

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

From 19th January to 4th April, 1842.
Being the Sixth Session of the Twelfth General Assembly.



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

1842.



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By His Excellency Lieutenant Colonel Sir WILLIAM MACBEAN
GEORGE COLEBROOKE, K. H., Lieutenant Governor and
Commander in Chief of the Province of New Brunswick, &c. &c. &c.

W. M. G. COLEBROOKE, Lt. Governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the fifteenth day of June next, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the third Tuesday in September next.

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

By His Excellency's Command.

WM. F. ODELL.



By His Excellency Lieutenant Colonel Sir WILLIAM MACBEAN
GEORGE COLEBROOKE, K. H., Lieutenant Governor and
Commander in Chief of the Province of New Brunswick, &c. &c. &c.

W. M. G. COLEBROOKE, Lt. Governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Tuesday the twenty first day of September instant, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the third Tuesday in December next.

Given under my Hand and Seal at Fredericton, the fifteenth day of September, in the year of our Lord one thousand eight hundred and forty one, and in the fifth year of Her Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.



By His Excellency Lieutenant Colonel Sir WILLIAM MACBEAN
GEORGE COLEBROOKE, K. H., Lieutenant Governor and
Commander in Chief of the Province of New Brunswick, &c. &c. &c.

W. M. G. COLEBROOKE, Lt. Governor.

A PROCLAMATION.

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

Given under my Hand and Seal at Fredericton, the tenth day of December, in the year of our Lord one thousand eight hundred and forty one, and in the fifth 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.

SIXTH SESSION OF THE TWELFTH GENERAL ASSEMBLY.

ANNO QUINTO VICTORIÆ REGINÆ.

**His Excellency Lieut. Colonel Sir William Macbean George Colebrooke, K. H.
Lieutenant Governor and Commander in Chief.**

At Fredericton in the Province of New Brunswick.

LEGISLATIVE COUNCIL CHAMBER, Wednesday, 19th January, 1842.

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

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

*Mr. Shore,
Mr. Robinson,
Mr. Botsford,
Mr. Lee,
Mr. Robertson,*

*Mr. Baillie,
Mr. Saunders,
Mr. Attorney General,
Mr. Chandler,
Mr. Wyer.*

PRAYERS.

The House was adjourned during pleasure.

After some time the House resumed.

At two o'clock His Excellency Lieutenant Colonel Sir William Macbean George Colebrooke, Knight of the Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief of the Province, &c. &c. &c. 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,

“ HAVING assumed the Government of this Province after the close of the last Session, I should have been anxious to have met you earlier if the public affairs required that I should have called you together before the ordinary period.

“ The distresses in Saint John occasioned by Commercial embarrassment and the late calamitous Fires, admitted only of partial alleviation ; and relying on your support in measures of a general nature, which would be calculated to establish the credit and develop the resources of the Province in a manner likely to prove beneficial to all classes, I have felt every confidence that the sufferings which have been occasioned by these occurrences would be transient, under the beneficent dispensations of Divine Providence, for whose bounties this Province has such abundant cause of thankfulness.

“ I cordially congratulate you on the auspicious event which has been recently announced of the Birth of an Heir Apparent to the Throne—an event which has given heartfelt satisfaction to all Her Majesty’s faithful subjects.

“ Aware of the importance you attach to a settlement of the Boundary, I may be permitted to hope that a sense of the great benefits that would be derived to the Inhabitants of the contiguous States, as well as of the British Provinces, from the termination of the dispute, will lead to an early and satisfactory issue of the negotiations between Her Majesty’s Government and that of the United States.

“ In the consideration of measures by which the general welfare may be promoted, I have been impressed with a conviction of the paramount importance of providing for the introduction of those principles of Municipal Government which are recognised in the Constitution of England, and which I am persuaded will be found peculiarly adapted to the situation of the people of this Province.

“ On the local Institutions recently introduced into a neighbouring Province, some important ameliorations have been based, for the success of which, the support and co-operation of the people is essential.

“ In these views I recommend the subject to your early attention.

“ The judicious application of the public credit for the investment of capital in works of general utility and in assisting the local communities where their own resources may be inadequate for such objects, would accelerate the improvement and settlement of the Province, and for the efficient execution of all such works, I recommend to you the incorporation of a Board of Works, to be invested with adequate powers and subject to due responsibilities.

“ To facilitate intercourse and to promote the occupation of the vast Tracts of fertile and unreclaimed Territory in the Province, you have appreciated the importance of opening Roads. These works and others will require the aid of science for their survey and due execution.

“ Amongst the most important which have been proposed are the completion of the Great Road to Canada—the opening of direct communications to the Restigouche, and the survey of that River—a Canal for connecting the waters of the Bay of Fundy with the Gulf of Saint Lawrence—the construction of Dry Docks in Saint John—the Port
of

of which is open at all seasons—and the improvement of the navigation of its River.

“ In some of these projects the neighbouring Provinces are interested.

“ The communications with Canada should be completed as soon as practicable, and the other works, if ultimately approved, may be executed in the order of their importance. I recommend to you that the necessary surveys should be immediately undertaken.

“ To encourage attention to Agriculture, several tracts of land have been selected and laid out, and notwithstanding the lateness of the season, various Associations have been formed for the occupation of them. The success of these spirited undertakings will hold out encouragement to Emigrants from the United Kingdom to form settlements in the Province on the same principle.

“ The Geological Surveys which have been executed have developed the Agricultural capacities and Mineral resources of the Province, and the further prosecution of these useful researches will merit your encouragement.

“ My attention having been drawn to the condition of the Indian Tribes, and the situation and extent of the valuable Lands reserved for them, I have instituted enquiries which have been zealously prosecuted, and from the reports which have been made to me, I am gratified to find that no material obstacles exist to the introduction of measures for their social improvement. To facilitate the settlement of the Indian Reserves, and the domains of the Crown, some Legislative provision will be necessary.

“ The formation of Indian Villages, and the establishment of Schools in them, have been recommended.

“ The state of Education in the Province has engaged my anxious attention, and from the reports which I have received of the condition of the common Schools, a more efficient system of instruction in them is urgently required.

“ The funds which you have liberally granted, will require to be more appropriately distributed, and the Schools placed under effective superintendence.

“ A revision of the Laws for the regulation of Prisons is also required, with a view to the introduction of a reformatory system of Prison discipline, upon the principles adopted in England, so far as they may be applicable.

“ I earnestly recommend to you a revision of the Criminal Law, and the adoption of the ameliorations in the Statutes of the present Reign, by which capital punishment for certain offences has been abolished.

“ The Laws regarding the imprisonment of Debtors having also undergone important changes in England, will merit your attention.

“ Having appointed a Commission to enquire into the Laws relating to insolvency, I have received a Report, in which the enactment of a Bankruptcy Act has been strongly recommended, with a view to sustain commercial credit.

“ Some provision for the protection and encouragement of the valuable Coast and River Fisheries of the Province will be necessary.

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

“ Notwithstanding the occurrence of severe Commercial distress, I have had the satisfaction to find that the Revenue has not diminished. From the estimates which I have

have directed to be prepared and laid before you, I hope it will be apparent that under an improved system of Finance, which I earnestly recommend to your adoption in conformity to Parliamentary usage, the credit of the Province may be amply sustained, and provision made—after defraying the ordinary expenses of the Government, and the bounties which your liberality has hitherto extended to useful undertakings—for raising and ultimately redeeming the Funds required for the construction of Roads and other reproductive Works, and the improvement of School Houses and Prisons.

“As the ordinary Appropriations will be fully adequate to provide for these objects, no additional charges on the Province will be required, and the people may be relieved from the burden of Statute Labour by the substitution of a moderate rate.

“The consolidation of the Departments of Revenue, and the establishment of an efficient Audit of the Public Accounts is required to facilitate these financial arrangements, which would be further assisted, with general advantage to the Province, by the adoption of British Sterling as the money of account, and by an improvement and consolidation of the Banking system, in accordance with the views recommended by Her Majesty’s Government.

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

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

“In the opportunities of observation which I have had since my arrival in New Brunswick, I have been no less impressed with a conviction of the great natural resources of the Province, than of the disposition of the people to support the efforts which are required to develop them.

“Their warm attachment to the Country of their ancestors, and veneration for her institutions, constitute a strong claim to that support on which you may at all times confidently rely.

“In the more important measures which I have recommended, I have had mainly in view to secure to you, under Providence, a participation in the advantages which the British Constitution has imparted, wherever its principles have been recognised; and if the experience of a life devoted to the public service may enable me to assist you in realising them, I shall derive an ample recompense in the advancement of your welfare.”

Which being ended,

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

The Honorable the President reported His Excellency’s Speech.

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

ORDERED, That the Honorable Messieurs Botsford and Chandler be appointed a Committee for this purpose.

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

On motion made and seconded—

RESOLVED unanimously, That an humble and dutiful Address be presented to the
Queen’s

Queen's Most Gracious Majesty, congratulating Her Majesty on the Birth of an Heir Apparent to the Throne, and Her Majesty's happy recovery.

On motion made and seconded—

RESOLVED unanimously, That an Address be presented to His Royal Highness The Prince Albert, congratulating His Royal Highness on the Birth of an Heir Apparent to the Throne, and the happy recovery of the Queen.

ORDERED, That the Honorable Messrs. Baillie and Robertson, be a Committee to prepare the several Addresses.

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 20th January, 1842.

PRESENT:

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	<i>Mr. Robinson,</i>
<i>Mr. Baillie,</i>	<i>Mr. Attorney General,</i>
<i>Mr. Botsford,</i>	<i>Mr. Chandler,</i>
<i>Mr. Lee,</i>	<i>Mr. Wyer.</i>
<i>Mr. Robertson,</i>	

PRAYERS.

The Honorable the President informed the House that he had received from the Cashier of the Commercial Bank, Abstracts shewing its state on the third day of April, and the second day of October, 1841.

ORDERED, That the same do lie on the Table.

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

ORDERED, That the Report be received, and the said Draft was again read by the Clerk.

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had taken the said Draft into consideration, they had made some amendments therein, and recommended the same as amended, to the adoption of the House.

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

*To His Excellency Lieutenant Colonel Sir WILLIAM MACBEAN GEORGE COLEBROOKE,
Knight of the 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, return our thanks for Your Excellency's Speech at the opening of the present Session; and we feel most grateful to Her Majesty, for having selected a person so well qualified, by long and successful public service, as Your Excellency, to succeed to the Government of this Province.

We regret to learn that the embarrassment in the Commercial World in general, has operated so seriously upon the Trade of this Province, and that the City of Saint John, in addition to the distress occasioned by the late calamitous Fires, is suffering from one of those revulsions to which Commerce is always liable from over trading and imprudent investments. Yet we feel confident that with a continuance of the protection hitherto afforded by the Mother Country to the Trade of these Colonies, accompanied by a rigid exercise of prudence and economy, and due caution in business, the present difficulty will in a short time, under the blessing of Divine Providence, be succeeded by a more sound and prosperous course of Trade.

We cordially participate in Your Excellency's congratulations on the Birth of an Heir Apparent to the Throne, and we assure Your Excellency that this auspicious event has given to Her Majesty's faithful Subjects in this Province the most heartfelt satisfaction.

Deeply interested in the settlement of the Boundary Question, we unite with Your Excellency in the hope that a sense of the great benefits that would be derived from the termination of the dispute, will lead to an early and satisfactory issue of the negotiations with the United States, and we rely with every confidence upon the determination of Her Majesty's Government to maintain the integrity of these Her Majesty's North American possessions.

We acknowledge that in providing for the introduction of any alteration or amelioration in the principles of our Municipal Government, we should steadily keep in view those which are clearly recognized in the Constitution of England, and which may be found adapted to the situation of the people of this Province.

Concurring in Your Excellency's views that the judicious application of the Public Credit for the investment of Capital in works of general utility, and in assisting the local Communities where their own resources may be inadequate for such objects, would accelerate the improvement and settlement of the Province, we shall give our serious attention to Your Excellency's recommendation of the Incorporation of a Board of Works as the means of accomplishing the efficient execution of all such objects.

We duly appreciate the great importance of the Public Works to which Your Excellency has called our attention, and will cheerfully concur in such measures as will secure their successful prosecution when ultimately approved of. In such of these projects as the neighbouring Provinces are interested, we confidently hope for their co-operation.

Aware

Aware of the great advantages to be derived from attention to Agriculture, we rejoice in learning the success of the various Associations which have been formed for the occupation of the several tracts of land which have been selected and laid out, and we hope it will prove a sufficient encouragement to Emigrants from the United Kingdom to induce them to form similar settlements in the Province.

We feel the importance of affording encouragement to the prosecution of those researches, which have for their object the further development of the Agricultural capacities and Mineral resources of the Province.

We are gratified to learn from Your Excellency that no material obstacles are found to exist to the introduction of measures for the social improvement of the Indian Tribes; and we shall cordially join in any Legislative provision which may be considered necessary to facilitate the settlement of the Indian Reserves as well as the domains of the Crown.

We are happy to be informed that the state of Education in the Province has engaged Your Excellency's anxious attention; any measure calculated to introduce a more efficient system of instruction into the common Schools, to place them under effective superintendence, and to secure an appropriate distribution of the liberal grants of the Legislature, will receive from us that consideration which the paramount importance of the subject demands.

We shall not fail to bestow our best consideration on any measures which may be submitted for the regulation of Prisons, and the adoption of an improved system of Prison discipline.

Your Excellency's recommendation on the subject of a revision of the Criminal Law, and the further abolition of capital punishment for certain offences, shall receive our ready attention.

We shall also give attention to any suggestions which may be brought under our consideration for a change in the Law relating to Imprisonment for Debt.

The alteration of the Laws relating to Insolvency and the enactment of a Bankruptcy Act, to which Your Excellency has called our attention, are admitted to be subjects of much difficulty and importance. The necessity, however, of such a measure, appears to be generally felt and acknowledged, and when brought before us it shall receive our anxious deliberation.

We shall be disposed to concur in such provisions for the encouragement of our valuable Coast and River Fisheries as may be found necessary.

The early opportunity which Your Excellency took upon Your assumption of the Government, to make yourself acquainted with the Province, by a personal examination of its several parts has afforded Your Excellency the best means of information, and we are much gratified to learn that the result of this personal observation has been to produce in Your Excellency's mind a conviction not only of the great natural resources of the country, and of the disposition of the people to support the efforts which are required to develop them, but also of the warm attachment of the inhabitants of this loyal Province to the country of their ancestors and their veneration for Her Institutions. Dispositions and feelings upon which Your Excellency may confidently rely.

We are entirely satisfied that the object which Your Excellency has had in view in the more important measures which You have recommended to our consideration has been to continue and secure to the Province a full participation in the advantages which

which the British Constitution has imparted wherever its principles have been recognized; and we feel confident that Your Excellency's experience and devotion to the public service will enable Your Excellency to contribute most materially to the advancement of the public welfare.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 21st January, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Baillie,

Mr. Robertson,

Mr. Saunders,

Mr. Botsford,

Mr. Lee,

Mr. Chandler,

Mr. Robertson,

Mr. Wyer.

PRAYERS.

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

A Message was brought from the Assembly, by Mr. Partelow, with the following Resolution:—

House of Assembly, January 19th, 1842.

Whereas there is reason to apprehend that at the approaching Session of the Imperial Parliament, the subject of a revision of the Wood Duties will again be agitated: And Whereas in the opinion of this House, any change affecting the present protection afforded to Timber and Deals of Colonial Manufacture, would be ruinous to the manifold interests connected with the Trade, and seriously retard the settlement of Her Majesty's North American Possessions: therefore

Resolved, That an humble Address be presented to Her Majesty and the Imperial Parliament on this vitally important subject; and further

Resolved, That the Honorable the Legislative Council be requested to join the House in such Address.

CHAS. P. WETMORE, *Clerk.*

The said Resolutions having been read by the Clerk; it was

RESOLVED, That this House do agree to the proposed Address, and that the Honorable Messieurs Robertson and Wyer, be a Committee on the part of this House to join such Committee as may be appointed by the Assembly, to prepare the same.

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

The Honorable Mr. Wyer, by leave, presented a Petition from George M'Kay and Samuel M'Farlane, Trustees of Schools in the Parish of Saint Patrick, praying an allowance be made them to pay Jeremiah Scott, a licenced Schoolmaster, for services.

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

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

A Petition from John Alexander, of the late firm of Alexanders, Barry and Company, Merchants in Saint John, praying an amount of money paid Her Majesty's Attorney General, in a suit commenced against them under the Act of Assembly to provide for a regular supply of Seamen for new ships fitted out within the Province, may be repaid to them, the said Act having been disallowed by Her Majesty.

A Petition from John Wishart of Saint John, with a similar prayer; and

A Petition from Nicholas Sinnott, of Wexford, Ireland, praying a return of Head Money paid on passengers on board the Barque Shelmelere, from Limerick, in the year 1836.

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

At three o'clock, the House proceeded to the Government House with their Address in answer to His Excellency's Speech, and having returned—

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

Mr. President and Honorable Gentlemen,

I receive with great satisfaction your Address. Your participation in the general feeling of congratulation on the Birth of the Heir Apparent, will be acceptable to Her Majesty, and I thank you cordially for the confidence you repose in me, and the attention you have given to the subjects which I have recommended to you connected with the future welfare of the Province.

Adjourned until Monday next at 12 o'clock.

MONDAY, 24th January, 1842.

PRESENT:

THE HON.

<i>Mr. Baillie,</i>	<i>Mr. Robinson,</i>
<i>Mr. Botsford,</i>	<i>Mr. Attorney General,</i>
<i>Mr. Lee,</i>	<i>Mr. Chandler.</i>
<i>Mr. Wyer.</i>	

PRAYERS.

The Honorable Mr. Baillie, from the Committee appointed to prepare an Address to Her Majesty the Queen, congratulating Her on the auspicious event of the Birth of an Heir Apparent to the Throne, and Her Majesty's happy recovery, reported a draft thereof, which he read in his place; and it was again read by the Clerk as follows—

 TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's dutiful Subjects, the Legislative Council of the Province of New Brunswick, in General Assembly convened, beg leave with the deepest feelings of loyalty and reverence to approach Your Majesty's sacred person, and to offer our heartfelt congratulations on the Birth of an Heir Apparent to the Throne.

It is no less a subject of the greatest delight to us that Your Majesty continues to enjoy the blessings of health. The Birth of an Heir Apparent to the Crown of Great Britain, has always been esteemed by the Nation an event of the deepest interest and importance, and at no period more so than the present; and we fervently pray, that from the child which a Bountiful Providence has bestowed upon Your Majesty, will descend a long line of Princes, to continue to future generations those blessings which we now enjoy under Your Majesty's Government.

We participate in the enthusiastic joy with which this auspicious event has been hailed by all Your Majesty's Subjects, and earnestly pray that the Giver of all Good, may pour down upon Your Majesty, Your Royal Consort and august Family, His choicest Blessings.

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

The Honorable Mr. Baillie, from the Committee appointed to prepare an Address to His Royal Highness The Prince Albert, congratulating Him on the Birth of an Heir Apparent to the Throne, and the happy recovery of the Queen, reported a draft thereof, which he read in his place; and it was again read by the Clerk as follows:—

TO HIS ROYAL HIGHNESS THE PRINCE ALBERT.

MAY IT PLEASE YOUR ROYAL HIGHNESS,

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

The auspicious event of the Birth of an Heir Apparent, calculated as it is to perpetuate a line of illustrious Princes proceeding from Your Royal Highness, is received by no portion of the Empire with more intense delight than the loyal people of New Brunswick, and we pray that Your Royal Highness may long enjoy those Blessings which the All Wise Disposer of events has with so bountiful a hand bestowed upon Your Royal Highness.

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

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

A Message was brought from the Assembly by Mr. Taylor, that Mr. Partelow, Mr. Taylor, Mr. Beardsley and Mr. Street, are appointed a Committee on the part of the Assembly, to join the Committee of this House to prepare an Address to Her Majesty and the Imperial Parliament, on the subject of a revision of the Wood Duties.

The

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

A Petition from William Simpson, praying an allowance for keeping a Ferry at Waweig in Charlotte County:

A Petition from James Curtain, praying a Law may pass to establish a Ferry from Joe's Point in Charlotte County, to Robinstown, in the State of Maine:

A Petition from Patrick Clinch, praying a sum of money may be allowed him for expenses incurred in repairing a Bridge in 1838: and

A Petition from Samuel M'Curdy, Teacher of the Madras School in Saint Andrews, praying a grant of money for teaching a School in Saint Andrews.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 25th January, 1842.

PRESENT:

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Baillie,</i>	<i>Mr. Robinson,</i>
<i>Mr. Botsford,</i>	<i>Mr. Attorney General,</i>
<i>Mr. Chandler,</i>	<i>Mr. Wyer.</i>

PRAYERS.

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

WEDNESDAY, 26th January, 1842.

PRESENT:

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Baillie,</i>	<i>Mr. Robinson,</i>
<i>Mr. Botsford,</i>	<i>Mr. Chandler,</i>
<i>Mr. Wyer.</i>	

PRAYERS.

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

THURSDAY, 27th January, 1842.

PRESENT:

THE HON.

<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Shore,</i>	<i>Mr. Baillie,</i>
<i>Mr. Botsford,</i>	<i>Mr. Attorney General,</i>
<i>Mr. Lee,</i>	<i>Mr. Chandler,</i>
<i>Mr. Street,</i>	<i>Mr. Wyer.</i>

PRAYERS.

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

The Honorable the President read the same.

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

NEW BRUNSWICK.

Message to the Legislative Council,

26th January, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor communicates to the Legislative Council a Report from the Judges, with other Papers relative to the provision requiring to be made for conducting Criminal prosecutions in the Courts of Justice.

W. M. G. C.

[*See Appendix, No. 1.*]

NEW BRUNSWICK.

Message to the Legislative Council,

25th January, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor lays before the Council copies of various communications which he has addressed to the Clerks of the Peace and the Boards of Education in the several Counties, together with the Reports made by them, and returns from the Trustees of Parish Schools.

These returns, though incomplete, have been compiled in a Tabular form, with Abstracts of the Reports, and a general summary, which has been prepared for the elucidation of the various and important information comprehended in them.

I have the satisfaction to inform you that, having reported the state of the common Schools to the Secretary for the Colonies, and the advantages to be derived from obtaining competent persons to conduct a training School for Teachers, the Committee of Her Majesty's Privy Council for Schools, to whom the proposal was referred, have instructed their Secretary to procure the services of a Man and his Wife, who will be prepared to come out, if adequate provision should be made for them.

W. M. G. C.

[*See Appendix, No. 2.*]

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

An Abstract from the Provincial Treasury of the Revenue of the Province in the year one thousand eight hundred and forty one; also,

The Blue Book, made up to the 30th September, 1841.

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

ABSTRACT OF THE REVENUE OF THE PROVINCE OF NEW BRUNSWICK, FOR THE YEAR 1841.

WHERE COLLECTED.	Ordinary Revenue.	Casual and Territorial Revenue.	Received from Officers of H. M. Customs.	Proceeds of Bills on G. Baillie.	Duties on Auction Sales.	Received for Licences to Pedlars.	Passenger and Emigrant Duties.	Light House Duties.	Sick and disabled Seamen's Duties.	TOTAL.
Saint John,	40,471 7 6	15,074 12 0	20,669 12 1	6,900 0 0	609 5 0	16 10 0	1,537 10 10	2,282 7 8	795 14 6	88,356 19 7
Miramichi,	5,814 13 4	0 0 0	2,994 13 1	0 0 0	16 0 7	0 0 0	143 5 0	287 16 2	450 14 4	9,707 2 6
Dalhousie,	3,029 15 9	0 0 0	886 9 7	0 0 0	4 12 2	5 0 0	25 15 0	127 5 11	123 17 3	4,202 15 10
Bathurst,	450 8 9	0 0 0	209 18 10	0 0 0	0 0 0	2 10 0	6 16 8	24 2 5	24 2 5	717 19 1
Richibucto,	931 18 0	0 0 0	663 8 5	0 0 0	0 0 0	0 0 0	5 16 8	47 0 9	43 1 9	1,691 5 7
Shediac,	146 18 3	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	2 11 1	149 9 4
Bay of Verte,	0 15 0	0 0 0	0 0 0	0 0 0	0 0 0	17 17 6	0 0 0	0 0 0	0 0 0	18 12 6
Woodstock,	398 0 10	0 0 0	241 17 3	0 0 0	10 5 10	0 0 0	0 0 0	0 0 0	0 0 0	650 3 11
Fredericton,	0 0 0	0 0 0	0 0 0	0 0 0	32 14 3	2 10 0	0 0 0	0 0 0	0 0 0	35 4 3
Saint Andrews,	2,441 6 3	0 0 0	98 19 5	0 0 0	24 17 11	5 0 0	42 16 8	455 9 0	211 0 6	3,279 9 9
Saint Stephen,	1,389 10 7	0 0 0	0 0 0	0 0 0	14 3 2	0 0 0	0 0 0	331 13 4	153 8 10	1,888 15 11
Saint George,	66 11 8	0 0 0	0 0 0	0 0 0	0 0 0	2 10 0	0 0 0	32 9 8	13 5 10	114 17 2
West Isles,	64 8 10	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	57 19 6	18 14 2	141 2 6
Grand Manan,	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	29 12 10	0 0 0	29 12 10
TOTALS,	£55,205 14 9	1,507 4 0	25,764 18 8	6,900 0 0	711 18 11	51 17 6	1,762 0 10	3,675 17 3	1,836 10 10	110,983 10 9

COMPARATIVE STATEMENT.

	1840.		1841.		Increase.		Decrease.	
	Dr.	Cr.	Dr.	Cr.	Dr.	Cr.	Dr.	Cr.
Ordinary Revenue,	48,981 6 3	55,205 14 9	6,224 8 6	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Casual and Territorial Revenue, ..	18,899 15 4	15,074 12 0	0 0 0	3,825 3 4	0 0 0	3,825 3 4	0 0 0	0 0 0
Received from H. M. Customs,	27,994 13 5	25,764 18 8	0 0 0	2,229 14 9	0 0 0	2,229 14 9	0 0 0	0 0 0
Proceeds of Bills of Exchange,	5,400 0 0	6,900 0 0	1,500 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Auction Duties,	1,414 5 6	711 18 11	0 0 0	702 6 7	0 0 0	702 6 7	0 0 0	0 0 0
Licences to Pedlar's,	49 17 6	51 17 6	2 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Passengers and Emigrant Duties, ..	1,967 10 8	1,762 0 10	0 0 0	205 9 10	0 0 0	205 9 10	0 0 0	0 0 0
Light House Duties,	3,271 17 3	3,675 17 3	404 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Sick and Disabled Seamen's Duties, ..	1,963 11 8	1,836 10 10	0 0 0	127 0 10	0 0 0	127 0 10	0 0 0	0 0 0
TOTAL,	£109,942 17 7	110,983 10 9	8,130 8 6	7,089 15 4	0 0 0	0 0 0	0 0 0	0 0 0

STATE OF FINANCES.	Dr.	Cr.
Unpaid Appropriations,	£48,137 5 3	
Debentures issued for Loans under Acts 8 Vic. Cap. 3, ..	16,300 0 0	
Savings' Bank,	9,337 16 2	
Bank of New Brunswick, viz: Credit Account @ 4 per cent, Advance on Bye Roads @ 6 per cent,	19,425 5 11	
Bonds and Cash in the Treasury, Act 3 Vic. Cap. 3,	14,950 0 0	
Water Company's Bond,	5,000 0 0	
Bonds in Suit, about,	8,000 0 0	
Balance of Judgment in James Campbell's bond,	1,800 0 0	
Copper Coin, £3000 Sterling, equal to,	3,500 0 0	
In the hands of G. Baillie £8000 Sterling,	9,777 15 6	
Excess of Debts,	33,563 16 3	
	£108,677 7 6	£108,677 7 6

B. ROBINSON, *Province Treasurer.*

Treasury, Saint John, January 1, 1842.

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

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

Abstracts shewing the state of the Central Bank on the 6th day of December, 1841 :
and

The Bank of New Brunswick, on the third day of January, 1842.

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,

26th January, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor communicates to the Council copies of a Correspondence he has held with the Chamber of Commerce of Saint John, on subjects connected with the Maritime and Commercial Interests of the Province.

W. M. G. C.

[*See Appendix, No. 3.*]

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

A Bill to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen : and

A Bill for the appointment of Firewards and the better extinguishing of Fire which may happen in that part of the Parish of Saint Stephen, commonly called Salt Water, and its immediate vicinity.

The said Bills were severally read a first time.

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

The Honorable Mr. Baillie, by leave, presented a Petition from Timothy Killeen, praying remuneration for work performed on the Hanwell Road in the year one thousand eight hundred and twenty six.

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

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

A Petition from William Simpson of Saint Andrews, praying an allowance for his attendance at the Ferry at Waweig :

A Petition from the Indians inhabiting the Saint Croix, in the County of Charlotte, praying

praying a grant of money to enable them to purchase Land for camping ground and other purposes :

A Petition from Patrick Clinch, A. S. Wetmore, Robert Thompson, and sixty six other persons, praying aid to assist them in building a Wharf at the Salt Water, Public Landing, in the Parish of Saint George : and

A Petition from William Hill, Nehemiah Gilman, James Russell, and one hundred and forty eight others, inhabitants of the Parishes of Saint Andrews and Saint Stephen, praying that the contemplated Bridge across the Waweig may be placed near the mouth of the River.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 28th January, 1842.

PRESENT :

THE HON.

	<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Baillie,</i>		<i>Mr. Botsford,</i>
<i>Mr. Attorney General,</i>		<i>Mr Lee,</i>
<i>Mr. Chandler,</i>		<i>Mr. Wyer,</i>
<i>Mr. Hatch.</i>		

PRAYERS.

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

A Bill to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen : and

A Bill for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Salt Water, and its immediate vicinity.

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

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

A Petition from the Reverend Jerome Alley, D. D., and others, a Committee for building a Church at Chamcook, in Charlotte County, praying aid to assist in building the same : and

A Petition from Donald McIntosh and others of the Hanwell Settlement, praying assistance to enable them to erect a Mill and Kiln for manufacturing Oat Meal.

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

Adjourned until Monday next at 12 o'clock.

MONDAY

MONDAY, 31st January, 1842.

PRESENT :

THE HON.

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

PRAYERS.

Pursuant to the Order of the Day the House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made an amendment thereto, which they recommended 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 the Preamble, expunge the words "Chapter twenty two," and insert the words "intituled 'An Act to authorize and empower the Justices of the Peace for the County of Charlotte to lease a part of the public Landing at Salt Water, in the Parish of Saint Stephen.'"

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

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

Pursuant to the Order of the Day the House was put into a Committee of the whole, to take into consideration the Bill for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Salt Water, and its immediate vicinity.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Saunders, a Member of Her Majesty's Executive Council, by direction of His Excellency the Lieutenant Governor, lays before the House a report from the Commissioners of Light Houses for Seal Island, Campobello and Saint Andrews.

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

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

An

An Abstract shewing the state of the Saint Stephen Bank on the first Monday in January, 1842.

ORDERED, That the same do lie on the Table.

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

A Bill to incorporate the Saint Stephen's Mutual Fire Insurance Company : and

A Bill to Incorporate the Saint Stephen Log and Timber Sluice Company.

The said Bills were severally read a first time.

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

A Message was brought from the Assembly by Mr. Wilson, with a Bill to repeal an Act, intituled "An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with drift Nets," so far as the same relates to the County of Westmorland, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Barberie, with a Bill to extend the provision of an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards and for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned," to the Towns of Dalhousie and Campbellton, in the County of Restigouche, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A Bill to authorize the Justices of the Peace for the County of York to levy a further assessment for the purpose of paying off the Debt due on the erection of a new Gaol in the said County : and

A Bill to alter the division Line of the Parishes of Douglas and Queensbury, in the County of York.

The said Bills were severally read a first time.

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

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

A Petition from Thomas Rankine, Junior, John Berryman, David Gabel and other persons, Bakers in Saint John, praying a Duty may be imposed on the importation of foreign Bread : and

A Petition from the Commissioners of Highways of the Parish of Blissfield, in the County of Northumberland, and other inhabitants of the said Parish, praying an Act may pass altering the site of a Bridge proposed to be erected on the Great Road between Fredericton and Newcastle.

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

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

A Petition from the Minister, Officers and Members of the Wesleyan Society, Members of the Wesleyan Congregation, and others in Saint Andrews, Charlotte County, praying a grant may be allowed to pass to aid the Trustees of an Academy established in the County of Westmorland :

A Petition from W. F. W. Owen, John M'Lachlan, James Card, John Evans and ninety five other persons, praying the Legislature will prevent foreign Fishermen from taking Fish in the Bays and Rivers and near the Shores and Creeks within Charlotte County :

A Petition from Amy G. Campbell, of Charlotte County, praying an allowance for teaching a school in Saint Andrews: and

A Petition from Dugald Clarke, praying the Provincial grant to old Soldiers may be allowed him.

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

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

A Petition from Thomas Armstrong and sixty two inhabitants of Saint Stephen, praying the incorporation of a Company under the name of the Saint Stephens Log and Timber Sluice Company : and

A Petition from George Mackay of Charlotte County, praying a return of expences incurred by him in defending a suit against him as a Commissioner of Bye Roads.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 1st February, 1842.

PRESENT :

THE HON.

*Mr. Baillie,
Mr. Saunders,
Mr. Lee,
Mr. Wyer,*

*Mr. Robinson,
Mr. Botsford,
Mr. Chandler,
Mr. Hatch.*

The Honorable Mr. Baillie sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen, 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 for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Salt Water, and its immediate vicinity.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The

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

ORDERED, That the report be received.

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

At A in Section I. insert the words “is hereby authorized and empowered.”

At B in Section II. insert the word “Executive.”

At C insert the word “each”

At D add a new Section, as follows:—

“V. And be it enacted, That from and after the passing of this Act, upon every alarm of Fire in the said Town or in its vicinity, either in the night or day time, it shall be the duty of every Constable resident within the said District, knowing of such alarm, immediately to repair, with a Staff to be provided by the Firewards for that purpose, as herein directed, to the place where the Fire may be, and there to report himself to some one or more of the Firewards there present, or if no Fireward be present on his arrival, then to the first Fireward who shall thereafter arrive at the Fire, and to place himself under the immediate orders and directions of such Firewards, and to use his utmost exertions to aid and assist the said Firewards, and to obey and carry into effect all orders and directions that may be given to him by the said Firewards or any of them, at the time of such Fire.”

At E in Section VII. expunge the word “forty” and insert the word “thirty.”

At F in Section VIII. insert the words “Printed and.”

At G in Section IX. expunge the remainder of the Section, and insert as follows:—

“And from Statute Labour on the Highways and Streets in the said District, and from serving on any Juries at the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Charlotte.

“X. And be it enacted, That as soon after the passing of this Act as the same can be procured, every householder in the said District shall provide himself with two good leather Buckets of sufficient size to hold two and a half gallons of water, with the name of the proprietor thereof painted on the side of each of the said Buckets, to be kept always ready in some convenient place in his house; and every house owner in the said District shall provide himself with a good and sufficient Ladder to lay on the roof, and held at the top by substantial iron hooks fastened to the end of such Ladder, which shall extend down the roof of the house to the eaves, except such houses as the Firewards or the major part of them may be of opinion from the formation of the roof will not require such Ladder, and in case of the absence or non-residence of the owner or owners of any house or houses in the said District, the tenant or tenants occupying the same shall, at the expense of his, her or their landlord, provide such Ladder for every such house, if so required by the said Firewards or the major part of them, which Ladder every owner or occupier of such house shall keep stationary on the roof thereof; and that on every alarm of Fire in the said District every householder knowing of such alarm, and not being a Fireman, shall forthwith carry his Buckets so provided as above directed, or cause the same to be carried to the place where the Fire may be, to be there used as occasion may require.”

Alter the numbers of the Sections so as to agree with these amendments.

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

ORDERED,

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

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

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

A Bill to repeal an Act, intituled “ An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with drift Nets,” so far as the same relates to the County Westmorland :

A Bill to extend the provisions of an Act, intituled “ An Act to repeal the Laws now in force for appointing Firewards, for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned,” to the Towns of Dalhousie and Campbellton, in the County of Restigouche :

A Bill to authorize the Justices of the Peace for the County of York to levy a further Assessment for the purpose of paying off the Debt due on the erection of a new Gaol in the said County : and

A Bill to alter the division Line of the Parishes of Douglas and Queensbury, in the County of York.

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

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

A Bill to incorporate the Saint Stephen Mutual Fire Insurance Company : and

A Bill to incorporate the Saint Stephen Log and Timber Sluice Company.

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

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

A Petition from Schuyler P. Frink and William Campbell, Overseers of the Poor for the Parish of Saint Stephen, praying return of expences in supporting transient Poor : and

A Petition from George D. Morrison, praying an allowance for teaching a School in the County of Charlotte.

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

The Honorable Mr. Hatch presented Petitions from Thomas M'Donald, an old Soldier, and Rachel Carrack, and Patience Russell, Widows of old Soldiers, praying the benefit of the Provincial allowance.

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY,

WEDNESDAY, 2d February, 1842.

PRESENT :

THE HON.

Mr. Baillie,
Mr. Botsford,
Mr. Lee,
Mr. Wyer,

Mr. Robinson,
Mr. Attorney General,
Mr. Chandler,
Mr. Hatch.

The Honorable Mr. Baillie sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill for the appointment of Firewards, and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Salt Water, and its immediate vicinity, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to repeal an Act, intituled "An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with drift Nets," so far as the same relates to the County of Westmorland.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Wyer, by leave, presented a Petition from the Ministers, Officers and Members of the Wesleyan Society, Members of the Wesleyan Congregations, and others, in Saint Stephen and Saint David, in Charlotte County, praying assistance to the Trustees of an Academy in Westmorland, to aid them to obtain Furniture, a Library, and Philosophical Apparatus : and

A Petition from the Commissioners of the Saint Andrews Alms House and the Overseers of the Poor, in the Parish of Saint Andrews, praying the sum of £383 4 6 may be allowed them for money paid in supporting poor Emigrants.

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

The Honorable Mr. Hatch, by leave, presented a Petition from the President and Directors of the Saint Andrews Grammar School, praying an allowance towards the support of an Assistant or Usher in that School.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 3d February, 1842.

PRESENT :

THE HON.

Mr. Baillie,
Mr. Saunders,
Mr. Attorney General,
Mr. Chandler,
Mr. Wyer,

Mr. Robinson,
Mr. Botsford,
Mr. Lee,
Mr. Street,
Mr. Hatch.

The Honorable Mr. Baillie sat President.

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 extend the provisions of an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards, for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned," to the Towns of Dalhousie and Campbelton, in the County of Restigouche.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

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

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

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

The Honorable the President read the same.

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

NEW BRUNSWICK.

Message to the Legislative Council,

24th January, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor lays before the Legislative Council, Extracts from three Despatches which he has received from the Secretary of State for the Colonies, relative to the Financial Affairs of the Province, and which, referring to the observations contained in his opening Speech, he recommends to their consideration.

W. M. G. C.

EXTRACTS FROM DESPATCH OF LORD STANLEY TO SIR W. COLEBROOKE,
Dated November 30, 1841.

"I have had under my consideration your Despatch, No. 60, of 29th September, in which, referring to your former Despatch to my predecessor, of the 15th July, which you enclose, and to the course which has been pursued in Canada, you request to be authorized to announce to the Legislature of New Brunswick, an offer on the part of Her Majesty's Government to guarantee a loan of £500,000, to aid the execution of such Public Works as will facilitate the improvement of the Agricultural and Maritime resources of the Province, on condition that the surplus of the Casual Revenue, and other income adequate to the object, be specially appropriated to the payment of the interest, and ultimate reduction of the principal."

"In

“ In this proposal, I recognize the same zeal for the Public Service which has always led your active mind to the consideration of projects likely to be beneficial to the Colony committed to your charge, and I assure you that I am fully sensible of the great natural advantages possessed by New Brunswick, and of the means which that Province possesses within itself, of making an ample return for a wise and liberal policy, in the developement of its great but hitherto most imperfectly explored resources. But I am compelled to add, that the measure which you now suggest, is one, to which as applied to New Brunswick, I could not assent without much more information than I at present possess.

* * * * *

“ It is to be remembered, that a great change was on the point of being effected in the Constitution of two (Canadian) Provinces, about to be united under one Legislature, and one of which objected to the Union, as involving it in possible Financial difficulties, arising out of the heavy debt previously contracted by the other, and in future to be charged on both, for the execution of Public Works locally within one Province exclusively. The debt, thus incurred, had been contracted at a high rate of interest, for which, however, adequate security had been given upon Colonial Revenues, and the effect of the guarantee of the British Government under such circumstances, was to enable that debt to be paid off, and a fresh debt contracted at a lower rate of interest, leaving the balance between the two rates an annual sum, available as a security for still more extensive public improvements. * * * And it is to be observed, that this relief to the Colony was not afforded, until among other important changes a provision had been made against any possible imprudent expenditure being authorized by the House of Assembly, which might have the effect of diminishing the security for the payment of the interest, by transferring from the Assembly to the Crown the initiation of all money votes.

“ The enquiries which I have been led to make, with a view of ascertaining how far it might be possible to meet your wishes, have brought under my notice the observations contained in your Despatch of the 21st June, reporting on the Blue Book for the year 1840. As these papers have been referred for the consideration of the Lords of Her Majesty's Treasury, I am unwilling to anticipate any observations which their Lordships may have to make upon them; but I cannot help remarking that with reference to your present proposals of raising a loan, for the more rapid advancement of the Province, the unsatisfactory manner in which the financial business of the Colony is conducted, offers in itself and in its apparent results, a very serious impediment. From the papers before me it is very difficult to ascertain what is the real financial state of the Province, but it would appear from them that the deficiency of 1840, amounted to nearly £54,000, and that of 1841, is estimated at about £43,000. I am aware that these sums do not correctly represent the difference between expenditure incurred, and revenue received within the year, but that the expenditure really incurred on account of one year may appear to the charge of another, and that owing to this irregularity, it is very difficult to form a just idea of the real state of the case. I cannot but think that the mode adopted, whereby the expenditure of the year is voted as it were piecemeal, without any reference to the probable amounts of revenue, without any statement of ways and means, or any exposition analogous to that which, in this country is familiarly called the Budget, above all without the check or sanction of any public officer or body taking a general yearly view of the whole financial condition of the Province, (the result of the system being the necessary creation of a perpetually fluctuating unfunded debt, in the shape of a running account with private Banks,) is open to serious objections, and must tend to diminish the power of the Province to avail itself of its resources, by depreciating its credit, in consequence of the uncertainty from year to year whether there will be any real available surplus or not. I am aware of the jealousy with which the House of Assembly would probably view any proposition for restricting its powers as to granting public money, but I am persuaded that until a restriction, analogous to that which has lately been introduced into Canada, in strict accordance with the practice of Parliament, be introduced into New Brunswick, and until more of method is introduced into the management of the financial business of the Colony, it will be unable to avail itself to the extent to which it might, of the resources which it undoubtedly possesses, and will be unable to hold out inducements to private capitalists to advance their money, except on very unfavourable terms, or to justify a British Minister in recommending the guarantee of Parliament to a loan for the promotion of Local improvements. You will best judge how far it may be advisable to bring these views, as from yourself, under the consideration of the Legislature at its approaching Session, with any hope of inducing them to adopt any improvement

improvement of the existing system. I would willingly have devoted more time to the consideration of this and other topics which were brought under my notice by your Despatch of the 29th September, had you not expressed your wish to be put in possession of my views, if possible, before the opening of the Session.

"In the enclosure to that Despatch, you further speak of the construction of a 'Canal to connect the waters of the Saint Lawrence and the Bay of Fundy,' towards the preliminary survey of which it appears that the Legislature of New Brunswick had voted £1000, and that Lord Sydenham had contributed £500 from Canada, and you request that I will bring the matter under the consideration of the Board of Ordnance, with a view to the immediate execution of the Survey.

"On reference to the correspondence which has taken place on the subject, I find that your predecessor was informed that as soon as adequate funds were provided, a competent Engineer should be sent out from this country, and he was directed to invite the co-operation of the neighbouring Colonies. It appears that the Legislature of Prince Edward's Island have intimated their readiness to consider the question in their approaching Session. From Nova Scotia it does not appear that any assistance has been promised, but Lord Falkland will be instructed to bring the subject again under their consideration, and should the Legislature of the Colonies interested, be prepared to guarantee a sufficient sum for the execution of the preliminary survey, I will, without delay, cause steps to be taken for ascertaining the practicability and probable expense of an undertaking, which has been favourably viewed by many competent judges, which appears to be desired by the Legislature of New Brunswick, and which certainly holds out prospects of considerable advantages to Her Majesty's North American Colonies.

(Signed) STANLEY."

Sir W. COLEBROOKE, &c. &c. &c.

EXTRACT FROM DESPATCH OF LORD STANLEY TO SIR W. COLEBROOKE,
Dated December 5, 1841.

"The employment of Emigrants in New Brunswick seems to depend in great measure on Public Works, and these on the funds which may be available for their execution. The financial question must therefore be first solved before any measures can properly be taken for attracting laborers to the Province."

(Copy)

"Downing Street, 9th December, 1841.

"SIR,—I have received your Despatch, No. 75, of 12th November, forwarding the Blue Book of New Brunswick for the year 1841, with your remarks on the returns contained in it.

"Your proposal to associate the Collectors of Customs at Saint John and at Saint Andrews in a Commission, to report in what manner the Imperial and Provincial Establishment at present charged with the receipt of that Revenue could be most advantageously consolidated, has been referred for the favorable consideration of the Lords Commissioners of the Treasury.

"In my Despatches, Nos. 17, of the 30th ultimo and — instant, I have fully explained my views with regard to the measures proposed by you for developing the natural resources of New Brunswick by means of Public Works and Emigration.

"The disordered state of the finances of the Province demands an early remedy; I have therefore to instruct you to bring the subject under the serious notice of the Legislature, at its next meeting, with a view to the establishment of a more regular system by which the Revenue and Expenditure may be equalized, and the real balance between them be correctly ascertained.

(Signed)

"I have, &c.
STANLEY."

Lieut. Governor Sir W. COLEBROOKE, &c. &c. &c.

NEW BRUNSWICK.
Message to the Legislative Council,
29th January, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor lays before the Council, the copies of two Despatches from the Secretary of State for the Colonies, containing Reports from the Inspectors
of

of Prisons in England upon the state of the Prisons in this Province, and the Act for establishing a House of Correction; also a Despatch containing a Schedule of the Acts which were passed in the last Session of the Legislature which are reserved for further consideration.

W. M. G. C.

[See Appendix, No. 4.]

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

CASUAL REVENUE ACCOUNTS AND CIVIL LIST.

CROWN LANDS' DEPARTMENT,

Fredericton, 28th January, 1842.

SIR,—I have the honor to transmit herewith to Your Excellency an Annual Return in Duplicate of the Detailed Account of Her Majesty's Hereditary, Territorial and Casual Revenues, so far as they are connected with this Department, from the first day of January to the thirty first day of December, 1841, including—

1st—Receipts on account of Timber :

2d—Receipts on account of Land :

3d—Receipts on account of Contingencies :

4th—Detailed Return of Instalments due on 31st December, 1841, for Land sold at former periods :

5th—Detailed Return of Instalments due to 24th June, 1841, (and not paid on 31st December) on Leases to cut Timber and Lumber :

6th—Balances due for Duties on Timber and Lumber cut in Excess and without Licence to 31st December, 1841.

I have the honor to be, Sir,

Your Excellency's most obedient humble servant,

JOHN S. SAUNDERS.

His Excellency Lieutenant Colonel Sir W. M. G. COLEBROOKE, K. H.
Lieutenant Governor, &c.

Abstract of the Receipts and Expenditure of the Queen's Casual and Territorial Revenue of the Province of New Brunswick, for the year ending 31st day of December, 1841.

RECEIPTS.

To balance in favor of the Revenue on the 31st December, 1840,.....	£2,900	6	4
“ Gross proceeds of Tonnage on Timber and Lumber cut on Crown Lands,	15,753	17	10
“ Gross proceeds of Land Sold and Leased,.....	3,044	1	7
“ Contingencies collected at Crown Land Office,.....	281	14	0
“ Ditto collected at Secretary's Office,.....	414	16	8
“ Fines in Courts of Law,.....	96	1	0
	<u>£22,490</u>	<u>17</u>	<u>5</u>

G

EXPENDITURE.

EXPENDITURE.

To paid	sundry Inspections and Surveys,	1,438	15	6
"	return of double Duty,	82	19	0
"	" Deposits on Timber and Lumber applications,	195	10	10
"	" Land not Vacant,	102	3	1
"	balance of H. J. Hansard's Account against Royal Road,	146	13	7
"	Province Treasurer under Act of Assembly,	15,074	12	0
"	Indoor Establishment of Crown Land Office,	1,010	0	0
"	Extra Clerk Hire do. do.	333	6	8
"	Stationery and Binding do. do.	69	2	6
"	Fuel do. do.	21	6	0
"	Postages do. do.	155	6	2
"	Candles and Sundries do. do.	66	14	10
"	For a Theodolite do. do.	38	15	1
"	Printing do. do.	172	9	9
"	Jacob Allan's Salary and Expenses,	328	15	7
"	Travelling Expenses of Members Executive Council,	164	10	0
"	Auditor General's contingencies,	33	2	5
"	Receiver General's ditto,	42	3	5
"	Attorney General's ditto,	20	0	0
"	George Priestly, Staff Adjutant, balance of Account,	27	16	7
"	Doctor Gesner, Salary,	150	0	0
"	Costs of Law,	11	9	11
"	The late Commissioner of Crown Lands exonerated from this amount by the Commissioners for Auditing Casual Revenue Accounts,	324	4	9
"	Balance in favor of the Revenue,	2,480	19	9
		<u>£22,490</u>	<u>17</u>	<u>5</u>

F. P. ROBINSON, Auditor General.

Auditor's Office, Fredericton, 10th January, 1842.

EXPENDITURE OF THE CIVIL LIST.

First Quarter 1841.

His Excellency Sir John Harvey, Lieutenant Governor,	£865	7	8
Henry J. Harvey, Esquire, Private Secretary,	57	13	10
Honorable Ward Chipman, Chief Justice,	274	0	9
" William Botsford, Justice Supreme Court,	187	10	0
" James Carter, Do. Do.	187	10	0
" Robert Parker, Do. Do.	187	10	0
" William F. Odell, Provincial Secretary,	399	17	9
Carried forward,	<u>£2,159</u>	<u>10</u>	<u>0</u>

<i>Brought forward,</i>		£2,159 10 0
Honorable Thomas Baillie, one moiety of Salary as Surveyor General,....		150 0 0
“ John S. Saunders, Do. Do.		150 0 0
“ F. P. Robinson, Auditor General,.....		86 10 9
“ Thomas C. Lee, Receiver General,.....		86 10 9
“ Charles I. Peters, Attorney General,.....		158 13 0
“ George F. Street, Solicitor General,.....		57 13 10
Alexander Wedderburn, Emigrant Agent,.....		28 16 11
Reverend Robert Wilson, Presbyterian Minister.....		14 8 5
Hon. George F. Street, Treasurer of King's College,.....		277 15 6
Commissioners of Indians, Donation,.....		15 0 0
Anthony Lockwood, (Annuity,) not to be paid till life certificate be produced,.....		43 5 4
		£3,228 4 6
Surplus in the Quarter,.....		396 15 6
		£3,625 0 0

Second Quarter 1841.

His Excellency Sir W. M. G. Colebrooke, Lieutenant Governor,.....		£609 6 6
Alfred Reade, Esquire, Private Secretary,.....		40 12 5
Honorable Ward Chipman, Chief Justice,.....		274 0 9
“ William Botsford, Justice Supreme Court,.....		187 10 0
“ James Carter, Do. Do.		132 15 9
“ Robert Parker, Do. Do.		187 10 0
“ W. F. Odell, Provincial Secretary,.....		399 17 9
“ John S. Saunders, one moiety of Salary as Surveyor General,		150 0 0
“ Thomas Baillie, Do. Do.		150 0 0
“ F. P. Robinson, Auditor General,.....		86 10 9
“ Thomas C. Lee, Receiver General,.....		86 10 9
“ Charles J. Peters, Attorney General,.....		158 13 0
“ George F. Street, Solicitor General,.....		57 13 10
Alexander Wedderburn, Emigrant Agent,.....		28 16 11
Reverend Robert Wilson, Presbyterian Minister,.....		14 8 5
Hon. George F. Street, Treasurer of King's College,.....		277 15 6
Commissioners of Indians, Donation,.....		15 0 0
Anthony Lockwood, (Annuity,) not to be paid till life certificate be produced,.....		43 5 4
		£2,900 7 8
Surplus in the Quarter,.....		724 12 4
		£3,625 0 0

Third

Third Quarter 1841.

His Excellency Sir W. M. G. Colebrooke, Lieutenant Governor,.....	£865	7	8
Alfred Reade, Esquire, Private Secretary,.....	57	13	10
Honorable Ward Chipman, Chief Justice,.....	274	0	9
“ William Botsford, Justice Supreme Court,.....	187	10	0
“ James Carter, Do. Do.	130	18	2
“ Robert Parker, Do. Do.	187	10	0
“ William F. Odell, Provincial Secretary,.....	399	17	9
“ John S. Saunders, one moiety of Salary as Surveyor General,	150	0	0
“ Thomas Bailie, Do. Do.	150	0	0
“ F. P. Robinson, Auditor General,.....	86	10	9
“ Thomas C. Lee, Receiver General,.....	86	10	9
“ Charles J. Peters, Attorney General,.....	158	13	0
“ George F. Street, Solicitor General,.....	57	13	10
Alexander Wedderburn, Emigrant Agent,.....	28	16	11
Reverend Robert Wilson, Presbyterian Minister,.....	14	8	5
Hon. George F. Street, Treasurer of King's College,.....	277	15	6
Commissioners of Indians, Donation,.....	15	0	0
Anthony Lockwood, (Annuity,) not to be paid till life certificate be produced,	43	5	4
	£3,171	12	8
Surplus on the Quarter,.....	453	7	4
	£3,625	0	0

Last Quarter 1841.

His Excellency Sir W. M. G. Colebrooke, Lieutenant Governor,.....	£865	7	8
Alfred Reade, Esquire, Private Secretary,.....	57	13	10
Honorable Ward Chipman, Chief Justice,.....	274	0	9
“ William Botsford, Justice Supreme Court,.....	187	10	0
“ James Carter, Do. Do.	187	10	0
“ Robert Parker, Do. Do.	187	10	0
“ William F. Odell, Provincial Secretary,.....	399	17	9
“ John S. Saunders, one moiety of Salary as Surveyor General,	150	0	0
“ Thomas Baillie, Do. Do.	150	0	0
“ F. P. Robinson, Auditor General,.....	86	10	9
“ Thomas C. Lee, Receiver General,.....	86	10	9
“ Charles J. Peters, Attorney General,.....	158	13	0
“ George F. Street, Solicitor General,.....	57	13	10
Alexander Wedderburn, Emigrant Agent,.....	28	16	11
Rev. Robert Wilson, Presbyterian Minister,.....	14	8	5
Honorable George F. Street, Treasurer of King's College,.....	277	15	6
	£3,169	19	2
<i>Carried forward,</i>			

	<i>Brought forward</i> ,.....	£3,169 19 2
Commissioners of Indians, Donation,.....		15 0 0
Anthony Lockwood, (Annuity,) not to be paid till life certificate be produced,.....		43 5 4
		<hr/> 3,228 4 6
Surplus on the Quarter,.....		396 15 6
		<hr/> <hr/> £3,625 0 0

DISTRIBUTION OF THE SURPLUS CIVIL LIST.

1841.		Dr.	
No. 18.	Jan. 6.	W. B. Phair, Mr. Secretary Odell's Postage, to 31st Dec. 1840,..	£38 4 2
" 21.	April 26.	Sir John Harvey, Salary as Lieutenant Governor, to 27th April 1841,.....	256 1 2
" 22.	" "	H. Harvey's Salary as Private Secretary, to 27th April, 1841,...	17 4 4
" 23.	" "	W. B. Phair, Secretary's Postage to 31st March, 1841,.....	29 10 11
" 25.	July 27.	W. B. Phair, Do. Do. to 30th June, 1841,.....	33 9 8
" 26.	Aug. 4.	A. Wedderburn, grant to relieve him under his present difficulties,	50 0 0
" 30.	Oct. 11.	Mr. Secretary Odell's Postage to 30th September, 1841,.....	53 5 5
		Arrears due John S. Saunders for 1840, not charged in the Civil List of that year,.....	200 0 0
		Balance in the Receiver General's hands, 31st Dec., 1841,.....	4,094 2 0
			<hr/> <hr/> £4,771 17 8

Cr.		
By balance of the Surplus Civil List in the Receiver General's hands, 31st Dec. 1840,...		2800 7 0
Surplus on the Quarter ending 31st March, 1841,.....		396 15 6
Surplus on the Quarter ending 30th June, 1841,.....		724 12 4
Surplus on the Quarter ending 30th September, 1841,.....		453 7 4
Surplus on the Quarter ending 31st December, 1841,.....		396 15 6
		<hr/> <hr/> £4,771 17 8

F. P. ROBINSON,

Auditor General of the Queen's Casual Revenue.

Auditor's Office, 1st January, 1842.

KING'S COLLEGE.

PROFESSORS.

The Reverend Edwin Jacob, D. D. Classical Literature, History, Moral Philosophy, Metaphysics and Divinity.

James Robb, Esquire, M. D. Chemistry and Natural History.

William Brydon Jack, Esquire, A. M. Mathematics and Natural Philosophy.

GEO. FRED. STREET, *Registrar.*

H

STUDENTS.

STUDENTS.

<i>Residents.</i>	<i>Non-Residents.</i>
E. Jacob,	Charles Coster,
J. Jacob,	H. B. Robinson,
J. S. Millidge,	G. J. Bliss,
J. Hanford,	C. Drury,
T. G. Street,	E. B. Chandler,
W. H. Deveber,	W. H. Robinson,
W. Duvernett,	C. Bliss,
N. Disbrow,	Charles Lee,
R. Currey,	Charles Odell.
G. F. Gilbert,	
N. R. Merritt,	
J. M. Wood,	
H. Russell,	
Drake Palmer.	

GEO. FRED. STREET, *Registrar.*

INCOME AND EXPENDITURE.

1841.	DR.		
To Crown Grant from the Casual Revenue,.....	£1,111	2	0
“ Provincial Grant,.....	1,100	0	0
			<u>2,211 2 0</u>
“ Amount of Rents received,.....			104 6 9
“ Interest received of monies out on Real Sureties,.....			90 0 0
“ Amount received on Barker’s Bond and Interest,.....			55 11 7
“ Amount received from Students for dilapidations,.....			4 4 4
“ Balance carried to new Account being the excess of Expenditure beyond income at the close of 1841.....			48 19 1
			<u>£2,514 3 9</u>
1841	CR.		
By Balance due from last Account, at the close of 1840,.....			£293 11 11
“ Salaries paid to the Professors, &c. &c. &c. viz :			
The Rev. E. Jacob, D. D., Vice-President, &c.....	£500	0	0
The same, as Professor of Divinity,.....	150	0	0
James Robb, Esquire, M. D., Chemistry, &c. &c.....	300	0	0
W. B. Jack, Esquire, A. M., Mathematics,.....	300	0	0
E. H. Wilmot, Esquire, the balance due to him for 1840, du- ring the vacancy of the Chair,.....	50	0	0
Honorable G. F. Street, Registrar,.....	100	0	0
George Roberts, Esquire, Master of Grammar School,.....	200	0	0
James Holbrooke, Esquire, Assistant Master,.....	150	0	0
The same, allowance for House Rent,.....	25	0	0
The Steward,.....	60	0	0
“ Beadle,.....	40	0	0
“ Gate Keeper,.....	10	0	0
“ Forrester,.....	5	0	0
			<u>1,890 0 0</u>
			<u>£2,183 11 11</u>
	<i>Carried forward,</i>		

	<i>Brought forward</i> ,.....	£2,183 11 11	
By Scholarships, viz:			
T. G. Street,.....	25 0 0		
J. M. Wood,.....	25 0 0		
			50 0 0
By Incidental expences, viz:			
Paid for Fuel,.....	40 0 0		
" Pew Rent in Christ Church,.....	10 5 0		
" Carpenters Bills,.....	163 11 9		
" Glaziers Bills,.....	6 17 6		
" Printing,.....	9 3 6		
" Boundary Fences,.....	12 10 0		
" Stationers Bills,.....	1 5 0		
" Suit of Livery for Beadle,.....	8 4 6		
" Sundries in College School, belonging to Mr. Cowell,....	6 17 6		
" Dr. Robb, amount of his Account for Chemical Class Room Text Books, &c.,.....	21 17 1		
			280 11 10
	E. E.		£2,514 3 9

GEO. FRED. STREET, *College Treasurer.*

ORDERED, That the said documents and returns do lie on the Table.

A Message was brought from the Assembly by Mr. Hill, that the Assembly had agreed to the amendment made by this House to the Bill to authorize the Justices of the Peace for the County of Charlotte, to make regulations for the Market Wharf in the Parish of Saint Stephen.

A Message was brought from the Assembly by Mr. Boyd, with a Bill to provide for more effectually repairing the Streets and Bridges in the Town of Saint Andrews, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A Petition from Hugh A. Caie, Dugald M'Pherson, Felix Savoy, and 190 other persons, praying aid for the completion of an important road in the County of Gloucester: and

A Petition from the Overseers of Poor in Gloucester, praying certain expences incurred in supporting distressed Emigrants, may be allowed them.

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

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

A Petition from Thomas Berry, of Saint Andrews, praying to be allowed for losses sustained by him under a contract for building the Court House in Charlotte County: and

A Petition from Solomon Vail, of Kingsclear, praying allowance for a grant of money to enable him to complete an establishment for the accommodation of travellers on the Great road from Fredericton to Saint Andrews.

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

The

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

A Petition from Robert Dougherty, of Saint Andrews, praying a return of duties paid on a Waggon imported by him: and

A Petition from Schuyler P. Frink, of Saint Stephens, praying the consideration of the House, in consequence of his not being able to pay the purchase money due Government on the purchase of four thousand acres of land on the Palfrey Lake.

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

The Honorable Mr. Chandler, by leave, presented a Petition from a Company of Firemen in Chatham, praying exemption from serving on Juries, or in the Militia.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 4th February, 1842,

PRESENT :

THE HON.

*Mr. Baillie,
Mr. Botsford,
Mr. Lee,
Mr. Robertson,
Mr. Hatch.*

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

The Honorable Mr. Baillie sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to extend the provisions of an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards and for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned," to the Towns of Dalhousie and Campbellton, in the County of Restigouche, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to provide for the more effectually repairing the Streets and Bridges in the Town of Saint Andrews, was read a second time.

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

The Honorable Mr. Robertson, by leave, presented a Petition from William H. Street, of Saint John, praying a return of Provincial Duties paid on articles destroyed by Fire in the Bonded Warehouse, at Saint John, during the Fire in November last, the said articles being in Bond for the Imperial Duty, and under the locks of the Officers of Her Majesty's Custom House Officers.

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

The

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

A Petition from John Wilson, of Saint Andrews, praying the consideration of the House on the subject of the purchase of ten thousand acres of Land near the South Branch of the Oromocto River, made in the year 1835, in which purchase he was interested :

A Petition from John Grimmer, praying a return of a penalty imposed upon him under a Provincial Act, which did not receive the assent of Her Majesty : and

A Petition from the Minister, Officers and Member of the Wesleyan Society, Members of the Wesleyan Congregation, and others, in Mill Town, in the County of Charlotte, praying this House may assent in allowing a sum of money to be given to an Academy in the County of Westmorland.

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

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

A Petition from William Stevens, and 109 other persons in Gloucester, with a prayer similar to that in the last foregoing Petition : and

A Petition from William Deacon and Samuel Sutherland, of Bathurst, praying a return of Duties paid by them on a quantity of Flour.

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

The Honorable Mr. Hatch, by leave, presented a Petition from Abner Hill, William Todd, Junior, Harrison M'Allister, and others, of Saint Stephen, in Charlotte County, praying no Sluice Way may be permitted to be constructed from the upper Pond in Mill Town, in said Parish.

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

Adjourned until Monday next at 12 o'clock.

MONDAY, 7th February, 1842.

PRESENT :

THE HON.

*Mr. Baillie,
Mr. Attorney General,
Mr. Robertson,
Mr. Hatch.*

*Mr. Botsford,
Mr. Lee,
Mr. Wyer,*

PRAYERS.

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

TUESDAY, 8th February, 1842.

PRESENT :

THE HON.

Mr. Baillie,
Mr. Saunders,
Mr. Attorney General,
Mr. Robertson,
Mr. Hutch,

Mr. Robinson,
Mr. Botsford,
Mr. Lee,
Mr. Wyer,
Mr. Kinnear.

The Honorable Mr. Baillie, sat President.

PRAYERS.

On motion, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace for the County of York to levy a further assessment for the purpose of paying off the debt due on the erection of a new Gaol in the said County.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

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

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

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

A general Return of the affairs of the New Brunswick Marine Assurance Company, for six months, ending on the 31st day of December last.

ORDERED, That the same do lie on the Table.

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

The Honorable the President read the same.

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

NEW BRUNSWICK.
Message to the Legislative Council,
1st February, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor lays before the Council an Account rendered by the Sheriff of Restigouche, of certain expenses incurred in providing for the protection of the Gaol, and Police of the County, in consequence of a serious disturbance of the Public Peace which occurred last year.

W. M. G. C.

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

A Bill to continue an Act, intituled "An Act to provide for the erection of Fences, with Gates, across the Highways on Deer Island, in the Parish of West Isles, in the County of Charlotte:" and

A Bill to enable the Shareholders of a Company, called "The New Brunswick Steam Boat Company," to sue and be sued by that name. The

The said Bills were severally read a first time.

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

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

The said Bill was read the second time.

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

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

A Bill to establish the line of Road from Oak Bay, in the County of Charlotte to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province: and

A Bill relating to the driving of Stage Coaches and other Wheel Carriages on the Great Roads of Communication throughout this Province.

The said Bills were severally read a first time.

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

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

The said Resolutions were read the first time.

A Message was brought from the Assembly by Mr. Woodward, with a Bill further to facilitate the means of supplying the City of Saint John with Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A Petition from the Minister, Officers and Members of the Wesleyan Society, Wesleyan Congregations, and others, in Sackville, praying aid for an Academy in that Parish:

A Petition from James De Bourke, praying an allowance for teaching a School in Northumberland: and

A Petition from the Commissioners of Buoys and Beacons at Bathurst, praying an amount of sixty five pounds twelve shillings and eight pence, expended by them, may be allowed.

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

The Honorable Mr. Hatch, by leave, presented a Petition from Abraham Gesner, praying a return of Duties paid by him on certain Philosophical Apparatus, imported by him from the United States of America.

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

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

A Petition from the Saint John Water Company, praying an Act may pass to enable them to transfer the property of the Company to the Mayor, Aldermen and Commonalty of the City of Saint John :

A Petition from the Mayor, Aldermen and Commonalty of the said City, with a similar prayer :

A Petition from Milby and Thomas, of the City of Saint John, praying a penalty of eighty pounds imposed upon them under a Provincial Act, may be returned, the Act not having received Her Majesty's approval :

A Petition from Robert Rankin and Company, of Saint John, praying a return of Head Money, paid upon Emigrants on board the ship Macao, from Londonderry : and

A Petition from William H. Street, of Saint John, praying a Drawback may be allowed him upon Spirits exported in March last to Nova Scotia, for reasons stated.

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 William Kilpatrick, of the Parish of Portland, praying to be remunerated for pulling down his house at the fire in Portland, in August last, or that a Law may pass to assess for the same : and

A Petition from the President and Directors of the Mechanics' Institute, praying for Legislative aid for the Institution.

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

The Honorable Mr. Wyer, by leave, presented a Petition from Samuel Frye, David W. Jack, Alexander M'Lean and others, Members of a Geological and Philosophical Society formed in Saint Andrews, praying pecuniary aid to assist them in their undertaking.

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

Adjourned until To-morrow at 1 o'clock.

WEDNESDAY, 9th February, 1842.

PRESENT :

THE HON.

*Mr. Baillie,
Mr. Robinson,
Mr. Eatsford,
Mr Lee,
Mr. Robertson,
Mr. Hatch,*

*Mr. Peters,
Mr. Saunders,
Mr. Attorney General,
Mr. Street,
Mr. Wyer,
Mr. Kinnear.*

The Honorable Mr. Baillie, sat President.

PRAYERS.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace for the County of York, to levy a further assessment for the purpose of paying off the debt due on the erection of a new Gaol in the said County. The

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

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

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

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

A Bill to continue an Act, intituled “ An Act to provide for the erection of Fences with Gates, across the Highways on Deer Island, in the Parish of West Isles, in the County of Charlotte” :

A Bill to establish the Line of Road from Oak Bay, in the County of Charlotte, to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province : and

A Bill relating to the driving of Stage Coaches and other Wheel Carriages on the Great Roads of Communication throughout this Province.

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

Pursuant to the Order of the Day, the Bill further to facilitate the means of supplying the City of Saint John with Water, and transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John, was read a second time.

ORDERED, That the said Bill be referred to a Select Committee of three Members to report thereon, and that the Honorable Messieurs Peters, Robertson and Street, be the Committee for that purpose.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to provide for the more effectually repairing the Streets and Bridges in the Town of Saint Andrews.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Saunders by direction of His Excellency the Lieutenant Governor, lays before the House, a copy of a report made by the Honorable William B. Kinnear, and William End, Esquire, by His direction, on a proposed Bill relating to Debtors and Creditors, with a copy of the proposed Bill.

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

(Copy.)

Saint John, N. B. 13th January, 1842.

SIR,—In obedience to Your Excellency’s commands, we have endeavoured to frame a Bankrupt Law for this Province, a draft of which we now transmit. We have been most anxious to avoid the hasty adoption of any measure, and have collected information not only from systems now in existence, but from the expressed opinions of men of experience and celebrity, as well in Great Britain and Canada as in the Provinces and the neighbouring Republic. This must be an excuse for not having reported before now.

We have had not only to settle a new system, but to create a Court by which that system shall be carried into operation, and because we think that the administration of any Bankrupt Law, necessarily involving important legal questions cannot properly be entrusted to persons who are not of legal habits, we have proposed that a Barrister of at least seven years standing shall be appointed Commissioner of Bankruptcy in each of those Counties, to which we apprehend a system of Bankruptcy should be immediately extended.

Had the Benches of the Courts of Common Pleas been furnished with presiding Barristers, we should have avoided the objection of placing too much power in the hands of one person, by accommodating one system to those Courts, and we cannot help expressing a hope that so obvious an improvement in the constitution of such Courts, and the administration of justice may not be longer delayed. Insolvent and Bankruptcy cases might then be safely confined to the County Courts, as well also as that mass of small litigation (called Summary Practice,) and many other minor subjects by which the Supreme Court is at present so greatly embarrassed.

We have, &c. &c. &c.

(Signed)

W. B. KINNEAR,
WILLIAM END.

His Excellency Sir W. M. G. COLEBROOKE, &c. &c. &c.

ORDERED, That the Documents do lie on the Table.

The Honorable Mr. Hatch, by leave, presented a Petition from the Magistrates of Charlotte County, praying a sum of money may be granted to aid them in paying for expenses incurred in building a Court House in the County, and contingent expenses, and stating an amount of debt of nine hundred and fifty pounds, from which they desire to be relieved by grant from the Province, or Assessment, or both.

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

The Honorable Mr. Saunders, by leave, presented a Petition from the Officers and Members of an Engine Company in Woodstock, praying to be relieved by Law, from the duties of Constables, Surveyors of Highways, serving as Jurors at the General Sessions, and from Statute Labour.

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

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

A Petition from John C. Vail, of King's County, praying Legislative aid to enable him to continue to run a Coach from the City of Saint John to Dorchester :

A Petition from Nehemiah Merritt, Noah Disbrow, and one hundred and thirty four other Freeholders of that City, praying an Act may pass to authorize the City Corporation to widen Saint John Street : and

A Petition from the Mayor, Aldermen and Commonalty of Saint John, praying the consideration of the Legislature on the subject of regulating by Law, Wharfage and other dues, so far as they relate to the City and the Parish of Portland.

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

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

A Petition from Robert Rankin and Company, of Saint John, praying a return of Head Money on Emigrants brought to Saint John in the Brig Wilkinson, from Belfast, the last year :

A Petition from the Justices of the Peace of Saint John, praying the Overseers of Poor may be repaid money advanced to relieve sick, indigent and distressed Emigrants:

A

A Petition from J. V. Thurgar, praying a return of Duties on Goods destroyed by Fire in November last, in the City of Saint John: and

A Petition from F. A. Taylor, Trader in Ireland, by his Agents, Messieurs Crane and M'Grath, Merchants in Saint John, praying a return of Head Money on Passengers on board the Schooner Jane, from Limerick.

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

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

A Petition from Colin Allan, Asa Coy, Joseph Gaynor, and other Freeholders of York County, praying that at future contested Elections the Polling for Candidates shall be completed within two following days, no Sunday intervening, and that the Representatives shall be elected to their Seats in the Assembly for four years and no longer:

A Petition from Robert Dougherty, of Saint Andrews, praying an allowance for continuing a conveyance for Passengers between that Town and Saint Stephen:

A Petition from George L. Raymond, of Woodstock, praying to be repaid money paid for acts done under Commissioners of Highways directions, which have not been deemed legal:

A Petition from Daniel Leavitt, Charles Ward, George Harding, Stephen Wiggins, and one hundred and sixty six others, Merchants, Traders and Inhabitants of Saint John, praying a Bill lately read before the Grand Jury, relating to Wharfage may not pass into a Law: and

A Petition from Nehemiah Marks, of Saint Stephen, praying the amount of a penalty imposed on him, and the costs of Prosecution may be repaid, the Act under which this penalty was incurred, not having been approved of by Her Majesty.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 10th February, 1842.

PRESENT:

THE HON.

*Mr. Black,
Mr. Peters,
Mr. Botsford,
Mr. Lee,
Mr. Wyer,
Mr. Kinnear.*

*Mr. Baillie,
Mr. Robinson,
Mr. Attorney General,
Mr. Robertson,
Mr. Hatch,*

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace for the County of York, to levy a further assessment for the purpose of paying off the Debt due on the erection of a new Gaol in the said County, was read a third time and passed.

ORDERED

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill relating to the driving of Stage Coaches and other Wheel Carriages on the Great Roads of Communication throughout this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to establish the Line of Road from Oak Bay, in the County of Charlotte, to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to continue an Act, intituled "An Act to provide for the erection of Fences with Gates, across the Highways on Deer Island, in the Parish of West Isles, in the County of Charlotte."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to provide for the more effectually repairing the Streets and Bridges in the Town of Saint Andrews.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The

The Honorable Mr. Peters, from the Select Committee appointed to examine and report upon the Bill further to facilitate the means of supplying the City of Saint John with Water, and transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John, presented a Report.

ORDERED, That the Report be received, and the same was then read by the Clerk, as follows:—

The Select Committee to whom was referred the Bill, further to facilitate the means of supplying the City of Saint John with Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John, report they have attended to that duty, and recommend the Bill to the favorable consideration of the House.

HARRY PETERS, *Chairman.*

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

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

A Petition from the Mayor, Aldermen and Commonalty of Saint John, setting forth the distress to which the said City has been subjected to by late destructive Fires and other causes, and praying the Legislature to aid them:

A Petition from Simon Ballard, praying an allowance for services at the Ferry at the mouth of the Arestook River:

A Petition from the Chamber of Commerce of Saint John, praying Legislative aid for the more effectual prosecution of the Fisheries:

A Petition from the Grand Jurors of the County of Carleton, and four Justices of the Peace of the County, praying no Act may pass authorizing Booms to be placed across the River Saint John:

A Petition from Eaton, Burnham and Company, of Saint John, praying a return of Head Money paid on Emigrants, on board the brig Prince Albert, from Dublin:

A Petition from Thomas E. Millidge, of Saint John, praying a return of Duties paid on articles destroyed by Fire in November last: and

A Petition from Willard, Buchanan and Company, of the City of Saint John, praying a grant may pass to reimburse them for expences incurred in importing Seamen from Great Britain, under the provisions of an Act of the General Assembly of the Province, which Act was not confirmed by Her Majesty.

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

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

A Petition from the Trustees of the Wesleyan Academy in Sackville, praying aid in establishing the Seminary of Education at that place, under the management of the Trustees: and

A Petition from William H. Street, Ezekiel Barlow and Sons, Thomas Daniel and sixty others, Merchants, Ship Owners, and others resident in Saint John, praying an Act may pass to regulate Dockage, Wharfage and Cranage in the said City, and the Parish of Portland.

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

A

A Message was brought from the Assembly by Mr. Hill, with a Bill to incorporate sundry persons by the name of the Saint Stephen's Marine Assurance Company, 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 the same be read a second time.

The said Bill was read a second time.

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

The Honorable Mr. Baillie, by leave, presented a Petition from the Committee for the erection of the new Roman Catholic Chapel in Fredericton, praying assistance for reasons set forth.

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

The Honorable Mr. Hatch, by leave, presented a Petition from Thomas Moses, Deputy Treasurer of West Isles and Campo Bello, praying remuneration for services.

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

The Honorable Mr. Peters, by leave, presented a Petition from the Ministers, Officers and Members of the Wesleyan Congregations and others, in the Long Reach and Jerusalem Settlement, in Queen's County, praying a grant may pass in aid of an Academy erected in the County of Westmorland.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 11th February, 1842.

PRESENT :

THE HON.

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

*Mr. Shore,
Mr. Peters,
Mr. Saunders,
Mr. Attorney General,
Mr. Street,
Mr. Hatch,*

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to continue an Act, intituled "An Act to provide for the erection of Fences with Gates across the Highways on Deer Island, in the Parish of West Isles, in the County of Charlotte," was read a third time and passed.

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

A

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,

1st February, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor lays before the Council, the copy of a communication he received from the Mayor and Common Council of Saint John, representing the severe distress occasioned in the City after the late Fires, and the difficulty at a period of Commercial embarrassment of providing for the relief of the Poor who were thrown out of employment; in consequence of which, he made temporary advances to the Corporation of £3,250 to be reimbursed from monies due to them by the Public.

The Lieutenant Governor also informs the Council that an advance of £250 has been made to the Magistrates of Portland to aid the employment of the destitute in that Parish.

The Lieutenant Governor communicates to the Council, Papers relative to a new Settlement on the Road to Saint Andrews, which has led to the formation of other associations with the same object—also the reports he has received from the Surveyor General on the subject, and having authorized an advance of £200 to open a communication to the first Settlement, he recommends to the Council, in anticipation of any general measures for the execution of such works, that similar advances may be sanctioned to facilitate the opening of the necessary communications to the various locations which are about to be occupied.

Having found it necessary to sanction a temporary advance to defray the expenses of the Officers appointed by him to visit the Indian Settlements, and whose Reports will be laid before the Council, he recommends that such further advances as may be required to carry into effect arrangements for the formation of Villages and the Settlement of the Reserves may be sanctioned.

W. M. G. C.

ORDERED, That the Documents sent down with this Message, do lie on the Table.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill further to facilitate the means of supplying the City of Saint John with Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion, the House went into a Committee of the whole, to take into further consideration

consideration the Bill to alter the Division Line of the Parishes of Douglas and Queensbury, in the County of York.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Peters, from the Select Committee appointed to examine and report upon all Bills relating to Corporations, presented a report.

ORDERED, That the said report be received.

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

The Committee to whom were referred all Bills relating to Corporations, report, they have had under consideration a Bill to enable the Shareholders of a Company called The New Brunswick Steam Boat Company, to sue and be sued by that name, and recommend the Bill without amendment to the adoption of the House.

HARRY PETERS, *Chairman*.

ORDERED, That the House be put into a Committee of the whole on Tuesday next, to take the said Bill and report of the Select Committee thereon into consideration.

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

A Petition from William O'Brien, a Ferryman at the River Renous, praying a sum may be allowed him for services: and

A Petition from James Holmes, of Northumberland, praying to be reimbursed expenses incurred in removing obstructions in the South West Stream.

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

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

A Petition from James R. Tupper, praying aid to assist him in continuing a line of Coaches from Fredericton to Woodstock and the Great Falls: and

A Petition from John Porter, John Hay, Gilbert Carvill and 350 others, inhabitants of Richmond Settlement and Parish of Woodstock, praying the Western part of the said Parish may be divided into a separate and distinct Town or Parish.

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

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

A Petition from William Dugan and Lucien L. Copland, praying aid to the line of Coaches between Saint John and Saint Andrews: and

A Petition from William White, of Saint Stephen, in the County of Charlotte, praying the allowance for keeping a Ferry at Oak Bay, may be continued to him.

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

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

A Petition from James Allanshaw, of Saint Patrick, praying a sum of money paid under

under the Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province may be refunded him: and

A Petition from Solomon Vail, praying Legislative aid to assist him in continuing a Communication between Fredericton and Saint Andrews.

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

Adjourned until Monday next at 10 o'clock.

MONDAY, 14th February, 1842.

PRESENT:

THE HON.

	<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Baillie,</i>		<i>Mr. Peters,</i>
<i>Mr. Botsford,</i>		<i>Mr. Wyer,</i>
<i>Mr. Hatch.</i>		

PRAYERS.

There not being eight Members present, the House adjourned until to-morrow at 10 o'clock.

TUESDAY, 15th February, 1842.

PRESENT:

THE HON.

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

PRAYERS.

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

A Petition from James Gallagher, Thomas Allan, Henry Gilbert and others, of the Parish of Portland, praying that any Act which may tend to establish an efficient Police in Saint John may not be allowed to extend to the Parish of Portland: and

A Petition from John Montgomery, Arthur Ritchie, Robert Ferguson and 100 others, Freeholders and Inhabitants of Restigouche, praying an Act may pass to increase the number of Representatives for the County.

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

The Honorable Mr. Hatch, by leave, presented a Petition from James Curtain, praying an allowance for carrying the Mails between Saint Andrews and Robinston.

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

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

A Petition from James Whitney, of Saint John, praying assistance to enable him to continue a Steamer running between that place and Boston, in the United States of America:

A Petition from Edwin Fairweather, of Saint John, praying compensation for services in examining the old Bridge over the Hammond River, by direction of the late Supervisor: and

A Petition from James Hewett and John Winters, praying Legislative aid for a daily line of Stages between Fredericton and Saint John.

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

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

A Petition from John Wilson, praying aid to enable him to support a Team Ferry Boat across the Miramichi River, at Beaubair's Point:

A Petition from William Babcock, Charles R. Hatheway, and others, praying certain alterations in the Law relating to Tavern Keepers and Retailers, may be made: and

A Petition from John Wilson, Charles R. Hatheway, Samuel Frye, and 260 others, inhabitants of Charlotte County, on the subject of a Bridge about to be erected over the Waweig River.

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

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

A Petition from the Justices of the Peace for the County of York, praying Legislative aid to assist them in defraying the expence of building a New Gaol in the County:

A Petition from the Commissioners of the Alms House in the County of York, praying expences incurred in the support of distressed Emigrants may be repaid to them:

A Petition from Sarah Gill, praying the usual allowance for teaching a School in the Parish of Saint Mary:

A Petition from Isabel F. Jouett, of the same Parish, with a similar prayer:

A Petition from Anthony Saint George French, praying for compensation for losses sustained by him in the removal of Troops to Canada in the year 1838: and

A Petition from James Nixon, praying aid to remove a Sand Bar in the River Saint John, near the Ferry at Fredericton, on the Great Road to Northumberland.

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

The Honorable Mr. Saunders, by leave, presented a Petition from Henry S. Beek, praying remuneration for publishing a Map of the Province.

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

Adjourned until To-morrow at 10 o'clock.

WEDNESDAY, 16th February, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

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

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

PRAYERS.

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

An abstract shewing the state of the Mechanics' Whale Fishing Company on the first day of September, one thousand eight hundred and forty one.

ORDERED, That the same do lie on the Table.

A Message was brought from the Assembly by Mr. End, with a Bill to prevent frivolous and vexatious arrests, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Wilson, with a Resolution of Appropriation, dated the fifteenth day of February instant, to which they desire the concurrence of this House.

The said Resolution was read a first time.

ORDERED, That the House be put into a Committee of the whole to-morrow, to take into consideration any Resolutions of Appropriation sent up from the Assembly.

ORDERED, That the foregoing Resolution and the Resolutions of Appropriation, dated the 31st day of January last, be referred to the said Committee.

A Message was brought from the Assembly by Mr. Barbarie, with a Bill to increase the Representation of the County of Restigouche, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Gilbert, with a Bill to authorize the Justices of the Peace for Queen's County, to levy an assessment to pay off the County debt, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Palmer, with a Bill to limit the duration of the Assembly, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A

A Petition from John M'Donald, Benjamin Williston, Robert Noble, and 270 other persons, praying aid to improve the Road from Richibucto to Henry Sargent's, and to explore a line of Road from thence to Point Escuminac :

A Petition from James Gilmour, John Fraser, William N. Venning, and other persons, inhabitants of Newcastle, Northesk and Nelson, praying the annual grant may be continued to a public School in Newcastle : and

A Petition from John Haverty, of Saint Stephen Parish, praying an allowance to him for services as a School Master.

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

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

A Petition from Daniel Leavitt, of the City of Saint John, praying to be repaid Duties on Goods destroyed by fire in the City in November last.

A Petition from Messrs. Crookshank and Walker, praying a return of Duties paid on Pimento, shipped for the Port of Boston : and

A Petition from Richard Ketchum, John Bedell, Frederick Morehouse, Charles Perley, and other inhabitants of Woodstock, praying a Bill, contemplated for the division of the Parish, may not be permitted to pass this House.

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

The Honorable Mr. Kinnear, by leave, presented a Petition from John Allingham, praying remuneration for losses sustained by him, in consequence of his house being pulled down by authority, at a late fire in the Parish of Portland.

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

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

A Petition from the Ministers, Officers and Members of the Wesleyan Society, Members of the Wesleyan Congregations and others, in the Petitcodiac Circuit, in the County of Westmorland, praying assistance to an Academy in that County :

A Petition from the Ministers, Officers, and Members of the same Society, and others, in the Point Le Bute Circuit, with a similar prayer : and

A Petition from the Ministers, Officers and Members of the same Society, and others, in the Fredericton Circuit, with a like prayer.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 17th February, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Peters,

Mr. Botsford,

Mr. Lee,

Mr. Robertson,

Mr. Hatch,

Mr. Baillie,

Mr. Saunders,

Mr. Attorney General,

Mr. Chandler,

Mr. Wyer,

Mr. Kinnear.

PRAYERS.

The Honorable Mr. Peters, from the Select Committee appointed to examine and report upon all Bills relating to Corporations, presented a report.

ORDERED, That the report be received.

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

The Committee to whom were referred all Bills relating to Corporations report, that they have had under consideration a Bill to incorporate the Saint Stephen Mutual Fire Insurance Company, and they cannot recommend the Bill to the adoption of the House.

HARRY PETERS, *Chairman.*

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

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

A Bill to prevent frivolous and vexatious arrests :

A Bill to increase the Representation of the County of Restigouche :

A Bill to authorize the Justices of the Peace for Queen's County to levy an assessment to pay off the County Debt: and

A Bill to limit the duration of the Assembly.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration, the Bill to provide for the more effectually repairing the Streets and Bridges in the Town of Saint Andrews.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. End, with a Bill for the better and more effectual auditing of the Public Accounts of this Province, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to incorporate sundry persons by the name of the Saint Stephen's Marine Assurance Company, and the report of the Select Committee thereon.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

A

A Message was brought from the Assembly by Mr. Connell, with a Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a separate and distinct Town or Parish, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to repeal an Act, intituled “An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with drift nets,” so far as the same relates to the County of Westmorland.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

The Honorable the President read the same.

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

NEW BRUNSWICK.

Message to the Legislative Council,

11th February, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor lays before the Council, a report which has been made to him, with a Plan and estimate recommending the erection of an Iron Suspension Bridge at the Great Falls.

From this report it appears that a Survey will require to be made by a competent Engineer before the work can be undertaken.

The Officer who may be employed can also execute the Survey of the Royal Road from Fredericton to the Great Falls, as recommended by the Supervisor whose report has recently been laid before the Council.

W. M. G. C.

[*See Appendix, No. 5.*]

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

A Petition from Messrs. Crookshank and Walker, praying a return of Duties paid by them:

A Petition from Daniel Leavitt, John Hammond, Thomas L. Nicholson and 12 others, Ship Owners and Merchants, of Saint John, praying no Duty may be imposed on Ship Bread imported:

A Petition from Robert Payne, John Pollock, the Commissioners of Highways, Overseers of Poor and others, of the Parish of Portland, praying aid to widen and improve a Street in Portland Village, between the Long Wharf and the Willow Trees, so called:

A Petition from William Hammond, of Saint John, praying a return of Duties on Goods destroyed at the fire in November last: A

A Petition from John Ward, Ralph M. Jarvis, George A. Lockhart, Jacob Allan and 370 others, Magistrates, Freeholders and Inhabitants of the Parish of Portland and City of Saint John, praying a Stipendiary Magistracy may be appointed by and under the control of the Executive Government of the Province, and a Police force established, to be paid out of certain fines and duties set forth in the Petition: and

A Petition from Ezekiel Barlow and Sons, Merchants in Saint John, praying a return of Duty on Spirits exported to Halifax in 1841.

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

The Honorable Mr. Peters presented a Petition from William H. Williams, praying assistance for a weekly communication kept up by him between Fredericton and Saint John.

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

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

A Petition from Alexander Wedderburn, praying allowance for contingent expences incurred by him as Emigrant Agent in Saint John: and

A Petition from Thomas Henderson, Sergeant of the 36th Regiment, praying remuneration for services while on duty, under the Militia Law.

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

The Honorable Mr. Chandler, by leave, presented a Petition from David B. Wetmore and other Magistrates, of King's County, praying aid to enable them to pay off a Debt due for the new Gaol; also that an Act may pass to allow them to borrow the amount of the balance which may remain due.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 18th February, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Robertson,

Mr. Wyer,

Mr. Hutch,

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 incorporate the Saint Stephen Mutual Fire Insurance Company, and the report of the Select Committee thereon.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The

The Chairman reported, that the Committee had gone through the Bill, and the report of the Select Committee thereon, and recommended that the further consideration of the said Bill be postponed for three months.

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

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

Pursuant to the Order of the Day, the Bill to continue an Act, intituled "An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with drift nets," so far as the same relates to the County of Westmorland, was read a third time and passed.

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

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

A Bill for the better and more effectual auditing of the Public Accounts of this Province: and

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to prevent frivolous and vexatious arrests.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to increase the Representation of the County of Restigouche.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration a Bill to enable the Shareholders of a Company called The New Brunswick Steam Boat Company, to sue and be sued by that name, and the report of the Select Committee thereon.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to establish the line of Road from Oak Bay, in the County of Charlotte, to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

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

A Bill to repeal an Act, intituled “An Act against tumults and disorders upon pretence of preparing or presenting Public Petitions or other Addresses to the Governor or General Assembly”: and

A Bill to authorize the appointment of Commissioners to examine into the state and condition of the several Banks in this Province.

The said Bills were severally read a first time.

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

On motion—

The Bill further to facilitate the means of supplying the City of Saint John with Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John, was read a third time and passed.

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

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

A Bill to authorize Commissioners for taking Affidavits in causes pending in the Supreme Court, to take Affidavits in causes pending in the several Inferior Courts of Common Pleas for the several Counties in this Province: and

A Bill to repeal the Act to prevent disorderly riding or driving on Public Bridges, and make other provisions in lieu thereof.

The said Bills were severally read a first time.

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

ORDERED, That the House be called over on Monday the 28th day of February, instant, and that the Clerk do notify absent Members.

The Honorable Mr. Peters, by leave, presented a Petition from James Kerr, praying an allowance for teaching a School in Queen's County.

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

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

A Petition from the Ministers, Officers and Members of the Wesleyan Society, Members of the Wesleyan Congregations, and others, in the Woodstock Circuit, in the County of Carleton, praying aid to an Academy in Westmorland, for furniture, a Library, and Philosophical Apparatus: and

A Petition from Edmund Ward, Proprietor and Editor of the Sentinel Newspaper, praying the publishers of Papers may be relieved from certain duties imposed at the Post Offices in this Province.

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 James White, Noah Disbrow, Charles Ward and 2080 others, praying measures may be taken for the removal of the present Duty on Flour:

A Petition from Stephen Wiggins and Son, Nehemiah Merritt, William H. Scovil, and 503 other persons, praying no alteration may be made in the Duty on Flour, and that no Duty be imposed on Wheat imported into the Province:

A Petition from Nehemiah Merritt, George A. Lockhart, Daniel Ansley, Daniel Leavitt and 140 others, Merchants, Mechanics and other Inhabitants of the City of Saint John, praying an alteration may be made in the constitution of the City Court, for reasons in the Petition set forth: and

A Petition from Charles R. Jarvis, of Saint John, praying certain Duties may be repaid him on articles destroyed by a late fire in the City.

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

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

A Petition from Thomas Jones, William Garnett, William Kerr, John Wilson and 650 Inhabitants of Charlotte County, praying the Legislature will recommend a repeal of the Act of the Imperial Parliament, imposing a Duty on Flour imported into the Province: and

A Petition from the Overseers of the Poor in the Parish of Saint George, in Charlotte County, praying the sum of forty six pounds two shillings and six pence may be allowed them for expenses incurred in supporting poor Emigrants.

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

Adjourned until Monday next at 12 o'clock.

MONDAY,

MONDAY, 21st February, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch,

Mr. Kinnear.

PRAYERS.

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

A Bill to increase the Representation of the County of Restigouche: and

A Bill to establish the line of Road from Oak Bay, in the County of Charlotte, to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province.

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

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

A Bill to repeal an Act, intituled "An Act against tumults and disorders upon pretence of preparing or presenting public Petitions or other Addresses to the Governor or General Assembly."

A Bill to authorize the appointment of Commissioners to examine into the state and condition of the several Banks in this Province:

A Bill to authorize Commissioners for taking Affidavits in Causes pending in the Supreme Court, to take Affidavits in Causes pending in the several Inferior Courts of Common Pleas for the several Counties in this Province: and

A Bill to repeal the Act to prevent disorderly riding or driving on Public Bridges and make other provisions in lieu thereof.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to alter the Division Line of the Parishes of Douglas and Queensbury, in the County of York.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

The

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

At A in Section I expunge the word “commences,” and insert the words “shall commence.”

At B insert the words “shall run.”

At C expunge the words “North twenty seven degrees thirty minutes West.”

At D expunge the words “North forty six degrees West.”

At E expunge the words “North forty three degrees West.”

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

ORDERED, That they be engrossed, and the Bill be read the third time to-morrow.

A Message was brought from the Assembly by Mr. M'Leod, with a Bill to authorize the Justices of the Peace in and for King's County, to raise a sum of Money for paying the Contractors for building a Gaol in the said County, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Beardsley, with a Bill in addition to, and in amendment of an Act, intituled “An Act for further improving the Administration of Justice in Criminal cases,” to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill for the better and more effectual auditing of the Public Accounts of this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

The Honorable the President read the same, and it was again read by the Clerk as follows:—

NEW BRUNSWICK.

Message to the Legislative Council,

18th February, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor communicates to the Legislative Council, copies of a correspondence he has held with Dr. Gesner, relative to the disposition of a number of persons in Saint John, to form Settlements in the Country, and referring to His
Message

Message of the first instant, He recommends the subject to them as one of urgent importance at the present time.

W. M. G. C.

[*See Appendix, No. 6.*]

A Message was brought from the Assembly, by Mr. Connell, with a Bill to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provisions for the same, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a separate and distinct Town or Parish.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Chandler, by leave, presented a Petition from Richard Ketchum, John Dibblee, John F. W. Winslow, Charles Connell, and other Inhabitants of the County of Carleton, praying the Parish of Wakefield may be divided.

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

The Honorable Mr. Hatch, by leave, presented a Petition from John Brown, setting forth his services as a Mail carrier, and praying for relief in consequence of losses sustained in fulfilling a Contract with the Post Office Department.

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

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

A Petition from the Board of Health of Northumberland, praying authority to dispose of Sheldrake Island, and apply the proceeds to purchase a part of Middle Island, and also praying a grant of five hundred pounds or some other sum to enable them to make the purchase:

A Petition from George P. Peters of Saint John, praying the consideration of the House for services performed and expences incurred in attending to the wants of the Emigrants who arrive in this Province: and

A Petition from Robert Waugh, John Campbell, Richard Palmer, and 115 other persons on the South West Branch of the Miramichi, Boies Town and Stanley Settlement, praying Legislative aid for a Road.

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

The Honorable Mr. Robertson, by leave, presented a Petition from the Chamber of Commerce of the City of Saint John, praying that some alteration may be made in

the Law regulating the Coasting Trade of the Province, and a reduction of Duties upon several articles enumerated.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 22nd February, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch,

Mr. Kinneur.

PRAYERS.

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

A Bill for regulating the Salmon Fisheries in the County of Gloucester : and

A Bill to authorize Her Majesty's Justices of the Peace for the County of Gloucester to assess the said County for the payment of the County Debt.

The said Bills were severally read a first time.

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

Pursuant to the Order of the Day, the Bill to alter the Division Line of the Parishes of Douglas and Queensbury, in the County of York, as amended, was read a third time and passed.

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

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

A Bill in addition to and in amendment of an Act, intituled "An Act for further improving the Administration of Justice in Criminal Cases :

A Bill to authorize the Justices of the Peace in and for King's County, to raise a sum of money for paying the Contractor for building a Gaol in the said County : and

A Bill to repeal "An Act to encourage the destroying of Wolves," and "An Act to grant a Bounty on the destruction of Bears in this Province," and to make other provisions for the same.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to repeal an Act, intituled "An Act against tumults and disorders upon pretence of preparing or presenting Public Petitions and other Addresses to the Governor or General Assembly." The

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

A Message was brought from the Assembly by Mr. Rankin, with a Bill to authorize the Justices of the Peace for the County of Northumberland, to levy an Assessment to discharge the debts due by the said County, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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 Commissioners for taking Affidavits in causes pending in the Supreme Court to take Affidavits in causes pending in the several Inferior Courts of Common Pleas for the several Counties in this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, 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 :—

“Provided that no such Affidavit shall be taken by any Commissioner who is the Attorney in the cause to which such Affidavit may relate, except Affidavits to hold “to Bail.”

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to prevent disorderly riding or driving on Public Bridges, and to make other provisions in lieu thereof.

The Honorable Mr. Baillie, took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the appointment of Commissioners to examine into the state and condition of the several Banks in this Province.

The

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Botsford, by leave, presented a Petition from Henry G. Shook of Chatham, praying to be reimbursed for Duties paid on Household Furniture imported into Miramichi.

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

The Honorable Mr. Chandler, by leave, presented a Petition from the Justices of the Peace in and for the City and County of Saint John, praying a grant to the Overseers of the Poor of the Parish of Simonds, in said County, for expenses incurred in the support of Black Refugees.

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 23rd February, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch.

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize Commissioners for taking Affidavits in causes pending in the Supreme Court to take Affidavits in causes pending in the several Inferior Courts of Common Pleas for the several Counties in this Province, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to repeal the Act to prevent disorderly riding or driving on Public Bridges, and make other provisions in lieu thereof, was read a third time and passed.

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

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

A Bill to authorize the Justices of the Peace for the County of Northumberland to levy an assessment to discharge the debts due by the said County :

A Bill for regulating the Salmon Fisheries in the County of Gloucester : and

A Bill to authorize Her Majesty's Justices of the Peace for the County of Gloucester to assess the said County for the payment of the County Debt.

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

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

A Bill relating to the appointment of Firewardens and the better extinguishing of Fires in a part of the Parish of Saint Stephen, in the County of Charlotte, therein mentioned : and

A Bill to amend an Act, intituled "An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof."

The said Bills were severally read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill in addition to and in amendment of an Act, intituled "An Act for further improving the administration of Justice in Criminal cases."

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace in and for King's County to raise a sum of money for paying the Contractors for building a Gaol in the said County.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provisions for the same.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said

said Bill, and recommended that the further consideration of the same be postponed for three months.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill for the better and more effectual auditing of the Public Accounts of this Province.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

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

A Bill to authorize Her Majesty's Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County debt : and

A Bill to tax itinerant Showmen exhibiting in the Towns or Parishes within this Province.

The said Bills were severally read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to erect the upper part of the Parish of Wakefield in the County of Carleton, into a separate and distinct Town or Parish.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, upon Resolutions of Appropriation.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolution of Appropriation dated the fifteenth day of February, instant, and recommended that the House should concur in the same, and asked leave to sit again.

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

Whereupon the Resolution of Appropriation dated the fifteenth day of February, instant, was concurred in by the House.

ORDERED,

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

The Honorable Mr. Robertson from the Joint Committee of the Legislative Council and House of Assembly, appointed to prepare Addresses to Her Majesty and the Imperial Parliament, on the subject of protective Duties upon Colonial Timber, reported a Draft, which he read in his place.

ORDERED, That the Report be received; and that the House be put into a Committee of the whole, 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 Council had gone through the said Addresses, and had agreed thereto; and recommended the same to the adoption of the House.

ORDERED, That the Report be received.

The said Addresses being read were agreed to by the House, and are as follows:—

“To the Queen’s Most Excellent Majesty.

“THE HUMBLE ADDRESS OF YOUR MAJESTY’S LEGISLATIVE COUNCIL AND
THE HOUSE OF ASSEMBLY OF THE PROVINCE OF NEW BRUNSWICK,
IN GENERAL ASSEMBLY CONVENED.

“MAY IT PLEASE YOUR MAJESTY,

“Your Majesty’s most faithful subjects, the Legislative Council and Assembly of New Brunswick, having heard with great alarm that Your Majesty’s Ministers contemplate such alteration in the Duties upon Wood imported into the United Kingdom, as will lessen the protection now afforded to Colonial over Foreign Wood—a measure involving consequences so ruinous to all Your Majesty’s North American Colonies, and especially to New Brunswick, beg permission to lay at the Foot of the Throne, this their humble representation.

“By the protecting system originally adopted for the purpose of rendering the Mother Country independent of Foreign Nations for a supply of Wood, a Trade of vast importance has been created, in which British capital and British enterprize alone are engaged, and British interests alone promoted.

“That the Wood Trade is the staple of this Country, employing a numerous population of Emigrants and Lumberers; a large amount of capital invested in Saw Mills, Wharves, Warehouses, and other Establishments; and that while it encourages the settlement of the Country, it affords to the Agriculturist a ready and convenient market for the produce of his labors.

“That the Province of New Brunswick has always been distinguished for the sound Constitutional principles of its inhabitants and its unshaken Loyalty to the British Crown.

“That from the combined advantages of its Wood Trade and the cultivation of its soil, this Province has in the course of a few years sprung from helpless infancy to vigorous manhood, and achieved for itself a high station among the Colonies of Great Britain, the real worth of which can scarcely be appreciated during a period of tranquillity.

“That any alteration in the present scale of Duties, already so nearly equalized as barely to afford such protection to Colonial over Foreign Wood as enables the Trade to be prosecuted with the most rigid economy, would, in the opinion of Your Majesty’s

Majesty's Petitioners, be ruinous to this Province : because notwithstanding its rapid growth, it is yet too young to exist by its Agriculture alone ; because its capital invested in Saw Mills, Wharves, Stores, Shipyards, and every other variety of fixed property necessary for prosecuting an extended Commerce and Shipbuilding, would, under any change of Duty, or even in the present mode of collecting the same, be not worth the ground they stand upon, and because its rapidly increasing Marine will be at once without employment and disastrously deteriorated in value.

“ That free Foreign Trade and the abrogation of all fiscal restraints propounded by speculative Theorists as an equivalent for the destruction of the Staple Trade of the Country, Your Petitioners look upon as chimerical and delusive.

“ The North American portion of the British Empire, and particularly New Brunswick, is not yet in a position advantageously to avail itself of a Foreign Trade, nor of any Commercial intercourse which is not based upon an exchange of its staple commodity.

“ It is to Great Britain alone that New Brunswick can look for the preservation and protection of its Commerce, and the upholding of its prosperity and importance.

“ That an amount of capital greater than the entire Commercial wealth of its inhabitants is invested in that description of real estate which (in the event of the dreaded measure being carried) could find no purchasers—in Ships and Lumber, depreciated to one fourth of their costs, and in Stocks on hand of British Merchandize, which must become nearly valueless.

“ That the prosperity and improvement of this Colony is not the only consideration pressing upon the minds of Your Majesty's Petitioners,—Your Royal Navy would lose its best nursery for Seamen,—the British Manufacturer one of the most extensive and profitable markets,—Great Britain a most promising receptacle for her redundant population,—the outpost of all the North American Colonies demolished by the depopulation of New Brunswick, and the fairest portions of Your Majesty's Colonial Dominions exposed to the cupidity of a rival and most ambitious neighbouring power. Nor is this all : The ability to raise the means of paying the recently established Civil List of this Province, so cheerfully granted to Your Majesty, depends entirely upon the demand for its staple export, and the settlement of its wilderness lands. That the debts due to the British Merchants by the people of New Brunswick, must be nearly if not wholly unredeemed.

“ That the property and capital created by the steady industry of an enterprising and loyal people will be wasted, and the Commerce of the Province become annihilated, as no capitalist would be found so deficient in sagacity as to invest money in a country without Trade, Agriculture, or any other channel from which a return might be expected.

“ That no amount of Parliamentary compensation to the people, thus stripped of what they deem to be their just and equitable rights, could alleviate the distresses assuredly to follow the adoption of the contemplated measure.

“ In conclusion, Your people of New Brunswick are essentially British,—they consume no other Manufactures,—they possess no other Trade,—they desire no other connection, and as they look to the Home of their Fathers for succour and support, so are they ever ready to shed their blood in defence of their Sovereign and of Her Dominions.

“ We

“ We therefore humbly and earnestly implore Your Majesty to take this our Petition into Your Majesty’s most gracious consideration, assuring Your Majesty, that it is only by a rigid adherence to the present protective policy in favor of the North American Colonies, that Your Majesty’s subjects resident therein will be preserved from ruin.”

“ To the Lords, Spiritual and Temporal, of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

“ THE HUMBLE PETITION OF HER MAJESTY’S LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF THE PROVINCE OF NEW BRUNSWICK, IN GENERAL ASSEMBLY CONVENED.

“ MAY IT PLEASE YOUR MOST HONORABLE HOUSE,

“ The Legislative Council and Assembly of New Brunswick having heard with great alarm, that Her Majesty’s Ministers contemplate such alteration in the Duties upon Wood imported into the United Kingdom, as will lessen the protection now afforded to Colonial over Foreign Wood—a measure involving consequences so ruinous to all Her Majesty’s North American Colonies; and especially to New Brunswick, beg permission to address Your Honorable House on this important subject.

“ By the protecting system originally adopted for the purpose of rendering the Mother Country independent of Foreign Nations for a supply of Wood, a Trade of vast importance has been created, in which British capital and British enterprise alone are engaged, and British interests alone promoted.

“ That the Wood Trade is the staple of this Country, employing a numerous population of Emigrants and Lumberers; a large amount of capital invested in Saw Mills, Wharves, Warehouses, and other Establishments; and that while it encourages the settlement of the Country, it affords to the Agriculturist a ready and convenient market for the produce of his labors.

“ That the Province of New Brunswick has always been distinguished for the sound Constitutional principles of its inhabitants and its unshaken loyalty to the British Crown.

“ That from the combined advantages of its Wood Trade and the cultivation of its soil, this Province has in the course of a few years sprung from helpless infancy to vigorous manhood, and achieved for itself a high station among the Colonies of Great Britain, the real worth of which can scarcely be appreciated during a period of tranquillity.

“ That any alteration in the present scale of Duties, already so nearly equalized as barely to afford such protection to Colonial over Foreign Wood as enables the Trade to be prosecuted with the most rigid economy, would, in the opinion of Your Petitioners, be ruinous to this Province; because notwithstanding its rapid growth, it is yet too young to exist by its Agriculture alone; because its capital invested in Saw Mills, Wharves, Stores, Shipyards, and every other variety of fixed property necessary for prosecuting an extended Commerce and Shipbuilding, would, under any change of Duty, or even in the present mode of collecting the same, be not worth the ground they stand upon, and because its rapidly increasing Marine will be at once without employment and disastrously deteriorated in value.

“ That

“ That free Foreign Trade and the abrogation of all fiscal restraints propounded by speculative Theorists as an equivalent for the destruction of the Staple Trade of the Country, Your Petitioners look upon as chimerical and delusive.

“ The North American portion of the British Empire, and particularly New Brunswick, is not yet in a position advantageously to avail itself of a Foreign Trade, nor of any Commercial intercourse which is not based upon an exchange of its staple commodity.

“ It is to Great Britain alone that New Brunswick can look for the preservation and protection of its Commerce, and the upholding of its prosperity and importance.

“ That an amount of capital greater than the entire Commercial wealth of its inhabitants is invested in that description of real estate which (in the event of the dreaded measure being carried) could find no purchasers—in Ships and Lumber, depreciated to one fourth of their cost, and in stocks on hand of British Merchandize, which must become nearly valueless.

“ That the prosperity and improvement of this Colony is not the only consideration pressing upon the minds of Your Petitioners,—the Royal Navy would lose its best nursery for Seamen,—the British Manufacturer one of the most extensive and profitable markets,—Great Britain a most promising receptacle for her redundant population,—the outpost of all the North American Colonies demolished by the depopulation of New Brunswick, and the fairest portions of Her Majesty's Colonial Dominions exposed to the cupidity of a rival and most ambitious neighbouring power. Nor is this all: The ability to raise the means of paying the recently established Civil List of this Province, so cheerfully granted to Her Majesty, depends entirely upon the demand for its staple export, and the settlement of its wilderness lands. That the debts due to the British Merchants by the people of New Brunswick, must be nearly if not wholly unredeemed.

“ That the property and capital created by the steady industry of an enterprising and loyal people will be wasted, and the Commerce of the Province become annihilated, as no capitalist would be found so deficient in sagacity as to invest money in a country without Trade, Agriculture, or any other channel from which a return might be expected.

“ That no amount of Parliamentary compensation to the people thus stripped of what they deem to be their just and equitable rights, could alleviate the distresses assuredly to follow the adoption of the contemplated measure.

“ In conclusion, the people of New Brunswick are essentially British,—they consume no other Manufactures,—they possess no other Trade,—they desire no other connection, and as they look to the Home of their Fathers for succour and support, so are they ever ready to shed their blood in defence of their Sovereign and of Her Dominions.

“ We therefore humbly and earnestly implore Your Honorable House to take this our Petition into Your most favorable consideration, assuring Your Honorable House, that it is only by a rigid adherence to the present protective policy in favor of the North American Colonies, that Her Majesty's subjects resident therein will be preserved from ruin.”

“ To the Honorable the Knights, Citizens and Burgesses, representing the Commons of the United Kingdom of Great Britain and Ireland, in Parliament convened.

“ THE HUMBLE PETITION OF HER MAJESTY'S LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY, OF THE PROVINCE OF NEW BRUNSWICK, IN GENERAL ASSEMBLY CONVENED.

“ MAY IT PLEASE YOUR HONORABLE HOUSE,

“ The Legislative Council and Assembly of New Brunswick having heard with great alarm, that Her Majesty's Ministers contemplate such alteration in the Duties upon Wood imported into the United Kingdom, as will lessen the protection now afforded to Colonial over Foreign Wood—a measure involving consequences so ruinous to all Her Majesty's North American Colonies, and especially to New Brunswick, beg permission to address your Honorable House on this important subject.

“ By the protecting system originally adopted for the purpose of rendering the Mother Country independent of Foreign Nations for a supply of Wood, a Trade of vast importance has been created, in which British Capital and British Enterprise alone are engaged, and British interests alone promoted.

“ That the Wood Trade is the staple of this Country, employing a numerous population of Emigrants and Lumberers; a large amount of Capital invested in Saw Mills, Wharves, Warehouses, and other Establishments; and that while it encourages the settlement of the Country, it affords to the Agriculturist a ready and convenient Market for the produce of his labours.

“ That the Province of New Brunswick has always been distinguished for the sound Constitutional principles of its inhabitants and its unshaken loyalty to the British Crown.

“ That from the combined advantages of its Wood Trade and the cultivation of its soil, this Province has in the course of a few years sprung from helpless infancy to vigorous manhood, and achieved for itself a high station among the Colonies of Great Britain, the real worth of which can scarcely be appreciated during a period of tranquillity.

“ That any alteration in the present scale of Duties, already so nearly equalized as barely to afford such protection to Colonial over Foreign Wood as enables the Trade to be prosecuted with the most rigid economy, would in the opinion of your Petitioners be ruinous to this Province: because notwithstanding its rapid growth, it is yet too young to exist by its Agriculture alone; because its Capital invested in Saw Mills, Wharves, Stores, Ship Yards, and every other variety of fixed property necessary for prosecuting an extended Commerce and Shipbuilding, would, under any change of duty, or even in the present mode of collecting the same, be not worth the ground they stand upon, and because its rapidly increasing Marine will be at once without employment and disastrously deteriorated in value.

“ That free Foreign Trade, and the abrogation of all Fiscal restraints, propounded by speculative Theorists as an equivalent for the destruction of the Staple Trade of the Country, your Petitioners look upon as chimerical and delusive.

“ The North American portion of the British Empire, and particularly New Brunswick, is not yet in a position advantageously to avail itself of a Foreign Trade, nor of any Commercial intercourse which is not based upon an exchange of its staple commodity.

“ It

“ It is to Great Britain alone that New Brunswick can look for the preservation and protection of its Commerce, and the upholding of its prosperity and importance.

“ That an amount of capital greater than the entire Commercial wealth of its inhabitants is invested in that description of real estate which (in the event of the dreaded measure being carried) could find no purchasers—in Ships and Lumber, depreciated to one fourth of their cost, and in stocks on hand of British Merchandize, which must become nearly valueless.

“ That the prosperity and improvement of this Colony is not the only consideration pressing upon the minds of Your Petitioners,—the Royal Navy would lose its best nursery for Seamen,—the British Manufacturer one of the most extensive and profitable markets,—Great Britain a most promising receptacle for her redundant population,—the outpost of all the North American Colonies demolished by the depopulation of New Brunswick, and the fairest portions of Her Majesty’s Colonial Dominions exposed to the cupidity of a rival and most ambitious neighbouring power. Nor is this all: The ability to raise the means of paying the recently established Civil List of this Province, so cheerfully granted to Her Majesty, depends entirely upon the demand for its staple export, and the settlement of its wilderness lands. That the debts due to the British Merchants by the people of New Brunswick, must be nearly if not wholly unredeemed.

“ That the property and capital created by the steady industry of an enterprising and loyal people will be wasted, and the Commerce of the Province become annihilated, as no capitalist would be found so deficient in sagacity as to invest money in a country without Trade, Agriculture, or any other channel from which a return might be expected.

“ That no amount of Parliamentary compensation to the people thus stripped of what they deem to be their just and equitable rights, could alleviate the distresses assuredly to follow the adoption of the contemplated measure.

“ In conclusion, the people of New Brunswick are essentially British,—they consume no other Manufactures,—they possess no other Trade,—they desire no other connection, and as they look to the Home of their Fathers for succour and support, so are they ever ready to shed their blood in defence of their Sovereign and of Her Dominions.

“ We therefore humbly and earnestly implore Your Honorable House to take this our Petition into Your most favorable consideration, assuring Your Honorable House, that it is only by a rigid adherence to the present protective policy in favor of the North American Colonies, that Her Majesty’s subjects resident therein will be preserved from ruin.”

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY,

THURSDAY, 24th February, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.
Mr. Robinson, *Mr. Botsford,*
Mr. Chandler, *Mr. Wyer.*
Mr. Hatch.

PRAYERS.

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

FRIDAY, 25th February, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.
Mr. Shore, *Mr. Robinson,*
Mr. Saunders, *Mr. Botsford,*
Mr. Attorney General, *Mr. Lee,*
Mr. Chandler, *Mr. Wyer,*
Mr. Hatch, *Mr. Kinnear.*

PRAYERS.

On motion—

The Bill to authorize the Justices of the Peace in and for King's County, to raise a sum of money for paying the Contractor for building a Gaol in the said County, was read a third time and passed.

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

On motion—

The following Bills were severally read a second time:—

A Bill to amend an Act, intituled "An Act to repeal all the Acts regulating Tavern Keepers and Retailers," and to make other provisions in lieu thereof:

A Bill to authorize Her Majesty's Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt: and

A Bill to tax Itinerant Showmen exhibiting in the Towns or Parishes within this Province.

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

On motion—

The Bill relating to the appointment of Firewards, and the better extinguishment of Fires in a part of the Parish of Saint Stephen, in the County of Charlotte, therein named, was read a second time.

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

Pursuant

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize Her Majesty's Justices of the Peace for the County of Gloucester, to assess the said County for payment of the County Debt.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to prevent frivolous and vexatious arrests.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

A Message was brought from the Assembly by Mr. Barbarie, with a Bill to authorize the Magistrates of the County of Restigouche to levy an assessment upon the Inhabitants of the said County, to pay off the County Debt, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Taylor, with a Bill relating to the sale of Logs and Timber, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Connell, with a Bill to erect the Western part of the Parish of Woodstock, into a separate and distinct Town or Parish, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The Honorable the Attorney General presented to the House a Bill, intituled "An Act to alter and amend an Act made and passed in the fourth year of Her Majesty's Reign, intituled 'An Act to establish a Provincial House of Correction.' "

The said Bill was read a first time.

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

Adjourned until Monday next at 12 o'clock.

MONDAY,

MONDAY, 28th February, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Baillie,

Mr. Cunard,

Mr. Saunders,

Mr. Attorney General,

Mr. Chandler,

Mr. Robertson,

Mr. Hatch,

Mr. Shore,

Mr. Peters,

Mr. Robinson,

Mr. Botsford,

Mr. Lee,

Mr. Street,

Mr. Wyer,

Mr. Kinnear.

PRAYERS.

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

A Bill to authorize the Magistrates of the County of Restigouche to levy an assessment upon the inhabitants of the said County, to pay off the County Debt :

A Bill relating to the sale of Logs and Timber :

A Bill to erect the western part of the Parish of Woodstock into a separate and distinct Town or Parish : and

A Bill to alter and amend an Act made and passed in the Fourth year of Her Majesty's Reign, intituled " An Act to establish a Provincial House of Correction."

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

Messages were brought from the Assembly by Mr. Taylor, that the Assembly had agreed to the amendments made by this House to the Bill to alter the division line of the Parishes of Douglas and Queensbury, in the County of York : and

A Bill to authorize Commissioners for taking Affidavits in Causes pending in the Supreme Court, to take Affidavits in Causes pending in the several Inferior Courts of Common Pleas for the several Counties in this Province.

A Message was brought from the Assembly by Mr. Taylor, with the following Resolution :—

House of Assembly, 23rd February, 1842.

Resolved, That this House do agree to the Addresses reported from the Joint Committee of the Honorable the Legislative Council and Assembly to Her Majesty and the Imperial Parliament upon the subject of a revision of the Wood Duties.

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

CHAS. P. WETMORE, *Clerk.*

Mr. Taylor also informed the House, that Mr. Partelow and Mr. Hayward are appointed a Committee on the part of the Assembly, to join the Committee of this House to wait upon His Excellency the Lieutenant Governor with the Joint Address, praying His Excellency will be pleased to transmit the same.

ORDERED.

ORDERED, That the Honorable Mr. Wyer be appointed a Committee, to join the Committee of the Assembly, for the purpose desired in the above Resolution.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House of the appointment.

Pursuant to the Order of the Day, the House was called over.

PRESENT.

The Honorable	Ward Chipman,	President,
"	"	William Black,
"	"	George Shore,
"	"	Thomas Baillie,
"	"	Harry Peters,
"	"	Joseph Cunard,
"	"	William H. Robinson,
"	"	John S. Saunders,
"	"	A. Edwin Botsford,
"	"	The Attorney General,
"	"	Thomas C. Lee,
"	"	Edward B. Chandler,
"	"	George F. Street,
"	"	John Robertson,
"	"	Thomas Wyer,
"	"	Harris Hatch,
"	"	William B. Kinnear.

ABSENT.

The Honorable James Allanshaw, *Excused by illness.*

On motion made and seconded—

RESOLVED, That this House be put into a Committee of the whole, for the purpose of taking into consideration the Despatch of the Right Honorable Lord Stanley to His Excellency the Lieutenant Governor, contained in His Excellency's Message, communicated to this House on the 3d day of February, instant.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Despatch, they had made some progress, 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. Beardsley, with a Bill in amendment of the Law regulating Juries, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY,

TUESDAY, 1st March, 1842.

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. Cunard,</i>		<i>Mr. Robinson,</i>
<i>Mr. Saunders,</i>		<i>Mr. Botsford,</i>
<i>Mr. Attorney General,</i>		<i>Mr. Lee,</i>
<i>Mr. Chandler,</i>		<i>Mr. Street,</i>
<i>Mr. Robertson,</i>		<i>Mr. Wyer,</i>
<i>Mr. Hatch,</i>		<i>Mr. Kinnear.</i>

PRAYERS.

Pursuant to the Order of the Day, the Bill in amendment of the Law regulating Juries, was read a second time.

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace for Queen's County to levy an assessment to pay off the County Debt.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Taylor, with a Bill relating to the Market in Fredericton, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Despatch of the Right Honorable Lord Stanley to His Excellency the Lieutenant Governor, and contained in His Excellency's Message communicated to this House on the third day of February last.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 2d March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

<i>Mr. Black,</i>	<i>Mr. Shore,</i>
<i>Mr. Baillie,</i>	<i>Mr. Peters,</i>
<i>Mr. Cunard,</i>	<i>Mr. Robinson,</i>
<i>Mr. Saunders,</i>	<i>Mr. Botsford,</i>
<i>Mr. Attorney General,</i>	<i>Mr. Lee,</i>
<i>Mr. Chandler,</i>	<i>Mr. Street,</i>
<i>Mr. Robertson,</i>	<i>Mr. Wyer,</i>
<i>Mr. Hatch,</i>	<i>Mr. Kinnear.</i>

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace for Queen's County to levy an Assessment to pay off the County Debt, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill relating to the Market in Fredericton, was read a second time.

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

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

A Bill to vacate the Seats of Members of the Assembly in certain cases: and
A Bill relating to Banks.

The said Bills were severally read a first time.

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

The Honorable Mr. Shore, by direction of His Excellency the Lieutenant Governor lays before the House, the Copy of a Communication from the Deputy Post Master General of Nova Scotia to His Excellency, respecting the Post Communication from Fredericton to Saint Andrews, also the Copy of a Petition from William Stevens of Bathurst, praying Legislative assistance to erect Bridges and open Roads in Mining Districts in the County of Gloucester, which were read by the Clerk, as follows:—

General Post Office, Halifax, 22d February, 1842.

SIR,— I have the honor to acknowledge the receipt of your Letter of the 18th instant, accompanied by a Communication addressed to His Excellency Sir William Colebrooke, by the Honorable Thomas Wyer and H. Hatch, of the Legislative Council of New Brunswick, and Messrs. Owen, Hill, Boyd, and Brown, Members of the House of Assembly, recommending the Establishment of a direct Line of Post Communication between Fredericton and Saint Andrews, and in answer, have to acquaint you for the information of His Excellency, that I have given directions to the Postmaster

At

at Fredericton, to advertise for Tenders for the conveyance of the Mails between those places, the said service to commence on the 6th April next.

I have the honor, &c.

(Signed)

J. HOWE, *D. P. M. G.*

A: READE, Esquire, &c. &c. &c.

*To His Excellency Lieutenant Colonel Sir WILLIAM MACBEAN GEORGE COLEBROOKE, K. H.,
Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

THE PETITION OF WILLIAM STEVENS, OF BATHURST, IN THE COUNTY OF GLOUCESTER,

MOST HUMBLY SHEWETH,

That your Petitioner is the original Lessee of the Crown, of certain Mines and Minerals in the County of Gloucester, and is now, and has been for four years, the Agent and Representative of certain persons (the greater number of whom reside in England,) who have worked those Mines under the style of "The County of Gloucester Mining Association." That the Association has already expended nearly fifteen thousand pounds of British Capital, in exploring, erecting Machinery and other Works connected with the said Mines, without as yet having realized any adequate advantage, although their labours have developed such strong indications of rich lodes of Copper and Manganese being in the immediate neighbourhood. That they have been continually tempted to further expenditure, and are still in full operation, under favourable appearances. The County to which the Association has turned its particular attention, is on the South side of the Tattagouche River, in the midst of an extensive and fertile Tract of Land, in the immediate vicinity of the Kinsale, Tattagouche and Dunlop Settlements, adjoining the Tract advertised for Emigrants, and near to the Line of Road which has been for the last two years under the judicious and zealous management of Henry W. Baldwin; but from the comparatively small sums which can be appropriated to the Road Service in these Settlements, Your Petitioner complains that the Mining operations are much embarrassed, and access to them remains so difficult, dangerous and expensive, as in some degree to jeopardise the further proceedings of the Company. Your Petitioner, when reflecting on the many public advantages, obviously flowing from his operations, the employment of labour, introduction of capital, and consumption of surplus produce, affording a ready market to the settlers at their own doors, to say nothing of the prospect of creating a new article of export for the Colony, has considered himself fairly entitled to the bounty of the Legislature, but has made no application, fearing that his could not successfully compete with claims which might be considered of more general utility. But now, may it please Your Excellency, when settlers have come to the neighbourhood, when the settlements which he has enumerated are rising up around him, the prayers of whose inhabitants for assistance for their Bridges and Roads are in unison with his, he humbly hopes that the subject may be deemed worthy of the notice of the Legislature, and that Your Excellency may consider it in so favorable a light as to merit your approbation and sanction.

And as in duty bound, will ever pray, &c.

(Signed)

WILLIAM STEVENS.

ORDERED, That the same do lie on the Table.

The Honorable Mr. Wyer, by leave, presented a Petition from James Allanshaw, Agent for Margaret Campbell of Edinburgh, praying no Bill may pass authorising a Timber and Sluice Company to be incorporated for the Parish of Saint Stephen.

ORDERED, That the said Petition be received, and referred to the Committee on Corporations.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Despatch of the Right Honorable Lord Stanley to His Excellency the Lieutenant Governor, and contained in His Excellency's Message communicated to this House on the third day of February last.

The

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that in the Committee the following Resolutions were moved:—

RESOLVED, That this House cordially concur in the sentiments expressed by Lord Stanley, Her Majesty's Secretary of State for the Colonies, in his Despatch of the 30th November last, communicated to this House by His Excellency the Lieutenant Governor, on the subject of the very unsatisfactory manner in which the financial business of this Province is conducted, and is deeply impressed with the absolute necessity of establishing a more perfect system by which the Revenue and Expenditure may be equalized.

RESOLVED, That the only effectual mode of establishing such reform in the financial business of the Province, will be to resort to the true Constitutional and Parliamentary principle of requiring all Grants of the Public Money to initiate from the Crown, as intimated by Lord Stanley in his above mentioned Despatch, and that this House is prepared to make such alterations in the practice and course of proceedings hitherto adopted by this House, as will assimilate their practice and proceedings to those of the Parliament of Great Britain.

That then the following Resolution was moved as an amendment:—

RESOLVED, As the opinion of this Committee, that the further consideration of the said Resolutions be postponed for three months.

That then the following Resolution was moved as an amendment to the amendment:

After the word "Resolved," in the amendment, expunge all the rest of the Resolution, and insert the following:—

"That in the opinion of this Committee, the most effectual mode of producing such reform in the financial business of the Province, would be to resort to the true Constitutional and Parliamentary practice, suggested by Lord Stanley in his above mentioned Despatch; and that this Committee is further of opinion, that this House should concur in any measure the House of Assembly may adopt, consistent with the constitution and usage of Parliament for effecting that object."

That then the question was put upon the last mentioned amendment, whereupon the Committee divided—

CONTENT.
Mr. Black,
Shore,
Saunders,
Attorney General,
Street,
Hatch,
Kinnear.

NON CONTENT.
Mr. Chief Justice,
Baillie,
Peters,
Cunard,
Robinson,
Botsford,
Lee,
Chandler,
Robertson,
Wyer.

And so it passed in the negative.

That

That then the question was put upon the first amendment, and it was decided in the negative.

That then the question was put upon the first Resolution, whereupon the Committee divided—

CONTENT.	NON CONTENT.
Mr. Black,	Mr. Chief Justice,
Mr. Shore,	Mr. Baillie,
Mr. Saunders,	Mr. Peters,
Mr. Attorney General,	Mr. Cunard,
Mr. Street,	Mr. Robinson,
Mr. Hatch,	Mr. Botsford,
Mr. Kinnear.	Mr. Lee,
	Mr. Chandler,
	Mr. Robertson,
	Mr. Wyer.

And so it passed in the negative.

That then the question was put upon the second Resolution, whereupon the Committee divided—

CONTENT.	NON CONTENT.
As before.	As before.

And so it passed in the negative.

That then the following Resolutions were moved :—

RESOLVED, That this House do concur in the opinion expressed by Lord Stanley, the Secretary of State of the Colonies, in his Despatch of the 30th November last, communicated to this House by His Excellency the Lieutenant Governor, on the subject of the Financial affairs of this Province.

RESOLVED, That upon the establishment of a satisfactory arrangement of the mode of conducting the Financial and other affairs of this Province, so as to assimilate the practice of this Government to that of the Mother Country, with a due regard to the proper responsibility to the people through their Representatives, this House will be prepared to make such alteration in the mode of proceeding heretofore adopted by this House, as will assimilate its practice to that of the House of Lords.

And the question being then put upon the first of these Resolutions, the Committee divided—

CONTENT.	NON CONTENT.
Mr. Black,	Mr. Chief Justice,
Mr. Shore,	Mr. Baillie,
Mr. Saunders,	Mr. Peters,
Mr. Attorney General,	Mr. Cunard,
Mr. Street,	Mr. Robinson,
Mr. Robertson,	Mr. Botsford,
Mr. Hatch,	Mr. Lee,
Mr. Kinnear.	Mr. Chandler,
	Mr. Wyer.

And so it passed in the negative.

And the question being then upon the second of these Resolutions, it was decided in the negative.

ORDERED, That the Report be received.

The Honorable the President lays before the House an Abstract, shewing the state of the Central Fire Insurance Company, on the first day of March, instant, received by him from the Honorable the Provincial Secretary.

ORDERED, That the same do lie on the Table.

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 3rd March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

*Mr. Black,
Mr. Baillie,
Mr. Cunard,
Mr. Botsford,
Mr. Lee,
Mr. Street,
Mr. Wyer,
Mr. Kinnear.*

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

PRAVERS. *

The Honorable Mr. Wyer, from the Joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor, with an Address, wishing His Excellency would be pleased to transmit to Her Majesty and the Imperial Parliament, the Joint Addresses of both Houses, on the subject of a revision of the Wood Duties ; reported, that they had attended to that duty, and His Excellency was pleased to say he would, with great pleasure, forward the Addresses by the earliest opportunity.

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

A Bill to vacate the seats of Members of the Assembly in certain cases : and
A Bill relating to Banks.

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to authorize Her Majesty's Justices of the Peace for the County of Charlotte, to levy an Assessment to pay off the County Debt.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to provide for the more effectually repairing the Streets and Bridges in the Town of Saint Andrews.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

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

A Bill to Incorporate the Saint Andrews Marine Assurance Company: and

A Bill to appoint Inspectors of Flour and Meal in the Towns of Saint Andrews, Saint Stephen and Saint George, in the County of Charlotte.

The said Bills were severally read a first time.

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

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

The said Bill was read a second time.

ORDERED, That the said Bill be referred to a Select Committee of three Members, to report thereon, and that the Honorable Messieurs Robertson, Wyer and Hatch, be the Committee for that purpose.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill, to limit the duration of the Assembly.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to authorize the appointment of Commissioners to examine into the state and condition of the several Banks in this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

A Message was brought from the Assembly by Mr. End, with a Bill relating to the Mines and Minerals in the County of Gloucester, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill relating to the appointment of Firewards, and the better extinguishment of Fires in a part of the Parish of Saint Stephen, in the County of Charlotte, therein mentioned.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a separate and distinct Town or Parish.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to amend an Act, intituled "An Act to repeal all the Acts regulating Tavern Keepers and Retailers," and to make other provisions in lieu thereof.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a committee of the whole, to take into consideration the Bill to tax Itinerant Showmen exhibiting in the Towns and Parishes within this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The

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

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to authorize the Magistrates of the County of Restigouche to levy an assessme upon the inhabitants of the said County to pay off the County Debt.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill relating to the sale of Logs and Timber.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

The Honorable Mr. Street, by leave, presented a Petition from Isaac Murray and Thomas Murray of Kingsclear, in the County of York, praying for the consideration of their claim for relief from certain Bonds to the Crown given by Duncan Barber.

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 4th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Cunard,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Street,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch,

Mr. Kinnear.

PRAYERS.

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

A Bill relating to the appointment of Firewards and the better extinguishment of Fires in a part of the Parish of Saint Stephen, in the County of Charlotte, therein mentioned:

A Bill to amend an Act, intituled “An Act to repeal all the Acts regulating Tavern Keepers and Retailers,” and to make other provisions in lieu thereof:

A Bill to authorize Her Majesty’s Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt: and

A Bill to authorize the Magistrates of the County of Restigouche to levy an assessment upon the inhabitants of the said County to pay off the County Debt.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a separate and distinct Town or Parish.

The Honorable Mr. Attorney General took the Chair.

After some time the House resumed.

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

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

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

A Bill to appoint Inspectors of Flour and Meal in the Towns of Saint Andrews, Saint Stephen and Saint George, in the County of Charlotte: and

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

ORDERED, That the House be put into a Committee of the whole on Thursday next, to take the first, and on Tuesday next, to take the last mentioned Bill into consideration.

A

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

A Bill in addition to an Act for the better regulating the Office of Sheriff in this Province : and

A Bill to repeal certain parts of an Act, intituled “ An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town,” and to make other provisions in lieu thereof.

The said Bills were severally read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, on the Bill to vacate the Seats of Members of the Assembly in certain cases.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill relating to the Market in Fredericton.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

The Honorable Mr. Chandler, by leave, presented a Petition from Nehemiah Merritt, A. W. Whipple, Benjamin Smith, John Kerr, and thirty eight others, Stockholders of the Commercial Bank of New Brunswick, praying an Act may be allowed to pass reducing the number of Directors to some number not less than five, and that the whole number of such Directors may be selected from the Stockholders, without requiring the Directors of the former year to be re-elected, with the exception of the President.

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

The

The Honorable Mr. Chandler presented to the House a Bill, intituled "An Act to amend the Charter of the Commercial Bank of New Brunswick."

The said Bill was read a first time.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration Resolutions of Appropriation.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 31st day of January last, and recommend that the House should concur in the same, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 31st day of January, were concurred in by the House.

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

Adjourned until Monday next at 12 o'clock.

MONDAY, 7th March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Cunard,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Street,

Mr. Robertson,

Mr. Wyer,

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a separate and distinct Town or Parish, was read a third time and passed.

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

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

A Bill in addition to an Act for the better regulating the office of Sheriff in this Province :

A Bill to repeal certain parts of an Act, intituled "An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town," and to make other provisions in lieu thereof: and

A Bill, intituled "An Act to amend the Charter of the Commercial Bank of New Brunswick."

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to vacate the Seats of Members of the Assembly in certain cases.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Fisher, with a Bill to impose a Tax upon Wild Lands, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Henry T. Partelow, with a Bill to authorize the Justices of the Peace for the County of Sunbury, to make Rules and Regulations respecting the Draw in the Bridge over the River Oromocto, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill relating to the sale of Logs and Timber.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A at the end of the Bill, add the following Section:—

"V. Provided always and be it enacted, That this Act shall not go into operation or be in force until Her Majesty's Royal Approbation be thereunto first had and declared."

At B in the Title, expunge the words "Relating to the sale of Logs and Timber," and insert the words "To restrain the provisions of the fifth Section of an Act, intituled 'An Act for the support of the Civil Government in this Province,'

and to establish sundry regulations for the disposal of the Crown Woods in certain cases."

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

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

A Message was brought from the Assembly, by Mr. Brown, with a Bill to amend the Charter of King's College in this Province, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The Honorable Mr. Street, presented to the House, a Bill intituled "An Act for abolishing arrest on Mesne Process in Civil Actions, except in certain cases, and for extending the remedies of Creditors against the property of Debtors."

The said Bill was read a first time.

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace for the County of Northumberland, to levy an assessment to discharge the Debts due by the said County.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

The said Bill was read a first time.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 8th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Baillie,

Mr. Cunard,

Mr. Saunders,

Mr. Attorney General,

Mr. Chandler,

Mr. Robertson,

Mr. Kinnear.

Mr. Shore,

Mr. Peters,

Mr. Robinson,

Mr. Botsford,

Mr. Lee,

Mr. Street,

Mr. Wyer,

PRAYERS.

PRAYERS.

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

A Bill to vacate the seats of Members of the Assembly in certain cases: and

A Bill to authorize the Justices of the Peace for the County of Northumberland, to levy an assessment to discharge the debts due by the said County.

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

Pursuant to the Order of the Day, the Bill relating to the sale of Logs and Timber, as amended, was read a third time and passed.

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

A Message was brought from the Assembly by Mr. M'Almon, with Resolutions of Appropriation, dated the fourth day of March, instant, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

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

A Bill to continue the Acts relating to Highways.

A Bill to authorize the Justices of the Peace for the County of Sunbury, to make Rules and Regulations respecting the Draw in the Bridge over the River Oromocto.

A Bill intituled "An Act for abolishing arrest on Mesne Process in Civil Actions except in certain cases, and for extending the remedies of Creditors against the property of Debtors:"

A Bill to impose a tax upon Wild Lands: and

A Bill to amend the Charter of King's College in this Province.

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

A Message was brought from the Assembly by Mr. Street, with a Bill to enable the Supreme Court to give relief against adverse claims made upon persons having no interest in such claims, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

An Abstract, shewing the state of the Central Bank of New Brunswick, on the 7th day of March, 1842.

ORDERED, That the same do lie on the Table.

The Honorable Mr. Robertson, by leave, presented a Petition from Lauchlan Donaldson, praying that the Charter which His late Majesty gave to the Commercial Bank of this Province, may not be altered.

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 relating to the Market in Fredericton.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Wilmot, with a Bill to provide for the establishment of Municipal Authorities in this Province, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill intituled "An Act to amend the Charter of the Commercial Bank of New Brunswick."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and recommended that the further consideration thereof be postponed for three months.

ORDERED, That the Report be received, and upon the question, shall the said Bill be postponed for three months, the House divided:—

CONTENT.

Mr. Chief Justice,
Mr. Shore,
Mr. Peters,
Mr. Cunard,
Mr. Robinson,
Mr. Botsford,
Mr. Attorney General,
Mr. Lee,
Mr. Street.

NON CONTENT.

Mr. Black,
Mr. Baillie,
Mr. Saunders,
Mr. Chandler,
Mr. Robertson,
Mr. Wyer,
Mr. Kinneear,

And so it passed in the affirmative.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to limit the duration of the Assembly.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

The

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

At A in Section I. expunge the remainder of the Section, and also the whole of Section II. and insert as follows:—

“ And also so much of the third Section of the same Act as relates to the qualifications of Candidates or persons to be chosen as Members of the Assembly; and also, the first Section of an Act, made and passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled ‘ An Act further to amend the Act for regulating Elections of Representatives in General Assembly,’ be, and the same are hereby repealed.

“ II. And be it enacted, That no person shall be capable of being elected a Member of the Assembly of this Province, who shall not be legally seized as of freehold for his own use and benefit of Lands or Tenements within the Province, of the value of Three hundred pounds currency, over and above all rents, mortgages, judgments, executions or extents, charged upon or due and payable out of, or affecting the same, and shall have been seized of such Lands or Tenements six months previous to the teste of the Writ for such Election, and that every Candidate at any Election of Representatives in the General Assembly before he shall be capable of being elected shall, if required by any other Candidate, or any Elector, or by the Sheriff or Officer holding such Election, make before the said Sheriff or other officer the following Declaration:—

‘ I, A. B. do declare and testify, that I am duly seized as of freehold for my own use and benefit of Lands or Tenements in the Province of New Brunswick, of the value of Three hundred pounds, currency, over and above all rents, mortgages, judgments, executions and extents, charged upon or due and payable out of, or affecting the same, and that I have been seized of such Lands or Tenements for the period of six months previous to the teste of the Writ for this Election.’

“ III. And be it enacted, That if any person shall knowingly and wilfully make a false Declaration respecting his qualification as a Candidate at any Election as aforesaid, such person shall be deemed to be guilty of a Misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by Law are incurred by persons guilty of wilful and corrupt perjury in the County in which such false Declaration shall have been made.

“ IV. And be it enacted, That every General Assembly of this Province hereafter to be summoned and chosen, shall, notwithstanding any Demise of the Crown, continue for four years from the day of the return of the Writs for choosing the same and no longer, subject nevertheless to be sooner prorogued or dissolved by the Lieutenant Governor or person administering the Government of the Province.”

At B in the Title, insert the words “ and for other purposes therein mentioned.”

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to incorporate sundry persons by the name of the Saint Stephens Marine Assurance Company, and the report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A Section II, expunge the words “twenty five,” and insert the word “fifty.”

At B expunge the words “current money of this Province at the time of the several payments hereinafter expressed, or in Saint Stephens Bank Stock, two thousand five hundred,” and insert the words “such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province, five thousand.”

At C expunge the words “two thousand five hundred,” and insert the words “five thousand.”

At D expunge the word “one,” and insert the word “two.”

At E Section V, expunge the words “two thousand five hundred,” and insert the words “five thousand.”

At F expunge the words “or the amount in Stock of the Saint Stephens Bank.

At G expunge the words “two thousand five hundred,” and insert “five thousand.

At H expunge the words “or invested in Saint Stephens Bank Stock.”

At I expunge the words “or invested in the Joint Stock of the said Saint Stephens Bank aforesaid.”

At K expunge the words “or invested in Saint Stephens Bank Stock.”

At L Section VI, expunge the words “two hundred and fifty,” and insert “five hundred.”

At M Section XI, expunge the word “four,” and insert “five.”

At N Section XII, expunge the word “ten” and insert “twenty.”

At O Section XIV, expunge the word “ten” and insert “twenty.”

At P Section XV, expunge the words “two thousand five hundred,” and insert “five thousand.”

At Q expunge the words “or in Saint Stephens Bank Stock.”

At R expunge the words “two thousand five hundred,” and insert “five thousand.”

At Rr in Section XVI, expunge the words “two thousand five hundred,” and insert the words “four thousand.”

At S Section XVII, expunge the word “five,” and insert “ten.”

At T expunge the word “five and insert “ten.”

At U Section XVIII, expunge the word “three,” and insert “five.”

At V Section XXIX, expunge the words “five hundred,” and insert “one thousand.”

At W Section XXX, expunge the words “seven hundred and fifty,” and insert “fifteen hundred.”

At X Section XXXII, expunge the word “forty” and insert the word “sixty.”

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

ORDERED,

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to repeal certain parts of an Act, intituled "An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town, and to make other provisions in lieu thereof.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill in addition to an Act for the better regulating the office of Sheriff in this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill relating to the Mines and Minerals in the County of Gloucester.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 9th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Baillie,

Mr. Cunard,

Mr. Saunders,

Mr. Attorney General,

Mr. Chandler,

Mr. Robertson,

Mr. Hatch,

Mr. Shore,

Mr. Peters,

Mr. Robinson,

Mr. Botsford,

Mr. Lee,

Mr. Street,

Mr. Wyer,

Mr. Kinnear.

PRAYERS.

PRAYERS.

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

A Bill relating to the Market in Fredericton: and

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

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

Pursuant to the Order of the Day, the Bill to limit the duration of the Assembly as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the House proceeded to the third reading of the Bill to incorporate sundry persons by the name of the Saint Stephen's Marine Assurance Company, as amended; when the following further amendment was agreed to:—

At Ss Section XVII, expunge the word "not."

And upon the question—Shall the Bill as amended pass,

It was decided in the affirmative.

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

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

A Bill to enable the Supreme Court to give relief against adverse claims made upon persons having no interest in such claims: and

A Bill for the establishment of Municipal Authorities in this Province.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill, intituled "An Act for abolishing arrest on Mesne Process in Civil Actions except in certain cases, and for extending the remedies of Creditors against the property of Debtors."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the Justices of the Peace for the County

County of Sunbury, to make Rules and Regulations respecting the Draw in the Bridge over the River Oromocto.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A insert the words “in amendment of the Act.”

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

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Resolutions of Appropriation sent from the Assembly.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the Resolutions of Appropriation dated the fourth day of March, instant, they had made some progress therein, and asked leave to sit again.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to repeal certain parts of an Act, intituled “An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town, and to make other provisions in lieu thereof.”

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Baillie, by leave, presented a Petition from Rodney D. Palmer,

an undergraduate Student of King's College, praying no Act may be allowed to pass to alter the Charter in a manner to injure him or others similarly situated.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 10th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Baillie,

Mr. Cunard,

Mr. Saunders,

Mr. Lee,

Mr. Robertson,

Mr. Hatch,

Mr. Shore,

Mr. Peters,

Mr. Robinson,

Mr. Attorney General,

Mr. Chandler,

Mr. Wyer,

Mr. Kinnear.

PRAYERS.

Pursuant to the Order of the Day, the Bill to repeal certain parts of an Act, intituled "An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town," and to make other provisions in lieu thereof, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to continue the Acts relating to Highways, as amended, was read a third time and passed.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to enable the Shareholders of a Company called the New Brunswick Steam Boat Company, "to sue and be sued by that name," and the Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion made and seconded—

RESOLVED, That the Select Committee appointed to take into consideration and Report

Report upon the Bill to incorporate the Saint Andrews Marine Assurance Company, be discharged from that duty.

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the the Bill to impose a tax upon Wild Lands.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to appoint Inspectors of Flour and Meal, in the Towns of Saint Andrews, Saint Stephen and Saint George, in the County of Charlotte.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 11th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

*Mr. Black,
Mr. Baillie,
Mr. Robinson,
Mr. Botsford,
Mr. Lee,
Mr. Street,
Mr. Wyer,
Mr. Kinnear.*

*Mr. Shore,
Mr. Peters,
Mr. Saunders,
Mr. Attorney General,
Mr. Chandler,
Mr. Robertson,
Mr. Hatch,*

PRAYERS.

PRAYERS.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to provide for the establishment of Municipal Authorities in this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, and recommended that the further consideration thereof be postponed until the next Session of the Legislature.

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

RESOLVED, That the further consideration of the said Bill be postponed until the next Session of the Legislature.

Adjourned until Monday next at 12 o'clock.

MONDAY, 14th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Street,

Mr. Hatch.

PRAYERS.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to alter and amend an Act made and passed in the fourth year of Her Majesty's Reign, intituled "An Act to establish a Provincial House of Correction."

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Brown, that the Assembly had agreed to the amendment made by this House to the Bill to continue the Acts relating to Highways.

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 Her Majesty's Justices of the Peace for the County of Gloucester, to assess the said County for payment of the County Debt.

The

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to enable the Supreme Court to give relief against adverse claims made upon persons having no interest in such claims.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill for regulating the Salmon Fisheries in the County of Gloucester.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 15th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Boisford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Street,

Mr. Robertson,

Mr. Hatch.

PRAYERS.

A Message was brought from the Assembly by Mr. Palmer, that the Assembly had agreed to the amendments made by this House to the Bill to limit the duration of the Assembly.

Pursuant to the Order of the Day the Bill to authorize Her Majesty's Justices of the Peace for the County of Gloucester to assess the said County for the payment of the County debt, was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to enable the Supreme Court to give relief against adverse claims made upon persons having no interest in such claims.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Peters from the Committee to whom were referred all Bills relating to Corporations, presented a Report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations report, that they have had under their consideration, "A Bill to incorporate the Saint Stephen Log and Timber Sluice Company," and have prepared certain amendments thereto, which they recommend to the adoption of the House.

HARRY PETERS, *Chairman.*

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to incorporate the Saint Andrews Marine Assurance Company.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A Section II, expunge the words "twenty five" and insert "thirty."

At B Section II, expunge "two thousand five hundred," and insert "three thousand."

At C expunge "two thousand five hundred," and insert "three thousand."

At Cc expunge the word "twenty," and insert "thirty."

At D expunge the word "eight," and insert "twelve."

At E Section III, expunge the word "twenty," and insert "thirty."

At F Section V, expunge "two thousand five hundred," and insert "three thousand."

At G Section V, expunge "two thousand five hundred," and insert "three thousand."

At H Section VI, expunge "two," and insert "three."

At I Section VII, insert "of whom the President shall always be one."

At J after Section IX, insert a new Section, as follows :—

"X. And be it enacted, That no Director shall be entitled to any salary or emolument for his services, but that the Stockholders of the said Corporation may make such compensation to the President as shall appear to them reasonable." Alter

Alter the numbers of the remaining Sections.

At K Section X, expunge the word "one," and insert "two."

At L Section XIV, expunge the word "two thousand five hundred," and insert "three thousand."

At M expunge "two thousand five hundred," and insert "three thousand."

At N Section XV, expunge the words "five hundred."

At O insert the words "and provided also, that the gross amount insured by the said Corporation at any time shall not exceed the sum of one hundred and twenty thousand pounds."

At P Section XVI, insert the word "half."

At Q expunge the word "four," and insert "five."

At R expunge "four," and insert "five."

At S Section XXVIII, expunge "four," and insert "six."

At T Section XXIX, insert the word "five."

At U expunge Section XXXI, XXXII, XXXIII, XXXIV and XXXV.

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

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

The Honorable the Attorney General, by leave, presented to the House the following Bills:—

A Bill intituled "An Act to amend the Law relating to the punishment of offences:"

A Bill intituled "An Act to amend the Law relating to Burglary:"

A Bill intituled "An Act further to amend the Law relating to offences against the person:"

A Bill intituled "An Act to amend the Law relating to Robbery:" and

A Bill intituled "An Act to amend the Laws relating to burning and destroying Buildings and Ships."

The said Bills were severally read a first time.

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

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

The said Bill was read a first time.

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill, to amend the Charter of King's College in this Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED;

ORDERED, That the Report be received.

And upon the question, shall the further consideration of the said Bill be postponed for three months the House divided—

CONTENT.

Mr. Chief Justice,
Mr. Shore,
Mr. Baillie,
Mr. Peters,
Mr. Robinson,
Mr. Saunders,
Mr. Botsford,
Mr. Attorney General,
Mr. Chandler,
Mr. Street,
Mr. Hatch.

NON CONTENT.

Mr. Robertson.

And so it passed in the affirmative.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to authorize the Justices of the Peace for the County of Sunbury to make rules and regulations respecting the Draw in the Bridge over the River Oromocto.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A insert a Preamble as follows :

“Whereas it is necessary that provision should be made to prevent the Oromocto River being obstructed in such manner as to prevent the free use of, and passage to and through the Draw made in the Bridge erected over the said River near the mouth thereof, and to protect the said Draw from injury.”

At B in Section I, expunge the words “that the Justices of the Peace for the County of Sunbury, in General Sessions convened, are hereby authorized and empowered to make Rules and Regulations respecting the Draw in the Bridge over the River Oromocto,” and insert the words “that it shall and may be lawful for the Justices of the Peace for the said County of Sunbury in General Sessions assembled, and they are hereby authorized and empowered to make Rules and Regulations to prevent the passage to and from and through the Draw made in the Bridge lately built over the River Oromocto near to the mouth of the said River, from being obstructed by means of Vessels, Timber, Logs, Rafts or Lumber, or Rubbish of any description being deposited, placed or allowed to remain in any place in the said River, either above or below the said Bridge, and also to prevent damage or injury to be done to the said Draw in the said Bridge.”

At C expunge the words “or who may injure the said Draw.”

At

At D in the Title, expunge the word "respecting," and insert the words "for protecting the Public use of."

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

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

On motion made and seconded—

RESOLVED, That the Petition of Isaac Murray and Thomas Murray, of Kingsclear, in the County of York, praying the consideration of their claim for relief from certain Bonds to the Crown, given by Duncan Barber, presented to this House on the third instant, be referred to a Select Committee of three Members to report thereon.

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 16th March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Peters,

Mr. Saunders,

Mr. Attorney General,

Mr. Chandler,

Mr. Robertson,

Mr. Hatch.

Mr. Baillie,

Mr. Robinson,

Mr. Botsford,

Mr. Lee,

Mr. Street,

Mr. Wyer,

PRAYERS.

Pursuant to the Order of Day, the Bill to enable the Supreme Court to give relief against adverse claims made upon persons having no interest in such claims, was read a third time and passed.

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

Pursuant to the Order of the Day, the House proceeded to the third reading of the Bill to incorporate the Saint Andrews Marine Assurance Company, as amended, when the following further amendments were agreed to :—

At Ee in Section V. insert the words "printed and."

At Ll in Sections XIV. insert the words "printed and."

At Pp in section XVI. insert the words "printed and."

At Tt in Section XXIX. insert the words "printed and."

And upon the question—Shall the Bill as amended pass,
It was decided in the affirmative.

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

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace for the County of Sunbury to make rules and regulations respecting the Draw in the Bridge over the River Oromocto, 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.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill to enable the Shareholders of a Company, called "The New Brunswick Steam Boat Company," to sue and be sued by that name, and Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and it was thereupon—

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to incorporate the Saint Stephen's Log and Timber Sluice Company, and the Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A in Section I. insert the words "such Sluice to be taken out of the present Log Sluice already erected, and which is fed or supplied by and from the Pond of the upper Mill at Mill Town."

At B in Section XI. expunge the words "between the upper Mills, at Mill Town, and middle landing aforesaid," and insert the words "at the place mentioned in the first Section of this Act."

At C in Section XIII. insert the words "Provided also, that said Log and Timber Sluice, when erected, shall only be used and occupied two days in each week."

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

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

On

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to erect the Western part of the Parish of Woodstock into a separate and distinct town or Parish.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

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

A Bill intituled “ An Act to amend the Law relating to the punishment of offences :”

A Bill intituled “ An Act to amend the Law relating to Burglary :”

A Bill intituled “ An Act further to amend the Law relating to offences against the person :”

A Bill intituled “ An Act to amend the Law relating to Robbery :

A Bill intituled “ An Act to amend the Laws relating to burning or destroying Buildings and Ships : and

A Bill to restrain the provisions of the fifth Section of an Act, intituled “ An Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Woods in certain cases.”

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

A Message was brought from the Assembly by Mr. Allen, with a Bill relating to Debtors and Creditors, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The said Bill was read a second time.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 17th March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Peters,

Mr. Saunders,

Mr. Baillie,

Mr. Robinson,

Mr. Botsford,

Mr.

*Mr. Attorney General,
Mr. Chandler,
Mr. Robertson,
Mr. Hatch.*

*Mr. Lee,
Mr. Street,
Mr. Wyer,*

PRAYERS.

Pursuant to the Order of the Day, the Bill intituled "An Act to make further provisions relating to the Provincial House of Correction, and to give it the name of the Provincial Penitentiary," was read a third time and passed.

ORDERED, That the Title be "An Act to make further provisions relating to the Provincial House of Correction, and to give it the name of the Provincial Penitentiary."

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

Pursuant to the Order of the Day, the Bill to Incorporate the Saint Stephen Log and Timber Sluice Company as amended, was read a third time and passed.

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

A Message was brought from the Assembly by Mr. L. A. Wilmot, with a Bill to Incorporate the Grand Falls Company, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The said Bill was read a second time.

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

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Partelow, with the following Resolution:—

"House of Assembly, 16th March, 1842.

"Whereas this House has observed by the Resolutions laid upon the Table of the House of Commons of the United Kingdom, by the Right Honorable W. E. Gladstone, on the subject of a revision of the Customs Duties, as applying to the British Colonial Possessions

Possessions abroad, alterations are there contemplated, which, if adopted, will entirely destroy the valuable Trade so long hitherto carried on under British protection, between these American Colonies and the British West Indies, inasmuch as Foreign Lumber will be admitted duty free, and other articles at comparatively trifling impositions: And whereas this House cannot but view with great alarm the introduction of a measure so ruinous in its consequences to Her Majesty's Loyal North American Subjects, at a time when their Trade with the United Kingdom is labouring under such severe depression, when no positive security is felt for the continuance of the protection now afforded to them in that Trade, and when the constant agitation of the withdrawalment of such protection has so greatly injured the value of the immense investments made for its prosecution; therefore

Resolved, That humble Addresses be prepared to be presented to Her Majesty and the Imperial Parliament, on this vitally important subject; and that Her Majesty's Legislative Council be requested to join the House in the same.

“CHAS. P. WETMORE, *Clerk*.”

The said Resolution was read by the Clerk.

RESOLVED, That this House will join the Assembly in the proposed Addresses.

ORDERED, That the Honorable Messieurs Robertson and Wyer, be a Committee to join such Committee as may be appointed by the Assembly to prepare the same.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill, intituled “An Act to amend the Law relating to the punishment of offences.”

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill, intituled “An Act to amend the Law relating to Burglary.”

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill, intituled “An Act further to amend the Law relating to offences against the person.”

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill, intituled "An Act to amend the Law relating to Robbery."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill, intituled "An Act to amend the Laws relating to burning or destroying Buildings and Ships."

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 18th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Peters,

Mr. Saunders,

Mr. Attorney General,

Mr. Chandler,

Mr. Robertson,

Mr. Hatch.

Mr. Baillie,

Mr. Robinson,

Mr. Botsford,

Mr. Lee,

Mr. Street,

Mr. Wyer,

PRAYERS.

Pursuant

Pursuant to the Order of the Day, the Bill to amend the Law relating to the punishment of offences, was read a third time and passed.

ORDERED, That the Title be "An Act to amend the Law relating to the punishment of offences."

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

Pursuant to the Order of the Day, the Bill to amend the Law relating to Burglary, was read a third time and passed.

ORDERED, That the Title be "An Act to amend the Law relating to Burglary."

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

Pursuant to the Order of the Day, the Bill further to amend the Law relating to offences against the person, was read a third time and passed.

ORDERED, That the Title be "An Act further to amend the Law relating to offences against the person."

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

Pursuant to the Order of the Day, the Bill to amend the Law relating to Robbery, was read a third time and passed.

ORDERED, That the Title be "An Act to amend the Law relating to Robbery."

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

Pursuant to the Order of the Day, the Bill to amend the Law relating to burning or destroying Buildings and Ships, was read a third time and passed.

ORDERED, That the Title be "An Act to amend the Laws relating to burning or destroying Buildings and Ships."

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

The Honorable Mr. Peters, from the Select Committee appointed to examine and report upon all Bills relating to Corporations, presented a further report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations, report, that they have had under consideration "A Bill to incorporate the Grand Falls Company; they have prepared certain amendments thereto, which they recommend to the adoption of the House. They further report, that they have carefully examined the provisions of the Bill, and are of opinion, that the rights of the Crown and the public are carefully guarded; they also consider the Boom, Sluice and Dam contemplated by this

this Bill will be of great benefit to all persons having occasion to pass Logs, Timber or other Lumber over the Great Falls.

HARRY PETERS, *Chairman*.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration Bill relating to Debtor and Creditor.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Botsford from the Standing Committee of the joint Library of the two Houses, in compliance with the Resolution of this House of the 24th day of March last, lays before the House for its approval the Rules and Regulations for the management of the Library, as prepared by the joint Committee.

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

RULES FOR THE REGULATION AND GOVERNMENT OF THE JOINT LIBRARY OF THE LEGISLATURE.

1st.—That the Library be under the immediate care and control of a Committee of six, each House to appoint three.

2nd.—That it be established in the new Library Room, as set apart and appropriated for that purpose, between the Committee Rooms of the House of Assembly and the Chancery Offices.

3rd.—That there be a Librarian appointed by the Committee, whose duty it shall be to attend in the Library daily during the sitting of the Legislature, from the hour of ten o'clock in the morning until five in the afternoon, and from seven o'clock to nine in the evening, and during the recess, every Wednesday from 12 o'clock at noon to 4 o'clock, P. M. and to be ready to attend at any other time to open the Library at the request of a Member of the Legislature.

4th.—That the Librarian shall be held accountable for all Books in the Library, and shall keep a correct catalogue thereof; he shall also keep a Book in which he shall enter the name of every Book when out of the Library, and by whom taken; and it shall be his duty to see that all Books taken out be returned.

5th.—That no Book be taken out of the Library until the Librarian shall have entered the same in his Book, with the name of the person taking the same.

6th.—That no person have a right of access to the Library but the Members of the Legislature, the Master of the Rolls, the Judges of the Supreme Court, the Members of the Executive Council, the Secretary of the Province, the Governor's Private Secretary, the Officers of the Governor's Staff, and Officers of both Houses of the Legislature.

7th.—That the Newspapers taken by the respective Houses, be deposited during the recess in the Library, and kept there on file for the use of the Members of the Legislature.

8th.

8th.—That the Librarian be at all times under the direction of the Standing Committee.

A. E. BOTSFORD,
GEO. FRED. STREET,
L. A. WILMOT,
CHARLES FISHER,
WILLIAM END.

A Message was brought from the Assembly by Mr. Jordan, with Resolutions of Appropriation, dated the 17th day of March, to which they desire the concurrence of this House.

The said Resolutions were then read a first time.

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

Adjourned until To-morrow at 12 o'clock.

SATURDAY, 19th March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

<i>Mr. Baillie,</i>	<i>Mr. Shore,</i>
<i>Mr. Peters,</i>	<i>Mr. Robinson,</i>
<i>Mr. Saunders,</i>	<i>Mr. Botsford,</i>
<i>Mr. Attorney General,</i>	<i>Mr. Lee,</i>
<i>Mr. Chandler,</i>	<i>Mr. Street,</i>
<i>Mr. Robertson,</i>	<i>Mr. Wyer,</i>
<i>Mr. Hatch.</i>	

PRAYERS.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to incorporate the Grand Falls Company, and the Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A in Section II. expunge the words "the same being," and insert the words "Provided always, that such works when."

At B insert the words "or which may be granted."

At C expunge the word "one," and insert the words "shall be."

At D in Section IV. insert the words "printed and."

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

ORDERED, That they be engrossed, and the Bill as amended, read a third time on Monday next.

A Message was brought from the Assembly by Mr. Brown, that Mr. Partelow, Mr. Rankin, Mr. Connell and Mr. Brown, are appointed a Committee from the Assembly, to join the Committee appointed by this House to prepare Addresses to Her Majesty and the Imperial Parliament, on the subject of a revision of the Customs Duties as applying to the British Colonial Possessions abroad.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill relating to Debtor and Creditor.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Weldon, with a Bill imposing Duties for raising a Revenue, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

Adjourned until Monday next at 12 o'clock.

MONDAY, 21st March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Peters,

Mr. Botsford,

Mr. Lee,

Mr. Street,

Mr. Wyer,

Mr. Baillie,

Mr. Saunders,

Mr. Attorney General,

Mr. Chandler,

Mr. Robertson,

Mr. Hatch.

PRAYERS.

Pursuant to the Order of the Day, the Bill to incorporate the Grand Falls Company, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill imposing Duties for Raising a Revenue, was read a second time.

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

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and recommended the same to the adoption of the House.

ORDERED,

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

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill relating to Debtor and Creditor.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone into consideration of the said Bill, they had made 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. H. T. Partelow, with Resolutions of Appropriation, dated the 18th day of March instant, to which they desire the concurrence of this House : and

That the Assembly had agreed to the amendments made by this House to the Bill to authorize the Justices of the Peace for the County of Sunbury to make rules and regulations respecting the Draw in the Bridge over the River Oromocto.

The said Resolutions were read a first time.

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

A Message was brought from the Assembly by Mr. Hanington with Resolutions Appropriation, dated the 19th day of March, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

Messages were brought from the Assembly by Mr. Hill, that the Assembly had agreed to the amendments made by this House to the Bill to incorporate the Saint Stephen Log and Timber Sluice Company : and

The amendments made by this House to the Bill to incorporate the Saint Andrews Marine Assurance Company : and

With a Bill to incorporate the Saint Stephen Marine Assurance Company, to which they desire the concurrence of this House.

The last mentioned Bill was read a first time.

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

The said Bill was read a second time.

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

The Honorable Mr. Shore, a Member of Her Majesty's Executive Council, lays before the House, by direction of the Lieutenant Governor, the copy of a Communication from Henry Gilbert and Leveret H. De Veber, Commissioners to supply the wants of Poor in Saint John.

The same was read by the Clerk as follows :—

“ Saint

" *Saint John, New Brunswick, March 17, 1842.*

" SIR,

" For the information of His Excellency we have to say, that the applicants for employment increased last week, and we fear they will not diminish, as there appears to be very little prospect of much employment when the spring opens. The number of men, women and children sustained from what we paid the laborers last week, were two thousand seven hundred, besides the Cartmen and their families. This is in addition to those who receive support from the Overseers of the Poor, as we give nothing to those who are under the care of the Overseers of the Poor. As we have paid something exceeding three hundred pounds per week, His Excellency will see the necessity of making further provision. Should we be mistaken in our apprehension of the want of employment the money can be repaid into the Treasury.

" We have &c.

H. GILBERT,
L. H. DEVEBER. } *Commissioners.*

" The Honorable WM. F. ODELL, Province Secretary, &c. &c. &c.
Fredericton."

ORDERED, That it do lie on the Table.

Adjourned until To-morrow at 11 o'clock.

TUESDAY, 22d March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Chandler,

Mr. Street,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch.

PRAYERS.

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to restrain the provisions of the Fifth Section of an Act, intituled "An Act for the support of the Civil Government in this Province," and to establish sundry regulations for the disposal of the Crown Woods in certain cases.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

And upon the question—Shall the further consideration of the said Bill be postponed for three months, the House divided—

CONTENT

CONTENT.

Mr. Chief Justice,
 Mr. Shore,
 Mr. Baillie,
 Mr. Peters,
 Mr. Robinson,
 Mr. Botsford,
 Mr. Attorney General,
 Mr. Lee,
 Mr. Chandler,
 Mr. Street.

NON CONTENT.

Mr. Saunders,
 Mr. Robertson,
 Mr. Wyer,
 Mr. Hatch.

And so it passed in the affirmative.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Resolutions of Appropriation sent up from the Assembly.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Allen, that the Assembly had agreed to the following Bills, without any amendment:—

An Act to amend the Law relating to the punishment of offences :

An Act further to amend the Law relating to offences against the person : and

An Act further to amend the Law relating to Robbery.

The Honorable Mr. Robertson, by leave, presented Petitions from Thomas Raymond, Messrs. Crookshank and Walker, Messrs. G. and J. Salter, and Messrs. Waterhouse and Troop, of the City of Saint John, severally praying a return of Duties paid on Goods destroyed by fire in Saint John, in November last.

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

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

The Honorable the President read the same,

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

NEW BRUNSWICK.

Message to the Legislative Council,

21st March, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor communicates to the Legislative Council copy of a Despatch, which he has received from the Secretary of State for the Colonies, together with Extracts of two Despatches therein referred to, which were addressed by him to the Secretary of State, with the Blue Books for 1840 and 1841.

W. M. G. C.

[See Appendix, No. 7.]

The Honorable Mr. Chandler, by leave, presented a Petition from the Ministers and Messengers of the Baptist Churches in New Brunswick, convened in annual Association, at Hillsborough, praying Legislative aid towards the support of the Baptist Academy at Fredericton.

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

The Honorable Mr. Street, by leave, presented a Petition from Sophia Cox, praying remuneration for teaching a School.

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

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

A Bill to regulate Dockage, Wharfage and Cranage in the City of Saint John and Parish of Portland: and

A Bill to revive an Act, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester."

The said Bills were severally read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill relating to Debtor and Creditor.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received on Thursday next.

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

A Bill further to amend the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of Estates of Intestates: and

A Bill to incorporate the City of Fredericton.

The said Bills were severally read a first time.

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

A Message was brought from the Assembly by Mr. Freeze, with Resolutions of Appropriation dated the twenty first day of March, instant, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 23d March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Street,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch.

PRAYERS.

The Honorable Mr. Street, from the Select Committee appointed to examine and report upon the Petition of Isaac Murray and Thomas Murray, of the County of York, praying for the consideration of their claim for relief from certain Crown Bonds given by Duncan Barker, presented a report.

ORDERED, That the report be received.

And the same was read by the Clerk as follows :—

The Honorable Mr. Street, from the Select Committee to whom was referred the Petition of Isaac and Thomas Murray, of Kingsclear, in the County of York, praying for the consideration of their claim for relief from certain Crown Bonds given by one Duncan Barber, beg leave to report—

That from the statements in the Petition, and the copies of the Affidavits annexed—which statements your Committee find, from a reference to the Attorney General, are correct—and from further information received by your Committee, the following appear to be the facts of the case :

In the month of August, 1835, one Duncan Barber agreed with the Petitioners for the purchase of the large and valuable property called “Spring Hill,” with the Islands in front, situate in the Parish of Kingsclear, in the County of York, together with their right to the Prince William Reserve, so called, for the sum of £5,500. That by the terms of the Agreement the Deed of Conveyance was to be given by the Petitioners on the 13th day of October then next, and on that day the Deed of Conveyance was accordingly made out and executed by the Petitioners, but the said Duncan Barber not being then prepared to fulfil his part of the agreement, by giving the requisite security for the balance of the purchase money, he paid £1500 on account thereof, and it was then agreed that the Deed of Conveyance so executed by the Petitioners should be placed in the hands of a third party until Barber should complete his part of the agreement, which he did on the 21st day of March. That about the end of February, 1836, it having been previously proposed by the said Barber to give a Bond and Mortgage on the Spring Hill property, as a security to the Petitioners for the balance of the purchase money, Christopher Murray, who is the brother, and was the adviser of the Petitioners, having had it intimated to him that it would be as well first to ascertain if there were any existing Bonds from Barber to the Crown, which might bind the property after so conveyed, and shut out the Petitioners from their Security on the said proposed Mortgage, made search and inquiry at the Crown Land Office to ascertain if there were any Bonds given by said Barber to the Crown,
and

and was then informed, after due search in the Office, that there were none ; and upon this the said Christopher Murray advised his brothers, the Petitioners, to complete the proposed sale of the property to Barber, thinking they would be perfectly safe in taking a Mortgage on the property for the balance of the purchase money.

The Mortgage given by said Barber to the Petitioners bears date the 10th day of March, 1836, and the Deed and the Mortgage were exchanged on the 21st day of the same month, and then put on record, thus completing the transaction.

It appears that the Petitioners then rested satisfied with their security in the Mortgage on the property for the purchase money remaining due from said Barber, but on Barber's failure in the year 1839 several Bonds from him to the Crown, to a large amount were found in the Crown Land Office, six of which were dated prior to the Mortgage, viz : three dated in August, 1835, two in September, 1835, and one in December, 1835. These Bonds were put into the Attorney General's hands to proceed upon, when he issued Extents in the usual way against all Barber's property, and the said Spring Hill property among the rest ; and as these Bonds bore date prior to the Petitioners' Mortgage they took precedence thereof on that property, as nothing then appeared to lead to any suspicion that the Bonds were not executed on the several days they bore date. That the said Christopher Murray being then a resident in the United States, and not being aware of the proceedings, had not communicated to the Petitioners the search and information he had made and received at the Crown Land Office at the latter end of February 1836 ; and the Petitioners, it seems, were led to believe they had no legal defence to set up against the proceedings on the Extent. The proceedings therefore went on, and the property was sold, and bought in by the Petitioners at the sale, under the Extent at the suit of the Crown, for £3,505 before they made any discovery or were informed by said Christopher Murray of the facts stated in his Affidavit of the information he had obtained at the Crown Land Office as above mentioned.

It now appears from the Affidavits of several persons at that time in the Crown Land Office, that it was the practice to antedate Bonds taken in the Office for Lands and Timber Leases when the Bonds were not given at the time of the sales or granting of the Leases, in order to make the dates of the Bonds agree with the time of such sales and the dates of the Leases ; and it is presumed the Bonds in question, so given by Barber, must have been antedated, and though bearing date prior to the Petitioners' Mortgage were not in fact executed until some time after the Mortgage was given and registered, otherwise they would have been found in the Office at the time when Christopher Murray made his search at the latter end of February, 1836.

If the Bonds were antedated, and were not in fact executed until after the Mortgage to the Petitioners was given and registered, this, had it been known in time, would have, as your Committee presume, afforded them a good defence at Law. If, on the other hand, they were not antedated, and were given at the time they bear date, they must or ought to have been in the Crown Land Office, and the Officers of that Department must have known of them at the time of said Christopher Murray's enquiry at the latter end of February, 1836, and the servants of the Crown in that Department must, in that case have given him erroneous information on that subject, and in either case the Petitioners have been greatly misled and deceived, which, it is presumed, the Crown would never take advantage of to the injury and oppression of the subject.

It

It does appear, therefore, to your Committee, that the case is a very hard and oppressive one upon the Petitioners, and calls for redress from some quarter; but your Committee do not see any mode in which this House can afford relief in the premises, it being a matter entirely, in the opinion of your Committee, between the Executive Government of the Province and the Petitioners.

All which is respectfully submitted.

GEO. FRED. STREET, *Chairman.*

Committee Room, 23d March, 1842.

On motion—

The House was put into a Committee of the whole, to take into further consideration Resolutions of Appropriation sent up from the Assembly.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 4th day of March instant, and recommended that the House should concur in the same; That the Committee had gone into consideration of the Resolutions of Appropriation dated the 17th and 18th days of March, they had made some progress therein, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 4th day of March, were concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Resolutions of Appropriation, dated the 4th day of March.

A Message was brought from the Assembly by Mr. Beardsley, that the Assembly had agreed to the following Bills, without any amendment:—

An Act to amend the Law relating to Burglary; and

An Act to amend the Laws relating to burning or destroying Buildings and Ships: and

That the Assembly had agreed to the Bill, intituled “An Act to make further provision relating to the Provincial House of Correction, and to give it the name of the Provincial Penitentiary,” with an amendment, to which they desire the concurrence of this House.

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

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

A Bill to revive an Act, intituled “An Act for regulating the Salmon Fisheries in the County of Gloucester:”

A Bill further to amend the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates:

A Bill to incorporate the City of Fredericton.

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

**

Pursuant

Pursuant to the Order of the Day, the Bill to regulate Dockage, Wharfage and Cranage in the City of Saint John, and the Parish of Portland was read a second time.

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Peters, from the Select Committee appointed to examine and report upon Bills relating to Corporations, presented a further report.

ORDERED, That the Report be received.

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

The Committee to whom were referred all Bills relating to Corporations, report, they have had under consideration “A Bill to Incorporate the Saint Stephen Marine Assurance Company,” which they recommend to the adoption of the House.

HARRY PETERS, *Chairman.*

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

A Message was brought from the Assembly by Mr. Wilmot, with Resolutions of Appropriation, dated the 22d day of March, instant, to which they desire the concurrence of this House.

The said Resolutions were then read a first time.

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

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

A Petition from Thomas S. Sayre, John Chapman, Charles F. Allison and 130 other Inhabitants of Westmorland, praying the usual allowance may be continued to the Victoria Coach running between Saint John and Dorchester :

A Petition of John Robertson, of Saint John, praying Duties paid on Bricks imported from the United States, to erect a building in the burnt district after the fire in 1839, may be repaid him : and

A Petition from Seymour Pickett, of King's County, praying a return of Duties paid on Machinery for the manufacture and dressing of Homespun Cloth.

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

The Honorable Mr. Robertson, by leave, presented Petitions from Thomas M'Avity and Company, Ratchford and Brothers, and Alexander Robertson, severally praying a return of Duties paid on articles destroyed by the late fire in the City of Saint John : also

A Petition from Otis Small, of Saint John, praying a return of Duties paid on Bricks imported for erecting a building in the burnt district, after the fire in 1839 : and

Leveret

Leveret H. DeVeber, with a similar prayer for Duties paid on Bricks imported to replace a building destroyed by fire in the City, in March last.

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

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 24th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Street,

Mr. Robertson,

Mr. Hatch.

PRAYERS.

Pursuant to the Order of the Day, the Bill to regulate Dockage, Wharfage and Cranage in the City of Saint John and Parish of Portland, was read a third time and passed.

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

Pursuant to the Order of the Day, the Honorable Mr. Baillie brought up the Report of the Committee of the whole House on the Bill relating to Debtors and Creditors.

ORDERED, That the Report be received.

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

At A Section III. expunge the remainder of the Section, and insert as follows:—

“Owing Debts to the amount of not less than five hundred pounds currency shall be liable to become Bankrupts within the meaning of this Act, and may upon Petition to the Chancellor or Master of the Rolls of this Province, of one or more of their Creditors to whom they owe debts, amounting in the whole to not less than two hundred pounds currency, or of any other person or persons on the behalf of such Creditor or Creditors, on oath in duplicate, accompanied by the further proof herein after mentioned, be declared accordingly, by fiat of the said Chancellor or Master of the Rolls, as hereinafter mentioned in the following cases, that is to say, whenever such person shall depart from this Province with intent to defraud their Creditors, or to avoid service of, or arrest by the ordinary process of the Law, or shall conceal themselves to avoid being arrested, or having been arrested by mesne or final process, or rendered in discharge of their Bail, shall escape or remain a Prisoner either in Gaol or on the limits thereof for the space of two months, or shall willingly or fraudulently procure themselves to be arrested, or their goods, chattels, lands or tenements to be attached, distrained, sequestered or taken in execution, or shall remove their goods, chattels or effects

effects, or conceal them to prevent their being levied upon, or taken in execution or by other process, or shall make any fraudulent conveyance, sale, assignment, gift, loan or transfer, warrant of Attorney to confess a judgment, or other device of or affecting their lands, tenements, goods or chattels, monies, credits or evidences of debt: Provided always, that no person shall be liable to become Bankrupt by reason of any such Act of Bankruptcy committed more than six months before the issuing of the fiat in Bankruptcy against him.

"IV. And be it enacted, That if any person owing debts to the amount of not less than five hundred pounds currency shall file in the Office of the Register of the Court of Chancery of this Province, a declaration in writing, signed by such person, and attested by an Attorney or Solicitor, that he is insolvent or unable to meet his engagements, the said Register shall sign a Memorandum that such declaration hath been filed, which Memorandum shall be authority for the Printer of the Royal Gazette to insert an advertisement of such declaration therein, and every such declaration shall be deemed an Act of Bankruptcy committed by such person at the time when such declaration was filed, and a fiat may be granted thereupon, upon the application of Creditors, as and to the amount aforesaid. Provided always, that no fiat shall be so granted after the expiration of three calendar months, nor unless such advertisement shall have been inserted in the Royal Gazette within fifteen days after such declaration was filed."

At E Section IV. expunge the words "complained of," and insert the words "relied on."

At C expunge Section VI.

At D expunge Sections VIII. and IX. and insert as follows:—

"VIII. And be it enacted, That when and so soon as the proper Commissioner shall have received any fiat and documents as aforesaid he shall forthwith endorse thereon the day and hour on which he received the same, and by warrant under his hand and seal shall appoint one fit and proper person to be a provisional Assignee of the estate and effects of the said alleged Bankrupt, and shall cause notice to be personally served on such alleged Bankrupt, if he shall be found within the jurisdiction of such Commissioner, and if not so found then to be left at the last place of abode or business of the said alleged Bankrupt, or delivered to his wife, or some adult member of his family, or agent, by which notice the said alleged Bankrupt shall be required within thirty days after service thereof as aforesaid, to surrender and conform to or dispute the alleged Bankruptcy, and in case the said alleged Bankrupt should, within the said period of thirty days, file with said Commissioner a declaration in writing of such dissent, and desire to contest such alleged Bankruptcy, that then the said Commissioner shall forthwith transmit such declaration to the Chancellor or Master of the Rolls, who shall proceed to the determination of the question so in contest, as herein after directed; and in case the said alleged Bankrupt should not within the said period of thirty days after service of such notice, file with the said Commissioner such declaration, or when the said Chancellor or Master of the Rolls shall have determined and confirmed the said fiat of Bankruptcy, that then the said Commissioner shall as soon as may be thereafter, cause public notice of the said appointment to be published in one or more of the newspapers of the County, City and County or district in which such Commissioner hath jurisdiction, and if there shall be no newspaper printed in said County, City and County or district then in the Royal Gazette of this Province, and shall thereby require all persons

persons indebted to said Bankrupt, by a certain day to be therein expressed, to pay all such sum or sums of money, debts or duties as they may owe to the said Bankrupt, and deliver up all other property and effects of said Bankrupt in their possession, power or custody to him, the said Assignee; and by the same notice shall require all the Creditors of the said Bankrupt who shall or may be resident in this Province, or in any other of Her Majesty's North American Provinces, or in the West Indies, or in the United States of America, within three months of the day of the date of such notice, to deliver in, and prove to the satisfaction of the said Commissioner, their respective claims and demands, whether the same be actually due or to become due against the said Bankrupt; and if it should appear, or if the said Commissioner should have reason to believe that any Creditors of the said Bankrupt reside in any part of the United Kingdom of Great Britain and Ireland, then notice shall be forthwith transmitted for publication in the London Gazette, calling upon such Creditors to appoint an agent or agents in this Province, and to deliver, and prove to the satisfaction of the said Commissioner, their respective claims and demands as aforesaid against the said Bankrupt, within three months from the day of the date of the said notice so published in the London Gazette.

“IX. And be it enacted, That if such Chancellor or master of the Rolls shall find the petitioning Creditor's debt or debts, or the general debt or debts due by the said alleged Bankrupt, or the facts and circumstances relied on as constituting the Act or Acts of Bankruptcy are not sufficiently proved to satisfy the provisions of this Act, that then the said fiat so by him first granted shall thereby be annulled, and all the property and rights of property affected by such fiat shall thereupon revert in the said alleged Bankrupt as fully and completely to all intents and purposes as if the said fiat never had been granted, or provisional Assignee appointed.”

At E Section IX. expunge the Section, and insert a new Section as follows:—

“XI. And be it enacted, That the provisional Assignee so appointed shall hold his place until some other person or persons shall be appointed by the Chancellor or Master of the Rolls, on the application of a majority of the Creditors in number and value of the said Bankrupt, if they think proper so to do, and in case of the vacancy of any Assignee by death the said Commissioner shall appoint another fit and proper person to fill such vacancy, who shall in like manner hold his situation until some other person or persons shall be appointed by the Chancellor or Master of the Rolls, on the application of Creditors as aforesaid, and every Assignee before entering upon the duties of his office shall be sworn before the Commissioner to the faithful performance of the duties of the same, and the said Commissioner shall also require and receive from every Assignee a Bond with at least two Sureties, satisfactory to such Commissioner, and in such sum as he may deem proper, conditioned for the faithful discharge of all his duties as such Assignee, which Bond shall be given to such Commissioner by the name of his office, and shall and may in case of any breach of the conditions thereof be sued and sueable by the said Commissioner, or his successor in office under the order of the Chancellor or Master of the Rolls, in any Court of Record in this Province, for the benefit of the Creditors and others interested.”

At F Section XII. expunge the words “said Assignee so appointed,” and insert the words “Assignee duly appointed under this Act.”

At G Section XIII. expunge the word “two,” and insert the word “four.”

At H expunge the words “and shall disqualify the Bankrupt from receiving a Certificate or discharge as herein after mentioned.”

At

At I expunge the words "one month," and insert the words "two months."

At K expunge Sections XIV. XV. XVI. and XVII., and insert as follows:—

"XIV. And be it enacted, That every Bankrupt who shall have duly surrendered, and in all things conformed himself to the provisions of this Act, shall be discharged from all debts due by him at the time of issuing the fiat, and from all claims and demands against him in case he shall obtain a Certificate of such conformity, so signed and allowed, and subject to such provisions as herein after directed; but no such Certificate shall release or discharge any person who was a partner with such Bankrupt at the time of his Bankruptcy, or who was then jointly bound or had made any joint contract with such Bankrupt.

"XV. And be it enacted, That such Certificate shall be signed by four fifths in number and value of the Creditors of the Bankrupt, who shall have proved debts to the amount of ten pounds or upwards, who shall thereby testify their consent to the Bankrupt's discharge as aforesaid, but no such Certificate shall be such discharge unless the Commissioner shall, in writing under his hand and seal, certify to the Chancellor or Master of the Rolls, that such Bankrupt has made a full discovery of his estate and effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fullness of such discovery, and also that the Creditors have signed in manner herein directed, and unless the Bankrupt make oath in writing that such Certificate and consent were obtained without fraud.

"XVI. And be it enacted, That every Commissioner so to be appointed as aforesaid shall have jurisdiction in all matters and proceedings in Bankruptcy arising under this Act, or any Act hereafter to be passed on the subject of Bankruptcy within the County, City and County or District for which he shall be so appointed, and the jurisdiction hereby conferred on any and every such Commissioner shall extend to all cases and controversies in Bankruptcy arising between the Bankrupt and any person claiming any debt or demand under the Bankruptcy, to all cases and controversies between the Creditor and the Assignee of the estate, whether in office or removed, to all cases and controversies between such Assignee and the Bankrupt, and to all matters and things to be done under and by virtue of the Bankruptcy, until the final distribution and settlement of the estate of the Bankrupt and the close of the proceedings in Bankruptcy, subject, however, to appeal to or review by the Court of Chancery as before and hereinafter provided.

"XVII. And be it enacted, That the Court of Chancery in this Province shall have an appellate jurisdiction of all matters cognisable by the said Commissioner, and if upon the hearing of any matter, whether upon appeal or otherwise brought before the said Court, relating to Bankruptcy, any question of fact shall arise which, in the opinion of the said Court, cannot be satisfactorily determined without a trial by Jury, such Court shall have authority to order a feigned issue to be made up in the Supreme Court, and to prescribe the manner of making up such issue so as to present the question in dispute, and to direct the County in which the same shall be tried, and the Supreme Court shall have power to grant new trials of such issues as in personal actions pending in that Court, and the final determination of such issue shall be conclusive as to the facts therein controverted in the proceedings before the Court of Chancery, and it shall be in the discretion of the said Court of Chancery to order and direct by whom and in what manner the costs and expences attending such issue shall be paid."

At

At L Section XIX. expunge the words "in Chancery or extraordinary," and insert "or Master extraordinary in Chancery."

At M insert the word "in."

At N insert the words "printed and."

At O insert the words "printed and."

At P expunge the words "pursuant to the fourteenth Section of this Act."

At Q expunge the words "and all unsatisfied judgments thereon."

At R expunge the Section, and insert a new Section as follows:—

"XX. And be it enacted, That no Creditor having security shall receive upon any such security more than a rateable part of such debt, except in respect of any Execution levied by Seizure upon, or any Mortgage upon any part of the property of such Bankrupt, or any lien on his personal property before the fiat in Bankruptcy."

At T Section XXII. insert the words "Chancellor or."

At U insert the words "printed and."

At V insert the word "then."

At W insert the words "printed and."

At X insert the words "Chancellor or."

At Xx expunge the words "pronounce deliverance and release," and insert the words "make an order releasing and discharging."

At Y expunge the word "and."

At Z Section XXIII. expunge the words "a Commission of," and insert the words "the providings in."

At Aa Section XXIV. expunge the words "from and after the receipt by any Commissioner as aforesaid of any fiat in Bankruptcy, made on the application of any Debtor, and."

At Bb expunge the words "at the instance of any Creditor."

At Cc expunge the words "after the receipt of any fiat or."

At Dd insert new Section—

"XXVII. And be it enacted, That after the lapse of twelve months from the date of the fiat, if it shall appear to the Commissioner expedient to sell any interest which the Creditors have in the outstanding debts; he shall fix a day for holding a meeting of the Creditors to take the same into consideration, and shall give thirty days notice thereof in one or more of the newspapers printed and published within the District for which he may act, if any such there be, and in the Royal Gazette of this Province, of the time and place of such meeting, and if three fourths of such Creditors in number and value then assembled shall decide in favor of such sale, such debts may then be sold under the order of the Commissioner, at such time as he may direct, giving due notice thereof, and a Certificate signed by such Commissioner of such sale, shall be in all Courts of Justice evidence of such sale and assignment, and the purchasers thereof may sue for and recover such debt or debts in any Court of competent jurisdiction within this Province as Assignee thereof.

At Ee Section XXVII. expunge the words "by the verdict of a Jury."

At Ff expunge the words "whether such Bankrupt be in custody of the person who may be authorized to arrest him, pursuant to the tenth Section of this Act, or confined in the Common Gaol as herein before mentioned."

At Gg Section XXIX. expunge the words "either on the Petition of such Partners or any one of them or."

At

At H^H Section XXXI. expunge the Section.

Alter the numbers of the Sections so as to correspond with the foregoing amendments.

At I^I insert a new Section as follows:—

“XXXIV. And be it enacted, That this Act shall not come into operation, or be in force until Her Majesty’s Royal approbation be thereunto first had and declared.

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

ORDERED, That they be engrossed, and the Bill as amended, read the third time on Saturday next.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to revive an Act, intituled “An Act for regulating the Salmon Fisheries in the County of Gloucester.”

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received, and the Bill read a third time on Saturday next.

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

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

A Bill to commute the Fees of the Judges in the Supreme Court, and of the Clerk of the Pleas in the Supreme Court: and

A Bill relating to the Fees of the Secretary of the Province.

The said Bills were read a first time.

ORDERED, That they severally stand for a second reading on Saturday next.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to incorporate the City of Fredericton.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED,

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to incorporate the Saint Stephen Marine Assurance Company, and the Report of the Select Committee thereon.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received, and the Bill be read a third time on Saturday next.

Adjourned until Saturday next at 12 o'clock.

SATURDAY, 26th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Street,

Mr. Robertson,

Mr. Hatch.

PRAYERS.

Pursuant to the Order of the Day, the House proceeded to the third reading of the Bill relating to Debtors and Creditors, as amended.

The said Bill was accordingly read the third time.

Then the following further amendments were made to the said Bill:—

At HH insert a new Section, as follows:—

“XXXIII. Provided always, and be it enacted, That nothing in this Act shall extend, or be construed to extend, to release or discharge the person or property of any Crown Debtor, from liability as such Crown Debtor; but all Crown claims and demands shall remain to be sued for, prosecuted and recovered, in all respects, as if this Act had not been passed.

At KK in the Title expunge the words “Debtors and Creditors” and insert “Bankruptcy in this Province.”

The question was put—Whether the Bill with these amendments shall pass—and it was Resolved in the affirmative.

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

H*

Pursuan

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

A Bill to incorporate the Saint Stephen's Marine Assurance Company : and|

A Bill to revive an Act, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester."

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

The House proceeded to take into consideration the amendment sent up from the Assembly to the Bill, intituled "An Act to make further provision relating to the Provincial House of Correction, and to give it the name of the Provincial Penitentiary."

The same was read by the Clerk as follows :—

At A add the following Section, and alter the numeration of the succeeding Section :—

"VII. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, upon application being made by the Board of Commissioners of the said Penitentiary, to issue his Warrant or Warrants upon the Treasury for a sum not exceeding three hundred pounds annually, to defray the expense of providing food for the Prisoners, and materials for employing them at labor ; provided always, that the said Commissioners shall at the end of each and every year make up and render a full and detailed account of the expenditure of such sum or sums to be laid before the Legislature within twenty days after the meeting thereof."

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

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House thereof.

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

A Bill to commute the Fees of the Judges in the Supreme Court, and of the Clerk of the Pleas in the Supreme Court : and

A Bill relating to the Fees of the Secretary of the Province.

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

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

A Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to widen John or Water Street, so called, in the said City : and

A Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to lay out and open a Street in the said City, in continuation of John or Water Street, so called, Southerly to the prolongation of Saint James Street.

The said Bills were severally read a first time.

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

On

On motion—

The House was put into a Committee of the whole, to take into further consideration the Resolutions of Appropriation.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated 17th and 18th days of March, and recommended that the House should concur in the same, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 17th and 18th days of March, were concurred in by the House.

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

A Message was brought from the Assembly by Mr. Connell, with Resolutions of Appropriation dated the 23d and 24th days of March, instant, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

The Honorable Mr. Robertson from the joint Committee of this House and the House of Assembly, appointed to prepare Addresses to Her Majesty and the Imperial Parliament, on the subject of a revision of the Customs Duties as applying to the British Colonial Possessions abroad, reported Drafts, which he read in his place.

And they were again read by the Clerk, and agreed to by the House, and are as follows:—

“To the Queen’s Most Excellent Majesty.

“THE HUMBLE ADDRESS OF YOUR MAJESTY’S LEGISLATIVE COUNCIL AND THE HOUSE OF ASSEMBLY OF THE PROVINCE OF NEW BRUNSWICK, IN GENERAL ASSEMBLY CONVENED.

“MAY IT PLEASE YOUR MAJESTY.

“Your Majesty’s loyal Subjects, the Legislative Council and Commons of New Brunswick, beg leave most humbly to approach Your Majesty with sentiments of unaltered attachment to Your Majesty’s Person and Government, and to lay at the foot of the Throne this their representation, on a subject in which Your Majesty’s Possessions on this Continent are vitally interested.

“The Council and Assembly, during the present Session, have had occasion to address Your Majesty, praying that no alteration might take place in the existing Duties upon Foreign and Colonial Wood imported into the United Kingdom, and pointed out the ruinous consequences that would inevitably ensue by the abolition of that protection, so long and so wisely afforded to the British Commercial Marine, by the line of policy hitherto maintained; and the Council and Assembly did hope that their earnest solicitations would be favorably considered; but their anxiety on this subject has been deeply increased by learning that Resolutions have been recently laid upon the

the Table of the House of Commons by one of Your Majesty's Ministers, for a revision of the Customs Duties as applying to the British Colonial Possessions abroad, similar in their provisions to those introduced into the late Parliament by the Right Honorable his predecessor in office.

"The effect of these Resolutions, if adopted, will be to destroy the extensive and valuable Trade hitherto carried on between Your Majesty's North American Colonies and the British West Indies,—to render entirely valueless the immense amount of Tonnage and other Capital and establishments invested in its prosecution, and to inflict a deadly blow on the Commercial maritime superiority which the British Nation now enjoys.

"The Council and Assembly deem it unnecessary in this Address to particularize the baneful effects which will be produced, because these have been brought most prominently under Your Majesty's most gracious consideration by the Legislature and Chamber of Commerce of Nova Scotia; also by a Petition from the Magistrates, Merchants, Ship Owners and others, of the City of Saint John, the Commercial Metropolis of this Province, as well as by Petitions from other parts thereof. The Council and Assembly would, however, beg leave specially to refer to these appeals to Your Majesty, and in doing so they would most solemnly confirm with one voice the positions therein set forth, and on behalf of this Colony humbly solicit Your Majesty's most gracious consideration.

"That a measure fraught with such ruinous consequences to Your Majesty's North American Provinces, could for a moment be entertained by Your Majesty's present advisers, the Council and Assembly were not prepared to learn, much less to apprehend, because that great and influential party had hitherto, both in and out of office, successfully resisted those sweeping changes in the Colonial system which the advocates of what is commonly called 'Free Trade,' had from time to time brought under the consideration of Your Commons House of Parliament.

"Should those Resolutions be sustained by that House, and their provisions become Law, Commercial evils are not the only ones which the Council and Assembly have reason to apprehend. They very much fear, that the ruin of the West India Trade, followed up, as they apprehend it will be, by a revision of the Wood Duties in the United Kingdom, would be viewed by the North American Colonists as such an abandonment of their interests by Your Majesty's Councils as could not fail to excite discontent, and have a strong tendency to shake that loyal affection which they have hitherto cherished with such honest zeal towards the Parent State—a political evil which the inhabitants of this Province would most seriously deprecate, as weakening those ties to that Country which they and their fathers before them have so steadfastly adhered to through every change of fortune, prosperous or adverse.

"The Council and Assembly yet cherish the hope that their fears cannot be realized, and that the North American Colonies may still continue in the enjoyment of that which is most congenial to their habits, principles and feelings—a British Trade and British Protection—consumers almost exclusively of British Manufactures, rapidly extending and increasing—exchanging their Staple Commodities for Goods, the produce of British skill and British labor, as well as for the productions of their fellow Colonists in the West Indies,—a Trade in importance to the Mother Country, second only to the Coal Trade, in the employment of so large a portion of the British
Commercial

Commercial Marine, and as a Nursery for British Seamen, whose services are always at command to maintain British superiority on the boundless Ocean. Ships, Colonies and Commerce is the sentiment under which Great Britain has been exalted to her present proud pre-eminence among the Nations of the World; and the Council and Assembly assure Your Majesty, that no indemnification which the well known liberality and integrity of Your Majesty's Government and the Imperial Parliament might suggest as an act of justice to the great Colonial interests thus annihilated could possibly avert the ruin of the British North American Colonies as an integral portion of the British Empire.

"The Council and Assembly earnestly implore Your Majesty to take this their humble representation into Your Majesty's most gracious consideration, and adopt such measures as may quiet the apprehension of Your Majesty's faithful and loyal subjects the people of New Brunswick."

"To the Lords, Spiritual and Temporal, of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

"THE HUMBLE PETITION OF HER MAJESTY'S LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF THE PROVINCE OF NEW BRUNSWICK, IN GENERAL ASSEMBLY CONVENED.

"MAY IT PLEASE YOUR MOST HONORABLE HOUSE.

"The Legislative Council and Assembly of New Brunswick during the present Session, have had occasion to address Your Most Honorable House, praying that no alteration might take place in the existing Duties upon Foreign and Colonial Wood imported into the United Kingdom, and pointed out the ruinous consequences that would inevitably ensue by the abolition of that protection, so long and so wisely afforded to the British Commercial Marine, by the line of policy hitherto maintained; and the Council and Assembly did hope that their earnest solicitations would be favorably considered; but their anxiety on this subject has been deeply increased by learning that Resolutions have been recently laid upon the Table of the House of Commons by one of Her Majesty's Ministers, for a revision of the Customs Duties as applying to the British Colonial Possessions abroad similar in their provisions to those introduced into the late Parliament by the Right Honorable his predecessor in office.

"The effect of these Resolutions, if adopted, will be to destroy the extensive and valuable Trade hitherto carried on between Her Majesty's North American Colonies and the British West Indies,—to render entirely valueless the immense amount of Tonnage and other Capital and establishments invested in its prosecution, and to inflict a deadly blow on the Commercial maritime superiority which the British Nation now enjoys.

"The Council and Assembly deem it unnecessary in this Address to particularize the baneful effects which will be produced, because these have been brought most prominently under Her Majesty's most gracious consideration by the Legislature and Chamber of Commerce of Nova Scotia; also by a Petition from the Magistrates, Merchants, Ship Owners and others, of the City of Saint John, the Commercial Metropolis of this Province, as well as by Petitions from other parts thereof. The Council and Assembly would, however, beg leave specially to refer to these appeals to

Her Majesty, and in doing so they would most solemnly confirm with one voice the positions therein set forth, and on behalf of this Colony humbly solicit the consideration of Your Most Honorable House.

“That a measure fraught with such ruinous consequences to Her Majesty’s North American Provinces, could for a moment be entertained by Her Majesty’s present advisers, the Council and Assembly were not prepared to learn, much less to apprehend, because that great and influential party had hitherto, both in and out of office, successfully resisted those sweeping changes in the Colonial system which the advocates of what is commonly called ‘Free Trade,’ had from time to time brought under the consideration of the Commons House of Parliament.

“Should those Resolutions be sustained by that House, and their provisions become Law, Commercial evils are not the only ones which the Council and Assembly have reason to apprehend. They very much fear, that the ruin of the West India Trade, followed up, as they apprehend it will be, by a revision of the Wood Duties in the United Kingdom, would be viewed by the North American Colonists as such an abandonment of their interests by Her Majesty’s Councils as could not fail to excite discontent, and have a strong tendency to shake that loyal affection which they have hitherto cherished with such honest zeal towards the Parent State—a political evil which the inhabitants of this Province would most seriously deprecate, as weakening those ties to that Country which they and their fathers before them have so steadfastly adhered to through every change of fortune, prosperous or adverse.

“The Council and Assembly yet cherish the hope that their fears cannot be realized, and that the North American Colonies may still continue in the enjoyment of that which is most congenial to their habits, principles and feelings—a British Trade and British Protection—consumers almost exclusively of British Manufactures, rapidly extending and increasing—exchanging their Staple Commodities for Goods, the produce of British skill and British labor, as well as for the productions of their fellow Colonists in the West Indies,—a Trade in importance to the Mother Country, second only to the Coal Trade, in the employment of so large a portion of the British Commercial Marine, and as a Nursery for British Seamen, whose services are always at command to maintain British superiority on the boundless Ocean. Ships, Colonies and Commerce is the sentiment under which Great Britain has been exalted to her present proud pre-eminence among the Nations of the World; and the Council and Assembly assure Your Most Honorable House, that no indemnification which the well known liberality and integrity of Her Majesty’s Government and the Imperial Parliament might suggest as an act of justice to the great Colonial interests thus annihilated could possibly avert the ruin of the British North American Colonies as an integral portion of the British Empire.

“The Council and Assembly earnestly implore Your most Honorable House to take this their humble representation into Your most favorable consideration, and adopt such measures as may quiet the apprehensions of Her Majesty’s faithful and loyal subjects the people of New Brunswick.”

“ To the Honorable the Knights, Citizens and Burgesses, representing the Commons of the United Kingdom of Great and Ireland, in Parliament convened.

“ THE HUMBLE PETITION OF HER MAJESTY'S LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY, OF THE PROVINCE OF NEW BRUNSWICK, IN GENERAL ASSEMBLY CONVENED.

“ MAY IT PLEASE YOUR HONORABLE HOUSE.

“ The Legislative Council and Assembly of New Brunswick, during the present Session, have had occasion to address Your Honorable House, praying that no alteration might take place in the existing Duties upon Foreign and Colonial Wood imported into the United Kingdom, and pointed out the ruinous consequences that would inevitably ensue by the abolition of that protection, so long and so wisely afforded to the British Commercial Marine, by the line of policy hitherto maintained; and the Council and Assembly did hope that their earnest solicitations would be favorably considered; but their anxiety on this subject has been deeply increased by learning that Resolutions have been recently laid upon the Table of the House of Commons by one of Her Majesty's Ministers, for a revision of the Customs Duties as applying to the British Colonial Possessions abroad, similar in their provisions to those introduced into the late Parliament by the Right Honorable his predecessor in office.

“ The effect of these Resolutions, if adopted, will be to destroy the extensive and valuable Trade hitherto carried on between Her Majesty's North American Colonies and the British West Indies,—to render entirely valueless the immense amount of Tonnage and other Capital and establishments invested in its prosecution, and to inflict a deadly blow on the Commercial maritime superiority which the British Nation now enjoys.

“ The Council and Assembly deem it unnecessary in this Address to particularize the baneful effects which will be produced, because these have been brought most prominently under Her Majesty's most gracious consideration by the Legislature and Chamber of Commerce of Nova Scotia; also by a Petition from the Magistrates, Merchants, Ship Owners and others, of the City of Saint John, the Commercial Metropolis of this Province, as well as by Petitions from other parts thereof. The Council and Assembly would, however, beg leave specially to refer to these appeals to Her Majesty, and in doing so they would most solemnly confirm with one voice the positions therein set forth, and on behalf of this Colony humbly solicit the consideration of Your Honorable House.

“ That a measure fraught with such ruinous consequences to Her Majesty's North American Provinces, could for a moment be entertained by Her Majesty's present advisers, the Council and Assembly were not prepared to learn, much less to apprehend, because that great and influential party had hitherto, both in and out of office, successfully resisted those sweeping changes in the Colonial system which the advocates of what is commonly called ‘Free Trade,’ had from time to time brought under the consideration of Your Honorable House.

“ Should those Resolutions be sustained by Your Honorable House, and their provisions become Law, Commercial evils are not the only ones which the Council and Assembly have reason to apprehend. They very much fear, that the ruin of the West India Trade, followed up, as they apprehend it will be, by a revision of the Wood Duties

Duties in the United Kingdom, would be viewed by the North American Colonists as such an abandonment of their interests by Her Majesty's Councils as could not fail to excite discontent, and have a strong tendency to shake that loyal affection which they have hitherto cherished with such honest zeal towards the Parent State—a political evil which the inhabitants of this Province would most seriously deprecate, as weakening those ties to that Country which they and their fathers before them have so steadfastly adhered to through every change of fortune, prosperous or adverse.

“The Council and Assembly yet cherish the hope that their fears cannot be realized, and that the North American Colonies may still continue in the enjoyment of that which is most congenial to their habits, principles and feelings—a British Trade and British Protection—consumers almost exclusively of British Manufactures, rapidly extending and increasing—exchanging their Staple Commodities for Goods, the produce of British skill and British labor, as well as for the productions of their fellow Colonists in the West Indies,—a Trade in importance to the Mother Country, second only to the Coal Trade, in the employment of so large a portion of the British Commercial Marine, and as a Nursery for British Seamen, whose services are always at command to maintain British superiority on the boundless Ocean. Ships, Colonies and Commerce is the sentiment under which Great Britain has been exalted to her present proud pre-eminence among the Nations of the World; and the Council and Assembly assure Your Honorable House, that no indemnification which the well known liberality and integrity of Her Majesty's Government and the Imperial Parliament might suggest as an act of justice to the great Colonial interests thus annihilated could possibly avert the ruin of the British North American Colonies as an integral portion of the British Empire.

“The Council and Assembly earnestly implore Your Honorable House to take this their humble representation into Your most favorable consideration, and adopt such measures as may quiet the apprehension of Her Majesty's faithful and loyal subjects the people of New Brunswick.”

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

The Honorable Mr. Shore, a Member of Her Majesty's Executive Council, by direction of His Excellency the Lieutenant Governor, lays before the House, a Report from the Commissioners appointed to revise the Ordinance of Fees in the Supreme Court, and to enquire into the propriety of introducing into said Court the new rules of Pleading in Civil Actions, at present in force in England, so far as the same may be applicable to this Country.

ORDERED, That the same do lie on the Table.

[*See Appendix, No. 8.*]

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

A Petition from Patrick Bennet, praying an allowance for teaching a School in the Parish of Simonds in the year 1840 :

A Petition from Robert Lindsay, praying an allowance for Teaching a School at Lake Lomond :

A Petition from Rachael Martin, praying an allowance for teaching a School in the City of Saint John :

Petitions

Petitions from Charles R. Jarvis, Jardine and Company, Thomas Leavitt and Company, G. and J. Salter, Nathan S. Demill and Walker Tisdale, severally praying return of Duties paid on Goods destroyed by fire at Saint John in November last:

A Petition from James Bradley and James Green, praying aid to assist them in continuing a line of Stages on the Nerepis Road: and

A Petition from Adams and Davidson, praying relief for damages sustained under the operations of an Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province.

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

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

A Petition from the Overseers of the Poor for the Parish of Addington, in the County of Restigouche, praying a return of money expended by them in supporting transient and poor Emigrants:

A Petition from the Overseers of the Poor for the Parish of Dalhousie, with a similar prayer:

A Petition from the Overseers of Poor at Richibucto, with a like prayer: and

A Petition from John M'Millan, Alexander Cook and 23 other Inhabitants of the Parish of Colborne, in Restigouche, praying aid to assist to build two School Houses in the Parish.

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

Adjourned until Monday next at 12 o'clock.

MONDAY, 28th March, 1842.

PRESENT:

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Lee,

Mr. Street,

Mr. Robertson,

Mr. Hatch.

PRAYERS.

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

A Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to widen John or Water Street, so called, in the said City: and

A Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to lay out and open a Street in the said City, in continuation of John or Water Street, so called, Southwardly to the prolongation of Saint James Street.

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

The Honorable Mr. Botsford, by leave, presented a Petition from Asa Coy and Zebedee G. Gabel, Trustees of the Baptist Meeting House in Fredericton, praying a return of Duties paid on an Organ imported from the United States.

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

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

A Petition from John Murdock, praying compensation for teaching a School in the Parish of Wickham, in Queen's County: and

A Petition from the Horticultural Society in Saint John, praying aid in furtherance of a Periodical publication.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration Resolutions of Appropriation.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 19th day of March instant, and recommended that the House should concur in the same, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 19th day of March, were concurred in by the House.

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

A Message 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,

28th March, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor has the satisfaction of communicating to the Legislative Council copy of a Despatch he has received from the Secretary of State for the Colonies, conveying Her Majesty's gracious acceptance of their Address on the Birth of the Prince of Wales.

W. M. G. C.

(Copy.)—[No. 36.]

Downing Street, 21st February, 1842.

SIR,—I have received your Despatch, No. 6, of the 25th of January, enclosing Addresses to the Queen, and to his Royal Highness Prince Albert, from the Legislative Council of New Brunswick, on the occasion of the birth of the Prince of Wales. Having laid the Address to the Queen, before Her Majesty, I have received Her Majesty's commands to instruct you to acquaint the Legislative Council, that among the sources of gratification which Her Majesty has derived from the birth of a Prince, Heir Apparent to the Crown of these Realms, Her Majesty regards with peculiar pleasure, the

the expression which that event has drawn from the Legislative Council of New Brunswick, of their sympathy in Her Majesty's happiness, and of their earnest desire for the stability of those Institutions, for the permanency of which, Her Majesty trusts a new pledge has been given in the birth of the Prince, Her Son.

I have transmitted to Prince Albert, the Addresses to His Royal Highness on the occasion, from the Legislative Council and House of Assembly of New Brunswick.

I have, &c. &c. &c.

(Signed)

STANLEY.

Lieutenant Governor Sir WILLIAM COLBROOKE, &c. &c. &c.

The Honorable the President laid before the House the following Letter, which was read by the Clerk :—

Royal Pavilion, Brighton, February 26, 1842.

SIR,—I have lost no time in laying before Prince Albert the Address (transmitted to me by Lord Stanley) of the Legislative Council of the Province of New Brunswick ; and I am commanded by His Royal Highness to assure them that their congratulations on the happy events of the birth of a Prince, and the recovery of Her Majesty the Queen, and the expression of their good wishes towards the Prince, have yielded the most unfeigned satisfaction to His Royal Highness.

I have the honor to be, Sir,

Your most obedient servant,

G. E. ANSON.

WARD CHIPMAN, Esquire, President.

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

A Petition from the Mayor, Aldermen and Commonalty of the City of Saint John, praying no Bill may be allowed to pass regarding the widening Saint John Street, or opening a new Street, unless with amendments suggested by the Petitioners :

A Petition from the Justices of the Peace for the City and County of Saint John, praying aid for an Alms and Work House in the Parish of Simonds, in the County of Saint John : and

A Petition from Thomas Wallace, of Saint John, praying a return of head money paid on Passengers on board the Brig Eglington, from Londonderry.

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

The Honorable Mr. Street, by leave, presented a Petition from Frederick B. Dibblee, of Woodstock, praying a sum of seventy six pounds four shillings may be granted him, to enable him to pay damages and costs incurred in defending an action brought against him for acts done by him in discharge of his duty as a Commissioner of Bye Roads.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 29th March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr.

Mr. Robinson,
Mr. Botsford,
Mr. Lee,
Mr. Wyer,

Mr. Saunders,
Mr. Attorney General,
Mr. Street,
Mr. Hatch.

PRAYERS.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Resolutions of Appropriation.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated 21st, 22d, 23d, 24th and 26th days of March, and recommended that the House should concur in the same, with certain exceptions, which the Committee recommend should not be concurred in, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 21st, 22d, 23d, 24th and 26th days of March, were concurred in, with the following exceptions:—

To Nicholas Sinnott, of Wexford, Ireland, the sum of £33 15s. to reimburse him for double Head Money paid on Passengers per barque Shelmelere, from Limerick; the same to be taken from the Emigrant Fund :

To the Justices of the Peace of the County of Restigouche, the sum of £40 to be applied towards the payment of the erection of two School Houses in the Parish of Colebrooke, for which the Inhabitants of that Parish are unable to provide, in consequence of their poverty, the failure of their crops, and the destruction of their houses and barns by fire, and also two School Houses, which these, when built, are intended to replace :

To the Overseers of the Poor of the Parish of Saint Stephen, the sum of £80 7 8 to reimburse them expenses incurred in the support and relief of sick, indigent and distressed Emigrants in the year 1841; the same to be taken from the Emigrant Fund :

To the Overseers of the Poor for the Parish of Bathurst, County of Gloucester, the sum of £20 16 6 to reimburse them for expenses incurred in the support and relief of sick, indigent and distressed Emigrants in that Parish for the year 1841 :

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of £150 to be paid over to the Building Committee of the new Roman Catholic Church erected at Fredericton, so soon as it shall be certified that a suitable and convenient portion of the said building is set apart for the use of Her Majesty's Troops in the Garrison of Fredericton, belonging to that Denomination :

To James Whitney, of Saint John, the sum of £125 in part to compensate him for keeping up during the past year an efficient Communication by Steam once a week between Saint John and Boston :

To the Commissioners of the Alms House of the County of York, the sum of £226 12s. 6d. to remunerate them for expenses incurred in the support and relief of sick, indigent and distressed Emigrants in the year 1841; the same to be taken from the Emigrant Fund :

To the Trustees of the Baptist Meeting House in Fredericton, the sum of £14 10s. to reimburse

reimburse them for Duties paid on an Organ for the use of the said Meeting House, imported from the United States : and

To the Overseers of the Poor of the Parish of Woodstock, the sum of £100 in full to reimburse them for expenses incurred in the support and relief of sick, indigent and distressed Emigrants ; the same to be taken from the Emigrant Fund :

Which were not concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have agreed to the Resolutions of Appropriation, dated the 21st, 22d, 23d, 24th and 26th days of March, with the exceptions before mentioned.

The Honorable Mr. Peters, by leave, presented a Petition from the Justices of the Peace for the City and County of Saint John, praying for Legislative aid for expenses incurred in the erection of the House of Correction in the said City and County.

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

The House adjourned during pleasure.

After some time the House resumed.

His Excellency the Lieutenant Governor came to the Council Chamber, and being seated in the Chair on the Throne, the Honorable the President commanded the Gentleman Usher of the Black Rod to let the Assembly know "It is His Excellency's pleasure they attend him immediately in this House."

The House attended accordingly.

His Excellency then gave His assent to the following Bills, intituled—

An Act imposing Duties for raising a Revenue :

An Act to authorize the Justices of the Peace for the County of Charlotte to make regulations for the Market Wharf in the Parish of Saint Stephen :

An Act to repeal an Act, intituled "An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with Drift Nets," so far as the same relates to the County of Westmorland :

An Act to extend the provisions of an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards, for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned," to the Towns of Dalhousie and Campbelton, in the County of Restigouche :

An Act to authorize the Justices of the Peace for the County of York to levy a further assessment for the purpose of paying off the debt due on the erection of a new Gaol in the said County :

An Act to continue an Act, intituled "An Act to provide for the erection of Fences with Gates, across the Highways on Deer Island, in the Parish of West Isles, in the County of Charlotte :"

An Act to establish the Line of Road from Oak Bay, in the County of Charlotte, to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province :

An Act to repeal the Act to prevent disorderly riding or driving on Public Bridges, and make other provisions in lieu thereof : An

An Act to authorize the Justices of the Peace in and for King's County to raise a sum of money for paying the Contractors for building a Gaol in the said County :

An Act to authorize Commissioners for taking Affidavits in causes pending in the Supreme Court to take Affidavits in causes pending in the several Inferior Courts of Common Pleas for the several Counties in this Province :

An Act to alter the Division Line of the Parishes of Douglas and Queensbury, in the County of York :

An Act to authorize the Justices of the Peace for Queen's County to levy an assessment to pay off the County Debt :

An Act to amend an Act, intituled "An Act to repeal all the Acts regulating Tavern Keepers and Retailers," and to make other provisions in lieu thereof :

An Act to authorize Her Majesty's Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt :

An Act to authorize the Magistrates of the County of Restigouche to levy an assessment upon the Inhabitants of the said County to pay off the County Debt :

An Act relating to the appointment of Firewards, and the better extinguishment of Fires in a part of the Parish of Saint Stephen, in the County of Charlotte, therein mentioned :

An Act to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a separate and distinct Town or Parish :

An Act to vacate the Seats of Members of the Assembly in certain cases :

An Act relating to the Market in Fredericton :

An Act to authorize the Justices of the Peace for the County of Northumberland to levy an assessment to discharge the debts due by the said County :

An Act to enable the Supreme Court to give relief against adverse claims made upon persons having no interest in such claims :

An Act to authorize Her Majesty's Justices of the Peace for the County of Gloucester to assess the said County for payment of the County Debt :

An Act to continue the Acts relating to Highways :

An Act to repeal certain parts of an Act, intituled "An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town," and to make other provisions in lieu thereof :

An Act to increase the Representation of the County of Restigouche—*(with a suspending clause)* :

An Act to limit the duration of the Assembly—*(with a suspending clause)* : and

An Act relating to the Mines and Minerals in the County of Gloucester—*(with a suspending clause.)*

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

The Honorable Mr. Shore from the Committee appointed to superintend the fitting up and furnishing the Legislative Council Chamber, presented a Report.

ORDERED, That the Report be received.

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

The Committee appointed to superintend the fitting up and furnishing the Council Chamber

Chamber beg leave to Report, that they have attended to that duty, and have to submit the accompanying Accounts, amounting to £803 18 0, which they recommend should be allowed, and provision be made for the payment.

GEO. SHORE, *Chairman.*

March 26, 1842.

On motion made and seconded—

RESOLVED, That this House doth allow the Accounts reported by the Committee for fitting up and furnishing the Council Chamber, amounting to £803 18 0.

ORDERED, That the foregoing Resolution be communicated to the Assembly, in order that provision may be made for the payment of the aforesaid expenditure.

A Message was brought from the Assembly by Mr. Brown, that the Assembly agree to the joint Address, prepared by the joint Committee of this House and the Assembly, to Her Majesty and the Imperial Parliament, relative to a revision of the Customs Duties, as applying to the British Colonial Possessions abroad.

ORDERED, That the Honorable Messieurs Wyer and Hatch be a Committee on the part of this House, to join such Committee as may be appointed by the Assembly to wait upon His Excellency the Lieutenant Governor and request he will be pleased to transmit the Addresses.

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

A Message was brought from the Assembly by Mr. Wilson, that Mr. Partelow, Mr. Wilson, Mr. Street and Mr. L. A. Wilmot are appointed a Committee on the part of the Assembly, to join the Committee of this House, to wait upon His Excellency the Lieutenant Governor and request he will be pleased to transmit the joint Addresses.

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 30th March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Street,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch.

PRAYERS.

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

A Bill to appropriate a part of the Public Revenue for the payment of the Ordinary Services of the Province :

A Bill to abolish Imprisonment for Debt for sums under five pounds : and

A

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

The said Bills were severally read a first time.

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

A Message was brought from the Assembly by Mr. Allen, that the Assembly had agreed to the amendments made by this House to the Bill relating to Debtors and Creditors.

A Message was brought from the Assembly by Mr. H. T. Partelow, with Resolutions of Appropriation dated the 28th day of March instant, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to lay out and open a Street in the said City, in continuation of John or Water Street, so called, Southerly to the prolongation of Saint James Street.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received; and it was thereupon—

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

Pursuant to the Order of the Day the House was put into a Committee of the whole, to take into consideration the Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to widen John or Water Street, so called, in the said City.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, and recommended that the further consideration of the same be postponed until the next Session of the General Assembly.

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

RESOLVED, That the further consideration of the said Bill be postponed until the next Session of the General Assembly.

A Message was brought from the Assembly by Mr. Taylor, with Resolutions of Appropriation, dated the 29th day of March, instant, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

On

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill relating to the Fees of the Secretary of the Province.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

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

On motion—

The House was put into a Committee of the whole, to take into consideration the Bill to commute the Fees of the Judges in the Supreme Court, and of the Clerk of the Pleas in the Supreme Court.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration Resolutions of Appropriation sent up from the Assembly.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 28th day of March, and recommended that the House should concur in the same, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 28th day of March were concurred in by the House.

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

The Honorable Mr. Wyer from the joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor, requesting His Excellency would be pleased to transmit to Her Majesty and the Imperial Parliament the joint Addresses of the Houses, relative to a revision of the Customs Duties as applying to the British Colonial Possessions abroad, reported they had attended to that duty, and His Excellency was pleased to say, he would with great pleasure comply with the wishes of this House and the Assembly, and forward the Addresses by the first opportunity, with his strong and favorable recommendation. On

On motion made and seconded—

RESOLVED, That the following Address be presented to His Excellency the Lieutenant Governor:—

“ *To His Excellency Lieutenant Colonel Sir WILLIAM MACBEAN GEORGE COLEBROOKE, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

“ The Humble Address of Her Majesty’s Legislative Council and House of Assembly in General Assembly convened.

“ MAY IT PLEASE YOUR EXCELLENCY,

“ WE, Her Majesty’s faithful and loyal Subjects, the Legislative Council and House of Assembly of the Province of New Brunswick, beg leave to solicit Your Excellency’s best assistance in laying these our humble representations on the proposed alterations in the Timber Duties at the Foot of the Throne.

“ We cannot avoid feeling that we make this request at the risk of appearing importunate, after having so recently forwarded to Your Excellency our joint Address on the subject of the proposed modification of the Duties for regulating the Trade of the Colonies. The nature of the Communication but just received from our Provincial Agent, will, we trust, prove a sufficient apology to Your Excellency, who has recently and considerably come forward with means to alleviate the distresses of the labouring classes, and in whose deep sympathy in their present suffering, the mercantile body feel so well assured.

“ The information just received leaves us little doubt but that the protection hitherto afforded the Wood Trade in the West India Market will be done away with. Our alarm has been further increased by the certainty that a very material alteration is about to take place in the Timber Duties, under the sanction of Her Majesty’s Ministers. We have further learnt, with, if possible, increased dismay, that a measure still more fatal to the industry of every class, will probably be brought forward, embracing not only an alteration in the Duty on Deals, but in the mode of receiving the Duty on them, by estimating it on the cubic contents, in lieu of the present ready and well understood mode of receiving it by tale, whereby deranging the system so long established, and whereby this Province was enabled to compete with those Countries of the North of Europe, in the immediate vicinity of Great Britain; a system which was most carefully considered by Her Majesty’s Government in 1821, and under the confidence in which the Inhabitants of this Province have laid out all their available capital, in constructing Saw Mills on almost every one of its streams, the advantages to be derived from which are not only about to be lessened most materially by the provisions of the Colonial Trade Act, but will be wholly lost to the Country, should the same become a Law.

“ In the midst of an unparalleled Commercial distress, now fearfully felt throughout every class of Her Majesty’s Subjects in this Province, we humbly solicit Your Excellency’s influence in aid of this our representations, in the hope that a due consideration of them by Her Majesty’s Ministers may avert from this Province the enactment of a series of measures so fraught with its ruin, even to the destruction of that hope which might otherwise support us under the heavy pressure of our present difficulties.”

ORDERED,

ORDERED, That the Master in Chancery do go down to the Assembly and communicate the foregoing Address, and request that House to join therein.

A Message was brought from the Assembly by Mr. Brown, that the Assembly do agree to, and will join in the Address to the Lieutenant Governor, on the subject of the importation of Colonial Wood into the Mother Country.

ORDERED, That the Honorable Messieurs Street and Wyer be a Committee on the part of this House, to join such Committee as may be appointed by the Assembly to present the Address.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House of the appointment.

A Message was brought from the Assembly by Mr. Brown, that Mr. Brown, Mr. L. A. Wilmot, Mr. Connell and Mr. M'Almon are appointed a Committee on the part of the Assembly, to join the Committee of this House, to wait upon His Excellency the Lieutenant Governor and present the Address.

The Honorable Mr. Street gives notice, that he will on Friday next move a Resolution on the subject of grants for Teachers of Parish Schools.

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 31st March, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Baillie,

Mr. Saunders,

Mr. Attorney General,

Mr. Robertson,

Mr. Hatch.

Mr. Shore,

Mr. Peters,

Mr. Botsford,

Mr. Street,

Mr. Wyer,

PRAYERS.

The Honorable Mr. Street from the joint Committee of this House and the Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the joint Address of both Houses on the subject of the Importation of Colonial Wood into the Mother Country, reported, that they had attended to that duty, and His Excellency was pleased to say, he would with great pleasure forward the Address to Her Majesty's Colonial Minister by the Mail of the 4th of April, backed by all the support he could give it.

The Honorable Mr. Street, by leave, presented a Petition from Benjamin Wolhaupter and L. A. Wilmot, Commissioners of Alms House, York County, setting forth certain engagements and advances made by them in the employment of suffering Poor in breaking stone, and praying the amount of the expenditure may be allowed to them.

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

The

The Honorable Mr. Peters, by leave, presented a Petition from Nicholas M'Lean, praying for return of Duty upon Flour imported into Northumberland.

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

A Message was brought from the Assembly by Mr. Beardsley, with Resolutions of Appropriation, dated the 30th day of March, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

On motion—

The House was put into a Committee of the whole, to take into further consideration the Resolutions of Appropriation sent up from the Assembly.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation, dated the 29th day of March, and recommended that the House should concur in the same with certain exceptions, which the Committee recommend should not be concurred in, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 29th day of March, were concurred in, with the following exceptions:—

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, to be expended in erecting a Bridge across the Meduxnikik, in the Parish of Wakefield: and

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in aid of completing the new Road from Grooms' in Hampton, to the Toll Bridge in Norton; which were not concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have agreed to the Resolutions of Appropriation, dated the 29th March, with the exceptions before mentioned.

RESOLVED, That a Select Committee of three Members be appointed to investigate the Contingent Accounts of this House for the present Session.

ORDERED, That the Honorable Messieurs Botsford, Robertson and Hatch, do compose the Committee.

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

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The

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

ORDERED, That the Report be received.

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

At A in Section I. insert the words “ upon such terms and conditions as the said Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, may deem fit.”

At B insert the word “ so.”

At C expunge the words “ for immediate payment, or three shillings, currency, per acre, by four annual instalments.”

At D Section II. expunge the remainder of the Section, and insert the following :—

“ Upon such terms and conditions as the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, shall from time to time deem fit: Provided always, that no such Timber, Logs or other Lumber shall be so disposed of at less rates than the following, that is to say :—Square Red Pine Timber, two shillings and six pence per Ton; square White Pine and Sapling Red Pine, two shillings per Ton; square Birch, Spruce and Hemlock, one shilling and six pence per Ton; Pine and Spruce Logs, at two shillings and six pence per thousand superficial feet; and all other descriptions of Wood, at ten pounds upon every one hundred pounds of its estimated value.”

At E Section III. expunge the remainder of the Section, and insert the following words, “ or upon such other terms as they may deem fit.”

At F Section V. insert the words “ upon such terms and conditions as they may deem fit.”

At G expunge the words “ for immediate payment.”

At H expunge Sections VI. and VII.

At I in Section VIII. insert the words “ shall in all cases and in all Courts of Law and Equity within this Province be deemed and taken to be evidence that all the requisitions of the said in part recited Act or of this Act.”

At K expunge Section IX. and alter the numbers of the Sections so as to agree with the foregoing amendments.

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

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

The House adjourned during pleasure.

After some time the House resumed.

His Excellency the Lieutenant Governor came to the Council Chamber, and being seated in the Chair on the Throne, the Honorable the President commanded the Gentleman Usher of the Black Rod to let the Assembly know “ It is His Excellency’s pleasure they attend him immediately in this House.”

The House attended accordingly.

His Excellency then gave His assent to the following Bills :—

An Act further to facilitate the means of supplying the City of Saint John with

Water, by transferring the Water Works of the Saint John Water Company to the Mayor, Aldermen and Commonalty of the City of Saint John :

An Act to authorize the Justices of the Peace for the County of Sunbury to make Rules and Regulations respecting the Draw in the Bridge over the River Oromocto :

An Act to incorporate the Saint Stephen Log and Timber Sluice Company :

An Act to incorporate the Saint Andrews Marine Assurance Company :

An Act to revive an Act, intituled " An Act for regulating the Salmon Fisheries in the County of Gloucester : "

An Act to amend the Law relating to Burglary :

An Act to amend the Law relating to the punishment of offences :

An Act to make further provision relating to the Provincial House of Correction, and to give it the name of The Provincial Penitentiary : and

An Act to incorporate the Grand Falls Company—(with a suspending clause.)

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

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

A Bill to appropriate a part of the Public Revenue for the payment of the Ordinary Services of the Province : and

A Bill to abolish Imprisonment for Debt for sums under five pounds.

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

Adjourned until To-morrow at 11 o'clock.

FRIDAY, 1st April, 1842.

PRESENT :

THE HON.

Mr. Chief Justice Chipman, President.

Mr. Black,

Mr. Shore,

Mr. Baillie,

Mr. Peters,

Mr. Robinson,

Mr. Saunders,

Mr. Botsford,

Mr. Attorney General,

Mr. Street,

Mr. Robertson,

Mr. Wyer,

Mr. Hatch.

PRAYERS.

A Message was brought from the Assembly by Mr. L. A. Wilmot, with Resolutions of Appropriation, dated the 31st day of March, instant, to which they desire the concurrence of this House : and

With a Bill to enable the New Brunswick Steam Boat Company to sue and be sued by that name, to which they desire the concurrence of this House.

The said Resolutions and Bill were severally read a first time.

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

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

The

The said Bill was read a second time.

On motion made and seconded—

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to abolish Imprisonment for Debt for sums under five pounds.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, and recommended that the further consideration thereof be postponed until the next Session of the General Assembly.

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

RESOLVED, That the further consideration of the said Bill be postponed until the next Session of the General Assembly.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to appropriate a part of the Public Revenue for the payment of the Ordinary Service of the Province.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and recommended the same to the adoption of the House.

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

The said Bill was read a third time and passed.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have agreed to this Bill.

On motion—

The House was put into a Committee of the whole, to take into consideration the Resolutions of Appropriation.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation, dated the 30th and 31st days of March, and recommend that the House should concur in the same with certain exceptions.

ORDERED, That the Report be received.

Whereupon the Resolutions of Appropriation dated the 30th and 31st days of March, were concurred in, with the following exceptions:—

To His Excellency the Lieutenant Governor or Commander in Chief for the time being,

being, the sum of £20 for improving the Road from the Forks of the Road leading to Ocnabog and John Gaunce's to M'Allister's on the Road leading from Gagetown to the Nerepis :

To Elijah L. Norcross, of Penobscot, State of Maine, the sum of £13 10 6 to remunerate him for the loss of a Horse, Waggon, Harness, &c., hired by him to one Charles D. Bean, for the purpose of proceeding to Houlton, in the same State, but who fraudulently brought them into this Province, where they were sold for a breach of the Revenue Laws, before the said Norcross could arrive therein, agreeably to the Report of the Select Committee of the 22d March, instant :

To the Overseers of the Poor for the Parish of Saint Stephen, the sum of £80 to reimburse them in monies expended by them in support of distressed Emigrant Poor in that Parish for the year 1841 ; the same to be taken from the Emigrant Fund :

To the Overseers of the Poor for the Parish of Woodstock, in the County of Carleton, the sum of £75 to reimburse them for expenses incurred in supporting sick and distressed Emigrants in the year 1840 :

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £75 to assist Henry S. Beek in defraying the expenses of Publishing a Map of the Province, agreeably to the Report of the Select Committee.

On the question of concurrence being put upon the following Resolutions, the House divided :—

To Edmund Ward, the sum of £150 to reimburse him for services performed in Reporting and Publishing the Debates of this House during the present Session.

CONTENT.	NON CONTENT.
The Hon. Mr. Chief Justice,	The Hon. Mr. Black,
Mr. Shore,	Mr. Baillie,
Mr. Peters,	Mr. Lee,
Mr. Robinson,	Mr. Street,
Mr. Saunders,	Mr. Robertson.
Mr. Botsford,	
Mr. Attorney General,	
Mr. Wyer,	
Mr. Hatch.	

And so it passed in the affirmative.

On the question of concurrence being put upon the following Resolution, the House divided :—

To J. R. Fitzgerald, the sum of £25 to remunerate him for such time as he was employed in reporting the Debates of this House.

CONTENT.	NON CONTENT.
The Hon Mr. Chief Justice,	The Hon. Mr. Black,
Mr. Shore,	Mr. Baillie,
Mr. Robinson,	Mr. Peters,
Mr. Saunders,	Mr. Botsford,
Mr. Wyer,	Mr. Attorney General,
Mr. Hatch.	Mr. Lee,
	Mr. Street,
	Mr. Robertson.

And so it passed in the negative.

On

On the question of concurrence being put upon the following Resolution, the House divided :—

To the President and Members of the Agricultural Society of the County of Saint John, the sum £100 to remunerate in part the Publisher of the "Agriculturist," a monthly periodical for the diffusion of Agricultural information, circulated by the said Society during the past year, and that no further grant be made for this service in future.

CONTENT.

The Hon. Mr. Black,
Mr. Shore,
Mr. Saunders.

NON CONTENT.

The Hon. Mr. Chief Justice,
Mr. Baillie,
Mr. Peters,
Mr. Robinson,
Mr. Botsford,
Mr. Attorney General,
Mr. Lee,
Mr. Street,
Mr. Robertson,
Mr. Hatch.

And so it passed in the negative.

ORDERED, That the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have agreed to the several Resolutions of Appropriation, dated the 30th and 31st days of March, with the exception of the foregoing Resolutions, which were not concurred in.

The Honorable Mr. Black, by direction of His Excellency the Lieutenant Governor, lays before the House, the copy of the following Communication, which was read by the Clerk as follows :—

(Copy)

Saint John, N. B. March 30, 1842.

SIR,—For the information of His Excellency, the expenditure last week was less than the week before.

Several of the labouring class have gone to the Westward, leaving their Wives and Children destitute of any support. We shall probably have sufficient funds for this and the following week ; we have only to repeat our apprehension of the difficulty or even impossibility of preserving order in the City if the labouring poor are not employed.

We have the honor, &c. &c. &c.

(Signed)

H. GILBERT
L. H. DEVEBER, } *Commissioners.*

The Honorable WM. F. ODELL, Provincial Secretary, &c. &c. &c.

ORDERED, That the same do lie on the Table.

Adjourned until To-morrow at 11 o'clock.

SATURDAY, 2d April, 1842.

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. Saunders,</i>		<i>Mr. Botsford,</i>
<i>Mr. Attorney General,</i>		<i>Mr. Lee,</i>
<i>Mr. Street,</i>		<i>Mr. Robertson,</i>
<i>Mr. Wyer.</i>		

PRAYERS.

A Message was brought from the Assembly by Mr. Henry T. Partelow, with a Bill for opening and repairing Roads and erecting Bridges throughout the Province, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and recommended the same to the adoption of the House.

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

The said Bill was read a third time and passed.

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

Adjourned until Monday next at 11 o'clock.

MONDAY, 4th April, 1842.

PRESENT :

THE HON.

	<i>Mr. Chief Justice Chipman, President.</i>	
<i>Mr. Shore,</i>		<i>Mr. Baillie,</i>
<i>Mr. Robinson,</i>		<i>Mr. Saunders,</i>
<i>Mr. Botsford,</i>		<i>Mr. Attorney General,</i>
<i>Mr. Lee,</i>		<i>Mr. Street,</i>
<i>Mr. Robertson,</i>		<i>Mr. Wyer.</i>

PRAYERS.

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

NEW BRUNSWICK,
Message to the Legislative Council,
4th April, 1842.

W. M. G. COLEBROOKE, LT. GOVERNOR.

The Lieutenant Governor communicates to the Council, copy of a Despatch from the Lieutenant Governor of Nova Scotia, with copies of His correspondence with the Secretary of State for the Colonies, and of Resolutions passed by the House of Assembly of that Province, with other papers relative to the charges for the conveyance of the Mails between Halifax and Canada.

The Lieutenant Governor recommends these subjects to the immediate consideration of the Council.

W. M. G. C.

[See Appendix No. 9.]

A Message was brought from the Assembly by Mr. Boyd, with the following Resolutions of Appropriation dated the 31st day of March, to which they desire the concurrence of this House :—

RESOLVED, That there be granted

To William B. Phair, Esquire, Post Master, the sum of £497 9s. for the Postages of the Legislature during the present Session : and

To the Clerk of the House of Assembly, the sum of £2,134 16 8 for the Contingent Expenses of the present Session.

The said Resolutions being read, were concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House thereof.

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, with the Report of the Committee appointed for superintending the fitting up and furnishing the Council Chamber, and the accounts thereof, praying that His Excellency will be pleased to lay the same before the House of Assembly to be provided for.

Upon the question, shall the Resolution pass, the Council divided—

CONTENT.	NON CONTENT.
The Hon. Mr. Chief Justice,	The Hon. Mr. Baillie,
Mr. Shore,	Mr. Botsford.
Mr. Robinson,	
Mr. Saunders,	
Mr. Attorney General,	
Mr. Lee,	
Mr. Street,	
Mr. Robertson,	
Mr. Wyer.	

And so it passed in the affirmative.

ORDERED, That the Honorable Messieurs Street and Robertson, be a Committee to wait upon His Excellency the Lieutenant Governor, with the foregoing Address.

The Honorable Mr. Street, from the Committee, reported, they had attended to the duty, and His Excellency was pleased to say, he would comply with the wishes of the House.

RESOLVED,

RESOLVED, That the Report of the Select Committee on the Contingent Accounts, made on Saturday last, and the Resolutions of this House thereon, be expunged from the Journals.

RESOLVED, That the Resolution of the House of Assembly of Saturday last, communicated to this House, appointing a Committee to search the Journals of this House, and also the Resolution of this House in answer thereto, be expunged from the Journals.

RESOLVED, That the Contingent Expenses of this House for the present Session, amounts to the sum of five hundred and seventy pounds fourteen shillings and five pence.

A Message was brought from the Assembly by Mr. Wilmot, with a Bill to appropriate a part of the Public Revenue for the services therein mentioned, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The said Bill was read a second and third time and passed.

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

The House adjourned during pleasure.

After some time the House resumed.

His Excellency the Lieutenant Governor came to the Council Chamber, and being seated in the Chair on the Throne, the Honorable the President commanded the Gentleman Usher of the Black Rod to let the Assembly know "It is His Excellency's pleasure they attend him immediately in this House.

The House attended accordingly.

His Excellency then gave His assent to the following Bills, intituled—

An Act to provide for the Ordinary Services of the Province :

An Act to appropriate a part of the Public Revenue for the Services therein mentioned :

An Act to provide for the opening and repairing Roads and erecting Bridges throughout the Province :

An Act further to amend the Law relating to offences against the person :

An Act to amend the Law relating to Robbery :

An Act to amend the Laws relating to burning or destroying Buildings and Ships :

An Act to incorporate the Saint Stephen Marine Assurance Company :

An Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and Parish of Portland :

An Act relating to Bankruptcy—(with a suspending clause.)

His Excellency was then pleased to deliver the following Speech :—

“ Mr.

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

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

“ The great importance of the business which has engaged your attention has protracted your labours to a later period than usual, and in bringing the Session to a close, I cannot omit to express to you my congratulations on the successful accomplishment of some measures, the value of which will be generally appreciated.

“ The amelioration of the Criminal Laws—the improvement of the Provincial Prison and its Regulations—and the Act for the protection of Commercial Credit, in cases of Bankruptcy, are evidence of the spirit by which you have desired to assimilate the Laws and Institutions of the Province to those of England, and I cannot too emphatically express to you my own conviction that in pursuing this course and securing to the People the full benefits of the British Constitution, you will afford the most effectual guarantee for their freedom and happiness.

“ I lament that the Commercial difficulties to which I had occasion to allude at the beginning of the Session, have not yet subsided, and that the sufferings of the labouring classes in Saint John, from want of employment, continue, although alleviated by the considerate aid you have afforded them.

“ I have to assure you of the deep sympathy of Her Majesty in the trials to which Her Loyal Subjects have thus been exposed, and which I earnestly hope will be of short duration.

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

“ I thank you for the supplies which have been granted, and which, so far as may be practicable, will be applied in such a manner as to secure the interests of the Province in the objects for which they have been provided.

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

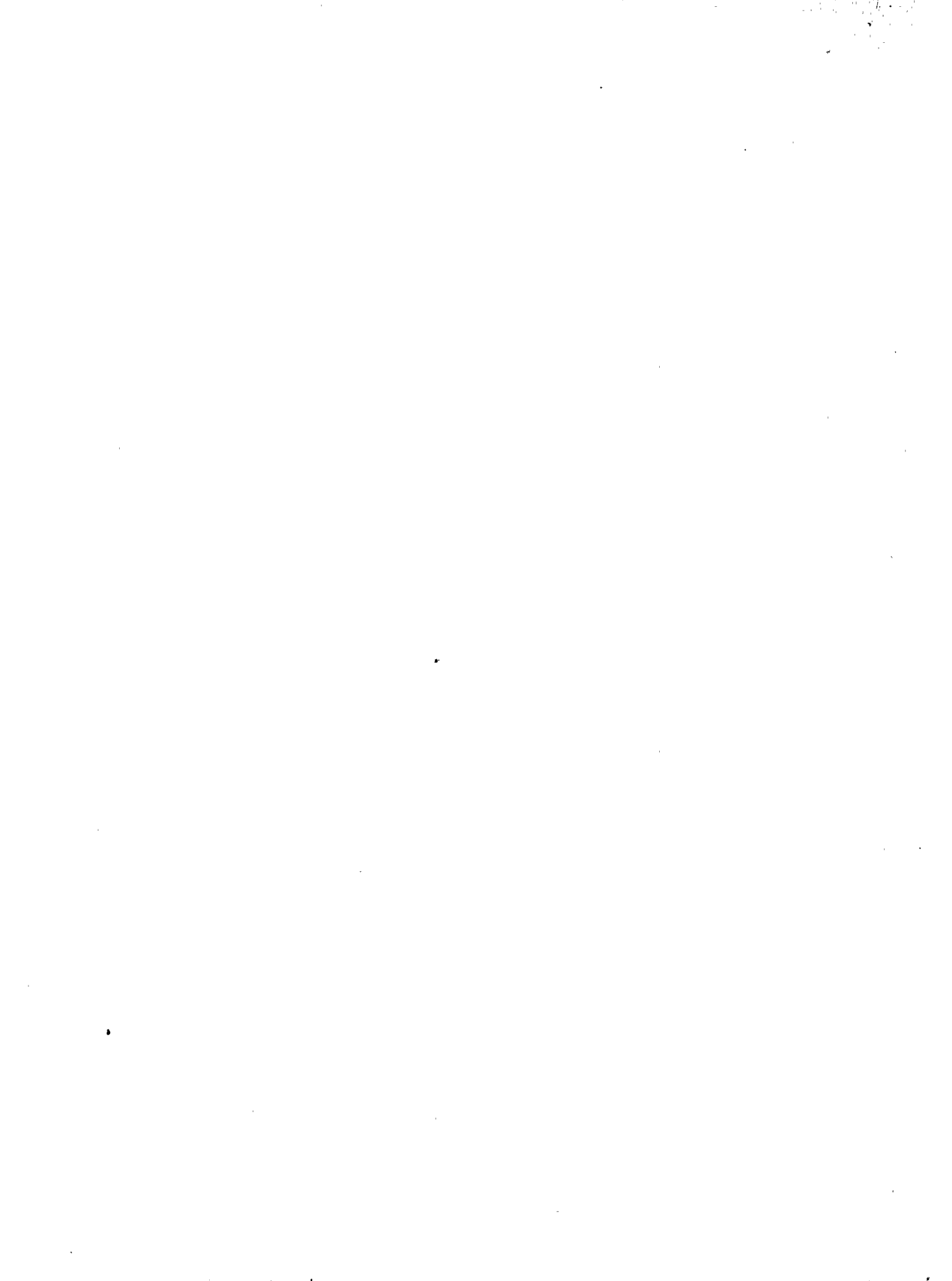
“ Mr. Speaker, and Gentlemen of the House of Assembly,

“ The postponement of much business till the next Session, will afford to you an opportunity of ascertaining the sentiments of the people, in regard to several measures of great importance to their future welfare; and if circumstances shall require that I should call you together at an earlier period than usual, I shall rely on your support in sustaining the credit of the Province, and in seconding the exertions of an enterprising People, in developing its great resources.

“ In such pursuits their success, under Providence, cannot be doubtful, while they seek to raise their prosperity on the basis of Christian morals, which as an inseparable part of the Common Law of England, will be an unfailing guide to them in all the relations of life.”

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 last Tuesday in June next.

WILLIAM TYNG PETERS, *Clerk.*



APPENDIX.

No. 1.

[See Journal 27th January, 1842.]

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

MAY IT PLEASE YOUR EXCELLENCY,

AS Clerk of the Crown, I beg leave to bring under the consideration of Your Excellency, a question connected with my official duty, which I feel it absolutely necessary to have determined, in order that the prosecutions on behalf of Her Majesty may not be neglected. The question is simply this,—whether it lies on me to conduct the prosecutions as Counsel for the Crown on Indictments found at the Courts of Oyer and Terminer, and General Jail Delivery for the County of York, or on Her Majesty's Attorney General. The Attorney General contends that it is my duty as Clerk of the Crown. If he be right, I am quite ready to do it, as I trust I am the last man in the Country who would wish to flinch from any part of his public duty. But if it is not part of my duty as Clerk of the Crown, I am sure Your Excellency will not think me wrong in refusing to perform that which legally and properly devolves upon the shoulders of the Attorney and Solicitor General, or upon one of those Gentlemen. I feel it necessary now to bring the question under the notice of Your Excellency, especially as the Attorney General insists upon it as matter of right that I am bound to perform the duty in question—and as I am of a different opinion, and think the law is on my side, I am anxious to have the question settled, and therefore trust Your Excellency will excuse me for bringing the same under Your consideration. I have only further to add, that if Your Excellency upon investigation should decide that the duty in question devolves upon me, I shall most cheerfully perform it.

I have the honor to be,

With great respect,

Your Excellency's very obedient servant,

J. A. STREET.

Fredericton, 20th February, 1841.

Fredericton, June, 1841.

MAY IT PLEASE YOUR EXCELLENCY,

Shortly after the last Hilary Term, the enclosed Petition of John Ambrose Street, Esquire, Clerk of the Crown in the Supreme Court, was sent to me from the Secretary's Office, for the observations of myself and the Solicitor General thereon, previous to being submitted for the consideration of the Judges.

As

As to the question now raised by the present incumbent of the office of Clerk of the Crown, I would simply observe in the first place, that since the first establishment of the Colony, in the year of our Lord one thousand seven hundred and eighty five, the duty which is now objected to, on behalf of the Clerk of the Crown, has been invariably performed by his predecessors in office, without a suggestion having been made that it was the peculiar duty of the Attorney General; and the annual allowance of £100 by the Legislature given to that officer, was made to remunerate him for the same. True it is, that in many instances where offences of high and serious nature have been committed, the Attorney General, (as it is his right, if he judges proper so to do) has come into Court and taken upon himself the charge and management of such causes, and I believe my immediate predecessor, the late Mr. Wetmore, thought proper to take upon himself the whole of the Criminal Docket of Trials at the Term, but his predecessor, who held the situation from the first establishment of the Colony, for a period of many years, very rarely interfered, except as I have stated, in some cases of aggravated crime.

As to the conduct of the Criminal Prosecutions, before the different Courts of Assize and Gaol Delivery, that duty has also been performed from the first settlement of the Colony, by the Clerk of the Crown on the Circuits, an officer specially so denominated, who, until within a very few years, received annually from the Contingent Fund of the Colony, an allowance for so doing, which allowance was not large, or did it amount to any thing like a remuneration for the service, but as the office of Clerk of the Circuits was and always has been heretofore given to the same person, the emoluments of two offices were perhaps quite equal to the joint duties. In all these Courts the Attorney General for the time being, has not as I consider, and have always understood, deemed it to be his official duty to follow those Courts, to take charge of and conduct the Criminal business, although in all instances of offences of a serious nature, they have made it a point to attend and take charge of the same, and the late Attorney General, whose extensive private practice, necessarily called for his attendance at almost all the Circuits, did in like manner as he did at Fredericton, take charge of the Criminal Docket, but in this also he departed from the course pursued by his predecessor.

As to myself, finding that the duties of Attorney General had become so great as to require my constant attention at Fredericton, I have since the third year of my appointment, relinquished private practice in Civil causes, not having time to attend thereto; consequently if my attendance at all the different Courts of Assize and Oyer and Terminer, in the different Counties be indispensable, I must travel and attend there wholly at my own private expense, no allowance whatever being made for the same, and which I do now in all cases when I consider the nature of any offence to be tried, requires the same, or if required so to do by the Executive.

I have myself, when acting for the late Mr. Justice Chipman, the father of His Honor the present Chief Justice, who held the office of Clerk of the Crown on the Circuits for a great many years, in a number of instances taken the charge of the Criminal Docket on the Circuits. It is true that gentleman was also Solicitor General, but the duty I performed was as Deputy, acting for him solely as Clerk of the Crown.

Thus far I have thought proper to state, to show the usage which has heretofore prevailed in the Colony, for a period of upwards of fifty years, and since its first establishment.

But I am not for resting this matter on that usage only.

The

The real question I consider must rest on what are the positive duties of the Attorney General, for whatever that duty may be, I shall, while I have the honor of holding the situation, most cheerfully discharge the same, however onerous, multifarious or inconvenient; and on the other hand, I should feel I was compromising the office, and be the cause of inflicting serious injury on whoever may become my successor, if I yielded up its rights and privileges, by tacitly suffering it to be burdened with laborious duties, not properly incident thereto.

I humbly consider this question depends in a great measure, if not entirely, upon what are the duties attached to the office of Attorney General in England; and probably from the comparative little intercourse which has existed between this and the Mother Country, the thing itself is not yet fully understood, no difficulties similar to the one now raised having arisen, this Province being what is termed in relation to the different Colonial Establishments purely a Provincial Government, as contradistinguished from what are termed Charter Governments, Proprietary Governments or the Governments of a conquered Colony, and as such, the whole of the machinery is assimilated as nearly to the Government of the Mother Country in England, as circumstances will permit. The whole Constitution of our Courts of Justice, the course of proceedings therein, as well as all the different officers appointed to conduct the business, are in name, and the powers incident to them respectively, the same as nearly as circumstances will permit, with the like officers in England.

My own opinion on the subject is, that the duties attached to the office of Attorney General, are in substance much the same with those to be performed by that officer in England, that myself and the Solicitor General are the Law Officers of the Crown, in which capacity we are immediately under the directions and orders of the Executive of the Province, in all cases when called upon to discharge any duty, either of advice or other matter, which from time to time, we may be called upon to perform: to have the superintendence of all Crown Suits and *Crown Interests*, and *Crown Prerogatives*, and *other proceedings*, such as appertain to the office of Attorney General in England; and that in all Criminal Prosecutions, such as I may consider the interest of the Crown, or the Administration of Justice require, or the Executive of the Province may at any time demand; and those duties in this Colony are arduous and multifarious, and require the devotion of the whole time and undivided attention of the Attorney General, and if the duty of taking charge of, and conducting the whole Criminal Docket, at the Sittings of Assizes held in Fredericton, and to attend to that duty in all the different Counties within the Province, eleven in number, having altogether thirteen different Sittings, and comprising an extent of travel in going and returning of not less than fifteen hundred miles, and occupying a period of time altogether upwards of about three months; and some of these Courts being holden at the same or nearly the same times, it would be physically beyond the power of any one individual to accomplish; in addition to which the actual expenses of such travelling and attendance, would far exceed the whole annual allowance of the Attorney General, except that part derived from his commuted allowance for Fees on Grants of Land.

In addition to which, the necessary absence from Head Quarters, for such a length of time, would leave the Executive of the Province almost wholly without his assistance in the numerous and sometimes almost daily cases of reference and calls for his services.

Provided

Provided I am right in the opinion I have always entertained, that relatively the duty of Attorney General in the Colony is to be assimilated in any degree to that of the same officer in England, I would ask whether that officer in England holds it to be his duty to take the charge and management of every Criminal Prosecution carried on in all the different Courts of Criminal Jurisdiction, comprising Treason, Felonies, Misdemeanours of every description, Public Nuisances, Riots, Assaults and Batteries, or other numerous cases, such as are brought forward at the Assizes in this Colony, or how it would be possible for him so to do.

The course of proceedings which I have adopted since I have had the honor to hold the office, now about twelve years, has been, that in all cases of crime of a serious nature, such as Murder, Felonies of death, and others of great Public interest, or on occasions of an accumulated number of Criminals, such as at times occur in the City of Saint John, and in all others where my attention is desired by the Executive, to take charge of the same, or in case of my own inability to attend, to request the aid of the Solicitor General, or where neither of us could attend, to commit the management thereof to one of the Queen's Council who may chance, in discharge of his private practice, to attend the Court in which the case or cases may stand for trial. In this way no difficulty or inconvenience has as yet occurred in the Province, to my knowledge.

The only evil which in reality exists, appears to be the want of any remuneration to the Clerk of the Crown on the Circuits for taking charge of the great amount of Criminal business which arises in the ten different Sittings of the Assizes in the different Counties within the Province, for which services nothing is allowed by the Province or out of the Casual Revenue, or the Contingent Bill annually granted by the Legislature, simply, because he also holds the situation of Clerk of the Circuits, for which he receives a commuted allowance of £250 for established fees, which at the time when that commutation took place, was at least £800, and at the present moment would probably amount to £2000, and it is chiefly on that ground that the Clerk of the Crown on the Circuits has raised a question as to his duty in that respect.

Any difficulty therefore in that respect can very easily be remedied, either by providing an allowance to the present incumbent, to whom the discharge of the duties would not be attended with great inconvenience, as his presence is absolutely necessary at all these Courts, as Clerk of the Circuits; or if he should then decline, by the appointment of some other Barrister to the office of Clerk of the Crown on the Circuits, the advantage of holding which is at present no consideration to the present incumbent since the discontinuance of the annual allowance before stated, previous to the arrangement of the commuted allowance as Clerk of the Circuits, and which had always been paid from the time of the first gentleman who held the situation, to wit, the late Mr. Justice Chipman, previous to his elevation to the Bench.

As to the want of emolument for the discharge of the same duty by Mr. Street, the Clerk of the Crown in the Supreme Court, who has now raised this question for the first time, he cannot complain of, as the House of Assembly annually vote the sum of £100, predicated wholly for that service, and the ordinary amount of fees on the Exchequer side of the Supreme Court, which he as such officer receives, amounts to about the same sum, making the annual income of £200, which I humbly consider a fair equivalent for the duties by him performed, especially when it is taken into consideration,

sideration, that his personal residence is not required at Head Quarters, and that the principal part of the duties of the office are performed by Deputy.

It is on the whole quite evident, that if the Attorney General shall be held to do all the duties, which now for the first time are suggested, it will be quite impossible for him to render for several months in the year, services of the various nature and almost daily occurrence, called for by the Executive, and the whole amount of his salary, to wit, £150 a year (exclusive of his commuted allowance for fees on Grants) will not pay the necessary expenses of travelling and attendance on the Courts.

In conclusion, as the present Petition from the Clerk of the Crown has been referred to the Solicitor General and myself, previous to its being submitted to the Judges, I have humbly to suggest for the consideration of Your Excellency, whether the present is not a question peculiarly for the determination of Her Majesty's Government, and the opinion of the Crown Officers in England, before any final decision shall be made in the premises.

For my own personal interest in the question, I care nothing. It will not be long, according to the course of nature, if even permitted by Her Majesty so to do, that I can expect to hold the situation. It is therefore entirely with a view that I shall not be considered as doing or suffering any act during my incumbency which may be considered in any way injurious to the high and responsible office of Attorney General of the Colony.

All which is humbly submitted, by Your Excellency's most obedient servant,

CHARLES J. PETERS, *Attorney General.*

To His Excellency Sir W. M. G. COLEBROOKE, K. H. &c. &c. &c.

Fredericton, June, 1841.

MAY IT PLEASE YOUR EXCELLENCY,

The Attorney General having gone so fully into the subject of Mr. J. A. Street's Petition relative to the duties of the Clerk of the Crown, I should not have thought it necessary to have added any thing to his remarks, but that I am called on so to do by the reference of the Petition to me as well as to him.

I have perused the Attorney General's statement, and see no reason to differ from him in the view he has taken of the subject—but I am decidedly of opinion that it is a question which ought to be set at rest without delay.

The duty of attending to and conducting all the criminal business both in the Supreme Court at Fredericton and at the Courts of Oyer and Terminer and General Jail Delivery in the different Counties in the Province, should be specifically assigned to some one or more person or persons; and not to be left as it now is and has been for some time past, a question rather of dispute than otherwise as to whose duty it is.

Until of late years, crime was not so extensive in the Country as to make it a matter of much moment upon whom the burthen fell, and the Clerks of the Crown did it; except when the Attorney or Solicitor General chose, (as they had a right to do), to conduct the prosecution of any particular case,—but as the population has increased, so have offences of a criminal nature; and the business has therefore now become much more extensive than it was, and no one individual could attend properly to the conducting

conducting, *in person*, of the whole throughout the Province—consequently it could not be expected of the Attorney or Solicitor General, who have so many other public matters to attend to—and the Solicitor General's salary is much too small to expect that any gentleman holding that office, could give up his private practice—and neither he or the Attorney General receive any salary, fees or allowance for conducting the criminal business. I have, since the present Clerk of the Crown for the Circuits has declined conducting it, (on the ground of its not being his duty,) attended to it, at such Circuit Courts as my private practice has called me to, when the Attorney General has not been present; but I have not done so, from considering it my duty, but merely from there being no one else present to do it, and from a conviction in my own mind that the public service should not be allowed to suffer, let the duty properly belong to whom it might; but in doing so, I have found it in many cases a serious interruption to the business that has taken me to such Circuits, and have considered it both burthensome and unjust that it should be so thrown upon me—for if it is not the duty of the Attorney General, it cannot be that of the Solicitor General, whose duties are only to aid, assist and advise in all matters that appertain to and are connected with the office of the former. And I believe I am the first Solicitor General in the Province that ever did attend much to the conducting of the criminal business, except in particular cases, when specially called upon to assist the Attorney General therein.

As to the Clerks of the Crown, they have raised the question I am convinced solely with a view to having it settled, and not from any idea of avoiding any trouble to themselves, under an impression that it is not a duty attached to their offices, founded on in fact upon the same grounds that the Attorney General has rested his argument, that is, that in England the Clerks of the Crown are never called on for such services; but in England I believe there are Counsel appointed for each Court of Oyer and Terminer, and even for the Sessions Courts in the different Counties, and also at the Old Bailey—for conducting the criminal business, who are properly paid for such services—and the duties of the Clerks are confined to the mere formal part of the proceedings, such as granting Subpœnas, Swearing the Witnesses, taking and keeping the Minutes of the proceedings of the Courts, and preparing the Indictments in Common Cases.

But in this Country, where there is no provision made for the service, there might be a difficulty in getting Counsel specially to attend to the duty in question, and therefore it becomes a matter of serious consideration, whether the suggestion of the Attorney General, of leaving it to the Clerks of the Crown, is not the better course, as corresponding with the long established usage in the Province.—And the Legislature should in that case be called upon to make such reasonable additional provision for them as the service may require—still leaving it open to the Attorney General in special cases, where he may think the public service requires it, or when directed by the Executive, to take the direction and management of the prosecution.

In the Province of Nova Scotia, I believe the practice has been as in England, to appoint some gentleman of the Bar on the Circuit to conduct the criminal business of that Court, for which he is paid, I have understood, but out of what fund I know not.

As far as I am or can be in any way personally concerned in this question I have only to assure Your Excellency that I am ready, willing and anxiously desirous as I have

have always been, faithfully to perform to the best of my abilities, all duties attached to any office I may hold under Government, while I continue the incumbent thereof, and I think those under whom I have heretofore served will readily admit that I have never shewn a disposition to weigh very nicely the extent of those duties, but have looked to what the public service required rather than to my own convenience—which I consider is the paramount duty of every public officer.

I have the honor to be,

With great respect,

Your Excellency's most obedient and very humble servant,

G. F. STREET, *Solicitor General.*

To His Excellency Sir W. M. G. COLEBROOKE, K. H. &c. &c. &c.

To His Excellency Sir W. M. G. Colebrooke, Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

Your Excellency having been pleased to refer to the Judges a letter addressed to His Excellency the late Lieutenant Governor, Sir John Harvey, by Mr. John Ambrose Street, the Clerk of the Crown in the Supreme Court, together with the remarks severally made thereon by Her Majesty's Attorney General and Solicitor General, upon the question whether it be the duty of the Clerk of the Crown or of the Attorney General, "to conduct the prosecutions as Counsel for the Crown on indictments found at the Courts of Oyer and Terminer and General Gaol Delivery for the County of York," we have given the same a very careful consideration, and finding that the communications of the Attorney and Solicitor General are not confined to the question immediately connected with Mr. John Ambrose Street's letter, but also relate to the conduct of Criminal Prosecutions generally throughout the Province, and deeming this a matter of great importance as affecting the due administration of Criminal Justice, we have thought it would be more satisfactory to Your Excellency, that we should take up the whole subject of prosecutions in the Courts of Oyer and Terminer held in the other Counties as well as in York, and we now beg to submit our Report thereon.

No express enactment having been made on the subject by the Provincial Assembly, we must first look to the practice which has prevailed in England; the Judicial Institutions of the Mother Country being those upon which our Tribunals and practice have been based more closely than perhaps those of any other British Colony; and there we find that it is not considered the duty of the Attorney General or any other of Her Majesty's Counsel, or of any other officer, to take the management of Criminal Prosecutions as *Counsel* for the Crown, unless particularly required by the Crown, or retained by private prosecutors, and that neither the government or individuals have in the employment of Counsel confined themselves to the Law Officers of the Crown, or even the Queen's Counsel.

There have been many cases no doubt in which the Attorney General has considered it his duty to institute and conduct prosecutions for high crimes and misdemeanors, and it is his undoubted right to take the conduct and management of any public Criminal Prosecutions unless there be some order or regulation to the contrary. He possesses

possesses the power of entering a *nolle prosequi* to stay prosecution on behalf of the Crown, and no other officer or prosecutor can exercise this power except by warrant from him.

There are certain essential duties to be performed in carrying on prosecutions, such as preparing the Indictments, securing the attendance of Witnesses, &c., which properly belong to the *Crown Solicitor*, though in the discharge of these duties he may often require the aid of Counsel.

In this Province the offices of Solicitor and Counsel are generally vested in the same person.

Any Barrister of the Court, who may appear as Counsel for the prosecution, will be heard without any question as to his authority, and the Judge may if he think fit assign Counsel to assist in matters of Law, either for the prosecution or defence, though this is very rarely done for the prosecution; questions of difficulty being in almost all cases reserved for the consideration of all the Judges when they meet after the Assizes.

We believe that often in the Colonies the Attorney General, whose official duties, rights and emoluments extend over many matters, with which the Attorney General in England does not ordinarily interfere, not only discharges the duty of conducting Criminal Trials, but (except in cases of private prosecutions) claims and exercises it as a *right* of his office; and that in his absence, the Solicitor General or other Crown Counsel have done the same.

In some of the Colonies the Attorney General not only acts as Counsel but as the Solicitor for the Crown, and the fees or allowances for such matters may form no small portion of his official income. Such was the case we have heard in Lower Canada, where the charges of the Attorney General for such services were annually provided for by the Legislature.

We shall presently advert to the practice which has prevailed in this Province, different at different times, and to the particular cases of the Clerks of the Crown in the Supreme Court and on the Circuits—and lastly to the increased necessity which recent changes in the law have given rise to of providing for the service of Crown Counsel; but we first think it right to give Your Excellency a short account of the Courts of Criminal Jurisdiction in this Province.

Upon the erection of this Province in 1784, a Supreme Court of Law was constituted, embracing the jurisdiction exercised by the three Courts of Common Law in Westminster Hall.—This Court held its terms for a short time in the City of Saint John, that being at first the Seat of Government, and was afterwards transferred to Fredericton, where it has since continued.

Prior to the year 1836, all trials whether of Criminal or Civil Cases, arising in the County in which the Supreme Court held its Terms, took place at the Bar of the Court in Term Time, and all Criminal Trials in other Counties, took place, as they still do, under Commissions of Oyer and Terminer and General Gaol Delivery.

When we speak of all Trials, we do not mean to include such cases as come under the cognizance of the Justices of the Peace at the General Sessions.—Courts of General Sessions of the Peace have been from the first erection of the Province established in each County with similar powers; though they have not exercised a Jurisdiction to the same extent in cases of Felony, as the Sessions of the Peace in England; and their Jurisdiction in such cases is now particularly defined by Act of Assembly.

On

On the 1st of January, 1836, the Act of Assembly, 5 W. 4, c. 37, came into operation, which provides for the appointment of Sittings before or after Term, before the Chief Justice or one of the other Judges, and gives the Justices at such Sittings the same Jurisdiction over Criminal matters within the County of York as had previously been exercised by the Supreme Court at the Terms of that Court. The effect of this has been to transfer all trials from the Terms of the Supreme Court to the Sittings. By the eighth Section, the Clerk of the Crown in the Supreme Court was made the Clerk of the Crown and also Clerk of *Nisi Prius* at such Sittings, and declared to be subject to the duties and entitled to the rights, privileges and emoluments of those offices respectively.

In regard to the Circuit Courts, immediately after the erection of the Province, an office was created, or to speak more correctly, two offices under the same Patent—namely, the Clerk of the Circuits, (or Clerk of *Nisi Prius* for Civil matters), and *Clerk of the Crown on the Circuits* for Criminal matters.

In a similar manner Clerks of the Peace were appointed for the Sessions in each County, holding at the same time the office of Clerk of the Inferior Courts of Common Pleas, which are Courts of Civil Jurisdiction holding contemporaneous Sittings with the General Sessions of the Peace.

Upon a reference to the Minutes of the Supreme Court, we find that it was the constant practice from the first erection of the Province, for the Attorney General to conduct Criminal Prosecutions *at the Terms of the Supreme Court*, and it would seem, to perform the duties of Solicitor as well as Counsel in such prosecutions; but these duties at the *Circuit Courts*, prior to the appointment of Mr. Wetmore as Attorney General in 1809, were performed by the then *Clerk of the Crown on the Circuits* (Mr. Chipman, father of the present Chief Justice, afterwards a Judge of the Supreme Court), or his Deputy, he receiving an annual grant of £50 from the Government Contingent Fund, expressly for his services as such Clerk of the Crown. It should be remarked that Mr. Chipman was also Solicitor General and a leading Member of the Bar in extensive practice.

On Mr. Wetmore's appointment to the Attorney Generalship, he also being in large practice, and in the habit of attending the Circuit Courts, which were not then of frequent occurrence, nor held in different Counties at the same time, he took upon himself the whole conduct of Criminal Prosecutions, both as Solicitor and Counsel, and went so far as to question the right of the Clerk of the Crown on the Circuits to act as *Counsel*, or even frame Indictments. In consequence of that officer conducting the Criminal business at a Court held without notice to the Attorney General, he in the year 1814 presented a memorial on the subject to the then President of the Province, which with the reply of the Clerk of the Crown on the Circuits (the present Chief Justice) was referred to the Judges, and a report was made by them thereon.

In this report the Judges in substance state that it is the *duty* of the Attorney General to attend only at the Terms of the Supreme Court at Fredericton; that the Crown may retain any Barrister to conduct Criminal business in any Court; that the Clerk of the Crown on the Circuits, being a Barrister, had a *right* to be heard on the part of the Crown in any Court, and that he must be considered as retained by the Government to conduct the Criminal business at the Circuit Courts, by the receipt of the stipend before mentioned from the Contingent Fund. At the same time they acknowledge

ledge the *right* of the Attorney General to take upon himself the conduct of any Criminal Prosecution in any Court whenever he may think fit to do so.

Notwithstanding the opinion of the Judges expressed in this report, Mr. Wetmore continued to discharge the duties at most of the Circuit Courts, as well as in the Supreme Court, although in his absence they were performed by the Clerk of the Crown, certainly on the Circuits, and we believe also in the Supreme Court.

The Solicitor General has also occasionally, in the absence of the Attorney General, conducted prosecutions as Counsel for the Crown, though not so frequently before, as since Mr. George Frederick Street's appointment to that office. Other Crown Counsel have also conducted prosecutions at the Circuits without being specially sent down for that purpose.

We do not consider that the Clerk of the Crown, either in the Supreme Court or on the Circuits, is bound by virtue of his office to act as *Counsel* for the Crown on the trial of Indictments, whatever may have been the extent to which either of these officers may have heretofore performed this duty, from the circumstance of their being practising Barristers in the regular employ of Government, or volunteering the duty from a feeling of the necessity for their so doing; and we think it much more fitting and consistent with the orderly administration of Justice, that these officers should be confined to the discharge of their appropriate clerical duties.

For many years past an annual grant has been made by the Assembly of £100 to the Attorney General, and of £50 to the Solicitor General, but for what particular duties is not stated.

About the year 1828, a grant of £100 currency was made by the Assembly to the Clerk of the Crown in the Supreme Court, which has been continued ever since at that rate, with the exception of one or two years when £75 only was voted. For what particular services this allowance is made does not appear in the grant.

No similar grant has been made to the Clerk of the Crown on the Circuits, but the income of the gentleman holding that office is derived from fees in Civil Suits, and from the salary of £250 per annum, given by an Act of the Legislature in lieu of *travelling charges*, which he formerly received in each *Civil* Suit in addition to his other fees. This however had no reference to his duties as Clerk of the Crown, and if the small annual grant of £50 out of the Contingent Fund has been withheld from the present incumbent, we know not upon what principle he can be expected to act as *Counsel* for the Crown in addition to performing his proper duties as Clerk.

In like manner also with regard to the Clerk of the Crown in the Supreme Court, we do not think that he is bound to perform the duties of *Counsel* for the Crown on the trial of Indictments at the Sittings for the County of York, unless the performance of these duties is an implied condition of the annual grant of the General Assembly to that officer.

With regard to the Attorney General and the Solicitor General, which two offices must be viewed in the same light, we do not think that they are bound to attend the Circuit Courts in the several Counties of the Province, and conduct the Criminal Prosecutions in those Courts, unless in like manner the annual grants of the Legislature to these officers respectively, are made upon this implied condition. And it is scarcely conceivable, that they would undertake such extensive and onerous duties for so slender a remuneration. The salaries they receive from the Crown, we think, are intended

intended only as a recompense for the discharge of the ordinary duties of their offices ; and we agree with the Judges of 1814 in the opinion, expressed in their Report above referred to, that it is not in the course of the ordinary duties of these officers to attend any Courts of Criminal Jurisdiction, but the Supreme Court in Term Time, this being the Superior Court to which all other such Courts are inferior. The Sittings in the County of York are indeed so far different from the Circuit Courts in the other Counties, that at these Sittings, by express enactment, the Criminal proceedings by Indictment are carried on, which were formerly had in the Supreme Court in Term Time. Nevertheless we do not think that the Attorney General and Solicitor General are bound by virtue of their offices to attend these Sittings, and if there be any obligation upon them to do so, it must rest as before on an implied condition of the annual grants from the Legislature.

From the foregoing statement, Your Excellency will perceive how imperfect and precarious is the provision for the conduct of Criminal Prosecutions in this Province ; a branch of the Law essential to the safety and welfare of every individual in the country, and one to which the very first care of the Legislature is due, and we doubt not will be extended when the subject is brought to their notice.

The necessity of having able and experienced Counsel on the part of the Crown in Criminal Trials is much enhanced by the late Act of Assembly, which gives to prisoners the benefit of full Counsel in all cases of Felony, and allows them to be furnished with copies of the depositions taken before the Magistrates at the time of their arrest and imprisonment.

The constant efforts of Counsel for prisoners, in the absence of other good grounds of defence, to discredit Witnesses, by pointing out discrepancies and making contradiction between the evidence in Court and the previous depositions, has been much complained of in England.

These variances, when material, may often proceed as much from the inexperience of the Magistrate, as from any default in the Witness, but even when immaterial may be made a great handle of by acute Counsel, unless there be opposite Counsel to reply and explain.

The appeals which will be made to the feelings and passions of the Jury, and the ingenuity which will be exerted, often in proportion to the magnitude of the charge and weight of the evidence against the Prisoner, must be met and opposed by efficient Counsel for the Crown, or one or other of these consequences will follow ;—the Judge must consider it part of his ordinary duty to answer and obviate the arguments of the Prisoner's Counsel, an alternative to which he ought not to be subjected, or they will be left unanswered to produce frequently an improper effect on the minds of a Jury.

The care and caution which are produced on one side by the presence of able Counsel on the other are also very salutary and tend much to give the cause a proper direction and to check irrelevant matter.

Having given this extended view of the exigencies of the case, we feel ourselves called upon to suggest a remedy, and we think there can be no effectual remedy without an entire change of the present system of conducting Criminal Prosecutions.

In the first place we are of opinion that the Clerk of the Crown, as well at the Sittings for the County of York as at the Circuit Courts, should be confined to the appropriate duties of his office, without being required to discharge any of the duties which properly belong to the office of Crown Solicitor or Counsel.

In the next place we are of opinion, as already stated, that the Attorney General and Solicitor General are not bound in the ordinary exercise of their duties to attend any of the said Courts. The Governor may of course order them to attend and conduct Prosecutions on any occasion when he may think it expedient, but when it is once settled that this is not in the ordinary course of duty, they would naturally expect to be specially paid for such services.

We beg leave to suggest as an efficient means of securing a proper attention to the Criminal business in the Courts of Oyer and Terminer and General Gaol Delivery, and a responsible management of it, that Your Excellency should appoint able and experienced Barristers in the different parts of the Province to act as *Crown Solicitor* and *Counsel* for the Counties for which they may be so appointed. It is not necessary that such Barristers should be Queen's Counsel, although a preference would probably be given to gentlemen of this rank in the profession. In most cases more than one County could conveniently be assigned to the same person. Thus for instance a Barrister residing at Fredericton, might be appointed to act as Crown Solicitor and Counsel for the Counties of York, Carleton, Sunbury and Queen's: a Barrister residing at Saint John, might be appointed for Saint John and King's: another appointment might be made for Westmorland and Kent: another for Northumberland, Gloucester and Restigouche, and another for Charlotte.

These Barristers should be charged with the management and conduct of all Prosecutions on the part of the public, in the Courts of Oyer and Terminer and Gaol Delivery within the respective Districts for which they may be appointed. It should be their duty also to advise and assist the Magistrates when occasion requires, in the examinations and other proceedings preparatory to indictment and trial. Upon the correctness and efficiency of these preliminary proceedings, the due administration of Justice very often essentially depends.

An adequate remuneration must of course be provided for the persons thus employed in the service of the public. It would seem most advisable that this remuneration should be as in the case of private Clients, according to the services actually performed, of which bills should be rendered, and the Bills might be required to be certified and allowed by the Judge presiding at the Court in which the proceedings are had. Payment should be provided for by Legislative grant out of the Provincial Treasury, unless it should be deemed expedient to provide for it by assessment on the respective Counties, which latter course will not probably be adopted by the Legislature.

In like manner payment should be provided for of the fees to which the respective Clerks of the Crown are entitled under the established ordinance of fees in every Criminal Case. There is no reason why these officers should fail to receive the just emoluments of their office when they work for the public, any more than when their services are performed for private individuals.

To obviate an objection which may possibly be made to the appointment of prosecuting Barristers, that it will tend to the unnecessary multiplication of *public* Prosecutions—we think it proper to add, that neither the right to institute private Prosecutions as at present practised, nor the functions of the Magistrate in the preliminary investigation of Criminal Charges, is intended to be interfered with. It must not be supposed that any individual who may deem himself aggrieved, will have the right to call for the services of the prosecuting officer to carry on proceedings under his direction and on his behalf. Many cases, such as the ordinary Assaults and Batteries and other misdemeanors

misdemeanors, where the injury is rather of a private than a public nature, will be best left as heretofore, to private prosecution. It must frequently rest on the discretion of the Barrister to determine what are fit cases for his interference. It is only as the officer of the Crown that he will be the officer of the public.

If any abuse should arise in this respect, we do not think it would be difficult to interpose suitable checks, as every thing of the kind would come under the cognizance of the Judges.

All which is respectfully submitted.

WARD CHIPMAN,
W. BOTSFORD,
J. CARTER,
R. PARKER.

December 1st, 1841.

SIR,

28th December, 1841.

We have the honor to acknowledge the receipt of your Letter of the 22d December, instant, accompanied by a Report of the Judges respecting Prosecutions in Criminal Cases, and the officers upon whom the duty of conducting the same should fall, and "requiring our opinion whether it will be practicable to make the appointment suggested by the Judges provisionally, or subject to the future grant by the Legislature of a remuneration for the services of Counsel; or whether an alteration of the Law will be necessary before such appointments can take effect." And in reply, we are of opinion, that it is not only practicable but advisable for His Excellency to make the appointment suggested by the Judges at once provisionally, trusting to the House hereafter to provide for the expenses thus incurred when the Bills are sent in by the gentlemen so employed; as it is incumbent upon the Executive to see that some person is appointed, whose duty it shall be to attend to matters of so much importance as the conducting the Criminal Prosecutions, and the Country should not be left a moment without such provision being made.

The Judges have now unanimously given an opinion that there is no officer on the present Provincial Establishment on whom that duty properly falls; consequently this state of things should be immediately amended.

The only alteration in the recommendation of the Judges that we venture to suggest is, that instead of having a gentleman appointed for Charlotte County only, that County might be included in the District of the person appointed for Saint John and King's.

His Excellency will of course communicate to the Legislature that he has adopted this course on the recommendation of the Judges, trusting to their providing for such expenses every year when the accounts are sent in. And it is only when the accounts so incurred and duly certified by the Court are sent in from the different Districts, and by His Excellency laid before the House, the question can properly come up as to whether the House will provide for them or not.

We have the honor to be, Sir,

Your obedient servants,

CHARLES J. PETERS, *Attorney General.*
GEO. F. STREET, *Solicitor General.*

No. 2.

[See Journal 27th January, 1842.]

COUNTY OF SAINT JOHN.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		F. Schol's.	REMARKS.
		M	F	Prov'l.	Volum'y.		
Lancaster Parish. Musquash. No. 1 District.	1 month,	19	16	John Brown, £20	£50		1. Promises to be well conducted. Reading, Writing, Arithmetic, English Grammar and Geography taught.
District No. 2,	2 months,	13	6	George Eagden, £20	£30		2. Reading, Writing, Arithmetic, English Grammar. Teacher generally competent; each scholar brings his own book—no religious observance in school. <i>Manawagonish</i> —Reading, Writing, Arithmetic and English Grammar, no religious observances.
Manawagonish, No. 2 District,	several years,	25	18	William Craig, £20	£46		<i>Musquash</i> , S. side, No. 3. Reading, Writing, Arithmetic, English Grammar and Navigation, no Catechism or Religious observances.
Musquash, South side, No. 3,	several years,	7	7	£20	£22		<i>Musquash</i> , S. side, No. 3. Reading, Writing, Arithmetic, English Grammar and Navigation, no Catechism or Religious observances.
Dipper Harbour. No. 5,	few months,	8	11	James Muirhead, £20	£20		No. 5. Reading, Writing, Arithmetic, a little Grammar, no Catechism, no Religious observances, no uniformity in Books, &c. Teacher sober, moral and competent for tuition in the above, (this teacher teaches Sunday School.)
Irish Settlement, Pisrinco, No. 6,	5 years,	17	10	Thos. E. Carter, £20	£25		No. 6. Reading, Writing, Arithmetic, English Grammar, Geography and Geometry, no uniform set of books. Teacher moral and competent, (teaches Sunday School.)
Spruce Lake, No. 7,	2—3 years,	15	23	Jas. Mulholland, £20	£20		
South Bay, No. 8.	No School for last few months.						

No. 7. Teaches same as above. Teacher sober, moral and competent, great want of books, no Catechism, no Religious Worship.

In almost all Reports of these Schools, the children are greatly in want of books. Except in the New Testament scarcely a class is formed, and for these they are indebted to the Bible Societies—general disinclination to purchase books—no objection raised to use of Testaments, either by Catholic teachers or scholars—but much to Catechisms; neither Presbyterians, Episcopalians, Catholics, or other sects, will admit the teaching of any but their own—and the teacher is generally compelled to omit them, and leave that instruction to the Parents. Except in the case of those in the immediate neighbourhood of the Trustees, these Schools have not generally been visited—the distance of the Schools at one extremity of the Parish to the other, is more than 30 miles, roads very bad, and the travelling dangerous. To visit all the Schools quarterly, would occupy each inspector 12 days. The attendance of the scholars is generally very irregular.

SAINT JOHN COUNTY—CONTINUED.

PARISH.	How long in operation.	Average attendance		Name and Salary of Teacher.		No. Scholars.	REMARKS.
		M	F	Pro'l.	Volunt'y.		
Portland Parish, near Fort Howe, District No. 1. School No. 1.	Public.	120	77	John Miles, £20	£20	80	1. This School established under a provision that if it shall not be kept in operation 6 months in each year, the Land, School, &c. shall revert to the Rector, Vestry and Church Wardens.—Teacher of good character, and competent; School well conducted.—The Trustees give no favorable account of the other Schools in the Parish. Monitorial system of Instruction. No. 2. Teacher possesses tolerable qualifications, sober. No. 3. Inferior Teacher, sober. No. 4. Teacher possesses moderate qualifications. [House. No. 5. Teacher well qualified, poor School. No. 8. Very good Teacher, useful School. No. 9. Inferior School, scarcely passable. There are three superior Schools, one kept by Messrs. C and A; one by Mr. Eugene Rougan; one by Mr. A. Smith. Private Schools, 3. No. Scholars, 68. Madras School in City, 25. Schools in higher Branches, 40. Episcopal 310, very excellent. Sunday Schools, } Roman Catholic, 200. Wesleyan Methodist, 230. Baptist, 50.
2.		25	12	J. Shaw, £20	£20	3	
3.		25	15	H. Rigley, £20	£20	3	
4.		15	25	J. Gregory, £20	£20	8	
5.		27	13	£20	£20	5	
District No. 2.							
6.		23	14	H. Smilie, £20	£20		
7.		30	16	D. O. Gorman, £20	£20		
8.		10	11	Letitia Denvill, £20	£20		
9.		26	23	D. Sullivan, £20	£20		
		301	216	£180	£180		
				£360			
				* Madras £75			

* Paid by Madras Board.

Trustees Report—Parish of Simonds—No. Schools, 11.

Trustees visited Schools in pursuance of Lieutenant Governor's instructions. 11 Schools in Parish supported by voluntary and Provincial allowance. Having been recently appointed, can give no accurate information regarding Teachers, but from what they have been able to learn of them, they are men whose conduct and attention to the Schools is satisfactory. In some of the Districts, inhabitants being very poor, are unable to pay the attention to the tuition of their children which they feel disposed, and in these there is equal want of Books, Bibles and Catechisms. Trustees on their visit urged the importance of establishing Sunday Schools.

Trustees Report—Parish of Saint John.

Schools generally in an efficient state, and Teachers above the usual class, and well adapted to their spheres of labor. Trustees visited Schools regularly, and trust with benefit. Much regret that the want of a general system precludes many advantages which would result from Parochial Schools, even if that system were confined to the elementary branches of a religious and general education.

Trustees Report—Parish of Saint Martin's.

Trustees regret that the School buildings are in a very ruinous condition, not comfortable or convenient for teaching children; have been under the necessity of notifying to the proprietors, that unless the necessary repairs and erections were made, the Schools would not in future be entitled to Provincial

Provincial aid. Instructions afforded, very limited, more owing to the Parents than the Teachers, who do not put a proper value on right system of Education. Trustees consider *very few of the Teachers fully competent* to conduct an English School, but the small remuneration leaves but little hope of any improvement in this respect. Trustees suggest a general County or Parish School Tax, in order that the School Houses may be impartially erected and supported. The distance between the Schools render the visiting of Trustees extremely laborious, and occupies at least two days in each quarter; the distance between some of the Schools being 20 miles. Trustees cannot say, if regular quarterly visitation has been made, having been only recently appointed.

CHARLOTTE COUNTY.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		Scholars.	REMARKS.
		M	F	Prov'l.	Volunt'ry		
St. David's Parish.							
No. 1.		10	10	Thomas Havery, £20	£25		1. Reading, Spelling, English Grammar, New Testament, Writing and Arithmetic, this Teacher engaged for only one year—Teacher qualified, has taught 6 years in the Parish.
2.		18	19	John Gillispie, £20	£18		2. Instruction as above—Teacher engaged only for 6 months, competent, aged 20 years, Catholic Catechism taught.
3.		13	7	Isabella Waldren, £10			3. Instruction same as above—Teacher engaged 6 months; 18 years old.
4.		15	17	Sarah Perkins, 5d. a week for each Pupil,			4. Same as above.
5.		11	15	John Mitchell, £14 for the half year,			5. As above, engaged for 6 months only. Those three Teachers have no Licence.
6.		8	18	Matilda Moore, 6d. per week per head,			6. Same as above—Teacher engaged for 6 months.
7.		14	11	Susan Rogers, £12 for 6 months,			7. Ditto ditto engaged for 6 months. Church Catechism taught.
8.		13	17	James Dervar, £10			8. Ditto ditto engaged for 6 months. Catechism taught.

Campo Bello. There is only one School in Campo Bello, which has been regularly visited and inspected, and a semi-annual report made to Sessions.

Deer Island. There is only one School in operation, under Mr. Burnside, engaged last June, who has from 40 to 50 Scholars.

REPORT.—Schools have not been generally inspected quarterly, but only half yearly; the system generally, the common Parish School system of England, varying in method under the different Teachers. The branches taught comprise Orthography, Reading, Geography, History, Writing, Arithmetic and English Grammar. Religious instruction extends to versions of New Testament, Lord's Prayer, Creed, 10 Commandments, with Catechism of Kirk and of Church of England. Generally ill supplied with Books. Education generally has been stationary for the last 10 years. very few amongst the adults who are unable to read and write.

CHARLOTTE COUNTY—CONTINUED.

PARISH.	How long in operation.	Average attendance		Name and Salary of Teacher.		F. Schol's	REMARKS.
		M	F	Prov'l.	Volunt'y.		
Saint Andrews,	A general reply a	11	7	no specific information.			<p><i>Saint Stephen, No. 1.</i>—No deficiency in Books. Catechisms of Established Church, Roman and Methodist. Teacher sober. Arithmetic and Geography taught, besides common Branches; much inconvenience from the variety of Books used generally.</p> <p>No. 2. Same studies, same remark regarding Books, New Testament the only Religious Book used.</p> <p>No. 3. Catechism taught as required by Parents, same remarks as to number and variety of Books, see addition to above studies, Algebra, Mensuration and Navigation, character good.</p> <p>No. 4. Catechism as required by Parents, a deficiency in Books and too great variety in those used. Geography, Algebra, Mensuration, Navigation.</p> <p>5. Deficiency in number of Books, Catechism as required by Parents, Lord's Prayer and a few other short prayers.</p> <p>6. Geography, Algebra, Mensuration and Navigation, character of Teacher good.</p> <p>7. School of superior class, History, Geography, Astronomy, Natural Philosophy taught, character of Teacher exemplary, no deficiency in number but too great a variety, maps much wanted.</p> <p>8. Deficiency in number and too great variety in Books used, Arithmetic and Geography in addition, New Testament lessons and Religious instruction.</p> <p>9. Respective Catechisms taught, no deficiency in Books, Geography, Astronomy, and the outline of Chemistry, character good.</p> <p>10. Catechisms taught as required, deficiency in number and too great variety of Books, Geography, plain and ornamental needle work.</p> <p>11. French and Geography and Book Keeping, English History, outlines of Chemistry and Astronomy, Latin Grammar, Lord's Prayer and Ten Commandments; no deficiency in number, but great variety of Books.</p> <p>12. Geography and Arithmetic, lessons in New Testament.</p> <p>13. Geography and History, ancient and modern, superior class School; lessons in New Testament; no deficiency in Books.</p>
Saint Stephens,				Thomas Harety,			
1.	Pres. Teacher, 15 months.	11	7	5s. per quarter, 12s. 6d. per quarter,			
2.		12	13	Henry Coulter, £20 £30 and Board,			
3.	has taught 3 years,	18	10	H. Webber, 12s. 6d. per quarter, 15s.		2	
4.		20	8	James M ^r Bride, 12s. 6d. 15s.		3	
5.	School commenced in May 1841,	14	11	George M ^r Kenzie, £20 £20			
6.		18	17	John Love, £20 £45			
7.		19	5	Thomas Beyer, £175			
8.		11	11	Lucy A. Burns, 7s. 6d. per quarter, 10s.			
9.	School commenced in May 1841,	6	16	Mary Rogers, 10s. per quarter,			
10.		8	16	Margaret Grant, 7s. 6d. 10s.			
11.		4	15	Christiana D. Millikan aged 17, 7s. 6d.			
12.		7	13	Mary Allen, 7s. 6d.			
13.		6	30	Louisa Harbinson, 10s. per quarter,			
14.		8	7	John E. Moiers, £24 per annum, besides board,			
15.		19	14	John Hagerty, £26 per annum,			
16.		10	10	Lucretia M ^r Clinch, aged 20, 6s. 3d. per week, and board.			

14. Deficiency in Books; Arithmetic, Geography, lessons in New Testament.

15.

15. Geography, Arithmetic, deficiency in Books. Lessons in New Testament, Arithmetic and Geography.

16. Catechism, lessons in New Testament, deficiency of Books.

REPORT.—Size of Parish requires division into three sections, each section visited by one of the Trustees, who consult together. Schools have generally been examined quarterly. In some instances, they have not known till three months after of a new Teacher having been licenced. The poorer classes frequently, from a feeling of false pride, and the notion that they become in a manner Parish paupers, by sending their children on the Provincial allowance, leave them to grow up in ignorance; the few of such class who attend have been sought out by the Trustees. In some cases the inability of parents to procure Books has prevented their application for admission for their children. Teachers generally not incompetent to instruct in the more common and usual branches, but want a knowledge of more approved system. Good order is not kept, the Teacher does not possess the moral influence over his pupils which is requisite. Too much stress laid on mere memory, while the other powers and faculties of mind are not called forth. The children too frequently taught by rote, not made to comprehend the full meaning and object of their studies, and the practical application to the business of after life. Teachers should be educated for the purpose, who have not only acquired knowledge but are well instructed in the art of teaching others; many Schools are greatly impeded by the want of Books, and in almost all, great inconvenience and loss of time arises from the too great variety in use. Teachers consequently cannot arrange their Pupils advantageously into classes nor devote the necessary time to each branch of study. A great want of good and cheap School Books. Most of those used are American, being procured so much more easily than others. No Religious instruction separate for general instruction in Reading and Writing, except where specified in Table. Teachers generally willing to teach such Catechism as parents choose. Roman Catholic and Methodist Catechisms as used in Schools taught by Episcopalians and in the only School in the Parish, taught by a Roman Catholic, the Episcopalian and Methodist Catechisms are used. Wherever a School has been continued as is frequently the case, for twelve months without intermission, or even for six months, both the Teacher and the Pupils are apt to become wearied, and the progress during the latter part of such terms is not so rapid as at first. Parents generally anxious for the improvement of their children, do not make sufficient allowance for the natural consequences of such incessant application, and are averse to their children losing time as they express it. We therefore suggest that the year should be divided into four quarters or terms of twelve weeks each, and that after each term, there should be a Vacation of one week.

QUEEN'S COUNTY.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		F. School's.	REMARKS.
		M	F	Provin'l	Voluntary.		
Waterborough, District No. 1, Jemseg, 2 near Dykeman's, 3 Wiggin's Cove, 4 Cumberland Bay, 5 at Squire M'Lean's 6 a mile above Cox's Point 7 Upper District, Cumberland Bay, 8 near G. Camp's, Jemseg, 9 near Gideon Bowers 10 Head of Young's Cove, 11 Upper Range, Robert Snell, 12 at Never's, Jemseg, 13 old Mr. White's, or near there,				David Bates, H. A. Mount, Esther Camp, William Milroy, Vacant, Vacant, John M'Carthy, Maria Hanselpecker, Vacant, William M'Lintock, R. Snell, Vacant, never begun, and no School House.		<p>1. English, Cyphering, Presbyterian chiefly; Teacher well qualified.</p> <p>2. Teacher good; English Bible, Algebra, Baptist and Church Catechism taught.</p> <p>3. Good character, tolerably qualified, Reading, Writing, Needlework, Church Catechism.</p> <p>4. Teacher good. Bible and Walkingham, Baptist.</p> <p>7. Teacher passable, Roman Catholic.</p> <p>8. Teacher good, and tolerably qualified. Bible, Cyphering, Church and Baptist Catechism.</p> <p>10. Teacher good. Bible and Cyphering, Church and Baptist.</p> <p>11. Teacher good. Baptist Catechism.</p> <p><i>Report of Trustees.</i></p> <p>Trustees not answerable for qualifications of Teachers who are appointed by Board of Education—School Master's living depends on his character. Trustees cannot know much of Teachers character, except from others. School seldom visited quarterly. The Trustees generally divide the duty. So long as Trustees receive neither emolument nor are allowed expenses, it can hardly be expected that they should leave their farms to go on a profitless and thankless errand to every School in such a Parish four times a year. The Law, in regard to Schoolmasters, is very inefficient, and until changed, we cannot look for good and sound learning.</p> <p>REPORT.</p> <p><i>Parish of Gagetown.</i>—Parish Schools in general very badly supplied with the proper Books. Highly approve of the system of Training and Model Schools, and recommend</p>	

that £20 be paid in money to the Teachers instead of Board, Washing and Lodging; also recommend small piece of Land, from 5 to 10 acres, attached to each School, and that the Inhabitants be called on to put up a proper building for the accommodation of Master at their own expense; but object to requiring the Boys to assist the Master in cultivating, for fear of abuse by requiring their services for his own benefit, and the Boys might thus be prevented assisting their Parents in improvement of their Farms.

Parish Johnston.—Schools regularly visited every 3 months, except when prevented by state of Roads, &c. Trustees can exercise no control over a Teacher. Many Schools very inefficient, not so much from incompetence of Teacher as want of Books. In many Schools no Books are found but a few Spelling Books and Testaments, of which Teachers greatly complain, it being impossible to

arrange

arrange their classes properly. Children generally manifest much quickness, and attendance generally good, except in season of planting and harvest. No regular system pursued, each Teacher following his own. Occasionally persons of liberal education offer as Teachers, but the situation not being permanent and ill paid, they seldom hold them long. Hence most of the Schools are conducted by persons of inconsiderable attainments. The conduct of those under us is generally moral and their efforts zealous, no regular Religious instruction, for fear of exciting prejudices. Several of the Teachers conduct Sunday Schools. Instruction very limited, and great want of system, which offers serious impediment to advancement. Normal and Training Schools very desirable. Every person desirous of becoming a Teacher, should go through a certain period of Instructions and Probation, and attend Lectures on the nature of the mind, and so fitted by enlarged views and a systematic plan for the profession he is about to undertake.

COUNTY OF NORTHUMBERLAND.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		REMARKS.
		M	F	Provin'l	Voluntary.	
<i>County of Northumberland—Alnwick Parish.</i>						
Parish Alnwick.						<p>REPORT.—No School at present in operation in this Parish. Thomas Le Macquard being ill, has not made out his. Schools have been regularly examined. Trustees are satisfied with the moral deportment of Teachers and general progress of Schools.</p> <p>1. Teacher of good character and sufficient qualifications. System of instruction same as in ordinary Schools in England. Reading, Writing and Arithmetic taught.</p> <p>2. Same as No. 1. 3. Same as No. 1.</p> <p>4. Superior School. Madras system, Reading, Writing, Arithmetic, History, Geography.</p> <p>5. Mixed system, similar to English, same instruction as No. 4.</p> <p>6. Excellent and competent manner. Reading, Writing, Arithmetic and Sewing.</p> <p>7. As No. 6.</p> <p>8. Superior Teacher, Reading, Writing, Arithmetic and Geography.</p>
No. 1.		12	12	Thos. Le Macquard,		
No. 2.		17	12	Geo. Anderson,		
Chatham.						
No. 1.		7	14	Jas. Henderson,		
No. 2.		14	11	Jos. Barinise,		
No. 3.		30	12	Patrick Hamicjan,		
No. 4.		54	17	John —,		
No. 5.		14	4	Gregory Layton,		
No. 6.		10	15	Cather. Perceval,		
No. 7.		5	19	Elizabeth Williams,		
No. 8.		5	30	Isabella Taylor,		
No. 9.		30	20	Michael Meady,		
Glenelg.						
No. 1.		30	24	Jas. Porteons,		
No. 2.		8	13	Srdnev Gayle,		
No. 3.		15	18	Cath. M'Naughton,		
No. 4.		16	15	Donald Frazer,		
No. 5.		13	9	Peter Kelly.		
No. 6.		19	13	Andrew Read,		
No. 7.		19	3	Jas. Dalgish,		
No. 8.		10	8	Thos. Brekley,		
No. 9.		18	12	Jas. M'Mahon,		
No. 10.		12	14	David P. Howe,		
Ludlow.						
No. 1.		13	10	Chas. H. Hays,		
No. 2.		11	15	Maria C. O'Conner,		
No. 9.				Steady man, and sufficient for situation.	Reading, Writing and Arithmetic.	

REPORT.—The above Schools are examined every year by the Trustees as a body, and visited frequently individually. All are in an effective state. The numbers in some of them have increased considerably since the last general return was made. The principles of the Protestant faith are required and particularly taught in nearly three fourths of them.

Glenelg Parish Report.—Trustees have regularly visited Schools, and on all occasions have been satisfied with the proficiency of the Scholars and the attention and diligence of the different Teachers. The branches taught are Reading, Writing and Arithmetic, and in one School English Grammar and Geometry. Bible read in all, save in one Roman Catholic School. One Sabbath School in Parish where Religious instructions is imparted; and but for the population being so scattered, more would be in operation. But considering the infant state of the Settlement, every encouragement has been given

given to Religious and general education. The system of instruction in many Schools is similar to the Scotch, and in some the most recently improved systems are introduced.

Ludlow.—Trustees have no reason to be dissatisfied with the moral conduct of the Teachers, who are generally tolerably well qualified to impart instruction in Orthography, Reading, Writing and Mercantile Arithmetic, which branches are alone requisite in the present state of public feeling in the Parish. No disposition having been manifested to support a Teacher of superior qualifications, and much loss to enforce that regularity and punctuality of attendance in their children, which would render the services of such Teacher of any avail. System of teaching ordinary. Common School system rendered less beneficial by want of supply of suitable Books, and the variety of those in use. Orthography, Writing, Reading and Arithmetic are taught. Religious instruction not being required by Law, is not stipulated for, and would be difficult to introduce from diversity of opinion prevailing both with Teacher and Scholars. Bible is constantly read in both Schools, and instruction given in the most prominent parts of the Church and Presbyterian Catechisms.

NORTHUMBERLAND COUNTY—CONTINUED.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		Schools.	REMARKS.
		M	F	Provin'l	Voluntary.		
Blackville.							<p>REPORT.—<i>Blackville.</i>—Seven Schools at present in operation in the Parish. Have been visited every quarter and Teachers appear to be doing their duty. The system of Education that in use in common Schools in Great Britain. In two of the Schools the Holy Scriptures are read and Catechisms taught. In the other Schools the majority of the children belong to the Church of Rome, and it is considered better to teach no Catechism than to allow the Protestants to be taught the Romish Catechism.</p> <p>REPORT.—<i>Blissfield.</i>—Schools regularly visited and occasionally submitted to a friendly inspection. The result of our observations is favourable to them although long subjected to great destitution and still labouring under incalculable disadvantages. Nevertheless they are in a tolerably efficient state. The Bible read in all daily, it being a settled conviction that the daily perusal ought to be imperative. Teachers bear a good moral character, and one exhibits a fair Religious character. <i>Their qualifications not the best</i>, their ability and competency limited yet generally adequate for teaching the elements of Education as required by the present state of society. Their duties are performed as well as can reasonably be expected. All excepting No. 3 have</p>
No. 1.		20	13	R. Arnold,			
2.		26	5	Thos. Brown,			
3.		16	15	M. M'Namara,			
4.		16	14	Wm. Hoggan,			
5.		9	3	Jas. Donaldson,			
Blissfield.							
No. 1.		17	13	Ed. Lynch,			
2.		11	11	J. M'Killegan,			
3.		19	17	Wm. Taylor,			
Nelson.							
No. 1.		20	20	John Jameson,			
2.		15	6	John Simpson,			
3.		8	13	Jas. Howe,			
4.		8	5	Jane Davidson,			
5.		4	12	D. Lynch,			
6.		30	14	Will. Wilson,			
7.		18	12	Jas. Denmen,			
8.		22	30	J. M'Donald,			
Newcastle.							
No. 1.		23	22	Alex. Mitchell,			
2.		13	15	Margt. Mooney,			
3.				Jno. Hinley,			
4.				Jon. Beatie,			
5.		41	34	Jno. Simpson,			
6.				J. O'Leary,			
7.		23	15	Jno. Hamilton,			
Northesk.							
No. 1.		20	17	Horatio G. Howard,			
2.		27	20	Walter M'Alister,			
3.		29	24	Wm. M'Kenzie,			
4.		23	21	Jas. Evens,			
5.		10	15	Jno. O'Connor,			
6.		14	13	Geo. Lawrence,			
7.		12	13	Donald Bell,			
8.		16	16	Jno. Gibbens,			

taught Catechisms based on the Bible, and embodying a summary of the Doctrines and duties of the Christian Religion, suited to the various capacities of the young and untutored. The one alluded to is Roman Catholic, and it is thought better in this case to leave the Religious instruction to the parents

parents and guardians. The system generally used is the Parochial School system, with some of the latest improvements which have been made in the method of teaching in the Scottish Juvenile Schools. The extent of instruction is Reading, Writing, Arithmetic, is believed sufficient, no higher branches having been found requisite, there are some few exceptions of excellent Scholars. Religious instruction chiefly confined to Sunday School teaching, which is conducted in a very efficient manner, several leading heads of families lending their assistance and conducting classes zealously and efficiently, thereby laying the foundation of a solid Religious instruction.

REPORT.—*Nelson*.—No. 1. Teacher competent, good character, regular habits, Reading, Writing, Arithmetic.

No. 2. Teacher competent.

No. 3.

No. 4. Same as above, not so efficient as it should be.

No. 5.

In the above Schools some alterations are spoken of as having been made, but it is not mentioned of what they are.

No. 6. Same as No. 1. Book Keeping and Grammar taught in addition.

No. 7. Same as No. 1. No. 8. Same as No. 1.

REPORT.—*Newcastle*.—Several of the Schools have been visited regularly, but the great distance between them has rendered it impossible to do so to all. At the public and semi-annual examinations the Trustees have ascertained that the Teachers are doing their duty, and they take the opportunity afforded on these occasions of calling attention to any defects which appear to exist, or to point out any improvement. Teachers generally discharge their duties faithfully, and in some cases very successfully, and in all cases of failure on their part the Trustees have declined to countenance such Teacher. The system taught is that of common School system in Scotland, and books used chiefly those published by Society of Schoolmasters or Murray; in all the Schools Reading, Writing and Arithmetic are taught, and in some English Grammar and Geography. In nearly all the Schools the Holy Scriptures are read at least once a day, and in all some one Catechism are taught. In two of the Schools and four very efficient Sabbath Schools have been conducted by the respective Teachers and other competent persons. All the Schools save No. 10, are attended by Protestant children. No. 10 by Roman Catholic.

KING'S COUNTY.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		F. Schol's.	REMARKS.
		M	F	Prov'l.	Volun'y.		
		23	13	Eben. M. Scribner,			<p><i>Report Trustees, (Greenwich.)</i></p> <p>When necessary Schools are visited oftener than four times a-year, none of the popular systems are adopted generally as we consider them better adapted to larger Schools, and where the attendance is more regular, English Grammar is taught in most, Geography with use of Maps in some; endeavour to impress the necessity of early piety. Protestant Catechism taught in all. Inhabitants of the Parish seem generally well satisfied with the improvement of their children. No land granted by Government for Schools in this Parish. 12 School Houses.</p>
		5	9	Sophia Foster,			
		15	10	William Wear,			
		15	15	Joseph Dixon,			
		11	14	Charlotte Cooxson,			
		23	13	Timothy Daly,			
		25	13	Ed. J. Whitman,			
		15	10	James Laird,			
		14	10	Charles Aram,			
		30	15	John McGraw,			
		15	15	Pat. M'Donnahy,			
		16	16	Adam Dobbin,			
		14	11	George Coats,			
		17	16	Isaac Dudley,			
		9	6	Edward Murray,			
		21	15	Anna Whitman,			
		16	10	W. H. Darrah,			
		14	15	Ed. Queen,			

Westfield.

KING'S COUNTY—CONTINUED.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		P. School's.	REMARKS.
		M	F	Prov'l.	Volunt'ry		
		26	8	Thos. Warrel,			<p><i>Westfield.</i>—Schools visited regularly and more frequently than the act requires. Teachers well qualified. Out of 12 Schools, there are at present 7 Masters engaged, capable of instructing in the higher branches of education, one respectable female, three Masters calculated for the usual routine in County Schools, some Schools unoccupied. Reading, Writing and Arithmetic are taught, and English Grammar when the children are sufficiently advanced. Every child is taught the Creed, the Lord's Prayer and ten Commandments, with their duty towards God and their neighbour. The children belonging to the Church of England, learn the whole of the Church Catechism. The only land belonging to the Schools, with the exception of the site for each School House, are two acres given by the late Colonel Nase, on the Nerepis, and two acres on the South side of the River Saint John, also a donation for the same purpose, both in a state of wilderness.</p> <p><i>Studholm.</i>—Only two lots of land in Parish for use of Schools, both of which are granted to Madras Schools. Schools have been examined by us as Trustees, and we regret that the <i>Teachers are not properly qualified.</i></p> <p><i>Upham.</i>—Schools visited by Trustees frequently, and have used our influence to have them well conducted, and have promptly investigated any alleged misconduct. Spelling, Reading, Writing and Arithmetic and Catechisms are taught, and in some instances scientific instruction is carried higher. Teachers generally, moral and good, particularly those licenced under the new system. Most of them keep Sunday Schools, which we would recommend all Teachers should be enjoined to do. <i>Their proficiency has not met altogether our approbation</i>, but much is to be attributed to the want of Books and the irregular attendance of the pupils.</p> <p><i>Hampton.</i>—Trustees completed in July a special examination of all the Schools in</p>
		12	8	John M'Carthy,			
		9	9	Wm. Hay,			
		21	14	D. J. Casey,			
		13	9	Eliza Gamlin,			
		22	11	Jas. Vuir,			
		21	20	Wm. Buchanan,			
		30	18	Nice Walsh,			
		14	12	Thos. Crawford,			
		21	12	Enoch C. Pitt,			
		11	8	Mary Fullerston,			
		11	10	Rebecca Guinn,			
		20	16	Jas. M'Annary,			
		14	9	Isabella M'Almon,			
		27	11	Patrick Bermet,			
		5	5	John Reed,			
		18	14	Joseph Jenktuson,			
		15	18	John M'Court,			
		14	14	R. M'Cullough,			
		20	7	W. Tweedle,			
		16	11	John Keys,			
		27	8	Francis H. Pearson,			
		26	15	James Plume,			
		20	10	James Cusack,			
		23	17	Johnas Harewood,			
		33	16	G. W. Winniet,			
		23	7	Saml. Grimshaw,			
		23	9	Eliza Parlie,			
		2	14	Arch. M'Donald,			
		17	16	E. Marywell,			
		5	20	Eliza Wetherall,			
		6	8	Sarah M'Donald,			
		11	15	Edw rd Holmes,			
		14	14	George M'Connel,			
		15	10	James Davies,			
		5	10	Aun De Forrest,			
		24	12	Will Bell,			
		8	8	Thomas Boyd,			
		8	8	Jno. Somerville,			
		15	13	John A. Bayse,			
		7	21	Charlotte Holder,			
		12	22	Thos. Russell,			
		21	17	Robt. Nesbit,			
		9	11	Robt. Edgar,			
		10	14	Margt. Price,			
		5	7	Maria Haverland,			
		23	11	Jas Stark,			
		29	10	Thos. O'Corcoran,			
		17	9	Geo. Powell,			
		6	14	Eliza Arnold, Mrs.			
		13	11	Pat. Casey,			
		21	18	W. Cunningham,			
		22	14	G. W. Nixon,			
		20	14	Will. Warrel,			
		24	7	Chas. C. Finnis,			
		17	17	Michael Panistan,			

Parish. Teachers have not afforded the fullest satisfaction, but being convinced that they are the best that can be obtained for the limited compensation, they have reported favorably of them. If they

they had looked for better, the Parish must have remained without Schools at all. Great want of proper Books.

No. 12. C. C. Finnis. Report favourable, progress of children creditable, Church Catechism taught. Teacher Licenced, July 4th, 1831.

TEACHERS LICENCED.

No. 8. Edward Howard, fully competent, Church Catechism, July 28th, 1839.

No. 6. George W. Nixon, very satisfactory, Church Catechism, June 9th, 1818.

No. 4. Hugh Allen, very unsatisfactory, Licenced for Westmorland, August 10th, 1835.

Edward Queen, not much better than preceding, no Licence to shew.

No. 3. Thomas Harewell, kept regularly, progress of children fair, February 18th, 1841.

No. 16. W. H. Darrah, Teacher well qualified, January 25th.

No. 1. Adam Dobbin, indifferent, Church Catechism taught and Scriptures read, June 11th, 1831.

No. 7. George Coats, tolerably conducted, Church Catechism, 1829.

No. 2. Will. Warrell, very well conducted, Church Catechism, 1833.

No. 14. Ann A. Whitman, indifferent, instruction as above.

No. 17. Isaac Dudley, indifferent, no School until last six months 1833.

No. 5. John W. Carthy, closed, the six months for which Teacher was engaged having expired. —The dates indicate the time of Licence to Teacher.

Norton.—No. 1. Mary Fullerton, Reading, Writing and Arithmetic, Needlework, Church of England Catechism, if not objected to by Parents, School well conducted for small children.

No. 3. Rebecca Guinn, Reading, Writing, Arithmetic and Needlework, Religion same as above. Remarks same as above.

No. 4. Edward Roberts, Reading, Writing, Arithmetic, Geography and Grammar, not long in operation, well qualified.

No. 5. James W. Onery, Reading, Writing, Arithmetic, Episcopal and Presbyterian Catechisms, and Book Keeping.

No. 6. Isabella M'Almon, same as other Female Schools.

No. 7. Same as above, Globes and Book Keeping, well conducted.

No. 8. Eliza W. Gidney, as above, School well conducted.

No. 10. Isaac Campbell, Reading, Writing, Arithmetic, Episcopalian, Presbyterian and Catholic Catechisms, he has recently commenced School in good order.

The above Teachers all Moral and Religious characters to the best knowledge of Trustees. Schools visited as required by Act. Books are selected by Parents for their children. Trustees suggest that they be authorised to provide Books.

KING'S COUNTY—SUPPLEMENTARY.

PARISH.	How long in operation.	Average attendance		Name and Salary of Teacher.		F. School's	REMARKS.
		M	F	Pro'l.	Volunt'y.		
Kingston.							<i>Kingston Parish—Trustees Report.</i>
District, 1.							District No. 1. School in this District vacant since June 6.
2.		15		Sophia Foster,			No. 3. Reading, Writing and Arithmetic and Geography. Old and New Testament and Church Catechism.
3.		18		Will. Wier,			
4.		20		Rev. J. Cookson,			
5.		16		Jos. Dickson,			
6.		vacant.					No. 4. Reading, Writing, Arithmetic, English Grammar and Geography. Classes in old and New Testament and Church Catechism.
7.		12		Eliza Gamblin,			
8.		14		Chas. Cookson,			
9.		12		Timothy Daley,			
10.		16		Ed. Whitmore,			
11.		18		James Laird,			
12.		12		M. Cunningham,			No. 5. Same instruction as above.
13.		vacant.					No. 7. Same as above. Sewing.
14.				John M'Graw,			No. 8. Same.
15.				P. M'Donnahey,			No. 9. Reading, Writing, Arithmetic, New Testament, Church Catechism.
16.		vacant.					
17.				Michl. Pennister,			

No. 10. Same and Geography. No. 11. Same and Roman Catholic Catechism.
 No. 12. Same and Roman Catholic Catechism. No. 14. Reading, Writing and Arithmetic.
 No. 15. Reading, Writing and Arithmetic. School Books used, Old and New Testament, and Roman Catholic Catechism.
 No. 17. Reading and Writing, Spelling Book, New Testament and Roman Catholic Catechism.

Kingston Parish.

Trustees report that the Schools in Parish are generally as well conducted as can reasonably be expected under present system, although some of the Teachers not so well qualified as desirable. Trustees think it would be impossible to obtain Teachers of higher attainments for the remuneration received. In the remote Districts none but the young children are sent to School; Reading, Writing and Arithmetic, are all usually required to be taught; are of opinion, without some plan for increasing salaries of Teachers and raising them in the scale of society, the present difficulties and objections will continue. No man of education unless degraded, will take charge of a School in a remote Settlement, where the inhabitants are generally poor and illiterate, and amongst whom he must board and lodge alternately in part payment of his salary, with no other ultimate distinction than that of a "poor Country Schoolmaster."

Sussex Vale Parish.—Trustees Report.

Two lots of granted and one lot of reserved Land for Schools; the granted belongs to the Madras Board; one is situated near Jeffrey's Mill, containing 200 acres or more in the new line of road leading to Saint John's via Loch Lomond. Trustees anxious to give all the information in their power in regard to the state of Schools, and while they report that some are conducted to their satisfaction, they regret to be obliged to state that in other cases, there are Teachers who are very inefficient; two Schools of the six returned by Trustees are taught by Roman Catholics, though the inhabitants of the Districts are almost if not quite all Protestants. Trustees recommend that Roman Catholic Teachers should be confined to Districts where the Inhabitants are Roman Catholics. In other instances Trustees have cause to complain of neglect of Religious instruction, and have insisted where Church Catechism or some other summary of Christian faith and practice is not taught, that the Lord's Prayer and Ten Commandments should be taught. Trustees cannot help in conclusion, expressing their conviction that the Schools throughout the Country cannot be satisfactorily or advantageously conducted until a more respectable class of Teachers can be procured, and this they humbly conceive cannot be done without some Central Training School in which a better class of Teachers may be prepared and qualified for instructing the rising generation.

SUNBURY COUNTY.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		F. Schol. L.	REMARKS.
		M	F	Provin'l	Voluntary.		
Blissville.							<i>Blissville.</i> —No. 1. Infant School, Teacher sober and moral, conduct of School satisfactory. No. 2. Conduct of School satisfactory, } 3. ditto, } Members of the 4. ditto, } Society called Christians.
No. 1.				Mazaran Hartt, Walter Paterson, Phæba A. Kelly, Mary Daugherty,			
No. 2.				Neal Bradley, £20 £11 and Board.			
No. 3.				R. Bartlett, £20 £50			
Maugerville.				Jane McEwen, £20 £15			REPORT.—Above Schools have been attended to and recently visited, and found in good order; Pupils making creditable progress in Writing, Reading, Arithmetic and English Grammar. <i>Maugerville.</i> —No. 1. Reading, Writing, Arithmetic, is taught five days in the week, Saturday devoted chiefly to Religious instruction, children all furnished with Books and paper by their Parents. No. 2. English Grammar, Reading, Writing, Spelling and Arithmetic, and Church Catechism on Saturday afternoon. Books used—Bible, Testament, English Reader, &c. &c. &c. furnished by Parents. Teacher has taught Singing, but not in this School. No. 3. Reading, Writing, Arithmetic, Spelling, Needlework. Same Books as above, and supplied as above. No. 4. Instruction and Books furnished as above. Schools visited regularly every quarter, but no Public Examination.
No. 1.	10	12		Geo. Stewart, £20 £40			
No. 2.	10	8		Isabella Ducher, £20 7s. 6d. per qr. for each Scholar.			
No. 3.	6	13		William Barker, £20 £45			
Sheffield.				J. Dentan, £20 £25 and board & wash. all'd.			
No. 1.	5	13					
No. 2.	16	12					
No. 3.	18	18					
No. 4. & 5.							
No. 6.	14	12		£20 £15 and board & washing.			
Sunbury Grammar School.*		25	11	Jas. McClintock, £20 £85			

Sheffield.—No. 1. Teacher, good moral character. Reading, Writing, Arithmetic, and English Grammar, Geography, and Needlework, Scriptures used, School regularly visited.

No. 2. Teacher, good character and well qualified, Reading, Writing, Arithmetic, Geography, English Grammar and History, Scriptures are read, and Religious instruction given, School visited quarterly.

No. 3. Teacher, and remarks as above. In the neighbourhood Sabbath Schools with suitable Libraries attached.

Nos. 4 and 5. Schools on French and Maquapit Lakes taught for two years by Messrs. Barnet and Steele, at present vacant.

No. 6. Observations as No. 3.

*Teaches as before, Reading, Writing, Arithmetic, English Grammar, History, Book Keeping, Geography, Euclid's Elements, and Latin and Greek Languages. The system of instruction is somewhat similar to the Collegiate Grammar School at Fredericton.

REPORT.—All the Teachers employed in these Schools in 1840, have given up their situations, having fulfilled their agreement with their employers.

COUNTY

COUNTY OF KENT.

PARISH.	How long in operation.	Average attendance		Name and Salary of Teacher.		F. School's	REMARKS.
		M	F	Prov'l.	Volunt'y.		
Richibucto.							<i>Richibucto.</i> —Semi-annual Examination held at all English Schools, and one of the Trustees examine Schools oftener. English Schools are taught by persons fully competent. Madras system partially in operation. Bible used in all Schools as a class book.
No. 1.		5	15	Elisha Clarke, single,			
2.		9	15	Mary Seddal,			
3.		23	23	Thomas Powell,			
4.		12	11	Coin Spillan, native of Ireland & Catholic.			
5.		20	20	Henry T. Wheten,			
6. & 7.				J. Gregory and David Foster, discontinued.			
French Schools.	8.	12	10	Daniel Letterim,			
	9.	9	8	Felix Gallant,			
	10.	13	12	J. David,			
	11.	7	8	Peter S. Daight,			
Carleton.							
No. 1.		5	13	Nathaniel Layton, English.			
2.		25	12	James W. Nutt, Nova Scotia.			
3.		29	12	William Paleys, Nova Scotia.			
4.		13	5	James S. Carmenled, Irish.			
5.		9	8	Edward Cavenna, Irish Catholic.			
6.		9	11	Lawrence Daigle, native of County.			
7.		12	9	Alexander Gallant, native of County.			
Weldford.							
No. 1.		12	4	Elis. Campbell,			
2.		10	11	J. Hearn, native of Scotland.			
3.		17	15	Henry L. Dwyer, native of Ireland.			
4.		15	7	James R. Darney, native of Ireland.			
5.		14	1	Wm. Glendening,			
6.		15	9	Edmond Kelly, native of Ireland, Catholic.			
7.		17	8	William Graham, native of England.			
8.		12	10	Geo. P. Davis, native of England.			
Wellington.							
No. 1.		6	13	Cath. Haley, native of Ireland.			
English	2.	19	6	Pet. Mrs. Phelem,			
	3.	18	18	Amasa Weldon,			
	4.	12	11	Basil Noel, native of Canada.			
French	5.	11	9	J. Bernard, native of Canada.			
	6.	9	11	Gabriel Herbert, native of Westmorland.			
Dundas.							
1.		7	8	Elis. Granmel, native of Province.			
2.		3	12	Ellen Miller, native of England.			
English	3.	9	9	D. Miller, native of England.			
	4.	8	9	Wm. Bretton, native of County.			
French	5.	13	12	H. Renovard, native of France.			
	6.	11	12	Province. [County.			
	7.	9	8	David Jelio, native of			

Dundas.—In all the English Schools in the County Kent, the Bible is used as a class book; in the French Schools the New Testament is used, great complaints of children being badly provided with suitable books, in many instances there are none to be procured, and in some the means are wanting, all the Teachers are believed to be steady, moral men, but generally badly paid, particularly in the remote Districts of the Parish, where the inhabitants are very poor.

WESTMORLAND COUNTY.

PARISH.	How long in operation.	Average attendance		Name and Salary of Teacher.		F. Schools.	REMARKS.
		M	F	Provinl	Voluntary.		
Harvey.							<i>Harvey.</i> —Trustees not able to make quarterly Reports owing to extent of Parish, Teachers all persons of good moral character, Schools Nos. 1, 3 and 7, in efficient state, Teachers well qualified and progress of Scholars highly satisfactory, Nos. 8, 9 and 10, qualified to teach Reading, Writing, Arithmetic; progress of Scholars very satisfactory, Nos. 11 and 12, Elementary Reading, Writing, Spelling and Arithmetic, and progress satisfactory, system Common Parish Schools, no Religious instruction during School hours as the children belong to different Sects.
No. 1.		18		J. Walker,			
2.		10		Maria Smith,			
3.		20		Will. Smyth,			
4, 5, 6.				vacant,			
7.		17		Luke Brewster,			
8.		20		J. Cairns,			
9.		14		Pat. Brown,			
10.		16		Jas. Seeley,			
11.		15		Joshua Wilson,			
12.				vacant,			
Hillsborough.							
No. 1.				N. M. Stephens,			
2.				G. W. Stephens,			
3.				G. W. Adams,			
5.				Wm. Duffy,			
7.				Giles Smith,			
Shediac.							
No. 1.	}	1	14	R. Douglas,			
English 1.							
2.	}	43		Mary Miles,			
3.							
3.	}	6	7	Margaret Henety,			
4.							
No. 2.		7		Simon Thebald,			
3.	}	7	7				
6.							
6.	}	8	8	Jaques Grenot,			
7.							
7.	}	12	8	— de Varence,			
8.							
8.	}	7	6	Louis Richard,			
5.							
5.	}	8	6	— Legan,			
Dorchester.							
Schools, 6.		16	4				
Hopewell.							
7.							
Botsford.							
No. 1.				Alex. Ferguson,			
2.				Colin V. Borskirk,			
3.				Gilbert Wale,			
4.				Wm. Tarrace,			
Petitcodiac.							
No. 1.				Thomas Casey,			
Dist. No. 1.	2.			P. W. Sweeney,			
"	2, 3.			Eliza Wilson,			
"	4, 4.			Delilah Watson,			
"	3, 5.			Will. Constantice,			
"	3, 6.			David Horseman,			
"	4, 7.			Susan Lewis,			
Sackville.							
12 Schools in operation.							

rally attentive in School hours, F. Guarreau. Six English Schools containing 164 Scholars, Writing, Reading, Cyphering, Catechisms taught according to views of Parents. R. Godfrey, W. Layton.

Hopewell

Hopewell.—Schools inspected, but not regularly every quarter. 8 School Districts in Parish, and 7 Schools in operation. One School only taught by Female. Schools in Districts Nos. 2, 3, 4, are the largest, and the Teachers are competent to teach common Schools. All the Teachers are persons of good moral character. No Religious instruction afforded, Sabbath Schools are in operation, and it is intended to extend them to all convenient parts of the Parish. Arrangements are being made to procure such books as are required, Reading, Writing, Arithmetic, English Grammar. Scholars who have attended during the last 4 years are well advanced in Reading and Writing. Very few advanced to the age of 15 years who cannot write and read.

Botsford.—No. 1. Satisfied with School. No. 2. In a pretty forward state. No. 3. Getting on well. No. 4. School just commenced, Teacher competent. Presbyterians, Church of England, Methodist, and Roman Catholic.

Petitcodiac.—Schools examined every quarter regularly.

No. 1. Class system, Elementary Branches of English Education, Methodist principles inculcated, Teacher moral and sober, and teaching satisfactory. No. 2. Same as above, Teacher of good reputation, is a Roman Catholic. No. 3. In addition to Common Branches, Ornamental Needlework and Painting, Teacher very efficient, Presbyterian. No. 4. Usual Branches, with Plain Sewing, Baptist. No. 5. Reading, Writing, Arithmetic, Grammar, Teacher capable and moral, Baptist. No. 6. Usual Branches, with Reading, Writing, Arithmetic and Grammar, Teacher competent and of good reputation, Baptist. No. 7. Same as above, Scholars make good progress, Baptist.

Sackville.—Schools not usually inspected every quarter, owing to the great distance they are apart, (20 miles) and the length of time, (3 days) at least in each quarter it would require. But half yearly Examinations have been generally made, (12 Schools in operation.) Teachers moral and qualified to teach Writing, Reading, Arithmetic. In one or two of the Schools, English Grammar, Mathematics, are taught. Religious instructions very limited, and but little attended to, Church of England, Methodist and Baptist Catechisms in use, a great deficiency of Bibles and Testaments, and other useful Books, for Moral and Religious Instruction.

WESTMORLAND COUNTY—CONTINUED.

PARISH.	How long in operation.	Average attendance.		Name and Salary of Teacher.		Schools.	REMARKS.
		M	F	Provin'l	Voluntary.		
Westmorland.							<i>Westmorland.</i> —Trustees having been recently changed by Sessions, the present Officers unable to state whether the Schools have been regularly visited every quarter. A special visit gives the following result:— No. 1. Inefficient, Teacher being so, Elementary Branches taught, Religion unattended to. No. 2. Very flourishing, and every attention paid to good order, Latin, Euclid, Bonneycastle's Mensuration, Natural Philosophy, Geography, English Grammar. No. 3. Geography, Grammar, Bookkeeping and Elementary principles, Children improving, Teacher qualified. No. 4. Arithmetic, Writing, Reading, improving, Teacher attentive. No. 5. Same as 4. No. 6. Mathematics, English Grammar, Geography, Elementary Branches, Teacher well qualified.
No. 1.		3	5				
No. 2.		3	0				
No. 3.		3	0				
No. 4.			8				
No. 5.		1	2				
No. 6.		1	5				
No. 8.			5				
Salisbury.							
No. 1.		1	9	Robert Hay,			
No. 2.		1	5	James M ^c Queen,			
No. 3.				Jas. W. Wood,			
No. 4.		1	5	Seraphina C. Cole,			
No. 5.		1	2	Mary Ann M ^c Menzie			
No. 6.			4	Margaret Smith,			
No. 7.		1	2	M. M ^c Donald,			
No. 8.			4	Cath. Constantice,			
No. 9.			1	Mat.lda Miles,			
Coverdale.							
No. 1.				James Duffy,			
No. 2.				Ann Stephens,			
No. 3.				Owen Sullivan,			
No. 4.				Elinor Russell,			
No. 5.				John M ^c Kenzie,			

No. 7. Teacher quite inefficient, but Trustees have no power to remove him, he having passed the Board of Education.

No. 8. Recently commenced under Female Teacher, who appears qualified.

Salisbury.—No. 1. Reading, Writing and Arithmetic, improving.

No. 2.

No. 3. Not teaching the day visited.

No. 4. Spelling, Alphabet, Reading, Writing, Arithmetic, only recently commenced, Church of England.

No. 5. Reading, Writing, Arithmetic, only recently commenced, Testament and Catechism.

No. 6. Reading, Writing, Arithmetic, and Sewing and Testament.

No. 7.

No. 8. Reading, Writing, Arithmetic.

No. 9. Reading, Writing, Arithmetic, the same system taught in all the Schools.

Coverdale.—No. 1. Teacher Protestant, sober, moral, and duly qualified, Reading, Writing, Arithmetic, Pupils advancing.

No. 2. Instruction same as above, Teacher good character, Methodist, Scholars improving, being very young, have not made very great progress.

No. 3. Teacher well qualified and exemplary, Church of England, some of the best Scholars in the Parish the fruits of his labour.

No. 4. Only recently commenced, Teacher competent, character unblemished, Reading, Writing, Arithmetic, Presbyterian, Scholars advancing.

No. 5. Recently commenced School, Teacher good character and well qualified, Protestant, Scholars young, and not far advanced, Trustees happy to report that ample and efficient means afforded them by Provincial Government for School department, which has been a means of raising a great excitement and desire for Education of Youth in all the back Settlements, and Schools have been brought into operation, and good effects resulting therefrom in places where, some years ago, whole families were growing up in ignorance.

CARLETON COUNTY.

PARISH.	How long in operation.	Average attendance		Name and Salary of Teacher.		Schools	REMARKS.
		M	F	Provin'l	Voluntary.		
Brighton.							<i>Brighton Parish.</i> —Trustees have made quarterly inspections of Schools in Parish. 5 Schools in operation. Moral character of Teachers unimpeached. All Licenced by Government, and all passed by Board of Education, though we believe all have not been examined by Board of this County. Acquirements are sufficient for the discharge of their duties in this Parish where children are seldom kept at School long enough to obtain the higher branches of Education. Common system of instruction pursued, Reading, Writing, Arithmetic. Scholars generally young, and few have been at School before this Season. Religious instruction not introduced, except in one instance where parts of the Scriptures are recited. No Lands granted for use of Schools. Last Census gave 631 children under 16, of these one half might attend School if opportunity were afforded. Some authoritative measure much wanted to procure and perpetuate a sufficient number of suitable School Houses located in proper situations, and on lands vested either in the Court of Sessions or in Trustees for that purpose, and solely under their management, thus preventing individual caprice from exercising an undue influence in the School, which has it is feared been sometimes the case, there are but three places purporting to
5 Schools.		1	00	William Howard, £20 £30 boards himself.			
				William Stevens, £20 £25			
				W. H. Houston, £20 £40			
				John Palmer, £20 £20 boarded by Pop.			
				Isabel C. Persey, £20 £25			
Northampton. District No. 1.				John Somerville, Wm. Skinner, No School House, Daniel Palmer,			
2.							
3.							
4.							
5.							
Wicklow.							
Kent, 3 Schools.							
No. 1.	2 months.			R. W. Alimen, Ann Stickney, Patrick Finn.			
2.							
3.	2 months.						
Andover.							
Wakefield. 10 Schools.							

be School Houses, and one of these is in a very unfurnished state, and the School at last visitation was suspended on account of the cold weather; the other two are but apologies for School Houses. The remaining School Rooms are in private houses and in private property. Trustees of opinion that the onerous nature of the Law, which imposes so heavy a task on Trustees, 8 days at £3 per annum, and few persons being found capable in remote situations of performing the duty, the same are frequently appointed for several successive years, and thus subjected to a heavy tax, from which their neighbours are exempted, while under the existing regulations their influence in the Schools produces but partial benefit. But a still greater impediment exists in the apathy of a majority of the inhabitants, of whom many are ignorant, and consequently not aware of the benefit of Education. If one person is willing to support a School, several others are not, if they subscribe, they pay for their subscriptions in such articles as they happen to have at their disposal. Trustees of opinion, until more adequate provision is made by the Legislature for procuring School Houses, for the management of Schools by disinterested and compensated Trustees, and for the direct compensation of competent Teachers, that little can be done in the way of improving the Schools, and Trustees of opinion, should be made, even if a tax on property were the consequence.

Northampton.—No. 1. School Room built, and in good condition, but no School taught. Property of George Traften.

No.

No. 2. No School House, a room used in Mr. James Rankin's house. Teacher every way capable, and School in excellent state.

No. 3. School erected by the inhabitants on property of Mr. George Gilbert. Teacher moral, and School doing well.

No. 5. School House erected on property of D. Shaw. Teacher moral and competent. School conducted satisfactorily. Reading, Writing, Arithmetic, Algebra, Geometry, French Grammar, and other French Books, New Testament and Bible. One acre of Land has recently been laid off in Northampton, in H. Cogle's lot.

Wicklow.—School has been visited, and Trustees are satisfied with capability of Teacher and progress of Children in Reading, Writing and Arithmetic, English Grammar and Geography. Teacher is sober and moral. No Lands in Parish granted for the benefit of Schools.

Kent.—3 Schools in operation.

No. 1. A stranger, not yet passed the Board of Education. Trustees have visited the School, and are satisfied. Teacher moral, and fully competent for the requirements of School.

No. 2. Teacher pious, and conducts her School in an exemplary manner, but not competent to teach a School of higher class than her present. Reading, Writing, Grammar and Arithmetic. When her term is expired, she intends taken instructions herself. Trustees recommend that she be retained as a Teacher.

No. 3. Teacher fully qualified for School. Trustees satisfied with his teaching, &c. Trustees have but little previous knowledge of him, can say nothing as to his morality, but have had no reason to find fault with him, is a Roman Catholic. There are 5 School Houses in the Parish, all standing within the limits of the Highway Road. No Land appropriated by Government for use of Schools.

Andover.—Schools regularly inspected. Teacher qualified and character good. Schools in an efficient state. Reading, Writing, Arithmetic, English Grammar and Geography taught, and elementary principles of religion. School Houses erected on Lands neither leased or rented.

Wakefield.—Schools specially visited by Trustees, but owing to Parish containing 10 Schools, and scattered over a surface of 20 miles long and 8 broad, Trustees have to travel 60 miles on each visit, and inspection would take a week each time; Trustees would, in the aggregate, have to travel over 260 miles, and lose 4 weeks in the year, besides travelling expenses, they have therefore only visited Schools semi-annually.

Schools, with few exceptions, in an efficient state, which we attribute principally to the following causes, viz:—Altho' Teachers are generally men of sober and moral habits, and in some cases of tolerable Education, yet in other cases, we do not think that they possess the qualifications necessary for so important and respectable a charge.

2d—There are but few Teachers who remain above six months in a year in one School at a time, and it is very common for the School to remain vacant for that period, which of itself precludes the possibility of pupils making any great proficiency in learning.

3d—The great deficiency of suitable Books in the Schools generally, each Teacher pursues his own system, the extent of general Education afforded is Reading, Writing, Arithmetic, and in a few, English Grammar and Geography are taught, all the religious instruction afforded consists in Reading the Scriptures, and in some few instances Catechisms are taught. No Land granted for use of Schools. The School Houses stand on private land by permission, except two, for which the land has been granted, one by deed, and one by lease for 21 years.

*Observations of A. READE, Esquire, on the Reports of the Trustees of Parish Schools
Dated Fredericton, January 18, 1842.*

The foregoing Abstract from the Reports of the Trustees of Schools must be regarded as extremely imperfect, and as furnishing not even a proximate idea of the amount

amount, extent or value of education afforded to the young in the Province. Not more than one half of the Parishes have made returns, and the number of Schools exhibited in this Table is barely one half of the whole number which by the returns in the Secretary's Office would appear to be in existence. Nor can the value or extent of the information afforded be accurately ascertained from the Trustees reports; nor in many cases the mode of instruction, or its efficiency—the remarks being of so general a nature as to render it impossible to arrive at any satisfactory conclusions on these points. But in looking to the different subjects on which their opinion and views have been expressed, a summary of them may not be altogether useless. And first, as regards Teachers, on whom must evidently depend the good conduct of the Schools and progressive improvement of the Scholars, their conduct generally is spoken of as moral, and in most cases they are considered sufficiently advanced for the state of society for whose benefit the School is established. But here one is alone led to enquire what are the acquirements which are requisite in Teachers for the proper training of even the most humble class of the inhabitants: Honesty, sobriety and morality are essentially so; but a certain amount of mental and intellectual power must be considered equally indispensable.

The object of education is to form the mind, not merely to teach a child certain stated lessons, but to lead it to think rightly on all subjects within its power and capabilities; hence much depends not only on the instruction given, but in the mode of giving it.

It would appear therefore extremely desirable to ascertain as far as practicable what is the best method of imparting instruction, and that being settled, to adhere to it. Now the only way by which any uniform system can be introduced, is clearly through the medium of Teachers trained under a particular system for the purpose of educating others in the same; and for this an Institution for the training of Teachers, on the principle of a Normal School, seems absolutely indispensable. No examination of Teachers, as to their acquirements or fitness for the office they solicit, can ensure an efficient system which can stand in comparison with that which would result from their pursuing a course of training in a School where they would both learn the system and practically apply it at the same time, and be thus prepared to introduce it, wherever their services might be called for. But there is at present one formidable obstacle to any such plan, or indeed to any plan which has in view competency and respectability on the part of Teachers, viz: the insufficiency and uncertainty in the mode of remuneration. The surest way to lower the value in which education is held amongst the people, is to afford a pittance to its professor wholly inadequate to the wants and necessities of any respectable person; the effect of this, except in cases where it is known that other adequate provision is made, being to impress the minds of the mass with the idea that education is a thing of secondary importance, since it is worse paid than any other trade or occupation, producing the feeling that no person would occupy himself in this way who could make a livelihood in any other; a conviction which must at once lower his character in the eye of both scholar and parent, by whom he will naturally be looked upon in many instances as a needy adventurer.

Another evil is the mode of payment, which to every respectable person, raised above actual want, must be a source of much pain and discomfort. If the labour of
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the hands ever will exalt one man above his fellow, the labourer in this field ought to be in a position at least equal to those whose support depends on the labour of his hands. But considering their relative circumstances, it is hardly too much to say, that even looking to the present, he is scarcely so well remunerated, and in regard to the future, his prospects are worse than that of the man who possesses one hundred acres of land, to which the labour of his hands will add yearly increased value.— Another great drawback to any efficient and uniform system, is the variety and nature of books generally in use throughout the Province. Each School it appears has its own set of books, which at the change of each master are liable to be objected to, and others substituted, if the master has sufficient influence with the parents to effect this.

But what is still worse in many Schools, each Scholar brings his own books, which are selected by the parents, so that there is no possibility of forming classes; and but too frequently the books thus selected are either of an inferior character, or, as in some instances, of a nature for which, to say the least, better substitutes might be found. Another serious evil is the period for which a School is kept open: this seldom exceeds six months; and in many cases the masters or mistresses are only retained for this period.

It must be obvious that where this is the case, the greatest possible stimulus to the Teacher is at once lost, and the great secret of advance in the pupils partially if not wholly destroyed.

The great superiority of one Teacher over another, consists not merely in his intellectual qualifications, but essentially in the interest and affection he may be able to excite in those placed under his charge, and which, if reciprocated, and only as it is more or less reciprocated, can insure success in a School. Now it is quite clear that this must be wholly wanting where Schools are not only kept open for so short a period as six months, but where the Teachers' engagement is limited to that period. The two great incentives to exertion are thereby lost. The Teachers cannot be expected to enlist very deeply their own feelings on behalf of those who will be under them for so short a period, nor to feel any great interest in their progress and advancement, when they are liable to be removed just at the moment when the good effects of their teaching would be first appearing. Hence it would seem desirable that the period of any Teacher's engagement should never be less than twelve months. Such a regulation would not, of course, interfere to prevent the removal of any who might prove incompetent, or whose conduct might render their dismissal desirable. But if an efficient and uniform system be adopted, to which all Teachers are required to conform, and whose capabilities have been previously tested, there will be no great danger of the frequent recurrence of such cases.

Another point of importance is the locality and construction of the School Houses. The importance of a central situation must be obvious to all, as both the regularity and attendance of the Scholars must mainly depend on it; and it would perhaps be desirable, with a view to this, to require a return of the number of families residing within given limits of each School House, their conditions, and the limits of the district in which the School is kept, and the number of families who may be supposed precluded from sending the children by reason of the distance of the School from their dwellings.

The construction of School Houses is also a very important feature in the due training of
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of children. In a Province where the necessity and extent of education are not felt by the inhabitants generally to be of that supreme importance which would lead them to make any sacrifice for it, and where so great an inducement is held out to withdraw children from School for purposes of domestic employment, the evils arising from the ill construction or ill adaptation of these, for the purposes intended, are not perhaps so imminent or so great as under other circumstances; but still it must be considered of the utmost importance to imbue children with the principles of order, regularity, method and arrangement, so that they may become habitual to them. But the ill adaptation of a School Room may prove a serious barrier to any thing like proper classification, without which the efforts of the Teacher must be materially weakened. And looking to the daily increasing population of the Province, and anticipating a vast increase in the number of Scholars, as Schools become more efficient, and the advantages and necessity of a sound education more appreciated, it may be reasonably calculated that more than three fourths of all the children in the Province will be brought up in them, "will spend a considerable portion of the *most impressible* period of their lives there; and hence the condition of these buildings, and their influence on the young, is of great importance; the construction of the Schools connects itself closely with the love of study, with proficiency, health, anatomical formation, and length of life."

The mental and physical powers of a whole generation may depend on their early training, and the whole life improved or impaired by improving or impairing its beginning. In reference to the formation of Agricultural Schools, the opinion of Trustees and Board of Education are generally unfavorable; but they rest rather on the difficulty of carrying them into operation, than to any objections to them *per se*. These difficulties appear to exist chiefly in the following particulars, viz:—

1st.—The difficulty of obtaining Land for the purpose.

2d.—Of persuading parents to allow their children to devote their time to this purpose, which they would consider much better employed on their own Farms.

3rd.—Parents generally would not appreciate the value of such instruction in improved methods of farming and husbandry, which in a new Country do not appear so indispensable.

It is obvious that it must rest with the Legislature or private individuals to overcome, by a small appropriation of Land attached to a School, in each County or Parish, the first difficulty. The two other prejudices will be best overcome by the evidence of the good effects resulting from the establishment of any one such School, in a suitable locality. In an old and densely peopled Country, Farmers are driven to improved methods of tillage and agriculture from the necessities of the times—which oblige every man, as the value of his produce diminishes, to increase its quantity. But it is surely not less important in a new Country to adopt the most improved systems, instead of allowing a population to grow up under an inferior one, which must ultimately give way, as necessity compels the adoption of the former. The value of example is to shew us how to adopt the right and to avoid the wrong way, and it is the part of wisdom, in a young Colony, to benefit by the experience of those Countries which have gone through the stages of progress and difficulties, from which present knowledge and experience might have saved them.

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It must be always important to raise Agriculture to its proper elevation ; and this cannot be better effected than by connecting all the working of its practical details, with a knowledge of its principles. A School which should combine this with other instruction, would be a means of sending forth a valuable class of persons, who would at once enter on the business of the Agriculturist with a practical and theoretical knowledge, which must be of the greatest service in infusing a spirit of emulation for the developement and improvement of the capabilities of the Province.

As illustrative of the importance to the Farmer of uniting some theoretical knowledge of Agriculture with its practical details, thereby enabling him to employ his energies in the way most profitable to himself and most beneficial to his Country, it may not be altogether out of place to quote the remarks of one who has long devoted himself to the study and improvement of the Agriculture of his native Province ; he remarks—"The substances about which Agriculture is employed are all compounds, that is, they consist of elements into which they are capable of being resolved. Of this no Farmer should be ignorant, and he ought to attain at least so much chemistry as to know the nature, the properties, and the combinations of those elements which are almost never at rest, but from the operation of heat and of attraction, are going one constant round of composition and decomposition. Water and air are themselves not simple, but made up of æriform fluids, according to fixed proportions, in the grand laboratory of nature, and as they have no small share in the process of vegetation, their component parts should be familiar to him. In fact he cannot understand the nature and use of those vulgar operations, which his hands are perpetually performing, nor perform them aright, until his mind be illuminated by a few glimpses of this science. I impose on him no laborious study of deep chemical research, I only require that he be exalted above the brute which tugs in harness and assists him in his labour, by such an insight into the principles of his practice as will enable him to direct and preside over it with an eye of intellectual superiority."

There is one class of Schools of especial importance in a young Country, and where labour is expensive, viz : Infant Schools. Perhaps the whole moral condition of a Country at a future period might be predicted from the state and efficiency of its Institutions for the training and education of its infant population. It is there that the first seeds of good order, regularity and morality are sown, and when duly matured, they cannot fail to bring forth fruits in after years. "The child is father of the man." It should therefore be an especial object as early as practicable, to commence a system which, if well considered, will go far to assure us of the condition of those who come after us. What better legacy could a statesman leave to his Country, than a generation nurtured up in those principles of truth, justice, morality and religion, whose fruits will abide the test of time. In the Mother Country, Infant Schools took their rise from Dame Schools ; these originated in a want widely felt by a large class of industrious persons, who, compelled to seek for work away from their houses, were at a loss how to give proper care to their younger children ; hence generally some one of the oldest persons in the village or neighbourhood was selected to look after them, while their parents were engaged in their labour of the day. At first the duties of this person were confined to simply keeping them out of mischief, but in the course of time it occurred to thinking persons that it was a pity to keep together in idleness so many children, some having almost exceeded the year of infancy, and in forming them

them into a class, rather with a view to amusement than instruction; the foundation of the Infant School system was laid.

The capabilities of infants, not only individually, but when brought into relation with each other as a body, have been shown to be very great. So great, that in all ordinary cases, their own judgment has been found sufficient for the correction of the wrong actions of their Schoolmates; and thus for the keeping up the discipline of the School. But in their collective capacity it is found, that, under proper direction, their good dispositions are more alive and readily called forth, while their evil tendencies are suppressed; and in constantly viewing the reward of virtue and good conduct in the approbation of their teacher, and the estimation in which they are held by their Schoolmates, and the shame attaching to the opposite, they cannot fail on entering life to be better prepared, on all occasions, for its duties, and better fortified against its allurements, than can be the case with those on whom these early advantages have not been bestowed. There is one consideration which cannot fail to strike any one perusing the Abstracts from the Trustees' Reports, and which it would be hardly fair to omit all notice of, viz: the duties of the Trustees. On their effective supervision must mainly depend the efficiency of a School. The onerousness of their duties is generally complained of by them, and generally acknowledged by others. Exertions which are gratuitous are doubtless more effective, as they spring from a higher motive than those which are only yielded when paid for; but in a Country where the wages of labour are high, and it is difficult to find a substitute for the superintendence of concerns, which cannot be neglected without injury to their owners, it is a serious evil to be called on to leave one's home, incur the expense and inconvenience of a long journey, and to be detained for several days for the purpose of visiting, quarterly, the Schools in each Parish. Without exception, all the Trustees have expressed their willingness and desire to fulfil faithfully their duties, but lament, at the same time, in most cases, their utter inability to do so without the greatest sacrifice to themselves and families. Many of them are residing at distances varying from twelve, twenty five and thirty miles from the Schools they are required to visit; and state, that their quarterly visit for the mere purpose of inspection, occupies three whole days, making thus an average of twelve days in the year, occupied in visiting, probably, in many instances, half that number of Schools. It would hardly be deemed too much to allow the Trustees a certain sum for their travelling expenses, wherever the Schools are more than four or five miles from their residence.

Such an allowance would be the means of exciting a greater interest in the welfare of the Schools, and enabling those who feel such interest, to devote themselves to their duties, without the serious risk and sacrifice at present incurred.

The few brief remarks on the different points suggested in the foregoing paper, fall far short of what I should have desired to submit for your Excellency's consideration. Each of them would occupy many sheets, but having been called on to make the accompanying abstract, I could not feel satisfied in submitting it without a brief notice of some of the points to which my attention was more especially directed.

In any arrangement which may be made in reference to the Schools generally in the Province, I would suggest the propriety of some provision for regular returns of the Schools throughout the Province being sent in either quarterly or semi annually, in

COUNTY OR BOARD OF EDUCATION RETURN.

No. of Parishes.	Population.	Number of Public Schools.	No. of Teachers.	No. of Scholars above 6.	No. of Children under 6.	Salary of Teacher paid by Province.	Ditto Ditto by Counties.	Ditto Ditto by Parents.	No. of Private Schools.	REMARKS.
		*								

ABSTRACT OF PARISH SCHOOLS IN THE PROVINCE OF NEW BRUNSWICK FOR 1841, AS RETURNED TO THE SECRETARY'S OFFICE.

COUNTY.	No. of Parishes	No. of Schools.	Teachers.			Scholars.			REMARKS.
			Male.	Female.	Total.	Male.	Female.	Total.	
York,	9	48	36	12	48	742	599	1341	} Endowed by a Grant of £20 to each School, per annum, on condition that the Inhabitants subscribe £20 in addition for each School.
Saint John,	5	42	34	8	42	934	717	1651	
Carleton,	8	32	30	2	32	559	383	942	
Sunbury,	5	22	17	5	22	300	243	543	
Queen's,	8	54	43	11	54	615	501	1116	
King's,	9	67	56	11	67	1054	796	1850	
Charlotte,	10	68	51	17	68	1048	844	1892	
Northumberland,	10	54	47	7	54	925	763	1688	
Westmorland,	11	82	65	17	82	1221	920	2141	
Kent,	5	40	34	6	40	498	405	903	
Restigouche,	4	10	8	2	10	174	141	315	
Gloucester,	4	22	14	8	22	348	258	606	
Totals,	88	*541	435	106	541	8418	6570	14988	

Secretary's Office, December, 1841.

* NOTE.—Returns have been made of 296 of these Schools, vide Abstract. From the remainder no Returns received.

ABSTRACT RETURN OF GRAMMAR SCHOOLS IN THE PROVINCE OF NEW BRUNSWICK, FOR THE YEAR 1841.

County and Number of Schools.	Number of Scholars.			Legislative Grants.	REMARKS.
	Male.	Females	Total.		
York,	1	83	0	83	} Supported out of the Collegiate Funds. 1. There is another Grammar School in Northumberland, called the Newcastle Grammar School. There are 38 Boys attending it, and for some years past, it has received £100 per ann. from the Province by Grant. 2. There is a Grammar School in King's County, but no Return has been received from it. 3. Grammar Schools are being established in the Counties of Gloucester and Carleton.
Saint John,	1	65	0	65	
Northumberland,	1	37	0	37	
Kent,	1	15	7	22	
Restigouche,	1	27	0	27	
Queen's,	1	23	0	23	
Sunbury,	1	25	11	36	
Charlotte,	1	35	0	35	
Total,	8	310	18	328	

CIRCULARA

CIRCULAR INSTRUCTIONS TO BOARDS OF EDUCATION.

Secretary's Office, 1st June, 1841.

SIR,—Reports having been received by His Excellency the Lieutenant Governor that several of the Schools established in Parishes under the Provincial Act of 1837, are in an inefficient state, and that the persons entrusted with their management are unfit for so responsible a charge, I am directed by His Excellency to request that you will call on the Trustees in the several Parishes in your County, to report whether quarterly inspections, as required by the third Section of the Act, have been regularly made by them, and that they will specially visit and inspect them, making a Report as required of their efficiency, and of the character and qualifications of the Teachers, and the system and extent of instruction, religious and general, which is afforded. I am also directed to request that you will communicate with these Reports, the latest Returns received of the number of children in the several Schools, distinguishing Males and Females.

I have the honor, &c.

(Signed)

WM. F. ODELL.

To the Clerk of the Peace of —.

Secretary's Office, Fredericton, 19th August, 1841.

GENTLEMEN,—I have the honor to request, by direction of His Excellency the Lieutenant Governor, that in all cases of Petition for Licence to teach a Parish School, the Minister of the Congregation to which the applicant has belonged for the last twelve months, if not a Member of the Board, will certify to their religious and moral character; and that the applicants be directed to enumerate in their Petitions such of the following acquirements as they possess, and in which they are able to instruct the children, viz: Reading and Spelling, Writing and Arithmetic, Singing; and in cases of Female Teachers, Needlework; and to accompany their Petitions with a specimen of their Writing. You will also be pleased to state whether Bibles are provided for the Schools, and what other Books are used in the instruction of the children, as also whether they are subject to any and what examinations.

I have the honor, &c.

(Signed)

WM. F. ODELL.

To the Board of Education for the County of —.

Secretary's Office, Fredericton, 14th September, 1841.

GENTLEMEN,—His Excellency the Lieutenant Governor having it in contemplation to promote the formation of a Training and Model School at Fredericton, where Teachers of Parish Schools may be trained on an improved system, their qualifications tested and ascertained, and a material improvement be thus effected in the Parochial Schools throughout the Province, has directed me to call the attention of the Board of Education to the subject, with a view to ascertain if they can recommend any better mode of local remuneration to the Teachers than the existing one of board, lodging and washing.

If a habitation for the Master and a few acres of land could be attached to the School House, it would afford the means of introducing the system of the Agricultural Schools of England, in which the boys are instructed in improved Husbandry for a certain part of the day, and the ground is made to contribute to the maintenance of the

the Teacher of the School. The details of this plan can be furnished in case the land to the amount of about ten acres can be obtained, and a part of it cleared and well cultivated. Upon these points also I have to request that the Board will favour me with such information and suggestions as may be in their power, to be submitted for His Excellency's consideration.

I have the honor, &c.

(Signed)

WM. F. ODELL.

To the Board of Education for the County of —.

Secretary's Office, Fredericton, 5th October, 1841.

GENTLEMEN,—I am directed by His Excellency the Lieutenant Governor, with reference to the Circular of the 19th of August last, to intimate to you, that a practice having of late grown up in the Country Parishes of England, and which is rapidly extending, of employing females in the charge of Schools in which children of both sexes are instructed, His Excellency is desirous of forming a Training School at Fredericton, under competent direction, in which the Candidates for Licences might receive the necessary training to qualify them for taking charge of Parish Schools; and he therefore wishes to be informed if respectable women, married or unmarried, between the ages of twenty five and forty, could be found that would undertake the charge of Parish Schools, and who would come to Fredericton for the necessary training. The system of instruction would thus become efficient and uniform in the Parish Schools.

In the mean time, until answers are received from the Clerks of the Peace, from whom Returns have been called for, of the state of the Schools, His Excellency wishes to reserve the question of Licences to applicants for Parish Schools, and especially to men, excepting for such a time as would allow Candidates of the above description to be brought forward.

I have the honor, &c.

(Signed)

WM. F. ODELL.

To the Board of Education for the County of —.

Secretary's Office, 11th November, 1841.

GENTLEMEN,—I am directed to communicate to you that His Excellency the Lieutenant Governor has had under consideration the answers which have been received to the Circular Letter of the 14th September, and although answers have not been received from all the Counties, His Excellency does not wish to delay the expression of his thanks for the valuable information and suggestions which are contained in the Reports of some of the Boards, and in contemplation of measures for remedying the most prominent of the defects of the present Parish School system, His Excellency proposes at once to explain the views which a consideration of the whole subject has suggested to his mind.

His Excellency is deeply impressed with the necessity of early measures being introduced for the amelioration of the present defective system, and he is decidedly of opinion that the Public money cannot be better expended than in the formation and support of good Schools, nor be more completely thrown away than in the upholding of those which are conducted on a bad system or established on improper principles.

A well digested and uniform system of teaching, and a proper set of School Books, among which Bibles and Testaments are indispensable, appear to His Excellency to be the great desiderata; and when the large sum expended by the Legislature under the present Parish School Law is taken into consideration, the introduction of a system by which a much greater amount of good must result, appears to be loudly called for.

The difficulty of introducing any uniform or efficient system of teaching in common or Parochial Schools has been so fully experienced elsewhere, that it has necessarily led to the introduction of the Normal or Training School for Teachers. This system is in full operation in England, and has been most successfully introduced in the West Indies, where such Schools have been established with the most beneficial results, nor is it to be doubted that the same consequences would follow in this Province if the establishment were fostered by the Legislature with the same liberality it has hitherto shewn for all Seminaries for Education.

With this view His Excellency has proposed the establishment of a Central Training School, by getting well trained Teachers from England—a man and his wife—and forming such a School at Fredericton; and the only expense devolving on the Candidates would be their Board for the short period while under training, which might easily be defrayed for them. This School being once established and in full operation, an arrangement might then be made by which the whole of the Provincial Schools would in a comparatively short space of time be put on a uniform and efficient footing. This would be mainly effected by requiring the Training School Master to make circuits through the Province, in the exercise of his calling, and providing a defined set of School Books, and a Manual drawn up for the general guidance and use of the Teachers. His Excellency is aware that there are many Schools now in operation which are creditably conducted, notwithstanding all the defects of the present system, and would wish it to be understood that the change would be gradual, and such as would prove favourable to those which at present meet with approbation. One important benefit that would flow from the introduction of the monitorial mode of teaching for the older children, and of the Infant School system for the younger, is that a greater number of children might be instructed by one person.

With respect to the Teachers, His Excellency is of opinion, that Schools for children of both sexes of from two to nine years of age, admitting older girls, would be most beneficially conducted by unmarried or married females, properly trained, and it is hoped a sufficient number of respectable Candidates would offer. For Schools in which boys above nine or ten years of age are instructed, male Teachers appear to be the best adapted; and when the advantage of having a Grammar School in each County, for instruction in the higher branches, is taken into consideration, it appears to His Excellency that the means of acquiring a good education would be as much within the reach of all classes of the people as the resources of the Province would admit or prudence dictate.

The difficulty of finding competent persons to conduct Agricultural Schools has been experienced in England, and hence the system has not been generally introduced; but His Excellency is of opinion, that by establishing a Central School on this principle, others might gradually be introduced where practicable, and a separate School for boys in each County might be formed, in connexion with the Agricultural Societies.

Meanwhile

Meanwhile His Excellency remarks, that he considers the suggestion that Land should be attached to the Parish Schools and cultivated by the Parishioners for the use of the Teachers, an improvement on the present system, although the payment of a regular stipend and the additional accommodation of an apartment for the Teacher, adjoining the School Room, appears to be necessary to ensure the permanent services of competent and respectable Teachers. It is not improbable that eligible Candidates would offer, who have residences in the neighbourhood, in which cases the additional accommodation might be dispensed with.

His Excellency's attention has, however, been called to the Teachers as a body, and he invites the opinion of the Board of Education as to the best regulations that can be adopted for classifying the Teachers according to their respective abilities, and the readiest mode of supplying vacant Schools and suitable Teachers, whether as regards their qualifications or the remuneration which the persons interested in the Schools would afford. By the present system, under which the emoluments of the Teachers may be said to be uniformly the same, much praiseworthy ambition seems to be discouraged; whereas by adopting some other plan, the Teachers might be induced to turn their thoughts to self improvement, when there appeared a reasonable prospect of thereby bettering their circumstances. On these and such other points connected with this important subject as may suggest themselves, His Excellency invites the Board of Education to communicate their views, His Excellency being most anxious to co-operate with them in effecting such an improvement as will assure to the rising generation the benefits of a sound system of religious and general instruction, at once adapted to the circumstances of the Country, and acceptable to all denominations of Christians.

I have the honor, &c.

(Signed)

WM. F. ODELL.

To the Board of Education for the County of ———.

No. 3.

[See Journal 27th January, 1842.]

(Copy)

Chamber of Commerce, Saint John, N. B. 31st December, 1841.

SIR,—In answer to your respected favours of the 3rd and 13th instants, I have the honour to state, that those Documents and the accompanying papers were duly laid before the Board, and I am requested to tender His Excellency sincere thanks for the information thereby afforded, not only in regard to the Duties on Timber and Deals, but also respecting the Bankrupt Bill, and likewise to observe, that any information which this Mercantile Body may be able from time to time to furnish, will, not only with regard to the Bankrupt Bill, but on all other subjects, be promptly given at the request of the Lieutenant Governor.

The subjects specially adverted to in your letters, besides the Bankrupt Bill, and the Duties on Lumber, are—

1st. A Canal to connect the waters of the Bay of Fundy with those of the Gulf of Saint Lawrence.

2nd. The removal of obstructions in the River Saint John, now preventing navigation between Fredericton and the Grand Falls.

3rd.

3rd. The improvement of the Great Road between this Province and Canada.

4th. The erection of Dry Docks in this Harbour.

First.—On the subject of the Canal, I beg leave to observe that this object has, year after year, secured the attention of the Chamber of Commerce, that they have had many and lengthy communications regarding it, not only with various Honourable Gentlemen, Administering the Government of this Province, but also with the Governor General—the Lieutenant Governors of Nova Scotia and Prince Edward's Island, and with several of the Mercantile Bodies in North America.

Herewith you will find the "Observer" Newspaper of the 24th July, 1838, containing Copy of our Petition to His Excellency's Predecessor in Office—Copy of a Petition to Her Most Gracious Majesty, dated 30th July, 1839—Copy of Lord John Russell's Letter of 31st October, 1839, in answer thereto, stating that he would on funds being provided, "appoint some one for the work thoroughly conversant with the science of Civil Engineering." The varied and anxious labors of the Chamber of Commerce have however only tended to the obtaining of £1,000 from this Province, £500 from the late Governor General, Lord Sydenham, and £200 from the Legislature of Prince Edward's Island, in all £1,700, currency, towards such Survey, but which sum, it is supposed would be ample to secure a first rate Civil Engineer for the service, and which we hope will now speedily be done. Any Survey made by a person whose name stood high in Great Britain as a Civil Engineer, would insure respect for such conclusions as he might arrive at, as to the practicability of the work, and tend much to facilitate the procuring of private funds, should the work not ultimately be done by all the Colonies under an understanding with the Mother Country, as a joint labour. It is the *practicability* of the work, not its *exact cost*, of which the public wish to be satisfied, before any steps in respect to funds are adopted. The Reports of the Chamber of Commerce for 1838, 9, 40, and 41, are also herewith, and will show that this subject has constantly had their best attention.

Second.—Probably no undertaking, strictly Provincial, would be more popular than such improvements in the navigation of the River Saint John, between Fredericton and the Grand Falls, as would enable craft drawing three feet of water to reach the Tobique. A Survey of the range was made by Messrs. Ellison and Hay, at the instance of Sir John Harvey, during the year 1838, and though the Members of the Chamber of Commerce have no data to guide them beyond those furnished by the Report of those Gentlemen, and by a cursory view of the River between the two places, yet they are not disposed to think it would prove either a difficult or costly undertaking to lock up the Tobique, allowing three feet of water even in the lowest state of the River. That money could with facility be procured by the Province on good terms in Great Britain to complete those two expensive works, is without a doubt, but the Legislature would have to pass an Act for securing the interest; and to do so, would first have to consider whether the benefits to arise would in a reasonable time provide for the interest, and in the long run, in money or other advantages, repay the outlay. That some such works will require to be commenced if any change in the Timber and Deal Trade takes place, is certain, or very many persons will leave the Province, as money for a time will disappear and the demand for labor be vastly reduced.

Third.—In the present unsettled state of affairs regarding the Boundary Line, any improvements

improvements in the communication between this Province and Canada, unless confined to such parts as are within the acknowledged limits belonging to Great Britain, would, as His Excellency well knows, be subject to many objections; but this item in your Letter, anxious as the Chamber may be to point out what would tend to facilitate communication, and consequently promote Trade, they nevertheless respectfully think, too entirely within the views of the Executive to debate upon.

Fourth.—Some years since, Surveys and Plans of Dry Docks, fit not only for the reception of our own Vessels, but also for Ships of War, were made and sent to the Lords of the Admiralty, under the hope that some encouragement might be held out by Government, but the application failed; and since then, though all allow the advantage which such Docks would yield in repairing Vessels, and the facility of their construction, where the rise and fall of Tide is so great, yet no movement has taken place, and the present distressed state of Trade offers no inducement for undertaking such a work by individuals.

With respect to any alteration or modification in the Duties on Foreign or Colonial Wood Goods in Great Britain, or any changes which will bring Foreign Timber and Deals in a greater degree to compete with similar productions from British North America, the Chamber of Commerce most respectfully reiterates the opinions from the various sections of the Province, which were forwarded to the Home Government by His Excellency, copies of which are contained in the printed Parliamentary papers on the subject of the Timber Trade, enclosed in your Letter of the 13th instant, and to which His Excellency has called the attention of this Body. The Chamber of Commerce also beg to refer His Excellency to the Petition (Copy herewith marked F,) from the Merchants, Ship Owners, and others of this City and County to Her Majesty and the Imperial Parliament, almost unanimously signed by the inhabitants in May last, and since forwarded for presentation. Those Petitions strongly convey to Her Majesty's Government the great apprehension entertained by all classes of Her Majesty's subjects in this Province, of the ruinous consequences which would inevitably result from any alteration in the Wood Duties, and the Chamber of Commerce most fully concur in the allegations therein set forth. On reference to His Excellency's Communication to Lord John Russell, dated the 8th June last, to which the attention of the Chamber of Commerce has been directed, wherein His Excellency has been pleased to remark "that he entertains a hope that the demand for Timber in the American and West India Markets, will be progressively extended, and may eventually afford an equivalent for losses which may be apprehended from the effect of competition in England," the Chamber of Commerce most respectfully beg to assure His Excellency, that the export of Lumber from this Province to the British West Indies, even in the present state of the Trade, is fully sufficient to meet the consumption in that quarter, and if an increased demand should spring up (of which there is no hope) it could be sent from this Province without enhancing the cost at the Ports of Shipment. As to the American Market, no demand can be expected from that quarter; a heavy Protection Duty on Lumber guards this branch of Trade in the United States, independent of which, prices are as low there, as in this Province, consequently our Staple Trade has nothing to hope for from those quarters, to alleviate the injury which would be sustained by every branch of industry in this Province, should a change be made in the existing Duties on Timber and Deals in Great Britain.

You

You will oblige, by drawing the attention of His Excellency to the accompanying Copy of a Letter from Lord Glenelg, on the subject of a Survey of the Bay of Fundy, which it was understood would have been commenced before now, as will be perceived on perusing the Documents marked A to E herewith; and the Chamber of Commerce would respectfully solicit His Excellency to ascertain from Captain Bayfield, when the Survey of this Coast is likely to commence, as not only the property of the Merchant, but the lives of so many men are deeply interested in its completion.

The printed Document which you so kindly sent, is now returned, and at your convenience you will please send back the papers belonging to the Chamber of Commerce, which accompany this Letter—and if the Canada Acts for the Boards of Trade in Quebec and Montreal could be loaned us for twenty four hours, they would be sent back with thanks.

I have, &c. &c. &c.
(Signed)

L. DONALDSON, *President.*

I. WOODWARD, *Secretary.*

Papers enclosed.

- “ Parliamentary Report regarding Survey of the Bay of Fundy. A to E.
- “ Regarding Canal, Nos. 1 to 7.
- “ Petition on Timber Duties.
- “ F. This need not be returned.

(Copy.)

Fredericton, N. B., January 11, 1842.

GENTLEMEN,—I am directed to acknowledge your Letter of the 31st December, and am to inform you that the Lieutenant Governor will not fail to bring under the consideration of the Legislature the important objects to which you have referred therein, and to communicate further with Her Majesty's Government and with Captain Bayfield respecting the Survey of the Bay of Fundy.

The depression to which the Commerce of Saint John is at present subject, extending as it does to Great Britain and other Countries with which it is connected, will, it is hoped, subside with the renewal of general intercourse and activity, and looking to the great Agricultural, Mineral and Maritime resources of the Province; the Lieutenant Governor hopes that it will in future be less exclusively dependant on one branch of Commerce however important. His Excellency hopes also that the Financial and monetary affairs of the Province will engage the attention of the Legislature, with a view to placing the public credit upon a staple basis.

I have, &c. &c. &c.

(Signed)

A. READE.

P. S.—The original papers forwarded in your letter are herewith returned.

(Signed)

A. R.

I. DONALDSON, and I. WOODWARD, Esquires.

CANAL PAPERS.—No. 1 to 7.

No. 7.—Despatch from Lord John Russell to Sir John Harvey, dated Downing Street, 31st October, 1839.

No. 6.—Copy of a Petition to the Queen, praying an Engineer may be sent from Great Britain to Survey the route for a Canal from the Gulf of Saint Lawrence to the Bay of Fundy.

No. 5.

No. 5.—The Weekly Observer, dated Saint John, Tuesday, July 24, 1838.

No. 4.—Chamber of Commerce Report, 1841, dated 29th April, 1841.

No. 3.—Chamber of Commerce Report, 1840, dated 29th April, 1840.

No. 2.—Chamber of Commerce Report, 1839, dated 29th April, 1839.

No. 1.—Chamber of Commerce Report, 1838, dated 29th April, 1838.

Survey of Bay of Fundy Papers. A to E.

Extract from Journals, 1837–8. D.

Copy of Note, Captain Bayfield to Sir John Harvey, Quebec, 11th November, 1837. C.

Captain Tryon, Fredericton, 23d November, 1837. B.

Sir John Harvey's answer to communication from the Board on the subject of Survey of Bay of Fundy, 21st October, 1837. A.

Copy, Lord Glenelg, 29th August, 1838. E.

A. READE, Esquire, &c. &c. &c.

No. 4.

[See Journal 3d February, 1842.]

(Copy.)—No. 7.

Downing Street, 1st October, 1841.

SIR,—I have to acknowledge the receipt by my predecessor, of your Despatch, No. 46, of the 11th of August last, with its enclosures, relative to the state of the Prisons of the Province of New Brunswick.

Having referred this subject for the consideration of the Commissioners of Prison Discipline in this Country, I now transmit for your information and guidance, a copy of their Report, and of the Rules and Regulations to which it refers.

I have, &c. &c.

(Signed)

STANLEY.

N. B.—4 and 5 Reports will be sent next mail.

His Excellency Sir W. COLEBROOKE, &c. &c. &c.

(Copy.)

Raymond Buildings, 23d September, 1841.

SIR,—We beg to acknowledge the receipt of your letter, dated the 4th instant, transmitting by direction of Secretary Sir James Graham, for our Report and observations thereon, a copy of a Despatch from the Lieutenant Governor of New Brunswick, together with the several enclosures, on the state of the Prisons and Prison Discipline in that Province.

In reply, we beg to state that we have carefully examined these several documents, and we enclose a memorandum containing a summary of the defects which are stated to exist in the Prisons in New Brunswick, and which the Lieutenant Governor is so anxious to remedy. It appears however from his Despatch, No. 46, dated the 11th August last, that further Legislative powers are necessary to remove the evils complained of in the County Prisons, and to effect an entire revision in their management. We submit that the Act which will be required for this purpose should contain provisions to the following effect:—

1st.

1st. To raise and appropriate funds for the building, rebuilding, repair, alteration, support and management of Prisons.

2nd. To appoint visiting Trustees and to prescribe their duties.

3rd. To enact certain Statutory Rules to be observed in all Prisons.

4th. To give powers to make additional Rules to be submitted to the Lieutenant Governor, and to be altered, added to and certified by him.

5th. To appoint Keeper, Chaplain, Surgeon, Matron and Subordinate Officers.

These points comprise the principal subjects for enactment, and we submit that in order to assist the authorities in framing the Act, it will be desirable to transmit to the Lieutenant Governor, copies of the Acts for the regulation of Gaols in this Country, viz :—4th G. IV. c. 64, 5th G. IV. c. 35, 5th and 6th W. IV. c. 38, and 2nd and 3rd Victoria, c. 56.

We concur in the opinion expressed by the Lieutenant Governor, that Inspectors of Prisons should be appointed.

As considerable advantage may result from the transmittal to this Country of Plans for the erection of new Prisons, before they are determined upon, we beg to suggest whether instructions may not be given to this effect.

We would further recommend that copies of the Official Code of Rules for the government of Prisons be sent to the Lieutenant Governor, together with extracts from the 2nd, 3rd, 4th and 5th Reports of the Home Inspection of Prisons, which contain plans and information on the subject of Prison construction.

We herewith return the several enclosures of your Letter.

We have, &c. &c. &c.

(Signed)

WM. CRAWFORD,
WHITWORTH RUSSELL,
Inspectors of Prisons.

S. M. Phillips, Esq. &c. &c. &c.

Summary of the Reports on the County Gaols, in the Province of New Brunswick, transmitted by the Lieutenant Governor in His Despatch (46) dated the 11th August, 1841.

County Gaol, Gloucester—Building decayed—affords no security for safe keeping of Prisoners—Debtors experience extreme suffering from heat in Summer—want of space—no yard—no established Rules—no attendance of Chaplain—no Bibles or Prayer Books—no labour or employment—no fixed Dietary—no exercise in the open air—no restriction on convicted Prisoners receiving communication from friends—a fee of ten shillings for every Debtor.

County Gaol, Carleton—No female officer—money allowance instead of a fixed Dietary—no allowance of clothing or bedding—no labour or employment—no attendance of a Chaplain—no Bibles or Prayer Books—no apartments for the sick—an insane Prisoner in confinement—convicted Prisoners not prohibited from receiving visits or letters—a fee of seven shillings and six pence for each Debtor.

County Gaol, Kent—No allowance of bedding or clothing—a money allowance instead of a fixed Dietary—no yard—no labour or employment—no attendance of a Chaplain—no Bibles or Prayer Books—Dissenting Ministers not allowed access to the Prisoners—convicted Prisoners not prohibited from receiving visits or letters—a fee of ten shillings for each Debtor. County

County Gaol, Sunbury—No allowance of clothing or bedding—no labour or employment—no attendance of Chaplain—no Religious instruction—no Bibles or Prayer Books—a fee of eight shillings for each Debtor.

County Gaol, Northumberland—No female officer—no allowance of clothing or bedding—no attendance of Clergymen—no Religious instruction—no Bibles or Prayer Books—no separate apartment for the sick.

County Gaol, York—No airing yard—no labour or employment—no attendance of Chaplain—no Religious instruction—no Bibles or Prayer Books—convicted Prisoners not prohibited from receiving visits—a fee of seven shillings and six pence for each Debtor.

City and County Gaol, Saint John—No allowance of clothing or bedding—no yard—no stated attendance of Clergymen—no Bibles or Prayer Books—no place set apart for the sick—convicted Prisoners not prohibited from receiving visits—a fee of five shillings for each Debtor—Rooms in basement very damp and very injurious to health—*The principal story*—Rooms not properly ventilated, considered injurious in Summer to the health of the Prisoners when confined for any length of time. The delapidation of the building great.

County Gaol, Queen's County—Female Prisoners not necessarily attended by females—no allowance of bedding or clothing—communications with convicted Prisoners not prohibited.

County Gaol, King's County—No yard—a money allowance instead of a fixed Dietary—no allowance of bedding or clothing—no labour or employment—no attendance of Chaplain—no Religious instruction—no Bibles or Prayer Books—communications with convicted Prisoners not prohibited.

County Gaol, Charlotte County—No clothing or bedding—no systematic instruction—no labour or employment—communication with convicted Prisoners not prohibited—a fee of two shillings for each Debtor.

County Gaol, Westmorland—No female officer—two Rooms only for Criminals and Debtors—no labor or employment—no attendance of a Chaplain—no Religious instruction—no Bibles or Prayer Books—no apartment for the sick—communications with convicted Prisoners not prohibited—money allowance instead of fixed Dietary.

(Copy.)—No. 8.

Downing Street, 2d October, 1841.

SIR,—I have to acknowledge the receipt by my Predecessor of your Despatch, No. 38, of 26th of July last, transmitting an Act, (No. 1385) entitled "An Act to establish a Provincial House of Correction."

Having referred this Act for the consideration of the Inspectors of Prisons in this country, I now transmit for your information a Copy of their Report, and I have to instruct you to bring under the consideration of the Council and Assembly, the suggestions of the Inspectors in whatever form you may consider such Communication can be most properly and conveniently made.

In the mean time, Her Majesty's decision on this Act will be suspended.

I have, &c.

(Signed)

STANLEY.

His Excellency Sir WILLIAM M. G. COLEBROOKE, &c. &c. &c.

(Copy.)

(Copy.)

Raymond Buildings, 22d September, 1841.

SIR,—We beg to acknowledge the receipt of your Letter, dated 14th instant, transmitting by directions of Secretary Sir James Graham, for our Report and observations thereon, a copy of an Act passed by the Legislature of New Brunswick, (No. 1385) to establish a Provincial House of Correction.

In return, we beg to observe, by the 6th Clause of this Act, power is given to certain Commissioners to make Rules and Regulations for the government of the Prison, subject to the revision of the Lieutenant Governor in Council. In framing the Gaol Acts in England, the Legislature considered it indispensable that certain rates, from their importance and general application, should be made statutory. We therefore submit that the same course should be adopted with reference to the Act for the establishment of a Provincial House of Correction in New Brunswick, and that a Clause should be introduced preceding Clause VI. to the following effect:—

“And be it further enacted, That the following Rules and Regulations shall be observed and carried into effect in the said House of Correction, so far as such Rules may be applicable or can be applied to the particular description or class of Prisoners confined in such Prison;” and the Rules contained in the 4th G. IV. c. 64, s. 10, should be inserted in the above Clause, with such modifications as local circumstances may render necessary.

We further submit that the 6th Clause should be so amended as to enable the Commissioners to make such additional Rules as they may deem expedient, with similar powers to those conferred on Courts of Quarter Sessions in this Country, for which purpose we submit that the Clause should be altered in the following manner:—

“And be it further enacted, That it shall and may be lawful for the said Board of Commissioners, at any and at all times, to make such further and additional Rules for the government of the said House of Correction, and for the care and superintendence of the Prisoners, and for the duties of the Keepers and Officers of the said establishment, as to them may seem expedient; and the said Board of Commissioners are hereby required forthwith, on the making of any such additional Rule or Rules, to transmit a Copy thereof to the Lieutenant Governor or Commander in Chief for the time being, and it shall be lawful for the said Governor or Commander in Chief for the time being, with the advice of the Executive Council, at any time or times to amend any such Rule or Rules, or to make additional Rules thereto, and also to annul the same or any of them, and to subscribe a Certificate that such Rules and Regulations as submitted to him, or amended, or added to, shall be binding upon all persons whomsoever; provided always, that all such additional Rules and Regulations shall be consistent with and conformable to the Rules and Regulations contained in this Act; printed Copies of which Rules shall be posted up in some conspicuous place in the said House of Correction: and no Rule which shall be made after the time appointed for this Act to go into operation, for any of the purposes aforesaid, shall be of any force until a Certificate shall have been duly subscribed by the said Lieutenant Governor,” &c.

With reference to the 7th Clause, we submit that the words “added to” be inserted after the word “amended” in the third line.

With reference to the 8th Clause, we beg to suggest that it should be amended so
as

as to render the appointment of a Keeper, Chaplain, Surgeon and Matron indispensable, and that it shall not be lawful to dispense with any of those officers. For which purpose we submit that the 8th Clause should be altered in the following manner:—

“And be it further enacted, That the said Board of Commissioners shall have full power and authority at any and at all times, and they are hereby required to nominate and appoint a Keeper, Chaplain, Surgeon, Matron, and other requisite officers, other than the Commissioners appointed in and about the said House of Correction, and them and every of them to remove; provided that it shall not be lawful for them to take away or discontinue any of the offices of Keeper, Chaplain, Surgeon and Matron; and the said Board shall and may,” &c.

We submit whether it may not be advisable, in order to assist the Colonial Government in framing Rules for the Provincial Prison, to transmit some copies of the Official Code of Prison Rules to the Lieutenant Governor of New Brunswick.

We return the enclosure to your Letter, &c.

We are, &c.
WM. CRAWFORD,
WHITWORTH RUSSELL,
Inspectors of Prisons.

(Copy.)—No. 9.

Downing Street, 8th October, 1841.

SIR,—I have the honor to acknowledge the receipt of your Despatch, No. 38, of the 26th July last, transmitting a series of Acts passed by the Legislature of New Brunswick during the last Session; accompanied by your observations upon them, and the report of the Provincial Attorney General.

I have the honor to enclose an order passed by Her Majesty in Council on the 6th instant, leaving all these Acts to their operation, with the exception of those mentioned in the accompanying Schedule, which are under reference to various other Departments, and No. 1344, relating to the Parish of Portland. As this Act relates to a subject on which it is desirable to obtain the opinion of the Bishop of the Diocese, and as your Despatch does not state that His Lordship has had an opportunity of examining the Act, you will have the goodness to inform him that I am desirous to receive his opinion upon it before submitting it to the decision of Her Majesty in Council.

In reply to the latter part of your Despatch, I have to acquaint you, that provided the copies of the Acts are duly authenticated, there is no objection to the transmission of them in Print rather than in Manuscript, provided I receive six copies of them with as little delay as possible after they have been passed.

I have, &c. &c. &c.

(Signed)

STANLEY.

Sir W. M. G. COLEBROOKE, &c. &c. &c.

(Copy.)

Schedule of New Brunswick Acts under reference to Public Departments.

No. 1345.—An Act in further amendment of the Law.

No. 1347.—An Act to continue an Act to provide for the prompt payment of all demands upon the Provincial Treasury.

No. 1361.

No. 1361.—An Act to extend the provisions of an Act, intituled “An Act to encourage the establishment of Banks for Savings’ in this Province.”

No. 1364.—An Act relating to Buoys and Beacons in the Harbor of Shediac, in the County of Westmorland.

No. 1370.—An Act to extend the provisions of an Act for the increase of the Capital Stock of the Central Bank of New Brunswick.

No. 1372.—An Act to incorporate the Westmorland Mining Company.

No. 1373.—An Act to incorporate sundry persons by the name of the Atlantic Assurance Company.

No. 1375.—An Act imposing Duties for raising a Revenue.

No. 1380.—An Act to grant a loan of six thousand pounds to John Walker, of the City of Saint John.

No. 1381.—An Act to amend the Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

No. 1382.—An Act to amend an Act to incorporate the Central Fire Insurance Company of New Brunswick.

No. 5.

[See Journal 17th February, 1842.]

Saint John, 8th February, 1842.

SIR,—I have the honor to forward a Design for a Chain Suspension Bridge at the Grand Falls, prepared by Lieutenant C. Webber Smith, R. A., which I request you will submit to His Excellency the Lieutenant Governor for his consideration.

This Bridge is upon the principle of Dredge’s Patent Taper Chains, which I understand has lately been tested in England with much success, and I consider better adapted to a situation such as that I understand the Grand Falls to be, with high and precipitous banks, than a Bridge upon any principle which may require support during its construction. The difficulty of raising scaffolding, or of forming any support for the erection of a wooden Bridge in such a situation I am of opinion would be attended with very great labour and expense, whilst the perishable nature of the material would render repairs frequently necessary. I consider therefore that a Chain Suspension Bridge could be erected at the Grand Falls at much less expense than any other; and in any attempt to interrupt the communication across the River by an enemy, a wooden Bridge could be much more easily destroyed than one of metal. The probable expense of the chains and other iron work, which is inserted in accompanying estimate, has been derived from Mr. Dredge’s public statements, as also from a private communication from that gentleman recently made to Lieutenant Smith, but this and other items in the estimate can only be considered as approximate, as correct calculations of the quantity of masonry required for the Piers or Abutments, the length and consequently exact weight of chain and quantity of timber and labour necessary for forming the Roadway, cannot be made, (as stated in a former letter to you on this subject) without being furnished with accurate information of the span and relative height of the opposite Banks of the River, together with a profile or section of

of the adjoining ground on each side. A statement also of the nature of the rock or soil of which the banks are composed is also required, as upon this will depend the means to be provided to secure the ends of the chain.

In the event of Lieutenant Smith's Design being favorably considered by His Excellency, and by those best acquainted with the nature and circumstances of the locality, I would beg to suggest that when Plans and Reports upon the subject first mentioned are received, that they together with Lieutenant Smith's Design should be forwarded to Mr. Dredge, who from his practical experience would be enabled to correct any error in the proposed Plan and estimate as regards the weight and cost of chains and labour of connecting and securing them.

This being once ascertained, and the amount now estimated being found adequate for the purpose, no material difference in the actual and estimated cost of erecting the Piers and constructing the Roadway need be apprehended, the estimate upon these items being founded upon Provincial data.

I consider Lieutenant Smith's proposition, to have a competent person sent from England to superintend the fixing of the Chains, highly desirable, as although some extra expense would apparently attend this measure, yet I am satisfied that a considerable saving both in time and labour, as also in money, and an increased confidence in the security of the Bridge, would be the result.

I have the honor, &c.
(Signed)

T. BATTERSBEE,
Capt. R. Engineers.

A. READE, Esquire, &c. &c. &c.

SIR,—I have the honor to forward for Your Excellency's inspection a Plan for a Bridge over the River Saint John, at the Grand Falls; the span is 235 feet, width 24 feet, and it is capable of bearing 500 tons weight, being two thirds more than it can at any time be fairly loaded with. Cost under £2000, Sterling. Time necessary for its completion, 60 days.

The Plan is on Dredge's Principle, which has been proved to be the best and cheapest. In August last he built some suspension Bridges in Regent's Park for Government, which have been found to answer perfectly.

The roadway for this bridge being 24 feet wide, I have thought it necessary to have three chains instead of two, thereby making 2 roadways and entrances as seen in figure 3, of the accompanying Plan, as by reducing the transverse beams to one half of what they otherwise would be, I gain four times the power. The weight of each separate chain being reduced, the weight of the 3 and their cost is the same as if there were but 2. Mr. Dredge (the Patentee) has written to me, stating that he highly approves of this plan, and in future will propose its adoption in Bridges of this or greater width. These chains are passed over the abutments A and B where they rest upon Cast Iron Rollers, (their own weight keeping them steady) and being carried on at the same angle at which they deflect from the abutments are buried and secured in the rock. It is highly important that the angles formed on either side of the abutments by the chains should be equal, as otherwise the pressure on the points A and B would not be vertical. Not knowing the ground, it is impossible for me to point out the best way of securing the chains, but from what I have heard of the rocky state

state of the proposed site, I should think it could be effected easily and at little expense. The undulating motion and lateral vibrations being most destructive to the suspension principle, I have thought it advisable to introduce the chains C C in figure 1 and 2, by which both are completely done away with. These chains are started at a distance below the road way sufficient to allow them to assume nearly the same curve as the suspending chains, which they are made to do by rods connecting them to the road way. They are made fast to and run along the longitudinal beam of the centre section of the bridge (C D E F figure 2,) at the opposite side of the road way from their starting point. Thus crossing each other at about half way between the centre of the bridge and the abutment. They are connected to, and their weight (only 16 cwt.) evenly distributed over the roadway, by iron rods crossing the lateral axis of the bridge and made fast to the transverse beams at equal distances from the centre of the Bridge. Thus it will be seen that no undulatory motion can arise as the Bridge is held down at all points by these chains I E F K, figure 2, G C D H, no lateral motion can take place, as should the bridge have a tendency to move or swing in the direction of C D figure 2, it is withheld by the chain G C D H; towards E F, it is kept steady by the chain I E F K.

The damages sustained by the Menai Bridge in the year 1837, 38, were hardly covered by £8000, Sterling. The whole said to be the effects of lateral vibrations.

The destruction of the 3rd span of the Chain Pier at Brighton, was owing to undulations arising in the centre part of the span. I do not think that bridge built on Dredge's principle over the River Saint John at the Grand Falls, would be safe without these guys for this reason. The chief point in Dredge's principle, is extreme lightness in the centre of the bridge, from the great elevation above a running stream, and so close to Falls there must constantly be a small current of air playing under the roadway, which from its extreme lightness in the middle, would be constantly kept in a state of vibration; when that vibration is once started, it takes comparatively but a small force to increase it, and if half a gale of wind lasted for four or five hours, I think it would break up the bridge.

I should likewise recommend iron longitudinal beams to be used; the transverse beams would require simply to be laid upon them, and when the timbers decayed, repairs might be effected without interfering with the frame. I should likewise recommend that the bridge be put up at as near as possible a mean temperature, and that the iron work be rubbed over with a non-conductor of heat. There is no danger to be apprehended from the action of cold upon it, as there is an Iron Suspension Bridge at Saint Petersburg, which has been found to answer well, but I do not know how the sudden changes from heat to cold, and *vice versa*, that occur in this climate, might affect it. Working Plans of the Masonry and the way of carrying the chains over should accompany this, but cannot be drawn without an accurate plan and section of the ground.

The following estimate is as near as I can bring it without the Plans:—

Estimate in Sterling Money.

IRON WORK.

Iron Chains, 10 tons at £25 per ton,	£250	0	0
Clamps, Bars, Rollers, &c. 5 tons, at £25 per ton,	125	0	0
Longitudinal Beams, 6 tons, at £25 per ton,	150	0	0
Freight from England to Saint John, at £1 per ton for 15 tons, the longitudinal Beams being made in Saint John,	15	0	0
Transport from Saint John to Grand Falls, 21 tons, at £5 per ton,	105	0	0
Shipping and unshipping 15 tons,	5	0	0
Labor to put Chains over the River and moor it, and Guy Chains to blast for mooring and put the Chain together :			
10 men, at 8s. per day, for 30 days,			
10 do at 4s. do do to help manning Capstern and also to blast and bore,			
Superintendence—one man to come from England, who shall have seen the iron work tried and packed up, to be here when the masonry is finished and the iron work ready to be put up. Expenses, &c. from Liverpool to Grand Falls, £100; £1 12 6 per day, for 30 days, whilst superintending, and £1 a day whilst travelling, say £30, and other expenses about £98 10s.	277	5	0
Total cost of all iron work, including every thing,	£1107	5	10

MASONRY, INCLUDING LABOUR, &c.

Two abutments of stone work with two arches in each, (figure 3,) containing 115 perches at £1 per perch,	£230	0	0
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WOOD WORK.

Transverse Beams,			
156 pieces Timber, 13 feet long, and 6 × 12,	12,167		
60 uprights, 5 feet, 6 × 4,	600		
471 do 6 × 4,	942		
120 do 7 feet, 4 × 1½,	420		
235 feet by 24 feet 3 inches, plank flooring,	16,920		
	30,449		
30,449 at £1 12s. per M.	£48	16	0
Labor for do	50	0	0
Treenails,	10	0	0
Total cost wood work,	£108	16	0
Tools, Powder for blasting,	50	0	0

RECAPITULATION.

RECAPITULATION.

Total for iron, labor for do.	£1107	5	0
Total for masonry with labor,	230	0	0
Total for wood work with labor,	108	16	0
Tools and Powder for blasting, &c. &c.	50	0	0
Extra for contingencies,	200	0	0
	£1696	1	0

I have the honor, &c.
(Signed)

C. WEBBER SMITH,
Lt. R. A.

No. 6.

[See Journal 21st February, 1842.]

Saint John, 16th February, 1842.

SIR,—I beg leave to submit the following statement for the consideration of His Excellency:—

During my absence from Saint John in forming a Settlement at Eel River, my son received applications for ungranted Lands from one hundred and fifty persons. The total number of applicants at my office now amount to three hundred, and the whole number of persons in this City and its vicinity who are desirous of settling upon wild Lands is not less than one thousand; but the greater part of this number are too poor to sustain themselves while they are clearing for and raising a crop.

Of the three hundred who have applied to me for information and advice, thirty require no aid from the Government; ten of them have been sent to Eel River, ten wish to settle upon the Saint Andrews Road on the Magaguadavic, and ten are preparing to leave for the Victoria Settlement. I have thought it advisable to separate them in divisions, as they afford assistance to the poorer classes wherever they go. One hundred could be settled with an advance of five pounds for each family, and one hundred and seventy families could be settled at eight pounds per family, including the cost of seed for the first crop. It has now been satisfactorily proved that Settlements can be formed in this Province at any season of the year, and such as are made in the Winter will have the advantage of a crop during the ensuing Summer.

One of the good effects of opening a new Settlement is the spirit of others to follow the first pioneers. A number of persons of considerable property are now embarking for Eel River, where the first difficulties have been overcome, and several persons from Ireland have already written to their friends to join them in the Spring.

It is much to be regretted that so many families have been so far reduced by recent changes in the price of labour that they are unable to support themselves in the forest while a crop is being prepared for; but to direct the attention of these persons to Agriculture and to aid them in clearing the Wilderness Lands, is not only an act of benevolence but also one of great importance to the Province—if properly conducted it would lay the foundation of a sound Emigration hereafter.

If any funds could be appropriated to the establishment of new Settlements, I would beg

beg to suggest the propriety of making no advance to any person until he had commenced operations on his Lot, and that a specific sum *only* be supplied to each individual in provisions and seeds, to be paid for in labour on the Roads.

At the present, all the time of myself and son is devoted to this class of men, and all the means within my power have been employed in aiding them.

I have reason to regret that so many persons of wealth and influence have not directed their attention to this important object; and in thus bringing the matter very briefly to His Excellency's notice, my desire has been to communicate a few facts which have fallen under my observation, and which are offered in behalf of the poor but willing Emigrant and settler.

I have the honor, &c.

(Signed)

A. GESNER.

Alfred Reade, Esquire, Private Secretary, &c.

Secretary's Office, 18th February, 1842.

SIR,—In answer to your Letter of the 16th instant, on the subject of settling persons on Wilderness Lands, I am directed by His Excellency the Lieutenant Governor to inform you that the question is under the consideration of the Legislature, having been specially referred to them by His Excellency.

That on the Association being formed, for the settlement of the Land selected, the necessary Surveys will be made, and Commissioners appointed to open communications and carry on any local improvements which the settlers may collectively engage to execute, and for which advances may be made, but that Funds cannot be advanced to individual settlers.

I am, Sir, &c.

(Signed)

WM. F. ODELL.

Dr. A. GESNER.

No. 7.

[See Journal 22d March, 1842.]

(Copy.)—No. 31.

Downing Street, 29th January, 1842.

SIR,—With reference to my Despatch of the 9th of December, on the subject of your proposal for effecting a consolidation of the Revenue Departments of New Brunswick, I have to transmit to you the extract of a Report from the Commissioners of Customs, dated the 13th instant, and to inform you that the Lords Commissioners of the Treasury have signified their readiness to afford every proper facility for the collection of the Provincial Duties, by the Officers of Her Majesty's Customs. Their Lordships, however, will defer the consideration of any arrangement which, it may be advisable to adopt for this purpose until they shall have before them the suggestions of the Commission to whom you intend to refer the subject, and the information called for by the Commissioners of Customs.

The Lords of the Treasury have further stated that they will postpone any specific instructions upon the subject of the Financial arrangements of the Province, until you shall have furnished the information required by their Letter of the 30th of November.

But

But adverting to the suggestions thrown out in your Despatch of the 12th of November, of appropriating a portion of the Revenue of the Province to defray the interest of funds to be raised for the execution of "reproductive works," their Lordships would caution you against giving your sanction for the adoption of any measure for raising money, and anticipating the future Revenue of the Province, for the sake of Public Works, without having previously obtained the authority of Her Majesty's Government.

I have the honor, &c.
(Signed)

STANLEY.

Extracts from Despatch No. 28, Dated 21st June, 1841.

Referring to my Despatch, No. 9, dated 29th May, forwarding the Blue Book for 1840, I have now the honor to submit the observations which an examination of its details has suggested to me in regard to the state and prospects of the Province.

1st.—Taxes, Fees, Duties, &c. &c. Page 1, 14.

The collection of various Duties upon the same articles through Her Majesty's Customs and the Provincial Treasury is productive of inconvenience and unnecessary expense to the public.

The Deputies from the Provincial Assembly, when in England, stated to Lord Glenelg in their letter dated 19th July, 1836, "That in every Port and place in New Brunswick where there is an officer of Customs, there is also one for the protection of the Provincial Revenue, and it was considered by them that one officer might discharge the duties of both, which as they stated, would not only reduce the expense of collection, but would also facilitate and benefit the Trade of the Country.

In these observations, urged by the Assembly on the attention of Her Majesty's Government, I am disposed to concur, and I would recommend as in several other Colonies, that the officers of Her Majesty's Customs should be authorized and directed to collect and pay over the Duties raised under the Provincial Acts. By this arrangement, the Provincial Treasury would admit of being removed to the Seat of Government at Fredericton, from Saint John, where it is now established, to enable the Treasurer to collect the Duties at that Port, a duty which now devolves upon him.

Revenue and Expenditure, Page 19, 33.

The late period at which the Blue Book for the past year has been made up, renders it necessary to advert to the present state of the Provincial Finances, and the prospect which they hold out.

I consider that a stricter adherence to the prescribed form in making up the Abstract would be desirable, and that the objection stated at page 21 is insufficient.

The fixed Revenue may be admitted to include the Duties collected under Acts of Parliament, or Acts of the Province, and much advantage would attend the separation of the ordinary and contingent expenditure.

The balance on the 30th December, 1839, being stated at £61,349, and that on the 31st December, 1840, £7,944, the difference, £53,405, may be assumed as the excess of expenditure over the receipts in 1840, and from the enclosed statement of the Finances for the current year, the deficiency is estimated at £48,350 sterling.

Your

Your Lordship will observe, that a practice prevails of taking up credits with the Private Banks in the Province to meet these deficiencies, and also of allowing interest on outstanding Warrants,—that £36,368 currency, is thus due to the Bank of New Brunswick, and £24,795 currency, upon Warrants. The Provincial Act for sanctioning this arrangement has been renewed in the last Session. For the sums deposited in Savings' Banks, Treasury Bonds are issued, the amount of which by an Act of this Session may be increased to £20,000.

I hope that all impediments will be removed to the issue of negotiable securities at such a rate of interest as will be adequate to sustain their credit for the sums which the Province may have to raise to meet its disbursements.

In reviewing these disbursements Your Lordship will observe that considerable sums have been granted in the past and present years for Roads and Bridges, and for Schools; that these disbursements may be more effectually regulated than at present appears to be generally admitted, but no doubt can be entertained of the Public advantage resulting from such expenditure, and I would observe, that as seven eighths of the land or fourteen millions of acres are estimated to be at the disposal of the Crown and unreclaimed, it is obviously impossible that the inhabitants of the settled parts of the Province from their own resources can defray the expenses required to be incurred in opening so vast an extent of wilderness to an Emigrant population, but the works required being reproductive, when the Country has been settled, there can be no difficulty in raising the funds required for the purpose, and of providing for the payment of the interest and ultimate redemption of the principal.

The remark, page 33, as to the increase of expenditure, indicates the irregularity consequent upon the mode of providing for the Public expenses; Warrants for sums payable at the Treasury remaining outstanding at interest, and the amount not brought to account within the year, causing an excess or diminution of the charges of one year with another.

Local Revenues, Page 35, 39.

The adoption of effectual measures for the formation of settlements by European Emigrants on the wilderness lands would greatly augment the Revenue arising from the sales of lands, and without diminishing for a considerable time that derived from Timber cut on the reserve lands.

Tracts of land in favourable situations for such settlements in different parts of the Province have been selected, and are in progress of being surveyed, and Emigration Societies are organizing in the several Counties.

Public Works, Page 51, 53.

It would be very desirable that the accounts of expenses incurred under this head should be kept in such a manner as to admit of the Return being filled up. By the Acts referred to, considerable Appropriations are annually made at the discretion of the Assembly in aid of the construction of Public Roads and of Bye Roads; and although the appointments of Supervisors for the Public Roads are made by the Lieutenant Governor, there is no effectual controul over the expenditure, as the accounts have not been rendered to the Executive Government, but reserved for audit by the Assembly in the following year.

The Bye Roads are superintended by Commissioners, and the same observation is applicable

applicable as to the want of adequate control over the expenditure upon them. No surveys or estimates are prepared.

As the work is required to be finished by the 1st of October, I have ordered the accounts to be rendered to me by the middle of that month, and I hope that the Assembly will concur with me in the advantage of placing this important branch of the public expenditure under the direction of a Board of Public Works.

(Signed)

W. M. G. COLEBROOKE.

Extracts from Despatch No. 75, dated November 12, 1841.

Revenue and Expenditure, Pages 19, 33.

In the present returns a difficulty has arisen from the accounts having to be made up for three quarters of the year; or from the first of January to 30th September last. It has been found impracticable to ascertain the amount of Revenue separately collected in the first three quarters or in the last quarter of 1840, for the purpose of comparison, and as the payments under the annual Appropriations of the last Session are still in progress, it has been found necessary in some cases to insert the amount of these Appropriations for the current year in the account of disbursements.

For example: the sum of £15,764 5s. is entered for Parish Schools, and the sum of £32,055 18 9, and £14,660 13 2 for Roads and Bridges, the contracts having been executed, the accounts of those disbursements have been rendered, although the payments are not completed.

From the statement at Page 30, it would not appear that the Revenue in the current year has declined. The remarks at Pages 31 and 33 explain in what manner this statement has been framed. In making up the account for the year, a stricter adherence to the printed forms has been observed than in the Blue Book for 1840. Adverting to my former observations on the excess of the disbursements over the expenditure in 1840, it is probable that the same excess will occur in the present year, and from the tenour of the remarks of the Lords of the Treasury communicated with Lord John Russell's Despatch, No. 50, of August 23, some further explanation is necessary in reviewing the Public Accounts. It will be seen that the Appropriations for Roads and Bridges, amounting in the present year to £47,700 are alone equivalent to the deficiency in the last year, and as it would be impossible to curtail this expenditure without arresting the improvement and settlement of the Country, it remains to be considered in what manner it may be provided for without pressing so immediately on the resources of the people. The details of these Appropriations are entered at Pages 52 and 53. The system of Statute Labour, which imposes on the labouring classes an obligation to render annually four days labour gratuitously in the repairs of the Roads, is generally complained of, and the attempts which have been made to amend this system, by substituting a uniform rate upon the granted Lands, have hitherto failed. Such a measure, by subjecting proprietors to a moderate charge for these improvements, by which the value of their property is sustained and augmented, is so equitable, that I hope it may be adopted.

With the exception of the Statute Labour for annual repairs, there are no Local Appropriations for Roads or Bridges, which wholly depend on the grants of the Assembly,

Assembly, nor are these provided for by the application of the public credit to these indispensable works, but they constitute a direct charge on the annual Revenue and a burthen upon the people for opening and improving a Country of which but a small portion has hitherto been reclaimed.

If a portion of this Revenue were to be specially appropriated to defray the interest of funds to be raised for the execution of reproductive works, negociable securities might be issued for this object and applied in aid of local appropriations. By the settlement of the Country, the Revenue would be progressively augmented and the charge might be ultimately liquidated without imposing an undue burthen on the people.

The present Appropriations must be regarded as of a nature of capital invested in improvements, the amount of which is inadequate to the object, while the charges imposed on a Revenue which can only be improved by augmenting the resources of the Province through the influx of settlers.

(Signed)

W. M. G. COLEBROOKE.

Extract from a Report of the Commissioners of Customs, Dated 13th January, 1842.

We report that in the month of December last we received a representation from the Collector of this Revenue at Saint John New Brunswick, stating that he had been requested by the Lieutenant Governor of the Province, to place himself in communication with the Provincial Treasurer for the purpose of framing a Report for His Excellency's consideration as to the practicability of consolidating the establishments at present employed in the collection of the Imperial and Provincial Duties of Customs, and requesting to be furnished with our instructions for his government.

That upon the subject being brought under our notice by the Collector of Saint John, and previously to the receipt of Your Lordships annexed order of reference, we had directed the Collector to lose no time upon the receipt of our order in complying with the requisition of the Lieutenant Governor, and furnishing His Excellency with any information which he might desire upon the subject, transmitting to us copies of his correspondence with the Colonial Government for our information:

(Signed)

R. B. DEAN,
C. C. SMITH,
H. RICHMOND,
S. E. SPRING RICE.

Custom House, 13th January, 1842.

No. 8.

[See Journal 26th March, 1842.]

Report from the Commissioners appointed to revise the Ordinance of Fees in the Supreme Court, and to inquire into the propriety of introducing into said Court, the new Rules of Pleading in Civil Actions in such Actions in force in England.

To His Excellency Lieutenant Colonel Sir William Macbean George Colebrooke, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

His Excellency Major General Sir John Harvey, the late Lieutenant Governor, having, during his Administration of the Government of this Province, been pleased, in pursuance of an Address of the House of Assembly, to appoint us Commissioners, "to revise, and if necessary, to make a new Ordinance of Fees in the Supreme Court; and also to take into consideration the propriety of introducing into the Supreme Court of this Province, the new Rules of Pleading in Civil Actions, at present in force in England, so far as the same may be applicable to this Country; and to report the result of our doings to His Excellency the Lieutenant Governor, for the purpose of being laid before the Legislative Council and Assembly at the next Session of the Legislature;"

We do hereby humbly certify to Your Excellency, that we have proceeded to the consideration of the subject matters of Inquiry, and to the discharge of the duty committed to us; though we deeply regret, that the distance of our respective places of residence from each other, and the full engagement we have met with in our ordinary duties, have prevented our devoting as much time and care to the investigation contemplated in the Address of the Assembly, as its importance demands.

In the prosecution of our Inquiry, we thought it right to request a return from the Clerk of the Pleas in the Supreme Court, of the number of Suits in that Court, and of emoluments of his Office, for the five years 1836 to 1840 inclusive, which request was promptly complied with, and we beg to annex the return to this our Report. We also by Circular Letters invited the attention of the Gentlemen of the Bar to the subject, and requested their remarks as well in regard to the general policy of the new Rules of Pleading, as to their application to the state of the Court and the Profession, and the existing circumstances of the Province; we further addressed Circular Letters to each of the Sheriffs, in respect of the fees of that Office, and suggested to them that it might be expedient to furnish us with a statement of the average amount of fees during their respective periods of Office, or for the last five years.

From several of the Sheriffs* answers have been received, and from these, as well as from conversations we have had with other Sheriffs on the subject, we can safely state that there is a general complaint of the inadequacy of the emoluments to the duties and responsibilities of that Office, especially with reference to the Sheriff's services in Criminal Cases, and in attendance on the Courts; they complain also of the difficulty of getting payment of their accounts, particularly if compelled to prove them

* The Sheriffs of Saint John, Charlotte, King's, Queen's and Sunbury.

them in Court, and that no stated fees are provided for their services, in proceedings under the Absconding Debtors Act.

We have also been favored with useful communications from a few of the Gentlemen of the Bar resident in the Province* for which we beg to express our acknowledgments. Our thanks are also particularly due to the Honorable Alexander Stewart, a Barrister of this Province, but resident at Halifax, in Nova Scotia, for his valuable suggestions.

In pursuing our Inquiry, we endeavoured to make it as comprehensive as the terms of the Resolution of the Assembly would admit, and divided the subject under the following six heads, which we think fully embrace all that was contemplated by that Resolution:—

1st.—Amended Forms of Declarations as appointed by the General Rule of all the Judges in England.—*Trin. Term, 1 Wm. 4.*

2nd.—As to the restrictions on the allowance of several Special Counts for the same Cause of Action.—*Eng. Gen. Rule, Hil. 4 Wm. 4.*

3rd.—Specification of Defence to be given in Evidence under the General Issue; substitution of Special Pleas, for the General Issue, in many Cases; improved form of Pleas, &c. See *Eng. Gen. Rule, 4 Wm. 4.* and *Gen. Rule Trin. 1st Vict.*

4th.—Dating of Pleadings on the day upon which they are delivered; delivery of Pleadings without filing, subsequent to Declarations. See *Rules as above.*

5th.—New forms of Issues, Nisi Prius Records, Postea and Judgment Rolls. See *Rules as above.*

6th.—Fees of Judges, Council, Attornies, Clerk, Sheriff, Witnesses and Jurors.

We also deem it a proper matter for Inquiry whether any purposed alteration in the Practice of the Court would be best effected by direct Legislative Enactments or through the instrumentality of the Judges; which was the course adopted in England.

First Head.

Amended Forms of Declarations as appointed by the General Rule of all the Judges in England.—*Trin. 1 Wm. 4.*

As to the propriety of introducing the new Forms of Declaration, we believe there will be no difference of opinion when the Fee Table is remodelled, and an adequate Fee provided for this stage of the cause:

Under the present practice, in an ordinary Suit upon a Promissory Note, or for Goods sold and delivered, the Declaration generally consists of from eight to twelve folio of one hundred words each, varying at the will or discretion of each Attorney, and the charge therefor is One Shilling for drawing and Six Pence for copying each folio, which charges are repeated in the Judgment Roll, and also in the *Nisi Prius Record*, if the cause be defended and go to Trial, with an addition of Two Pence per folio

* The Gentlemen to whom our acknowledgments are due for their communications are the Honorable W. B. Kinnear, Peter Stubs and J. H. Hart, Esquires.

folio for engrossing on Parchment; whereas the improved Form of Declaration in such a case, would consist of not more than four folios, would be in every respect as effective, and save a great deal of needless labour to the Attorney.

We propose in the New Table of Fees to provide a specific fee on the Declaration, where it does not exceed a certain length; where the prescribed length is exceeded, as must often unavoidably happen in Special Cases, we think the present charge should be continued.

Second Head.

As to the restriction on the allowance of several Special Counts for the same Cause of Action.

The reason assigned for introducing various counts or modes of setting out one specific cause of action, and the remedy for any abuse in the practice, are thus stated by Mr. Chitty, in his well known Work on Pleading—Vol. 1, page 390.

“ It is usual, particularly in Assumpsit, debt on simple contract, and actions on the case, to set forth the Plaintiff’s cause of action in various shapes, in different counts, so that if the Plaintiff fail in the proof of one count, he may succeed on another. The variations should be substantial, for if the different counts be so similar that the same evidence would support each, the Court would on application, refer it to the Master for examination, and to strike out the redundant counts, and in gross cases direct the costs to be paid by the Attorney: but under the restriction of avoiding as much as possible any unnecessary increase of the costs, it is advisable, when the case will admit, to state in various counts the facts in different ways, corresponding with the evidence which may probably be adduced, and such counts are in general progressively more brief and concise; and this is particularly necessary in Special Assumpsits, where there is a doubt either as to the consideration, or the terms of the contract, or the mode in which the Plaintiff performed his part, or the Defendant violated his. Thus, in a special action of Assumpsit for a breach of promise of Marriage, if the Defendant promised to marry upon a particular day, the first count is framed accordingly, but for fear the Plaintiff should not be able to prove such particular promise, it is usual, when the evidence may probably support the allegation, to add a count, to marry on request, and another, to marry generally. So in declaring on a Contract to deliver Goods, &c. sold, if the stipulation was to deliver within a specified time, and at a particular place, the first count is to be adapted to such facts, and the second to deliver on request, or generally, and the third, within a reasonable time; and it is frequently advisable to declare in different counts, the one on an executory, the other on an executed consideration; the first, to admit of evidence of the Defendant’s stipulation, at the time of the inception of the Contract; the other of subsequent admissions or promises. And we have seen that in an action at the Suit of an Executor or Administrator, it is frequently necessary to add a set of counts, on promises to the Plaintiff, in his representative capacity, in order to admit of evidence of a promise or acknowledgment to the Plaintiff to take the case out of the Statute of Limitations. It is proper also to add such *common* counts, as may be applicable to any part of the Plaintiff’s case.”

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At the time of writing these remarks, the propriety of inserting several special counts, for one cause of action, was much more obvious than it is at present; there was no power then vested in the Judge to make any amendment in the Declaration, or other pleadings, at the trial, and the effect of a trifling variance, in the evidence of a Contract, and in the statement of it or the Declaration, was fatal to the Plaintiff's cause; since then, two important Legislative provisions have been made for remedying this defect, viz: Acts 9 and 10 Geo. 4, c. 1,—7th Wm. 4, c. 14, s. 7 and 8: which have been taken from the English Statutes, 9 Geo. 4, c. 15, and 3 and 4 Wm. 4, c. 42, s. 23: the first of which applied to variances between matters in writing given in evidence, and the setting out of such on record; the latter enlarges the power of amendment in these, and extends it to several other cases. By these Acts, the Judge at the trial, is authorized to allow amendments, where the variance is not material to the merits of the case, subject to costs in certain cases, with power also to the Judge to reserve any question as to the propriety of allowing such amendments, for the consideration of the Court.

Notwithstanding these Legislative provisions, many cases must unavoidably occur, where it will be advisable for the Attorney to introduce several special counts for the same cause of action; he may not be able to examine the witnesses, or place full dependence on the correctness of their extra judicial statement, or they may be persons in the employment or interest of his adversary. But although the Attorney may be often justified in resorting to several counts, it by no means follows, that what he has so done out of regard to the interest of his client, should impose additional expense on the opposite party.

After fully considering the matter, we have great doubts whether it is expedient to make any express regulation on the subject. In the case of setting out the same cause of action in various ways, the Defendant's Counsel has it always in his power to require at the trial that the Verdict should be confined to the count or counts of the Declaration which have been proved, and to that extent lessening the costs which the Plaintiff recovers from the Defendant. This observation applies more particularly to several special counts; but in *Assumpsit*, which is the most general form of action, it has been usual, as a prudent precaution, to add some of the common counts, most frequently the money counts, and account stated, and this is a practice likely to continue, but will not tend much to enhance the costs, when the new forms are introduced.

When cases occur where the Plaintiff fails in making out any cause of action on the common counts, the Judge at the trial will, as a matter of course, on the application of the Defendant's Counsel, direct that the Verdict be not entered on those counts.

Third Head.

Specification of Defence to be given in Evidence under the General Issue; Substitution of Special Pleas for the General Issue, in many Cases; improved Forms, &c. Pleas, &c.

As an Introduction to the remarks on this, which may be considered the most important head of inquiry, we beg to state briefly the forms of Personal Action in general use; and of the general issue in such actions.

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There are other forms of action, *Real* and *Mixed*; but of these, the action of Ejectment is the only one in general use, and the form and mode of pleading in Ejectment we do not perceive to have undergone any alteration under the new Rules. The same observations will apply to the actions of *Account*, *Annuity* and *Deceit*, which are all but obsolete.

The forms of Action which require our attention, are—

1. Assumpsit.
2. Covenant.
3. Debt.
4. Detinue.
5. Replevin.
6. Trespass.
7. Trespass on the Case.

1st.—*Assumpsit*, (or in other words, an action on the case upon promises,) may be considered applicable to all Contracts, common or special, express or implied, oral or written, (except in cases of writings under seal,) and in this, the form of the General Issue is, that the Defendant did not undertake or promise, in manner and form as the Plaintiff hath declared against him.

2nd.—*Covenant*, which is confined to breaches of Contract under sealed Instruments. The form of General Issue here is, *non infregit conventiomen*, but this form of Pleading has long been exploded; and what is usually considered the General Issue, is *non est factum*, which in terms denies that the sealed Instrument on which the action is brought is the deed of the Defendant.

3rd.—*Debt*, which is principally of four sorts: 1st—On Bonds or other sealed Instruments: 2nd—For the recovery of Monies due on other written, or on verbal Contracts: 3rd—On Judgments: 4th—On Penal Statutes, or other Acts of the Legislature, where this action is expressly or impliedly given.

Nil debit, that the Defendant does not owe the debt sought to be recovered, is the form of the General Issue, but this is not applicable (with some few exceptions) to actions on sealed Instruments,—in such actions the General Issue is understood to be *non est factum*; nor to actions on Judgments where the Plea is *nil tiel record*, denying the existence of the Record of the Judgment set out in the Declaration. In actions on Penal Statutes, there are two forms of the General Issue: *nil debit*, which in terms denies that the Defendant has incurred the penalty or debt, and *not guilty*, which in terms denies the fact upon which the penalty or debt accrues.

4th.—*Detinue*, an action seldom resorted to, is founded on the unlawful detention of specific chattels, in which the General Issue is *non detinet*, denying the detention.

5th.—*Replevin*, which is in one sense a mixed action, the Plaintiff not merely proceeding for damages for the taking, but getting possession in the first instance of the property, which he alleges to have been taken, on giving security to prosecute the suit, to make a return of the goods, if a return be awarded, and to pay all such damages as may be awarded to the Defendant. The General Issue is *non cepit*, which admits the property of the Plaintiff, but denies the alleged taking.

6th.

6th.—*Trespass*. For injuries to the person; for taking away or injuring personal property; and for injury to real property in possession of the Plaintiff: and

7th.—*Trespass on the Case*, which includes Trover, (the most common form of action for trying the title to personal property); Actions against Sheriffs and other Officers, or Professional Men, for neglect or breach of duty; Slander; Nuisance; Criminal Conversation; Waste; Disturbance of Ways; for malicious Actions or Prosecutions; for consequential Damages; and for a variety of other injuries, which we need not here specify. The General Issue, both in *Trespass* and *Trespass on the Case* is, that the Defendant is not guilty of the premises laid to his charge.

The object of all Pleading is to ascertain the subject for decision; so the main object of that system of Pleading, established in the Common Law of England, is to ascertain it by the production of an Issue, and the Pleadings are so conducted as always to involve some question either of fact or law, disputed between the parties, and mutually proposed and accepted by them, as the subject for decision; and the question so produced is called *The Issue*. (Steph. on Pleading, 135.)

An Issue is defined to be a single, certain and material point, issuing out of the allegations or pleadings of the Plaintiff and Defendant.

The intent is, that each party may know, before going to trial, what is the particular point in dispute, upon whom the proof of that point lies, and what counterproof will be received; so that the parties may come prepared with such evidence, and such evidence only, as the nature of the action and proceedings will admit.

But this being the object, it is obvious to any one, at all conversant with the proceedings in Courts of Law, that the generality of the Pleadings in some of the forms of Action, particularly that of Common Assumpsit, very imperfectly effects the purpose intended.

The evil arising from the generality in the Declaration, has been in a great measure obviated by the use of "Bills of Particulars;" and by analogy thereto, it has often been suggested, that a Defendant when pleading the General Issue, should accompany it by a notice specifying the particular defence on which he intends to rely; but the objection to this is, that the special ground of defence, does not appear on the Record, as part of the pleadings; and therefore does not qualify the Issue on the Record; and it may also be added, that the improved forms of Pleas are nearly as concise, as would be a notice giving the necessary information to the Plaintiff; and the danger to be apprehended from too great a facility in setting forth the defence in this way is, that a common form of notice would soon get into use, as has arisen in the case of set-off, which would accompany the Plea of the General Issue, in most cases whether necessary or not.

In order that the grounds may be seen, on which Special Pleas have been so generally introduced into the Practice of the English Courts, in lieu of the General Issue, we cannot do better than lay before Your Excellency, the following extract from the Second Report of the Commissioners appointed to inquire into the Practice and Proceedings of the Superior Courts of Common Law in England.*

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* The Commissioners were the present Mr. Justice Bosanquet, Mr. Baron Alderson, and Mr. Justice Patteson, and Henry John Stephen, Esquire, Sergeant at Law.

“ One of the most important questions which has presented itself in the course of our inquiries is, whether it is expedient to continue to any, and to what extent, the use of that kind of Plea denominated the *General Issue*? under this plea, which is in its shape a summary form of denial of the allegations in the Declaration, or some principal part of them, a Defendant is at present allowed in certain actions, to put the Plaintiff to the proof of every thing alleged in the Declaration; and in some, not only to do this, but at the same time to prove in his own defence almost any kind of matter in confession and avoidance, that is, matter which admitting the truth of the Plaintiff’s allegations, tend to repel or obviate their effect. On the other hand, there are some kinds of action in which, if the defence consists of any matter in confession and avoidance, it must be specially pleaded, and cannot be admitted in proof under the General Issue; and there are others in which, properly speaking, there is no General Issue, and in which all the pleading may be considered as special.

“ That the present state of the Practice on this subject requires alteration, seems to be universally felt; but with respect to the *kind* of alteration required, the views taken by different persons are suprisingly dissimilar: one set of opinions pointing to the restriction of the General Issue; and another, to its wider application, and to a correspondent extinguishment of Special Pleading. It will be found, however, on reference to the written communications addressed to us, that there is a decided preponderance of authority in favor of the former course; and we do not hesitate to declare our own strong conviction, that it is the right one, and that its adoption would be attended with highly beneficial results.

“ We conceive that considerable misapprehension popularly prevails upon the subject of *Special Pleading*. That system was characterized, no doubt, at former periods of our legal history, by a tendency to prolix and tautologous allegation, an excessive subtlety, and an overstrained observance of form; and notwithstanding material modern improvements, it still exhibits too much of the same qualities. These its disadvantages are prominent, and well understood; its recommendations are, perhaps, less obvious, but when explained, cannot fail to be recognized as of far superior weight.

“ Special Pleading, considered in its principle, is a valuable forensic invention, peculiar to the Common Law of England, by the effect of which, the precise point in controversy between the parties is developed, and presented in a shape fit for decision. If that point is found to consist of matter of fact, the parties are thus apprized of the exact nature of the question to be decided by the Jury, and are enabled to prepare their proofs with proportionate precision. If, on the other hand, it turns out to be matter of Law, they have the means of immediately obtaining the decision of the cause, without the expense and trouble of a Trial by Demurrer,—that is, by referring the legal question, so evolved, to the determination of the Judges. But where, instead of Special Pleading, the General Issue is used, and under it, the Defendant is allowed to bring forward matters in confession and avoidance, these benefits are lost. Consisting, as the Plea does, of a mere summary denial of the case stated by the Plaintiff, and giving no notice of any defensive allegation on which the Defendant means to rely, it sends the whole case, on either side, to trial, without distinguishing the Fact from the Law, and without defining the
“ exact

“ exact question or questions of fact to be tried. It not unfrequently therefore
“ happens, that the parties are taken by surprise, and find themselves opposed by
“ some unexpected matter of defence or reply, which from the want of timely notice,
“ they are not in due condition to resist.

“ But an effect of more common, and indeed almost invariable occurrence, is the
“ necessary accumulation of proof, and consequently of expense; for as nothing is
“ admitted upon the Pleadings, each party is obliged to prepare himself, as far as it
“ is practicable, with evidence upon all the different points which the nature of the
“ action can by possibility make it incumbent upon him to establish, though many of
“ them may turn out to be undisputed, and many of them may be such as his adver-
“ sary, if compelled to plead specially, would have thought it undesirable to dispute.

“ With respect to matters of Law, the inconvenience experienced, though of a
“ different kind, is not less remarkable; for when points of Law arise upon the
“ General Issue, instead of being developed by way of Demurrer, for adjudication
“ by the full Court in *banc*, they are of necessity left to the decision of the single
“ Judge before whom the cause is tried; and the decision upon his sole authority,
“ deprived as he generally is of the advantage of any previous intimation of the matter
“ to be argued, and unable to refer to Books, is often found to be unsatisfactory and
“ inconclusive. It may even happen (and that is not an unfrequent occurrence) that
“ the controversy under this form of Plea turns *entirely* upon matter of Law, there
“ being no fact really in dispute; and in that case, the mode of decision by Jury is
“ not only defective, but misplaced, and the trial might have been spared altogether,
“ if the parties had proceeded by the way of Special Pleading, and raised the question
“ upon Demurrer.

“ Another ill consequence attendant upon the General Issue is, that as the true
“ point of decision has not been evolved in the Pleading, it becomes the business of
“ the Judge to extract it from the proofs and allegations before him, to sever correctly
“ the Law from the fact of the case, and again, the facts admitted, from those in
“ controversy, and to present the latter in a distinct shape to the Jury for their consi-
“ deration; an analysis which the rapidity and tumult of a trial at *Nisi Prius* renders
“ extremely difficult, and which is often defectively conducted.

“ Of the state of things here explained, it is the natural effect that when the General
“ Issue is pleaded, the trial fails in numerous instances to accomplish the purposes of
“ Justice, or ever to terminate the legal dispute, and is followed by the application of
“ the defeated party to the full Court in *banc* for a new trial. This proceeding involves
“ the necessity of recapitulating, for the information of that Court, the whole of what
“ passed *viva voce* at *Nisi Prius*, of which there is no admissible Report, except that
“ of the presiding Judge, upon whose alleged error in point of Law the application
“ most commonly is founded. The motion for a new trial is for this reason beset
“ with peculiar difficulties; the effect of which is, that it ultimately fails in many cases
“ (as there is reason to apprehend) where in Justice it ought to succeed, and suc-
“ ceeds in many cases where there is in reality no sufficient ground for the application.
“ It may be added, that even when successful, it gives no redress beyond that of
“ awarding a new and expensive inquiry upon the matter of fact; and that with
“ respect to the matters of Law, of which it may involve the discussion, they are less
“ distinctly and less satisfactorily decided, upon the motion for a new trial, than when
“ raised

“ raised by Special Pleading, and so brought before the Court, in the first instance,
“ by way of Demurrer, for determination.

“ But these considerations give an inadequate idea of the extent of the inconve-
“ nience now produced by the great and growing frequency of the motions in question.
“ Indeed we know of no existing abuse of which the influence is so wide and the
“ pressure so intolerable. They have in a considerable degree impaired the value of
“ a verdict, which, according to the ancient and true principle of Law, was of a final
“ and conclusive character, but is now in so many instances subjected to the revision
“ of the Court in *banc*, and with so much facility set aside, that the party in whose
“ favor the opinion of the Jury is declared, has comparatively little reason to rely on
“ the permanency of the advantage he has obtained. He too often finds that it is but
“ one successful struggle in an arduous and expensive contest, which is to end at last
“ in defeat. But an effect still more serious is the enormous extent to which this
“ branch of Practice has encroached upon the portions of the public time, properly
“ destined to other employment. As an illustration of this, we may refer to returns
“ received from the King’s Bench and Common Pleas, by which it appears, that in
“ Michaelmas Term, 1829, ninety nine motions for new trials were made in the former
“ Court, and forty nine in the latter; that in the King’s Bench, Rules *Nisi* were
“ granted upon fifty three of those applications, and not more than four Rules for new
“ trials ultimately disposed of in the course of the Term; and that in the Common
“ Pleas there were thirty nine Rules *Nisi* granted, of which ten only were disposed
“ of. To such accumulation, addition of course is made in each succeeding Term;
“ and were it not for the assistance obtained from the sitting of the three Judges out of
“ Term, (a jurisdiction which in other respects has appeared to us objectionable, and
“ to require abolition,) the result, as far as regards the Court of King’s Bench, would
“ be a total obstruction of the current of ordinary business, by the growing masses of
“ arrears upon motions for new trials.

“ The tendency of the general issue to give occasion for such applications, we have
“ already attempted to explain, and we have no hesitation therefore in attributing to
“ the use of that plea the far greater part of the evils to which we have thought it our
“ duty to advert, as connected with motions of that description. We think too, that
“ its disuse would supply the only practicable and effective remedy

“ Other inconveniences, though certainly of less moment, result from that method
“ of pleading. It often happens that points of Law arising at the trial, receive no
“ decision from the Judge, but are reserved by him for the opinion of the Court in
“ *banc*; or with a view to a more distinct and solemn argument before that Court,
“ the facts proved, are thrown by consent of parties into the form of a special case.
“ Neither of these methods is comparable in point of certainty, of despatch, or of cheap-
“ ness, with that which is afforded by demurrer; and their substitution for the latter
“ operates like the motion for a new trial, though in a less degree to the prejudice of
“ both the parties, and to the delay of public business.

“ In comparison with these disadvantages resulting from the General Issue, the
“ inconveniences of special pleading are insignificant. It is found difficult no doubt
“ to set forth the matter of defence or reply in a form which shall be at once sufficient
“ in point of Law, and accurate in point of fact; and the occasional consequence of
“ this difficulty is the defeat of the party upon formal defects, not connected with the
“ justice

“ justice of the case ; but this evil is not like those arising from the General Issue, “ either of ordinary occurrence or inevitable in its nature ; it may in general be averted “ by the diligence and skill of the pleader, and is materially alleviated by the practice “ of allowing amendments upon Demurrers. It is also true that special pleading tends “ to prolixity of statements on the Record, which is a source of expense to the suitor, “ but that expense bears no proportion to the vast increase of costs resulting from the “ adoption of the General Issue.

“ It seems to be commonly supposed, that it is in the length of the pleadings and “ the correspondent amount of office fees, or fees to pleaders or Counsel, payable upon “ them, that the expense of any action at Law chiefly consists ; but this is a great “ mistake, and one that it is very important to correct,—by far the heaviest items in the “ Bill of Costs are those which relate to the proofs, and more particularly to the con- “ veying of Witnesses to the Assizes and maintaining them there ; and next to these, “ the most costly charges arise from the transaction of any kind of business in open “ Court, upon motion ; the fees upon pleading being (comparatively speaking) upon “ a petty scale. In illustration of this, we may refer to the bills of costs contained in “ the Appendix to our First Report. It may easily be conceived therefore, that the “ General Issue, from its tendency to an unnecessary accumulation of Evidence, and to “ Motions for new trials, must often ultimately lead to a much greater expense than “ could have been produced by any probable prolixity in special pleading. The pre- “ ference due to the latter method will become still more evident when it shall be “ cleared by such regulations as we have suggested in other parts of this Report, and “ hope hereafter to suggest, from some of its principal inconveniences and abuses, “ more particularly from those which relate to the variety and prolixity of counts and “ pleas and the doctrine of variance. On the whole therefore we entertain no doubt “ of the expediency of making such alterations in the existing practice as will intro- “ duce special pleas in almost every case, and in some actions abolish altogether the “ use of the General Issue.”

By way of illustration, we add a sketch of the matters which may be given in evi- dence under the General Issue in one form of action most frequently occurring.

In Assumpsit. Under this plea may be given in evidence every thing which dis- affirms the Contract, not merely denying the existence of it in fact, but shewing its illegality and the inability of the party to contract, for instance, Coverture, Infancy, Gaming, Usury, also payment, accord with satisfaction, a discharge before breach, foreign attachment or a release *ex gra.* In actions on Bills of Exchange or Promis- sory Notes, it puts the Plaintiff to the proof of the Defendant's signature, and the presentment, dishonor, and notice of dishonor, when necessary, and enables the Defendant to disprove any such matters, or prove payment, satisfaction or discharge, &c.

From what we have already said, it will be perceived that the principal objections made to the use of the General Issue in England arise out of the enormous expense attending on trials, particularly in preparing Briefs for Counsel and the attendance of Witnesses ; the vagueness of the Issue and difficulty of ascertaining on what precise point the verdict has turned ; or of bringing the exact facts before the whole Court in *banc*, and lastly the immense accumulation of business arising out of motions for new trials, which in one of the Courts (the King's Bench) had almost caused a denial of Justice.

Admitting

Admitting the extent of the evil in England, and the necessity of applying some remedy to it there, before we proceed to make such considerable innovations on the legal practice and proceedings of this Province, while as yet there has not been an opportunity fully to test their utility in the Mother Country, it is important to consider whether in fact any great injustice has proceeded from the existing practice, to examine its advantages and the danger to be apprehended from any great and sudden change.

From what we can learn of the sentiments of the Profession, or the Public, or from what has come under our own notice, we are not able to state that the present system of pleading has given rise to much evil or complaint, though some inconvenience may have been felt, for which we shall propose a remedy by recommending special pleas in certain cases. We are by no means certain that as the business of the Country increases, with the increase of population and extension of Commerce, or in the introduction of Manufactures, the evils that have been felt in England, may not be more sensibly experienced here, and give reason for progressive improvements, until our practice becomes quite assimilated to that of the Courts in England.

The greatest difficulty at present is we believe felt by the Judge and Jury at the trial of a cause in the variety of matter brought before them, in the extracting from the proofs and allegations the true point for decision, to sever the Law from the facts, and present the latter in a distinct shape; and in ascertaining upon what points the Jury have founded their verdict; but this we think is not easy to be remedied under existing circumstances.

It is one of the consequences necessarily incidental to trial by Jury, (whether an evil or a good is perhaps not settled), that much obscurity will exist as to the grounds of the decision of Jurors. They are not compelled to give their reasons, and are not often requested so to do, and perhaps though their verdict is unanimous, it would be frequently found that the reasons they would individually assign would differ materially from each other. For this, we can propose no remedy. The importance of the matter in dispute, the costs of suit, and consequent effects of success or defeat, on suitors on the one hand, and the proportionate number of causes on the other, in England and in this Province, admit of no comparison.

More causes will be tried in a County in this Province, with a population of less than 20,000, than in an English County containing nearly a million, while the costs of suit here will average between from about £30 to £50, when in England they often amount to several hundred pounds, sometimes thousands.

In England, Barristers and Attornies are quite distinct from each other, and perhaps special pleaders may be considered another distinct class in the Profession, while with us, these offices are united in the same person.

The differences in the circumstances of the people, in the facilities of communication, and in the Institutions of an old and densely populated and wealthy Country like England, and of a Province as yet in its infancy, must also be considered.

The consequences apprehended from introducing special pleading to any great extent, are principally an increase of expense in the early stages of a cause, from the necessity of employing Counsel to consider and prepare pleadings, the occasional exclusion of evidence material to the merits of the case, but not admissible under the special pleading, and the lengthened and often recurring discussions at *Nisi Prius*, or the tender and objection to evidence.

We

We are bound however to state, that the validity of these objections is much questioned, and that our own opinions do not altogether coincide as to the weight which should be given to them.

Originally, a Defendant was only allowed to plead one plea, to one matter of complaint; the inconvenience of this was found so great that Parliament stepped in, and by the Act 4 and 5 Ann, c. 16, s. 4, it was made lawful for a Defendant, with leave of the Court, to plead as many several matters as he should deem necessary to his defence.

This leave of the Court has been considered so much a matter of course, that it is never in fact applied for, but cases have occurred, (though very rarely) where, upon the application of the Plaintiff, the Court has restricted the privilege.

If the General Issue were abolished, and the Defendant suffered to plead several pleas with no greater restriction than exists in our present practice, it is to be feared that in many cases several pleas will be pleaded, and not merely to let in any real defence which the Defendant may have, but in order to obstruct the Plaintiff in the proof of his case, or to enable the Defendant to avail himself of any fortuitous circumstances which may arise in his favor in the progress of the cause; one check for this, however, will be found in subjecting the party to the costs of any issue on which he may fail, though he may be entitled to the general costs of the cause.

If leave is to be actually obtained for pleading double, it is evident such motions cannot generally be made in Term, but will be brought before the Judges at Chambers, where the business is now very considerable; but in addition to this, we apprehend that such motions will often lead to discussions, and the production of affidavits and counter-affidavits, in which the merits of the cause will be involved, and as each Judge sits apart and not in any open Court, it will be difficult to preserve uniformity of practice, and secure a satisfactory administration of Justice. It is a further objection, that all these interlocutory proceedings unavoidably enhance the costs of a cause.

By the new English Rules a sort of middle course has been adopted. Some general principles are laid down as to the use of one or more counts, pleas, avowries, or recognizances; particular examples are then given by way of illustration, and it is expressly provided that the examples are given, as some instances only of application of the Rules to which they relate; but the principles contained in the Rules are not to be considered as restricted by the examples specified.

Where more than one count, plea, &c. shall have been used in apparent violation of the Rule, the opposite party may apply to a Judge, who is to order all or any of the counts, pleas, &c. that have been objected to, to be struck out, unless he shall be satisfied on cause shewn, that some distinct matter of complaint or cause of action is *bona fide* intended to be established in respect of each of such counts, or some distinct ground of defence in respect of each of such pleas, &c. when he shall allow such, with respect to which, he is so satisfied to remain.

If upon the trial where there is more than count, plea, avowry or recognizance, and the party pleading fails to establish a distinct subject matter of complaint or ground of action in respect of each count, or some distinct ground of answer or defence in respect of each plea, &c. a Verdict or Judgment shall pass against him upon such count, plea, &c. and he shall be liable to the costs occasioned thereby, and even when

a Judge has allowed several counts or pleas, the Court or Judge at the trial may certify, to deprive the party of costs upon any count or plea on which he may think no separate matter of complaint or defence was *bona fide* intended.

However excellent the above regulation may appear in theory, we much doubt whether it could be fully introduced into this Province, at present, with any great advantage. It will be difficult, for the reasons we have given, to restrict the general use of several counts, and in regard to several Pleas, there is a check as the Law now stands, which it is in the power of the Court to render effectual in practice, but for the objections to multiplying applications to Judges' Chambers.

Since the Judges in each of the Superior Courts in England have been increased from four to five, a separate Practice Court has been established, in which a single Judge sits; and in that Court many of the motions are now publicly made which in this Province necessarily have to be made either to the whole Court, or to a Judge in Chambers.

It may perhaps be asked, why, if the Defendant have one good answer or defence, need he rely on more? Why should he be allowed to plead a plea which will let in various defences, instead of specifically pleading the real matter on which he relies for his answer or defence? The answer to these questions must be found in the uncertainty and imperfection of human testimony, in the incorrect views which men often take of their own transactions, the difficulty of fully communicating with and properly explaining these cases to their legal adviser, the impossibility in many cases of ascertaining what evidence will be available at the trial, before the party is called on to plead, and occasionally it may be, in the want of sufficient learning, skill and experience in the Attorney who may be employed.

A plea which in nine cases perhaps out of ten, contains the real defence, would admit the Plaintiff's case and throw all the burthen of proof on the Defendant. The very Witnesses whom the Plaintiff would be bound to call, if his cause of action were denied, may prove also the defence of the opposite party; for instance, the sale of, and payment for Goods.

If the restriction in general pleading prevail to any very great extent, it is easy to be seen how the Judge will be pressed to admit in proper testimony, and what stress will be laid in addresses to the Jury upon the exclusion of evidence material to the merits, but not relevant to the pleadings; and that it may not unfrequently happen that Witnesses will be tendered to prove facts of which they are wholly ignorant, on the Client's assurance that they could do so, and their rejection will create an unfavorable impression on the minds of Jurors, who are very apt to look with jealousy on all objections of this sort.

To any one conversant with the proceedings of Courts of Justice in the Province, the remarks we have made will not appear extravagant.

In England, where the Barrister is distinct from the Attorney, and rarely comes in contact with the Client, when he has a Brief furnished him of the evidence proposed to be adduced, and will bring forward or reject it as it may be pertinent or not to the Issues on the Record, and seldom is responsible for the selection of the pleas, and where indeed almost implicit obedience is paid to the direction or suggestions of the Judge, these difficulties are not so likely to occur.

The niceties of special pleading have also given rise in England to many applications for

for what is styled *Judgment non obstante veredicto*; the meaning of which is, that although the Jury may have found the Issues on the Record for one party, the Court may give Judgment for the other, on the ground that the Plea on which the Issue is joined is not a good answer to the action.

The other objections to the use of the General Issue, that the Plaintiff is not sufficiently informed of the nature of the defence, and that unnecessary witnesses are therefore often subpoenaed and kept in attendance, we do not think have been so generally felt as to justify the disuse of it to any great extent.

Giving however full weight to all these considerations, we feel ourselves safe in recommending the following alterations in the present system.

I. *Actions of Assumpsit.* In addition to any defence which is now required to be specially pleaded, we propose: 1st.—That any defence arising out of coverture, infancy, accord with satisfaction, discharge before breach, foreign attachment and release, illegality of consideration either by Statute or Common Law, drawing, endorsing, accepting, &c. Bills or Notes by way of accommodation, unseaworthiness, misrepresentation, concealment, deviation, should be specially pleaded.

In all actions upon Bills of Exchange or Promissory Notes, the want of due presentment or notice of dishonor, to be specially pleaded.

II. *In Covenant and Debt.* 1st.—In debt on specialty or covenant, the Plea, *non est factum*, shall operate as a denial of the execution of the Deed in point of fact only; and all other defences shall be specially pleaded, including matters which make the Deed absolutely void, as well as those which make it voidable.

2nd.—In actions of debt on simple contract, the same matters which are required to be pleaded specially in Assumpsit, shall be pleaded specially.

III. *Detinue.* The Plea of *non detinet* shall operate as a denial of the detention of the goods by the Defendant, but not of the Plaintiff's property therein, and no other defence than such denial shall be admissible under that Plea.

IV. *Case.* The only restriction we would propose in this form of action, is, that such matters as are required to be pleaded specially in Assumpsit, should be pleaded specially also in Case.

V. *Trespass.* In actions of Trespass, *quare clausum fregit*, the close or place in which, &c. to be designated in the Declaration by name or abuttals or other description; in failure whereof, the Defendant may demur specially.

After much consideration, we do not deem it advisable to recommend any new limitation to the use of the General Issue in Trespass, or to propose any alteration as to the Pleading in Replevin.

Fourth Head.

Dating of Pleadings on the day upon which they are delivered. Delivery of Pleadings subsequent to Declaration, without filing.

The new English Rules on this subject are as follow:—

“ Every Pleading, as well as the Declaration, shall be entitled of the day of the
“ month

“ month and year when the same was Pleaded, and shall bear no other time or date ;
 “ and every Declaration and other Pleading shall also be entered on the Record made up
 “ for trial, and on the Judgment Roll, under the date of the day of the month and year
 “ when the same respectively took place, and without reference to any other time or
 “ date, unless otherwise specially ordered by the Court or a Judge. No Demurrer
 “ nor any Pleading subsequent to the Declaration, shall in any case be filed with any
 “ Officer of the Court, but the same shall always be delivered between the parties.”

We have some doubts as to the propriety of requiring a date to Declarations ; but with respect to subsequent Pleadings, we think it wholly unnecessary that they should be filed, and therefore a date may become necessary to ascertain the time at which they are pleaded. It has always been customary in this Province for the opposite Attornies to deliver copies of Pleadings to each other, and not to get them from the Clerk ; and as the Pleadings are subsequently entered on Rolls, there is no reason for requiring them to be filed.

We have not made any distinct head as to the Forms of Pleas, &c., but the unnecessary prolixity of those now in use will be evident to any one who will compare them with those prescribed by the new Rules.

The following, which we have selected from the English Rules of Hilary Term, 4 Wm. 4, we recommend for adoption in the Supreme Court.

“ No entry of continuances by way of Imparlance, *Curia advisari vult*, *Viccomes non misit breve*, or otherwise, shall be made upon any Record or Roll whatever, or in the Pleadings, except the *jurata ponitur in respectu*, which is to be retained.

“ Provided that such regulations shall not alter or affect any existing Rules of Practice as to the times of proceeding in the cause.

“ Provided also, that in all cases in which a Plea *Puis darrein continuance* is now by Law pleadable in *Banc* or at *Nisi Prius*, the same defence may be pleaded, with an allegation that the matter arose after the last pleading, or the issuing of the Jury process, as the case may be.

“ Provided also, that no such Plea shall be allowed, unless accompanied by an Affidavit that the matter thereof arose within eight days next before the pleading of such Pleas, or unless the Court or a Judge shall otherwise order.”

“ All Judgments, whether interlocutory or final, shall be entered of Record of the day of the month and year, whether in Term or Vacation, when signed, and shall not have relation to any other day.

“ Provided that it shall be competent for the Court or a Judge to order a Judgment to be entered *nunc pro tunc*.”

“ No entry shall be made on Record of any Warrants of Attorney to sue or defend.”

“ In a plea or subsequent pleading, intended to be pleaded in bar of the whole action generally, it shall not be necessary to use any allegation of *actionem non*, or to the like effect, or any prayer of Judgment ; nor shall it be necessary in any replication, or subsequent pleading intended to be pleaded in maintenance of the whole action, to use any allegation of *precludi non*, or to the like effect, or any prayer of Judgment ;
 and,

* The number of days can be altered so as to conform to the Practice of the Court.

and all pleas, replications, and subsequent pleadings, pleaded without such formal parts as aforesaid, shall be taken, (unless otherwise expressed) as pleaded respectively in bar of the whole action, or in maintenance of the whole action; provided that nothing herein contained shall extend to cases where an Estoppel is pleaded."

" No formal defence shall be required in a plea, and it shall commence as follows :—

" The said Defendant, by ———, his Attorney, (or in person, &c.) says that ———"

" It shall not be necessary to state in a second or other plea or avowry, that it is pleaded by leave of the Court, or according to the form of the Statute, or to that effect."

" No protestation shall hereafter be made in any pleading, but either party shall be entitled to the same advantage in that or other actions, as if a protestation had been made."

" All special traverses, or traverses with an inducement of affirmative matter, shall conclude to the contrary.

" Provided that this regulation shall not preclude the opposite party from pleading over to the inducement when the traverse is immaterial."

" The form of a Demurrer shall be as follows :—

" The said Defendant, by ———, his Attorney, (or in person, &c. or Plaintiff), says that the Declaration (or Plea, &c.) is not sufficient in Law, shewing the special causes of Demurrer, if any."

" The form of a Joinder in Demurrer, shall be as follows :—

" The said Plaintiff (or Defendant) says that the Declaration (or Plea, &c.) is sufficient in Law, &c."

New forms of Issues, Nisi Prius Records, Posteas and Judgment Rolls.

These forms appear to contain every thing that is necessary, they are concise and perspicuous, and every objection to their being introduced (with some slight modifications) into our practice, will be removed when the Fee Table is so altered as to secure a proper remuneration to the practitioner, without making the fees at certain stages of the cause entirely dependent on the length of the proceedings.

We do not deem it necessary to set out here the forms, or the particular rules by which they are governed; we conceive it will follow as a matter of course, from even a partial adoption of our suggestions, that a small Manual of the new Rules and Forms will be published for the use of the Profession, the sale of which will we think, be adequate or nearly so, to defray the expense of publication.

Sixth Head.

Fees of Judges, Counsel, Attornies, Clerk, Sheriffs, Witnesses and Jurors.

Our duty under this head, which is the most delicate part of our Commission, is to revise, and if necessary, to make a new Ordinance of Fees in the Supreme Court."

In the resolution of the Assembly under which the Commission of Judicial Inquiry was

was issued in the year 1832, it is stated "that the Ordinance Fee Table by which the taxation of costs, and the fees of many Officers in the Civil Departments of the Province are regulated, is confused, uncertain and irregular in its allowances," and the Commissioners then appointed in the prosecution of their duty prepared a new Table of Fees for the Inferior Courts of Common Pleas, which was afterwards adopted by the Legislature almost without alteration, and has been we believe generally approved of. It is to be regretted that at that time the Fees of the Supreme Court were not also revised, as the inconveniences which were then felt have continued to increase with the vast accession of business since that period.

It has been generally admitted that the emoluments of some of the Officers under the Ordinance were out of proportion to the labour and responsibility of the duties actually discharged. The Fees to the Clerk of the Supreme Court, and the Clerks of the Inferior Courts, seem to have been fixed more with a view to induce competent persons to accept those Offices in the early settlement of the Country when the practitioners were few, and the number of suits limited, than to provide merely an adequate and reasonable remuneration for each service.

By the Table adopted for the Inferior Courts, the Clerk's fees were much reduced, and since that time the emoluments of those Officers have been further diminished by the introduction of a summary practice into the Supreme Court, which has tended to increase the income of the Clerk of that Court.

It will be seen by the Bills of Costs which we have inserted in the Appendix, what portion is received by the Clerk in each Suit, and that the payment of the Clerks and Judges Fees weigh rather heavily on the Attorney who is bound to pay them, generally before, and sometimes without receiving them at all.

Fees also were provided to help out the incomes of the Judges at a time when the Provincial Revenue was inadequate to meet the charges of the Civil List, and the Judges and other Officers received their Salaries from England.

The Judges have for these few years past discontinued to receive the Fees provided by the Ordinance for Orders, &c. made at Chambers, except in cases of Bail.

They now receive the following Fees:—

On the entry of each Cause, not Summary,	£0	10	0
Each Summary Cause,	0	3	4
Taking and entering Special Bail,	0	3	6
Filing the Bail Piece when the Bail is entered before a Commissioner,	0	1	0
Justification or disallowance of Bail,	0	2	0
Admittance of each Attorney or Barrister,	1	0	0

The above are paid to the Clerk and divided among the Judges.

Besides these, a Judge on the Circuits receives for every trial not Summary,

	0	6	8
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For every Summary Trial,

	0	3	4
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As it appears to be the general opinion the Fees of the Judges should be commuted for a fixed addition to their salaries, and it has been the wish of many also that the same rule should be extended to the Clerk, we have made from the returns received by the former Commissioners, and those furnished to us, as accurately as was in our power, a Table shewing the average amount of the Judges and the Clerk's Fees during

during the five years from 1827 to 1831, inclusive, and for the five years from 1836 to 1840, inclusive ; we have also prepared a comparative statement of the business on the Circuits, during those respective periods.

We believe the Judges are quite ready to accede to any reasonable plan for commutation, although it may somewhat diminish their present and prospective incomes ; if the arrangement take place it must be a question for the Legislature whether the Fees should altogether cease, or be received and paid into the Treasury, or made to form a particular Fee Fund.

We much doubt the expediency of changing the mode of remunerating the Clerk, from Fees to a fixed salary ; the collection of the Fees, if it is intended they shall still be received and paid over to the Treasury, will be difficult and irregular ; if this plan, however, be adopted, the simpler the details are made the better, for instance, Fees on certain stages of the cause, viz : the Writ, the Entry, the Issue and the Judgment.

On the supposition that the Clerk is to continue to receive Fees, we have not thought either reason or justice require that the Fees should continue any longer on the present scale, the income derived therefrom being beyond what could have been contemplated or can be justified by any comparison of the Clerk's duties with those of the Judges or leading Members of the Profession. We think indeed that a less income than could now be proposed with due regard to the situation of the present holder of the Office, will be amply sufficient to command the services of a gentleman of the Profession in every respect qualified when a vacancy may take place.

It is not easy to foresee what will be the exact extent of business for the future ; the number of Actions in the Courts has fluctuated much at different periods and in different Counties ; we do not, however, apprehend any serious diminution, but as it may probably rather decrease than increase for a few years to come, regard must be had to this circumstance in altering the Fees of the Clerk, and some allowance made for the trouble and risk with which an income derived from Fees is attended.

The plan which might be adopted in regard to the present Officer, and which presents to our minds the fewest objections, would be, to fix the amount of his income at a certain sum, such as may appear to the Legislature proper, under the circumstances ; to require from him annual returns on Oath, and that any surplus or deficiency should be paid to, or from the Revenue, as the case might be. A similar regulation might also be made for his Successor.

In these suggestions we have already perhaps exceeded the limits of our inquiry, and shall say no more ; there are several Members in both Branches of the Legislature who are fully conversant with the subject.

We have prepared also a new Table of Fees for the Clerk of the Crown, and Clerk of the Circuits.

With respect to the Fees of Attornies, we think they cannot be considered very excessive in the aggregate, as they now stand, though they require to be better apportioned and more clearly defined. In the amended forms proposed for adoption, there will be a very considerable diminution in the labour of the Attorney's office, particularly in ordinary undefended Suits, and a small diminution can well be made from the present costs ; there are some services not at all, and others very inadequately remunerated, for which we have made suitable provision.

The services of Counsel on Trial, appeared to us to require further provision in the taxable

taxable Fees ; the amount in each case must necessarily be left a good deal to the discretion of the Judge, or that of the taxing Officer ; the former is the present practice, and to that we adhere.

As the best mode of explaining our alterations, we propose adding in the Appendix several Bills of Costs drawn up according to the new Table of Fees, and contrasting them with the Costs under the present ordinance.

We propose that some addition should be made to the Fees of Sheriffs, for the particulars of which we beg to refer to the Table annexed. It has recently been decided, that the Sheriff is not entitled to Poundage upon an Execution against the body, though he has been in the habit of receiving it hitherto. In England the Sheriff, by Law, receives Poundage on a *Cu Sa*, as well as on an Execution against Goods, but he is there subject to an Action of Debt for an escape of a party confined under Execution, under which he is liable for the whole amount of such Execution ; here, he is only liable to damages, which may be measured out by the Jury according to the circumstances of each case. We think on the whole, that the Sheriff should only receive Poundage on sums actually levied and received, but that these should be paid him on an Execution as well against the person as against the property, and that he should also be entitled to the same for levying money under an attachment.

There are many public duties performed by Sheriffs for which the public ought to pay, and it does not appear right that compensation should be indirectly made them therefor by fees received from Suitors. We fear there will always be a difficulty in making these a charge on the County Rates. No other mode remains that we are aware of, but an occasional grant or stated provision from the Revenue ; this, however, is beyond our province, and our only reason for suggesting it is, that we may not be understood to have provided suitable remuneration for all the duties of the Sheriff's office, in the additional Fees we propose.

It is important that Fees should be provided for proceedings under the Absconding Debtors Act, but as that Act evidently requires revision by the Legislature, we have not thought it expedient to enter upon the subject.

We leave the Witnesses Fees without alteration ; and in regard to Jurors, we think it very desirable to make some addition to their Fees ; we think if 20s. or 25s. were paid on the entry of each cause on the Trial Docket, to form a Jury Fund, which might be divided among the Jurors according to some scale to be prepared by the Judges, it would add considerably to what they now receive, and thus afford them some means of paying their expenses, without any serious tax on Suitors, or any charge on the County. If the Judges Fees on the Trial are commuted, it would be by no means disadvantageous that there should be this addition to the costs of entering a cause for trial. Where a particular Jury is summoned by the Coroner or by Elisors, they should be entitled to the Fee now paid to Jurors of Inquiry.

One observation we think it right to make in regard to Court Fees, that they furnish a check, by no means unnecessary, to excessive litigation. A denial of Justice, from the inability of any one to institute or defend an action, has not, we suspect, very often occurred in this Province ; and we are not without apprehension, that the increased facilities which any great reduction in costs would occasion, might be productive of as much evil as good to the community.

As the Fees in Summary Cases have been recently fixed by the Legislature, we have

have not entered upon the consideration of them, although they may be susceptible of some improvement.

It remains only to consider the best mode of effecting the proposed amendments and alterations; and we are of opinion, that in regard to the Rules and Forms of Pleading and Practice, they will not be made as conveniently by direct Legislative enactment as by Rules prepared by the Judges; we therefore propose that an Act should pass, nearly similar to the Act of Parliament 3 and 4 Wm. 4, c. 42, authorizing the Judges to make Rules for amending the Pleading and Practice.

The Rules may be allowed to go in force with or without the express or implied sanction of the Legislature, as may be deemed best.

Should the alterations we have suggested, meet the approbation of Your Excellency and the Legislature, the whole, or such part of them as the Judges might adopt, could go into force at a time to be appointed by them. Should they propose any further Regulations, such might be suspended until the next Session of the Legislature.

In regard to the Fee Table, we think it better that this should emanate from the Legislature; if any material parts of it are made contingent on the adoption of the Rules we have suggested, a clause might easily be introduced into the Act establishing Fees, suspending its operation in whole or part, until a Proclamation were issued by Your Excellency, (on the application of the Judges,) for putting it in force.

We must in conclusion repeat our deep regret that the circumstances alluded to at the commencement of our Report, for which we trust due allowance will be made, have obliged us to present our views to Your Excellency in so imperfect a form, and at so late a period.

We humbly submit to Your Excellency this our Report, of which we pray that the Appendix hereunto annexed, may be taken as part.

Dated this twenty fifth day of February, in the Year of our Lord one thousand eight hundred and forty two.

R. PARKER.
J. A. STREET.
E. B. CHANDLER.

APPENDIX TO REPORT.

[No. 1.]

Fredericton, 19th August, 1841.

SIR,—It affords me much pleasure, in compliance with your request, contained in your Letter of the 20th July, which, however, did not reach me until the 2d August, to furnish you with the information required, and in doing so, I have to state that the amount of Fees received by me during the last five years, would average upwards of £1100 per year, exclusive of Office contingencies, which have varied from £130 to £160 annually.

It

It will be necessary in future, satisfactorily to carry on the duties of the Office, that I should employ an additional Clerk, should the present increased business of the Office continue. I have the honor to be

Your most obedient humble servant,
(Signed)

GEO. SHORE.

The Honorable Judge Parker, &c. &c. &c.

[No. 2.]

Gross amount of Clerks Fees from 1827 to 1831, inclusive, as appears by Report of Commissioners in 1832:—

1827,	-	-	-	-	£854	1	10
1828,	-	-	-	-	1,031	4	10
1829,	-	-	-	-	1,022	19	8
1830,	-	-	-	-	811	3	6
1831,	-	-	-	-	846	19	8

5) 4,566 9 6

Total average, £913 5 10

Fees from 1836 to 1840, inclusive, as above stated, say £1,100 0 0

Add for Clerk and Stationery, 145 0 0

£1,245 0 0

Average from 1827 to 1831,
Ditto from 1836 to 1840,

£913 5 10
1,245 0 0

2) 2,158 5 10

The average of 10 years,

£1,079 2 11

[No. 3.]

Number of Entries filed and of Record and Summary Judgments signed in the Supreme Court, during the last five years, from 1836 to 1840, inclusive.

TERMS.	Entries.					Record Judgments.					Summary Judgments.				
	1836	1837	1838	1839	1840	1836	1837	1838	1839	1840	1836	1837	1838	1839	1840
Hilary,	172	312	428	499	488	144	203	292	271	358	33	70	104	103	167
Trinity,	230	387	416	493	564	136	176	235	225	299	42	69	103	118	142
Michaelmas	313	402	476	471	621	117	235	285	237	288	27	87	126	128	154
Total,	715	1101	1320	1373	1673	397	614	812	733	945	102	226	333	349	463

(Signed)

GEO. SHORE.

Fredericton, 19th August, 1841.

[No. 4.]

[No. 4.]

CIRCUITS.

The number of Causes entered for Trial on the Circuits from 1827 to 1831, averaged 153 per annum; and the number of days sitting averaged 43 per annum.

From 1835 to 1841, inclusive, omitting 1836, in which the Circuits was suspended, Causes entered for Trial averaged —; and the number of days sitting, about 105.

Between the two periods, two new Counties have been erected, and an additional Circuit given to Charlotte County.

[No. 5.]

JUDGES FEES.

Average amount of Judges Fees, including Circuit Fees, but excluding Bail and other Chamber Fees, from 1827 to 1831, inclusive, as appears by Report of Commissioners of Judicial Inquiry, in 1832, per annum, £514 5 4; or £128 11 4 to each Judge.

With the addition of Bail and other Chamber Fees, the amount would probably not exceed £140 per annum.

Fees received by the Judges from 1836 to 1840, inclusive, excepting Circuit Fees, viz:—

1836,	-	-	-	-	£346	5	4
1837,	-	-	-	-	598	14	10
1838,	-	-	-	-	716	5	4
1839,	-	-	-	-	788	1	4
1840,	-	-	-	-	888	9	4
					<hr/>		
					5)	3,337	15 2
					<hr/>		
Yearly average,					4)	667	11 0
					<hr/>		
Yearly average to each Judge,						166	17 9
Probable average amount of Circuit Fees,						25	0 0
					<hr/>		
Average amount to each Judge from 1836 to 1840,						£191	17 9
Average from 1827 to 1831, say						140	0 0
					<hr/>		
					2)	331	17 9
					<hr/>		
Average of 10 years,						£165	18 10

[No. 6.]

SHERIFFS.

Statement of Sheriffs Fees as returned to the Commissioners, viz:—

Sheriff of Saint John, for 1840,	£400	0	0
Do. Charlotte, average below	250	0	0
	Sheriff		

Sheriff of King's, not over	£150	0	0
Do. Queen's, average 5 years, gross Fees about £100, net Fees received, about	40	0	0
Do. Carleton, average of 5 years, out of which two Deputies are paid,	500	0	0
Do. Sunbury, Fees payable on an average of 5 years, not over £100, actually collected, not over	65	0	0

[No. 7.]

PROPOSED NEW TABLE OF FEES IN THE SUPREME COURT.

ATTORNEYS.

Instructions to sue or defend,	£0	11	8
Letter, (if sent,)	0	5	0
Every Process and engrossing, when not exceeding three folios,	0	5	0
All copies of Process, including any necessary notice attached thereto, not exceeding three folios, when required for service, copy Subpœna excepted,	0	2	6
Every Declaration not exceeding six folios, including the drafting and copy to file,	0	10	0
Copy of Declaration for the opposite Attorney, and for each additional folio beyond six in the Declaration, (when necessary) 1s for drafting and 6d for copying,	0	5	0
General Issue and copy for the opposite party,	0	5	0
For each Special Plea, Replication, Rejoinder, &c., Demurrer and Joinder in Demurrer, including the drafting and copy, or at the rate of 1s per folio for drawing, and 6d for copying, at the option of the party pleading, each copy for the opposite Attorney at the rate of 6d per folio,	0	5	0
Every Bond for security of costs, attending and certifying the execution thereof,	0	10	0
Every Nisi Prius Record and Judgment Roll, including the drafting and engrossing, or at the rate of 1s per folio for drawing and 8d per folio for engrossing, at the option of the party,	0	16	8
The amount of Postage of Letters or Papers actually paid, not exceed- ing in each cause	0	5	0
Drawing all Rules, Notices, Demands, Summons or Order, (over one folio) Process, (over three folio) Affidavits, Suggestions, Records, or other proceedings not otherwise provided for, each folio	0	1	0
Engrossing the same on Parchment, (where necessary) per folio,	0	0	8
Copies, (on paper) per folio,	0	0	6
Every Notice, Summons, Order, Demand, Rule or Subpœna Ticket, (under one folio) Search, Attendance, Service, Interlocutory Judg- ment, Docket, (whether Entry, Judgment or Roll) where not other- wise provided for, each	0	1	0
Every copy of such Rule, Notice, Summons or Demand, when required for service,	0	0	6
			Term

Term Fee, but no Term Fee to be allowed for any Term before the service and return of the Writ, or entry of the Cause,	£0	5	0
Every Bail Piece, and engrossing,	0	3	4
Every Motion,	0	3	4
Brief for Trial or Argument before the Court,	0	10	0
Every attendance on striking or balloting a Jury, or on taxation of costs,	0	3	4
Attending a Trial or the execution of a Writ of Inquiry before a Jury,	0	10	0
Every attendance before a Judge at Chambers on return of Summons, (when the application is resisted,) or upon assessment of damages,	0	6	8
Every other necessary attendance before a Judge in Chambers,	0	3	4
The Attorney General to receive the like Fees in Revenue or Exchequer proceedings as are above provided for Attornies in cases between party and party.			

[No. 8.]

COUNSEL.

Perusing and signing Demurrer, Special Pleas, Replication, Rejoinder, &c. to which the signature of Counsel may be necessary,	£0	11	8
This fee to be allowed only for one signature when more than one special pleading in a cause are prepared and delivered at the same time. On every argument before the Court, and on every cause entered for trial, not less than "one Guinea," and not exceeding "ten Guineas," at the discretion of the Court or Judge.			
Signing and Sealing every Writ,	0	1	0

[No. 9.]

CLERK.

Entering every Cause, including the necessary Rules, and filing the Docket of Entry,	£0	2	0
Entry of appearance and filing the Bail Piece,	0	1	0
Entering admission of Guardian or "Prochein amy."	0	0	6
Every search made on the Files or Minutes of the Court,	0	1	0
Entry of every Interlocutory Judgment,	0	1	0
Every Certificate of Interlocutory Judgment,	0	0	6
Entry of every other Rule or Order, including the minuting the motion made therefor,	0	1	0
Copy of every Common Rule,	0	0	6
Entering every Retrait or Confession,	0	1	0
Entering an assessment of Damages, including filing the Docket and assessment papers,	0	1	0
Entering every Cause for argument, or for Trial at Bar,	0	1	0
Minuting Motion for final Judgment, and filing the Judgment Docket,	0	1	0
Taxing a Bill of Costs,	0	2	6
Signing Judgment on the Roll,	0	1	0
Filing Judgment Roll,	0	1	0

Filing

Filing every Process, Pleading or other paper, (Dockets excepted) and marking the same when filed,	£0 0 6
Copy or Transcript from Minutes or Records, entering Satisfaction or other matters on the Roll, per folio,	0 1 0
Every Certificate under the Seal of the Court, including the Seal,	0 2 0
Copies of all Records and Papers other than Common Rules, and collating the same, per folio,	0 0 9
On all monies paid into Court, to £100, per pound,	0 0 6
And all over 100, “	0 0 3
To be paid at the time of paying the money in addition thereto.	
Taking every Recognizance for each person, and entering the same,	0 1 6
Administering the Oath to a Barrister or Attorney, and Certificate of Admission under Seal,	0 11 8
Every Commission for taking Bail or Affidavits, including the Seal,	0 5 0
Taking every Affidavit, each Deponent,	0 1 0
On the naturalization of every Alien, including the preliminary Affidavit, entry in the Book and Swearing, preparing and retaining Judge's Certificate,	1 3 4
The Clerk in case of Trials at Bar, to have the like Fees as the Clerk at Nisi Prius.	

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[No. 10.]

CLERK OF THE CIRCUITS AND AT THE SITTINGS.

Entry of every Cause for Trial, and filing Nisi Prius Record,	£0 5 0
Minuting Motion for Trial, Non-suit, putting off Cause, withdrawing Record, or discharging a privileged party from arrest, each and every default,	0 1 0
Calling and Swearing Jury,	0 1 6
Swearing every Witness, Constable, and reading any Paper in evidence, each,	0 0 6
Taking and recording every Verdict,	0 1 6
Preparing and returning each Postea, not exceeding four folios,	0 6 8
And all above four folios, 1s per folio, for drawing, and 8d for engrossing.	
On the Naturalization of any Alien, including the preliminary Affidavit, entering in the Book and Swearing, preparing and returning Judge's Certificate,	1 3 4

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[No. 11.]

CLERK OF THE CROWN AT THE SITTINGS AND ON THE CIRCUITS.

Drawing every Indictment and Engrossing, not exceeding six folio,	£0 10 0
And for every folio over six, 1s for Drawing, and 8d for Engrossing.	
Copies of all Indictments, Depositions and all other papers delivered upon the application of Defendants, or other (to be paid for by the applicant) and collating, per folio,	0 0 9
	Calling

Calling and Swearing the Grand Jury and marking Defaulters,	£0	10	0
Minuting Motions for Trial, Swearing Witnesses, &c., the like Fees as are received by the Clerk in Civil Cases.			
Taking, respiting or discharging every Recognizance, and discharging a Prisoner by Proclamation,	0	1	0
Preparing, Signing and Sealing each Subpœna or Bench Warrant,	0	3	0
Every Subpœna Ticket,	0	0	6
Every Certificate under Seal,	0	2	0
Arraigning every Defendant on Indictment,	0	2	6
Reading the Indictment on the Trial and stating the Issue,	0	2	6
Entering an appearance of Defendant upon Indictment or Information,			
Plea, relinquishment of Plea, Order or Rule of Court, or nolle prosequi,	0	1	0
Entering the Judgment of the Court, on each Defendant,	0	1	6
The Clerk of the Crown in Exchequer or Revenue proceedings, to have the same Fees as are received by the Clerk of the Pleas in like cases, between party and party.			
Service of every Process or Declaration in Ejectment on each person, and return thereof,	0	5	0

[No. 12.]

SHERIFF.

Affidavit of service, including the Fee for Swearing,	£0	2	6
Arrest of every person on Mesne Process and return thereof,	0	7	6
Preparing and taking Bail Bond,	0	5	0
Return of "Non Est" or "Nulla Bona,"	0	1	0
Serving every Execution or Return, (exclusive of poundage and mileage,)	0	5	0
Levy, receiving, and paying all monies on Executions or Attachment, to £100, per pound,	0	1	0
All above £100, per pound,	0	0	6
Every Cause entered for Trial,	0	2	6
Summoning a Jury of view,	0	10	0
Attendance with a Jury of view per day, exclusive of mileage,	0	10	0
Serving a Writ of Habere facias possessionem,	1	0	0
Every commitment to Gaol,	0	2	6
Service of every Writ of "Habeas Corpus,"	0	6	8
Each attendance on a Judge thereupon,	0	3	4
Mileage, upon the service of every Writ, Process, Attachment or Declaration in Ejectment, per mile, going and returning, to be reckoned from Court House of County,	0	0	3
Summoning and Swearing a Jury of Inquiry, and attending the Inquisition,	0	10	0
Swearing each Witness and Constable, and reading every paper in evidence,	0	0	6
Preparing the Inquisition and attending the execution thereof,	0	10	0

NOTE.—The Coroner or Elisors to receive the like Fees for like services.

[No. 13.]

[No. 13.]

CRYER.

Calling a Jury,	£0	1	0
Every Verdict or Non-suit,	0	1	0
Calling each Defendant on Recognizance,	0	1	0
Swearing each Witness,	0	0	3
Every Discharge or Proclamation,	0	1	0
On the Entry of each Cause in the Supreme Court,	0	1	0

CONSTABLE.

Attending the Jury in each Cause,	0	2	6
Serving each Warrant, Subpœna or Notice,	0	1	0

WITNESS.

Attendance per day,	0	1	6
Travelling per mile, going and returning, besides Ferryage where paid,	0	0	3

[No. 14.]

JURORS.

To be paid on the entry of each Civil Cause to be tried on the general Venire, at the Sittings or on the Circuits, into a Jury Fund, to be divided among the Jurors in attendance, according to a scale to be prepared by the Judges,	£1	5	0
To each Juror serving upon a Jury of view, per day,	0	4	0
To each Juror sworn upon a Jury summoned by the Coroner, or by Elisors,	0	2	6
To each Talesman who may be sworn on a Jury, payable from the Jury Fund,	0	2	0

EXAMPLES OF TAXED COSTS BY THE OLD ORDINANCE.

SUPREME COURT.

John Doe, }
 vs. } Costs on Verdict and final Judgment for Plaintiff.
 Richard Roc. }

<i>Hil. vac.</i>	Retainer, 15s, Warrant Attorney, &c. 2s 3d,	£0	17	3
	Writ, 3s 4d, Copy, 2s, Precipe, 1s,	0	6	4
	Motion to Plead,	0	3	4
<i>Trinity.</i>	Declaration, 12s, Copy to file, 6s,	0	18	0
	Notice endorsed, 1s 6d, Copy Deft's. Attorney, and service, 7s,	0	8	6
	Search for appearance,	0	1	0
	Demand of plea and service,	0	2	0

Carried forward,

£2 16 5

	<i>Brought forward,</i>	£2	16	5
	Similiter, 1s, Copy 6d, Copy Deft's Attorney, and service, 1s 6d,	0	3	0
	Brief, 10s, Summons for particulars, (set off) 1s,	0	11	0
	Copy and Service, 1s 6d, Attendance, 1s,	0	2	6
	Affidavit Service and engrossing,	0	2	6
	Orders for particulars, Copy and Service,	0	2	6
	Attendance before a Judge,	0	1	0
	Particulars of Plaintiff's demand, two folios,	0	2	0
	Copy and Service, 2s, Notice, Trial and Service, 2s,	0	4	0
	Destringas, 3s 4d, Precipe, 1s,	0	4	4
	Subpœna, 3s 4d, Precipe, 1s, six Tickets, @ 1s,	0	10	4
	Service six Tickets, @ 1s,	0	6	0
	Draft Nisi Prius Record, eighteen folio,	0	18	0
	Engrossing, 12s, Motion for Trial, 3s 4d,	0	15	4
	Attendance on Trial,	1	5	0
<i>Mich's.</i>	Motion for Judgment on Postea,	0	3	4
	Reading Postea, &c.	0	1	0
	Entry of Warrant on the Roll,	0	3	0
	Drawing and Entry of Judgment,	0	5	4
	Draft Judgment Roll, 20 folio, 20s, Engrossing, 13s 4d,	1	13	4
	Entry of three Continuances on Roll,	0	6	0
	Draft Costs, four folio, 4s, Engrossing, 2s,	0	6	0
	Copy for Defendant's Attorney, 2s 6d, Notice Taxing, 1s,	0	3	6
	Service, 1s, Attending to tax Costs, 1s,	0	2	0
	Execution and Precipe, 4s 4d, Postages, 5s,	0	9	4
	Term Fees, 10s, Docket, 1s 6d,	0	11	6
		£12	8	3
COUNSEL.	Taxed,	5	16	8
JUDGE.	On entering Cause, 10s, On Trial, 6s 8d,	0	16	8
CLERK.	Entering Warrant Attorney, &c.	£0	1	0
	Signing and Sealing Writ, and filing Precipe,	0	1	6
	Filing Writ, 6d; Motion to Plead, 1s,	0	1	6
	Motion to Declare, 1s, Filing Declaration, 6d,	0	1	6
	Search for appearance, 1s, Filing Similiter, 6d,	0	1	6
	Signing and Sealing Destringas, and filing Precipe,	0	1	6
	Filing Destringas and Return,	0	1	0
	Signing and Sealing Subpœna, and filing Precipe,	0	1	6
	Signing and Sealing Nisi Prius Record,	0	1	6
	Minuting Motion for Judgment on Postea,	0	1	0
	Filing Postea, 6d, Three Continuances, 3s,	0	3	5
	Taxing Costs, &c. 3s 6d, Filing Roll, 3s, Entering	0	7	6
	Judgment, 1s,	0	7	6
	Signing Roll, 2s 6d, Signing and Sealing Execu-	0	4	0
	tion, and filing Precipe, 1s 6d,	0	4	0
	<i>Carried forward,</i>	£1	8	6
		£19	1	7

	<i>Brought forward,</i>	£1 8 6	£19 1 7
	Filing Execution and Return, 1s, On Docket, 1s 6d,	0 2 6	
			1 11 0
CLK. CIRCUIT.	On entering Cause, 5s, Minuting Motion for Trial, 1s,	0 6 0	
	Call Jury, &c. 1s 6d, Swearing four Witnesses and Constable, 2s 6d,	0 4 0	
	Reading two Papers, 1s, Taking Verdict, 1s 6d, Postea,	0 2 6 0 10 0	
SHERIFF.	On Service Writ, 7s 6d, Destringas, 9d, Trial, 2s 6d,		1 2 6 0 10 9
JURY.			0 12 0
CRYER.	On entering, 1s, Swearing Witnesses, 1s 3d, Verdict, 1s,		0 3 3
CONSTABLE.	On Trial,		0 1 0
			£23 2 1

SUPREME COURT.

John Doe, }
 vs. } Costs on Verdict for Defendant.
 Richard Roe. }

Retainer, 15s, Warrant Attorney, &c. 2s 3d,	£0 17 3
Com. Bail, 3s 4d, Notice, Appearance and Service, 2s,	0 5 4
Search for Declaration,	0 1 0
General Issue, 1s, Copy 6d,	0 1 6
Copy for Plaintiff's Attorney, and Service,	0 1 6
Notice of Set Off, 2s, Copy and Service, 2s,	0 4 0
Summons for partic. Plaintiff's demand,	0 1 0
Copy and Service, 1s 6d, Attending before Judge, 1s,	0 2 6
Order, 1s, Copy and Service, 1s 6d, Attendance, 1s,	0 3 6
Brief for Trial,	0 10 0
One Subpœna, 3s 4d, Precipe, 1s, Five Tickets, 1s,	0 9 4
Five Services, @ 1s,	0 5 0

CIRCUIT.

Attendance, &c. on Trial,	1 5 0
Motion for Judgment on Postea,	0 3 4
Reading Postea, &c. 1s, Entering Warrant on Roll, 3s,	0 4 0
Drawing and Entry of Judgment,	0 5 4
Draft Judgment Roll, 20 folios, 20s, Engrossing, 13s 4d,	1 13 4
Entry of three Continuances on Roll,	0 6 0
Drft. Costs, four folio, 4s, Engrossing, 2s,	0 6 0
Copy for Plaintiff's Attorney, 2s 6d, Notice Taxing, 1s,	0 3 6
Service, 1s, Attending Taxing of Costs, 1s,	0 2 0

Carried forward,

£7 10 5

	<i>Brought forward,</i>		£7	10	5
	Execution and Precipe, 4s 4d, Postages, 5s,		0	9	4
	Term Fees, 10s, Docket, 1s 6d,		0	11	6
			<hr/>		
			£8	11	3
COUNSEL.	Taxed,		5	16	8
CLERK.	Entering Warr't Att'y, &c. 1s, Appearance, 1s,	£0	2	0	
	Filing Common Bail, 6d, Search, 1s,	0	1	6	
	Filing Plea, 6d, Signing, Sub. and Filing Precipe, 1s 6d,	0	2	0	
	Signing and Sealing Nisi Prius Record,	0	1	6	
	Minuting Motion for Judgment on Postea,	0	1	0	
	Filing Postea, 6d, three continuances, 3s,	0	3	6	
	Taxing Costs, &c. 3s 6d, Filing Roll, 3s,	0	6	6	
	Signing Roll, 2s 6d, Signing and Sealing Exon. and Filing Precipe, 1s 6d,	0	4	0	
	Filing Exon. and Return, 1s, on Docket, 1s 6d,	0	2	6	
			<hr/>		
			1	4	6
CLK.CIRCUIT.	Entering Cause for Trial,	£0	5	0	
	Minuting Motion for Trial,	0	1	0	
	Calling Jury,	0	1	6	
	Swearing Witnesses and Constable,	0	2	6	
	Reading two Papers,	0	1	0	
	Receiving Verdict,	0	1	6	
	Postea,	0	10	0	
			<hr/>		
			1	2	6
SHERIFF.	On Trial,		0	2	6
CRYER.	On Trial, &c.		0	2	3
CONSTABLE.	Ditto,		0	1	0
JURY.			0	12	0
			<hr/>		
			£16	12	8

EXAMPLE OF TAXABLE COSTS BY THE PROPOSED NEW TABLE OF FEES.

SUPREME COURT.

John Doe, }
 vs. } Costs on Verdict and Final Judgment for Plaintiff.
 Richard Roe. }

<i>Hil. vac.</i>	Instructions to sue,	£0	11	8	
	Letter,	0	5	0	
	Process, 5s, Copy, 2s 6d,	0	7	6	
<i>Trinity.</i>	Entry Docket, 1s, Attending to file, 1s,	0	2	0	
	Declaration,	0	10	0	
	Motion to Plead, 3s 4d, Rule, 1s,	0	4	4	
			<hr/>		
			£2	0	6

Carried forward,

N†

		<i>Brought forward,</i>		
CLK. CIRCUIT.	Entering for Trial, 5s, Motion for Trial, 1s,	0	6	0
	Calling Jury,	0	1	6
	Swearing four Witnesses and Constable, @ 6d,	0	2	6
	Reading two Papers, @ 6d,	0	1	0
	Taking and Recording Verdict,	0	1	6
	Postea,	0	6	8
SHERIFF.	Serving Process, 5s, On Trial, 2s 6d,		0	19
JURY.			0	7
CRYER.	Entering, 1s, Call Jury, 1s, Verdict, 1s, Swearing Wit-		1	5
	nesses, 1s 9d,		0	4
CONSTABLE.	On Trial,		0	2
			0	6
			£19	18
				7

SUPREME COURT.

John Doe, }
 vs. } Costs for Defendant on Verdict.
 Richard Roe, }

<i>Hilary.</i>	Instructions to defend,	£0	11	8
	Com. Bail, 3s 4d, Attending to file, 1s,	0	4	4
	Notice of appearance, 1s, Copy and Service, 1s 6d,	0	2	6
	Term Fee, 5s, General Issue and Copy, 5s,	0	10	0
	Notice of Set Off, two folio,	0	2	0
	Copy and Service,	0	2	0
	Sum. for partic. 1s, Copy and Service, 1s 6d,	0	2	6
	Attendance for same before Judge,	0	3	4
	Order, 1s, Copy and Service, 1s 6d,	0	2	6
	Attendance before Judge for Orders,	0	3	4
	Brief for Trial,	0	10	0
	One Subpœna, 5s, Five Tickets, @ 1s,	0	10	0
	Service of Tickets,	0	5	0

CIRCUIT.

<i>Trinity.</i>	Attending Trial,	0	10	0
	Term Fee, 5s, Motion for Judgment on Postea, 3s 4d,	0	8	4
	Rule for Judgment, 1s, Judgment Docket, 1s,	0	2	0
	Attending to file,	0	1	0
	Judgment Roll,	0	16	8
	Roll Docket, 1s, Attending to file, 1s,	0	2	0
	Drft. Costs, four folio, 4s, Engrossing, 2s,	0	6	0
	Copy for Plaintiff's Attorney,	0	2	0
	Notice of Taxation,	0	1	0
	Copy and Service,	0	1	6

Carried forward,

£5 19 8

	<i>Brought forward,</i>		£5	19	8
	Attending Taxation,		0	3	4
	Execution, 5s, Postages, 5s,		0	10	0
			<hr/>		
			£6	13	0
COUNSEL.	Taxed,		5	16	8
CLERK.	Signing Subpœna,	£0	1	0	
	Filing Postea and Judgment Docket,	0	1	0	
	Roll Docket,	0	1	0	
	Taxing Costs,	0	2	6	
	Signing Roll,	0	1	0	
	Filing Roll,	0	1	0	
	Signing Execution	0	1	0	
			<hr/>		
			0	8	6
CLK.CIRCUIT.	Entering Cause for Trial,	£0	5	0	
	Motion for Trial,	0	1	0	
	Calling Jury,	0	1	6	
	Swearing Witnesses and Constable,	0	2	6	
	Reading two papers,	0	1	0	
	Taking and Recording Verdict,	0	1	6	
	Postea,	0	6	8	
			<hr/>		
			0	19	2
SHERIFF.	On Trial,		0	2	6
CRYER.	On Trial, 1s, Calling a Jury, 1s, Recording Verdict, 1s,				
	Swearing Witnesses, 9d,		0	3	9
CONSTABLE.	On Trial,		0	2	6
			<hr/>		
			£14	6	1

SUPREME COURT.

John Doe,	} Costs on Judgment by Default,				
vs.					
Richard Roe,					
<i>Hil vac.</i>	Instructions to Sue,		£0	11	8
	Letter,		0	5	0
	Process, 5s, Copy, 2s 6d,		0	7	6
<i>Trinity.</i>	Entry Docket, 1s, Attending to file, 1s,		0	2	0
	Declaration,		0	10	0
	Attendance to file,		0	1	0
	Motion to Plead, 3s 4d, Rule, 1s,		0	4	4
	Term Fee, 5s, Search for Appearance, 1s,		0	6	0
	Common Bail, (See Stat.)		0	3	4
	Interlocutory Judgment, 1s, Attending to file, 1s,		0	2	0
	Attending for Certificate Interlocutory Judgment,		0	1	0
			<hr/>		
	<i>Carried forward,</i>		£5	13	10

	<i>Brought forward,</i>				£2 13 10
	Attending Judge on assessing Damages,				0 6 8
	Judgment Docket, 1s, Attending to file, 1s,				0 2 0
	Roll, 16s 8d, Roll Docket, 1s, Attending file, 1s,				0 18 8
	Draft Cost, 3s, Engrossing, 1s 6d, Attending taxation, 3s 4d,				0 7 10
	Execution, 5s, Postages, 5s,				0 10 0
					£4 19 0
CLERK.	Signing Writ, 1s, Entering Cause, 2s,	£0	3	0	
	Filing Declaration, 6d, Search, 1s,		0	1 6	
	Interlocutory Judgment, 1s, Certificate, 6d,		0	1 6	
	Rule to Plead, 1s, Entering Assessed Damages, 1s,		0	2 0	
	Filing Judgment Docket, 1s, Taxing Costs, 2s 6d,		0	3 6	
	Signing Roll, 1s, Filing Roll, 1s, Signing Execution, 1s,		0	3 0	0 14 6
JUDGE.	(If continued,)				0 10 0
SHERIFF.	(Exclusive of Mileage,)				0 5 0
CRYER.	On entering Cause,				0 1 0
					£6 9 6

NOTE.—The costs of Judgment by Default by the old Ordinance, average between £8 and £9.

SUPREME COURT.

John Doe,	}	Costs of Suit settled after Entry and before Judgment.			
vs. Richard Roe,					
<i>Hil. vac.</i>		Instructions to Sue,			£0 11 8
		Letter,			0 5 0
		Process, 5s, Copy, 2s 6d,			0 7 6
<i>Trinity.</i>		Entry Docket, 1s, Attending to file, 1s,			0 2 0
		Declaration, 10s, Attending to file, 1s,			0 11 0
		Motion to Plead, 3s 4d, Rule, 1s,			0 4 4
		Term Fee,			0 5 0
		Search for Appearance,			0 1 0
		Common Bail, (see Stat.)			0 3 4
		Interlocutory Judgment, 1s, Attending to file, 1s,			0 2 0
		Motion to discontinue, 3s 4d, Rule, 1s,			0 4 4
		Draft Costs and Copy,			0 3 0
					£3 0 2
CLERK.		Signing Writ,	£0	1 0	
		Entering Cause,		0 2 0	
		Filing Declaration,		0 0 6	
					£3 0 2
		<i>Carried forward,</i>	£0	3 6	£3 0 2

ot

		£0	3	6	£3	0	2	
<i>Brought forward</i>								
	Rule to Plead,	0	1	0				
	Search,	0	1	0				
	Interlocutory Judgment, 1s, Certificate, 6d,	0	1	6				
	Entering Rule to discontinue,	0	1	0				
						0	8	0
JUDGE.	(If continued.) Entry of Cause,					0	10	0
SHERIFF.	(Exclusive of Mileage,)					0	5	0
CRYER.	On Entering,					0	1	0
						£4	4	2

The Fees by the old Ordinance, would have been about £4 17 6.

SUPREME COURT.

John Doe,	}	Costs of Suit settled before Return of Writ, not Bailable.						
vs.								
Richard Roe,								
	Instructions,				£0	11	8	
	Letter,				0	5	0	
	Writ,				0	5	0	
	Copy,				0	2	6	
					£1	4	2	
CLERK.	Signing and Sealing Writ, 1s, Filing Writ, 6d,				0	1	6	
					£1	5	8	
	Exclusive of Sheriff.							
	Cost of Process as now charged by the old Ordinance is				£1	6	11	
	Clerk,				0	2	6	
					£1	9	5	
	Exclusive of Sheriff.							

No. 9.

[See Journal 4th April, 1842.]

Government House, Halifax, 30th March, 1842.

SIR,—I have the honor to inclose for the information of Your Excellency, a copy of a Report (see Paper marked No. 1) of a Committee of the House of Assembly of Nova Scotia, on the Post Office affairs of the Colony; and also transmit (see Paper No. 2) a copy of some Resolutions passed by the House of Assembly, having relation to this subject. To the sixth of these Resolutions especially, I beg to direct your Excellency's attention. By the Report now sent, it will be seen that £1,550 Sterling, the

the whole sum required for the maintenance of the Contract entered into by the Home Government with Mr. Cunard, "for the establishment of Mail Coaches for the conveyance of the Post Office Letter Bags between Halifax and Pictou," has hitherto been furnished by this Province, although, in my Despatch, No. 68, dated 27th April, 1841, addressed to Lord John Russell, (see Paper No. 4) I distinctly intimated in reply to his Despatch, No. 16, dated 17th November, 1840, that £550 only had been voted by the Legislature for that purpose.

The perusal of these Papers will, I think, make it apparent to Your Excellency—

1st—That the Contract was originally entered into chiefly with a view of expediting the correspondence between Great Britain and Canada, and that Nova Scotia derives little direct advantage from it, the Internal Postage of the Province being provided for by other sources.

2nd—That New Brunswick participates, though in a smaller degree, in the benefits derived under the Contract by Canada, inasmuch as the New Brunswick Mails are conveyed from Halifax on the Pictou route by the Mail Coaches as far as Truro, more than half the distance.

3rd—That the Imperial Government never intended that Nova Scotia should bear more than a fair proportion of the expense incurred by the establishment of a line of Mail Coaches between Halifax and Pictou.

I therefore earnestly hope that your Excellency will endeavour to induce the Legislature of New Brunswick to contribute annually during the next seven years a specific sum, not less than £250 Sterling, in aid of the designs of Her Majesty's Government.

I am about to address His Excellency the Governor General on this subject, and I anticipate that the Canadian Parliament will cheerfully grant the remaining £750.

I have the honor to be, Sir,

Your Excellency's most obedient humble servant,

FALKLAND.

His Excellency Sir WILLIAM COLEBROOKE, K. C. H. &c. &c. &c.

(No. 1.)

The Committee on the Receipts and Expenditure of the Post Office, and all matters relating thereto, beg leave to Report :—

That the recent changes in this Department, and the increased demand on our Provincial Treasury, render it necessary to revert to the true state of the question depending between the Home Government, the Provinces of Canada and New Brunswick, and this Legislature. The Committee have therefore renewed the inquiries instituted in previous Sessions, and refer in the Appendix to all the Reports and Documents to be found in our Journals since the year 1836, and annex an abstract of the Accounts rendered in the usual form by the Deputy Post Master General, for the year ending the 5th January last.

From these Documents it appears that an abstract of the Post Office Accounts has been prepared on the same principle every year since 1836, and which after a close examination by the General Post Office in 1839, was approved of as correct. Without entering into minute details, it is established by the experience of the last six years as a fact placed, as the Committee conceive beyond all question, that the proceeds of the Internal Postage of this Province, independent of and separated from the Packet Postage,

Postage, yield a sufficient fund to defray the whole charge of keeping up the lines of Internal Communication as they existed in 1839. The new lines since authorized by this House may occasion a trifling deficiency; but in the year 1840, notwithstanding a new charge of £550 thrown upon us, and which ought, in whole or in part, to have been refunded by the Canadian Post Office, but £396 was required and drawn out of the Provincial Treasury.

This last year the sum of £881 has been drawn under the Resolution of 16th March 1840, and the Deputy Post Master makes a further demand of £1143. And as the same necessarily will recur every year, a permanent annual charge of about £2000 will be cast upon our Revenue, the greater part of which, in the view of this Committee, ought to be contributed from other sources.

The Committee disclaim any intention or desire to interfere with the Packet Postage, which could not be placed at the disposal of a local Legislature without the passage of an Act conformably to the 4 and 5 Will. 4, chap. 7. But they do claim the right of having the expense of the Post Office Establishment at Halifax defrayed out of the Packet Postage; because First,—it has been so charged in all the abstracts prepared by the Committees of this House since 1836, and sanctioned by the Home Government; and Secondly,—because it seems not unreasonable that it should be so, as the Establishment is kept up for the benefit of our Sister Colonies as well as our own, and the charge of carrying the English Letters throughout the Province has been borne by our funds.

Were we to grant the balance of £1143, asked by the Deputy Post Master General, we would, in fact, be assuming the charge of the Establishment, which has risen from the sum of £625 currency, for annual salaries, to the sum of £1637. The Establishment until last year having consisted of Mr. Howe, himself, at a salary of £500 Currency, and his Assistant at a salary of £125 Currency, but consisting at the present time, in consequence of the large increase of duty brought by the English Steamers, of the Deputy Post Master General, at the same salary of

Three Assistants at £187 10s. each, viz: a Deputy Postmaster, Surveyor, and Accountant,	£500 0 0
Four Clerks at £125 each,	562 10 0
A Messenger, at £75 a year,	500 0 0
	75 0 0
Making,	£1637 10 0
To which the charge for Office Rent, Fuel and Stationery is to be added, being as yet only the sum of	55 10 0

And the result is, no less a sum than £1693 0 0
Currency, per annum, equal to £1355 Sterling.

An Establishment of this character is an Imperial not a Provincial Office, and the Committee cannot recommend any action of this House which might be construed into a recognition of their liability for it as a charge on the Colonial Revenue.

The House will perceive that the sum of £1143 9s. is stated in the accounts sent in as due to the Post Office Department, being the net amount of Packet Postage without deduction, and this is the amount which the Deputy Post Master General has stated to the Committee, through their Chairman, that he desires to be granted; but the

the Committee, while they are desirous of protecting that Officer from liability or censure by his superiors, have not been able to convince themselves that it is incumbent on this House to grant that amount.

The whole question was discussed by the Delegates of the Assembly in 1839, with the authorities in London, and the Treasury Minute of 3d September, 1839, was settled with their approval and acquiescence, and having been acted on by the Assembly, is equally binding on this House and on the Home Government. This Minute, speaking of the Lords of the Treasury and of the Representations that had been recently submitted to them by Messieurs Young and Huntington, contains the following paragraph:—"They are of opinion that so long as the Revenue derived from the Internal Postage is sufficient to meet the expenditure for the Internal Communications, no demand for this object should be made upon the Provincial funds; and in conformity with these views, I am to request that you will suggest to Lord Normanby, that the Lieutenant Governor of Nova Scotia may be instructed to inform the Legislature, that no vote will be required for maintaining the present lines of Post Office Communication so long as the Postage receipts shall continue as they would now appear to be, adequate to meet the expenditure; but that should the Legislature deem it advisable that the lines of Communication should be increased, my Lords will in that case, rely upon provision being made by the House of Assembly for defraying any expense of such additional Communication that may not be covered by increased postage."

Now the Committee have already shewn that the receipts from Internal Postage are adequate to meet the expenditure for maintaining the lines of Post Communication as they existed in 1839. And the demand upon the Provincial Treasury arises solely from the Contract entered into last year for transmitting the Mail by the Steamers and otherwise, to and from Halifax, Truro and Pictou.

This Contract has been acted on throughout the year, but was not executed by Mr. Howe and Mr. Cunard, until the 14th December last. It provides for the transmission of the Mail to and from Halifax, Truro and Pictou, three times in each and every week, between the 1st day of May, and the 1st of November, in each year, and twice in every week during the remainder of each year, and also twice in every month during the time in each and every year at which the Mails shall be conveyed between Quebec and Pictou by Steamboats, leaving the transmission of the English Mails during the rest of the year, when it goes wholly by land, as the subject occasionally of extra charge. For this service, Mr. Cunard is to receive £1550, Sterling, equal to £1937 10s. Currency, "out of the Revenue of the Post Office," for eight years, and he agrees to convey the Mail in Coaches drawn by four Horses, to perform the whole distance between Halifax and Pictou in seventeen hours, and to carry Passengers by or for the Steam Packets, at the rate or fare of £2 10s. Sterling, each. The Contract contains many other clauses with which the Committee need not trouble this House; but what they do invite the attention of the House to, is the fact, that the whole amount payable under the Contract is included in the present accounts, and creates the necessity for a demand upon our Treasury.

Till 1839, the expense of carrying the Mail to and from Halifax, Truro and Pictou, was but £285 Currency. In 1840, it was increased by a new charge of £550, to the sum of £835, it is now advanced to £1,937, not for our accommodation only, but for the benefit of the Sister Colonies of Canada and New Brunswick, whose heavy
Mails

Mails by and for the Steam Packets, are carried through our Territory, and a large expense of course is incurred. This House came to a Resolution in the last Session, that of the £1,550 Sterling, they would pay £550, as their fair proportion; and the Committee conceive that the remaining £1000 ought to be borne by the Public Funds of Canada and New Brunswick, in the proportion of £750 a year for the former, and £250 for the latter. The liability of these Provinces to contribute their fair proportion appears to the Committee too clear to be denied. And they recommend that Resolutions should be adopted conformable to this Report, and communicated with a copy of it through His Excellency the Lieutenant Governor to the Governor General of Canada and the Lieutenant Governor of New Brunswick, in the hope that their respective Legislatures will pass an adequate grant for the period of the Contract, on the same principle which has been followed in respect of Light Houses and other undertakings and works of common utility.

The Committee would be glad that the Resolutions that may be adopted by the House, should also be transmitted through His Excellency the Lieutenant Governor to the Right Honorable the Colonial Secretary, with a declaration of the House that there is no disposition to throw any part of the charge of £1550 on the Home Government; the Committee conceiving that the inestimable advantages conferred on these Colonies by Steam Communication ought to be met in the most cordial spirit by corresponding efforts on their part to improve their Internal Communication, and facilitate the transmission of the Mail at their own expense throughout their respective Territories.

(Signed)

WILLIAM YOUNG, *Chairman*.
H. HUNTINGTON,
THOS. DICKSON,
JOHN HOLMES,
JAS. TURNBULL.

Halifax, 26th February, 1842.

ABSTRACT OF POST OFFICE ACCOUNTS FOR 1841.

English Postage.

	CURRENCY.
Amount of unpaid Letters received from England,	£1331 19 10
Paid Letters sent to England,	302 10 4
	£1634 10 2

Payments.

Salary to Deputy Post Master General,	£500 0 0	
Being for parts only of the year. } To Assistant,	140 12 6	
	To several others, as per account,	331 5 0
	£971 17 6	
Office Rent, Fuel and Stationery,	55 13 11	
	1027 11 5	
		606 18 9
Dead Letters sent to England,	£448 16 9	
One third of which is chargeable to other Colonies,	149 12 3	299 4 6
		£307 14 3

Internal Postage.

Amount received for unpaid Letters at, and paid Letters sent from Halifax Office,	£3829	6	9
Net Revenue remitted by Deputy Post Master, after paying their Commission,	2070	8	8
Way and Ship Letters,	361	0	1
	<hr/>		
	£6260	15	6
Off—Letters charged against Halifax and sent to the interior,	£1625	13	7
Pence paid for Ship Letters,	47	13	0
	<hr/>		
	1673	6	7
	<hr/>		
	£4587	8	11
One half of the above £299 4 6,	199	12	3
	<hr/>		
	£4387	16	8

Payments.

Riding Work and Couriers, including expenses, and incidental expenses,	£65	13	9
Other incidental charges,	5486	13	0
	97	13	6
	<hr/>		
	5584	6	6
Deficiency of Internal Postage,	£1196	9	10
Add allowance for American Postage in both sums, say,	203	10	2
	<hr/>		
	£1400	0	0

Of the amount for riding work there is paid for the Mail from Halifax to Pictou, under Messrs. S. Cunard & Co's. Contract,	£1963	6	7
Whereas our own Provincial Mail, independently of the Canadian and New Brunswick Mails, by and for the Steamers, cost in the years 1838, 1839 respectively, but	285	0	0
	<hr/>		
Making a difference of	£1678	6	7

There is also charged in the accounts of 1841, for Expresses with the English Mails, £152-10 0

A large proportion of which sums ought to be borne by Canada and New Brunswick, as it is evident, if they contributed as they ought, that our Internal Postage would sustain itself as in former years, and no money would require to be drawn from our Treasury.

References

References to the Journals of the House of Assembly.

1837. Appendix. No. 69, fol. 88.
 1838. Appendix. No. 85, fol. 190.
 1839. Appendix. No. 51, fol. 88.
 No. 61, fol. 102.
 1840. Journal. Fol. 791-2.
 Resolutions of the House.
 Appendix. No. 6, fol. 29, being Lord John Russell's Despatch.
 No. 11, fol. 48, 51, being the Delegates' Letter to Mr.
 Baring, and settlement made with him by Mr.
 Young.
 No. 57, fol. 160.
 Accounts for 1839, and
 No. 70, fol. 178.
 Report thereon.
 1841. Journal. Fol. 179.
 Resolution of the House.
 Appendix. No. 42, fol. 129.
 No. 69, fol. 193.
 Accounts and Report thereon.

(A true Copy.)

JAMES I. GRAY, *Clerk Assistant.*

(No. 2.)

In the House of Assembly, 17th March, 1842.

1. *Resolved*, That the accounts of the Deputy Post Master General having been accurately and minutely examined during the last six years by Committees appointed by this House, it has been satisfactorily ascertained that the proceeds of the Internal Postage of this Province, independent of, and separated from the Packet Postage, yield a sufficient fund to defray the whole charge of keeping up the lines of Internal Communication as they existed in the year 1839.

2. *Resolved*, That Her Majesty's Government having been pleased by the Treasury Minute of September 3d, 1839, to concede to this House and to declare it as their opinion that so long as the Revenue derived from the Internal Postage was sufficient to meet the expenditure for the Internal Communications, no demand for that object should be made upon the Provincial Funds, this House resolved on the 16th of March, 1840, that no vote of money for the maintenance of the lines of Post Communication and Ferries then existing would require to be made during that Session, the ordinary grant therefor in the four preceding years having amounted on an average to the sum of £1360, Currency, and in the year 1839, having risen to the sum of £1562, and this House accordingly voted no money therefor in the Session of 1840, but pledged themselves to provide for any deficiency that might be found therein, so as the lines of Internal Communication should not be interrupted or diminished.

3. *Resolved*, That in the year 1840, a further charge of £550 was incurred for the conveyance of the English Canadian Mail from Halifax to Pictou, and although such charge

charge was included in the Post Office Accounts and paid out of the general fund, the sum of £396 only was required and drawn from the Provincial Treasury under the vote of 16th March, 1840, for keeping up all the lines of Post Communication throughout the Province, including several new lines authorized by this Legislature in the Session of 1840.

4. *Resolved*, That in the year 1841, the sum of £881 was drawn from the Provincial Treasury for keeping up the said lines, and this House have been called upon and obliged in the present Session to grant a further sum of £550 in respect thereof, making the whole charge for the last year £1431, no part of which is in fact required for keeping up the said lines.

5. *Resolved*, That the necessity for drawing the sums last above mentioned out of our Provincial Treasury has arisen solely out of the contract recently entered into for the transmission of the English and other Mails to and from Halifax, Truro and Pictou, at an annual charge of £1550, Sterling, equal to the sum of £1937 10s. Currency, which is included in the Post Office Accounts rendered this Session, and has occasioned the deficiency of £1431, after appropriating thereto the net balance resulting from the English Packet Postage.

6. *Resolved*, That in the opinion of this House, the sum of £550, Sterling, and no more, ought to be contributed of the above sum of £1550, out of the funds of this Province, and that the remainder ought in the view of this House, for the reasons stated by the Post Office Committee in their Report of this Session, to be borne by the Public Funds of Canada and New Brunswick, so as to relieve the Home Government of any charge in respect thereof.

7. *Resolved*, That Copies of the foregoing Resolutions and Report be communicated to His Excellency the Lieutenant Governor, with a respectful request, that His Excellency will be pleased to transmit the same to the Right Honorable the Secretary of the Colonies, and to their Excellencies the Governor General of Canada, and the Lieutenant Governor of New Brunswick, that the same may be submitted to their respective Legislatures.

(True Extract.)

JAMES I. GRAY, *Clerk Assistant*.

(No. 13.)

Downing Street, 17th November, 1840.

MY LORD,—I transmit to you herewith the copy of a Letter from the Post Master General to the Lords Commissioners of the Treasury, submitting a tender which has been made by Mr. Cunard, for the establishment of Mail Coaches for the conveyance of the Post Office Letter Bags between Halifax and Pictou, and I have to request that your Lordship will take the subject into your early consideration, and inform me what assistance may be expected from the funds of Nova Scotia towards defraying the expense which this measure will entail.

I have, &c.

(Signed)

J. RUSSELL.

The Lord Viscount Falkland, &c. &c. &c.

(Copy)

(No. 4.)

Government House, Halifax, April 27, 1841.

MY LORD,—In reference to your Despatch, No. 16, dated 17th November, 1840, transmitting a copy of a Letter from the Post Master General to the Lords Commissioners of the Treasury, submitting a tender made by Mr. Cunard, for the establishment of Mail Coaches for the conveyance of the Post Office Letter Bags between Halifax and Pictou, and desiring that I will inform you what assistance may be expected from the funds of Nova Scotia towards defraying the expense this measure will entail; I beg to state that the House of Assembly, taking into consideration the statement made in the letter of the Post Master General, that the sum total demanded by Mr. Cunard for carrying into effect the new arrangement between Halifax and Pictou is £1,550 Sterling per annum, has passed a Resolution, a copy of which I inclose, authorizing the application of the sum of £550 Sterling to that particular service, and expressing a willingness to continue such an arrangement for a period of eight years.

The remaining £1,000 Sterling ought in the opinion of the House of Assembly to be defrayed either from the funds of the Canadian Post Office or by the General Post Office in London, it being contended that the Canadian Post Office receives the benefit of the postage that accrues from the transport of the very heavy Mails which are forwarded from hence to Pictou, the destination of which is invariably Canada.

I have, &c.

(Signed)

FALKLAND.

The Lord John Russell, &c. &c. &c.

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£150 to Building Committee, Roman Catholic Church, Fredericton;	
£125 to James Whitney, Steamboat to Boston;	
£226 to Commissioners of Alms House, York County;	
£ 14 10s. to Trustees of Baptist Meeting, Fredericton;	
£100 to Overseers of Poor, Woodstock,	372
<i>Dated 26th day of March.</i> —Brought up, 363; read first time, 363; referred to Committee, 363; committed, 372; sent down concurred in,	372
<i>Dated 28th day of March.</i> —Brought up, 376; read first time, 376; referred to Committee, 376; committed, 377; sent down concurred in,	377
<i>Dated 29th day of March.</i> —Brought up, 376; read first time, 376; referred to Committee, 376; committed, 380; sent down concurred in, with the exception of—	
£50 to the Lieutenant Governor, for a Bridge across the Meduxnikik;	
£50 to the Lieutenant Governor, in aid of completing a new Road from Grooms' to the Toll Bridge in Norton,	380
<i>Dated 30th day of March.</i> —Brought up, 380; read first time, 380; referred to Committee, 380; committed, 383; sent down concurred in,	383
<i>Dated 31st day of March.</i> —Brought up, 382; read first time, 382; referred to Committee, 382; committed, sent down concurred in, with the exception of—	
£20 to the Lieutenant Governor, for the Road from Ocnabog to Gounces';	
£13 10 6 to Elijah P. Norcross;	
£80 to the Overseers of Poor, Saint Stephen;	
£75 to the Overseers of Poor, Woodstock;	
£75 to Henry S. Beek, for publishing a Map of the Province;	
£25 to J. R. Fitzgerald, for Reporting Debates of the Assembly, (on this question the House divided; also on the question of granting £150 to Edmund Ward for publishing Debates;)	

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£100 to remunerate the Publisher of the "Agriculturist," a Monthly Periodical, <i>(on the question the House divided ;)</i>	383
<i>Dated 31st day of March.—(Postages and Contingent Bills.)</i> Brought up, 387; agreed to, 387; Assembly acquainted,	387

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The Honorable Mr. Street gives notice he will at a future day move a Resolution on the subject of grants for Teachers of Parish Schools,	379

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