General.*

*Mr. Lee.*

*Mr. Hatch.*

PRAYERS.

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



SATURDAY, 14th September, 1839.

PRESENT.

THE HON.

	<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Shore.</i>		<i>Mr. Robinson.</i>
<i>Mr. Lee.</i>		<i>Mr. Hatch.</i>
<i>Mr. Kinnear.</i>		

PRAYERS.

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

MONDAY, 16th September, 1839.

PRESENT.

THE HON.

	<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Black.</i>		<i>Mr. Shore.</i>
<i>Mr. Baillie.</i>		<i>Mr. Robinson.</i>
<i>Mr. Botsford.</i>		<i>Mr. Robertson.</i>
<i>Mr. Hatch.</i>		<i>Mr. Kinnear.</i>

PRAYERS.

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

The said Bill was read a first time.

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

The said Bill was read the second time.

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

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

*Downing Street, 15th March, 1839.*

[Extract.]

I have perused with much satisfaction the Communications between yourself and the Council and Assembly of New Brunswick, which afford the most gratifying proofs of the cordiality subsisting between all Branches of the Legislature, and of the loyalty and attachment to Her Majesty of Her faithful subjects in that Province.

I have, &c.

(Signed)

NORMANBY.

Sir JOHN HARVEY, &c. &c. &c.

*Extract*

*Extract of a Despatch from the Most-Noble the Secretary of State for the Colonies to His Excellency Major General Sir John Harvey, K. C. B. &c. numbered 13, and dated*

*Downing Street, May 16, 1839.*

Her Majesty's Government have received with much satisfaction, your Report of your negotiations with Major General Scott, for the provisional adjustment of the Boundary Question, and approve and sanction the terms on which you ultimately agreed.

\* \* \* \* \*

Having laid these papers before the Queen, I have been honored with Her Majesty's commands, to signify to you her entire approbation of your conduct on this occasion.

(Signed)

NORMANBY.

*Downing Street, 6th June, 1839.*

"SIR—I have the honor to acknowledge the receipt of your Despatch of the 23d March, No. 17, enclosing a copy of the Speech with which you had on that day closed the Session of the Provincial Legislature.

I have laid at the foot of the Throne the Joint Address, which accompanies your Despatch, from the Legislative Council and House of Assembly of New Brunswick; and the Queen has commanded me to express Her gratification at the sentiments of loyalty and attachment to Her person and Government expressed in it. Her Majesty commands me to add, that no exertion will be wanting on Her part, to bring to a conclusion, consistent with the dignity of Great Britain, and advantageous to Her faithful subjects on the Continent of North America, the long pending question of the Boundary between Her Majesty's Dominions and the United States.

I have the honor to be, &c.

(Signed)

NORMANBY.

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

*Downing Street, 15th June, 1839.*

SIR—I have to acknowledge the receipt of your Despatch of the 16th April, No. 24, enclosing th copy of a Letter from Sir G. Arthur, with an Address from the Assembly of Upper Canada, pledging themselves to co-operate, if necessary, with their fellow subjects in the Province of New-Brunswick, in resisting any hostile aggressions from the State of Maine, which may arise out of the questions respecting the disputed Territory.

I have laid this Despatch before the Queen, and Her Majesty has commanded me to express Her gratification at the proofs which it contains of the cordial co-operation of Her Majesty's subjects in Upper Canada and New Brunswick, in the maintenance of Her Majesty's lawful authority in those Provinces.

I have the honor, &c.

(Signed)

NORMANBY.

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

*Downing Street, 17th June, 1839.*

SIR—Having referred for the consideration of the Lords Commissioners of the Admiralty, your Despatch of the 19th March last, with the Report of the Assembly of New Brunswick, relative to the encroachments of American Fishermen on the Fishing grounds reserved for Her Majesty's subjects, I have the honor to enclose herewith for your information, the copy of a Letter from their Lordships' Secretary, stating that the Naval Commander in Chief on the North American Station, has been directed to issue the necessary orders for the protection of the British Fishermen.

I have the honor, &c.

(Signed)

NORMANBY.

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

*Admiralty, 10th June, 1839.*

SIR—In reference to your Letter of the 7th instant, enclosing copies of a Despatch from the Lieutenant

tenant Governor of New Brunswick, and a Report from a Committee of the Assembly of that Province, relative to the encroachments of the American Fishermen on the Fishing grounds of Her Majesty's subjects; I am commanded by my Lords Commissioners of the Admiralty, to request that you will acquaint the Marquis of Normanby, that the Naval Commander in Chief on the North American Station has been directed to give particular directions to the Officer commanding the ship sent for the purpose stated in your Letter, to protect the Fisheries of this Province.

I am, &c.

(Signed)

J. BARROW.

James Stephen, Esquire, &c. &c. &c.

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

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

A Petition from Alexander Campbell, of Saint Stephen, in the County of Charlotte, praying that he may be allowed to forfeit the sum of two hundred and seventy eight pounds, part of the purchase money paid by him for a tract of Crown Land, and that his bond may be cancelled, and the land so purchased surrendered to the Crown: and

A Petition from John Marks, of the same place, praying he may be allowed to forfeit five hundred pounds, paid under like circumstances, and that his bond may be cancelled.

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

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

A Petition from Thomas Parks, praying a return of Duties upon Goods destroyed by fire at Saint John on the seventeenth of August last: and

Petitions from Messieurs Daniel Leavitt and Francis Leavitt, and John Thurgar, with similar prayers.

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

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

A Petition from Robert F. Hazen, Charles Ward, Henry Porter, and others, praying that parties may be restrained from erecting wooden Buildings within certain limits of the City of Saint John:

A Petition from Robert F. Hazen, Charles Ward, Henry Porter, and others, praying that a Bill may pass for widening certain Streets and making other improvements in a certain District of the City of Saint John:

A Petition from Robert F. Hazen, Charles Ward, John Humbert, and others, praying a Loan of Money to assist in erecting brick and stone Buildings in a certain part of the said City in which the Buildings have lately been destroyed by fire:

A Petition from Robert F. Hazen, Charles Ward, William Wright, and others, praying that a Bill may pass for facilitating a supply of Water for the City of Saint John: and

A Petition from Robert F. Hazen, Charles Ward, Henry Porter, Elisha D. W. Ratchford, and others, praying that measures may be taken to establish a more effective Police establishment in the City of Saint John.

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

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

A Bill to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein: and

A Bill for the more effectual prevention of Fires in the City of Saint John.

The said Bills were severally read the first time.

ORDERED, That the twenty third Rule of this House be dispensed with, as regards these Bills, and that they be read the second time.

The said Bills were severally read the second time.

ORDERED, That the said Bills be severally referred to a Select Committee of three Members to examine and report thereon.

ORDERED, That the Honorable Messrs. Botsford, Robertson and Kinnear do compose the said Committee.

The Honorable Mr. Botsford, by leave, presented a Petition from John Robertson, praying a return of Duties paid by him upon goods destroyed by fire in the City of Saint John, on the night of the seventeenth of August.

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

The Honorable Mr. Kinnear, by leave, presented a Petition from Alexander Robertson, with a similar prayer.

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

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

TUESDAY, 17th September, 1839.

PRESENT.

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Black.</i>	<i>Mr. Shore.</i>
<i>Mr. Baillie.</i>	<i>Mr. Peters.</i>
<i>Mr. Robinson.</i>	<i>Mr. Botsford.</i>
<i>Mr. Robertson.</i>	<i>Mr. Hatch.</i>
<i>Mr. Kinnear.</i>	

PRAYERS.

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

The Honorable the President read the same.

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

NEW BRUNSWICK.

*Message to the Legislative Council,*

*17th September, 1839.*

J. HARVEY, Lt. GOVERNOR.

The Lieutenant Governor lays herewith before the House of Assembly, a copy  
c  
of

of a Letter from the Right Honorable the Secretary of State, with copies of two Orders of Her Majesty in Council, confirming Acts of the General Assembly of this Province.

J. H.

*At the Court at Buckingham Palace, the 11th day of July, 1839.*

PRESENT :

The QUEEN'S Most Excellent Majesty,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Marquis of Normanby,  
Lord Chamberlain,  
Lord John Russell,

Viscount Palmerston,  
Viscount Melbourne,  
Viscount Morpeth,  
Lord Holland,  
Mr. Poulett Thomson,  
Sir John Hobhouse, Bart.

Whereas the Governor of Her Majesty's Province of New Brunswick, with the Council and Assembly of the said Province, did, in the months of March, 1838, and March, 1839, pass two Acts, which have been transmitted, entitled as follows, viz:—

No. 1166. 'An Act to authorize the appointment of a Master of the Rolls to the Court of Chancery in this Province, and to provide for such Officer :'

No. 1202. 'An Act in amendment of the Act relating to the appointment of a Master of the Rolls in the Court of Chancery :'

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation ; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report, whereof the Governor, Lieutenant Governor or Commander in Chief for the time being, of Her Majesty's Province of New Brunswick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

*At the Court at Buckingham Palace, the 11th of July, 1839.*

PRESENT :

The QUEEN'S Most Excellent Majesty,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Marquis of Normanby,  
Lord Chamberlain,  
Lord John Russell,

Viscount Palmerston,  
Viscount Melbourne,  
Viscount Morpeth,  
Lord Holland,  
Mr. Poulett Thompson,  
Sir John Hobhouse, Bart.

Whereas the Governor of Her Majesty's Province of New Brunswick, with the Council and Assembly of the said Province, did, in the month of March, 1839, pass an Act, which has been transmitted, entitled as follows, viz:—

No. 1200. 'An Act to make perpetual an Act for the support of the Civil Government in this Province :'

—And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Act should receive Her Majesty's special confirmation ; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified and finally enacted accordingly, whereof the Governor, Lieutenant Governor or Commander in Chief for the time being, of Her Majesty's Province

vince of New Brunswick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

*Downing Street, 26th July, 1839.*

SIR—I have the honor to acknowledge the receipt of your two Despatches, dated the 25th April and 30th May last, Nos. 27 and 42, transmitting three Acts passed by the Legislature of New Brunswick, during their recent Session. The first, (No. 1200,) making perpetual the Act passed in July, 1837, (No. 1137,) for the support of the Civil Government; the second, (No. 1201,) incorporating the Provincial Bank; and the third, (No. 1202,) amending the Act of March, 1838, (No. 1166,) relating to the appointment of a Master of the Rolls.

I have had much pleasure in advising Her Majesty to confirm the first mentioned Act, (No. 1200,) which exhibits a gratifying proof of the confidence reposed by the Assembly in Her Majesty's Government.

The second Act, No. 1201, is still under consideration.

The Act, No. 1202, which adopts the suggestions made by my predecessor in the Act No. 1166, has likewise been confirmed, together with the former Act.

I enclose two orders passed by Her Majesty in Council on the 11th instant, disposing of the above mentioned Acts in the manner alluded to.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed)

NORMANBY.

The Lieutenant Governor of New Brunswick.

The Honorable Mr. Botsford, from the Select Committee to whom was referred the Bill to authorize the widening and enlarging of certain Streets in the City of Saint John, and laying out other Streets therein, presented a report.

ORDERED, That the report be received.

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

The Committee to whom was referred the Bill to authorise the widening and enlarging of certain Streets in the City of Saint John, and the laying out other Streets therein, beg leave to report, that they have taken the same into consideration, and have prepared certain amendments thereto, which they recommend to the adoption of the House.

A. E. BOTSFORD, *Chairman.*

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to revive and continue an Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province," and to establish regulations for the future disposal of Crown Land and Timber in certain cases.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The

The Chairman reported, that the Committee had gone into consideration of the said Bill, they had made an amendment thereto, and recommended the Bill, as amended, to the adoption of the House.

ORDERED, That the report be received.

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

At A expunge the words “until the first day of January, which will be in the year of our Lord one thousand eight hundred and forty one,” and insert the words “for the period of two years from and after the passing of this Act.”

The said amendment being read the second time, and the question of concurrence put thereon, it was agreed to by the House.

ORDERED, That it be engrossed, and the Bill, as amended, read the third time to-morrow.

The Honorable Mr. Peters, by leave, presented a Petition from the President, Directors and Company of the Central Bank, praying for further time to pay up their loan from the Province.

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

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

Petitions from James T. Hanford, Messrs. Adams and Davidson, Alexanders, Barry and Company, Crookshank and Walker, and James Otty and Company, all of the City of Saint John, Merchants, severally praying a return of duties paid by them upon goods destroyed by fire on the seventeenth day of August last: and

A Petition from William H. Street, James White, John Kinnear, Daniel Leavitt, and other Inhabitants of the City of Saint John, praying that Smyth Street may be opened and continued to the North Market Wharf, for the reasons therein set forth.

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

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

WEDNESDAY, 18th September, 1839.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Peters.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Robertson.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

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

A Bill to authorize the issue of Treasury Debentures, to raise money for the purpose of being loaned for the re-building a part of the District of the City of Saint John, burnt in the month of August in this present year: and

A Bill to authorize the use of part of the Building erected for a Market House in the City of Saint John, for other purposes than as a Market. The

The said Bills were severally read the first time.

ORDERED, That the twenty third Rule of this House be dispensed with, as regards these Bills, and that they be read the second time.

The said Bills were severally read the second time.

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

Pursuant to the Order of the Day, the Bill to revive and continue an Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province," and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases, as amended, was read a third time and passed.

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

The Honorable Mr. Botsford, from the Select Committee appointed to examine and report upon the Bill for the more effectual prevention of Fires in the City of Saint John, presented a report.

ORDERED, That the report be received.

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

The Committee to whom was referred the Bill for the more effectual prevention of Fires in the City of Saint John, have had the same under their consideration, and beg leave to report, that they have prepared certain amendments thereto, which they recommend to the adoption of the House.

A. E. BOTSFORD, *Chairman.*

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

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Robertson, by leave, presented Petitions from William O. Smith, Thomas M'Avity and Company, of the City of Saint John, Merchants, praying a return of Duties paid by them on Goods destroyed by Fire on the seventeenth of August last: and

A Petition from the Mayor, Aldermen and Commonalty of Saint John, praying for restrictions to be made in the erection of wooden Buildings within the most valuable part of the said City.

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

The Honorable Mr. Kinnear, by leave, presented a Petition from the same Corporation, praying that the basement story of the public Market House lately erected in the



the Market Square of the City of Saint John, may be used as a public Bonding Warehouse, and that other parts of the said Building may be used for other purposes than as a Market House.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein, and the report of the Select Committee thereon.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly, by Mr. End, that the Assembly had agreed to the amendment made by this House to the Bill to revive and continue an Act to restrain the provisions of the fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province," and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases.

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

THURSDAY, 19th September, 1839.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Peters.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Robertson.*

*Mr. Hatch.*

*Mr. Kinnear.*

PRAYERS.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the issue of Treasury Debentures, to raise money for the purpose of being loaned for the re-building a part of the District of the City of Saint John, burnt in the month of August in this present year.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

The said Bill was read the third time and passed.

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

Pursuant

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the use of part of the Building erected for a Market House in the City of Saint John, for other purposes than as a Market.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received.

The said amendment was then read by the Clerk as follows:—

At A in Section I. expunge the words "and declared."

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House.

ORDERED, That it be engrossed, and the Bill, as amended, read the third time this day.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill for the more effectual prevention of Fires in the City of Saint John, and the Report of the Select Committee thereon.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

The Chairman further reported, that in the Committee it was moved and seconded, that the words—

"Beginning at the southern extremity of Prince William Street, where it intersects the northern line of Saint James' Street, thence along Prince William Street to Princess Street, thence along Princess Street to Germain Street, thence along Germain Street to Union Street, thence along Union Street to George Street, thence along George Street to Pond Street, thence along Pond Street to Mill Street, thence along Mill Street northwardly to the entrance of Smyth Street, thence along Smyth Street to Nelson Street, as the same is laid down in the present plan of the said City, thence along Nelson Street crossing the Market Slip to Ward Street, thence along the said last mentioned Street and a prolongation of the western line thereof southwardly until it strikes the southern line of the Ferry Slip at the foot of Princess Street, thence along the said last mentioned line to Saint John Street, thence along Saint John Street and a prolongation of the western line thereof southwardly, until it intersects the prolongation of the northern line of Saint James' Street, and thence along the said last mentioned prolongation to the place of beginning; and also all the lots of ground adjoining thereto to the depth of forty feet on the eastern side of Prince William Street, Germain Street, George Street and Mill Street, the south side of Princess Street, the north sides of Union Street and Pond Street, two hundred feet on the western side of Smyth Street, not less than thirty feet on the western sides of Nelson Street and Ward Street, and one hundred feet on the western side of Saint John Street, terminating at the foot of Duke Street,"

Be

Be expunged, and the words—

“ Beginning at the southern extremity of Prince William Street, where it intersects the northern line of Saint James Street; thence along the said northern line of Saint James Street until it intersects the eastern line of Germain Street, and to the depth of forty feet on the eastern side thereof; thence northerly continuing the course of Germain Street and forty feet to the eastward thereof, to the south line of King Street; thence easterly along the south line of King Street, and forty feet to the southward thereof, to the west line of Charlotte Street; thence northerly along the west line of Charlotte Street, to the north line of Union Street, and forty feet to the northward thereof; thence westerly along the north line of Union Street and forty feet to the northward thereof, to the east line of George Street; thence northerly along the eastern line of George Street and forty feet to the eastward thereof, to Pond Street; thence westerly along the north line of Pond Street, and forty feet to the northward thereof, to Mill Street; thence northerly along the east line of Mill Street to the City line, and forty feet to the eastward thereof; thence westerly along the north line of the City to the western line of Mill Bridge, and forty feet to the westward thereof; thence southerly along the west line of Mill Bridge, and forty feet to the westward thereof, until it meets the west line of Smyth Street; thence southerly along the western line of Smyth Street, and two hundred feet to the westward thereof, until it meets the south line of Nelson Street; thence along Nelson Street and thirty feet on the southern and western sides thereof, crossing the Market Slip to Ward Street; thence along Ward Street southerly, and a prolongation of the western line thereof until it strikes the south line of Ferry Slip at the foot of Princess Street, and thirty feet to the westward thereof; thence easterly along the south line of Ferry Slip to Saint John Street; thence along the western line of Saint John Street, and one hundred feet to the westward thereof, until it meets the south line of Duke Street, and forty feet to the southward thereof; thence along the south line of Duke Street, and forty feet to the Southward thereof, to the west line of Prince William Street; thence southerly along the west line of Prince William Street, and forty feet to the westward thereof, to the north line of Saint James Street, or a prolongation thereof,”

Be inserted,

Upon which the Committee divided :—

CONTENT.  
Mr. Black.  
Mr. Robertson.

NON-CONTENT.  
The Chief Justice.  
Mr. Peters.  
Mr. Botsford.  
Mr. Robinson.  
Mr. Hatch.  
Mr. Kinnear.

And it passed in the negative.

ORDERED, That the report be received.

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

At A. in Section I. expunge the words “as the same is laid down in the present plan of the said City.”

At B. insert the words “in and upon.”

At

At C. expunge the words "and shall be covered," and insert the words "and the roof of every such dwelling house, store house or other building shall be covered on the outside."

At D. in Section II. insert the words "and lots of ground adjoining thereto."

At D. d. insert the words "the sites whereof shall be vacant at the time of the passing of this Act, or may hereafter become vacant."

At D. d. add as follows: "Provided also that nothing herein contained shall be construed to prevent the owner or owners of any wooden building authorized by this Section of this Act, whereof the side line or depth from the front of the building on the street exceeds thirty five feet, to make a portion of the roof flat on the top, according to the following scale: Buildings whereof such side line or depth exceeds thirty five feet and does not exceed forty feet, the width of such flat shall not exceed five feet; Buildings whereof such side line or depth exceeds forty feet and does not exceed forty five feet, the width of such flat shall not exceed eight feet; Buildings whereof such side line or depth exceeds forty five feet and does not exceed fifty feet, the width of such flat shall not exceed twelve feet; Buildings whereof such side line or depth exceeds fifty feet, the width of such flat shall not exceed fifteen feet."

At E. in Section V. expunge the Section, and alter the numbers of the subsequent Sections accordingly.

At F. in Section VIII. expunge the words "the inhabitants of the said City," and insert the words "upon that part of the said City which lies on the Eastern side of the Harbour."

At G. in Section X. insert the words "and the lots of ground adjoining thereto."

At H. in Section XI. insert the word "deemed."

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

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

The said Bill, as amended, was read the third time and passed.

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

Pursuant to the Order of the Day, the Bill to authorize the use of part of the Building erected for a Market House in the City of Saint John, for other purposes than as a Market, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to authorize the widening and enlarging of certain Streets in the City of Saint John, and laying out other Streets therein, and the report of the Select Committee thereon.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received.

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

At A. in the Preamble, expunge the remainder of the Preamble, and insert as follows : “ To widen and enlarge the following Streets in the said District, that is to say, Dock Street and Nelson Street, and also to open and lay out a new Street in the said District, in continuation of Smyth Street, Southwardly, until it meets the North Market Wharf.”

At B. in Section I. insert the words “ and also to reappoint and supply as it may be necessary or expedient.”

At C. expunge the Sections II. and III. and insert as follows :—

“ II. And be it enacted, That it shall be the duty of such Commissioners forthwith to enter on the duties of their appointments, and cause a Survey and Plan of the said District to be made and prepared, and to fix and decide upon the best mode and method of widening, extending, altering, straightening and enlarging Dock Street and Nelson Street aforesaid, and also of laying out and opening the said new Street, in continuation of Smyth Street, southwardly, until it meets the North Market Wharf; and for that purpose the said Commissioners shall have full power and authority to enter in and upon the lands and tenements in the said District, and to determine and decide where, and in what manner, such Streets respectively, are to be widened, extended, altered, straightened, enlarged, opened and laid out.

“ III. And be it enacted, That the said Commissioners, so soon as they shall have caused such Survey and Plan to be made, and shall have decided where and in what manner such Streets respectively, are to be widened, extended, altered, straightened, enlarged, opened and laid out, shall proceed to make a just and equitable estimate and assessment of the value of the lands, tenements and hereditaments required for widening, extending, altering, straightening, enlarging, opening and laying out such Streets respectively, and shall assess and apportion three fourth parts of the amount of such estimated value on all the parties interested in any lands, tenements and hereditaments within the said district, including the parties interested in such lands, tenements, and hereditaments required for the purposes of such Streets respectively, according to their best discretion, in proportion to the benefit accruing to such parties respectively from the improvement of the said Streets, and shall thereupon file the said Plan with the common Clerk of the said City, as and for a Record of their doings in that respect, and shall forthwith report their proceedings and all matters and things connected with their duties as such Commissioners to the Common Council of the said City; And in the said report, the Commissioners who shall make the same, shall set forth the names of the respective owners, lessees, parties and persons entitled unto or interested in such lands, tenements, hereditaments and premises mentioned in the said report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land and other tenements, hereditaments and premises that may be required for the purpose of widening, extending, altering,

altering, straightening, enlarging or laying out such Streets respectively, and also of the said respective lots or parcels of land and other tenements, hereditaments and premises within the said District so assessed by the said Commissioners for the said benefit as aforesaid, and also the several and respective sums estimated and assessed as and for the compensation and recompense or the allowance to be made for the value of the land and other tenements, hereditaments and premises so taken for the purposes aforesaid, as also the sums assessed upon the same for the benefit and advantage of the respective owners of the fee or inheritance of such lands, tenements, hereditaments and premises respectively, or for the compensation or damage, and for the assessment for the benefit of the respective owners of the leasehold estate or other interest therein, separately; but in all and each and every case and cases where the owners and parties interested, or their respective estates and interests are unknown or not fully known to the said Commissioners, it shall be sufficient for them to estimate and assess and to set forth in their said report, in general terms, the respective sums to be allowed and paid to or by the owners or proprietors generally of such lands, tenements, hereditaments and premises, and parties interested therein, for the compensation and damage, and for the assessment for the benefit and advantage, to such owners, proprietors and parties interested, in respect of the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments and premises respectively, by and in consequence of the widening, enlarging, extending, altering, straightening, opening and laying out such Streets respectively, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or of any or either of them; And upon the coming in and filing of such report, the same shall be final and conclusive, as well upon the Mayor, Aldermen and Commonalty of the City of Saint John, as upon the owners, lessees, parties or persons interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in the said report; And the said Mayor, Aldermen and Commonalty shall become possessed of all the said lands, tenements, hereditaments and premises in the said report mentioned, that shall or may be so required for the purpose of widening, extending, altering, straightening, enlarging, opening and laying out such Streets, the same to be appropriated, converted and used to and for such said purposes accordingly, and for none other whatsoever; And thereupon the said Mayor, Aldermen and Commonalty, or any person or persons acting under their authority, may immediately or at any time or times thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose, and may at any time thereafter take down and remove all buildings or parts of buildings, erections or improvements of any description whatsoever on the said lands, tenements, hereditaments and premises: Provided, that it shall not be lawful for the said Commissioners to allow any sum or compensation whatsoever for any building or buildings which may, after the passing of this Act, be built, placed or erected in part or in the whole, on such part or parts of the said lands, tenements, hereditaments and premises that may be required for the widening, extending, altering, straightening, enlarging and laying out such Streets respectively."

At D. in Section V. insert the words "deducting in each case any sum or sums that such parties respectively, may, in the said report and assessment of the Commissioners, be declared liable to pay, by reason of the benefit to them respectively accruing from the improvement of such Streets."

At

At E. expunge the words "in any proper form of action," and insert the words "in an action of debt or assumpsit."

At F. in Section VI. expunge the Section and insert as follows :—

"VI. And be it enacted, That the respective sums or assessments so to be assessed and reported by the said Commissioners, as and for the allowance to be made by the parties and persons, respectively, in the said Report mentioned, as owners and proprietors of or parties interested in lands and premises deemed to be benefitted by the widening, extending, altering, straightening, enlarging, opening and laying out of the said respective Streets mentioned in the said Report, shall be borne, reimbursed and paid to the said Mayor, Aldermen and Commonalty by the said parties and persons respectively ; and the remainder of all the monies which the said Mayor, Aldermen and Commonalty shall pay, disburse and expend, or become liable or bound to pay, disburse or expend, in discharge, or on account of the sums or estimates of compensation and recompense that may be reported by the Commissioners in favor of the respective persons and parties deemed to be entitled thereto ; and also all expenses, disbursements and charges which may arise or be incurred under the provisions of this Act, shall and may be assessed upon that part of the said City of Saint John which lies on the Eastern side of the Harbour, excluding from this assessment the lands, tenements and hereditaments within the District hereinbefore described, which may have been already assessed in the Report of the said Commissioners ; and the said Mayor, Aldermen and Commonalty, in Common Council convened, are hereby authorized and required to order and direct the said residue and remainder of the said monies, and the expenses hereinbefore mentioned, together with the charges of assessing, levying and collecting the same, to be assessed, levied, collected and paid in such proportions and in the same manner as any rates for public charges are or may be assessed, levied, collected and paid under and by virtue of any Act or Acts of Assembly made or to be made for assessing, levying and collecting rates for public charges."

At G. in Section VII. expunge the words "the respective sums or assessments so to be assessed and reported by the said Commissioners, as and for the allowance to be made by the parties and persons respectively, in the said report mentioned or referred to, and intended as owners or proprietors of, or parties interested in, lands and premises deemed to be benefitted by the widening, extending, altering, straightening, enlarging and laying out such Streets mentioned in the said report," and insert as follows : "the several and respective sums or assessments hereinbefore directed to be reimbursed to the said Mayor, Aldermen and Commonalty."

At H. expunge the words "as the case may be."

At I. expunge the words "as the case may be."

At K. insert a new Section as follows :—

"IX. And be it enacted, That if the owner or owners, lessees, parties and persons interested in the Water Lots lying to the westward of Nelson and Smyth Streets, between the south line of Union Street and the north line of Lots, leased by the Corporation, fronting on the North Market Wharf, shall be permitted by the Mayor, Aldermen and Commonalty of the City of Saint John to extend their Wharves and erections into the Harbour, then and in such case the said Commissioners shall be at

liberty

liberty to take such extension into consideration in their assessment for loss and damages arising from the opening and extending of Smyth Street to the North Market Wharf as aforesaid."

At L. expunge "IX." and insert "X."

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

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

The said Bill, as amended, was read a third time and passed.

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

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

The Honorable the President read the same.

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

#### NEW BRUNSWICK.

*Message to the Legislative Council,*

*18th September, 1839.*

J. HARVEY, Lt GOVERNOR.

The Lieutenant Governor lays before the Legislative Council a copy of a Despatch received from the Most Noble the Marquis of Normanby, dated 27th July, 1839, acknowledging the receipt of the Reports from the Gentlemen charged with the superintendence of the Aboriginal Inhabitants of New Brunswick.

J. H.

*Downing Street, 27th July, 1839.*

SIR—I have the honor to acknowledge the receipt of your Despatch of the 14th May, No. 38, enclosing Reports from the Gentlemen charged with the superintendence of the Aboriginal Inhabitants of New Brunswick, in answer to the inquiries contained in my predecessor's Despatch of the 22d August, 1838.

I have read these Reports and your Despatch with considerable interest. It gives me great satisfaction to know that the Legislature of New Brunswick are anxious to adopt any measures calculated to promote the welfare of these hapless people; and that, with that view, they have, during the last Session, granted a Salary for the Missionary recently appointed to instruct the principal Tribe. I am also gratified to learn that the improved morality and temperance introduced of late years amongst these people, has led to an increase of their numbers.

Your local knowledge, and that of the Legislature, will enable you to judge so much more correctly than myself, of the measures most conducive to the well being of the Indians, that I do not venture to give you any instructions on the subject. But I wish to commend these people to your careful superintendence, and I would beg you to consider attentively the suggestions of the Commissioners, that the Indian Reserves, or a part of them, should be sold for their benefit. A similar measure has been adopted with advantage in other Colonies; and recommended as it is by the unanimous opinion of the Commissioners, it would, I think, be productive of benefit in New Brunswick.

In regard to their settlement on the Land, and the introduction among them of the arts and habits of civilized life, no immediate or rapid progress can probably be expected. But it is an object which should be constantly kept in view, as the only means of permanently improving their condition,

and



and rescuing them from the sufferings to which a vagrant and precarious mode of life necessarily subjects them. That there is no inherent inaptitude in the Indian for the cultivation of the soil, has been proved by the settlement of some of the Lower Canada Tribes; and I do not therefore despair of the introduction of a similar system into New Brunswick. I should wish you to bring the subject under the consideration of your Executive Council, and to consult also any other persons whose knowledge of the Indian character may entitle their opinions to weight, and if the result should convince you that any measure could be successfully adopted, you would have the goodness to report it to me, in order that I might consider whether it should be recommended to the Provincial Legislature.

I have, &c.

(Signed)

NORMANBY.

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

Messages were brought from the Assembly, by Mr. Woodward, that the Assembly had agreed to the amendments made by this House to the Bill to authorize the use of part of the Building erected for a Market House in the City of Saint John, for other purposes than as a Market: the Bill to authorize the widening and enlarging of certain Streets in the City of Saint John, and laying out other Streets therein; and the Bill for the more effectual prevention of Fires in the City of Saint John.

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

FRIDAY, 20th September, 1839.

PRESENT.

THE HON.

*Mr. Chief Justice Chipman, President.*

*Mr. Black.*

*Mr. Shore.*

*Mr. Baillie.*

*Mr. Robinson.*

*Mr. Botsford.*

*Mr. Lee.*

*Mr. Robertson.*

*Mr. Kinnear.*

PRAYERS.

The Honorable the President acquainted the House, that by a Mandamus under the Royal Sign Manual, dated the thirteenth day of December, one thousand eight hundred and thirty eight, Thomas Wyer, Esquire, was appointed a Member of this House, and desired to be admitted.

ORDERED, That the Honorable Messrs. Lee and Robertson be a Committee to attend Mr. Wyer, and see him qualified.

The Honorable Mr. Lee, from the said Committee, reported that they had, according to order, attended the Honorable Mr. Wyer, who took the usual oaths in the presence of His Excellency the Lieutenant Governor.

The Honorable Mr. Wyer was then introduced between the Honorable Messrs. Lee and Robertson, and took his seat.

The House was adjourned during pleasure.

After some time the House resumed.

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

The House of Assembly attended accordingly.

His

His Excellency gave his assent to the following Bills, intituled :—

An Act for the more effectual prevention of Fires in the City of Saint John:

An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein :

An Act to authorize the issue of Treasury Debentures, to raise money for the purpose of being loaned for the re-building a part of the District of the City of Saint John, burnt in the month of August in this present year :

An Act to authorize the use of part of the building erected for a Market House in the City of Saint John, for other purposes than as a Market : and

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

His Excellency was pleased to deliver the following Speech :—

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

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

“ The expectations which I had entertained in calling you together have not been disappointed.

“ The measures which you have presented for my approval, and which have become Law, are calculated to satisfy the wishes of the Country, and I am sanguine in the hope and the belief that this short Session will be hereafter looked back to, by the People of this Province, as most deeply connected with the best interests of its Commercial Capital, and consequently with those of the Province at large.

“ In now closing the Session, it only remains for me to assure you, that no delay shall take place, on the part of the Executive Government, in giving effect to the Legislative measures which have been adopted,—and I take my leave of you with the expression of my sincere desire, that the brief interval which may elapse before we again meet in Provincial Parliament, may be marked by a continuance of the tranquil and prosperous state of public affairs which now happily prevails throughout the Province.”

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

WM. TYNG PETERS, CLERK.

# I N D E X .

3<sup>d</sup> Victoria, Third Session of the Twelfth General Assembly, A. D. 1839.

ASSEMBLY, House of,  
Bills from the, (*See Bills.*)

PAGE

## B

BILLS from the House of Assembly.

- Civil List Restraining Bill, revival of, entitled*, A Bill to revive and continue an Act to restrain the provisions of the Fifth Section of an Act, intituled "An Act for the support of the Civil Government of the Province," and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases.—Brought up, 552; read first time, 552; twenty third rule dispensed with, read second time, 552; committed, 557; amended, reported, adopted, 558; read third time as amended, and passed, 559; sent down for concurrence, 559; acceded to, 560; assent given, 569
- Saint John Street Widening Bill, entitled*, A Bill to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein.—Brought up, 555; read first time 555; twenty third rule dispensed with, read second time, 555; referred to Select Committee, 555; Members composing the same, 555; report presented, read, 557; the report, 557; twenty third rule dispensed with, committed, and leave asked to sit again, 557; further committed, and leave asked to sit again, 560; further committed, 563; amended, reported, adopted, 564; read third time and passed, 567; sent down for concurrence, 567; acceded to, 568; assent given, 569
- Saint John prevention of Fires Bill, entitled*, A Bill for the more effectual prevention of Fires in the City of Saint John.—Brought up, 555; read first time, 555; twenty third rule dispensed with, read second time, 555; referred to Select Committee, 555; Members composing the same, 555; report presented, read, 559; the report, 559; twenty third rule dispensed with, committed, bill and report committed, and leave asked to sit again, 559; further committed, 561; amended, reported, adopted, 562; question on amendment taken in Committee, 562; read third time as amended, and passed, 563; sent down for concurrence, 563; acceded to, 563; assent given, 569
- Treasury Notes Debenture Bill, entitled*, A Bill to authorize the issue of Treasury Debentures, to raise money for the purpose of being loaned for the re-building a part of the District of the City of Saint John, burnt in the month of August in this present year.—Brought up, 558; read first time, 559; twenty third rule dispensed with, read second time, 559; committed, reported, adopted, 560; read a third time and passed, 560; Assembly acquainted, 560; assent given, 569
- Saint John Market House Bill, entitled*, A Bill to authorize the use of part of the Building erected for a Market House in the City of Saint John for other purposes than as a Market.—Brought up, 558; read first time, 559; twenty third rule dispensed with, read second time 559; committed, amended, reported, adopted, 561; read a third time as amended, and passed, 560; sent down for concurrence, 563; acceded to, 568; assent given, 569

C

D

E

F

## G

GOVERNOR, the Lieutenant,	
Comes to the House and commands the attendance of the Assembly,	587
The Honorable the President acquaints the House that he is in possession of a copy of His Excellency's Speech, the same read, 548; Committee appointed to draft an Address in answer thereto, 549; Members composing the same, 549; Draft reported, 549; presented, read first and second times, committed, reported, read, adopted, 549; Committee appointed to ascertain when it would be received, 550; Members composing the same, 550; their report, 550; Address presented at the Government House, 551; His Excellency's reply,	551
Commands the attendance of the Assembly,	568
Bills assented to by the,	569
His Speech at the Prorogation,	569
Replies from the, ( <i>See Replies.</i> )	
Messages from the, ( <i>See Messages.</i> )	

## H

## I

## J

JOURNALS,	
Ordered to be printed daily,	549

## K

## L

## M

MESSAGES, from the Lieutenant Governor,	
Transmitting copies of certain Dispatches and Documents from the Marquis of Normanby, On the subject of the cordiality subsisting between the Branches of the Legislature in New Brunswick,	
"    The Boundary Question,	
"    The encroachments of American Fishermen,	552
Transmitting a copy of a Letter from the Right Honorable the Secretary of State, with Orders in Council, confirming Acts of the General Assembly,	555
Transmitting a copy of Dispatch from the Marquis of Normanby, acknowledging receipt of Reports from persons charged with the superintendance of the Indians of New Brunswick,	567

## N

## O

## P

PETITIONS,	
From Crane and McGrath, of the City of Saint John, praying a return of duties on goods destroyed by fire on the night of the seventeenth of August last,	551
From Charles McLauchlan, of the same place, Merchant; with a similar prayer;	551
From Henry Gilbert, of the City of Saint John, praying a Bill may pass granting to him the privilege of carrying water into the City, and authorizing him to lay down pipes, leaders and conduits through the said City, and Parish of Portland,	551
From Thomas Parks, praying a return of duties upon goods destroyed by fire at Saint John on the seventeenth of August,	554
From Daniel and Francis Leavitt, and John V. Thurgar, with similar prayers,	554
From R. F. Hazen, and others, praying parties may be restrained from erecting wooden buildings within certain limits of the City of Saint John,	554
Also praying a bill may pass for widening certain Streets, and making other improvements in a certain District of the City of Saint John,	554

PETITIONS—*Continued.*

	PAGE.
From Robert F. Hazen, Charles Ward, John Humbert, and others, praying a loan of money to assist in erecting brick and stone Buildings in a certain part of the said City,	554
X From Robert F. Hazen, Charles Ward, William Wright, and others, praying a Bill may pass for facilitating a supply of Water for the City of Saint John,	544
From Robert F. Hazen, Charles Ward, Henry Porter, and others, praying that measures may be taken to establish a more effectual Police establishment in Saint John,	554
From the Honorable John Robertson, and John Robertson, praying a return of duties paid on goods destroyed by fire,	555
From the President, Directors, and Company of the Central Bank, praying further time to pay up their loan from the Province,	558
From James T. Hanford, and others, praying a return of duties paid on goods destroyed by the late fire,	558
From William H. Street, and others, inhabitants of Saint John, praying that Smyth Street may be opened, and continued to the North Market Wharf,	558
From William O. Smith, and others, of the City of Saint John, praying a return of duties paid on goods destroyed by the late fire,	559
From the Mayor, Aldermen, and Commoualty of Saint John, praying restrictions may be made in the erection of wooden Buildings within a part of the City,	559

Q

R

REPLIES of the Lieutenant Governor, To the Address of the House in answer to His Excellency's Speech at the opening of the Session,	551
--	-----

S

T

U

V

W

WYER, THOMAS, Introduced as a Member,	568
--	-----

X

Y

Z