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



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From 31st January to 11th April, 1843:  
Being the First Session of the Thirteenth General Assembly.

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

**1843.**

NB. 2

DDN 6216701





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.

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

Given under my Hand and Seal at Fredericton, the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty two; 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.

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

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

*By His Excellency's Command.*

WM. F. ODELL.

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WB. 2  
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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.

**W**HEREAS the General Assembly of this Province stands prorogued to the Fourth Tuesday in December instant, I have thought fit, by and with the advice of Her Majesty's Executive Council, to dissolve the said General Assembly, and the same is hereby dissolved accordingly; whereof all Persons whom it may concern will take due notice:

And I have further thought fit, by and with the advice aforesaid, to order and direct that Writs for calling a new General Assembly, be forthwith issued in due form, returnable on Saturday the fourteenth day of January next.

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

**W**HEREAS the General Assembly of this Province has been summoned to meet at Fredericton on Saturday the fourteenth day of this instant January, I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued to Tuesday the thirty first day of this instant January, then to meet at Fredericton for dispatch of business.

Given under my Hand and Seal at Fredericton, the second day of January, in the year of our Lord one thousand eight hundred and forty three, and in the sixth 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.**

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**FIRST SESSION OF THE THIRTEENTH GENERAL ASSEMBLY.**

ANNO SEXTO VICTORIÆ REGINÆ.

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

---

**At Fredericton in the Province of New Brunswick.**

*LEGISLATIVE COUNCIL CHAMBER, Tuesday, 31st January, 1843.*

Writs having been issued for a new Election of Representatives to meet in General Assembly on the fourteenth day of January instant, and the said General Assembly having been, by Proclamation, prorogued to this day, the Council met.

PRESENT.

THE HON.

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

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

The Honorable Mr. Black sat President.

PRAYERS.

The House adjourned during pleasure.  
After some time the House formed.

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, 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,  
The President of this House said—

*"Honorable Gentlemen of the Legislative Council, and  
Gentlemen of the House of Assembly,*

"I am commanded by His Excellency the Lieutenant Governor to inform you that he doth not think fit to declare the causes for which he has summoned this General Assembly

Assembly until there be a Speaker of the House of Assembly. It is therefore His Excellency's pleasure, that you, Gentlemen of the House of Assembly, do repair to the place where the sittings of the House of Assembly are usually held, and there choose a fit person to be your Speaker; and that you present the person who shall be so chosen to His Excellency, in this House, forthwith, for his approbation."

The House of Assembly retired, and after some time was again commanded to attend, and being come—

Mr. Weldon said—

"The Assembly having received Your Excellency's commands, returned to the place where they usually sit, and immediately proceeded to choose a Speaker. They have elected me to that important office, and now present me to be approved of by Your Excellency."

The President of this House said—

"*Mr. Weldon,*

"I am commanded by His Excellency to assure you that he is fully sensible of your zeal for the public service, and of your sufficiency to execute the duties of the office to which you have been elected by the House of Assembly, and that he doth most readily approve of their choice, and allow and confirm you to be their Speaker."

Then the Speaker of the Assembly said—

"*May it please Your Excellency,*

"Having been pleased to confirm the choice which the House of Assembly have made in electing me as their Speaker, it now becomes my duty, on behalf of the Assembly, to demand that they have all their ancient and undoubted rights and privileges, especially freedom of speech, freedom from arrest, access to Your Excellency whenever the public service may require it, and that the most favorable construction be put upon their proceedings; and on my own behalf, I have to intreat that any error of mine may not be imputed to the Assembly."

Then the President of the House said—

"*Mr. Speaker,*

"His Excellency hath the utmost confidence in the loyalty and attachment of this House of Assembly to Her Majesty's Person and Government, and in the wisdom, temper and prudence which will accompany all their proceedings, and he doth most readily and willingly grant and allow them all their privileges in as full and ample a manner as they have at any time heretofore been granted and allowed.

"With respect to yourself, Sir, though His Excellency is sensible that you do not stand in need of such an assurance, His Excellency will ever put the most favorable construction on your words and actions."

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

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

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

"**H**AVING called you together at the earliest period that has been practicable since the termination of the Elections, which were unavoidably deferred to

a late season of the year, I meet you with an impression that, as we are assembled to deliberate on the affairs of the Province, under circumstances of more than ordinary interest, you will be animated by that public spirit which is required to enable us to fulfil the expectations of the Country.

“ You will participate in the gratification which Her Majesty’s Subjects in general have felt in the recent and brilliant successes which have signalled the operations of Her Naval and Military Forces in the East, and which have offered so prominent an occasion for National gratitude and felicitation in the prospects which those successes have opened to British enterprise.

“ I congratulate you also on the ratification by Her Majesty of a Treaty with the United States, for the settlement of the Boundary between those States and the British Provinces; an event by which a protracted dispute, calculated to have disturbed the peace of both Countries, has been happily terminated, and which is likely to prove advantageous to Commerce.

“ The abundant Harvest of the last season with which Providence has blessed the labours of the people, as well in the United Kingdom as in these Colonies, has demanded the expression of our thankfulness. The relief it has afforded, under the depression to which the Country has been subject, has drawn attention to the Agricultural resources of the Province. I have taken advantage of this disposition, by encouraging the formation of extensive Settlements on the Crown Lands, under regulations calculated to prevent the evils attendant on the desultory occupation of them. I recommend to you that Legislative provision should be made to check the illegal occupation of the Crown Lands, and also of the Indian Reserves, and to secure the Revenue derivable from them.

“ A revision of the Election Laws will also become necessary in order to protect the Constitutional rights of the Freeholders, and for the security of the public peace at Elections, which are likely to be of more frequent occurrence under the Act of the last Session.

“ As the Laws for the support of the Parochial Schools in the Province will shortly expire, I have prosecuted such further enquiries into their condition as will be a guide to you in applying a remedy to the defects of the system. From its importance to the welfare of the rising generation, I recommend the subject to your early attention.

“ It is unnecessary that I should recapitulate to you the measures, which have appeared to me to be called for, to improve, on English principles, the Institutions of the Province, and which have so much engaged the attention of the Country: but there is one subject which it is incumbent on me at this time to recommend to your particular notice—I allude to the timely adoption of such a system of Finance, as will be calculated to restore confidence in the integrity of the Province and retrieve the Public Credit.

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

“ Since the close of the last Session my attention has been unremittingly given to the means of alleviating, so far as it has been practicable, the embarrassments arising from the failure of the Revenue, and the depreciation of the Provincial Credit. The Accounts for the last year, which have been fully audited, will be laid before you, from which you will observe that extraordinary means will be required to relieve the Public Creditor. In proposing to raise such moderate Duties as would not press unduly upon Commerce, I anticipate that there will nevertheless be adequate means to provide with

with economy for the Public Service, and for those objects which in a new Country require the protection of the Legislature.

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

“ Her Majesty’s Government having acquiesced in the proposal to ascertain the practicability of opening a Canal to connect the Gulf of Saint Lawrence with the Bay of Fundy, this Survey is now in progress, and another important work has been liberally undertaken by Her Majesty’s Government in the Survey of that Bay and its tributary Rivers. From these and other researches, of which Reports will be laid before you, I am led to anticipate that the great natural resources of the Province will engage attention in the United Kingdom. That it should prove an attractive region to those who, attached to the Constitution of their Country, would bring with them a knowledge of its Arts and Institutions, will, I am confident, be in accordance with your feelings; and I can desire no higher gratification than in fostering the growth of those principles which have raised the English Nation to her present pre-eminence and which, under Providence, will ensure the prosperity of succeeding generations.”

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 Street be appointed a Committee for this purpose.

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

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

WEDNESDAY, 1st February, 1843.

PRESENT :

THE HON.

*Mr. Black,*

*Mr. Baillie,*

*Mr. Attorney General,*

*Mr. Chandler,*

*Mr. Shore,*

*Mr. Botsford,*

*Mr. Lee,*

*Mr. Street.*

The Honorable Mr. Black sat President.

PRAYERS.

The Honorable Mr. Shore, a Member of Her Majesty’s Executive Council, by direction of His Excellency the Lieutenant Governor, lays before the House—

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

A statement of the Finances of the Province, on the 31st December, 1842.

ORDERED, That the documents do lie on the Table.

ABSTRACT

ABSTRACT OF THE REVENUE OF THE PROVINCE OF NEW BRUNSWICK FOR THE YEAR 1842.

	Ordinary Revenue.	Casual and Territorial Revenue.	Pro. of Copper Coin & Bills of Ex. on London.	Received from Officers of H.M. Customs	Duties on Auction Sites.	Licences to Pedlars.	Passenger and Emigrant Duties.	Light House Duties.	S. and D. Seamen's Duties.	Totals.
Saint John,.....	13,933 15 8	4,500 0 0	13,347 15 6	8,391 17 7	213 11 5	5 0 0	1,794 0 10	1,832 15 8	679 9 9	44,698 6 5
Miramichi,.....	2,489 7 7	0 0 0	0 0 0	1,908 19 6	8 13 6	0 0 0	68 0 0	1,113 10 10	266 7 8	4,913 9 1
Dalhousie,.....	322 15 0	0 0 0	0 0 0	556 8 7	0 0 0	0 0 0	1 15 0	83 0 10	77 10 7	1,548 14 6
Bathurst,.....	308 2 7	0 0 0	0 0 0	167 12 5	0 0 0	0 0 0	0 0 0	8 3 1	8 3 1	506 13 7
Richibucto,.....	21 19 5	0 0 0	0 0 0	332 2 3	0 0 0	0 0 0	0 0 0	40 14 8	37 1 4	718 0 10
Shediac, to 30th Sept. only,	5 0 5	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	9 8 11	1 12 5	33 0 9
Bay Verte,.....	9 8 4	0 0 0	0 0 0	0 0 0	0 0 0	3 5 0	0 0 0	6 2 8	0 0 0	14 8 1
Westmorland (Parish) 1841,	28 16 0	0 0 0	0 0 0	0 0 0	0 0 0	1 0 0	0 0 0	0 0 0	0 0 0	10 8 4
"    "    "    1842,	6 8 4	0 0 0	0 0 0	0 0 0	0 0 0	3 5 0	0 0 0	0 0 0	0 0 0	32 1 0
Dorchester, 1841,.....	46 7 8	0 0 0	0 0 0	0 0 0	0 0 0	6 10 0	0 0 0	0 0 0	0 0 0	12 18 4
"    "    "    1842,.....	111 14 5	0 0 0	0 0 0	198 7 3	2 5 3	5 7 6	0 0 0	29 18 0	10 9 5	92 2 7
Woodstock,.....	665 3 5	0 0 0	0 0 0	350 9 9	15 14 4	0 0 0	90 18 4	387 15 0	183 9 4	1,033 10 2
Saint Andrews,.....	486 15 5	0 0 0	0 0 0	0 0 0	6 10 9	0 0 0	0 0 0	297 13 4	136 10 4	927 9 10
Saint Stephens,.....	32 1 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	39 7 0	16 9 6	87 17 6
Saint George,.....	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
West Isles, 1841,.....	64 1 7	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	69 3 1	28 13 11	161 18 7
"    "    "    1842,.....										
Totals,.....	£19,426 5 2	4,500 0 0	13,347 15 6	11,905 17 4	246 15 3	24 7 6	1,954 14 2	3,033 15 7	1,464 11 6	55,904 2 0

COMPARATIVE STATEMENT.

	1841.	1842.	Increase.	Decrease.
Ordinary Revenue,.....	55,205 14 9	19,426 5 2	0 0 0	35,779 9 7
Casual and Territorial Revenue,.....	15,074 12 0	4,500 0 0	0 0 0	10,574 12 0
Proceeds of Copper Coin and Bills of Exchange,.....	6,900 0 0	13,347 15 6	6,447 15 6	0 0 0
Received from Officers of Her Majesty's Customs,.....	25,764 18 8	11,905 17 4	0 0 0	13,859 1 4
Auction Duties,.....	711 18 11	246 15 3	0 0 0	465 3 8
Pedlars Licences,.....	51 17 6	24 7 6	0 0 0	27 10 0
Passenger and Emigrant Duties,.....	1,702 0 10	1,954 14 2	192 13 4	0 0 0
Light House Duties,.....	3,675 17 3	3,033 15 7	0 0 0	642 1 8
Sick and Disabled Seamen's Duties,.....	1,836 10 10	1,464 11 6	0 0 0	371 19 4
Totals,.....	£110,983 10 9	55,904 2 0	6,640 8 10	61,719 17 7

B. ROBINSON, P. T.

Treasury Saint John, 11th January, 1843.

## STATEMENT OF THE FINANCES OF NEW BRUNSWICK, 31st DECEMBER, 1842.

*Debts of the Revenue.*

Warrants of Series, 1841, bearing Interest,	£49,890	19	6
Do. Do. not demanded,	2,136	10	4
Do. Series, 1842, bearing Interest,	24,477	12	5
Do. Do. not demanded,	8,468	12	7
Negotiable Warrants bearing Interest,	9,240	0	0
Interest due on Warrants, 1841, to 31st Dec. 1842,	£3,105	19	4
Do. Do. 1842, to Do.	684	10	4
Do. on Negotiable Warrants, Do.	92	8	0
		3,882	17 8
Debentures issued for Loans, Burned District,	£16,300	0	0
Interest due thereon,	168	0	0
		16,468	0 0
Amount due to Savings' Bank, bearing Interest,	5,704	16	0
Do. to Bank of New Brunswick, Cash Credit Account,	18,302	4	9
Appropriations for which Warrants have not been issued, per Account of Province Secretary,	24,000	0	0
Total Debts,		£162,571	13 3

*Assets of the Province.*

Bonds and Cash in the Treasury, Ordinary Revenue,	£12,860	5	7
Do. for Loans, Burned District,	£15,950	0	0
Interest due thereon,	1,008	0	0
		16,958	0 0
Do. Saint John Water Company,	£5,000	0	0
5 years, 85 days Interest due thereon,	1,567	7	3
		6,567	7 3
Do. for advances for relief of suffering Poor,	3,500	0	0
Do. of Wm. Hammond for Copper Coin,	3,420	0	0
Total in the Treasury,		£43,305	12 10
Balance in the hands of George Baillie, Esquire,	9,000	0	0
Bonds in the hands of the Attorney General, per his Account,	14,000	0	0
Net balance in the hands of the Receiver General, of Casual Revenue,	1,600	0	0
Estimated value of Bonds in the hands of the Surveyor General, for Lands,	£2,000	0	0
for Timber,	18,000	0	0
		20,000	0 0
Total Assets,		£87,905	12 10
Amount of the Debt,		£74,666	0 5

B. ROBINSON, *Provincial Treasurer.*

Fredericton, 25th January, 1843.

Of



Of the foregoing List of Debts, the following bearing Interest may be considered as urgent, viz :—

Warrants in the Treasury,	£94,213 14 10
Interest due thereon,	3,882 17 8
Interest due on Debentures,	168 0 0
Amount due to the Savings' Bank,	5,704 16 0
Part of the £24,000 for which Warrants have not issued,	6,000 0 0
Interest accruing in 1843, on the above and Cash Credit Account,	6000 0 0

Total amount of urgent demands, £115,969 8 6

To meet which the following Assets will probably be made available during the current year, viz :—

Part of Treasury Bonds and Cash,	£10,000 0 0
Interest due on Bonds, Burned District,	1,008 0 0
Copper Coin,	3,420 0 0
Balance in the hands of G. Baillie, Esquire,	9,000 0 0
From the Attorney General, portion of Balance,	7,000 0 0
“ Receiver General, of Casual Revenue, Balance,	700 0 0
“ Surveyor General, portion of Bonds,	4,000 0 0

Total amount of available Assets, £35,128 0 0

Balance bearing Interest at 6 per cent., besides the balance of Cash Credit Account, £80,841 8 6

B. ROBINSON, *Province Treasurer.*

*Fredericton, 25th January, 1843.*

The Honorable the President informed the House, that he had received a Letter from Sir Howard Douglas, Baronet, M. P. informing him that he had presented to the Commons House of Parliament, the joint Address of this House and the Assembly of last Session on the subject of the importation of Colonial Wood into the Mother Country, and given the same his full support.

ORDERED, That the Communication and Documents accompanying the same do lie on the Table.

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

THURSDAY, 2d February, 1843.

PRESENT :

THE HON.

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

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

The Honorable Mr. Black sat President.

PRAYERS.

The Honorable Mr. Botsford from the Committee appointed to prepare an Address to

to His Excellency the Lieutenant Governor, in answer to His Speech at the opening of the Session, reported a Draft thereof, which he read in his place.

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

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Draft into consideration, and recommended the same without amendment 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, beg to express our thanks for Your Excellency's Speech at the opening of the present Session ; and deeply impressed with the conviction that it is a most important era in the affairs of this Province, we shall devote, with no ordinary interest, our best exertions in the hope of fulfilling the expectations of the Country.

We cordially participate with Your Excellency and Her Majesty's Subjects in general, in the gratification caused by the recent brilliant successes which have signalled the operations of Her Majesty's Naval and Military Forces in the East ; and we hail, with gratitude, these victories so eminently calculated to maintain the lustre of the British Arms—to add to the glory and security of the Empire—and to open out an extensive field to its Commercial Enterprise.

It affords us unqualified pleasure to be able to join in Your Excellency's congratulations on the final settlement of the Boundary Line between the United States of America and these Provinces, and in the expectation expressed by Your Excellency, that an event, which has thus happily terminated an intricate and prolonged dispute, is likely to prove advantageous to our Commerce.

We are grateful for the abundant harvest with which Providence has blessed the labors of the people during the last Season, affording as it has done so much relief to the Country in its depressed state—tending greatly to encourage Agricultural pursuits, and thereby turning attention to its internal resources.

We sincerely trust the regulations made by Your Excellency for the encouragement and formation of extensive Settlements on the Crown Lands will be productive of that good Your Excellency's benevolent intentions entitle you to expect ; and we shall readily give our support to any measures which may effectually check the illegal occupation of the Crown Lands, including the Indian Reserves, and to secure the Revenues derived from that source.

We

We shall willingly give our attention to any suggestion which may be brought under our consideration for a revision of the Election Laws.

Feeling the paramount necessity of continuing Legislative support to the Parochial Schools, we shall be happy to be informed of the result of Your Excellency's enquiries into their condition with the anxious desire of adopting such measures as will add to their usefulness.

We shall not fail to give our early consideration to the Financial Affairs of the Province, with the view of concurring in such arrangements, as will best tend to place the public credit upon a firm and permanent basis.

We are deeply sensible of the great interest Her Majesty's Government has evinced in the advancement of the prosperity of this Province, by the ready acquiescence given to the proposal to ascertain the practicability of opening a Canal to connect the Gulph of Saint Lawrence with the Bay of Fundy, and in the liberality displayed in the Survey now in progress of that Bay and its tributary Rivers. We thank Your Excellency for the assurance that reports of these surveys and other researches shall be laid before us. We anticipate with Your Excellency, that the great natural resources of this Colony will yet engage attention in the Mother Country; and we have every confidence that this Province will long continue an attractive region to all those who are attached to the British Constitution, especially if those principles which have ever actuated its inhabitants be fostered and encouraged.

ORDERED, That the Honorable Messieurs Botsford and Street 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.

The Honorable Mr. Baillie, by leave, presented a Petition from William Napier, Henry W. Baldwin and William End, Commissioners for erecting a Bridge in the County of Gloucester, praying the balance of eleven hundred and forty pounds may be granted by the Legislature, to enable the Commissioners to discharge the balance due the Contractor.

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

The Honorable Mr. Saunders, by leave, presented a Petition from Robert Watson, John Marks, Ninian Lindsay and others, Merchants, Ship Owners, and inhabitants of Charlotte County, praying an amendment may be made to the Act incorporating the Marine Assurance Company of Saint Stephen: and

A Petition from the Overseers of Poor for the Parish of Saint Stephen, in Charlotte County, praying the sum of one hundred and thirty seven pounds twelve shillings and seven pence may be allowed them for expenses incurred in support of indigent Emigrants.

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

The Honorable Mr. Chandler, by leave, presented a Petition from William Thomas Wishart, Samuel Robinson, Enoch Wood and other inhabitants of Saint John, praying that Declarations may be substituted in place of Oaths in cases where Members of Christian Churches have a conscientious objection to swearing.

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

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

*FRIDAY.*

FRIDAY, 3d February, 1843.

PRESENT :

THE HON.

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

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

The Honorable Mr. Black sat President.

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 two o'clock.

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

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

*“ Mr. President and Honorable Gentlemen,*

*“ I offer you my cordial acknowledgements for your Address.*

*“ I justly appreciate in the present situation of the Province the support which you express your desire to afford me, and I hope with your assistance, that the public interests will be essentially promoted by the measures of the present Session.”*

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

MONDAY, 6th February, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Attorney General,*  
*Mr. Chandler,*

*Mr. Shore,*  
*Mr. Botsford,*  
*Mr. Lee,*  
*Mr. Street.*

The Honorable Mr. Black sat President.

PRAYERS.

The Honorable Mr. Shore, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, lays before the House—

A Copy of the Blue Book, made up to the 30th day of September, 1842: also

A detailed Account from the Surveyor General, made up for the year ending the 31st day of December, 1842: and

A Report from Abraham Gesner, Provincial Geologist.

ORDERED,

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

The Honorable Mr. Botsford, by leave, presented a petition from Seymour Pickett, of King's County, praying a return of Duties paid on Mill Machinery imported from the United States.

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

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

TUESDAY, 7th February, 1843.

PRESENT :

THE HON.

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

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

The Honorable Mr. Black sat President.

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 authorize the Justices of the Peace for the County of York to regulate the Assize of Bread in the Town of Fredericton : and

A Bill to authorize the Justices of the Peace for the County of York to levy an assessment to pay off the County Debt.

The said Bills were severally read a first time.

ORDERED, That the said Bills 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—

Abstracts shewing the state of the Bank of New Brunswick, 2d January, 1843.

“ the Central Bank on the 6th day of June, 1842, 5th day of December, 1842.

“ Saint Stephens Bank on the first Monday in July, 1842, first Monday in January, 1843 : and

An Abstract shewing the state of the Marine Assurance Company on the 30th day of June, 1842.

ORDERED, That the same do lie on the Table.

On motion made and seconded,

Leave was granted for the Honorable Mr. Street to attend at the Bar of the House of Assembly as Counsel for the Petitioners in the cases of the City of Saint John Election, and the York and Northumberland County Elections.

The Honorable Mr. Botsford, by leave, presented a Petition from John Miller, Deputy Provincial Treasurer, at Bathurst, praying for compensation for services performed by him.

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

The

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

A Petition from Messieurs Crane and Allison, of Westmorland, praying for a return of Duties paid on Tea imported into the Province, via Halifax : and

A Petition from Thomas Hayward, praying an allowance may be made him for teaching a School in the Parish of Lancaster.

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

The Honorable Mr. Saunders, by leave, presented a Petition from Thomas Armstrong, Robert Watson, George W. Bondman and others, of Charlotte County, praying an Act of Incorporation for the Bolton Brook Navigation Company.

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

*Adjourned until To-morrow at 2 o'clock.*

WEDNESDAY, 8th February, 1843.

PRESENT :

THE HON.

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

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

The Honorable Mr. Black sat President.

PRAYERS.

The Honorable Mr. Shore, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, lays before the House copies of the following extracts from Despatches received by him from the Secretary of State for the Colonies:—

#### CRIMINAL LAW.

EXTRACT OF A DESPATCH FROM LORD STANLEY TO SIR WM. COLEBROOKE.

[No. 96.]

*Downing Street, 30th August, 1842.*

I have had under my consideration five Acts passed by the Legislature of New Brunswick in the months of March and April last, and transmitted in your Despatch, No. 61, of the 14th of June last, entitled—

(No. 1421) "An Act to amend the Law relating to the punishment of offences :"

(No. 1422) "An Act to amend the Law relating to Burglary :"

(No. 1423) "An Act further to amend the Law relating to offences against the person :"

(No. 1424) "An Act to amend the Law relating to Robbery :"

(No. 1425) "An Act to amend the Laws relating to burning or destroying Buildings or Ships."

The last four of these Acts have been passed with the intention of assimilating the Law in New Brunswick, on the subject of them, to the recent amendments in the British Law made by the Acts 7 W. 1, and 1 Victoria, c. 85, 86, 87 and 89, with which they agree very closely. I observe however that where the British Statute has the punishment of transportation for life or imprisonment for not more than three years, the Colonial Act substitutes *imprisonment for life*, or not less than three years.

I do not find in the English Act any clause corresponding to the 10th of 1425, which provides that every punishment by this Act imposed on any person maliciously committing any offence, shall equally apply and be enforced, whether the offence be committed from malice conceived against the owner of the

the property in respect of which it shall be committed, or otherwise. The intention of this clause appears unexceptionable, but it is not very precisely worded. I apprehend it was intended that, if the offence be committed from malice conceived against any person, it shall be immaterial whether that person be the owner of the property or not; but as it is worded it would seem to imply that malice is not essential to the offence, which is at variance with both common justice and the letter of the foregoing enactments.

I have, &c.

(Signed)

STANLEY.

(Copy.)

*Fredericton, N. B., 15th November, 1842.*

SIR,—I have the honor to return the enclosed extract from a Despatch of the Right Honorable Lord Stanley, under date of 30th August, 1842, transmitted to the Solicitor General and myself, in your note of September 22d, containing His Excellency's commands for a further report on the Acts in question.

As those Acts were prepared to be presented to the Legislature, under the particular direction of his Honor the Chief Justice, I considered it most advisable to communicate your letter with the extract from Lord Stanley's Despatch to him, and I have now the honor to enclose the observations which the Chief Justice has made relating to the same, which, I presume, will preclude the necessity of anything more from the Solicitor General or myself on that subject.

I have &c.

(Signed)

CHAS. J. PETERS, *Attorney General.*

A. Reade, Esq. &c. &c. &c.

The British Statutes referred to by Lord Stanley, impose the punishment of transportation for life, or for a period not less than a specified number of years, generally fifteen, or imprisonment for not more than three years. The Provincial Acts under consideration drop altogether the punishment of transportation and substitute imprisonment; and, in analogy to the provision of the British Statutes in respect to transportation, it was thought expedient, with regard to the higher offences, to limit the discretion of the Court to a term of imprisonment below which there would be no power to reduce the punishment.

The 10th section of the Act No. 1425, also commented upon by Lord Stanley, is copied from an enactment in the Canadian Act, relating to the malicious injuries to property, passed in 1841, under the administration of the late Lord Sydenham, (4 & 5 Vic. cap. 26, sec. 25,) and it is conceived that the necessary construction of the clause would be to consider malice as an essential ingredient to the offence, but not to confine it to malice conceived against the owner of the property.

#### VACATING SEATS OF MEMBERS OF THE HOUSE OF ASSEMBLY ACT.

EXTRACT OF A DESPATCH FROM THE RIGHT HONORABLE LORD STANLEY TO SIR W. M. G. COLEBROOKE.

[No. 87.]

*Downing Street, August 11, 1842.*

The Act No. 1408, to vacate the seats of Members of the Assembly in certain cases, was passed, as I collect from your own Despatch, and from the Reports of the Attorney and Solicitor General of New Brunswick, for the purpose of bringing the Law of that Province into correspondence with the Law of England. To an enactment on this subject, fully carrying that principle into effect, Her Majesty's Government would entertain no objection.

\* \* \* \* \*

I should have supposed that the words "Public Works," as employed in this Act were used as synonymous with the words "Government Works" had it not been that Government Works are mentioned immediately afterwards as the subject of an additional and distinct provision.

It appears also by the third clause, that, during the recess of the Assembly, the Speaker is to direct the issuing of Writs on vacancies of this kind; that is, the Speaker must find and adjudicate on the

fact that the vacancy has arisen. Here again is a material innovation on the Law of England. The Speaker of the House of Commons is invested with this power in the case of death vacancies, because in that case the fact to be found is one in which it is scarcely possible to suppose that a controversy could in any case arise, and because no question of Law can ever be involved in it. But the House reserves to itself the important constitutional privilege of adjudicating on all questions of vacancy by acceptance of office and Government contracts; and I am not aware of any reason to suppose that it was the deliberate purpose of the Assembly of New Brunswick to divest themselves of an authority, apparently so essential to the exercise of their important functions.

For these reasons I apprehend that Her Majesty's Government will best conform to the probable wishes of the House of Assembly themselves, by requesting that House to resume the consideration of this Act. If it is really the case that it does not accomplish the designs of its authors, they will course be not merely willing but prompt to correct any errors into which the framers of the Law may have fallen. It is almost superfluous to say that Her Majesty's Government are at all times most reluctant to advise the disallowance by the Queen in Council of any Act passed by the Legislature of New Brunswick, and rather than resort to such a measure, we are content that, notwithstanding the objections I have pointed out, the Act should remain in force until it shall have been brought under the revision of the Provincial Legislature.

I have, &c.  
(Signed) STANLEY.

EXTRACT FROM THE OPINION OF THE LAW OFFICERS OF THE CROWN.

20th October, 1842.

As to the observations of Lord Stanley, we have to observe, that we think His Lordship is not aware that all Works in this Country, coming under the denomination of Public Works, are in fact carried on by monies granted by the Legislature from the Public Funds, and expended by Commissioners appointed for that purpose by the Executive, and therefore are, in strictness, Government Works, and are what was meant by the term Public Works, used in the Act; and although the terms "Government Works" are also used in the Act as applying to works under that denomination, distinguished from what are termed Public Works, this we conceive was intended to apply to such Works as might be carried on in the Colony by Government, from funds not provided by the Provincial Legislature. At the same time, we think the Act is very loosely and indefinitely worded in this respect, and requires amendment.

As to the provision, giving to the Speaker the power of adjudicating in the recess on what Seats are vacated under the Act, and for issuing Writs for a new Election, without first bringing the subject under the consideration of the House, we quite agree with His Lordship in the observations he has made on this head; and this is a highly objectionable provision in the Act, and certainly calls for reconsideration by the Legislature, and we can see no objection to Your Excellency calling the particular attention of the Legislature to this or any other of the provisions of the Act, at their next meeting, when it will of course undergo a more deliberate consideration.

(Signed) C. J. PETERS, *Atty. Gen.*  
G. F. STREET, *Sol. Gen.*

### PROPOSED CANAL BETWEEN THE BAY OF FUNDY AND THE GULPH OF SAINT LAWRENCE.

(Copy.)

[No. 71.]

*Downing Street, 9th June, 1842.*

SIR,—Having in pursuance of the intimation made to you in my Despatch, No. 17, of the 30th November, readily taken into consideration the mode of giving effect to the proposed Survey of the line of Canal between the Bay of Fundy and the Gulph of Saint Lawrence, I have now to inform you that at my request the Master General and Board of Ordnance have selected Captain Crawley of the Royal Engineers for this service; it being considered that an able Civil Engineer could only be obtained on such terms as would leave very little of the sum at your disposal applicable to the expenses of the Survey.



I transmit to you herewith the copy of a letter from the Inspector General of Fortifications to the Secretary to the Master General, suggesting that, exclusive of the travelling expenses which would, I presume, be defrayed by you at once, Captain Crawley's pay, subsistence and allowance, should be discharged by the Board of Ordnance, the Province reimbursing the Board the amount so expended. Having, on the faith that you possess ample authority and ample funds at your disposal, acquiesced in the above suggestion, I have only to instruct you to act upon the pecuniary arrangements proposed by the Inspector General.

I have the honor, &c.

(Signed,)

STANLEY.

Lieutenant Governor Sir W. M. G. Colebrooke, &c. &c. &c.

(Copy)

84 Pall Mall, 2d June, 1842.

SIR,—In returning the enclosed correspondence relative to the contemplated Survey for a Canal between the Bay of Fundy and the Gulph of the Saint Lawrence, I have, in consequence of the Master General's Order of the 28th ultimo, had communication with Captain Crawley, who is at present employed at Chatham, under an impression that he would be well qualified for the duty, and as he has expressed his wish to be named for the employment, I submit his name for the Master General's approval.

I infer this to be intended as a special duty not under the Ordnance, and therefore being a Colonial work and not of a Military character under the Commanding Engineer, the Officer, I presume, should be placed in communication with the Colonial Office, for the purpose of being sent to the Civil Governor of New Brunswick, in compliance with his letter of the 25th February last.

In respect to the pay that this Officer should receive during the time that he is employed on this duty, which it may be well previously to consider, it should not be less than if employed under the Ordnance, with the Command pay of his rank, vide margin,\* exclusive of course of his travelling expenses, which cannot be now stated; and it would probably simplify the business, and be much more convenient to the Officer, if the Ordnance were to pay him in the first instance, and the amount reimbursed from the Colony or Colonial Office, the same as is done with the Officers lent to the Admiralty, &c.

I have to add that Captain Crawley, with the Master General's sanction, will be prepared to obey such orders as he may receive for his communication with the Colonial Office.

I have, &c.

(Signed)

F. W. MULCASTER.

Major General Sir F. W. French, K. C. H., &c. &c. &c.

\* Subsistence, 11s. 1d., Extra pay, 8s., Command pay for 2d Captain, 6s., Lieutenants allowance, 1s. 6d.—£1 6 7.

## SURVEY OF THE ROAD BETWEEN NOVA SCOTIA AND THE CANADA LINE.

(Copy.)

[No. 81.]

Downing Street, 1st July, 1842.

SIR,—With reference to my Despatch, No. 73, of the 16th ultimo, I have the honor to acquaint you that the Master General and Board of Ordnance have intimated to me their concurrence in the proposition which I submitted to them relative to the employment of Captain Crawley, Royal Engineers, in the survey of the principal Line of Roads between Nova Scotia and Canada, and have informed me that proper instructions have been issued to that Officer on the subject.

I have, &c.

(Signed)

STANLEY.

Lieutenant Governor Sir William Colebrooke, &c. &c. &c.

## APPLICATION OF SURPLUS CIVIL LIST FUND TO THE ROAD FROM NOVA SCOTIA TO CANADA

EXTRACT FROM THE DESPATCH OF THE SECRETARY OF STATE TO THE LIEUTENANT GOVERNOR OF NEW BRUNSWICK.

Downing Street, 18th June, 1842.

Having, since my Despatch of the 16th instant, received from the Lords Commissioners of the Treasury an answer to the reference which I had made to them on the subject of the Address of the House

House of Assembly of New Brunswick, praying that Her Majesty would permit the surplus of the Civil List fund to be applied towards the completion of the Great Line of Roads from Nova Scotia to Canada, and having offered the Queen my advice upon that subject, Her Majesty has commanded me to signify to you Her pleasure, that you acquaint the House of Assembly, in answer to their application, that any general appropriation from the Civil List fund would not be sanctioned, without specific information as to the amount of the surplus which will remain at the disposal of Her Majesty's Government, and as to the demand to which such surplus ought to be liable.

\* \* \* \* \*

From the proceedings which I have taken for the purpose of securing the services of Captain Crawley, you will at once understand that I concur with you in thinking that before any such advance as that which has been contemplated by the Address of the House of Assembly would be sanctioned, (supposing the funds to be forthcoming,) a previous competent survey of the whole line of Road, accompanied by a full estimate of the sums required for the completion of it, and a Report as to the state and sufficiency of the portions already executed, would be absolutely indispensable. But as funds are apparently not provided for this service, I have to suggest to you the propriety of calling the attention of the Provincial Legislature, at the earliest practicable period, to the expediency of making the necessary arrangements for that purpose.

I have, &c.

(Signed)

STANLEY.

#### PUNISHMENT OF OFFENCES COMMITTED ON THE HIGH SEAS.

(Circular.)

*Downing Street, 16th December, 1842.*

SIR,—The attention of Her Majesty's Government has been recently called to various Laws enacted in the British Colonies, for the prevention, regulation or punishment of acts done on the High Seas or on the Seas within one league of the Colonies in which such Laws have originated. After consultation with the Queen's Advocate and the Attorney and Solicitor General, Her Majesty's Government have adopted the following conclusions on the subject.

When the operation of a Colonial Act is confined to a range, not exceeding one league from the shore, and relates to matters of local interests, the regulation of which by local enactment is indispensable to the welfare of the Colony, no objection will be made to such an Act, on the ground that the local range and extent of its operation exceeds the limits of the jurisdiction of the local Legislature; examples of such Acts are those relating to Pilotage, to Quarantine, to Custom Duties, and to Fisheries.

But if a Colonial enactment be made to take effect on the High Seas, at a distance exceeding three miles from the shores of the Colony, that is, if it shall propose to regulate, to prevent or punish any acts done on shipboard beyond those limits, such enactments will be null and void. In what manner acts of that kind may be disposed of by Her Majesty is a question on which no one inflexible rule can be laid down; but it may be stated as a general rule, that the Queen will in no case be advised to confirm or sanction any such enactments.

I have thought it necessary to impart this information to you, that in the enactment of Laws in the Colony, under your government, your authority or influence may be used to prevent the infringement of the general principles to which I have adverted.

I have, &c.

(Signed)

STANLEY.

Lieutenant Governor Sir William Colebrooke, New Brunswick.

#### NEW REGULATIONS RESPECTING POST OFFICE DEPARTMENT.

[See Appendix, No. 1.]

ORDERED, That that the same and the documents sent therewith do lie on the Table.

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

A

---

A Bill to authorize the Justices of the Peace for the County of York to regulate the Assize of Bread in the Town of Fredericton: and

A Bill to authorize the Justices of the Peace for the County of York to levy an assessment to pay off 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.

The Honorable Mr. Baillie, by leave, presented a Petition from George Cheyne, of the Parish of Dumfries, praying the amount agreed upon between the Supervisor and himself for damage sustained in consequence of an alteration of one of the Great Roads may be allowed him.

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

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

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THURSDAY, 9th February, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Saunders,  
Mr. Attorney General,*

*Mr. Shore,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Chandler.*

The Honorable Mr. Black 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 regulate the assize of Bread in the Town of Fredericton.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

The Honorable Mr. Chandler gave notice that he would on Monday next, move that an humble Address be presented to His Excellency the Lieutenant Governor, relating to the retirement of the Honorable Ward Chipman, from the Presidency of this House.

The Honorable the President informed the House, that he had received from the Cashier of the Commercial Bank, abstracts shewing its state on the 2d day of April, and 1st day of October, 1842.

ORDERED, That the same do lie on the Table.

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

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FRIDAY, 10th February, 1843.

PRESENT.

THE HON.

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

*Mr. Shore,*  
*Mr. Robinson,*  
*Mr. Botsford,*  
*Mr. Chandler,*  
*Mr. Hutch,*

The Honorable Mr. Black sat President.

PRAYERS.

The Honorable Mr. Shore, a Member of Her Majesty's Executive Council, by direction of His Excellency the Lieutenant Governor, lays before the House the following Documents from the Crown Land Office.

(Copy.)

*Crown Land Office, 5th January, 1843.*

MAY IT PLEASE YOUR EXCELLENCY,

I consider it my duty to bring under Your Excellency's notice the present state of the Crown Lands in this Province.

The number of persons, now holding Lands, for which they have paid one or more instalments, amount to about (600) six hundred. The quantity of Land possessed by these people, and locked up from other purchasers, is little short of one hundred thousand acres, (100,000 acres) and the sum due to Government is about £12,000.

Many of those purchasers not resident on the Land are, I have no doubt, well able to pay one or more instalments, but so long as no measures are adopted to collect the sums due, so long will they remain careless of the matter, retaining the Lands until some fortuitous circumstances shall render them valuable and available for speculation in opposition to the Crown sales. Many of the purchasers, on the other hand, are, I believe, actually settled on and improving the Lands, and would, if urged, be able to pay an instalment in the course of some months. Others again have, I have reason to believe, left the land or the Province, and have given up all idea of completing the purchases by the payment of the remaining instalments; and some, if called upon either to complete their purchases or resign the land, forfeiting the payments made, would gladly avail themselves of the latter alternative.

Another class of persons who will require some action of Your Excellency are those who, for some years past, have addressed the Lieutenant Governor in Council, and who agreeably to the regulations were called upon to deposit one pound on presenting the Petition at this Office. The number of these persons, who have still left their money in deposit, amounts to no less than 1590 or thereabouts, and little doubt can be entertained that they are in possession of the Lands so applied for, which taking the average at 100 acres each, will present an aggregate of 159,000 acres thus illegally held by these people.

Another class of trespassers are those who, without having deposited any money, have taken possession of Crown Lands, and are now actually settled upon the same. The number of those persons may, at the lowest calculation, be estimated at 1600, which, allowing 100 acres (and I believe many of them claim much more) will give the aggregate of 160,000 acres illegally occupied.

Taking, therefore, the value of these Lands thus held as it were in defiance of Government, as they are in breach of every regulation which has been made, and estimating their value only at 3s. per acre, the sum of which the Crown is deprived is somewhat startling, and will be perceived better by reference to the enclosed Table. But allowing that each person shall only be allowed to hold 50 acres, and dividing the two latter sums by two, a large sum appears, which could with proper management be made more or less available to the Province.

That some expense may be incurred, and some difficulty experienced in carrying out any measures which

which may be thought necessary to reduce this evil and convert it into a benefit, not only to the Province, but to the parties themselves, must of course be expected; but whether delay will not increase the evil till the hands of the Law will scarcely be strong enough to deal with it, must also be considered and weighed on the other hand.

And having thus brought the subject before Your Excellency, I consider that I have performed the duty required of me, and I shall be ready to obey whatever instructions I may receive from Your Excellency on this most important subject.

I have, &c.

(Signed)

THOS. BAILLIE, *Sur. Gen.*

His Excellency Sir Wm. M. G. Colebrooke, K. H., &c. &c. &c.

ESTIMATED STATE OF THE CROWN LANDS IN NEW BRUNSWICK WHICH ARE OCCUPIED BY SQUATTERS AND OTHERS UNDER INCOMPLETE PURCHASES—JANUARY 1843

*Abstract of Instalments due on Purchases of Crown Lands to 31st December 1842.*

County.	Sales.	Acres.	Amount.
Carleton.....	104	23,316	£3,093 2 7
Charlotte.....	53	10,422	1,506 7 1
Gloucester,.....	46	6,307	616 14 10
Kent,.....	44	5,560	600 1 3
King's,.....	50	7,430	782 16 5
Northumberland,.....	101	12,078	1,418 8 9
Queen's,.....	52	7,527	694 4 7
Restigouche,.....	16	1,722	344 0 7
Saint John,.....	24	6,519	1,110 10 0
Sunbury,.....	14	1,765	184 16 3
Westmorland,.....	54	7,657	923 2 4
York,.....	38	5,226	683 12 10
	596	95,529	£11,957 17 6

*Abstract of Deposits made by Petitioners for Crown Lands, upon which no further action has been had, (say 100 acres each at 3s. per acre.)*

County.	No.	Acres.	Amount.
Charlotte.....	72	7,200	£1,050 0 0
Saint John,.....	86	8,600	1,290 0 0
King's,.....	186	18,600	2,790 0 0
Queen's,.....	149	14,900	2,235 0 0
Sunbury,.....	90	9,000	1,350 0 0
York,.....	84	8,400	1,260 0 0
Carleton,.....	115	11,500	1,725 0 0
Restigouche,.....	69	6,900	1,035 0 0
Gloucester,.....	142	14,200	2,130 0 0
Northumberland,.....	229	22,900	3,435 0 0
Kent,.....	179	17,900	2,685 0 0
Westmorland,.....	189	18,900	2,835 0 0
	1590	159,000	£23,850 0 0

*Abstract*

*Abstract of Persons supposed to be Settled or Squatted on Crown Lands without any authority.*

County.	No.	Acres.	Amount.
Charlotte,.....	142	14,200	£2,130 0 0
Saint John,.....	62	6,200	930 0 0
King's,.....	145	14,500	2,175 0 0
Queen's,.....	139	13,900	2,085 0 0
Sunbury,.....	95	9,500	1,425 0 0
York,.....	142	14,200	2,130 0 0
Carleton,.....	122	12,200	1,830 0 0
Restigouche,.....	82	8,200	1,230 0 0
Gloucester,.....	199	19,900	2,985 0 0
Northumberland,.....	174	17,400	2,610 0 0
Kent,.....	132	13,200	1,980 0 0
Westmorland,.....	166	16,600	2,490 0 0
	1,600	160,000	£24,000 0 0

This Table is only intended as an approximation to truth, and I by no means intend to pledge myself to its accuracy, as no exact Return of Squatters has ever been made, nor does sufficient information exist in the Office to enable me to compile one.

(Signed)

THOMAS BAILLIE, *Sur. Gen.*

*Schedule of Reserved Indian Lands, in the Province of New Brunswick.*

## NORTHUMBERLAND.

1. On both sides of the Little South West, Miramichi River, at its mouth, 10,000 acres.
2. On the North side the North West Miramichi River, at Oxford's Brook, 3,033
3. On the East side of the N. W. Miramichi River, opposite the Sevogle Streams, and including the Point, 8,700
4. On the East side of the North West Miramichi River, opposite the Red Bank, 750
5. Burnt Church Point, Miramichi Bay, 240
6. On the North side, Burnt Church River, 1,400
7. On the Tabusintac River, from Pine Island running up on both sides, including 10 acres at M'Graw's Point, and 25 acres at the Ferry, 9,035— 33,158

## KENT.

8. On the North side of the Richibucto River, and running up to Bass River, 4,600
9. On the North side of the Shebuctouche River above and below Mill Creek, 3,500— 8,100

## CARLETON.

10. On the East side of the River Saint John, from the Tobique Rocks running up to the Arestook, 16,000
11. East side River Saint John, below the Grant to S. Hebert, near the mouth of the Madawaska River, 700

## GLOUCESTER.

12. On the South side of the Pockmouche River, from Waganchit's Brook running up 3 miles, 2,600
13. On both sides of the Nepisiquit River, below the mouth of the Pabineau, 1,000
14. North side of Eel River, and South of the Grant to R. Ferguson, 400— 4,000

## SAINT JOHN.

15. The three Islands, " called the Brothers," near Sandy Point, Kenebeccasis Bay, 15— 15

*Carried forward,*

45,273

<i>Brought forward,</i>		61,973
WESTMORLAND.		
16. West side Aboushagen River, above Lot number four, and a proportion of the Marsh, East of Kouchibouguac Lagoon,	,250—	250
Total acres,		62,223
<i>Crown Land Office, April 19, 1842.</i>		

*Return of Indian Reserved Lands in the Province of New Brunswick, April 20, 1842.*

Total extent, in acres, of Indian reserved Lands, 62,223.

Total number of persons who have settled on them, whose cases are reported on by Mr. Perley, 118.

Total number of Indians in the Province, Male and Female, 1,377.

*Return of the number of persons who have settled upon, and occupy portions of the Indian Reserves in the Province of New Brunswick, 1841.*

COUNTY OF NORTHUMBERLAND.		
Eel Ground at Oxford Brook, ... ..		13
Indian Point, 13 miles above Newcastle, ... ..		18
Little South West Reserve, ... ..		49
Reserve on the North West Miramichi, above Wild Cat Brook, ... ..		3
Reserve at Burnt Church River, ... ..		1
Tabusintac River, ... ..		3— 87
GLOUCESTER.		
Pokmouche Reserve, ... ..		1— 1
KENT.		
Richibucto River Reserve, ... ..		8
Buctouche River Reserve, ... ..		5— 13
CARLETON.		
Tobique Reserve, ... ..		16
Madawaska, ... ..		1— 17
Total of Persons,		118

A Message was brought from the Assembly by Mr. Boyd, with a Bill to repeal so much of an Act made and passed in the ninth year of the Reign of His Majesty George the Fourth, intituled "An Act to lay a tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews," as relates to the owners of Dogs residing on the Commons and Glebe in the Parish 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 on Monday next.

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

A Petition from the Reverend James Dunphy, Pastor of Saint Peter's Church, in the County of Saint John, James Gallagher, Henry O'Brian, and several inhabitants of the Parish of Portland, praying aid for a School established in that Parish: and

A Petition from David M'Millan, of the City of Saint John, praying a further allowance for binding the revised edition of the Laws of the Province.

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

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

Petitions from the Commissioners of the Alms House in Saint Andrews, respectively, praying a return of monies expended by them in support of Emigrant Poor; and  
A Petition from John M'Garigle, of the Parish of Pennfield, praying an allowance for teaching a School.

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 Stephen Wiggins and Son, Merchants, in the City of Saint John, praying for drawback on 110 cases of Claret Wine, exported by them in the Ship Pearl, to the West Indies; and

A Petition from the same persons, praying a return of Head Money paid by them for the importation of Seamen under an Act passed in the year 1840; also

A Petition from the same persons, praying a return of Head Money paid on passengers on board the Ship Samuel, from Liverpool, in the year 1842.

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

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

MONDAY, 13th February, 1843.

PRESENT :

THE HON.

*Mr. Shore,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Chundler,  
Mr. Hatch,*

*Mr. Bailie,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Wyer,  
Mr. Kinnear,*

The Honorable Mr. Shore sat President.

PRAYERS.

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,*

*February 10, 1843.*

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

The Lieutenant Governor referring to the Despatch of the Secretary of State for the Colonies, No. 87, of the 11th of August, 1842, recommends the amendment of the Act, No. 1408, in conformity to the suggestions therein contained.

W. M. G. C.

NEW



## NEW BRUNSWICK,

*Message to the Legislative Council.*

10th February, 1843.

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

The Lieutenant Governor referring to the Despatch of the Secretary of State for the Colonies of the 30th August, 1842, and to the Report of the Law Officers of the Government thereupon, recommends that Acts, Nos. 1422, 1423, 1424 and 1425 may be amended in conformity to the Provisions of the Act of Parliament

W. M. G. C.

*See Journal, 8th February, 1843.*

## NEW BRUNSWICK,

*Message to the Legislative Council,*

11th February, 1843.

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

The Lieutenant Governor lays before the Council for their information, the Reports of the Auditor on certain Public Accounts for the year 1842; also a Report from the Treasurer with an estimate of Revenue for the current year, which he has calculated upon a Scale of Duties recommended to be levied.

W. M. G. C.

*Civil List of the Province of New Brunswick for the Year ending 31st December 1842.**First Quarter—March 31st.*

Paid Salary of Lieutenant Governor,.....	£865	7	8
“ “ Private Secretary,.....	57	13	10
“ “ Chief Justice Chipman,.....	274	0	9
“ “ Judge Botsford,.....	187	10	0
“ “ Judge Carter,.....	187	10	0
“ “ Judge Parker,.....	187	10	0
“ “ Provincial Secretary,.....	399	17	9
“ Honorable Thomas Baillie, one moiety of Salary as Surveyor General,.....	150	0	0
“ Honorable John S. Saunders, one moiety of Salary as Surveyor General,.....	150	0	0
“ Salary of Auditor General,.....	86	10	9
“ “ Receiver General,.....	86	10	9
“ “ Attorney General,.....	158	13	0
“ “ Solicitor General,.....	57	13	10
“ “ Emigrant Agent,.....	28	16	11
“ “ Presbyterian Minister,.....	14	8	5
“ Donation to King’s College,.....	277	15	6
“ Donation to Indians,.....	15	0	0
“ Annuity to A. Lockwood,.....	43	5	4

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*Carried forward,.....* £3,228 4 6

	<i>Brought forward</i> ,.....	£3,228	4	6
	<i>Second Quarter—June 30th.</i>			
Paid Salary of Lieutenant Governor,.....	£865	7	8	
“ “ Private Secretary,.....	57	13	10	
“ “ Chief Justice Chipman,.....	274	0	9	
“ “ Judge Botsford,.....	187	10	0	
“ “ Judge Carter,.....	187	10	0	
“ “ Judge Parker,.....	187	10	0	
“ “ Provincial Secretary,.....	399	17	9	
“ Honorable Thomas Baillie, one moiety of Salary as Surveyor General,.....	90	0	0	
“ Honorable John S. Saunders, one moiety of Salary as Surveyor General,.....	150	0	0	
“ Salary of Auditor General,.....	86	10	9	
“ “ Receiver General,.....	86	10	9	
“ “ Attorney General,.....	158	13	0	
“ “ Solicitor General,.....	57	13	10	
“ “ Emigrant Agent,.....	28	16	11	
“ “ Presbyterian Minister,.....	14	8	5	
“ Donation to King’s College,.....	277	15	6	
“ Donation to Indians,.....	15	0	0	
“ “ Annuity to A. Lockwood,.....	43	5	4	
	<hr/>	3,168	4	6
	<i>Third Quarter—September 30th.</i>			
Paid Salary of Lieutenant Governor,.....	£865	7	8	
“ “ Private Secretary,.....	57	13	10	
“ “ Chief Justice Chipman,.....	274	0	9	
“ “ Judge Botsford,.....	187	10	0	
“ “ Judge Carter,.....	187	10	0	
“ “ Judge Parker,.....	187	10	0	
“ “ Provincial Secretary,.....	399	17	9	
“ Honorable Thomas Baillie, one moiety of Salary as Surveyor General,.....	150	0	0	
“ Honorable John S. Saunders, one moiety of Salary as Surveyor General,.....	150	0	0	
“ Salary of Auditor General,.....	86	10	9	
“ “ Receiver General,.....	86	10	9	
“ “ Attorney General,.....	158	13	0	
“ “ Solicitor General,.....	57	13	10	
“ “ Emigrant Agent,.....	28	16	11	
“ “ Presbyterian Minister,.....	14	8	5	
“ Donation to King’s College,.....	277	15	6	
“ Donation to Indians,.....	15	0	0	
“ Annuity to A. Lockwood,.....	43	5	4	
	<hr/>	3,228	4	6
	<hr/>	£9,624	13	6
	<i>Carried forward</i> ,.....			

		<i>Brought forward</i> ,.....	£9,624 13 6
<i>Last Quarter—December 31st.</i>			
Paid Salary of Lieutenant Governor,.....		£865 7 8	
“ “ Private Secretary,.....		57 13 10	
“ “ Chief Justice Chipman,.....		274 0 9	
“ “ Judge Botsford,.....		187 10 0	
“ “ Judge Carter,.....		187 10 0	
“ “ Judge Parker,.....		187 10 0	
“ “ Provincial Secretary,.....		399 17 9	
“ “ Surveyor General,.....		258 19 2	
“ Honorable John S. Saunders, balance of one moiety of Salary as Surveyor General,.....		41 0 10	
“ Salary of Auditor General,.....		86 10 9	
“ “ Receiver General,.....		86 10 9	
“ “ Attorney General,.....		158 13 0	
“ “ Solicitor General,.....		57 13 10	
“ “ Emigrant Agent,.....		28 16 11	
“ “ Presbyterian Minister,.....		14 8 5	
“ Donation to King’s College,.....		277 15 6	
“ Donation to Indians,.....		15 0 0	
“ Annuity to A. Lockwood,.....		43 5 4	
		<hr/>	3,228 4 6
			£12,852 18 0
Amount of Civil List of the Province,.....			14,500 0 0
			<hr/>
Surplus,.....			£1,647 2 0
<i>Office of Audit, January 9th. 1843.</i>			
<i>Distribution of the Surplus Civil List, for the Year ending 31st December, 1842.</i>			
1841.			
Dec. 31.	To balance in the Receiver General’s Hands at this date, £4,094	2	0
1842.			
Dec. 31.	To Surplus on the year ending this date,.....	1,647	2 0
			<hr/>
			£5,741 4 0
1842.			
April 29.	Paid Hon. F. P. Robinson, for Auditing Provincial Accounts from 1st December 1841, to 31st March 1842,.....	£51	5 8
“	“ Hon. F. P. Robinson, Clerk hire between the 1st December 1841, to 31st March 1842,.....	50	0 0
			<hr/>
<i>Carried forward</i> ,.....		£101	5 8

	<i>Brought forward</i> ,.....	£101 5 8
May 16.	Paid Hon. Thomas Baillie, on account of quarter moiety of Salary as Surveyor General,.....	60 0 0
June 30.	“ Hon. F. P. Robinson, Salary as Provincial Auditor, quarter ending 30th June, 1842,.....	38 9 3
“	“ Hon. F. P. Robinson, Clerk hire for the quarter ending 30th June, 1842,.....	37 10 0
Sept. 30.	“ Hon. F. P. Robinson, Salary as Provincial Auditor, quarter ending 30th September, 1842,.....	38 9 3
“	“ Hon. F. P. Robinson, Clerk hire for the quarter ending 30th September, 1842,.....	37 10 0
Nov. 5.	“ Hon. John S. Saunders for services while Acting Surveyor General,.....	200 0 0
Dec. 31.	“ Hon. F. P. Robinson, Salary as Provincial Auditor, quarter ending 31st December, 1842,.....	38 9 3
“	“ Hon. F. P. Robinson, Clerk hire for the quarter ending 31st December, 1842,.....	37 10 0
“	“ Hon. F. P. Robinson, extra Clerk hire for the quarter ending 31st December, 1842,.....	24 0 0
	Balance in favor of the Surplus Civil List,.....	5,128 0 7
		<u>£5,741 4 0</u>
Dec. 31.	To balance in favor of the Surplus Civil List Fund,.....	£5,128 0 7

F. P. ROBINSON, *Auditor.*

*Office of Audit, 9th January, 1843.*

*Abstract of the Receipts and Expenditure of the Casual and Territorial Revenues of the Province of New Brunswick for the year 1842.*

To balance in favour of the Revenue on the 31st December, 1841,.....	£2,480 19 9
“ Gross proceeds of Tonnage on Timber and Lumber cut on Crown Lands,.....	6,631 16 4
“ Gross proceeds of Land Sold and Leased,.....	2,165 1 10
“ Contingencies collected at the Secretary's Office,.....	304 8 4
“ Ditto. collected at the Crown Land Office,.....	289 17 5
“ Fines in Courts of Law,.....	13 0 0
	<u>£11,885 3 8</u>

		CR.		
By amount paid for sundry Surveys and Inspections,....	£1,740	16	3	
“ Province Treasurer under Act of As- sembly,.....	4,500	0	0	
“ For Stationery for Crown Land Office,....	94	1	11	
“ Sundry Contingent expenses of ditto,....	35	14	5	
“ Jacob Allan’s Salary and expenses of his Office,.....	383	14	10	
“ Seizing Officer’s dues,.....	163	2	6	
“ For Fuel for Crown Land Office,.....	22	2	9	
“ For Printing, Ditto, .....	280	19	9	
“ Office of Audit Contingencies,.....	52	13	8	
“ Returned for Land not vacant,.....	85	5	0	
“ Travelling expenses of the Executive Council,.....	231	0	0	
“ Indoor Establishment, extra Clerk Hire, Crown Land Office,.....	1,435	0	0	
“ Receiver General’s Contingencies,.....	24	4	1	
“ John Grant, for expenses of himself and Staff bearers, while employed on the Bay Verte Canal Survey.....	220	0	0	
“ Doctor Gesner, advance on Account of Survey of the Tobique River and Valley,.....	75	0	0	
“ John Wilkinson, for Disbursements while exploring certain parts of the Boundary Line,.....	95	0	0	
“ Doctor Gesner, to aid in forming and exploring the Mechanic Settlement,	75	0	0	
“ Attorney General’s allowance for Sta- tionery,.....	10	0	0	
“ Costs in Law,.....	16	4	6	
“ James Biggs’ attendance on Executive Council for three years,.....	20	0	0	
“ Deposits on Timber (returned,).....	24	15	0	
“ The Surveyor General’s Postage,.....	134	19	11	
Balance in favour of the Revenue,.....	2,165	9	1	
				<u>£11,885 3 8</u>

1842.

Dec. 31st.	Balance in favor of the Province,.....	£2,165	9	1
	Made up as follows:—			
	Balance in Cash in Receiver General’s hands, £1,274	10	2	
	Less unpaid Warrants,.....	39	1	8
	<i>Carried forward,.....</i>	£1,235	8	6

<i>Brought forward</i> ,.....	£1,235 8 6 2,165 9 1
Paid Warrants of His Excellency the Lieutenant Governor for advances on account of various services to be submitted for appropriation, per annexed Schedule,..	930 0 7
	£2,165 9 1

F. P. ROBINSON, *Auditor.*

*Audit Office, January 9, 1843.*

*Schedule of Warrants drawn on the Queen's Casual Revenue for Postage and other Contingencies to be refunded.*

Warrant No. 379,	Lieutenant Governor's Postage to 31st Dec., 1841.	£74 5 2
“	“ Provincial Secretary's Postage to ditto,.....	91 16 7
“	“ Adjutant General's Postage to ditto,.....	18 15 1
“	“ Emigrant Agent's Postage to ditto,.....	1 1 8
“	396, Lieutenant Governor's Postage to 30th Sep., 1841,	142 0 6
“	397, Lieut. Governor's Postage to 31st March, 1842,	91 11 3
“	399, Provincial Secretary's Postage to ditto,.....	28 19 10
“	400, A. Reade, Esq., Sir John Harvey's Contingencies paid by him,.....	33 0 3
“	408, Lieut. Governor's Postage to 30th June, 1842,....	113 11 3
“	“ Provincial Secretary's Postage to ditto,.....	45 4 3
“	“ Emigrant Agent's Postage to ditto,.....	1 17 1
“	“ Lieut. Governor's Postage at Woodstock,.....	2 8 9
“	423, Provincial Secretary for Stationery and Fuel for the past year,.....	105 0 0
“	425, Lieut. Governor's Postage to 5th October, 1842,	93 7 11
“	426, Provincial Secretary's do. to 10th October, 1842,	72 17 6
“	430, Emigrant Agent's expenses of Office,.....	7 15 6
“	433, Thomas Corrigan, express to Saint John,.....	6 8 0
		£930 0 7

F. P. ROBINSON.

*Office of Audit, 9th January, 1843.*

*Treasury. Saint John, 2nd February, 1843.*

SIR,—Having been required by his Excellency the Lieutenant Governor to prepare an estimate of the probable Revenue that would be raised in the Province on a scale of duties based on that in force in Canada, with such modifications as might be deemed necessary to adapt it to the exigencies of the Province, I have the honour to submit for the consideration of His Excellency the annexed tables of duties and exemptions from duty, together with an estimate of the probable Revenue that might be expected to accrue to the Province if this scale were adopted. In estimating the quantities likely to be imported I have assumed the returns of the last year and of one previous, as affording a probable average; but, independent of the general state of our Commerce the reduction of Imperial Duties on many articles which are much wanted in the Province may be expected to cause some considerable increase in the imports; and the proposed reduction of the duty on Spirits will it is generally believed by

by removing much of the great temptation to smuggle, afford such an increase in the legal importation of that article, as will be more than equivalent to the reduction of the rate and at the same time give greater protection to the honest trader. The present disturbed state of Commerce generally, and especially of this Province, greatly increases the difficulty of estimating the importations of the coming year. In calculating the Customs Revenue, I have taken the same quantity as above referred to for the half year from 5th July next to 5th January 1844, and added the amount of the two first quarters in 1842 as the probable amount for the first half of the current year, the aggregate of these, after deducting the salaries, leaves a Nett Revenue from the Imperial Duties of £14,700, Currency.

In preparing this Table of Duties, I have considered the Act of Parliament, 5 and 6 Vic., cap. 49, which goes into operation on the 5th July, next, as regulating our Trade with Foreign Countries and affording a sufficient and salutary protection to British Trade and Manufactures. The Duty of five per cent. on all non enumerated articles in Canada has been found by the experience of upwards of a year to be beneficial in production and easy and simple in collection, and when added to the Protecting Duty under the Act of Parliament above quoted, may be deemed a liberal bounty to any Provincial Manufacture; the different interests in the Province would doubtless severally propose alterations in these Tables, especially in that of exemptions, and if the Agriculturist should claim a continuation of Duty on Cattle, Horses, &c., the striking out of those items from the Table of Exemptions will make them subject to the five per cent. ad valorem, which added to the expense of importation would give a liberal bounty to the farming interest. The Duty on Wine and Spirits in the annexed Table will appear very small compared with the existing rates, but the duties at present are an immense bounty on smuggling; much of the Spirits that is imported from the United States costs there as low as one shilling and sixpence per Gallon, the Imperial and Provincial Duties bring it up to four shillings and sixpence, consequently if the smuggler succeeds in running in one out of three, safely, he can compete with the legal importer. The same argument applies to cheap Wines, and the objection to a discriminating duty on Wine, is the difficulty of distinguishing on arrival *in Wood* between Wines of different denominations and cost.

Sugars, (excepting the addition on Foreign Sugar and Molasses which is omitted) Coffee and Molasses are left at their old rates, which seems to be as much as they will bear, and are not considered excessive. Tobacco (at present one penny per pound,) is left as a non enumerated article at five per cent. ad valorem, which in addition to the new Imperial duty makes in all twelve per cent; more than this would induce a continuation of smuggling which has hitherto been carried on with great boldness in this article, and the wide range of value in Tobacco makes a specific duty objectionable.

The Canada Act imposes three pence per pound on Tea, but as that article will after the 5th July be admitted from Foreign Countries at a Duty of one penny Sterling per pound, I would strongly recommend to keep the duty so low as to remove the temptation to smuggle an article of such universal consumption.

Much objection has been frequently made to the requirement of affidavits instead of declarations to be quantities and value of importations in the Act to provide for the collection of the Revenue. In many cases such as the want of an invoice or a present, the importation must be referred to the appraisers at a cost of ten shillings to the importer in addition to the duty which some times does not exceed two shillings. The fee to the appraiser is not well regulated, on a large importation it is not an equivalent for the service, and on a small one, as a single box or bale it is excessive. Under the proposed table there will be a much greater proportion of articles subject to ad valorem duty which increases the importance of duly considering this part of the "Act to provide for the collection of the Revenue." If declarations were substituted for affidavits there would be greater necessity for referring the valuation more frequently to appraisers, and as this could not be done at the cost of the importer where he declared to the value, although the officer might have reason to question the correctness of the valuation, some other provision for the services of the appraisers would be requisite; and I am of opinion that if one set of appraisers were appointed for the Customs and Treasury the greater portion of their time during the busy seasons would be fully occupied.

There is one important change in (the 13th Section of) the Act of Parliament above referred to, to which they have to draw the attention of the Government, viz:—The adoption of Imperial Weights and Measures. If the proposal to consolidate the collection of the Customs and Provincial Revenues

be adopted, it certainly would be advisable with a view to a reduction of labour and expense to levy the duties in Sterling and according to Imperial Weights and Measures. And even if the present system for the collection of the Revenue be continued, much confusion will be likely to arise, especially in articles in the Bonded Warehouse if a different measure be in use in the Customs and Treasury Departments.

The only remaining point which occurs to me to report on at present, is the mode of securing duties by bonds, which allowing long periods for the payments, do not make the Revenue available within the year, besides causing a fictitious representation of the consumption; dutiable articles being entered in larger quantities than the demand warrants for the sake of the longer credit on the greater amount of duty. But the evils attendant on the Bond system are of much wider extent, and have been severely felt in many instances during the last two years of Commercial difficulty. The substitution of the Warehousing system, by which the duty would be paid as the article was taken out for consumption, might be advantageously introduced at this Port, where so great a portion of the Revenue is collected, and where, I am persuaded, the change would be considered an improvement by all concerned.

I have the honor, &c.

(Signed) B. ROBINSON, *Province Treasurer.*

PROPOSED TABLE OF PROVINCIAL DUTIES.

All articles not herein made subject to specific or tale duty and not included in the following Table of exemptions from duty, for every £100 value,	£5	0	0
Wine, whether in wood or bottle, per gallon,	0	0	9
Spirits of all kinds,	0	1	0
Brown or Muscovado Sugar, per cwt.,	9	2	6
Refined Sugar, (not brown,) per lb.,	0	0	1
Coffee, raw or burned,	0	0	1
Tea,	0	0	1
Mollasses or Treacle, per gallon,	0	0	1

TABLE OF EXEMPTIONS FROM DUTY.

Barley,  
 Beans,  
 Beef, salted or fresh,  
 Cattle,  
 Flour and Meal of all kinds,  
 Grain of all kinds,  
 Hogs,  
 Horses,  
 Live Stock,  
 Peas,  
 Pork, Salted or fresh,  
 Seeds and Plants,  
 Packages containing dutiable Goods,  
 Produce and Manufacture of the British North American Colonies and Fisheries.

*Estimate of the probable Revenue to be collected in New Brunswick, according to the foregoing Table of Duties in 1843.*

£500,000 value, at 5 per cent.,	£25,000	0	0
40,000 gallons Wine, at 9d. per gallon,	1,500	0	0
220,000 gallons Spirits, at 1s. per gallon,	11,000	0	0
20,000 cwts. Brown Sugar, @ 2s. 6d. per cwt.,	2,500	0	0
150,000 lbs. refined Sugar, 1d. per lb.,	625	0	0
134,400 lbs. Coffee, @ 1d. per lb.,	560	0	0
300,000 lbs. Tea, at 1d. per lb.,	1,250	0	0
249,600 gallons Molasses, 1d. per gallon,	1,040	0	0
Total per foregoing Table of Duties, } Carried forward, } §	£43,475	0	0



	<i>Brought forward,</i>	£43,475 0 0
Auction Duties,		800 0 0
Emigrant Duties,		1,500 0 0
Probable Net Customs Revenue,		14,700 0 0
Casual and Territorial Revenue,		12,000 0 0
	<b>Total,</b>	<b>£72,475 0 0</b>

The Light House duties and sick and disabled Seamen's duties are not taken into the above estimate, as the expenditure of those funds is confined to the several purposes for which the duties were imposed. The Emigrant duties are included because the Province is in advance for relief and distressed Emigrants.

B. ROBINSON, P. T.

*Treasury, Saint John, 2d February, 1843.*

*See Appendix, No. 2.*

NEW BRUNSWICK,  
*Message to the Legislative Council.*

*February 10, 1843.*

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

The Lieutenant Governor lays before the Honorable the Legislative Council copy of a Despatch from the Secretary of State for the Colonies on the Act, No. 1372, for incorporating the Westmorland Mining Company; also extract of a Despatch concerning the Act, No. 1388, relating to Mines and Minerals in the County of Gloucester, with copy of his Despatch in answer to the Secretary of State.

W. M. G. C.

*See Appendix, No. 3.*

NEW BRUNSWICK,  
*Message to the Legislative Council,*

*February 10, 1843.*

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

The Lieutenant Governor lays before the Honorable the Legislative Council copies of two Despatches from the Secretary of State for the Colonies, the first relating to the alteration of the Import Duties in the United Kingdom, and in the Colonies, and the second communicating the Act of Parliament to amend the Laws for the regulation of the Trade of the British possessions abroad.

W. M. G. C.

(Copy.)

[No. 91.]

*Downing Street, 19th August, 1842.*

SIR,—I transmit to you herewith an Act of Parliament which received the Royal Assent on the 5 & 6 Vic. c. 49. 16th ultimo, entitled "An Act to amend the Laws for the regulation of the Trade of the British Possessions abroad," and I have to request that you would take the first opportunity of communicating copies of this Act to the Legislature of the Province under Your Government.

I also enclose, for your information, the copy of a Despatch which I have addressed to the Governor No. 227, Aug. 17. of Canada, explaining the policy by which Her Majesty's Government has been governed, in recommending to Parliament the adoption of the important changes in the Laws affecting the Trade of the Colonies, which are sanctioned by this Act.

I have the honor, &c.

(Signed)

STANLEY.

Sir W. M. G. Colebrooke, &c. &c. &c.

NEW BRUNSWICK,  
*Message to the Legislative Council,*  
February 10, 1843.

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

The Lieutenant Governor lays before the Honorable the Legislative Council copy of a Despatch from the Secretary of State for the Colonies, relative to certain expenses incurred by Her Majesty's Consuls at Havannah and Portland, in the United States, for the relief of distressed Seamen belonging to vessels arrived from Nova Scotia and New Brunswick, and referring to the opinion of the Law Officers of the Government he recommends that provision be made for reimbursement of the accounts incurred for relief of the men belonging to the Queen, of Saint John.

W. M. G. C.

*See Appendix, No. 4.*

NEW BRUNSWICK,  
*Message to the Legislative Council,*  
10th February, 1843.

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

The Lieutenant Governor lays before the Honorable the Legislative Council copies of a Despatch from the Secretary of State for the Colonies, and of the subsequent correspondence relative to a claim from the owners of the Barque Creole, for reimbursement of a sum paid to the Provincial Treasury, and which under the circumstances he recommends may be allowed.

W. M. G. C.

*See Appendix, No. 5.*

Pursuant to the Order of the Day, the Bill to repeal so much of an Act made and passed in the ninth year of the Reign of His Majesty's George the Fourth, intituled "An Act to lay a tax on dogs in certain parts of the Parishes of Fredericton and Saint Andrews," as relates to the owners of dogs residing on the Commons and Glebe in the Parish of Saint Andrews, was read a second time.

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

On motion made and seconded,

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, to pray that His Excellency will be pleased to inform this House whether the Honorable Ward Chipman resigned his seat as the President of this House by reason of any recent instructions from Her Majesty's Government or otherwise;

otherwise; and also, that His Excellency will be pleased to lay before this House copies of any correspondence relating to or connected with such resignation.

ORDERED, That the Honorable Messieurs Chandler and Wyer be a Committee to present the same.

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

A Petition from Thomas Leavitt and Company, of Saint John, praying a return of Duties paid on Tea: and

A Petition from the Justices of the Peace in Northumberland, praying a return of money expended for distressed Emigrants.

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

The Honorable Mr. Saunders, by leave, presented a Petition from Joseph Myshrall, Horatio N. Drake, Henry Fisher, Junior, and other inhabitants of Fredericton, praying the Gaol Limits in York County may be enlarged.

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

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

A Petition from Thomas Moses, Deputy Treasurer of West Isles, praying additional allowance may be made him:

A Petition from the Justices of the Peace of the County of Charlotte, praying for Legislative aid: and

A Petition from Wilford Fisher, James Allan, John Cameron and other inhabitants of Charlotte, praying the allowance for a Packet between Saint Andrews and the Island Parishes may be continued.

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 Justices of the Peace of the City and County of Saint John, praying an Act may pass to enlarge, confirm and establish bounds of the Provincial Penitentiary:

From the same Justices, praying a grant of money to reimburse the Overseers of the Poor for the Parish of Saint John for monies expended in relieving sick and distressed Emigrants:

From the same Justices, praying an Act may pass to authorize an assessment on the inhabitants of Saint John for paying off the contingent expenses of the County:

From the same Justices, praying for a grant to reimburse the Overseers of the Poor for the Parish of Portland for sums expended by them in relief of sick and distressed Emigrants:

From the same Justices, praying the Overseers of Poor may be reimbursed for sums expended by them in behalf of Lunatics in the Asylum there, and for the establishment of more efficient control in and over the same:

A Petition from Henry Gilbert, Robert Rankin and Company, Charles Ward, and others, of Saint John, praying that the legal rate of tender for English Sovereigns and the Pound Sterling may be increased: and

A Petition from Angus M'Affee and William Kilpatrick, praying remuneration for losses sustained by them severally, at the Fire in August 1841. ORDERED,

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

Mr. Hatch, by leave, presented a Petition from Dennis H. Leary, praying an allowance for teaching a School in Charlotte.

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

The Honorable Mr. Baillie presented the following Petitions:—

A Petition from Thomas M'Elroy, praying return of Duties paid on Goods destroyed by Fire in Portland in 1841: and

A Petition from George J. Harding, praying for additional remuneration for services and Medicine at Partridge Island.

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

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

**TUESDAY, 14th February, 1843.**

**PRESENT :**

THE HON.

*Mr. Shore,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Wyer,  
Mr. Kinneer.*

*Mr. Baillie,  
Mr. Botsford,  
Mr. Chandler,  
Mr. Hatch.*

The Honorable Mr. Shore 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 repeal so much of an Act made and passed in the ninth year of the reign of His Majesty George the Fourth, intituled "An Act to lay a Tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews, as relates to the owners of Dogs residing on the Commons and Glebe in the Parish of Saint Andrews."

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. Hill, with a Bill to incorporate the Bolton Brook Navigation Company, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Hill, with a Bill relating to Trespasses, 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

The Honorable the Attorney General, by leave, presented a Petition from William I. Bedell and others, Commissioners of the Alms House in and for York County, praying return of monies expended by them in support of transient and distressed Emigrants.

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

The Honorable Mr. Chandler, by leave, presented a Petition from the Ministers and Elders of the Synod of New Brunswick, in connection with the Established Church of Scotland, praying that an Act may pass to abolish the restrictions at present existing in the Constitution of King's College: and

A Petition of Lewis Trites, William Wallace, Alexander Wright, and sixty five others, inhabitants of Westmorland, with a similar prayer.

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

The Honorable Mr. Baillie, by leave, presented a Petition from George Woods of Fredericton, praying for relief as respects his claim against the New Brunswick Land Company.

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

The Honorable Mr. Botsford, by leave, presented a Petition from the Justices of the Peace in King's County, praying fees in certain cases, may be established by Law for services they are obliged to perform.

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

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

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WEDNESDAY, 15th February, 1843.

PRESENT :

THE HON.

*Mr. Shore,*  
*Mr. Saunders,*  
*Mr. Attorney General,*  
*Mr. Wyer,*

*Mr. Baillie,*  
*Mr. Botsford,*  
*Mr. Chandler.*  
*Mr. Hatch.*

The Honorable Mr. Shore sat President.

PRAYERS.

The Honorable Mr. Chandler, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, on the subject of the retirement of the Honorable Ward Chipman as a Member of this House, reports, that they had attended to that duty, and that His Excellency was pleased to say that he would lay before this house the copy of a Dispatch from the Right Honorable Lord Stanley, Secretary of State for the Colonies, relating to the subject.

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

## NEW BRUNSWICK,

*Message to the Legislative Council,**February 13, 1843.*

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

The Lieutenant Governor lays before the Council Copies of three Reports from the Emigration Agents at Saint John and Fredericton, for the year 1842.

W. M. G. C.

[*See Appendix, No. 6.*]

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

(Copy.)

[No. 113.]

*Downing Street, 3rd December, 1842.*

SIR,—I have to acknowledge the receipt of your Despatch, No. 99, of the 14th of October, communicating to me the wish of Mr. Chief Justice Chipman to retire from the Legislative Council of New Brunswick on account of ill health.

I have accordingly had the honor to lay his resignation before the Queen, and Her Majesty has been graciously pleased to accept it.

I have, &amp;c.

(Signed)

STANLEY.

Lieutenant Governor Sir Wm. M. G. Colebrooke, &amp;c. &amp;c. &amp;c.

Pursuant to the Order of the Day, the Bill to repeal so much of an Act made and passed in the ninth year of the Reign of His Majesty George the Fourth, intituled “An Act to lay a Tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews, as relates to the owners of Dogs residing on the Commons and Glebe in the Parish of Saint Andrews,” 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.

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

Pursuant to the Order of the Day, the Bill to incorporate the Bolton Brook Navigation Company, was read a second time.

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

Pursuant to the Order of the Day, the Bill relating to Trespasses 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.

The Honorable Mr. Chandler presented to the House a Bill, intituled “An Act to provide for the dispatch of business in the Supreme Court.”

The said Bill was read a first time.

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

A

A Message was brought from the Assembly by Mr. Wilmot, with a Bill to authorize the Justices of the Peace for the several Counties to make rules and regulations for the public Wharves and Landings in their respective Counties, 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 a Petition from James Souter, A. M. John Fraser, Alexander M'Laggan, and 442 Freeholders and other Inhabitants of the County of Northumberland, praying that an Act may pass to abolish the restrictions imposed by the Charter of King's College, and place that Institution on a more liberal footing than at present allowed.

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 Reverend James Hannay, William M'Leod, George Pagan and 110 other Inhabitants of Kent, praying for a modification in the Charter of King's College: and

A Petition from Hugh Munro, William Stevens, Richard Carman, and 73 other Inhabitants of Gloucester, with a like prayer.

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

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

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THURSDAY, 16th February, 1843.

PRESENT :

THE HON.

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

*Mr. Baillie,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Street,  
Mr. Hatch.*

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into further consideration the Bill to authorize the Justices of the Peace for the County of York, to regulate the assize of Bread in the Town of 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. Smith, with a Bill to amend the Act to regulate proceedings before Justices of the Peace in Civil Suits, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

A Message was brought from the Assembly by Mr. Scoullar, with a Bill to authorize the Justices of the Peace for the County of Sunbury to levy an assessment in certain Parishes within said County to pay off a Debt due from those Parishes, 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. Connell, with a Bill to authorize the Justices of the Peace in and for the County of Carleton to extend the Gaol Limits of 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. Hill, with a Bill to amend an Act intituled "An Act to incorporate the Saint Stephen Marine Insurance Company," to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A Bill relating to the qualification of Members of the Legislative Council: and

A Bill to authorize the extension of the Gaol Limits in the Parish of Fredericton.

The said Bills were severally read a first time.

ORDERED, That the Bill to authorize the extension of the Gaol Limits in the Parish of Fredericton, stand for a second reading to-morrow.

A message was brought from the Assembly by Mr. S. Earle, with a Bill to alter the Division Line between the Parishes of Kingston and Norton, in King's County, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

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

A Bill to authorize the Justices of the Peace for the several Counties to make Rules and Regulations for the public Wharves and Landings in their respective Counties: and

A Bill to provide for the dispatch of business in the Supreme Court.

ORDERED, That the House be put into 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 the Justices of the Peace for the County of York 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.

The Honorable Mr. Kinnear, by leave, presented a Petition from William Livingstone, of Saint John, praying the return of half the sum of money paid by him to the Province Treasurer, as double Head Money on Passengers landed from the Barque "Branches."

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

The Honorable Mr. Botsford, by leave, presented a Petition from Alexander Wright and Company, of the Parish of Salisbury, praying a return of Duties paid by them on Flour imported into the County of Westmorland.

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

The Honorable Mr. Street, by leave, presented a Petition from William Blois, Lieutenant Colonel, commanding Her Majesty's 52d Regiment, praying such return of Duties on Wine, as has been customary in this Province, may be allowed for Wines imported for the use of the Mess of the Regiment.

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

*Adjourned until to-morrow morning at 12 o'clock.*

FRIDAY, 17th February, 1843.

PRESENT.

THE HON.

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

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

The Honorable Mr. Shore sat President.

PRAYERS.

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

A Bill to authorize the Justices of the Peace for the County of York to regulate the Assize of Bread in the Town of Fredericton: and

A Bill to authorize the Justices of the Peace for the County of York to levy an assessment 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 following Bills were severally read a second time:—

A

A Bill to amend the Act to regulate proceedings before Justices of the Peace in Civil Suits :

A Bill to authorize the Justices of the Peace for the County of Sunbury to levy an assessment on certain Parishes within said County to pay off a debt due from those Parishes :

A Bill to authorise the Justices of the Peace in and for the County of Carleton to extend the Gaol Limits of the said County :

A Bill to authorize the extension of the Gaol Limits in the Parish of Fredericton : and

A Bill to alter the division line between the Parishes of Kingston and Norton, in King's County.

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

Pursuant to the Order of the Day, the Bill to amend an Act, intituled "An Act to incorporate the Saint Stephen's Marine Insurance Company," was read a second time.

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

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

The Honorable the President read the same, and they were again read by the Clerk as follows :—

NEW BRUNSWICK,

*Message to the Legislative Council,*

14th February, 1843.

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

The Lieutenant Governor lays before the Council, copies of correspondence with the Commanding Officer of Engineers, on the subject of a proposed exchange of lands in the Town of Fredericton with the Ordnance Department, and recommends that provision may be made for an equitable adjustment of the claims and interests involved.

W. M. G. C.

*See Appendix, No. 7.*

NEW BRUNSWICK,

*Message to the Legislative Council,*

14th February 1843.

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

The Lieutenant Governor lays before the Council, copies of a correspondence relative to the case of Private Thomas Lanham, of Her Majesty's 69th Regiment.

W. M. G. C.

*See Appendix, No. 8.*

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration a Bill to authorize the Justices of the Peace for the several

several Counties to make rules and regulations for the Public Wharves and Landings in their respective Counties.

The Honorable Mr. Baillie took the Chair.

After some time the House resumed.

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

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

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

A Bill to provide for the expenses of the Speaker and Members of the House of Assembly when attending in General Assembly : and

A Bill to enlarge, confirm and establish the bounds of the Provincial Penitentiary.

The said Bills were severally read a first time.

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

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

A Petition from Jonathan Lunn, praying to be paid for work done by him under a Public Contract, on the Road from Petitcodiac to Fredericton :

A Petition from Thomas M'Gaghey, of Saint John, Constable, praying remuneration for services performed by him in arresting Deserters from the Army in this Province :

A Petition from William Leavitt, of Saint John, Merchant, praying a return of excess of Head Money paid by him :

A Petition from James Clarke, Master of the Creole, with a similar prayer :

A Petition from John Wishart, of Saint John, with a like prayer :

A Petition from John Walker, of Saint John, praying a return of Duties paid by him on materials imported from Foreign Ports, and used by him for building the Custom House in Saint John : and

A Petition from G. and J. Salter, of Saint John, Merchants, praying a return of Drawback on Flour and Sugar, for the reasons set forth in the Petition.

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 Nesbit and Son, of Saint John, praying a balance due them for services at the Province Building may be paid : and

A Petition from John Arbuckle, Alexander Dann, Thomas Robinson and 192 others, inhabitants

inhabitants of the Parish of Saint James, in Charlotte County, praying an Act may pass to lay a Tax on Wilderness Lands.

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

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

MONDAY, 20th February, 1843.

PRESENT :

THE HON.

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

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

The Honorable Mr. Shore sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace for the several Counties to make rules and regulations for the public Wharves and Landings in their respective Counties, 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 had agreed to this Bill, without any amendment.

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

A Petition from David B. Wetmore, John Barbarie, Jessie Raymond, and 80 other Inhabitant of Norton and Kingston, in King's County, praying for an alteration in the Division Line between these Parishes: and

A Petition from the Trustees of the Wesleyan Academy in Sackville, praying aid in support of the Institution.

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

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

A Petition from John Brittain, Jeremiah Mabee, James D. Williams, and a number of Inhabitants of King's County, praying no Bill may pass adding part of the Parish of Kingston to the Parish of Norton.

A Petition from Richard English, Rufus S. De Mill, John Giberson, and 120 others, Inhabitants of the County of Carleton, praying an extension in the Gaol Limits in that County: and

A Petition from Richard Ketchum, Elisha Cunliffe, Charles Bull, and 161 other Inhabitants of Carleton, praying an alteration may be made in the Law regulating the Election of Members to serve in the House of Assembly.

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

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

A

A Petition from Nehemiah Marks, Samuel Abbot, James Frink, and 46 others, of Saint Stephen, in Charlotte County, praying an alteration may be made in the Law establishing a legal tender in this Province : and

A Petition from James Allanshaw, praying to be reimbursed a sum paid by him in 1840, under the Act for obtaining a regular supply of Seamen for new Ships fitted out in this Province, the said Act having been disallowed by Her Majesty.

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

Pursuant to the Order of the Day, 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 in lieu thereof, was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration the Bill to authorize the Justices of the Peace for the County of Sunbury, to levy an Assessment on certain Parishes within said County, to pay off a debt due from those Parishes.

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.

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 repeal an Act intituled “An Act relating to the Market in Fredericton, and to make other provisions in lieu thereof : and

A Bill to exempt Members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County duties.

The said Bills were severally read a first time.

ORDERED, That they 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 to amend the Act to regulate proceedings before Justices of the Peace in Civil Suits.

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 an amendment thereto, and recommended the Bill as amended to the adoption of the House.

ORDERED, That the report be received.

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

At A. expunge the remainder of the Section and insert the words—

“That so much of the said recited Act as provides that no Execution shall be issued by a Justice after the expiration of one year from the time of rendering Judgment be repealed ; provided always that no Execution shall issue after the expiration of three years from the time of rendering any such Judgment.”

The

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.

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

TUESDAY, 21st February, 1843.

PRESENT :

THE HON.

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

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

The Honorable Mr. Baillie sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to amend the Act to regulate proceedings before Justices of the Peace in Civil Suits, as amended, was read a third time and passed.

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

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace for the County of Sunbury to levy an Assessment on certain Parishes within said County, to pay off a debt due from those Parishes, 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 exempt Members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County Duties :

A Bill to provide for the expenses of the Speaker and Members of the House of Assembly when attending the General Assembly : and

A Bill to enlarge, confirm and establish the bounds of the Provincial Penitentiary.

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 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 in lieu thereof.

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 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 authorize the Justices of the Peace in and for the County of Carleton, to extend the Gaol Limits of the said County.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received.

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

At A. expunge the words “or Special Session for that purpose to be holden.”

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.

The Honorable Mr. Baillie, by leave, presented a Petition from Joseph Gaynor, Asa Coy, Thomas R. Robertson, and 150 other Freeholders and Inhabitants of Fredericton, praying that no effect may be given to a proposed exchange of their town lands and privileges for lands held by the Ordnance Department, based on former proceedings, unless to a limited extent.

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

The Honorable Mr. Hatch, by leave, presented a Petition from the Trustees of the Estate of the late James Rait of Charlotte County, praying relief from the Legislature in certain cases of Extent issued against the property of the deceased, for reasons set forth in the Petition.

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

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

WEDNESDAY, 22<sup>d</sup> February, 1843.

PRESENT :

THE HON.

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

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

The Honorable Mr. Black sat President.

M

PRAYERS.

**PRAYERS.**

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace in and for the County of Carleton, to extend the Gaol Limits 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 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 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 House was put into a Committee of the whole to take into consideration the Bill to provide for the expenses of the Speaker and Members of the House of Assembly, when attending the General Assembly.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House put into a Committee of the whole to take into consideration the Bill to exempt Members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County Duties.

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.

The Honorable Mr. Chandler, by leave, presented a Petition from John A. Street, William N. Venning, William Abrams, and other inhabitants of the County of Northumberland, praying a continuation of the allowance to support a Grammar School in Newcastle.

**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 Alexander Goodfellow, James Henderson, James Stewart and 132 others, of the Parish of Newcastle, in Northumberland, praying an Act may pass authorizing the appointment of persons resident in the County, as Overseers of the Fisheries for the Bay of Miramichi, so far as relates to the out side Fisheries in said County :

A Petition from John M'Donald and others, of Glenelg :

A Petition from Alexander Davidson and 30 others, of Alnwick :

A



A Petition from John Cuppage and 64 others, of the Parish of Nelson :  
 A Petition from Alexander M'Laggan and 54 others, of the Parish of Blackville :  
 A Petition from Robert Leslie and 72 others, of the Parish of Nelson :  
 A Petition from Dudley Perley and 72 others, of the Parish of Chatham : and  
 A Petition from James L. Price and 58 others, of the Parish of Ludlow :  
 All with a similar prayer.

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

A Message was brought from the Assembly by Mr. Fisher, with a Bill to provide for the repair of Streets and Highways 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.

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

THURSDAY, 23<sup>d</sup> February, 1843.

PRESENT :

THE HON.

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

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Saunders,*  
*Mr. Attorney General,*  
*Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

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 of the Provincial Penitentiary.

ORDERED, That the same do lie on the Table.

*See Appendix No. 9.*

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

A Bill to provide for the expenses of the Speaker and Members of the House of Assembly, when attending the General Assembly : and

A Bill to exempt Members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County Duties.

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 provide for the repair of Streets and Highways in Fredericton, was read a second time.

ORDERED,

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 alter the Division Line between the Parishes of Kingston and Norton, in King's County.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone into consideration of the said Bill, 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 enlarge, confirm and establish the Bounds of the Provincial Penitentiary.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Brown, with a Bill to abolish imprisonment for Debt for sums under Five Pounds 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.

The Honorable the President lays before the House, a report received by him from George P. Peters, M. D. Vaccine Surgeon at the Central Station in Saint John.

ORDERED, That the same do lie on the Table.

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

A Petition from Thomas Pickard, W. D. Hartt, Patrick Campbell and 80 other inhabitants of York County, praying an Act may pass to abolish the restrictions imposed by the Charter of King's College, and that the Institution may be placed on a more liberal footing:

A Petition from David Gable, James Clark, Thomas Rankine, junior, and other Bakers in Saint John, praying a Duty may be imposed on Foreign Manufactured Bread: and

A Petition from Messieurs Everitt, Camber and Wood, Harris and Allan, Thomas Barlow and Company, and Smith and Jones, praying a Duty may be placed on articles imported, manufactured of Cast Iron.

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

The Honorable Mr. Wyer, by leave, presented a Petition from the Reverend W.  
T.

T. Wishart, Alexander M'Leod Stavley and Peter Reid, and 107 other inhabitants of Saint John, praying a modification may by Law be made in the Charter of King's College; and

A Petition from William Todd, junior, of Charlotte County, praying he may be relieved from paying an amount due by him for the purchase of Crown Lands in the year 1835.

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

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

A Petition from John Wilson of Northumberland, praying an allowance may be made him for keeping a Boat for Passengers at the South and North West Branches of the River Miramichi:

A Petition from Michael Samuel, of Chatham, praying a return of Duties paid by him: and

A Petition from John C. Vail, of King's County, praying aid may be given to a line of Coaches kept up by him, between the City of Saint John and Dorchester.

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

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

FRIDAY, 24th February, 1843.

PRESENT:

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Wyr,*

*Mr. Shore,  
Mr. Peters,  
Mr. Allunshaw,  
Mr. Botsford,  
Mr. Chandler.  
Mr. Hutch.*

The Honorable Mr. Black sat President.

PRAYERS.

Two Messages were received 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 they were again read by the Clerk as follows:—

NEW BRUNSWICK,

*Message to the Legislative Council,  
February 23, 1843.*

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

The Lieutenant Governor lays before the House some further observations of the Secretary of State relative to the Act to vacate the seats of Members of the Assembly in certain cases, in addition to the communication already made.

N

W. M. G. C.

## ACT VACATING SEATS OF MEMBERS.

EXTRACT OF A DESPATCH FROM LORD STANLEY RELATIVE TO THE ACT TO VACATE THE SEATS OF MEMBERS OF THE ASSEMBLY IN CERTAIN CASES.

*Downing Street, 11th August, 1842.*

We are entirely prepared to admit the propriety of seats in the Assembly being vacated, for the same reasons which would vacate seats in the House of Commons. There is therefore no difference of opinion as to the object in view; but it seems very doubtful whether the framers of this law have accurately expressed the intentions of the Legislature.

The Act vacates the seat of any Member of the House of Assembly, who shall accept the office of Executive Councillor; but the office of Executive Councillor is not a place of profit or emolument. It is analagous to the office of a Privy Councillor, or rather of a member of the Cabinet Council, in this Country, and the acceptance of a place in the Privy Council, or the Cabinet, does not vacate a seat in the House of Commons. This act, as actually drawn, would therefore seem to establish a principle of great importance, as well as novelty—the principle, namely, that the Crown may not select its own confidential Advisers from amongst the Representatives of the people, unless the persons, so chosen, shall be willing to hazard a new election. How far it is wise to erect such a barrier between the Executive Government and the popular branch of the Legislature, would seem to be a question well meriting serious consideration.

## NEW BRUNSWICK,

*Message to the Legislative Council.*

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

The Lieutenant Governor lays before the Council, copy of a Letter from the Solicitor General, with an account of Public Services performed by him, which he recommends to the favorable consideration of the House.

W. M. G. C.

## CRIMINAL PROSECUTIONS.

*Fredericton, 13th February, 1843.*

MAY IT PLEASE YOUR EXCELLENCY,

I have the honor to transmit to Your Excellency my Account against the Province for costs in Criminal Prosecutions for the year 1842 in those Counties in the Province, for which Your Excellency was pleased to appoint me as the prosecuting officer, in accordance with the recommendation of the Judges; and also in such cases in Saint John as I was called on to conduct. Your Excellency will perceive that my Account is accompanied by a bill of the costs in each case, taxed by the presiding Judge. The whole amounts, as Your Excellency will perceive, to the sum of £107 2s. 8d., which, I presume, Your Excellency will submit to the House of Assembly, with a recommendation of a grant to cover the amount, unless Your Excellency has any other means of providing for the payment thereof.

I beg also to call Your Excellency's attention to the services I performed, previous to the commencement of the Session of 1842, under Your Excellency's express direction, in drafting, revising, and fair copying, four very long and special Bills to be submitted to the House, and for which Your Excellency desired me to make a proper charge, and to send it to you. This I did not do at the time, and had the House have granted me last year the usual annual grant of £50, I should not have made any charge; but as that grant was withheld, I now think it but right to make the charge, and as the House allowed Messieurs Kinnear and End, £30 for drawing a Bankrupt Law, which was not longer or more special than one of the four Bills I drew, I presume £50 for the four will not be considered an unreasonable charge, as Your Excellency is well aware of the trouble I had in the matter.

I have the honor to be, &c.

GEO. FRED. STREET.

To His Excellency Sir William Macbean George Colebrooke, K. H. &c. &c. &c.

*The*

*The Honorable George F. Street's Account against the Province for Costs of Criminal Prosecutions conducted by him under the order of His Excellency the Lieutenant Governor for the year 1842.*

February. Amount of Bills for Prosecutions at the Court of Oyer and Terminer in Sunbury, as taxed by Judge Parker,.....	£7 1 0
Amount of Bills for Prosecutions at the Sittings in York after Hilary Term, 1842, as taxed by Judge Carter,.....	18 2 10
Amount of Bills for Prosecutions at the Sittings in York after Trinity Term, 1842, as taxed by Judge Botsford,.....	16 0 8
Amount of Bills for Prosecutions at the Court of Oyer and Terminer for the County of Carleton, held in September 1842, as taxed by Judge Botsford, .....	10 13 4
Amount of Bills for Prosecutions at the Sittings in York after Michaelmas Term, 1842, as taxed by Judge Carter,.....	17 3 4
Amount of Bills for Prosecutions at the Court of Oyer and Terminer for the City and County of Saint John, held in August and November, 1842, as taxed by Judge Parker,.....	38 12 2
Total,.....	£107 13 4

GEO. FRED. STREET.

*December 31, 1842.*

The Honorable Mr. Shore, by direction of His Excellency the Lieutenant Governor, lays before the House, accounts of the state of the funds of King's College.

ORDERED, That the same do lie on the Table.

### KING'S COLLEGE.

#### PROFESSORS.

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

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

W. B. Jack, Esquire, A. M. Mathematics and Natural Philosophy.

#### STUDENTS.

##### *Resident.*

E. J. Jacob,  
J. R. Jacob,  
J. S. Millidge,  
J. Hanford,  
T. G. Street,  
W. H. DeVeber,  
W. DuVernet,  
N. Disbrow,  
J. R. Currey,  
G. G. Gilbert,  
R. N. Merritt,  
J. M. Wood,  
H. F. Russell,  
R. D. Palmer,  
Charles Lee,  
William Ketchum.

##### *Non-Residents.*

Charles Coster,  
H. B. Robinson,  
G. J. Bliss,  
W. C. Drury,  
E. B. Chandler,  
W. H. Robinson,  
C. P. Bliss,  
Charles Odell,  
R. H. Colebrooke,  
C. H. Connell,  
John Robinson,  
T. P. Smith,  
James M. Allen,  
Richard Ketchum.

GEO. FRED. STREET, *Registrar.*

*Fredericton, February 18, 1843.*

		INCOME AND EXPENDITURE.			
		DR.			
1842.					
Dec. 31.	To Crown Grant from Casual Revenue,.....	£1,111	2 0		
	“ Provincial Grant,.....	1,100	0 0		
				£2,211	2 0
	“ Amount of Rents received,.....				85 15 1
	“ Interest received on Monies advanced on Real Estates,.....				36 0 0
	“ Amount received from Students for Books supplied from College Library,.....				27 4 3
				<u>£2,360</u>	<u>1 4</u>
1842.					
Jan. 1st.	By balance from account rendered for 1841,.....			£48	19 1
Dec. 31st.	“ Salaries paid to the Professors and others, viz:—				
	Dr. Jacob, Vice President, &c.,.....	£500	0 0		
	The same as Professor of Divinity.....	150	0 0		
	James Robb, Esquire, M. D., Chemistry, &c.,.....	300	0 0		
	W. B. Jack, Esquire, A. M., Registrar,.....	300	0 0		
	Honorable G. F. Street, Registrar.....	100	0 0		
	George Roberts, Esquire, Master Grammar School,.....	200	0 0		
	J. Holbrook, Esquire, Assistant Master Do., .....	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		
	“ Forester,.....	5	0 0	1,840	0 0
	By Scholarships, viz:—				
	T. G. Street, year ending Trinity, 1842.....	£25	0 0		
	J. M. Wood, do. do. ....	25	0 0	50	0 0
	By Library, viz:—				
	Dr. Robb, For Text Books imported, including Provincial Duties, £3 0 6, .....	£17	11 9		
	W. B. Jack, Esquire, for the like,.....	12	8 10	30	0 7
	By Incidental expences, viz:				
	Cost of Fuel.....	40	0 0		
	Pew Rent in Christ Church,.....	10	5 0		
	Glazier's Bill,.....	5	15 6		
	Printing.....	2	14 0		
	Suit of Livery for Beadle.....	7	17 6		
	Rundell and Bridges, balance for Medals,.....	10	17 0		
	The Steward, on account of special grant by the Council for loss on Students' Commens, since 1830,.....	100	0 0		
	G. F. Street, Professional services, 1837-8,.....	24	6 6		
	Street and Stratton, the like in 1840-1.....	7	4 0		
	Fee to the Attorney and Solicitor Generals,.....	7	0 0		
	Remodeling the College Accounts from date of Charter,.....	50	0 0	265	19 6
	By Balance carried to debit of new Account,.....			125	2 2
				<u>£2,360</u>	<u>1 4</u>

E. E.

£2,360 1 4

GEO. FRED. STREET, Registrar.

Fredericton, February 18, 1843.

Pursuant to the Order of the Day, the Bill to enlarge, confirm and establish the bounds of the Provincial Penitentiary, 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 abolish imprisonment for Debt for sums under five pounds in certain cases, was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to provide for the repairs of Streets and Highways in Fredericton.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Jordan, with a Bill to provide for greater safety of Passengers on board Steam Boats, 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 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 amend an Act, intituled “ An Act to incorporate the Saint Stephen Marine Insurance Company,” and they consider the present capital or joint stock of the said Corporation quite as small as it should go into operation with. They therefore cannot recommend the Bill to the adoption of House.

HARRY PETERS, *Chairman.*

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

A Message was brought from the Assembly of Mr. Smith, that the Assembly had agreed to the amendments made by this House to the Bill to amend the Act to regulate proceedings before Justices of the Peace in Civil Suits.

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

A Petition from William H. Scovil, of the City of Saint John, Merchant, praying that no Duty may be imposed on Plate Iron imported from the United Kingdom of Great Britain, and that additional Duty may be added to Cut Nails imported and received in the Province :

A Petition from the Mayor, Aldermen and Commonalty of Saint John, praying an Act may pass to alter and amend the Charter of the City :

A Petition from Hugh M'Moragle, John C. Vail, William Pywell and 150 other Inhabitants of King's County, praying some Act may pass to protect the Manufacturing and Agricultural interests of the Province : and

A Petition from James Green, praying aid to enable him to keep up a line of Coaches between Saint John and the Seat of Government.

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 William Woodforde, M. D. praying compensation for his services in attending distressed Emigrants :

A Petition from Charles Hazen and John Hazen, of Sunbury, praying a remuneration for damages done their property, at the time of erecting the Bridge at the Oromocto River : and

A Petition from John M. Wilmot, Thomas Hartt, John Hazen, and 90 other persons of the County of Sunbury, praying a reduction of Duty imposed on Timber cut on Crown Lands, and that the Duties may be collected at the Ports of Shipment.

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 Asineth Moore, of Charlotte County, praying an allowance for teaching a School in the Parish of Saint David : and

A Petition from Lucien L. Copeland, of Saint Andrews, praying a continuance of the Provincial Bounty for the Coach between Fredericton and Saint Andrews.

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

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

MONDAY, 27th February, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Wyer,*

*Mr. Shore,  
Mr. Peters,  
Mr. Allunshaw,  
Mr. Saunders,  
Mr. Chundler,  
Mr. Hatch.*

The Honorable Mr. Black 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 abolish imprisonment for Debt for sums under five pounds in certain cases.

The



The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone into consideration of the said Bill, and recommended that the further consideration of the 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 provide for the greater safety of Passengers on board of Steam Boats, was read a second time.

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

A Message was brought from the Assembly by Mr. Connell, that the Assembly had agreed to the amendment made by this House to the Bill to authorize the Justices of the Peace in and for the County of Carleton to extend the Gaol Limits of the said County.

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend an Act, intituled "An Act to incorporate the Saint Stephen's Marine Insurance 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, 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 same 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 provide for the repair of Streets and Highways in Fredericton.

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 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 relating to Trespasses.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received and leave granted.

On

On Motion—

The House was put into a Committee of the whole, to take into consideration the Bill to provide for the dispatch of business in the Supreme Court.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received and leave granted.

The Honorable Mr. 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, have had under their consideration "A Bill to Incorporate the Bolton Brook Navigation Company," and beg leave to report, that the object contemplated by the provisions of this Bill, is not in their opinion of sufficient importance to call for an Act of Incorporation, neither are the Committee in possession of the necessary information with respect to the account of the Tolls imposed, to justify them in recommending 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. Saunders, by leave, presented a Petition from Abraham Gesner, praying the favorable consideration of the Council for a compensation for his services.

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

The Honorable Mr. Hatch, by leave, presented a Petition from the President and Directors of the Saint John Water Company, praying an Assessment on the Inhabitants of the City of Saint John may be made, to aid the Institution.

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

The Honorable Mr. Chandler, by leave, presented a Petition from Edmund Ward of Fredericton, praying the Legislature will give him an allowance for publishing Advertisements relative to the Crown Lands, for reasons set forth in his Petition.

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 James Laird, of King's County, praying an allowance for teaching a School in the Parish of Kingston : and

A Petition from Mary Ketchum, of the same County, praying an allowance for teaching a School in the Parish of Hampton, in the same County, with a similar prayer.

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

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

TUESDAY,

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TUESDAY, 28th February, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Cunard,*  
*Mr. Saunders,*  
*Mr. Attorney General,*  
*Mr. Street,*  
*Mr. Hatch.*

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Allanshaw,*  
*Mr. Botsford,*  
*Mr. Chandler,*  
*Mr. Wyer,*

The Honorable Mr. Black 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 provide for the greater safety of Passengers on board of Steam Boats.

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 Thursday next.

ORDERED, That the report be received and leave granted.

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration the Bill to incorporate the Bolton Brook Navigation 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, 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 the Bill relating to Trespasses.

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 Thursday next.

ORDERED, That the Report be received and leave granted.

The Honorable Mr. Peters, by leave, presented a Petition from the Mayor, Aldermen and Commonalty of the City of Saint John, praying an Act may pass to authorize and secure a Loan of Money to pay off the Public Debts of the said City, together with a Schedule explaining the situation of the Corporation and its affairs.

ORDERED, That the Petition be received and lie on the Table : and

On

On motion made and seconded—

RESOLVED, That the Petition and Papers transmitted therewith, be referred to a Select Committee of five Members to examine and report thereon.

ORDERED, That the Honorable Messieurs Baillie, Peters, Chandler, Street and Hatch do compose the Committee.

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,*

*February 25, 1843.*

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

The Lieutenant Governor lays before the Legislative Council an account of the Commissioners of the Provincial Penitentiary, with a return of the Prisoners, and the Annual Report of the Commissioners.

He recommends that provision may be made for the Establishment in accordance with the suggestions of the Commissioners.

W. M. G. C.

*See Appendix, No. 10.*

The Honorable Mr. Botsford, by leave, presented a Petition from John Peabody, Charles Hazen, John M. Wilmot, and 84 others, inhabitants of Sunbury, praying an Act may pass to obviate the restrictions imposed by the Charter of King's College.

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 for the City and County of Saint John, praying a grant of money may be made to them to repay a sum of money they have expended in supporting Colored Refugees.

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

The Honorable Mr. Baillie, by leave, presented a Petition from Alexander M'Lauchlan, praying an allowance for teaching a School in the Town of Fredericton.

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

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

WEDNESDAY, 1st March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Saunders,*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Botsford,*

*Mr.*

*Mr. Attorney General,  
Mr. Street,  
Mr. Hatch.*

*Mr. Chandler,  
Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

On motion,

The House was put into a Committee of the whole to take into consideration the Bill to authorize the extension of the Gaol Limits in the Parish of Fredericton.

The Honorable Mr. Peters 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 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 repeal an Act, intituled "An Act relating to the Market in Fredericton, and to make other provisions relating thereto."

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly by Mr. Brown, with a Bill to authorize the Justices of the Peace in the several Counties of this Province to make regulations for the Markets, 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.*

THURSDAY, 2d March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch,*

*Mr. Shore,  
Mr. Peters,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Chandler,  
Mr. Wyer.*

The Honorable Mr. Black sat President.

PRAYERS.

**PRAYERS.**

Pursuant to the Order of the Day, the Bill to repeal an Act intituled "An Act relating to the Market in Fredericton," and to make other provisions relating thereto, 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 authorize the Justices of the Peace in the several Counties of this Province to make regulations for the Markets was read a second time.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill relating to Trespasses.

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 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, an abstract shewing the state of the Mechanics' Whale Fishing Company, on the 1st day of September, 1842, accompanied by a list of the names of the Stockholders.

**ORDERED,** That the same do lie on the Table.

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 amend the Charter of King's College: and

A Bill relating to the Clerk of the Pleas.

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 authorize the extension of the Gaol Limits in the Parish of Fredericton.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, they had made an amendment thereto, 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. expunge the words "or Special Sessions."

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

**ORDERED,**

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill to provide for the greater safety of Passengers on board of Steam Boats.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

**ORDERED**, That the report be received.

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

At A in Section I. insert the words “two of which shall be Life Boats.”

At B in Section III. insert “Six Lanterns and.”

At C in Section IV. insert “Six Lanterns.”

At D in Section VI. expunge the words “one Commissioner residing at each of the following places, that is to say,—In the City of Saint John, Indian Town, in the Parish of Portland, and Fredericton, and Town of Saint Andrews, and Miramichi, in the County of Northumberland,” and insert “three Commissioners resident at the City of Saint John, for the Harbour and River Saint John, and the Bay of Fundy, and the Harbours and inland waters of the County of Charlotte, and also three Commissioners residing at Miramichi, in the County of Northumberland, for the Rivers, Harbours and inland waters and Coast of this Province within the Gulf of Saint Lawrence.”

At E insert the word “Lanterns.”

At F insert a new Section as follows, and alter the numbers of the remaining Section :

“VII. And be it enacted, That the Commissioners at the respective places before mentioned or any two of them, shall have full power and authority and are hereby required to make such Rules and Regulations for the better management of Steam Vessels in navigating the Inland Waters and Harbours of this Province, and on the Coast within the district thereof for which they may be appointed, by directing the showing of a Light or Lights during the Night, the shore to be kept nearest to when ascending and descending the River Saint John and other Rivers, and how Sailing Vessels shall be passed, in order to prevent collisions and accidents; and every Master, Commander or Owner, violating such Rules and Regulations, shall be subject not only to the penalties of the Fifth Section of this Act, but also be liable for any damage sustained in consequence of such violation.”

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 a third time to-morrow.

A Message was brought from the Assembly by Mr. End, with a Bill relating to Elections 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.

The Honorable Mr. Hatch, by leave, presented a Petition from Robert Dougherty, of Charlotte County, praying an allowance for conveying a Mail between the Towns of Saint Stephen and Saint Andrews the last year.

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

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

FRIDAY, 3d March, 1843.

PRESENT :

THE HON.

*Mr. Baillie,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Street,*

*Mr. Allanshaw,  
Mr. Botsford,  
Mr. Chandler,  
Mr. Wyer.*

The Honorable Mr. Baillie sat President.

PRAYERS.

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

A Bill relating to the Clerk of the Pleas : and

A Bill relating to Elections in the County of Gloucester.

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

Pursuant to the Order of the Day, the Bill to amend the Charter of King's College, 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.

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

MONDAY, 6th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Wyer.*

*Mr. Shore,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Chandler,*

The Honorable Mr. Black sat President.

PRAYERS.

On motion—

The Bill to authorize the extension of the Gaol Limits in the Parish of Fredericton, as amended, was read a third time and passed.

ORDERED,



**ORDERED**, That the Master in Chancery do carry the said Bill 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.

A Message was brought from the Assembly, by Mr. Perley, with a Bill to incorporate the Arestook Boom 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.

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

On motion—

That the Bill to provide for the greater safety of Passengers on board of Steam Boats, as amended, be read a third time—

It was on motion—

**ORDERED**, That the Bill, as amended, be recommitted to-morrow.

A Message was brought from the Assembly, by Mr. Scoullar, with a Bill to suspend a part of the fifteenth Section of an Act, intituled “ An Act to repeal all the Laws now in force for the organization and regulation of the Militia,” and to make further provision 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 be read a second time to-morrow.

On motion—

The House was put into a Committee of the whole, to take into further consideration the Bill relating to Trespasses.

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 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 expunge the remainder of the Bill and insert the following :—

“ Whereas it is expedient to amend the Law in regard to Trespasses committed by the breach or escape of any Horse, Swine, Sheep, Goat, or Neat Cattle, into any close ;

“ Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That where hereafter any Horse, Swine, Sheep, Goat or Neat Cattle, shall break or escape into any close, no action of trespass shall be maintained by or against any person for any damage arising therefrom, unless such close, at the time and place when and where such breach or escape took place, be enclosed by a good fence at least four feet six inches high except in cases where the party complained of shall, either at common Law, by special agreement or otherwise, be bound to erect or keep  
in

in repair such fence at such time and place, or where certain waters or water fences, gate or gates, may agreeably to the provisions of any Act of Assembly, or any regulation of Justices of the Peace in General Session made in pursuance thereof, be deemed a sufficient protection: Provided always, that in any such action brought in the Supreme Court the excuse of any such trespass by reason of the want or defect of such fence be specially pleaded by the party alleging the same: And provided also, that nothing in this Act shall be construed to extend to any trespass wilfully and wantonly committed."

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 Bill to provide for the repair of Streets and Highways in Fredericton.

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 that the said Bill be read a third time to-morrow.

On motion made and seconded—

Leave was granted to the Honorable Mr. Cunard to attend at the Bar of the House of Assembly, as a Witness in the case of the Northumberland Election.

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

A Petition from Peter Morrison, James H. Hierlihy, Alexander Loggie, and 100 other inhabitants of the County of Northumberland, praying no Act may pass to alter the Laws regulating the Fisheries in the County of Northumberland: and

A Petition from William Morrison, Courier between Miramichi and Pokemouche, praying an additional grant for his services in 1842.

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

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

A Petition from John Kerr of the City of Saint John, Merchant, praying he may receive the sum of £580 which he is answerable for, as security for James Campbell, a late defaulting Treasurer in the County of Charlotte:

A Petition from Edmund Ward of Fredericton, praying relief, and complaining of exactions made in the Post Office Department as regards the transmission of Newspapers, and that in future the grant to Stage Coach Drivers, may be subject to some condition relating to Newspapers being forwarded at less expense than now: and

A Petition from the President, Directors and Company of the Bank of New Brunswick, praying relief by an alteration in the Act of the 4th William the 4th, Cap. 43, for reasons set forth in the Petition.

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

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

**TUESDAY,**

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TUESDAY, 7th March, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Cunard,*  
*Mr. Botsford,*  
*Mr. Wyer.*

*Mr. Shore,*  
*Mr. Allanshaw,*  
*Mr. Chandler,*

The Honorable Mr. Black sat President.

PRAYERS.

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

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WEDNESDAY, 8th March, 1843.

PRESENT :

THE HON.

*Mr. Shore,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Botsford,*  
*Mr. Chandler,*  
*Mr. Wyer.*

*Mr. Baillie,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Lee,*  
*Mr. Street,*

The Honorable Mr. Shore sat President.

PRAYERS.

On motion—

The House was put into a Committee of the whole to take into further consideration as amended, the Bill to provide for the greater safety of Passengers on board Steam Boats.

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 as amended, that they had made a further 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 :—

Expunge the Section numbered VII. in the original Bill, and insert as follows, in lieu thereof:—

“ VIII. And be it enacted, That no such Steam Vessel shall be entitled to or allowed a clearance at any of the Custom Houses in this Province, until it shall be made to appear to the Collector of Her Majesty's Customs at the Port where such Steamer shall require a clearance, by a Certificate from the said Commissioners or any two of them, that such Steamer is equipped in every respect as is required by the several provisions of this Act, and the said Collectors respectively are hereby directed

not to make any such clearance until a satisfactory Certificate from the said Commissioners or any two of them to that effect shall be lodged with him or them: Provided always, that no such Certificate shall be required to be produced to such Collector more than once in every month by every such Steamer."

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 further amended, be read the third time to-morrow.

On motion—

The Bill relating to Trespasses, 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 Bill to suspend a part of the fifteenth Section of an Act, intituled "An Act to repeal all the Laws now in force for the organization and regulation of the Militia," and to make further provision for the same, 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 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 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,*

*6th March, 1843.*

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

The Lieutenant Governor communicates to the Council the copy of a Letter from the Lieutenant Governor of Prince Edward's Island, with a Memorial from the Steam Navigation Company of that Island, which he recommends to their consideration.

W. M. G. C.

STEAM COMMUNICATION FROM PRINCE EDWARD ISLAND.

(Copy.)

*Government House,*

*Prince Edward's Island, February 20, 1843.*

SIR,—I beg leave to present to your notice the enclosed memorial addressed by the Steam Navigation Company of this Island to the Houses of Legislature in the Province of New Brunswick.

I feel satisfied that this memorial will receive from your Excellency every attention which it merits; and from the liberality always evinced by your Excellency's Government, I have every reason to hope that it will be favorably received.

I have, &c.

(Signed)

H. V. HUNTLEY, *Lt. Gov.*

His Excellency Sir Wm. Colebrooke, &c. &c. &c.

*See Appendix, No. 11.*

A Message was brought from the Assembly by Mr. Williston, with a Bill in amendment of the Acts now in force regulating and declaring the qualification of Jurors, 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.*

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THURSDAY, 9th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Allanshaw,  
Mr. Botsford,  
Mr. Chandler,*

*Mr. Shore,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Lee,  
Mr. Wyer.*

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to provide for the greater safety of Passengers on board of Steam Boats, 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 in amendment of the Acts now in force regulating and declaring the qualifications of Jurors, was read a second time.

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

A Message was brought from the Assembly by Mr. Palmer, with sundry Resolutions of Appropriation, dated the third and sixth days of March, to which they desire the concurrence of this House.

The said Resolutions were read the first time.

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

---

FRIDAY, 10th March, 1843.

PRESENT.

THE HON.

*Mr. Black,  
Mr. Baillie,*

*Mr. Shore,  
Mr. Cunard,*

*Mr.*

*Mr. Allanshaw,  
Mr. Saunders,  
Mr. Chandler,  
Mr. Wyer,*

*Mr. Robinson,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

The Honorable Mr. Black 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 in amendment of the Acts now in force regulating and declaring the qualification of Jurors.

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 Bill to provide for the repair of Streets and Highways in Fredericton, 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 had agreed to this Bill, without any amendment.

On motion—

The House was put into a Committee of the whole to take into further consideration the Bill to authorize the Justices of the Peace in the several Counties of this Province to make regulations for the Markets.

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 made an amendment thereto, which they recommend to the adoption of the House.

ORDERED, That the Report be received.

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

At A in Section I. insert the words “to establish and define the bounds of a Market place in each Town, and.”

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 be read a third time on Monday next.

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

ORDERED, That the Resolutions of Appropriation, dated the 3d and 6th day of March, be referred to the said Committee; and

On motion,

The House was put into Committee thereon.

The Honorable Mr. Baillie took the Chair.

After

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Resolutions of Appropriation of the above date, and recommended that the House should concur in the same, with an exception, which the Committee recommended 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 3d and 6th days of March, were concurred in, with the following exceptions :—

To James Biggs and George Turner, twenty shillings per diem each during the present Session, for their attendance on the Legislative Council and House of Assembly with their Stages during the hours of business, which was not concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to the several Resolutions of Appropriation under the above dates, with the exception herein before entered.

A Message was brought from the Assembly by Mr. Smith, with a Bill to amend the Laws now in force 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 on Monday next.

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

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MONDAY, 13th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to authorize the Justices of the Peace in the several Counties of this Province to make regulations for Markets, 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 amend the Laws now in force relating to Highways, was read a second time.

S

ORDERED,

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill in amendment of the Acts now in force regulating and declaring the qualification of Jurors.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

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

A Message was brought from the Assembly by Mr. Fisher, that the Assembly had agreed to the amendments made by this House to the Bill to authorize the extension of the Gaol Limits in the Parish of Fredericton.

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 on the 6th day of March, 1843 : and

An Abstract shewing the state of the Central Fire Insurance Company, on the 7th day of March, 1843.

**ORDERED**, That the same do lie on the Table.

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 establish sundry regulations for the future disposal of Timber and other Lumber cut on Crown Lands : and

A Bill relating to the collection of Duty on Timber and other Lumber.

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. Fisher, with a Bill relating to the sale of Crown 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.

On motion made and seconded—

That the Bill relating to the qualifications of Members of the Legislative Council be read a second time—it was decided in the negative.

On motion, made and seconded,

**RESOLVED**, That an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency will be pleased to inform this House, whether a similar Dispatch to that received by His Excellency Lord Sydenham, late Governor General, from the Right Honorable Lord John Russell, Secretary of State for the Colonies, under date of the 14th October, 1839, relating to the local government of the



the Colonies, has been officially communicated to the Lieutenant Governor of this Province, and if so, that His Excellency will be pleased to direct a copy of the same to be laid before this House.

ORDERED, That the Honorable Messieurs Botsford and Lee, be a Committee to present the same.

On motion, made and seconded,

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency will be pleased to direct that a copy of the Commission appointing His Excellency Sir Charles Bagot, to be Captain General and Governor in Chief of the Provinces of Canada, Nova Scotia, New Brunswick, and the other North American Provinces, also copies of any instructions accompanying the same which may relate to the Constitution of the Legislative Council, be laid before this House.

ORDERED, That the Honorable Messieurs Botsford and Lee, be a Committee to present the same.

The Honorable Mr. Baillie, by leave, presented a Petition from John Craven, a Tidewater in the County of Carleton, praying compensation for services.

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 Thomas Allan, Robert Moore, John Cunard, and other inhabitants of the Parish of Portland, praying no Act may be allowed to pass to compel taxation on the inhabitants of the Parish, to repay losses sustained by the unfortunate results of a calamity occasioned by Fire: and

A Petition from Wilfred Forster of King's County, praying a sum may be allowed him for teaching a School.

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

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

**TUESDAY, 14th March, 1843.**

**PRESENT :**

THE HON.

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

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

The Honorable Mr. Baillie sat President.

PRAYERS.

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

A

A Bill relating to the collection of duty on Timber and other Lumber :

A Bill to establish sundry regulations for the future disposal of Timber and other Tumber on Crown Lands: and

A Bill relating to the sale of Crown Lands.

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

A Message was brought from the Assembly by Mr. Jordan, that the Asembly had agreed to the amendments made by this House to the Bill to provide for the great safety of Passengers on board Steam Boats.

A Message was brought 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,*

10th March, 1843.

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

The Lieutenant Governor lays before the Legislative Council, copies of a correspondence with Her Majesty's Consul at Baltimore, in the United States, and he recommends that provision may be made for the re-imbusement of the expenses incurred by him in the case of the Mutizeers of the schooner Margaretville.

W. M. G. C.

*See Appendix No. 12.*

On motion—

The House was put into a Committee of the whole to take into further consideration the Act to provide for the despatch of business in the Supreme Court.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and recommended the same to the adoption of the House.

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

The Honorable Mr. Baillie, by leave, presented a Petition from two of the Trustees of the Baptist Meeting House in Fredericton, praying they may have the sum of £14 10 2 allowed them, this sum having been paid for Duties on an Organ imported from the United States of America.

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 consideration the Bill to amend the Laws now in force relating to Highways.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A in Section I, insert the words “ liable to perform Statute Labour.”

At B insert a new Section as follows, and alter the number of the remaining Section :—

“ And whereas it is expedient to repeal so much of the Twenty third Section of the said recited Act as authorizes any person to do his tour of labour in any other Parish than that in which he may reside ;

“ Be it therefore enacted, That so much of the said Twenty third Section as authorizes any person to do his tour of labour, or produce any Certificate of the same having been done, in any other Parish than that in which he resides, shall be, and the same is hereby repealed.”

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

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

A Message was brought from the Assembly by Mr. Scoullar, with sundry Resolutions of Appropriation, dated the ninth day of March instant, to which they desire the concurrence of this House.

The said Resolutions were severally read a first time.

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

The Honorable Mr. Street presented to the House a Bill, intituled “ An Act in further amendment of the Criminal Laws.”

The said Bill was read a first time.

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

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

WEDNESDAY, 15th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Chandler,  
Mr. Wyer.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

The Honorable Mr. Black sat President.

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PRAYERS.

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**PRAYERS.**

Pursuant to the Order of the Day, the Bill to amend the Laws now in force 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 amendments, to which they desire the concurrence of the Assembly.

Pursuant to the Order of the Day, the Bill, intituled "An Act to provide for the dispatch of business in the Supreme Court," was read a third time and passed.

ORDERED, That the title be—"An Act to provide for the dispatch of business in the Supreme Court."

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.

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 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, that they have had under consideration a Bill to incorporate the Arestook Boom Company, to which they have prepared several amendments, which they recommend to the adoption of the House.

HARRY PETERS, *Chairman.*

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

The Honorable Mr. Botsford from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, requesting a copy of the Commission appointing His Excellency Sir Charles Bagot to be Captain General and Governor in Chief over the Provinces of British North America be laid before this House, reports that they have attended to that duty, and His Excellency was pleased to say, that the wishes of the House should be complied with.

The Honorable Mr. Botsford from the Committee appointed to present the Address of this House to His Excellency the Lieutenant Governor on the subject of the Dispatch from the Secretary of the Colonies to the late Governor General Lord Sydenham, under date of the 14th October, 1839, relating to the local Government of the Colonies, reports that they have attended to that duty, and His Excellency was pleased to say, that he was not aware of the nature of such a Dispatch, and that it was not to be found upon the records of this Government.

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

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THURSDAY,

THURSDAY, 16th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,*

“The Honorable Mr. Black sat President.

PRAYERS.

A Message was brought from the Assembly by Mr. Brown, that the Assembly had agreed to the Bill to authorize the Justices of the Peace in the several Counties of this Province, to make regulations for Markets.

A Message was received 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,  
March 15, 1843.*

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

The Lieutenant Governor communicates to the Legislative Council, the Report of the Officer appointed to survey a line for a Canal to unite the Bay of Fundy with the Gulph of Saint Lawrence, which work has been executed at the joint expense of this Province, of Canada, and of Prince Edward's Island.

W. M. G. C.

CANAL BETWEEN THE BAY OF FUNDY AND THE SAINT LAWRENCE.

*To His Excellency Sir William M. G. Colebrooke, K. H., &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

1. In obedience to Your Excellency's commands, I proceeded, as soon after my arrival in this Province, in July last, as I could make my arrangements, to the County of Westmorland, to examine the several lines proposed for the route for a Canal to unite the waters of the Bay of Fundy with those of the Gulph of Saint Lawrence, and have the honor to report the result of those examinations.

2. It is unnecessary for me to dwell upon the importance of an undertaking which seems in this Province to be generally admitted. The duty of the Engineer is to ascertain the practicability of the scheme, and having done so, to determine the best line, and frame an estimate of the expense.

3. The object of a Canal, to unite the waters above mentioned, is evidently to enable coasting, or other vessels to pass from Port to Port, without the risk and delay incurred in navigating the Gulph of Saint Lawrence, and making almost the entire circuit of Nova Scotia. The dimensions of the Canal must be determined by the object it is intended to effect.

4. An inspection of the Charts of Bay Verte and Shediac Harbours, surveyed by Captain Bayfield, R. N., copies of which have been kindly furnished me by Captain Owen, R. N., will shew, that  
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from the shoalness of the waters, it will be necessary to carry a Canal a considerable distance into the Sea, to ensure 10 feet water at the Neap Flood Tides. This would be a tedious and an expensive operation, particularly when the whole distance is always under water, as is the case in Shediac Harbour, and of course the deeper the Canal is made, the farther it must be carried into the Sea. This consideration limits me to what should be the minimum size for a Canal which would in any degree answer the end proposed, namely, 45 feet at bottom and 85 feet on the water surface, for the width, with a depth of 10 feet water in the Canal. One of larger dimensions would be preferable, if circumstance were favorable, but it is upon the above data I ground any calculations it may be necessary to make in the course of this Report. With these dimensions, Vessels drawing 9 feet of water, would pass through the Canal and over the Lock Sills, and the width is not too great to admit of two Vessels passing each other, especially Steam Vessels of the ordinary construction, whose Paddle Boxes occupy much room.

5. The first line I examined was from the confluence of the Au Lac and Tantamar Rivers, at the head of Cumberland Basin, to the Tignish River falling into Bay Verte. I proceeded along the Tantamar and Jolie Cour Marshes to the source of the Au Lac River, thence to the Swamp the source of the Missiguash River. I examined the ground on this spot particularly, and found the whole to be a floating Morass, the surface composed of mosses and aquatic plants, the matted roots of which alone afford an insecure footing. Finding no firm bottom at depths varying from 6 to 12 feet, I considered that it might be less difficult and less expensive to cut through a more elevated tract of country, provided a sufficient supply of water could be obtained on the summit level, than to carry the embankments of a Canal through these Bogs, the shortest distance through which is one mile. I therefore kept along the low ground by the side, and to the head of the Portage Lake, the water level of which I found to be 4 feet 9 inches above the point of commencement, thence crossing the Bay Verte Road at the Portage Bridge, proceeded nearly along water courses, until I re-crossed the Bay Verte Road, directing my course to the Tignish River, and visiting in my route every stream that could possibly be made at all available for the supply of water for a Canal. (This route is shewn by a red line on Plan No. 1.)

6. I examined the nature and capacity of the several streams, particularly those which run into the head of the Portage Lake, and find that they originate in small swamps, that to whatever degree they may be filled during the freshets, they are in the Summer months so very inconsiderable, that they do not furnish a sufficiency of water for working the several small Saw Mills upon them. I consider from these circumstances that dependence cannot be placed upon them for the supply of water required for a Canal of the dimensions stated in paragraph No. 4. Nor am I aware of any other water available for the purpose on this line; the waters of the Portage Lake, even if sufficient, cannot be raised to the height required.

7. The same deficiency of water will hold good, if the route taken by Mr. Hall in 1825, were followed, a route, I believe, to be the most level, and offering, with the exception of the Bogs, few impediments.

8. This deficiency might be got rid of, or greatly simplified, by admitting the tidal waters of the Bay of Fundy, as proposed by Mr. Telford in his Report on Mr. Hall's survey of 1825, wherein he suggests making the Spring Tides the summit level, if they were limpid and clear; but they are very turbid, and inadmissible from the quantity of earthy matter held in solution by them, of which a great deposit takes place, even in moving water, and which would, in the still waters of a Canal, accumulate to such an extent, as soon to impede the working of the machinery of the Locks, and cause frequent interruptions to the navigation, for the purpose of cleansing the Canal; a measure fraught with inconvenience and considerable expense.

9. The Locks for such a work should not be less than 150 feet between the gates, and 40 feet wide; the quantity of water required to fill such a Lock, and which would be expended every time a Vessel was passed through, is 60,000 cubic feet, or 374,296 gallons.

10. The levels taken by me being merely trials, and not necessary to elucidate my Report upon this route, I have judged it better not to exhibit them on paper, as they might possibly mislead and create an erroneous opinion as to the general level of the country.

11. On the left or North side of the road from Sackville to Bay Verte, separated from the Jolie Cour Marsh by a ridge of land, are several small Lakes, and it has been suggested that they might  
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be made available for the supply of water. I ran a level from the Jolie Cour Marsh to one of them, and found the water 2 feet 8 inches *lower* than the Marsh. These Lakes are of course influenced by the Spring freshets, but the outlet, by which the superfluous water finds its way to the sea, does not indicate that any great body of water passes through at any time, and they are on too low a level to supply the head water for a Canal.

12. The second line which came under examination was from Shediac Harbour to the Bay of Fundy, commencing at the high water mark, Neap Flood Tide, at the Bridge across the Scadouk River, and terminating at Dorchester Island, the distance being  $25\frac{1}{2}$  miles.

13. I proceeded one mile and a half up the Scadouk River, and then turned up a very small Creek, or rather Brook, called Underwoods, which appeared to be the most eligible route by which a Canal could be brought into connection with the Scadouk. I proceeded in a Southwesterly direction, following nearly the course taken by Mr. Minnette in 1823, towards the marshy meadows and Cariboo Plain through which the Scadouk takes a very winding course towards Shediac Harbour; crossing the River and low lands which form a kind of Basin, being surrounded on all sides by rising ground, I continued my course on the Memramcook River, passing in my way the sources of the Indian Stream which falls into the Memramcook nearly one mile above the point where I crossed that River. Turning more Southerly, I followed the course of the Memramcook nearly all the way to where it debouches into the Bay of Fundy at Dorchester Island. My course is shewn by a red line on Plan No. 2.

14. I have shewn in Section the ground traversed between the Scadouk and Memramcook Rivers, sufficient, I hope, to elucidate the remarks I have to offer upon this route in reference to its adaptation for the line of a Canal. The Section shews the most elevated tract of country between Shediac Harbour and the Bay of Fundy.

15. It will be seen at one view that, to carry a Canal by this route, it is necessary that there should be an ample supply of water upon this summit level, and that it must be looked for in the low ground or Basin through which the Scadouk flows.

16. There appear to be two probable methods of creating this desideratum. The first is to Dam up the Scadouk River where it enters the gorge, through which it flows on leaving the Cariboo Plain, as at O, Plan No. 2, and thus raise the waters to such a height as to fill the Canal and Locks terminating the summit level. The second is to convert the water so raised by the Dam at O, into a Reservoir only, and not for purposes of navigation.

17. With reference to the first of these methods, admitting that the Spring Freshets would fill the Canal to the extent required, in the first instance, the next point for consideration is, will the Scadouk River, uninfluenced by the Freshets, maintain this supply during the Summer months? for it is evident, that unless a full supply is constantly kept up, so as to ensure the depth of 9 feet over the Lock Sills, Vessels of the description for which this depth is calculated, could not pass.

18. The Current of the Scadouk River across the low ground, in the Summer months, is scarcely perceptible, the width of the River is 33 feet, the depth averages 3 feet. Such dimensions, with so small a velocity, would afford a very insufficient accumulation of water, when not under the influence of the Freshets, and even of this accumulation, the whole would not be available, because an allowance must be made for unavoidable leakage, and also for the effects of evaporation, which latter would be very considerable from so extensive a surface of water under the influence of the powerful Summer sun of this country. I cannot consider it safe to depend on so inadequate a supply for keeping up the necessary demand for a large Canal.

19. With reference to the second method of acquiring head water for a Canal, it must be borne in mind that a Reservoir should always be subject to two conditions: First, it ought in itself to be sufficiently low to collect flood waters from an ample surface of country; and Secondly, so high as to enable the whole of the water in it, being drawn into the summit level of the Canal.

20. The position of the Scadouk River is such as not to comply with the first of the two conditions stated, because there is not elevation of land sufficient to afford an ample surface from which to collect flood waters under ordinary circumstances; it is only under the extraordinary cases of freshets that reliance could be placed for an adequate supply. These influences are not of long continuance, and vary in quantity according to the quantity of snow that may fall during the Winter, and the extent of the rains which usually occur at the breaking up of that season. The questions, therefore,

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that naturally arise, are—Can a sufficient quantity of water be collected during the freshets to furnish the requisite supply for the working season? and—Can that supply be made available?

21. An accurate survey and sections taken of the ground surrounding the Reservoir proposed, can alone determine the extent to which the waters might be raised, in answer to the first question; and the second question can only be answered by ascertaining if the relative positions of the Canal and Reservoir are in accordance with the second condition stated in paragraph 19, or can be made so. To make them comply effectually with the condition, viz. that the Reservoir shall be so high that the whole of the water may be drawn into the summit level of the Canal, it will be necessary to find a route so much lower than the Marsh which would form the bottom of the Reservoir, that these Marshes shall be on a level, or rather above the surface water of the Canal.

22. The only probability of obtaining such a result appears to be, to endeavor to find a route which will admit of carrying the Canal so much below the point O, as to render the whole of the water in the Reservoir available; judging, however, from the appearance of the surrounding country, I do not think such a route can be obtained without an enormous quantity of excavation, and at the expense of lengthening the Canal several miles. An exploration might be made with this view, should it meet Your Excellency's wishes, but I am by no means sanguine in my expectations of any favorable result.

23. The practicability of forming a Canal on this route hinges entirely on the possibility of obtaining an adequate supply of water on the summit level. However advantageous other parts of the line may prove, either in respect to the supply of water, or general level of the ground, they can not be made use of until the summit level be perfected. It may appear therefore almost superfluous to discuss their merits now, but as it may be satisfactory to Your Excellency to be put in possession of such facts regarding them as I may be able to produce, I proceed to state, that the Memramcook River, from the place where I crossed it, to the Mill, shewn on Plan No. 2, is a succession of Rapids, very shallow, being in many places not more than one foot deep, the bottom sand stone rock, which forms the substratum of nearly the whole ground over which I passed. At the Mill the Dam might be raised considerably higher than it is at present; by raising it, however, a great deal of fine alluvial land would be overflowed and destroyed. The tide flows to the Mill, below which the River winds through low and almost level marshes to Dorchester Island.

24. The great winding of the River renders it very exceptionable for the purpose of navigation, and any measures to straighten it would tend to increase the already very rapid tide. It would be preferable to cut the Canal the whole way, or nearly so, from the Mill to Dorchester Island, to making use of the River; but as it is not advisable to admit the tidal waters of the Bay of Fundy, for reasons before stated, such a measure would very much increase the demand for fresh water to maintain so great a length of Canal.

25. Independent of the deficiency of water on this route, there would necessarily be a great amount of Lockage, and a distance of nearly half a mile to carry the Canal into Shediac Harbour to insure a proper depth of water, both of which would add very materially to the expense.

26. The Chart of Shediac Harbour shews the soundings in feet at low water. The ordinary flood tides are from  $1\frac{1}{2}$  to  $2\frac{1}{2}$  feet, the Spring tides rise 4 feet. It is a singular fact that in Shediac Harbour the tide ebbs to the ordinary low water mark once only in 24 hours.

27. The third and last route examined by me, was from Shediac Harbour to the Bend of the Petitcodiac River,  $15\frac{1}{2}$  miles. Having previously passed over the ground between these two points, I at once perceived that the only dependance to be placed for water on the summit level, was in the Mill Pond shewn in Plan No. 3. Under these circumstances, it was scarcely worth the trouble of minute examination, nevertheless in justice to the public, I directed my course towards the Mill Pond, and thence continued it until I debouched on Babineau's Marsh, two miles below the settlement called the Bend. I selected this Marsh because it appeared favorable to the formation of a Basin to hold vessels waiting for an exit into the Petitcodiac River.

28. The ground passed over, shewn by a red line on Plan No. 3, is considerably more elevated than that of either of the other routes, and I found that the Mill Pond is 119 feet 4-8 inches higher than the neap flood tide in Shediac Harbour, and 113 feet 6-6 inches above the corresponding tide in the Petitcodiac River. I think it probable that a more level course than that I adopted might be found between the two points, but not without passing over an elevation equal to that which the Mill

Pond



Pond possesses; but in the absence of a more liberal supply of head water than could be afforded by the Mill Pond, it is scarcely advisable to expend time and money in the search.

29. It will require an inspection only of the Plan No. 3 and accompanying section, to shew the impracticability of carrying a Canal by this route, but admitting a more level line might be found to the Mill Pond, and even that a Canal might be formed, whose surface water would be 20 feet lower than that of the Mill Pond, it would require 19 Locks of 10 feet lift each, to pass over the elevation, which, with a regulating Lock at each end, would make 21 Locks necessary; the expense of each of which would not be reckoned at less than £10,000. The cost of Lockage alone would therefore amount to £210,000.

30. I may observe that the access to a Canal on this route would be attended with considerable difficulty and expense; on one side is the very shoal water in Shediac Harbor, to overcome which, would require the Canal to be carried nearly a mile into the sea, a work which could not be executed without resorting to the use of expensive Coffor Dams, or of the Diving Bell; on the other hand are 18 miles of the Petitcodiac River by no means of easy navigation, although I am informed that Vessels in the hands of skilful Pilots rarely meet with an accident.

31. It is only in a case when the requisite supply of water, and other favourable circumstances, render the practicability of carrying such a project, as has been suggested, successfully into operation, that the entering upon the undertaking, which must necessarily involve great expense, is justifiable; I cannot consider it so in the present instance. If I am in error, I have erred on the side of caution, and much as I shall regret that my opinion may overthrow what has been long a favorite project in this Province, I consider from what I have observed upon the examination of the several routes, that the deficiency of head water renders the construction of a Canal of the ordinary description impracticable.

32. The most natural position for a Channel of communication, between the Bay of Fundy and the Gulf of St. Lawrence, is evidently from the head of Cumberland Basin to Bay Verte, and since it is not advisable to attempt to construct a Canal of the ordinary description, for the reasons above stated, it may be worth while to consider what would be the effect of cutting a Channel from water to water, leaving it to the waters themselves to complete the communication to render it navigable. The level of the neap flood tide at Tignish River is 9 feet  $\frac{1}{2}$  inch lower than the corresponding tide in the Tantamar River; at flood tide in the latter the water would flow into Bay Verte, and so soon as the tide ebbed below the corresponding tide in Tignish River, which it would do because it ebbs so much more in Cumberland Basin than in Bay Verte, the waters of the latter would flow into the former, and would, on account of the great ebb in the Bay of Fundy, continue to flow much longer than it would the other way. The prevailing water therefore flowing through the Channel would be the clear water of the Gulf of St. Lawrence, and would counteract any ill effects that might arise from the muddy waters of the Bay of Fundy. The subject would however be much more advantageously considered when Captain Owen, R. N., has completed the tidal observations contemplated by him in the course of his Survey of the Bay of Fundy. In the mean time, should it meet your Excellency's wishes, I might, in the ensuing summer, make a further examination of the ground between the two waters, so as to ascertain the best line on which such a Channel might be formed, with a view to the least amount of excavation, and the most advantageous points of connection with the Bay of Fundy and Gulf of St. Lawrence.

I have the honour to be  
Your Excellency's most obedient humble servant,

H. O. CRAWLEY,  
Captain Royal Engineers.

Fredericton, 19th January, 1843.

Fredericton, N. B., 9th March, 1843.

MAY IT PLEASE YOUR EXCELLENCY,

1. In reference to the concluding Paragraph of my Report on the Survey of a Line for a Canal to unite the Bay of Fundy with the Gulph of Saint Lawrence, I have the honor to offer the following observations on the practicability of cutting a Channel across the Isthmus connecting New Brunswick with Nova Scotia.

2. The object in view is, to cut a Channel of moderate dimensions from Bay Verte to Cumberland Basin, and to permit the action of the waters thus united, to form a Channel sufficient for the purposes of navigation.

3. The Tidal observations which are about to be made by Captain Owen, R. N., I am given to understand, will not be completed in less than one year from the time of commencing them. In absence of the result of these observations, I cannot give any accurate account of the difference of level of the Tides, so as to determine the fall from one point to the other, in order to judge if the current will be sufficient force to effect the desired object; but admitting the fall to be sufficient, it may be well to consider the effect such an opening would have on the Tantamar or adjoining Marshes.

4. Every Spring Tide would, if not restrained by the Dykes, flood the Marshes, which are the most valuable parts of the Farms in that neighbourhood. On opening a Channel as proposed, it will be highly important that the safety of these Marshes shall not be compromised; to prevent this will be a matter of considerable difficulty.

5. The soft soil of which the Marshes are composed, would offer so little resistance to a current of water, that it would be difficult to set limits to the width of the Channel. Dykes placed at any reasonable distance apart, between which the Channel should be formed, would be liable to be undermined and thrown down by the action of the water on the Banks, a circumstance of frequent occurrence to the present Dykes, and from which cause the Tantamar River is continually and perceptibly altering its course; and as the depth of the Channel would gradually extend to upwards of forty feet, it would be extremely difficult to secure the Banks by Piles.

6. That part of the excavation towards Bay Verte would be through Sand Stone Rock, which would yield very little to the action of the water; it would be highly probable that the rocky Channel would become, in process of time, a dangerous rapid; and at the junction of the Rock with the Marsh Land, the water, instead of continuing to flow with a gradual slope towards Cumberland Basin, would, on leaving the rocky part, scoop out the soft soil, and form a fall.

7. It may be observed, that the communication would be for some time interrupted between New Brunswick and Nova Scotia, as no Bridge could be placed across the Channel until the ultimate width of it was determined.

8. These circumstances, deduced from theory, appear to me to render it doubtful after all if a Channel, as proposed, would be easily navigable. At all events, so much uncertainty appears to exist, that the project would be extremely hazardous. With this view of the case, your Excellency may probably agree with me, that it is not desirable to prosecute the inquiry farther.

I have the honor to be

Your Excellency's most obedient humble servant,

H. O. CRAWLEY, *Capt. R. Engineers.*

*His Excellency Sir W. M. G. Colebrooke, K. H. &c. &c. &c.*

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 Arestook Boom Company, and the report of the Select Committee thereon.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, 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 Section I, insert the words “for the purpose of erecting, building and maintaining a Boom across the Arestook River, below the Falls in the said River, to secure the Timber, Logs and other Lumber floating down the same.”

At B insert a new Section as follows, and alter the number of the remaining Section:—

“VI.

“ VI. Provided always and be it enacted, That unless a good and sufficient Boom be actually erected as contemplated by the provisions of this Act, and a Certificate of the said erection signed and verified on oath by the Directors or Managers of the said Corporation, which oath any Justice of the Peace may administer, shall be filed in the Office of the Secretary of the Province, before the expiration of two years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said two years.”

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 a third time to-morrow.

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

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

A Bill to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the inhabitants thereof, for a loss sustained by William Kirkpatrick, in consequence of the fire in Portland in August, in the year one thousand eight hundred and forty one : and

A Bill to authorize the Justices of the Peace for the City and County of Saint John to make an assessment for payment of Angus M'Affee's loss, in consequence of the great fire in Portland in August, in the year one thousand eight hundred and forty one.

The said Bills were severally read a first time.

ORDERED, That the said Bills severally 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.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

And upon the question, shall the further consideration of the said Bill be postponed for three months, the House divided—

CONTENT.

Mr. Black,  
Mr. Shore,  
Mr. Baillie,  
Mr. Peters,  
Mr. Robinson,  
Mr. Saunders,  
Mr. Lee,  
Mr. Street,  
Mr. Wyer.

NON-CONTENT.

Mr. Cunard,  
Mr. Allanshaw,  
Mr. Botsford,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Hatch.

And so it passed in the affirmative.

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

FRIDAY, 17th March, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Botsford,*  
*Mr. Lee,*  
*Mr. Street,*  
*Mr. Hatch.*

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Wyer,*

The Honorable Mr. Black sat President.

**PRAYERS.**

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

A Bill in further amendment of the Criminal Law :

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

A Bill to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the inhabitants thereof, for a loss sustained by William Kirkpatrick, in consequence of the fire in Portland, in August, in the year one thousand eight hundred and forty one : and

A Bill to authorize the Justices of the Peace for the City and County of Saint John to make an assessment for payment of Angus M'Affee's loss, in consequence of the great fire in Portland, in August, in the year one thousand eight hundred and forty one.

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

The Honorable the Attorney General, presented to the House the following Bills :—

A Bill intituled " An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ' An Act to amend the Law relating to Robbery : ' "

A Bill intituled " An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ' An Act to amend the Law relating to offences against the person : ' "

A Bill intituled " An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ' An Act to amend the Laws relating to burning or destroying Buildings and Ships : ' " and

A Bill intituled " An Act to amend an Act made and passed in the fifth year of the Reign

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Reign of Her present Majesty Queen Victoria, intituled 'an Act to amend the Law relating to Burglary.'”

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 House was put into a Committee of the whole to take into consideration the Bill relating to the Collection of Duty on Timber and other Lumber.

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 Monday next.

ORDERED, That the Report be received and leave granted.

A Message was brought from the Assembly by Mr. Hanington, with a Bill to amend the Laws now in force relating to Trespasses, 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.*

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*SATURDAY, 18th March, 1843.*

PRESENT :

THE HON.

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

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

The Honorable Mr. Baillie sat President.

PRAYERS.

Pursuant to Order of the Day, the Bill the amend the Laws now in force relating to Trespasses, 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. Wyer, by leave, presented a Petition from the Chamber of Commerce of Saint John, praying a representation from the Legislature to the Home Government, respecting Duty on Pitch Pine Timber, Staves, &c.

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

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

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*MONDAY,*

MONDAY, 20th March, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Botsford,*  
*Mr. Lee,*  
*Mr. Street,*  
*Mr. Hutch.*

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

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

A Bill intituled “ An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ‘ An Act to amend the Law relating to Robbery :’ ”

A Bill intituled “ An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ‘ An Act to amend the Law relating to offences against the person :’ ”

A Bill intituled “ An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ‘ An Act to amend the Laws relating to burning and destroying Buildings and Ships :’ ” and

A Bill intituled “ An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ‘ An Act to amend the Laws relating to Burglary.’ ”

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

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received and 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 consideration the Bill to amend the Laws now in force relating to Trespasses.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED,

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 Clerk of the Pleas.

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, 21st March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,*

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 City and County of Saint John 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 House was put into a Committee of the whole to take into further consideration the Bill to amend the Laws now in force relating to Trespasses.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received.

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

At A in the Preamble, insert the word " Sheep."

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

x

ORDERED,

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

On motion made and seconded—

**RESOLVED**, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to lay before this House a copy of the resignation of the Honorable Ward Chipman, as a Member of this House, and also copies of any correspondence which His Excellency may consider himself at liberty to furnish this House relating to or connected with such resignation.

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

On motion made and seconded—

**RESOLVED**, That an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency will be pleased to direct copies of extracts of the two reports of John Wilkinson, Deputy Surveyor, in reference to Lands in the upper part of the County of Carleton, to be laid before this House.

**ORDERED**, That the Honorable Messieurs Wyer and Hatch be a Committee to present the same.

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 City and County of Saint John to assess a portion of the inhabitants thereof for a loss sustained by William Kilpatrick, in consequence of the fire in Portland, in August, in the year one thousand eight hundred and forty one.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

On motion—

The House was put into a Committee of the whole to take into consideration the Bill to authorize the Justices of the Peace for the City and County of Saint John to make an assessment for payment of Angus M'Affee's loss in consequence of the great fire in Portland, in August, in the year one thousand eight hundred and forty one.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole, to take into consideration the Bill to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Laws relating to burning or destroying Buildings and Ships."

The Honorable Mr. Shore 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 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 to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Law relating to Robbery."

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and the Bill be 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 to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act further to amend the Law relating to offences against the person."

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

ORDERED, That the report be received, and the Bill be engrossed, and read a third time on Thursday 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 amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Law relating to Burglary."

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

WEDNESDAY, 22d March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Saunders,*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Botsford,*

*Mr.*

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

*Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

The Honorable Mr. Black sat President.

**PRAYERS.**

Pursuant to the Order of the Day, the Bill to amend the Laws now in force relating to Trespasses, 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, a Bill intituled "An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled 'An Act to amend the Law relating to Robbery,'" was read a third time and passed.

ORDERED, That the title be—"An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled '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, intituled "An Act in further amendment of the Criminal Law," was read a third time and passed.

ORDERED, That the title be—"An Act in further amendment of the Criminal Law."

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 an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Laws relating to burning or destroying Buildings and Ships," was read a third time and passed.

ORDERED, That the title be—"An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled '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 have passed this Bill, and desire the concurrence of the Assembly thereto.

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

A Bill to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the inhabitants thereof, for a loss sustained by William Kilpatrick, in consequence of the fire in Portland, in August, in the year one thousand eight hundred and forty one: and

A Bill to authorize the Justices of the Peace for the City and County of Saint John to make an assessment for payment of Angus M'Affee's loss in consequence of the great fire in Portland, in August, in the year one thousand eight hundred and forty one.

ORDERED,

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.

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

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

NEW BRUNSWICK,

*Message to the Legislative Council,*  
18th March, 1843.

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

The Lieutenant Governor lays before the Legislative Council, a copy of a Despatch from the Governor of Newfoundland, relative to a Light House proposed to be established on the S. W. Coast of Newfoundland, and which he recommends to the favorable consideration of the Legislative Council.

W. M. G. C.

(Copy.)

*Government House, Newfoundland, 27th February, 1843.*

SIR,—I have the honor to transmit to Your Excellency the copy of a Despatch (and of its enclosures) which I have addressed to the Governor General of North America, and to request that Your Excellency will bring the subject thereof under the favorable consideration of the Legislature of New Brunswick.

I have, &c.

(Signed)

J. HARVEY.

His Excellency Sir W. M. G. Colebrooke, &c. &c. Fredericton.

(Copy.)

*Government House, Newfoundland, 27th February, 1843.*

SIR,—In transmitting to Your Excellency an extract of an Address which has been presented to me by the General Assembly of this Island, relative to a provision for the maintenance of a Light House proposed to be established on the S. W. Coast of Newfoundland, and in soliciting Your Excellency's support of the measure with the Legislature of Canada, I would beg to invite your attention to the fact (fully established by a comparison of the losses by Shipwreck during any given period) that though it is intended that the locality of the Light should be fixed upon the territory of this Colony, yet the advantages expected to be derived from it must necessarily be enjoyed principally by the Trade of the Colonies situated westward of Newfoundland, and more especially by that homeward bound from the Bay of Chaleur and Gulf of Saint Lawrence.

Canada may therefore be justly said to have a far more direct personal interest in the establishment of this proposed National Beacon, not only than this Island, but than any of the other Colonies of British North America. On these grounds, I venture to invite and to anticipate Your Excellency's support of the proposition which it is the object of this communication to bring under your notice.

The calculations which have been made of the probable expense of maintaining the proposed Light (one of such great importance, and situated in so remote and isolated a location) based upon those of similar existing establishments in this Island, would lead to the conclusion that it cannot safely be assumed at less than £600 per annum. Of the relative proportions which ought fairly to be contributed by the several Colonies concerned, their respective Legislatures will be the best judges; but I trust I may be pardoned for suggesting, that if three fourths of the whole expense be contributed by Canada and the Lower Provinces, including Prince Edward's Island, Newfoundland will willingly charge herself with the remainder.

The communication addressed to me by the Chamber of Commerce of this City, (of which I enclose a copy) will enable Your Excellency to judge of the advantages which Cape Pine possesses over Cape Race, as the site of the proposed Light House.

I have, &c.

(Signed)

J. HARVEY.

His Excellency the Governor General of Canada.

Y

(Copy.)

(Copy.)

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

MAY IT PLEASE YOUR EXCELLENCY,

The House of Assembly beg leave to acquaint Your Excellency, that from a copy of a Despatch sent down to this House by Your Excellency, dated Treasury Chambers, 11th May, 1841, they learn that the Elder Brethren of the Trinity House having signified their opinion that the measure of lighting the Southeastern part of Newfoundland would be effectually accomplished by the erection of a Light House on Cape Pine, on the Southeasternmost extremity of that land, and of one also upon Saint Pierre; and likewise, that all vessels bound to or from ports or places situate between Saint John's, Newfoundland, and Cape Cod, in the United States, including the River Saint Lawrence, would be benefitted by the establishment of Light Houses in the above mentioned situations; and further, that my Lords adverting to the measures adopted in regard to the construction of Light Houses under very analogous circumstances on the Coast of Nova Scotia, are prepared to recommend to Parliament such grant as may be requisite for defraying the expense of constructing a Light House on Cape Pine, subject to the condition that provision shall be made by the Legislature of Newfoundland, either separately or with aid from the other North American Provinces interested in the establishment of the Light House, for the further maintenance of the Light; and said Despatch, after alluding to a report to be made by the Commanding Royal Engineer on this station, as to the most eligible arrangements for constructing the Light House, continues, my Lords would further suggest to Lord John Russell that it will be advisable to call for a similar report from the Governor of Newfoundland, or from any local authorities, under whose directions the construction or management of other Light Houses on the Coast of the Island has been placed.

The House of Assembly feeling the great importance, not alone to the trade of this Island, but to that of Great Britain and Ireland, the neighbouring Colonies and the United States, of the erection of a Light House on Cape Pine, and in order to enable the Secretary of State for the Colonies to carry out the very liberal suggestion of the Lords of the Treasury, now pledge themselves, that in the event of such Light House being erected, they will pass an Act providing a sufficient sum of money to meet the maintenance of said Light.

The House of Assembly request that your Excellency will be pleased to put yourself into communication with the Government authorities of such of the neighbouring Provinces and the United States, whose vessels may be benefitted by such Light, in order to induce their supplying their just proportion towards the annual maintenance of such Light.

Passed the General Assembly, Saturday, February 25th, 1843.

(Signed)

JAS. CROWDY, *Speaker.*

(Copy.)

*To His Excellency Major General Sir John Harvey, Governor, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

The Chamber of Commerce having been encouraged by Your Excellency to express an opinion on the most advantageous point to place a Light House on the Southern Shores of this Island, have, after mature deliberation, come to the conclusion, that Cape Pine is by far the more eligible situation, possessing these advantages over Cape Race:—In the first place, Cape Pine is the more Southern point of the two, it is very much the higher land, and can therefore be seen over Cape Race; while a Light House on Cape Race would be completely masked by Cape Pine to vessels coming from the westward: Secondly, Cape Pine is surrounded with Rocks and Shoals, and therefore more perilous of approach than Cape Race, which is a bold shore, free from such dangers; and thirdly, the rapid current constantly setting past Cape Pine into St. Mary's Bay, deceives vessels by carrying them to the Northward of their reckoning and causing many to be lost in the vicinity of St. Shots, which is but a few miles to the Northward of Cape Pine.

If the Chamber were to give an opinion founded on the interests of Newfoundland alone, they might perhaps be induced to consider the claims of Cape Race equal if not superior to those of Cape Pine, but considering them with a view to the commerce of Great Britain and her North American Colonies generally, they can have no hesitation in deciding in favor of Cape Pine; and the experience of  
past

past years has shewn that ten vessels have been lost in the neighbourhood of Cape Pine to one nearer Cape Race; thus proving the necessity of guarding British shipping against those dangers which more particularly threaten them when approaching Cape Pine. A bell at the Light House, to be used in foggy weather, or, if not attended with too great an expense, the occasional firing of a gun would be of great service.

I have, &c.

(Signed)

WM. THOMAS, *Pres. Cham. Com.*

*Chamber of Commerce, 28th October, 1841.*

The Honorable Mr. Cunard, also by direction of His Excellency the Lieutenant Governor, lays before the House a copy of the Commission appointing His Excellency Sir Charles Bagot to be Captain General and Governor in Chief over the Province of British North America, and copies of instructions accompanying the same, which relate to the construction of the Legislative Council, in compliance with the wishes expressed by this House, in Address of the 13th day of March instant.

ORDERED, That the Documents do lie on the Table.

*See Appendix, Nos. 13, 14.*

A Message was brought from the Assembly, by Mr. Brown, with a Bill to facilitate the negotiation of a Loan to pay off the Public 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.

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

---

THURSDAY, 23d March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act 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 to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act further to amend the Law relating to offences against the person."

ORDERED,

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 an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Law relating to Burglary," was read a third time and passed.

ORDERED, That the title be—An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "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.

The Honorable the President acquainted the House, that by an instrument under the Hand and Seal of His Excellency the Lieutenant Governor, dated the twenty second day of March instant, Hugh Johnston, Esquire, was appointed, provisionally, until Her Majesty's pleasure should be known, a Member of this House, and desired to be admitted.

ORDERED, That the Honorable Messieurs Chandler and Wyer be a Committee to attend Mr. Johnston, and see him qualified.

A Message was brought from the Assembly by Mr. Perley, that the Assembly had agreed to the amendments made by this House to the Bill to incorporate the Arestook Boom Company.

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

A Bill to amend the Law relating to the Practice in the Inferior Court of Common Pleas, and to render the same uniform in the several Counties :

A Bill to amend an Act, intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand :"

A Bill to continue an Act, intituled "An Act to extend the Jurisdiction of the Corporation of the City of Saint John, for the regulation of Pilotage, beyond the limits now prescribed by Charter :"

and  
A Bill to amend an Act for granting Patents for useful Inventions.

The said Bills were severally read a first time.

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

The Honorable Mr. Wyer, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House of the 21st instant, praying that extracts of certain Reports made by Mr. John Wilkinson, Deputy Surveyor, in reference to Lands in the upper part of the County of Carleton, be communicated to this House, reports that the Committee had attended to the duty, and His Excellency was pleased to say, the wishes of the House should be complied with.

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

*"House of Assembly, Wednesday, 22d March, 1843.*

*"Resolved, That a Standing Committee of this House be appointed, consisting of three*

three Members to join the Committee of the Honorable the Legislative Council, to have the management of the Legislative Library.

*Ordered*, That Mr. End, Mr. Wilmot and Mr. Fisher be such Committee; and further

*Ordered*, That Mr. End communicate the same to the Council.

“CHAS. P. WETMORE, *Clerk.*”

The attention of the House having been called to the Printed Journals of the House of Assembly, containing a Resolution upon the subject of the Bill to amend the Charter of King's College, which reflects upon the course adopted by a majority of the Legislative Council in their proceedings upon such Bill;

*ORDERED*, That the consideration of the said Resolution stand as the Order of the Day for Monday next.

Pursuant to the Order of the Day, the Bill to facilitate the Negotiation of a Loan to pay off the Public Debt, 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.

The Honorable Mr. Chandler, from the Committee appointed to attend Mr. Johnston, and see him qualified, reported, that they had, according to order, attended Mr. Johnston, who took the usual oaths in the presence of His Excellency the Lieutenant Governor.

The Honorable Mr. Johnston was then introduced between the Honorable Messieurs Chandler and Wyer, and took his seat.

A Message was brought from the Assembly by Mr. Smith, that the Assembly had agreed to the amendments made by this House to the Bill to amend the Laws now in force relating to Highways.

On motion—

The House was put into a Committee of the whole to take into further consideration the Bill relating to the collection of duty on Timber and other Lumber.

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 to-morrow.

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

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

23<sup>d</sup> March, 1843.

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

The Lieutenant Governor lays before the Council the copy of a Despatch which he has

has received from the Secretary of State for the Colonies, relative to an Act passed by the Legislature on the 31st of March, 1842, to incorporate the Grand Falls Company.

W. M. G. C.

[No. 139.]

(Copy.)

*Downing Street, 2d March, 1843.*

SIR,—Her Majesty's Government have had under consideration an Act passed by the Legislature of New Brunswick, with a suspending clause, on the 31st March, 1842, to incorporate the Grand Falls Company.

As this Act affects the navigation of the River Saint John, with reference to Timber and Lumber, and confers upon the Company to which it relates, the right of charging Tolls and of detaining and charging salvage in certain cases, it has been thought necessary to consult the Queen's Advocate, as to whether it is consistent with the stipulations in the recent Treaty with the United States of America, which relate to the navigation of the Saint John.

In the mean time, however, as the Act was passed previous to that Treaty being entered into, it is desirable to ascertain whether the Provincial Legislature entertain the same opinion now, with respect to this Act, as they did before the Treaty was signed.

You will therefore have the goodness to lay this communication before the Legislative Council and Assembly, and report to me whether, under the present circumstances, they wish this Act to receive the confirmation of Her Majesty in Council.

I have, &c.

(Signed)

STANLEY.

Lieut. Governor Sir W. M. G. Colebrooke.

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

*FRIDAY, 24th March, 1843.*

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch,*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,  
Mr. Johnston.*

The Honorable Mr. Black sat President.

PRAYERS.

A Message was brought from the Assembly by Mr. Taylor, with a Bill relating to Trespasses by Horses, Swine and Neat Cattle, in the Parish of 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.

The Honorable Mr. Chandler, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, on the subject of the resignation of the Honorable Ward Chipman, reports that they have attended to that duty, and that His Excellency was pleased to say, that he would reply thereto by Message.

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

A



A Bill to amend the Law relating to the Practice in the Inferior Court of Common Pleas, and to render the same uniform in the several Counties:

A Bill to amend an Act, intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand:"

A Bill to continue an Act, intituled "An Act to extend the Jurisdiction of the Corporation of the City of Saint John, for the regulation of Pilotage beyond the limits now prescribed by Charter:" and

A Bill to amend an Act for granting Patents for useful Inventions.

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 to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province, and with Resolutions of Appropriation dated the 21st day of March, 1843, to which they desire the concurrence of this House: and

That the Assembly had agreed to the amendment made by this House to the Bill to amend the Laws now in force relating to Trespasses.

The first entered Bill and Resolutions were severally read a first time.

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

That the said Resolutions of Appropriation 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 facilitate the negotiation of a Loan, to pay off the Public Debt.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recommended the same to the adoption of the House.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill relating to the collection of Duty on Timber and other Lumber.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

Upon the question that the report be received, the House divided—

CONTENT.	NON-CONTENT.
Mr. Black,	Mr. Shore,
Mr. Peters,	Mr. Baillie,
Mr. Cunard,	Mr. Botsford,
Mr. Allanshaw,	Mr. Lee,
Mr. Robinson,	Mr. Street,
Mr. Saunders,	Mr. Wyer,
Mr. Attorney General,	Mr. Hatch,
Mr. Chandler,	
Mr. Johnston.	

ORDERED,

ORDERED, That the report be received, and the said 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 relating to the Clerk of the Pleas.

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.

Upon the question that the report be received, the House divided—

CONTENT.

Mr. Black,  
Mr. Baillie,  
Mr. Peters,  
Mr. Cunard,  
Mr. Allanshaw,  
Mr. Botsford,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,  
Mr. Hatch.

NON-CONTENT.

Mr. Robinson,  
Mr. Lee,  
Mr. Street.

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

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

*March 24, 1843.*

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

The Lieutenant Governor, in reference to the Address of the Council of the 21st instant, lays before them the extracts of three reports in reference to the Lands in the upper part of the County of Carleton.

W. M. G. C.

*See Appendix No. 15.*

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

*24th March, 1843.*

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

The Lieutenant Governor, in reference to the Address of the Legislative Council  
of

of the 21st instant, communicates to them a copy of the resignation of the Honorable Ward Chipman, as a Member of the Council, and of his answer, which were forwarded to the Secretary of State for the Colonies.

Also an extract from Lord Stanley's Despatch of the 30th of June, 1842, relating thereto.

W. M. G. C.

(Copy.)

*Fredericton, N. B., October 7th, 1842.*

SIR,—I have considered with the greatest deference and attention the extract from Lord Stanley's Despatch to Your Excellency under date of the 30th June last, communicated to me by Your Excellency, on the subject of my letter to His Lordship of the 28th March last, and I regret to say that I cannot bring my mind to alter the opinions which I ventured to express to His Lordship in that letter; at the same time I am very unwilling to counteract in any manner the views of Her Majesty's Government. The state of my health also warns me to avoid the excitement of political conflict. These reasons combined, induce me most respectfully to request that Your Excellency may be pleased to solicit, on my behalf, Her Majesty's most gracious permission for me to withdraw from the Legislative Council.

I have, &c.

(Signed)

WARD CHIPMAN.

A true copy.

A. READE.

His Excellency Sir Wm. M. G. Colebrooke, &c. &c. &c.

(Copy.)

*Government House, October 12, 1842.*

HONORABLE SIR,—I take the earliest opportunity of acknowledging your letter of the 7th instant, which I received only on my return to Fredericton last night.

In forwarding to Lord Stanley your request for Her Majesty's gracious permission to retire from the Legislative Council, you will permit me to regret that it should have any reference to the opinions set forth in your letter of the 28th March.

The state of your health, which I have much lamented, must in itself be regarded as an adequate reason for such a step, and I sincerely hope that a release from the anxieties inseparable from a political station, in the present circumstances of the community, will lead to its more perfect restoration.

I have, &c.

(Signed)

W. M. G. COLEBROOKE.

A true copy.

A. READE.

Honorable Ward Chipman, &c. &c. &c.

*Extract of a Despatch from Lord Stanley to Sir William Colebrooke, dated 30th June, 1842.*

I have to instruct you to acquaint the Chief Justice, that I duly received his communication, and express to him my regret, that he has found himself unable to concur in the Financial arrangements which, with my sanction, you had submitted for the adoption of the Legislature. You will assure him that I receive with the respect which is due to so high an authority, the expression of his dissent, the more so, as it is couched in terms of which neither I nor you can have cause to complain. I am, however, bound to add, that I am unable to concur in the force of his objections, which appear to me to be more than counterbalanced by opposing considerations of policy.

However convenient may have been the practice of discussing separately each individual Resolution of the Assembly, in regard to expenditure by the Council, I cannot but observe, that although it increases the controul of that body over the general expenditure, it does not in any way give to the Executive the power which it is so desirable it should possess of restricting improvident or corrupt grants of money; and I cannot but think that the Chief Justice has overlooked the consideration, that at the time the compromise was made, for such it was, the Crown did possess this check by the Union of the Legislative and Executive Councils. The check was imperfect as compared with that which

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is

is given by British practice; because there is no single authority to whom is delegated the care of taking one broad and comprehensive view of the whole Financial state of the Province, and proportioning beforehand the annual expenditure to the probable Revenue, or on the other hand, devising means for making the annual Revenue adequate to the annual necessary expenditure. I think the absence of such a system has led to much of the Financial embarrassment which is now felt in the Province; and without entering on the questions of Municipal Bodies or District Taxation, it strikes me very forcibly that, if local objects are to be provided for, not by local taxation, but out of the general funds of the Province, there is an additional reason why the recommendations of such expenditure should proceed from one, and that an impartial authority alone.

Experience in all countries shews, that there is nothing which tends more to a corrupt and lavish expenditure than the application of Public Money to local objects by a popular Assembly, whose individual Members have each their own or their Constituents' objects to promote, and where there is too much temptation to each to support the extravagance of others, in the hope of receiving a corresponding aid in attaining his own object, the public being in the end the sufferer, by unduly and wastefully increased expenditure.

(Signed) STANLEY.

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

SATURDAY, 25th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

*Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Chandler,  
Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

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

A Bill to facilitate the negotiation of a Loan to pay off the Public Debt :

A Bill relating to the collection of Duty on Timber and other Lumber: and

A Bill relating to the Clerk of the Pleas.

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 appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province: and

A Bill relating to Trespasses by Horses, Swine and Neat Cattle in the Parish of Fredericton.

ORDERED, That the House be put into a Committee of the whole of Monday next, to take the said Bills severally 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 amend an Act, intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand."

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.

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 extend the Jurisdiction of the Corporation of the City of Saint John for the regulation of Pilotage beyond the limits now prescribed by Charter."

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.

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration the Bill to amend the Law relating to the Practice in the Inferior Court of Common Pleas and to render the same uniform in the several Counties.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration the Bill to amend an Act for granting Patents for useful Inventions.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

A Message was brought from the Assembly, by Mr. Hazen, 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 Twenty third Rule of this House be dispensed with as regards this Bill, and that the same be read a second time.

The said Bill was read a second time.

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

On motion—

The House was put into a Committee of the whole to take into further consideration Resolutions of Appropriation.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Resolutions of Appropriation dated the 9th and 21st days of March, and recommended that the House should concur in the same, with an exception, which the Committee recommend should not be concurred in, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 9th and 21st days of March were concurred, with the following exception :—

The sum of fourteen pounds ten shillings to Asa Coy and Zebedee G. Gable, Trustees of the Baptist Meeting House in Fredericton, being return of Duties paid on an Organ imported from the United States, in the year one thousand eight hundred and forty one, which was not concurred in.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to the Resolutions of Appropriation dated the 9th and 23d days of March, with the exception herein before entered.

A Message was brought from the Assembly, by Mr. Freeze, with Resolutions of Appropriation dated the 23d day of March, to which they desire the concurrence of this House.

The said Resolutions were read the first time.

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

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

A Petition from Lieutenant Colonel Henry J. Ormand, of Her Majesty's 30th Regiment, praying that the accustomed drawback on Wines imported for the Mess of that Regiment may be allowed :

A Petition from John Wishart, praying the return of double Head Money paid on Passengers on board the brig Lady Douglas from Drogheda :

A Petition from Thomas O. Miles, of Sunbury, praying a sum may be granted for an expenditure made by him when a Commissioner of Roads : and

A Petition from James Kirk, of the City of Saint John, praying a return of Duties upon Rum consumed by fire in Saint John, in the year one thousand eight hundred and forty one.

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

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

A Petition from Stephen Wiggins and Son, of Saint John, and others, praying a reduction of Light House and Hospital dues :

A Petition from Daniel C. Perkins, of Saint John, praying a return of Duty paid on goods destroyed by fire in 1841 :

A Petition from James D. Spurr, of Saint John, praying a return of Duties paid by him on Tea in October last :

A Petition from John J. Winter, of Saint John, praying Provincial aid to assist him in keeping up a communication between Fredericton and Saint John: and

A Petition from James Whitney, of Saint John, praying a return of Duty paid on Steam Machinery.

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

The Honorable Mr. Chandler, by leave, presented a Petition from Messieurs Robert Rankin and Company, of the City of Saint John, Merchants, praying a return of Head Money paid for Passengers on board the barque Levinia from Tralee.

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

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

MONDAY, 27th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

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 amend an Act, intituled “An Act to provide for the collection of the Revenue of this Province:” and

A Bill relating to the privilege of solemnizing Marriage.

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 following Bills were read a third time and passed:—

A Bill to amend an Act, intituled “An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand:” and

A Bill to continue an Act, intituled “An Act to extend the Jurisdiction of the Corporation of the City of Saint John for the regulation of Pilotage beyond the limits now prescribed by Charter.”

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 consideration the Bill imposing Duties for raising a Revenue.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recommended the same to the adoption of the House.

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

The said Bill was read a third time and passed.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill to amend an Act for granting Patents for useful Inventions.

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 strike out the rest of the Bill and insert the following—

“Whereas in and by the Fifth Section of an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled ‘An Act to grant Patents for useful Inventions,’ the latter part of the oath therein required to be taken by the applicant for a Patent is as follows: ‘And that such invention or discovery hath not to the best of his, her or their knowledge or belief been known or used in this Province or in any other Country;’ and whereas, it may sometimes happen that after such discovery or invention, but before the original Inventor of such invention or discovery applies for a Patent, some other person may have made the same discovery or invention, or the same may have become known and used, in which case such original Inventor might not be able to take the above mentioned latter part of the oath required by the said fifth section of the said hereinbefore in part recited Act;”

“Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in every case where any person or persons applying for a Patent cannot take that part of the oath (herein before set forth) required by the said fifth section of the said hereinbefore in part recited Act, in consequence of some other person subsequent to his, her or their discovery or invention having also made the same discovery or invention, or of the same having so subsequently become known or used, then and in such case it shall be sufficient for such applicant or applicants in lieu of that part of the oath hereinbefore mentioned, required to be taken by the said fifth section of the said hereinbefore in part recited Act, to swear or affirm in the mode pointed out by the said section in addition to the said preceding part of the said oath mentioned in the said section, that such invention or discovery was not to the best of his, her or their knowledge or belief known or used in this Province or in any other Country before the same was so made or invented by such applicant.”

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

ORDERED,



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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill to amend the Law relating to the practice in the Inferior Court of Common Pleas, and to render the same uniform in the several Counties.

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 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 relating to Trespasses by Horses, Swine and Neat Cattle in the Parish of Fredericton.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

On motion—

The House was put into a Committee of the whole to take into consideration the Bill relating to the sale of Crown Lands.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

A Message was brought from the Assembly, by Mr. Freeze, with Resolutions of Appropriation dated the 25th day of March, to which they desire the concurrence of this House.

The said Resolutions were severally read a first time.

**ORDERED**, That they be referred to the Committee of the whole House on Resolutions of Appropriation.

On motion made and seconded,

**RESOLVED**, unanimously, That any Resolution of the House of Assembly, directly or indirectly, impeaching the decisions of the Legislative Council, in matters wherein it has exercised its undoubted right, would be a violation of the Constitutional Privileges of this House, a departure from those rules which the long usages of Parliament have established

established and confirmed, would tend to make a breach between the two Houses, and lead to great disorder and confusion:—

RESOLVED, unanimously, That the Resolution of the House of Assembly, as it appears by their printed Journal of the 20th March instant, upon the subject of the Bill to amend the Charter of King's College, tends directly to impeach the conduct of the Members of this House in a matter in which it has exercised its unquestioned right, is particularly objectionable, inasmuch as it makes an invidious distinction between the majority and the minority, and is an interference with the free exercise of the rights and privileges of this House.

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 Bill to facilitate the Negotiation of a Loan to pay off the Public Debt, (*with a suspending clause.*)

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

The Honorable Mr. Saunders, by leave, presented a Petition from Thomas Pickard, William D. Hartt, Thomas R. Robertson, William J. Bedell, James Drake and others, inhabitants of Fredericton and its vicinity, praying the Bankrupt Law may be amended.

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

The Honorable Mr. Chandler, by leave, presented a Petition from Edward Cavana, of the County of Kent, praying an allowance for teaching a School.

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

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

TUESDAY, 28th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Street,  
Mr. Hatch.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Wyer,*

The Honorable Mr. Black sat President.

PRAYERS.

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**PRAYERS.**

A Message was brought from the Assembly, by Mr. Barberie, that the Assembly had agreed to the following Bills without any amendment:—

An Act in further amendment of the Criminal Law: and

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled “An Act further to amend the Law relating to offences against the Person.”

A Message was brought from the Assembly, by Mr. Hill, that the Assembly had agreed to the Bill, intituled “An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled ‘An Act to amend the Law relating to Burglary,’” without any amendment.

Pursuant to the Order of the Day, the Bill to amend an Act for granting Patents for useful Inventions, 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 following Bills were severally read a second time:—

A Bill to amend an Act, intituled “An Act to provide for the collection of the Revenue of this Province:” and

A Bill relating to the privilege of solemnizing Marriage.

**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 establish sundry regulations for the future disposal of Timber and other Lumber cut on Crown Lands.

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, they had made some progress therein, and asked for leave to sit again to-morrow.

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

On motion—

The House was put into a Committee of the whole to take into further consideration the Resolutions of Appropriation.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Resolutions of Appropriation dated the 23d day of March, and recommended that the House should concur in the same, with an exception, which the Committee recommend should not be concurred in, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 23d day of March, were concurred in, with the following exception :—

To Asenath Moore, the sum of ten pounds, for having taught a School in Saint David, in the County of Charlotte, for six months, ending the fifteenth day of December, in the year one thousand eight hundred and forty two, which was not concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to the Resolutions of Appropriation dated the 23d day of March, with the exception before entered.

On motion—

The House was put into a Committee of the whole to take into consideration the Bill to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recommended the same 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, 29th March, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Botsford,  
Mr. Lee,  
Mr. Wyer,  
Mr. Johnston.*

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Hatch.*

The Honorable Mr. Black sat President.

PRAYERS.

A Message was brought from the Assembly, by Mr. Thomson, that the Assembly had agreed to the following Bill without any amendment :—

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled “An Act to amend the Laws relating to burning or destroying Buildings and Ships.”

Pursuant to the Order of the Day, the Bill to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province, was read a third time and passed.

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

Pursuant

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 privilege of solemnizing Marriage.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration the Bill to amend an Act, intituled "An Act to provide for the collection of the Revenue 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 consideration of the said Bill, they had made some progress therein, and asked leave to sit again to-morrow.

ORDERED, That the report be received and leave granted.

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill to establish sundry regulations for the future disposal of Timber and other Lumber cut on Crown Lands.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

Upon the question that the report be received, the House divided—

CONTENT.	NON-CONTENT.
Mr. Black,	Mr. Shore,
Mr. Peters,	Mr. Baillie,
Mr. Cunard,	Mr. Saunders,
Mr. Allanshaw,	Mr. Wyer.
Mr. Robinson,	
Mr. Attorney General,	
Mr. Chandler,	
Mr. Hatch,	
Mr. Johnston.	

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. Wark, that the Assembly had agreed to the following Bill without any amendment:—

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Law relating to Robbery."

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, Street and Hatch, do compose the Committee.

On

On motion,

The House was put into a Committee of the whole, to take into consideration the Resolutions of Appropriation.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Resolutions of Appropriation, dated the 25th 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 25th 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 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 imposing Duties for raising a Revenue : and

An Act to amend an Act intituled "An Act to provide for the payment of Interest on Warrants," which are not paid at the Treasury on demand.

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

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

A Petition from Catherine M'Donald, of Woodstock, praying an allowance may be made her, being the Widow of an old Soldier : and

A Petition from John Glasier, Leonard R. Coombes, Francis Rice, Francis E. Beckwith, and others, praying a grant may be allowed to pass to enable Commissioners to remove obstructions in the Grand Falls of the River Saint John.

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

The Honorable Mr. Shore, by leave, presented a Petition from the Melicite Tribe of Indians, praying for a grant of the Lands reserved for their use on the River Saint John, to be made to their Chiefs and Captains, in trust for the Tribe.

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

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

**THURSDAY,**

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THURSDAY, 30th March, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Buillie,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Botsford,*  
*Mr. Lee,*  
*Mr. Street,*  
*Mr. Hatch.*

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Wyer,*  
*Mr. Johnston.*

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to establish sundry Regulations for the future disposal of Timber and other Lumber cut on Crown Lands, 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. Barker, with Resolutions of Appropriation, dated the 28th 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 Bill to amend the Law relating to the Practice in the Inferior Courts of Common Pleas, and to render the same uniform in the several Counties.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into further consideration the Bill to amend an Act intituled "An Act to provide for the collection of the Revenue of 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 to-morrow.

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

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FRIDAY,

FRIDAY, 31st March, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Cunard,*  
*Mr. Saunders,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Wyer,*  
*Mr. Johnston.*

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Allunshaw,*  
*Mr. Botsford,*  
*Mr. Lee,*  
*Mr. Street,*  
*Mr. Hatch,*

The Honorable Mr. Black sat President.

PRAYERS.

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

A Bill to amend an Act, intituled “ An Act to provide for the collection of the Revenue of this Province :” and

A Bill to amend the Law relating to the Practice in the Inferior Courts of Common Pleas, and to render the same uniform in the several Counties.

A Message was brought from the Assembly, by Mr. Payne, with a Bill to amend several Acts relating to the relief of old Soldiers of the Revolutionary War and their Widows; and with Resolutions of Appropriation dated the 30th day of March, to which they desire the concurrence of this House.

The same were severally read a first time.

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

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

The Honorable Mr. Johnston, by leave, presented a Petition from John Ward, Robert W. Crookshank, Daniel Leavitt, and other Freeholders and Freemen of the City of Saint John, praying an Act may pass to amend the Charter of the City:

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

The Honorable Mr. Botsford, by leave, presented a Petition from the Overseers of the Poor for the Parish of Dalhousie, in the County of Restigouche, praying a grant may pass to them for monies paid to relieve sick, disabled and transient Emigrants.

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

A Message was brought from the Assembly, by Mr. S. Z. Earle, with a Bill in addition to an Act, intituled “ An Act to facilitate Summary Proceedings before Justices of the Peace, and the execution of Warrants by Constables,” and determining what Fees may be taken under the said Act.

On motion—

The House was put into a Committee of the whole to take into further consideration Resolutions of Appropriation.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The



The Chairman reported, that the Committee had gone through the Resolutions of Appropriation dated the 28th and 30th 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 28th and 30th days of March, were concurred in, with the following exceptions:—

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, for improving the Navigation of the Grand Lake, by the removal of a Bar at the entrance of the Jemseg, a sum not exceeding three hundred pounds for the completion of that object; provided that no Warrant shall issue for the above sum until a report of the work done by the Machine, and a particular account of the expenditure to the satisfaction of the Executive Government shall be had:

To the Trustees of Schools of the Parish of Waterborough, the sum of twenty pounds to be applied to the use of the School in the Foster Settlement, taught by William Tabb, in the year 1842:

To the Trustees of Schools for the Parish of Fredericton, the sum of twenty pounds to be paid to John Phelan for teaching a School in the Parish of Fredericton, for the year ending in 1842:

The several Resolutions of Appropriation for the several Bye Roads in the following Counties, viz: County of Gloucester, County of Saint John, County of Westmorland, King's County, County of Restigouche, County of Northumberland, Queen's County, Charlotte County, County of Sunbury, and County of Carleton:

To Edmund Ward the sum of one hundred pounds for reporting the Debates of the present Session: and

To Henry P. Sancton the sum of seventy five pounds for reporting and publishing the Debates of the present Session;

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 said Resolutions of Appropriation, with the exceptions before entered.

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

SATURDAY, 1st April, 1843.

PRESENT:

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Cunard,*  
*Mr. Saunders,*  
*Mr. Lee,*  
*Mr. Hatch,*  
*Mr. Johnston.*

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Allanshaw,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Kinnear,*

The Honorable Mr. Black sat President.

PRAYERS.

## PRAYERS.

A Message was brought from the Assembly, by Mr. Street, with a Bill for the amendment of the Charter 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 on Monday next.

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

A Bill to amend several Acts relating to the relief of old Soldiers of the Revolutionary War and their Widows : and

A Bill in addition to an Act intituled “ An Act to facilitate summary proceedings before Justices of the Peace, and the execution of Warrants by Constables,” determining what fees may be taken under the said Act.

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. Scoullar, with Resolutions of Appropriation, dated the 31st day of March, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

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

A Message was brought from the Assembly by Mr. Hazen, that the Assembly had agreed to the amendments made by the House to the Bill to amend an Act for granting Patents for useful inventions : and

With a Bill to establish a Register of Freemen of the City of Saint John, in lieu of the Register lately destroyed by fire, 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 Mr. Peters, by leave, presented a Petition from David Vaughan, of Quaco, praying to have an amount expended by him on the Breakwater at that place repaid him.

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

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

**MONDAY, 3d April, 1843.**

PRESENT :

THE HON.

*Mr. Shore,*  
*Mr. Peters,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Lee,*  
*Mr. Street,*  
*Mr. Kinnear,*

*Mr. Baillie,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Hatch,*  
*Mr. Johnston.*

The

The Honorable Mr. Shore 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 amend several Acts relating to the relief of old Soldiers of the Revolutionary War and their Widows.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

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

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration the Bill in addition to an Act, intituled "An Act to facilitate summary proceedings before Justices of the Peace and the execution of Warrants by Constables," determining what fees may be taken under the said Act.

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.

Pursuant to the Order of the Day, the Bill to establish a Register of Freemen of the City of Saint John in lieu of the Register lately destroyed by fire, 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, 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 Bill for the amendment of the Charter of the City of Saint John 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, 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. Hanington, with a Bill to revive and continue the Acts relating to Parish Schools : and

A Bill to repeal the several Acts now in force for establishing a Legal Tender in all payments to be made in this Province and to make other provisions in lieu thereof; and

With Resolutions of Appropriation dated the first day of April, to which they desire the concurrence of this House.

The same were severally read a first time.

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

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

The said Bills were severally read a second time.

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 Resolutions of Appropriation.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Resolutions of Appropriation dated the 31st day of March, and 1st day of April, and recommended that the House should concur in the same, with an exception, which the Committee recommend should not be concurred in, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 31st day of March and 1st day of April, were concurred in, with the following exception:—

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and thirty two pounds ten shillings to pay the allowance to the Adjutants of the several Battalions of Militia in this Province for the past year; and the further sum of one hundred and sixteen pounds five shillings to pay the Serjeant Majors of the same; the limited allowance now made being in consequence of two days drill having been dispensed with, by command of His Excellency the last year, by which the services of the Adjutants and Sergeant Majors, have been thus much reduced.

Which was not concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to the Resolutions of Appropriation dated the 31st day of March, and 1st day of April, with the exception before entered.

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

TUESDAY, 4th April, 1843.

PRESENT :

THE HON.

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,*

*Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,*

*Mr.*

*Mr. Saunders,  
Mr. Chandler,  
Mr. Hatch,  
Mr. Johnston.*

*Mr. Attorney General,  
Mr. Street,  
Mr. Kinnear,*

The Honorable Mr. Shore sat President.

**PRAYERS.**

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

A Bill to amend several Acts relating to the relief of old Soldiers of the Revolutionary War and their Widows :

A Bill for the amendment of the Charter of the City of Saint John : and

A Bill to establish a Register of Freemen of the City of Saint John in lieu of the Register lately destroyed by fire.

**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 consideration the Bill to revive and continue the Acts relating to Parish Schools.

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.

A Message was brought from the Assembly, by Mr. Street, with a Bill relating to the appointment of Special Constables, 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.

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 improve the Law relating to the Election of Representatives to serve in the General Assembly : and

A Bill in addition to and in amendment of the Law of Bankruptcy.

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. Barker, with Resolutions of Appropriation dated the 3d day of April, to which they desire the concurrence of this House.

The said Resolutions were read a first time.

**ORDERED,**

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 Resolutions of Appropriation.

The Honorable Mr. Peters took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Resolutions of Appropriation dated the 3d day of April, 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 said Resolutions of Appropriation were concurred in by the House.

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

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

WEDNESDAY, 5th April, 1843.

PRESENT :

THE HON.

*Mr. Shore,  
Mr. Peters,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Lee,  
Mr. Street,  
Mr. Kinnear,*

*Mr. Baillie,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Attorney General,  
Mr. Chandler,  
Mr. Hatch.  
Mr. Johnston.*

The Honorable Mr. Shore sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to revive and continue the Acts relating to Parish Schools, 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 improve the Law relating to the Election of Representatives to serve in the General Assembly : and

A Bill in addition to and in amendment of the Law of Bankruptcy.

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

Pursuant to the Order of the Day, the House was put into a Committee of the whole to take into consideration the Bill relating to the appointment of Special Constables.

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 said Bill be read a third time to-morrow.

A Message was brought from the Assembly, by Mr. Jordan, with Resolutions of Appropriation dated the fourth day of April, 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.

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 the 4th day of April, and recommended that the House should concur in the same, with an exception, which the Committee recommend should not be concurred in, and asked leave to sit again.

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

Whereupon the Resolutions of Appropriation dated the 4th day of April, were concurred in, with the following exception:—

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and seventy five pounds to compensate the proprietors of the steamer Saint George, for having kept up a Communication between Miramichi, Charlotte Town and Pictou, regularly once a week, from the eighteenth day of August to the seventeenth day of November, a period of three months.

Which was not concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have agreed to the Resolutions of Appropriation dated the 4th day of April, with the exception before entered.

On motion—

The House was put into a Committee of the whole to take into consideration the Bill to repeal the several Acts now in force for establishing a legal Tender in all payments to be made in this Province, 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.

ORDERED, That the report be received and leave granted; and further

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

ORDERED, That the Honorable Messieurs Cunard, Allanshaw and Johnston, do compose the Committee.

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

THURSDAY, 6th April, 1843.

PRESENT :

THE HON.

*Mr. Shore,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Wyer,*  
*Mr. Kinnear,*

*Mr. Baillie,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Lee,*  
*Mr. Street,*  
*Mr. Hatch.*  
*Mr. Johnston.*

The Honorable Mr. Shore sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill relating to the appointment of Special Constables, 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. Partelow, with the following Resolution :—

“ HOUSE OF ASSEMBLY, 5th April, 1843.

“ Whereas the Provincial Lunatic Asylum established in the City of Saint John, has hitherto been under the control and superintendence of the Justices of the Peace of the said City and County, and funds have from time to time been advanced by the Overseers of the Poor by them appointed, for the support of its inmates, and all expenses incurred about the Institution, which have been reimbursed by appropriations at each succeeding meeting of the Legislature: And whereas by the Act for the establishing of an Alms House and Public Infirmary for the City and County of Saint John, which came into operation on the 1st day of April instant, the funds hitherto at the disposal of the Overseers of the Poor will thereafter go into the hands of the Commissioners of the said Alms House and Public Infirmary, appointed under the said Act, who are prevented by the same from applying any portion of them towards the support of the said Asylum: And whereas it is therefore become necessary, in the opinion of this House, to provide for the support of the said Institution prospectively, to ensure its future management to be conducted upon the most economical scale possible; therefore

“ *Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will appoint one or more Commissioner or Commissioners to superintend and manage the said Asylum, and that His Excellency will advance by Warrant or Warrants on the Treasury, such sum or sums of money as the said Commissioner or Commissioners may from time to time require during the present year for the support of the said Institution, not exceeding in all £750; the first advance to be drawn for, upon an estimate for the three first months expenditure being laid before His Excellency in detail, at the expiration of which, full and detailed Accounts to be furnished His Excellency upon oath, with Vouchers of such expenditure, together with an estimate for the second quarter,—at the expiration



expiration of which, and also of the third quarter, similar Accounts to be furnished with Vouchers.

CHAS. P. WETMORE, *Clk.*”

“HOUSE OF ASSEMBLY, 6th April, 1843.

*Resolved*, That the Resolution of yesterday, on the subject of the Lunatic Asylum be communicated to the Legislative Council, and their concurrence requested thereto.

CHAS. P. WETMORE, *Clk.*”

The said Resolutions were read by the Clerk ; and it was

*RESOLVED*, That this House will join the Assembly in the proposed Address.

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

On motion—

The House was put into a Committee of the whole to take into consideration the Bill to improve the Law relating to the Election of Representatives to serve in the General Assembly.

The Honorable Mr. Allanshaw took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone into consideration of the 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.*

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FRIDAY, 7th April, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Lee,*  
*Mr. Street,*  
*Mr. Hatch,*  
*Mr. Johnston.*

*Mr. Shore,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Attorney General,*  
*Mr. Chandler,*  
*Mr. Wyer,*  
*Mr. Kinnear,*

The Honorable Mr. Black sat President.

PRAYERS.

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 improve the Law relating to the Election of Representatives to serve in the General Assembly.

The Honorable Mr. Allanshaw took the Chair.

After some time the House resumed.

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

*ORDERED,*

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 “and Wards.”

At B insert the words “or City.”

At C expunge the word “times” and insert the word “day.”

At D insert the words “or City.”

At E insert the following words “in case a Poll shall be demanded as hereinafter mentioned, which day so to be appointed for holding the said Poll in the different Districts, Towns and Parishes within the said County and Wards in such City, shall not be less than three days nor more than six days after the first day of holding his Court for the said Election.”

At F in Section II. insert the words “by such Sheriff.”

At G in Section III. dele the word “nine” and insert the word “eight.”

At H in Section IV. insert the words “for such Town or City.”

At I insert the words “in every such Ward.”

At K in Section V. expunge the words “district comprising the Parishes,” and insert the word “Parish.”

At L expunge the words “and Nelson.”

At M insert the words “for the Parish of Nelson, at or near M’Gee’s Tavern in said Parish.”

At N expunge the words “for the District comprising the Parishes of Blissfield and Ludlow, at or near Doak’s residence in the upper part of the Parish of Blissville,” and insert the words—

“For the Parish of Blissfield, at or near John Decantlin’s in said Parish.

“For the Parish of Ludlow, at or near John Wilson’s in the said Parish.”

At O in Section VI. insert the words “with costs of suit at the suit of the party or parties aggrieved.”

At P in Section VIII. add the words “beginning with the Votes objected to by the party first demanding the Scrutiny.”

At Q in Section X. insert the words “or City.”

At R insert the words “or in such City.”

At S insert the words “or City.”

At T insert the words “to proceed to such Election by a shew of hands and.”

At U expunge the words “to appoint some days not less than three days nor more than six days thereafter for taking such Poll, and he shall forthwith.”

At V insert the letter “s.”

At W Section XI. dele the word “person” and insert the word “Candidate.”

At X insert the words “or City according to the hereinbefore mentioned provisions of this Act.”

At Y in Section XVIII. expunge the word “certified” and insert the words “so furnished as aforesaid.”

At Z expunge the words “the tenth” and insert the word “this.”

At Aa in Section XIX. insert the letter “s.”

At Bb in Section XXII. insert the words “or shall by any threats, force or violence intimidate or compel any person or persons to give his or their Vote or Votes, or to forbear to give his or their Vote or Votes.”

At

At Cc in Section XXIV. expunge the words "procure or cause to be procured a statement," and insert the words "make or cause to be made a declaration."

At Dd insert the words "and in default thereof."

At Ee in Section XXVII. insert the words "in the Poll book."

At Ff in Section XXVIII. insert the word "wilfully."

At Gg in Section XXIX. expunge the words underscored, and insert as follows:—

"After such Sheriffs, Deputies, Under Sheriffs or persons presiding as aforesaid, shall have taken and subscribed the oath required by this Act to be taken by such Sheriffs, Deputies, Under Sheriffs or persons presiding shall be during the day and days on which the Election may be held, and they are hereby declared to be Conservators of the Peace, and severally vested with the same power for the preservation of the Peace and apprehension and committal for trial or holding to bail, or trying and convicting violaters of the Law and good order, as are vested in the Justices of the Peace of the Province, and that for the purpose of keeping the Peace and preserving good order at any Election, it shall and may be lawful for any such Sheriff, Deputy, Under Sheriff or person presiding as aforesaid, to require the assistance of all Justices of the Peace, Constables and other persons present at such Elections to aid and assist him in doing so, and it shall and may be lawful for any such Sheriff, Deputy, Under Sheriff or person presiding as aforesaid, to commit any person for a breach of the Peace, molesting or threatening any Elector at coming to or returning from the said Election, or for any other violation of good order, to the custody and charge of any Constable or Constables, Person or Persons, on view, for such time as he in his discretion shall or may deem expedient, or by a writing under his hand, to commit to prison for the like offence for any period, not extending beyond the close of the Poll, on the day of holding the same, and when thereunto required, all Justices of the Peace."

At Hh in Section XXXI. expunge the word "Warrant" and insert the word "Writ."

At Ii expunge the word "Warrant" and insert the word "Writ."

At Jj in Section XXXIX. insert the words "the Nineteenth Section of."

At Kk in Section XLI. insert the words "the House of."

At Ll expunge the words "shall be deemed and taken to be no Members in Assembly, and."

At Mm insert the words "the House of."

At Nn in Section XLII. insert the word "no."

At Oo in Section XLIX. insert the words "and also an Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled 'An Act for continuing the General Assembly in this Province in case of the demise of the Crown.'"

At Pp add a new Section, as follows:—

"L. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal Approbation be thereunto had and declared."

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 this day.

A Message was brought from the Assembly, by Mr. Fisher, with a Bill to abolish certain Fees, 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 provide for opening and repairing Roads and erecting Bridges throughout the Province, to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The Honorable Mr. Kinnear, by leave, presented a Petition from John Wishart, Stephen Wiggins, John Duncan, Leveret H. De Veber, John Melick and 1360 other persons, Merchants and others of Saint John, praying that no tax may be placed on the importation of Foreign Wheat, or if laid, that a remedy may be made against the same.

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

On motion—

The House was put into a Committee of the whole to take into consideration the Bill in addition to an amendment of the Law of Bankruptcy.

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 insert a new Section as follows—

“XXXII. And be it enacted, That the said Court of Chancery shall and may from time to time make, establish, alter and amend rules and forms of practice and proceedings as well for that Court in matters made cognizable before it by this Act or any other Act or Acts made or to be made relating to Bankruptcy in this Province, as for the guidance and direction of the several Commissioners appointed under and by virtue of the said Acts, and their several Courts, in such manner as the Court of Chancery shall see fit, provided that such rules and forms be in no wise repugnant to the said Acts.”

The said amendment being then 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.

Pursuant to the Order of the Day, the Bill to improve the Law relating to the Election of Representatives to serve in the General 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.

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

*SATURDAY,*

**SATURDAY, 8th April, 1843.**

**PRESENT :**

**THE HON.**

*Mr. Black,  
Mr. Baillie,  
Mr. Allanshaw,  
Mr. Saunders,  
Mr. Lee,  
Mr. Wyer,  
Mr. Kinnear,*

*Mr. Shore,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Attorney General,  
Mr. Street,  
Mr. Hatch,  
Mr. Johnston.*

The Honorable Mr. Black sat President.

**PRAYERS.**

Pursuant to the Order of the Day, the Bill in addition to and in amendment of the Law of Bankruptcy, 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 provide for opening and repairing Roads and erecting Bridges throughout the Province 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. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recommended the same 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 Bill to abolish certain Fees 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. Shore took the Chair.

After some time the House resumed.

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

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

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

On motion made and seconded—

**ORDERED,** That the Select Committee appointed to examine and report upon the Bill

Bill to repeal the several Acts now in force for establishing a Legal Tender in all payments to be made in this Province, and to make other provision in lieu thereof, be discharged from that duty, and that the House be put into a Committee of the whole presently, to take the said Bill into consideration.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

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

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

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 without any amendment.

A Message was brought from the Assembly, by Mr. Fisher, that the Assembly had agreed to the amendments made by this House to the Bill to improve the Law relating to the Election of Representatives to serve in the General Assembly.

The Select Committee appointed to examine the Contingencies of this House, beg leave to report, that they have attended to that duty, and find that they amount to the sum of five hundred and fifty eight pounds four shillings, the several accounts forming this aggregate are satisfactory, and they recommend the same to be allowed.

Respectfully submitted.

GEORGE F. STREET, *Chairman.*

RESOLVED, That the Contingent expenses of this House for the present Session amounts to the sum of five hundred and fifty eight pounds four shillings.

A Message was brought from the Assembly, by Mr. Fisher, that the Assembly had agreed to the amendments made by this House to the Bill in addition to and in amendment of the Law of Bankruptcy.

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

MONDAY, 10th April, 1843.

PRESENT :

THE HON.

*Mr. Black,  
Mr. Cunard,  
Mr. Robinson,  
Mr. Attorney General,  
Mr. Street,  
Mr. Hatch,  
Mr. Johnston.*

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

The Honorable Mr. Black sat President.

PRAYERS.

Pursuant to the Order of the Day, the Bill to provide for opening and repairing  
Roads

Roads and erecting Bridges throughout the Province, was read a third time and passed.

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

On motion—

The House was put into a Committee of the whole to take into consideration the Bill relating to Elections in the County of Gloucester.

The Honorable Mr. Shore took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone into consideration of the said Bill, and recommended that the further consideration of the 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.

The Honorable Mr. Baillie, from the Select Committee to whom was referred the Petition of the Mayor, Aldermen and Commonalty of the City of Saint John, praying for the guarantee of a Loan by the Province to be obtained by the said Corporation, presented a report.

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

The Committee to whom was referred the Petition of the Mayor, Aldermen and Commonalty of the City of Saint John, praying for the guarantee of a Loan by the Province to be obtained by the said Corporation, accompanied with Schedules and other information respecting the property and means of the Corporation, beg leave to report, that they have examined the statements and facts detailed in such Petition and other Documents, and are satisfied with the general correctness of the same, and are of opinion that the Corporation are the proprietors of a very extensive and valuable property, consisting of both real and personal estate yielding a good and encreasing Revenue.

Your Committee cannot doubt that the revival of Trade, and more especially the late settlement of the Boundary Question, with the amendment of the City Charter during this Session of the General Assembly, admitting within the City Foreign Capital and Enterprize, will have a most beneficial effect on the future prosperity of the City of Saint John, and render their property extremely valuable, by which your Committee trust the Corporation may have it in their power to obtain a Loan on favorable terms, and preserve their property from being ultimately sacrificed.

All which is respectfully submitted.

THOS. BAILLIE, *Chairman.*

*Committee Room, 10th April, 1843.*

On motion made and seconded,

RESOLVED, That it is expedient that a Committee of two Members be appointed to take into consideration and report on the subject of reporting the Debates of this House.

ORDERED, That the Honorable Messieurs Saunders and Kinnear do compose the Committee.

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

H\*

TUESDAY,

TUESDAY, 11th April, 1843.

PRESENT :

THE HON.

*Mr. Black,*  
*Mr. Baillie,*  
*Mr. Allanshaw,*  
*Mr. Saunders,*  
*Mr. Lee,*  
*Mr. Johnston.*

*Mr. Shore,*  
*Mr. Cunard,*  
*Mr. Robinson,*  
*Mr. Attorney General,*  
*Mr. Kinnear,*

The Honorable Mr. Black sat President.

PRAYERS.

A Message was brought from the Assembly, by Mr. Hazen, with the following Resolutions of Appropriation dated the 4th day of March, to which they desire the concurrence of this House :—

“ *Resolved*, That there be granted to the Postmaster at Fredericton, the sum of two hundred and fifty two pounds and four pence, for Postages of the Legislature during the present Session.

“ To the Clerk of the House of Assembly, the sum of two thousand and thirty two pounds ten shillings and nine pence, for the Contingent expenses of the present Session.”

The said Resolutions being read, were concurred in by the House.

ORDERED, That the Master in Chancery do go down to the Assembly, and acquaint that House thereof.

A Message was brought from the Assembly, by Mr. Scoullar, 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 Honorable Mr. Kinnear, from the Committee appointed to report upon the subject of reporting the Debates of this House, presented a report.

ORDERED, That the report be received.

And the same was read by the Clerk as follows:—

The Committee to whom was referred the subject of reporting the Debates of the Legislative Council, have attended to that duty, and beg to report—

That in the opinion of the Committee, something more is necessary for the purpose of conveying information as to the proceedings of the Council, than the publication of their Journals ;

That in a branch of the Legislature where every important measure must have the fullest consideration equally with the more popular branch, it is reasonable to assume that



that the views and opinions of the Legislative Council on subjects connected with the well being of the whole community, should have a salutary influence and bearing on the public mind ;

That for the purpose of affording a faithful representation of the discussions which take place in the Council on the various measures which call for their attention, your Committee are of opinion it would be proper to have their Debates regularly reported, and that the Library Committee of the Council be instructed to confer with the Library Committee of the House of Assembly on the opening of each Session on the subject, and make arrangements for the same.

All which is respectfully submitted.

W. B. KINNEAR, *Chairman.*

*Committee Room, 11th April, 1843.*

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 appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province :

An Act to appropriate a part of the Public Revenue for the Services therein mentioned :

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province :

An Act to authorize the Justices of the Peace for the County of York to regulate the Assize of Bread in the Town of Fredericton :

An Act to authorize the Justices of the Peace for the County of York to levy an assessment to pay off the County Debt :

An Act to repeal so much of an Act made and passed in the ninth year of the Reign of His Majesty George the Fourth, intituled "An Act to lay a Tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews," as relates to the owners of Dogs residing on the Commons and Glebe in the Parish of Saint Andrews :

An Act to authorize the Justices of the Peace for the County of Sunbury to levy an assessment on certain Parishes within said County, to pay off a Debt due from those Parishes :

An Act to authorize the Justices of the Peace in the several Counties to make Rules and Regulations for the Public Wharfs and Landings in their respective Counties :

An Act 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 in lieu thereof :

An Act to exempt members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County Duties :

An Act to provide for the expenses of the Speaker and Members of the House of Assembly, when attending the General Assembly : An

An Act to amend the Act to regulate proceedings before Justices of the Peace in Civil Suits :

An Act to enlarge, confirm and establish the bounds of the Provincial Penitentiary :

An Act to authorize the Justices of the Peace in and for the County of Carleton to extend the Gaol Limits of the said County :

An Act to repeal an Act, intituled " An Act relating to the Market in Fredericton," and to make other provisions relating thereto :

An Act to provide for the repair of Streets and Highways in Fredericton :

An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton :

An Act to provide for the greater safety of Passengers on board of Steam Boats :

An Act to authorize the Justices of the Peace in the several Counties of this Province to make regulations for the Markets :

An Act to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the inhabitants thereof for a loss sustained by William Kilpatrick, in consequence of the Fire in Portland, in August, in the year one thousand eight hundred and forty one :

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

An Act to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the inhabitants thereof for a loss sustained by Angus M'Affee, in consequence of the Fire in Portland, in August, in the year one thousand eight hundred and forty one :

An Act to amend the Laws now in force relating to Highways :

An Act to amend the Laws now in force relating to Trespasses :

An Act relating to the Clerk of the Pleas :

An Act to continue an Act, intituled " An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter :"

An Act in further amendment of the Criminal Law :

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled " An Act further to amend the Law relating to Offences against the Person :"

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled " An Act to amend the Law relating to Burglary :"

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled " An Act to amend the Law relating to Robbery :"

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled " An Act to amend the Laws relating to burning or destroying Buildings and Ships :"

An Act to amend an Act, intituled " An Act to provide for the collection of the Revenue of this Province :"

An Act to amend the Law relating to the Practice in the Inferior Courts of Common Pleas, and to render the same uniform in the several Counties :

An Act to amend an Act for granting Patents for useful Inventions :

An

An Act for the amendment of the Charter of the City of Saint John :

An Act to amend several Acts relating to the relief of Old Soldiers of the Revolutionary War, and their Widows :

An Act to establish a Register of Freemen of the City of Saint John, in lieu of the Register lately destroyed by fire :

An Act to revive and continue the Acts relating to Parish Schools :

An Act relating to the appointment of Special Constables :

An Act in addition to and in amendment of the Law of Bankruptcy :

An Act to improve the Law relating to the Election of Representatives to serve in the General Assembly—*(with a suspending clause)* :

An Act to repeal the several Acts now in force for establishing a Legal Tender in all payments to be made in this Province, and to make other provisions in lieu thereof—*(with a suspending clause)* :

An Act relating to the collection of Duty on Timber and other Lumber—*(with a suspending clause)* :

An Act to establish sundry regulations for the future disposal of Timber and other Lumber cut on Crown Lands—*(with a suspending clause)*.

And as regards the Bill, intituled—

An Act to incorporate the Arestook Boom Company ;

His Excellency was pleased to reserve the same for the consideration of Her Majesty.

His Excellency was then pleased to deliver the following Speech :—

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

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

“ The business of the Session having been brought to a termination, I am enabled to release you from your further attendance.

“ Although several important matters which have engaged your attention have necessarily been postponed, some measures of considerable interest to the Province, have, by your joint exertions, been accomplished.

“ At the opening of the Session I recommended to your especial attention the state of the Public Credit ; and it will afford me much satisfaction if the measures which you have taken to facilitate its revival, should prove effectual to that end.

“ The alterations you have made in the Laws relating to Insolvency, will facilitate the administration of them, and operate favorably upon Commercial Credit.

“ You have been judiciously guided by the principles of the English Statutes in amending the Criminal Law ; and also in the amendments made in the Election Laws, which will have a material effect in protecting the rights of the freeholders, and in promoting the public peace at Elections.

“ The revival, for a short period, of the Act for supporting Parish Schools, will afford time for devising a comprehensive plan for improving these important institutions,—in the efficiency of which, the interests of the rising generation are so deeply concerned.

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

“ I thank you for the Supplies you have granted for the Public Service, and for the means

means you have provided in aid of the ordinary Revenues to meet the liabilities of the Province,—in the due application of which, I feel every assurance that the Government will be entitled to confidence.

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

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

“ The situation of the Province, after the severe trials to which it has been exposed, during the last two years, and which I regret to think are not yet surmounted, will continue to require the fostering care and attention of the Government. Looking to the calamities which have fallen on other countries, we have abundant cause for thankfulness ; and I rely on receiving that support from you, in your several relations, which will enable me to give effect to the exertions of a loyal people, in regaining their prosperity.”

After which, the President of the Council, the Honorable Mr. Black, by His Excellency's command, declared the General Assembly to be prorogued until the last Tuesday in June next.

WILLIAM TYNG PETERS, *Clerk.*

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# APPENDIX.

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## No. 1.

[See Journal 8th February, 1843.]

(Copy.)—No. 31.

*Downing Street, 27th August, 1842.*

SIR,—I enclose herewith for your information and guidance the Copy of Instructions about to be issued by the Post Master General to his Deputies in British North America, for the future regulation of the patronage of the Colonial Post Office Department.

I have, &c.

(Signed)

STANLEY.

Lt. Governor Sir Wm. M. G. Colebrooke, &c. &c. &c.

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(Copy.)

*General Post Office, August 1842.*

SIR,—I am directed by the Post Master General to state, that after a careful perusal of the Reports of the Commissioners of Enquiry into the Post Offices of British North America, his Lordship has come to the conclusion, that the period is now arrived at which it will be expedient to place in the hands of the Officer Administering the Government of Her Majesty's Provinces in that quarter, under certain limitations, the patronage hitherto exercised by yourself as Deputy Post Master General under His Lordship's authority, in Canada, Nova Scotia, New Brunswick, and Prince Edward's Island, and that having communicated with the Lords of the Treasury on the subject, their Lordships have concurred in the arrangement.

It is accordingly to be understood for the future, that all first appointments, excepting the situations of Deputy Post Master General, Accountant, and Surveyor's Clerks, should it be found necessary to appoint them, the privilege of nominating to which, will still be retained by the Post Master General, will be vested in the Governor or Lieutenant Governor of the Province, but that the promotions will still be made by you, subject, however, to the confirmation of the Postmaster General, to whom each case must be reported as it occurs.

With reference to the term "first appointments" it must be understood, that under this head are classed the appointments of Clerks upon their first entrance into the service, all Postmasters and Way Office Keepers, as well as those of all Conductors, Guards, Messengers, Porters, Letter Carriers, Stampers, and Office Keepers, those of the Deputy Post Master General, Accountant and Surveyors, and their Clerks, if appointed hereafter, to which I have above alluded, being the only exceptions; Couriers, too, who are paid by fixed salaries where the service is not put up to Public competition,

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competition, as Mail Contractors and Riding Work Contracts are in this Country, are to be regarded in the same light.

The regulations to be observed with respect to promotion are founded upon the same principles as those in use in this Country, which are as follows:—

Each Department must be considered as a separate Establishment, whether it be the Office of the Deputy Post Master General, that of the Accountant, or of the Chief, or other Post Office of the Province. A Clerk, therefore, in your own Office, should not be removed into the Accountant's Office if a vacancy occurred there, but the vacancy in the Office of the Accountant should remain at the disposal of the Governor, the appointment to be filled up being that of the Junior, the other Officers being promoted by you, if properly qualified for the situation.

If those next in succession are not properly qualified, the Deputy Postmaster General for the time being will be required to give in to the Governor or Lieutenant Governor, the names of the two or three other parties in other Departments who are properly qualified, when the vacancy will of necessity take place in that Office from which the individual qualified has been promoted.

It must be also clearly understood that the Deputy Post Master General will not hereafter be entitled to promote a Postmaster from an inferior to a superior Postmastership.

When a vacancy occurs therefore in a Postmastership at any particular place, the Governor or Lieutenant Governor, as the case may be, will appoint a new Postmaster at that place where the particular vacancy has arisen, and should a person already acting as a Postmaster whether in the same or another Province be appointed to the vacant office, the vacancy occasioned by such a proceeding will be filled up by the Governor or Lieutenant Governor of the Province in which the vacancy occasioned by the recent appointment may exist.

As Clerks form a distinct class, if a vacancy arises amongst them, application must be made to the Governor for another Clerk as a successor, as the vacancy must not be filled up by the Deputy Post Master General from the Stampers or Letter Carriers.

Stampers and Letter Carriers will be considered as forming a separate class, the Deputy Postmaster General therefore may promote Letter Carriers to the situation of Stampers; in such cases the vacancy to be filled up by the Provincial Authorities will be the situations of Letter Carriers.

To protect the Department as far as possible against the appointment of incompetent persons, a certificate must be given by the head of the Office at the expiration of three months that the individual nominated is qualified to fill his situation; the term may however be extended to six months, at the pleasure of the Deputy Postmaster General.

A Bond must also be required upon the appointment of every person whatever may be the situation; the amount of which, however, will be fixed by the Postmaster General in England, who will consult the Governor of the Province as to the sum which may be most consistent with the customs and feelings of the Country.

To enable you to carry out these regulations, I herewith enclose copies of the forms used in this Department.

Form No. 1, to be filled up by the various Postmasters throughout Canada, Nova Scotia, New Brunswick, and Prince Edward's Island, upon the occurrence of a vacancy  
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in the situations of the Clerks, Conductors, Messengers, Stampers, Letter Carriers, Foot Passengers, Couriers, Guards, &c. connected with their Office, and which must be transmitted by them to you immediately the situation falls vacant.

Form No. 2, being a report of the vacancies of Clerks, Letter Carriers, Runners, &c. as well in your own department as throughout Canada, Nova Scotia, New Brunswick, and Prince Edward's Island, and which must be filled up by you weekly, and forwarded to the Governor or Lieutenant Governor.

Form No. 3, being a report of the vacancies of all Postmasterships and Receiver-ships throughout Canada, Nova Scotia, New Brunswick, and Prince Edward's Island, to be dealt with in the same manner as the preceding form.

### No. 2.

[See Journal 13th February, 1843.]

(Copy.)—No. 70.

*Downing Street, 8th June, 1842.*

SIR,—Among the series of Acts passed by the Legislature of New Brunswick during their Session of 1841, was one (No. 1372) for incorporating the Westmorland Mining Company.

This Act incorporates a Company for the working of Mines, with a proposed capital of only £25,000, in 1000 shares of £25 each, of which only 25 per cent is required to be paid up within 3 years of the passing of the Act.

According to the present practice of Legislation in this Country, and the course of proceedings adopted by Her Majesty's Government, the privilege of incorporation would not be granted to this Company either by Act of Parliament or by Charter, inasmuch as neither the purpose of the Company nor the amount of capital required is such as to render a large association of persons necessary for carrying it into effect. I am not however prepared to state that in the Province of New Brunswick, which is but thinly peopled, and has but a limited supply of capital, the rule should be acted upon so strictly as in this Country. But in the Act now under consideration, I perceive the absence of all regulations for the management of the affairs of the Incorporation and of all provisions enabling its creditors to have a remedy against the individual Shareholders to the extent of the capital subscribed for but not paid up.

These omissions however have so little relation to the general interests of the public, that it has not been thought necessary on their account to withhold the Royal Assent from this Act, but on the contrary, Her Majesty has been pleased to confirm it, leaving it to the Provincial Legislature to lay down some general rules, either by way of enactment, or as standing orders, applicable to Acts incorporating Trading and other Companies.

I enclose an order passed by Her Majesty in Council on the 3rd instant, leaving the Act in question to its operation; as also the Atlantic Assurance Company Act, No. 1373.

I am, &c.,

(Signed)

STANLEY.

Major General Sir Wm. Colborne, &c. &c.

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[No. 95.]

*Extract of a Despatch from Lord Stanley to Sir Wm. Colebrooke, Dated Downing Street, 27th August, 1842.*

I have had under my consideration the Act (No. 1388,) of the Legislature of New Brunswick, transmitted in your Despatch No. 57, of the 27th May last, entitled "An Act relating to the Mines and Minerals in the County of Gloucester."

The operation of this Act being suspended for the signification of Her Majesty's pleasure, you advise that it should be confirmed, because it is desirable to encourage persons employing capital in the developement of the natural resources of the Province. Fully acceding to the accuracy of that general opinion, I yet cannot but regard as open to serious doubt the applicability of it to the present case.

The object of this Act is to set aside in favor of Mr. Wm. Stevens, one of the most important provisions of the Provincial Statute, 8 Geo. 4, Cap. 1, Sec. 5, for the support of the Civil Government of New Brunswick. By that Section it is provided that any Grant, Lease, or assurance of any description of Crown property, unless made upon sale or rent to the highest bidder at a Public Auction shall be utterly void and of no effect. It is obviously of great importance to adhere with the utmost possible strictness to this enactment; no exception should be admitted unless the most conclusive grounds can be alleged in support of it. In the present case it therefore remains to enquire what are the grounds on which the proposed exception proceeds.

Stevens bought the right of exploring for five years, an entire County in New Brunswick, in order that he might discover the measures best suited for his Mining operations. These operations were then to be carried on for a period of fifty years. But the five years of exploration having nearly terminated, and Stevens having been disappointed as to the result of his experiments in different places, petitioned the Legislature to prevent the right of Exploring and Mining in any part of that County from being again put up at Auction. His apprehension was that in the event of any such Auction taking place he would be ousted by other projectors. To this application the Local Legislature have assented and have passed the present Act, by which the original term of the exclusive right of exploration has been enlarged from five years to ten.

It appears to me difficult, if not impossible, to distinguish the case of Mr. Stevens from that of any other person, who having purchased the territorial rights of the Crown at Auction may have been disappointed in the hopes with which they made such purchases. He miscalculated the benefit to be derived from his Contract; but if in his case such a miscalculation entitles him to an indemnity at the Public expense, on what principle could a similar indulgence be refused to any other purchaser who had engaged in an unsuccessful speculation; the hopes of the buyers whether well or ill founded would thus virtually be made the measure of their claims, and no Contract could be considered as final until it had been first ascertained whether the expectations of the purchaser had been fulfilled or not.

Further, it must be remembered that the exclusive privilege of exploration was sold for five years, and it may reasonably be concluded, that the shortness of the term deterred and prevented an effective competition which might have been raised at the Auction, could it have been then foreseen that this comparatively short time would afterwards



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afterwards be doubled by an Act of the Legislature ; consequently the Public Treasury would by the present Act be deprived of the advantage of a real and fair competition for the property in question.

With regard to the advantage of promoting the application of capital to Mining in New Brunswick, the following dilemma would seem inevitable : either there are or are not persons ready to compete with Stevens at a new Auction for the sale of this privilege. If there are such persons, the advantage in question will be secured as fully by adhering to the existing Law as by making the proposed gratuitous donation to him. If there are not such persons, then by adhering to the existing Law he will sustain no prejudice, and a public principle of great importance will be maintained inviolate.

To these objections to this Act your Despatch furnishes no answer, and of course I cannot but attach so much weight to the authority of the local Legislature in favor of the measure as to distrust any conclusions of my own when opposed to it. But so considerable would appear the weight of the difficulties which I have stated, that I have thought it right to postpone submitting any advice to the Queen as to the manner in which this Act should be disposed of, until I shall be in possession of your answer to this Despatch.

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[No. 92.]

*Fredericton, N. B. 30th September, 1842.*

MY LORD,—In pursuance of the instructions contained in Your Lordship's Despatch, No. 95, dated August 27th, I communicated it to the Executive Council at a late meeting of the Board, and having taken it into consideration, I have the honor to report the result of their opinions and my own on the subject.

The great difficulty experienced in regard to the various Bills of a local nature which have received the support of the Council and Assembly, has been the passing of them on the direct application of the parties to the Assembly, and on information exclusively of a private nature, the Government not possessing the means of pursuing such enquiries as would have enabled it to form an accurate judgment of the case. Where Lands were applied for they were laid out by marking the boundaries generally, and described with reference to their situation and the timber growing on them, &c., and latterly Leases of the Coal Mines have been disposed of, but the search for Metals did not till lately attract much attention.

A Geological Survey of the Province was undertaken by Dr. Gesner in 1838, under annual grants of the Assembly, which were discontinued in the last Session ; and as he had not examined the Northern Districts of the Province, I directed him during his recent exploration of the Restigouche River, cursorily to examine the Mines of the County of Gloucester, and his Report, of which I enclose a copy, is the first authentic information I have obtained on the subject.

The Act relating to Mines and Minerals in the County of Gloucester, was passed under the representations made by Mr. Stevens, of the necessary expenses he had fruitlessly incurred during the first five years in which he held the exclusive privilege of Mining in that District, and although it was not likely that he would have been exposed to competition at a public sale of the privilege, he seems to have considered that

that the passing of a local Act would enable him to raise the capital required in his future operations with greater facility than he could otherwise do.

As the Act under which he now enjoys these privileges will have expired before the one now under consideration could come into operation, the Executive Council concur with me in thinking, under all the circumstances of the case, that it would not now be desirable to renew it. From the Report of Dr. Gesner, I am led to form a high opinion of the mineral wealth of the District, which I hope in the next year may be fully explored; and if it should be found advisable to offer the same privileges at public sale or subject to limitations, Mr. Stevens will doubtless be able to purchase them on terms that would be fair and reasonable. In the mean time, he has secured the exclusive privilege of working the Manganese Mine, which he has successfully opened. To Dr. Gesner, the Province is already indebted, for drawing attention to the value of its Coal fields and its quarries of Granite and Lime Stone; and if the Assembly should appreciate the advantage of completing his Geological Survey of the Province, it may not be necessary to depend on individual speculators for discovering the resources of the Province; and the privilege of working Metallic Mines as well as those of Coal, will be readily purchased by them when their existence has been ascertained.

Leases of the privilege of Mining within the limits of four square miles have been sold in the Southern Coal District.

I have, &c.,

(Signed)

W. M. G. COLEBROOKE.

Right Honorable Lord Stanley.

*To His Excellency Sir William Macbean George Colebrooke, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,—

I beg leave to submit the following remarks on the Mines of Gloucester in compliance with Your Excellency's instructions.

About five years ago the Gloucester Mining Association obtained from the Provincial Government a Lease of all such Mines and Minerals as they could discover and work during the term of five years, in the County of Gloucester, which County has since been divided, and now forms the Counties of Gloucester and Restigouche. The Lease extends to the term of fifty years; five years were allowed for discovery and the opening of Mines.

The five years allowed for exploration have nearly expired. During that time the Association has spent much labour and money in searching for Copper Ore at the mouth of the Big Nepisiquit River, and in boring for Coal eighteen miles below Bathurst, at a place called the Capes.

In both of these enterprises the Corporation has been unsuccessful, notwithstanding the great perseverance of their Agent, Mr. William Stevens.

In searching for a lode of Copper on the Tettegouche River, an Ore of Manganese was discovered two years ago. As the Ore is of a superior quality and will probably be found abundant, the attention of the Association has been directed to it, and while a further search for Copper is still going on, the Mine of Manganese has been opened and is now worked.

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This Mine is situated eight miles from Bathurst, on the east bank of the Tettegouche River, where the Ore is obtained by striking levels into the side of a cliff one hundred and fifty feet high. At this spot there is a fall in the River twenty five feet, and the water has been ingeniously turned to propel powerful machinery, which is now used in breaking and cleaning the Manganese.

A considerable quantity of Ore has been sent to England where the price is from ten to twelve pounds sterling, per ton. About one hundred tons are now ready to be shipped.

Copper and Lead Ores have also been found in different parts of the County of Restigouche and Gloucester, but at present neither of those Ores are worked.

The outlay of the Association has been made in searching for Copper, by striking levels, boring for Coal, making a road to the Tettegouche Mine, eight miles, and in erecting machinery for cleaning the Ore, and other Mining purposes at the Falls.

The Association also sent out Mr. Henwood, an excellent Geologist, to examine a part of the district.

I am of the opinion that the Association has expended fifteen thousand pounds in Mining and other operations, for which they have as yet received but a very small return. Their enterprize is deserving the highest credit, and they have already greatly contributed to the improvement of this part of the country.

The County of Gloucester is evidently one of the best Mining districts in the Province. The Granite and older slates are here in contact, and the principal rocky deposits resemble those of Cornwall in England. Copper, Lead, Manganese, Iron and Coal have already been found, and it is probable that future discoveries will be made which will be generally advantageous to the Province.

I have the honor to be,

Your Excellency's most obedient humble servant,

A. GESNER, *Provincial Geologist.*

*Fredericton, 29th September, 1842.*

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### No. 3.

[See Journal 13th February, 1843.]

*Downing Street, 17th May, 1842.*

SIR,—Her Majesty's Government having had under their consideration the representations on the subject of the projected alterations of the Import Duties, both in the United Kingdom and in the Colonies, from the Legislature of New Brunswick, as well as from various bodies interested in the Trade of the Province, which accompanies your Despatches of the numbers and dates in the margin,\* I now proceed to explain to you, for the information of the parties interested, the conclusion to which Her Majesty's Ministers have come in reference to those representations.

Her Majesty's Government cannot but regret the unfavourable apprehensions which are entertained by the Petitioners as to the probable effect of these measures, and in which

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\*No. 27, March 29; No. 28, March 11; No. 30, March 30; No. 31, March 30; No. 32, March 30; No. 34, March 30; No. 35, March 30.

which to some extent you appear to participate ; but they trust that a closer examination of the changes which are proposed, will lead to a more favourable estimate of their probable results ; and although I do not feel called upon, on the part of the Government, to enter into a detailed and argumentative exposition of the subject, I am nevertheless induced to hope that the general observations which I propose to make may be found useful in removing erroneous impressions and allaying exaggerated fears.

The contemplated changes in the Imperial and Colonial Tariffs appear to affect New Brunswick in three and only three important particulars, viz : The Trade in Wood with the West Indies—the Trade in Fish with the West Indies—and the Trade in Wood with the United Kingdom. With respect to the Trade in Wood with the West Indies, I admit that possibly some falling off may take place in the export of Shingles, Staves and Headings to the West Indies, but these appear to form a very inconsiderable portion of the New Brunswick Wood Trade, as appears from the following Table :—

Value of Exports of Wood Goods from New Brunswick in the years—			
	1837.	1836.	1835.
Shingles and Staves,	£22,279	£21,195	£20,336
Total Exports of Wood Goods,	£454,391	£454,236	£478,453

The remainder of the Wood Exports from New Brunswick, as derived from information which I have no reason to doubt, is not likely to be affected by the competition of the United States, who are themselves obliged to resort to New Brunswick and Canada for this commodity, and who, from the gradual diminution of their own Timber, will become more and more dependent upon the British North American Provinces for their supplies.

With respect to the Trade in Fish with the West Indies, although Her Majesty's Government have, with a view to satisfy the just claims of the West Indian population, recommended the substitution of a Duty upon Fish in lieu of the present prohibition, yet in fixing that rate of Duty, regard has been had to the protection and encouragement of the British North American Fisheries, as well on account of their importance as a nursery for Seamen, as also, because of the monopoly hitherto enjoyed by British North American Colonists ; an abrupt transition from which into an unprotected competition might lead to much individual loss and inconvenience.

In estimating however the comparative facilities of the United States and New Brunswick for carrying on Fisheries, I do not believe any thing either in reference to the proximity of the fishing grounds, the cost of building or fitting out ships, the ordinary rate of wages, or the aptitude of the people for this species of employment, which would lead to the supposition that the United States have any superior advantages over New Brunswick, or that the proposed protection of 15 per cent is not amply sufficient, or that there are any other circumstances which would call for a larger increase of protection to the British North American Fishermen than is accorded to other branches of the industry of those Colonies.

I am aware that in the United States and in France, high Duties are imposed upon the produce of the Fisheries of this Country, and that the system of bounties is still kept up with a view to the support of their own Fisheries.

Her Majesty's Government however conceive that those high Duties must be deemed to be an admission on the part of the Countries imposing them, that they are themselves

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themselves apprehensive of the competition of the British Fishermen in their own markets; and it has been stated by parties who have urged upon the Government the adoption of a higher rate of protection to the British Fisheries, that such apprehensions are actually entertained. If there be any ground for such apprehensions, there can be little cause for the Petitioners to fear lest Foreign Fish would to any serious extent compete with British Fish in the West India Markets, protected as it will be by the proposed Duty, and notwithstanding the privilege in the nature of a bounty or protection proposed to be continued to the British Fisheries of importing Duty free the principal articles required for their employment.

With respect to the Wood Trade with the United Kingdom, I perceive that whilst the Petitioners have dwelt upon those portions of the proposed changes which they conceive to be unfavorable to the Colony, namely, the diminution of the difference between the Duties imposed upon Baltic and British North American Timber, they have omitted to notice the reduction (amounting very nearly to abolition) of the Duty upon Colonial Timber, which will necessarily give increased facilities to the importation of this article into this Country, and by admitting of a reduction of price in respect of the reduced Duty, will tend to increase the consumption and thus cause a reaction upon the price favorable to the Importer and keep up or increase the employment for the shipping engaged in this branch of Commerce.

The advantage of this will be more especially felt in that class of Wood which is more peculiarly the produce of British North America, the Yellow Deal, and which in fact meets with no very effective competition from the Baltic Timber, in consequence of being applied to different purposes, for which the Yellow Pine of New Brunswick is preferred, both from its superior fitness and its lower price to the consumer.

Her Majesty's Government considers also that the addition of 2s. per 50 cubic feet on Foreign Deals to the Duty of 36s. as at first proposed, and the five per cent additional Duty to which Timber will be liable, and which although inappreciable upon the Colonial Duty, amounts to 1s. 6d. per 50 cubic feet upon Foreign Timber, should not be lost sight of in the endeavour to form a just estimate of the Tariff proposed to Parliament.

If the Petitioners give due weight to these considerations, Her Majesty's Government trust that they will eventually be of opinion, that whilst the alterations in the Timber Duties will be found of very great advantage to the consumer in this Country, the Timber Trade will, so far from declining, be placed in a more sound condition and with greater prospects of increase than under the existing Tariff.

It is moreover not immaterial to observe, that whilst the Forests of the British North American Provinces are as yet unexhausted, and to a great extent untouched, the great demand which has for a series of years existed for the Fir Timber of the Forests on the Continent of Europe, particularly of Poland, has led to a material diminution of the supplies to be obtained in the immediate vicinity of the great navigable rivers, and that consequently it is becoming gradually necessary to derive them from the most distant points, thereby increasing the cost of bringing them to the point of shipment, and thus tending to create an additional demand for the cheaper article imported from British America.

With these views and anticipations, Her Majesty's Government cannot participate  
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in the fears expressed by the Petitioners in reference to the apprehended loss of value in wharves, mills and other similar establishments in the Colony, the want of employment of their labouring population, the decline of the Maritime Commerce, or the injury to the general welfare of the Colony.

Her Majesty's Government are disposed to believe that these apprehensions are founded upon estimates of the probable prices of Timber drawn from the prices of that article at the present moment, which are unusually low, in consequence of the depression of the Timber Trade, owing to general causes; and they venture to hope that the proposed opening of the British Ports to Foreign and Colonial produce generally, at much lower Duties than heretofore, will materially tend to revive all branches of Manufacturing and Commercial industry; and that the Timber Trade will not only participate in that revival itself, but derive collateral advantages from it, both as respects price and demand.

I would in conclusion, remark, that the measures contemplated for the encouragement of various articles of the Agricultural produce of the British Colonies, if passed into a Law, may be expected at no distant time to become of increasing importance and value to the growing population of New Brunswick, whose industry cannot permanently continue to be so exclusively applied to the business of Lumbering as at the present moment.

I have, &c.

(Signed)

STANLEY.

Lt. Governor Sir W. M. G. Colebrooke, K. H., &c. &c. &c.

(Copy.)

*Downing Street, 17th August, 1842.*

SIR,—I transmit to you herewith an Act of Parliament 5th and 6th Victoria, c. 49, which received the assent of the Crown on the 16th ultimo, entitled "An Act to amend the Laws for the regulation of the Trade of the British Possessions abroad," and I have to request that you will take the first opportunity of communicating copies of this Act to the Provincial Legislature of Canada.

Her Majesty's Government having undertaken soon after their accession to office the revision of the Laws by which the Commerce of the United Kingdom is governed, felt it to be their duty to consider with equal care the regulations bearing upon the Trade of the Colonies, and having in view the experience which has now been obtained of the Legislation promoted by the late Mr. Huskisson and some of his successors in office, and being satisfied with its results, their object has been to give fuller effect to the spirit in which that Legislation was conceived. They have applied themselves, therefore, to remove restrictions upon Colonial industry, to bring the provisions of the Imperial Law more and more into accordance with the spirit of the declaratory Act of 1778, and to afford new practical recognitions of the principle of equality and impartiality in the dealings of the Imperial Legislature with the Colonial Possessions of the Crown. The Act now sent to you is the first of these endeavours, and I trust that the Legislature and the inhabitants of Canada will find in it enactments calculated to be of essential advantage to their Commerce, and to afford them relief as consumers of imported goods.

I do not propose to recapitulate the substance of the Act in all its provisions, but I wish to call your attention in the first place to the repeal of the Duties under the Acts 4 G. 3, c. 15; 6 G. 3, c. 52; 14 G. 3, c. 88, on Pimento, Molasses, Wines and Spirits, respectively.

I trust that in the repeal of these Duties the Legislature will perceive and appreciate the desire of Her Majesty's Government to maintain the principle of the Declaratory Act already alluded to, and to confine the enactments of the Imperial Legislature, even as respects the imposition of Import Duties, within the narrowest limits which are compatible with the due regulation of the Commercial interests of the Empire at large. I am desirous also to bring under your notice a comparison of the Table of Prohibitions, Duties and Exemptions in the 4th and 7th Sections, with those of the Possession's Act, applying to the like Articles.

You will observe that the ad valorem Duties on Foreign Glass and Silk Manufactures are reduced from 20 and 30 per cent. respectively, to 15 per cent.; those on Foreign Linen, Leather, and Paper Manufactures, and on Clocks and Watches, from 30 to 7 per cent.; those on Foreign Cotton Manufactures, Tobacco and Soap, from 20 to 7 per cent.; and those on unenumerated Articles from 15 to 4 per cent.; whilst Salt Fish of Foreign taking or curing, instead of being prohibited, is admitted at a Duty of 27 per cent.; Foreign Oil, Blubber, Fins and Skins, also prohibited under the previous Act, are admitted on a Duty of 15 per cent. ad valorem; Cocoa, that was charged 5s per Cwt. is admitted at 1s, and the prohibitions and restrictions which were applied to the importation of Tea, otherwise than from the United Kingdom, or from British Possessions, or under certain specified conditions, are exchanged for a Duty of 1d per pound.

Her Majesty's Government are sensible that objections may be raised in Canada and New Brunswick to the provisions of this Act in reference to the important article of Foreign Lumber, as tending to injure them in supplying the West Indies with one of their staple exports. Her Majesty's Government earnestly trust that such may not be the unfavorable result of the recent Legislation. Having regard to the fact that the United States are themselves compelled to resort largely to the British Provinces for a supply of Wood, it is not hazarding too much to state that the exemptions of Foreign Lumber from Duty does not appear likely to injure the British North American Trade in this article with the West Indies.

The Duties of 5s per barrel upon Foreign Wheat Flour, and 12s per Cwt. on Foreign salted or cured Meat, which were imposed by the Possessions Act, were attended with this peculiarity, that they did not extend to Canada where Wheat Flour and Salted Provisions were altogether exempt from Duty. The object of granting this exemption to Canada, was to draw this species of produce from the North Western States of the Union down the River Saint Lawrence to the Atlantic. But these articles being imported into Canada, not for her own consumption, but for re-exportation to the West Indian and other Colonial Markets, the effect was to give Canada the benefit of a transit Trade at the expense of those Colonies. These Duties are now reduced to 2s per barrel in the case of Wheat Flour, and to 3s per Cwt. in the case of Meat; and to correct the unfair operation of the Law which I have described, the reduced Duties are extended to Canada equally with other Colonies, whilst at the same time, in the new measures for the regulation of the Trade of the

United Kingdom important advantages have been given to the Salted Provisions of Canada in the Markets at home, which it is hoped will fully counterbalance any supposed disadvantages arising from the other change.

Her Majesty's Government desire to observe, that under the 37th and 38th clauses of the British Possessions Act, 3 and 4 W. 4, c. 59, which are unrepealed by the Act of this Session, any articles may be entered at any frontier Port of Canada without payment of Duty, and may be delivered to be passed on to one of the Warehousing Ports under Bond for the due arrival and Warehousing of such goods at such Port. The existing exemptions would relieve parties from the observance of these regulations and from any charges attending their fulfilment in respect to the articles to which they apply. Her Majesty's Government however question whether these exemptions ought not to be extended to other articles besides Flour and Salt Meat; and they think that if the Saint Lawrence is really to compete with the Erie Canal, the freedom which it offers should extend to all articles embraced by the Export Trade of the Agricultural States of the West, and not merely to a selection from any of them.

If therefore it should appear of more importance to the inhabitants of Canada to retain, or to receive and extend the power of transmitting the produce of the United States, without the restrictions of the Bond now required, down the Saint Lawrence, than to enjoy the privilege of exporting their own produce to other British Colonies, with such advantage as the differential Duties imposed under the new Act may afford them, Her Majesty's Government have no desire to place the Commerce of Canada, by Imperial Legislation, under restrictions further than as they are required by a due regard to the equal rights of the inhabitants of the other Possessions of the Crown, and therefore they would readily consider the expediency of proposing to Parliament to remove the Duties now laid on the introduction of Flour, Salted Meat, and any other article of Agricultural produce into Canada, at the same time, however, placing the same articles when exported from Canada to other Colonies upon the footing with respect to Duty, of Foreign produce at the Custom Houses of those Colonies, and requiring proof of their Canadian origin as a condition of their privileged admission into this Country.

Her Majesty's Government are most willing, independently of the suggestion which has been just made, to entertain any plan for giving further facilities to the transit of the produce of the United States by way of the Saint Lawrence, in case it should be considered that a system of branding packages or any other mode would be more simple and satisfactory for the purposes of Commerce than a compliance with the provisions of the present Law.

It is necessary that I should here advert on the part of Her Majesty's Government, to the state of the Duties on the importation of Refined Sugar into Canada, as they will stand under the new Law, and the Act passed by the Provincial Legislature in its last Session for consolidating the Duties on Customs.

This latter Act imposes a Duty of 2d per pound on all Refined Sugar imported into the Province, the effect of which will be, to absorb altogether the impost laid by the Possessions Act of the 3rd and 4th William 4, upon Foreign Refined Sugar, and to place it upon an equal footing with Sugar Refined in England.

The present Law imposes a Duty of 10 per cent. ad valorem, which would probably be rated at 1d per pound on Sugar refined in Bond in England, when exported to the Colonies,



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Colonies, and a Duty of 20 per cent. ad valorem, on all Foreign Refined Sugar, and these Duties are to be charged over and above any Duty that may be leviable on the article by Colonial Act, irrespective of its origin.

The effect therefore of the enactment will be to give to the English Refiner in Bond, a *bona fide* advantage in the Canadian Market of  $\frac{1}{2}$ d per pound over his Foreign competitor by the mode of addition to the Colonial Duty which would probably raise it to the amount of  $2\frac{1}{2}$ d and 3d per pound in the two cases respectively.

Under these circumstances it appears to Her Majesty's Government to be a question for the Provincial Legislature to consider whether these Duties may not be greater than it may be desirable to place on the article, and if that should be their view, they may probably be disposed to reduce the Colonial Duty on all Refined Sugar from 2d to a smaller sum.

Her Majesty's Government further wish that the attention of the Legislature should be directed at its approaching meeting to the Law respecting the importation of Tea, as they are under the impression that it will be found advisable, with a view to the prevention of contraband Trade, to make a reduction of the Duty of 3d per pound now payable under the Provincial Act.

An additional Duty of 1d on Teas not imported from China into the United Kingdom, is chargeable under the new Law; but Her Majesty's Government are apprehensive that a charge so high as 4d per pound upon an article so portable, will prevent the advantage, which among others it is hoped to realize by the change now proposed, in putting a stop to the illicit introduction of Tea along the Canadian Frontier from the United States.

From a general review of the provisions of the Act which I am considering, it will be seen that the attention of Her Majesty's Government and Parliament has been directed not only to the relaxation of restrictions, but also to the removal of such indulgencies and exemptions in favor of some Colonies as rendered the Law unjust in its bearings upon others.

But whilst Her Majesty's Government have been anxious to correct every thing that was unequal in the operation of the Law, and to do what in them lay to relieve the Colonists from burthensome imposts, they are aware that considerations apart from any obligations imposed by Act of Parliament, may make it in some instances impossible for the Colonies to profit by the relief proposed for them. In particular Colonies the Revenue derived from some of the Duties imposed by the Possessions Act, or from Duties of similar amount otherwise imposed, may be indispensable as ways and means for carrying on the Public service. The degree to which the Colonial Revenues may or may not be affected by the changes of the Imperial Law, in particular cases, must be matter of much uncertainty until determined by experience, and it may be requisite, in some instances, to provide beforehand for a contingent deficiency, and perhaps to reimburse by local Acts a part or even the whole of the Duties now repealed; but if this should be necessary, the abolition of the Duties repealed by the present Act, and the substitution of the simple Tariff which it establishes, will enable the Colonial Legislature to frame a scale of Colonial Import Duties of a convenient character, and will relieve the Commerce of the Colony from the inconvenience which necessarily resulted to importers from the complex provisions and doubtful construction of the previous Imperial Acts. I have therefore to request, that you will invite the attention of the Legislature of Canada to the fiscal bearings of the present Act,

and

and acquaint them that in thus confining the operation of the Imperial Law to a narrower range, and enlarging the sphere of Colonial Legislation in matters of Commerce, Her Majesty's Government are assured that the local authorities will bring to that Legislation a judgment at once enlightened by local knowledge and guided by a just sense of what is due to the Public credit, and to the maintenance of a proper provision for the wants of the Public service. In inviting the attention of the Colonial Legislature to this important subject, you will bring under their especial notice the principle involved in the 10th Section of the present Act, by which you will observe, that the Duties thereby imposed are differential Duties in favor of the Produce and Manufactures of the United Kingdom and its Possessions; and that while the Colonial Legislatures are left at liberty to fix, subject to Her Majesty's approval, such rates of Duty on all Imports as they may think necessary for purposes of Revenue, the effect of the Section above referred to, is to maintain discriminating Duties in all cases, at least equal to the Duties imposed by this Act.

With a view to give time to the local Legislatures to make any arrangements which shall appear to them to be expedient previously to the commencement of the new Act, its operation is postponed by the first Section so far as the British Possessions in North America are concerned, to the 5th July, 1843.

I have, &c.

(Signed)

STANLEY.

Sir C. Bagot, &c. &c. &c.

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**No. 4.**

[See Journal 13th February, 1843.]

(Copy.)—No. 78.

*Downing Street, 27th June, 1842.*

SIR,—I transmit herewith the copy of a Letter from the Assistant Secretary of the Treasury with its enclosures, relative to the expenses incurred by Her Majesty's Consuls at the Havanna, and at Portland, in the United States, for the relief of distressed Seamen belonging to Vessels owned in Nova Scotia and New Brunswick.

As Her Majesty's Government are of opinion that the expense of affording succour to destitute Colonial Seamen should not be charged on the funds of this Kingdom, but should be defrayed from the Revenues of the Colony to which these Vessels may respectively belong, I have to instruct you, if there be no means of enforcing repayment by the owners, to apply to the Provincial Legislature for a grant to cover the amount expended in the relief of the men belonging to the Queen, of Saint John, New Brunswick.

I have, &c.

(Signed)

STANLEY.

His Excellency Sir Wm. Colebrooke, K. H. &c. &c. &c.

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*Fredericton, 23rd August, 1842.*

SIR,—In reply to your Note of yesterday, enclosing the copy of a Despatch from the Right Honorable Lord Stanley, Secretary of State for the Colonies, dated 27th June, 1842, on the subject of expenses "incurred in affording succour to destitute Colonial Seamen,

Seamen," I have to say, that I am not aware of any Colonial funds which can be applied to that purpose, and that it appears to me the same can only be furnished by the Colonial Legislature.

I have the honor, &c.

CHARLES J. PETERS, *Attorney General.*

The Hon. William F. Odell, &c. &c. &c.

(Copy.)

*Treasury Chambers, 16th June, 1842.*

SIR,—A Letter having been addressed to me by the Secretary of the Admiralty on the 23rd April last, relative to the expenses incurred by Her Majesty's Consul at Havana, an account of the Crew of the "London Packet," of Halifax, I am commanded by the Lords Commissioners of Her Majesty's Treasury, to transmit to you a copy thereof,—of its enclosures,—of the minute thereon,—and of a reply from Viscount Canning to the communication directed by that minute to be addressed to him.

I am further to transmit to you a copy of a subsequent Letter from the Secretary to the Admiralty, relative to the expenses incurred by Her Majesty's Consul at Portland, in the United States, in relieving the Crews of the "Globe," of Halifax, and of the "Queen," of Saint John, New Brunswick, as well as of a specification of the charges referred to in this last mentioned Letter, which has been obtained from the Lords of the Admiralty; and I am to request that you will submit these Documents to Lord Stanley, and move his Lordship to apply to the Governments of Nova Scotia and New Brunswick to repay the expenses incurred on account of the Crews of vessels appertaining to those Colonies, as suggested in Viscount Canning's Letter of the 24th ultimo.

I am, at the same time, desired to request you will point out to Lord Stanley, that their Lordships can discover nothing which could warrant the proceeding of Lord Falkland, in drawing the Bill upon the Consul at Havana, dated 30th April, 1841, which is referred to in the enclosures to Sir John Barrow's Letter of the 23rd of April, 1842, and had Her Majesty's Consul at Havana declined to accept that Bill, their Lordship's conceive that Lord Falkland would have been held personally liable for the charges usually attending the non-payment and return of a Bill.

I have, &c.

(Signed)

C. E. TREVELYAN.

James Stephen, Esq. &c. &c. &c.

*Admiralty, 23rd April, 1842.*

SIR,—I am commanded by my Lords Commissioners of the Admiralty to send you the enclosed Accounts of Her Majesty's Consul at Havana, by which it appears that he was paid £60 17 3 for the Crew of the "London Packet," of Halifax, and his own expenses in proceeding to Matanzas, where there is no resident Consul, to release from Prison the Mate of the "Stephen Binney," of Halifax, who had been improperly left there; and my Lords considering that the Naval Department is not liable to the charge, it being on account of a Colonial Vessel, I am to request you will move

the Lord's Commissioners of Her Majesty's Treasury to authorize payment thereof to the Paymaster General for Naval services, who has been requested to receive it.

I am, &c.

(Signed)

JNO. BARROW.

C. E. Trevelyan, Esq. &c. &c. &c.

\$303,1½—£59 7 7.

*Statement explanatory of the payments for the travelling expenses of British Subjects, forming the 4th Article of the Account Current.*

The London Packet, Captain Harvey, having been shipwrecked on the opposite side of this Island, I received the Crew on their arrival at the Havana, on board Her Majesty's ship Romney. The expense of the journey of the Crew across the Island was originally paid by Captain Harvey, and was not refunded by me at the time, neither was the passage of the Crew from hence to Halifax, on board the Blue Rose of Halifax, paid by me at the time. But Lord Falkland, the Governor of Nova Scotia, having paid this last item, and drawn on me for the amount, I thought myself bound to honor his Lordship's draft for the £44, which forms the Voucher, No. 27.

In like manner Captain Harvey, on his return to this Island, applied to me to refund him the \$60 he had paid for the travelling expenses of the Crew of the London Packet from Batabano to Havana, and I should be glad to know whether it is my duty to do so.

The item No. 2, \$13,4 is for refreshments for the Crew of the London Packet, on their arrival at Havana, for the portorage of their effects from the Rail Road, by which they arrived, to the wharf, and for boat hire from the wharf to the Romney.

The succeeding items are for payments arising out of the imprisonment at Matanzas, of James Armstrong, the Mate of the "Stephen Binney" of Halifax, Weddeford, Master, then at Matanzas, where there is no resident British Consul.

Having received a letter from the consignee, Mr. Burham, an American Merchant at Matanzas, announcing that Armstrong was to be left behind in prison at my disposal, I thought it my duty to proceed there in person to inquire into the circumstances, and having ascertained that there was no good reasons for Armstrong's imprisonment, I procured his liberation. But Weddeford having persisted in refusing to receive his Mate on board the "Stephen Binney," I brought him back with me to the Havana, and placed him on board the Romney, until an opportunity for his removal should present itself. The item No. 3, is for my own travelling expenses in going to Matanzas and in bringing Armstrong back, for the particulars of which, including various petty outlays, it was not possible to obtain vouchers. But for the item No. 4, the passage money of James Armstrong from hence to Halifax, a receipt will be found in the voucher, No. 28.

It appears to me, however, that the greater part of the items included in the present statement, may possibly be recoverable from the owners of the vessel in question; the expense in the one case having been occasioned by the shipwreck of the London Packet, which was probably insured, and in the other by the misconduct of Captain Weddeford, who has in consequence, I am informed, been removed from the command.

Payments

Payments referred to in the foregoing Statement:—

No. 1. Lord Falkland's Draft on me for £44 Sterling, paid on 23rd August, 1841, at the Exchange of 14 per cent premium, Voucher 27,.....	\$222,5½	Com. £46 5 1 1 3 2 £47 8 3
No. 2. Refreshments for the Crew of the London Packet,....	1,34	
No. 3. Consuls travelling expenses in going to Matanzas, releasing James Armstrong from Prison, and returning, including the removal of Armstrong with his effects from Matanzas, no Vouchers, .....	51	Com. £13 2 6 0 6 0 £13 9 0
No. 4. Passage money of James Armstrong from Havana to Halifax, Voucher 28,.....	16	
	\$303,1½	

D. TURNBULL, C. S.

Havana, 30th September, 1841.

*Copy of a Treasury Minute, dated 13th May, 1842.*

Transmit copy of this Letter with the enclosed statement to Viscount Canning, requesting he will move the Earl of Aberdeen to apprise my Lords whether the travelling expenses to Matanzas and back, appear to his Lordship to constitute such a charge as should properly be defrayed from the Parliamentary grant for Consular contingencies, and to favor my Lords with his opinion as to the directions it will be proper to give in regard to recovery from the Colonial Funds of Nova Scotia, or otherwise, of the amount of the other disbursements specified in the statement.

*Foreign Office, May 24, 1842.*

SIR,—In reply to your Letter of the 18th instant, I am directed by the Earl of Aberdeen to state to you, for the information of the Lords Commissioners of Her Majesty's Treasury, that in His Lordship's opinion, the charges incurred by Her Majesty's Consul at Havana for the Crew of the "London Packet," of Halifax, and for his own expenses in proceeding to Matanzas, should not be paid from the Parliamentary grant of Consular contingencies.

The relief granted by British Consuls to British Seamen is given under printed instructions from the Admiralty, which instructions, in the opinion of Lord Aberdeen, are sufficiently clear and imperative to require Consuls to relieve British Seamen, whether natives of the United Kingdom or of British Colonies; and if, as now appears to be the case, the Admiralty desires that British Consuls shall not charge to the Admiralty the amount of relief granted to British Seamen belonging to Her Majesty's Colonies, instructions should be sent to Her Majesty's Consuls not to relieve such Seamen; but until the Admiralty request that such instructions may be given to Consuls, it is clear that Consuls should be allowed to charge such relief to the Lords of the Admiralty.

Lord

Lord Aberdeen is however of opinion that the amount should be recovered from the Colony.

I am, &c.

(Signed)

CANNING.

P. S.—The original enclosures in your letter are herewith returned.

Sir George Clark, Bart. &c. &c. &c.

*Admiralty, 6th May, 1842.*

SIR,—It appearing by the accounts of the Consul at Portland, United States, for the quarter ending 31st December last, that the sum of £85 7 1 has been paid for the subsistence of the Crews of the Globe, of Halifax, and the Queen, of Saint John, New Bruswick, viz :—

Globe,.....	£33	8	2
Queen,.....	51	18	11
	<hr/>		
	£85	7	1
	<hr/> <hr/>		

I am commanded by my Lords Commissioners of the Admiralty to request you will move the Lords Commissioners of Her Majesty's Treasury to cause the amount to be paid to the Paymaster General, as was done in the case of the "London Packet," of Halifax, these being Colonial Vessels, and my Lords not considering this Department liable to the charge.

I am, &c.

(Signed)

JNO. BARROW.

C. E. Trevelyan, Esquire, &c. &c. &c.

*May 23, 1842.*

Abstract of charges in the account of Mr. Joseph F. Sherwood, Consul at Portland, United States, for the subsistence of the Crews of the Globe and Queen, of Halifax, Nova Scotia, in the quarter ending 31st December, 1841 :—

GLOBE.

Voucher, No.		Dol.	Cents.
1.	Subsistence,	9	00
2.	"	22	50
4.	"	54	00
5.	Travelling,	28	75
6.	"	40	00
10.	Clothing,	1	25
11.	Postage,	1	60
		<hr/>	
		157	10
	Commission,	3	92
		<hr/>	
		161	02—

Carried forward,.....£33 8 2  
QUEEN.

*Brought forward,* ..... £33 8 2

QUEEN.

	<i>Dol. Cents.</i>
Voucher, No. 3. Subsistence,	82 40
7. ) Travelling,	80 00
8. ) Expenses,	60 00
9. )	20 00
11. Postage,	2 06
	<hr/>
	244 46
Commission,	6 12
	<hr/>
	250 58— £51 18 11
	<hr/>
Total,	£85 7 1

Vouchers enclosed.

**No. 5.**

[See Journal 13th February, 1843.]

(Copy.)—No. 107.

*Downing Street, 19th October, 1842.*

SIR,—I transmit to you herewith the copy of a Letter which I have received from Sir R. A. Ferguson, covering a Memorial addressed to myself by Messrs. James Corscaden and Co., claiming the return of £45 10s., which the Captain of the "Creole," was obliged to pay in Saint John, New Brunswick, as double head money on his Passengers, in consequence of his Papers from the Custom House at Londonderry having been irregularly made out.

As it appears from the accompanying copy of a report from the Colonial Land and Emigration Commissioners, to whom I had referred these papers, that there was no intention on the part of the owners of this vessel of committing a fraud on the Revenue, I have to desire that you will take the necessary steps for repaying to them the sum demanded, should you consider them justly entitled to it.

I have, &c.

(Signed)

STANLEY.

Lt. Governor Sir W. M. G. Golebrooke, &c. &c. &c.

(Copy.)

*Colonial Land and Emigration Office,  
Park Street, Westminster, 14th October, 1842.*

SIR,—With reference to your Letter of the 25th August, transmitting to us a Memorial from Messrs. Corscaden, and directing us to enquire into the statements which it contained—we have the honor to state for Lord Stanley's information, that we have delayed our report, because our Agent at Londonderry was unable, till within a few days past, to make the necessary enquiries into the case, in consequence of the absence of the Chief Officer of Customs from that Port.

In the Memorials of the Owner and Master of the "Creole," a vessel which sailed from Londonderry to New Brunswick in the month of May last, it is stated that after the Collector of Customs had signed the list of Passengers and certified that they were proceeding under the sanction of Her Majesty's Government, a description of the Passengers was added to the same list and was inserted in pencil; that this insertion in pencil was considered by the Colonial Authorities to have vitiated the certificate, and that consequently double head money was charged upon the Passengers, as authorized by the Local Act, in cases where Emigrants had not left this Country with the sanction of the Government. The prayer of the Memorial addressed by the owners of the vessel to Lord Stanley, is, that one half of the head money, amounting to £45 10s. may be restored to them, as no fraud was intended.

From the report of our Agent at Londonderry, we find that the Collector of Customs was ignorant of any insertion in pencil having been made in the certified list of Passengers by this vessel. Some irregularity has certainly therefore been committed in this respect; at the same time it appears that the number of Passengers on board when the vessel cleared, was short of the number allowed by Law, and that no more are stated in the Memorial to have landed at Saint John than embarked at Londonderry. This latter fact we are enabled to corroborate by the ship returns from the Government Agent at New Brunswick, who further reports, that the vessel arrived in good condition, and that no complaint respecting her had been made. Upon a consideration of the case, the Collector of Customs has expressed his opinion, that there was no intention of fraud on the part of the owner. In this view we concur, and as we believe that the expression of the "Passengers being shipped under the sanction of Her Majesty's Government," is intended to convey no other meaning than that the provisions of the Passengers Act have been complied with, and that there was no intention on the part of the chief officer of Customs to withhold his sanction, we think it would be right that the portion of head money which had been exacted at Saint John from the Master, upon the supposition that that sanction had not been obtained, should be repaid. At the same time, as it will have to be repaid by the Province of New Brunswick, and was levied by order of the Authorities there, who have made no report to this Country on the subject, we would venture to suggest that it would be right to transmit the case as it at present stands, to the Lieutenant Governor, for his consideration; and in order that he may take the necessary steps for repaying to the parties the sum demanded, should he concur in thinking them justly entitled to it, we accordingly return the Memorial of the owners, and a copy of the report from the Government Emigration Agent at Londonderry.

We have, &c.

(Signed)

T. FRED. ELLIOTT,  
EDW. E. VILLIERS.

G. W. Hope, Esq. &c. &c. &c.

(Copy.)

*Government Emigration Office, Londonderry, 6th October, 1842.*

SIR,—In reference to your Letter of the 27th August last, and the enclosed Memorials from the Owner and Master of the Emigrant barque "Creole," I have communicated on the subject of their contents with the Collector of Customs, and have now  
the



the honor to acquaint you for the information of the Colonial Land and Emigration Commissioners, that the Collector has referred to the list of Passengers that remains in the Custom House, of the said Barque, which is found to be correct, and corresponds with the clearance from my office.

The certificate being written in ink, he desires me to state, that had the certificate to the Passenger List which accompanied the ship been filled up in pencil, he would not have put his signature to any such documents.

The vessel being short of her compliment of Passengers when clearing at the Customs, the owner was there told that if any more offered he could have a second clearance for them. It appears by the Memorial, that the same number landed at Saint John, New Brunswick as embarked here; therefore he considers there was no intention of fraud on the part of the owner.

I have, &c.

(Signed)

R. RAMSAY.

Stephen Walcott, Esq. Secretary.

*Treasury, Saint John, 24th November, 1842.*

SIR,—I have the honor to acknowledge the receipt of your letter of the 21st instant, enclosing a copy of a Petition to the Right Honorable Lord Stanley, from the owners of the barque Creole, and conveying to me His Excellency's directions to report thereon. In compliance therewith, I have the honor to state that the barque Creole, James Clark; Master, reported at my office from Londonderry, on the 15th June last, with 164 adult Passengers, 22 under 14 years, and 21 under 7 years, equal to 182 full Passengers, on which I demanded and received from the said James Clark, the extra Passenger Duty of 5s. per head, in conformity to the opinion of Her Majesty's Attorney and Solicitor General given on a former occasion, viz: that in case the Master of a Passenger Vessel did not produce from the Officers of Her Majesty's Customs at the Port of clearance, a Certificate that he had the sanction of Her Majesty's Government to bring Passengers, the extra Duty of five shillings each was to be demanded for every Passenger on board. There was a Certificate of this nature written in pencil, and as the Master stated, by a young man from the Custom House on board his vessel when under weigh; the Certificate bears the signature of Thomas Shepherd, Collector, written in ink. I did not at the time, and I am of the same opinion still, consider that a Document such as is above described was sufficient to relieve me from the liability to a surcharge of the extra Passenger Duty; it certainly was not official, even admitting the Master's statement of it, and there was nothing to shew that it had not been rubbed out and re-written on the voyage.

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

B. ROBINSON, P. T.

To the Hon. W. F. Odell, Provincial Secretary.

(Copy.)

*The Farm, Londonderry, August 16, 1842.*

MY LORD,—I have the honor to enclose to Your Lordship a Memorial with accompanying documents from Messrs. James Corscaden and Company, a most respectable firm

firm in Londonderry, relative to a sum of £45 10s. which the Captain of the Creole (a vessel they had built for, and propose to employ in the Passenger trade,) was obliged to pay in Saint John, N. B., as double Head Money on Passengers, on account, as he states, of the papers from the Custom House having been filled up in pencil, and on that account not considered official.

As the vessel had 70 Passengers less than her compliment, there is no reason to apprehend any intention to commit a fraud, and I trust therefore that on perusing the papers, you will feel yourself justified in recommending to the Government of the Colony to give redress in a case of great hardship to most respectable Merchants.

I have, &c.

(Signed)

R. A. FERGUSON.

To the Honorable the Lord Stanley, &c. &c. &c.

(Copy)

*To the Right Honorable the Lord Stanley, Secretary of State for the Colonies.*

The Memorials of James Corscaden and Company, of the City of Londonderry, Merchants, Owners of the Barque "Creole," Clarke, Master, 455 tons register,

HUMBLY SHEWETH,—

That the said vessel cleared at the Custom House, Londonderry, on the 7th May last, with 182 (adults) Passengers on board, for Saint John, N. B., being 75 short of the number allowed by Law. That in the hurry of clearing out of the Custom House, some words were inserted in pencil which should have been written in Ink, in consequence of which, the authorities at Saint John, N. B., exacted double Head Money on said Passengers.

Memorialists humbly request that Your Lordship will allow the overcharged sum, say £45 10s. to be refunded, as no fraud was intended.

(Signed)

JAMES CORSCADEN & CO.

(Copy)

Received from Captain James Clarke, ninety one pounds currency, being double Head Money on 182 full Passengers brought in the Ship "Creole," himself Master, from Londonderry, and landed at this Port, in consequence of no Certificate of the same having embarked under the sanction of Her Majesty's Government.

(Signed)

J. B. WHITESIDE, P. C.

*Treasury, Saint John, N. B., 20th June, 1842.*

*Copy of Certificates respecting the Barque "Creole," Clarke, Master, 455 tons, of and from Londonderry, to Saint John, N. B., with Emigrants, cleared at the Custom House, Londonderry, 7th May, 1842.*

Received from the Collector of Customs, Londonderry, a notice of the Commissioners respecting Provisions and Water, according to Act of Parliament, 3 and 4 Wm. 4, Chap. 53, regarding the carriage of Passengers in Merchant Ships from the United Kingdom, to Saint John, N. B.

(Signed)

JAMES CLARKE.

*Londonderry, 7th May, 1842.*

I

I certify, that the Passengers names in the within list, viz. one hundred and sixty four adults, twenty two under fourteen years, twenty one under seven years, and seven under one year, being shipped under the sanction of Her Majesty's Government.

7th May, 1842.

(Signed)

THOS. SHEPHERD, *Collector.*

(Copy)

*To His Excellency Sir William Macbean George Colebrooke, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick.*

*To the Honorable the Legislative Council and the Honorable the House of Assembly.*

The Petition of James Clarke, Master of the Barque "Creole," belonging to Londonderry, Ireland,

HUMBLY SHEWETH,—

That your Petitioner sailed with his vessel, the Creole, from Londonderry, on the 7th day of May, and arrived in the Harbour of Saint John the 12th day of June, 1842, having on board—164 adults—22 under 14—21 under 7—7 under 1 Passengers,\* in all, who were shipped with the sanction of Her Majesty's Government, a Certificate of which was signed by the Collector of Her Majesty's Customs at Londonderry, with permission for one of the Clerks to fill up the blank which required a description of the various Passengers on board. That your Petitioner accompanied the said Clerk on board, to examine if the list of Passengers was correct.

That in consequence of their not being any Ink on board at the time, the necessary Certificate was filled up with Pencil, and that in consequence thereof, the Provincial Treasurer could not consider the said Certificate as an official document, and exacted from your Petitioner double the amount usually taken for Head Money on Passengers arriving at the Port of Saint John; said additional Head Money amounted to the sum of forty five pounds ten shillings; and inasmuch as your Petitioner will have to accompany this Petition, a correct Certificate of the sanction of Her Majesty's Government for conveying the said Passengers, and being conscious of no intention to do wrong or evade the Laws of the Realm, your Petitioner humbly prays your Excellency and your Honors will take the premises into consideration, and cause the said sum of forty five pounds ten shillings to be refunded to your Petitioner; and as in duty bound will ever pray.

(Signed)

JAMES CLARKE.

(Copy.)

*Saint John, N. B.*

SIR,—Please pay Messrs. Everitt, Camber and Wood, the sum of forty five pounds ten shillings, which was appropriated by the Legislature, being a sum received from me as double Head Money on Passengers brought to the Port of Saint John from Londonderry, in the Barque "Creole," in June last.

And oblige your most obedient servant.

*To Province Treasurer.*

\* 207 souls, equal 182 adults.

**No. 6.**

[See Journal 15th February, 1843.]

(Copy.)

*Government Emigrant Office, Saint John, N. B., 2nd January, 1843.*

SIR,—I have the honor to acquaint you for the information of His Excellency the Lieutenant Governor, that the number of Immigrant arrivals in the Province during 1842, is eight thousand three hundred and twenty nine, exclusive of desultory inofficial migrations through Prince Edward's Island, Nova Scotia, and the United States, as per accompanying return. A gratifying feature manifested itself in this Immigration, in the general state of health in which they arrived, there being fewer cases of sickness or casualties amongst them than I ever witnessed in proportion to numbers, the details of which were duly transmitted in the prescribed returns. Many proceeded immediately into the interior to join their friends, with a view of permanently settling there.

Since the Report which I had the honor of submitting to the Lieutenant Governor on the 10th July last, nothing has yet occurred in the general affairs of the Country to induce more flattering prospects of demand (for a time at least) for Immigrant laborers; when, however, the reaction in business at home shall have realised steps of permanent improvement now so auspiciously begun, then, and not till then, will its beneficial effects be seriously felt amongst all industrial classes here, for we cannot conceal from ourselves that such has been the extent of exhaustion in the monetary and other resources of the many, that it must be a work of some time to redeem their condition.

In the present state of depression and distress here, the debt of thankfulness of Immigration and humanity is due to His Excellency Sir William Colebrooke, for it is to his timeous intervention with the Right Honorable the Colonial Secretary of State, that an accumulating torrent of Emigration was stayed at home. Had they reached this Province, it could only have been to augment the body of misfortune now heavily pressing on the community. These expressions are, you will perceive, Sir, inapplicable to another class of Immigrants whom it is most desirable to have in the Country—I mean a rural population, composed of solvent Yeomanry and small Farmers, with sufficient means to make permanent settlements.

The rates of wages and prices of provisions for the past quarter, are indicated in the Quarterly Abstract for the Provincial Secretary's Office. It is a source of deep regret that there is no Board of Works to employ Immigrants.

I have, &amp;c.

(Signed)

A. WEDDERBURN, G. E. A.

A. Reade, Esquire, &amp;c. &amp;c. &amp;c.

*Abstract Return of Immigration to the Province of New Brunswick, between 1st January and 31st December, 1842.*

Where arrived.	Men.	Women.	Children.	TOTAL.	REMARKS.
St. John,.....	3277	2794	1494	7565	} Comparatively few cases of Sickness or casualties. Deaths, 9; 5 drowned.
Miramichi,.....	151	94	87	332	
St. Andrews,.....	195	129	99	423	
Bay Verte,.....	...	...	...	...	None direct from the United Kingdom; Emigrants join their friends via St. John. Several families arrived from Prince Edward's Island.
Richibucto,.....	...	...	...	...	
Bathurst,.....	...	...	...	...	Desultory Immigration arises chiefly from casualties to Shipping from the United Kingdom, but the Immigration from the United States to this Province is spontaneous.
Dalhousie,.....	...	...	...	...	
Shediac,.....	...	...	...	...	
	3623	3017	1680	8320	

*Emigrant Office, Saint John, N. B., 2nd January, 1843.*

(Signed)

A. WEDDERBURN, G. E. A.

(Copy.)

*Government Emigrant Agent, St. John, January, 1843.*

SIR,—In obedience to the commands formerly received, I transmitted to the Provincial Secretary's Office the Abstract Account of Immigration here for 1842, for the information of the Right Honorable the Colonial Secretary of State, and I have now the further honor to submit to His Excellency the Lieutenant Governor a Communication recently made to the Commissioners for Colonial Land and Emigration being extended but collateral observations to the remarks in the forwarded printed official category. A gratifying feature in the Immigration of last year was the comparatively healthy state in proportion to numbers in which the parties arrived here, which is in a great degree attributable to the salutary measures of the Colonial and Emigration Departments. The intervention of Sir William Colebrooke with Lord Stanley, to check the fall Emigration, was most timeous and beneficial. Had they arrived in the bodies apprehended here, they could only have formed accumulations of misfortune now lying so heavily on that community.

Since the Report which I had the honor to submit on the 16th July last, nothing has occurred in the general aspect of affairs in the Province to warrant me in holding out any more flattering prospects (for a time at least) of demand for Immigrant labor. Whenever the re-action in business at home shall have attained such valid advances in improvement as will indicate stability, then and not till then can the beneficial effects be felt among the Immigrants and others here. For it cannot be concealed from ourselves, and the fact ought not to be withheld from the knowledge of those interested abroad, that such has been the extent of exhaustion in the monetary and other resources of the many here that it must be a work of time to establish anything like a permanent redemption in their condition and circumstances, or to enable their industry and enterprize to benefit from the abundant natural capabilities of the Province, or the advantages it affords. Much solicitude as His Excellency has evinced to meliorate the condition of Immigrants, it is deeply to be regretted that the necessary and effectual sinew—a solvent Exchequer—is wanting to enable the Executive to initiate and extend

extend works of Public utility, wherein a systematic course of employment for Immigrants might be established. Although rates of wages are inserted in the Abstract, I regret to say that they in most cases must be considered but nominal, as only a very small number of Mechanics, Artizans or Labourers can be employed, and that too, intermittently. The prices of provisions have however been also very low, owing alike to the abundant harvest, clemency of fall weather, and scarcity of money. These low prices tended essentially to alleviate the distresses of the Immigrants here.

I look forward with no small degree of confidence to receiving in future beneficial action and co-operation on behalf of Immigrants from our recently established Highland Society, and I am enabled to acquaint the Lieutenant Governor, that the best feeling manifests itself amongst the Members of the Agricultural Society here towards the humble settlers, and that on the limited funds admitting, it is intended to reward the deserving and industrious by donations of suitable Seeds, to enable them to prosecute their labours with advantage.

The associate system of settlement organised by Sir William Colebrooke, must eventually prove of much advantage to the Immigrant settlers in the Country. The original avocations of the parties constituting the Associations, and their practical experience and knowledge of the work in the Woods, guided by their general intelligence, render them good examples and able Schoolmasters in the bush to subsequent settlements in the neighbourhood.

I have, &c.

(Signed)

A. WEDDERBURN, G. E. A.

Alfred Reade, Esquire, &c. &c. &c.

(Copy.)

*To His Excellency Sir William Macbean George Colebrooke, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,—

In making a Report for the past year as Emigrant Agent at Fredericton, I beg leave to call Your Excellency's attention to the Provincial Statute, 587-8, under which the funds that may be obtained from Emigrants arriving in the Province are directed to be applied, and under which I am satisfied a sum is collected sufficient, if properly expended, to meet its object, which is the relieving destitute and distressed Passengers and Emigrants, and in assisting them to reach their places of destination within the Province.

But unfortunately the Act further provides that sums so received shall be applied from time to time by Grants of the Legislature, and as that body does not meet till the season has passed away when Passenger Ships arrive, and as the Lieutenant Governor for the time being has no authority to apportion any part of the sums so obtained to assist Emigrants in distress, or aid them on their arrival in the Country, the result is, they are thrown upon the community as paupers, to be provided for by the Commissioners of the Poor, who subsequently apply to the Legislature for remuneration, where their claims are frequently reduced. Hence a stigma is attached to persons thus unfortunately situated which attaches to them and their families in after life.

I know an instance myself where the descendants of a person who came to Halifax, Nova Scotia, several years since, in a very humble situation in life, have by their prudence and integrity raised themselves to seats in the Councils of that and another Colony, and yet under the system pursued in this Province, had he obtained some trifling assistance which probably he would afterwards have repaid, it must have been doled out to him by the Commissioners of the Poor, and would not have been forgotten by those malignant persons with whom every community abounds.

There is also some little allowance to be made for the feelings and habits of those poor people who leave the Country of their nativity to seek in a strange land another home. For instance, the Irish, and I believe the remark applies to the Scotch and English Emigrants, never having been accustomed to eating Indian Meal they dislike it; in fact, in some instances they cannot eat it, although it is a wholesome and excellent description of food, without experiencing ill effects. But Oat Meal they will gladly take, yet in every instance that has come under my observation, the Commissioners of the Poor give Indian Meal, and those who endeavour to obtain Oat Meal, are considered as improperly fastidious. To remedy the difficulty that arises from the interference of the Commissioners, and to relieve them from a disagreeable duty, as also to secure an economical and proper expenditure of the Emigrant Fund, I would suggest that it should be placed at the disposal of the Lieutenant Governor, to be applied for the relief and assistance of Emigrants under His Excellency's immediate directions, by persons who act as Emigrant Agents, or others who may perform that duty, where numbers of Emigrants annually arrive,—a detailed account to be rendered to the Legislature at the close of each year.

There is another proceeding attending the passage of Emigrants that materially affects their comfort during such passage and their circumstances on their subsequent arrival in the Colony, to which I beg leave to call Your Excellency's attention for the purpose of bringing it under the notice of Her Majesty's Government.

The Emigrants on leaving Great Britain, generally provide for themselves and families as they conceive a sufficient supply of food to last during the entire passage. But owing to the prevalence of adverse winds, and I fear in some instances, the cupidity of the Masters of the Vessels, the passages are protracted to an unusual length, and the poor people having consumed their provisions, are at the mercy of these men, who sell supplies to them, as I have understood repeatedly from Emigrants who have come to my office in a destitute condition, at an exorbitant rate, so that when the voyage is ended, individuals with families, who, when they embarked, had funds that would have materially assisted them on their arrival in the Province, are reduced to abject poverty, and have been compelled to dispose of their clothing to support nature on their being landed after the termination of their voyage.

This would be obviated were the Masters of Vessels taking Passengers, compelled to have at least two months supply of provisions for both Passengers and Crew, and that a fixed price should be prescribed for adults and children; and the articles constituting a ration, and their quality and quantity also defined by some competent authority at the place of departure.

This may seem at first sight to inflict a hardship upon the Owners and Masters of Vessels, but the price of a ration might be so fixed as to repay them for their outlay; and when it is recollected that the conveyance of Passengers is a mere business transaction,

transaction; and that credulous and ignorant people are continually imposed upon by the cupidity of persons in command of Emigrant Ships, it will be found to be a course consistent with justice as well as humanity.

With reference to the description of Immigrants that should resort to this Province, I would beg leave to remark, that in the absence of any great public undertaking, a sufficient influx of the labouring class will find their way hither through the representations of interested persons, or owing to the recommendations of their friends and acquaintances, and as many as can will become annually merged in the population of the Province.

There is, however, a class of settlers wanting in this Province, and to whom it offers probably as great inducement as can be found elsewhere, and that is persons of limited means, say possessing from three to five hundred pounds. Owing to the great loss that attends Lumbering pursuits, there are a number of farms throughout the Province which have become mortgaged to the Merchants who have advanced supplies and money to pay for their Licences, and which would be disposed of at a cheap rate if purchasers with means could be found; and there are large quantities of cleared land throughout the Province which are entirely neglected, that might at a comparatively trifling expense become cultivated and fertile tracts of country.

Were persons so situated therefore to emigrate to this Province in bodies, including among their number a due proportion of Artisans, such as Smiths, Carpenters, Shoemakers, Tailors, Masons, &c. with a Schoolmaster, and perhaps a Clergyman, not only would their condition be permanently improved, but the Country would be better settled by a description of persons being infused among the population who would possess superior information and attainments, and they would form for themselves very happy communities.

The settlement of the Boundary Question will open up a fine country for the reception of Emigrants, and I lock upon it as an object of importance that an English or Scotch population should inhabit the upper part of the County of Carleton, between the River Saint John and the Grand Falls, as they would be divested of those animosities and prejudices which might have a tendency to disturb that tranquillity which it is so desirable should be established and cultivated between the people of these Provinces and the neighbouring State of Maine.

There is a considerable quantity of cleared land between Woodstock and the Ares-took, particularly within the first fifteen or twenty miles above the former place, that are only partially cultivated, where settlements could be made, and there are also large tracts of wilderness lands beyond that, owned by absentees, and belonging to the Crown, which should no longer be locked up. There are at present held by absentees or other persons to whom grants have been made, between the Meduxnikik, which empties into the Saint John at Woodstock, and the Grand Falls, 23,000 acres, and the vacant or ungranted land in that quarter comprises about 25,000 acres more. The soil, as far as I am acquainted with it, and from the best information I can obtain, is of a superior quality, and the climate is remarkably fine.

There is also abundance of good land in the vicinity of the projected Road to the Bend of Petticodiac, between the North River and New Canaan, amounting to 10,000 acres, including the Albert Settlement, which has been surveyed, where a new settlement could be advantageously formed; but whether setting down in Villages or disposed



disposed in separate farms where the country has been partially cleared, or penetrating into the wilderness of the Province, it is essential that parties arriving here depend mainly on the labor of their own hands and understand something of Agriculture; when such is the case, after having procured land or purchased farms, paid for their stock, and each head of a family having retained say from one hundred to one hundred and fifty pounds, they would have sufficient to support themselves and families till the crops of the first and second years would meet their requirements, and if the subsequent life of each individual should be marked by industry and prudence, it would be one of constantly increasing comfort and independence.

There is a fine tract of land commencing about ten miles from Fredericton called the Rushagonis Settlement, which, owing to the Lumbering pursuits of the inhabitants of that part of the Province, has been much neglected. It extends from the Maryland Settlement towards the Oromocto River; the land generally speaking is good and the situation is delightful. I should say that forty or fifty families might sit down in that direction in great comfort, and at a moderate distance from the seat of Government.

On the South West Miramichi River there is abundance of fine land, and I believe a number of farms that might be bought at a very cheap rate, owing to the losses sustained by Lumbering. The distance from Fredericton to where the Road strikes the Miramichi River at Boistown, is between 30 and 40 miles.

With reference to the Emigrants who came to Fredericton from Saint John and other parts of the Province in considerable numbers during the early part of the Summer, they were chiefly of the laboring class, many with helpless families, most of whom had parted with what trifling means they possessed before leaving the vessels in which they came passengers, or by the sale of articles of clothing in Saint John, and were consequently in destitute circumstances. I gave these people such advice as my knowledge of the Country enabled me to afford, and passed them on to different parts of the Province.

In some few instances when nothing else could be done, I sent them back to Saint John in the Steamer, incurring thereby an expense of some three or four pounds, which I hope will meet with Your Excellency's approbation. Those of them who were apt and calculated to make themselves useful, however, have with few exceptions, succeeded in obtaining employment.

With a slight exception, (there being probably ten or a dozen English people, among whom were two Shipwrights, whom I forwarded up the River in December), the Immigrants who came to me were all Irish, and there is this difficulty about this description of persons, that they will often apply for and receive aid when they are in possession of sufficient funds of their own, and it is almost impossible to determine between cases of real poverty and affected want. The Scotch seldom or never beg, and I do not recollect an instance of a person of that nation applying for charitable relief under ordinary circumstances. On their arrival they generally penetrate into the country and procure employment; but the Irish will hang about Towns while a farthing remains in their pockets, and then, when necessity compels them to resort to the country, will demand wages far beyond what they can earn, or farmers can afford to give. I feel much gratified however in stating, that the Irish Immigrants who have arrived out during the last two years, in particular, were remarkable for sobriety, and I never saw an instance of inebriety either among those who applied at my office, or in the street.

Whatever

Whatever may be the determination of Her Majesty's Government with reference to Emigration, I cannot conclude this Report without remarking, that this Province seems hitherto to have been singularly unfortunate in this particular; possessing abundance of land of the finest quality, intersected by numerous Rivers of considerable extent, many of which abound with Salmon and other fish, with a salubrious climate, at no great distance from the Mother Country, which may be reached in a fortnight, it offers every inducement to a person desirous of emigrating and possessing property, who with moderate means can live here in independence. Those who may command funds to support them during the first year of their residence are sure to succeed, and there are numerous instances where persons without any means whatever beyond their own labor and industry have cleared away the wilderness around their dwellings, and have converted it into profitable and fertile farms, who are now living in the enjoyment of every comfort which the bulk of a community can anywhere obtain.

I have, &c.

(Signed)

EDMUND WARD,  
*Assistant Emigrant Agent.*

*Fredericton, January 24, 1843.*

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**No. 7.**

[See Journal 17th February, 1843.]

(Copy.)

*Fredericton, New Brunswick, 13th May, 1842.*

SIR,—I have the honor to forward the accompanying Letter addressed to me, together with its enclosed Memorial and Medical Certificate, from Private Thomas Lanham, of the Regiment under my command, for the consideration of Your Excellency.

The prayer of the Petitioner is to the effect, that as he has been rendered incapable of performing his Military duties when upon duty at a fire in Saint John on the 2nd July last, and also in a great measure rendered incapable of earning a sufficient support, that his case may be taken favorably under the consideration of Your Excellency, by recommending him for some pecuniary relief from the Province, upon his being sent to England to be discharged.

The character of Private Lanham has been unexceptionable during his period of eighteen years service.

I have the honor to be, Sir,

Your most obedient humble servant,

EATON MONINS, *Lt. Col. 69th Regt.*

His Excellency Sir W. Colebrooke, K. H. &c. &c. &c., Fredericton, N. B.

(Copy.)

*Fredericton, N. B. 9th May, 1842.*

The humble Petition of Thomas Lanham, Private Soldier 69th Regiment, sheweth that your Petitioner has served in the 69th Regiment since the year 1824 up to the present time, but is now about to be discharged as unfit for further service, owing to so severe a fracture in the leg, that he is not only rendered unable to serve Her Majesty,

Majesty, but equally so to earn any thing towards his future support. Your Petitioner would not have ventured to have pointed out these circumstances to you, but that he is led to hope, that as the accident occurred while on duty in conveying the Garrison Engine to a fire in the City of Saint John on the 2nd July, 1841, the Colonial Government, through your kind intercession with His Excellency the Lieutenant Governor, may be induced to take his unfortunate case into their favorable consideration, and with their usual liberality, afford him such pecuniary assistance as they may deem him worthy of.

And your Petitioner as in duty bound will ever pray.

(Signed)

THOMAS LANHAM,  
*Private Soldier, 69th Regt.*

To Lieutenant Colonel Monins, Commanding the Troops, &c. &c. &c. New Brunswick.

(Copy.)

*Fredericton, N. B. 9th May, 1842.*

SIR,—As the Captain of the Company to which I belong, and from your knowledge of me for upwards of seventeen years, I humbly hope you will be pleased to lay before the Commanding Officer the enclosed Petition, trusting he will be so kind as to forward it to the Lieutenant Governor for His Excellency's favorable consideration.

Your obedient humble servant,

THOMAS LANHAM,  
*Private Soldier, 69th Regt.*

To Captain Tudor, 69th Regt. Commanding No. 5 Company. \*

(Copy.)

*Fredericton, May 10, 1842.*

SIR,—In forwarding the Petition of Thomas Lanham, Private Soldier of my Company, I am anxious to state that I have known him in the Regiment between seventeen and eighteen years, the greater part of which time he has served in the same Company with me, and I have always found him a steady, sober and honest man; I shall therefore feel gratified if any thing I can add to his statement will be of service to him.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

H. B. TUDOR, *Capt. 69th Regt.*

Lt. Colonel Monins, Commanding 69th Regt.

(Copy.)

I certify that Private Thomas Lanham, of the 69th Regiment, fractured his right leg when on duty with the Garrison Fire Engine at Saint John, proceeding to assist in extinguishing a fire in that City on the 2nd July, 1841, which has totally rendered him unfit for further Military service, and will in my opinion, prevent him in a great measure earning his future support.

FRANCIS O'BRIEN, *Surgeon, 69th Regt.*

*Fredericton, 12th May, 1842.*

**No. 8.**

[See Journal 17th February, 1843.]

(Copy.)

*Fredericton, 23rd May, 1842.*

MAY IT PLEASE YOUR EXCELLENCY,

I have the honor to return the enclosed Papers on the subject of the contemplated exchange of two Plats of Ordnance Ground in Fredericton, for other Land in that place, lying between the Barracks and the River Saint John, with a part of Carleton Street, referred to me by Your Excellency, for an opinion, whether the same cannot be effected "under the provisions of the Act of the General Assembly, authorizing the Crown to reinvest itself of Land owned by individuals when required for Military purposes, on making compensation for the same," and I have to state that the provision of that Act does not in any way reach this case. The Land required by Government is not the property of any individual, it is ground reserved by the Grant from the Crown for the public use of the Town of Fredericton, and embraces two public Streets, which cannot be stopped up except authorized by some Legislative enactment.

The proposition for the projected exchange, (if I am rightly informed), originated in the first instance in the suggestion of a number of the inhabitants of Fredericton, upon which it was referred for the sanction of the Board of Ordnance in England, and being approved of, a Bill was prepared and laid before the General Assembly to carry the arrangement into effect, but it failed in consequence of a Petition against it from certain influential individuals in Fredericton, who were adverse to the measure. But I am inclined to believe should it again be brought forward in the Assembly at their next meeting, and recommended as an Executive measure, it would pass for the purpose.

All which is humbly submitted.

I have the honor, &amp;c.

CHARLES J. PETERS, *Atty. Gen.*

His Excellency Sir William M. G. Colebrooke, K. H. &amp;c. &amp;c. &amp;c.

(Copy.)

*Provincial Secretary's Office, Fredericton, 19th September, 1842.*

SIR,—I have the honor to acknowledge your Letter of the 16th, relative to certain Town Lots applied for by the Mechanics' Institute, and claimed on behalf of the Ordnance Department, and I am directed by the Lieutenant Governor to inform you, that the permission temporarily given to the Institute to occupy the allotment was intended to obviate compliance with an application for permission to erect a building on the vacant ground situate between the Barracks and the River, which would have proved inconvenient to the Military.

That as there is a desire to have the question as regards these Lots settled, and an objection to converting them into a Fuel Yard in the centre of the Town, and a strong objection to closing up Carleton Street, which could only be effected by an Act of the Legislature, which would be opposed by the Inhabitants; the Lieutenant Governor in Council is disposed to offer to the acceptance of the Ordnance Department such portion of the ungranted Land as it is competent for the Government to grant without an

an Act; namely, the ground between the Military Reserve and the River, keeping open the Streets and the Landings,—the Board of Ordnance relinquishing its claim to these six Lots, and the detached Hospital Lot. I am also directed to transmit to you the enclosed sketch taken from the original Map of the Town, attached to the Grant, and to inform you that orders have been given that the temporary fence put up on the six Lots by the Members of the Mechanics' Institute should be removed.

I have, &c.

(Signed)

WM. F. ODELL.

Lt. Col. Calder, Commanding Royal Engineers.

*Secretary's Office, Fredericton, 8th December, 1842.*

SIR,—I have been prevented from acknowledging your Letter of the 25th of October last, on the subject of the proposed exchange of Lots in Fredericton, by the necessity of bringing the matter again under the consideration of the Executive Council, an opportunity for doing which did not occur until the 2nd instant, and I am now instructed to repeat the proposal contained in my former Letter, namely, that the Council will agree to transfer the Land lying in front of the Military Blocks, reserving the Streets established by Law, in exchange for the six Lots in Block No. 3, and the Hospital Lot, if agreed to by the Board of Ordnance, but beyond this the Executive Government have no power to negotiate without an Act of Assembly.

I transmit to you a sketch, shewing all the Land in question, with the reserved Streets and Public Landings, together with a copy of a memorandum from the Surveyor General, and an extract from the original Grant of the Town. By this Grant, which was passed prior to the occupation of any ground in the Town by the Military, excepting the two Blocks expressly reserved for their use, you will observe that those Blocks are limited as delineated on the Plan to three chains in width, but for what particular reason I am unable to state.

The fence put up round the six Lots has, since the date of your Letter, been removed.

I have, &c.

(Signed)

WM. F. ODELL.

Lt. Col. Calder, R. E. Halifax.

*Secretary's Office, Fredericton, 29th December, 1842.*

SIR,—I have the honor to acknowledge the receipt of your Letter of the 14th instant, which I immediately referred to the Surveyor General, and I now transmit a corrected Plan, accompanied with an extract of the Act of Assembly, establishing the Public Landings—and a copy of the Record of the Street called Campbell Street. The portions proposed to be given up are, as you have requested, distinctly shaded yellow, and comprise all that the Governor and Council have power to exchange without an Act of Assembly.

I have, &c.

(Signed)

WM. F. ODELL.

Lt. Col. Calder, R. E.

*Extract*

*Extract from the Letter of Colonel Calder to Mr. Reade, dated 16th September, 1842.*

With regard to the exchange of the six plots of ground referred to in this letter with that on which the old Hospital stood for other ground between the Barracks and the River, together with the part of Carleton Street which now divides the Barrack ground into two parts, as proposed in the Memorial of the inhabitants, transmitted to the Colonial Secretary of State by Sir John Harvey, I can, with respect to Carleton Street, assure your Excellency, the communication with the River in case of fire will not be interrupted; the entrance to the Barrack Yard would be from Queen Street, and another Gate opposite in the fence next the River, which the Officer commanding would direct to be opened whenever it was necessary; but as I am not prepared to say to what extent the Master General and Board may be pleased to limit the quantity of ground to be ceded to them by the inhabitants, I beg to suggest that the parties interested be required to transmit to me through His Excellency the Lieutenant Governor, a proposition on the subject which I shall forward through the proper channel for consideration.

I have, &c.

(Signed)

PAT. D. CALDER.

(Copy.)

*Royal Engineers Office, Halifax, N. S. 25th October, 1842.*

SIR,—In doing myself the honor of acknowledging your letter of 19th ultimo, (received on the 29th,) relative to certain Town Lots in Fredericton, which have been held by the Ordnance Department since the first settlement of the Province, as stated in the Petition of the freeholders and others, inhabitants of Fredericton, to His Excellency Major General Sir John Harvey, K. C. B. in April 1838, and lately applied for by the Mechanics' Institute, I have to express my regret that other pressing duties prevented my going into the correspondence which has at different times taken place between the Lieutenant Governor of New Brunswick, on behalf of the inhabitants of Fredericton, the Secretaries of State for the Colonies, and the Master General and Board of Ordnance, relative to the exchange of Lots 41 to 46 in Block 3, for other ground belonging to the Town lying between the Barracks and the River Saint John, which I considered necessary before I could with propriety forward for the consideration of the Master General and Board, the proposition of His Excellency the Lieutenant Governor in Council, contained in your letter.

By this correspondence, I find that as far back as the year 1826, the proposition of exchange was entertained, and application to that effect made by Sir Howard Douglas, and that in January 1827, the Master General and Board "directed that the ground be not given up, unless a further space of ground be given to the Ordnance in exchange for the Lots 41 and 46, than that between the Barracks and the River, the Barrack ground being so confined as not to admit of the buildings which may be required for Military or Civil purposes, and for which the Lots proposed to be surrendered are particularly eligible."

It was again brought before the Master General and Board in September 1828, and in November following the Board assented to the exchange, provided the Ordnance property should run uninterruptedly to the River.

In

In 1829 a proposition was made to give up the part of Carleton Street which divides the Barracks, for the site of the old Hospital.

In 1838 Sir John Harvey forwarded to the Colonial Secretary of State, "a Petition from the freeholders and others, inhabitants of Fredericton," (signed by upwards of 200 householders and others, principal inhabitants of Fredericton,) "praying that the six Town Lots and the site of the old Hospital might be given up for the improvement and embellishment of the Town, in exchange for the ground lying between the Barrack Blocks and the River, with the water privileges thereto belonging;" "or if their application should fail" stating "their willingness to pay a fair equivalent in money for the said Lands," which Petition was submitted by Lord Glenelg to the Master General and Board with a recommendation "that Sir John Harvey's proposition should be acceded to if not inconsistent with the Public service;" to which exchange, the Master General and Board, under date the 23rd January, 1839, apprise Lord Glenelg "that they assent on the condition that tenure of the whole Barrack ground be unreservedly made in fee to the Ordnance, and that the grant includes the Street which intersects the present Barrack Lots, as well as those to be granted;" and on the understanding "also that no expense whatever shall fall upon the Ordnance Department in consequence of this arrangement (as it does not originate with the Master General and Board) beyond the cost of the fence to enclose the land to be retained by it."

In April following, "a numerous meeting of the inhabitants of Fredericton, duly and legally called by the High Sheriff, upon written application of sundry freeholders," took place, "to take into consideration the propriety of their assenting to the applying for an Act of the General Assembly authorising the Board of Ordnance to enclose the whole of the land in front of the present Barracks, extending from the Landing place at the end of Regent Street to the Landing at Phoenix Square, including the part of Carleton Street that now lies between the Barracks, upon condition, &c." according to the terms proposed by the Board of Ordnance in their Despatch of 23d January, 1839.

"The High Sheriff being called to the Chair, and Mr. Baillie having offered his services as Secretary, the Petition, &c. being read, it was Resolved, that the proposition from the Honorable the Board of Ordnance be acceded to, upon the terms and conditions therein contained, agreeably to the plan before the Meeting."

"That a Committee be appointed to prepare a Bill, embodying the terms and conditions of the proposed exchange, &c. and also that Mr. Wilmot, Mr. Fisher and Mr. Gregory, be a Committee to prepare the Bill for the purpose of carrying the above Resolutions into effect."

I have thus recited for the information of His Excellency Sir William Colebrooke, the substance of the several proceedings in the matter to which I have access, and from them I do not apprehend the Master General and Board will change the opinion they so often came to, and adopt the suggestion contained in your letter which they formerly rejected. I will, however, thank you to mark on the extract from the general plan of the Town of Fredericton you sent me, and which I enclose for that purpose, the specific ground referred to in your letter.

I perfectly coincide in the decision made by the Master General and Board, and which I may add, was also the opinion of Sir Howard Douglas, relative to Carleton

Street, it would throw the whole Barrack ground into one uninterrupted enclosure, which is desirable in a Military establishment for discipline, and also render it more eligible for the disposition of such buildings, as it may become necessary to erect for Military or Civil purposes, whilst the inhabitants will be ensured "an easy and unobstructive access to the River Saint John both in Summer and Winter," through the enclosure in case of fire.

In making this communication on a subject which I conceive to be of material importance to the inhabitants of Fredericton and the Military stationed there, (and which I should be happy in being the means of bringing to a satisfactory conclusion,) may I presume to inquire whether there is any thing connected with the original grant plan to shew why the blocks "reserved for Barracks and other Military uses," were limited to three chains in depth, whilst all the other blocks are five, although there was nearly sufficient space between Queen Street and the Bank of the River to make them of the same width, and which would have given them originally the space now offered by the Town to the Board of Ordnance; if not, may it not with some appearance of truth be surmised that they were confined in depth in order to leave the latter for the use of the Town in consequence of the Crown at that period also occupying by Barracks Block 7;—if so, when the government of New Brunswick disposed of the latter otherwise in 1811, it should at the same time have provided ample accommodation for the Military establishment deemed necessary to be kept at Fredericton.

With reference to the last paragraph of your letter, I beg to state that it has been reported under date the 1st instant, that the fence put up on the six lots by certain inhabitants of Fredericton had not been removed.

I have the honor, &c.

(Signed)

PAT. D. CALDER,  
*Lt. Colonel Com. R. Engineers.*

W. F. Odell, Esquire, Provincial Secretary, New Brunswick, &c. &c. &c.

(Copy.)

*Royal Engineers Office, Halifax, N. S. 14th December, 1842.*

SIR,—I have the honor to acknowledge your letter of the 8th instant, with its accompanying papers; the sketch I herewith return for further explanation and amendment, it being necessary to have the proposition of the Lieutenant Governor and Council fully and decidedly shewn on this document before it is forwarded to the Inspector General of Fortifications, for the consideration of the Master General and Board of Ordnance.

1. On examination of the sketch, you will find the letters C C E—if intended for reference it should be given, if not, they should be removed from the drawing.

2. As none of the sketches which accompanied the propositions formerly brought under the consideration of the authorities at home on the same subject, shew a Street between the Barrack Blocks and the River, and as that Street is not marked on the original Plan of Fredericton, it will save a question from home if the broken lines intended to mark it on the sketch be removed.

3. The discrepancy between this sketch and those formerly sent home, which I have marked in pencil at the North and East landing places, should be corrected.



4. The ground proposed to be given up to the Ordnance, and said to be "shaded yellow." is requested to be shewn distinctly in that colour.

5. Permit me to add, that if any landing places are to be retained in front of the Military Blocks, the proposition of the Council quoted in your letter does not allude to their reservation.

I beg to thank you for a copy of the Surveyor General's memorandum you were good enough to send me, on which it is unnecessary to make any further remark than as a certain number of years undisturbed possession gives a right of property to a private individual, it may be presumed the same right must be extended to the Crown,—hence I do not see how the Surveyor General can make the occupation he refers to, which has existed since the first settlement of the Province, encroachments.

I shall transmit the proposition of the Executive Council by the first Packet after receiving the amended plan, but cannot hold out any hope of a favorable answer, it being virtually the same as was submitted to the Master General and Board by Lord Glenelg, on the 5th June 1838, and which was agreed to on the 23d January 1839, upon condition that "the grant includes the Street which intersects the present Barrack Lots," and with relation to which the Secretary of State for the Colonies signified to the Board in April last, "that a Report has been received from the Lieutenant Governor of New Brunswick, by which it appears that the exchange alluded to cannot be effected without the consent of the local Legislature, but that the Lieutenant Governor proposed to recommend the subject for their consideration in the next Session;" in consequence of which, the Board directed the enclosure of the six lots for a fuel yard to be postponed.

I have the honor, &c.

(Signed)

PAT. D. CALDER,  
*Lt. Colonel Com. R. Engineers.*

The Honorable W. F. Odell, Provincial Secretary, Fredericton, N. B.

(Copy.)

*Royal Engineers Office, Halifax, N. S. 24th January, 1843.*

SIR,—I have the honor to acknowledge the receipt of your letter dated 29th ultimo, transmitting a corrected plan of the ground at Fredericton proposed to be given up to the Ordnance for the six Town Lots and the old Hospital Lot; the portions on which, shaded yellow, you state "comprise all that the Governor and Council have power to exchange without an Act of Assembly."

In reply, I beg you will acquaint His Excellency that I must respectfully decline forwarding this proposition to the Inspector General of Fortifications for the consideration of the Master General and Board, the ground it offers in exchange being considerably less than that they declined accepting in 1827; and from the correspondence which has taken place on the subject between 1826 and 1839, I do not see how I can take upon myself the responsibility of forwarding any proposition short of that contained in the Petition of the inhabitants forwarded through the Lieutenant Governor and submitted by Lord Glenelg for the favorable consideration of the Master General and Board in 1838, and acceded to by him on certain conditions on the 23d January 1839, under the impression that "the question had been minutely gone into by the several

several authorities at New Brunswick," and its being an exchange not sought for by them.

With respect to the extract from the Act of Assembly, establishing the Public Landings, (19th March 1827,) and the copy of the record of the Street called Campbell Street, (13th January 1831,) which you have attached to the corrected plan, permit me to observe, that if they are hindrances to carrying into effect an exchange that would be extremely advantageous to Fredericton and its inhabitants, it was ill timed (if the Petitioners were sincere in their application) to have them passed, pending the negotiation with the Ordnance,—the former after the Board's decision of January 1827, must have been known; the latter, five years subsequent to the first proposition for an exchange being made by the inhabitants who have themselves only to blame in having caused these additional obstacles to the accomplishment of their wishes, though by their proceedings in 1838 and 1839, it would seem they did not consider them of any consequence.

I have the honor, &c.

(Signed)

PAT. D. CALDER,  
*Lt. Colonel Com. R. Engineers.*

The Honorable Wm. F. Odell, &c. &c. &c.

**No. 9.**

[See Journal 23rd February, 1843.]

(Copy.)

The Committee appointed by the Board of Commissioners of the Provincial Penitentiary on the 7th instant, to report if any and what Rules for the management of the Penitentiary be required other than those contained in the 2nd Section of the Act 5 Vic. Cap. 25; also on other matters recommended in a note or memorandum dated Government House, 3rd September, 1842, Report—

That they have examined the Rules contained in the aforesaid 2nd Section, and submit the annexed Draft of Rules in addition to the said twenty three Rules.

The Committee further Report, that they have not had sufficient time to examine into and make a survey of the Buildings, to enable them to make a Report on its construction for ventilation and safety, by enclosure, walls, &c., as recommended to their notice by the memorandum mentioned as being referred to them; but have for the present Report, confined themselves to the Rules in addition to the Statuary Regulations as being necessary to the conducting of the establishment; and the same requiring the assent of His Excellency before they can be acted upon, makes it imperative that the said Rules should be forwarded without delay to the Lieutenant Governor.

The Committee are of opinion, that the fourteen Rules additional are all that will be required for the government of the Penitentiary for some time, though it is difficult to speak prospectively, particularly for a new Institution. Should any further Rules be required, as experience may shew, they can from time to time be suggested and submitted as circumstances may require.

All which is respectfully submitted.

(Signed)

W. H. STREET, }  
J. WOODWARD, } *Commissioners.*

*Saint John, N. B. 13th September, 1842.*

Read

Read the Report of the Committee appointed on the 7th instant, to report on and draw up additional Rules for the regulation of the Prison ; thereupon ordered, that the same be received, and that a copy thereof be forwarded to His Excellency to request the same may be confirmed.

Extracts from the Minutes.

(Signed)

CHARLES L. STREET, *Secretary.*

Rules approved by the Lieutenant Governor in Council for the management of the Provincial Penitentiary, in addition to those contained in the 2nd Section of the Act 5th Vic. Cap. 25, numbered 1 to 23, viz :—

24th. Every Prisoner shall on being received into the Penitentiary, be well washed and cleansed, have his or her hair cut, if required, and be clothed with the Prison dress, and shall receive a number, by which he or she shall at all times be known and distinguished, and to which he or she shall answer, and shall be required to keep themselves clean and decent in their persons, and to conform to such regulations for that purpose as shall be made by the keeper of the Prison.

25th. Every Prisoner shall keep the Prison clothes, bedding, furniture, tools, implements and other articles which may be used by him or her, in good order, without wilfully or carelessly destroying or injuring the same, and shall not injure or defile his or her cell or any other part of the premises, either by writing, marking, cutting, scratching, destroying, or in any manner injure or defile the same.

26th. Every Prisoner shall at all times keep strict silence and be of quiet and orderly behaviour, and shall not speak to any person except to the Commissioners, Keeper, Chaplain, Surgeon or Matron, and then only on matters relating to his or her health, comfort or occupation.

27th. Prisoners shall not be guilty of any indecency either in word or action.

28th. Every Prisoner shall at all times strictly and implicitly obey the orders of the Keeper, Under Keeper and Matron, and while at work, shall diligently employ and exert himself or herself to the best of his or her ability.

29th. Any Prisoner or Prisoners offending against any one or more of the Rules and Regulations, shall on the same becoming known to the Keeper or any Under Keeper or Matron, be forthwith confined to his or her cell, at the discretion of the Keeper or Superintendent, for a period not exceeding three days, except by order of the Board, the Chairman or attending Commissioner, by whom an extended period of confinement may be ordered ; and the diet of Prisoners while undergoing any punishment by confinement, shall be restricted to bread and water only.

30th. The Chaplain or such person as he may appoint or authorize, shall attend at the Penitentiary once on every Sunday, and perform Divine Service as directed by the tenth Rule.

31st. The Surgeon shall visit the Prison not less than once in each week, and examine into the state of the health of all the inmates, and attend otherwise as frequently as the health of the Prisoners may require, and also when required so to do by the Keeper, Matron, Chairman, or any visiting Commissioner ; he is also required to keep a Journal, in which is to be entered the date of every attendance for performance of his duty, with any observations which may occur to him, and sign the same, the said Journal to be left in the Prison for the inspection of the Commissioners.

32nd. The Keeper shall as soon as possible after the admission of a Prisoner, note down in a Register to be by him kept for the purpose, the Prisoner's age, height, features, &c. he shall also enter or cause to be entered in the Prisoners Property Book an inventory of all money, clothes and other effects which the Prisoner may have on his admission, or which from time to time may be sent to the Prisoner for his or her use, he shall take charge of such money, clothes and other effects for safe custody only, and for the purpose of being restored as may be directed by the Board, or by one or more of the visiting Commissioners, or in case of misdemeanments, deductions being first made for any wilful damage done by the Prisoners to Prison property.

33rd. Any near relation or friend may be allowed to see a Prisoner dangerously ill, under an order in writing signed by a Commissioner and the Surgeon if they consider such visit advisable, and the Prisoner requests it, such order to be entered in the Keeper's Journal and Order Book.

34th. The Keeper may admit visitors not having relations or friends amongst the Prisoners, and whose object is to see and examine the Institution, by an order signed by a Commissioner, such order and the name and residence of any visitor to be entered in the Keeper's Journal, such visitors are not to speak to any Prisoner, and it shall be the duty of such Keeper to make the Rule known to all such visitors at the time of admission.

35th. The Keeper shall see carried into effect the written directions of the Surgeon for separating Prisoners labouring under infectious complaints or suspected thereof, and for cleansing, disinfecting and lime washing any apartments occupied by such Prisoner, and for washing, disinfecting, fumigating or destroying any foul or suspected apparel.

36th. The Keeper may seize any person bringing in any Spirituous or fermented Liquors contrary to the Rules, or carrying into the Penitentiary, or attempting by throwing over the Walls, or by other means, to introduce into the Prison any Letters, Tobacco or other articles not allowed by the Rules, and may take the person so offending before a Justice.

37th. The Rules to be read over to each and every Prisoner on admission, and to all the Prisoners on the Monday morning of every week.

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**No. 10.**

[See Journal 28th February, 1843.]

(Copy.)

The visiting Commissioners of the Provincial Penitentiary for the month of December, Report,—That they have attended to the duty, and visited the Prison frequently, that the Officers and those connected with the establishment have conducted themselves well, and used their exertions to carry on the duties devolving on them.

The conduct of the Prisoners for the same period has been generally good, no complaints having been made to us.

The second tier of Cells are nearly completed, on which, and in the sinking of a Well in front of the Prison, the Male Prisoners have been principally employed during the month.

A large quantity of Spruce and Fir Wood has been brought in for the purpose of burning Brick next Summer,—Manure carried from Town for the purpose of Agriculture the ensuing season,—and other expenses prospectively incurred which will necessarily increase the expenditure of the month; but your Committee anticipate that part of such outlay will be again returned with a profit.

Annexed is a Report of I. Quinton, Keeper, to which we refer the Board for further particulars. It appears by the said Return that there was in Prison on the 1st December, 1842—

Male Prisoners,.....	30
Discharged during the month,.....	12
Admitted,.....	7— 5
	—
Remaining on the 31st December,.....	25
Female Prisoners in on 31st December,.....	8
Admitted during the month,.....	15
Discharged,.....	4—11
	—
Remaining in on 31st December,.....	19

The Commissioners have made arrangements for putting up a new Cooking apparatus which was much wanted, as will be seen by previous Reports, and which will be completed in all January.

The account for expenditure for December having been submitted to us by the Chairman, and on examination find it correct and accompanied by the necessary vouchers; the amount is £209 0 5½, for the following purpose, viz:—

Wood, for burning Brick next year,.....	£99	16	9½
Cells, Wages, Masons, Cement, &c.....	43	18	0
Hay and Straw for Horses and Bedding,.....	4	1	3
Sustenance, Beef and Bread,.....	15	2	8
Clothing and Blankets,.....	14	1	0
Salaries, Keeper and Under Keepers,.....	20	0	0
Miscellaneous, Blacksmith, Powder, &c.....	12	0	9½

	£209	0	5½
Balance due the Chairman per last Account rendered,.....	92	2	11½
	£301	2	5

The Chairman credits receipts from the following sources:—

1842.			
December 8.	From the Treasury,.....	£161	12 0
“	For diet for Soldiers committed,.....	26	9 9
1843.			
January 23.	From the Treasury,.....	100	0 0
		£288	1 9
Balance due W. H. Street, Esquire,.....		£13	1 8

There

There are also several Accounts unpaid for Wood, Wages and sundries, which could not be liquidated, as also the Chaplain, Surgeon, &c. for want of funds.

Your Committee would recommend that some one gentleman should be appointed as Superintendent, in whom the Board should have confidence to manage the out door business of the establishment, responsible to the Board, and relieve the visiting Commissioners of that duty, as it is impossible the visiting Commissioners, changing as they must necessarily do monthly, can so well manage as one person continuously in office, who will thus have the run of the business, whose duty it would be to attend to it, and for which he should be remunerated; as should the Commissioners own private affairs require their attention, they could not give the time to the Institution that its good management would require, and which they are now enabled to afford in consequence of the leisure which business at present permits.

All which is submitted.

(Signed)

I. WOODWARD,  
JOHN OWENS.

At a Meeting of Commissioners for the Provincial Penitentiary held on Monday the 30th January, 1843—

Read the Report of visiting Commissioners for the month of December, and on the Chairman's Accounts.

ORDERED, That the same be received and filed.

Extract from the Minutes.

CHAS. STREET, *Secretary.*

The Committee appointed as visitors by the Commissioners for the Provincial Penitentiary for the month of October, Report,—That they have attended to the duty, and here would observe, that their labour was much lightened by the arrangement and train in which the affairs of the Institution were placed by their Predecessors, Visitors for the previous month.

The number of Male Prisoners on 1st October instant,.....	17
Admitted during the month,.....	13
Discharged, .....	1— 12
	—
Remaining on 31st instant,.....	29
	—
Number of Female Prisoners on the 1st instant, .....	9
Admitted during the month,.....	14
Discharged,.....	3— 11
	—
Remaining on the 31st instant,.....	20

The expenditure of the month will be found large in consequence of the stock of materials required to be laid in for Winter Clothing, &c., but we are glad to say, it will not we think exceed the amount estimated by the Report of Chairman of the Board to the Executive Government.

The Kiln of Brick commenced last month has been finished. The labour of a part of the Male Prisoners, under the direction of Mr. Ray, with the assistance of two hired Masons,

Masons, has been devoted to the erection of a second tier of cells, which are progressing well—the hired Masons commenced on Monday the 22nd instant, at 6s. 6d. per day. The other Male Prisoners have been principally occupied on the grounds, digging and housing the Potatoes, (about 500 bushels of which have been secured,) ditching and otherwise preparing the soil for cultivation next Spring; also at Carpenter and Blacksmith work, Tailors, Shoe and Harness making, with the exception of three Soldiers in solitary confinement, which will expire on the 1st proximo.

The Female Prisoners employed in washing and cooking, &c. for the establishment, spinning, knitting and making up clothing.

The conduct of the Prisoners generally has been good, the Male Prisoners doing all the labour required of them orderly, industriously and apparently willingly, as if working for hire; no sickness.—Some of the Prisoners have required the attention of the Doctor, who has been constant in visits. The Chaplain, the Rev. William Harrison, has also visited and performed Service every Sunday. A supply of Bibles and Testaments have been furnished during the month, and a number of Tracts bought from the Rev. Mr. Coster, at Carleton, which will be sent out.

The Committee finding the Contract price for supplying the Beef high, (27s. per cwt.) as compared with the market rates, applied to the Contractor to reduce the price, which he refused. We then stopped the receipt from him at the Prison, and have since furnished from the market at a much less rate, about 1½ per pound, or 14s. per cwt. We did not think the Bakers rate for Bread so objectionable, and have allowed it to continue, but expect to have a reduction next month, in consequence of the price of Flour having declined. Your Committee would suggest the propriety of advertising for Tenders for all supplies requisite for Prisoners subsistence under the scale of diet for a given period, say three or six months.

The Committee are of opinion, that a Keeper's or Porter's Lodge is required at the outer Gate, and that it would be desirable to have one erected, if the Board should approve; the expenses is estimated at about £15, exclusive of Prisoners labour and part of the materials for Frame, which are on hand.

The Committee would further report, that from the low price of horses at present, and the large amount necessarily paid for horse hire by the Establishment, it would be advisable to buy the horses now hired of Smith, if the pair could be purchased from him for a sum not exceeding £27 10s. They would further suggest the propriety of having a Brick Tank built in the Prison for the collecting Rainwater for the use of the Prisoners, as the Wells dug on the premises do not furnish good water, and at present the water for use is brought from a Well near the shore. They estimate the expense, exclusive of Brick, at about £10.

We refer to the Keeper's Report for the month for further particulars, and have much pleasure in reporting our approval of the attention to their duty of the different Officers of the Institution. All which is submitted.

(Signed)

I. WOODWARD, }  
JOHN OWENS, } *Visiting*  
R. L. HAZEN, } *Commissioners.*

*St. John, N. B. 31st October, 1842.*

Read the Monthly Report of the Visiting Commissioners.

ORDERED, That the same be received, and that a Copy thereof be forwarded, with the Month's Accounts, to the Provincial Secretary.

Extract from the Minutes.

(Signed)

CHAS. L. STREET, *Secretary.*

The Committee of the Commissioners of the Provincial Penitentiary appointed as Visitors for the past month have attended to that duty, and Report,—That there was in the Prison on the 1st November,

Males,.....	29
Admitted during the month,.....	10
Discharged,.....	9— 1
	—
Remaining on 1st December,.....	30
Females in on the 1st November,.....	20
Admitted during the month,.....	3
Discharged,.....	15—12
	—
Remaining on 1st December,.....	8

The Prisoners have been employed during the month nearly in the same manner as in the month of October, say, in progressing with the Cells, Farm Work, &c. ; conduct generally good throughout the month ; no fault found by the Keeper.

Your Committee think the Cells will be completed by the end of the month, and they are happy to report at no greater cost than was anticipated—the expense of two Masons and the Cement.

There are some articles of Clothing and Bedding required, which your Committee have not felt themselves justified in purchasing, in consequence of the state of the funds—the Charman being in advance ; but they hope provision will be made by the Executive that the establishment may be put in order without subjecting the Charman or any of the Commissioners to the inconvenience of making advances of money in such times of scarcity as the present.

Wood is an article of some expense, as the consumption for the purpose of Cooking and warming the Prison is about six cords per week at present, and for the month we have agreed to pay 8s. per Cord ; but persons are willing to furnish Spruce Wood during the Winter when the hauling is good at 6s. 3d. per Cord, and your Committee recommend that agreement should be made with them for such quantity as may be required for the burning of Bricks next season, as that is one of the employments to which they think the labour of the Prisoners may be advantageously devoted at that time.

The conduct of the Keepers have given satisfaction, and your Committee think affairs are in such a train as may be conducted with but little trouble. The Keeper appears to have managed well with the Prisoners, uniting a proper degree of firmness with a regard to their comfort—such as are allowed that, makes his rule borne willingly. They have provided a Book for the Keepers Journal, in which he enters daily all transactions and occurrences as they arise ; this, they think, will be satisfactory as a reference.

They annex the Keepers Return and Report, to which they refer the Board for further particulars. With regard to the wants—a Cooking apparatus is particularly required, and the Visitors would recommend procuring one—an attention to the prospective wants of the Prison. All which is submitted.

(Signed)

St. John, N. B. 1st December, 1843.

I. WOODWARD, }  
 JOHN OWENS, } *Visiting*  
 R. L. HAZEN, } *Commissioners.*

*Statement*



Statement showing the number of Prisoners admitted into, and discharged from the Provincial Penitentiary, from 1st September to 31st December, 1842, the Rations required, and the employment of Prisoners for each Month.

Months.	Male Prisoners.				Female Prisoners.				Rations for Keepers and Matron.	Employment for Male Prisoners during each Month.	Employment for Female Prisoners during each Month.		
	In Prison on 1st of	Admitted within the Month.	Discharged within the Month.	Remaining at end of the Month.	In Prison on 1st of	Admitted within the Month.	Discharged within the Month.	Remaining at end of the Month.					
September,	16	5	6	17	539	22	4	17	9	263	155lbs. Beef, 120lbs. Bread.	115 days Farm work and general labor, 114 days Brick making, 108 days Stone cutting, 26 days Blacksmith work, 47 days Carpenter work, 20 days Shoe and 3 days Harness making, 4 days Coopering.	Sewing, knitting, washing, cooking, and general work of the Establishment.
October,	17	13	1	29	578	9	14	3	20	442	155lbs. Beef, 120lbs. Bread.	209 days Farm work and general labor, 142 days at Stone cutting and Cells, 59 days Carpenter work, 26 days Shoe-making, &c., 24 Harness making, 19 days Blacksmith work, 17 days Tailoring and 6 days burning Bricks.	31 days picking and carding wool, 116 days sewing, mending and making clothes, 26 days spinning wool, 39 days washing and scrubbing, 70 days cooking and general Housework in the Female Prison, 32 days knitting socks, 27 days gathering potatoes, 52 days cooking, &c., for Males.
November,	29	10	9	30	884	20	3	16	8	452	155lbs. Beef, 150lbs. Bread.	298 days Farm work and general labor, 184 days at Stone dressing & building Cells, 41 days Carpenter work, 7 days Blacksmith work, 43 days Tailoring, 47 days Shoemakers work.	19 days picking, carding and spinning wool, 86 days knitting, 68 days sewing, 36 days washing and scrubbing, 60 days cooking, 166 days general Housework.
December,	30	7	12	25	767	8	15	4	19	420	155lbs. Beef, 150lbs. Bread.	229 days general labor, 219 days work on new Cells, 49 days Carpenter work, 48 days Blacksmith work, 42 days Tailoring, 43 days Shoemakers work.	145 days cooking and general Housework for both Prisons, 33 days preparing wool, 14 days spinning, 71 days knitting, 43 days sewing, 26 days washing and scrubbing.

By Order of the Board.  
 W. H. STREET, Chairman of the Board of Commissioners.  
 Sworn before me at Saint John, the 23d day of February, 1843.  
 JOHN KINNEAR, J. P.  
 William H. Street, maketh Oath, that the foregoing statement is made up from the Monthly Returns of the Keeper, and are true, to the best of his knowledge and belief.  
 W. H. STREET.

*Account of Expenditure and Receipts by the Commissioners of the Provincial Penitentiary for the period commencing 1st April, and ending 31st December, 1842.*

## EXPENDITURES.

1842.				
September	30.	Amount per Account No. 1, transmitted to His Excellency with Vouchers Nos. 1 to 41,.....	£316	14 10½
October	31.	Amount per Account No. 2, with Vouchers Nos. 42 to 85,.....	255	2 7
November	30.	Amount per Account No. 3, with Vouchers Nos. 86 to 114,.....	130	15 2½
December	31.	Amount per Account No. 4, with Vouchers Nos. 115 to 159,.....	209	0 5½
"	"	Amount per Account No. 5, with Vouchers Nos. 160 to 174, being an additional Account for December,.....	107	11 6
			<hr/>	
			£1019	4 7½

## RECEIPTS.

1842.				
September	1.	By cash from Provincial Treasurer,....	£300	0 0
October	5.	" cash from ditto.	209	17 10
November	8.	" cash from ditto.	100	0 0
"	17.	" 19 days diet for Soldiers of H. M. 30th Regiment,.....	0	11 10½
December	8.	" cash from Provincial Treasurer,....	161	12 0
		" cash from Paymaster, 883 Soldier's diets to 31st December,.....	26	9 9
1843.				
January	23.	" cash from Provincial Treasurer, 23rd January, 1843,.....	100	0 0
February	1.	" cash from Provincial Treasurer, 1st February, 1843,.....	150	0 0
			<hr/>	
			£1048	11 5½
Balance due Provincial Penitentiary 31st December, 1842,			<hr/>	
			£29	6 10

*Accounts for Expenditures prior to 31st December, remaining unpaid.*

Surgeon's services from 1st April to 31st December @ £50,.....	£37	10	0	
Chaplain from 1st September to 31st December, @ £25,.....	8	6	8	
And unpaid Accounts for Expenditures under for former Commissioners prior to the 1st September,.....	152	11	9½	
			<hr/>	
			£198	8 5½

His

His Excellency the Lieutenant Governor having directed the Commissioners to forward Monthly detailed Accounts and Vouchers, the Commissioners are obliged to refer to their Monthly Returns in the possession of the Executive Government for the detail of the Expenditure.

*I, William H. Street, do make Oath that I am a Commissioner for the Provincial Penitentiary, and that the within Account for Expenditure and Receipts by the Commissioners of the Provincial Penitentiary is just and true to the best of my knowledge and belief.*

W. H. STREET.

Sworn before me at Saint John, this }  
22d day of February, 1843. } BEN. L. PETERS, Justice of Peace.

*The Annual Report of the Board of Commissioners of the Provincial Penitentiary.*

The present Commissioners having been appointed to office late in the month of August, entered upon the duties thereof on 1st September: That the Commissioners have subsequently received monies from the Province Treasurer at various times, the last on 1st February, 1843, amounting in the whole to £1,021 9 10, and although £250 of this amount was received in January and February, the whole is at credit on the Account ending 31st December, 1842, it having been expended in paying Accounts contracted prior to 1st January, 1843—and that there are remaining unpaid Accounts for expenditure prior to 1st January, 1843, amounting to £198 8 5½.

The annexed Abstract of the Keeper's Monthly Returns since the period of the Commissioners appointment exhibits the manner of employment and the Prisoners admitted and discharged during each month, number of deaths, &c.

Cutting and preparing the stone and recently building thirty new Cells, has furnished the means of employing usefully many of the Prisoners—and although there are 60 Cells which can be used for Male Prisoners, as a Provincial Institution, it is apprehended that a third tier of Cells will be required by the period at which the material could be procured and the work completed.

The only, at present, prospective profitable occupation for the Prisoners, is that of making Brick, and although considerable fuel for that purpose has been procured—if allowance be made for no inconsiderable consumption in the Prison during the Winter—it would be desirable to increase or double the present quantity of Wood, so as to ensure an ample supply when the season for making Brick arrives.

The Commissioners cannot omit in this Report noticing the very insecure description of Fence or Pailing with which the Prison is enclosed,—affording little or no protection against escape; and are of opinion that it is an object of the first importance to get the grounds securely enclosed by Stone and Brick Walls, and that the labor of the Prisoners should be rather directed to that object than any other, and that the providing Brick and quarrying Stone the ensuing season would be ultimately more advantageous than making Bricks for sale, and in the erection of exterior Walls, Sick Wards and Work Buildings, can be made to become a part of the intended Wall.

The Commissioners esteem it their duty to notice the embarrassment under which they have been frequently placed by the delay in procuring the necessary funds to pay the charges of the Prison, and had it not been for advances occasionally made by themselves, the means of feeding and clothing the Prisoners would on more than one occasion have ceased to exist. To obviate a continuance of this difficulty, they

W\*

respectfully

respectfully suggest that the Province Treasurer may be authorized to furnish funds as required on requisition of the Board to extent of £100 monthly.

The Monthly Report of the Visiting Commissioners which have been regularly transmitted, will supply much detail and prevent repetition of like matter by the Board.

By order of the Board.

W. H. STREET, *Chairman.*

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**No. 11.**

[See Journal 8th February, 1843.]

*To the Honorable the Legislative Council of the Province of New Brunswick, in General Assembly convened.*

The Memorial of the Directors of the Prince Edward Island Steam Navigation Company,

SHEWETH—

That during the last year, from the 17th of August to the end of the season, the Steamer Saint George, their property, a vessel of 110 horses power, with good accommodations, was employed weekly between Pictou, Charlotte Town and Miramichi, for the convenience of the several Provinces of Nova Scotia, New Brunswick and Prince Edward Island.

That their undertaking was in a great degree induced by the liberality exhibited heretofore by your Honorable House, towards enterprises having similar objects.

They therefore pray that your Honorable House, after a perusal of the Report and Documents herewith transmitted, will take their case into your favourable consideration, not only with the view of affording your valuable assistance towards rendering their undertaking remunerative for the past year, but with the further view of assisting the Company which they represent in supplying the means of a more extended communication between other parts of the three Provinces.

(Signed) CHARLES HENSLEY, *Chairman.*

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PRINCE EDWARD ISLAND STEAM NAVIGATION COMPANY.

The first Annual Meeting of the Shareholders of the Prince Edward Island Steam Navigation Company was held in the Court House, Charlottetown, on Tuesday, the 14th day of February, 1843, pursuant to public notice, and in conformity with the 7th Section of the Act of Incorporation—The Honorable Charles Hensley in the Chair.

The Chairman read the following Report :—

The Directors are happy in the opportunity which the occasion of your first Annual Meeting affords them of submitting to you the following Report of their proceedings ; and although it may not altogether realize the expectations of some, they still trust that there will be found in the conclusions arrived at in it no occasion for despondency.

The duties which you entrusted to them they have found to be of a more arduous and difficult nature than they had anticipated ; but they have been encouraged and sustained in the performance of them by the conviction, that the public generally of these Provinces were deeply interested in the successful issue of this undertaking ; and they have

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have, in consequence, laboured earnestly and zealously to fulfil the demands and expectations of the different Legislatures ; and it is with much regret that they have been compelled to declare their opinion of the utter impossibility for any one Steam Boat to accomplish all the conditions imposed upon the Company by them—that, in truth, it is not possible for any one vessel to make, without intermission, the various voyages which the conditions of the grants of the respective Legislatures impose upon them.

But, whatever may have been the opinions of the Directors themselves, upon the most judicious course for conducting the operations of the Saint George, they still felt themselves bound to comply with the Act of the General Assembly, as by so doing they would be enabled to satisfy the Legislatures and the Shareholders, as to the judgment with which the voyage had been marked out—its advantages and disadvantages—and, what is of most material import to all parties interested, the probability of its proving profitable or otherwise to the concern ; and, as facts are always better than arguments, they have appended to this Report a statement of the expense of the voyage to each place, and the return of freight and passage money accruing therefrom, by which it will be seen that some of the voyages have been always performed at a considerable loss to the Company, without affording any compensating accommodation to the public.

From the short period in which the Saint George was in action, the general slackness and embarrassment of mercantile affairs throughout these Provinces, during the past year, and the unusually stormy and tempestuous season, this Report ought not to be received as affording any fair ground for forming an accurate judgment of the reasonable prospects of the Company in future years, if taken by itself. The Directors have, therefore, felt it to be their duty to ask your attentive consideration of other points likely to aid and assist you in coming to some satisfactory conclusion upon this head.

The operations of the Saint George, during the few months she was in employment, must be taken as an experimental fragment of a season ; perhaps something adverse in itself, but bearing the “ precious jewel in its head,” by which we may, if permitted so to do, so arrange the future voyage of the Saint George that her powers may not be exhausted in futile efforts to accomplish that which the past trial has shown to be impracticable.

As in another part of this Report it is the Directors purpose to make some further remarks upon the points referred to in these prefatory observations, they now beg your attention to the following detail of their proceedings.

The Directors, deeply impressed with the necessity of taking prompt proceedings, met together on the day following the General Meeting, and having elected the Honorable T. H. Haviland to the office of Treasurer, they determined to make forthwith a call of £25 per cent. to become due on May 5th, and a second call of £25 per cent. payable on June 4th. They then proceeded to take into consideration the best, and, at the same time, the most economical course to be adopted for purchasing a sound and efficient Steamboat ; and having happily been enabled to secure the able services of Francis Longworth, junior, Esquire, they requested him to proceed to England for that purpose by the first opportunity. Mr. Longworth was furnished with such necessary funds as the Directors possessed, and with instructions to enable him to proceed in the arduous duty he had so kindly undertaken with promptitude and confidence ; and it is known to you all that he lost no time, but proceeded to England by the Steamship of May 18th. This

This preliminary step dispatched, the Directors entered into a correspondence with a Committee of Gentlemen at Miramichi, who had addressed the Provisional Committee for information of the objects and proceedings of the Prince Edward's Island Steam Navigation Company, and desiring to ascertain what shares remained undisposed of, and making enquiry of the proposed voyage, &c. &c. It is unnecessary to trouble the meeting with the correspondence, as, from the unpromising state of affairs at Miramichi at that time, it produced no satisfactory results. Neither is it necessary to detain you by detailing the correspondence which it was deemed right to hold with Mr. Longworth, upon the report reaching these shores that the John McAdam was in forwardness for this station—that alarm having happily passed away.

Towards the conclusion of the month of July, the Directors received a letter from Mr. Longworth, informing them that he had succeeded in purchasing the Saint George, of the Saint George Steam Packet Company; that he felt assured that she would prove to be a purchase equally satisfactory to the Company as it was to himself; that the Saint George had about eight months previously been made nearly equal to new, at an expense of £3,580 Sterling, having had new boilers and new decks—been newly coppered, new sails, and in every other respect put into thorough and efficient order and repair; that she had been built at Liverpool, by Messrs. Wilsons, who were esteemed among the best Steamboat builders in England; that her frame was of a large size, all of English Oak, and as sound as when put together; that when new, including outfit, she had cost £11,000. Mr. Longworth also informed the Directors, that it was his intention to bring out the Saint George under steam, and mentioned the 10th of August as the probable time of his arrival.

Upon the receipt of this letter, the Directors made the necessary arrangements for bringing her into activity at as early a period as possible. On the 13th of August, Mr. Longworth reported the arrival of the Saint George in the harbor of Charlottetown, after a good passage of 14 days from Cork, having touched at Saint John's, Newfoundland, and brought some passengers and freight from thence.

Mr. Longworth having thus ably and successfully fulfilled the trust reposed in him, the Directors felt it incumbent upon them to express their sense of it in the following unanimous Resolution:—

“That the warmest thanks of the Directors of the Prince Edward's Island Steam Navigation Company be presented to Francis Longworth, junior, Esquire, for the promptitude, ability and excellent judgment with which he has executed the arduous duty entrusted to him, of searching out and purchasing a most efficient Steam Vessel for the service of these Colonies, and also for the diligence and zeal exhibited by him in conducting her, under circumstances of much anxiety, to the successful conclusion of her voyage out to this Island.”

In consequence of the intemperate habits of the Captain and Steward, and the discontented state of some of the crew, it was found requisite to make many changes, and some days were necessarily occupied in these alterations. They were happily able to engage the services of Captain Mattheson, to take command of the Saint George, in whose hands they could place her with perfect confidence; and although they had but short space to appoint and select the other officers of the Company, and of the Saint George, they have much pleasure in reporting to the Proprietors that those officers have zealously and efficiently performed the duties entrusted to them.

The Saint George sailed upon her first trip for Pictou, on Wednesday, August 18th,

at

at 8 a. m., and the Directors desire to express their thanks to those public spirited shareholders and friends of the enterprize whose lively zeal induced them to encourage by their presence, and that of their families, the first start of this truly national undertaking. The Saint George, you are aware, was kindly welcomed at Pictou—was honored with a salute—and received assurances of approbation and good will from its most respectable inhabitants.

On Monday, August 22nd, she was dispatched on her first voyage to Miramichi, and as some of the Directors were able to devote a part of their time to the service, they proceeded in her to Miramichi, that they might make arrangements, and ascertain and meet, as far as possible, the wishes of the inhabitants. It is known to you all that the Saint George received from our friends at Miramichi the same demonstrations of good will and assurances of support as had distinguished her entrance into Pictou.

The experience of that voyage was sufficient to convince the Directors that the demands of the several Legislatures tasked the powers of the Saint George too inordinately ; they made, in consequence, certain alterations in her weekly course, by which they hoped to ease the vessel and crew as much as circumstances would admit of, and which they have reason to believe, if the weather had been moderate, would, under such favorable circumstances, have enabled her to complete her weekly circuit with some regularity.

The 17th of November concluded the voyages of the Saint George to Miramichi for the season, as the necessary insurance could not be effected for a later period but at a most exorbitant premium, and she was finally ordered to be laid up for the Winter, on December 7th.

Two circumstances graced the closing of the season of the Saint George's activity, which, apart from the mere pecuniary advantage accruing to the concern (and which the Company are justly entitled to claim, in compensation for services performed and risks incurred,) must afford the purest gratification to the Shareholders, and speak volumes as to the importance of keeping such an efficient Steamer as the Saint George upon these coasts—these are, the being instrumental in saving from imminent danger of shipwreck the Orient, a ship of 500 tons, and towing her into the harbour of Georgetown, with six feet of water in her hold, the Captain being in ignorance of his vessel's position, and with his crew in a state of exhaustion from continual labour at the pumps ; and the bringing of the Lady Wood into this harbour, after she had been on the rocks, having lost her rudder and being water-logged. These are services upon the performance of which we feel entitled to congratulate the proprietors and the public, and we trust that the underwriters and the owners of the vessels will, when well advised of the circumstances under which they were afforded, duly appreciate their value.

The Directors have now an exceedingly painful duty to perform ; but in justice to the Company, and to the Shareholders who have duly paid up the instalments which have been called for, they feel obliged to remark on the conduct of those Subscribers who have neglected to do so, thereby imposing a necessity on the Company to pay interest on several sums of money, from time to time advanced. This interest will, of course, be charged, in due proportion, against the parties in default, and legal measures taken to enforce payment.

The Treasurer's and other Accounts, brought up to the present year, which will be read to you, and will lie for your examination, exhibit, as you will most likely have anticipated,

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anticipated, no very flattering results for the past season ; indeed, the Saint George may be said to have done little more than pay her expenses ; and when all the circumstances of the past year are taken into view, little more could have been reasonably expected.

We also submit an account of the average expense of the voyage to each place, and the returns of freight and passage money accruing, by which you may see which are profitable and which are unprofitable voyages.

The Directors have also made a careful comparison of the returns from the different ports, with those estimates which were submitted at the meetings previous to the formation of the Company.

We have thought it right to place these several statements before you, that you may be able to understand the present position and future prospects of this national enterprize, undertaken in a patriotic and enlightened spirit, highly honorable to the parties embarked in it, and justly entitled to the support and favour of the public, and the Legislatures of these approximating Colonies, as likely to exercise a most beneficial influence upon their commercial intercourse, by promoting more constant and intimate communication between them.

Having submitted these statements to your consideration, it may, perhaps, be asked, what are the expectations of the Directors, as to the ultimate success of the Company, and upon what are those expectations founded ? To which they would answer, that they see no reason to doubt of the success of the Company, if the experience of the past is permitted to be beneficially used, as a correction and guide for the future ; if they be authorized to direct the operations of the Saint George to the maintenance of the Mail and commercial communications of the principal ports of Pictou, Charlottetown and Miramichi, without being clogged and frustrated in their efforts by the restriction to touch at regular periods at minor ports, out of the direct course for maintaining these important communications ; if they are not compelled to perform voyages without hope of profit, which bring no compensating advantage to the public, and to lose sight of the great objects for which this national enterprize was originated, in a fruitless attempt to grasp with the same effort the minor and less important ones ; if, in fact, they are permitted so to regulate the voyages of the Saint George, from time to time, proportioning her visits to the above named ports, not according to a before arranged plan, but to the information they may receive of the real wants and demands of the several places, exercising, indeed, that discretion in the performance of their duties which the chosen Directors of a Company are generally supposed to possess.

In a letter received soon after the arrival of the Saint George, from a Gentleman of acknowledged judgment and great practical experience in the powers and capabilities of Steamboats, the following remark is made, which, as it coincides remarkably with the experience of the past year, is well worthy of the attentive consideration of all parties interested :

“ I also fear that you expect to do too much. In my opinion, you should only attempt to make one trip to Miramichi, and two to Pictou and Charlottetown, in the week, leaving out Georgetown and Bedeque. If you attempt too much with a Steamer, you will certainly fail. You must take time to clean and keep the machinery in order.”

The powers of the Steam Engine have been pourtrayed to the imagination of the uninitiated in such exaggerated terms, that few are prepared to expect the careful  
cleansing



cleansing and attention which it constantly requires. The inflated language in which its qualities are usually described seems to have blinded the eyes of those who have no experience in its management to the common-sense conclusion that the more extensive and various the power, the more assiduous and constant is the superintendence required to maintain it in its perfection.

The Directors are anxious to obtain the attention of the Shareholders and the public to the foregoing observations, as they have come to a decided conclusion, that no one Steam Vessel (let her speed be what it may) can perform, the conditions imposed in the time required—the necessary rest for the crew, the taking in freight and coals, and the requisite attention to the cleansing of the Engines and boilers, &c. being duly considered.

In forming our judgment of the future prospects of the Company, it is also necessary to take into consideration that the past year has been one of great mercantile suffering throughout these Colonies, and it is unreasonable to expect that the Company should not share in the general embarrassment. The Saint George came into operation at an unfavorable period; she experienced much bad weather, and it was not likely that she should at once enter upon a successful trade, it being mostly found necessary gradually to accustom the public to a new and more convenient means of conveyance before it is brought to its habitual adoption. It may be seen by the returns of the later voyages, that traffic was steadily increasing by our vessel, and we think there is little reason to apprehend that when once accustomed to a quick and certain delivery, it will be likely to revert to the slow and uncertain transmission by sailing vessels. Neither will the Directors permit themselves to anticipate that the Legislatures of these neighbouring Provinces will suffer an enterprize of such moment to languish for want of sufficient encouragement, but in that sound and liberal spirit which first instigated them to vote sums for the establishment of Steam communication upon these coasts, will enlarge those sums to an extent that will be sufficient to hold forth to the Proprietors a fair prospect that their capital will not be wasted in fruitless efforts for the public advantage.

We feel assured, that if the Legislatures of Nova Scotia, New Brunswick and Prince Edward Island are fully impressed with the importance of preserving the services of such a vessel as the Saint George upon these waters, they will not hesitate to extend their grants for a year or two, until the experiment has received a fair trial; and if it is indeed found that the population and commerce of these Colonies is not sufficient to give profitable employment to a single Steamer, they can then withdraw their support, and the Proprietors must seek employment for her in some other channel.

In conclusion the Directors desire to submit a few observations. It would be vain for them to pretend to be ignorant that there does exist in the minds of some of the Proprietors a feeling of dissatisfaction that the Saint George does not possess, in its fullest perfection, one of the very desirable qualities of a Steam Vessel—speed. The Directors have no hesitation in allowing that the Saint George would be the better for an increase of her speed, and they join in the wish that it could be accelerated; but they recommend to the Proprietors to take the Saint George as a whole, with her excellent accommodations, her substantial qualities, as exhibited by her in the tempestuous weather which prevailed at the latter part of the season, her capability for freight, and stability and strength of structure, so necessary for the service for which she is destined—the sound and perfect state of her engines and boilers—and the low price

price at which she was purchased—and then we think that they will readily acknowledge that we have been exceedingly fortunate in our purchase.

Had it even been in the power of the Directors to instruct their Agent to purchase none but a vessel of a certain power and speed, and keeping those objects in view, to be indifferent as to price, it is not unlikely that a superior vessel might have been procured; but as they were limited in their means, their choice was necessarily limited also, and their belief is, that, under the circumstances, there is much to congratulate themselves and the proprietors upon, in the possession of so good and sound a ship as the Saint George.

The foregoing Report is most respectfully submitted to the Legislatures and public generally of these Provinces, in the lively hope that it will receive from them a deep and impartial examination; and the Directors are persuaded, that a due consideration of its contents will influence their minds to the following conclusions—

1st. That no Boat can perform all the conditions at present imposed upon the Company.

2d. That to render the circle of the Company's operations more complete, it is most desirable that a small Steamer should be employed, in conjunction with the Saint George; by which means a more extensive range might be embraced, uniting more closely various other parts of the several Provinces, including Cape Breton, and thus the general communications essential to their relative commercial prosperity would be materially extended.

3d. It is scarcely to be expected that the extension of the Company's capital, necessary for the accomplishment of the above object, can be procured without the assured aid and encouragement of the several Legislatures; and they hope that they are not unreasonable in respectfully soliciting from them the most efficient co-operation and support.

Finally, the Directors desire to impress upon the public the immeasurable importance to the interests of these Provinces of establishing a regular communication, by steam, all along the Gulf Shores, and on to Halifax, calling at the most important places in the route; and although they see no immediate prospect of its accomplishment, they will not despair of its ultimate success.

CHARLES HENSLEY, *Chairman.*

*An Account shewing the cost of the Steamer Saint George, at the date of her arrival at Prince Edward Island, August 14th, 1842.*

Amount of Purchase money,.....	£4,200	0	0
Incidental Expenses,.....	£307	15	6
Provisions,.....	160	15	8
Ship's Stores,.....	99	16	3
Engineer's Department,.....	224	12	1
Coal, Oil, Tallow, &c.....	259	9	8
Wages, .....	133	14	4
Copper and Nails,.....	127	12	4
Sundry small disbursements,.....	29	18	3
		—1,343	14 1
			£5,543 14 1
Less,—Passage money from England and Newfoundland, received,.....		77	•4 10
Net cost,.....	£5,466	9	3

*Statement*

*Statement of Amount of Purchase Money of Steamer Saint George and Materials, and amount received from Shareholders, to February 14th, 1843.*

1842.	
Aug. 14.—To amount of Purchase Money and Materials, including Outfit, Stores and Expenses, to Prince Edward Island, as per Account stated, Stg.,.....	£5,466 9 3
“ “ “ Premium, 32½ per cent., and Exchange,.....	2,581 7 8½
1843.	
Feb. 14. . . . . “ Interest paid on Bills purchased to 1st January,.....	30 6 0
	£8,078 2 11½
1843.	
Feb. 14.—By Amount paid by Shareholders to the Hon. T. H. Haviland, to this date,.....	£7,158 15 0
“ “ “ Ditto. Ditto,.....	51 15 0
	£7,210 10 0
“ “ “ Balance short, paid by Shareholders, to complete amount of purchase,.....	867 12 11½
	£8,078 2 11½

*Abstract of Treasurer's Account, to 14th February, 1843.*

Amount paid by Shareholders, to this date,.....	£7,210 0 0
Amount handed him by T. Owen,.....	627 0 0
	£7,837 0 0
By Amount paid for Bills remitted to England, and for disbursements,	7,745 7 8
Balance in Treasurer's hands,.....	91 12 4
	£7,837 0 0

*Abstract of Receipts and Expenditure, between the 14th August and 31st December, 1843.*

To Amount of Labour and Disbursements, including proportion of Reserved Fund, .....	£1,736 19 2½
By Amount received for Passages and Freight, including £300, being one moiety of P. E. Island grant for conveying Mails, and £173 12s. 2d. for towing Vessels,.....	£1,693 9 2

*Abstract of Debts owing by the Prince Edward Island Steam Navigation Company, Jan. 1843, and the available and contemplated funds to pay them.*

Due to the Hon. C. Hensley, for Bills purchased from him,.....	£607	6	5½
Due to the Albion Mining Association, payable the 1st March,.....	105	11	5
Due for Insurance effected in Halifax,.....	151	10	3
Due T. Owen, Manager,.....	14	1	11
Due Mr. Haszard, for Printing, Books, and Stationery,.....	14	1	11
<hr/>			
Amount of Stock on hand,.....	£221	9	6
Amount due by Mr. B. Davies, payable 27th February,.....	100	0	0
Amount secured on the Ship Orient, £50 Sterling,.....	73	12	2½
Due by Shareholders, on Shares subscribed for,.....	69	0	0
In the hands of the Treasurer,.....	91	12	4
Contemplated to be obtained from the Province of Nova Scotia,.....	—	—	—
Contemplated to be obtained from the Province of New Brunswick,....	—	—	—

*Averages of Passage Money and Freight from the respective places named.*

Average of Trips between Pictou and Charlottetown, weekly,.....	£26	1	7
Average of Trips between Charlottetown and Miramichi, weekly,.....	35	6	0
Average of amount for Trips, calling at Bedeque,.....	6	0	0
Average of Trips from Pictou to Georgetown,.....	4	1	5

The following Resolutions were then severally proposed, and unanimously adopted:—

I. Moved by the Honorable Charles Young, seconded by Mr. James Purdie—

That the Report, as read, be adopted, and printed for general information.

II. Moved by W. Douse, Esquire, seconded by Mr. John Davis, junior—

That the Treasurer's Account be received and adopted.

III. Moved by the Honorable Charles Young, seconded by Henry Palmer, Esquire—

That the thanks of the Shareholders be presented to the Directors of the Prince Edward Island Steam Navigation Company, for their careful management of the affairs of the Company, during the past year, and for their able and gratifying Report.

IV. Moved by W. Douse, Esquire, seconded by Mr. John Davis, junior—

That the Shareholders beg to tender their thanks to Francis Longworth, junior, Esquire, for the trouble taken by him in the purchasing and bringing out from England to this Island of the Saint George, Steamboat; and they beg to assure him, that they highly appreciate his conduct in the various difficulties he encountered in that undertaking.

V. Moved by Captain Swabey, seconded by the Honorable Joseph Pope—

That this Company do insure itself, out of its own funds, from the usual risks contemplated by Marine Insurance Companies, to the amount of £400, Halifax currency, per annum.

The Chairman then informed the Meeting that the retiring Directors were the Honorable T. H. Haviland, Honorable James Peake, and Samuel Nelson, Esquire; and the Honorable Joseph Pope, Francis Longworth, and Joseph Wightman, Esquires,

Esquires, being appointed Scrutineers, and a ballot having taken place, the former gentlemen were declared duly re-elected.

W. Cundall, Esquire, and Mr. Charles Welsh were then appointed Auditors for the ensuing year.

The Honorable Charles Hensley having vacated the Chair, and the Honorable Joseph Pope having been called thereto, the thanks of the Meeting were given to the former gentleman, for his impartial conduct in the Chair.

(Copy.)

*An Account of Expenditure and Receipts of the Steamer Saint George from the 14th of August, to 31st December, 1842.*

DR.

Amount paid for Wages and Labor,.....	£332	1	6
“ Paid for Provisions and Liquor,.....	208	16	1½
“ Paid Light Duty at Miramichi,.....	8	18	7½
“ Paid Lighterage and for use of Albion Steamer,.....	20	8	4
“ Paid for Coal,.....	463	0	10½
“ Paid for Insurance,.....	233	4	5
“ Paid for Printing,.....	14	1	11
“ Paid Clerks Wages,.....	24	0	0
“ Paid Manager,.....	37	10	0
“ Paid for Oil and Tallow,.....	32	0	0
“ Paid for sundry disbursements,.....	111	11	0½
8-13 of £400 Halifax Currency, Reserved Fund, being proportion for 16 weeks employment out of 26 weeks, the length of the season, £246 3s., Halifax Currency,.....	283	1	4½
Interest on Capital Invested, £5,466 9 3, Sterling, is P. E. Island Currency, £8,047 16 11½.....	181	1	6
	<hr/>		
	£1,949	15	8½

CR.

By amount of Passage Money and Freight received including Board of Passengers and amount received for Liquor,.....	£1,219	17	0
By amount received for carriage of Mails for 3½ months to Pictou and Miramichi, from the Government of P. E. Island,.....	300	0	0
	<hr/>		
	£1,519	17	0
Balance,.....	429	18	8½
	<hr/>		
	£1,949	15	8½

To Balance,..... £429 18 8½

*I do swear that the Receipts and Expenditure of the Steamer Saint George, as stated in the above Account, are just and true, to the best of my knowledge and belief.*

THOMAS OWEN, *Manager.*

Sworn before me this 18th February, 1843.

(Signed)

T. H. HAVILAND, *J. P.*

**No. 12.**

[See Journal 14th March, 1843.]

(Copy.)

A.

*British Consulate, Baltimore, February 28, 1843.*

SIR,—In conformity with a Despatch lately received from the Provincial Secretary's Office, to which I replied on the 23rd instant, I now beg leave to submit for Your Excellency's consideration the amount of a small claim, with interest, for certain expenses incurred by me upwards of two years since (in the case of the Mutineers of the schooner Margaretville, sent to New Brunswick for trial in the month of March 1841,) amounting, as per Vouchers herewith transmitted, to the sum of \$89 66 or £22 8 4½ Halifax currency.

The documents referred to in my Despatch to Lord Palmerston of the 25th May, 1841, which it appears have not been received by Her Majesty's Attorney General, were forwarded in Duplicate to Saint John, as will appear from the letters, copies of which marked B. are herewith enclosed.

In further elucidation of this transaction, I transmit besides, marked C, the copy of a Voucher supplied by Mr. Kinnear, Queen's Counsel, to the Master of the Vessel on board of which I shipped the alleged Mutineers to New Brunswick.

I have, &amp;c.

(Signed)

JOHN M'TAVISH.

His Excellency Sir W. M. G. Colebrooke, K. H. &amp;c. &amp;c. &amp;c.

(Copy.)

B.

*British Consulate, Baltimore, March 13, 1841.*

SIR,—In case the Attorney General Peters should not be in Saint John when the brig P. I. Nevius arrives there, I take the liberty of transmitting under your official cover the enclosed packet to his address, with a request that you will have the goodness, should he be absent, to open the same and do what may be necessary for the safe custody of the three individuals therein referred to, and to adopt such further measures in relation to them as may be proper and expedient on the occasion.

I have, &amp;c.

(Signed)

JOHN M'TAVISH, H. B. M. Consul.

(Copy.)

*British Consulate, Baltimore, March 13, 1841.*

SIR,—Herewith enclosed is a packet for the Honorable Mr. Kinnear, of Saint John, Queen's Counsel, which I request you to have safely conveyed to his hands on your arrival at that Port.

The contents of this packet relate to the case of the three Seamen, who will at the same time be confided to your charge by the bearer Mr. Wilcox. I wish to extend to them every reasonable comfort whilst on board of your Vessel, and on no account to lose sight of their persons until such time as you shall have disposed of them, as Mr. Kinnear or any other of the Law Officers of the Crown at Saint John may direct.

I am, &amp;c.

(Signed)

JOHN M'TAVISH.

Mr. Wm. Thomson, Master of the Brig P. I. Nevius.

(Copy.)

(Copy.)

*British Consulate, Baltimore, March 16, 1841.*

SIR,—You will receive herewith a packet for the Honorable Mr. Kinnear, of Saint John, Queen's Counsel, the contents of which relate to the case of the three men against whom you have brought a charge of Mutiny. On your arrival at Saint John, you will deliver the enclosed to Mr. Kinnear, with your Log Book, and be regulated by such instructions as he may give you for substantiating the offence alleged against them.

I am, &c.

(Signed)

JOHN M'TAVISH.

Mr. Charles Johnson, Master of the schooner Margaretville, of Saint John.

(Copy.)

C.

I hereby certify that William Thomson, Master of the brig P. I. Nevius, brought before me this day three Seamen, purporting to be men brought by him in the said brig under the direction of the British Consul at Baltimore, for whom I have it not in my power by any known Law or authority to make provision of any kind.

W. B. KINNEAR, *Queen's Counsel,*  
*in the absence of the Attorney General residing at Fredericton.*

1st April, 1841.

No. 1.

(Copy.)—Duplicate.

British Consul, Baltimore, Dr.

To the brig P. I. Nevius, of St. John, N. B.

For Passage of three British Seamen from said Port of Baltimore, United States of America, to the Port of Saint John, N. B. from 15th March, inclusive, to 2nd April, inclusive, eighteen days, at one shilling and six pence per day Sterling each, £4 10 0

P. WM. THOMSON, *Master.*

April 3rd, 1841.

*Baltimore, June 9, 1841.*

Received the within amount, Exchange at 10½ per cent. premium.

(Signed)

WM. THOMSON.

No. 2.

(Copy.)

John M'Tavish, Esq. H. B. M. Cousul,

To James Desney, Warden,

To Jail Fees on Henry White, March 1, 1841, to March 15, 1841, 15 days,

at thirty cents,..... \$4 50

Turnkey Fee,..... 27

“ “ John Woolyard, same,..... 4 77

Carried forward,..... \$9 54

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	<i>Brought forward</i> ,.....	\$9 54
"	" Dennis Sulton, same,.....	4 77
"	N. Snider, Marshal, bill of expenses,.....	4 50
		<hr/>
		\$18 81

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1841—March 26th. Received the above for James Desney.

his  
**JAMES X PAMPHELIA.**  
 mark.

Witness—**GEORGE NEILSON.**

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No. 3.

John M'Tavish, Esq.

To Henry Wilcox, Dr.

1841.

March 15. To putting Sailors on board of vessel this day,..... \$15 00  
 Received payment,

**HENRY WILCOX.**

*British Consulate, Baltimore, March 16, 1841.*

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No. 4.

*Baltimore, March 15, 1841.*

Mr. Thomson,

Bought of B. Corrigan,

3	Matrasses,.....	\$3 75
3	Blankets,.....	2 25
3	Rugs,.....	2 25
		<hr/>
		\$8 25

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Received the above for Account,

**B. CORRIGAN.** \*  
*P. A. Caseal.*

(Copy.)

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No. 5.

Received from John M'Tavish, Esq. H. B. Majesty's Consul, Twenty Dollars, being for Professional services in the matter of the Mutineers of the British, schooner Margaretville.

**JOHN H. B. LATROBE,**  
*Atty. and Counsellor at Law.*

\$20 00.

*Baltimore, June 2nd, 1841.*

(Copy.)



(Copy.)

*Statement of sundry expenses incurred by Her Majesty's Consul at Baltimore, in the case of certain Mutineers shipped from thence to New Brunswick, per brig P. I. Nevius, viz :*

Paid Wm. Thomson as per Voucher No. 1,.....	\$18 00
“ James Desney, “ No. 2,.....	18 81
“ Henry Wilcox, “ No. 3,.....	15 00
“ B. Corrigan, “ No. 4,.....	8 25
“ J. H. B. Latrobe, “ No. 5,.....	20 00
	\$80 06
Add for 2 years interest,.....	9 60
	\$89 66

*British Consulate, Baltimore, February 28, 1843.*

JOHN M'TAVISH,  
H. B. M. Consul.

(Copy.)

*British Consulate, Baltimore, April 15, 1842.*

SIR,—Referring Your Excellency to the enclosed copy of a Despatch marked A, addressed to Her Majesty's Secretary of State for Foreign Affairs, on the 25th of May last, on the subject of certain expenses which were incurred by me, owing to an Act of Mutiny having been committed on board of the Schooner “Margaretville,” of New Brunswick, and to Mr. Bidwell's reply to the same, a copy of which marked B, I have also the honor to enclose. I beg leave, as suggested in the latter Document, to solicit Your Excellency's intervention on my behalf with the owners of the vessel in question, in order that the amount of \$78 26-100 or (£19 11 3½ currency) may be recovered from them and refunded to me.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

JOHN M'TAVISH.

His Excellency Lieutenant Governor Colebrooke, K. H. &c. &c. &c.

(Copy.)

A.

*British Consulate, Baltimore, May 25, 1841.*

MY LORD,—The British Schooner “Margaretville,” of Saint John, New Brunswick, Charles Johnson, Master, bound from the Island of Jamaica to this Port, put into Norfolk in distress on the 23rd January last, with the loss of an anchor and cable, and her Crew in a state of mutiny.

The Mutineers, three in number, were (at the joint solicitation of Mr. Consul Gray and the Master of the schooner, removed for safe custody on board of the United States Revenue Cutter “Van Buren,” the Captain of the Cutter having not only consented to receive them, but to furnish from his own crew a sufficient number of hands to enable Captain Johnson to proceed from Norfolk to this Port with his vessel. The “Van Buren” arrived from Norfolk on the 1st of February, on which day I became

became apprized of the circumstances above mentioned, through an official note addressed to me by the Collector of the Customs, who had the kindness, at my request, to let the accused individuals remain on board the Cutter, until such time as I should be able to decide how they were to be disposed of.

On the 3rd February the "Margaretville" arrived here, and Captain Johnson put me in possession of the Affidavits and other documents which were prepared at Norfolk in support of his charge against the men.

As they could not be tried for the alleged offence in the United States Courts, and as I could not suffer them to go at large under an accusation of so grave a character, supported under oath, I lost no time in submitting the case to Mr. Fox, for his consideration and advice.

Mr. Fox did not consider it a case in which he could officially interfere, nevertheless he very promptly obtained a private instruction from the Secretary of the Treasury to the Collector of the Customs here, which enabled me to keep the men in duress until their departure from hence for Saint John on the 13th March, on which occasion I forwarded to Her Majesty's Attorney General of that Province a statement of the case, together with all the documents in support thereof.

The expenses already incurred by me in this matter amount to seventy eight dollars and twenty six cents, and I have not as yet been able to obtain from the United States Customs any statement of what may be due for the Men's subsistence on board of the Revenue Cutter during a period of six weeks.

As I cannot include the above charge in my Account with the Lords of the Admiralty, I request your Lordship will have the goodness to intimate your approval of the same, in order that the amount may be charged in my Contingent Account with the Treasury for the current year.

I have, &c.

(Signed)

JOHN M'TAVISH.

The Right Honorable Lord Viscount Palmerston, &c. &c. &c.

B.

*Foreign Office, November 12, 1841.*

SIR,—The Earl of Aberdeen having referred to the consideration of the Lords Commissioners of the Admiralty your Despatch No. 10, reporting your proceedings in the case of certain mutinous Seamen of the British Colonial Vessel "Margaretville," and requesting that the expenses, amounting to seventy eight dollars and twenty six cents, (about £——) which you incurred on that occasion may be reimbursed to you, I am directed by His Lordship to state to you that the following is an extract from the Admiralty Report:—

"My Lords are of opinion, that as Mr. Fox had declined to interfere in the matter, it would have been but prudent on the part of the Consul, before he interfered, to have required security from the Master of the Vessel or the Consignees of the cargo, for the payment of the expenses to be incurred.

"My Lords are also of opinion, that under the circumstances stated in the papers, the Consul at Baltimore should, through the Government of New Brunswick, to which Colony the "Margaretville" belongs, call upon the owners of that Vessel to refund these expenses, which ought not to fall upon the Government at home."

You

You will consider the opinion thus expressed by the Lords of the Admiralty, as the guide for your proceedings in the present as well as on future occasions.

I am, &c.

(Signed)

JOHN BIDWELL.

John M'Tavish, Esquire, Her Majesty's Consul, Baltimore.

### No. 13.

[See Journal 22nd March, 1843.]

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to our right trusty and well beloved Councillor, Sir Charles Bagot, Knight Grand Cross of the Most Honorable Order of the Bath, Greeting: Whereas we did by certain Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixth day of September, one thousand eight hundred and thirty nine, in the Third Year of our Reign, constitute and appoint our right trusty and well beloved Councillor, Charles, Baron Sydenham, Knight Grand Cross of the Most Honorable Order of the Bath, then Charles Poulett Thomson, to be our Captain General and Governor in Chief in and over our Province of New Brunswick, during our Royal Pleasure, as by the said recited Letters Patent relation being thereunto had may more fully and large appear; Now Know You, that We have revoked and determined, and by these Presents do revoke and determine the said recited Letters Patent, and every clause, article and thing therein contained; and further, Know You that We, reposing especial Trust and Confidence in the prudence, courage and loyalty of you, the said Sir Charles Bagot, of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and do by these Presents constitute and appoint you the said Sir Charles Bagot, to be our Captain General and Governor in Chief in and over our said Province of New Brunswick, in America, bounded on the Westward by the mouth of the River Saint Croix, by the said River to its source, and by a Line drawn due North from thence to the Southern boundary of our Province of Quebec; to the Northward by the said boundary, as far as the Western extremity of the Bay de Chaleurs; to the Eastward by the said Bay and the Gulph of Saint Lawrence to the Bay called Bay Verte; to the South by a Line in the centre of the Bay of Fundy from the River Saint Croix aforesaid to the mouth of Musquat River, by the said River to its source, and from thence by a due East Line across the Isthmus into the Bay Verte to join the Eastern Line above described, including all Islands within six leagues of the Coast, with all the rights, members and appurtenances whatsoever: And We do by these Presents grant, provide and declare, that there shall be within our said Province of New Brunswick, two distinct and separate Councils, to be respectively called the Legislative Council of our said Province of New Brunswick, and the Executive Council of our said Province of New Brunswick: And we do further direct and declare our pleasure to be, that all and every the powers and authorities heretofore exercised by the Legislative Council of our said Province of New Brunswick shall continue to be exercised by our said Legislative Council hereby re-established, and that all the powers and authorities heretofore vested in or exercised by the Executive Council of our said Province of New Brunswick, shall continue to be exercised by our said

Executive Council of our said Province hereby re-established : And We do hereby declare and appoint that the said Executive Council and the said Legislative Council respectively shall consist of such and so many Members as have been or shall hereafter be from time to time for that purpose nominated and appointed by Us, under our Sign Manual and Signet, or as shall be provisionally appointed by you the said Sir Charles Bagot, until our pleasure therein shall be known ; provided nevertheless, and we do hereby declare our pleasure to be, that the total number of the Members for the time being of our said Executive Council resident within our said Province, shall not at any time, by any such provisional appointments, be raised to a greater number in the whole than nine, and that the total number of the Members of the said Legislative Council resident within our said Province shall not at any time, by any such provisional appointments, be raised to a greater number in the whole than fifteen ; and We do hereby further direct and appoint that five Members of our said Executive Council shall be Quorum for the dispatch of the business thereof, and that eight Members of our said Legislative Council shall be a Quorum for the dispatch of the business thereof : And We do further direct and appoint that the Members of the said respective Councils shall hold their respective places therein during our pleasure, and not otherwise ; and that the senior Members respectively for the time being of each of the said respective Councils shall preside at all deliberations thereof respectively, save only when you the said Sir Charles Bagot, shall be present and presiding at the deliberations of the said Executive Council, the seniority of the Members of the said Council respectively between themselves being determined by such Rules and Regulations as are for that purpose provided by such Instructions as are hereinafter mentioned : And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the Trust we have reposed in you, according to the several powers and authorities granted and appointed you by the present Commission and the Instructions herewith given to you, or by such further powers, instructions and authorities, as shall at any time hereafter be granted to or appointed you under our Signet and Sign Manual, or by our Order in our Privy Council, or by us through one of our Principal Secretaries of State, and according to such reasonable Laws and Statutes as are now in force, or shall hereafter be made and agreed upon by you with the advice and consent of the Legislative Council and Assembly of our said Province under your government, in such manner and form as is hereinafter expressed ; and our will and pleasure is, that you, the said Sir Charles Bagot, as soon as may be after the publication of these our Letters Patent, do take the Oaths appointed to be taken by an Act passed in the first year of the Reign of King George the First, intituled " An Act for the further security of His Majesty's Person and Government, and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors," as altered and explained by an Act passed in the sixth year of the Reign of His late Majesty King George the Third, intituled An Act for altering the Oath of Abjuration, and the Assurance ; and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne, intituled An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of High Treason or misprision of Treason, or in lieu thereof,

thereof, the Oath required to be taken by an Act passed in the tenth year of the Reign of His late Majesty King George the Fourth, intituled An Act for the relief of His Majesty's Roman Catholic Subjects, according as the said former Acts or the said last mentioned Act shall be applicable to your case; and likewise that you take the Oaths for the due execution and performance of the office and trust of our Captain General and Governor in Chief of our said Province, and for the due and impartial administration of justice; all which Oaths our Executive Council in our said Province, or any three or more of the Members thereof, have hereby full power and authority, and are required to tender and administer unto you, all which being duly performed, you shall administer unto each of the Members of the said Executive Council, and of the said Legislative Council respectively, such of the said Oaths mentioned in the said several Acts as shall be applicable to the case of the individual Member of our said respective Councils taking the same; and you are also to administer to them the usual Oath for the due execution of their places and trusts: And We do further give and grant unto you the said Sir Charles Bagot, full power and authority from time to time and at any time hereafter by yourself or by any other to be authorised by you in that behalf, to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the case of the individual to whom the same shall be administered, to all and every such person and persons as you shall think fit, who shall hold any office, or place of trust, or profit, or who shall at any time or times pass into our said Province, or be resident or abiding therein: And We do hereby authorise and empower you to constitute and appoint Judges, and in cases requisite Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in our said Province, for the better administration of Justice and putting the Laws into execution, and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in Judicial causes: And We do hereby give and grant unto you the said Sir Charles Bagot, full power and authority in case any person or persons commissioned or appointed by us to any office or offices within our said Province of New Brunswick, shall in your opinion be unfit to continue in our service, to suspend such person or persons from his or their several employments until our pleasure shall be known: And We do hereby give and grant unto you full power and authority to suspend any of the Members of our said Executive and Legislative Councils respectively from sitting, voting and assisting therein, if you shall find just cause for so doing; and if it shall at any time happen that by the death, departure out of our said Province, suspension or resignation of any of our said Councillors or otherwise, there shall be a vacancy in either of our said Councils, our will and pleasure is that you signify the same unto us by the first opportunity, that we may under Sign Manual and Signet, constitute and appoint others in their stead: But that our affairs at that distance may not suffer for want of a due number of Councillors, we do hereby give and grant unto you the said Sir Charles Bagot, full power and authority to choose as many persons out of the principal Freeholders inhabitants of our said Province of New Brunswick, as shall be necessary to supply any vacancy or vacancies which may from time to time occur in the said Councils, or either of them; which persons so chosen and appointed by you shall be to all intents and purposes Executive or Legislative Councillors, as the case may be, in our said Province; until their appointments shall

shall either be confirmed or disallowed by us : And We do hereby give and grant unto you the said Sir Charles Bagot, full power and authority, with the advice and consent of our said Executive Council, from time to time as need shall require, to summon and call General Assemblies of the Freeholders and Settlers within the said Province under your Government in such manner and form as has been already appointed and used, or according to such further powers, instructions and authorities as shall at any time hereafter be granted or appointed you under our Sign Manual and Signet, or by our Order in our Privy Council ; And our will and pleasure is, that the persons thereupon duly elected by the major part of the Freeholders of the respective Counties and places, and so returned, shall before their sitting, take such of the said Oaths mentioned in the said several Acts as shall be applicable to the case of the individual taking the same ; which Oaths you shall commission fit persons under our Seal of our Province of New Brunswick to tender and administer unto them ; and until the same shall have been so taken no person shall be capable of sitting, though elected : And We do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of our Province of New Brunswick ; and that you the said Sir Charles Bagot, with the advice and consent of our said Legislative Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain Laws, Statutes and Ordinances for the public peace, welfare, and good government of our said Province and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our Heirs and Successors ; which said Laws, Statutes and Ordinances, are not to be repugnant, but as near as local circumstances will admit, agreeable to the Laws and Statutes of this our United Kingdom of Great Britain and Ireland ; Provided that all such Laws, Statutes and Ordinances, of what nature or duration soever, be within three months or sooner after the making thereof transmitted to us under the Public Seal of our said Province for our approbation or disallowance of the same, as also Duplicates thereof by the next conveyance. And in case any or all of the said Laws, Statutes and Ordinances not before confirmed by us shall at any time be disallowed and not approved, and so signified by us, our Heirs and Successors, under our or their Sign Manual and Signet, or by order of our or their Privy Council unto you the said Sir Charles Bagot, then such and so many of the said Laws, Statutes and Ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine and become utterly void and of none effect, any thing to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by our said Legislative Council or Assembly to the prejudice of us, our Heirs and Successors, we will and ordain that you the said Sir Charles Bagot, shall have and enjoy a negative voice in making and passing all Laws, Statutes and Ordinances as aforesaid ; and you shall and may likewise from time to time as you shall judge it necessary, adjourn, prorogue or dissolve all General Assemblies as aforesaid : And We do hereby authorise and empower you to keep and use the Public Seal of our said Province of New Brunswick for Sealing all things whatsoever that shall pass the Public Seal of our said Province : And We do hereby give and grant unto you full power and authority when you shall see cause, or shall judge any offender or offenders in Criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders, and to remit all such offences, fines and forfeitures : And We do by these Presents, give

give and grant unto you the said Sir Charles Bagot, full power and authority without expecting any further Special Warrant from us from time to time to give Order and Warrant for the preparing of Grants of Custodies of Idiots and Lunatics and their Estates, as are or shall be found by Inquisition thereof taken or to be taken and returnable into our Courts of Chancery, and thereupon to make and pass Grants and Commitments under our Public Seal of our Province of New Brunswick, of the Custodies of all and every such Idiots and Lunatics and their Estates to such person or persons Suitors in that behalf, as according to the Rules of Law and the use and practice in those and the like cases, you shall judge meet for that trust: And We do by these Presents authorise and empower you the said Sir Charles Bagot, to collate any person or persons to any Churches, Chapels or other Ecclesiastical Benefices within our said Province of New Brunswick, as often as any of them shall happen to be void. And it is our will and pleasure, that all Public Monies raised by any Act made or hereafter to be made as aforesaid within our said Province, be issued out by Warrant from you by and with the advice and consent of our said Executive Council, and disposed of by you for the support of the Government of our said Province, or for such other purposes as shall be particularly directed in and by such Act, and not otherwise: And We do likewise give and grant unto you full power and authority, by and with the advice and consent of our said Executive Council, in our name and on our behalf, to grant and dispose of, under the Public Seal of our said Province, such Lands, Tenements and Hereditaments within the said Province as are now or hereafter shall be in our power to grant or dispose of; provided nevertheless, and we do hereby require that in granting and disposing of all such Lands, Tenements and Hereditaments, you do conform to and observe the provisions in that behalf contained in any Act or Acts made or to be made by the Governor, Legislative Council and Assembly of our said Province, for regulating the sale and settlement thereof: And We do hereby declare our pleasure to be, that all such Grants shall be entered upon Record by such officer or officers as shall be appointed thereunto, and shall be good and effectual in Law against us, our Heirs and Successors: And We do hereby declare, ordain and appoint, that you the said Sir Charles Bagot, shall and may hold, execute and enjoy the office and place of our Captain General and Governor in Chief in and over our said Province of New Brunswick, together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure; And in case of your death or absence out of our said Province of New Brunswick, we do by these Presents give and grant all and singular the powers and authorities herein to you granted, to our Lieutenant Governor for the time being of our said Province, or in the absence of any such Lieutenant Governor, to such person as we may by Warrant under our Sign Manual and Signet authorise and appoint to be the Administrator of the Government of our said Province, such powers and authorities to be by him executed and enjoyed during our pleasure: But if upon your death or absence out of our said Province of New Brunswick, there be no person upon the place commissioned and appointed by us to be our Lieutenant Governor, or specially appointed by us to administer the government within our said Province of New Brunswick, our will and pleasure is, that until your return from any such absence, or until our further pleasure shall be known, the senior Military Officer for the time being in command of our Forces within our said Province of New Brunswick, shall

take upon him the administration of the government thereof, and shall execute in our said Province this our Commission, and the aforesaid instructions, and the several powers and authorities therein contained, in the same manner and to all intents and purposes as other our Captain General and Governor in Chief should or ought to do; And We do hereby command all our Officers and Ministers, Civil and Military, and all other the inhabitants of our said Province, to be obedient, aiding and assisting unto you the said Sir Charles Bagot, in the execution of this our Commission, and of the powers and authorities herein contained. In witness whereof, we have caused these our Letters to be made Patent.

Witness ourself at Westminster, the seventh day of October, in the fifth year of our Reign.

By Writ of Privy Seal.

EDMUNDS.

**No. 14.**

[See Journal 22nd March, 1843.]

(Copy.)

*Instructions to Our Right Trusty and Well-beloved Councillor Sir Charles Bagot, Knight Grand Cross of the Most Honorable Order of the Bath, Our Captain General and Governor in Chief and over Our Province of New Brunswick, or in his absence, to Our Lieutenant Governor or the Officer Administering the Government of Our said Province for the time being. Given at Our Court at Windsor, this seventh day of October, 1841, in the fifth year of Our Reign.*

Whereas We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the thirtieth day of March, one thousand eight hundred and thirty eight, in the first year of Our Reign, constitute and appoint John George, Earl of Durham, to be Our Captain General and Governor in Chief, in and over Our Province of New Brunswick, in America; And Whereas We did issue certain General Instructions under Our Royal Sign Manuel and Signet, which accompanied Our said recited Letters Patent, for the guidance of the said John George, Earl of Durham, in the Government of Our said Province of New Brunswick, in the following words, that is to say:

“Instructions to Our Right Trusty and Well-beloved Cousin and Councillor, John George, Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, Our Captain General and Governor in Chief in and over Our Province of New Brunswick, or in his absence, to Our Lieutenant Governor or the Officer Administering the Government of Our said Province for the time being. Given at Our Court at Buckingham Palace, the second day of April, 1838, in the first year of Our Reign.”

First,—With these Our Instructions, you will receive Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Captain General and Governor in Chief, in and over Our Province of New Brunswick: You are therefore, with all convenient speed, to assume and enter upon the execution of the trust We have reposed in you.

Second,—And Whereas We have by Our said Commission, appointing you Our  
Captain



Captain General and Governor in Chief as aforesaid, declared Our pleasure to be, that there should be within Our said Province of New Brunswick, two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of Our said Province, with certain powers and authorities therein mentioned, and have further declared Our pleasure to be, that the Legislative Council and the Executive Council respectively, should thereafter consist of such and so many Members as should for that purpose be nominated and appointed by Us, under Our Royal Sign Manual and Signet, or as should be provisionally appointed by you, the said John George, Earl of Durham, until our pleasure thereon should be known; provided always that the total number of the Members for the time being, of such Executive Council, resident within Our said Province, should not at any time by any such provisional appointment by you, be raised to a greater number in the whole than nine, and that the total number of the Members of the said Legislative Council, resident within Our said Province, should not at any time, by any such provisional appointment, be raised to a greater number in the whole than fifteen; Now Know You, that We, reposing especial trust and confidence in the wisdom, prudence and ability of Our Trusty and Well-beloved—(here follow the names of the Members to be appointed)—do by these Our Instructions, constitute and appoint—(here follow the names)—during Our pleasure, Our Executive Councillors of Our said Province of New Brunswick; And We do hereby authorize and empower you, the said John George, Earl of Durham, to nominate and appoint provisionally, such persons as you shall think fit, to be Members of Our said Legislative Council, who shall hold their said appointments provisionally, until Our further pleasure shall be known; Provided nevertheless, and We do hereby require you forthwith to transmit to Us through one of Our Principal Secretaries of State, the names and the qualifications of the several Members of Our said Legislative Council, to the intent that the said appointments may either be confirmed or disallowed as We shall see occasion.

Third,—And you are with all due and usual solemnity to cause Our said Commission to be read and published at the first Meeting of Our said Executive Council of New Brunswick, which being done, you shall then take and also administer to each of the Members of our said Executive Council the several Oaths therein required.

Fourth,—You shall also administer or cause to be administered, the Oaths mentioned in Our said Commission, to the Members and Officers of the Executive and Legislative Councils and Assembly, and to all Judges, Justices, and other persons who hold any Office or place of trust or profit in Our said Province, without the doing of all which, you are not to admit any person whatever into any Public Office, nor suffer those who may have been already admitted to continue therein.

Fifth,—You are not to suspend any of the Members of either of Our said Councils, without good and sufficient cause, nor without the consent of the majority of the Members of Our said respective Councils, signified in Council, after due examination of the charge against such Councillor, and his answer thereunto, and in case of the suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against such Councillor, and his answer thereunto, to be duly entered upon the Council Books, and forthwith to transmit copies thereof to Us through one of Our Principal Secretaries of State; nevertheless if it should happen that you should have reasons for suspending any Legislative or Executive Councillor  
not

not fit to be communicated to the said respective Councils, you may in that case suspend such person without their consent; but you are thereupon immediately to send to Us, through one of Our Principal Secretaries of State, an account of your proceedings therein, with your reasons at large for such suspension.

Sixth,—And Whereas effectual care ought to be taken to oblige the Members of Our said respective Councils to a due attendance therein, in order to prevent the many inconveniences that may happen for want of a Quorum of the said respective Councils, to transact business as occasion may require; It is Our will and pleasure that if any of the Members of Our said respective Councils residing in Our said Province, shall hereafter wilfully absent themselves from the said Province, and continue absent above the space of six months together, without leave from you first obtained under your hand and seal, or shall remain absent for the space of one year, without leave given them under Our Royal signature, his or their place or places in the said respective Councils shall immediately thereupon become void, and if any of the Members of Our said respective Councils residing in Our said Province shall wilfully absent themselves hereafter from the said respective Councils, when duly summoned by you, without good and sufficient cause, and shall persist in such absence after being thereof admonished by you, you are to suspend such Councillors so absenting themselves, till Our further pleasure be known therein, giving immediate notice thereof to us through one of Our Principal Secretaries of State; “And We do hereby will and require you that this Our Royal pleasure be signified to the several Members of Our said respective Councils, and that it be entered in the respective Council Books as a Standing Rule.”

Seventh,—You are to communicate to Our said Councils such and so many of these Our instructions, wherein their advice and consent are mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

Eighth,—You are to permit the Members of Our said respective Councils to have and enjoy freedom of Debate and Vote in all affairs of public concern, which may be debated in the said respective Councils.

Ninth,—And Whereas by Our Commission to you under the Great Seal of Our United Kingdom of Great Britain and Ireland, you are authorized and empowered, with the advice and consent of Our said Executive Council, to summon and call General Assemblies of the Freeholders, Inhabitants of the Province under your Government, and with the advice and consent of the Legislative Council and Assembly of Our said Province, or the major part of them, to make, constitute, and ordain Laws, Statutes and Ordinances for the public peace, welfare and good government of Our said Province; It is Our will and pleasure that the following Regulations be carefully observed in the framing and passing all such Laws, Statutes and Ordinances, as may be passed by you with the advice and consent of Our said Legislative Council and Assembly, videlicet: That the style of enacting the said Laws, Statutes and Ordinances, be by the Governor, Council and Assembly, and no other: That each different matter be provided for by a different Law, without including in one and the same Act, such things as have no proper relation to each other: That no clause be inserted in any Act or Ordinance, which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary Law: That no Law or Ordinance  
whatever

whatever be suspended, altered, continued or repealed by general words, but that the title and date of such Law or Ordinance be particularly mentioned in the enacting part: That no Law or Ordinance respecting private property be passed without a clause suspending its execution until Our Royal pleasure be known, nor without a saving of the right of Us, Our Heirs and Successors, and of all bodies politic and corporate, and of all persons except such as are mentioned in the said Law or Ordinance, and those claiming by, from or under them; and before such Law or Ordinance is passed, proof must be made before you in Council, and entered in the Council Books, that notification was made of the parties intention to apply for such Act, in the several Parish Churches where the lands in question lie, for three Sundays at least, successively, before any such Law or Ordinance shall be proposed: and you are to transmit and annex to the said Law or Ordinance, a Certificate under your hand, that the same has passed through all the forms above mentioned: That in all Laws or Ordinances for levying money, or imposing fines and forfeitures, express mention be made that the same are granted and reserved to Us, Our Heirs and Successors, for the public uses of the said Province, and the support of the Government thereof, as by the said Law or Ordinance shall be directed: That all such Laws, Statutes and Ordinances, be transmitted by you within three months or sooner, after the passing thereof, to Us through one of Our Principal Secretaries of State, and that all such Laws, Statutes or Ordinances, be fairly abstracted in the margins, and accompanied with full and particular observations upon each of them; that is to say, whether the same is introductory to a new Law, declaratory of a former Law, or does repeal a Law then before in being: and you are also to transmit in the fullest manner the reasons and occasion for enacting such Laws or Ordinances, together with fair copies of the Journals and minutes of the proceedings of the said Legislative Council and Assembly.

Tenth,—It is our will and pleasure that you do not give your assent to any Act or Acts for raising money by the institution of any public or private Lotteries.

Eleventh,—It is our will and pleasure that you do not give your assent to any Bill for ascertaining the duration of Assemblies, the fixing or altering the qualification of the Electors or Elected, or establishing any regulations with respect thereto, until you shall have transmitted the draft of such Bill or Bills unto us, through one of our Principal Secretaries of State, and shall have received our Royal pleasure thereupon, or that a suspending clause as aforesaid shall be inserted therein.

Twelfth,—It is Our will and pleasure that you do not upon any pretence whatsoever, give your assent to any Bill or Bills that hereafter may be passed by the Legislative Council and Assembly of the Province under your Government, for the naturalization of Aliens, or for the divorce of persons joined together in Holy Matrimony, nor for establishing a title in any person to Lands, Tenements and Real Estates, in Our said Province, originally granted to, or purchased by Aliens, antecedent to naturalization.

Thirteenth,—And whereas great mischiefs may arise from passing Bills of an unusual and extraordinary nature and importance in Our Plantations, which Bills remain in force there from the time of enacting until Our pleasure be signified to the contrary; We do will and require you not to pass or give your assent to any Bill or Bills of an unusual and extraordinary nature and importance, wherein Our Prerogative or the property of Our Subjects may be prejudiced, or the trade and shipping of this Kingdom

in any way affected, until you shall have first transmitted unto Us, by one of Our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received Our Royal pleasure thereupon, unless you take care there be a clause inserted therein, suspending and deferring the execution thereof, until Our pleasure shall be known concerning the same.

Fourteenth,—And it is Our further will and pleasure that you do not re-enact any Law to which the assent of Us, or Our Royal predecessors have once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us through one of Our Principal Secretaries of State, of the reasons and necessity of passing such Law.

Fifteenth,—And it is Our express will and pleasure, that no Law for constituting any Court or Courts of Judicature, or for establishing the Militia, shall be a temporary Law, and that no Law for granting unto Us any sum or sums of money by duties of Import, Tonnage or Excise, be made to continue for less than one year, as also that no other Law whatsoever be made to continue for less time than two years, except only in leases, where it may be necessary upon some unforeseen emergency to make provision by Law, for a service in its nature temporary and contingent.

Sixteenth,—It is Our will and pleasure that you do not on any pretence whatsoever, give your assent to or pass any Bill or Bills in Our Province under your Government, by which the Lands, Tenements, Goods, Chattels, Rights and Credits, of persons who have never resided within Our said Province and its dependencies, shall be liable to be attached for the recovery of debts due from such persons, in any manner inconsistent with the usage and practice within this Our United Kingdom of Great Britain and Ireland, until you have first transmitted unto Us through one of Our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received Our Royal pleasure thereupon, unless you take care in passing such Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof, until Our Royal pleasure shall be known thereupon.

Seventeenth,—It is Our will and pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament, passed in the fourth year of the Reign of His late Majesty King George the Third, intituled “An Act to prevent paper Bills of Credit hereafter to be issued in any of His Majesty’s Colonies or Plantations in America, from being declared to be a legal tender in payment of Money, and to prevent the legal tender of such Bills as are now subsisting from being prolonged beyond the period limited for calling in and sinking the same;” And also of an Act passed in the thirteenth year of His said late Majesty King George the Third, to explain and amend the above recited Act, passed in the fourth year of His said late Majesty’s Reign as aforesaid, and you are not to give your assent to, or pass any Act, whereby Bills of Credit may be struck or issued in lieu of money, or for payment of money to you Our Governor, or to any other person whatever, unless a clause shall be inserted in such Act, declaring the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our Heirs or Successors.

**No. 15.**

[See Journal 24th March, 1843.]

*Extract of a Report from James A. Maclauchlan, Esquire, dated**Fredericton, February 10, 1843.*

I crave the indulgence, from being fully aware of the great interest taken by Your Excellency since assuming the Government of this Province in the internal improvements as well as the encouragement of Emigration to it, to call Your Excellency's attention to what I conceive would be a short and desirable Line of Communication from hence to Canada, and more particularly so, if the Province is divided from Canada at the North East angle of Maine.

The present Mail route or communication between Halifax and the first Post Office on the Saint Lawrence, at the River du Loup, one hundred and eighteen miles from Quebec, is as follows:—

From Halifax to Fredericton,.....316 Miles.

“ Fredericton to the Grand Falls,.....134 “

“ Grand Falls to River du Loup,.....118 “

Making five hundred and sixty eight miles through a country, generally speaking, thickly inhabited. It is therefore desirable to shorten the present route if possible, as well as having in view a section of country offering inducements for Emigration, and which I am of opinion can be found by opening a Line of Road between Fredericton and the River Trois Pistoles by a route on the East side of the Saint John, but taking a direct line from the Bend of Petitcodiac River to the head of the Grand Lake, and from thence opposite to Fredericton.

From Halifax to Fredericton,.....275 Miles.

“ Fredericton to the Grand Falls, by the Royal Road,..... 95 “

“ the Grand Falls to the inlet of the Tolide Lake,..... 80 “

“ Tolide Lake to Trois Pistoles,..... 30 “

“ Trois Pistole to River du Loup,..... 25 “

Making five hundred and five miles, which shortens the distance on the present line upwards of sixty miles, besides the advantages of opening the country for new settlements.

Much has already been said on the subject of a proposed Line of Road between Halifax and Canada by the route of the Restigouche and Metis Rivers, which has induced me to make the following remarks:—

From Halifax to Miramichi,.....289 Miles.

“ Miramichi to Campbellton, at the Restigouche,.....119 “

“ Campbellton to the entrance of the Metis,.....100 “

“ Metis to the River du Loup,..... 95 “

Which makes the distance of this line six hundred and three miles, and shows an increase of distance by this route of nearly one hundred miles.

This line, however, is not to be undervalued, as opening the country on both sides, and facilitating the settlement of a valuable territory in both Provinces.

There is also another line which I have heard Your Excellency allude to, from Fredericton to the Restigouche, crossing the head waters of the Tobique, Miramichi, Nipisiquit,

Nipisiquit, and Upsalquitch, and opening a fertile territory ; by this route the whole distance may be estimated as follows :—

From Halifax to Fredericton,.....	275 Miles.
“ Fredericton to Campbellton,.....	150 “
“ Campbellton to the entrance of the Metis,.....	100 “
“ Metis to the River du Loup,.....	95 “

Making six hundred and twenty miles. In fact the opening of this line, by securing a direct communication from Saint John and Saint Andrews to the Northeastern part of New Brunswick, adjoining Canada, would contribute largely to the general improvement, and add to the resources and security of the Province.

Before closing this communication I must beg to call Your Excellency's attention to the great inconvenience as well as heavy expense which the inhabitants of the County of Carleton—particularly those in the upper part of it, are at present labouring under from the great extent of country it embraces, the trifling number of Parishes, and lastly the limited Magistracy.

This County is bounded upon York at the Eel River, fifty miles above Fredericton, and extends up the River Saint John to the entrance of the Saint Francis, a distance of upwards of one hundred and fifty miles. It is divided into nine Parishes, five on the right bank, and four on the left bank of the Saint John. There are only twenty five resident Magistrates in the County, and fifteen of these are in the Parish of Woodstock, the Shire Town, but all living within a distance of eight miles, and therefore leaving only ten for the duties of the remainder of the County, upwards of one hundred and forty miles.

These gentlemen, with the exception of one, reside on the banks of the Saint John, so that in fact the whole of the extensive rear settlements in Carleton are without Magistrates, which is an unnecessary inconvenience to the inhabitants, particularly when a sufficient number of respectable persons can be found in those settlements as well as on the banks of the Saint John, to give three Magistrates at least to each Parish in the County.

In conclusion I have only to observe, that should Your Excellency deem it of importance to recommend to the Legislature a division of the County, it may be found most convenient for the inhabitants that the separation is made in Latitude 46° 45' near the River du Chute, about twenty five miles from the Grand Falls, and with respect to the Parishes, I beg to propose the following, commencing at the Grand Falls :—

From the lower line of the Reserve at the Grand Falls, to the lower bank of the Grand River, and bounded by due North line.

From the Grand River to the lower bank of the Green River, and bounded by a due North line.

From the Green River to the lower bank of the Meplemticook or Baker's Mill Stream, and bounded by a due North line.

From the Meplemticook to the River Saint Francis, and following up the left bank of the same.

(Signed)

J. A. MACLAUHLAN.

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

*Extract*

*Extract of a Report from John Wilkinson, Esquire, dated  
Fredericton, February 15, 1843.*

With regard to the contemplated division of the County of Carleton, the eventual necessity of the measure is apparent. But the question of the most judicious limits of the new County perhaps cannot be fully understood or safely decided without an expression of the opinions and wishes of the inhabitants immediately interested.

If the Grand Falls were the site of the Offices and Courts of the new County, then a half way point between that place and Woodstock would be about the River de Chute, the lower boundary recommended by Mr. Maclauchlan, and which would therefore probably be the most convenient and eligible to all the inhabitants below the Grand Falls. But if the River Saint Francis be the western boundary of the County, then the inhabitants there will be twice as remote from the County Town as those at River de Chute.

If therefore the proposed new County were so small as to render the proposed division likely to be a permanent one, the ultimate convenience of the boundaries suggested by Mr. Maclauchlan might be doubtful. But since the contrary is the fact, and the territory so large that it is highly probable that in the course of a few years the new County will again require to be divided, when the upper part may be accommodated with a central site for its County Offices and Courts, the boundary proposed for the present, is perhaps the most suitable that could be recommended.

Such disparity of distance between the upper and lower parts of the County from the County Town as will facilitate hereafter the erection of a third County, ought, I think, to be observed.

Regarding the proposed courses or directions of the Boundary Lines, I agree that an adherence to the simple cardinal points, or to two unvarying kinds of lines—those parallel and those at right angles with the true meridian, is to be recommended, except where some unavoidable necessity may require a deviation.

Such a system is of the most universal application and calculated to exclude entirely the embarrassing and interminable perplexities which are found to be attendant upon an unrestrained variety of angles in territorial boundaries of whatever description.

The proposed subdivision of Madawaska into four Parishes by Meridian Lines, appears for this reason to be entitled to adoption. But there is an inequality in the proposed division which seems to be unnecessary. They would be of the several widths of 12, 11, 19 and 18 miles, making an aggregate width due West, of 60 miles from the Grand Falls to the River Saint Francis; now if such aggregate width were divided into four Parishes, each of 15 miles, the same purpose would appear to be more conveniently answered, and also these equi-distant Meridian Lines would be established upon which further to sub-divide the territory into regular Townships and Settlements.

I would here venture to suggest as worthy of earnest consideration, whether a system of laying out all the unsurveyed Crown Lands into uniform rectangular blocks or tracts may not for the future be adopted, and that all boundaries of Parishes hereafter to be erected should be made conformable to this system. The great economy of the plan is amongst its strongest recommendations. Its other advantages are also so important as to appear to claim particular investigation. It is not recommended that such tracts or blocks of land should in the first instance be laid out as for settlement,  
but

but merely that the outlines should be surveyed and marked for previous information, so as thus to obtain a knowledge of the character and resources of the whole Country in a rapid and simple, yet satisfactory manner, and in a form available for practical purposes for all time to come. Future surveys may determine with greater geographical accuracy, lines and points thus established, but need not alter them or interfere with their practical utility.

I have, &c.

(Signed)

JOHN WILKINSON.

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

(Extract.)

*Report of Mr. John Wilkinson, Deputy Surveyor, dated  
Fredericton, 28th February, 1843.*

In my communication of the 30th ultimo, I laid before Your Excellency such information as appeared to be material in relation to the Geography of the Northwestern Boundary of the Province, under the Treaty of Washington.

The completion of the necessary Plans of the Country traversed, so as to render my labour practically available hereafter, as well as to render the information communicated in the meantime intelligible and satisfactory, has delayed my Report upon the remaining points of my instructions—

1st. As to the character of the Country, including the quality of the Soil and Timber.

2nd. To what extent Settlements have already been made; and

3rd. Such local circumstances and considerations as may claim attention in the adjustment of the future Boundary between this Province and Canada.

With regard to the first, I am under the necessity of speaking in general terms, as time did not permit me to make particular examinations or inquiries. But the extent of my observations has been such, as to satisfy me, that an erroneous estimate has hitherto been held of the real value of the extensive Territory heretofore a part of this Province, under the name of the Disputed Territory, including that portion which has been retained by Great Britain under the late agreement, and more particularly intended as the subject of these remarks. It has, I believe, been usual to regard the soil of this tract as comparatively unfit for cultivation, and with the exception of the Timber, valuable to us only because embracing a part of the existing line of communication between the lower Provinces and Canada.

The opportunity I have recently had of observing the character of a large portion of this tract, not only along the banks of the tributary streams of the Saint John, but from ridges and mountain peaks commanding extensive views, enables me to say, that as large a portion of good settling Land appears to exist in this as in any other equal extent of territory taken together, which I have yet seen or have otherwise a knowledge of in New Brunswick. There are of course considerable tracts of inferior and even barren Land, but not proportionally more extensive or worthy to be condemned than in other parts of the Province. On the Tamiscouta Portage for instance, passing over not merely the very crest of the dividing ridge, but over one of the highest and most broken parts of that ridge, it would be singular if either a good soil or a fair specimen  
of



of the soil of the surrounding Country were found. So far is this from the case, that on other portions of the summit level of the dividing ridge, are agreeably undulating surface, seldom broken into abrupt and barren declivities, but frequently covered with a heavy growth of Black and Yellow Birch, Rock Maple, and other Wood usually considered to indicate a good soil is found to prevail. A much larger portion of Softwood appears to exist immediately on the Canadian declivity of the dividing ridges than on the New Brunswick side, and generally I observed more Hardwood and better land on the Southerly and Easterly declivities of all the hills and ridges than on the opposite sides.

In some situations I observed Pine and Spruce Timber in considerable abundance, especially on the vallies of the River Saint Francis and Little Black River, and in those of some of the smaller streams; but over other extensive tracts those kinds of Wood appear to be thinly scattered and not likely at present (at least) to attract the attention of Lumbermen.

The traces of a fire having swept over a large area of this region contemporaneously with a similar occurrence in other portions of the Province, are very perceptible. From the apparent age of the new growth of trees, the event must have happened from eighty to ninety years ago. Through the burned tracts are still scattered the large fallen and decayed trunks of a former growth of Pine; but the new growth is chiefly White and Red Birch and Poplar, with occasionally other Hardwood.

The importance of settling the habitable portions of this part of the Province as soon as practicable, need not be urged upon Your Excellency's attention. The eligibility of the territory for settlement does not appear to be doubtful. Its general proximity to the shores and settlements of the River Saint Lawrence,—its intersection by navigable water communication in almost every direction—the abundance of Fish of various kinds in its numerous Lakes and Streams—and of game in the forests, independently of the quality of the land, are circumstances materially to encourage the settler in his first difficulties.

The population at present extending from the Grand Falls to the River Saint Francis, is estimated at about 4000 persons, scattered about equally along both sides of the River. The front being all occupied or claimed in the older part of the settlement, the inhabitants have commenced clearings in the rear, principally at Green River.

As to the extent or precise situations of the yet unsettled land which may be most capable of profitable cultivation, or as to the quantity and quality of the Timber, only a vague opinion can be obtained by merely traversing one or two remote lines of country. If I might be permitted to make a suggestion as to the most economical as well as most effectual mode of obtaining a thorough knowledge of the whole territory, in order to ascertain its capabilities of yielding Revenue, and to enable the Government to assume over it an intelligent and efficient management for all purposes whatever, I should say that such method would be to lay it out in blocks or tracts of convenient magnitude, to answer either as Timber berths where the land is not fit for settlement, or as Parishes where it is. If such blocks or tracts were bounded upon the ground by meridian and parallel lines, though only with that approximate accuracy which can be attained by the use of the Magnetic Needle, the expense would permanently answer the object intended. For such boundaries so established need  
not

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not necessarily be altered, or their practical utility affected by surveys which the advancement of population and the improved value of the soil may hereafter require to be more accurately conducted.

Assuming that the dimensions determined upon for each block so to be surveyed, should be six miles square, which perhaps are the largest that would be practically useful for all purposes, the territory comprehended north of the Saint John and south of the dividing ridge between the north line of 1818 and the River Saint Francis, might be divided into about one hundred blocks, say amounting in the aggregate, to two and a half millions of acres, at an average expense of about £50 for each block, or a total expense of less than a half-penny per acre.

But assuming that no more than one ton of Timber Saw Logs upon an average, to each acre, should eventually yield Revenue, then dividing the expense of the survey between the Land and Timber, because it is at once effectual for both, it would be less than one farthing per acre for one, and the same per ton for the other. No further expense would be necessary to Government or to any one, until the Lands were required for settlement; but it would be optional with the Government then to subdivide the blocks at its own expense or not. If it were preferable, as perhaps it would be, for Government to direct the subdivision according to an uniform system, then the small necessary expense might be required to be paid by the settler at the time, without incurring charge upon the Revenue.

One active and competent Surveyor would mark out twenty blocks of the proposed dimensions, in the course of one year, say commencing in March or April, and closing in November, making due allowance for probable interruptions. The cost of such a service ought therefore not to exceed one thousand pounds per annum, for five years, and should be well performed for that sum. Two competent Surveyors might, with some assistance, accomplish the whole undertaking in two years at the same expense, including complete Plans of the territory, and the navigable streams by which it may be intersected, with full information of the soil and Timber, and of such minerals as might be observed. Such a survey might also be so conducted as to supply information of the face of the Country, which would in a great measure preclude the necessity of tedious and expensive explorations for lines of road, and indicate at once those which would be most practicable and advantageous. The system would also facilitate the publication of a Plan at so trifling an expense, as to place an accurate general knowledge of the territory within the reach of the poorest lumberman, laborer, or emigrant, and thus be of material aid in directing popular interest and enterprise in that direction.

(Signed)

JOHN WILKINSON.

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# I N D E X.

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