

Legislative Council Chamber.

The Bill to prevent illicit trade was committed for further consideration; and, after a brief discussion, similar to that of yesterday, in which, Hon. Messrs. Hatch and Wyer made a few observations in support of the arguments urged by them yesterday; and were replied to by his Honor the President, Hon. Messrs. Chandler and Johnston, in support of the Bill; the Bill was agreed to without further opposition.

The House then went into Committee in consideration of the Bill, to authorize the Justices of the Peace for the City and County of Saint John, to assess the County for the contingent expenses thereof.

It appeared, that this Bill contained the same objectionable and unconstitutional provision, requiring the previous sanction of the Grand Jury to the assessment, which formed the principle of the general Bill relating to County assessments, which was discussed and rejected in this House on Thursday last, the debate on which we have already fully reported.

This obnoxious principle elicited very general reprobation, and no support; the same argument against it, as were urged against the general Bill, being advanced by the Hon. Messrs. Attorney General, Kinnear, Saunders, Hatch, Botsford, Chandler and Wyer.

His Honor the PRESIDENT said a few words, but from the unfortunate distance of our seat from that of his Honour, and the lowness of his Honor's tone of voice, it was impossible for us to ascertain the tenor of his remarks.

Hon. Mr. JOHNSTON merely expressed his approbation of the general Bill, and also of this; but evidently considered it useless to say more in its support.

The Bill was then *postponed for three months* without division.

The House went into Committee on the Bill relating to Town and Parish Officers in the City and County of Saint John.—Hon. Mr. Botsford in the Chair.

The Bill being read, its object appeared to be to compel all persons holding offices of trust in the City and County of Saint John, and having the receipt and custody of public monies, to give sufficient Bonds by themselves and sureties, to Her Majesty the Queen, for the faithful performance of their duties, and due accountability for all public

their duties and due accountability to the public monies, coming into their hands; to enable the County Sessions, in the name of the County, to take cognizance in the name of the County of such bonds, in case of default; to authorize the Justices in Session, at any general Session of the Peace, or at any special Sessions to be appointed at such general Sessions, or to be called by the requisition of any two Justices, to issue an order to call upon any such public officer to render him accounts to the Sessions, and to pay over any monies due from him to the County; and in default thereof, to arrest such defaulter, and commit him to the common goal of the County, till he has rendered such accounts or otherwise satisfactorily discharged his duty.

Hon. Mr. SAUNDERS said, that the power to be given to the Justices in Session by this bill, appeared to him to be very novel in its nature, and to be carrying out a spirit of control with a very high hand. He said that he would not like to see the Justices with powers of such a kind; for in any case, there were always certain elements of party feeling, and individuals who had particular prejudices and passions. He was not aware that there was any precedent for such a mode of proceeding. He said that he had not been aware of any such measures having been found necessary in the Mother Country, or in any other Colony than this. This Bill would empower the Magistrates to send a party to gaol, there to remain without bail or mainprize, till the Justice of the Peace should order otherwise. He said that S. would like to see, in the first instance, some privilege of appeal to a Judge of the Supreme Court given to the party, against such an arbitrary proceeding. He admitted, that a great deal of inconvenience, and sometimes, perhaps, loss, might arise, from the misbehaviour of public officers; but he must not forget, that the public officers were bound for the faithful performance of their duty, and the prosecution of those bonds was extremely facile, by us ordinary process of the law. Under all the circumstances, he felt quite disinclined to invest a Court of Justice with formidable powers, and he thought that the Bill would enable the five the Justices might consider themselves satisfied; there was no appeal, no remedy for the party, of any kind; and he (Hon. Mr. S.) thought that in the whole statute book no such enactment could be found. But if this really was a desirable mode of proceeding, he thought that the Bill should be sent to the County of St. John; the public officers appointed there were subject to the same mode of proceeding as those in all other parts of the Province; they had to perform the same duties, were liable to the same difficulties and responsibilities; and therefore, he thought, it would not be a more local enactment, than that granted to the County of St. John.

Mr. Hon. B. KIRKPATRICK, said, he appeared that the Hon. Member who had just spoken was not aware of all that had taken place in St. John, which rendered this Bill necessary for that City and County. A Bill of a similar kind, arising out of the same cause, had been introduced in the House formerly brought before the Legislature; the Magistrates for the City and County of St. John absolutely required such a provision, for the protection of the public interests of the County; but when the Bill was introduced, it was stated that it would, that a local Bill of such kind would not do, but there would be no objection to such a Bill for the whole Province. Last Session, therefore, a Bill of that kind for the whole Province was introduced, and passed. The Hon. Member, who was now turned round and asked, why did they want it for the whole Province, when it was only necessary for a local purpose; and threw that Bill out; and in consequence of that proceeding last winter, the Hon. Member, who was now speaking, introduced the Bill for the City and County of St. John only, which was the original intention. These were the facts which had hitherto attended the passage of this Bill; and it was now for this House to consider its purport. The powers given by this Bill to the Justices in the County, were only strongly recommended to be given. There was already an Act for the whole Province on our Statute Book, which was passed in the Session of 1836-7, relating to only one of the public officers, to wit, the Collectors of Taxes; and that Act, called the Tax Collectors' Act, was in precisely the same footing, and subject, to precisely the same controlling power and punishment or reprimand, as this Bill proposed for other public officers in Counties. By a subsequent Act, called the Tax Collectors' Act, 101, it was provided that Taxes may be called upon to give bonds, in not less than £200, with sufficient sureties, for the due performance of their duty; such bonds to be taken in the name of Her Majesty, her heirs and successors, and the Justices of the Peace, or other public officers; so that now all that was asked by this Bill, was, to put other public officers in the City and

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bound themselves obliged to take the most stringent measures in their power, to compel that individual to do his duty. They then made a positive order, that he should have their accounts immediately examined; and that if he refused to appear before the Grand Jury for inspection : still, however, they could not get them; and at last, the only answer the Justices could get to all their applications and endeavors was, that he had no house at that time, and therefore he could not give in his accounts to the Sessions. And was this a sufficient excuse, when the sick relation was neither brother, father, mother, wife nor son?—The Justices were ordered to wait three months to prepare those accounts? The Sessions, therefore, very properly ordered an indictment against that person to be prepared; having thus waited till the third month expired, and yet not appearing, they were obliged to indict him for not bringing in his accounts. After a further lapse of time, that indictment was tried, the party was found guilty, and his fine £100; but still he did not bring in his accounts; and so it continued till the fourth year, and they, notwithstanding all this contumacy of the individual in question, notwithstanding all the forbearance and all the exertions of the Bench of Magistrates, those Magistrates were compelled to apply to the Court for an indictment against this individual, who had acted in this unjustifiable manner, and had set them and the law at defiance even up to this day! But whatever might be said by any person or in any place, as to the prejudice which would be done to the tradesmen, or whatever charges might be made, as to any then having indulged in vindictive feelings or spirit of persecution against that individual, he (Hon. Mr. Kinneer) would say, that nothing was more common than to find persons in the condition and that the Magistrates of the City and County of Saint John were as clear and blameless of that charge, as they were in any of the most innocent and upright acts of their lives; and that, if they were to be indicted, they could do, to induce this person to render his accounts; they had done it in the most proper, the most considerate and most forbearing manner; and it was only when they found that after all their efforts, and that they were unable to obtain them, that they could not compel that person to do what in conscience and in equity he was bound to do, that they proposed to ask the Legislature for an *ex post facto* law, to enable them to effectually enforce the law, and that if they thought that such a law would not be granted; they were afterwards advised to apply to the Legislature for a law, such as this Bill before the Committee; and how that application failed, we have already seen. He (Hon. Mr. Kinneer) had already detailed the Magistrates of St. John, however, were still without any power to bring that contumacious individual to trial; and he stated, that a second indictment would lie against him, to recover monies that could be proved to have come into his hands, and never to have been accounted for; and whether successful or unsuccessful, it would be a great satisfaction brought; and surely the Sessions ought to have the power, in some way or other, to compel this person to do his duty. Yet strange as it might seem, there was no less strange than true, that by a most extraordinary circumstance, which he would hardly do this individual had been thrown on the bench of Magistrates; all the burthen and all the blame had been cast on them; and they were told that they must be in fault, to have suffered this man to go on in this manner; and that they were perfectly "without fault;" and they found themselves, without remedy. They ad asked the Legislature to relieve them, to give them the power to redeem all these difficulties, and to remedy the deficiencies of the law; they were told "no, we can't do that," and they were left without any redress or applications. The honorable member who opposed this Bill (Hon. Mr. Saunders) would see, then, that there were difficulties, in the County of Saint John, least, which required remedy and relief from the Legislature; and that if the Bill, it would have no retrospective effect, it would affect only future cases, in the same manner as other powers granted by law; and this individual, whose case had now been detailed, still stood beyond the reach of the law, and he would leave it to be done. The Magistrates for St. John now merely asked, that for the future all public officers in the County whomsoever, having to do with funds of the County, should be made amenable to the law, and that if they were not, they should be liable to a defective feeling or prejudice against any public officer or person whomsoever. His (Hon. Mr. K's) object simply and solely was, that that officer or any other public County officer should henceforth be made amenable to the law, and that the County; a Magistracy not appointed by the County, but by the Executive of the Province; and in whom, if public confidence could not be placed.

Hon. Mr. Knowles where could be placed.

Hon. Mr. Kinneer was fully desirous, that whenever an offence was committed, and adopted to exist, a remedy should be devised and adopted; but at the same time, care should be taken, that the remedy was not more stringent or powerful than that required; lest the evil of the law itself should be ready to beget another disease. He (Hon. Mr. S.) was certainly not at present aware of any precedent, in England, of such a law as this; in that country, large amounts of money are constantly received and accounted for, by the County Treasurers, and by the Poor and other County officers; but they had hitherto been enabled to carry on and work their system there, without any such stringent power as this Bill proposed. It would be well sometimes to pass a good law, before it ever rushing into operation, and to amend it. The second section of this Bill gave very extensive and alarming powers to Magistrates; and in the case of an Overseer of the Poor, it must be remembered, that he was a person of enormous and laborious office. Nor see what might be the result under this Bill, with regard to such an officer. When the Magistrates of a county were numerous, they might scarcely be of one mind and feeling; parties might be formed, and each party might prevail over all among them, as in other places, and among other bodies of men. Then, the Overseer of the Poor might be called upon, not merely at a general meeting of the Peace, (for he [Hon. Mr. S.] would think that it would be better to have a special session of the Peace, for the purpose of passing this Bill), but he might be called upon by the requisition of a few Magistrates; at such special sessions, so-called, the Overseer might be told, perhaps, without rhyme or reason, that his accounts were quite wrong, and that he was a bad man, and that he was a misfeasor, and here the monies, ready to be

not over; he might again be told, that they were not so, and then what would take place? Those men who had called him there might issue an order, (an order from which there was no appeal,) to incarcerate him, and he would be obliged to submit. The Overseers had satisfied those Magistrates; not merely till he had rendered a satisfactory and just account. He (Hon. Mr. S.) had no objection to giving Magistrates this power, but the satisfaction he would give them was capable of being a Supreme Court. If such an appeal were including in the Bill, then he (Hon. Mr. S.) would be satisfied; but otherwise it would be a very bad case indeed, and he was sure that the Legislature would not, the onerous, laborious and unthankful office of Overseer of the Poor, under such a law. So again as to the County Treasurer; if that officer gave bonds for the faithful performance of his duty, the County Officers would be enabled to give the bonds, and thus the remedy for the evil would be easy; but there would be no necessity even for that, because they might always demand good and sufficient sureties from the County Treasurer. But in the case of corrupt and dishonest officers, it should be given him to shew that he was not a defaulter, before taking such stringent proceedings against him. Such a mode of acting as this Bill (proposed) appeared to him (Hon. Mr. S.) to be better than the mode of acting which he had seen sufficient precedent; but if any such serious evils did exist, as had been detailed, he would be happy to concur in any proper and constitutional remedy; he was not in so very stringent and violent a manner as he had been told, that he would not make it. It was of course in the power of the Executive to select impartial, able, upright men as Magistrates; but still they were all but men, and were always liable to strong feelings and prejudices, as

Hon. Mr. ATTORNEY GENERAL had not seen this Bill till now; but his attention had been called to it, by the observations he had now heard made upon it. He (Hon. Mr. A. G.) was not in the habit of Mr. Saunders considered it as "Bill of an entirely novel nature," and had observed that he had never met with anything of the kind in England. But he (Hon. Mr. Attorney General) thought that Hon. Mr. A. G. was not in the habit of visiting England, some such coercive power with regard to County officers. He (Hon. Attorney General) rather thought, that Magistrates in England were expressly authorised by Act of Parliament, to compel such officers to account, and if this were so, there could be no impropriety in the same power being given to the County Sessions in this Province. It would therefore, perhaps, be better now to report the Bill, and to leave it to the Legislature to see if such further information might be obtained, as could enable the House to go on with the Bill.

Hon. Mr. SAUNDERS explained that he was not positively aware, whether or not there was any such power in England; but he was not aware of any suggestion by the Hon. Attorney General; but in his (Hon. Mr. S.'s) experience, he had not met with any such proceedings. He had, however, not examined the recent English Statute Books with regard to County Officers, and he was not aware of any such power being bound to exist in the Mother Country, he would still be inclined to give parties an appeal to the Supreme Court, as he had before stated.

Hon. Mr. ATTORNEY GENERAL did not see any necessity for any such power, and he was not in favor of this kind; because any person who-ever, unjustly committed or detained in custody, could always obtain relief, by applying to a Judge of the Supreme Court for a writ of *Habeas Corpus*, unless the County Officers were sometimes empowered to detain them for a longer time, and then they would be liable to punishment till the errors were remedied. He (Hon. Mr. A. G.) had never seen any improper conduct in Magistrates towards such persons, and he desired to see no such power given under their control. They merely called upon such persons to account, as they were bound to do; if they refused to do so, or if their accounts proved incorrect, they they ought to be required to make them correct, and if they refused to do so, they ought to be punished till they did it. It was so necessary that there should be some such stringent and salutary law as this; the county of York, they could be no difficulty in the County of York for the want of such a law; and the necessity of such an enactment was self-evident. If the County Officers were always honest and faithful, they need never be afraid of the law; for the law was not made to punish honest and faithful men, but to punish the dishonest; and if men would act improperly they should be brought up and punished accordingly.

Hon. Mr. KINNEAR explained, that this bill had been introduced, and that it was intended to prevent past conduct or defaults; but its object merely was to prevent or punish such evils for the future; and after a few other explanatory observations, by the Hon. and learned Member, the Committee agreed to *Report progress*.

HOUSE OF ASSEMBLY.

Friday, February 13, 1846.

(Continued last week.)

The House went into Committee of the whole, on "A Bill to provide for the safe keeping of the Records of the City and County of Saint John," to enable the Magistrates for the County of Saint John, to erect a building for the safe keeping of the Records of the City and County of Saint John, and for the purpose of erecting a Building for the better security of the County Records. Mr. McLeod in the Chair.

Hon. Mr. SIMONS explained that the object of the Bill was to provide for the safe keeping of the County Records, which were documents of vast importance to the inhabitants of the City and County. The present building was entirely useless, and it was the great wish of the Session that a suitable building should be erected for the purpose. The Bill had been drafted by his honor the Recorder, and the sum which he was instructed to fill up the blank with was £1500. This sum was to be paid by the County, and was not only for the Building, but for the land in a convenient part of the City, which had been agreed for by the Magistrates, for this purpose.

Hon. Mr. HAZEN said, that he was well aware of the importance of the County Records, and of the secure place for the purpose of keeping them.

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Friday, February 13, 1846

(Omitted last week.)

RECORD OFFICE.

The House went into Committee of the whole, on "A Bill to provide for the safe keeping of the Records of the City and County of Saint John," to enable the Magistrates for the County of Saint John to levy an assessment on the inhabitants, for the purpose of erecting a Building for the better security of the County Records. Mr. McLeod in the Chair.

Mr. SIMONDS explained that the object of the Bill was to secure against fire or any other casualty the County Records, which were documents of vast importance to the inhabitants of the City and County. The present building was entirely too small, and it was the general wish of the Sessions that a suitable building should be erected. The Bill before the Committee had been drafted by his honor the Recorder, and the sum which he was requested to pay for the blank title was £1500. This sum was asked for in order that they might pay not only for the Building, but for the land in a convenient part of the City, which had been agreed for by the Magistrates for this purpose.

Hon. Mr. HAZEN said, that he was well aware of the necessity of having a more commodious and secure place for the purpose of keeping the County

The Head Quarters.

for refusing to render his accounts, although he desired only a few days to close them; and this arbitrary measure was taken at a time when that gentleman had a relative lying dead in his house. This he considered one of the greatest acts of oppression ever perpetrated by a public body in this Colony, for he was satisfied that Mr. Mathew would have rendered his accounts without any difficulty, had he been treated in the same manner as he was treated in the present case; but being held up to public odium by this harsh treatment he saw that there was little chance of justice being done him, and he (Mr. P.) feared this would be the case so long as the present Mayor remained in office. These remarks, applicable to the second section were still more applicable to the third, which would empower the Sessions to extend the extraordinary provisions of this extraordinary Bill to persons not now in office. This was clearly retrospective, and was, in effect, enacting an *ex post facto* law, which surely would be held by every member of the Committee as unconstitutional, and cannot be sustained in any British Legislature.

His Hon. the Speaker said, that the first section of the Bill under the consideration of the Committee might be productive of very serious inconveniences in many Parishes, by requiring Parish Officers to enter joint bonds for the faithful performance of their duty. These bonds might be well enough with regard to some public officers in Saint John, but with regard to other Counties the section would be found altogether inapplicable. With regard to the second section, there was on the Statute Book an enactment by which Magistrates might imprison a public delinquent if they pleased, but the third section could not be sustained at all. It was clearly retrospective, in as much as it contemplated the punishment of matters which had taken place prior to the passage of the Bill. This was entirely unconstitutional and could not be sustained. There was likewise another objection which ought to have some weight; it certainly made the Sessions judge, jury and executioner, and it would deprive the party accused of the relief which in ordinary cases was afforded by the Habeas Corpus Act and certainly deprived the accused of the benefit of a trial by jury. Magistrates like all other Bodies, were susceptible of influence by personal feeling, and he was unwilling to place power in the hands of any one body when they might abuse it with impunity. He thought the better way would be to refuse to grant such powers.

Mr. WILMOT said, that the principle of the bill, to provide the means of compelling public officers to render their accounts was all very well but the details of this bill went too far, and gave a power to the sessions which might be liable to the greatest abuse. The bonds required to be given for the security of the public, were taken in the name of the Queen, and were in all cases considered sufficient, without the additional security which he could give by the present bill. In the case of Banks where large sums were at stake, this security had always been deemed sufficient, when thousands of pounds were involved, and he thought it would be bad indeed if any public officer was first required to give bonds in the name of the Queen, tying up the lands of himself and his surties, and afterwards subject him to the other provisions of the bill then under consideration. These powers were too great to be delegated to a body who might, during some popular excitement use them wrongfully. He would support the principle involved in the first part of the bill, but should feel himself bound to oppose the latter sections.

Mr. EXP said, that he could not help pronouncing the Bill in some of its sections unconstitutional. And he would now ask what would have been its effects with regard to the Hon. Member from Saint John, (Mr. Partlow), had such an Act been in operation some time ago? From all he had seen and all he had heard that Hon. Member instead of being able to justify himself before the public, might at this moment have been in prison under the operation of a law such as that contemplated by the present bill. He could only say that it might suit the latitude of Algiers, but it certainly was not calculated for that of New Brunswick. It gave all the power of Judge, Jury and Executioner to one party, and this was a state of things which would not suit the Freeman of this Colony. He was quite willing to compel public officers to give bonds to as large amount as circumstances required, and he was likewise willing to make them pay over public moneys, which they had received as often and at any time they were asked for by the proper authorities, but he would never give his vote to empower any body of men to incarcerate an individual for no more motion, thus depriving him of what every British subject is entitled to the means of defence. It appeared to him (Mr. E.) that the present bill, was a sort of after thought, brought in after having considered the case of the Hon. Member from Saint John, (Mr. Partlow), in which they had so signally failed. It was rather suspicious that this Bill should be brought in at just this time, it appeared to have been got up on a conviction on the part of those who had perpetrated that Hon. Member, that with such a law he would have been unable to escape them, as it would at once have shut him out from any means of establishing his innocence.

Mr. BROWN was rather surprised to hear this Bill characterized as oppressive and unconstitutional, and thought the Committee must be ignorant of the subject under discussion. He (Mr. B.) would refer them to the Act 56 Geo. III Chap. 22nd, the provisions of which were quite as arbitrary as those of the present Bill. (Here the Hon. Member read extracts from the Act) in these cases the punishment of imprisonment was authorized to be inflicted on delinquent Parish officers; and if the Bill before the Committee was unconstitutional, the law passed twenty years ago, was equally unconstitutional, and should be repealed. With regard to the section requiring bonds to be given for the faithful performance of duty, honorable members seemed to have forgotten that the very last year an Act had passed which required bonds of the same kind to be given. It would not do to carry the principle of compelling every petty parish officer to give bonds, many derived very little emolument from their offices, and some none at all; and if they were to require bonds to be given by Trustees of Schools, and even Pound Keepers, it would have the effect in many places of putting it out of the power of the authorities to get such officers to serve. He had hoped the Hon. and learned Member from Gloucester would have amended rather than opposed the Bill, and proposed a clause requiring parish officers to be sworn to the faithful discharge of their duty, which he thought a defect in the law, as it then stood which ought to be remedied.

Hon. Mr. SIMONDS was surprised at the course of argument adopted by the opponents of the Bill. It was the first time he had ever heard of accountability of Public Officers being considered dangerous in principle. If there were no method of compelling Public Officers to account for moneys but by taking bonds with surties, he would like to know what individual would join in a Crown Bond as surty for the proper conduct of such officers. There had been a recent case at the Cape of Good Hope, where a Public Officer entrusted with public moneys for the service of the navy, had been tried and sentenced to fourteen years transportation for embezzling the funds in his charge. It was necessary that such delinquents should be

punished. It could neither be wrong nor unconstitutional in a British Colony to protect the public against fraud, nor could it be wrong to punish those who would not render their accounts. He would not fight the Bill inch by inch, but he knew its provisions were founded on common sense. If there was anything arbitrary or oppressive in it, he was willing it should be altered, but he contended that the general principle of the Bill was correct.

Col. McLEOD said, that if the Bill was to be confined to the City and County of Saint John, it might answer a very good purpose, but he was decidedly against its provisions being extended generally throughout the country. In many parishes there would be found few willing to take office, if they were put to the inconvenience of giving bonds. In St. John it might work well enough, where there were large sums of money in the hands of Parish Officers, but it would be out of the question to think of making its provisions general throughout the Province.

Mr. PAYNE objected to the observations of the Hon. and learned Member from Gloucester. The Bill had been read at the Sessions, and was not brought in for the accomplishment of any private purpose. The Sessions had found themselves in a bad position for want of an Act, and he thought it was a great pity that the Hon. Member should have taken such a course. He (Mr. Payne) thought they had not sufficient power to secure the public property. The Sessions want the equal right of suing, and being sued, and he hoped the Committee would not object to that as unreasonable.

Mr. EXP said, that if they were to do anything with the Bill at all, it would be as well to extend its provisions to those who may hereafter be appointed as the present Bill applied only to incumbents now in office. He was now however against the Bill throughout, and would move that the further consideration of it be postponed for three months.

Mr. HANSTON objected to the personal allusions which had been made during debate, and thought the government of Algiers had little to do with that of New Brunswick. He understood that the Bill before the Committee was framed by the Hon. and learned Recorder of the City of Saint John, and he was sure that the Hon. and learned Member from Gloucester had not taken the trouble even to read it. It would not do for a general Bill, but if it were to be confined to the City and County of Saint John, he would not refuse to support it, with the exception of the section which contained the retrospective clause that must of course be struck out of the Bill, whether its operation be limited or general, and as the Sessions and the Grand Jury of Saint John appeared to want it, he would not object to its passing. He was not willing to waste more words on the matter, if the Committee were determined to throw out the Bill, let them say so if they are willing to limit its operation to Saint John, he saw no reason why they should not have it for that County.

After a few remarks from Mr. Wark and Mr. BROWN, Mr. SIMONDS expressed himself pleased that the Hon. Member from Saint John was first to be the law of the land. The Hon. Member from Charlotte (Mr. Brown) had given them authority on that head, and he hoped it would now be amended so as to allow it to pass.

Mr. PARTLOW did not object to the first section of the Bill, but again urged objections to the second and third sections.

Hon. Mr. HAZEN expressed his regret that any allusion should have been made in debate to the City of Saint John; such allusions were seldom of any benefit, and often did much harm. The Bill before the Committee was to be considered on its merits, and he was sure that the Hon. Member from Saint John, and the Hon. Member from Gloucester, would be able to support it on its merits, and not on account of the fact that it was introduced by the Hon. Member from Saint John. He would support the motion to postpone the Bill for three months, he hoped would be withdrawn, and so the first section of the Bill went, it should have his support, and he was sure that the Hon. Member from Gloucester would be able to support it on its merits, and not on account of the fact that it was introduced by the Hon. Member from Saint John.

Mr. EXP said, that if the bill was limited to the City and County of Saint John and the Member from Saint John agreed to its provisions, he did not want to say about it, he should not offer further opposition provided the amendments suggested were carried.

Mr. PARTLOW said, that if the bill was divested of its general application and made to apply to the City of Saint John, he would not object to its passing, and he would not offer further opposition provided the amendments suggested were carried.

Mr. SCULLAR said, the bill might suit Saint John, but it would never answer for Sunbury. They had no need of it, and he was sure that the Hon. Member from Saint John, and the Hon. Member from Gloucester, would be able to support it on its merits, and not on account of the fact that it was introduced by the Hon. Member from Saint John.

Mr. WILMOT presented a petition from J. W. Holderness, of Richibucto in the County of Kent, which he read. [The allegations contained in the petition elicited some remarks, which it is not necessary to report as the subject was referred to a select committee and must again come up for discussion.]

Monday, February 16.

Mr. WILMOT moved the following Resolution:—Resolved, That a humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct to be laid before this House, copies of the several applications of John W. Holderness and Leskew W. DesBrisay during the past year, for Square Mile Licences and Mill Reserves on the Richibucto River, together with copies of the several Orders in Council thereon; for a Mill Reserve on the said River; also a copy of the Surveyor General's Report referred to in the Provincial Secretary's Letter of the 17th December last to the said J. W. Holderness; also a return of all the Square Mile Licences on the Richibucto River up to the first May last.

Mr. WILMOT remarked that the Address had been referred to a select committee, and the Committee was proceeding with their investigation without the documents sought for by the Address.

Mr. SIMONDS said, that the case of Mr. Holderness had been before the Executive Government, and he would recommend the Committee to attend themselves of the evidence of Mr. Inches, of the Crown Land Department, who was intimately acquainted with every circumstance connected with the transaction, and could satisfactorily answer and explain the whole subject, and he had no doubt

would be able to afford the Committee any information which they could desire.

Mr. EXP said, he was a member of the Committee, and as such was particularly obliged to the honorable member from Saint John, for his suggestions. He would nevertheless like to see the documents asked for in the Resolution for the Address.

CONTINGENT EXPENSES OF THE COUNTY OF SAINT JOHN.

On motion of Mr. SIMONDS, the House went into a Committee of the whole, on a Bill to enable the Justices of the Peace for the County of Saint John, to make an assessment for the payment of the County Constables. Mr. SCULLAR in the Chair.

Mr. SIMONDS briefly explained, that this was a local Bill, and was intended merely to meet the Contingencies of the current year. The estimates for the year amounted to £850.

Mr. PARTLOW had no particular objection to the Bill, unless that the sum which was contemplated to raise by assessment was too great, and was swelled up by items which he thought could be dispensed with. The most objectionable items, were the salaries of the Constables, and the salaries of the Justices of the Peace, and the salaries of the Clerks.

Mr. W. H. STREET could not agree with the hon. member's objection to the additional allowance made to the Constables. The fees of office were not to be taken from the Constables, but from the ratepayers, and he thought it was a very reasonable allowance.

Mr. EXP said, that the Bill was a local Bill, and was intended merely to meet the Contingencies of the current year. The estimates for the year amounted to £850.

Mr. HANSTON objected to the personal allusions which had been made during debate, and thought the government of Algiers had little to do with that of New Brunswick. He understood that the Bill before the Committee was framed by the Hon. and learned Recorder of the City of Saint John, and he was sure that the Hon. and learned Member from Gloucester had not taken the trouble even to read it. It would not do for a general Bill, but if it were to be confined to the City and County of Saint John, he would not refuse to support it, with the exception of the section which contained the retrospective clause that must of course be struck out of the Bill, whether its operation be limited or general, and as the Sessions and the Grand Jury of Saint John appeared to want it, he would not object to its passing.

After a few remarks from Mr. Wark and Mr. BROWN, Mr. SIMONDS expressed himself pleased that the Hon. Member from Saint John was first to be the law of the land. The Hon. Member from Charlotte (Mr. Brown) had given them authority on that head, and he hoped it would now be amended so as to allow it to pass.

Mr. PARTLOW did not object to the first section of the Bill, but again urged objections to the second and third sections.

Hon. Mr. HAZEN expressed his regret that any allusion should have been made in debate to the City of Saint John; such allusions were seldom of any benefit, and often did much harm. The Bill before the Committee was to be considered on its merits, and he was sure that the Hon. Member from Saint John, and the Hon. Member from Gloucester, would be able to support it on its merits, and not on account of the fact that it was introduced by the Hon. Member from Saint John. He would support the motion to postpone the Bill for three months, he hoped would be withdrawn, and so the first section of the Bill went, it should have his support, and he was sure that the Hon. Member from Gloucester would be able to support it on its merits, and not on account of the fact that it was introduced by the Hon. Member from Saint John.

Mr. EXP said, that if the bill was limited to the City and County of Saint John and the Member from Saint John agreed to its provisions, he did not want to say about it, he should not offer further opposition provided the amendments suggested were carried.

Mr. PARTLOW said, that if the bill was divested of its general application and made to apply to the City of Saint John, he would not object to its passing, and he would not offer further opposition provided the amendments suggested were carried.

Mr. SCULLAR said, the bill might suit Saint John, but it would never answer for Sunbury. They had no need of it, and he was sure that the Hon. Member from Saint John, and the Hon. Member from Gloucester, would be able to support it on its merits, and not on account of the fact that it was introduced by the Hon. Member from Saint John.

Mr. WILMOT presented a petition from J. W. Holderness, of Richibucto in the County of Kent, which he read. [The allegations contained in the petition elicited some remarks, which it is not necessary to report as the subject was referred to a select committee and must again come up for discussion.]

Monday, February 16.

Mr. WILMOT moved the following Resolution:—Resolved, That a humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct to be laid before this House, copies of the several applications of John W. Holderness and Leskew W. DesBrisay during the past year, for Square Mile Licences and Mill Reserves on the Richibucto River, together with copies of the several Orders in Council thereon; for a Mill Reserve on the said River; also a copy of the Surveyor General's Report referred to in the Provincial Secretary's Letter of the 17th December last to the said J. W. Holderness; also a return of all the Square Mile Licences on the Richibucto River up to the first May last.

Mr. WILMOT remarked that the Address had been referred to a select committee, and the Committee was proceeding with their investigation without the documents sought for by the Address.

Mr. SIMONDS said, that the case of Mr. Holderness had been before the Executive Government, and he would recommend the Committee to attend themselves of the evidence of Mr. Inches, of the Crown Land Department, who was intimately acquainted with every circumstance connected with the transaction, and could satisfactorily answer and explain the whole subject, and he had no doubt

This almost unprecedented delay has occurred very opportunely, and will, we should imagine, attract some attention from the Representatives of the people. We understand that J. A. Street, Esq., who came passenger in the Cambria, and arrived in this City on FRIDAY LAST, made some remarks in his place in the Assembly on Saturday, respecting the Post Office arrangements for New Brunswick, which we regret we cannot give to the Public, being absent from our place in the Gallery, when the Hon. Member brought the subject before the House.

It is to be hoped, however, that this glaring absurdity in the present Mail arrangements will force itself on the attention of the Committee of the House of Assembly, on Post Office matters; the necessity of adopting some measure calculated to do away with the present disgraceful delay, which too often occurs in the transmission of the English Mail, none can deny. Every one sees the absurdity of New Brunswick losing, in a great measure, all the benefit of the splendid line of Steamers plying between England and North America, but as yet, no effectual measures have been taken to remedy the evil. The commercial community and the whole people of the Province complain, and not without reason, of the present arrangements. Can nothing be done by the Legislature, to remove their complaints?

We have no room to-day, for more English news, than will be found contained in the letter of our valuable Correspondent.

LONDON, February 3, 1846.

DEAR SIR,—The chief intelligence to which I have to direct the attention of your readers, is the opening of Parliament and the new fiscal regulations introduced by Sir Robert Peel. It is unnecessary that I should transcribe for you the ministerial speech, called by courtesy "Her Majesty's," because, unlike the American Presidential Speeches, it is usually brief and vague—as to afford little clue to the measures intended to be introduced, and moreover any of your files will furnish it.

shall pass on at once to the Premier's financial statement, which is that for which your readers will look most anxiously. It was introduced to the House on the evening of the 27th ult. I shall just touch on the chief alterations proposed, referring you to the Speech itself for more ample details. The duty on Brandy and foreign Spirits is to be reduced from 22s. 10d. to 15s. per gallon, and the growers have upon the strength of this, raised the price 2s. per gallon. In Sugar there is to be a reduction of 3s. 6d. in the differential duty, leaving the amount in favor of British Colonial Sugar, over foreign free labour Sugar, in the case of Muscovado 5s. 10d. and of finer Ceylon Sugars 2s. 2d. The duty on Tallow is to be lowered to 1s. 6d. per cwt. The Timber duties are gradually to be reduced. The Colonial interests it will thus be seen are tenderly touched, and nothing is said of opening our Colonial markets. The Tobacco duty is to be reduced.

The Import duty on cattle and on all kinds of provision and food is to be lowered, and in many instances wholly abolished. The duties on Corn are not to be immediately repealed, but at a fixed period, say at the end of six years, they are to be repealed altogether. The Premier calls upon the Trade to prove the necessity, by consenting to the relinquishing of the duties on foreign Linen, Cotton and Woollen. Maize is to come in 6d. per bushel, and the duty on Butter of 10s. per cwt. is to be lowered to 10s. per cwt. The duty on Tea is to be lowered to 10s. per cwt. The duty on Coffee is to be lowered to 10s. per cwt. The duty on Sugar is to be lowered to 10s. per cwt. The duty on Wine is to be lowered to 10s. per cwt. The duty on Brandy is to be lowered to 10s. per cwt. The duty on Foreign Spirits is to be lowered to 10s. per cwt. The duty on Tallow is to be lowered to 10s. per cwt. The duty on Timber is to be lowered to 10s. per cwt. The duty on Cotton is to be lowered to 10s. per cwt. 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The Head Quarters.

Dan McHizze, Sr.



EXTENSIVE IMPORTATIONS.

The Subscribers have received per ships Edinburgh, Glasgow, and London, from Liverpool, Glasgow, and London.

216 P DISC, comprising a general and well selected Stock of FALL and WINTER GOODS—in WOOLLENS, CARPETINGS and RUGS; FURS, COTTONS, SILKS, LINENS, Stuffs, Ribbons, Hosiery and Gloves, Laces and Fancy Articles.

ET Remainder of ships Schoedie from Liverpool, and Lady Caroline from London.

DOHERTY & McTAVISH,
Prince Wm. Street, St. John, and
Queen Street, Fredericton.

Sep. 20.

18th October, 1845.

C. & W. H. ADAMS

Have received per Ships Harmony and Queen Pa-

ware, a further supply of

HARDWARE, CUTLERY, &c.

15 C ANKS containing Locks and Hinges of all

descriptions, Counter Balances and Grocers'

Standard Scales, Plates, Coffin and Harness Stamping,

Venetian Shutter Hinges and Flaps, double and single

Screw Plates with taps and dies, Cast Hinges, Brit-

tainian Metal and Iron Tea and Table Spoons, Spring

Rat and Fox Traps, Wove Wire for windows, white and

yellow Sleigh Belts, Whip Thongs, Mahogany and Ja-

panwood Knobs, Copper Tacks and Nails, Copper

Coal Scoops, Tea Trays, Hammer, Tinned Fish Ket-

tles and Sauce Pans, Shovel and Tongs and Shovels,

Pans, Rivets, Shoe Bells, Hoel Plates and Tin Nails,

Roasting Jacks, Plated Candlesticks and Snuffers and

Carpenters' Squares, Compasses, Rules, Mails,

Hand and other Saws, Pickers, etc. and a general as-

sortment of light Brass and Iron Goods.

1 Cast Miner's Socket Shovels,

1 Cast Cart and Wagon Boxes,

2 Casts Sad Irons, 1 Cast Glue,

2 Cast Horse Traces, 1 do Ox Chains,

1 Case Put and X cut Saws,

1 Case Guns and Pistols,

1 Cast Lamp Chimney,

1 Case Patent Leather Horse and Sheep Skins,

25 dozen long and short handle Frying Pans,

3 Cases Japanned Cast Scones and Hold;

6 Bundles Blistered Steel,

1 Cast Hook and Eye and Plate Hinges,

90 Bags Wrought Nails, rose and white,

600 Fathoms long linked Chain, 4 to 5-16 inches.

1 Cast containing a good assortment of Pocket and

Table Cutlery.

MARSH late DRURY,

PRINCE WILLIAM STREET.

Have just received per Themis, and other late arrivals

EXTENSIVE IMPORTATIONS OF

HARDWARE,

INCLUDING—

TABLE CUTLERY.

Iron handled, in sets of 51 pieces, in dozens and

trays, every piece, in sets of 51 pieces, in dozens and

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Provision and Groceries.

FLOUR, MEAL, &c.

THE Subscriber would remind the public of Freder-

icton and its vicinity, that he still continues to sell:

FLOUR, CORN and OAT MEAL.

Of the best quality and at the lowest prices.

Of Day Goods and Groceries he has a rather greater

variety than usual.

For HATS of modern shape and of all sizes can be pro-

duced cheap, and of good quality at his Store; also a

few dozen Looking Glasses.

THOMAS PICKARD.

FLOUR.

50 BLS. Genesee Fine FLOUR; 10 bags Old

Java COFFEE.

Received per schr. Dolphin from Boston, this day.

St. John, Nov. 18, 1845.

J. R. CRANE.

BRIGHT SUGAR.

35 HDS. very Bright Sugar, landing this day, ex

schr. Jane from Halifax.

J. R. CRANE.

St. John, Nov. 18, 1845.

On Consignment.

50 PUNS. prime retailing Molasses; 50 bbls. Pork

Just received and for sale by the Subscribers.

Fredericton, Nov. 11th, 1845.

J. BEDELL & CO.

Flour, Sugar, Molasses, &c.

THE Subscriber offers for sale on reasonable terms—

200 Barrels American Superfine FLOUR;

200 Bags Saint John Mill-ditto, ditto,

10 Cwts. Bright SUGAR;

1 Hbl. MOLASSES; 1 Chest TEA.

Fredericton, December 10, 1845.

PETER SLEAG.

OAT MEAL.

FRESH GROUND OAT MEAL, on Sale.

Wanted to purchase, a lot of good quality

OATS.

THOMAS PICKARD.

Fredericton, December 10, 1845.

GROCERIES.

THE Subscriber begs to inform the public that he

keeps on hand a constant supply of

GROCERIES, FRUITS, LIQUORS,

AND

CONFECTIONARY.

which he will sell cheap for cash, at his STORE in

Queen Street.

THOMAS WILLIAMS.

Fredericton, October 1, 1845.

WINE.

4 HDS. and 2 q. casks Old Port WINE, Landing

ex schr. Emily from Halifax.

J. R. CRANE.

St. John, Nov. 18, 1845.

FRESH MALAGA GRAPES.

THE Subscriber has just received a supply of the

above. For Sale by the Keg or retail.

January 7 1846.

T. WILLIAMS.

MOLASSES AND TALLOW.

25 PUNS. Trinidad Molasses, of very superior

quality; 20 Barrels Beef Tallow;

Landing this day, ex schr. "PRINCE JAMES," from Boston, at

the North Market Wharf.

J. R. CRANE.

St. John, Jan. 30.

Tradesmen's Notices.

ENGRAVING,

AND

Ornamental House and Sign

PAINTING.

THE SUBSCRIBER respectfully informs the Public

that he is prepared to execute all kinds of Engraving

on Gold, Silver, Brass, Copper, GRAYS

SILVER, &c., with neatness and dispatch, on the most

reasonable terms. He will also give his attention to

House Sign and Ornamental Painting, of every descrip-

tion.

ET Shop at the corner of King and Regent Streets,

over the Fredericton Library.

DANIEL O'CONNOR.

Fredericton, Oct. 18.

JAMES WILLOX.

NOTICE.

THE SUBSCRIBER begs to inform his customers, and

the public in general, that he is prepared to furnish

to order, all kinds of Team and Sleigh HARNESS, at

his old stand, Queen Street, for cash or approved notes.

Fredericton, Oct. 18.

JAMES WILLOX.

REMOVAL.

THE Subscriber has removed his

Establishment to the Stone House in Queen Street.

St. John, Nov. 16, 1845.

W. F. BARKER.

E. HARPER,

Piano Forte Manufacturer,

No. 84, Court Street—Boston.

PIANO FORTES made at this Estab-

lishment are equal, both in quality

and tone, to any that can be produced in

the World, and are warranted to stand all

climates, or rooms at any temperature. They are man-

ufactured both with IRON or WOOD FRAMES, and vary in

price from \$150 to \$350.

Those made with IRON FRAMES are a new and

superior article, and are warranted to remain in tune a

great length of time.

Any person purchasing from this Establishment, can

return the instrument should it not give satisfaction, and

their money will be refunded, if it has been previously

paid.

Boston, 17th August, 1845.

Wm. F. Barker.

CITY HOTEL.

THE SUBSCRIBER respectfully intimates to the

public, that he continues to conduct this commodious

establishment, situated at the foot of King-street (known

as Bury's Corner), recently kept by Mr. M. Lawrence,

which will be conducted on strictly Temperance prin-

ciples. Persons visiting Saint John will find it to their

advantage to put up at this House, it being in a business

part of the City.

No pains will be spared to render persons comfortable

who may patronise this Establishment.

GOOD STABLES FOR HORSES.

Charges Moderate.

SAM. B. ESTEY.

St. John, 26th August, 1845.

TRAVELLERS' INN.

THE Subscriber returning his sincere thanks to his

friends and patrons, for their liberal encouragement

since opening this Establishment in York Street, re-

spectfully intimates that he continues to conduct the

same, for the accommodation of the Public, and in soci-

etying patronage, pledges himself that strict attention

and diligence shall continue to be used by him, for the com-

fort and convenience of all who may favour him with

their support.

He begs also, to state that he can accommodate all

Members of the House of Assembly, and is confident

that he can make them comfortable, as he has fitted up

apartments at considerable expense expressly for

that purpose.

Permanent Boarders can be accommodated.

Good Stabling, and Prices moderate.

GEORGE R. ATHERTON.

Fredericton, December 31, 1845.

Stage Notices, &c.

ROYAL MAIL

AND

ACCOMMODATION STAGE,

Between Fredericton and Saint John, via

the Nepesic Road.

THE Subscriber having entered into a Contract

for conveying Her Majesty's Mails, between

the Cities of Saint John and Fredericton, begs leave

to intimate to his friends and the Public, that he

has provided himself with a line of good Horses,

and comfortable Winter carriages, for the accommo-

dation of Passengers; and he pledges himself that

no pains shall be spared to render those who pa-

tronise this line as comfortable as possible. The

STAGE will leave Fredericton on Mondays at 6

o'clock, A. M. and on Fridays at 4 o'clock, P. M. and

Saint John on Thursdays and Saturdays at 7

o'clock, A. M. and will, on the same days, return im-

mediately after the closing of the river navigation.

Stage Books will be kept in Fredericton, at the

Fredericton Hotel, and at Mr. Robert Irwin's ta-

vern; and in Saint John at the Commercial Hotel.

THOMAS CORRIGAN.

Fredericton, Nov. 25, 1845.

COMFORT AND SPEED.

Royal Mail & Accommodation Coach.

Between Pettaodiac and Miramichi.

THE Subscriber returns the sincere thanks of

his sincere thanks, for the very liberal patronage

so has received for the last three months, on this line,

and now begs leave to inform the public, that he has

furnished himself with first rate Horses, and a good

comfortable Coach, for the accommodation of travellers,