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JOURNAL 3
OF
THE LEGISLATIVE COUNCIL
OF
THE PROVINCE
OF
NEW BRUNSWICK.



From the 17th to the 26th of July 1856.

Being the First Session of the Seventeenth General Assembly.

FREDERICTON, NEW BRUNSWICK.

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

1856.



By His Excellency the Honorable JOHN HENRY THOMAS MANNERS-SUTTON,
Lieutenant Governor and Commander in Chief of the Province of New
Brunswick, &c. &c. &c.

J. H. T. MANNERS-SUTTON.

A PROCLAMATION.

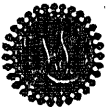
WHEREAS the General Assembly of this Province stands prorogued until the second Tuesday in June next, I have thought fit to dissolve the said General Assembly, and the same is hereby accordingly dissolved; whereof all persons whom it may concern will take due notice.

And I have further thought fit to order and direct that Writs for calling a new General Assembly be forthwith issued in due form, returnable on Thursday the tenth day of July next.

Given under my Hand and Seal, at Fredericton, the thirtieth day of May,
in the year of our Lord one thousand eight hundred and fifty six,
and in the nineteenth year of Her Majesty's Reign.

By His Excellency's Command.

R. D. WILMOT.



By His Excellency the Honorable JOHN HENRY THOMAS MANNERS-SUTTON,
Lieutenant Governor and Commander in Chief of the Province of New
Brunswick, &c. &c. &c.

J. H. T. MANNERS-SUTTON.

A PROCLAMATION.

WHEREAS the General Assembly of this Province has been summoned to meet at Fredericton on Thursday the tenth instant, I have thought fit to prorogue the said General Assembly to Thursday the seventeenth instant, then to meet at Fredericton for the despatch of business.

Given under my Hand and Seal, at Fredericton, the second day of July,
in the year of our Lord one thousand eight hundred and fifty six,
and in the twentieth year of Her Majesty's Reign.

By His Excellency's Command.

R. D. WILMOT.

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

FIRST SESSION OF THE SEVENTEENTH GENERAL ASSEMBLY.

ANNO VICESIMO VICTORIÆ REGINÆ.

His Excellency The Honorable John Henry Thomas Manners-Sutton,
Lieutenant Governor and Commander in Chief.

At Fredericton in the Province of New Brunswick.

LEGISLATIVE COUNCIL CHAMBER, Thursday, July 17, 1856.

WRITS having issued for a new Election of Representatives to meet in General Assembly on the tenth day of July instant, and the said General Assembly having been, by Proclamation, prorogued to this day, the Council met—

PRESENT :

THE HON.

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,*

Mr. Black, President.

*Mr. Chandler,
Mr. Kinnear,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Wark.*

PRAYERS.

At two o'clock His Excellency the Honorable John Henry Thomas Manners-Sutton, Lieutenant Governor and Commander in Chief of the Province, came to the Council Chamber, and being seated in the Chair on the Throne, commanded the Gentleman Usher of the Black Rod, through the Honorable the President, 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

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

"I am commanded by His Excellency the Lieutenant Governor to acquaint you that he doth not think fit to declare the causes for which he has summoned this General 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 then withdrew, and after some time was again commanded to attend; and being come,

Mr. Simonds said—

"May it please Your Excellency,

"Your Excellency having communicated your pleasure to the Assembly, they returned to the place where they usually deliberate; they immediately proceeded to choose a Speaker, and have elected me to that important office and honorable situation, and they now present me to be approved of by Your Excellency."

The President of this House said—

"Mr. Simonds,

"I am commanded by His Excellency the Lieutenant Governor 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,

"Your Excellency having been pleased to approve of the choice which the Assembly have made, and to confirm me to be their Speaker, it becomes my duty, in the name of the Assembly, and on their behalf, to claim and demand that they have all their ancient and accustomed privileges; especially that they have freedom of speech—freedom from arrest—access to Your Excellency whenever the public service may require it; and that the most favourable construction be put upon all their proceedings: And for myself I have to intreat that any error of mine may not be imputed to the Assembly."

Then the President of this 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

“ With respect to yourself, Sir, though His Excellency is sensible that you do not stand in need of such assurance, His Excellency will ever put the most favourable 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,*

66 **I** HAVE gladly availed myself of the first opportunity of meeting you after having recurred to the sense of the People.

“ The Law which prohibits the importation and manufacture of, and traffic in, Intoxicating Liquors, forms a subject for earnest deliberation; and I trust that a measure on this subject, which will be submitted to you without delay by the Government, will receive at your hands the consideration which its importance essentially demands.

“ I do not doubt that your decision on this question, which so deeply affects the Social and Financial interests of the Community, will be satisfactory to the People; and it will afford me the most sincere pleasure to find that the exercise of a power, entrusted to me by the Constitution, has been productive of consequences so beneficial to the Province.

“ You may be well assured that I have no wish but to consult the general welfare, and, by a uniform adherence to the principles of the Constitution, to uphold in their just balance the rights of each Branch of the Legislature, and thus to secure the maintenance of liberty and order.

“ I leave you to your deliberations with the heartfelt prayer that Providence may bless them for the peace and prosperity of the Province.”

Which being ended, the House of Assembly withdrew, and His Excellency was pleased to retire.

The Honorable the President reported His Excellency's Speech.

An Address in answer to His Excellency's Speech is moved and seconded; which being read—

ORDERED, That the same be taken into consideration to-morrow.

ORDERED, That two hundred copies of the Journals of this House be printed daily.

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 18th July, 1856.

PRESENT :

THE HON.

*Mr. Botsford,
Mr. Robertson,
Mr. Kinnear,
Mr. Peters,
Mr. Hill,*

Mr. Black, President.

*Mr. Chandler,
Mr. Hatch,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,*

Mr.

*Mr. Davidson,
Mr. Wark,
Mr. Gordon.*

*Mr. Odell,
Mr. Ryan,*

PRAYERS.

Pursuant to the Order of the Day, the House went into consideration of the Address in answer to His Excellency's Speech.

An amendment was moved and seconded, and after some debate it was

ORDERED, That the further consideration of the said Address be postponed till to-morrow at 10 o'clock.

Adjourned until To-morrow at 10 o'clock.

SATURDAY, 19th July, 1856.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Botsford,
Mr. Robertson,
Mr. Kinnear,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Ryan,*

*Mr. Chandler,
Mr. Hatch,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Steeves,
Mr. Gordon.*

PRAYERS.

The Honorable Mr. Hazen presented to the House a Bill, intituled "An Act relating to the administration of Justice in Equity."

The said Bill was read a first time.

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

The said Bill was read a second time.

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

Pursuant to the Order of the Day, the House went into further consideration of the Address in answer to the Speech at the opening of the House.

On the question whether the following amendment should pass, viz :—

That the 4th Section of the Address be expunged, and the following be substituted in lieu thereof :—

"We are fully sensible of the importance of adhering to the principles of the Constitution as recently conceded to the Province by Imperial authority, and which can only be preserved by maintaining in their just balance the rights and privileges of the several branches of the Legislature—and which we regret has been departed from by His Excellency in the late dissolution of the House of Assembly.

"We

“ We consider the dissolution, against the advice of the Provincial Ministry, as inconsistent with the right of local responsible government, and not warranted by any existing exigency.

“ We further consider that the dissolution was unnecessary on the ground of expediency, for the following reasons, viz: that nothing could thereby be gained to the Revenue which would not be more than lost to the country by the turmoil and expense of an Election and of an extra Session of the Legislature ;—that the Prohibitory Law, after having a trial of a year and proving a failure, even the advocates of the law would consent to repeal, and would cease agitation for its renewal until the country should become better prepared to sustain it ;—that the new Election Law, which will come into operation on the first of January next, and a three years' existence of the late House, would, next year, make a dissolution expedient for the purpose of admitting to the right of suffrage a new class of voters, under the ballot system, and thereby securing in the House of Assembly a more reliable exponent of public opinion in reference to all the great leading questions of public policy.”

The House divided as follows :—

CONTENT.

The Hon. Mr. Robertson,
Mr. Hill,
Mr. Wark,
Mr. Steeves,
Mr. Ryan.

NON-CONTENT.

The Hon. The President,
Mr. Botsford,
Mr. Chandler,
Mr. Hatch,
Mr. Kinnear,
Mr. Minchin,
Mr. Peters,
Mr. Hazen,
Mr. Harrison,
Mr. Davidson,
Mr. Odell,
Mr. Gordon.

And so it passed in the negative.

On the question whether the 4th Paragraph of the said Address do pass, the House divided as follows :—

CONTENT.

The Hon. The President,
Mr. Botsford,
Mr. Chandler,
Mr. Hatch,
Mr. Minchin,
Mr. Peters,
Mr. Hazen,
Mr. Harrison,
Mr. Davidson,
Mr. Odell,
Mr. Gordon.

NON-CONTENT.

The Hon. Mr. Robertson,
Mr. Hill,
Mr. Wark,
Mr. Steeves,
Mr. Ryan.

And so it passed in the affirmative,

The said Address being then read, was agreed to, and is as follows:—

To His Excellency The Honorable JOHN HENRY THOMAS MANNERS-SUTTON, 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 CONVENED.

MAY IT PLEASE YOUR EXCELLENCY,

1. We, Her Majesty's dutiful and loyal Subjects, the Legislative Council in General Assembly, beg to express the thanks of this House for Your Excellency's Speech at the opening of the Session.

2. We discover in the early opportunity which Your Excellency has embraced of calling us together after recurring to the sense of the People, an additional proof of Your Excellency's anxious care for the public good.

3. We concur with Your Excellency in regarding the Law which prohibits the importation, manufacture, and traffic in Intoxicating Liquors, as one which calls for our serious deliberation; and we promise that our best attention shall be devoted to any measure which may be submitted to us on that important subject.

4. We are fully sensible of Your Excellency's wish to consult the general welfare while adhering strictly to the principles of the Constitution, which can only be preserved by maintaining in their just balance the rights and privileges of the several Branches of the Legislature: And we assure Your Excellency that we recognize, in the recent exercise of the undoubted prerogative vested by the Constitution in the Crown, an earnest desire to advance the best interests of the Province over which you have been called to preside.

5. We fervently join in the prayer of Your Excellency that the blessing of the Most High may attend our deliberations.

ORDERED, That the said Address be presented to His Excellency by the whole House.

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

ORDERED, That the Honorable Mr. Robertson have leave of absence.

Adjourned until Monday next at 12 o'clock.

MONDAY, 21st July, 1856.

PRESENT:

THE HON.

*Mr. Saunders,
Mr. Chandler,
Mr. Minchin,
Mr. Hill,
Mr. Davidson,*

Mr. Black, President.

*Mr. Botsford,
Mr. Hatch,
Mr. Peters,
Mr. Harrison,
Mr. Odell,*

Mr.

*Mr. Wark,
Mr. Ryan,
Mr. Rice.*

*Mr. Steeves,
Mr. Gordon,*

PRAYERS.

The Honorable Mr. Gordon, by leave, presented a Petition from Inhabitants of Bathurst, for Bear Bounty Bill.

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

Adjourned until To-morrow at 12 o'clock.

TUESDAY, 22nd July, 1856.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Botsford,
Mr. Hill,
Mr. Rice.*

*Mr. Chandler,
Mr. Steeves,*

PRAYERS.

There not being a quorum present—

Adjourned until To-morrow at 12 o'clock.

WEDNESDAY, 23rd July, 1856.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Steeves,
Mr. Rice.*

*Mr. Botsford,
Mr. Hatch,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Gordon,*

PRAYERS.

Adjourned until To-morrow at 12 o'clock.

THURSDAY, 24th July, 1856.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Steeves,
Mr. Rice.*

*Mr. Botsford,
Mr. Hatch,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Gordon,*

PRAYERS.

PRAYERS.

The Honorable Mr. Hatch, from the Committee appointed 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, reported that they had attended to that duty, and that His Excellency was pleased to say that he would receive the House this day at two o'clock.

At two o'clock the House proceeded to the Government House with their Address in answer to His Excellency's Speech at the opening of the Session ;

And being 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 received a copy, which he read ; and it was again read by the Clerk, as follows :—

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

“ I request you to receive my cordial thanks for your loyal Address.

“ I rely with perfect confidence on your zeal for the public service.”

Adjourned until To-morrow at 12 o'clock.

FRIDAY, 25th July, 1856.

PRESENT :

THE HON.

Mr. Black, President.

*Mr. Saunders,
Mr. Chandler,
Mr. Kinneear,
Mr. Peters,
Mr. Hill,
Mr. Davidson,
Mr. Wark,
Mr. Rice.*

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,
Mr. Odell,
Mr. Gordon,*

PRAYERS.

A Message was brought from the Assembly by Mr. Botsford, with a Bill to amend the Act to incorporate the Moncton Rural Cemetery Company ; to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the said Bill into consideration.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

The

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

ORDERED, That the Report be received, and the twenty ninth Rule of this House be again dispensed with, and the said Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That Mr. Dibblee do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Bill without any amendment.

A Message was brought from the Assembly by Mr. Kerr, with a Bill to encourage the destruction of Bears in this Province; to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the said Bill into consideration.

The Honorable Mr. Kinnear took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received, and the twenty ninth Rule of this House be again dispensed with, and the Bill read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That Mr. Dibblee do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Bill without any amendment.

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

“ House of Assembly, 17th July, 1856.

“ Resolved, That Mr. Fisher, the Honorable Mr. Wilmot, and Mr. Johnson, be a Committee on the part of this House, to unite with the Committee of the Honorable the Legislative Council in the management of the Legislative Library.

CHAS. P. WETMORE, Clerk.”

Adjourned until To-morrow at 10 o'clock.

SATURDAY, 26th July, 1856.

PRESENT :

THE HON.

*Mr. Saunders,
Mr. Chandler,
Mr. Kinnear,
Mr. Peters,
Mr. Hill,*

Mr. Black, President.

*Mr. Botsford,
Mr. Hatch,
Mr. Minchin,
Mr. Hazen,
Mr. Harrison,*

Mr. Davidson,
Mr. Wark,
Mr. Rice.

Mr. Odell,
Mr. Gordon,

PRAYERS.

A Message was brought from the Assembly by the Honorable Mr. Wilmot, with a Bill to repeal the Act to prevent the importation, manufacture, and traffic in Intoxicating Liquors, and to regulate the sale thereof; to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the said Bill into consideration.

The Honorable Mr. Odell took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received, and the twenty ninth Rule of this House be again dispensed with, and the said Bill be read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That Mr. Dibblee do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Bill without any amendment.

A Message was brought from the Assembly by Mr. End, with a Bill to revive and continue an Act intituled "An Act to provide for the expenses of the Legislature;" to which they desire the concurrence of this House.

The said Bill was read a first time.

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

The said Bill was read a second time.

ORDERED, That the twenty ninth Rule of this House be again dispensed with, as regards the said Bill, and that the House be put into Committee of the whole presently to take the said Bill into consideration.

The Honorable Mr. Botsford took the Chair.

After some time the House resumed.

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

ORDERED, That the Report be received, and the twenty ninth Rule of this House be again dispensed with, and the said Bill be read a third time presently.

The said Bill was read a third time and passed.

ORDERED, That Mr. Dibblee do go down to the Assembly and acquaint that House that the Legislative Council have agreed to the said Bill without any amendment.

The House adjourned during pleasure.

After some time the House resumed.

The

At 3 o'clock His Excellency the Lieutenant Governor came to the Council Chamber, and being seated on the Throne, commanded the Gentleman Usher of the Black Rod, through the Honorable the President, to let the Assembly know—"It is His Excellency's pleasure that they attend him immediately in this House."

Who being come, Mr. Speaker said—

"May it please Your Excellency,

"The Act to prevent the importation, manufacture, and traffic in Intoxicating Liquors proved to be wholly inoperative; it was deeply injurious to the moral, social, financial and commercial interests of the Province, therefore the Assembly did not hesitate to repeal it.

"The Assembly have also passed two Money Bills, which I now present in the name of Her Majesty's faithful Commons of New Brunswick, and pray Your Excellency's assent to them."

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

An Act to repeal the Act to prevent the importation, manufacture, and traffic in Intoxicating Liquors, and to regulate the sale thereof:

An Act to encourage the destruction of Bears in this Province:

An Act to amend the Act to incorporate the Moncton Rural Cemetery Company:

An Act to revive and continue an Act intituled "An Act to provide for the expenses of the Legislature."

His Excellency was then pleased to make the following Speech:—

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

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

"I thank you for the attention which you have given to the public business.

"The measure which you have passed, and to which I have readily given my assent, for the repeal of the Act prohibiting the importation and manufacture of, and traffic in, Intoxicating Liquors, will have a material effect in improving the financial condition of the Province; and intimately acquainted as you are with the feelings of the People, I do not doubt that this measure is in accordance with their wishes.

"In relieving you from further attendance, I desire to assure you of my cordial good wishes for the success of the avocations to which you will now return."

After which, the Honorable the President, by His Excellency's command, declared the General Assembly prorogued until the second Tuesday in September next.

G. BOTSFORD, *Clerk.*

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JULY 1856.

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