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JOURNAL



AND

PROCEEDINGS

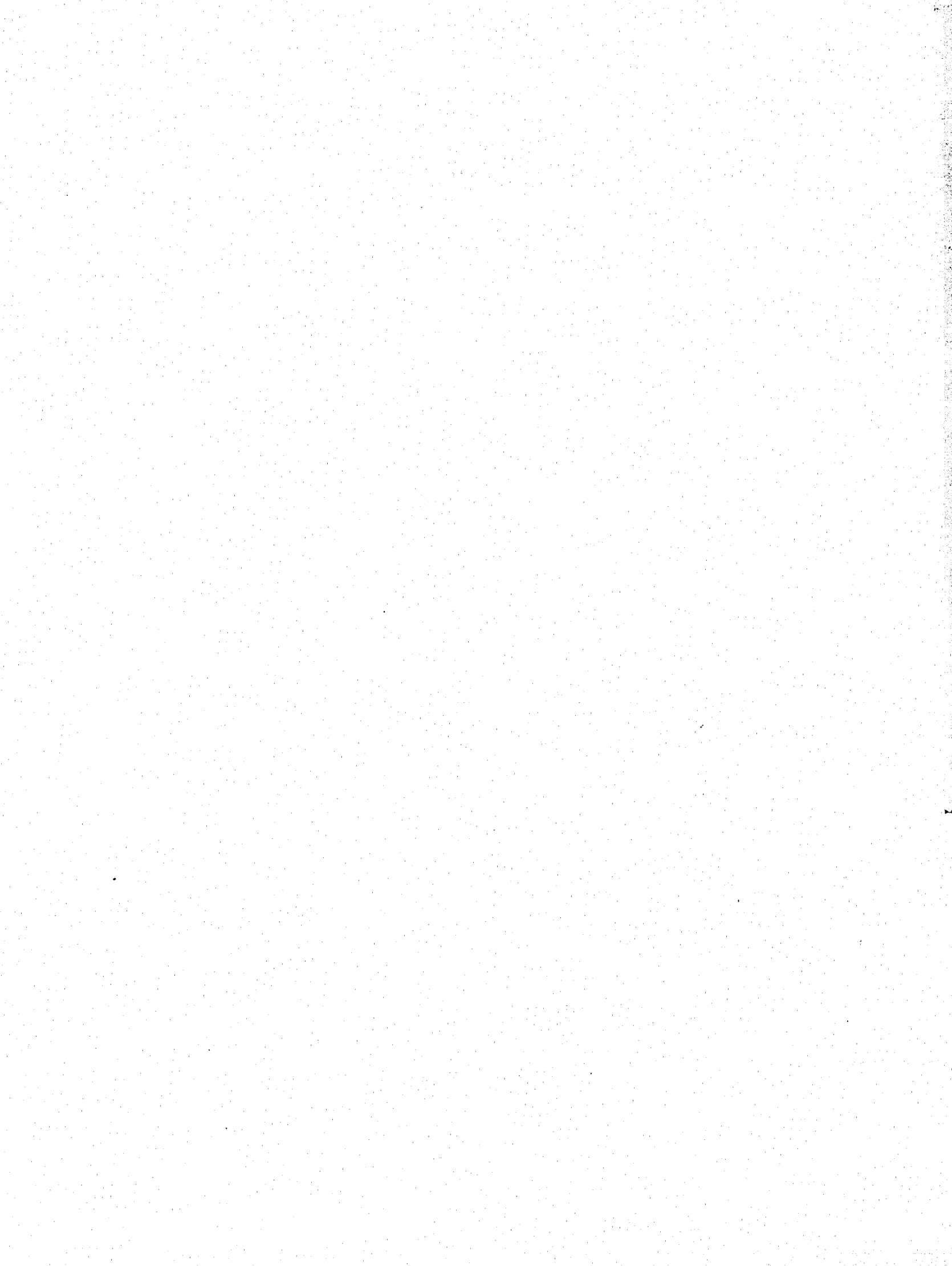
OF HER MAJESTY'S

LEGISLATIVE COUNCIL

OF THE

PROVINCE OF NOVA-SCOTIA.

1838.





PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,
K. C. B. Lieutenant-Governor and Commander in
Chief, in and over His Majesty's Province of Nova-
Scotia and its Dependencies, &c. &c. &c.*

WHEREAS, the General Assembly of this Province stands prorogued until Thursday,
the 20th day of July inst.

I have, therefore, thought fit further to prorogue the said General Assembly until Thurs-
day, the 19th day of October next, of which all persons concerned are desired to take notice
and govern themselves accordingly.

*Given under my Hand and Seal at Arms, at Halifax, this 3d
day of July, in the eighth year of His Majesty's Reign,
A. D. 1837.*

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE KING.



PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,
K. C. B. Lieutenant-Governor and Commander in
Chief, in and over Her Majesty's Province of Nova-
Scotia and its Dependencies, &c. &c. &c.*

WHEREAS, the General Asssembly of this Province stands prorogued until Thursday,
the 19th day of October,

I have, therefore, thought fit further to prorogue the said General Assembly until Thurs-
day, the 30th day of November next, of which all persons concerned are desired to take no-
tice and govern themselves accordingly.

*Given under my Hand and Seal at Arms, at Halifax, this 27th
day of September, in the first year of Her Majesty's
Reign, A. D. 1837.*

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.



PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,
K. C. B. Lieutenant-Governor and Commander in
Chief, in and over Her Majesty's Province of Nova-
Scotia and its Dependencies, &c. &c. &c.*

WHEREAS, the General Assembly of this Province stands prorogued until Thursday,
the 30th day of November,

I have thought fit further to prorogue the said General Assembly until Thursday, the 21st
day of December next, of which all persons concerned are desired to take notice and
govern themselves accordingly.

*Given under my Hand and Seal at Arms, at Halifax, this
13th day of November, in the first year of Her Majes-
ty's Reign, A. D. 1837.*

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.



PROCLAMATION.

C. Campbell.

*By His Excellency Major-General SIR COLIN CAMPBELL,
K. C. B. Lieutenant-Governor and Commander in
Chief, in and over Her Majesty's Province of Nova-
Scotia and its Dependencies, &c. &c. &c.*

WHEREAS, the General Assembly of this Province stands prorogued until Thursday,
the 21st day of December,

I have thought fit further to prorogue the said General Assembly until Thursday, the 25th
day of January next—*then to meet for the Dispatch of Business*, of which all persons con-
cerned are desired to take notice and govern themselves accordingly.

*Given under my Hand and Seal at Arms, at Halifax, this 13th
day of December, in the first year of Her Majesty's
Reign, A. D. 1837.*

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.

JOURNAL
 OF THE
LEGISLATIVE COUNCIL
 OF THE
PROVINCE OF NOVA-SCOTIA.

SECOND SESSION OF THE SIXTEENTH GENERAL ASSEMBLY.

ANNO PRIMO VICTORIÆ REGINÆ,

AT HALIFAX, IN THE PROVINCE OF NOVA-SCOTIA.

LEGISLATIVE COUNCIL CHAMBER,

Thursday, 25th January, 1838.

A Commission having issued for the appointment of a new Provisional Legislative Council, and the General Assembly having been, by Proclamation, prorogued to this day—the Council met:

P R E S E N T—

<p>The Honorable Peter McNab, James Tobin. Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart,</p>	<p>o o o o o o o o o o</p>	<p>The Honorable S. B. Robie, President. The Honorable Lewis M. Wilkins, Junr. James S. Morse, William Ousely, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, William B. Almon, M. D.</p>
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The following Commission was then read by the Clerk:

NOVA-SCOTIA.—*VICTORIA*, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and of the United Church of England and Ireland, on Earth the Supreme Head.

To our trusty and well-beloved the Right Reverend John, Lord Bishop of Nova-Scotia, and Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, Junior, James S. Morse, William Ousely, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, and William B. Almon, M. D. Esquires.

Commission appointing Provisional Legislative Council

WHEREAS, In our Royal consideration, having deemed it expedient that the Executive and Legislative Powers which have heretofore been unitedly exercised by our Council, in our Province of Nova Scotia, should be separated, and that there should be two distinct and several

GREETING:

THURSDAY, 25th JANUARY, 1838.

several Councils in our said Province, for exercising, separately, the said Functions, to be respectively called Her Majesty's or the Executive Council, and the Legislative Council of our said Province, we did lately, through our trusty and well beloved Charles Lord Glenelg, our Principal Secretary of State for the Colonies, communicate such our Royal Will to our trusty and well beloved Sir Colin Campbell, Knight Commander of the most Honorable Military Order of the Bath, Major-General of our Forces, and Lieutenant-Governor in and over our said Province, and did empower and instruct him, our said Lieutenant-Governor, forthwith, to carry such our purpose into effect, and for that object, to nominate and appoint fit and proper persons to be Members of our said two Councils in the said Province, provisionally, until our further pleasure should be known.

Now, Know ye that We, reposing especial trust and confidence in the loyalty, integrity and ability of you, the said Right Reverend John Lord Bishop of Nova Scotia, Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, Junior, James S. Morse, William Ousely, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, and William B. Almon, have thought fit, provisionally, to nominate and appoint you, the said Right Reverend John Lord Bishop of Nova-Scotia, Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, Junior, James S. Morse, William Ousely, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, and William B. Almon, to be Members of our Legislative Council aforesaid, for the Province of Nova-Scotia, until our further pleasure shall be made known; and we do declare our will and pleasure to be, that all and every of the powers and authorities heretofore vested in our Council of the said Province, so far as respects the enactment of Laws to be made within our said Province, shall henceforth be, and the same are hereby vested in our said Legislative Council; and you, the said Right Reverend John Lord Bishop of Nova-Scotia, Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, Junior, James S. Morse, William Ousely, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, and William B. Almon, and each of you, are hereby empowered and requested to execute the same in the like manner, and as fully, in every respect, as our said Council heretofore of right has done, or might have done.

And we do further declare our will and pleasure, that any ten of our said Legislative Council shall be a Quorum, and that the Member of our said Council, whose name stands first in the list, with the exception of the Right Reverend the Lord Bishop of Nova-Scotia, and the Members holding Offices of Emolument under us, shall preside in our said Legislative Council.

GIVEN under the Great Seal of our said Province; Witness our trusty and well beloved His Excellency Major-General Sir Colin Campbell, K. C. B. Lieutenant-Governor and Commander in Chief in and over our said Province, this Sixteenth day of January, in the first year of our Reign, and in the Year of Our Lord One Thousand Eight Hundred and Thirty-eight.

By His Excellency's Command,

(Signed)

RUPERT D. GEORGE.

The following Commission was also read by the Clerk, viz:—

THURSDAY, 25th JANUARY, 1838.

(L. S.)

BY HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

(Signed) C. Campbell.

TO ALL TO WHOM THESE PRESENTS SHALL COME.

GREETING.

Commission to administer Oaths

KNOW Ye, that I, the said Lieutenant-Governor, by virtue of the power and authority in me vested, have constituted and appointed, and do by these presents constitute and appoint, the Honorables Samuel Cunard and Sir Rupert D. George, Baronet, to be a Commissioner or Commissioners, or either of them, to tender and administer the usual State Oaths, according to Law, to all and every person and persons who is, are or shall be, appointed a Member or Members of the Legislative Council in this Province, giving them, or either of them, full power and authority to perform the matters hereinbefore mentioned, ratifying and confirming all and whatsoever the said Commissioners, or either of them, shall do and perform in this behalf.

GIVEN under my Hand and Seal at Arms, at Halifax, this 25th day of January, 1838, in the first year of Her Majesty's Reign.

By His Excellency's Command,

(Signed)

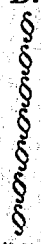
RUPERT D. GEORGE.

Whereupon, the following Gentlemen took the Oaths, and made and subscribed the Declaration; and also took and subscribed the Oath of Abjuration, pursuant to the Statutes.

Members take Oaths

The Honorable S. B. Robie, President.

- The Honorable Peter McNab,
- Joseph Allison,
- Norman Uniacke,
- James W. Johnston,
- William Lawson,
- George Smith,
- Alexander Stewart,



- The Honorable Lewis M. Wilkins, Jun.
- James S. Morse,
- William Ousely,
- Alexander Campbell,
- Robert M. Cutler,
- James Ratchford,
- William B. Almon, M.D.

The Honorable Joseph FitzRandolph, being one of the people called Quakers, made and subscribed his solemn affirmation thereto.

The Honorable James Tobin took the Oath appointed to be taken by the Act of the tenth year of His late Majesty King George the Fourth, by persons professing the Roman Catholic Religion.

At half past 2 o'clock, P.M. His Excellency Major-General Sir COLIN CAMPBELL, K. C. B. Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c. came to the Council Chamber attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to let the House of Assembly know "It is His Excellency's pleasure they attend him immediately in this House."

His Excellency comes to the Council Chamber

Who, being come with their Speaker, His Excellency was pleased to speak as follows:

H. of A. ordered to attend

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

H. A. attend

My first duty, and a painful one I find it, is to condole with you on the loss which, since our last meeting, we have sustained, by the demise of His late most Gracious Majesty William

Speech the

THURSDAY, 25th JANUARY, 1838.

the Fourth, of blessed memory, whose paternal attachment to this Province, which he visited at an early period of his life, will be remembered by you with gratitude and respect.

The Throne of the British Empire is now filled by His august Niece Queen Victoria, the daughter of His late Royal Highness the Duke of Kent, who for many years resided amongst you, when Commander in Chief in British America. Her Majesty's accession has been hailed, in every part of her extensive dominions, with the most enthusiastic loyalty: her youth and sex claim from her subjects their dutiful affection and support.

It is with deep regret I have to notice the late unfortunate events in the Canadas; but I have the satisfaction of informing you that the insurrection has been put down in Lower Canada, and that the traitorous attempt made to separate the Upper Province from British rule, has been signally defeated by the gallant conduct of its Militia alone: it is true that a small and desperate band still retain possession of Navy Island; but there is every reason to believe, as measures have been adopted at the recommendation of the President of the United States for the enforcement of neutrality on the frontier, that these deluded men, deprived of all foreign assistance, will speedily be dispersed.

These rebellious proceedings have called forth in this Province expressions of indignation and abhorrence, and the Addresses from various quarters which have been presented to me declare the unshaken attachment of the Inhabitants of Nova-Scotia to Her Majesty's Person and Government.

I have great pleasure in congratulating you upon the abundant Harvest with which it has pleased Divine Providence to reward the labours of the Husbandman, and which has diffused the blessing of plenty throughout the Country.

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

The Provisional Establishment of two distinct Councils, which has recently taken place, and the Despatches which I am instructed to lay before you, afford ample evidence of the gracious attention that has been paid to the representations which you addressed to the Throne in the last Session.

I earnestly hope that this important alteration of the ancient Constitution of the Province, will be attended with all the advantages by which, when you advised the measure, you expected it would be accompanied.

I have directed the Public Accounts to be laid before you, and I trust you will find that the Supplies granted to Her Majesty in the last Session have been faithfully expended. The usual Estimates of the Civil Establishment for the present year will be submitted to you, and I have no doubt of your providing for the support of Her Majesty's Government, and for all other necessary services, with your usual liberality.

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

I have great satisfaction in acquainting you that the Revenue last year has increased considerably; the receipts have been more than sufficient to meet all the demands on the Treasury. I feel it my duty to recommend an economical application of our means, by keeping our expenditure within our income.

I most earnestly desire to draw your particular attention to the inefficient state of the Militia; it is not at present what I wish to see it; there is all the good feeling and loyalty I could desire. As it is the Constitutional defence and security of the Province, I am persuaded you will see the necessity of amending the Law now in existence; and the zeal and discipline of twenty-five thousand young and willing Sons of your own families ought not to be neglected by Government and the Legislature.

It is the earnest desire and recommendation of Her Majesty's Government that you will enter upon the discharge of your Public Duties with that spirit of harmony in your proceedings, for which the Legislature of this Province has so long been conspicuous, and which has proved so conducive to the best interests of the Country.

My anxious wish is to see peace, content and prosperity, prevail throughout the Province;

and

THURSDAY and FRIDAY, 25th and 26th JANUARY, 1838.

and you may rely upon my cordial co-operation in any measure which can tend to secure and increase these blessings.

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

The President reported His Excellency's Speech.

Ordered, That an Address be presented to His Excellency in answer to His Speech.

Ordered, That Mr Allison, Mr. Uniacke, Mr. Johnston, Mr. Stewart and Mr. Almon, be a Committee of this House to prepare the said Address, and to report the same to this House.

On motion made and seconded—the House adjourned until To-morrow, at three o'clock.

H. A. withdraw—
His Excellency
retires

Speech reported
Address ordered

Committee to pre-
pare Address

Adjourn

Friday, 26th January, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
George Smith,
Alexander Stewart,

S. B. Robie, President.

The Honorable Lewis M. Wilkins, Junr.
James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read,

Mr. Allison, the Chairman of the Committee appointed to prepare an Address to His Excellency the Lieutenant-Governor, in answer to His Speech at the opening of the Session, reported a draft thereof, which he read in his place.

Ordered, That the report be received, and the said draft was again read by the Clerk, and it was

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

The House was adjourned, during pleasure, and put into a Committee on the said Address. After some time the House was resumed, and Mr. McNab reported that the Committee had gone through the said Address, and made several amendments thereto.

The amendments being read twice by the Clerk, were agreed to by the House.

Ordered, That the said Address, with the amendments, be engrossed, and read a third time to-morrow.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolution.

Resolved, That the Hon. Mr. Dewolf, Mr. Howe, the Hon. Mr. Uniacke, Mr. Young, and Mr. Forrester, be a Committee of this House for the purpose of examining the Public Accounts, jointly, with a Committee of the Legislative Council—which was read.

Ordered, That the Committee who prepared the Address do wait upon His Excellency the Lieutenant-Governor to know when His Excellency would be pleased to receive this House with their Address.

Mr. Stewart asked leave to bring in a Bill to abolish certain Oaths heretofore administered to persons taking Office in this Province—which was granted.

On motion made and seconded—the House adjourned until To-morrow, at 12 o'clock.

Address reported

Committed

Reported with
amendments

Ordered to be en-
grossed

Committee of Pub-
lic Accounts of H.A.

Committee to wait
on His Excellency
to know when he
will receive Address

Bill to abolish Oaths

Adjourn

Saturday,

SATURDAY, 27th JANUARY, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart,	S C O U N C I L S	The Honorable Lewis M. Wilkins, Junr. James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, William B. Almon, M.D.
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PRAYERS.

The Minutes of yesterday were read.

Com. of Public Ac-
counts of Council

On motion, *resolved*, that Mr. Lawson, Mr. Smith, and Mr. Cutler, be a Committee of this House to join a Committee of the House of Assembly to examine the Public Accounts, and that the Clerk do acquaint the House of Assembly therewith.

Com. to wait on
His Excellency to
know when he will
receive Address

Mr. Allison, the Chairman of the Committee, appointed to wait on His Excellency the Lieutenant-Governor, to know when His Excellency would be pleased to receive this House with their Address, reported that the Committee had waited upon His Excellency, and that His Excellency had been pleased to appoint the hour of two of the clock, P. M. this day, for that purpose.

Address read 3d
time

Pursuant to the order of the day, the Address to His Excellency the Lieutenant-Governor, in answer to His Excellency's Speech, at the opening of the Session, was read a third time and passed.

Whereupon, the President signed the same, and it is as follows :

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief, in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

May it please your Excellency—

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Nova-Scotia, humbly beg leave to thank your Excellency for the Speech with which you have been pleased to open the present Session of the Provincial Parliament.

We participate with your Excellency in the painful feelings which the demise of His late most Gracious Majesty King William the Fourth excited throughout His widely extended Dominions. The condescending regard which His Majesty often expressed towards this Province, as the scene where a portion of His early life had been spent, has rendered His memory dear to its inhabitants; while the important events of universal interest which have characterized His Reign, will ever give to that portion of our History a conspicuous place in the annals of the Empire.

We respond with the deepest emotion to the sentiments of devoted attachment and fealty to our august Sovereign Queen Victoria, which Her accession to the Throne has called forth. It gives us pleasure to remember that the warm interest which Her late Father ever evinced in the welfare of this Province, where he long resided, associates Her Majesty more nearly with its inhabitants, and we feel with your Excellency that her age and sex draw around her the affections of Her subjects with deeper interest.

The

SATURDAY, 27th JANUARY, 1838.

The unhappy events in the Canadas have excited our deep regret, but we find great satisfaction in the assurance that the traitorous attempts of designing men have been suppressed. We rejoice that the gallant Militia of Upper Canada met in so distinguished a manner the emergency which called their loyalty and courage into exercise; and indulge with pleasure the hope your Excellency affords us that the desperate band of wicked and misguided men on Navy Island still found in opposition to the just authority of Her Majesty and the Laws, being deprived through the intervention of the Government of the United States of foreign aid may speedily be dispersed, and the miseries of violence and disorder be altogether stayed in our Sister Colonies.

We feel happy that the Addresses from numerous parts of the Province have conveyed to your Excellency declarations of unshaken loyalty to Her Majesty's Person and Government: uniting in our Body Members from various parts of the Province, we are enabled to assure your Excellency that such is the universal feeling of Nova-Scotia, nor can we fail to use the present as a fit occasion to tender to Her Majesty, in unison with our fellow subjects, our own expressions of similar sentiments.

In the congratulations expressed by your Excellency on the late bountiful harvest which has diffused prosperity through the land, and is the just cause of the liveliest gratitude and devotion to the Almighty Giver of all our Blessings, we must cordially unite with your Excellency.

The increase of the Revenue and the faithful discharge of all demands upon the Treasury are very gratifying. In the application of our augmented resources we shall not fail to be guided by your Excellency's recommendation for their economical expenditure.

Agreeing as we entirely do in the sentiments expressed by your Excellency regarding the state of our Militia we shall readily adopt any measures that may be devised for the improvement of its discipline and the increase of its efficiency.

No effort on our part shall be wanting to ensure harmony in the performance of our Legislative labors, deeply convinced that, conducted in such a spirit alone, they will be beneficial to the Province, and Your Excellency's administration of the Government enables us to rely with perfect confidence upon your co-operation in every measure which may advance the interests, and promote the peace, happiness and prosperity of the People of Nova-Scotia.

Mr. Stewart presented a Bill to abolish certain Oaths heretofore administered to persons taking Office in this Province—which was read a first time. Oath Bill read 1st time

Ordered, That the said Bill be read a second time on Monday next.

At two of the clock, P.M. the House proceeded to the Government House with their Address, in answer to His Excellency's Speech at the opening of the Session; and having returned, House wait on His Excellency with Address

His Honor the President reported that His Excellency had been pleased to receive the same, and to give an answer thereto, of which he had obtained a copy, which he read, and it was again read by the Clerk, as follows: President reports Reply

Hon. Gentlemen of the Legislative Council,

I receive this Address with the highest satisfaction, and wish you to be assured that I have a just sense of your dutiful and loyal attachment to Her Majesty's Person and Government, and I feel particularly gratified to find that my administration of this Government has enabled you to rely with confidence upon my co-operation in every measure that may advance the prosperity of Nova-Scotia, which our Gracious Sovereign has been pleased to confide to my care. Reply

On motion of Mr. Ouseley, *resolved*, that a Committee be appointed for the purpose of suggesting a code of standing orders for the conduct of this House. Com. to suggest rules

Ordered, That Mr. Ouseley, Mr. Stewart, Mr. Wilkins, Mr. Johnston, Mr. Smith, Mr. Allison and Mr. Tobin, be a Committee for that purpose. Committee

Mr.

SATURDAY and MONDAY, 27th and 29th JANUARY, 1837.

Leave given to bring in Bill respecting Jury Trials Adjourn

Mr. Johnston asked leave to bring in a Bill respecting Jury Trials in certain cases, which was granted.

On motion made and seconded, the House adjourned until Monday, at 2 o'clock.

Monday, 29th January, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart, James S. Morse,	S e c r e t a r y
	The Honorable William Ousely, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, William B. Almon, M. D.

PRAYERS.

The Minutes of Saturday were read.

Message relative to surrender of Casual Revenue and Civil List.

The Hon. Sir Rupert D. George, Baronet, the Secretary of the Province informed the House that he was commanded by His Excellency the Lieutenant-Governor, to deliver to the House the following written Message from His Excellency:—

M E S S A G E :

(Signed) C. Campbell.

THE Lieutenant-Governor lays before the Legislative Council copies of the Despatches to which he alluded in that part of His opening Speech which was addressed separately to the House of Assembly, with copies of various other papers, either referred to in those Despatches, or connected with the subjects to which they relate.

Her Majesty having, as these Communications amply testify, evinced her earnest solicitude to meet the views of the Assembly, by cheerfully consenting to place at the disposal of the Legislature Her Casual and Territorial Revenues, and the whole Crown Domain in this Province, in exchange for a Civil List—subject only to the conditions by which His late Majesty was pleased to qualify the corresponding concession in Lower Canada and New Brunswick—the Lieutenant-Governor is persuaded that the Legislative Council will readily concur with the Assembly in the proposals which are now submitted to them by Her command.

In bringing this subject before the Legislature, the Lieutenant-Governor is instructed to advert to the settlement recently made with New-Brunswick, as a precedent to be followed, as far as local circumstances will permit.

Among the Papers which accompany this Message, are Letters from the Chief-Justice and Puisne Judges of the Supreme Court, expressing their willingness to accept the rate of Salary proposed to be affixed to their Offices, without Fees, and the Lieutenant-Governor earnestly trusts that the present opportunity will be taken to provide adequately for the independence of the Judges.

Government-House, 29th January, 1838.

List of Papers accompanying the Lieutenant-Governor's Message of the 29th January, 1838. Copies of

- No. 1.—Despatch from Lord Glenelg to Sir Colin Campbell, dated 30th April, 1837.
- 2.—Despatch from do. to do. dated 6th July, 1837.
- 3.—Despatch from do. to do. dated 31st October, 1837.
- 4.—Being the paper No. 3, alluded to in the last Despatch.
- 5.—Despatch No. 87, alluded to in do.
- 6.—Letter from the Hon. Chief-Justice Halliburton to the Provincial Secretary, dated 18th January, 1838.

MONDAY, 29th JANUARY, 1837.

- 7.—Letter from the Puisne Judges to do. dated 8th January, 1838.
- 8.—Despatch from Lord Glenelg to Sir Colin Campbell, Lieutenant-Governor of Nova-Scotia, dated 21st November, 1837.
- 9.—Despatch from Lord Glenelg to Sir Archibald Campbell, Lieutenant-Governor of New-Brunswick, dated 31st August, 1836.
- 10.—Despatch from do. to do. dated 5th Sept. 1836.
- 11.—Despatch from do. to Sir Colin Campbell, dated 31st October, 1836.
- 12.—Bill for the support of the Civil Government of New-Brunswick, enclosed in the last Despatch.
- 13.—Despatch from Lord Glenelg to Sir Archibald Campbell, dated 4th January, 1837.
- 14.—Despatch from Lord Glenelg to Sir Colin Campbell, dated 24th February, 1837.
- 15.—Despatch from Lord Glenelg to Sir Archibald Campbell, dated 2d March, 1837.
- 16.—Despatch from do. to Sir John Harvey, dated 6th April, 1837.
- 17.—Letter from G. F. Street, Esq. to Lord Glenelg, dated 22d March, 1837, enclosed in the last Despatch.
- 18.—Despatch from Lord Glenelg to Sir John Harvey, dated 29th April, 1837.

The said Message and papers were read, and ordered to lie on the Table.

(Vide Appendix, No. 1 to 18.)

Sir Rupert D. George also laid before the House, by His Excellency's command, a copy of an Order of Her Majesty, in Council, dated 18th November, 1837, giving the Royal Assent to seventy-two Acts, passed in the Legislative Session in Nova-Scotia, in 1837; also, a copy of an Order of Her Majesty, in Council, dated 18th November, 1837, specially confirming three Acts of the Legislature of Nova-Scotia, passed in April, 1837.

Acts of 1837 confirmed

The same were read, and ordered to lie on the Table.

On motion of Mr. Stewart, seconded by Mr. Ouseley,

Resolved unanimously, That while the Members of this House view with the deepest regret the existence of Rebellion in the Provinces of Lower and Upper Canada, they cannot refrain from expressing the gratification they have derived from those warm and animating displays of universal Loyalty and attachment to the British Constitution and Government to which it has given occasion throughout the British North American Colonies.

Resolutions relative to rebellion in Canada

Resolved unanimously, That the grateful acknowledgments of this House ought to be immediately conveyed to His Excellency Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada, for the penetration with which he discovered, and the firm, prompt and energetic manner in which he baffled and defeated the mad designs of the traitorous men to rob and murder those who prefer the blessing of the British Government to Republican Institutions; but more especially for the noble minded reliance upon the courage and loyalty of the population by which he was enabled to render most important aid towards the suppression of the unnatural Rebellion in Lower Canada.

Resolved unanimously, That the thanks of this House are also due to Colonel Allan Napier McNab, and the Loyal Militia of Upper Canada, for their gallant conduct in crushing, in its infancy, this rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American Subjects are determined to preserve their connexion with their Mother Country, and to put down all endeavours to weaken or destroy it.

Resolved unanimously, That this House view with astonishment and regret the support and assistance which, in a time of profound peace and amity between the two Governments, have been afforded to the expatriated rebels by many Citizens of the American Union; and this House trust that the efforts of the General Government of the United States will not be remitted until such of its Citizens as have been guilty of so unjustifiable a violation of the existing treaty and the law of Nations, shall be punished with that severity which they deserve.

Resolved unanimously, That while this House recognize in the British Soldier that devotion to his Sovereign and Country, which has led to the effectual suppression of the Rebellion in Lower Canada; and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the Troops from the Upper Province has afforded gratifying and irresistible evidence of the deep rooted attachment of the People to the British Constitution.

TUESDAY and WEDNESDAY, 30th and 31st JANUARY, 1838.

Resolved unanimously, That an humble Address be presented to His Excellency the Lieutenant-Governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada.

Order of Day on
Oath Bill postponed

The Order of the Day being read, for the Bill to abolish certain Oaths heretofore administered to persons taking Office in this Province, to be read a second time.

It was moved that the Order of the Day be postponed until further order; which, being seconded, and the question being put, it was resolved in the affirmative.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Tuesday, 30th January, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
George Smith,
Alexander Stewart,
James S. Morse,

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The Honorable William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, M.D.

PRAYERS.

The Minutes of yesterday were read,

Message from H. A.
with Resolutions
relative to Fisheries

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions:

Resolved, That a Committee be appointed to take into consideration the Fisheries of this Province, and to report such measures as may be requisite and necessary for the encouragement and support of that important branch of industry, so essential to the Commercial prosperity of Her Majesty's North American Colonies, with power to send for persons and papers.

Resolved, That the Legislative Council be requested to appoint a Committee to co-operate with the Committee of this House, and that these Resolutions be communicated to the Council by Message.

Ordered, That the Honorable Mr. Uniacke, Mr. DesBarres, Mr. Bell, Mr. W. Sargent and the Hon. Mr. Huntington, be a Committee for the above purpose.

The said Resolutions were read, and ordered to lie on the Table.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Wednesday, 31st January, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
George Smith,
Alexander Stewart,
James S. Morse,

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The Honorable William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, M.D.

PRAYERS.

The

WEDNESDAY and THURSDAY, 31st JANUARY and 1st FEBRUARY, 1838.

The Minutes of yesterday were read.

Ordered, That Mr. Tobin, Mr. Lawson, Mr. Smith, Mr. Cutler and Mr. Ouseley, be a Committee of this House to join the Committee of the House of Assembly, to take into consideration the Fisheries of this Province, and to report such measures as may be requisite for the encouragement and support thereof, with power to send for persons and papers, and that the Clerk do acquaint the House of Assembly therewith.

Com. of Council on Fisheries

On motion of Mr. Stewart, resolved, that the following Address be presented to His Excellency the Lieutenant-Governor.

Address to His Excellency with Resolutions relative to Sir F. B. Head

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL.

May it please your Excellency,

The Legislative Council have passed several Resolutions, copies whereof are herewith, expressing their grateful acknowledgments to Sir Francis Bond Head, Colonel Allan McNab, and the Militia of Upper Canada, for their gallant conduct in suppressing the recent insurrection therein; and the Legislative Council respectfully pray that your Excellency will be pleased to transmit them to His Excellency Sir Francis Bond Head.

Resolved, That Mr. Stewart, Mr. Smith and Mr. Ratchford, do wait upon His Excellency the Lieutenant-Governor, and present to him the Address and the Resolutions agreed to on the 29th of this present month of January.

Com. to present Address

The Committee accordingly waited on His Excellency, and being returned, Mr. Stewart reported that His Excellency had been pleased to state that he would forward the said Resolutions.

Committee report

Ordered, That the Clerk do direct two hundred copies of the Message, with the papers accompanying it, sent by His Excellency the Lieutenant-Governor to this House on the 29th inst. to be printed for the use of the Members of this House.

Order for Printing Despatches

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Adjourn

Thursday, 1st February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,

The Honorable Alexander Stewart,

Joseph Allison,

James S. Morse,

Norman Uniacke,

William Ouseley,

James W. Johnston,

Robert M. Cutler,

William Lawson,

Alexander Campbell,

George Smith,

Joseph FitzRandolph.

PRAYERS.

The Minutes of yesterday were read,

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to reduce the expences of Suits at Law on Judgments by Confession.

Confession Bill

THURSDAY and FRIDAY, 1st and 2d FEBRUARY, 1838.

Representation of
Inverness Bill
Joint Tenancy
Bill
Abjuration & Su-
premacym Bill

A Bill entitled, An Act to increase the Representation of the County of Inverness.

A Bill, entitled, An Act relating to Joint Tenancy.

A Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy.

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

Address of Condo-
lence & Congratu-
lation to H. M.

On motion of Mr. Ouseley, *resolved*, that a humble Address of Condolence be presented to Her Majesty, on the death of His late Majesty King William the Fourth, and to congratulate Her Majesty on Her Accession to the Throne.

Committee

Ordered, That Mr. Ouseley, Mr. Johnston, Mr. Campbell, Mr. Stewart and Mr. Uniacke, be a Committee of this House to prepare the said Address.

H. A. requested to
join

Resolved, That the House of Assembly be requested to join in said Address.

Ordered to be sent to the House of Assembly.

Treasurer's Ac-
counts

The President laid before the House the Provincial Treasurer's Accounts for the year 1837, which were read, and ordered to lie on the Table.

Jury Trial Bill read
1st time

Mr. Johnston presented a Bill respecting Jury Trials, in certain cases; the same was then read, and it was

Ordered, That it be read a second time at a future day.

Mr. Rudolf takes
Oaths

This day, the Honorable William Rudolf took the Oaths; and also, took and subscribed the Oath of Abjuration, pursuant to the Statutes—and thereupon, took his seat.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Friday, 2d February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,

James Tobin,

Joseph Allison,

Norman Uniacke,

James W. Johnston,

William Lawson,

George Smith,

Alexander Stewart,

The Honorable William Rudolf,

James S. Morse,

William Ouseley,

Robert M. Cutler,

Alexander Campbell,

James Ratchford,

Joseph FitzRandolph,

William B. Almon, M.D.

PRAYERS.

The Minutes of yesterday were read.

Petition of J. H.
Tidmarsh

Mr. McNab brought up the Petition of James H. Tidmarsh, praying a return of Duties, which was read, and laid on the Table.

Resolution of H. A.
to join in Address
to H. M.

A Message was brought from the House of Assembly, by Mr Whidden, with the following Resolution and Order:

Resolved, That a Committee be appointed to join a Committee of the Legislative Council, to draw up an humble Address of Condolence on the death of His late Majesty King William the Fourth, and to congratulate Her Majesty Queen Victoria on Her accession to the Throne.

Ordered, That Mr. Howe, the Hon. Mr. Uniacke, Mr. Young, the Hon. Mr. Dodd, Mr. McDougall, Mr. Chipman and Mr. DesBarres, be a Committee for the above purpose.

The same were read, and ordered to lie on the Table.

Address reported

Mr. Ouseley, the Chairman of the Committee of this House appointed to join a Committee of the House of Assembly, to draw up an Address of Condolence to Her Majesty on the

FRIDAY, 2d FEBRUARY, 1838.

death of His late Majesty King William the Fourth, and to congratulate Her Majesty on Her accession to the Throne, reported the draft of an Address which had been agreed upon by the joint Committee, which he read in his place, and afterwards delivered the same to the Clerk, who read the same as follows:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please Your Majesty,

We, Your Majesty's dutiful and loyal Subjects the Legislative Council and House of Assembly of Nova-Scotia, in Provincial Parliament assembled, hasten to avail ourselves of the first opportunity afforded us of presenting to Your Majesty this our humble Address.

We condole with Your Majesty on the severe and painful loss Your Majesty and the Empire have sustained since our last Session, in the demise of our late Most Gracious King, William the Fourth; remembering with pleasure the kind feelings which our late lamented Sovereign, from his residence among us, ever entertained for this portion of His Dominions.

We have great satisfaction in offering to Your Majesty our united congratulations on Your happy Accession to the Throne of the British Empire, and we recall to our recollection with equal pleasure that Your Majesty's late Father, His Royal Highness the Duke of Kent, also spent some portion of his life in Nova-Scotia, of which he was ever the Patron and Friend.

Regarding with abhorrence the unnatural Rebellion of our misguided fellow-subjects in the Canadas, against a mild and protecting Government, we can assure Your Majesty that in no part of Your extensive Dominions have you a more devoted or loyal population than in Your Province of Nova-Scotia, and that a Benign Providence may ever guard and protect Your Majesty, shall be the earnest prayer of Your Majesty's dutiful and loyal Subjects the Council and Assembly of Nova-Scotia.

Whereupon, it was moved that the said Address be adopted, and the question being put, it was resolved in the affirmative. Adopted

On motion of Mr. Ouseley, *resolved*, that the Committee who prepared the Address of condolence and congratulation to Her Majesty, with the Committee of the House of Assembly, do prepare an Address to His Excellency the Lieutenant-Governor, praying that he will be pleased to transmit the Address to Her Majesty to the Right Honorable the Secretary of State for the Colonies, to be laid at the foot of the Throne; and further, that the said Committee with the Committee of the House of Assembly, wait upon His Excellency with the said Addresses.

Mr. Ouseley, the Chairman of the Committee, reported the draft of an Address to His Excellency, which he read in his place, and afterwards delivered the same to the Clerk, who read the same as follows:— Address to His Excellency
Moved
Reported

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY.

May it please your Excellency,

The Legislative Council and House of Assembly have passed an Address to Her Majesty, condoling with her on the death of our late Sovereign King William the Fourth, and congratulating Her on Her accession to the Throne; and the Legislative Council and House of Assembly pray that Your Excellency will be pleased to transmit the same to the Right Honorable the Secretary of State for the Colonies, to be laid at the foot of the Throne.

Whereupon,

FRIDAY and SATURDAY, 2d and 3d FEBRUARY, 1838.

Adopted	Whereupon, it was moved that the said Address be adopted, and, the question being put, it was resolved in the affirmative.
Jury Trial Bill	A Bill, entitled, An Act respecting Jury Trials, in certain cases; also,
Oath Bill	A Bill to abolish certain Oaths heretofore administered to persons taking office in this Province; also,
Supremacy and abjuration Bill	A Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy; also,
Joint Tenancy Bill	A Bill, entitled, An Act relating to Joint Tenancy; also,
Inverness Bill read 2d time	A Bill, entitled, An Act to increase the Representation of the County of Inverness, were read a second time,
Referred to Com.	<i>Ordered</i> , That the said several Bills be committed to a Committee of the whole House at a future day.
Confessions Bill read 2d time	A Bill, entitled, An Act to reduce the expences of Suits at Law on Judgments by Confession, was read a second time.
referred to Select Com.	<i>Ordered</i> , That the said Bill be referred to a Select Committee, to examine and report upon.
Committee	<i>Ordered</i> , That Mr. Stewart, Mr. Johnston, Mr. Allison, Mr. Rudolf and Mr. Campbell, be a Committee for the above purpose.
Oath Bill and	<i>Ordered</i> , That the Bill to abolish certain Oaths heretofore administered to persons taking Office in this Province; also,
Abjuration and Supremacy Bill order of Day	A Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy, be committed to a Committee of the whole House, to-morrow.
Adjourn	On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Saturday, 3d February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George Smith, Alexander Stewart,	§ § § § § § § § §
The Honorable William Rudolf, James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, William B. Almon, M.D.	

PRAYERS.

The Minutes of yesterday were read.

A Message was brought from the House of Assembly, by Mr. Whidden, with A Bill, entitled, An Act for improving the Administration of Criminal Justice.

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Ordered, That the said Bill be read a second time at a future day.

Mr. Ouseley, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly, to present the Addresses passed in this House on the 2d instant to His Excellency the Lieutenant-Governor, reported that the Committee had waited upon His Excellency, and that His Excellency had been pleased to say he would forward the Address to Her Majesty to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

The Order of the Day being read, for the Bill to abolish Oaths heretofore administered to persons

Criminal Justice Bill
read 1st time

Report of Com. to
present Address

Order of day relative
to Oath Bills postponed

SATURDAY and MONDAY, 3d and 5th FEBRUARY, 1838.

persons taking Office in this Province, and the Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy, to be committed to a Committee of the whole House,

It was moved that the Order of the Day be postponed until further order, which being seconded, and the question being put, it was resolved in the affirmative.

On motion made and seconded—the House adjourned until Monday, at 2 o'clock.

Adjourn

Monday, 5th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
George Smith,
Alexander Stewart,

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The Honorable William Rudolf,
James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of Saturday were read,
Mr. Ouseley moved that leave of absence be given to Mr. Smith, who was anxious to leave the Province on his private affairs, which was granted.

Leave of absence to Mr. Smith

The President laid before the House the following Letter and the Address referred to in it.

Letter and Address from Montreal Constitutional Association

Montreal, 20th December, 1837.

SIR—

I am directed by the Constitutional Association of this City to transmit to you the accompanying Address, and to request that you will present it as early as circumstances will allow to the Honorable House over which you preside.—Should the rules of your House prevent such a proceeding on your part, the Association have to request that you will place it in the hands of some Member who will oblige the Association by so doing, that it may appear on the Journals of your Honourable House.

I am, Sir, your obedient servant,

(Signed) W. BADGLEY, Sec. Montreal Con. As.

To the Speaker of the Legislative Council, Halifax, Nova-Scotia.

The said Letter and Address were read, and ordered to lie on the Table.

(For Address, vide Appendix, No. 19)

On motion of Mr. Stewart, the House was adjourned during pleasure and put into a Committee on the Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress in the said Bill.

Abjuration Bill Committed

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Adjourn

Tuesday,

TUESDAY, 6th FEBRUARY, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,
William Rudolf,

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The Honorable James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, M.D.

PRAYERS.

The Minutes of yesterday were read,

On motion of Mr. Stewart, the House was adjourned during pleasure, and put into a Committee for the further consideration of the Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy.—After some time the House was resumed, and Mr. McNab reported that the Committee had gone through the said Bill, and had made several amendments thereto.

Mr. Stewart moved that the report of the Committee be not received; which, being seconded, and the question being put, there appeared for receiving the report of the Committee, nine; against receiving the report, five:

For receiving the report,
Mr. McNab, Mr. Lawson,
Uniacke, Morse,
Ouseley, Ratchford,
Allison, FitzRandolph,
Johnston,

Against receiving the report,
Mr. Tobin,
Stewart,
Rudolf,
Campbell,
Cutler.

The said amendments being read twice by the Clerk, were agreed to by the House.

Mr. Stewart brought up the Petition of William Stairs and others, praying for the Incorporation of a Marine Insurance Company, which was read and ordered to lie on the Table.

On motion of Mr. Stewart, *resolved*, that Mr. Ratchford be appointed a Member of the Committee of this House to join a Committee of the House of Assembly, to examine the Public Accounts, in the place of Mr. Smith, who has obtained leave of absence, and that the Clerk do acquaint the House of Assembly therewith.

A Bill, entitled, An Act for improving the Administration of Criminal Justice, was read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House.

On motion of Mr. Stewart, the House was resolved into a Committee for the consideration of Bills.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress, and had directed him to ask leave to sit again, which was granted.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to increase the Representation of the County of Inverness, and had agreed to the same without any amendment.

Ordered, That the said Bill be read a third time at a future day.

The Chairman also reported that the Committee had had under their consideration the Bill, entitled, An Act for improving the Administration of Criminal Justice, and had directed him to report that the Committee recommended the said Bill should be referred to a Select Committee.

Ordered, That the said report be received, and that the said Bill be referred to a Select Committee, to examine and report upon.

Ordered

Abjuration Bill further Committed

Reported with amendment

Motion not to receive report negatived

Petition of W. Stairs & al.

Mr. Ratchford appointed Member of Com. of Public Accounts

Criminal Justice Bill read 2d time.

Com. on Bills

Report progress

Inverness Bill report without amendment

Recommended Criminal Justice Bill to be referred to Select Com.

Report received

WEDNESDAY and THURSDAY, 7th and 8th FEBRUARY, 1838.

Ordered, That Mr. Stewart, Mr. Johnston, Mr. Allison, Mr. Rudolf and Mr. Campbell, Committee
be a Committee for the above purpose.

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock. Adjourn

Wednesday, 7th February, 1838.

The House met pursuant to adjournment.

P R E S E N T —

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,
William Rudolf,

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The Honorable James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read,
A Bill, entitled, An Act to increase the Representation of the County of Inverness, was
read a third time, and the question was put by the President, Inverness Bill read
3d time and agreed to
Whether this Bill shall pass?
It was resolved in the affirmative.

A Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy, was read a Abjuration Bill read
3d time and agreed to
third time, and the question was put by the President,
Whether this Bill with the amendments shall pass?
It was resolved in the affirmative.

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Adjourn

Thursday, 8th February, 1838.

The House met pursuant to adjournment.

P R E S E N T —

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,
William Rudolf,

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The Honorable James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, M.D.

PRAYERS.

The Minutes of yesterday were read,
A Message was sent to the House of Assembly, by the Clerk,
To return the Bill, entitled, An Act to increase the Representation of the County of In- Inverness Bill sent to
H. A.
verness, and acquaint them that this House have agreed to the said Bill, without any amend-
ment; also,

To return the Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy, Abjuration Bill sent
and to H. A.

FRIDAY and SATURDAY, 9th and 10th FEBRUARY, 1838.

and acquaint them that this House have agreed to the said Bill with several amendments, to which amendments they desire their concurrence.

Petition of M. B. Almon and al.

Mr. Allison brought up the Petition of M. B. Almon and others, praying for the Incorporation of a Marine Insurance Company, which was read and ordered to lie on the Table.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Friday, 9th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.		
The Honorable Peter McNab, James Tobin, James W. Johnston, William Lawson, Alexander Stewart, William Rudolf,	§ § § § § § §	The Honorable James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph,

PRAYERS.

The Minutes of yesterday were read.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Saturday, 10th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.		
The Honorable Peter McNab, James Tobin, James W. Johnston, William Lawson, William Rudolf, James S. Morse,	§ § § § § § §	The Honorable William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph,

PRAYERS.

The Minutes of yesterday were read,

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

Union Marine Insurance Company

A Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova Scotia.

Fire Engine Windsor

A Bill, entitled, An Act to repeal the Act to enable the Inhabitants of Windsor to provide monies for procuring a Fire Engine for the said Town.

Fines and Penalties

A Bill, entitled, An Act to provide for the better application of Fines and Penalties.

Common Pleas Arichat

A Bill, entitled, An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond.

Halifax Marine Insurance Company
Smoked Herrings

A Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company.

A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.

Nuisances

A Bill, entitled, An Act to continue the Act additional concerning Nuisances.

Infectious Diseases

A Bill, entitled, An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases; and the spreading thereof in this Province, and the Act in amendment thereof.

A

A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County.	Landings King's Co.
A Bill, entitled, An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.	Comrs. Sewers
A Bill, entitled, An Act to continue the Act respecting the collection of Poor's Rates of Pictou.	Poor's Rates Pictou
A Bill, entitled, An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases.	Attachments
A Bill, entitled, An Act to continue the Act to amend the Act for establishing a Public School in the Town of Halifax.	Public School Halifax
A Bill, entitled, An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County.	Sea Manure Queen's County
A Bill, entitled, An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's reign, entitled an Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape Breton.	Cape-Breton
A Bill, entitled, An Act to continue the Act relating to Marriage Licenses.	Marriage Licenses
A Bill, entitled, An Act to continue the Act to lessen the expense of the proof of Written Documents in Actions depending in any of the Courts within this Province.	Proof of Written Documents
A Bill, entitled, An Act to continue the several Acts now in force in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.	Wills, Legacies, &c.
A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property.	Malicious Injuries
A Bill, entitled, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.	Bears, &c.
A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.	Pugwash
A Bill, entitled, An Act to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.	Public Grounds
A Bill, entitled, An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and Regulating of Townships, and the Act to alter and amend the same.	Town Officers
A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.	Nets of Fishermen
A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.	Highways
A Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish.	Pickled Fish
A Bill, entitled, An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.	Monies in Roads
A Bill, entitled, An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.	Settlement of Poor
A Bill, entitled, An Act to continue the Act in addition to, and in amendment of the Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province.	Nuisances in Rivers
A Bill, entitled, An Act to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.	Grammar School Annapolis
A Bill, entitled, An Act to continue the Act for the support and regulation of Light-Houses.	Light Houses
A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie.	Fishery Shubenacadie
A Bill, entitled, An Act to continue the Act to prevent the spreading of Contagious Diseases and for the performance of Quarantine, and the Act in amendment thereof.	Quarantine
A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.	Summary Trials

SATURDAY and MONDAY, 10th and 12th FEBRUARY, 1838.

Bite of Animals

A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the five first Bills be read a second time at a future day.

Continuing Bills referred

Ordered, That the thirty continuing Bills be referred to Mr. Johnston, Mr. McNab and Mr. Rudolf, to examine and report upon.

Adjourn

On motion made and seconded—the House adjourned until Monday, at 2 o'clock.

Monday, 12th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Hon. S. B. Robie, President,

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
James W. Johnston,
William Lawson,
Alexander Stewart,
William Rudolf,

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The Honorable James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph Fitzrandolph,
William B. Almon, MD.

PRAYERS.

The Minutes of Saturday were read,

Petition of J Bingay et. al.

Mr. Stewart brought up the Petition of John Bingay and others, praying for the erection of a Light-House on Cape Forchu, which was ordered to lie on the Table.

Petition of Rev. E. Gilpin et. al.

Mr. FitzRandolph brought up the Petition of the Rev. Edwin Gilpin and others, Trustees of the Annapolis Academy, praying permanent aid to that Establishment, which was ordered to lie on the Table.

Petition of A. V. S. et. al.

Mr. Stewart brought up the Petition of A. V. S. Forbes and others, Trustees of the Yarmouth Academy, praying aid to that Institution, and also the Report of the Trustees, which were ordered to lie on the Table.

Message with Despatch from Sir J. Harvey relative to Fisheries

Mr. Allison, by His Excellency's command, laid before the House the following Despatch from His Excellency Sir John Harvey to His Excellency Sir Colin Campbell.

Government-House, Fredericton, January 27, 1838.

SIR—

With reference to the subject of your Excellency's Communication of the 10th inst. and the Documents by which it was accompanied, I have the honor to transmit herewith a copy of informations, upon oath, from two most respectable individuals of this Province, detailing in very clear and forcible terms the unwarrantable proceedings of American Fishing Vessels within our waters on the North East Coast of this Province.

These informations, resting upon no equivocal authority, I should feel obliged by your Excellency taking an opportunity of communicating to His Excellency the Vice Admiral Commanding in Chief Her Majesty's Naval Forces on the North American Station.

I have, &c. (Signed) J. HARVEY.

His Excellency Major-General Sir Colin Campbell, K. C. B.

The said Despatch and Information were read, and

Referred to Fishery Committee

Ordered, That they be referred to the Committee appointed to take into consideration the subject of the Fisheries.

Petition of T. N. Jeffery et. al.

Dr. Almon brought up the Petition of Thomas N. Jeffery and others, the Committee of the Royal Acadian School, praying aid to that Institution, which was ordered to lie on the Table.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Tuesday,

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,

James Tobin,

Joseph Allison,

James W. Johnston,

William Lawson,

Alexander Stewart,

William Rudolf,

The Honorable James S. Morse,

William Ouseley,

Robert M. Cutler,

Alexander Campbell,

James Ratchford,

Joseph FitzRandolph,

William B. Almon, M.D.

PRAYERS.

The Minutes of yesterday were read,

Mr. Johnston, the Chairman of the Committee to whom the continuing Acts were referred, made his report—whereupon the following Bills, viz:

A Bill, entitled, An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.

A Bill, entitled, An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.

A Bill, entitled, An Act to continue the Act for regulating the Fishery in the River Shubenacadie.

A Bill, entitled, An Act to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.

A Bill, entitled, An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.

A Bill, entitled, An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and Regulating of Townships, and the Act to alter and amend the same.

A Bill, entitled, An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.

A Bill, entitled, An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province.

A Bill, entitled, An Act to continue the Act for the support and regulation of Light-Houses.

A Bill, entitled, An Act to continue the Act to regulate certain Landings in the County of King's County.

A Bill, entitled, An Act to continue the Act respecting the collection of Poores' Rates of Pictou.

A Bill, entitled, An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.

A Bill, entitled, An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.

A Bill, entitled, An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.

A Bill, entitled, An Act to continue the Act in amendment of the Act, made and passed in the first and second years of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape Breton.

A Bill, entitled, An Act to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.

A Bill, entitled, An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.

A Bill, entitled, An Act to continue the Act additional concerning Nuisances.

Committee on continuing Bills report

Highways

Pugwash

Shubenacadie Fishery

Supervisors of Public Grounds

Settlement of Poor

Town Officers

Diseases from Bite of Animals

Nuisances in Rivers

Light Houses

Landings King's Co.

Poor Rates Pictou

Roads & Bridges

Infectious Diseases

Comrs. of Sewers

Cape Breton

Grammar School at Annapolis

Herrings

Nuisances

TUESDAY, 13th FEBRUARY, 1838.

- Nets of Fishermen** A Bill, entitled, An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.
- Summary Trials** A Bill, entitled, An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.
- Malicious Injuries to Property** A Bill, entitled, An Act to continue the Act concerning Malicious Injuries to Property.
- Wills, Legacies, &c.** A Bill, entitled, An Act to continue the several Acts now in force in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.
- Public School Halifax** A Bill, entitled, An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.
- Killing Bears, &c.** A Bill, entitled, An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.
- Sea Manure Queen's County** A Bill, entitled, An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.
- Quarantine** A Bill, entitled, An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.
- Read 2d & 3d time & agreed to** Were read a second time, and by order read a third time; and the question was put by the President on each Bill,
Whether this Bill shall pass?
It was resolved in the affirmative.
- Attachments** A Bill, entitled, An Act to continue the Act to restrain the issuing of Writs of Attachment in certain cases; also,
- Marriage Licenses** A Bill, entitled, An Act to continue the Act relating to Marriage Licenses; also,
- Proof of Written Documents read 2d time** A Bill, entitled, An Act to continue the Act to lessen the expense of the proof of Written Documents in Actions depending in any of the Courts within this Province, were read a second time.
- Committed** *Ordered,* That the said Bills be referred to a Committee of the whole House presently. The House was adjourned, during pleasure, and put into a Committee on the said Bills.—
- Reported with amendments** After some time the House was resumed, and Mr. Rudolf reported that the Committee had gone through the said Bills, and made amendments thereto.
- Amendments agreed to** Which amendments, being read twice by the Clerk, were agreed to by the House.
- Message agreeing to amendment to Abjuration Bill with amendment** A Message was brought from the House of Assembly, by Mr. Whidden, agreeing to the amendments proposed by this House to the Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy, with an amendment, to which amendment they desire the concurrence of this House.
- Amendment agreed to** The said amendment being read thrice by the Clerk,
It was resolved that this House do concur in the said amendment.
- Report of Committee of Public accounts** Mr. Lawson, the Chairman of the Committee of this House appointed to join a Committee of the House of Assembly to examine the Public Accounts, made his report in writing, which he read in his place, and afterwards delivered the same to the Clerk, who read the same.
Ordered, That the said Report do lie on the Table.
- Leave of absence to Mr. Ratchford** The President informed the House that Mr. Ratchford wished to obtain leave to return home, on account of indisposition.
Ordered, That Mr. Ratchford have leave to return home.
- Fines and Penalties** A Bill, entitled, An Act to provide for the better application of Fines and Penalties; also,
- Inf. Court Arichat read 2d time referred to Com. of whole** A Bill, entitled, An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond, were read a second time.
Ordered, That the said Bills be committed to a Committee of the whole House at a future day.

A Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company; also,
 A Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-
 Scotia, were read a second time.
Ordered, That the said Bills be referred to a Select Committee, to examine and report
 upon.
Ordered, That Mr. Johnston, Mr. Allison, Mr. Tobin, Mr. Campbell, and Mr. Rudolf,
 be a Committee for that purpose.

Halifax Marine Insu-
 rance Co.
 Union Marine Insu-
 rance Co. read 2d
 time
 Referred to Select
 Committee
 Committee

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Adjourn

Wednesday, 14th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable James Tobin,	The Honorable James S. Morse,
Joseph Allison,	William Ouseley,
James W. Johnston,	Robert M. Cutler,
William Lawson,	Alexander Campbell,
Alexander Stewart,	Joseph FitzRandolph,
William Rudolf,	William B. Almon, M. D.
Lewis M. Wilkins, Jun.	

PRAYERS.

The Minutes of yesterday were read,
 A Bill, entitled, An Act to continue the Act to restrain the issuing of Writs of Attachment
 in certain cases; also,
 A Bill, entitled, An Act to continue the Acts relating to Marriage Licences; also,
 A Bill, entitled, An Act to continue the Act to lessen the expense of the proof of Writ-
 ten Documents in Actions depending in any Courts within this Province, were read a third
 time, and the question was put by the President on each Bill,
 Whether this Bill, with the amendments, shall pass?
 It was resolved in the affirmative.
 A Message was sent to the House of Assembly, by the Clerk,
 To return the said Bills, and acquaint them that this House have agreed to the same with
 amendments—to which amendments they desired the concurrence of the House of Assem-
 bly.
 A Message was sent to the House of Assembly by the Clerk,
 To return the twenty-six continuing Bills agreed to yesterday, and acquaint them, that this
 House have agreed to the same without any amendment.
 A Message was sent to the House of Assembly by the Clerk,
 To return the Bill, entitled, An Act to abolish the Oaths of Abjuration and Supremacy,
 and acquaint them that this House have agreed to the amendment proposed by them to the
 amendments proposed by this House to the said Bill.

Attachments

Marriage Licences
 Proof of Written
 Document read 3d
 time

Sent to H. A.

Continuing Bills sent
 to H. A.

Abjuration Bill sent
 to H. A.

A Message was brought from the House of Assembly by Mr. Whidden, with the follow-
 ing Resolutions:—

Resolved, That the Resolutions passed by this House yesterday and this day relating to
 the Court of Chancery and the Supreme and Inferior Courts of this Province, be communi-
 cated to the Council, with a request that the Council will be pleased to join by Committee
 in carrying into effect the objects thereof respectively.

Whereas, the mode of Pleading and Rules of Practice of the Court of Chancery in this
 Province, the conditions imposed upon appeals, and the determination thereof by the Court
 as now constituted, and the mode of ascertaining and trying facts therein, have been found in
 many respects inconvenient and injurious:

Resolved,

Message with resolu-
 tions relative to Judi-
 ciary

Resolved therefore, as the opinion of this House, that the principles and practice of the Court of Chancery in this Province should hereafter be modified and altered in these and other particulars, and that the Master of the Rolls be the Judge thereof, and continue to hold the said Court for the hearing and determination of Suits and Actions in equity causes, under such rules and modifications of the proceedings and practice therein as may be hereafter devised and adopted.

Ordered, That Mr. Young, the Hon. Mr. Uniacke, Mr. Miller, Mr. Morton and Mr. Forrester, be a Committee, pursuant to the Resolution agreed to yesterday by this House in regard to the Court of Chancery.

On motion of Mr. Young, *resolved*, that a Select Committee be appointed to enquire into the expediency of abolishing the Inferior Courts, or otherwise of modifying the same, and the Supreme Court in the number of Judges and other particulars—to ascertain at what times and places the Terms of said Courts, or either of them, and of the General Sessions of the Peace, could be most conveniently held in the several Counties, with power to send for persons and papers, and to report to this House during the present week.

Ordered, That Mr. Young, the Hon. Mr. Huntington, the Hon. Mr. Uniacke, Mr. Goudge, Mr. Fairbanks, Mr. Howe, Mr. Holland, Mr. Morton, Mr. McDougall and Mr. Annand, be a Committee for the purposes mentioned in the foregoing Resolution, respecting the Supreme and Inferior Courts of this Province.

The said Resolutions were read, and ordered to lie on the Table.

Upon reading the foregoing Resolutions, *resolved*, that it be referred to a Committee to enquire into Precedents and the Usage of Parliament, and to report thereon immediately.

Ordered, That Mr. Stewart, Mr. Johnston, Mr. Ouseley, Mr. Rudolf and Mr. Wilkins, be a Committee for that purpose.

Mr. Stewart brought up the Petition of the Halifax Steam Boat Company, which was ordered to lie on the Table.

A Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish, was read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress, and had directed him to ask leave to sit again, which was granted.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to continue the Acts in force relative to the Inspection of Pickled Fish; also,

The Bill, entitled, An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond, and had agreed to the same without any amendment.

The said Bills were then read a third time, and the question was put by the President on each Bill,

Whether this Bill shall pass?

It was resolved in the Affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to provide for the better application of Fines and Penalties, and had made an amendment thereto.

Whereupon, Mr. Rudolf moved, that the Report of the Committee be not received; which being seconded, and the question being put, there appeared—for receiving the report, six; against receiving the report, six—and the President then gave his casting vote in favor of receiving the report.

The said amendment, being read twice by the Clerk, was agreed to by the House.

Mr.

Committee to enquire into Precedents

Committee

Petition of Steam Boat Company

Pickled Fish Inspection Bill read 2d time
Ordered to Committee

Committee on Bills

Report progress

Report Pickled Fish

Inferior Court Arichat Bill without amendment

Bills read 3d time, agreed to and sent to H. A.

Report Fines and Penalties Bill without amendment

Motion not to receive report negatived

Amdts. agreed to

WEDNESDAY and THURSDAY, 14th and 15th FEBRUARY, 1838.

Mr. Stewart then moved that the third reading of the said Bill be postponed to this day six months: which, being seconded, the question was put, and it was resolved in the negative.

Motion to postpone 3d reading 6 months negatived

The said Bill was then read a third time, and the question was put by the President, Whether this Bill, with the amendment, shall pass?

Bill read 3d time, agreed to and sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill, with an amendment, to which amendment they desire the concurrence of the House of Assembly.

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Adjourn

Thursday, 15th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Hon. S. B. Robie, President,

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
James W. Johnston,
William Lawson,
Alexander Stewart,
William Rudolf,
Lewis M. Wilkins, Junr.

The Honorable James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph,
William B. Almon, MD.

PRAYERS.

The Minutes of Yesterday were read,

Mr. Allison brought up the Petition of the African School, praying aid, which was ordered to lie on the Table.

Petition of African School

A Bill, entitled, An Act to repeal the Act to enable the Inhabitants of Windsor to provide monies for procuring a Fire Engine for the said Town, was read a second time.

Fire Engine Windsor read 2d time

On motion, resolved, that the further consideration of the said Bill be deferred to this day three months.

Deferred 3 months

A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

Cemeteries

A Bill, entitled, An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Manager, for the time being of the said Company in this Province.

Bank of B. N. A. Bill read 1st time

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

The Messenger also informed the House that the House of Assembly agreed to the Bill, formerly entitled, An Act to abolish the Oaths of Abjuration and Supremacy, but now entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, as amended.

Message with Abjuration now Oath Bill

The said Bill was then read, and the question was put by the President, Whether this Bill as amended shall pass?

Bill agreed to & sent to H. A.

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them therewith.

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Adjourn

FRIDAY, 16th FEBRUARY, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston.
William Lawson,
Alexander Stewart,
William Rudolf,

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The Honorable Lewis M. Wilkins, Jun.
James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
James Ratchford,
Joseph FitzRandolph.
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

Petition of National School

Mr. Allison brought up the Petition of the Trustees of the National School, praying aid, which was ordered to lie on the Table.

Petition of Cereno U. Jones & al.

The President brought up the Petition of Cereno U. Jones, and others, praying that the Site of the Shire Town of the County of Digby may be at Weymouth, which was read, and ordered to lie on the Table.

Petition of R. Viets & others

Mr. Johnston brought up the Petition of R. Viets and others, praying that Digby may be appointed the Shire Town of the said County, which was read and ordered to lie on the Table.

Petition of Jas. Whitney

Mr. McNab brought up the Petition of James Whitney, praying for a continuance of carrying the Mail between Annapolis and St. John, which was ordered to lie on the Table.

Petition of W. A. Black & others

Mr. McNab brought up the Petition of W. A. Black and others, praying encouragement to Domestic Manufactures, which was read and ordered to lie on the Table.

Committee to enquire into Precedents report

Mr. Stewart, the Chairman of the Committee appointed to enquire into Precedents and the Usage of Parliament, made his report which he read in his place, and afterwards delivered the same to the Clerk, who read the same as follows:—

Report

The Committee appointed to enquire into Precedents and the Usage of Parliament, with reference to the request of the House of Assembly, that the Council should appoint a Committee to join with a Committee of that House, in carrying into effect certain Resolutions passed therein respecting the Courts of Law and Equity in this Colony, and to report thereon, have attended to that duty, and report

That, on examination of various Precedents, it appears, that where, for the information of the Imperial Parliament, it is thought necessary to prosecute enquiries by both Houses, each House appoints a separate Committee, giving powers to both Committees to communicate with each other.

In this Province, the appointment of Committees of both Houses to consider jointly of contemplated changes in the Law, is of unfrequent occurrence.—Joint Committees being rarely appointed, except to prepare Addresses to the Throne, or for the prosecution of enquiries upon a subject as to which there is every probability that both branches will concur, not only in the general object of those enquiries, but also in the measures necessary to carry that object into effect.

The subject of the Resolutions sent up by Message from the House of Assembly, not having yet been under the consideration of the Council, your Committee cannot know whether the Council will agree in the conclusions to which that House, after mature deliberation and debate, have arrived; and for the same reason, your Committee do not see in what manner the Council could instruct their Committee, should one be appointed.—Your Committee are therefore apprehensive that, in the present state of the subject, the proposal of proceeding by joint Committees would not be preferable to the usual mode of obtaining the decision of both

both branches on questions of this nature, by means of a Bill introduced into either House, and submitted to the other in the ordinary course of Legislation.

It is true, the Council might discuss the subject previously to the appointment of a Committee, but it is obvious that a difference of opinion between the two Houses upon the objects of the Resolutions, or the mode of effecting them, would render such appointment inadvisable. Influenced by the foregoing considerations, your Committee report that it would be inexpedient to appoint a Committee to join a Committee of the House of Assembly, as suggested in their Message of the 13th instant.

Council Committee Room, 16th February, 1838.

[Signed]

A STEWART, Chairman; W. OUSELEY, W. RUDOLF,
J. W. JOHNSTON, L. M. WILKINS.

Ordered, That the said Report be received and adopted.

Resolved, That a Conference be desired with the House of Assembly on the General State of the Province; and that the Committee of this House, appointed to manage the said Conference, do communicate to the Committee of the House of Assembly, that, for the reasons contained in the report of the Committee of this House appointed to enquire into Precedents and the Usage of Parliament, this House deem it inexpedient to appoint a joint Committee as requested by that House in their Message of the 13th instant.

Conference on general state of the Province

Resolved, That an humble Address be presented to Her most Gracious Majesty, praying that Her Majesty will be pleased to grant the Royal Assent to an Act, passed during the present Session of the Legislature, entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy.

Address to Her Majesty on Oath Bill

Resolved, That a Conference be asked with the House of Assembly on the General State of the Province, for the purpose of requesting that House to unite with the Legislative Council in the said Address, and that a Committee may be appointed to join the Committee of this House in preparing the Address.

Conference on general state of the Province

A Message was sent to the House of Assembly, by the Clerk,

To desire a Conference with that House, by Committee, on the General State of the Province.

Message sent to H. A. for Conference

Mr. FitzRandolph brought up the Petition of Gilbert Welch and others, of Brier Island; also the Petition of John Gillalone and others, of Digby Neck, praying that Digby may be made the Shire Town of the County of Digby—which were ordered to lie on the Table.

Petition of Gilbert Welch & al. & J. Gillalone & al.

Mr. FitzRandolph brought up the Petition of E. Morton and others, relative to Schools—which was ordered to lie on the Table.

Petition of E. Morton & others

A Message was brought from the House of Assembly, by Mr. Whidden, agreeing to the Conference desired by the House.

Conference agreed to

Ordered, That Mr. Stewart, Mr. Ouseley, Mr. Rudolf, Mr. Johnston and Mr. Wilkins, be a Committee of this House, to manage the said Conference.

Committee

And the Managers went to the Conference, and being returned,

Mr. Stewart reported that the Committee had held the said Conference, and that he communicated his instructions to the Committee of the House of Assembly.

Report

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Adjourn

Saturday,

SATURDAY, 17th FEBRUARY, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, Alexander Stewart, William Rudolf,	§ § § § § § §
The Honorable James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, Joseph FitzRandolph, William B. Almon, M. D.	

PRAYERS.

The Minutes of yesterday were read.

Mr. Johnston, the Chairman of the Committee to whom the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia; also,

The Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, were referred, made his report, and on motion, resolved, that the said Bills be committed to a Committee of the whole House.

A Bill, entitled, An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Manager for the time being, of the said Company, in this Province; also,

A Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, were read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House.

The House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

A Bill, entitled, An Act for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers.

A Bill, entitled, An Act to authorise the Sale of the old Jail at Liverpool, in Queen's County, and the lot of Land on which it stands.

A Bill, entitled, An Act respecting the Travelling Fees of Constables in certain cases.

A Bill, entitled, An Act for further limiting the duration of the General Assembly.

To which Bills they desire the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

On motion made and seconded—the House adjourned until Monday, at 2 o'clock.

Monday, 19th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable Peter McNab, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, Alexander Stewart, William Rudolf, Lewis M. Wilkins, Jun.	§ § § § § § § §
The Honorable James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, William B. Almon, M. D.	

PRAYERS.

The

MONDAY and TUESDAY, 19th and 20th FEBRUARY, 1838.

The Minutes of Saturday were read,
 A Bill, entitled, An Act to authorise the Sale of the old Jail at Liverpool, in Queen's County, and the lot of Land on which it stands ; also, Jail Liverpool
 A Bill, entitled, An Act respecting the Travelling Fees of Constables, in certain cases ; also, Constables' Fees
 A Bill, entitled, An Act for further limiting the duration of the General Assembly, were read a second time. Duration of Assembly read 2d time Ordered to Com.
Ordered, That the said Bills be committed to a Committee of the whole House at a future day.
 A Bill, entitled, An Act for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers, was read a second time. Ordnance Bill
Ordered, That the said Bill be referred to a Select Committee, to examine and report upon. Ordered to Select Com.
Ordered, That Mr. Johnston, Mr. Stewart and Mr. Wilkins, be a Committee for that purpose. Committee
 Mr. Allison presented the Poor House Accounts for the year 1837, which were ordered to lie on the Table. Poor-House Accts.
 On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock. Adjourn

Tuesday, 20th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.
 The Honorable Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, Alexander Stewart, William Rudolf,
 The Honorable Lewis M. Wilkins, Jun. James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, James Ratchford, Joseph FitzRandolph, William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read,
 On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. Com. on Bills
 After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.
 The Chairman also reported, that the Committee had gone through the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia, and had made several amendments thereto, which he was ready to report when the House will be pleased to receive the same. Report Union Marine Insurance Company with amendments
Ordered, That the said report be received to-morrow. Report to be received to-morrow
 A Message was brought from the House of Assembly by Mr. Whidden, with the following Bill:
 A Bill, entitled, An Act for the Regulation of Juries. Jury Bill
 The Messenger also informed the House, that the House of Assembly desired a Conference with this House, by Committee, on the General State of the Province. Conference on General State of Province asked Agreed to
Ordered, That the said Conference be agreed to, and that the Clerk do acquaint the House of Assembly therewith.
Ordered, That Mr. Stewart, Mr. Johnston and Mr. Ouseley, be a Committee of this House to manage the said Conference. Committee

Report

And the Managers went to the Conference, and being returned, Mr. Stewart reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Wednesday, 21st February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

<p>The Honorable Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston. William Lawson, Alexander Stewart, William Rudolf,</p>	<p><i>Present</i></p>	<p>The Honorable S. B. Robie, President. The Honorable Lewis M. Wilkins, Jun. James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, Joseph FitzRandolph. William B. Almon, M. D.</p>
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PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act for the regulation of Juries, was read a first time.

Ordered, That the said Bill be read a second time at a future day.

Jury Bill read 1st time

Estimate

Mr. Johnston, by His Excellency's command, laid before the House the Estimates for the year 1838.

Message relative to British Museum

Also, a copy of a Despatch from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, dated 14th October, 1837, requesting His Excellency to make known the desire of the Trustees of the British Museum, to obtain Specimens of the Natural History of the Colonies, with the request of His Excellency that the Legislative Council will use their best exertions in promoting the views of the British Museum as therein explained.

Message relative to Survey of Bay of Fundy

Also a copy of a Despatch from His Excellency the Lieutenant-Governor of New Brunswick, dated 11th February, 1838, enclosing copies of Addresses to His Excellency from the Council and Assembly of that Province, praying that he would urge Her Majesty's Government to adopt measures for causing an immediate survey of the Bay of Fundy, and that His Excellency hoped that the Legislative Council would join the Legislature of New-Brunswick in endeavouring to effect this desirable object.

The said Estimate and Messages were read and ordered to lie on the Table.

Amendments to Union Marine Insurance Co. reported

Mr. Rudolf (according to order) reported the amendments made by the Committee of the whole House to the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia.

And agreed to

And the said amendments, being read twice by the Clerk, were agreed to by the House.

Committee on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Report Halifax Marine Insurance Co. with amendments

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, and made several amendments thereto.

Amdts. agreed to

Which amendments, being read twice by the Clerk, were agreed to by the House.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Thursday,

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,
William Rudolf,



The Honorable Lewis M. Wilkins, Jun.
James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M.D.

PRAYERS.

The Minutes of Yesterday were read,

A Bill, entitled, An Act for the regulation of Juries, was read a second time.

Jury Bill read 2d time

Ordered, That the said Bill be committed to a Committee of the whole House at a future day.

Ordered to Com.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills,—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to authorise the sale of the old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands; also,

Report Liverpool Jail, and

The Bill, entitled, An Act respecting the Travelling Fees of Constables in certain cases, and had agreed to the same without any amendment.

Constables Fees Bill without amendment

A Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, was read a third time.

Halifax Marine Insurance Bill read 3d time

Then several amendments were made to the said Bill.

Amendments made

The question was put by the President,

Whether this Bill with the amendments shall pass?

It was resolved in the Affirmative.

Agreed to

A Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia, was read a third time.

Union Marine Insurance Bill read 3d time

Then several amendments were made to the said Bill.

Amendments made

The question was put by the President,

Whether this Bill with the amendments shall pass?

It was resolved in the affirmative.

Agreed to

A Message was brought from the House of Assembly, by Mr. Whidden, to inform the House that the House of Assembly had unanimously passed the following Resolution—

Whereas the Inhabitants of the Towns of Halifax and Yarmouth, have contributed upwards of Four Hundred Pounds to alleviate the sufferings and wants of the wives and children of the Soldiers who have marched from this Garrison to aid in suppressing the insurrection in the Canadas, which sum is nearly exhausted, although the claim for benevolent assistance is enhanced rather than diminished—Resolved unanimously, that the sum of Two Hundred Pounds shall be granted and paid to the Committee who have dispensed the private subscriptions, to be expended in the above charitable purpose.

£205 Relief of Soldiers' Wives and Children

Also, with the following Resolution,

Resolved, That the sum of Ten Thousand Pounds, be granted and paid for the service of Roads and Bridges for the present year.

£10,000 Roads and Bridges

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time; and, by order, the Resolution for granting £200 for the relief of Soldiers' wives and children, was read a second time; and the question was put by the President,

£200 Soldiers' Wives and Children agreed to and sent to H. A.

Whether

FRIDAY, 23d FEBRUARY, 1838.

Whether this Resolution be agreed to ?

It was unanimously resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,
To return the said Resolution, and acquaint them therewith.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Friday, 23d February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Hon. S. B. Robie, President,	
The Honorable Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, Alexander Stewart, William Rudolf,	S e c r e t a r y
The Honorable Lewis M. Wilkins, Junr. James S. Morse, William Ouseley, Robert M. Cutler, Alexander Campbell, Joseph FitzRandolph, William B. Almon, MD.	

PRAYERS.

The Minutes of yesterday were read.

Liverpool Jail

A Bill, entitled, An Act to authorise the Sale of the old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands; also,

Constables' Fees Bill

A Bill, entitled, An Act respecting the Travelling Fees of Constables in certain cases, were read a third time, and the question was put by the President, on each Bill,

Read 3d time agreed to and sent to H. A.

Whether this Bill shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the said Bills, without any amendment.

Halifax Marine Insurance Company

A Message was sent to the House of Assembly, by the Clerk,

To return the Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company; also,

Union Marine Insurance Co. Bills sent to H. A.

The Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia, and acquaint them that this House have agreed to the said Bills, with several amendments—to which amendments they desire the concurrence of the House of Assembly.

£10,000 Roads and Bridges agreed to

The Resolution for granting the sum of £10,000 for the service of Roads and Bridges, was read a second time, and the question was put by the President,

Whether this Resolution shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolution, and acquaint them that this House have agreed to the said Resolution.

Address relative to Shubenacadie Canal Company

Mr. Allison presented the Address of the Inhabitants of the Town of Halifax to this House, praying the House to address Her Majesty to give a favorable reception to their Address relative to the Shubenacadie Canal.

The said Address was read, and ordered to lie on the Table.

Com. on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress, and had desired him to ask leave to sit again, which was granted.

SATURDAY and MONDAY, 24th and 26th FEBRUARY, 1838.

The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act for the regulation of Juries, and had recommended that the said Bill should be referred to a Select Committee.

Recommend Jury Bill to be referred to a Select Com.

Ordered, That the said Report be received, and that the said Bill be referred to a Select Committee.

Report read and Bill referred

Ordered, That Mr. Uniacke, Mr. Ouseley, Mr. Campbell, Mr. FitzRandolph and Mr. Morse, be a Committee for that purpose.

Committee

Mr. Allison moved that leave of absence, for a few days, be given to Mr. Wilkins, on account of the indisposition of some of the Members of his Family, which was granted.

Leave of absence to Mr Wilkins

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Adjourn

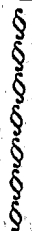
Saturday, 24th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,
William Rudolf,



The Honorable James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

Mr. Ouseley, in the absence of Mr. Uniacke, the Chairman of the Committee to whom the Bill, entitled, An Act for the regulation of Juries was referred, reported that the Committee had had the said Bill under their consideration, and suggested some alterations, and recommended that the said Bill be again committed to a Committee of the whole House.

Com. on Jury Bill report

Ordered, That the said report be received, and that the said Bill be committed to a Committee of the whole House, at a future day.

Report read & referred to Com. of whole

On motion made and seconded—the House adjourned until Monday, at 2 o'clock.

Adjourn

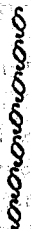
Monday, 26th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
William Lawson,
Alexander Stewart,
William Rudolf,



The Honorable James S. Morse,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of Saturday were read.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Com. on Bills

MONDAY and TUESDAY, 26th and 27th FEBRUARY, 1838.

Report Jury Bill
with amendments
Amendments agreed
to
Adjourn

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act for the Regulation of Juries, and made several amendments thereto.

Which amendments, being read twice by the Clerk, were agreed to by the House.

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Tuesday, 27th February, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
William Lawson,
Alexander Stewart,

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The Honorable William Rudolf,
James S. Morse,
William Ouseley,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act for the regulation of Juries, was read a third time, and the question was put by the President,

Whether this Bill with the amendments shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill, with several amendments—to which amendments they desire their concurrence.

The House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Manager for the time being of the said Company in this Province, and had made an amendment thereto.

Which amendment, being read twice by the Clerk, was agreed to by the House.

The said Bill was then read a third time, and the question was put by the President,

Whether this Bill, with the amendment, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill, with an amendment—to which amendment they desire their concurrence.

A Message was brought from the House of Assembly, by Mr. Gray, with the following Bills:

A Bill, entitled, An Act to authorise the settlement of a certain Debt claimed from the Township of Windsor.

A Bill, entitled, An Act to amend the Act for the support and regulation of Light-Houses.

A Bill, entitled, An Act respecting Elections for the County of Colchester.

A Bill, entitled, An Act respecting the Firemen for the Town of Halifax.

A Bill, entitled, An Act respecting the exportation of Grindstones from this Province.

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Wednesday,

Jury Bill read 3d
time

Sent to H. A.

Com. on Bills

Report B.N. A. Bank
Bill with amendment

Amendment agreed
to

Read 3d time

Sent to H. A.

Debt from Windsor

Light Houses

Election Colchester

Firemen Halifax
Grindstone Bill

Read 1st time

Adjourn

The House met pursuant to adjournment.

PRESENT—

The Hon. S. B. Robie, President,		The Honorable James S. Morse,
The Honorable Peter McNab,	§ § § § § § §	William Ouseley,
James Tobin,		Robert M. Cutler,
Joseph Allison,		Alexander Campbell,
Norman Uniacke,		Joseph FitzRandolph,
William Lawson,		William B. Almon, M.D.
Alexander-Stewart,		
William Rudolf,		

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to amend the Act for the support and regulation of Light-Houses, was read a second time.

Light Houses read 2d time

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Referred to Select Com.

Ordered, That Mr. Rudolf, Mr. Allison, Mr. Lawson, Mr. Ouseley and Mr. Cutler, be a Committee for that purpose.

Committee

A Bill, entitled, An Act respecting Elections for the County of Colchester; also,

Elections Colchester

A Bill, entitled, An Act respecting the Firemen for the Town of Halifax, were read a second time.

Firemen Halifax read 2d time

Ordered, That the said Bills be committed to a Committee of the whole House presently. The House was adjourned, during pleasure, and put into a Committee on the said Bills.—

Committed

After some time the House was resumed, and Mr. McNab reported that the Committee had gone through the said Bills, and had agreed to the same without any amendment.

Reported without amendment

Ordered, That the said Bills be read a third time at a future day.

Ordered to be read 3d time Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Thursday, 1st March, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President,		The Honorable James S. Morse,
The Honorable Peter McNab,	§ § § § § § §	William Ouseley,
James Tobin,		Robert M. Cutler,
Joseph Allison,		Alexander Campbell,
Norman Uniacke,		Joseph FitzRandolph,
William Lawson,		William B. Almon, M.D.
Alexander Stewart,		
William Rudolf,		

PRAYERS.

The Minutes of Yesterday were read,

A Message was brought from the House of Assembly, by Mr. Gray, with

A Bill, An Act more effectually to provide funds for the repair and improvement of the Streets and Highways in Windsor, and for other purposes.

Streets Windsor Bill Read 1st time

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Ordered, That the said Bill be read a second time at a future day.

The Messenger also informed the House, that the House of Assembly agreed to the amendments proposed by this House to the Bill, entitled, An Act to enable a Company called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors or of the Manager for the time being of the said Company, in this Province.

Message agreeing to amendments to B. N. A. Bank Bill

The

THURSDAY, 1st MARCH, 1838.

- Bill agreed to The said Bill was then read as amended, and the question was put by the President, Whether this Bill as amended shall pass ?
It was resolved in the Affirmative.
- Sent to H. A. A Message was sent to the House of Assembly, by the Clerk, To return the said Bill, and acquaint them therewith.
- Conference on a-
mendment to Jury
Bill asked The Messenger also informed the House, that the House of Assembly desired a Conference with this House, by Committee, on the subject of the amendments proposed by this House to the Bill, entitled, An Act for the regulation of Juries.
- Conference agreed to *Ordered*, That the said Conference be agreed to, and that the Clerk do acquaint the House of Assembly therewith.
- Committee *Ordered*, That Mr. Uniacke, Mr. Ouseley and Mr. Campbell, be a Committee of this House to manage the said Conference.
- Report And the Managers went to the Conference, and being returned, Mr. Uniacke reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.
- Petition of Chas. W.
Tremain & al. Mr. Stewart brought up the Petition of Charles W. Tremain and others, praying aid to a new line of road on the Shubenacadie, which was ordered to lie on the Table.
- Elections Colchester
Firemen Halifax Bill
read 3d time A Bill, entitled, An Act respecting Elections for the County of Colchester ; also, A Bill, entitled, An Act respecting the Firemen for the Town of Halifax, were read a third time, and the question was put by the President on each Bill,
Whether this Bill shall pass ?
It was resolved in the affirmative.
- Agreed to
Sent to H. A. A Message was sent to the House of Assembly by the Clerk,
To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.
- Message agreeing to
some amendments &
not agreeing to other
amendments to Jury
Bill A Message was brought from the House of Assembly, by Mr. Gray, to inform the House, that the House of Assembly agreed to the amendments proposed by this House to the second and last Clause of the Bill, entitled, An Act for the regulation of Juries, and did not agree to the other amendments proposed by this House to the said Bill.
- Conference of general
State of Province re-
lative to Address on
Oath Bill The Messenger also informed the House that the House of Assembly desired a Conference with this House, by Committee, on the General State of the Province, relative to the presentation of an Address to Her Majesty, praying Her Majesty will be pleased to grant the Royal Assent to the Bill, entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy.
- Agreed to *Ordered*, That the said Conference be agreed to, and that the Clerk do acquaint the House of Assembly therewith.
- Committee *Ordered*, That Mr. Stewart, Mr. Ouseley and Mr. Rudolf, be a Committee of this House, to manage the said Conference.
And the Managers went to the Conference, and being returned,
Mr. Stewart reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.
- Amendment to Ju-
ry Bill considered The House proceeded to the consideration of the amendments proposed by this House to the Bill, entitled, An Act for the regulation of Juries, which were not agreed to by the House of Assembly.
- Adhered to And the said amendments being read by the Clerk, it was, on motion,
Resolved, That the said amendments be adhered to.
- Conference on Jury
Bill On motion, *resolved*, that a further Conference be asked with the House of Assembly, by Committee, on the subject of the Bill relating to Juries ; and that the Committee do inform the Committee of the Assembly, that the Council are not satisfied with the reasons assigned in Conference by the House for rejecting two of the amendments made by the Council to that Bill, and therefore the Council will return the Bill, adhering to both those amendments.
- Instructions to Com.

THURSDAY and FRIDAY, 1st and 2d MARCH, 1838.

A Message was sent to the House of Assembly by the Clerk, to desire the said Conference.

A Message was brought from the House of Assembly, by Mr. Gray, agreeing to the Conference desired by the House.

Conference agreed to
Committee

Ordered, That Mr. Stewart, Mr. Uniacke, Mr. Rudolf, Mr. Ouseley and Mr. Campbell, be a Committee of this House, to manage the said Conference.

And the Managers went to the Conference; and being returned,

Mr. Stewart reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.

Report

A Message was sent to the House of Assembly, by the Clerk,

To return the Bill, entitled, An Act for the regulation of Juries, and to inform them that this House adhere to their amendments to the said Bill, which have not been agreed to by the House of Assembly.

Jury Bill sent to H. A.

Mr. Rudolf, the Chairman of the Committee to whom the Bill, entitled, An Act to amend the Act for the support and regulation of Light Houses was referred, reported that the Committee had had the said Bill under their consideration, and recommended that the said Bill should be committed to a Committee of the whole House.

Committee on Light-House report

Ordered, That the said Report be received, and that the said Bill be committed to a Committee of the whole House presently.

Report received & Bill reported to Com. of whole

The House was adjourned, during pleasure, and put into a Committee on the said Bill.

Committee

After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress in the said Bill, and had directed him to ask leave to sit again—which was granted.

Report progress

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Adjourn

Friday, 2d March, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
William Lawson,
Alexander Stewart,

Division

The Honorable William Rudolf,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

On motion, the report of the Committee of Conference held yesterday on the General State of the Province, relative to the presentation of an Address to Her Majesty, praying Her Majesty will be pleased to grant the Royal Assent to the Bill, entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, was read by the Clerk, as follows:

Report of Com. on Gen. State of the Province relative to Oath Bill read

IN THE HOUSE OF ASSEMBLY,
1st MARCH, 1838.

The Committee of Privileges having considered of the request of the Legislative Council, that the House should appoint a Committee to join a Committee of the Council, in preparing an Address to Her Majesty, on the subject of the Act for abolishing certain Oaths, report—That said Act, although it has passed in the Legislative Council and in this House, having not yet received the Assent of His Excellency the Lieutenant-Governor, it would be premature.

Report

FRIDAY, 2d MARCH, 1838.

mature to prepare such Address, and therefore the Committee recommend that the House should not for the present concur therein.

Committee Room, February 28, 1838.

[Signed]

W. YOUNG, Chairman.

IN THE HOUSE OF ASSEMBLY,
1st MARCH, 1838.

Resolved, That the foregoing Report be received and adopted;—and that, for the reasons therein stated, the House do not deem it expedient to concur in appointing the said Committee at present.

Resolved, That a Conference be requested, by Committee, with the Council; and that the Committee of this House, who manage such Conference, do communicate to the Committee of the Council a copy of the foregoing Report and Resolution.

Ordered, That Mr. Young, the Hon. Mr. Dodd, and the Hon. Mr. Dewolf, be a Committee for the above purpose.

Whereupon, it was, on motion,

Resolved, That a Conference be requested with the House of Assembly, by Committee, on the General State of the Province, relative to the preparation of an Address to Her Majesty, praying Her Majesty will be pleased to grant the Royal Assent to the Bill, entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy; and that the Committee of this House be instructed to state that the Council admit it to be the right of both Branches to refuse or concur in the request of either for the appointment of Joint Committees, without offering any reason therefor; but that the reasons submitted by the House of Assembly for their non-appointment of the Committee requested by the Council, does not appear to be supported by that usage of the two Branches of the Provincial Legislature, which, in preferring such request, the Council adopted. On the 12th of February, in the Session of 1836, after the Bill, entitled, An Act relating to the Fisheries, and for the prevention of Illicit Trade in the Province of Nova-Scotia, and the Coasts and Harbors thereof, had received the assent of both Branches—the House of Assembly requested the Council to appoint a Committee to join a Committee of that House, in preparing an Address, praying that the Royal Assent should be given to it, and Committees to prepare such Address were immediately appointed.

On the 16th and 22d February respectively, the Address was received and adopted by the House and Council; but it was not until the 12th March following, that His Excellency's Assent was given to the Bill. Immediately afterwards, on the same day, this Address, together with one to His Excellency himself, was presented to him by the Joint Committee.

At that period, the House of Assembly asked the Council to join in preparing an Address, anticipating that the Lieutenant-Governor's Assent would not be withheld from a Bill concurred in by both Houses—an exercise of the Royal Prerogative which has not occurred in this Colony for a long period.

The Council have now made the same request, under circumstances precisely similar; and the House of Assembly withhold their concurrence, because "it would be premature to prepare an Address, until the Lieutenant-Governor shall have assented to the Bill." But to have an Address prepared and ready for the consideration of the Council and the House would, as the Council conceive, have forwarded the business of the Country, and this was all the Council requested.

That the Council conceive the course pursued in 1836, originated in the usage of the King's Representative giving his assent to Bills on the last day of the Session, and immediately before the prorogation. Both Houses, in anticipation of this assent, probably preparing their Addresses, as was done in 1836.

Having thus shewn, that in making their request, a very recent precedent, furnished by the House of Assembly itself, has been implicitly followed—that such a course of procedure advances

Conference on Gen.
State of Province re-
lative to Oath Bill

Instructions to Com.

advances the public business—is practically convenient, and that a resort to it might become necessary to enable both Branches to prepare such an Address, as that now contemplated in their Legislative capacity, the Council can only regret that the House of Assembly have not on this occasion followed their own precedent—nevertheless, in the hope of obtaining the Queen's Assent, without unnecessary delay, to a measure so much desired, in the principles and details whereof both Houses have entirely concurred, and the object of which must be grateful to every liberal mind—the Council will address the Throne, praying that the Royal Assent may be given to the said Bill.

On motion of Mr. Allison, *ordered*, that Mr. Morse have leave of absence for a week, to return home on his private affairs. Leave of absence to Mr. Morse

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock. Adjourn

Saturday, 3d March, 1838.

The House met pursuant to adjournment.

P R E S E N T —

The Hon. S. B. Robie, President, The Honorable James Tobin, Joseph Allison, William Lawson, Alexander Stewart, William Rudolf;	S E C R E T A R Y	The Honorable William Ouseley, Robert M. Cutler, Alexander Campbell, Joseph FitzRandolph, William B. Almon, MD.
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PRAYERS.

The Minutes of yesterday were read.

A Message was brought from the House of Assembly, by Mr. Gray, with the following Bills:

A Bill, entitled, An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township. Clements Township

A Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof. Landings Windsor

A Bill, entitled, An Act to modify the provisions of the Act for preventing persons leaving the Province without a Pass. Pass Bill

A Bill, entitled, An Act to prevent Injuries to Fisheries within the County of Lunenburg, by Mill-dams or any other obstructions. Fisheries Lunenburg

To which Bills they desired the concurrence of this House.

The said Bills were read a first time. read 1st time

Ordered, That the said Bills be read a second time at a future day.

A Message was sent to the House of Assembly, by the Clerk,

To desire a Conference with that House, by Committee, on the General State of the Province. Conference on General State of Province

A Bill, entitled, An Act respecting the exportation of Grindstones from this Province, was read a second time. Grindstone Bill read 2d time

Ordered, That the said Bill be committed to a Committee of the whole House, at a future day. Ordered to Com.

On motion, the House was adjourned, during pleasure, and put into a Committee for the further consideration of the Bill, entitled, An Act to amend the Act for the support and regulation of Light Houses. LightHouse Bill further committed

After some time the House was resumed, and Mr. Rudolf reported that the Committee had gone through the said Bill, and had agreed to the same without any amendment. Reported without amendment read 3d time

The said Bill was then read a third time, and the question was put by the President, Whether

MONDAY and TUESDAY, 5th and 6th MARCH, 1838.

Whether this Bill shall pass?

It was resolved in the Affirmative.

Sent to H. A.

A Message was sent to the House of Assembly by the Clerk, To return the said Bill, and acquaint them that this House have agreed to the same without any amendment.

Adjourn

On motion made and seconded—the House adjourned until Monday, at 1 o'clock.

Monday, 5th March, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
William Lawson,
Alexander Stewart,

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The Honorable William Rudolf,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph.

PRAYERS.

The Minutes of Saturday were read.

Clements

A Bill, entitled, An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township; also

Landing Windsor

A Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof; also,

Pass

A Bill, entitled, An Act to modify the Provisions of the Act for preventing Persons leaving the Province without a Pass; also

Fisheries Lunenburg

A Bill, entitled, An Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill-dams, or any other obstructions, were read a second time.

Read 2d time

Ordered to Com.

Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Tuesday, 6th March, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

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The Honorable William Rudolf,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of Yesterday were read.

Committee on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Report Progress

Report Clements and

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township; also,

TUESDAY and WEDNESDAY, 6th and 7th MARCH, 1838.

A Bill, entitled, An Act to modify the provisions of the Act for preventing Persons leaving the Province without a Pass; also,	Pass Bill
A Bill, entitled, An Act to prevent injuries to the Fisheries, within the County of Lunenburg, by Mill Dams, or any other obstructions; and had agreed to the said Bills without any amendment.	Fisheries Lunenburg Reported without amendment
<i>Ordered,</i> That the said Bills be read a second time at a future day.	Order for 3d reading
The Chairman also reported that the Committee had had under consideration a Bill, entitled, An Act for further limiting the duration of the General Assembly, and had recommended that the further consideration of the said Bill be deferred to this day three months.	Recommend duration of Parliament Bill to be deferred 3 months
<i>Ordered,</i> That the said Report be received, and that the further consideration of the Bill be deferred to this day three months.	Bill deferred
A Message was brought from the House of Assembly by Mr. Whidden, with the following Bills:	
A Bill, entitled, An Act to establish the County or Shire Town in the County of Digby.	Shire Town Digby
A Bill, entitled, An Act concerning the Judiciary of this Province.	Judiciary read
To which Bills they desired the concurrence of this House.	
On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.	Adjourn

Wednesday, 7th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,
 James Tobin,
 Joseph Allison,
 Norman Uniacke,
 James W. Johnston,
 William Lawson,
 Alexander Stewart,

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The Honorable William Rudolf,
 William Ouseley,
 Robert M. Cutler,
 Alexander Campbell,
 Joseph FitzRandolph,
 William B. Almon, M. D.

PRAYERS.

The Minutes of Yesterday were read,	
A Bill, entitled, An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township; also,	Clements Township
A Bill, entitled, An Act to modify the Provisions of the Act for preventing Persons leaving the Province without a Pass; also	Pass &
A Bill, entitled, An Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill-dams, or any other obstructions, were read a third time, and the question was put by the President, on each Bill,	Fisheries Lunenburg
Whether this Bill shall pass?	Bill read 3d time
It was resolved in the affirmative.	Agreed to &
A Message was sent to the House of Assembly, by the Clerk,	Sent to H. A.
To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.	
A Bill, entitled, An Act to establish the County or Shire Town, in the County of Digby; also,	Shire Town Digby &
A Bill, entitled, An Act concerning the Judiciary of the Province, were read a first time.	Judiciary Bill read 1st time
<i>Ordered,</i> That the said Bills be read a second time at a future day.	
Mr. Stewart, the Chairman of the Committee to whom the Bill, entitled, An Act for improving the Administration of Criminal Justice was referred, reported that the Committee had considered the said Bill, and recommended that the said Bill be again committed to a Committee of the whole House.	Com. on Criminal Justice Bill report

WEDNESDAY and THURSDAY, 7th and 8th MARCH, 1838.

Bill ordered to Com.	<i>Ordered</i> , That the said Report be received, and that the said Bill be again committed to a Committee of the whole House.
Message agreeing to Conference on Gen. State of Province	A Message was brought from the House of Assembly, by Mr. Whidden, to inform the House that the House of Assembly agreed to the Conference desired by this House, on the General State of the Province.
Asking free Conference on amendments to Jury Bill	The Messenger also informed the House, that the House of Assembly desired a Free Conference with this House, by Committee, on the subject of the amendments proposed by this House to the Bill, entitled, An Act for the regulation of Juries.
Com. on Gen. State of Province	<i>Ordered</i> , That Mr. Stewart, Mr. Ouseley and Mr. Rudolf, be a Committee of this House, to manage the Conference on the General State of the Province.
Report	And the Managers went to the Conference; and being returned, Mr. Stewart reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.
Free Conference on amendments to Jury Bill agreed to	<i>Ordered</i> , That the Free Conference desired by the House of Assembly, on the subject of the amendments proposed by this House to the Bill, entitled, An Act for the regulation of Juries, be agreed to.
Committee	<i>Ordered</i> , That Mr. Stewart, Mr. Johnston and Mr. Campbell, be a Committee of this House to manage the said Conference.
Message to H. A.	A Message was sent to the House of Assembly by the Clerk, To acquaint them that this House have agreed to the said Conference, and that the Committee of this House are ready to meet the Committee of the House of Assembly, in the Committee Room of the Council.
Report	And the Managers went to the Conference, and being returned, Mr. Stewart reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.
Com. on Bills	On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.
Recommend joint Tenancy	The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act relating to Joint Tenancy; also,
Criminal Justice Bill to be deferred 3 months	A Bill, entitled, An Act for improving the Administration of Criminal Justice, and had directed him to report that it was the opinion of the Committee, that the further consideration of the said Bills be deferred to this day three months.
Bills deferred	<i>Ordered</i> , That the said Report be received, and that the further consideration of the said Bills be deferred to this day three months.
Petition of Angus McInnes & al.	Mr. Johnston presented a Petition from Angus M'Innes and others, against a Tax being levied for Common Schools, which was ordered to lie on the Table.
Adjourn	On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Thursday, 8th March, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

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On
On

The Honorable William Rudolf,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

On

THURSDAY and FRIDAY, 8th and 9th MARCH, 1838.

On motion of Mr. Stewart, *resolved*, that a Free Conference be desired with the House of Assembly, by Committee, on the subject of the amendments proposed by this House to the Bill, entitled, An Act for the regulation of Juries. Free Conference on Jury Bill

A Message was sent to the House of Assembly by the Clerk, to desire the said Conference. Asked

A Message was brought from the House of Assembly, by Mr. Whidden, agreeing to the Conference desired by the House. Agreed to

Ordered, That the Committee who managed the last Conference, do manage the present Conference. Committee

And the Managers went to the Conference; and being returned, Mr. Stewart reported that the Committee had held the said Conference, and stated the substance of the Conference to the House. Report

A Bill, entitled, An Act to establish the County or Shire Town in the County of Digby; also, Shire Town Digby &

A Bill, entitled, An Act concerning the Judiciary of the Province, were read a second time. Judiciary read 2d time

Ordered, That the said Bills be committed to a Committee of the whole House, at a future day. Ordered to Com.

Ordered, That the Bill, entitled, An Act concerning the Judiciary of the Province, be the Order of the Day for Tuesday next, to be committed to a Committee of the whole House. Judiciary Order of Day

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock. Adjourn

Friday, 9th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

S. B. Robie

The Honorable William Rudolf,
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, MD.

PRAYERS.

The Minutes of yesterday were read.

A Message was brought from the House of Assembly, by Mr. Whidden, to inform the House that the House of Assembly did not adhere to their determination not to agree to the amendment proposed by this House, in regard to the 6th Clause of the Bill, entitled, An Act for the regulation of Juries, but agree to that amendment; and did adhere to their determination not to agree to the amendment proposed to be made, by leaving out the 10th Clause. Message relative to amendments to Jury Bill

Whereupon, the said Tenth Clause was read, as follows:

And be it further enacted, That, whenever any Grand Jury, in any County in this Province, shall assemble in Court, for the first time, and twelve or more thereof shall appear, the Court, before the said Jury shall be sworn, shall direct them to retire, and to choose their Foreman, to be presented for the approval of the Court; and upon their returning into Court, and presenting for approval, the one of their number chosen by them for that purpose, such one, if approved by the Court, shall be sworn as Foreman of such Jury, in the usual manner; and in case of such one not being approved of and accepted by the Court, the Jury shall again retire and choose another of their number, to be approved of, and sworn Amendment to 10th clause read

or

FRIDAY, 9th MARCH, 1838.

or rejected in like manner, and so on in the same way, until a Foreman shall be chosen and approved of in manner aforesaid, any Law, usage or custom, to the contrary, notwithstanding.

Whereupon, Mr. Allison moved that the amendment proposed by this House to leave out the said Clause, be not adhered to : which, being seconded, and the question being put, their appeared for the motion, eight ; against it five :

For the motion,

Mr. Tobin, Mr. Allison,
Mr. FitzRandolph, Mr. Uniacke,
Mr. Ouseley, Mr. Campbell,
Mr. Cutler, Mr. Rudolf.

Against the motion,

Mr. M'Nab,
Mr. Lawson,
Mr. Johnston,
Mr. Stewart,
Mr. Almon.

So it passed in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,
To return the said Bill and amendments, and acquaint them therewith.

On motion, of Mr. Ouseley, the Message sent to this House by His Excellency the Lieutenant-Governor, on the 21st of February, communicating a Copy of a Despatch from His Excellency the Lieutenant-Governor of New-Brunswick, dated 11th February, 1838, enclosing Copies of Addresses to His Excellency from the Council and Assembly of that Province, praying that he would urge Her Majesty's Government to adopt measures for causing an immediate survey of the Bay of Fundy, was read ; and thereupon,

Resolved, That an Address be presented to His Excellency the Lieutenant-Governor, requesting he will be pleased to bring this subject under the consideration of Her Majesty's Government.

Ordered, That Mr. Johnston, Mr. Allison, Mr. Rudolf and Mr. Stewart, be a Committee to prepare the said Address.

Mr. Johnston, the Chairman of the Committee appointed to prepare the said Address, reported that the Committee had performed the duty assigned to them, and had prepared the draft of an Address to His Excellency the Lieutenant-Governor, which he read in his place, and afterwards delivered the said Address to the Clerk, who read the same as follows :

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL,

May it please your Excellency :

The Legislative Council have had under their consideration the Despatch of His Excellency Sir John Harvey, the Lieutenant-Governor of Her Majesty's Province of New Brunswick, together with copies of Resolutions passed by the Legislative Council and House of Assembly of that Province, representing the great importance of an extended and accurate survey of the Bay of Fundy, and desiring that the subject might be brought under the notice of the Council and Assembly of Nova-Scotia, which your Excellency was pleased to transmit for the consideration of this House.

The Legislative Council respectfully state to your Excellency, that they entirely concur in the views of the Legislative Council and House of Assembly of the Province of New Brunswick, expressed in their Resolutions. That it is the opinion of this House, that a full and accurate survey of the difficult Navigation of the Bay of Fundy is of high importance to the Trade and Shipping of the Provinces, and of the Empire ; and that the peculiar circumstances

Not adhered to

Bills sent to H. A.

Message relative to Survey of Bay of Fundy considered

Resolution to Address His Excellency

Com. to prepare Address

Address reported

Address

FRIDAY and SATURDAY, 9th and 10th MARCH, 1838.

stances in which the Upper Provinces are now unhappily placed, render more obvious the advantages to Her Majesty's Service, which are likely to result from an early adoption of the proposed measure.

The Legislative Council therefore respectfully request that your Excellency will be pleased to bring the subject under the consideration of Her Majesty's Government, in such manner as your Excellency may deem best calculated to advance the object which the Legislatures of the two Provinces have in view.

Ordered, That the said Address be received and adopted.

Adopted

Ordered, That the Committee who prepared the said Address be a Committee to present the same to His Excellency.

Com. present

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Adjourn

Saturday, 10th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

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The Honorable William Rudolf,
William Ousley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

Mr. Johnston, the Chairman of the Committee appointed to wait upon His Excellency the Lieutenant-Governor, to present the Address to His Excellency, requesting His Excellency would be pleased to call the attention of Her Majesty's Government to the importance of an immediate and accurate survey of the Bay of Fundy, reported that the Committee had waited upon His Excellency, and had presented the said Address, and that His Excellency had been pleased to say that he would have great pleasure in forwarding the objects of the Address, by the best means in his power.

Com. to present Address on Survey of Bay of Fundy report

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act to establish the County or Shire Town in the County of Digby, and had directed him to report that the Committee had recommended that a Conference should be held with the House of Assembly, by Committee, on the said Bill.

Recommend Conference on Shire Town Digby Bill

Ordered, That the said Report be received, and that a Conference be desired with the House of Assembly, by Committee, on the said Bill.

Report received

A Message was brought from the House of Assembly by Mr. Whidden, with a Bill, entitled, An Act for the regulation of Juries, as amended.

Message with Jury Bill

The Messenger also informed the House, that the House of Assembly desired a Conference with this House, by Committee, on the General State of the Province.

Conference on Gen. State of the Province asked

Ordered, That the said Conference be agreed to, and a Message was sent to the House of Assembly, by the Clerk, to acquaint them therewith.

Agreed to

A Message was sent to the House of Assembly, by the Clerk, To desire a Conference with that House, by Committee, on the Bill, entitled, An Act to establish the County or Shire Town, in the County of Digby.

Conference on Shire Town Digby Bill asked

Ordered, That Mr. Stewart, Mr. Campbell and Mr. Johnston, be a Committee of this House, to manage the Conference, on the General State of the Province.

Com. of Conference on Gen. State of Province

M

And

MONDAY and TUESDAY, 12th and 13th MARCH, 1838.

Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them therewith.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act respecting the exportation of Grindstones from this Province; also,

Report Grindstone &

A Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof, and had made an amendment to each Bill.

Public Landing Windsor Bill with amendments Amendments agreed to

Which amendments, being read twice by the Clerk, were agreed to by the House.

A Bill, entitled, An Act to authorise the settlement of a certain Debt claimed from the Township of Windsor, was read a second time.

Windsor debt Bill read 2d time

Mr. Stewart moved that the further consideration of the said Bill, be deferred to this day three months: which, being seconded, and the question being put, their appeared for the motion, four; against the motion, nine:

Motion to defer 3 months

For the motion,
Mr. Almon,
Mr. Stewart,
Mr. Johnston,
Mr. Lawson,

Against the motion,
Mr. Campbell, Mr. Ouseley,
Mr. M'Nab, Mr. Cutler,
Mr. Tobin, Mr. Allison,
Mr. Rudolf, Mr. Uniacke.
Mr. FitzRandolph,

So it passed in the negative.

Negated

On motion made and seconded—the House adjourned until To-morrow, at 2 o'clock.

Adjourn

Tuesday, 13th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

The Honorable William Rudolf,
Lewis M. Wilkins, Junr.
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

The Order of the Day being read for the House to be put into a Committee upon the Bill, entitled, An Act concerning the Judiciary of the Province.

Judiciary Bill Committed

The House was accordingly adjourned, during pleasure, and put into a Committee upon the said Bill.—After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress, and had directed him to ask leave to sit again—which was granted.

Report progress

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company.

Whaling Co. Bill

A Bill, entitled, An Act to provide for the opening of certain new roads in Queen's County.

Roads Queen's County

Also,

TUESDAY, 13th MARCH, 1838.

Also, with the following Resolutions :—

- 200l. Speaker
Resolved, That the sum of Two Hundred Pounds be granted and paid to the Speaker of the House of Assembly, in full, for his salary as Speaker during the present year.
- 600l. Treasurer
Resolved, That the sum of Six Hundred Pounds be granted and paid to the Treasurer of the Province, for his salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the present year.
- 200l. Clerk of House
Resolved, That the sum of Two Hundred Pounds be granted and paid to the Clerk of the House of Assembly, for his services for the present year.
- 30l. Expenses of Council
Resolved, That the sum of Thirty Pounds be granted and paid for defraying the expenses of the Legislative Council in General Assembly, for the present year, to be paid on the Certificate of the President of the Legislative Council, and not otherwise.
- 25l. Rev. Dr. Willis Chaplain of L. C.
Resolved, That the sum of Twenty-five Pounds be granted and paid to the Venerable Archdeacon Willis, D. D. for his services as Chaplain to the Legislative Council, during the present Session.
- 100l. Clerk L. C.
Resolved, That the Sum of One Hundred Pounds be granted and paid to the Clerk of the Legislative Council for his services for the present year.
- 100l. As. Clerk of H. A.
Resolved, That the Sum of One Hundred Pounds be granted and paid to the Assistant Clerk of the House of Assembly for his services for the present Session.
- 40l. Messenger of Governor, &c.
Resolved, That the Sum of Forty Pounds be granted and paid to the Messenger of the Governor, Lieutenant-Governor or Commander in Chief for the time being, and the Executive and Legislative Councils, for the present year.
- 50l. Serjeant at Arms of H. A.
Resolved, That the Sum of Fifty Pounds be granted and paid to Matthew Forrester, for his services as Serjeant at Arms to the House of Assembly for the present Session.
- 30l. As. Sejt. at Arms of H. A.
Resolved, That the Sum of Thirty Pounds be granted and paid to John Jennings for his services as Assistant Serjeant at Arms to the House of Assembly for the present Session.
- 30l. Messenger of H. A.
Resolved, That the Sum of Thirty Pounds be granted and paid to John Gibbs for his services as Messenger to the House of Assembly during the present Session.
- 200l. Guager and Weigher
Resolved, That the Sum of Two Hundred Pounds be granted and paid to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax for his services for the present year.
- 7s. 6d. & 5s. per day Excise Waiters
Resolved, That there be granted and paid on the certificate of the Commissioners of the Revenue, at the rate of Seven Shillings and Sixpence per day, to such person or persons as shall be employed during the present year by the Collector of Impost and Excise for the District of Halifax as extra Waiter or Waiters, for the Port of Halifax, and five shillings per day to such extra Waiter or Waiters when unemployed, and at the rate of five shillings per day to temporary Waiters.
- 45l. Clerk of Courts. Revenue
Resolved, That the Sum of Forty-five Pounds be granted and paid to the Clerk of the Commissioners of the Revenue, for his services for the present year.
- 600l. Transient Poor
Resolved, That the Sum of Six Hundred Pounds be granted and paid for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax.
- 350l. Printing for Government
Resolved, That the Sum of Three Hundred and Fifty Pounds be granted and paid to John Howe, Esq. Printer, for printing for Government and the General Assembly for the present year.
- 60l. Keeper of Assembly, &c.
Resolved, That the Sum of Sixty Pounds be granted and paid to the Keeper of the House of Assembly, Council Chamber and Law Library, for the present year.
- 40l. conveyance of Judges to C. B.
Resolved, That the Sum of Forty Pounds be granted and paid to Lawrence Kavanagh, Esq. to be drawn by him from the Treasury, when it shall be certified, by a Judge of the Supreme Court, that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton during the present year.
- 100l. Indians
Resolved, That the Sum of One Hundred Pounds be granted and placed at the disposal of the Governor, Lieutenant Governor or Commander in Chief for the time being, to be applied in such way as he may deem most proper for the relief of the Indians in this Province.

Resolved,

Resolved, That the sum of Twenty-five Pounds be granted and paid to the Commissioners of the Poor in Halifax, to defray the expense of continuing the School in the Poor-House for the present year, for the benefit of Orphans and Poor Children in that Establishment.

251. School Poor House

Resolved, That the sum of Fifty Pounds be granted and paid to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places, under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year.

501. Parraborough Packet

Resolved, That the sum of Fifty Pounds be granted to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by the General Sessions of the Peace for the County of Guysborough, to be paid upon the Certificate of the said General Sessions that such Packet has been properly kept and run during the present year.

501. Guysborough Packet

Resolved, That the sum of Four Hundred Pounds be granted and paid to the Commissioners of Sable Island, for the support of that Establishment for the present year.

4061. Sable Island

Resolved, That the sum of Three Hundred Pounds be granted and paid to the Managing Committee of the Horton Academy, in aid of that Institution for the present year.

3001. Horton Academy

Resolved, That the sum of One Hundred Pounds be granted and paid in aid of the Arichat Academy for the present year, to be placed in the hands of Trustees appointed by His Excellency the Lieutenant-Governor.

1001. Arichat Academy

Resolved, That the Sum of One Hundred Pounds be granted and paid to the Rev. R. F. Uniacke, to enable him to defray the expences incurred to support Schools for Poor Children in the North Suburbs of the Town of Halifax.

1001. Mr. Uniacke's Schools

Resolved, That the Sum of One Hundred and Thirty-five Pounds be granted and paid to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year.

1851. Yarmouth Academy

Resolved, That the Sum of Fifty Pounds be granted and paid to the Commissioners of Schools for the County of Lunenburg, for the support of the National School in the Town of Lunenburg for the present year.

501. National School Lunenburg

Resolved, That the sum of Fifty Pounds be granted and paid to the Ladies, Managers of the Infant School at Halifax, in aid of that Institution for the present year.

501. Infant School

Resolved, That the sum of Fifty Pounds should be granted and paid to the Mechanics' Institute and Mechanics' Library—Thirty Pounds to the Institute and Twenty Pounds to the Library, for the support of these Establishments for the present year.

501. Mechanics' Institute and Library

Resolved, That the Sum of Fifty Pounds be granted and paid to Doctors Grigor and Stirling, in aid of the Halifax Dispensary for the present year: provided they keep during the year a sufficient quantity of Vaccine matter.

501. Dispensary

Resolved, That the Sum of Twenty Pounds be granted and paid to aid the Inhabitants of Cape-Breton in supporting a suitable Boat or Scow to run between McMillan's Point, in Cape-Breton, and Auld's Cove, in the County of Sydney, the said Boat or Scow to be placed under the regulation of the General Sessions for the County of Inverness.

201. Ferry Gut of Canso

Resolved, That the Sum of Twenty Pounds be granted to aid the Inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place, the said Boat to be run under the regulations of the General Sessions for the County of Hants, to be paid by Warrant from His Excellency the Lieutenant-Governor upon Certificate from said Sessions, that such Boat has been running at least twice a week for four months to the satisfaction of the said Sessions under their regulations.

201. Ferry Shubenacadie

Resolved, That the Sum of Ten Pounds be granted and paid to Lawrence Kavanagh, Esq. for his services as Chairman of Committees of the whole House for the present Session, to be added to his pay ticket.

101. Chairman of H. A.

Resolved, That the Sum of One Hundred and Fifty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor to reimburse the Avon Bridge Company the outlay of that Sum in completing the Public Highway connecting the Avon Bridge with a Main Road in Falmouth, pursuant to a resolution of last Session.

1501. Avon Bridge Company

To which Bills and Resolutions they desired the concurrence of this House.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

WEDNESDAY, 14th MARCH, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

The Honorable William Rudolf,
Lewis M. Wilkins, Junr.
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of Yesterday were read,

A Bill, entitled, An Act to provide for the opening of certain New Roads in Queen's County; also,

A Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, were read a first time. *Ordered*, That the said Bills be read a second time at a future day.

The thirty-five Resolutions for granting Money sent up yesterday, were read a first time. *Ordered*, That the said Resolutions be read a second time at a future day.

Mr. Allison brought up the Petition of the Nova-Scotia Whaling Company, praying for an Act of Incorporation and Bounty, which was ordered to lie on the Table.

On motion, the House was adjourned, during pleasure, and put into a Committee for the further consideration of the Bill, entitled, An Act concerning the Judiciary of the Province. After some time the House was resumed, and Mr. Rudolf reported that the Committee recommended that the further consideration of the said Bill should be deferred to this day three months.

Ordered, That the said Report be received, and that the further consideration of the said Bill be deferred to this day three months.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions:

Resolved, That the Sum of Twelve Shillings and Six Pence per day be granted and paid to each and every of the Members of the House of Assembly for their attendance in General Assembly for the present Session, to be paid on the Certificate of the Speaker; also, the travelling charges as heretofore; Provided, that no Member shall receive pay for more than sixty-four days attendance.

Resolved, That a Sum not exceeding Two Thousand Pounds be granted and paid as Bounties to the first Six Vessels which shall hereafter fit out for the Whale Fishery, under the following conditions: The Vessel to be of the Registered Burthen of Two Hundred Tons at least, owned, provisioned and equipped in this Province, to cross the Equator on the prosecution of such Whaling Voyage, and to be engaged therein not less than two years, unless previously full—the Bounty to be paid to the Owners on proof of her having been so engaged during two years, or upon her return to this Province. The first Vessel to be fitted out within one year, and the Bounty to attach in the order in which the Vessels sail. The Bounty to be Two Pounds per Ton of the Registered Tonnage; out of the said Bounty of £2 per ton, a sufficient Sum to be reserved to pay for the encouragement of such Individuals, being Natives of this Province, as shall proceed as Seamen on board of such Vessel; the Sum of £7 10s. to be paid on return from the first voyage, and £20 on return from the second voyage, performed by them respectively; provided each Seaman claiming such Bounty, shall produce satisfactory certificates and evidence of good conduct during said voyage, and of having diligently exerted himself to acquire a complete knowledge of Seamanship in the business of said Fishery, towards qualifying himself to serve as an officer on board a Whale Ship, provided, that the Bounty be only paid to the Ten best Seamen in the Ship.

To

Now Roads Queen's
County &

Whale Fishery Bills
read 1st time

Money Votes read 1st
time

Petition of N. S.
Whaling Company

Com. on Judiciary
Bill recommend its
being deferred

Bill deferred

Pay of Members

2000l. Whale Fishery

To which Resolutions they desired the concurrence of this House.
The said Resolutions were read a first time.

Ordered, That the said Resolutions be read a second time at a future day.

Read 1st time

On motion made and seconded—the House adjourned until to-morrow, at 2 o'clock.

Adjourn

Thursday, 15th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

oooooooooooo

The Honorable William Rudolf,
Lewis M. Wilkins, Junr.
William Ouseley,
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

A Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the "The Nova-Scotia Whaling Company," was read a second time.

Whaling Company Bill read 2d time &

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Referred to Select Com.

Ordered, That Mr. Allison, Mr. Stewart, Mr. Campbell, Mr. Lawson and Mr. Rudolf, be a Committee for that purpose.

Committee

A Bill, entitled, An Act to provide for the opening of certain New Roads in Queen's County, was read a second time.

New Roads Queen's County Bill read 2d time Referred to Com. of whole

Ordered, That the said Bill be committed to a Committee of the whole House, at a future day.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

A Bill, entitled, An Act to regulate the Fisheries in Chedabucto Bay.

Fisheries in Chedabucto Bay Civil List

A Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenue.

A Bill, entitled, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same.

Waste Lands Granville read 1st time

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the two first Bills be read a second time at a future day.

Ordered, That a Bill, entitled, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same, be published in the Royal Gazette Newspaper, for the information of the persons interested therein.

Waste Lands Granville Bill ordered to be published &

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Referred to Select Com.

Ordered, That Mr. Stewart, Mr. Cutler and Mr. FitzRandolph, be a Committee for that purpose.

Committee

Mr. Johnston brought up the Petition of the Committee of the Horton Academy, praying aid to that Institution—which was read, and ordered to lie on the Table.

Petition of Com. of Horton Academy

Mr. Johnston presented a Bill for improving the mode of administering Criminal and Civil Justice

Admng. of Justice Bill presented and read 1st time

THURSDAY and FRIDAY, 15th and 16th MARCH, 1838.

Justice in Nova-Scotia proper, and diminishing the expense thereof—which was read a first time.

Ordered, That the said Bill be read a second time at a future day.

Ordered, That Mr. Ouseley have leave of absence to return home on his private affairs.

Ordered, That Mr. FitzRandolph have leave of absence to return home on his private affairs.

On motion made and seconded—the House adjourned until to-morrow, at 1 o'clock.

Friday, 16th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

The Honorable William Rudolf,
Lewis M. Wilkins, Jun.
Robert M. Cutler,
Alexander Campbell,
Joseph FitzRandolph,
William B. Almon, MD.

PRAYERS.

The Minutes of yesterday were read.

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly agreed to the amendments proposed by this House to the Bill, entitled, An Act to establish the County or Shire Town, in the County of Digby.

Also, with the following Bill :

A Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District—to which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Ordered, That the said Bill be read a second time at a future day.

Mr. Stewart, the Chairman of the Committee to whom the Bill, entitled, An Act for disposing of certain Waste Lands in the Township of Granville, and for appointing Trustees for the management of the same was referred, reported that the Committee had performed that duty ; and that it was the opinion of the Committee, that the further consideration of the said Bill should be deferred to this day three months.

Ordered, That the said Report be received, and that the further consideration of the said Bill be deferred to this day three months.

Ordered, That a Bill, entitled, An Act to authorise the settlement of a certain Debt claimed from the Township of Windsor, be committed to a Committee of the whole House.

A Bill, entitled, An Act to regulate the Fisheries in Chedabucto Bay, was read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House.

Mr. FitzRandolph brought up the Petitions of James Parker and others, of Wilmot—of Richard James and others, of Granville—and of William Randall and others, of Township of Annapolis, praying that Bridgetown may be made the Shire Town of the County of Annapolis—which were ordered to lie on the Table.

A Bill, entitled, An Act for improving the mode of administering Criminal and Civil Justice in Nova-Scotia proper, and diminishing the expense thereof, was read a second time.

Ordered,

Leave of absence to Mr. Ouseley & Mr. FitzRandolph

Adjourn

Message agreeing to amendment to Digby Shire Town Bill

Saint Mary's Bill read 1st time

Com. on Waste Lands Granville Bill report

Bill deferred for 3 months

Windsor debt Bill referred to Com. of whole Fisheries Chedabucto Bay read 2d time

Referred to Com. of whole

Petition of J. Parker & al. R. James & al. W. Randall & al.

Administering Justice Bill read 2d time

FRIDAY, 16th MARCH, 1838.

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon. Referred to Select Com.

Ordered, That Mr. Johnston, Mr. Campbell, Mr. Rudolf, Mr. Cutler and Mr. Stewart, be a Committee for that purpose. Committee

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. Com. on Bills
After some time the House was resumed, and Mr. M'Nab reported that the Committee had made some progress.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to provide for the opening of certain New Roads in Queen's County; also, Report New Roads Queen's Co.

A Bill, entitled, An Act to authorise the settlement of a certain Debt claimed from the Township of Windsor; also, Windsor Debt &

A Bill, entitled, An Act to regulate the Fisheries in Chedabucto Bay, and had agreed to the said Bills, without any amendment. Fisheries Chedabucto Bay Bills without amendment

The said Bills were then read a third time, and the question was put by the President, on each Bill, Bills read 3d time
Whether this Bill shall pass? Agreed to & sent to H. A.

It was resolved in the Affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the said Bills without any amendment.

A Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof; also, Public Landing Windsor & Importation of Grindstones read 3d time &

A Bill, entitled, An Act respecting the exportation of Grindstones from this Province, were read a third time, and the question was put by the President on each Bill,

Whether this Bill, with the amendment, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the said Bills with an amendment—to which amendments they desire the concurrence of the House of Assembly. Sent to H. A.

A Bill, entitled, An Act more effectually to provide funds for the repair and improvement of the Streets and Highways in Windsor, and for other purposes, was read a second time. Windsor Streets Bill read 3d time

On motion, resolved, that the further consideration of the said Bill be deferred to this day three months. Deferred 3 months

The following Resolutions for granting Money, viz :

£200	0	0	Speaker of House of Assembly.	Money votes
600	0	0	Treasurer of the Province.	
200	0	0	Clerk of the House of Assembly.	
25	0	0	Chaplain of Council.	
100	0	0	Assistant Clerk of House of Assembly.	
40	0	0	Messenger of Governor.	
50	0	0	Serjeant at Arms of House of Assembly.	
30	0	0	Assistant ditto	
30	0	0	Messenger of House of Assembly.	
200	0	0	Guager and Weigher at Halifax.	
0	7	6	and 5s. per day to Excise Waiters.	
45	0	0	Clerk of Commissioners of Revenue.	
600	0	0	Transient Poor.	
350	0	0	J. Howe, Esq. for Printing.	
40	0	0	Conveyance of Judges to Cape-Breton.	
100	0	0	For relief of Indians.	
25	0	0	School in Poor House.	

FRIDAY and SATURDAY, 16th and 17th MARCH, 1838.

£50	0	0	Parrsborough Packet.
50	0	0	Guysborough Packet.
400	0	0	Sable Island Establishment.
300	0	0	Horton Academy.
100	0	0	Arichat Academy.
100	0	0	Rev. R. F. Uniacke's School.
135	0	0	Yarmouth Academy.
50	0	0	National School, Lunenburg.
50	0	0	Infant School.
50	0	0	Mechanics' Institute and Library.
50	0	0	Halifax Dispensary.
20	0	0	Ferry at Gut of Canso.
20	0	0	Ferry at Shubenacadie.
150	0	0	To Lieutenant-Governor, to pay advance by Avon Bridge Comp'y.

Agreed to

Were read a second time, and the question was put by the President, on each Resolution, Whether this Resolution be agreed to ?
It was resolved in the affirmative.

2,000l. Whale Fish-
read 2d time

The Resolution for granting the sum of £2000 in Bounties to the Whale Fishery, was read a second time.

Motion to disagree to
negatived

Whereupon, Mr. Stewart moved that the said Resolution be not agreed to: which, being seconded, and the question being put, there appeared for the motion, four ; against the motion, nine.

For the motion,

Mr. Rudolf,
Mr. Johnston,
Mr. FitzRandolph,
Mr. Stewart,

Against the motion,

Mr. Almon,	Mr. Wilkins,
Mr. M'Nab,	Mr. Cutler,
Mr. Campbell,	Mr. Uniacke,
Mr. Allison,	Mr. Lawson,
Mr. Tobin,	

So it passed in the negative.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 1 o'clock.

Saturday, 17th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable Peter McNab,	S P O N S O R S	The Honorable Alexander Stewart,
James Tobin,		William Rudolf,
Joseph Allison,		Lewis M. Wilkins, Jun.
Norman F. Uniacke,		Robert M. Cutler,
James W. Johnston,		Alexander Campbell,
William Lawson,		William B. Almon, MD.

PRAYERS.

The Minutes of yesterday were read.

2,000l. Whale Boun-
ty referred to N. S.
Whaling Com. Com-
mittee

On motion, *ordered*, that the Resolution for granting the sum of £2000 in Bounties to the Whale Fishery, be referred to the Committee to whom the Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, was referred.

Message agreeing to
amendment to Public
Landings Windsor &

A Message was brought from the House of Assembly, by Mr. Whidden,
To inform the House that the House of Assembly agreed to the amendment proposed by this House to the Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof.

Also,

Also, to the amendment proposed by this House to the Bill, entitled, An Act respecting the exportation of Grindstones from this Province. Exportation of Grindstones Bill

Also, with the following Bills :

A Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same. Division of John's Island

A Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy. Pictou Academy

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

Mr. Allison brought up the Petition of the Commissioners of the Poor at Halifax, praying further aid to the Asylum of the Poor—which was ordered to lie on the Table. Petition of Commrs. of the Poor

The following Resolutions for granting Money, viz : Money Votes agreed to and sent to H. A.

£60 Keeper of Assembly Rooms, &c.

10 Chairman of Committees of House of Assembly.

Also, the Resolution relative to the Members Pay, were read a second time, and the question was put by the President on each Resolution,

Whether this Resolution be agreed to ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolutions, and acquaint them therewith.

A Bill, entitled, An Act to establish the County or Shire Town in the County of Digby ; also, Shire Town Digby

A Bill, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof ; also, Public Landing Windsor and

A Bill, entitled, An Act respecting the exportation of Grindstones from this Province, were read as amended, and the question was put by the President on each Bill, Exportation of Grindstones Bill

Whether this Bill as amended shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk,

To return the said Bills, and acquaint them therewith. Finally passed and sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the thirty-one Resolutions agreed to yesterday, and to acquaint them that this House have agreed to the same. Money Votes agreed to yesterday sent to H. A.

On motion made and seconded—the House adjourned until Monday, at 1 o'clock. Adjourn

Monday, 19th March, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,

James Tobin,

Joseph Allison,

Norman F. Uniacke,

James W. Johnston,

William Lawson,

The Honorable Alexander Stewart,

William Rudolf,

Lewis M. Wilkins, Jun.

Robert M. Cutler,

Alexander Campbell,

William B. Almon, M. D.

PRAYERS.

The Minutes of Saturday were read.

Mr. Allison, the Chairman of the Committee to whom the Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Committee on Whaling Company Bill report Bill without amendment

MONDAY, 19th MARCH, 1838.

Nova-Scotia Whaling Company, was committed, reported that the Committee had considered the said Bill and had gone through the same, and made one amendment thereto.

Which amendment was read by the Clerk as follows, viz :

At the end of the Bill add the following clause :

“*And be it further enacted*, That this Act shall continue and be in force for nine years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.”

And the said amendment being read a second time, was agreed to by the House.

The said Bill was then read a third time, and the question was put by the President,

Whether this Bill, with the amendment, shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill with an amendment—to which amendment they desire the concurrence of the House of Assembly.

The Chairman also reported that the Committee had considered the Resolution for granting the sum of £2000 as a Bounty on the Whale Fishery, and recommended that the said Resolution should be agreed to.

Ordered, That the said Report be received, and that the said Resolution be agreed to.

A Message was sent to the House of Assembly, by the Clerk.

To return the said Resolution, and acquaint them therewith.

The President laid before the House the copy of a Letter from T. C. Halliburton, Esq. First Justice of the Inferior Court of Common Pleas for the Middle Division, dated 15th March, 1838, offering to retire from office on any retired allowance which the Assembly may please to make, which Letter had been delivered to him, to be laid before the House, by the Secretary of the Province, by order of His Excellency the Lieutenant-Governor—which was read, and ordered to lie on the Table.

A Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, was read a second time.

Resolved, That a Conference be desired with the House of Assembly, by Committee, on the said Bill—and a Message was sent to the House of Assembly, by the Clerk, to desire the said Conference.

A Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District ; also,

A Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy ; also,

A Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenue, were read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House.

A Message was brought from the House of Assembly, by Mr. Whidden, agreeing to the Conference desired by the House.

Also with the following Bills :

A Bill, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof:

A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods.

A Bill, entitled, An Act to continue and amend the Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon:

A Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the sale of Spirituous Liquors.

A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods.

Amendment read & agreed to
Bill read 3d time and sent to H. A.

Committee report on £2000 Whale Bounty
Vote agreed to and sent to H. A.

Message communicating Letter of Judge T. C. Halliburton to resign his situation

John's Island, Pubnico Bill read 2d time

Conference asked

St. Mary's

Pictou Academy

Civil List Bills read 2d time

Conference agreed to

Colonial Duties

Warehousing

Tobacco

Licenses

Importation of Goods

MONDAY and TUESDAY, 19th and 20th MARCH, 1838.

A Bill, entitled, An Act to continue the Act for granting a Bounty on Chocolate manufactured in this Province. Chocolate

A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling. Smuggling

A Bill, entitled, An Act to continue the Act for granting Duties on Licences for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax. Licences Halifax

A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties. Regulation of Colonial Duties Bills read 1st time

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be referred to a Select Committee, to examine and report upon. Referred to Select Com.

Ordered, That Mr. Allison, Mr. Stewart and Mr. Rudolf, be a Committee for that purpose. Committee

Ordered, That Mr. Stewart, Mr. Rudolf and Mr. Tobin, be a Committee of this House to manage the Conference on the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same. Committee of Conference on John's Island Pubnico Bill

And the Managers went to the Conference; and being returned, Mr. Stewart reported that the Committee had held the said Conference, and stated the substance of the Conference to the House. Report

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon. Bill referred to Select Com.

Ordered, That Mr. Stewart, Mr. Rudolf and Mr. Tobin, be a Committee for that purpose. Committee

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress. Com. on Bills

The Chairman also reported that the Committee had had under their consideration the Bill, entitled, An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District, and recommended that a Conference should be held with the House of Assembly, by Committee, on the said Bill. Recommend Conference on St. Mary's Bill

Ordered, That the said Report be received, and that a Conference be desired with the House of Assembly, by Committee, on the said Bill. Report received

On motion made and seconded—the House adjourned until to-morrow, at 1 o'clock. Adjourn

Tuesday, 20th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,

Mr. Stewart

The Honorable Alexander Stewart,
William Rudolf,
Lewis M. Wilkins, Junr.
Robert M. Cutler,
Alexander Campbell,
William B. Almon, M. D.

PRAYERS.

The Minutes of Yesterday were read,

On motion of Mr. Stewart, resolved, that the Committee appointed on the twenty-seventh day of January last, to frame Rules for the consideration of this House, be discharged, and that a Committee be now appointed to frame, during the recess, such Rules—that they procure a copy of the Standing and other Orders of the House of Lords, and the House of Commons, and also, the last Edition of Hatsell's Precedents, for the use of this House; and that

Com. to frame rules discharged
New Com. appointed

TUESDAY, 20th MARCH, 1838.

the Committee last mentioned do make their report on the first day of the next Session, for the consideration of this House.

Ordered, That Mr. Stewart, Mr. Uniacke and Mr. Johnston, be a Committee for this purpose.

Committee

Message to H. A. asking Conference on St. Mary's Bill

A Message was sent to the House of Assembly, by the Clerk, To inform the House that this House desire a Conference with the House of Assembly, by Committee, on the Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District.

Conference agreed to

A Message was brought from the House of Assembly by the Clerk, agreeing to the Conference desired by this House.

Message agreeing to amendments to Whaling Co. Bill

The Messenger also informed the House, that the House of Assembly agreed to the amendment proposed by this House to the Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company.

The Messenger also brought up the following Resolutions:

Account to be kept of Duties on Live Stock &c. from the United States for the use of the Poor

Resolved, That the Collector of Impost at the Port of Halifax shall, and he is hereby required and directed to keep a distinct account of all Duties by him collected upon the importation from the United States of America, of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in the sixth year of His late Majesty's Reign, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof; and that the said Duties, upon the above specified Articles, during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Poor of the Town of Halifax; Provided, such payment do not exceed the sum of One Thousand Pounds during the present year.

500l. Casualty vote

Resolved, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstruction to travelling shall arise from the fall of Trees or otherwise, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or re-build such Bridge, or to remove such obstructions; and it shall be further lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants on account, and in favor of, such Commissioner or Commissioners; Provided the same shall not exceed Five Hundred Pounds.

100l. Clerk and 100l. Ast. Clerk of H. A.

Resolved, That the sum of One Hundred Pounds, each, be granted and paid to the Clerk and Assistant Clerk of the House of Assembly, for their extra services during this present Session.

75l. Stationary

Resolved, That a sum not exceeding Seventy-five Pounds be granted and paid to the Clerk of the House of Assembly, to defray the expenses of Stationary, and Binding of Laws and Journals for the Council and House of Assembly, during the present Session.

165l. extra Messengers

Resolved, That a sum not exceeding One Hundred and Sixty-five Pounds be granted and paid to defray the expenses of extra Messengers to the Council and House of Assembly, and for Fuel and sundry other articles, and services for the Council and House of Assembly, according to estimate; the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the President of the Council and Speaker of the House of Assembly.

10l. J. J. Sawyer

Resolved, That the sum of Ten Pounds be granted and paid to John James Sawyer, Esq. High Sheriff of the County of Halifax, for his expenses as such Sheriff, at the opening and closing of the present Session of the General Assembly.

100l. Solicitor General

Resolved, That the sum of One Hundred Pounds be granted and paid to the Solicitor-General for his services for the present year.

100l. Attorney General

Resolved, That the sum of One Hundred and Fifty Pounds be granted and paid to the Attorney-General, for his services for the present year.

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

Ordered, That the said Resolutions be read a second time at a future day.

Ordered,

TUESDAY, 20th MARCH, 1838.

- Ordered*, That Mr. Cutler, Mr. Campbell and Mr. Rudolf, be a Committee of this House to manage the Conference on the Bill, entitled, An Act to divide and set off the Township of Saint Mary's, in the County of Guysborough, as a separate and distinct District. Com. of Conference on St. Mary's Bill
- And the Managers went to the Conference; and being returned, Report
- Mr. Cutler reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.
- A Bill, entitled, An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the Nova-Scotia Whaling Company, was read as amended, and the question was put by the President, Whaling Co. Bill
- Whether this Bill, as amended, shall pass?
- It was resolved in the affirmative. Finally passed &
- A Message was sent to the House of Assembly by the Clerk, Sent to H. A.
- To return the said Bill, and acquaint them therewith.
- On motion, *resolved*, that a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, to request that he will be pleased to direct the Report made by Commissioners, since the last Session, relative to the Pictou Academy, to be laid before this House. Com. to wait on His Excellency for report on Pictou Academy
- Ordered*, That Mr. M'Nab, Mr. Johnston and Mr. Campbell, be a Committee for that purpose. Committee
- Mr. Stewart brought up the Petition of Peter Crerar, praying that the consideration of the Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy, might be postponed, and the said Bill be printed—which was read, and ordered to lie on the Table; whereupon, it was, on motion Petition of P. Crerar relative to Pictou Academy Bill
- Ordered*, That the said Bill be published in the Royal Gazette Newspaper, for the information of the Parties interested therein. Bill ordered to be published
- A Message was brought from the House of Assembly, by Mr. Whidden, Conference on amendments to Union Marine Ins. Co. asked by H. A.
- To desire a Conference with this House, by Committee, on the subject of the amendments proposed by this House to the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia.
- Ordered*, That the said Conference be agreed to, and a Message was sent to the House of Assembly by the Clerk, to acquaint them therewith.
- Ordered*, That Mr. Johnston, Mr. Stewart and Mr. Allison, be a Committee of this House to manage the said Conference.
- And the Managers went to the Conference; and being returned,
- Mr. Johnston reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.
- Mr. Allison, the Chairman of the Committee, to whom the Revenue Bills were referred, reported that the Committee had had the said Bills under their consideration, and had directed him to report that it was the opinion of the Committee, that the Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods; also, Committee on Revenue Bills report & recommend
- A Bill, entitled, An Act to continue and amend the Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon; also, Warehouse
- A Bill, entitled, An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax; also, Tobacco
- A Bill, entitled, An Act to continue the Act for granting a Bounty on Chocolate manufactured in this Province; also, Licences Halifax
- A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties; also, Chocolate
- A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling; also, Regulation of Col. Duties
- A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods, were correct, and recommended that the said Bills should be passed. Smuggling & Importation of Goods Bill to be passed

The

Recommend Colonial Duties and

The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province and for promoting the Agriculture, Commerce, and Fisheries thereof; also,

Licences Bills to be committed to Com. of whole

A Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and found the said Bills contained several enactments not contained in former Bills, and recommended that the said Bills should be referred to a Committee of the whole House.

Bills read 2d time

The said two Bills were then read a second time,

Committed

Ordered, That the said two Bills be committed to a Committee of the whole House presently.—The House was adjourned, during pleasure, and put into a Committee on the said Bills.—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Report progress

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and made several amendments thereto.

Report Licence Bill with amendments

Which amendments, being read twice by the Clerk, were agreed to by the House.

Amendts. agreed to

A Message was brought from the House of Assembly, by Mr. Whidden, To inform the House, that the House of Assembly agreed, without amendment, to all the amendments proposed by this House to the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia, except the amendments proposed to be made to the 9th and 23rd and 30th clauses of the Bill, and did not agree to the amendments proposed to the said 9th and 23rd clauses, but agree to the amendment to the 30th clause, with the following amendment "leave out all the words of the Proviso by said amendment proposed to be added to the clause, from and after the word "mismanagement," in the fifth line thereof.

Message relative to amendments to Union Marine Ins. Co.

On motion, *ordered*, that the said amendments be re-considered in a Committee of the whole House at a future day.

Amendments to be considered in Com. of whole

On motion made and seconded—the House adjourned until to-morrow, at 1 o'clock.

Adjourn

Wednesday, 21st March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.		The Honorable William Rudolf,
The Honorable Peter McNab,	S P E A K E R	Lewis M. Wilkins, Junr.
James Tobin,		James S. Morse,
Joseph Allison,		Robert M. Cutler,
Norman F. Uniacke,		Alexander Campbell,
James W. Johnston,		William B. Almon, M. D.
William Lawson,		
Alexander Stewart,		

PRAYERS.

The Minutes of yesterday were read.

Com. on John's Island Pubnico report

Mr. Stewart, the Chairman of the Committee to whom the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, was referred, reported that the Committee had had the said Bill under their consideration, and suggested an alteration, and recommended that the said Bill should be committed to a Committee of the whole House.

Bill referred to Com. of whole

Ordered, That the said Report be received, and that the said Bill be committed to a Committee of the whole House.

Mr.

Mr. Stewart, the Chairman of the Committee to whom the Bill, entitled, An Act to reduce the expenses of Suits at Law, on Judgments by Confession, was referred, reported that the Committee had had the said Bill under consideration, and had directed him to report several amendments to the said Bill—and upon the said amendments being read,

Com. on Confessions Bill report

It was moved that the said Report be not received, but that the further consideration of the said Bill be deferred to this day three months: which, being seconded, and the question being put,

Motion not to receive report but to defer Bill carried

It was resolved in the affirmative.

Mr. M-Nab, the Chairman of the Committee appointed to wait on His Excellency the Lieutenant-Governor, to request that he would be pleased to direct the Report made by Commissioners since the last Session relative to the Pictou Academy, to be laid before this House, reported that the Committee had waited upon His Excellency, and that His Excellency had been pleased to say he would direct the said Report to be laid before the House.

Com. to wait on His Excellency for Pictou Academy report

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act to enable the Proprietors of a certain Meeting House in Merigomish, in the County of Pictou, to sell the same.

Meeting House Merigomish

A Bill, entitled, An Act for establishing the Boundary Line between the Counties of Cumberland and Colchester.

Boundary Line Cumberland & Colchester

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

Mr. Johnston, by His Excellency the Lieutenant-Governor's command, laid before the House, a Copy of the Report of the Commissioners, relative to the Pictou Academy; also,

Message with Report of Pictou Academy &

A Copy of a Despatch from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, conveying Her Majesty's Assent to two Acts passed in the last Session of the General Assembly, viz:

Despatch confirming 2 Acts of 1837

An Act to render less dangerous the Navigation of the Gulf of Saint Lawrence, by erecting Light-Houses on the Islands of St. Paul's and Scatarie, and for the support and maintenance thereof.

Light-Houses

An Act to amend the Act to Incorporate sundry Persons by the name of the President, Directors, and Company of the Bank of Nova-Scotia.

Bank Bill

A Bill, entitled, An Act to continue and amend the Act for regulating the Importation of Goods; also,

Importation of Goods

A Bill, entitled, An Act to continue the several Acts for the prevention of Smuggling; also,

Smuggling

A Bill, entitled, An Act to continue the Act for the general regulation of the Colonial Duties; also,

Regulation of Col. Duties

A Bill, entitled, An Act to continue the Act for granting a Bounty on Chocolate manufactured in this Province; also,

Chocolate

A Bill, entitled, An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax; also,

Licenses Halifax

A Bill, entitled, An Act to continue and amend the Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon; also,

Tobacco

A Bill, entitled, An Act to continue and amend the Act for the Warehousing of Goods, were read a second time, and by order, read a third time, and the question was put by the President, on each Bill,

Warehouse read 2d & 3d time

Whether this Bill shall pass?

Agreed to &

It was resolved in the Affirmative.

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Bills, and acquaint them that this House have agreed to the said Bills without any amendment.

A Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for

Licenses read 3d time &

for the sale of Spirituous Liquors, was read a third time, and the question was put by the President,

Whether this Bill, with the amedment, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill with several amendments—to which amendments they desire the concurrence of the House of Assembly.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, and had made an amendment thereto.

Which amendment, being read twice by the Clerk, was agreed to by the House.

Mr. Johnston, the Chairman of the Committee to whom the Bill, entitled, An Act for improving the mode of administering Criminal and Civil Justice in Nova-Scotia proper, and diminishing the expense thereof, was referred, reported that the Committee had had the said Bill under their consideration, and suggested some alterations, and recommended that the said Bill be committed to a Committee of the whole House.

Ordered, That the said Report be received, and that the said Bill be committed to a Committee of the whole House, at a future day.

On motion made and seconded—the House adjourned until To-morrow, at 1 o'clock.

Thursday, 22d March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

The Honorable William Rudolf,
Lewis M. Wilkins, Jun.
James S. Morse,
Robert M. Cutler,
Alexander Campbel,
William B. Almon, MD.

PRAYERS.

The Minutes of yesterday were read.

Ordered, That a Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy, be the Order of the Day for Monday next, to be considered in a Committee of the whole House.

Mr. Lawson, in the absence of Mr. Tobin, the Chairman of the Committee of this House, appointed to join a Committee of the House of Assembly, to take into consideration the Fisheries of this Province, and to report such measures as may be requisite for the encouragement and support thereof, with power to send for persons and papers, reported that the joint Committee had had the subject under consideration, and had prepared an Address to Her Majesty on the subject; and he read the said Address in his place, and afterwards delivered it to the Clerk, who read the same as follows:—

Sent to H. A.

Com. on Bills

Report John's Island Pubnico with amendment

Amendments agreed to

Report on Crim. & Civil Justice

Bill ordered to Com.

Adjourn

Pictou Academy Bill Order of Day

Com. on Fisheries report Addresses

THURSDAY, 22d. MARCH, 1838.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF NOVA-SCOTIA, IN PROVINCIAL PARLIAMENT.

May it please your Majesty,

The Council and House of Assembly of Your Loyal Province of Nova-Scotia, humbly approach your Majesty with their complaints against the Citizens of the United States of America, who violate with impunity, the provisions of Treaties existing between the two Nations, to the injury and detriment of the Inhabitants of this Colony.

Address

Your Council and Assembly humbly refer your Majesty to the Convention made in the year 1818, whereby the American Government obtained for the Citizens of that Country, privileges not ceded to them by the Treaty of 1783, and under the effect of which, these Provinces have languished ever since, and the operation of which is fully explained in the annexed Report and Documents.

The Commercial eagerness which characterizes the people of the United States of America, aided by the spirit of their Government, has, for years, caused them to transgress the bounds defined by Treaty, and exercise rights over the Fisheries of these Colonies, not ceded even by the unfortunate convention alluded to: these Fishermen, in violation of that Convention, enter the Gulfs, Bays, Harbors, Creeks, Narrow Seas and Waters of these Colonies—they land on the Shores of Prince Edward Island and the Magdalene Islands, and by force, and aided by superior numbers, drive British Fishermen from Banks and Fishing Grounds, solely and exclusively British; and by carrying on an unlawful intercourse with needy and unprotected Fishermen, induce them to violate all the Laws of Trade, and introduce feelings and opinions destructive to the principles of a well-intentioned, but secluded and uninformed, portion of your Majesty's Subjects; thus demoralizing and contaminating the ignorant but loyal Inhabitants along our extensive shores, and most essentially injuring the Manufacturers of the United Kingdom, the Merchants and Ship-owners of the Empire, and the Revenue of this and the other Provinces.

Your Council and Assembly solicit Your Royal attention to the Address of this Province to His late Majesty George the Fourth, (hereto annexed,) as prophetic of the effects of the Convention of 1818, and urge your Majesty to mark the fulfilment of its anticipations in the Report of 1837.

Aware of the solicitude of your Majesty for the happiness and welfare of your faithful North American Subjects, your Council and Assembly humbly pray encouragement and protection of their Commerce and Fishery, and that your Majesty will order small armed Vessels to cruize on the Coasts of these Colonies, to prevent such encroachments, or direct two Steam Boats to be added to the fleet on this Station, to resort to the various Fishing Grounds during the Season, and the Legislature will cause depôts of Fuel to be provided for them at the Provincial expense—confident that your Majesty, considering the foregoing facts, and marking the character of the times, will adhere to the enlightened policy which has distinguished your illustrious House, and extend to your faithful and Loyal Subjects of Nova-Scotia, that protection of their interests which they ask as Britons, and which may prove consistent with the claims of other portions of your Majesty's extensive dominions.

Ordered, That the said Report be received, and the said Address be adopted.

(For Address annexed, vide Appendix, No. 20; for Report, vide Appendix, No. 21.)

Mr. Lawson also reported that the joint Committee had prepared an Address to His Excellency the Lieutenant-Governor, praying him to forward the foregoing Address to Her Majesty—which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows:

THURSDAY, 22d MARCH, 1838.

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF THE PROVINCE OF NOVA-SCOTIA, IN LEGISLATURE ASSEMBLED.

May it please Your Excellency,

Address to His Excellency

The Council and Assembly have adopted and passed a joint Address to Her Most Gracious Majesty the Queen, praying the protection of the Government to the Fisheries of this and the neighbouring Provinces; and as the subject is of more than usual importance to Her Majesty's Transatlantic Subjects, we respectfully request that Your Excellency will be pleased to transmit the said Address, with Your Excellency's strongest recommendation, for Her Majesty's Royal compliance with the prayer thereof.

Ordered, That the said Report be received, and the said Address be adopted.

Ordered, That the Committee who prepared the said Addresses, be a Committee to present the same to His Excellency the Lieutenant-Governor.

Com. on contingent expenses
Committee

On motion, *resolved,* that a Committee be appointed to take into consideration the contingent expenses of this House, and to report thereon to the House.

Ordered, That Mr. Stewart, Mr. Campbell and Mr. McNab, be a Committee for this purpose.

Com. on Ordnance &

Mr. Johnston, the Chairman of the Committee to whom the Bill, entitled, An Act for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers; also,

Cemetery Bills report

A Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, were referred, reported that the Committee had had the said Bills under their consideration, and suggested alterations to the said Bills, and recommended that the said Bills should be committed to a Committee of the whole House.

Bills referred to Com of whole

Ordered, That the said Report be received, and that the said Bills be committed to a Committee of the whole House, at a future day.

Message with '33 Resolutions

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions:

750. Yarmouth Light House

Resolved, That the sum of Seven Hundred and Fifty Pounds be granted and paid to build a Light-House on the West side of the entrance of Yarmouth Harbour—said Light-House to be built by contract.

511. 19s. 9d. J. Munro

Resolved, That the sum of Fifty-one Pounds Eighteen Shillings and Nine-pence, be granted and paid to John Munro, in return of duty paid by him, agreeably to the prayer of his Petition.

61. 5s. 6d. J. McKinnon

Resolved, That the sum of Six Pounds Five Shillings and Six-pence, be granted and paid to John McKinnon, Esq. in conformity with his Petition.

741. 4s. 4½d S. Binney

Resolved, That the sum of Seventy-four Pounds Four Shillings and Four-pence half penny, be granted and paid to Stephen Binney, Esq. being drawback of one Shilling and three-pence Sterling per Gallon, on Nine Hundred and Fifty Gallons of Wine, agreeably to his Petition, and the Report of the Committee thereon.

201. D. Durland

Resolved, That the Sum of Twenty Pounds be granted to Daniel Durland, a Settler on the Main Road between Queen's County and Annapolis County, to aid him in preparing, for the better accommodation of Travellers on said Road, by building a Barn at the place where he resides—one third of said sum to be paid in advance to the said Daniel Durland, and the remainder

remainder when it shall be certified to the satisfaction of His Excellency the Lieutenant-Governor, by a Member from each of the Counties of Queen's County and Annapolis, that such Barn has been built and completed.

Resolved, That the sum of Ten Pounds be granted and paid to Cornelius Craig, to enable him to keep up a Ferry across the narrows at the entrance of Sable River, in the County of Shelburne.

10l. C. Craig Ferry
Sable River

Resolved, That the sum of Two Hundred Pounds be granted and paid to James H. Tidmarsh, a return of Duties paid by him on Spermaceti, agreeably to Report of Committee.

200l. J. H. Tidmarsh

Resolved, That the Sum of Five Pounds be granted and paid to William Leigh, in pursuance of the Report of the Committee on his Petition.

5l. W. Leigh

Resolved, That the sum of Twenty-five Pounds be granted and paid to Thomas Whittemore, as a Bounty for the introduction of the first Machinery for the Manufacture of Wool-cards, according the prayer of his Petition.

25l. T. Whittemore

Resolved, That the sum of One Hundred Pounds be granted and paid to the Trustees of the Common and Combined Grammar School in the Town of Sydney, in aid of the said School for the present year.

100l. Grammar
School Sidney C. B.

Resolved, That the sum of Twelve Pounds and Ten Shillings, be granted and paid to William Ross, to aid him in erecting a Grist Mill at Sherbrooke, which Mill had recently been, by accident, destroyed by Fire—said sum not be paid until certified by three Magistrates of Chester, that said Mill has been erected and in operation.

12l. 10s. W. Ross

Resolved, That the sum of Twelve Pounds and Ten Shillings be granted and paid to George Hiltz and Jacob Hiltz, to aid them in erecting a Grist Mill at Sherbrooke, which Mill had been recently, by accident, destroyed by Fire—said sum not to be paid until certified by three Magistrates of Chester that said Mill has been erected and in operation.

12l. 10s. G. & J.
Hiltz

Resolved, That the sum of Two Hundred Pounds be granted and paid in aid of the Halifax Steam Boat Company, for the present year.

200l. H. Steam Boat
Co.

Resolved, That such sum be granted and paid to the Secretary of the Province as will enable him to pay Seven Pounds to each of the Clerks of the Peace within this Province, to whom His Excellency directed Road Commissions and Bonds in the years 1836 and 1837.

7l. each to Clerks of
Peace

Resolved, That the sum of Nine Pounds Eighteen Shillings be granted and paid to Peter Morrissey, for a Return of Duties on Goods destroyed by Fire, agreeably to the prayer of his Petition.

9l. 18s. P. Morrissey

Resolved, That the sum of One Hundred Pounds be granted and paid to James Whitney, for running the Steam Boat between Annapolis and Digby and St. John, the present year, under the same regulations and in the same manner as heretofore.

100l. J. Whitney

Resolved, That the sum of Forty Pounds be granted and paid to the Rev. John Quinan and others, Inhabitants of Tracadie, for aid in clearing the entrance of Tracadie Harbor, according to the prayer of their Petition.

40l. Rev. J. Quinan
& al.

Resolved, That a sum of Twenty Pounds be granted and paid to complete the entrance to Porter's Lake, and finish the embankment.

20l. to clear out en-
trance to Porters Lake

Resolved, That the sum of Twenty-five Pounds be granted and paid to Major George Ruxton, for the Return of Duties for a Travelling Carriage, paid from mistake, agreeably to the prayer of his Petition.

25l. Major G. Ruxton

Resolved, That the sum of Twenty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to enable Goreham Paul and Lewis Paul, and other Micmac Indians at Shubenacadie, to procure Nails and other materials for building a Chapel at that place.

20l. Indian Chapel
Douglas

Resolved, That the sum of Sixty-eight Pounds Fourteen Shillings and Three Pence be granted and paid to William Reuill, pursuant to the Report of the Committee.

68l. 14s. 3d. W. Reu-
ill

Resolved, That the sum of Forty-nine Pounds Three Shillings and Six Pence be granted and paid to the Overseers of the Poor for the Township of Pictou, to remunerate them for expenses incurred in the support and relief of Transient Paupers.

49l. 3s. 6d. Overseers
of Poor Pictou

Resolved, That the sum of Ten Pounds Ten Shillings and Seven Pence be granted and paid to the Overseers of the Poor for the Township of Windsor, to remunerate them for expenses incurred in the support and relief of Transient Paupers.

10l. 10s. 7d. Over-
seers of Poor Windsor

THURSDAY, 22d MARCH, 1838.

16l. 16s. 9d. Overseers of Poor Maxwewtown

Resolved, That the sum of Sixteen Pounds Sixteen Shillings and Nine Pence be granted and paid to the Overseers of the Poor for the Township of Maxwewtown, to remunerate them for the expenses of Transient Paupers relieved and supported by them.

30l. Buoys at Barrington

Resolved, That the sum of Thirty Pounds be granted and paid for the purpose of placing Spar Buoys on the Ledges in the West Passage, and the Beach Channel, and Cockawit Pass, in Barrington, to be expended under the direction of Commissioners to be appointed by His Excellency the Lieutenant-Governor.

35l. 11s. 10d H. Goudge

Resolved, That the sum of Thirty-five Pounds Eleven Shillings and Ten Pence be granted and paid to Henry Goudge, Esquire, for a Return of Foreign Duties paid on British Goods from mistake, agreeably to his Petition and the Report of the Committee thereon.

73l. 19s. 3d R. Lawson

Resolved, That the sum of Seventy-three Pounds Nineteen Shillings and Three Pence be granted and paid to Robert Lawson, a Return of Duties paid by him on Sheet Iron manufactured into Nails.

50l. Breakwater Marshall's Cove

Resolved, That the sum of Fifty Pounds be granted and paid to the Inhabitants of Marshall's Cove, Wilmot, to enable them to build a Breakwater, agreeably to their Petition, to be drawn when it shall be certified to His Excellency that the sum of One Hundred Pounds has been expended of the money subscribed for that purpose.

150l. do. Givan's Cove

Resolved, That the sum of One Hundred and Fifty Pounds be granted to aid the Inhabitants of Givan's Cove to erect a Wharf or Pier at that place, but not to be drawn from the Treasury until it shall be certified to the satisfaction of His Excellency that the sum of Two Hundred Pounds has been raised by the Inhabitants of Cornwallis and expended in said work.

50l. do. Gates' Mountain

Resolved, That the sum of Fifty Pounds be granted to aid the Inhabitants of Gates' Mountain and the upper part of Wilmot, in building a Breakwater there commenced, to be paid when it shall be made to appear to His Excellency the Lieutenant Governor, that a like amount has been contributed by the Inhabitants, and actually expended in the said work.

20l. to each County for Oat Mills

Resolved, That such sum be granted and placed at the disposal of His Excellency the Lieutenant-Governor, as will enable him to pay Twenty Pounds towards the erection of one or more Oat-mills in each County, upon the recommendation of the Members; provided that no more than Twenty Pounds be drawn for any one County, and that the Mills be erected and put in operation under the same rules, and subject to the same conditions, as were in force with regard to Oat-mills for which Bounties were first granted.

120l. Bridge at Margaree

Resolved, That the sum of One Hundred and Twenty Pounds be granted and paid in aid of the erection of the Bridge at Margaree, and to be expended thereon, in addition to the private subscription therefor.

1275l. for Great Roads

Whereas, the great Eastern and Western Post Road, leading from the Capital of the Province to the Interior of the Country, is greatly out of repair, and many of the Bridges in a delapidated state, and several alterations which have been commenced, yet remain incompleated, and much more money will be required to accomplish the aforesaid purpose, than can possibly be applied from those portions of Road Money appropriated to the Counties through which said Post Road pass.

Resolved therefore, That the sum of One Thousand and Seventy-five Pounds be granted for the said Post Roads, to be placed at the disposal of His Excellency, and to be applied as follows, viz:

On the Western Road from Halifax to Hants County line	£50
From Halifax County line, through Hants County to Kings' County line	150
From Hants County line, through King's County	100
From King's County line, through Annapolis and Digby	100
From Hants County on the Post Road to Lunenburg and Queen's County, western line	100
On the Eastern Road from Halifax to Fultz's	25
And from Fultz's, through Halifax and Colchester, and to complete the alterations near Black Rock hills, (so called)	250

From

THURSDAY, 22d MARCH, 1838.

From Colchester to Guysborough, one third thereof for the County of Pictou, one third for the County of Sydney, and the remaining third for the County of Guysborough
and from Colchester line, through Cumberland

200
100

£1,075

And that the further sum of One Hundred Pounds be granted and paid to repair the Great Post Road from Queen's County line to Barrington, and that the further sum of One Hundred Pounds be granted and paid to complete the Bridge over Sydney River.

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

Ordered, That the said Resolutions be read a second time at a future day.

Mr. Allison brought up the Petition of George P. Lawson and others, relative to the additional Duty on Foreign Molasses—which was read, and ordered to lie on the Table.

Petition of G. P. Lawson, & al.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Com. on Bills

The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof, and had directed him to report that the Committee were of opinion that a Conference should be held with the House of Assembly, by Committee, on the said Bill.

Recommend Conference on Colonial Impost Bill

Ordered, That the said report be received.

Report received

Resolved, That a Conference be desired with the House of Assembly, by Committee, on the said Bill, and that the Committee of this House be instructed to state to the Committee of the House of Assembly, that the additional Duty on Molasses imposed by the said Bill will operate injuriously to the interests of those Merchants who have already ordered cargoes of this article on the faith of the Duty continuing the same as under the existing Laws; the Council are therefore of opinion that such parties as have already ordered cargoes of Molasses should be allowed to import the same under the existing duty.

Conference—Instructions to Com.

A Message was brought from the House of Assembly, by Mr. Whidden, agreeing to the Conference desired by the House.

Conference agreed to

The Messenger also informed the House that the House of Assembly agreed to the first and second amendments proposed by this House to the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and did not agree to the third amendment proposed by this House to the said Bill.

Message agreeing to two amendments & not agreeing to one amendment to License Bill

Also with the following Bills:

A Bill, entitled, An Act for the appointment of Trustees of School Lands in this Province.

Trustees School Lands Bills

A Bill, entitled, An Act to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia.

Cumberland Canal Bill

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

Ordered, That Mr. Allison, Mr. Morse and Mr. Almon, be a Committee of this House to manage the Conference on the Bill, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.

Com. of Conference on Impost Bill

And the Managers went to the Conference; and being returned,

Mr. Allison reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.

Report
The

THURSDAY and FRIDAY, 22d and 23d MARCH, 1838.

Amendments to License Bill read & adhered to

The third amendment proposed by this House to the Bill, entitled, An Act to continue and amend the Act for granting duties on Licenses for the Sale of Spirituous Liquors, was read as follows :

4th clause—leave out this clause -which clause was as follows :

“ *And be it further enacted,* That hereafter no Justice of the Peace or Judge of the Inferior Court of Common Pleas shall be appointed or hold the office of Clerk of Licenses, except in the Town of Halifax.”

Amendment adhered to

On motion, *resolved*, that the said amendment be adhered to.

Conference on amendments to Bill asked

On motion, *resolved*, that a Conference be desired with the House of Assembly, by Committee, on the amendments proposed by this House to the said Bill—and a Message was sent to the House of Assembly by the Clerk, to desire the said Conference.

Agreed to

A Message was brought from the House of Assembly, by Mr. Whidden, agreeing to the Conference desired by the House.

Committee

Ordered, That Mr. Johnston and Mr. Stewart, be a Committee of this House, to manage the said Conference.

Report

And the Managers went to the Conference; and being returned, Mr. Johnston reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.

Message adhering to amendment

A Message was sent to the House of Assembly by the Clerk, To return the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and acquaint them that this House adhere to the third amendment proposed by them to the said Bill.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 1 o'clock.

Friday, 23d March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

The Honorable William Rudolf,
Lewis M. Wilkins, Junr.
James S. Morse,
Robert M. Cutler,
Alexander Campbell,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

Com. on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Recommend Ordinance Bill to be deferred

The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act for vesting all Estates and Property in the Province of Nova-Scotia, occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers, and had directed him to report that it was the opinion of the Committee that the further consideration of the said Bill should be deferred till next Session.

Motion not to receive Report negatived

Whereupon, Mr. Allison moved that the said Report be not received: which, being seconded, and the question being put, there appeared for the motion, four; against it, six:

For the motion,

Mr. Allison,
Mr. Wilkins,
Mr. Johnston,
Mr. Morse,

Against the motion,

Mr. Stewart, Mr. Campbell,
Mr. Uniacke, Mr. Almon,
Mr. Cutler, Mr. Rudolf.

So it passed in the negative.

Report received

Ordered, That the said Report be received, and the further consideration of the said Bill be deferred.

FRIDAY, 23d MARCH, 1838.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax, and made several amendments thereto—which amendments being read twice by the Clerk, were agreed to by the House.

Report Cemetery Bill with amendments

The Chairman also reported that the Committee had had under their consideration the amendments proposed by this House to the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia, which were not agreed to by the House of Assembly, and had directed him to report that it was the opinion of the Committee that the House should not adhere to the amendment proposed by them to the Ninth Clause of the said Bill, by adding the following Proviso to the said Clause.

Amendments agreed to

Report nindt. to 9th Clause of Union Marine Insurance Co. not adhered to

Provided always, That the Shareholders in such Company shall be jointly and severally, and in their private and individual capacities, and their Executors, Administrators and Assigns, Estates, Goods and Effects, liable for, and answerable to make good, all, every and any losses or loss arising, or which may at any time arise, from the insufficiency, inadequacy or failure, in whole or in part, whether at the time of taking any such Security, or at any time or times afterwards, of, or in, any such Security or Securities, taken for any such future calls or unpaid proportions of Shares of the original or increased Capital of the said Company; *Provided also,* that if any Shareholder shall at any time or times refuse to give or to renew any Security or Securities for the residue of any future calls, or unpaid proportions due on any Share or Shares in the original or any increased Capital held by such Shareholder, after being requested thereto, by the Directors or majority of them, it shall be lawful for the said Directors or a majority of them to sell such Share or Shares at Public Auction, after thirty days' public notice in two or more of the Halifax Newspapers, who shall pay over to the Proprietor or Proprietors thereof, such portion of the proceeds of such Sale as may be due to him or them, after deducting the expenses of Sale, and all other charges and claims thereon, under the Laws and Bye-laws governing the said Corporation.

Whereupon, Mr. Johnston moved that the said Report be not received: which, being seconded, and the question being put, there appeared, for the motion, two; against it, eight,

Motion not to receive report negatived

For the motion,

Mr. Johnston,
Mr. Almon,

Against the motion,

Mr. Campbell, Mr. Allison,
Mr. Stewart, Mr. Morse,
Mr. Cutler, Mr. Wilkins,
Mr. Rudolf, Mr. Uniacke.

So it passed in the negative.

It was then moved that the said report be received: which, being seconded, and the question being put,

Report received

It was resolved in the affirmative.

The Chairman also reported that it was the opinion of the Committee that the House should adhere to the amendment proposed by them to the twenty-third Clause—which amendment is as follows:

Report amendment to 23d Clause adhered to.

Leave out the twenty-third Clause, and insert instead thereof the following Clause:

And be it further enacted, That that the surplus funds remaining from Dividends and the Capital Stock of the said Company, from time to time as the same shall be paid in and collected, and all surplus of monies received, shall be kept constantly invested on good Real or Personal Securities, to be taken by instruments under Seal, or in the public funds at interest, in the name of the Company; but no part thereof shall, beyond the sum absolutely necessary for procuring the necessary buildings, offices, and accommodations of the Company's business, be invested in Real Estate, nor shall any thereof be lent or advanced on Bottomry or Respondentia, or on mortgage of Ships or Vessels; *Provided always,* that, for and as an additional Security for any part of the Capital Stock or surplus funds of the said Company which may be invested as aforesaid, or for or in respect of any Debts that may be contracted with them, mortgages of Real Estate or Personal Property, may be made to, and held by, the said Company; *Provided also,* that mortgage interests in Ships, Vessels or Goods, may be insured thereby, nor shall the said Funds be used or employed in Merchandize, nor shall

shall the Company trade or carry on any business as Merchants, or deal in buying and selling Goods or Personal Property whatsoever ; nor shall any dividend be made on any pretence of the Capital or Joint Stock of the Company, or whereby the same shall be in any way reduced or impaired.

Report received

Ordered, That the said Report be received, and the said amendment be adhered to.

Report part of amds. to 30th Clause not adhered to

The Chairman also reported that it was the opinion of the Committee that the House should agree to the amendment proposed by the House of Assembly, to leave out all the words after the word "mismanagement," in the fifth line of the amendment proposed by this House to the 30th Clause of the said Bill, by adding the following Proviso to the said Clause:

Provided, That nothing herein contained shall limit or apply to the liability of any President, Directors, or other Officers of the said Company, for official misconduct or mismanagement,* or shall limit or apply to the liability of the Shareholders to make good, and be answerable for, all or any losses which may accrue on the Securities, taken either for calls or proportions of Shares not paid up as aforesaid, or for any other of the Capital Stock of the said Company ; but all such liabilities, as well of the President, Directors or Officers of the said Company, or any of them, as of the said Shareholders shall be borne and paid, independently of, and notwithstanding the aforesaid liability of each Shareholder to pay off the claims or demands against the said Corporation, to an amount equal to the amount, at the denomination in this Act fixed, of the Share or Shares held by every such Shareholder, in addition to the Stock paid in and secured by him, as herein directed.

* Not adhered to from this mark

Ordered, That the said Report be received, and that the House do not adhere to that part of the said amendment which has not been agreed to by the House of Assembly.

Report received

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill :

Lands liable to debts

A Bill, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force.

To which Bill they desired the concurrence of this House.

John's Island Pubnico Bill read 3d time and sent to H. A

A Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same, was read a third time, and the question was put by the President,

Whether this Bill, with the amendment, shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill with an amendment—to which amendment they desire the concurrence of the House of Assembly.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 1 o'clock.

Saturday, 24th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

S. B. Robie

The Honorable William Rudolf,
Lewis M. Wilkins, Jun.
James S. Morse,
Robert M. Cutler,
Alexander Campbell,
William B. Almon, MD.

PRAYERS.

The Minutes of yesterday were read.

Message relative to Union Marine Ins. Co. Bill

A Message was sent to the House of Assembly, by the Clerk,

To return the Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia, and to inform them that this House do not adhere to the amendment proposed by them

them to the ninth Clause of the said Bill, by adding a proviso thereto—that they do adhere to the amendment proposed by them to the twenty-third Clause of the said Bill, and that they do not adhere to that part of the amendment proposed by them to the thirtieth Clause of the said Bill, which had not been agreed to by the House of Assembly.

A Bill, entitled, An Act for establishing the Boundary Line between the Counties of Cumberland and Colchester; also,

Boundary Line Cumberland and Colchester

A Bill, entitled, An Act to enable the Proprietors of a certain Meeting-House in Merigonishe, in the County of Pictou, to sell the same; also,

Meeting-House Merigonishe and

A Bill, entitled, An Act for the appointment of Trustees of School Lands in this Province, were read a second time.

Trustees of School Lands read 2d time

Ordered, That the said Bills be committed to a Committee of the whole House, at a future day.

Referred to Com. of whole

A Bill, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and to repeal the Acts now in force, was read a first time.

Lands liable to debts read, &c.

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Referred to Sel. Com.

Ordered, That Mr. Johnston, Mr. Stewart, and Mr. Wilkins, be a Committee for that purpose.

Committee

A Bill, entitled, An Act to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia, was read a second time.

Cumberland Canal Bill read 2d time

Ordered, That the said Bill be referred to a Select Committee, to examine and report upon.

Referred to Sel. Com.

Ordered, That Mr. Wilkins, Mr. Morse and Mr. Uniacke, be a Committee for that purpose.

Committee

Mr. Allison, the Chairman of the Committee appointed to draw up an Address to Her Majesty, praying Her Majesty's Assent to a Bill which has passed the House of Assembly, and this House, entitled, An Act to establish the Form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, reported the draft of an Address; which he read in his place, and afterwards delivered it to the Clerk, who read the same to the House.

Com. to draw Address on Oath Bill report

Ordered, That the said Address be read a second time, at a future day.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Com. on Bills

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly agreed to the amendment proposed by this House to the Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same.

Message agreeing to amnds. to John's Island Pubnico Bill

The Messenger also informed the House that the House of Assembly desired a Conference with this House, by Committee, on the amendments proposed by this House to the Bill, entitled, An Act to continue the Act to lessen the expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province; also,

Conference asked by H. A. on amends. to Proof of Written Documents

On the amendments to the Bill, entitled, An Act to continue the Act to restrain the issue of Writs of Attachment, in certain cases.

Attachments and

Also, on the amendments to the Bill, entitled, An Act to continue the Act relating to Marriage Licenses.

Marriage Licenses Bills

Ordered, That the said Conference be agreed to, and a Message was sent to the House of Assembly by the Clerk, to acquaint them therewith.

Agreed to

Ordered, That Mr. Johnston and Mr. Stewart, be a Committee of this House, to manage the said Conference.

Committee

And the Managers went to the Conference; and being returned,

Mr.

SATURDAY, 24th MARCH, 1838.

Report	Mr. Johnston reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.
Message not agreeing to amends. to Proof of Written Documents	A Message was brought from the House of Assembly, by Mr. Whidden, To return a Bill, entitled, An Act to continue the Act to lessen the expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province; also, A Bill, entitled, An Act to continue the Act to restrain the issuing of Writs of Attachment, in certain cases; also,
Attachments	A Bill, entitled, An Act to continue the Act relating to Marriage Licenses, and to acquaint the House that the House of Assembly did not agree to the amendments proposed by this House to the said Bills.
Marriage License Bills	The amendments proposed by this House to the Bill, entitled, An Act to continue the Act to lessen the expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province, were read, and on motion, <i>Resolved</i> , That the said amendments be not adhered to.
Amendments to Proof of Written Documents Bill	The amendments proposed by this House to the Bill, entitled, An Act to continue the Act to restrain the issuing of Attachments in certain cases, were read, and on motion, <i>Resolved</i> , That the said amendments be not adhered to.
Not adhered to	The amendments proposed by this House to a Bill, entitled, An Act to continue the Act relating to Marriage Licenses, were read, and on motion, <i>Resolved</i> , That the said amendments be not adhered to.
Amendments to Attachments Bill not adhered to	A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:
Amendments to Marriage License Bill not adhered to	A Bill, entitled, An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks.
Drawbacks	A Bill, entitled, An Act in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.
Roads and Bridges	A Bill, entitled, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.
County Rates	A Bill, entitled An Act to continue the Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of his Province.
Disorderly Riding	A Bill, entitled, An Act to continue the Act relating to the Court of Commissioners at Halifax.
Courts. Court Halifax	A Bill, entitled, An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Re-grating and Monopolizing.
Forestalling	A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.
Rates of Carriage	A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.
Constables Fees Comrs. Court	A Bill, entitled, An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.
Watch	A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef.
Beef	A Bill, entitled, An Act to continue the Act to suspend the operation of the Act to prevent Forestalling, Re-grating and Monopolizing, of Cordwood in the Town of Halifax.
Forestalling Cord Wood	A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax.
Bridewell Halifax	A Bill, entitled, An Act to continue the Act to repeal the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.
Firewards	A Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto.
Pilotage Halifax	To which Bills they desired the concurrence of this House.
Adjourn	On motion made and seconded—the House adjourned until Monday, at 1 o'clock.

Monday,

Monday, 26th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable Peter McNab, Joseph Allison, Norman F. Uniacke, James W. Johnston, William Lawson, Alexander Stewart,	S o n o n o n o n	The Honorable S. B. Robie, President. The Honorable William Rudolf, Lewis M. Wilkins, Junr. James S. Morse, Robert M. Cutler, Alexander Campbell, William B. Almon, M. D.
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PRAYERS.

The Minutes of Saturday were read.

Mr. Stewart, the Chairman of the Committee appointed to take into consideration the contingent expenses of this House, made his report—which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows: Report of Com. on Contingent expenses

The Committee appointed to consider of, and report to the Council, the amount of the contingent expenses of the present Session, report as follows:

That there is required for the Clerk of the Council	£150	0	0
Gentleman Usher of the Black Rod	75	0	0
1st Messenger	40	0	0
2nd Messenger	30	0	0
J. Berton's Bill, for fitting Room, &c.	49	14	8
C. H. Belcher's account for Stationary	30	0	0
A. Dechezeau's account for Stoves, &c.	12	12	7½
Tempest and Tapper's account	11	0	0
To procure Hatsell's Precedents, and the Standing Orders of the Lords and Commons, pursuant to the Resolution of the Council, to be received and accounted for by the Committee appointed on the 20th inst. to frame Rules, &c. for the Council	15	0	0
Thompson & Esson's Bill for Tables, &c.	49	11	1
	£462	18	4½

Of this sum the amount payable to the 1st Messenger is provided by a Resolution which has passed both Houses £40 0 0
 Also towards the contingent expenses of the Session 30 0 0

£70 0 0

And the Fuel is provided by the Clerk of the House of Assembly out of the vote for £165, which has passed the House and Council this Session

Amount of Contingencies	£462	18	4½
Provided for	70	0	0

To be provided for £392 18 4½

(Signed) A. STEWART, Chairman.

Committee Room of the Council, March 26th, 1838.

Ordered, That the said Report be received and do lie on the Table.

Mr. Stewart brought up the Petition of Roderick McDonald; also, the Petition of Kenneth John McKenzie and others, of Pictou, praying that Bill relative to the Pictou Academy may not pass; which were read, and ordered to lie on the Table. Pet. of R. McDonald
R. J. MacKenzie & al.

Mr. Johnston presented the Petition of Robert McKay and others of Pictou, of Samuel Archibald and others of Truro, and John Dickson and others of Onslow, praying that the said Bill may be passed, which were ordered to lie on the Table. Pet. of J. R. McKay
& al. S. Archibald & al. S. Dickson & al.

MONDAY, 26th MARCH, 1838.

Drawbacks	A Bill, entitled, An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks; also,
Roads & Bridges	A Bill, entitled, An Act in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; also,
County Rates	A Bill, entitled, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof; also,
Disorderly Riding	A Bill, entitled, An Act to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province; also,
Comms. Court Halifax	A Bill, entitled, An Act to continue An Act relating to the Court of Commissioners at Halifax; also,
Forestalling	A Bill, entitled, An Act to continue the Act, to suspend the operation of several Acts of the General Assembly, passed to prevent Forstalling, Reqrating and Monopolizing; also,
Rates of Carrige	A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the rates and prices of Carriages; also,
Constable Comms. Court Halifax	A Bill, entitled, An Act to continue the Act, to regulate the Fees of the Constable of the Court of Commissioners at Halifax; also,
Watch	A Bill, entitled, An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at night; also,
Beef	A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef; also,
Forstaling Cord Wood	A Bill, entitled, An Act to continue the Act to suspend the operation of the Act, to prevent Forestalling, Reqrating and Monopolizing, of Cord Wood, in the Town of Halifax; also,
Bridwell Halifax	A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax; also,
Firewards	A Bill, entitled, An Act to continue the Act to repeal the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof; also,
Pilotage Halifax	A Bill, entitled, An Act to continue the Act, to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto, were read a first time.
Ref. to Sel. Com. Committee	<i>Ordered</i> , That the said Bills be referred to a Select Committee to examine and report upon. <i>Ordered</i> , That Mr. Johnston, Mr. McNab and Mr. Rudolf, be a Committee for that purpose.
Proof of Written Documents	A Message was sent to the House of Assembly by the Clerk, To return the Bill, entitled, An Act to continue the Act to lessen the expenses of the proof Written Documents in Actions depending in any of the Courts within this Province; also,
Attachments	A Bill, entitled, An Act to continue the Act to restrain the Issuing of Writs of Attachments in certain cases; also,
Marriage Licence Bills sent to H. A.	A Bill, entitled, An Act to continue the Act, relating to Marriage Licences, and to acquaint them that this House do not adhere to the amendments proposed by them to the said Bills, but agree to the said Bills as originally sent up.
Order of Day on Pictou Academy postponed	The order of the day for the House to be put into a Committee of the whole House for the consideration of the Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy, being read, It was on motion, <i>ordered</i> , that the Order of the day be postponed until to-morrow.
Witnesses to be examined	On motion of Mr. Johnston, <i>ordered</i> , that witnesses be examined at the Bar, relative to the Pictou Academy.
10,000l. defence of Province	A Message was brought from the House of Assembly by Mr. Whidden with the following Resolution. <i>Resolved unanimously</i> , As the opinion of this House, that His Excellency the Lieutenant-Governor be authorized, by and with the advice of the Executive Council, on any declaration of war by the Government of the Mother Country against the United States or any other

MONDAY and TUESDAY, 26th and 27th MARCH, 1838.

other Foreign Power, or by any such Powers against Her, or upon any hostile invasion of the Province, to advance from the Provincial Chest during the recess of the General Assembly, a sum not exceeding Ten Thousand Pounds, to be expended in the purchase of Arms, Ammunition and Accoutrements and organizing and disciplining the Militia.

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time,

Ordered, That the said Resolution be read a second time at a future day.

The Messenger also informed the House that the House of Assembly adhered to their Resolution, not to agree to the third amendment proposed by this House to the Bill, entitled, An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, by leaving out the fifth clause of the said Bill.

Message rel. to License Bill

On motion, resolved, that the said Bill be not agreed to, and a Message was sent to the House of Assembly by the Clerk,

Bill disagreed to

To return the said Bill, and acquaint them that this House do not agree to the said Bill.

And sent to H. A.

The House was adjourned, during pleasure, and put into a Committee on Bills; after some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Com. on Bill report

Mr. Almon brought up the Petition of the Rev. D. A. Fraser, praying to be heard by Council or otherwise at the Bar of the House, against the passing of the Bill relative to the Pictou Academy; which was read and ordered to lie on the Table.

Pet. of Rev. D. A. Fraser

Ordered, That the Petitioner, by himself, be heard at the Bar of the House to-morrow.

Pet. to be heard at Bar

Ordered, That Mr. Alexander P. Ross be heard at the Bar of the House on the said Bill to-morrow as a witness or otherwise.

Mr. Ross to be heard at Bar

On motion made and seconded, the House adjourned until to-morrow at one o'clock.

Adjourn

Tuesday, 27th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

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The Honorable William Rudolf,
Lewis M. Wilkins, Junr.
James S. Morse,
Robert M. Cutler,
Alexander Campbell,
William B. Almon, M. D.

PRAYERS.

The Minutes of Yesterday were read,

Mr. Wilkins the Chairman of the Committee to whom the Bill, entitled, An Act to authorize the incorporation of a Company for making a navigable Ship Canal across the Isthmus of Cumberland in Nova-Scotia, was referred, reported that a Committee had had the said Bill under their consideration, and suggested several alterations and recommended that the said Bill should be committed to a Committee of the whole House.

Com. report on Cumberland Canal Bill recommend Bill to Com.

Ordered, That the said Report be received, and the said Bill be committed to a Committee of the whole House at a future day.

Report read & Bill referred

A Report of His Honor Mr. Justice Sawers, dated 3rd March, 1834, to His Honor the then President and Commander-in-Chief of the Province, relative to the Pictou Academy, from the Journals of the House of Assembly of the Session of 1837, was read.

Report of 1834 relative to Pictou Academy

The Report of the Commissioners appointed by His Excellency the Lieutenant-Governor, to report upon the Pictou Academy, since the last Session of the General Assembly transmitted by His Excellency to this House on the 21st instant, was read.

Do. of 1837

The

Statements of D. McCulloch in 1832

The Statement delivered to this House by the Rev. Dr. McCulloch relative to the Pictou Academy, in the Session of 1832, was read.

Pet. of P. Crerar R. McKenzie

The Petitions of Peter Crerar, of Roderick McDonald and of Kenneth J. McKenzie, and others against the Bill relative to the Pictou Academy, were read.

Pet. of R. MacKay & al. S. Archibald & al. & J. Dickson read

The Petition of Robert McKay and others of Pictou ; of Samuel Archibald and others of Truro, and of John Dickson and others of Onslow, in favour of the said Bill, were read.

Mr. Fraser heard

Pursuant to the Order of yesterday, the Rev. Donald A. Fraser was heard at the Bar of the House against the said Bill.

And interrogated

After which several questions were proposed by Members of the House to Mr. Fraser relative to the Pictou Academy, and were answered by him.

Mr. Ross heard

Pursuant to the Order of yesterday, Mr. Ross was heard at the Bar of the House on the subject of the said Bill.

And interrogated

After which several questions were proposed by Members of the House to him relative to the Pictou Academy, and were answered by him.

Message rel. to Union Marine Ins. Co.

A Message was brought from the House of Assembly by Mr. Whidden, To inform the House that the House of Assembly did not adhere to their determination, not to agree to the amendment to the 23rd clause of the Bill, entitled, An Act to incorporate the Marine Insurance Company of Nova-Scotia.

Message rel. to Halifax Marine Ins. Co.

The Messenger also informed the House, that the House of Assembly agreed to the amendments proposed by this House to the second, fifth, sixth, thirteenth, seventeenth, twenty-second, twenty-third and thirtieth clauses of the Bill, entitled, An act to Incorporate the Halifax Marine Insurance Company ; and did not agree to the amendments proposed to the ninth clause, and agreed to the amendment proposed to the thirty-second clause, with the following amendment "leave out the Proviso thereby proposed, to be added to said 32d Clause, all the words after the word "mismanagement."

Sable Island

The Messenger also brought up the following Bills.

Poor Settlers

A Bill, entitled, An Act for the better regulation of Sable Island in this Province.

Imbert Mills Co.

A Bill, entitled, An Act to extend for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province.

Licences

A Bill, entitled, An Act to incorporate the Imbert Mills Company.

A Bill, entitled, An Act to continue the Act for granting Duties on Licenses and in amendment thereof.

Sliding Pictou

A Bill, entitled, An Act to extend to the Town of Pictou, the Provisions of An Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the hills in the Streets of Halifax.

Adjourned

To which Bills they desired the concurrence of this House.

On motion made and seconded—the House adjourned until to-morrow at one o'clock.

Wednesday, 28th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Hon. S. B. Robie, President,

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

The Honorable William Rudolf,
Lewis M. Wilkins, Jun.
James S. Morse,
Robert M. Cutler,
Alexander Campbell,
William B. Almon, M. D.

PRAYERS.

The Minutes of yesterday were read.

License read 1st time

A Bill, entitled, An Act to continue the Act for granting Duties on Licenses and in amendment thereof, was read a first time.

Ordered,

WEDNESDAY, 28th MARCH, 1838.

Ordered, That the said Bill be read a second time at a future time.

Read 2d time

The said Bill was by order read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House at a future time.

A Bill, entitled, An Act for the better regulation of Sable Island in this Province; also, A Bill, entitled, An Act to extend, for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province; also,

Sable Island

Poor Settlers

A Bill, entitled, An Act to incorporate the Imbert Mills Company; also,

Imbert Mills Co.

A Bill, entitled, An Act to extend to the Town of Pictou the provisions of an Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the hills in the Streets of Halifax, was read a first time.

Sliding Pictou read 1st time

Ordered, That the said Bills be read a second time at a future day.

Mr. Lawson brought up the Petition of John Sessions, praying the dissent of this House to the Bill to incorporate the Imbert Mills Company; which was ordered to lie on the Table.

Pet. of John Sessions

The Chairman of the Committee to whom the Bill, entitled, An Act to continue and amend the Act concerning Goods exported and for granting Drawbacks, was referred, made his report.

Com. on Drawback Bill report

Whereupon the said Bill was read a second time.

Bill read 2d time

Ordered, That the said Bill be committed to a Committee of the whole House at a future time.

A Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds for the Town of Halifax, was read a third time.

Cemeteries read 3d time &

And the question was put by the President,

Whether this Bill, with the amendments, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Bill, and acquaint them that this House have agreed to the said Bill with several amendments—to which amendments they desire the concurrence of the House of Assembly.

The House was adjourned during pleasure, and put into a Committee for the further consideration of the Bill, entitled, An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.—After some time the House was resumed, and Mr. McNab reported that the Committee had gone through the said Bill, and had directed him to report the same to the House without any amendment.

Com. on Gen. Impost Bill

Reported without amendment

The said Bill was then read a third time, and the question was put by the President,

Bill read 3d time

Whether this Bill shall pass?

Agreed to &

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Bill, and acquaint them that this House have agreed to the said Bill without any amendment.

Mr. Wilkins moved the following Resolution:

Resolved, That a Committee be appointed to wait upon His Excellency the Lieutenant-Governor, and to request His Excellency to direct the proper officer to lay before this House a copy of the Order (if any such have been made) made by the Board of the Governors of Dalhousie College, approving of the removal of the Rev. Dr. Thomas McCulloch from the Academy at Pictou to Dalhousie College: which, being seconded, and the question being put, it was resolved in the negative.

Resolution to wait on H. E. for resolution of Govs. of Dalhousie College rel. to removal of Dr. McCulloch

The Resolution for placing the Sum of £10,000 at the disposal of His Excellency the Lieutenant-Governor in case of War to arm the Militia, was read a second time, and the question was put by the President,

10,000l. defence of Province

Whether

WEDNESDAY, 28th MARCH, 1838.

Agreed to &	Whether this Resolution be agreed to ? It was resolved in the affirmative unanimously.
Sent to H. A.	A Message was sent to the House of Assembly by the Clerk, To return the said Resolution, and acquaint them therewith.
Com. on Bills	The House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.
Report License Bill without amendment	The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to continue the Act for granting Duties on Licenses, and in amendment thereof, and had directed him to report the same to the House without any amendment.
Bill read 3d time	The said Bill was then, by order, read a third time, and the question was put by the President,
Agreed to	Whether this Bill shall pass ? It was resolved in the Affirmative.
And sent to H. A.	A Message was sent to the House of Assembly, by the Clerk, To return the said Bill, and acquaint them that this House have agreed to the said Bill without any amendment.
Com. on Bills	The House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.
Report Drawback Bill with amendments	The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks, and had made an amendment thereto.
Amendments agreed to	Which amendment being read twice by the Clerk was agreed to by the House.
Bill read 3d time	The said Bill was then read a third time, and the question was put by the President. Whether this Bill, with the amendments, shall pass ? It was resolved in the affirmative.
And sent to H. A.	A Message was sent to the House of Assembly, by the Clerk, To return the said Bill, and acquaint them this House have agreed to the said Bill with an amendment, to which amendment they desire the concurrence of the House of Assembly.
Amendments to Union Marine Ins. Co. considered	The House proceeded to the consideration of the amendments proposed by this House, to the Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, which had not been agreed to by the House of Assembly.
Amendments to 9th Clause	And the amendment proposed by this House to the 9th clause of the said Bill, was read as follows : At the end of this clause add the following Proviso : <i>Provided always,</i> That the Shareholders in such Company shall be jointly and severally, and in their private and individual capacities, and their Executors, Administrators and Assigns, Estates, Goods and Effects, liable for and answerable to make good, all, every and any losses or loss arising, or which may at any time arise, from the insufficiency, inadequacy or failure, in whole or in part, whether at the time of taking any such Security, or at any time or times afterwards, of, or in, any Security or Securities, taken for any such future calls or unpaid proportions of Shares of the original or increased Capital of the said Company. <i>Provided,</i> That if any Shareholder shall at any time or times refuse to give or to renew any Security or Securities for the residue of any future calls, or unpaid proportions due on any Share or Shares in the original or any increased Capital held by such Shareholder, after being requested thereto, by the Directors or majority of them, to sell such Share or Shares at Public Auction, after thirty days' public notice in two or more of the Halifax Newspapers, who shall pay over to the Proprietor or Proprietors thereof such portion of the proceeds of such Sale as may be due to him or them, after deducting the expenses of Sale, and all other charges and claims thereon, under the Laws and Bye-laws governing the said Corporation.
	Whereupon, Mr. Johnston moved that the said amendment be adhered to : which, being seconded

seconded, and the question being put, there appeared, for adhering to the amendment, three ; against adhering to the amendment, ten.

For adhering to the amendment,

Mr. Almon,
Mr. Morse,
Mr. Johnston,

Against adhering to the amendment,

Mr. Tobin, Mr. Rudolf,
Mr. Cutler, Mr. Lawson,
Mr. Stewart, Mr. Allison,
Mr. Uniacke. Mr. McNab,
Mr. Campbell, Mr. Wilkins,

So it passed in the negative.

Ordered, That the said amendment be not adhered to.

Not adhered to

The amendment proposed to the 32nd Clause of the said Bill was read as follows :

Part of the amendt. to 32d Clause not ad- to

At the end of this Clause add the following Proviso :

Provided, That nothing herein contained shall limit or apply to the liability of any President, Directors, or other Officers of the said Company, for official misconduct or *misman-agement*,* or shall limit or apply to the liability of the Shareholders to make good, and be answerable for all or any losses which may accrue on the Securities, taken either for calls or proportions of Shares not paid up as aforesaid, or for any other of the Capital Stock of the said Company ; but all such liabilities, as well of the President, Directors or Officers of the said Company, or any of them, as of the said Shareholders, shall be borne and paid, independently of, and notwithstanding the aforesaid liability of each Shareholder to pay off the claims or demands against the said Corporation, to an amount equal to the amount, at the denomination in this Act fixed, of the Share or Shares held by every such Shareholder, in addition to the Stock paid in and secured by him, as herein directed.

* Thus far adhered to

On motion, *resolved*, that such part of the said amendment as has not been agreed to by the House of Assembly be not adhered to.

A Message was sent to the House of Assembly, by the Clerk,

Message to H. A. with Bill

To return the said Bill, and acquaint them that this House do not adhere to the amend-ments proposed by them to the ninth clause of the said Bill—and do not adhere to that part of the amendment proposed by this House to the 32nd clause of the said Bill, which has not been agreed to by the House of Assembly.

Mr. Johnson, by His Excellency's command, laid before the House an account of the Ca-sual and Territorial Revenue, for the year 1837—which was ordered to lie on the Table.

Acct. of Casual Re-venues

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly could not consider the amendments proposed by this House to the Bill, entitled, An Act to continue and amend the Act con-cerning Goods exported, and for granting Drawbacks, as it is in the nature of a Grant of Money from the Treasury, and affects taxation.

Message from H. A. rel. to amendments to Drawback Bill

Dr. Martin, the Rev. Donald A. Fraser and Alexander P. Ross, Esq. were again inter-rogated relative to the Pictou Academy.

Examination rel. to Pictou Academy

A Message was brought from the House of Assembly, by Mr. Whidden, with the follow-ing Resolutions :

Resolved, That the Sum of Ten Thousand Pounds granted for the Road and Bridge ser-vice, be applied as follows :

Gen. Division of Road Vote

For the County of Halifax	£950
Hant's	750
King's	750
Annapolis	450
Digby	450
Yarmouth	480
Shelburne	460
Queen's	530

For

For the County of Lunenburg	£700
Colchester	720
Cumberland	510
Pictou	760
Sydney	460
Guysborough	460
Cape-Breton	570
Richmond	450
Inverness	570
	£10,000

Division of 950l. Halifax County

Also, with a Resolution specifically applying the sum of £950, appropriated for Roads and Bridges in Halifax County ;

760l. Hants

Also, with a Resolution specifically applying the sum of £750, appropriated for Roads and Bridges in Hants' County ;

760l. Kings

Also, with a Resolution specifically applying the sum of £750, appropriated for Roads and Bridges in King's County ;

450l. Annapolis

Also, with a Resolution specifically applying the sum of £450 appropriated for Roads and Bridges in Annapolis County ;

450l. Digby

Also, with a Resolution specifically applying the sum of £450 appropriated for Roads and Bridges in the County of Digby ;

460l. Yarmouth

Also, with a Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Yarmouth ;

460l. Shelburne

Also, with a Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Shelburne ;

530l. Queen's

Also with a Resolution specifically applying the sum of £530 appropriated for Roads and Bridges in Queen's County ;

700l. Lunenburg

Also, with a Resolution specifically applying the sum of £700 appropriated for Roads and Bridges in the County of Lunenburg ;

720l. Colchester

Also, with a Resolution specifically applying the sum of 720 appropriated for Roads and Bridges in the County of Colchester ;

510l. Cumberland

Also with a Resolution specifically applying the sum of £510 appropriated for Roads and Bridges in the County of Cumberland ;

760l. Pictou

Also, with a Resolution specifically applying the sum of £760 appropriated for Roads and Bridges in the County of Pictou ;

460l. Sydney

Also, with a Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Sydney ;

460l. Guysborough

Also, with a Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Guysborough ;

460l. Richmond

Also, with a Resolution specifically applying the sum of £450 appropriated for Roads and Bridges in the County of Richmond ;

570l. Cape Breton

Resolved, That the sum of Five Hundred and Seventy Pounds, granted for Roads and Bridges in the County of Cape-Breton, be placed at the disposal of His Excellency the Lieutenant-Governor for that service.

570l. Inverness

Resolved, That the sum of Five Hundred and Seventy Pounds, granted for Roads and Bridges in the County of Inverness, be placed at the disposal of His Excellency the Lieutenant-Governor, to be expended in that service.

To which Resolution they desired the concurrence of this House—the said Resolutions were read a first time.

Ordered, That the said Resolutions be read a second time.

Adjourn

On motion made and seconded—the House adjourned until To-morrow, at 1 o'clock.

Thursday,

Thursday, 29th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter M'Nab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
William Lawson,
Alexander Stewart,

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The Honorable William Rudolf,
Lewis M. Wilkins, Junr.
James S. Morse,
Robert M. Cutler,
Alexander Campbell,
William B. Almon, M. D.

PRAYERS.

The Minutes of Yesterday were read,

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly agreed to the Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company, as amended.

Also, to inform the House, that the House of Assembly agreed to the amendments proposed by this House to the Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds for the Town of Halifax.

On motion of Mr. Stewart, *resolved*, that although this House has a right to propose the amendments to the Bill, entitled, An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks, which amendments the House of Assembly have declined considering, yet this House will not adhere to the same, but agree to the said Bill as originally sent up, but this assent thereto not to be drawn into Precedent.

Ordered, That the Clerk do carry down the said Bill to the House of Assembly, and acquaint them that this House do not adhere to the amendments proposed to the said Bill, but agree to the said Bill as originally sent up.

A Bill, entitled, An Act to Incorporate the Halifax Marine Insurance Company; also, A Bill, entitled, An Act to Incorporate the Union Marine Insurance Company of Nova Scotia, were read as amended, and the question was put by the President on each Bill, Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bills, and acquaint them therewith.

A Bill, entitled, An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same;

Also a Bill, entitled, An Act further to amend the Act concerning Cemeteries or Burial Grounds for the Town of Halifax, were read, as amended, and the question was put by the President on each Bill.

Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk, To return the said Bills and acquaint them therewith.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

The Chairman also reported, that the Committee had gone through the Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, into a separate and distinct District, and had made an amendment thereto.

Which amendment being read twice by the Clerk, was agreed to by the House.

Message agreeing to Marine Ins. Bill as amended

Also to amendments to Cemeteries Bill

Resolution relative to Drawback Bill

Amendments not adhered to

Bill sent to H. A.

Halifax Marine Ins. Company & Nova Scotia Union Marine Ins. Company

Finally agreed to &

Sent to H. A.

John's Island Pubnico

Cemetery Bills finally agreed to &

Sent to H. A.

Com. on Bills

Report Saint Mary's Bill with amendment

Amendment agreed to

THURSDAY, 29th MARCH, 1838.

Bill read 3d time &	The said Bill was then read a third time, and the question was put by the President, Whether this Bill, with the amendment, shall pass ? It was resolved in the affirmative.
Sent to H. A.	A Message was sent to the House of Assembly by the Clerk, To return the said Bill and acquaint them that this House have agreed to the said Bill with an amendment, to which amendment they desired the concurrence of the House of Assembly.
His Excellency comes to Council Chamber	His Excellency the Lieutenant-Governor came to the Council Chamber, attended as usual, and being seated, the Gentleman Usher of the Black Rod received His Excellency's command, to let the House of Assembly know it is His Excellency's will and pleasure they attend him immediately in this House.
House of Assembly attend Assent to 62 Bills	Who, being come with their Speaker, His Excellency was pleased to give his Assent to Sixty-two Bills, entitled, as follows :
Roads & Bridges	An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.
Pugwash	An Act to continue the Act to preserve and regulate the Navigation of the Harbor of Pugwash.
Shubenacadie Fishery	An Act to continue the Act for regulating the Fishery in the River Shubenacadie.
Supervisors of Public Grounds	An Act to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.
Settlement of the Poor	An Act to continue the Act in amendment of the Act for the settlement of the Poor in the several Townships within this Province.
Town Officers	An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Act to alter and amend the same.
Diseases from Bite of Animals	An Act to continue the Act to provide against the occurrence of Diseases from the bite of Animals.
Nuisances in Rivers	An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province.
Light-Houses.	An Act to continue the Act for the support and regulation of Light-Houses.
Landings Kings County	An Act to continue the Act to regulate certain Landings in King's County.
Poor Rates Pictou	An Act to continue the Act respecting the collection of Poores' Rates of Pictou.
Roads & Bridges	An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof.
Infectious Diseases	An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.
Commrs. of Sewers	An Act to continue the Act in amendment of the Acts relating to Commissioners of Sewers.
Cape Breton	An Act, to continue the Act in amendment of an Act made and passed in the 1st and 2d years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.
Grammar School Annapolis	An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.
Smoked Herrings	An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.
Nuisances	An Act to continue the Act, additional, concerning Nuisances.
Fishermen's Nets	An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.
Summary Trials	An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.
Malicious injuries to Property	An Act to continue the Act concerning malicious injuries to Property.
Wills, Legacies, &c.	An Act to continue the several Acts now in force, in addition to, and amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.

An

An Act to continue the Act to amend the Act for establishing a Public School in the Town of Halifax.	Public School Halifax
An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.	Bears &c.
An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County.	Sea Manure Queen's
An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.	Quarantine
An Act to continue the Acts in force relative to the Inspection of Pickled Fish.	Pickled fish
An Act to alter the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace at Arichat, in the County of Richmond.	Inf. Courts Arichat
An Act to authorise the sale of the old Jail at Liverpool, in Queen's County, and the Lot of Land on which it stands.	Sale of Jail at Liverpool
An Act respecting the Travelling Fees of Constables in certain cases.	Constables' Fees
An Act to enable a Company, called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Manager for the time being of the said Company, in this Province.	Bank of British North America
An Act respecting Elections for the County of Colchester.	Elections Colchester
An Act respecting the Fire-Men for the Town of Halifax.	Halifax Fire Men
An Act to amend the Act for the support and regulation of Light-Houses.	Light-Houses
An Act to establish that part of the Township of Clements, lying in the County of Digby, into a separate Township.	Clements Township
An Act to modify the Provisions of the Act for preventing Persons leaving the Province without a Pass.	Pass
An Act to prevent injuries to the Fisheries within the County of Lunenburg, by Mill-dams, or any other obstruction.	Fisheries Lunenburg
An Act for the regulation of Juries.	Juries
An Act to provide for the opening of certain New Roads in Queen's County.	New Roads Queen's County
An Act to authorise the settlement of a certain Debt claimed from the Township of Windsor.	Windsor Debt
An Act to regulate the Fisheries in Chedabucto Bay.	Fisheries Chedabucto Bay
An Act to establish the County or Shire Town in the County of Digby.	Digby Shire Town
An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other Provisions in lieu thereof.	Public Landing Windsor
An Act respecting the exportation of Grindstones from this Province.	Grindstones
An Act to Incorporate a Company for the purpose of prosecuting the Whale Fishery, by the name of the "The Nova-Scotia Whaling Company,"	Whaling Company
An Act to continue and amend the Act for regulating the Importation of Goods.	Importation of Goods
An Act to continue the several Acts for the prevention of Smuggling.	Smuggling
An Act to continue the Act for the general regulation of the Colonial Duties.	Colonial Duties
An Act to continue the Act for granting a Bounty on Chocolate, manufactured in this Province.	Chocolate
An Act to continue the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for Sales by Auction, to Persons resident in the Town of Halifax.	Licences Halifax
An Act to continue and amend the Act to encourage the manufacture of Tobacco in this Province, by granting a Bounty thereon.	Tobacco
An Act to continue and amend the Act for the Warehousing of Goods.	Warehouse
An Act to continue the Act to lessen the expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province	Proof of Written Documents
An Act to continue the Act to restrain the issuing Writs of Attachment, in certain cases.	Attachments
An Act to continue the Act relating to Marriage Licenses.	Marriage Licenses
An Act to continue and amend the Act, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government, within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.	Colonial Duties

THURSDAY, 29th MARCH, 1838.

Licences

An Act to continue the Act for granting Duties on Licenses, and in amendment thereof.

Drawbacks

An Act to continue and amend the Act concerning Goods exported, and for granting Drawbacks.

John's Island Pubnico

An Act to enable the Proprietors of a certain Island at Pubnico, called John's Island, to divide the same.

Cemeteries

An Act further to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

Union Marine Ins. Company

An Act to Incorporate the Union Marine Insurance Company of Nova-Scotia.

Halifax Marine Ins. Company

An Act to Incorporate the Halifax Marine Insurance Company.

Dissents to 2 Bills

His Excellency was pleased to dissent to two Bills, entitled, as follows :

Oaths

An Act to establish the form of Oaths hereafter to be taken by Her Majesty's subjects in this Province, instead of the Oaths of Abjuration and Supremacy.

Inverness

An Act to increase the Representation of the County of Inverness.

Withdrawn

His Excellency retires

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

Com. to prepare Address to Her Majesty to alter His Excellency's instructions rel. to Sate Oaths

On motion, *resolved*, that the Committee appointed on the _____ to prepare an Address to Her Majesty, praying Her Assent to the Bill, entitled, An Act to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, to which Bill His Excellency has not given his assent, do prepare an Address to Her Majesty, praying that She will be graciously pleased to cause the Royal Instructions to be modified in such manner, as will enable His Excellency to give his assent to such Bill at a future Session.

The Resolution for dividing the Sum of Ten Thousand Pounds voted for Roads and Bridges for the present year.

Also, the Resolution specifically applying the sum of £950, appropriated for Roads and Bridges in the County of Halifax.

Also, the Resolution specifically applying the sum of £750, appropriated for Roads and Bridges in the County of Hants';

Also, the Resolution specifically applying the sum of £750, appropriated for Roads and Bridges in King's County;

Also, the Resolution specifically applying the sum of £450 appropriated for Roads and Bridges in the County of Annapolis;

Also, the Resolution specifically applying the sum of £450 appropriated for Roads and Bridges in the County of Digby;

Also, the Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Yarmouth;

Also, the Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Shelburne;

Also the Resolution specifically applying the sum of £530 appropriated for Roads and Bridges in Queen's County;

Also, the Resolution specifically applying the sum of £700 appropriated for Roads and Bridges in the County of Lunenburg;

Also, the Resolution specifically applying the sum of £720 appropriated for Roads and Bridges in the County of Colchester;

Also, the Resolution specifically applying the sum of £510 appropriated for Roads and Bridges in the County of Cumberland;

Also, the Resolution specifically applying the sum of £760 appropriated for Roads and Bridges in the County of Pictou;

Also, the Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Sydney;

Also, the Resolution specifically applying the sum of £460 appropriated for Roads and Bridges in the County of Guysborough;

Also, the Resolution specifically applying the sum of £450 appropriated for Roads and Bridges in the County of Richmond;

Also,

Also, the Resolution placing at the disposal of His Excellency the Lieutenant-Governor the sum of £570 appropriated for Roads and Bridges in the County of Cape-Breton;

Also, the Resolution placing at the disposal of His Excellency the Lieutenant-Governor the sum of £570 appropriated for Roads and Bridges in the County of Inverness, were read a second time, and the question was put by the President, on each Resolution,

Read 2d time

Whether this Resolution be agreed to?

Agreed to &

It was resolved in the affirmative.

A Message was sent to the House of Ass^ymbly, by the Clerk,

Sent to H. A.

To return the said Resolutions and acquaint them therewith.

The following Resolutions for granting money, viz.

Money voted

£1275 To be divided on the Great Roads of the Province.

100	0	0	Clerk	} of House of Assembly.
100	0	0	Assistant Clerk	
165	0	0	Contingencies of Assembly.	
75	0	0	Stationary, &c.	
500	0	0	Casualty vote.	
10	0	0	J. J. Sawyer, Sheriff of Halifax.	
100	0	0	Solicitor General.	
150	0	0	Attorney General.	
51	18	9	John Munro.	
6	5	6	John McKinnon.	
74	4	4½	Stephen Binney.	
20	0	0	D. Durland.	
10	0	0	Cornelius Craig.	
200	0	0	James H. Tidmarsh.	
5	0	0	William Leigh.	
25	0	0	Thomas Whittemore.	
12	10	0	William Ross.	
100	0	0	Grammar School at Sydney, C. B.	
12	10	0	George and Jacob Hiltz.	
200	0	0	Halifax Steam Boat Company.	
9	18	0	Peter Morrissey.	
7	0	0	To each Clerks of the Peace.	
100	0	0	James Whitney.	
49	3	6	Overseers of the Poor, Pictou.	
10	10	7	do. do. Windsor.	
20	0	0	Indian Chapel, Douglas.	
20	0	0	To clear out entrance to Porter's Lake.	
40	0	0	do. do. Tracadie Harbour.	
25	0	0	Major George Ruxton.	
35	11	10	Henry Goudge.	
68	14	3	William Reull.	
30	0	0	Buoys at Barrington.	
120	0	0	Bridge at Margaree.	
16	16	9	Overseers of the Poor, Maxwelton.	
50	0	0	Breakwater at Gates' Mountain.	
20	0	0	To each County for Oat-Mills.	
73	19	3	Robert Lawson.	
50	0	0	Marshall's Cove, Wilmot.	
150	0	0	Breakwater at Givan's Cove, in Cornwallis.	

Also, the Resolution authorizing an account to be kept of Duties on Live Stock, &c. imported from the United States for the use of the Poor in Halifax, were read a second time, and the question was put by the President on each Resolution.

Whether

FRIDAY, 30th MARCH, and MONDAY, 2d APRIL, 1838.

Whether this Resolution be agreed to?
It was resolved in the affirmative.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 1 o'clock.

Friday, 30th March, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable Peter McNab,	The Honorable Lewis M. Wilkins, Junr.
Joseph Allison,	James S. Morse,
Norman F. Uniacke,	Robert M. Cutler,
William Lawson,	Alexander Campbell,
Alexander Stewart,	William B. Almon, M. D.
William Rudolf,	

PRAYERS.

The Minutes of yesterday were read.

A Message was sent to the House of Assembly by the Clerk,

To return the forty Resolutions for granting Money agreed to yesterday, and to acquaint them that this House have agreed to the same.

Money votes sent to H. A.

The President informed the House, that it was His Excellency the Lieutenant-Governor's pleasure, that this House do adjourn until Monday next.

His Excellency's pleasure House adjourns until Monday Adjourn

The House was accordingly adjourned until Monday next, at 1 o'clock.

Monday, 2nd April, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable Peter McNab,	The Honorable Alexander Stewart,
James Tobin,	William Rudolf,
Joseph Allison,	James S. Morse,
Norman F. Uniacke,	Robert M. Cutler,
James W. Johnston,	Alexander Campbell,
William Lawson,	William B. Almon, M. D.

PRAYERS.

The Minutes of Friday were read.

His Excellency the Lieutenant-Governor came to the Council Chamber attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's command, to let the House of Assembly know "it is His Excellency's will and pleasure, they attend him immediately in this House."

His Excellency comes to Council Chamber

Who, being come with their Speaker, Mr. McNab, the Senior Member of the Council present, by His Excellency's command, said
Gentlemen,

House attend

It is His Excellency's will and pleasure, that this General Assembly be prorogued until Thursday, the fifth day of this present month of April; and this General Assembly is accordingly prorogued until Thursday the fifth day of this present month of April, to be then held.

Prorogation

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

H. A. withdraw, His Excellency retires

THURSDAY, 5th APRIL, 1838.

ble Order of the Bath, to be Captain-General and Governor in Chief in and over the Province of Nova-Scotia, and having deemed it expedient that there should be two distinct and separate Councils in the said Province, Her Majesty did, in and by the same Letters Patent, grant, provide and declare, that there should thenceforward be within the said Province of Nova-Scotia two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of the said Province, and did direct and declare Her Royal Pleasure to be, that all and every the powers and authorities theretofore vested in, or exercised by, the Council of the said Province, so far as respects the enactment of any Laws to be made within the said Province shall thenceforth be, and the same were thereby vested in the said Legislative Council; and that all other powers and authorities whatsoever vested in, or exercised by, the Council of the said Province should be, and the same were thereby, vested in the said Executive Council; and Her Majesty did thereby appoint and declare that the said Executive Council, and the said Legislative Council, respectively, should thereafter consist of such and so many Members as should, from time to time, for that purpose be nominated and appointed under Her Royal Sign Manual, and Signet, or as should be provisionally appointed by the said John George, Earl of Durham, until Her Majesty's Pleasure therein shall be known. Provided nevertheless, that the total number of the Members, for the time being, of the said Executive Council, resident within the said Province, should not, at any time, by any provisional appointment, be raised to a greater number than nine; and that the total number of the Members of the said Legislative Council, resident within the said Province should not, at any time, by any provisional appointment, be raised to a greater number in the whole than fifteen; and Her Majesty did thereby further direct that five Members of the said Executive Council should be a Quorum for the Despatch of the Business thereof; and that eight Members of the Legislative Council should be a Quorum for the Despatch of the Business thereof; and Her Majesty did thereby further direct and appoint that the Members of the said respective Councils should hold their places therein during Her Majesty's Pleasure, and not otherwise; and that the Senior Member respectively, for the time being, of each of the said respective Councils should preside at all the deliberations thereof respectively, saving when he, the said John George, Earl of Durham, should be present and presiding at the deliberations of the said Executive Council, and in case of the death or absence out of the said Province of him, the said John George, Earl of Durham, Her Majesty did, by those Presents, give and grant all and singular the powers and authorities therein to him granted, to the Lieutenant-Governor for the time being, of the said Province.

And whereas Her Majesty, by Warrant, under Her Sign Manuel and Signet, bearing date the said sixth day of February last, hath been pleased to appoint me Her Lieutenant-Governor of the said Province, and hath authorised and required me, in the absence of the said Earl of Durham, to execute and perform all and singular, the powers and directions contained in the said Letters Patent.

Now know ye that I, the Lieutenant-Governor, exercising the powers and authorities aforesaid, in the absence of the said Earl of Durham, in virtue of the said Letters Patent, and for carrying into effect Her Majesty's pleasure therein declared, and reposing especial trust and confidence in the loyalty, integrity and ability, of you, the said Right Reverend the Lord Bishop of Nova-Scotia, Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, Junior, James S. Morse, William Ouseley, Robert M. Cutler and Alexander Campbell, do, by these Presents, provisionally nominate and appoint you the said Right Reverend the Lord Bishop of Nova-Scotia, Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, Junior, James S. Morse, William Ouseley, Robert M. Cutler and Alexander Campbell, to be Members of the Legislative Council aforesaid, for the Province of Nova-Scotia, until Her Majesty's Pleasure shall be made known; and I do hereby declare Her Majesty's will and pleasure to be that all and every the powers and authorities at any time or times heretofore vested in the Council or Councils of the said Province, so far as respects the enactment of any Laws to be made within the said Province

Province, and any other acts and functions which the said Council in its Legislative capacity heretofore has been accustomed to exercise, or might have exercised, shall henceforth be, and the same are hereby, vested in the said Legislative Council; and you the said the Right Reverend the Lord Bishop of Nova-Scotia, Simon B. Robie, Peter McNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, George Smith, Alexander Stewart, William Rudolf, Lewis M. Wilkins, junior, James S. Morse, William Ouseley, Robert M. Cutler and Alexander Campbell, are hereby empowered and required to execute the same in the like manner; and as fully in every respect as the said Council of, or in, the said Province, heretofore of right has done, or might have done.

And I do further declare Her Majesty's will and pleasure to be, that any eight of the said Legislative Council shall be a Quorum, and that the Senior Member of the said Council shall preside in the said Legislative Council.

Given under my Hand and Seal at Arms, at Halifax, this 3d day of April, in the first year of Her Majesty's Reign, and in the year of Our Lord One Thousand Eight Hundred and Thirty-Eight.

By His Excellency's Command,
(Signed) RUPERT D. GEORGE.

Whereupon the following Gentlemen took the Oaths, and made and subscribed the Declaration, and also took and subscribed the Oath of Abjuration, pursuant to the Statutes, viz :

Members take Oaths

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston,
Alexander Stewart,

§
§
§
§
§

The Honorable William Rudolf,
Lewis M. Wilkins, Jun.
James S. Morse,
Robert M. Cutler,
Alexander Campbell,

Mr. Tobin takes Oaths

The Honorable James Tobin took the Oath appointed to be taken by the Act of the tenth year of His late Majesty King George the Fourth, by persons professing the Roman Catholic Religion.

The Gentleman Usher of the Black Rod then received His Excellency's command to let the House of Assembly know "it is His Excellency's pleasure they attend him immediately in this House."

H. A. Summoned

Who being come with their Speaker, His Excellency was pleased to speak as follows :

H. A. attend

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

Having deemed it necessary to terminate the late Session of the General Assembly, in consequence of having received from Her Majesty's Government a Commission appointing the Earl of Durham Captain General of this Province, and containing provisions which imposed upon me the necessity of making some alterations in the Executive and Legislative Councils, I have convened you immediately after having effected that object.

Speech

I do not deem it necessary to renew the communications which I made to the Legislature during the late Session, respecting the several public services which now require your attention, no circumstances having occurred to change the views then submitted to the consideration of the Council and Assembly; but I trust that you will take up and complete such business as may have remained unfinished at the recent prorogation, or as the interests of the Province may now require, with the utmost dispatch, consistent with the Public Service, that you may be relieved from further attendance, and be enabled to return to your homes with as little inconvenience as possible from the late unavoidable interruption in the proceedings of the Legislature.

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

H. A. withdraw His retire

The President reported His Excellency's Speech.

Speech reported

Ordered.

THURSDAY and FRIDAY, 5th and 6th MARCH, 1838.

Address ordered *Ordered, That an Address be presented to His Excellency in answer to his Speech.*
 Com. to prepare Address *Ordered, That Mr. Stewart, Mr. Johnston and Mr. Wilkins, be a Committee to prepare such Address, and to report the same immediately.*
 Address reported *Mr. Stewart, the Chairman of the Committee appointed to prepare the said Address reported the draft thereof, which he read in his place, and afterwards delivered it to the Clerk, who read the same as follows :*

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia and its Dependencies, &c. &c. &c.

Address

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

May it please Your Excellency,

The Legislative Council humbly thank your Excellency for the Speech with which you have been pleased to open the present Session of the General Assembly, and the Council beg to assure your Excellency that they will not fail to give their attention to the immediate completion of such of the public business as the recent interruption of the Session left unfinished.

Adopted

Ordered, That the said Address be received and adopted, and the President then signed the same.

Secretary of Province to ascertain when His Excellency will receive Address

The Secretary of the Province was desired to wait upon His Excellency to know when His Excellency would be pleased to receive this House with their Address.

The Secretary of the Province informed the House that His Excellency had been pleased to appoint the hour of half past five o'clock, p. m. to receive this House with their Address.

House wait on His Excellency with Address

At which hour the House proceeded to the Government-House with their Address ; and having returned,

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

Reply

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

I thank you for this Address, and feel assured that every exertion will be used by you in bringing the business of the Session, which was so unavoidably interrupted, to a close.

Adjourn

On motion made and seconded—the House adjourned until to-morrow at one o'clock.

Friday, 6th April, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable Peter McNab,	S P O N S O R S	The Honorable S. B. Robie, President.
James Tobin,		The Honorable William Rudolf,
Joseph Allison,		Lewis M. Wilkins, Jun.
James W. Johnston,		James S. Morse,
Alexander Stewart,		Robert M. Cutler, Alexander Campbell.

PRAYERS.

The Minutes of yesterday were read.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill :

FRIDAY and SATURDAY, 6th and 7th APRIL, 1838.

A Bill, entitled, An Act relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly. **Act of last Session Bill**

To which Bill they desire the concurrence of this House.

The said Bill was read a first time. **Read 1st & 2d times**

Ordered, That the said Bill be read a second time presently.

The said Bill was read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House, presently— **Committed**

The House was adjourned, during pleasure, and put into a Committee on the said Bill.— **Amended**

After some time the House was resumed, and Mr. Rudolf reported that the Committee had gone through the said Bill, and had made several amendments thereto.

Which amendments, being read twice by the Clerk, were agreed to by the House. **Amendments agreed to**

The said Bill was then read a third time, and the question was put by the President, **Bill read 3d time &**

Whether this Bill, with the amendments, shall pass?

It was resolved in the affirmative. **Sent to H. A.**

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill with several amendments—to which amendments they desire the concurrence of the House of Assembly.

A Message was brought from the House of Assembly, by Mr. Whidden,

To inform the House that the House of Assembly agreed to the amendments proposed by this House to the said Bill. **Message agreeing to amendments**

The said Bill was then read, as amended, and the question was put by the President, **Bill read &**

Whether this Bill, as amended, shall pass ?

It was resolved in the Affirmative. **Finally agreed to**

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them therewith. **Sent to H. A.**

Resolved, That a Committee be appointed to wait upon His Excellency the Lieutenant Governor, and respectfully request that he will be pleased to direct that a copy of the Commission of the Right Honorable the Earl of Durham, and of the Royal Instructions which accompanied it, to be laid before the House. **Resolution to ask for Lord Durham's Commission & Instructions**

Ordered, That Mr. Stewart and Mr. Wilkins, be a Committee for that purpose. **Committee**

At half past three of the clock, His Excellency the Lieutenant-Governor came to the Council Chamber, attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's command to let the House of Assembly know "It is His Excellency's pleasure they attend him immediately in this House."

Who being come with their Speaker, His Excellency was pleased to give his assent to a Bill, entitled, **H. A. attend**

An Act relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly. **His Excellency assents to Acts of last Session Bill**

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

Ordered, That Mr. Cutler have leave of absence from Monday next, to return home on urgent private business. **Leave of absence to Mr. Cutler**

On motion made and seconded—the House adjourned until To-morrow, at 1 o'clock. **Adjourn**

Saturday, 7th April, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
 James Tobin,
 Joseph Allison,
 James W. Johnston,
 Alexander Stewart,

S

The Honorable William Rudolf,
 Lewis M. Wilkins, Jun.
 James S. Morse,
 Robert M. Cutler,
 Alexander Campbell.

PRAYERS.

The Minutes of yesterday were read.

Mr.

SATURDAY, 7th APRIL, 1838.

Report of Com. to of
wait on His Excellency
to ask for Copy
Lord Durham's Com-
mission & Instructi-
ons

Mr. Stewart, the Chairman of the Committee appointed to wait on His Excellency the Lieutenant-Governor, and respectfully request that he would be pleased to direct that a copy of the Commission of the Right Honorable the Earl of Durham, and of the Royal Instructions which accompanied it, to be laid before the House, reported, that the Committee had waited upon His Excellency, and that His Excellency had been pleased to say, that he would direct a copy of the Commission to be laid before the House, and of the whole or such part of the Royal Instructions accompanying it, as he should feel authorized to make public.

Despatch from Sir F.
B. Head, & Resolu-
tions of Council &
Assembly of Upper
Canada

The President informed the House, that he had received from the Secretary of the Province, a copy of a Despatch from His Excellency Sir Francis Bond Head, Lieutenant-Governor of Upper Canada, to His Excellency the Lieutenant-Governor of this Province, together with certain Resolutions of the Legislative Council and House of Assembly of that Province, which he read, and afterwards delivered them to the Clerk, who read the same as follows:—

Government-House, Toronto, March 8, 1838.

SIR—

I request that Your Excellency will do me the favor to transmit to the Legislative Council of Nova-Scotia my thanks, for the honor it has conferred upon me by its Resolutions, dated 29th January last, conveyed to me in Your Excellency's obliging communication of the 6th of February.

It gives me very great pleasure to be enabled further to request Your Excellency to transmit to the Legislative Council of Nova-Scotia, the accompanying Resolutions from the Legislative Council and House of Assembly of this Province.

I have the honor to be, &c.

(Signed)

F. B. HEAD.

Major-General Sir C. CAMPBELL, K. C. B.

Lt. Governor of Nova-Scotia.

To His Excellency Sir Francis B. Head, Bart., K. C. H. Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY.

The Legislative Council and House of Assembly have adopted certain Resolutions, which we respectfully pray that Your Excellency will be pleased to transmit to His Excellency the Lieutenant-Governor of Nova Scotia.

(Signed)

JAMES B. ROBINSON, *Speaker.*

Legislative Council Chamber.

Resolved, That the Legislative Council and House of Assembly fully appreciate the feelings which have actuated the Honorable the Legislative Council of Nova-Scotia, in passing the Resolutions which have been communicated by His Excellency Sir F. B. Head, and derive unmingled satisfaction from the additional assurance thus given, that the North American Colonies are determined to preserve their connexion with their Mother Country, and to put down all endeavours to weaken or destroy it.

Resolved, That the Legislative Council and House of Assembly observe, with great satisfaction, the opinion expressed by the Honorable the Legislative Council of Nova-Scotia, of the conduct of His Excellency the Lieutenant-Governor of this Province, in the suppression of the late Rebellion, and particularly in his reliance on the courage and loyalty of the people alone, for maintaining our Laws and Institutions against the efforts of domestic Traitors.

Resolved, That the Legislative Council and House of Assembly cordially acknowledge the kindly feeling which has influenced the Legislative Council of Nova-Scotia, in the expression of their thanks to Colonel the Honorable Allan N. McNab, the Speaker of the House of Assembly, and the loyal Militia of this Province, for their conduct during the late rebellion, and rejoice that their conduct at such a crisis should be deemed worthy of so distinguished a compliment.

Resolved.

Resolved, That the Legislative Council and House of Assembly, desire to express to the Honorable the Legislative Council of Nova-Scotia, their concurrence in the loyal and patriotic sentiments their Resolutions contain, and to assure them that the people of this Province will be at all times ready to exert themselves to the utmost to maintain the ascendancy of British principles, and the connexion with the Mother Country.

Resolved, That an humble Address be presented to His Excellency the Lieutenant-Governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Colin Campbell, the Lieutenant-Governor of Nova-Scotia.

Truly extracted from the Journal of the Legislative Council.

(Signed) G. POWELL, Cl'k. L. C.

Truly extracted from the Journal of the House of Assembly.

(Signed) JAMES FITZGIBBON,
Clerk of Assembly.

Ordered, That the said Despatch and Resolutions do lie on the Table.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

A Bill, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof; and also, further to amend the same. Schools

A Bill, entitled, An Act to define the Boundary Line of the Township of Cornwallis, in the adjoining Bays, Rivers and Creeks, and to declare the right to certain Marsh Lands and Flats or Sedge Banks, held or claimed by Proprietors of Land in said Township. Cornwallis Boundary Line

A Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton. Cape Breton Marriages

A Bill, entitled, An Act for altering the Representation in General Assembly, as respects the County of Inverness. Inverness

A Bill, entitled, An Act to increase the number of Engine-men in the Town of Halifax. Engine Men Halifax

A Bill, entitled, An Act to facilitate the issuing Writs of Certiorari, in certain cases. Certiorari

A Bill, entitled, An Act for settling Titles in a certain Tract of Land in Cape-Breton, called the Miré Grant. Mire Grant C. B. Bill

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future time.

The Resolution for granting £750 to build a Light-House at Yarmouth, was read a second time, and the question was put by the President, 750l. Yarmouth Light

Whether this Resolution be agreed to ?

It was resolved in the affirmative. Agreed to &

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolution, and acquaint them that this House have agreed to the same. Sent to H. A.

On motion, *resolved*, that a Conference be desired with the House of Assembly, by Committee, upon the subject of the Resolution for £30 for the Contingent Expenses of the Council, and that the Committee of this House communicate to the Committee of the House of Assembly, a copy of the report of the Committee of the Council, upon the subject of those expences. Conference on Contingent expences of Council

A Message was sent to the House of Assembly, by the Clerk,
To desire the said Conference. Asked

A Message was brought from the House of Assembly by Mr. Whidden,
To inform the House that the House of Assembly agreed to the Conference desired by this House. Agreed to

Ordered, That Mr. Stewart and Mr. Allison, be a Committee of this House to manage the said Conference. Committee

And the Managers went to the Conference; and being returned,

- Report Mr. Stewart reported that the Committee had held the said Conference, and that he had communicated his instructions to the Committee of the House of Assembly.
- Sable Island A Bill, entitled, An Act for the better regulation of Sable Island in this Province; also,
Pictou Sliding A Bill, entitled, An Act to extend to the Town of Pictou the provisions of an Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the Hills in the Streets of Halifax; also,
- Poor Settlers Bill read 2d time A Bill, entitled, An Act to extend, for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province, were read a second time,
Referred to Com. *Ordered*, That the said Bills be committed to a Committee of the whole House at a future time.
- Com. on Bills On motion, the House was adjourned during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.
- Recommend Conference on Sable Island Bill The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act for the better regulation of Sable Island, in this Province; and recommended that a Conference should be held with the House of Assembly, on the said Bill.
Report received Conference asked *Ordered*, That the said Report be received, and a Message was sent to the House of Assembly by the Clerk, to desire the said Conference.
- Agreed to A Message was brought from the House of Assembly, by Mr. Whidden, To inform the House that the House of Assembly agreed to the Conference desired by this House.
- Committee *Ordered*, That Mr. Johnston and Mr. Allison, be a Committee of this House, to manage the said Conference.
- Report And the Managers went to the Conference; and being returned, Mr. Johnston reported that the Committee had held the said Conference, and stated the substance of the Conference to the House.
- Com. on Bills On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.
- Report Cumberland & Colchester Boundary The Chairman also reported that the Committee had gone through a Bill, entitled, An Act for establishing the Boundary Line between the Counties of Cumberland and Colchester; also,
Merigomish Meeting House A Bill, entitled, An Act to enable the Proprietors of a certain Meeting-House in Merigomish, in the County of Pictou, to sell the same; also,
Poor Settlers A Bill, entitled, An Act to extend, for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province; also,
Sliding Pictou A Bill, entitled, An Act to extend to the Town of Pictou, the provisions of an Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the Hills in the Streets of Halifax; also,
School Lands without amendment A Bill, entitled, An Act for the appointment of Trustees of School Lands in this Province, and had agreed to the same without any amendment.
Ordered, That the said Report be received, and the said Bills be read a third time at a future day.
- Message not agreeing to amendment to St. Mary's Bill A Message was brought from the House of Assembly, by Mr. Whidden, To inform the House that the House of Assembly did not agree to the amendment proposed by this House to the Bill, entitled, An Act to divide and set off the Township of St. Mary's, in the County of Guysborough, as a separate and distinct District.
- Militia & Billetting Troops Bill A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:
A Bill, entitled, An Act to revive and continue the Acts respecting the Militia of the Province.
A Bill, entitled, An Act to continue the Act, entitled, An Act to provide for the accommodation

modation and billeting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also, the Acts in amendment thereof.

To which Bills they desired the concurrence of this House.

On motion made and seconded—the House adjourned until Monday, at 1 o'clock.

Adjourn

Monday, 9th April, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
James W. Johnston,
Alexander Stewart,

S
P
E
A
K
E
R

The Honorable William Rudolf,
Lewis M. Wilkins, Jun.
James S. Morse,
Robert M. Cutler,
Alexander Campbell,

PRAYERS.

The Minutes of Saturday were read.

Mr. Allison, by His Excellency's command, laid before the House, a copy of the Commission of the Right Honorable the Earl of Durham, as Captain General and Governor in Chief of the Province of Nova-Scotia; also,

Lord Durham's Commission, &c.

A copy of the Royal Instructions accompanying the said Commission, which were ordered to lie on the Table.

Instructions laid before House

(Vide Appendix, Nos. 1 & 2.)

Mr. Johnston, the Chairman of the Committee to whom the continuing Bills were referred on the 26th March, made his report—

Com. on continuing Bills report

A Bill, entitled, An Act to revive and continue the Acts respecting the Militia of this Province; also,

Militia Bill

A Bill, entitled, An Act to continue the Act, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also, the Acts in amendment thereof, were read a first time.

Billeting Troops Bill

Ordered, That the said Bills be read a second time, presently.

Read 1st time &

The said Bills were, by order, read a second time.

Read 2d time &

Ordered, That the said Bills be committed to a Committee of the whole House, at a future time.

Ordered to Com.

A Bill, entitled, An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing; also,

Forestalling

A Bill, entitled, An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages; also,

Rates of Carriage

A Bill, entitled, An Act to continue the Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province; also,

Disorderly Riding

A Bill, entitled, An Act to continue the several Acts concerning the Bridewell and Police in Halifax; also,

Bridewell & Police

A Bill, entitled, An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at night; also,

Watch

A Bill, entitled, An Act to continue the Act to repeal the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof; also,

Firewards

A Bill, entitled, An Act to continue the Act to regulate the Weighing of Beef; also,

Weighing of Beef

A Bill, entitled, An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax; also,

Constables Fees
Commrs. Court

A Bill, entitled, An Act to continue an Act relating to the Court of Commissioners at Halifax, were read a second time, and, by order, the said Bills were read a third time, and the question was put by the President, on each Bill,

Commrs. Court Halifax read 2d & 3d times &

Whether

MONDAY 9th APRIL, 1838.

- Agreed to &
Sent to H. A. Whether this Bill shall pass?
It was resolved in the affirmative.
- Forestalling Cordwood
read 2d & 3d time A Bill, entitled, An Act to continue the Act to suspend the operation of the Act to prevent
Forestalling, Re-grating and Monopolizing, of Cordwood in the Town of Halifax, was read a
second time, and by order, the said Bill was read a third time.
Amendments made The following amendments were then made to the said Bill.
In the Title, leave out the word "Act" in the third line, and insert instead, the word
"Acts."
In the Clause, leave out the word "Act" in the sixth line, and insert instead, the word
"Acts."
The question was then put by the President, on the said Bill,
Whether this Bill, with the amendments, shall pass?
It was resolved in the affirmative.
- Pilotage Halifax
Read 2d & 3d times A Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the
Port of Halifax, and the several Acts in amendment thereof, and additional thereto, was read
a second time, and by order, the said Bill was read a third time.
Amendments made The following amendment was then made to the said Bill:
In the Clause, leave out the word "Acts" in the twelfth line, and insert instead thereof,
the word "Act."
The question was then put by the President, on the said Bill,
Whether this Bill with the amendment shall pass?
It was resolved in the affirmative.
- Bills sent to H. A. A Message was sent to the House of Assembly by the Clerk,
To return the said two Bills, and acquaint them that this House have agreed to the said
two Bills, with amendments, to which amendments they desire the concurrence of the House
of Assembly.
- County Rates &
Roads & Bridges
Bills
Read 2d time &
Referred to Com. of
whole A Bill, entitled, An Act to continue the Act to direct and ascertain the mode of assessing
County and District Rates, and for other purposes, and the Acts in amendment thereof; also,
A Bill, entitled, An Act in further amendment of the Act to regulate the expenditure of
Monies hereafter to be appropriated for the service of Roads and Bridges, were read a se-
cond time.
Ordered, That the said Bills be committed to a Committee of the whole House, at a fu-
ture time.
- Poor Settlers A Bill, entitled, An Act to extend, for a further space of time, certain provisions of
the Act to afford relief to the Poor Settlers in this Province; also,
- Sliding Pictou A Bill, entitled, An Act to extend to the Town of Pictou, the provisions of an Act, entitled,
An Act to prevent Boys and others, from Coasting and Sliding down the Hills in the Streets
of Halifax; also,
- Meeting House Meri-
gonishe & A Bill, entitled, An Act to enable the Proprietors of a certain Meeting-House in Merigo-
nishe, in the County of Pictou, to sell the same; also,
- Cumberland & Col-
chester Boundary Bill
read 3d time A Bill, entitled, An Act for establishing the Boundary Line between the Counties of
Cumberland and Colchester, were read a third time, and the question was put by the Presi-
dent, on each Bill,
Whether this Bill shall pass?
It was resolved in the affirmative.
- Agreed to &
Sent to H. A. A Message was sent to the House of Assembly, by the Clerk,
To return the said Bills, and acquaint them that this House have agreed to the said Bills,
without any amendment.
- School Lands Bill read
3d time A Bill, entitled, An Act for the appointment of Trustees of School Lands, in this Pro-
vince, was read a third time. Whereupon

MONDAY, 9th APRIL, 1838.

Whereupon, Mr. Wilkins moved, that the said Bill be re-committed, for the purpose of adding the following Proviso: Motion to re-commit to add Proviso

"Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, in any manner to affect or decide any questions that have heretofore arisen, or which may hereafter arise, as to the claim, right, title or interest, of any person or persons, Body, Politic or Corporate, or any Church or Society of Christians, of, in, to or out of, the said Lands, or any of them, or any part thereof:" which, being seconded, and the question being put, there appeared for the motion, four; against it, six.

For the motion,

Mr. Morse,
Mr. Rudolf,
Mr. Wilkins,
Mr. Cutler,

Against the motion,

Mr. Stewart, Mr. McNab,
Mr. Allison, Mr. Campbell,
Mr. Tobin, Mr. Johnston.

So it passed in the Negative.

Mr. Stewart then moved, that the following Proviso be added to the said Bill: Negatived

"Provided always, and be it declared and enacted, That nothing in this Act contained shall extend, or be construed to extend, to invalidate any Lease or Leases of any of the said School Lands which may have been legally executed, for the term or terms of years, for which the said School Lands, or any or either of them, have been executed as aforesaid, but the Tenants shall respectively have, hold and occupy, the said School Lands, and every of them, under the said Leases so legally executed as aforesaid, during their respective terms, as if this Act had not been made subject to the terms and provisions of the said Lease or Leases. And provided further, that the said Tenant or Tenants shall be liable to pay their rents reserved under the said Lease or Leases to the Trustees to be appointed under this Act, who shall, and they are hereby empowered, in their own name or names, or otherwise, to sue or distrain for the said rents, or to enforce the performance of the said Covenants and Provisoes: Prviso added to Bill

Which, being seconded, and the question being put, it was resolved in the affirmative.

Then the question was put by the President on the said Bill,

Whether this Bill, with the amendment, shall pass? Bill agreed to with amendments &

It was resolved in the affirmative.

A Message was sent to the House of Assembly by the Clerk, Sent to H. A.

To return the said Bill, and acquaint them that this House have agreed to the said Bill, with an amendment, to which amendment they desire the concurrence of the House of Assembly.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills:

A Bill, entitled, An Act respecting the Culling of Dry Fish. Culling Fish &

A Bill, entitled, An Act to establish the standard weight of Grain, and to repeal the enactments now in force. Standard of Grain

To which Bills they desired the concurrence of this House.

The said Bills were read a first time.

Ordered, That the said Bills be read a second time at a future day.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. Com. on Bills
—After some time, the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

The Chairman also reported, that the Committee had gone through the Bill, entitled, An Act to revive and continue the Acts respecting the Militia of this Province; also, Report Militia

A Bill, entitled, An Act to continue the Act, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also, the Acts in amendment thereof; also, Billeting Troops

A Bill, entitled, An Act for the better regulation of Sable Island, in this Province; also, Sable Island

A Bill, entitled, An Act in further amendment of the Act to regulate the expenditure of Roads & Bridges without amendment
Monies

Monies hereafter to be appropriated for the service of Roads and Bridges, and had agreed to the same without any amendment.

Bills read 3d time The said Bills were then read a third time, and the question was put by the President on each Bill,

Agreed to & Whether this Bill shall pass?
It was resolved in the affirmative.

Sent to H. A. A Message was sent to the House of Assembly, by the Clerk,
To return the said Bills, and acquaint them that this House have agreed to the said Bills without any amendment.

Report Pictou Academy & The Chairman also reported, that the Committee had gone through the Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy ; also,

County Rates Bills without amendment A Bill, entitled, An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, and had agreed to the same without any amendment.
Ordered, That the said Bills be read a third time at a future day.

Message agreeing to Forestalling Cordwood A Message was brought from the House of Assembly, by Mr. Whidden,
To inform the House that the House of Assembly agreed to the amendments proposed by this House to the Bill, entitled, An Act to continue the Act to suspend the operation of the Act to prevent Forestalling, Regrating and Monopolizing, of Cordwood, in the Town of Halifax ; also,

Pilotage Halifax Bill To the amendment proposed by this House to the Bill, entitled, An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof.

Bills finally agreed to The said Bills were then read, as amended, and the question was put by the President on each Bill,
Whether this Bill, as amended, shall pass ?
It was resolved in the affirmative.

And Sent to H. A. A Message was sent to the House of Assembly by the Clerk,
To return the said Bills, and acquaint them therewith.

Pictou Academy Bill Order of Day *Ordered,* That the Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy, be the Order of the Day for to-morrow, to be read a third time, and that the Members be summoned.

Committee on Bills On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time the House was resumed, and Mr. Rudolf reported that the Committee had made some progress.

Report Canal Bill with amendments The Chairman also reported, that the Committee had gone through the Bill, entitled, An Act to authorize the incorporation of a Company for making a navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia, and had made several amendments thereto.
Which amendments, being read twice by the Clerk, were agreed to by the House.

Adjourn On motion made and seconded the House adjourned until to-morrow at twelve o'clock.

Tuesday, 10th April, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable Peter M'Nab,	S E C R E T A R Y	The Honorable S. B. Robie, President.
Joseph Allison,		The Honorable William Rudolf,
Norman F. Uniacke,		Lewis M. Wilkins, Junr.
James W. Johnston,		James S. Morse,
Alexander Stewart,		Alexander Campbell,

PRAYERS.

The Minutes of Yesterday were read,

The

TUESDAY, 10th APRIL, 1838.

- The Order of the Day being read for the third reading of the Bill, entitled, An Act to alter and amend the Act to regulate and support the Pictou Academy, and for the Members to be summoned. Pictou Academy Bill
- It was moved, that the said Bill be now read the third time: which, being objected to, Motion to read 3d time
- It was moved to leave out "now," and insert "this day three months." Motion to defer 3 months
- The Question was put,
Whether the word "now" shall stand part of the motion?
- It was resolved in the affirmative.
- Then the said Bill was read the third time. Bill read 3d time
- The question was put,
Whether this Bill shall pass?
- It was resolved in the affirmative. Agreed to &
- Dissentients,—Mr. Uniacke, Mr. Wilkins, Mr. Allison, Mr. Stewart.
- A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them that this House have agreed to the said Bill without any amendment. Sent to H. A.
- A Bill, entitled, An Act to authorize the Incorporation of a Company for making a navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia, was read a third time, Cumberland Canal Bill read 3d time &
- And the question was put by the President,
Whether this Bill, with the amendments, shall pass?
- It was resolved in the affirmative.
- A Message was sent to the House of Assembly by the Clerk, Sent to H. A.
- To return the said Bill, and acquaint them that this House have agreed to the said Bill with several amendments, to which amendments they desire the concurrence of the House of Assembly.
- The House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress. Com. on Bills
- The Chairman also reported that the Committee had gone through a Bill to improve the system of administering the Laws, and reduce the number of the Courts of Justice to be holden within Nova-Scotia proper, and to diminish the expense of the Judiciary, and had made several amendments thereto, Report Judiciary Bill with amendments
- Which amendments, being read twice by the Clerk, were agreed to by the House.
- Ordered,* That the said Bill, with the amendments, be engrossed.
- The Chairman also reported, that the Committee had had under their consideration a Bill, entitled, An Act to provide for the Civil List of Nova-Scotia, and to Commute the Casual and Teritorial Revenue, and recommended that the further consideration of the said Bill be deferred to this day three months. Recommend Civil List Bill to be deferred 3 months
- Ordered,* That the said report be received, and the further consideration of the said Bill be deferred to this day three months. Bill deferred
- A Message was brought from the House of Assembly by Mr. Whidden,
To inform the House that the House of Assembly agreed to the amendment proposed by this House to the Bill, entitled, An Act for the appointment of Trustees of School Lands in this Province. Message agreeing to amendments to School Lands Bill
- The Messenger also brought up the following Bill :
- A Bill, entitled, An Act to amend the Act relating to Passengers from Great Britain and Ireland arriving in this Province. Passengers Bill
- To which Bill 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 at a future time. Read 1st time
- A Bill, entitled, An Act to establish the standard weight of Grain, and to repeal the enactments now in force—was read a second time. Standard of Grain read 2d time

Whereupon,

TUESDAY, 10th APRIL, 1838.

Motion to defer

Whereupon, Mr. Stewart moved, that the further consideration of the said Bill be deferred to this day three months: which being seconded, Mr. Allison moved in amendment, that the said Bill be referred to a Select Committee to examine and report upon: which, being seconded, and the question being put, there appeared, for the motion, four; against it, four;

Motion to refer to Sel. Com.

For the motion.

Mr. McNab,
Mr. Uniacke,
Mr. Campbell,
Mr. Allison,

Against the motion.

Mr. Morse,
Mr. Wilkins,
Mr. Johnston,
Mr. Stewart,

Carried

Whereupon, the President gave his vote in favour of the amendment,
So it passed in the affirmative.

Committee

Ordered, That Mr. Allison, Mr. McNab, and Mr. Campbell, be a Committee for that purpose.

Culling Fish read 2d time deferred 3 months

A Bill, entitled, An Act respecting the Culling of Dry Fish—was read a second time.
On motion, *resolved*, that the further consideration of the said Bill be deferred to this day three months.

For the motion,

Mr. McNab,
Mr. Morse,
Mr. Wilkins,
Mr. Johnston,
Mr. Stuart,

Against the motion.

Mr. Uniacke,
Mr. Campbell,
Mr. Allison,

Marriages C. B. read 2d time

A Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape Breton—was read a second time.

Ref. to Sel. Com

Ordered That the said Bill be referred to a Select Committee to examine and report upon.

Committee

Ordered, That Mr. Stewart, Mr. McNab and Mr. Wilkins, be a Committee for that purpose.

Imbert Mills read 2d time Deferred 3 months

A Bill, entitled, An Act to incorporate the Imbert Mills Company—was read a second time.
On motion, *resolved*, that the further consideration of the said Bill be deferred to this day three months.

School Lands Bill

A Bill, entitled, An Act for the appointment of Trustees of School Lands in this Province, was read, as amended,

Finally agreed to &

And the question put by the President,

Whether this Bill, as amended, shall pass?

It was resolved in the Affirmative.

Sent to H. A.

A Message was sent to the House of Assembly by the Clerk,
To return the said Bill, and acquaint them therewith.

Passengers Bill read 2d time

A Bill, entitled, An Act to amend the Act relating to Passengers from Great-Britain and Ireland, arriving in this Province—was (by order) read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House at a future time.

Boundary Line Cornwallis read 2d time

A Bill, entitled, An Act to define the Boundary Line of the Township of Cornwallis, on the adjoining Bays, Rivers and Creeks, and to declare the right to certain Marsh Lands and Flats or Sedge Banks, held or claimed by Proprietors of Lands in said Township—was read a second time

Def. 3 months

On motion, *resolved*, that the further consideration of the said Bill be deferred to this day three months.

Message agreeing to amendments to Cumberland Canal Bill

A Message was brought from the House of Assembly by Mr. Whidden,

To

TUESDAY and WEDNESDAY, 10th and 11th APRIL, 1838.

To inform the House that the House of Assembly agreed to the amendments proposed by this House to the Bill, entitled, An Act to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia.

A Bill, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend the same, was read a second time. School Bill read 2d time

Ordered, That the said Bill be committed to a Committee of the whole House at a future time.

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. Com. on Bills
—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend the same. Report School Bill without amendment

Ordered, That the said Bill be read a third time at a future day.

On motion made and seconded—the House adjourned until to-morrow at one o'clock. Adjourn

Wednesday, 11th April, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,

James Tobin,

Joseph Allison,

Norman F. Uniacke,

James W. Johnston,

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The Honorable Alexander Stewart,

William Rudolf,

Lewis M. Wilkins, Junr.

James S. Morse,

Alexander Campbell,

PRAYERS.

The Minutes of yesterday were read.

Mr. Stewart, the Chairman of the Committee to whom the Bill, entitled, An Act to make valid certain Marriages celebrated in the Island of Cape-Breton, was referred, reported that the Committee had had the said Bill under their consideration, and suggested some alterations, and recommended that the said Bill should be committed to a Committee of the whole House. Com. on Marriages
C. B. Bill report

Ordered, That the said Report be received, and the said Bill be committed to a Committee of the whole House at a future time. Bill referred to Com.

Mr. Allison, the Chairman of the Committee to whom the Bill, entitled, An Act to establish the Standard weight of Grain, and to repeal the enactments now in force, was referred, reported that the Committee had had the said Bill under their consideration, and recommended that the said Bill should be committed to a Committee of the whole House. Com. on Standard of
Grain Bill report

Ordered, That the said Report be received, and the said Bill be committed to a Committee of the whole House, at a future time. Ref. to Com. of whole

A Bill, entitled, An Act to improve the system of administering the Laws and reduce the number of Courts of Justice to be holden within Nova-Scotia proper, and to diminish the expense of the Judiciary, was read a third time, and the question was put by the President, Whether this Bill shall pass? Judiciary Bill read 3d time

It was resolved in the affirmative.

Agreed to &

Dissentient, Mr. Rudolf and Mr. Morse,

A Message was sent to the House of Assembly, by the Clerk.

Sent to H. A.

To carry down the said Bill, and desire their concurrence.

Mr. McNab stated that he had been under a mistake relative to a Bill, entitled, An Act respecting Motion to defer Cul-
ling Fish Bill rescind-
ed

WEDNESDAY, 11th APRIL, 1838.

respecting the Culling of Dry Fish—the further consideration of which Bill was yesterday deferred for three months, and moved, that the said Bill be still considered before the House: which, being seconded, and no Member objecting, it was, by general consent,

Ordered, That the said Bill be still considered before the House.

Ordered, That the said Bill be committed to a Committee of the whole House at a future time.

Bill committed to Com.

Com. on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Report Culling Fish

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act respecting the Culling of Dry Fish; also,

And standard of Grain Bills without amendment

A Bill, entitled, An Act to establish the Standard weight of Grain, and to repeal the enactments now in force, and had agreed to the same without any amendment.

Bills read 3d time

The said Bills were then read a third time, and the question was put by the President, on each Bill,

Whether this Bill shall pass?

Agreed to &

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the same without any amendment.

Report C. B. Marriages Bill with amendment

The Chairman also reported that the Committee had gone through the Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, and had made several amendments thereto.

Amendment agreed to Bill read 3d time

Which amendments being read twice by the Clerk, were agreed to by the House.

The said Bill was then read a third time, and the question was put by the President,

Whether this Bill, with the amendment, shall pass?

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly by the Clerk,

To return the said Bill, and acquaint them that this House have agreed to the said Bill, with amendments, to which amendments they desire the concurrence of the House of Assembly.

A Message was brought from the House of Assembly by Mr. Whidden, with the following Resolutions:—

251. Chaplains of House

Resolved, That the sum of Twenty-five Pounds be granted and drawn by the Clerk of the House of Assembly, to enable him to pay Six Pounds Five Shillings to each of the Clergymen who have attended the House of Assembly as Chaplains, during the present Session.

164. 5s. J. Howe & Son extra printing

Resolved, That the sum of One Hundred and Sixty Four Pounds Five Shillings, be granted and paid to Messrs. J. Howe & Son, for printing the Journals of the Council, and for extra printing in the last year, agreeably to their accounts.

301 J McGregor

Resolved, That the sum of Thirty Pounds be granted and paid to John McGregor, to compensate him for his services in arranging the records and papers in the Court of Chancery, agreeably to the prayer of his Petition.

1251. colored People

Resolved, That the sum of One Hundred and Twenty Five Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to relieve the distresses of the coloured Population at Preston, Hammonds Plains and Birch Hill, and to procure seed for them the ensuing spring.

151. 3d. N. Clough

Resolved, That the sum of Fifteen Pounds and Three Pence be granted and paid to Nathaniel Clough, Esq. pursuant to the report of the Committee on his Petition, being the amount of duties actually paid on goods consumed in his stores by fire.

2501 Survey of New Line of Eastern Road

Resolved, That the sum of Two Hundred and Fifty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to enable him to defray the expense of the exploration and survey, so far as the same has been performed, of the proposed new line of

of Road between Dartmouth and the Gut of Canso, and of the plan and estimate of the probable expense of opening and completing certain sections of said Road, made in pursuance of a Resolution of this House during the last Session.

Resolved, That the sum of Two Hundred and Fifty-three Pounds Thirteen Shillings and Eight Pence, be granted and drawn by the Commissioners of Public Buildings, to pay the balance due the late Commissioner, and to pay sundry accounts now due for services performed on the Public Buildings.

253l. 18s. 8d. Comrs. of Public Buildings

Resolved, That the sum of Seven Pounds Fifteen Shillings be granted and paid to the Clerk of the House of Assembly, to pay for Law Books imported for the use of the Assembly.

7l. 15s. Law Books of H. of Assembly

Resolved, That the sum of One Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of paying the Adjutant General of Militia the sum of Sixty Pounds, and to the Quarter Master General the sum of Forty Pounds, for their respective services in the years One Thousand Eight Hundred and Thirty-Seven and one Thousand Eight Hundred and Thirty-Eight.

100l. Adj. Gen. & Qr. Mr. Gen. of Militia

Whereas, the Bridge at the head of LaHave River is in a decayed state, and it is necessary that a new Bridge should be built as soon as possible, *resolved therefore*, that the sum of One Hundred Pounds be granted and paid for the purpose of procuring materials in the early part of next Winter for the building of the same—said sum to be taken out of Road monies to be hereafter granted and appropriated for the service of Roads and Bridges in the County of Lunenburg.

100l. Bridge over LaHave River

Resolved, That the sum of Twenty-Five Pounds be granted and paid to repair the Bridge and Aboiteau over Abram River, at Argyle.

25l. Bridge in Argyle

Resolved, That the sum of Three Hundred and Thirty-Seven Pounds Eighteen Shillings and Four-Pence Half-penny, be granted and paid to defray the expences of the Legislative Council, and for fitting the Council Chamber for the reception of the public, in the following manner—To be paid to the

337l. 18s. 4½d. Contingent expenses of Council

Clerk of the Council,	£150 0 0
Gentleman Usher of the Black Rod,	50 0 0
J. Berton's bill for fitting room,	49 14 8
A. Dechezeau's account for stoves, &c.	12 12 7½
Tempest & Tapper's account,	11 0 0
Thompson & Esson's bill for Tables, &c.	49 11 1
For Hatsell's Precedents, &c.	15 0 0

£337 18 4½

Resolved, That the sum of Two Hundred and Eighty-Nine Pounds Two Shillings and Three-pence, be granted and paid to John George Marshall, Esquire, to enable him to defray the expenses incurred by him for printing, paper, &c. in the publication of a Work called the "Justice of the Peace, and County and Township Officer."—And the sum of Fifty Pounds, as a compensation for his own services in compiling and preparing the said Book for publication.

289l. 2s. 3d. & 50l. Judge Marshall

Resolved, That the sum of Ten Pounds, in addition to the sum granted in the Year 1837, for building a Beacon on Wedge Island, be granted, paid and applied, for erecting a Beacon on the Devil's Island, near Halifax Harbour.

10l. Beacon Devils Island

Resolved, That the sum of Two Hundred Pounds be placed at the disposal of His Excellency the Lieutenant-Governor, to aid the Inhabitants of Arisaig, County of Sydney, in erecting a new Pier or Breakwater, in addition to the unexpended balance of the money formerly voted, provided, that before any amount be drawn from the Treasury under this Resolution, the sum of One Hundred Pounds shall be contributed by the Inhabitants in labor and materials or otherwise, for the same purpose.

200l. Arisaig Pier

Resolved, That the sum of One Hundred and Fifty Pounds be granted and paid for the expenditure on the Road which lies between Liverpool and the Western Bounds of Queen's County, pursuant to the Resolution of this House during the Session of 1837.

150l. advance last year Roads in Queen's County

Whereas, it is indispensable to keep up the Post Communication for the present year, and

1,540 Post Communication

WEDNESDAY, 11th APRIL, 1838.

and for that purpose to grant a sum of money as heretofore, until the decision of Her Majesty's Government, on the future regulation thereof, shall be made known. *Resolved*, that a sum not exceeding One Thousand Five Hundred Pounds be granted and paid for defraying the expenses of Post Communication for the Year One Thousand Eight Hundred and Thirty-Eight, in the same manner as it was kept up and defrayed last Year; and the further sum of Forty Pounds to extend the Post Communication direct from Truro to Tatamagouche and Wallace.

Resolved, That the sum of Ninety-Four Pounds Eight Shillings and Nine-pence, be granted and paid to Robert Gruber, in accordance with the report of the Committee on his accounts respecting Bridewell.

94l. 8s. 9d. R. Gruber
Bridwell

Resolved, That the sum of One Hundred and Fifty Pounds be granted and paid towards supporting and maintaining the Steam Boat between Pictou, Prince Edward Island and Miramichi, for the present year, upon the same conditions as for the last year.

150l. Steam Boat
Pictou

Resolved, That the sum of Three Pounds Fifteen Shillings, be granted and paid to William McCormick, in accordance with the prayer of his Petition, and the report of the Select Committee thereon.

2l. 16s. Wm. McCormick

Resolved, That the sum of Sixty Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat at the entrance of Annapolis River during the present Year, under the direction of the Collector of Customs at Digby.

60l. Revenue Boat at
Digby

Resolved, That such sum as will suffice to pay Fifteen Pounds sterling in London, be granted and paid to the Speaker of this House, to enable him to procure the Acts of Parliament, Journals of the House of Commons and Parliamentary Papers for the last year, as also, a copy of the latest addition of Hatsell's Precedents, and of Hammond's Practice in Parliament.

15l. Stg. to procure
Books for Assembly

Resolved, That the sum of Two Hundred Pounds be granted and paid to the Commissioners of the Asylum for the Poor, towards paying the debts contracted by them for the support of the establishment, agreeably to the report of the Committee.

200l. Comms. of
Poor Halifax

Resolved, That the sum of Eleven Pounds Eighteen Shillings be granted and paid to P. H. Ahern and Thomas Jost, for support and aid afforded to Ship-wrecked Mariners in the County of Cape Breton.

11l. 18s. P. H. Ahern

Resolved, That the sum of One Hundred Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, to repay the advance made to Doctor Gesner, pursuant to a Resolution of last Session.

100l. advance of Dr.
Gesner

Whereas, by a Resolution of the Legislature during the Session of 1837, there was granted the sum of One Hundred Pounds, to be placed at the disposal of His Excellency for the purchase of, and importing from England and Scotland, Seed Oats and Field Peas for agricultural purposes; *and whereas*, said Oats and Field Peas have been imported, and by order of this House sold for the purpose intended,—*resolved therefore*, that the nett proceeds of the Sale thereof, deducting the amount of the several charges of Importation, commissions on the Sale, and other incidental expenses, be granted and placed at the disposal of His Excellency, together with such further sum in addition, as to make the whole amount not exceeding One Hundred Pounds, for the purpose of obtaining from the Northern States of America the most approved kinds of Summer Wheat for Seed.

100l. Seed wheat

Whereas, the sum of Two Hundred and Seventy-one Pounds, was expended in completing the alteration at Black Rock Hill, upon the Great Eastern Road, over the sums granted for that service, of which One Hundred Pounds have been advanced by order of His Excellency the Lieutenant-Governor, and the sum of One Hundred and Seventy-one Pounds still remains due to the Commissioner, Samuel Archibald, Esquire. *Resolved therefore*, that the sum of Two Hundred and Fifty Pounds, granted for the repair of the said Hills, and the further sum of Twenty-one Pounds, part of the sum appropriated for that line of Road, making the sum of Two Hundred and Seventy-one Pounds aforesaid, be placed at the disposal of His Excellency, to re-pay the said sum of One Hundred Pounds advanced by his order, and the balance to the said Commissioner in full of his account for the said service.

271l. of Sums granted
for Eastern Road to
pay over-expenditure
at Black Rock Hill

WEDNESDAY, 11th APRIL, 1838.

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

Ordered, That the said Resolutions be read a second time at a future time.

A Bill, entitled, An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof; and also, further to amend the same; also, Schools &

A Bill, entitled; An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, were County Rates Bills
read a third time, and the question was put by the President on each Bill,

Whether this Bill shall pass?

Read 3d time

It was resolved in the affirmative.

Agreed to &

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Bills, and acquaint them that this House have agreed to the said Bills, without any amendment.

A Bill, entitled, An Act to authorise the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia, was read as amended, Cumberland Canal Bill finally agreed to &
and the question was put by the President,

Whether this Bill, as amended, shall pass?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

Sent to H. A.

To return the said Bill, and acquaint them therewith.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill:

A Bill, entitled, An Act for regulating the Internal Postage of this Province.

Post Office Bill

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Ordered, That the said Bill be read a second time at a future day.

The following Resolutions for granting Money, viz:—

25 Money Votes read 2d time &

£25	0	0	Chaplains of House of Assembly.
164	5	0	J. Howe & Son, extra printing.
30	0	0	J. McGregor.
125	0	0	Colored People.
15	0	3	N. Clough.
250	0	0	Survey of new line of Eastern Road.
253	13	8	Commissioners of Public Buildings.
7	15	0	Law Books of House of Assembly.
100	0	0	Adjutant-General & Quarter Master General of Militia.
100	0	0	Bridge over LaHave River.
25	0	0	Bridge in Argyle.
289	2	3	} Judge Marshall.
50	0	0	
10	0	0	Beacon, Devil's Island.
200	0	0	Arisaig Pier.
150	0	0	Advanced last year on Roads in Queen's County.
1540	0	0	Post Communication.
94	8	9	R. Gruber, Bridewell.
150	0	0	Steam Boat, Pictou, &c.
3	15	0	William McCormick.
60	0	0	Revenue Boat, Digby.
15	0	0	Sterling, to procure Books for Assembly.
200	0	0	Commissioners of Poor, Halifax.
11	18	0	P. H. Ahern & T. Jost.
100	0	0	Advance to Dr. Gesner.

£100 0 0 Seed Wheat.

271 0 0 Of sum granted for Eastern Road to pay over-expenditure on Black Rock Hill.

Agreed to

Were, by order, severally read a second time, and the question was put by the President, on each Resolution,

Whether this Resolution be agreed to ?

It was resolved in the affirmative.

337l. 18s. 4½d Contingent expenses of Council disagreed to

The Resolution for granting the sum of £337 18 4½, for the Contingent Expenses of the Council, was, by order, read a second time, and the question was put by the President,

Whether this Resolution be agreed to ?

It was resolved in the Negative.

Adjourn

On motion made and seconded—the House adjourned until to-morrow, at 1 o'clock.

Thursday, 12th April, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.

The Honorable Peter McNab, §
James Tobin, §
Joseph Allison, §
Norman F. Uniacke, §
James W. Johnston §

The Honorable Alexander Stewart,
William Rudolf,
Lewis M. Wilkins, Jun.
James S. Morse,
Alexander Campbell,

PRAYERS.

The Minutes of yesterday were read.

A Message was sent to the House of Assembly, by the Clerk,

To return the Twenty-six Resolutions agreed to yesterday, and acquaint them that this House have agreed to the same ; also,

To return the Resolution granting £337 18 4½, for the Contingent Expenses of the Council, and to acquaint them that this House have not agreed to the said Resolution.

26 Money Votes sent to H. A.

1 Money disagreed to sent to H. A.

Post-Office

Representative Inverness

Engine-Men

Certiorari read 2d time

Ordered to Com.

A Bill, entitled, An Act for regulating the Internal Postage of this Province ; also,

A Bill, entitled, An Act for altering the Representation in General Assembly, as respects the County of Inverness ; also,

A Bill, entitled, An Act to increase the number of Engine-men in the Town of Halifax ; also,

A Bill, entitled, An Act to facilitate the issuing Writs of Certiorari, in certain cases, were read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House, at a future time.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bills :

Crown Lands

A Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands, within the Province of Nova-Scotia.

Census

A Bill, entitled, An Act for taking the Census of this Province.

Fire Engine Lunenburg

A Bill, entitled, An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing Fires.

To which Bills they desire the concurrence of this House.

Read 1st & 2d times

The said Bills were read a first time.

And, by order, the said Bills were read a second time.

Ref. to Com.

Ordered, That the said Bills be committed to a Committee of the whole House at a future day.

A Bill, entitled, An Act for settling Titles in a certain Tract of Land in Cape-Breton, called the Mirè Grant, was read a second time.

Mirè Grant Bill read time

On motion, *resolved*, that the further consideration of the said Bill be deferred till the next Session; and that the said Bill be published in the Royal Gazette Newspaper, for the information of the parties interested.

Deferred till next Session & ordered to be published

For the motion,
Mr. Rudolf, Mr. McNab,
Mr. Stewart, Mr. Tobin,
Mr. Wilkins, Mr. Uniacke,

Against the motion,
Mr. Campbell,
Mr. Allison,
Mr. Johnston,
Mr. Morse,

On motion, *ordered*, that a Bill, entitled, An Act to improve the system of administering the Laws, and reduce the number of Courts of Justice, to be holden within Nova-Scotia proper, and to diminish the expense of the Judiciary, be published in the Royal Gazette Newspaper; and also, the other Newspapers of this Province.

Judiciary Bill to be published

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills. After some time, the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Com. on Bills Report

The Chairman also reported, that the Committee had gone through a Bill, entitled, An Act for regulating the Internal Postage of this Province; also,

Postage

A Bill, entitled, An Act to increase the number of Engine-men in the Town of Halifax; also,

Engine Men &

A Bill, entitled, An Act for altering the Representation in General Assembly, as respects, the County of Inverness; and had agreed to the said Bills without any amendment.

Representation Inverness without amendment

The said Bills were then read a third time, and the question was put by the President, on each Bill,

Bills read 3d time

Whether this Bill shall pass?

Agreed to & sent to H. A.

It was resolved in the Affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bills, and acquaint them that this House have agreed to the said Bills without any amendment.

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to facilitate the issuing Writs of Certiorari, in certain cases, and had made several amendments thereto.

Report Certiorari Bill with amendments

Which amendments being read twice by the Clerk, were agreed to by the House.

Amendments agreed to

Ordered, That the said Bill be read a third time at a future day.

The Chairman also reported that the Committee had had under their consideration, a Bill entitled, An Act to amend the Act relating to Passengers from Great-Britain and Ireland, arriving in this Province, and recommended that the further consideration of the said Bill be deferred to this day three months.

Recommend Passengers Bill to be deferred 3 months

Ordered, That the said Report be received, and the further consideration of the said Bill be deferred to this day three months.

Bill deferred

A Message was brought from the House of Assembly, by Mr. Whidden,

Message agreeing to amendments to C. B. Marriage Bill

To inform the House that the House of Assembly agreed to the amendments proposed by this House, to the Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton.

The Messenger also brought up the following Bills:

A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.

Inf. Courts

A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.

Supreme Court Halifax

A Bill, entitled, An Act to continue the Act respecting the Trial of Issues in the Supreme Court

Trial of Issues Sup. Court

THURSDAY, 12th APRIL, 1838.

Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof, and further to amend the same.

To which Bills they desired the concurrence of this House.

The said Bills were read a first time; and by order,

The said Bills were read a second time.

Ordered, That the said Bills be committed to a Committee of the whole House at a future day.

The Messenger also brought up the following Resolution :

Resolved, That His Excellency the Lieutenant-Governor be authorized and requested to advance the sum of Three Hundred and Sixty-two Pounds Eighteen Shillings and Four pence Half-penny to defray the expenses of the Legislative Council, and for fitting the Council Chamber for the reception of the Public, in the following manner :

To be paid to the Clerk of the Council,	£150	0	0
Gentleman Usher of the Black Rod,	75	0	0
J. Berton's Bill, for fitting Room	49	14	8
A DeChezeau's Account for Stoves, &c.	12	12	7½
Tempest & Tapper's Account,	11	0	0
Thompson & Esson's Bill, for Tables, &c.	49	11	1
For Hatsell's Precedents, &c.	15	0	0

£362 18 4½

To which Resolution they desired the concurrence of this House.

The said Resolution was read a first time.

Ordered, That the said Resolution be read a second time at a future time.

The following Resolutions for granting Money, viz :

£362 18 4½	Contingent expenses of the Council.
30 0 0	do. do. do.

Were read a second time, and the question was put by the President, on each Resolution, Whether this Resolution be agreed to ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolutions and acquaint them therewith.

The Resolution for granting £100 to the Clerk of the Legislative Council, was read a second time, and the question was put by the President,

Whether this Resolution be agreed to ?

It was resolved in the negative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Resolution, and acquaint them therewith.

A Bill, entitled, An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton, was read as amended, and the question was put by the President,

Whether this Bill, as amended, shall pass ?

It was resolved in the affirmative.

A Message was sent to the House of Assembly, by the Clerk,

To return the said Bill, and acquaint them therewith.

To-morrow being Good Friday, on motion made and seconded—the House adjourned until Saturday, at one o'clock.

Saturday

SATURDAY, 14th APRIL, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable Peter McNab,	The Honorable Alexander Stewart,
James Tobin,	William Rudolf,
Joseph Allison,	Lewis M. Wilkins, Jun.
Norman F. Uniacke,	James S. Morse,
James W. Johnston,	Alexander Campbell,

PRAYERS.

The Minutes of Thursday were read.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Resolutions.

Resolved, That out of the sum of Twenty Pounds granted to repair the Road from the Roman Chapel to Abuptic River in the County of Yarmouth, Ten Pounds be applied to repair the Road from Abuptic River to John Ryder's.

10l. change of Appropriation in Yarmouth.

Whereas, by the Act passed in the last Session of the General Assembly, entitled, An Act to continue the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax, part of the Auction Duties thereby levied are appropriated towards the completion and construction of the new line of Road and Bridge, leading Southwardly over the Fresh water Run; and the residue of such Duties are not by the said Act specifically appropriated; *resolved therefore*, that all such Auction Duties levied in the town of Halifax, be placed at the disposal of His Excellency the Lieutenant-Governor, to be applied for the said line of Road herein before mentioned, and for the New-Road round Bedford Basin, in such manner as His Excellency may deem most beneficial to the Public, either by payment of the over expenditure or otherwise.

150l. Over-expenditure on Bedford Basin Road to be paid out of Auction Duty

Resolved, That His Excellency the Lieutenant-Governor be requested to advance One Hundred Pounds towards the support of the Academy kept by Andrew Henderson, near the Town of Annapolis, and that this House will provide therefor at the next Session.

100l. Vote of credit for Academy near Annapolis

Resolved, That His Excellency the Lieutenant-Governor be authorized and requested to advance the sum of Forty Pounds, to provide a Female Teacher in the African School at Halifax, and that this House will make provision for the same at its next Session.

40l. vote of credit for female Teacher in African School

To which Resolutions they desired the concurrence of this House.

The said Resolutions were read a first time.

Ordered, That the said Resolutions be read a second time at a future time.

On motion, *resolved*, that the further consideration of the Bill, entitled, An Act to divide and set off the Township of St. Mary's in the County of Guysborough, as a separate and distinct District, be deferred to this day three months.

St. Mary's Bill def. 3 months

For the motion,

Mr. McNab,	Mr. Wilkins,
Tobin,	Stewart,
Campbell,	Morse,
Rudolf.	

Against the motion.

Mr. Allison,
Uniacke,
Johnston,

On motion of Mr. Allison, *resolved*, that a Committee of this House be appointed to prepare an Address to Her Most Gracious Majesty, praying that the Address of the Inhabitants of Halifax on the subject of the Shubenacadie Canal, may receive the favorable consideration of Her Majesty's Government,—

Resolution to prepare Address rel. to Shubenacadie Canal

For the motion,

Mr. McNab,
Morse,
Tobin,
Allison,
Uniacke,

Against the motion.

Mr. Wilkins,
Campbell,
Rudolf,
Stewart,
Johnston.

Whereupon,

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Whereupon, the President gave his casting vote in favour of the motion. So it passed in the affirmative.

Committee

Ordered, That Mr. Allison and Mr. Uniacke be a Committee of this House to prepare the said Address.

Money votes

The following Resolutions for granting Money, viz :

£ 10 Change of appropriation in Yarmouth.

150 Over expenditure on Road round Bedford Basin, to be paid out of Auction Duties.

100 Vote of credit for Academy at Annapolis.

40 " " Female Teacher in African School.

Read 2d time

Were, by order, read a second time, and the question was put by the President on each Resolution,

Whether this Resolution be agreed to.

Agreed to &

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly by the Clerk, To return the said Resolutions, and acquaint them therewith.

Committee on Bills

On motion, the House was adjourned, during pleasure, and put into a Committee on Bills.—After some time the House was resumed, and Mr. McNab reported that the Committee had made some progress.

Recommend Crown Lands Bill to be deferred till next Session

The Chairman also reported that the Committee had had under their consideration a Bill, entitled, An Act to establish sundry regulations for the future disposal of Crown Lands within the Province of Nova-Scotia, and recommended that the further consideration of the said Bill be deferred till next Session.

Report received & Bill deferred

Ordered, That the said Report be received, and the further consideration of the said Bill be deferred till the next Session.

Report Fire Engine Lunenburg

The Chairman also reported that the Committee had gone through a Bill, entitled, An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing Fires; also,

Sup. Court Halifax

A Bill, entitled, An Act to continue the Act concerning the Terms of the Supreme Court at Halifax; also,

Trial of Issues of Sup. Court

A Bill, entitled, An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof, and further to amend the same; also,

Inf. Courts &

A Bill, entitled, An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province; also,

Census Bills without amendment

A Bill, entitled, An Act for taking the Census of this Province—and had agreed to the said Bills without any amendment.

Read 3d time

The said Bills were then read a third time, and the question was put by the President on each Bill.

Agreed to &

Whether this Bill shall pass?

It was resolved in the affirmative.

Sent to H. A.

A Message was sent to the House of Assembly, by the Clerk, To return the said Bills, and acquaint them that this House have agreed to the said Bills, without any amendment.

A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill :

Old Road Sydney read 1st time &

A Bill, entitled, An Act to shut up an old road in the County of Sydney.

To which Bill they desired the concurrence of this House.

The said Bill was read a first time.

Ref. to Sel. Com. Committee

Ordered, That the said Bill be referred to a Select Committee to examine and report upon.

Ordered, That Mr. Stewart and Mr. Campbell be a Committee for that purpose.

A Bill, entitled, An Act to facilitate the issuing Writs of Certiorari in certain cases—was read a third time, and the question put by the President, Certiorari Bill read 3d time
 Whether this Bill, with the amendments, shall pass?
 It was resolved in the affirmative.
 A Message was sent to the House of Assembly, by the Clerk, And sent to H. A.
 To return the said Bill, and acquaint them that this House have agreed to the said Bill with several amendments—to which amendments they desire the concurrence of the House of Assembly.
 On motion made and seconded, the House adjourned until Monday, at 1 o'clock. Adjourn

Monday, 16th April, 1838.

The House met pursuant to adjournment.

P R E S E N T—

The Honorable S. B. Robie, President.	
The Honorable Peter McNab, James Tobin, Joseph Allison, Norman F. Uniacke, James W. Johnston,	§ § § § §
	The Honorable Alexander Stewart, William Rudolf, Lewis M. Wilkins, Jun. James S. Morse, Alexander Campbell.

PRAYERS.

The Minutes of Saturday were read.
 A Message was brought from the House of Assembly, by Mr. Whidden, with the following Bill :
 A Bill, entitled, An Act for applying certain Monies therein mentioned for the service of the year of our Lord One Thousand Eight Hundred and Thirty-eight, and for other purposes therein specified—to which Bill they desired the concurrence of this House. Appropriation Bill
 The said Bill was read a first time. Read 1st time
Ordered, That the said Bill be read a second time presently. Read 2d time & Ref. to Sel. Com.
 The said Bill was read a second time. Committee
Ordered, That the said Bill be referred to a Select Committee to examine and report upon.
Ordered, That Mr. Stewart, Mr. Allison, and Mr. McNab, be a Committee for that purpose.
 The Messenger also brought up the following Resolution :
Resolved, That His Excellency the Lieutenant-Governor be authorised and requested to advance the sum of Twenty Pounds to pay the expences of preparing a Plan and Estimate relative to Bridewell, and that this House will make provision for the same next Session. 20l. Vote of credit for plan of Bridewell
 To which Resolution they desired the concurrence of this House.
 The said Resolution was read a first time, and by order, the said Resolution was read a second time, and the question was put by the President, Read 1st & 2d time
 Whether this Resolution be agreed to ?
 It was resolved in the affirmative. Agreed to
 A Message was sent to the House of Assembly, by the Clerk, And sent to H. A.
 To return the said Resolution, and acquaint them therewith.
 Mr. Stewart, the Chairman of the Committee to whom the Bill, entitled, An Act for applying certain Monies therein mentioned for the service of the year of our Lord One Thousand Eight Hundred and Thirty-eight, and for other purposes therein specified, was referred, reported that the Committee had examined the said Bill, and found it correct. Com. on appropriation Bill report
 Whereupon, the said Bill was, by order, read a third time, and the question was put by the President, Bill read 3d time
 Whether this Bill shall pass? It

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- Agreed to &
Sent to H. A.
- It was resolved in the affirmative.
A Message was sent to the House of Assembly, by the Clerk,
To return the said Bill, and acquaint them that this House have agreed to the said Bill without any amendment.
- Com. on old Road
Sydney report
- Mr. Stewart, the Chairman of the Committee to whom a Bill, entitled, An Act to shut up an old road in the County of Sydney, was referred, reported that the Committee had examined the said Bill, and also, a Petition against the passing of the said Bill, and recommend that the further consideration of the said Bill should be deferred to this day three months.
- Bill deferred 2 months
- Ordered*, That the said Report be received, and that the further consideration of the said Bill, be deferred to this day three months.
- Consideration of Mes-
sage rel. to Civil
List
- On motion, the House proceeded to the consideration of His Excellency's Message of the 29th day of January, and the Despatches accompanying the same; and after debate thereon, the following Resolutions were unanimously agreed to.
- Resolutions relative
Civil List
- Whereas, His Excellency the Lieutenant-Governor did, by Message, on the 29th day of January last, communicate to this House, Copies of several Despatches from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, addressed to His Excellency, and also their Excellencies the late and present Lieutenant-Governors of New-Brunswick, for the consideration and guidance of the Legislative Council, in relation to the subject matter of a Bill subsequently sent to the Legislative Council from the House of Assembly, entitled, "An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues;" And whereas, in His Lordship's Despatch of the 5th September, 1836, No. 19, to Sir Archibald Campbell, His Lordship "desired to receive from the Legislative Council, and the House of Assembly, respectively, Reports pointing out the amount of Emoluments which should be attached as Salaries to the Public Officers of that Province." And whereas, this House has refused to concur in making the said provision in the manner contemplated by the said Bill, and it is proper that the reasons which have induced this House to reject it, and also the views of the Legislative Council as regards the scale of Salaries that ought to be affixed to the Public Officers mentioned in the said Bill, should be submitted to Her Majesty.
- Resolved*, That the sum of Two Thousand Pounds Sterling, proposed in this Bill as a permanent Salary for the Lieutenant-Governor of this Colony, is inadequate, if the amount of Salary to be paid to a British Governor is to be estimated with a due regard to the habits, feelings and wishes of Her Majesty's Loyal Subjects—with a proper respect for the Society over which the Representative of a British Sovereign is to preside—for his dignity as such Representative—and his independence as an integral and co-ordinate Branch of the Provincial Legislature—with reference to the style of living inevitable in this Town—to the hospitalities which he must extend to the Civil and Military Society inhabiting and visiting the Capital—to the spacious mansion provided for his residence, and the numerous calls upon his public and private charity—then the sum of Three Thousand Pounds Sterling proposed by Lord Glenelg, is the least which, in common justice, ought to be paid annually to the Lieutenant-Governor of Nova-Scotia.
- And whereas, by the aforesaid Despatch, it appears His Lordship is of opinion "that the Salary of £3000 Sterling attached to the Office of the Lieutenant-Governor of New-Brunswick could not be reduced consistently with the rank and dignity which he is required to maintain as Her Majesty's Representative," and the Legislature of that Colony having accordingly established it at that sum. *Resolved further*, that inasmuch as the seat of Government in New-Brunswick is an inland Town, with but a small Garrison—that it is inaccessible to Her Majesty's Ships—and moreover, as the Lieutenant-Governor of that Province has always been, in Military rank, inferior to the Lieutenant-Governor of this Colony, the Legislative Council is of opinion that his income should be at least equal to that of the Lieutenant-Governor of New-Brunswick.
- Resolved*, That it is of essential importance to the well being and good government of this Colony, and to its preservation as an integral part of the British Empire, that the Lieutenant-Governor

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Governor—the Judges—the Secretary of the Province, and the Crown Officers should, as regards their incomes, be independent of the annual vote of the Legislature, and this House concurs in the condition which, in this respect, the Colonial Secretary has annexed to the proposed transfer.

Resolved, That this House respectfully concur in the principle announced by His Lordship in his Despatch of the 31st October, 1837, viz: "That pledges on the part of the Crown "to the actual holders of office ought not to be interfered with"—a principle of which the justice is acknowledged by the House of Assembly in their Address of the present Session to Her Majesty, in which, with reference to the Officers of the Customs, it is distinctly stated that "without attempting to interfere with the emoluments of the present Officers, or "seeking to diminish their incomes, they desire only that the scale of Salaries for future incumbents should be revised."

Resolved, That this principle is departed from in respect to the present Chief Justice, and the Puisne Judges of the Supreme Court, for, so far from adding to their incomes as required by His Lordship, the provision made by this Bill reduces the amount of their emoluments, and this, notwithstanding they had acted upon Lord Glenelg's instructions by accepting the proposed Salaries in lieu of their present income, upon the application of His Excellency the Lieutenant-Governor.

Resolved, That the Council entirely agree in the sentiments expressed by the Colonial Secretary, in favor of moderate and simple habits of Domestic expenditure in this Colony, but they think that the provision made in the Bill for the Puisne Judges of the Supreme Court does not conform to another principle of His Lordship's Despatch, which requires the Salaries to be fixed at amounts sufficient for the maintenance of the respective Officers in that Station of Society to which they belong, and although the Council doubt not that the sum allotted for the maintenance of the Puisne Judges by the House of Assembly does really appear to a majority of that House to be adequate, yet as a great portion of the members come from the interior, where the expense of living is comparatively inconsiderable, they have not the means of acquiring that actual knowledge of the subject which a residence in the Capital alone could give them—and this House, upon the personal experience of such of them as reside in this Town, declare that the sums fixed by His Lordship are the smallest which ought to be allotted to those high judicial officers, whose dignified and independent support is alike necessary for the honor of the Crown—the vindication of the Majesty of the Laws, and the support of the rights and interests of the Subject.

Resolved, As further proof of the correctness of this opinion, the General Assembly of New-Brunswick, at its last Session, in creating the office of Master of the Rolls for that Province, affixed the sum of Eight Hundred Pounds, Currency, for the Salary of that office. The Puisne Judges of that Colony, also with the approbation of the Legislature, receiving an annual income (including their fees levied in New-Brunswick as in Nova-Scotia, under an order of the Governor and Council) of at least Nine Hundred Pounds, Currency, each, independently of the travelling charges provided for them by the Provincial Legislature.

Resolved, That the grateful acknowledgments of this House and of the People of this Province are due to Her Majesty, for consenting to place at the disposal of the Legislature the Casual and Territorial Revenues and the whole Crown Domains in this Province, in exchange for an adequate Civil List, and this House would have readily concurred, and will at all times be ready and anxious to concur, in the proposal which the Right Honorable the Secretary of State for the Colonies has, by Her Majesty's command, for this purpose submitted to the Provincial Legislature.

Resolved, That by acceding to this proposal, this Province would at present gain in money Three Hundred Pounds per annum, besides which the Revenues proposed to be ceded, and a large portion of which is paid by the People of the United States, is greatly and rapidly increasing, and moreover as all the ungranted wilderness lands in the Province would by the proposed cession be Provincial property, these lands, under proper management, would become an additional source of profit and Revenue to the Colony.

On motion the following Addresses to Her Majesty and to His Excellency the Lieutenant Governor, were unanimously agreed to.

MONDAY, 16th APRIL, 1838.

TO THE QUEEN'S MOST EXCELLENT MAJESTY,

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL OF NOVA-SCOTIA.

Address to Her Majesty
rel. to Civil List
Bill*May it please your Majesty.*

We your Majesty's loyal and dutiful Subjects, the Legislative Council of your Majesty's Province of Nova-Scotia in General Assembly convened, beg leave humbly to approach the Throne with the assurance of our ardent attachment to Your Royal Person and Government respectfully, and gratefully acknowledging your Royal Goodness in tendering to the People of this Province your Casual and Territorial Revenues and Crown Lands with- in the same, in exchange for an adequate Civil List.

The reasons which have induced us to withhold our assent to a Bill which was sent to us by the House of Assembly, to be entitled, An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenue, are contained in certain Resolutions adopted by us, whereof copies are annexed to this Address, and which are humbly submitted to your Majesty's consideration, in the hope that they will appear satisfactory to Your Majesty.

Whilst we regret that the two Houses have entertained different views upon the subject of that Bill, we reflect with satisfaction, in which we doubt not your Majesty will participate, that they have by cordially co-operating in the work of Legislation passed many important Acts, prosecuting their joint labours in a spirit of conciliation and harmony, auspicious we trust of future happy results from the recent change in the Constitution of the Colony, graciously conceded by your Majesty to the prayer of the Representatives of the People.

To the able and impartial administration of Sir Colin Campbell the House of Assembly have in their Address to your Majesty borne testimony, and we are gratified to know that such is the universal feeling of the Colony. It was spontaneously exhibited at the numerous Public Meetings lately held in every part of the Province, and your Majesty may be assured that it will afford them unmingled gratification to learn that he has been deemed worthy of some distinguished mark of Your Majesty's Royal approbation and favour.

For ourselves we have nothing to urge or to solicit. This House owes its existence to Your Royal Pleasure—called to take a part in the Counsels of the Country by the mandate of Our Sovereign we cheerfully obeyed—but for the happiness of our native Land, and for the perpetuity of those British feelings, deep, fervent and universal, which animate its Inhabitants, we presume humbly, yet earnestly, to implore, that whatever changes may be hereafter made in the Polity of our Country, it may be assimilated more and more to the revered Constitution of Great Britain.

For, may it please Your Majesty, Your Loyal Subjects in this Province, happy, peaceable, contented and rapidly advancing in wealth and prosperity, beneath the benign and powerful protection of the British Crown, cherish an ardent affection for the land of their Fathers—an enthusiastic admiration of its Institutions, and reverence for those forms, usages and customs, by which British Liberty is protected and secured.

That Your Majesty may long live and happily reign over a free, loyal and happy People, is our fervent prayer.

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL.

May it please Your Excellency,

The Legislative Council have passed an Address to Her Majesty, and several Resolutions

MONDAY, 16th APRIL, 1838.

tions with reference to Your Excellency's Message of the 29th January last, which the Council humbly pray Your Excellency will be pleased to transmit to the Right Honorable the Secretary of State for the Colonies, to be laid at the foot of the Throne, being the result of the deliberations of the Legislative Council upon the proposed surrender of Her Majesty's Domain, and Her Casual and Territorial Revenue, to the Province, in exchange for an adequate Civil List.

Ordered, That Mr. Stewart, Mr. Allison and Mr. Campbell, be a Committee of this House to present the said Addresses and Resolutions to His Excellency the Lieutenant-Governor.

Com. to present Address

Mr. Allison, the Chairman of the Committee of this House, appointed to draw up an Address to Her Majesty, praying that she would be graciously pleased to cause the Royal Instructions to be modified in such manner as would enable His Excellency to give His Assent to a Bill to establish the form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, reported the draft of an Address which he read in his place, and afterwards delivered it to the Clerk who read the same as follows :

Com. to prepare Address on Oath Bill report

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL OF THE PROVINCE OF NOVA-SCOTIA.

May it please Your Majesty,

Address

We approach the Throne to request Your Majesty's consideration of a Bill, entitled, An Act to establish the form of Oaths hereafter to be taken by your Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, which passed both Houses of the Provincial Legislature at its late Session, of which a copy accompanies this Address—from which His Excellency the Lieutenant-Governor, in the exercise of the Prerogative vested in him as your Majesty's Representative, withheld his assent, and caused it to be intimated to both Houses, that he did not deem himself authorized to assent to a Bill of this nature without the previous instructions of your Majesty.

The object of the Legislature in this measure was to obtain the advantage of one form of Oath, suited without distinction to all Denominations of Christians, and adapted to the circumstances of this Province in cases where the State Oaths are required.

We humbly represent that the distinction made between persons of different religious Persuasions, in the form of the Oath required from them when entering upon offices of trust, open alike to all, is a cause of dissatisfaction, which has been long felt in this Province. It is a distinction which exerts an injurious influence, and tends to excite party feelings by bringing into notice religious differences of opinion in affairs merely secular, from which the consideration of Religious differences ought, as we humbly think, to be banished, and as the distinction principally arises from the Oaths required to be taken by your Majesty's Protestant Subjects in this Province being more strongly expressed, and extending into greater detail than the corresponding parts of the Oath appointed for their Roman Catholic Fellow Subjects, no necessity for it appears to exist: and it is to be feared that this circumstance, and the continued use of Declarations against pretensions long extinct, may impair the solemn and respectful feeling due to the State Oaths.

With these sentiments the Bill was framed, and passed subject to your Majesty's consent, and your faithful Council humbly pray that your Majesty, taking the subject into your Royal consideration, would be pleased to instruct His Excellency the Lieutenant-Governor, that it is consistent with your Royal Pleasure, that a similar Bill should be passed at the next Session of the Provincial Legislature, or would graciously fulfil the desire of Your Loyal People of this Province in this respect in such other way as to your Majesty may seem best suited for the object.

Ordered, That the said Address be received and adopted.

(For Bill annexed, vide Appendix, No. 3.)

The Chairman also reported the draft of an Address to His Excellency the Lieutenant-Governor

Com. report Address to His Excellency

MONDAY, 16th APRIL, 1838.

Governor, which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows :

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor or Commander in Chief in and over Her Majesty's Province of Nova-Scotia and its Dependencies, &c. &c. &c.

Address

THE ADDRESS OF THE LEGISLATIVE COUNCIL.

May it please Your Excellency ;

The Legislative Council have passed an Address to Her Majesty, on the subject of certain Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, which the Legislative Council humbly pray Your Excellency will be graciously pleased to transmit to the Right Honorable the Secretary of State for the Colonies, with your favorable recommendation, to be laid at the foot of the Throne.

Ordered, That the said Address be received and adopted.

Ordered, That the Committee who prepared the said Addresses, be a Committee to present the same to His Excellency the Lieutenant-Governor.

Com. to present Address

Adjourn

On motion made and seconded, the House adjourned until to-morrow, at 12 o'clock.

Tuesday, 17th April, 1838.

The House met pursuant to adjournment.

PRESENT—

The Honorable S. B. Robie, President.

The Honorable Peter McNab,
James Tobin,
Joseph Allison,
Norman F. Uniacke,
James W. Johnston

The Honorable Alexander Stewart,
William Rudolf,
Lewis M. Wilkins, Jun.
James S. Morse,
Alexander Campbell,

PRAYERS.

The Minutes of yesterday were read.

Mr. Stewart, the Chairman of the Committee appointed to wait upon His Excellency the Lieutenant-Governor, with the Resolutions passed yesterday, relative to the Civil List Bill, and the Addresses to Her Majesty and to His Excellency, relating thereto, reported that the Committee had performed that duty, and that His Excellency had been pleased to say that he would have pleasure in forwarding the Address and Resolutions to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Com. to present Address & Resolutions relative to Civil List Bill report

On motion of Mr. Johnston, *resolved*, that His Excellency the Lieutenant-Governor be respectively requested to cause to be prepared during the recess, and to be laid before this House at the opening of the next Session of the Legislature, copies of all Grants, Licenses and Warrants, which have been made by the Crown, or by any authority under the Crown, at any time, of or reserving or appropriating any Lands or Tenements, or of or reserving or appropriating any right or share to or in any Lands or Tenements within this Province, for the use of Schools, or as School Land or School Lots, or for any Seminary or Establishment for Education, or in any manner for the promotion of Learning or Education, either generally or with reference to any particular denomination of Christians or class of Persons, or to any specific Institution or purpose whatever; and also, copies of all Commissions issued for

Resolution to ask for copies of Grants of School Lands

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for appointing any Commissioners or Trustees, or other Managers of any such Lands; and also, copies of all Leases and Authorities of any kind, for the use or occupation of any of the said Lands, which may have been made or granted by the Government.

On motion of Mr. Johnston, *resolved*, that the following Address be presented to His Excellency the Lieutenant-Governor, relative to the said Resolution:

TO HIS EXCELLENCY MAJOR-GENERAL
SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

Address to His Excellency rel. to School Land Resolutions

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL OF NOVA-SCOTIA, NOW IN SESSION.

The Legislative Council have passed the accompanying Resolutions, in relation to the Lands which have been granted, reserved or appropriated, for the use of Schools or of Education, in this Province, and respectfully request that Your Excellency will be pleased to cause the copies of Papers therein mentioned, to be prepared and laid before the Legislative Council at the opening of the next Session of the Legislature.

Ordered, That Mr. Johnston, Mr. Allison and Mr. Stewart, be a Committee to present the said Address and Resolution to His Excellency. Com. to present

On motion of Mr. Johnston, *resolved*, that His Excellency the Lieutenant-Governor be respectfully requested to cause to be prepared, during the recess, and to be laid before this House at the opening of the next Session of the Legislature, copies of all Grants, Licenses or Warrants, which have been made by the Crown or by any authority under the Crown, at any time of or reserving or appropriating any Lands or Tenements, or of or reserving or appropriating any right or share, to or in any Lands or Tenements, within this Province, for the use of Ministers or Religious Teachers, or as Minister's Lots, or as Church Lands, or as Glebe Land, or for any Religious purpose or use whatever, either generally or with reference to any particular Church, or denomination of Christians, or class of Persons, or specifically to or for any Religious Institution or Establishment whatever; and also, copies of all Commissions issued for appointing any Commissioners or Trustees or other Managers of any such Lands; and also, copies of all Leases and Authorities of any kind, for the use or occupation of any of the said Lands which may have been made or granted by the Government. Resolutions rel. to Lands granted to Ministers

On motion of Mr. Johnston, *resolved*, that the following Address be presented to His Excellency the Lieutenant-Governor, relative to the said Resolution:

TO HIS EXCELLENCY MAJOR-GENERAL

SIR COLIN CAMPBELL,

Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

Address to His Excellency relative to Ministers Lots

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL OF NOVA-SCOTIA, NOW IN SESSION.

The Legislative Council have passed the accompanying Resolution, in relation to the Lands which have been granted, reserved or appropriated, for the use of Ministers, or as Church

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Church or Glebe Lands, or for any Religious purpose, in this Province, and respectfully request that Your Excellency will be pleased to cause the copies of Papers therein mentioned, to be prepared and laid before the Legislative Council, at the opening of the next Session of the Legislature.

Com. to present Address

Ordered, That Mr. Johnston, Mr. Allison and Mr. Stewart, be a Committee to present the said Address.

Com. to prepare Address rel. to the Shubenacadie Canal report

Mr. Allison, the Chairman of the Committee appointed to prepare an Address to Her Majesty, praying that the Address of the Inhabitants of the Town of Halifax, on the subject of the Shubenacadie Canal, may receive the favourable consideration of Her Majesty's Government, reported the draft of an Address to Her Majesty, which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Address

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL OF THE PROVINCE OF NOVA-SCOTIA.

Most Gracious Sovereign,

We, Your Majesty's faithful Subjects, the Legislative Council of Your loyal Province of Nova-Scotia, most respectfully approach Your Majesty with those sentiments of steadfast loyalty and devoted attachment to the Person and Government of their Sovereign, which have ever prevailed in this favored Colony.

We pray permission to represent to Your Majesty that, in consequence of Resolutions adopted at a Public Meeting of the Inhabitants of Your Town of Halifax, recently held, with reference to the enterprize designated as the Shubenacadie Navigation, and at the instance of the meeting the attention of the Legislature has been given to this undertaking, and the affairs and prospects of the Company engaged in it; and that considering the extensive public interests involved in the successful accomplishment of that measure, the progress which has been made, and the large sum expended in its prosecution; and induced by the strong expression of public opinion in favor of immediately resuming the operations of the Company, which proceeded from the meeting referred to. The Legislative Council most respectfully beg to recommend the prayer of the Address of the Inhabitants of Halifax to the consideration of Your Majesty's Government, as a measure which is thought by them of so great importance to the interests of the Province. The Members of the Legislative Council do not feel competent to give any opinion upon the practicability of the undertaking, or the expense attending the completion of it; but they do think, that if a Canal connecting the Harbour of Halifax with the waters of the Bay of Fundy, were completed, it would be highly advantageous, for the reasons stated in the Address, now recommended for consideration. The Legislative Council are informed that a Survey and Estimate of the proposed Canal has been recently executed; but should any doubt exist as to its accuracy, the Council believe that the most adviseable course to be pursued, if Her Majesty's Government should be favorable to the undertaking, would be to employ skilful Engineers to make a further Survey of the whole proposed line of Communication, and upon their report being made, Her Majesty's Government would then be able to form a judgment upon this important subject.

Ordered, That the said Address be received and adopted.

Address to His Excellency reported

The Chairman also reported the draft of an Address to His Excellency the Lieutenant Governor; which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows:—

TUESDAY, 17th APRIL, 1838.

TO HIS EXCELLENCY MAJOR-GENERAL

Address

SIR COLIN CAMPBELL,

Knight-Commander of the Most Honorable Military Order of the Bath, Lieutenant-Governor and Commander in Chief in and over Her Majesty's Province of Nova-Scotia and its Dependencies, &c. &c. &c.

THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL OF NOVA-SCOTIA,

May it please Your Excellency;

The Legislative Council have passed an Address to Her Most Gracious Majesty, praying that the Address of the Inhabitants of Halifax, on the subject of the Shubenacadie Canal, may receive the favorable consideration of Her Majesty's Government, and they humbly request that Your Excellency will be pleased to transmit their Address to the Right Honorable Lord Glenelg, Her Majesty's Colonial Secretary, to be laid at the foot of the Throne, with Your Excellency's favorable recommendation of the prayer thereof.

Ordered, That the said Address be received and adopted.

Ordered, That Mr. Allison, Mr. McNab and Mr. Campbell, be a Committee to present the said Addresses to His Excellency the Lieutenant-Governor. Committee to present

Mr. Johnston, the Chairman of the Committee appointed to present the Address to His Excellency the Lieutenant-Governor; and also, the Resolution of this House, asking for copies of all Grants of Lands for the use of Schools, &c., reported that the Committee had waited upon His Excellency and presented the said Address and Resolution, and that His Excellency had been pleased to say, that he would direct copies of such Grants to be prepared and laid before the House at its next Session. Committee to present School Land Address, &c. report

Mr. Johnston, the Chairman of the Committee appointed to present the Address to His Excellency the Lieutenant-Governor; and also, the Resolution of this House, asking for copies of all Grants of Lands for the use of Ministers, &c., reported that the Committee had waited upon His Excellency, and presented the said Address and Resolution, and that His Excellency had been pleased to say, that he would direct copies of such Grants to be prepared and laid before the House at its next Session. Committee to present Ministers' Lots Address report

Mr. Allison, the Chairman of the Committee of this House appointed to present the Addresses of this House to Her Majesty and to His Excellency the Lieutenant-Governor, relative to the Shubenacadie Canal, reported that the Committee had waited upon His Excellency and presented the said Addresses, and that His Excellency had been pleased to say, that he would forward the Address to the Right Honorable the Secretary of State for the Colonies. Committee to present Shubenacadie Canal Addresses report

Mr. Allison, the Chairman of the Committee, appointed to present the Addresses of this House to Her Majesty and to His Excellency the Lieutenant-Governor, relative to the Bill to establish the Form of Oaths hereafter to be taken by Her Majesty's Subjects in this Province, instead of the Oaths of Abjuration and Supremacy, reported that the Committee had waited upon His Excellency and presented the said Addresses, and that His Excellency had been pleased to say, that he would forward the said Addresses to the Right Honorable the Secretary of State for the Colonies. Committee to present Oath Bill Address report

At three of the o'clock, P. M., His Excellency the Lieutenant-Governor came to the Council Chamber, attended as usual, and, being seated, the Gentleman Usher of the Black Rod received His Excellency's command, to let the House of Assembly know "It is His Excellency's will and pleasure they attend him immediately in this House."

His Excellency comes to Council Chamber

Who, being come, with their Speaker, His Excellency was pleased to give his assent to thirty-five Bills, entitled as follow:—

H. A. attend His Excellency assents to 35 Bills

An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing. An

Forestalling

TUESDAY, 17th APRIL, 1838.

Rates and Prices of Carriages	An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.
Disorderly Riding	An Act to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages in the Streets of Halifax or other Towns, or on the Public Roads of this Province.
Bridewell	An Act to continue the several Acts concerning the Bridewell and Police in Halifax.
Halifax Night Watch	An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.
Firewards Halifax	An Act to continue the Act to repeal the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.
Weighing of Beef	An Act to continue the Act to regulate the Weighing of Beef.
Constables' Fees Commrs. Court	An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.
Commissioners Court	An Act to continue the Act relating to the Court of Commissioners at Halifax.
Poor Settlers	An Act to extend, for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province.
Coasting Pictou	An Act to extend to the Town of Pictou the provisions of an Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the Hills in the Streets of Halifax.
Meeting-House Merigomish	An Act to enable the Proprietors of a certain Meeting-House in Merigomish, in the County of Pictou, to sell the same.
Boundary of Cumberland	An Act for establishing the Boundary Line between the Counties of Cumberland and Colchester.
Militia	An Act to revive and continue the Acts respecting the Militia of this Province.
Billeting Troops	An Act to continue the Act, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also, the Acts in amendment thereof.
Sable Island	An Act for the better regulation of Sable Island in this Province.
Roads and Bridges	An Act in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.
Cordwood	An Act to continue the Act to suspend the operation of the Act to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax.
Pilotage Halifax	An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof.
Pictou Academy	An Act to alter and amend the Act to regulate and support the Pictou Academy.
Culling Fish	An Act respecting the Culling of Dry Fish.
Standard of Grain	An Act to establish the Standard Weight of Grain, and to repeal the enactments now in force.
Schools	An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also, further to amend the same.
County Rates	An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.
Cumberland Canal	An Act to authorize the Incorporation of a Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia.
Postage	An Act for regulating the Internal Postage of this Province.
Engine Men	An Act to increase the number of Engine-men in the Town of Halifax.
Inverness Representation	An Act for altering the Representation in General Assembly, as respects the County of Inverness.
Cape Breton Marriages	An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton.
Fire Engine Lunenburg	An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials, necessary for extinguishing Fires.
Sap. Court Halifax	An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.
Circuits Sup. Court	An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof, and further to amend the same.

An

TUESDAY, 17th APRIL, 1838.

An Act to continue the Acts concerning the Inferior Courts of Common Pleas within this Province.

Inferior Courts

An Act for taking the Census of this Province.

Census

An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and for other purposes therein specified.

Appropriation

His Excellency was pleased to express his dissent from the Bill, entitled,

His Excellency dissents from Trustees of School Lands Bill

An Act for the appointment of Trustees of School Lands in this Province.

After which, His Excellency was pleased to close the Session with the following Speech :

Mr. President, and Honorable Gentlemen of Her Majesty's Council :

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

As the public business is brought to a close I have great pleasure in releasing you from your Legislative labours.

Speech

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

I thank you, in Her Majesty's Name, for the Supplies you have granted for the Public Service for the present year.

You have done as much as could be expected by your liberal grant of £10,000 for the Service and Equipment of the Militia, and it will be my ambition, as it is my duty, on any emergency that may arise, to give the fullest effect to the means of defence which you have provided. It is hoped, however, as the outbreak in the Canadas has been suppressed, and as the Government of the United States have adopted active measures for maintaining neutrality on their frontier, that the amicable relations which so happily exist between the Governments will not be interrupted.

It would have afforded me much gratification if the important business, which it became my duty to bring under your consideration, in obedience to Her Majesty's commands, (in consequence of your Address to the Throne last Session) had been satisfactorily arranged, and I cannot but express my regret that a subject of such deep interest to the prosperity and tranquility of the Province remains unadjusted.

I cannot permit to pass unnoticed the Resolution which you lately handed to me, expressing your regret that, in the formation of the Legislative Council, Her Majesty's gracious Instructions had not been carried out; especially as you took occasion to present that Resolution at the moment when you had reason to believe that it had become necessary for me to make some alteration in that Body, in consequence of Instructions then just received. It was my duty, as well as my inclination, to give the fullest effect to those Instructions, and I can confidently affirm that no means or exertions on my part were wanting; but you, Gentlemen, must first make provision for the payment of the Legislative Council, (in a similar manner as you pay yourselves) before individuals can be induced, or can afford, to come from the country, and give up their time and labour without remuneration.

It is unavailing to attempt to give satisfaction to all—some individuals no doubt are dissatisfied that they are not named to the Council, but as I am responsible to Her Majesty for the selection which I have made, I shall firmly resist any attempt to encroach upon Her Majesty's Prerogative, or to influence me in the fulfilment of my duty.

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

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

I have deemed it proper to withhold my assent to the Bill passed by you, for the appointment of Trustees for School Lands in this Province, because some of these allotments have been for many years past, and still are, in the charge of Trustees, nominated by my predecessors or myself, in pursuance of an Act of the Legislature, passed in the year 1766.

I shall not fail, however, to transmit to Her Majesty's Principal Secretary of State for the Colonies, a copy of this Bill, and request instructions for my guidance, in the event of the consideration of this subject being resumed in the next Session of the General Assembly.

TUESDAY, 17th APRIL, 1838.

I trust that I need not assure you, that I shall do so in such a manner, that it may induce the favourable consideration of Her Majesty's Government to the weight which is due to any subject emanating from both branches of the Legislature.

I have witnessed with much satisfaction, the uninterrupted zeal and harmony which appears to have animated the two Branches of the Legislature during the present Session, and I confidently rely that you will, on your return to your homes, cultivate in your respective circles those sound principles of loyalty and affection to our most Gracious Sovereign, and attachment to the Parent Kingdom, which alone can promote and secure the real interests of this rising and happy Colony.

The President of the Council, by His Excellency's desire then said,

GENTLEMEN,

It is the pleasure of His Excellency the Lieutenant-Governor that this General Assembly be prorogued to Thursday, the 19th day of July next, and this General Assembly is accordingly prorogued to Thursday, the 19th day of July next, to be then here held.

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

JOHN C. HALLIBURTON,
Clerk of Legislative Council.

Prorogation

H. A. withdraw
His Excellency retires

M E S S A G E :

(Signed) C. Campbell.

THE Lieutenant-Governor lays before the Legislative Council copies of the Despatches to which he alluded in that part of His opening Speech which was addressed separately to the House of Assembly, with copies of various other papers, either referred to in those Despatches, or connected with the subjects to which they relate.

Her Majesty having, as these Communications amply testify, evinced her earnest solicitude to meet the views of the Assembly, by cheerfully consenting to place at the disposal of the Legislature Her Casual and Territorial Revenues, and the whole Crown Domain in this Province, in exchange for a Civil List—subject only to the conditions by which His late Majesty was pleased to qualify the corresponding concession in Lower Canada and New Brunswick—the Lieutenant-Governor is persuaded that the Legislative Council will readily concur with the Assembly in the proposals which are now submitted to them by Her command.

In bringing this subject before the Legislature, the Lieutenant-Governor is instructed to advert to the settlement recently made with New-Brunswick, as a precedent to be followed, as far as local circumstances will permit.

Among the Papers which accompany this Message, are Letters from the Chief-Justice and Puisne Judges of the Supreme Court, expressing their willingness to accept the rate of Salary proposed to be affixed to their Offices, without Fees, and the Lieutenant-Governor earnestly trusts that the present opportunity will be taken to provide adequately for the independence of the Judges.

Government-House, 29th January, 1838.

List of Papers accompanying the Lieutenant-Governor's Message of the 29th January, 1838. Copies of

- No. 1.—Despatch from Lord Glenelg to Sir Colin Campbell, dated 30th April, 1837.
- 2.—Despatch from do. to do. dated 6th July, 1837.
- 3.—Despatch from do. to do. dated 31st October, 1837.
- 4.—Being the paper No. 3, alluded to in the last Despatch.
- 5.—Despatch No. 87, alluded to in do.
- 6.—Letter from the Hon. Chief-Justice Halliburton to the Provincial Secretary, dated 18th January, 1838.
- 7.—Letter from the Puisne Judges to do. dated 8th January, 1838.
- 8.—Despatch from Lord Glenelg to Sir Colin Campbell, Lieutenant-Governor of Nova-Scotia, dated 21st November, 1837.
- 9.—Despatch from Lord Glenelg to Sir Archibald Campbell, Lieutenant-Governor of New-Brunswick, dated 31st August, 1836.
- 10.—Despatch from do. to do. dated 5th Sept. 1836.
- 11.—Despatch from do. to Sir Colin Campbell, dated 31st October, 1836.
- 12.—Bill for the support of the Civil Government of New-Brunswick, enclosed in the last Despatch.
- 13.—Despatch from Lord Glenelg to Sir Archibald Campbell, dated 4th January, 1837.
- 14.—Despatch from Lord Glenelg to Sir Colin Campbell, dated 24th February, 1837.
- 15.—Despatch from Lord Glenelg to Sir Archibald Campbell, dated 2d March, 1837.
- 16.—Despatch from do. to Sir John Harvey, dated 6th April, 1837.
- 17.—Letter from G. F. Street, Esq. to Lord Glenelg, dated 22d March, 1837, enclosed in the last Despatch.
- 18.—Despatch from Lord Glenelg to Sir John Harvey, dated 29th April, 1837.

A P P E N D I X

No. 1.

(Copy.)

No. 77.

SIR,

Downing Street, 30th April, 1837.

I have received your Despatch of the 9th of March, in which you transmitted to me a Report of the proceedings of the Legislature of Nova-Scotia since their meeting on the 21st of last January.

It is a ground of sincere satisfaction to me that the House of Assembly rescinded the Resolutions which they adopted on the state of the Province, and I am happy to perceive, on reference to the Journals of the House, that the Resolutions are rescinded on the motion of the same Gentleman who had originally proposed them for the adoption of the House.

Hitherto mutual confidence has reigned, almost without interruption, between His Majesty's Government and the Representatives of the People of Nova-Scotia, and I should deeply have regretted to be required to participate in a discussion conducted on either side in a different spirit. I hasten, therefore, to obviate, if possible, any such controversy, and to place you in possession of instructions for your guidance on the questions embraced in those Resolutions. It is the more incumbent on me to adopt this course because you prepare me, not indeed for the immediate revival of all the topics, the discussion of which had been suspended, but for an intimation of the desire of the Assembly for some alteration in the form of their existing constitution.

I am happy to assure you that His Majesty, in acceding to the wishes, or what he conceives to be the wishes, of the Assembly, makes no reluctant concession, but meets them with a cheerful assent, convinced that the greater part of the measures which they have suggested will be conducive alike to the Honour of His Crown, and the welfare of His faithful subjects inhabiting that part of His dominions.

1st.—His Majesty abstains from expressing any opinion on the questions debated between the two Houses of Provincial Legislature with regard to the disuse of Divine Worship in the one and the exclusion of the Public from the Debates of the other.—The King is persuaded that the very grave importance of these measures will be duly appreciated by either House, and that the interference of the Executive Government on such subjects would not only be misplaced but injurious, as it could not fail to be regarded, and justly, as an encroachment on the peculiar privileges of the Legislature.

2ndly.—You give me reason to infer that the Assembly desire such a change in the constitution of the Legislative Council as would bring it into correspondence with the system at present in force in the Canadas and in New-Brunswick. It is of course understood in the Province that in all the British Colonies possessing Representative Assemblies, except the Canadas and New Brunswick, the Council is a single Chamber, called at different times to the discharge of Legislative functions, and to the duty of assisting in the administration of the Executive Government.

The separating this Body into two distinct Chambers, the one Legislative, and the other Executive, is an experiment which was first tried in the Canadas by the Act of 1791, and repeated in New-Brunswick in the year 1832. So far as I have been able to judge, the result of this innovation has not been such as to exclude very serious doubts respecting its real usefulness.

It may well be questioned whether the maintenance of the existing Constitution of the Council of Nova-Scotia would not be the best mode of subjecting that Body to a direct and effective responsibility, and of securing to each of the two Houses of Legislature its just weight and legitimate influence in the deliberations and measures of the other.

His Majesty, however, is graciously prepared to act on this question in conformity with such advice as shall be deliberately tendered to Him by the Representatives of the People of Nova-Scotia, because the King will not refuse to His People in that Province every participation in the Institutions of the other Provinces of British North America which their Representatives may regard as conducive to the general good; and because His Majesty is convinced that their advice will be dictated by more exact and abundant knowledge of the wants and wishes of their constituents than any other persons possess or could venture to claim.

I willingly abstain from entering on the discussion of the alternative of an Elective Council suggested in one of the rescinded Resolutions; it is unnecessary for me to say more on this subject than to express my conviction that the suggestion was thrown out by the Assembly rather as a possible compromise of a supposed difficulty than as expressing any fixed opinion that the evils of which they complained could be remedied only by so essential a change in the constitution.

3rdly.—The objections made by the Assembly to the actual composition of the Council are but too well founded, and whether that Body shall retain its present form, or shall be

resolved into two separate Chambers, it must undergo a very comprehensive change in its component parts.

It is now for the first time disclosed to me, and, as I have reason to think, it was never understood by any of my Predecessors in Office, that in this small Body there have been included several Gentlemen united together in one Commercial Partnership; that the members have been chosen almost without exception from the Inhabitants of Halifax or its vicinity, and that the great majority of them are all Members of one Religious Community which is stated to be the least numerous of any of those into which the population of Nova-Scotia is divided. It is impossible that distinctions so invidious should not be productive of serious discontent: especially must this be the case when peculiarities of religious belief are assumed as the ground of admission or exclusion.

In the list which you propose to transmit for His Majesty's consideration, of Gentlemen qualified to sit in the Council of Nova-Scotia, it will be your care to introduce the names of persons connected with all the great interests, Agricultural, Commercial, Manufacturing, or Professional, existing in the Province.

You will also, as far as possible, propose candidates connected not merely with the Capital but with the other principal Towns and with the rural Districts.

Your recommendations will be altogether uninfluenced by any consideration of the relation in which the proposed Councillors may stand towards the Church of England, or any other Society of Christians; it will indeed be your care to avoid, as far as possible, such a selection as may even appear to have been dictated by motives of this description, and it may, therefore, be necessary that you should advert to differences of religious opinions amongst the various Candidates for this honor, not as constituting any criterion of eligibility; but as a security against the semblance of undue favour to any particular Church.

If the information on which the House of Assembly proceeded shall prove to be accurate, it is not improbable that the necessity may arise, not merely for the introduction of many new Members, but for the exclusion from the List of Councillors of some of the Gentlemen at present holding Seats there.

I advert to this subject the more readily because as no charge has been preferred against any individual, such a change, if really essential to the establishment of public confidence in this Body, will be made without the infliction of any reproach or unmerited pain on any of the Gentlemen who may be immediately affected by it. Thus for example, I do not think it defensible that more than one member of the same Commercial House should sit at the Council Board, and if it be true that this rule has been violated, the retirement of one or more Members of any such Firm will not, I trust, be regarded, as it certainly will not be designed, as a personal slight or degradation.

4thly.—The next in order of the questions raised by the Assembly, is whether the Chief Justice should retain his seat in the Council.

On this question I do not anticipate any serious difficulty.—In the event of the separation of the Council into two distinct Chambers, it is His Majesty's pleasure that neither the Chief Justice nor any of his Colleagues should sit in the Executive Council. Even if that change be not made, the King thinks it right that neither the Chief Justice nor any other Judge should be present at any of the proceedings of the Council in its Executive capacity. The principle to be steadily borne in mind and practically observed is, that all the Judges including the Chief Justice should be entirely withdrawn from all political discussions, and from all participation in the measures of the local Government, or of any persons who may be acting in opposition to it.

It follows that even in Legislation the Chief Justice and his Brother Judges should take no part whenever, as must often happen, the adoption or rejection of a Law may involve some question of party politics. The only motive for retaining the Chief Justice in the Council would be that he would probably contribute to the general improvement of the permanent Laws of the Province, with a greater extent of experience and knowledge than any other Members of that Body; but it may fairly be questioned whether this advantage can be acquired consistently with that security which His Majesty is most anxious should be taken against any of the Judges being drawn into the political discussions of the Country.

Perhaps the wisest course would be that which prevails in some of the Colonies Eastward of the Atlantic where the Judges are excluded from the local Legislature, but are required to revise every Act before it is finally passed, and to report their opinion whether

it is framed in such a manner as to secure the attainment of the objects which the Legislature may have in view.

The benefit of judicial knowledge and experience is thus obtained without any sacrifice of judicial independence. These, however, are questions on which His Majesty desires to act in conformity with the deliberate opinion of the People at large, and with the benefit of the advice of their Representatives.

5thly.—With regard to the management of the unsettled Lands of the Crown you will consider my instructions to Sir A. Campbell as addressed to yourself. I am aware of no reason why the same system should not be established in both Provinces, subject to such minor modifications as local experience may suggest to the Legislatures of each respectively.

6thly.—With respect to the financial question, I fear that the disparity which unhappily exists between the financial resources of New Brunswick and Nova Scotia will render it impossible to pursue a course precisely similar in each.—Having, however, in my Despatch to Sir A. Campbell, and to his Successor Sir J. Harvey, fully explained the principles on which His Majesty has been pleased to authorize a settlement of the financial Administration of New Brunswick, I have His Majesty's command to authorize you to enter into any arrangement with the Legislature of Nova Scotia which may be consistent with and sanctioned by those principles. I inclose for your information and guidance, copies of the more recent parts of that correspondence.

Having thus adverted to the opinions and wishes which appear to have been entertained by the Assembly of Nova Scotia, I trust that I am entitled to conclude that they will find in this Despatch a satisfactory proof of His Majesty's earnest solicitude fully to meet their views for the public good of the Province. The King has indeed peculiar pleasure in thus expressing his sense of the high claims which the Legislature of Nova Scotia have established to His Majesty's favour by a long and uninterrupted course of loyal and zealous attachment to the British Crown, united with an unwearied care for the well-being of that important part of His Majesty's Dominions which is confided to their protection.

I have the honor to be, &c. &c.

(Signed)

GLENELG.

His Excellency SIR COLIN CAMPBELL.

No. 2 on List.

(Copy)
No. 88.

Downing Street, 6th July, 1837.

Sir,

I have the honor to acknowledge the receipt of your Despatch, dated 1st May, 1837, No. 71—with the Address to His late Majesty, and to yourself, which it incloses.

Although these documents reached me on the 14th ult. the painful circumstances in which the Country was then placed by the melancholy illness of His late Majesty, prevented their being submitted to Him;—but I am happy to find that, on all the principal questions to which these Addresses refer, His Majesty's Pleasure was signified to you in my Despatch of the 30th April, No. 77.

Having had the honor of laying your Despatch, with its inclosures, before the Queen, I have received Her Majesty's command to refer you to my former Despatch of the 30th April, and to signify Her Majesty's concurrence in the instructions therein conveyed to you.—With reference to some of the demands now preferred in a more specific shape, in the Address from the House of Assembly, I am further commanded to return the following answer :

1st.—The claim of the Assembly to controul and appropriate the whole of the public Revenue arising in the Province, is frankly admitted by the Queen in the comprehensive and specific form in which that claim is now preferred, subject only to the conditions by which His late Majesty was pleased, in the Instructions to the Earl of Gosford, and to Sir Archibald Campbell, of which you possess copies, to qualify the corresponding concession; as, however, in Nova Scotia, a permanent provision has already been made by law for the support of various Public Officers the discussion of the terms of the proposed Civil List may be drawn within much narrower limits than in the adjacent Provinces.

2nd.—The amount of the Salary of the Commissioner of Crown Lands is admitted to be a fit subject for the deliberation of the local Legislature, and every part of the expenditure connected with the land granting Department, will, very properly, be subjected to their scrutiny and revision; the conditions being, however, maintained, for which the Crown has stipulated in New Brunswick as to the management of the Crown Lands being vested exclusively in the Executive Government, subject to their liability to account to the Legislature for all expenses incurred in conducting that Branch of the public Service.

3rd.—Discouraging as the account of the receipt and the expenditure of the Land Granting Department since the year 1834, undoubtedly are, they at least prove that Her Majesty's Government judged rightly in opposing the advice offered to them at that time as to the continuance of the old system of gratuitous grants of land. The returns have rather more than balanced the outlay—whereas if those Counsels had been followed, the outlay would have formed an uncompensated charge on the other branches of the Provincial Revenue. You are well aware that the expectations of drawing any considerable income from this source were never sanguine, nor does it now seem reasonable to indulge such hopes. It will be highly gratifying to Her Majesty to learn that the Local Legislature have been able to devise any scheme for rendering this branch of the Revenue more productive, or for managing and collecting it at a reduced charge.

4th.—The title of the Mining Company to their lease being undisputed, it is superfluous to say that Her Majesty's Government have no power to resume the Grant; the introduction of their Capital into the Province is at least a very material compensation for any prejudice which the Inhabitants may have sustained by the creation of their interest in the Mines.—Supposing, however, that the Province was injured by that transaction the error will now be repaired to the utmost possible extent, by placing the rents and royalties at the disposal of the Provincial Legislature, and by the enactment of the proposed law, respecting the territorial Revenue of the Crown, which will render it impossible that this measure should be drawn into a precedent.

5th.—The exclusion of the Collector of the Customs from the Councils, whether Legislative or Executive, is a measure suggested by the Assembly, but as they have not explained the grounds of that suggestion, I can advance no further on this subject than to state that the strong and obvious motives which appear to recommend this Officer's admission into the Council are opposed by no considerations of equal weight which have occurred to me.

6th.—The language of the Address would seem to indicate an opinion, which is not yet distinctly propounded, that the Assembly of Nova Scotia ought to exercise over the Public Officers of that Government a controul corresponding with that which is exercised over the Ministers of the Crown by the House of Commons.

To any such demand Her Majesty's Government must oppose a respectful, but at the same time, a firm declaration, that it is inconsistent with a due advertence to the essential distinctions between a Metropolitan and a Colonial Government, and is, therefore, inadmissible.

On the other hand, the influence which the Assembly claim to derive from the power of refusing the supplies properly belongs to them, it being always assumed that this power will be exercised only in defence of the constitution, and of the rights which the Constitution has created, and it being further assumed that this privilege of refusing the Supplies shall not extend to the case of those Officers for whom provision is to be made by the Civil List.

7th.—The Assembly having deliberately expressed their opinion that the welfare of the Province would be promoted by creating two Councils instead of one, Her Majesty defers to their judgment on that question, not indeed without some distrust of the soundness of the conclusion, but convinced that it is a topic on which the greatest weight is due to the advice of the representatives of the people.

The Queen can give no pledge that the Executive Council will always comprise some Members of the Assembly, but commands me to state that the circumstance of any Candidate for that honor—possessing that share of Public confidence which his election as a Member of the Assembly indicates, must of course be considered as enhancing his claims to be preferred to those who, in other respects, may not possess higher qualifications for his trust. The principle on which Councillors should be selected is explained in my despatch of the 30th April. You will, with the least possible delay, transmit to me a List of

the names of such Gentlemen as may appear to you best qualified to compose the Legislative and the Executive Councils of Nova Scotia.

Her Majesty has observed with regret the discussions in which the Council and Assembly have recently become involved.—That regret is, however, materially qualified by the observation that their differences do not relate to any vital and cardinal principles, but are such as may be entertained by those who are yet prepared to co-operate in the pursuit of the one common object, the Public Welfare.

I shall best testify my respect for those branches of the Legislature by declining to enter on those controverted questions, persuaded as I am that the means of reconciliation will be more readily discovered without the intervention of any third party, and that this happy result cannot long be deferred in a case like the present where both parties are animated by a lively zeal for the public good, and both are directed by wisdom and experience in the prosecution of that purpose.

You will communicate to both branches of the Legislature this Despatch, and my Despatch of the 30th April, as containing the answer which Her Majesty is pleased to return to their address.

I have the honor to be, &c. &c.
(Signed)

GLENELG.

SIR COLIN CAMPBELL, K.C.B. &c. &c. &c.

APPENDIX, No. 3.

(Copy.)
No. 101.
SIR,

Downing Street, 31st October, 1837.

I have received and laid before the Queen your Dispatch of the 26th of August, No. 93, containing the plan for a Civil List to be proposed to the Legislature of Nova-Scotia, on the surrender to their appropriation of the Casual and Territorial Revenues of the Crown, and also containing certain suggestions as to the future composition of the Executive and Legislative Councils. I have received Her Majesty's commands to return the following answer :

In approaching these questions, it is impossible for me not to advert to the similar discussion in which it became my duty to engage with the successive Lieutenant-Governors of New-Brunswick, and through them with the General Assembly of that Province. The successful issue of that negotiation is in no small degree to be ascribed to the advantage I enjoyed of direct personal intercourse with two Members of that House, who had been deputed to visit this Country, with a view to a more free and unrestrained communication with the Ministers of the Crown. In the present case I have not that advantage, but I trust that, notwithstanding this circumstance, an adjustment equally satisfactory to all the parties concerned may be concluded. If, however, in the further stages of this discussion, any unforeseen difficulties should arise, and if the House should think it convenient to attempt the removal of them by a Deputation similar to that which was dispatched from New Brunswick, they may be assured that their Delegates will be received with all the respect and confidence to which gentlemen charged with such a mission would be so eminently entitled. The comparison between the cases of the two Provinces exhibits a contrast unfavorable to the financial resources of Nova-Scotia. While in New-Brunswick the Crown placed at the disposal of the Local Legislature an annual Revenue of very large amount, and which had experienced a constant and rapid increase, the whole income which it is possible in Nova-Scotia immediately to place at the disposal of the Legislature, assuming the correctness of the Estimate contained in the Paper No. 3, annexed to your Dispatch, amounts only to £9,190 per annum. Of this sum, no less a portion than £3440 is derived from taxes appropriated permanently to certain specific services by Acts of Assembly. The sum of £6,050 appears to be all that is drawn from property vested in Her Majesty in right of the Crown, although the increase which has recently taken place in the chief source of the Crown Revenue in Nova-Scotia warrants the expectation of a further progressive augmentation of it. The exigences of the public service do not indeed depend on the amount of the funds which it is in the power of the Crown to surrender. Yet it is impossible altogether to exclude that circumstance from

consideration in determining the extent of the demand to be made on the liberality of the Assembly for a Civil List. Having had frequent occasion in my correspondence with the Governors of the other British North American Provinces to state fully the principles, on which alone, in my opinion, the demand of such a provision for any of the public servants of the Crown can be defended, I abstain from the repetition of them on this occasion. The Despatches to which I refer have been published for the information of Parliament, or have been communicated directly to you. I confine myself therefore to the general statement that the chief, if not the only, motives by which Her Majesty's Government are induced to stipulate for a Civil List are, first, the desire to exempt the Governor, the Judges, and certain other public officers from a pecuniary dependence which would be incompatible with the firm and impartial discharge of their public duties; and secondly, the wish to prevent the revival from year to year of inconvenient and unseemly discussion, as to the amount of the remuneration to be assigned to the chief Executive and Judicial Officers of the Province. These ends secured, Her Majesty's Government have no real, I may add no imaginable, motive for further solicitude on the subject. They have no wish to place any other part of the annual expenditure beyond the annual revision of the Assembly. It is not to them a matter of any serious concern whether the Salaries to be assigned in the Civil List be of greater or less amount, provided only, they are sufficient for the maintenance of the Officers in whose favor they are granted in that station of society to which they must belong. I am not only willing to admit, but even anxious to assert that, in fixing the amount of official Salaries in British North America, great frugality should be observed. In countries recently settled, it is of moment that moderate and simple habits of domestic expenditure should prevail, and should be respected, nor is there any exception to that rule which I should more strongly deprecate, than one which would enable, if not require, official men to distinguish themselves from other classes by a less strict economy and a more costly style of life. Some qualification of this opinion is indispensable in the case of the Lieutenant Governor. It is unavoidable that he should maintain an establishment, and other appearances commensurate in some degree with the dignity of the Sovereign whom he represents. It is on every account desirable that he should place himself at the head of the Local Society, not merely in his political relation to them, but in whatever concerns social intercourse and hospitality. These are duties which must involve a serious expenditure, and which must render the Government of the Province a heavy burthen rather than a pecuniary advantage, if the present emoluments should be materially diminished. I do not however shrink even in the case of the Lieutenant Governor from pursuing to their legitimate consequences the principles to which I have already adverted, and I am happy to find that you concur with me in thinking that on a vacancy in the office some reduction of the present salary may be made. I have no wish that the Lieutenant Governor should be in the receipt of a greater income than upon a full consideration of all the circumstances of the case the Assembly may regard as adequate to his maintenance. If they should fix that income at a rate below his present receipt, they will, I am convinced, admit the necessity of a proportionate reduction in the expenditure which is incurred rather for the support of the dignity of his office, than with a view to his personal gratification. It is right that I should distinctly apprise the House that I am not entitled to calculate on the continuance of the Parliamentary Grant to the Lieutenant-Governor beyond your own tenor of office, even should circumstances render it necessary to propose to Parliament to continue the grant during that period. In proceeding to apply the principles which I have thus briefly stated to the present case, there is another consideration which ought not to be lost sight of. I refer to the comparatively small Revenue of the Province of Nova Scotia, which renders it the more incumbent on Her Majesty's Government to avoid all unnecessary expense, in the maintenance of those offices which are essential to the public service. After an attentive consideration of the several suggestions which you have made on this subject, and of the circumstances of the Province, I am of opinion that it would not be right to insist on so large an amount as £9,190 per annum for the Civil List in return for the surrender by the Crown of the Revenue now at its disposal. It appears to me that £8,000 would be a sufficient sum, if properly applied, to meet those peculiar expenses for which, on the principle already stated, it is essential to provide in the proposed Civil List. I am therefore to inform you that Her Majesty will be willing to accept the sum of £8,000 sterling, as the amount of the Civil List for Nova Scotia. I proceed to suggest the services to which, in the event of this sum being granted, it should

3

be applied, and in doing this I have thought it desirable to affix at once to each office included in the following list that sum which it is proposed permanently to appropriate to it, reserving the question of the right of existing officers to the full amount of salary which was attached to their respective offices at the time of their appointment.

Lieutenant Governor	£3,000
Provincial Secretary	1,000
Chief Justice	1,000
Puisne Judges	1,950
Attorney General	500
Solicitor General	100
Miss Cox's pension	115
Superintendent of Mines	100
Contingencies	200
	£7,965

You will observe that I have omitted from the list several of the charges suggested by yourself as fit to be comprised in an appropriate Civil List. The first of these is £200 for the Lieutenant Governor's Private Secretary. I have not thought it necessary to insist on this allowance as I think it is sufficiently provided for by the salary of £3000 proposed to be attached to the Lieutenant Governor's office, with an allowance of £200 for contingencies. It is intended therefore that no additional expense shall be incurred on account of a Private Secretary.

2nd.—I propose that the salary of the Provincial Secretary shall be reduced on the first vacancy to £650—this will leave £350 applicable to the expenses of his office, a sum which, under ordinary circumstances will, I hope, prove amply sufficient. I do not of course propose to interfere with the salary received by the present Secretary. The charges therefore now incurred for the Clerks and contingencies of his Office, must be defrayed during the tenure of his Office, from some other source. I shall advert to this again in a subsequent part of this despatch.

3rd.—I can find no adequate ground for exempting from annual revision the salaries of the Clerks of the Crown and Prothonotary, the Harbor Master at Sydney, or the Clerk of the Executive Council.

4th.—I have omitted the Commissioner of Crown Lands and the Surveyor General, not because the independence of such functionaries on annual votes, is in itself undesirable, but owing to the small amount of the Revenue derived from the sale of lands, which appears to me not to justify a proposal that the salaries of those Officers should be included in a Civil List intended to be permanent or for a term of years. Having adverted to those charges which although suggested by you, I have not thought it right to include in the previous list, I proceed to make a few observations on some of the charges which are contained in that list. I have fixed the salaries of the Chief Justice and of the other Judges at a rate which, under all the circumstances of the case, appears to me adequate. As, however, the proposed amount would not, at least in the case of the Chief Justice, be equal to the salary at present received, together with the average amount of fees, I cannot of course propose that, in the event of the Civil list being granted, the right to receive the fees should be abandoned in consideration of the higher rate of salary. An option on this point must be given to the Judges. If they are willing to accept the rate of salary proposed to be affixed to their Offices, and to forego the receipt of the fees, the arrangement need not be postponed. If, on the other hand, this should be declined, the new arrangement must be postponed during the existing tenure of Office. In this case however, the present salary alone will be received, and the difference between that and the proposed salary to be hereafter paid, will, in the mean time, be subject to the appropriation of the Legislature. The effect of this arrangement will be, that the Province will ultimately gain the amount of the fees in addition to the Crown Revenue proposed to be surrendered. I have fixed £500 as the salary of the Attorney General on the principle stated in my despatch on this subject, No. 87, of the 28th June last. A small surplus liable to be increased on the cessation of Miss Cox's pension to £140 will remain after providing for the services above enumerated, and

which will be applicable to any incidental expenses not specifically provided for. There will thus be placed at the disposal of the Assembly about £1500, the difference between the Revenue to be surrendered, and the amount of the proposed Civil List. I regret however to observe that this must be subject, in the first instance, to those charges which, though not intended to be placed on the Civil List, have hitherto been defrayed from the Crown Revenue in Nova-Scotia, and which cannot at once be abandoned without a violation of existing interests, which I am confident the Provincial Legislature will be equally anxious with Her Majesty's Government to respect. Among these are included the temporary charges of the Office of Provincial Secretary, to which I have before adverted. With respect however to these, and to the remaining charges of this nature, I wish you to consider whether some immediate reduction might not be made without a violation of any pledge on the part of the Crown to the actual holder of the Office. With regard to the scale of salaries in the preceding list, I must repeat that I am not solicitous to stipulate for any precise amount of remuneration for the various public officers to be included in the Civil List. Her Majesty will expect, and indeed strictly require, that no such officer should receive any increase of his official emoluments by an annual grant of the Assembly. They should therefore be fixed at once at such a rate as may be adequate to the proper maintenance of the Officers. If estimated on any other principle they could not be accepted. If estimated on that principle they must not be rejected even though the Assembly should differ from you in opinion as to the amount of the sum which ought to be assigned for the entire support of any one or more of those officers. It would be injurious and unreasonable to suppose that the House would wish to refuse them what is requisite for their subsistence in that rank of society to that which they must belong. I proceed to the next subject of your despatch, namely the composition of the Executive and Legislative Councils. Your suggestions have been formed avowedly on the conclusion that it was my intention that all the Members of the present Council should belong to one or other of the New Chambers. Anxious as I am to avoid whatever may tend to unnecessary offence or discontent in any quarter, I cannot satisfy myself that it would be right in the present instance to act on the rule to which you presumed that I should adhere. I feel it to be a duty in the composition of the two Councils to make that selection of individuals which I have reason to believe would be least open to just exception, and which would afford the most satisfactory proof of the desire of Her Majesty to entrust the duties attached to Members of the respective Councils to Gentlemen entitled to the confidence of the great body of the inhabitants. In omitting, however, from the new lists, any Gentlemen who are members of the present Council, I wish it to be distinctly understood that nothing can be further from my intention than to inflict on them any pain, or subject them to any reproach or discredit. To avoid any such suspicion Her Majesty has been graciously pleased, in accordance with your suggestion, to intimate her desire that they should retain their present rank in society on retiring into private life. With the very imperfect personal knowledge which I have of the qualifications of the different candidates for seats in the Council, I could not venture to submit any final advice to Her Majesty on that subject without the support of your authority. It is at the same time extremely desirable that the separation of the existing Council into two bodies should take place without further delay, and under these circumstances, I feel that the safest course which I can adopt, is to convey to you Her Majesty's authority at once to appoint, provisionally, to each of the Councils those Gentlemen whom you consider best qualified for the discharge of the respective duties which will devolve on them. You will of course inform me without delay of the selection which you make in pursuance of this instruction, and of the ground on which it has proceeded, and in case you should find it unnecessary, provisionally, to appoint the full number of which the Councils are intended ultimately to consist, you will at the same time transmit to me the names of other Gentlemen from whom the vacancies may be supplied. With respect to the Executive Council you will carefully adhere to the following principles, first, that not more than one fourth be public officers,—secondly, the Members be drawn from different professions and different parts of the Province,—and thirdly, that they be selected not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration. With reference to the Presidency of the Legislative Council, Her Majesty is pleased to confide that duty to the Senior Member for the time being, with the

exception of the Bishop, and the Members holding offices of emolument under the Crown. This arrangement is recommended by the experience of other British colonies. You will communicate to both branches of the Provincial Legislature a copy of this despatch, as explanatory of the principles by which the Queen has been guided in the measures actually adopted by Her Majesty, and in the application to be made in Her Majesty's name for a Civil List.

I have the honor to be, Sir,
Your most obedient humble Servant,

(signed)

GLENELG.

Major General Sir COLIN CAMPBELL, &c. &c. &c.

APPENDIX, No. 4.

No. 3.—Statement of a proposed Civil List for Nova Scotia, on the surrender to the Province of Her Majesty's Casual and Territorial Revenue; it being understood that the emoluments of certain offices will undergo revision and reduction as vacancies occur.

	Sterling.
Lieutenant Governor, the remainder of his salary being paid from home.	£2,000
Private Secretary (note No. 1.)	200
Provincial ditto.	1,000
1st Clerk of do. after 28 years service	250
2nd Clerk of do.	100
Stationary, fuel, messenger and other contingencies, (to be accounted for) about	75
Chief Justice (on the abolition of his fees) note No. 2.	1,200
3 Puisne Judges (do. do.) note No. 3.	2,100
Attorney General note No. 4.	600
Solicitor General note No. 5.	150
Clerk of the Crown and Prothonotary	100
Surveyor General	150
Commissioner of Crown Lands note No. 6.	350
Surveyor General, Cape Breton	100
Commissioner of Crown Lands, ditto note No. 7.	200
Superintendent of Mines, do.	100
Harbor Master at Sydney	100
Miss Cox's pension, with premium on bill, about	115
Clerk of the Executive, (if not Provincial Secretary) note No. 8.	100
Contingencies of the Lieutenant Governor, to be accounted for note No. 9.	200

Amount of Civil List.

£9,190

Of the preceding salaries the Legislature already provide the following.

Lieutenant Governor (by permanent Acts)	£2,000
Three Puisne Judges do.	1,440
Attorney General (by annual votes)	120
Solicitor General do	80

£3,640

Amount of Civil List from the other side

9,190

Deduct amount provided for

3,640

To be provided for by Assembly

£5,550

Note, No. 1.—See Sir Colin Campbell's despatches of the 10th March, No. 66, and 23rd July last, No. 85.

Note, No. 2.—The present salary of the Chief Justice being £850, the amount of commutation now proposed for his fees is £350. These fees fluctuate very much; they have exceeded £800 and have fallen below £200 in the year, but on an average of more than 20 years, £500 may be deemed their annual amount, though in the last year they produced only £224. See annexed extract of a letter from Chief Justice dated 15th Feb. 1833.

Note, No. 3.—The proposed increase of the salary of each Puisne Judge is £220 which may exceed, by about £80, the average amount of his fees here assumed to be given up; a Judge's present salary is only £480.

Note, No. 4.—The Attorney General now receives £400 a year from the Casual Revenue, and has heretofore received £200 per annum from the Province, but this allowance was reduced in the last Session to £150 currency, or £120 sterling. Referring to Lord Glenelg's despatch on this subject of 28th June last, No. 87, it is now proposed to restore this Officer's salary to its former amount.

Note, No. 5.—The Solicitor General's salary is only £80, and is now paid by the Province. It is clearly below what it ought to be, and it is proposed to increase it to £150.

Note, No. 6.—It is recommended that the salary of the Commissioner of Crown Lands shall be fixed at £350, which is about the average amount of his emoluments, or that they shall consist as at present of 5-6ths of the net amount of the sales of Crown Lands according as it shall be determined by Lord Glenelg or the Provincial Assembly.

Note, No. 7.—The same remark applies to the Commissioner for Cape Breton, except that the proposed amount of his salary is £200, which is about the average of his present emoluments.

Note, No. 8.—If the Provincial Secretary, who is now Clerk of the Council, should be appointed an Executive Councillor, it may be necessary to nominate a Clerk to that Board, and £100 is suggested for his salary.

Note, No. 9.—For more than fifty years the Assembly have annually granted £250 currency or £200 sterling for the Lieutenant Governor's contingencies, but this vote was discontinued last year, and as much inconvenience has consequently arisen, it is proposed to make it an item in the Civil List, in imitation of the practice in other Colonies.

With the exception of the items noticed in these remarks all the charges included in this paper have already received the sanction of Her Majesty's Government and are provided for.

Government House, Halifax, 26th August, 1837.

Extract of a letter from Chief Justice Halliburton to the Administrator of the Government, dated Halifax, 15th February, 1833.

“The Chief Justice also receives fees at Halifax. I learn from Mr. Nutting that during the twenty-one years he has been Prothonotary the lowest annual amount of those fees has been

	£171 11 6
And the highest	828 14 6
exclusive of fees for indorsements averaged at £12 per annum	24 0 0
	£1,024 6 0
Amount of these two years	
	£512 3 0
Take one half for an average	

The fees paid in the country are also paid as the Chief Justice's fees, and my predecessors have always received the whole of them, whenever they have attended the Circuit Courts. My venerable predecessor Chief Justice Blowers has not attended any Circuit Courts for many years, excepting at Windsor, and he relinquished them on all the other Circuits. Mr. Justice Monk for several years received the whole of them as the senior Judge, and I travelled many Circuits with him without participating in them, until he learned that when Mr. Justice Hutchinson and myself travelled together, we divided them, when he immediately adopted the same practice, which has ever since continued. Although, as I have already observed, it is my intention to travel the Circuits, I am willing to relinquish my interest in these fees in the country, if the Legislature will comply with His Majesty's wishes in favour of my brethren; and if it is thought advisable for the public good to relieve the

suitors in Halifax also from the payment of these fees, I have no objection to receive the average sum from the Treasury in lieu of them, or, if that average is deemed too high, let the Prothonotary keep an account, as he now does, of their amount, and let a warrant for that amount issue in my favor at the expiration of every term. As they have been for some years past steadily upon the increase, the latter mode would probably operate more in my favour, but I am quite willing to acquiesce in either plan."

MEMORANDUM.

In order to shew that the estimate of fees upon the Circuit is tolerably correct, I give the following details, of which the professional Gentlemen in the legislature can form a judgment.

Pictou	2 Terms	£100.	The fees paid at these places fluctuate very much.
Truro	do.	60	They have sometimes exceeded £80 in one
Hants	do.	40	term both at Annapolis and Pictou and some-
Kings'	do.	60	times have fallen below the sum at which I
Annapolis	do.	60	have estimated them, but I think the average
Queen's	1	40	a fair one.
Lunenburg	do.	40	
County Sydney	do.	30	
Cape Breton			
Arichat	do.	20	
Sydney	do.	10	
Co. Cumberland	do.	20	
Shelburne		"	

£480

Mr. Nutting informs me that the fees }
annually paid to the Puisne Judges for in- }
dorsement would always exceed.

20

£500

If the present Chief Justice travels the Circuit, and were to pursue the practice of his predecessors, of taking the whole fees whenever he presided, he would, whenever he took an equal share of the duty, receive £250 per annum, but even if he divided them with his brethren, he would receive £125.

APPENDIX, No. 5.

(Copy.)

No. 87.

Downing Street, 28th June, 1837.

SIR,

I have received your Despatch, No. 74, of the 4th of May, in which you have submitted for my consideration, the application which (in consequence of the House of Assembly having reduced that part of his Salary which is paid by the Province) the Attorney General of your Government has made, to have the whole of his Salary paid from the King's Casual Revenue.

Having already announced to you the readiness of His Majesty's Government to accept a Civil List in exchange for a surrender of the Territorial and Casual Revenue of Nova-Scotia, I concur with you in thinking that the whole Salary of the Attorney General should be provided for, out of that Civil List, the precise amount and terms of which it will remain for you to arrange with the House of Assembly. In preparing your proposals to that body, I would wish you to advert to the settlement made with the adjacent Province of New-Brunswick, as a precedent to be followed as far as the difference of local circumstances may admit.

I have, &c.

[Signed]

GLENELG

Major General Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

(Copy.)

Halifax, January 18th, 1838.

SIR—

I have the honor to acknowledge the receipt of your Letter of the 29th December last, inclosing an extract from a Despatch from the Right Honorable Lord Glenelg to His Excellency Sir Colin Campbell, dated 31st October, 1837, and requesting me to state whether as Chief Justice I would prefer to retain my present Salary and emoluments, or to receive the increased Salary of £1000 Sterling per annum, proposed by His Lordship for the Chief Justice without Fees.

If the contemplated change affected myself alone, it would not require a moment's consideration for me to decide in favor of retaining my present Salary of £850 sterling with my Fees, which, although they fluctuate very much, may be averaged at £400 sterling annually; but as it is accompanied with an offer that is advantageous to my brother Judges, it would be very painful to me to interpose any obstacle in their way.

Their present Salary of £480 sterling, with the small proportion of the Fees which they receive on the Circuits, I know to be quite inadequate to their decent support. During the 26 years that I was a Puisne Judge, I can safely say that the salary and emoluments of my office scarcely covered two-thirds of my annual expenses. The present Judges are in a worse situation than I was, as the Pound currency in which they are paid is now worth but 16s. sterling, whereas it was worth 18s. sterling during the greater part of the time that I held the office, a change which has occasioned an annual loss of £60 sterling to each of them.

The proposal to relinquish my Fees for the increased salary places me in this dilemma: I must either sacrifice an important part of my own income, or prevent an addition to that of my brethren, who so much require it, for it is evident that these Fees must be altogether relinquished or altogether retained.

It would occasion great confusion and be in itself unjust to collect them from the suitors where I presided, and exonerate those on the Circuits which my brethren should happen to travel. Under these circumstances I will not withhold my assent to the proposal, but as I understand from your Letter that the acquiescence of the Chief Justice and the Judges is to be made the basis of the communication to the Legislature upon this subject, it would be uncandid if I did not mention that I have already petitioned Her Majesty to make me a personal allowance out of Her Casual Revenue in Nova-Scotia, to compensate me in some measure for the loss I shall sustain by relinquishing my Fees. These Fees I hold by a grant from the Crown under the Great Seal of the Province, and, so long as I fill the office of Chief Justice, I deem my title to them to be as valid as it is to any part of my Real Estate. The Legislature certainly have the power to pass a Law to deprive me of both, but I cannot think that they have a right to deprive me of either, without adequate compensation.

To accomplish a great public benefit by providing a more adequate support for the Puisne Judges of the Supreme Court of Judicature, in whose independence every man in the Province is interested, I consent to relinquish them, and not from any doubt of their legality, or from any apprehension that the Legislature would arbitrarily wrest them from me. But as I conceive that this public benefit ought not to entail so great a private loss upon me, I have laid my case before my Sovereign, and trust that my just claim for compensation will meet with Her favorable consideration.

I wish it to be fully understood that the Pounds sterling are Pounds of Twenty Shillings each, and that the Chief Justice and Judges are not to be affected by any fluctuation that may occur in the value of the Pound currency.

I think it necessary also to mention that the Fees to be relinquished are the Fees paid by the suitors. We do not conceive that the allowance of one guinea per day made to the Chief Justice and Judges of the Supreme Court for travelling expenses on their respective Circuits, under the Provincial Act of 46; Geo. 3d, is to be affected by this arrangement.

The Province will often gain, and seldom lose by it, even should Her Majesty be graciously pleased to lend a favorable ear to my Petition: for the Fees collected throughout the Province have frequently exceeded £1000 Sterling per annum, and may be averaged at from £850 to £900 Sterling.

The proposed addition to the Chief Justice's Salary is	£150 Sterling.
Ditto of £170 to Three Puisne Judges	510
	—
	£660
Compensation sought by the present Chief Justice, during his life time	200
	—
	£860

I have the honor to be Sir,

Your most obedient humble Servant,

[Signed]

BRENTON HALLIBURTON.

The Honorable

Sir RUPERT D. GEORGE, Bart. &c. &c. &c.

APPENDIX, No. 7.

(Copy)
SIR,

Halifax, 8th January, 1838.

We have had the honor of receiving your letter of the 29th of the last month inclosing an extract of a despatch, dated 31st October last, to His Excellency the Lieutenant Governor, from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, in reference to a proposed Civil List Bill.

From this despatch it appears that His Lordship has fixed the salaries of the Puisne Judges of the Supreme Court at £650 sterling, giving us however the option of accepting this sum or retaining our present salary with the fees received by us on actions brought in that Court.

In answer to His Excellency's desire to know our determination on the alternative offered, we have the honor to state that the agitation of a subject so peculiarly personal to the Judges as that which relates to their own emoluments, has been extremely unpleasant and painful to us, and that we therefore should not have hesitated at any time to have acceded to any equitable arrangement for the discontinuing the receipt of these fees, as was done by Chief Justice Pemberton in 1787 and 1788 upon the proposal of the House of Assembly of that day to commute them, and without further remark, which the present proposal might naturally suggest, we accept of the sum proposed by my Lord Glenelg in lieu of our present salary and these fees.

We have, &c.

(Signed)

LEWIS M. WILKINS.
WILLIAM HILL.
W. B. BLISS.

SIR RUPERT D. GEORGE, Bart. &c. &c. &c.

APPENDIX, No. 8.

(Copy)

No. 102.

SIR,

Downing Street, 21st November, 1837.

I have received your Despatch No. 98 of the 28th October, submitting a representation which had been made to you by the Chief Justice of Nova-Scotia, as to the inadequacy of the Emoluments received by the Puisne Judges of the Supreme Court.

I have considered the Statement of the Chief Justice, with the attention and respect which are on every account so justly due to its author; but I regret that I am under the necessity of referring to my despatch No. 101 of the 31st ultimo, for the only answer which it is in my power to make to the Chief Justice's suggestion, that more liberal Salaries should be assigned to the Puisne Judges out of the Civil List to be obtained from the Legislature in return for the surrender to their control of the Casual and Territorial Revenues of the Crown.

I have, &c.

GLENELG.

Major General SIR COLIN CAMPBELL, K. C. B.
&c. &c. &c.

(Copy)

No. 84.

Downing Street, 31st August, 1836.

SIR,

I have to acknowledge the receipt of your despatch of the 16th of March last, No. 19, transmitting the copy of an Address from the House of Assembly of New-Brunswick to His Majesty on various subjects connected with the administration of public affairs in that Province.

I have since received from Messrs. Crane and Wilmot, the Gentlemen deputed by the House of Assembly to represent them in this country, the original address of the Assembly, and I have also been in communication with those Gentlemen as well on the matters to which the address adverts as on others connected with the Colony. I inclose for your information copies of the correspondence which has passed with them.

I have had the honor of laying at the foot of the Throne the Address of the House of Assembly, and I am commanded to express His Majesty's satisfaction at the spirit and temper in which the House have framed this record of their sentiments on subjects of great constitutional interest and importance. The Assembly express their approbation of the Instructions issued by His Majesty's commands to Sir Francis Head and to the Canada Commissioners, and state that it would afford them entire satisfaction if the principles which they involve were carried into operation in New-Brunswick. It is with great pleasure that I am enabled to give the Assembly the satisfaction which they desire. The principles involved in those instructions are not of limited application. They form the basis of the policy which in His Majesty's judgment it is the wisdom of this country to pursue in reference not only to the Canadas but also to all the other States of British North America.

I proceed to bring this general declaration to a practical test in the answers which I am commanded to return to the Address.

1st.—The first subject to which the Assembly advert is the management of the Crown Estate. Their representation in substance is, that the powers at present confided to the Commissioner of Crown Lands are excessive, and that the system which that officer, in the exercise of his discretion, has followed, has tended to retard the settlement and the prosperity of the Province. But, in deference to the judgment already expressed by His Majesty on this subject, the Assembly withdraw, on the present occasion, their claim for the entire control and management of the Crown Lands, and suggest that such control and management should in future be confided to the Administrator of the Provincial Government and the Executive Council. The memorandum inclosed in the joint letter of Messrs. Crane and Wilmot, dated the 27th inst. will explain to you the representations which those Gentlemen have added on this part of the question. From my despatch of the 31st March last you will have seen that the management of the Crown lands in New-Brunswick has lately engaged much of my attention. Without stopping to enquire whether that despatch may not in some degree have anticipated the objections urged by the House of Assembly, I am at once to convey to you His Majesty's decision, on the proposed measures of amelioration. His Majesty is pleased to acquiesce in the suggestion that the management of the Crown Lands should for the future be confided to the administration of the Government for the time being, aided by His Executive Council. In pursuance of this decision it will be your duty hereafter, in all questions relating to the disposal of lands or timber belonging to the Crown, to submit the subject for the consideration of the Executive Council, and to proceed only in conformity with the opinion of that Council or of a majority of its members. To the Commissioner of Crown Lands however will still belong the duty of carrying into effect such measures as shall have been thus decided on. His Majesty at the same time readily admits the right of the Legislature of New-Brunswick to pass such laws as may seem to them expedient for the guidance of the Executive Government in this branch of their duties. His Majesty will be at all times prepared to receive and to consider with attention any suggestions or advice respecting the policy and system of management of the Crown lands which may be offered to the Crown by the Council and Assembly of New-Brunswick, whether by address or in the form of Legislative enactment. But as this is a matter in which the prerogative of the Crown is immediately concerned, and as it would ob-

viously be inconvenient that any uncertainty should be introduced into the regulations for the disposal of Crown lands, it will be indispensable that any Act to be passed for such a purpose should contain a clause suspending its operation until His Majesty's pleasure respecting it shall have been declared.

2nd.—The Assembly complain that they have not been able to obtain detailed accounts of the receipt and expenditure of the Casual and Territorial Revenue, and have thus been prevented from making those suggestions respecting the management of that fund which, by Lord Ripon's dispatch of the 2nd January, 1833, they were invited to offer.

It would appear, by the observation annexed by you to the Address, that you dissent in some degree from the correctness of this statement. I am not however called on this occasion to examine into what is past. With respect to the future I have to convey to you His Majesty's commands that the most prompt attention should be paid to any Addresses which may be presented to you by the House of Assembly for information on subjects connected with the receipt and expenditure of the Casual and Territorial Revenues. His Majesty has no desire to withhold from the Representatives of the People of New-Brunswick any information on points which they may consider necessary for their guidance, but, as some misapprehension appears to have hitherto existed on the subject, I must direct that in future there be annually laid on the table of the House of Assembly, within fourteen days from the commencement of their Session, a detailed account of the receipts and expenditure of the Casual and Territorial Revenue of the Province for the year last past. This Return must be prepared with the utmost clearness; and it might perhaps be possible for you to arrange before hand with the Assembly the form in which it could be most advantageously drawn up. It is scarcely possible to contemplate a case in which it might be necessary to refuse the call of the Assembly for any information on this subject but should such a case occur you will not fail immediately to report the circumstance to me.

3rd.—The Assembly next allude to the composition of the Executive Council. They recommend that the numbers of the Council should be materially increased, and His Majesty will take this suggestion into consideration, although he is not yet prepared to declare whether it can be carried into effect; still less what should be the extent of the proposed increase. The Assembly further express their cordial concurrence in the views of Mr. Spring Rice relative to the summoning to that Board of some members of the popular branch of the Legislature. On this topic the Assembly have expressed themselves with a just delicacy. Declaring their approbation of Mr. Spring Rice's despatch, they yet disclaim any wish to offer an opinion to the King as to the persons whom His Majesty may be pleased to call to fill seats in the Executive Council. It is obvious indeed that a peremptory rule on the subject is inadmissible. At present it is open to the Crown at its own discretion to select members for the Executive Council from all descriptions of His Majesty's subjects. The prerogative is unfettered, and it is in the opinion of His Majesty's advisers most advantageous for all parties that so it should remain. With respect to the manner in which it shall in this branch of it be exercised, His Majesty can give only the general assurance, which he desires me to convey to the House of Assembly, that his selection of persons to sit in the Executive Council will be guided solely by a reference to the permanent interest of the Province and to the qualifications of those whose names may be submitted to him for that distinction.

4th.—The composition of the Legislative Council is the next subject alluded to by the House. Admitting that no great public evil has yet arisen from this source, they nevertheless express their apprehension that, according to the principles laid down in the Instructions to the Canada Commissioners, those members of the Council who hold office under the Crown could not be expected to exercise an unbiassed judgment on the questions which might come before them. His Majesty's Ministers entirely agree in the importance of securing the independence of the Legislative Council. They are not indeed prepared, especially after the candid admission of the Assembly as to the working of the present system, to recommend to His Majesty the supersession of any of the present members of the Council, nor do they consider Office as of itself a disqualification for a seat in the Council. But they freely admit that the introduction into it of too large a number of persons holding places of emolument under the Executive Government would tend to detract from its weight

as an independent branch of the Colonial Legislature. Lord Ripon in a despatch dated the 1st May 1832, observes that the Legislative Council "should principally consist of gentlemen independent of, and unconnected with, the Executive Government, and selected from the principal inhabitants of the Province, and those having the greatest stake in its welfare." To this principle, although it would seem that accidental circumstances have hitherto prevented it from being carried into full effect, His Majesty's Government continue to adhere. Whenever therefore it may become your duty to recommend to me for His Majesty's approbation the name of any gentleman to be appointed a member of the Legislative Council, you will bear in mind the rule laid down by Lord Ripon in the words which I have just quoted. It may be proper to advert in this place to the impression which has been produced on the minds of the Assembly by those clauses of the Instructions to Sir Francis Head "which (to use their own language) might be supposed to affect the independence of members of the Legislature holding any inferior office or appointment under the Government." On this subject it is enough to point out to the observation of the Assembly that the clauses in question, in so far as they concern persons holding seats in either House, have reference expressly to Members of the Local Government," not to inferior officers, but to those who form an actual portion of the Executive Government and whose cordial sympathy and co-operation are absolutely indispensable to the existence of any system of administration. With regard to such individuals I trust the Assembly will admit the justice of the observation which concludes the consideration of this topic in the Instructions to Sir Francis Head, "unless this course be pursued it would be impossible to rescue the head of the Government from the imputation of insincerity or to conduct the administration of public affairs with the necessary firmness and decision."

5th—I now come to the application of the Assembly for the surrender to them of all the Revenues at the disposal of the Crown in the Province, including the payments of the Nova-Scotia and New-Brunswick Land Company; in return for a Civil List to be granted for a period either of ten years or permanently. After a due consideration of the circumstances of the case, I have to inform you that, subject to two qualifications to be subsequently noticed, His Majesty has been graciously pleased to consent to the application of the Assembly. The two qualifications to which I refer are the following. First.—The appropriation of the House of Assembly is to be exercised, not over the gross but over the nett amount of the Revenue to be placed under their control. The proper and moderate charges incident to the collection and management of that Revenue will continue to be defrayed as at present; but an account of those charges will be included in the statement respecting the Casual and Territorial Revenue, which in a former part of this despatch I have directed to be annually submitted to the House of Assembly. I need scarcely add that His Majesty would at all times be prepared to devote the most attentive consideration to every suggestion from either branch of the Legislature, with respect to the amount of the charges of collection. Secondly: The second qualification has for its object to preclude questions which might otherwise arise as to the manner in which the right of appropriation is to be exercised by the House of Assembly.

His Majesty proposes that the law and customs of Parliament, and more especially the established usages of the House of Commons with regard to the appropriation of the surplus of the consolidated fund of Great Britain and Ireland shall be assumed by the Legislature of New-Brunswick, and more especially by the House of General Assembly, as affording the rule for their guidance in the appropriation of the Revenues of that Province. Some exceptions may unavoidably arise out of peculiar local circumstances, forbidding a perfect coincidence in the two systems which, however subject to those exceptions, would be precisely similar.

In regard to the amount of the Civil List to be granted by the House of Assembly I am to inform you that His Majesty will be willing to accept the sum of £14,000 Sterling; that being the sum originally demanded by Lord Stanley. In determining this part of the question, I have not overlooked the fact, that in Lord Stanley's despatch of the 30th September, 1833, it was not distinctly stated whether the sum which he named as the amount of the Civil List was calculated in sterling or in current money. But any doubts which might otherwise exist on this point must be at once decided by the schedule attached to his des-

patch wherein are recited the services amounting in all to £14,003 sterling, to which he proposed to appropriate the Civil List.

If therefore a bill should be passed by the Provincial Parliament and presented to you, having for its object the securing to His Majesty of a Civil List amounting to £14,000 sterling per annum, either for the space of ten years, or permanently, you will reserve it for the signification of His Majesty's pleasure; and you will not in the meantime consider yourself at liberty to apply any portion of the Casual and Territorial Revenue to Services which have not already received the express sanction of His Majesty's Government.

The following are the services to which in the event of its being granted it is intended in the first instance to apply this sum, viz:

Salary of Lieutenant Governor	£3,500
“ Chief Justice	950
“ Three Puisne Judges	1,950
“ Attorney General	550
“ Solicitor General	200
“ Colonial Secretary	1,430
“ Private Secretary	200
“ Commissioner of Crown Lands	1,750
“ Establishment of do.	909
“ Auditor	300
“ Receiver General	300
“ Scotch Minister	50
“ Emigration Agent, St. John's	100
Annuity to late Surveyor General	150
College	1,000
Indians	54
	<hr/>
	£13,393

After defraying these charges there will still remain a surplus of £607 sterling applicable to any incidental expenses for which no provision shall have been previously made. You will, however, of course understand, that in thus pointing out the offices of which the salaries are to be paid out of this fund His Majesty does not preclude himself from the revision of those salaries at a future date. In the case of some of them indeed it has already been announced to you by my predecessor that reduction will be made on the recurrence of vacancies, and it is probable therefore that the surplus may exceed the sum which I have stated. In anticipation of that event, His Majesty directs me to announce that whatever the amount of that surplus may hereafter be, it will be applied exclusively to objects connected with the Province, and with a view solely to public interests; and an account of it will be annually laid before the House of Assembly.

It has been suggested that as the Quit Rents were included among the Revenues which, according to Lord Stanley's proposal, would have been given up to the Assembly, so among the Revenues to be surrendered under the arrangement now under consideration should be included, the sum granted in the Session of 1835 in commutation of the Quit Rents. To this suggestion His Majesty sees no reason to object, and he would therefore not be disposed to withhold His assent from any Act which might be passed by the Provincial Legislature for the purpose of repealing the Quit Rent Commutation Act of 1835.

In closing this communication I am commanded to express the satisfaction with which His Majesty has felt himself enabled to decide on the various particulars to which it refers. This gracious attention on the part of His Majesty to the wishes of His faithful subjects in New Brunswick will, the King has no doubt, be received by them as a fresh proof of the interest which he takes in their welfare, and of His solicitude to promote the developement of the great and manifold resources of that portion of the British Empire.

I have, &c.

[Signed]

GLENELG.

Major General SIR A. CAMPBELL, G. C. B.

No.

(Copy.)

No. 85.

Downing Street, 5th September, 1836.

SIR—

In my Despatch of the 31st ultimo, I have communicated to you the answer which His Majesty has commanded me to return to the Address of the House of Assembly of New-Brunswick, of the 14th March last. I have at the same time inclosed for your information copies of the correspondence which has passed on the subject of that Address, and on other matters of a public nature, between this Department and Messrs. Crane and Wilmot, the gentlemen deputed by the House of Assembly to represent them in this Country. Having communicated to Messrs. Crane and Wilmot the draft of my Despatch of the 31st ultimo, I have received from them the inclosed observations upon it. I have also had with them personal communications on the subject. I now proceed to inform you in what respects His Majesty has in consequence been pleased to direct that the instructions contained in my Despatch of 31st ultimo, shall be altered or modified.

1. The first alteration proposed by Messrs. Crane and Wilmot is, that the Executive Council should, in compliance with the wishes of the Assembly, be at once enlarged, without waiting the further deliberation contemplated in my Despatch of the 31st ultimo. On this point His Majesty, after a due consideration of the arguments urged by the House of Assembly and of the representations of Messrs. Crane and Wilmot, is prepared to adopt the necessary steps for meeting the wishes of the Assembly. It is unnecessary on the present occasion to offer any pledge as to the precise number of which the Executive Council should hereafter consist, nor indeed could an invariable rule be prescribed on that subject without inconvenience. But you will immediately report to me the names of several gentlemen whom you may think most eligible for seats in His Majesty's Executive Council. In making your selection you will not confine yourself to any single class or description of persons, but will endeavour to ensure the presence in the Council of gentlemen representing all the various interests which exist in the Province, and possessing at the same time the confidence of the people at large. It may not be possible always to find such persons in the neighbourhood of the Capital, but I am assured that there are gentlemen of fortune in the Province, who, if appointed to the Council would, from public motives, attend to the duty.

2. The Instructions respecting the regulation of the Land Department are next alluded to, and much stress is laid on the expediency of permitting you to give your assent, at once, to any Acts which may be passed by the Legislature for that purpose, instead of reserving them for the signification of His Majesty's pleasure. I must, however, remark that whatever advantages might accrue from this course, they could scarcely compensate for the inconvenience which might result from a disallowance, should that be necessary, of such Acts after they have gone into operation. It would be superfluous to enlarge upon the hardships which might be produced by the annulling of an Act under which property had been already acquired or devised, or to point out how much the disappointment created by such a proceeding must exceed that which would result from a temporary delay in the confirmation of the Act. There is, however, an alternative which, while it would guard effectually against the inconvenience just stated, would, at the same time, I have reason to think, be satisfactory to the Assembly: and this is, that no Act for the regulation of the Land Department shall come into operation till at a given period after its passing. If therefore any Act of that nature, presented to you hereafter, shall contain a clause providing that it shall not come into operation until the expiration of at least four months from its date, you will be at liberty, should you see no objection to the Bill on other grounds, to give your assent to it. In such case, I need hardly state that it will be your duty immediately to transmit the Act to me in order that it may be brought under the consideration of His Majesty in Council.

3. With respect to the surrender of the Casual and Territorial Revenue I have to observe, that in proposing that the net proceeds only should be paid over to the Provincial Treasury, His Majesty's Government made no claim which is not in strict accordance with the Law and practice of this country. The hereditary Revenues of the Crown have been placed at the disposal of Parliament. Parliament has in turn confided to the Executive Government the powers and the duty of determining, in the first instance, whatever relates to the expense of management and collection, subject to the obligation of rendering

dering an annual account of that expense. It is obvious that if the Legislature should assume the right of pre-determining the various items of that expenditure, that it would be virtually invested with the entire management of the Territory itself, and must exercise a power which has never been placed in this Country in any other hands than those of the Executive Government. To depart from the established usage in this respect would be to subvert the existing balance of the Constitution, and to place powers of the greatest importance in hands not subject to any effective responsibility. I propose therefore, that, as in Great Britain the cession of the hereditary Revenue was accompanied by an enactment which enabled the Lords of the Treasury to fix, in the first instance, all the charges of collection and management, so in New-Brunswick the cession of the corresponding Revenue to the appropriation of the General Assembly should be accompanied by an Act authorising the Governor of the Province, with the advice of His Executive Council, to expend out of the gross income whatever sums they may find necessary for the management and collection of that Revenue; and, as in Great-Britain, the House of Commons, by exercising its judgment on the accounts of the expenditure which are always laid before it, has in effect a sufficient and constitutional control over that expenditure; so in New-Brunswick the same control over the Revenues in question would, by the same means, be vested in the House of Assembly. The assurance which you have been directed to convey to the House of Assembly, that accounts of the receipt and expenditure of that Revenue should be annually laid before them, and that His Majesty will be ever ready to devote the most attentive consideration to any suggestions from either branch of the Legislature in regard to the expense of collection, appear to afford a guarantee against any unnecessary disbursements for that service. But there would be no objection to confirm that assurance by a positive enactment.

4. Messrs. Crane and Wilmot next advert to the amount of the Civil List, and suggest that the sum of £15,000 currency should be substituted for that of £14,000 sterling. Although it has not been in my power to advise His Majesty to accede altogether to this suggestion, I am yet of opinion, after adverting to the arguments urged by those gentlemen, both in their written communications and in conversation, that some modification of the proposition contained in my Despatch of the 31st ultimo may be advantageously made. Among the items therein specified as permanent charges on the Civil List, is the sum of £909 for the establishment of the Commissioner of Crown Lands: This item was inserted in conformity with the scheme contemplated by Lord Stanley in 1833; but there appears to be no sufficient reason why the expenses of the in-door establishment of the Commissioner of Crown Lands should not be defrayed in the same manner as all other expenses incurred for the management of the Crown Estate, and the collection of the Revenue arising from it. This charge therefore being deducted from the Civil List, His Majesty will be ready to accept the sum of £14,500 currency in exchange for the Casual and Territorial Revenue, instead of the sum of £14,000 sterling demanded in my Despatch of the 31st ultimo. I cannot doubt that the Assembly, considering the large and growing Revenue to be given up to their control in return for this sum, will cheerfully agree to the terms offered to them by His Majesty's Government. The sum of £14,500 currency would, I presume, be equal to £13,050 sterling, and there would therefore remain an immediate surplus of £566 sterling, which will of course be hereafter increased by reductions in the amount of Salaries at present borne on the Civil List. Among the objects to which it is my purpose to devote a portion of this surplus, is the institution of any efficient Office of Audit within the Province, for all the Revenues raised and expended in it. I am of course aware, that at present it is the custom of the House of Assembly to appoint, from time to time, Committees of their Body, to whom are referred such financial returns as are laid on their Table, and who, in fact, exercise the power of auditing the Accounts specified in such returns. It is far from my intention to undervalue the labors of these Committees, or to question the advantage which must accrue to the public service from the rigid supervision by the Representatives of the People of the expenditure of the Executive Government. But, at the same time, Committees of a public body are but an inadequate substitute for a permanent and responsible officer, whose duty it would be to inspect the accounts of Public Departments. The experience and practical skill, the intimate and continuous knowledge of official transactions which are necessarily acquired by such an officer, give him many advantages over any fluctuating body. It is also to be observed that the appointment of an Auditor immediately responsible to His Majesty,

is more consistent with the constitution and practice of this Kingdom, than the consigning of the duty of examining the Public Accounts altogether to the Representatives of the People. The office of Auditor, as at present instituted at New-Brunswick is, I apprehend, insufficient for the duties which I have here proposed to devolve on it. I have therefore to desire that you will bring the subject under the notice of the Council and of the House of Assembly, and request them respectively to furnish me with a report on it, specifying among other points, what should be the amount of remuneration to be conferred on the Officer at the head of the proposed Department. On receiving that Report, I shall lose no time in communicating with the Lords Commissioners of the Treasury, and in preparing, in concert with them, the necessary arrangements for the institution and regulation of the office. It is to be understood that I by no means propose or contemplate that the Officer so appointed should supersede the labors of the Committees of the House of Assembly. Those Committees will, if the House think fit, continue their inquiries exactly as they do at present, nor will the Auditor in any degree impede or interfere with their proceedings. Indeed it will always be in the power of the House to obviate any such consequences.

5. The last subject noticed in the enclosed Memorandum is the scale of Salaries of Public Officers; and it is proposed that the reductions to be made in those Salaries on the occurrence of vacancies, should be distinctly specified in this Despatch to you. It is also stated to be the opinion of the House of Assembly that no Officer in the Province, except the Lieutenant-Governor, should receive a larger Salary than the Chief Justice or a Puisne Judge of the Supreme Court. I am fully alive to the importance of the subject thus brought under my notice, but, adverting to the rapid changes which are taking place in New-Brunswick, and the length of time which may possibly elapse before an opportunity occurs for revising the office of which the emoluments are borne on the Civil List, I am of opinion that it would not be convenient at the present time to pledge His Majesty's Government to the specific amount of remuneration which shall hereafter, and perhaps, under altered circumstances, be attached to those offices. At the same time, I am anxious to institute a course of inquiries calculated to prepare materials for a final and well considered judgment on the subject. With this view, I desire to receive from yourself, and from the Legislative Council and the House of Assembly, respectively, Reports, pointing out the amount of emoluments which, in your opinion, would constitute an adequate remuneration for each of the offices in question. It is of course understood, that during the tenure of the present Officers, their existing emoluments shall be preserved to them: but whenever vacancies shall occur, His Majesty's Government will consider what reduction should be made in those emoluments, and will devote their serious attention to the statements which I have now invited, in the hope that they may be able at once to effect a considerable saving in the public expenditure, without impairing in any degree the efficiency of the respective offices. It must however be distinctly intimated to every Officer who may hereafter be temporarily appointed to any of the situations of which the Salaries are borne on the Civil List, that should such temporary appointment be subsequently confirmed, the emoluments of the Officer will nevertheless be subject to the revision and reduction, and that no claim to compensation for loss of Salary will have been created by the discharge of the duties "ad interim." With respect however to the office of Lieutenant-Governor, I am to observe that it has been already determined, on the occurrence of the next vacancy, to reduce the Salary attached to it to £3,000 sterling per annum. Below that sum it could, I think, scarcely be reduced, consistently with the rank and dignity which the Lieutenant-Governor is required to maintain as His Majesty's Representative.

I have now gone through all the points mentioned in the inclosed Memorandum; but, before I conclude this Despatch, I must advert to a topic which was pressed on my attention by Messrs. Crane and Wilmot. It has been stated that, by the stipulation, that the net proceeds only of the Casual and Territorial Revenue should be ceded to the Assembly, an almost unlimited power of expenditure for purposes connected with the management of the Crown Estate, still remains in the hands of the Executive Government. In order to prevent any abuse of this power, it is proposed that an Instruction should be given to you, that on the presentation of an Address to you from the Assembly expressing their disapprobation of any expenditure then actually in progress, you should suspend the progress of such expenditure until the King's Government at Home shall have an opportunity of deciding on

the propriety or impropriety of continuing it. To this proposition I felt myself unable for several reasons to assent, but I have informed Messrs. Crane and Wilmot, that on the occurrence of the event which they have contemplated, you would receive with all the weight due to the opinion of the Representatives of the People, any Address which might be presented to you by the Assembly, and that you would be instructed to lay that Address before your Executive Council, and to receive their opinions on the subject of it before taking any decisive step; and it would be your duty, moreover, in such a case, immediately to report the circumstances to me, with a full explanation of the grounds on which your ultimate decision shall have proceeded. Such are the modifications of my Despatch of the 31st ultimo, which, after a full consideration of the subject, His Majesty's Ministers have felt themselves at liberty to recommend to His Majesty. While they regret their inability to proceed to the full extent of the wishes of Messrs. Crane and Wilmot, they are yet persuaded that the liberal spirit in which His Majesty's answer to the Address of the House has been conceived, will sufficiently indicate the anxiety of His Majesty to accede, as far as is compatible with public interests, to their wishes, on matters connected with the Administration of the Provincial Government. The differences of opinion that may still remain in some particulars between the views of the Assembly and those adopted in this Country, are perfectly compatible with the existence of a sincere and single desire on both sides, to consult only the permanent well-being of the Province, and cannot therefore, it is trusted, impede the satisfactory settlement of the questions mooted in the Address of the Assembly of the 14th of last March. I have, &c.

[Signed]

GLENELG.

Major General SIR ARCHIBALD CAMPBELL, G. C. B.
&c. &c. &c.

APPENDIX, No. 11.

Downing Street, 31st October, 1836.

(Copy)

SEPARATE.

SIR,

From the enclosures which accompanied my confidential despatch of the 30th ultimo, you will have perceived that I was then engaged with the Delegates from the Assembly of New-Brunswick in discussing the provisions of the Bill for securing the Civil List which it is proposed to grant to His Majesty in that Province.

I now transmit to you for your information, and in continuation of the correspondence of which you are already in possession, a Copy of the Bill in question, which has been prepared in concurrence with Messrs. Crane and Wilmot, and has been transmitted to Sir Archibald Campbell for the purpose of being submitted to the Legislature of New-Brunswick.

I have, &c.

GLENELG.

(Signed)

Major General SIR COLIN CAMPBELL, K. C. B.
&c. &c. &c.

APPENDIX, No. 12.

A Bill for the support of the Civil Government in this Province.

Whereas His Most Gracious Majesty has been pleased to signify to His faithful Commons of New-Brunswick, that His Majesty will surrender up to their control and disposal the proceeds of all His Majesty's Hereditary, Territorial and Casual Revenues, and of all His Majesty's Woods, Mines and Royalties now in-hand or which may hereafter during the continuance of this Act be collected in this Province, on a sufficient sum being secured to His Majesty, His Heirs and Successors, for the support of the Civil Government in this Province.

And Whereas, We His Majesty's most dutiful and Loyal Subjects the Commons of New-Brunswick in General Assembly convened, with hearts full of the warmest duty and gratitude, are desirous that ample and liberal provision should be made for the expences of the said Civil Government during the continuance of this Act, by charges on all and every of the Revenues now and hereafter to be levied and collected in this Province, have, therefore, freely and unanimously Resolved to give and grant, unto His Majesty King William the Fourth, His Heirs and Successors, a certain sum for the aforesaid expences of the Civil Government, payable out of the joint Revenues of this Province.

Be it therefore Enacted, By His Excellency the Lieutenant Governor, Legislative Council and Assembly, and by the authority of the same, that the proceeds of all and every of the said Hereditary, Territorial and Casual Revenues, and the proceeds of all Sales and Leases of Crown Lands, Woods, Mines and Royalties, which have been collected and are now in hand or which shall be collected hereafter during the continuance of this Act (except the Monies which shall be expended in the collection and protection thereof as specially authorized and provided for by the 4th Section of this Act) shall immediately be payable and paid to the Provincial Treasurer, who is hereby authorized to receive the same, for the use of this Province, and, from and after the expiration of this Act, the proceeds of all the said Hereditary, and Territorial and Casual Revenues, and of the said Lands, Woods, Mines and Royalties, shall revert to and be payable and paid to His said Majesty, his Heirs and Successors.

II. *And be it Enacted, That there shall be granted to His Majesty, His Heirs and Successors, for and during the whole period of the continuance of this Act the clear yearly sum of £14,500 current and lawful money of this Province, and that the said sum shall be charged on and made payable out of the afore-mentioned and all other Revenue raised, collected and paid into the Treasury of this Province, and shall commence from and immediately after the 31st day of December now last past, and to be paid by the said Treasurer by Warrant under the hand and Seal of His Excellency the Lieutenant Governor or Commander in Chief for the time being, with preference to all other charges or payments which have heretofore been or which shall hereafter be made upon or payable from the said Revenues; such payments to be made Quarterly (that is to say) on the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December in each and every year, by equal and even portions, out of the Monies in the said Treasury, the first charge for the same to be made on the Quarter day next immediately after the passing of this Act, and to include the proportion of the said sum which may become due for the support of the said Civil Government by the said Quarter day.*

III. *And be it Enacted, That all the Monies which shall be paid to the Provincial Treasurer, under and by virtue of this Act, except the said Sum of Fourteen Thousand and Five Hundred Pounds, hereby granted, shall remain in the Treasury until appropriated or disposed of by an Act or Acts of the General Assembly of this Province to be passed for that purpose.*

IV. *And be it Enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor and Commander in Chief for the time being, by and with the advice of the Executive Council, to expend out of the gross proceeds of the said Hereditary, Territorial and Casual Revenues, and of the said Sales and Leases of Crown Lands, Woods, Mines and Royalties, such sums of Money as they may from time to time deem necessary and requisite for the prudent management, protection and collection of the said Revenue; and that His Excellency the Lieutenant Governor and Commander in Chief for the time being, shall, within fourteen days next after the commencement of each and every Session of the Legislature, cause to be laid before the Assembly a full and detailed account, stating all the particulars of the Income and Expenditure of and relating to the said Hereditary, Territorial and Casual Revenues, Sales and Leases, of Crown Lands, Woods, Mines and Royalties, with all Vouchers to the same appertaining, for the then previous Year.*

V. *And be it Enacted, That all and every Grant, Lease, or other assurance which, during the continuance of this Act, shall be made or granted by His Majesty, His Heirs or Successors, of any Lands, Tenements, Rents, Woods, Mines, Royalties, Revenues or other Hereditaments within this Province, now belonging or hereafter to belong to His Majesty, His Heirs or Successors, whereby any Estate or Interest whatever in Law or Equity shall or may pass from His Majesty, His Heirs and Successors, save and except as hereinafter pro-*

vided, shall be utterly void and of none effect, unless such Grant, Lease or Assurance be made, upon Sale or Rent, to the highest bidder at Public Auction in this Province, due notice having been first given thereof in the Royal Gazette, and unless all such sums of Money and Rents as may be payable in consideration of such Grant, Lease or Assurance, be made payable to His Majesty, His Heirs or Successors during the whole term or time of the continuance thereof respectively.

VI. *And be it enacted*, That nothing in this Act contained shall extend or be construed to extend in any wise to impair or affect any rights or powers of control, management or direction, which have been or may be exercised, by the authority of the Crown or other lawful Warrant, relative to any Suits or proceedings for the recovery of the said Hereditary, Territorial, Casual and other Revenues, or to compositions made or to be made on account of any of the same, or to any remission, mitigation or pardon of any penalties, Fines or Forfeitures incurred, or to any other lawful Act, matter or thing, which has been or may be done touching the said Hereditary, Casual, Territorial or other Revenues, or to disable His Majesty, His Heirs and Successors, to make any Grant or Restitution of any Estate or Estates, or of the produce thereof, to which His Majesty hath or shall become entitled by Escheat for want of Heirs, or by reason of any Forfeiture, or by reason of the same, having been purchased by or for the use of any Alien or to make any Grant or distribution of any personal property and devolved to the Crown by reason of the want of next of Kin or personal Representatives of any deceased person, and that the said rights and powers shall continue to be used, exercised and enjoyed, in as full, free, ample and effectual manner, to all intents and purposes, as if this Act had not been made, and as the same have or might have been heretofore enjoyed by the Crown, subject nevertheless to the restrictions and regulations hereinbefore made and provided, it being the true intent and meaning of this Act, that the said rights and powers shall not be in any degree abridged or restrained or affected in any manner whatsoever, but only that the monies arising from the full and free exercise and enjoyment of them, so subject as aforesaid, shall during the continuance of this Act, be carried to, and made part of, the joint Revenues, at the disposal of the General Assembly of this Province.

VII. *And be it further enacted and declared*, That nothing in this Act contained shall operate to annul or prejudice any Sale, Purchase Grant, Lease, enfranchisement, exchange, contract, rent charge, Agreement, Bond, Mortgage, Security, exoneration, or other act, matter or thing, relating to the said Lands, Woods, Mines, or Royalties, which at the time of passing this Act shall have been made, done, given, effected or created, but the same shall remain as good, valid, and effectual, for the benefit or security, either of His Majesty, His Heirs or Successors, or of any of the parties to or with whom, or in whose favor, any such Sale, Grant, Lease, enfranchisement, exchange, contract, Rent charge, agreement, Bond, Mortgage, Security, exoneration, or other act, matter or thing, shall have been made, done, given, effected or created, and be of as full force and virtue, as if this Act had not been passed.

VIII. *And be it further enacted*, That this Act shall continue and be of full force and effect, for and during the full and complete term of ten years, commencing from and immediately after the 31st day of December, in the year 183 last past.

APPENDIX, No. 13.

(Copy.)

Downing Street, 4th January, 1837.

SIR—

Your Despatch of the 6th June, No. 32, respecting the forms in which Patents should be made for the Grant of Lands in cases where the purchaser does not pay down the full price in ready money at the time of entering into the Contract, is so intimately connected with one of the subjects of my recent instructions of the 31st August and 5th September, on the general settlement of the affairs of New-Brunswick, that I advert to that Despatch, at present, rather with a view to fill up an apparent chasm in our official Correspondence, than

for

for any other purpose. Amongst the questions connected with the settlement of Crown Lands, upon which His Majesty's Government desire to act in concert with the Local Legislature, and upon their advice, the mode in which conveyances are to be made from the Crown, and all that relates to the forms of such instruments, are to be numbered. By whatever methods simplicity, despatch and economy, can be most effectually secured, this branch of the public service will be most advantageously conducted.

I do not attempt the solution of this problem, but trust that it will engage the attention of the Council and Assembly, to whom you will have the goodness to communicate, in the usual manner, a Copy of this Despatch, and of the Correspondence of which it forms a part.

I have, &c.

[Signed]

GLENELG.

Major General Sir ARCHIBALD CAMPBELL, G. C. B.
&c. &c. &c.

APPENDIX, No. 14.

(Copy.)

CIRCULAR.

Downing Street, 24th February, 1837.

SIR—

My attention having latterly been drawn to the system under which land in His Majesty's North American Possessions is at present disposed of, it has appeared to me that the regulation by which the purchase money of such Land is allowed to be paid by instalments, is open to very serious objection.

It has been stated that the collection of these Instalments is very expensive, and that recovery of the interest on the unpaid portion of the purchase money is virtually impossible; and although the Land becomes liable to forfeiture on a neglect of the established conditions of Sale, the nature of the case necessarily precludes a resort to so extreme a remedy.

The tendency therefore, of the system, is to lead Settlers to buy more land than they require, and consequently to disperse them over a wider extent of Country than they can beneficially occupy. The effect in the case of Timber Land is stated to be still more injurious, inasmuch as it induces parties who wish to cut Timber to purchase the Land on which it grows, by the payment of the first Instalment, and after stripping it of its Timber to abandon it—whereby, not only is the produce of the Timber Fund diminished, but large tracts of uncultivated and unoccupied Lands are locked up for a considerable period from the general purchaser.

It is probable that some of these inconveniencies might be considerably diminished, if not altogether overcome, by more rigidly enforcing the penalties attached to the neglect of the conditions of Sale; but such a course would be attended with much expense and difficulty, and might, perhaps, in many instances, press with severity on the Settlers. A more effectual remedy appears to exist in the establishment of a system of ready money payments, I have therefore to desire that you will forthwith issue a notice in the Province under your Government, that, from and after the 1st of June next, Purchasers of Land belonging to the Crown will be required to pay down at the time of Sale, 10 per cent. on the whole value of the purchase, and the remainder within 14 days from the day of the Sale, that until the whole price is paid the Purchaser will not be put in possession of the Land; and that in the event of payment not being made within the prescribed period, the Sale will be considered void, and the deposit be forfeited. I have deferred the operation of this rule until the first of June next, in order to permit those Settlers who may have already proceeded to North America, on the faith of the existing regulations, to obtain their Lands on terms which they had been led to expect, but in order as much as possible to repress the purchases in the interim of Speculators, not intending to become bona fide Settlers, you will give notice that it is the intention of the Government strictly to enforce the conditions annexed to the Sale of Land under the existing regulations. I have, &c.

[Signed]

GLENELG.

Major-General Sir COLIN CAMPBELL, K. C. B.
&c. &c. &c.

(Copy.)

No. 109.

Downing Street, 2nd. March, 1837.

SIR,

I have had the honour to receive your Despatches of the 25th Nov: 23rd. December, and 6th January last, relative to the arrangement effected in the course of last Summer, for surrendering to the House of Assembly of New Brunswick, in return for a Civil List, the Casual and Territorial Revenue of the Province, your Despatches of the 25th Novr: and 23rd. Decr. are designed to call my attention to certain parts of my instructions on this subject which appear to you to have been either indefinitely expressed or founded on incorrect data. Your Despatch of the 6th January encloses the Journals of the House of Assembly of the 4th of that month, shewing the manner in which the answer of His Majesty to their Address of the 14th March 1836 had been received.

Before noticing the two former Despatches I am commanded by His Majesty to express his gratification at the cordial manner in which, from the Journals of the 26th: and 28th Decr. last, His proposals to the Assembly on the Civil List appear to have been accepted, and the satisfaction which he feels at the prospect of an early and conclusive settlement of this important question.

I now proceed to reply to your Despatches of the 25th Novr. and 23d Decr. last, the former of which had, however, in a great measure been anticipated by my subsequent Communication of the 31st Oct., and by the draft of the Civil List Bill enclosed in it.

1st.—In regard to those portions of the Casual and Territorial Revenue which have been invested in various securities, I do not apprehend that any difficulty can arise. Those investments having been effected previously to the surrender of the Revenue to the Assembly, must of course be taken over by that Body subject to any existing obligation.

If they should disapprove the nature of the investment which, however, I see no reason to anticipate, it will be in their power to terminate it at the end of the present year.

2nd.--You state that a considerable error exists in the calculation by which it is made to appear that, after defraying the charges placed on the Civil List, there would remain an available surplus of £566 Stg:---that instead of this the whole surplus would amount to £190 19s Currency, and that if a charge of £300 were inserted for contingencies in conformity with the intention of Lord Stanley in 1834 there would be even a deficiency of £142, 7s. 8d Currency.

This miscalculation you impute to my having overlooked Lord Ripon's Despatch of 24th Octr. 1832, which directed that the Civil Officers should be paid in dollars at the rate of 4s 4d. I much regret that any error of this nature should have occurred, but I do not hold myself responsible for it. In the arrangement of the terms on which the Casual and Territorial Revenue was to be surrendered. I naturally recurred to your correspondence with Lord Stanley on the same subject. In your Despatch of the 24th March, 1834, subsequent to the arrangement for paying the Officers at the rate of 4s 4d to the dollar, I found the following passage;---“It is necessary “to observe that £14,000 Currency amount to nothing more than 12,600 Sterling “that all Officers borne on the Civil List are, and ever have been, as the Assembly “well know, paid in Sterling money, and that as the calculations on which your offer “was founded are obviously made with reference to those Salaries no doubt could be “fairly entertained with respect to the evident meaning of the Despatch on that head.” Nothing having since that time occurred to disturb the proportions between the New Brunswick Currency and Sterling money, I considered myself entitled to act on your calculation. I trust that the error will not be of any serious moment and that with due economy the surplus of the £190 Currency will be adequate for the present to meet any unforeseen contingencies.

Any inconvenience which might arise could indeed be only temporary, since, on the

occurrence of any vacancy among the principal officers borne on the Civil List, the Emoluments of his successor would, as has already been announced, undergo some reduction. If however, the public service should suffer in the interval from the deficiency of the funds at the disposal of the Executive Government, it would probably, be necessary at once to revert to the rate of paying official Salaries which was observed previously to Lord Ripon's Despatch, of the 24th Oct. 1832.

It had not been my intention to exclude from the arrangement the small allowance for contingent expences, but having, as I supposed, a considerable surplus, I did not think it necessary to insert a specific item on that account.

In regard to the current allowances to the Judges I did not propose to defray that service out of the Civil List. Those allowances were invariably paid by the Province up to the year 1836, and I have no doubt that the Provincial Legislature will again make the necessary provision for them.

3rd.---The position in which the unauthorized Settlers on the Crown Estate are placed by the proposed Bill is the next subject to which you advert. On this point I see no reason to doubt the propriety of the course which I adopted. Without denying that such persons acting as the pioneers of civilization confers in many instances a great benefit on society, I should yet have hesitated in advising His Majesty to interfere between them and the Legislature of the Province.

It is scarcely possible for any authority to be so intimately acquainted with the merits and necessities of this class of persons as the representatives of the people of New Brunswick. Nor do I think that there is any danger of the House of Assembly making, or permitting others to make, any harsh use of power in respect to such persons.

The title of these trespassers, or Squatters as they are commonly called, are no more valid now than they will be after the passing of the enactment in question, and I have no doubt that the Assembly of New Brunswick will adopt effectual means for protecting such of them as have an equitable claim to consideration, and whom a human and wise policy shall point out as fit objects for protection.

4th.---In regard to the Officers of the Army and Navy, I did not think it necessary to make any express stipulation. It will be for the Legislature of New Brunswick to consider whether the advantages accruing to the Province, from the resort to it of that class of Settlers are such as to justify the offer to them of peculiar privileges. If the Council and Assembly should decide to continue to Naval and Military Settlers a remission of the purchase money of such Lands as they may buy at Public Auction, His Majesty will cheerfully accede to such an arrangement. But as this is a question immediately effecting the proceeds of the Sales of Crown Lands, the consideration of it now belongs to the Legislature of New Brunswick alone.

5th.---In like manner H. M. Government have not reserved the right to grant any future endowments in Land to Schools or Churches,---although they would be most anxious by every means in their power to promote the general dissemination of religious and moral instructions, they yet see much reason to doubt whether that object can be effectually advanced by a nomination to the Crown of the right of granting such endowments to Ecclesiastical or Scholastic Institutions.

The arguments which have led them to this opinion are very fully detailed in Lord Aberdeen's Despatch to you of the 27th March 1835. I cannot doubt that ample provision will be made by the Legislature of the Province for purposes of education. The intimate acquaintance of the Members of the Legislature with the wants of their fellow Colonists will enable them to judge in what manner this important object may be best attained while the ample funds at their disposal will afford them the means of carrying their decision respecting it into effect. The subject is one most interesting to every inhabitant of New Brunswick and cannot be entrusted to better hands than those of the Provincial Legislature.

6th.---You observe that by the 5th section of the Bill a new feature will be introduced into all questions respecting titles to real property, and that the rule of law by which the Great Seal is considered a prima facie evidence of title will be set aside.

That it will hereafter be incumbent on the Grantee, in addition to the production of his Grant, to prove that the formalities required by the fifth Section of the Civil List Bill have been complied with, and that, after the lapse of some years, it would be very difficult to procure the necessary evidence for that purpose. I confess that I do not apprehend any serious difficulty on this ground. The rule being once established that no ground should be disposed of except by sale at public auction the production of a Grant under the Public Seal would of itself be prima facie evidence that the rule had been complied with. The burthen of proving the contrary must, I conceive, fall on the questioning party, and I presume that the official Records of the Land granting Department would be received as conclusive testimony of the circumstances of the Sale. As this point, however, has been brought to the notice of the House of Assembly they will doubtless take the necessary steps for guarding against inconvenience and obviating any doubts of the nature which you anticipate. But it may be necessary perhaps to take more effectual means than have hitherto been adopted for ensuring the safe Custody of the Records of the Land Granting Department, and for making it appear on the face of every sale whether the conditions necessary for its validity have been strictly complied with.

There are measures which it will be competent to you in your executive capacity to effect, and if they are not fully provided for by the Legislature, I would request you to take such steps as may appear to you most likely to be effectual for the object.

7th.---You desire, in consideration of the responsibility reposed in you, and with reference to your instructions under the Royal Sign Manual, to receive, either an authority under the Sign Manual, or an Order from H. M. Privy Council empowering you to give your assent to the Bill, for surrendering to the Assembly the Casual and Territorial Revenue.

I do not exactly understand to what part of your Instructions you here allude, but I presume it is to the 14th clause in which you are directed not to give your assent to any Bill of an unusual or extraordinary nature or importance or affecting H. M. Prerogative, unless a clause be inserted suspending its operation until H. Majesty's pleasure shall be known.

The object of that Instruction, however being to prevent the temporary operation of acts which H. Majesty in Council may afterwards see cause to disallow, and His Majesty's concurrence in the Draft of the Bill enclosed is my Despatch for the 31st of Oct. last having been already announced to you I do not see any ground for departure in the present instance from the usual course in such matters.

I have the honor to be, &c. &c.

(Signed)

GLENELG.

His Excellency SIR A. CAMPBELL.

APPENDIX, No. 16.

(Copy)

No. 2.

Downing Street, 6th April, 1837.

SIR,

I have to acknowledge the receipt of Sir A. Campbell's Despatch of the 20th January last, No. 4, on the subject of the proceedings of the Legislative Council and the Assembly of New Brunswick in regard to the Civil List Bill. Mr. Street, the Solicitor General of the Province, having been deputed by Sir A. Campbell to proceed to this Country in order to afford the benefit of his oral explanations regarding the questions in dispute between the House of Assembly and the Executive Government, I have discussed the whole subject with that Gentleman, and have received from him a letter dated the 23rd ultimo, of which I enclose a Copy for your information. The House of Assembly also having deputed two of their Members, Messrs. Crane and Wilmot to proceed to this Country for the purpose of communicating with his Majesty's Government on the same subject. I have received from those gentlemen an Address from the Assembly to the King which I have laid before his Majesty. I have also had interviews

with Messrs. Crane and Wilmot and have given due attention to every statement which they have thought it necessary to bring under my notice.

I proceed to state to you the result of a deliberate consideration of the various aspects in which the matters controverted between your predecessor and the House of Assembly have thus been presented to His Majesty's Government.

On referring to my Despatch, of the 2nd March, No. 109, which was written before the arrival of Sir A. Campbell's last Despatches you will find that I have anticipated many of the questions which have more recently come under discussion. In order to avoid as far as possible the risk of any misconception on an occasion of so much importance, I shall disregard the minor inconvenience of repeating some of my former statements and explanations.

1st.—Sir A. Campbell did not consider himself as in possession of adequate authority for assenting on his Majesty's behalf to the Civil List Bill. His objection to act upon the instructions which I conveyed to him, may, as I now understand it, be stated as follows :—

The 14th clause of those Instructions contained the following passage, "you are not to pass or give your assent to any Bill or Bills of an unusual or extraordinary nature and importance until you shall have first transmitted to us through one of our principal Secretaries of State and to the Committee of Privy Council for Trade and Plantations the Draft of such Bill or Bills and shall have received our pleasure thereupon,—unless you take care that there be a clause inserted therein suspending and deferring the execution thereof until our pleasure be known concerning the same." But Sir A. Campbell argues that in the present case neither of these conditions had been fulfilled. The Draft of the Civil List Bill had not been transmitted by him for the signification of His Majesty's pleasure, nor did it contain a suspending clause. It was indeed true that the Draft had been transmitted to the Lieutenant Governor for his guidance by the express command of His Majesty signified through me as one of His Principal Secretaries of State. But it was maintained that this was neither a formal nor a substantial fulfilment of the 14th article of the general instructions. The difference between the form literally prescribed and that which was actually observed requires no explanation. The difference of substance is stated by Sir A. Campbell to be, that a Draft transmitted from the Province to this Country must be accompanied by a Report from the Lieutenant Governor which Report must of course be wanting when that Order of proceeding is reversed.

It is no longer necessary with a view to any practical measure to discuss the distinction which was thus drawn—because I have now had the advantage of receiving the Draft from Sir A. Campbell, accompanied by the comments which it appeared to him to require. Yet I cannot pass from this question without recording my opinion that the Draft of a Bill transmitted by His Majesty's commands to the Lieut. Governor with instructions that, if adopted by the other branches of the Legislature, it should be assented to by him, is precisely the same authority as if that Draft had been drawn up and originally recommended to the King by the Officer Administering the Government of the Province. It is true that in such a course of proceeding the benefit of the previous suggestions of that Officer, is not obtained. But I cannot admit that it is not competent to His Majesty to dispense with that assistance on any occasion on which He may be so advised by the confidential Ministers of the Crown. The contrary supposition might on occasions of the utmost urgency and importance involve the necessity of a delay fatal to the success not merely of measures founded on a local and particular policy, but equally so of such as may have reference to the general interests of the Empire. The purpose of the 14th General Instruction was to place a check on the authority of the Governor, not to fetter the discretion of the King.

Secondly.—Sir A. Campbell next objected that, even admitting his obligation to assent to the Civil List Bill when transmitted to the Province and not originating with himself, yet it was necessary that the Royal Pleasure should be signified, not through His Majesty's Secretary of State but either in the form of an Order in Council or in

that of instructions under the Royal Sign Manual. I have not succeeded in my attempt to ascertain the precise grounds on which this opinion rests and I am, therefore, unable to controvert them. But on referring to the Commission under which the Government of New Brunswick is administered you will perceive that it requires the Governor "to execute his command according to the several powers and authorities granted to, or appointed him by that commission and the interests therewith given to him," "and by such further powers, instructions and authorities as shall at any time thereafter be granted to or appointed him under the King's Sign Manual only. His Majesty's Order in his Privy Council or by his Majesty through one of his Principal Secretaries of State." I am not aware of the grounds on which Sir A. Campbell concluded that the last of these methods of signifying the Royal Pleasure was inefficient or inapplicable in the present case. The opinion seems to me at variance with the established practice and universal understanding of all the Colonial Possessions of the Crown.

Thirdly.—Sir A. Campbell objected to the Civil List Bill because it involved an error in the calculation of the rate at which Dollars are issued from the Receiver General's Office in the payment of Salaries. I have explained the source of that mistake in my Despatch of the 2nd. March. If it were necessary to insist on the correction of it the Assembly have relieved His Majesty's Government from all difficulty on the subject for on the 7th of January they resolved "that" in the event of its "being thought necessary or proper by me that there should be a clear surplus of £566 Sterling, as stated in my Despatch of the 5th December, the House upon being made acquainted with that fact should immediately place by a permanent vote or during the continuance of the Civil List Bill such additional Grant at the disposal of the Crown as would amount to the surplus above stated." They carry still further their frank and liberal confidence in his Majesty's Government, for no stipulation having been made in the Civil List Bill for the expense of the Judges Circuits, they resolved to provide for that Service also during the continuance of that act.

His Majesty accepts these resolutions as a fresh and gratifying proof that His solicitude for the welfare of His subjects in New Brunswick has been justly appreciated by the Representatives of the people in that Province. I have His Majesty's commands to state that as far as respects the expenses of the Circuit the King does not *hesitate* to ask the fulfilment of this pledge, because every measure which strengthens the security of the independence of the Judges must contribute to the stability of all the social Rights, of which they are the Guardians, But with regard to the farther Grant which is offered to rectify the Miscalculation in the Civil List Bill, His Majesty will not avail himself of the offer of the Assembly. In my Despatch of the 22nd. March I pointed out the resource which might be found for supplying the deficiency by a reduction of the Official Emoluments and Sir A. Campbell's resignation by reducing to the extent of £500 per annum the charge upon the Civil List renders it unnecessary to accept the farther aid proffered by the Assembly, with so much cordiality and in so strict and honourable an adherence to the spirit rather than the letter of the pledge given on their behalf by Messrs. Crane and Wilmot.

Fourthly.—A further question of great importance having been noticed in Mr. Street's letter of the 23rd. of March must not be passed over in silence. That Gentleman suggests that it is not competent to the King with the advice and consent of the Legislative Council and Assembly of New Brunswick to alienate the Hereditary Revenues of the Crown in such a manner as to bind His Majesty's Royal Successors. On this topic I limit myself to a general statement declining as unnecessary and therefore as unadvisable, the decision of the wide constitutional principles involved in this enquiry. On careful reflection I am convinced that Mr. Street's opinion is not well founded. I do not think that this Cession which during the last century it has been customary to make to Parliament of the Hereditary Revenue of the Crown for the life of the reigning Sovereign only, is to be understood as an affirmation of the maxim that the King, Lords and Commons of Great Britain and Ireland are incompetent to conclude a permanent Settlement of the question; on that the existing practice is founded

on the highest grounds of expediency is indeed indisputable, but I do not perceive that the motives which so urgently forbid a permanent alienation of the Hereditary Revenues of the Crown in this Kingdom apply to the case of a British Province on the North American Continent. That such a Cession may be rendered valid by an Act of General Assembly assented to by His Majesty and that the enactment of such a Colonial Law may under some circumstances be judicious and expedient might readily be shown from a reference to our Colonial History. I allude especially to the case of the Island of Jamaica. The objection if well founded would of course apply to a settlement of 10 years as distinctly as if it should be made in perpetuity. Understanding that Messrs. Crane and Wilmot and Mr. Street concur in thinking that it would be expedient that the Civil List should be permanently settled, I have His Majesty's command to acquaint you that if such should be the opinion of the House of Assembly, you are at liberty to assent to the Civil List Bill with that alteration.

Fifthly.—The next in order of the objections made to the Civil List Bill is that it does not secure to the Crown the right of initiating all votes of Public Money. Sir A. Campbell concludes that the necessary Enactment for this purpose was omitted in the Draft by an oversight, because my Despatches on the subject had distinctly adverted to such an arrangement as having been agreed upon with Messrs. Crane and Wilmot. The supposition of an oversight is not, however, well founded. I thought originally and still retain the opinion that the great principles by which the natural rights and obligations of the different Members of the constitution are regulated do not form the proper subject for a statutory Law. It is the felicity of your form of Government that it rests on custom and tradition far more than on written charters and positive enactments. But after a very attentive consideration of the whole subject I am convinced that it is not practicable, would not be wise to insist upon the observance in New Brunswick of the Rules of the House of Commons respecting the initiating of Grants of money. In the first place this would be a departure from the usage of every other Colony possessing a Representative Assembly. In the next place it would be a disturbance of a custom to which the Inhabitants of New Brunswick are familiarized and attached. It would engender continued strife between the Executive Government and the Assembly. In the third place even the Rules of the House of Commons in this respect unless sustained by the Judgment of that House and by the opinion of the Public at large, could afford no effectual security for reserving to the Crown that initiating of money grants which the Crown habitually exercises. These are forms of proceeding in Parliament by which an expenditure may be suggested to the Crown by the Representatives of the People. The establishment of the proposed rule in New Brunswick in the present state of Public opinion on the subject could have no other effect than that of leaving the Assembly to exercise circuitously that power of originating Money Grants which at present they exercise directly. I therefore have to instruct you not to insist upon this condition.

Sixthly.—Mr. Street has objected that any surplus funds which, at the expiration of the term of ten years may remain in the Public Treasury may at that period be claimed by the Assembly although they would have placed at their disposal all the surplus which has been at present accumulated. I do not see the force of this objection. The existing accumulations are surrendered to the House cheerfully, not merely with contentment but with satisfaction. His Majesty can have no other interest in the matter than that the Funds should be expended in whatever manner may best advance the welfare of the Province. On that question His Majesty conceives that reliance may with greater safety be placed on the Judgment of the Representatives of the People, than on any other advice. The cession of the existing Fund is, therefore, not regarded by the King in the light of a sacrifice, but rather in that of a direct advantage. If during the next ten years (supposing the Civil List limited to that time) any new accumulation should take place, it will constitute a saving effected by the frugality of the House of Assembly to the benefit of which they will have the clearest title:

Seventhly.--Mr. Street objects that if the gross proceeds of the Crown Revenue should be paid not as heretofore to the Receiver General, but to the Public Treasurer, the Law would render it impossible for the Lieutenant Governor in Council to withdraw from the hands of the Treasurer except in pursuance of an Act of Appropriation that part of the money which would be indispensable for defraying the expenses of collection and management. It does not appear to me that this objection is well founded.—The first Section of the Bill directs the payment to the Treasury of the proceeds of the Revenues. “Except the monies which shall be expended in the collection and the protection thereof as specially authorized and provided for by the 4th Section.” It is then by the 4th Section Enacted “that the Lieutenant Governor with the advice of the Executive Council may expend out of the gross proceeds such sums of money as they may deem requisite for the prudent management, protection, and collection of the said Revenues.”—Therefore although it be true that the Treasurer can issue no money except under an Act of Appropriation, yet it is also true that he will receive not the gross, but the nett Income.—Besides the unequivocal intention of the whole arrangement, the spirit in which it has been conducted, and the manifest interest of the Province in enabling the Local Government to meet every necessary charge of collection and management may be considered an ample guarantee against any endeavours on the part of the House to create the apprehended embarrassment.

Eighthly.—Sir A. Campbell and Mr. Street concur in objecting to the enactment in the same Session of the 5th clause of the Civil List Bill, and of the Act passed to restrain the provisions of that clause. It is certainly not to be denied that there is an apparent, if not a real, incongruity and contradiction between the two Statutes, and that it is desirable to avoid such a departure from the ordinary mode of Legislation. But this is rather a question of style and composition than a substantial difficulty. The meaning is perfectly simple. The second Statute qualifies the general rule laid down in the first. But the first Bill contains no words anticipating the subsequent restriction. This objection may be removed either by transferring the 5th clause of the Second Bill of which it might form the commencement, or by adding to that clause in the present Bill a few words declaring that it is to be subject to such qualification as may thereafter be enacted.

Ninthly.—Sir A. Campbell objected to the Bill for restraining the 5th clause of the Civil List Act because “it assumes to the House a right to take the whole controul and management of Crown Lands out of the hands of the Governor and Executive Council and to regulate the prices, qualities and proportions to Military Officers and all the other minutia in the disposal thereof by Legislative Enactment, thereby taking from the King all His Royal Prerogative right in the disposal of the crown Lands and Forests in the Province.” After reading the Bill with great attention I am unable to subscribe to this opinion. The Bill appears to me designed and calculated not to narrow but to enlarge the power which by the civil List Bill are reserved to the Executive Government, nor do I perceive any objection to the provisions which it contains.

Tenthly.—It was objected to the Second Bill that it was passed only for two years. I acknowledge the justice of this objection, and shall be happy if on a review of the subject the Assembly shall be disposed to render the two Bills of equal duration. If, however, they shall persist in limiting the second to a period of two years I do not think the limitation so objectionable as to afford a sufficient ground for the rejection of that measure.

As it appears that both the Bills have been lost by the closing of the Session without the Governor's Assent having been given to them, it will be your first duty on assuming the Administration of the Government to convene the Legislature, and you will transmit to the Legislative Council and the House of Assembly copies of this Despatch, acquainting the Assembly that I have received His Majesty's commands to address to them this communication as comprising the answer which His Majesty

has been graciously pleased to return to that part of their Address which relates to the proceedings of the House and the Lieutenant-Governor, respecting the Bills in question.

To that portion of the Address which adverts to the composition of the Executive Council, I am to offer in reply the following observations.

In my Despatch, No. 85, of the 5th of last September, Sir A. Campbell was directed, with reference to the desire of the Assembly for the increase of that Body, to report to me, without loss of time, the names of such Gentlemen as should appear to him most eligible for Seats in His Majesty's Executive Council. The Instructions contained in that Despatch, I have to desire that you will consider as addressed to yourself. You will accordingly apply yourself, without unnecessary delay, to a compliance with them in this important respect. In conformity with my directions, Sir A. Campbell transmitted to me on the 17th December, a List of several Gentlemen whom he considered proper objects for the honor of the Executive Council. I request that you will take this List into your consideration in connection with the whole subject, and will favour me with your observations on the recommendations which it conveys, as well as with your suggestions regarding any other Gentlemen in the Province whom you may consider more eligible to be Members of the Executive Council.

I cannot terminate this Despatch without expressing my concern that Sir A. Campbell should, at the close of his connection with the Province, have been subjected to the pain of receiving the 2d, 3d, 4th, 5th, and 6th of the Resolutions adopted by the House of Assembly on the 8th of February last. Without presuming to comment on the terms in which the Representatives of the People of New-Brunswick have recorded their solicitude for the interests of their Constituents, I cannot but lament that an Officer possessing so many claims to respect and gratitude, should have failed to obtain their approbation, I would yet indulge the hope that they might find it consistent with their course of public duty, by the adoption of such further measures as may be best adapted for the purpose, to relieve that gallant and estimable Officer from reproaches so painful to an honorable mind. I am convinced that they will concur with His Majesty's Government in thinking that whatever difference of opinion may unfortunately have arisen between the House and the late Lieutenant-Governor, the conduct of Sir A. Campbell has been influenced by no motives other than a strict sense of duty, and an earnest zeal for the good of His Majesty's Service, and the welfare of the People of New-Brunswick.

I have, &c.

[Signed]

GLENELG.

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

APPENDIX, No. 17.

[Copy.]

London, 22nd March, 1837.

MY LORD,

In conformity with your Lordship's desire, expressed to me in the interview your Lordship honored me with, I now submit for your Lordship's consideration, the substance of certain proposed alterations, which I am instructed, by the Lieutenant-Governor of the Province of New-Brunswick, to bring under your Lordship's notice, as important to be made in the draft of the Civil List Bill for that Colony, as sent out by your Lordship to be laid before the Provincial Legislature in December last.

1st. In respect to the amount that is to be granted by the Legislature, your Lordship will perceive by reference to the Despatch from His Excellency Sir A. Campbell, of the 25th November last, that the present charges on the Civil List of the Province, amount in Currency to £14,642, to pay which, and give to His Majesty's Government the surplus of £566 sterling, (equal to £653 16s. currency, in dollars at 4s. 4d. or to £628 17s. 9d. at the usual rate of exchange), would require a grant from the Legislature in currency of £15,296 or £15,271 per annum, according to the rate of Exchange at which the surplus may be calculated; and if it is intended out of that surplus to make provision for an efficient Audit Department in the Province, the expenditure will be probably in Salaries, which if fixed in sterling, will be paid, I presume, at the same rate as the other Salaries on the Civil List of the Province.

It is true that by the resignation of the present Lieutenant-Governor, the amount charged on the Civil List will be reduced £500 sterling, and it is expected that future reductions will be made, as vacancies occur in other Offices, but I beg, with great deference to submit, whether it is not advisable to retain at His Majesty's disposal any funds that may arise from that source, as the only means in the Province that will be left to His Majesty, for affording any relief or assistance to such old and meritorious, but superannuated servants, of that Colony, as may hereafter (without such aid) from accident or other causes, be left in the decline of life destitute, although their long and faithful services might give them strong claims to the consideration of Government.

The Funds now about to be surrendered up to the Provincial Legislature by His Majesty, are as follow :

Amount deposited in the Provincial Banks, at 3½ per cent. interest, payable at any time on six months notice.	£29,000
Do. on Loan to the St. John Bridge Company, at 6 per cent. interest, payable 1st January, 1838, if required.	6,000
Amount already paid by the Land Company, in part of their purchase, with the accumulation of interest, about	66,000
Amount of unpaid instalments on other lands sold in the Province, part of which are now due, and the remainder will become due, 31st. Dec. 1837.	44,795
Do. of do. on do. which will become due, 31st December, 1838.	25,429
	Total £171,224

Besides the balance due on the purchase of the Land Company, the amount of which, I have no correct information, but the above amount alone, your Lordship will perceive, is sufficient in itself to pay a Grant of £15,295 for ten years, leaving an overplus of £18,274, besides the Annual Revenues accruing in the meantime. I cannot therefore suppose that, after His Majesty's Government has so liberally consented to surrender up the whole of these large Funds, the House of Assembly will, on a review of the question, object to the granting, in lieu thereof, such a liberal provision as will enable His Majesty, after payment of the Civil List, to meet any contingent emergency that may hereafter arise.

2nd. The Despatches from the Lieutenant-Governor before alluded to, have already pointed out to your Lordship that no provision has been made in any part of the arrangements for securing an adherence, by the Colonial Legislature, to the mode of appropriation of the Revenues of the Province, stated by your Lordship in your Despatch of the 31st August last, as one of the express conditions on which His Majesty had consented to make the surrender in question ; and I have only to add in this point, that I believe, and indeed I have no doubt, that the House of Assembly are under the impression, that as this condition has not been noticed in the bill, it is not your Lordship's intention to insist upon an adherence to it. It therefore is of great importance that this should be fully understood by all parties, before the Bill passes, as it will be too late afterwards to raise the question. If, as I am led to believe, from what passed in the interview I had with your Lordship, it is not contemplated by His Majesty's Government to abandon the condition, I with great submission beg leave to suggest, that some provision for it should be inserted in the Bill, for although it is, I am aware, unusual to regulate by Act of Parliament the course to be pursued by that power, in granting monies to the King, yet, if any new mode was to be pursued in regard to the appropriation of any particular fund, differing from what has been the established Constitutional Law and Usage of Parliament, it could only be done, I presume, by some Parliamentary enactment for that purpose ; and I submit that by the same rule, a Colonial Legislature would not feel themselves called on to depart from what had been an established usage with them, in their mode of appropriation of the public monies, without some Legislative or Parliamentary enactment for their so doing ; and the mode of granting monies, that has hitherto been pursued by the Legislature of New-Brunswick, is not according to the Law and Usage of the Imperial Parliament, but one that was resorted to many years back, by agreement between the Legislative Council and House of Assembly, in the settlement of a long pending dispute upon that subject between those branches ; and that

since

since that period, instead of the Representatives of the People raising and granting only such monies as might be asked for by the Executive, in the name of the King, the King's Representative, in fact, has no voice whatever on the subject—but the House of Assembly raise and grant what they please, and the Executive must either assent to, or reject the whole; and however unconstitutional this mode may appear, it certainly has been found by experience to be the most convenient one for a Colonial Legislature, where there is no Minister of the Crown to come down to the House with an Estimate for the year; and I feel convinced that any attempt that might now be made to alter this course of proceeding, with respect to the ordinary Provincial Revenue, which has already been at the disposal of the Legislature, would create a great excitement in the Province, and probably much difficulty and dissention between the Legislative Council and House of Assembly; but with respect to the Crown Revenue, now about to be surrendered up, any provision that His Majesty's Government may think it prudent to make for securing to the Executive, as one branch of the Legislature, a voice in the disposal thereof, as a check upon its improvident expenditure, could not be considered, I conceive, any interference with what has been the established usage in regard to the other Revenues of the Province.

3rd. I beg to call your Lordship's attention to the question, whether any Act of this nature, made by a Colonial Legislature, even with the King's assent, can be binding for any period beyond His Majesty's life. The impression on my mind is, that in Law it cannot, and if I am right in this Law, this Act and the Provision intended to be thereby made for the Civil List of the Province might be at an end very shortly after the large amount of Crown monies now in hand may have been paid over to, and perhaps actually disposed of, by the Colonial Legislature, and it would then be equally optional with that body, as it would be with the Ministers of the Crown of that day, whether or not they would renew the Act again upon the same terms. This difficulty, if it is one, does not appear to have been noticed either in the House of Assembly or Legislative Council in their discussions on the Bill, but I submit the propriety of its being brought under their notice in the future proceedings.

4th. In any measure that may be adopted on this subject for securing to the Crown a provision for the Civil List of the Province, it is for your Lordship to consider the risk His Majesty's Government runs, by not insisting upon that provision being made a permanent one, for if only made for a limited period, and the Casual and Territorial Revenues, should at the expiration of that time be much reduced in amount (which may happen) the Colonial Assembly may not be disposed to renew the Act, except upon such a scale of Salaries for the Officers on the Civil List as they may themselves dictate, in which case the Government might meet with the same difficulty in New-Brunswick, on that head, as has occurred in Lower Canada; and although the surrender of the Casual and Territorial Revenues may not be held valid for any longer period than the present reign, yet the Bill might be so framed as to make the grant to the Crown so far permanent as to be dependent upon Her Majesty's Heirs and Successors, not reserving the Royal Right to the Revenues in question, and for so long a period as they should respectively continue to surrender the same to the disposal of the Legislature of the Province. In addition to the foregoing remarks on the general principle of the Bill, I now beg leave to call your Lordship's attention to some amendments, which appear to me it requires, in minor points, to prevent difficulty hereafter in carrying the measure into effect. The first Section of the Bill as it now stands, directs that all the Revenues, as well what are in hand, as also, what may hereafter be received (except what may be expended in the collection and protection thereof, as authorized by that Act) shall immediately be paid to the Provincial Treasurer. By this, the money would not go through the hands of the Receiver General, but the Commissioner of Crown Lands and other Officers who collect the same, would be compelled by this Act to pay over immediately to the Provincial Treasurer, and when once there the money, by the 3rd. Section of the Act, cannot be touched until appropriated by the Act of the General Assembly. But Your Lordship perhaps is not aware that the different Accounts of the various expenses incurred by Deputy Surveyors, and other persons employed in the Surveying and laying out of the lands and timber berths in distant parts of the Province, cannot be got in, adjusted and paid, or the correct amounts ascertained, until long after the purchase money or tonnage on the Timber has been received; and those expenses cannot be paid out of the gross proceeds, until the accounts are examined and passed by the proper authorities. I would therefore suggest

gest that an amendment should be made in this Section, directing that the Accounts should be made up at the end of every quarter by the Receiver General, or other proper Officer appointed for that purpose, of all monies then in hand, and also of all expenses properly incurred during the quarter, or any preceding period; and that the Net Balance in hand, after the payment of such expenses, be then paid over to the Provincial Treasurer. This arrangement would compel the Officers to be regular in rendering their accounts at fixed periods, and prevent mistakes in the amount to be paid over. It will also be perceived that the Bill, as it now stands, makes no provision for any surplus that may remain of the Revenues at the expiration of the Act, if made only for a limited period; and as Lands are sold generally every year, on terms of paying for the same by instalments, there may be, at the expiration of the Act, instalments coming due at a subsequent period for Lands sold while the Act was in force; in which case the House of Assembly might claim those sums when received to be paid over as part of the proceeds of sales, made under the directions of the Act, although their grant for the Civil List had ceased to be payable. So on the other hand very large sums of money might have to be paid over to the Treasurer at the end of the quarter preceding the expiration of the Act, and a large surplus undisposed of may be in the Provincial Treasury when the Act expires, while the Government would be left without any provision for the Civil List for the then succeeding year, except the uncertain amount that might be derived from the income of that year. The 2nd section of the Bill provides, that the grant for the support of the Civil Government shall be paid by the Treasurer, by warrant from the Lieutenant-Governor, in four quarterly payments, that is at the end of each quarter in the year, but there is no direction as to the person in whose favour such warrant is to be drawn, or where this quarterly payment, when so drawn, is to be deposited for the purpose of answering the demands of the Civil Government. It is true this can be regulated by His Majesty's Government, without being inserted in the Act; but your Lordship may think it worthy of consideration, whether it would not be better that the Act should direct, that these quarterly payments should be made to the Receiver General or other proper Officer appointed for that purpose, or a warrant drawn in his favour, by the Lieutenant-Governor or Commander in Chief for the time being, to be applied in the first place, so far as may be necessary, to the support of the Civil Government of the Province, and any surplus that remains to be expended in the Province, in such way as the Lords Commissioners of His Majesty's Treasury may direct.

I now come to the 5th Section, upon which so much has been already said in the Despatches of the Lieutenant-Governor to your Lordship, as to the evil effects its operation would have in the Province, if allowed to pass into a Law as it now stands. It is unnecessary for me to trouble your Lordship with any further remarks upon that head; but I cannot but think the mode adopted by the House of Assembly for providing against such evil, by passing another Bill (which is only to have effect for two years) to restrain the provisions of this, instead of at once making the necessary alterations in this, before it passed into a Law, is a most unprecedented and unparliamentary course of proceeding, and one that will not have the effect intended, for the second Bill has other objects in view relative to the control and management of the Crown Lands and Timber in the Province, and contains provisions on that head, which I think your Lordship will require to be materially altered in several respects before it can go into effect. But at all events, if it is admitted (which it is) that the operation of the 5th section of the Civil List Bill, as it now stands, should be restrained, it surely would be better to have that section altered and modified accordingly, before it passes into a Law, than to trust to other enactments to correct it. I therefore suggest, that, instead of declaring as the section now does, all grants be null and void, unless made upon sale, &c. at Public Auction, the enactment be, that in future, all Crown Lands, &c. to be sold or leased in the Province, (except as hereinafter excepted) shall be sold or leased at Public Auction, after public notice given in the Royal Gazette and other papers, for such length of time as the Act may direct, and at which notice the upset price shall be stated, leaving it to the Governor and Executive Council to fix what that shall be, and let the proviso for the exceptions in the Act, to be therein after set out, provide in addition to what is now excepted therein, that nothing in this Act shall extend to disable His Majesty, His Heirs and Successors, from making any grant or lease of land, &c. by private sale or otherwise,

APPENDIX No. 2

for the endowment of Churches, Schools or other Public Institutions, in the Province, not exceeding number of acres to any one such Institution, and also the same exception to extend to any person or persons settled in the Province, who may, in the opinion of the Governor and Executive Council, have an equitable claim or preference arising from prior occupancy, or improvement to any particular tract of ungranted land, so that the same do not exceed number of acres to any one person, upon such person or persons paying for the same such price or sum not less than shillings per acre, as may be agreed on by the Governor and Executive Council; and also the same exception to extend to any Military, Naval or other Officer, under the Crown, who may be entitled to a commuted allowance in land for his services, according to the graduated scale, and upon the terms and conditions, now (or which may hereafter be) established for such grants. A provision in substance to the above effect, in lieu of the present 5th Section of the Bill, would, I conceive, afford all the security that is requisite for the Province, that the lands will not be improvidently granted, and would, at the same time, relieve the Bill from the present objectionable clause. I have now to apologize for thus trespassing so long upon your Lordship's valuable time, but as I feel very anxious that this matter should be arranged, as both to satisfy the House of Assembly, and protect the just claims of individuals, as also at the same time to afford the requisite security to the Crown; I have ventured thus at length to bring all the points that have occurred to the minds of His Excellency the Lieutenant-Governor and the Executive Council under your notice, at one view, trusting to Lordship's indulgence for so doing, and I have only to add that, if the Members of the House of Assembly could have divested their minds of the prejudice they have imbibed against the Executive of the Province, from an erroneous impression that we are opposed to the surrender of these Revenues, and have raised difficulties only to throw obstacles in the way of the measure being carried into effect, many of them, and I think a majority, would coincide in opinion with me, as to the propriety of most, if not all, the alterations I have suggested, and although I cannot but think it would be better, after your Lordship has determined what provisions the Bill must contain for the security of the Government, to leave the rest broadly open for the Legislature of the Province (unshackled by any fixed form of a draft sent from this Country) to prepare the Bill there, and to add such provisions of a local nature, as they may think the interests of the Province require, so they do not in effect weaken the security to be provided for the Crown, and to pass the Bill with a suspending clause; yet if your Lordship prefers that the draft should be settled here (as Messrs. Crane and Wilmot are now in London) I shall be ready, if they are so disposed, to assist them in making such alterations in the present draft, as your Lordship may, on further consideration, decide upon; for I am guided solely by a wish to get the matter settled in a way that will be most conducive to the best interests of the Province, and I am quite sure that the same object alone has directed the proceedings of His Excellency, Sir Archibald Campbell, and my brother Members of the Executive Council, in every step they have taken on this important subject.

I have, &c.

G. F. STREET.

[Signed.]

LORD GLENELG, &c. &c. &c.

No. 18, on List.

Downing Street, 29th April, 1837.

Copy)

Sir,

I have received Sir Archibald Campbell's Despatch of the 15th ultimo, No. 16, inclosing Letter which had been addressed to him by the Collector and Comptroller of His Majesty's Customs at St. John, in which they express their opinion, that in the recent arrangement for the surrender of the Revenue at the disposal of the Crown, to the Provincial Legislature, it was not contemplated by His Majesty's Government, to include in that surrender the Duties of Customs received under the Acts, prior to 18, Geo. 3, cap. 12.

It appears scarcely necessary for me to say that the arrangement made between His Majesty and the Legislature of New Brunswick, cannot embrace any of the Revenues of the Crown, received in that Province from Duties imposed by Acts of Parliament, of which Parliament

APPENDIX Nos. 2, 3, 4.

Parliament may have confided the appropriation to the Lords of the Treasury; because without an express Parliamentary sanction it would not be within the power of His Majesty to alter, or to assent to the alteration of the Law, regulating the appropriation of such Duties. The Cession is co-extensive with the power of the Crown, but must necessarily be limited by them.

I have, &c.

(Signed)

GLENELG.

SIR J. HARVEY, &c. &c.

No. 3.

(Copy.)
(Duplicate, No. 90.)

(See Page 242.)

Downing Street, 22d July, 1837.

SIR,

Having submitted for the consideration of the Secretary of State for the Home Department, your Despatch of the 3d May, No. 73, enclosing a report of a Committee of the House of Assembly of Nova-Scotia, relative to the landing in that Province of several Convicts, who had been sent there on their discharge from the Hulks at Bermuda, I have to acquaint you that in order to prevent a recurrence of the inconvenience likely to arise from a continued introduction into the Province of such persons, arrangements have been made for bringing to this Country any Convicts who may hereafter be discharged from Bermuda on the expiration of their sentence.

I have, &c.

GLENELG.

Sir COLIN CAMPBELL, K. C. B. &c. &c. &c.

No. 4.

(Copy)
(Duplicate, No. 98.)

(See Page, 242.)

Downing Street, 29th Sept. 1837.

SIR,

With reference to my Despatch of the 26th ultimo, in which I inform you, that I had communicated to the Post-Master General, the Resolution of the Assembly of Nova-Scotia, relative to the Post-Office Department of that Province; I have now the honor to transmit to you the enclosed extract of a letter, which has been received from the General Post-Office on the subject, and to instruct you to communicate it to the House of Assembly, as the answer to their proposition, for the transfer to their control of the Provincial Post-Office Department.

I have, &c.

GLENELG.

Major General SIR COLIN CAMPBELL, K. C. B.
&c. &c. &c.

“ Extract of a Letter from the General Post-Office, to James Stephen, Esq., dated 23rd. September, 1837.

“ I am directed by my Lord the Postmaster General, to acknowledge your letter of the 30th ultimo, transmitting a Despatch from the Lieutenant-Governor of Nova-Scotia, enclosing Resolutions of the Provincial Assembly, on the subject of the Post-office of that Province. His Lordship commands me to state for Lord Glenelg's information, that having, in conjunction

conjunction with the Accountant General of this Department, examined the Documents submitted by Sir Colin Campbell, he conceives there must be some misapprehension, so far as relates to any Surplus Revenue of the Post-Office in Nova-Scotia, after payment to Great Britain of the Packet Postage, as purposed by the Colonial Legislature.

"From the Accounts of this Office it appears that the Total Nett Revenue, arising from the Posts in the Provinces of Nova-Scotia and New-Brunswick, which are united under the management of the Deputy Postmaster General at Halifax, was, in the year 1836, £2173 1s. 11d. that of this sum, the proportion collected in New-Brunswick, was £1458 7s. 8d. leaving the net produce of the Postage in Nova-Scotia, only £714 14s. 3d.

"According to the actual accounts here, the Packet Postage (which the Assembly estimates at £1,161, amounted to £1,248 8s. 6d., if therefore the proposition to pay over the Packet Postage to the British Post-Office were accepted, the gain to this Department would be from £4 to £500 a year."

No. 5.

Part 1st.

(See Page, 242.)

At the Court at Buckingham Palace, the 18th November, 1837.

PRESENT.

The Queen's Most Excellent Majesty.

Lord Chancellor
Lord President
Lord Privy Seal
Lord Steward
Lord Chamberlain
Earl of Albemarle
Earl Spencer
Earl of Minto
Lord John Russell

Viscount Melbourne
Viscount Howick
Lord Holland
Lord Glenelg
Sir Charles Vaughan
Mr. Poulett Thompson
Sir John Hobhouse, Bart.
Mr. Chancellor of the
Exchequer.

Whereas, the Governor of Her Majesty's Province of Nova-Scotia, with the Council and Assembly of the said Province, did, in the month of April last, pass three Acts, which have been transmitted, entitled as follows, viz:—

No. 1808. "An Act to enable Members of the House of Assembly about to leave the Province, or unable from indisposition to attend their duty, to resign their Seats therein."

No. 1833. "An Act to divide the County of Annapolis, and to regulate the Representation thereof."

No. 1837. "An Act for the quiet of the Subjects in the possession of Lands, Tenements and Hereditaments, within this Province."

And Whereas, the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have represented as their opinion to Her Majesty, that the said Act should receive Her Majesty's Special Confirmation—Her Majesty was thereupon, this day pleased, by and with the advice of Her Privy Council, to declare Her Special Confirmation of the said Acts, and the same are hereby specially confirmed, ratified, and finally enacted accordingly.—Whereof, the Governor, Lieutenant-Governor, or Commander in Chief for the time being of Her Majesty's Province of Nova-Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

[Signed]

WILLIAM L. BATHURST.

(Copy)

At the Court at Buckingham Palace, the 18th of November, 1837.

PRESENT.

The Queen's Most Excellent Majesty.

Lord Chancellor
 Lord President
 Lord Privy Seal
 Lord Steward
 Lord Chamberlain
 Earl of Albemarle
 Earl Spencer
 Earl Minto
 Lord John Russell

Viscount Melbourne
 Viscount Howick
 Lord Holland
 Lord Glenelg
 Sir Charles Vaughan
 Mr. Poulett Thompson
 Sir John Hobhouse, Bart.
 Mr. Chancellor of the
 Exchequer.

Whereas, the Governor of Her Majesty's Province of Nova-Scotia, with the Council and Assembly of the said Province, did, in the months of March and April last, pass Seventy-two Acts, which have been transmitted, entitled as follows, viz:—

No. 1745. "An Act for applying certain monies therein mentioned, for the service of the Year of our Lord 1837, and for appropriating such part of the surplus granted in this Session of the General Assembly, as not already appropriated by the Laws or Acts of the Province."

No. 1751. "An Act for the encouragement of the Nova-Scotia Horticultural Society."

No. 1755. "An Act for establishing and regulating Feries, and to repeal the Act now in force."

No. 1756. "An Act in amendment of the Act to incorporate the Petite Plaister and Mills Company."

No. 1757. "An Act to authorize the Grand Jury and the Court of Sessions in the County of Pictou, to present and assess monies for the erection of a Lock-up House in New-Glasgow, in the said County."

No. 1759. "An Act for granting Duties on Licences for the Sale of Spirituous Liquors."

No. 1760. "An Act to continue the Act to restrain the issuing Writs of Attachment in certain cases."

No. 1761. "An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax."

No. 1762. "An Act respecting the Inferior Courts, General Sessions and Justices of the Peace, within the Island of Cape Breton."

No. 1763. "An Act to continue the Act to authorise the Sessions of the Peace for the County of Queen's County, to make regulations for the gathering of Sea Manure in the said County."

No. 1765. "An Act to authorize the appointment of Sheriffs for the several Counties of Juste au Corps, Pictou, Colchester and Richmond."

No. 1766. "An Act in addition to, and in amendment of, the various Acts made and passed by the General Assembly of this Province for the relief of Insolvent Debtors."

No. 1767. "An Act to continue the Act in amendment of an Act made and passed in the 1st and 2nd year of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton."

No. 1768. "An Act to continue the Act relating to Marriage Licenses."

No. 1769. "An Act to continue the Act to prevent disorderly riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned."

No. 1770. "An Act to continue the Act to lessen the expense of the proof of Written Documents in actions depending in any of the Courts within this Province."

No. 1771. "An Act to continue the Acts now in force relating to Trespasses."

No. 1772. "An Act for granting duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax." No.

It is this exclusive French Canadian spirit alone which has given rise to all the discontent existing in this Province—it is this which has in fact made this question one of national origin, and not of political party—in it is to be discovered the source of all the disturbances which have brought sedition and rebellion in their train—and in it alone is to be found a full and complete answer to the enquiry, to what causes the present unhappy condition of this Province is to be ascribed.

This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives, adopted in 1834, the famous ninety-two Resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be either altogether redressed, or in active course of being so; reference is therein principally had to those which have already been adverted to, the introduction of the elective principle into the composition of the Legislative Council, the abrogation of the Tenures Act, and the disposal of the whole Revenue of the Province; the two former have been most wisely refused, the latter as unwisely granted—while by their own admission, no real oppression exists in the Province, and no real grievance consistent with the preservation of British supremacy remains unredressed.

Your petitioners submit—that the Provincial inhabitants of British origin have real and substantial grounds of complaint,—they have been compelled to submit to a system of Jurisprudence foreign to their habits and injurious to their interests, to a feudal law which, to the disgrace of the Provincial Legislature, finds a home in Lower Canada alone, to a denial of those Legislative improvements which would have introduced British capital and enterprise into the Province and increased therein a British population, and to their privation of their dearest rights as British subjects, in their virtual exclusion from a just participation in the Provincial Representation.

Although their supplications and petitions for relief have been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the Mother Country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

At the same time your petitioners conceive that, without a total abandonment of the policy now adopted towards this Province, and its anglification in fact as well as in appearance, by means principally of its re-union with Upper Canada, the same evils will exist, the same causes of disorder will continue, and the same attempts at sedition and rebellion will again occur.

Your Petitioners are firmly convinced that the re-union of the Canadas is not only the most effectual means of preventing a recurrence of the disasters which have already occurred, but that it will produce to Upper Canada advantages which cannot be anticipated from any other measure,—a more equal proportion of the General Revenue, a free outlet to the Ocean, and a practical utility for the magnificent improvements in progress at her expense within her own limits,—and that it will at the same time promote the prosperity of both the Provinces—secure their just dependance upon the British Government, and prevent a dismemberment of the Empire.

Your Petitioners most respectfully entreat your Honorable House to take the situation of the British inhabitants of Lower Canada into your serious consideration, and to advise such measures as will promote the objects which your Petitioners have in view—the complete anglification of this Province, and its re-union with Upper Canada.

And your Petitioners, as in duty bound, will ever pray.

PETER MCGILL,

Chairman Constitutional Association of Montreal.

W. BADGLEY,

Secretary Constitutional Association of Montreal.

Montreal, 13th December, 1837.

APPENDIX II

TABLE I

Continued

TABLE I (Continued)

The following table shows the results of the analysis of variance for the different factors. The results are given in the form of a table. The first column shows the factor, the second column shows the number of degrees of freedom, and the third column shows the F-value. The fourth column shows the probability of the F-value being due to chance. The fifth column shows the mean square error. The sixth column shows the standard error of the mean. The seventh column shows the standard deviation. The eighth column shows the standard error of the estimate. The ninth column shows the standard error of the regression. The tenth column shows the standard error of the intercept. The eleventh column shows the standard error of the slope. The twelfth column shows the standard error of the intercept. The thirteenth column shows the standard error of the slope. The fourteenth column shows the standard error of the intercept. The fifteenth column shows the standard error of the slope. 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APPENDICES

TO

JOURNALS OF THE SECOND SESSION

OF THE

LEGISLATIVE COUNCIL, IN 1838.

APPENDIX No. 1.

COMMISSION OF THE EARL OF DURHAM AS CAPTAIN GENERAL &c. OF NOVA-SCOTIA.

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 our Right well-beloved John George, Earl of Durham, Knight, Grand Cross of the Most Honorable Order of the Bath.

GREETING :

Whereas our Royal Predecessor His late Majesty King William the Fourth, did, by certain Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the first day of July, One Thousand Eight Hundred and Thirty-Five, amongst other things therein contained, constitute and appoint our Right trusty and our Right well-beloved Cousin and Councillor, Archibald, Earl of Gosford, to be Captain General and Governor in Chief, in and over the Province of Nova-Scotia, during His said late Majesty's Royal Pleasure, as by the said recited Letters Patent, relation being thereunto had, may more fully and at large appear. Now know you that we have revoked and determined, and by these presents do revoke and determine, such part only, and no more of the said recited Letters Patent, as extend or relate to the Province of Nova-Scotia, and every clause, article and thing, therein contained, relative to the said Province only ; and further know you, that we, reposing especial trust and confidence in the prudence, courage and loyalty of you the said John George, Earl of Durham, 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 John George, Earl of Durham, to be our Captain General and Governor in Chief, in and over our said Province of Nova-Scotia, in America ; the said Territory being bounded on the westward by a line drawn from Cape Sable across the entrance to the centre of the Bay of Fundy, on the northward by a line drawn along the centre of the said Bay to the mouth of the Musquat River, by the said River to its source, and from thence by a due east line across the Isthmus into the Bay of Verte, on the eastward by the said Bay, and the Gulf of Saint Lawrence to the Cape or Promontory called Cape-Breton, in the Island of that name, including the said Island, and also including all Islands within six leagues of the Coast, and on the Southward by the Atlantic ocean from the said Cape to Cape Sable aforesaid, including the Island of that name, and all other Islands within forty leagues of the Coast, with all the rights, members and appurtenances whatsoever thereunto belonging ; And whereas, we have deemed it expedient that there should henceforward be two distinct Councils in our said Province of Nova-Scotia, for the purposes hereinafter mentioned. We do therefore by these Presents, grant, provide and declare, that there shall henceforward be within our said Province of Nova-Scotia, two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of our said Province ; and we do further direct and declare our pleasure to be, that all and every, the powers and authorities heretofore vested in, or exercised by, the

the Council of our said Province, so far as respects the enactment of any Laws to be made within our said Province, shall henceforth be, and the same are hereby, vested in the said Legislative Council, and that all other powers and authorities whatsoever, vested in or exercised by the Council of our said Province shall be, and the same are hereby vested in the said Executive Council; and we do hereby appoint and declare that the said Executive Council and the said Legislative Council respectively, shall hereafter consist of such and so many members, as shall from time to time for that purpose be nominated and appointed by us, under our Sign Manual and Signet, or as shall be provisionally appointed by you, the said John Gorge, Earl of Durham, until our pleasure therein shall be known. Provided nevertheless, and we do hereby declare our will and 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 provisional appointment, be raised to a greater number in the whole than nine, and that the total number of 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 further direct and appoint that five members of our said Executive Council shall be a Quorum for the despatch of the business thereof, and that eight members of our said Legislative Council shall be a Quorum for the despatch of the business thereof; and we do further direct and appoint, that the members of our said respective Councils shall hold their 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 the deliberations thereof, save only when you the said John George, Earl of Durham, shall be present, and presiding at the deliberations of the said Executive Council, the seniority of the members of the said Councils 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 to your said command, and the trust we have reposed in you, according to the several powers and authorities granted or appointed you by this present commission, and the Instructions herewith given to you or by such further powers and 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, 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 of Nova-Scotia, under your government, in such manner and form as is hereinafter expressed, and our will and pleasure is, that you the said John George, Earl of Durham, 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 for High Treason or misprision of Treason," or in lieu 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 usual oath 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; and further, that you take the Oath required to be taken by Governors of Plantations, to do their utmost, that the several Laws relating to Trade and Plantations be duly observed; all which said oaths, our Executive Council of our said Province of Nova-Scotia, or any three or more of the members thereof, have hereby full power and authority, and are required to tender and administer unto you: Which being

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 oaths for the due execution of their places and trusts; and we do further give and grant unto you, the said John George, Earl of Durham, full power and authority from time to time, and at any time hereafter, by yourself, or by any other to be authorized 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 person or 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 give and grant unto you, the said John George, Earl of Durham, full power and authority to suspend any of the members of our said Executive and Legislative Councils respectively, from sitting, voting or assisting in such respective Councils, 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 the 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 to us by the first opportunity, that we may, under our 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 John George, Earl of Durham, full power and authority to choose as many persons out of the principal Freeholders, Inhabitants of our said Province of Nova-Scotia, 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 Councillors in our said Province, until their appointment shall either be confirmed or disallowed by us; and we do hereby give and grant unto you, the said John George, Earl of Durham, 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 so returned shall, before their sitting, take such of the 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 the Public Seal of our said Province of Nova-Scotia, to tender and administer unto them, and until the same shall be 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 said Province of Nova-Scotia, and that you, the said John George, Earl of Durham, with the advice and consent of our said Legislative Council and Assembly, or the major part of them, 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 of 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 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 of Nova-Scotia, for our approbation or disallowance of the same, as also Duplicates of the same 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 John George, Earl of Durham, 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,

anything to the contrary thereof, in any wise 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 John George, Earl of Durham, shall have and enjoy a negative voice in the making and passing of 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 our further will and pleasure is, that you shall and may keep and use the Public Seal of our said Province of Nova Scotia, for Sealing all things whatsoever, that shall pass the Seal of our said Province under your Government; and we do hereby authorize and empower you to constitute and appoint Judges, and in case it shall be 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 in 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 John George, Earl of Durham, full power and authority, in case any person or persons commissioned or appointed by us, to any office or offices within our said Province, from which they may be liable to be removed by us, shall in your opinion be unfit to continue in our service, to suspend or remove such person or persons from their several employments; and we do hereby give and grant unto you, the said John George, Earl of Durham, 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 and grant unto you, the said John George, Earl of Durham, 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 the custodies of Idiots and Lunatics, and their estates as shall be found, by Inquisition thereof, taken or to be taken, and returnable in our Courts of Chancery, and thereupon to make and pass grants and commitment under the Public Seal of our said Province of Nova-Scotia, of the custodies of 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, authorize and empower you, the said John George, Earl of Durham, to collate any person or persons to any Churches, Chapels or other Ecclesiastical benefices within our said Province of Nova-Scotia, as often as any of them shall be void; and our will and pleasure is, that all public monies raised, or which shall be raised by any Act made, or hereafter to be made as aforesaid, in 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 any such Act and not otherwise; and we do hereby give and grant unto you, the said John George, Earl of Durham, 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 now are or hereafter shall be in our power to grant or dispose of; Provided nevertheless, and we do 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, 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 and appoint, that you, the said John George, Earl of Durham, 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 Nova-Scotia, 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 Nova-Scotia, 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

sence of any such Lieutenant-Governor, to such person as we may, by Warrant under our Sign Manual and Signet, authorize 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 Nova-Scotia, 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, 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 Nova-Scotia, shall take upon him the administration of the Government thereof, and shall execute 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 our Captain General and Governor in Chief should or ought to do; and we do hereby require and command all our Officers and Ministers, Civil and Military, and all other the Inhabitants of our said Province of Nova-Scotia, to be obedient, aiding and assisting unto you, the said John George, Earl of Durham, 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 Sixth day of February, in the First Year of Our Reign.

By Writ of Privy Seal.

(Signed,)

EDMUNDS.

APPENDIX No. 2.

LORD DURHAM'S INSTRUCTIONS.

VICTORIA R.

Instructions to our Right trusty and Right well-beloved Cousin and Councillor John George, Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, Captain General and Commander in Chief in and over our Province of Nova-Scotia, or in his absence to our Lieutenant-Governor or Officer Administering the Government of our said Province, for the time being. Given at our Court of Buckingham Palace, this 6th day of February, 1838, in the 1st year of our Reign.

FIRST.—With these our Instructions you will receive our Commission under the Seal of our United Kingdom of Great Britain and Ireland, constituting you our Captain General and Governor in Chief in and over the Province of Nova-Scotia. 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 General and Governor in Chief as aforesaid, declared our pleasure to be that there shall be within our said Province of Nova-Scotia, 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 we have further declared our pleasure to be that the said Executive Council and the Legislative Council respectively should hereafter consist of such and so many members as shall for that purpose be nominated and appointed by us, under our Royal Sign Manuel and Signet, or as shall be provisionally appointed by you, the said John George, Earl of Durham, until our pleasure therein shall be known. Provided always, that the total number of the members for the time being of such Executive Council, resident within our said Province, shall 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 such Legislative Council, resident within our said Province, shall not at any time, by any such provisional appointment, by you be raised to a greater number in the whole than fifteen; now we do hereby authorise 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 Executive and Legislative Councils respectively, who shall

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 qualifications of the several members so provisionally appointed by you, to be members of our said Executive and Legislative Councils respectively, to the intent that their said appointments may be either confirmed or disallowed by us, 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 Nova-Scotia, 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 said Executive and Legislative Council 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 already have been admitted to continue therein.

FIFTH.—You are not to suspend any of the members of either 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 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 reason 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 our leave, given them under our Royal signature, his or their places in the said respective Councils shall immediately therefrom become void. And that 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 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 respective 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 to 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 our 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 our 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,

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, viz: 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 be suspended, altered, continued, revised, 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 from, by 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 public notification was made of the party's 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 passed through the forms above mentioned.

That in all laws and 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 use 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 very 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 occasions 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 are not to give your assent to any Bill for ascertaining the duration of Assemblies, the fixing or altering the qualifications 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 Assemblies of the Province under your Government for the naturalization of Aliens, nor for the divorce of persons bound together in holy matrimony, nor for establishing a title in any persons, lands, tenements and real estate in our said Province, originally granted to, or purchased by, Aliens antecedent to naturalization.

THIRTEENTH.—And whereas great mischief 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 hereby will and require you not to pass or give your assent to any Bill or Bills of an universal or 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 that there

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, has 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 a 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 impost, tonnage, or excise, be made to continue for less than one whole year, as also that no other Law whatsoever be made to continue for less time than two years, except only in cases 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, chattles, 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, entitled, “ An Act to prevent paper bills of credit hereafter to be paid in any of Her 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 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 whatsoever, 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.

EIGHTEENTH.—You are not to suffer any public money whatsoever to be issued or disposed of otherwise than by warrant under your hand, but the Assembly may nevertheless be permitted from time to time to view and examine the accounts of money disposed of by virtue of Laws made by them, as there shall be occasion.

NINETEENTH.—And we do hereby particularly require you to take care that fair books of accounts of all receipts and payments of all public monies be duly kept in which book shall be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end that we may be satisfied of the right and due application of the revenue of our said Province, with the probability of the increase or diminution of the same, under every head and article thereof.

TWENTIETH.—Our will and pleasure is that you do in all civil causes, on application being made to you for that purpose, permit and allow appeals from any of the Courts of Common Law in our said Province, and you are for that purpose to issue a writ in the manner which has been usually accustomed returnable before yourself and the Executive Council for the said Province, who are to proceed to hear and determine such appeals wherein such of the said Executive Councillors of our said Province as shall be at that time Judges of the Court from whom such appeal shall be so made to you and to our said Executive Council as aforesaid, shall not be admitted to vote upon the said appeal, but they may nevertheless be present at the hearing thereof, to give the reasons of the judgment given by them in the causes wherein such appeal shall be made. Provided nevertheless, that in all such appeals the

the sum or value appealed for do exceed the sum of Three Hundred Pounds Sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence be affirmed; and if either party shall not rest satisfied with the judgment of you and our Executive Council as aforesaid, Our will and pleasure is that the appellant may then appeal to Us in our Privy Council, provided the sum or value so appealed for unto Us do exceed Five Hundred Pounds Sterling, and that such appeal shall be made within fourteen days after sentence, and good security be given by the appellant that he will effectually prosecute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by Us in case the sentence of you and the said Executive Council shall be affirmed. Provided nevertheless, when the matter in question relates to the taking or demanding any duty payable to Us or to any fee of office or annual Quit Rent or other such like matter or thing, where our rights in future may be bound, in all such cases you are to admit an appeal to us in our Privy Council, although the immediate sum or value appealed for be of a less amount or value. And it is our further will and pleasure, that in all cases where, by your instructions, you are to admit appeals to us in our Privy Council, execution being suspended until our final determination of such appeal, unless good and sufficient security be given by the appeller, to make such ample restitution of all that the appellant shall have lost by means of such decree or judgment, in case upon the determination of such appeal such decree or judgment should be reversed, and restitution awarded to the appellant.

TWENTY-FIRST.—You are also to permit appeals unto us in our Privy Council in all cases of fines imposed for misdemeanors, provided the fines so imposed amount to the sum of One Hundred Pounds, Sterling, the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation of the sentence by which such fine was imposed be confirmed.

TWENTY-SECOND.—You shall not remit any Fines or Forfeitures whatsoever above the sum of Fifty Pounds, nor dispose of any Forfeitures whatsoever, until you signify the same to us through one of our Principal Secretaries of State, and have received our directions thereupon, but you may in the meantime suspend the payment of the said Fines and Forfeitures.

TWENTY-THIRD.—You are, with the advice and consent of our Executive Council, to take especial care to regulate all Salaries and Fees belonging to places or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made on any occasion whatever, as also that Tables of Fees be publicly hung up in all places where such Fees are to be paid.

TWENTY-FOURTH.—And you are to transmit to us, through one of our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices and officers, powers, authorities, fees and privileges, granted and settled within our said Province, as likewise an account of all the expenses, if any, attending the establishment of the said Court.

TWENTY-FIFTH.—You shall not appoint any person to be a Judge or Justice of the Peace, without the advice and consent of a majority of our said Executive Council. And it is our will and pleasure that all Commissions to be granted by you to any person or persons to be Judge, Justice of the Peace, or other necessary officer, be granted during pleasure only.

TWENTY-SIXTH.—You shall not displace nor suspend any of the Judges, Justices, Sheriffs or other Officers or Ministers within our said Province, without good and sufficient cause, to be signified in the most full and distinct manner to us through one of our Principal Secretaries of State.

TWENTY-SEVENTH.—It being of the greatest importance to our service and to the welfare of our plantations, that justice be every where speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented. We do particularly require you to take especial care that in all Courts, where you are authorized to preside, justice be impartially administered, and that in all Courts established within our said Province, all Judges and other persons therein concerned do likewise perform their several duties without delay or partiality.

TWENTY-EIGHTH.—You shall not by color of any power or authority, hereby or otherwise granted unto you, take upon you to give, grant or dispose of, any place or office within
our

our said Province, which now is or shall be granted by warrant, under our Signet or Sign Manuel, any further than that you may upon the vacancy of any such office, or place, or upon the suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interim until you have represented the matter unto us through one of our Principal Secretaries of State.

TWENTY-NINTH.—And whereas complaints have been made by the Officers of our Customs in our Plantations in America, that they have been frequently obliged to serve upon Juries, or personally to appear in arms whenever the Militia is drawn out, and thereby are much hindered in the execution of their employments. Our will and pleasure is, that you take effectual care and give the necessary directions that the several Officers of our Customs be excused and exempted from serving in any Juries, or personally appearing in arms in the Militia, unless in cases of absolute necessity, or serving on any parochial offices which may hinder them in the execution of their duties.

THIRTIETH.—And whereas you will receive from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland and of the Plantations, our Commission constituting you Vice Admiral of our said Province, you are required and directed carefully to put in execution the several powers thereby granted to you.

THIRTY-FIRST.—And there having been great irregularities in the manner of granting Commissions in the Plantations to private ships of war, you are to govern yourself, whenever there shall be occasion, according to the Commission and instructions granted in this Kingdom, but you are not to grant Commissions of Marque or Reprisal against any Prince or State in amity with us, to any person whatever without our especial commands.

THIRTY-SECOND.—Whereas Commissions have been granted in our Colonies and Plantations for trying Pirates in those parts, pursuant to the several Acts for the more effectual suppression of Piracy, and a Commission will be prepared empowering you as our Captain General and Governor in Chief of our Province of Nova-Scotia, with other persons therein mentioned to proceed accordingly, in reference to the said Province, our will and pleasure is that in all matters relating to Pirates you govern yourself according to the intent of the said Acts.

THIRTY-THIRD.—You are to permit all persons inhabiting our Province under your Government to have full liberty of conscience, and the free exercise of all such modes of Religious Worship as are not prohibited by law, provided they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government.

THIRTY-FOURTH.—You shall take especial care that God Almighty be devoutly and duly served throughout your Government, that the Book of Common Prayer as by law established shall be read each Sunday and Holiday, and the blessed Sacrament administered according to the rites of the Church of England; you shall be careful that the Churches which are or hereafter shall be erected in our said Province, be well and orderly kept, and that, beside a competent maintenance to be assigned to the Minister of each order of Church, a convenient house be built at the common charge for each Minister, and you are to take care that the parishes be so limited and settled as you shall find most convenient for accomplishing this good work.

THIRTY-FIFTH.—It is our will and pleasure to reserve to you the power of granting Licenses for Marriages, Letters of Administration, and Probate of Wills, as heretofore exercised by your predecessor, and also to reserve to you and all others to whom it may lawfully belong the right of patronage and presentation to benefices. But it is our will and pleasure that the person so presented shall be instituted by the Bishop or his Commissary duly authorized by him.

THIRTY-SIXTH.—And you are to take especial care that a table of marriages established by the canons of the Church of England, be hung up in all places of public worship, according to the rites of the Church of England.

THIRTY-SEVENTH.—And in case of distress of any other of our Plantations, you shall upon the application of the respective Governors to you, assist them with such aid as the condition and safety of our said Province under your Government can spare.

THIRTY-EIGHTH.—You are likewise from time to time to give unto us, through one of our Principal Secretaries of State, an account of the wants of our said Province, what are the chief products thereof, what new improvements are made therein by the industry of the inhabitants

inhabitants or planters, and what further improvements you consider may be made, or advantages gained by trade, and which way we may contribute thereunto.

THIRTY-NINTH.—If any thing shall happen which may be of advantage or security to our Province under your Government, which is not herein or by your Commission provided for, we do hereby allow unto you, with the advice and consent of our said Executive Council, to take order for the present therein, giving unto Us, through one of our Principal Secretaries of State, speedy notice thereof, that you may receive our ratification, if we shall approve the same;—Provided always, that you do not by color of any power or authority hereby given, commence or declare war without our knowledge and particular commands therein.

FORTIETH.—And whereas by our several Commissions, under the Great Seal of our United Kingdom of Great Britain and Ireland, we have appointed you to be our Captain General and Governor in Chief of our Provinces of Upper Canada, Lower Canada, New Brunswick and Nova-Scotia, and of our Island of Prince Edward; and it is our intention that the Lieutenant-Governors commanding in the said Provinces of Upper Canada, New Brunswick and Nova-Scotia, and in our Island of Prince Edward, shall have and enjoy the full salaries, perquisites and emoluments granted to them, and arising from the respective Governments, in as full and ample a manner as if the said Governments were under distinct Governors in Chief, it is therefore, our will and pleasure that you shall not at any time or times when you shall be resident or commanding in chief in either of our said Provinces of Upper Canada, New Brunswick, Nova-Scotia, or in our Island of Prince Edward, have or receive any part of the said salaries, perquisites or emoluments, but that the same shall continue to be paid and satisfied to the respective Lieutenant-Governors of the said several Provinces and Island in like manner as they usually are during your absence therefrom.

FORTY-FIRST.—And you are upon all occasions to send to Us, through one of our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.

The Right Honble. the EARL OF DURHAM, K. C. B.

APPENDIX No. 3.

AN ACT

TO ESTABLISH THE FORM OF OATHS HEREAFTER TO BE TAKEN BY HER MAJESTY'S SUBJECTS IN THIS PROVINCE, INSTEAD OF THE OATHS OF ABJURATION AND SUPREMACY.

Whereas the hereditary and undoubted right of Our Most Gracious Queen Victoria to the Throne of these Realms is fully admitted by all Classes of Her Majesty's Subjects in this Province, and all Denominations, Protestant as well as Catholic, recognise, without question or dispute, and with feelings of equal attachment and loyalty, Her Majesty's Supreme Authority in matters of Civil Government.

And whereas the Imperial Parliament of Great-Britain having been pleased, in favor of the Roman Catholic Subjects of the Realm, to substitute in place of the ancient Oaths of Allegiance, Abjuration and Supremacy, one General Oath, which has been since used by that portion of Her Majesty's Subjects, both in Great-Britain and Her Colonies; and as no reason exists for requiring from the Protestant Subjects of Her Majesty in this Province—the taking of those parts of the Oaths of Abjuration and Supremacy which have been abrogated in favor of their Roman Catholic Fellow Subjects—and as therefore the distinction which now prevails as regards the Oaths administered to different Classes of Her Majesty's Subjects on entering upon the same offices and employments, is not necessary, and may tend to perpetuate invidious distinctions and excite injurious feelings—it is desirable and proper that one and the same form of Oaths should be administered to all Persons entering upon the same offices and employments, without any distinction whatever, in consequence of differences of Religious opinions. And whereas, that object may be effected by appointing that the Oath prescribed in the Act hereinafter mentioned, passed in the Imperial Parliament, for the Relief of the Roman Catholic Subjects of the Realm, with such modifications as are required by the circumstances of this Province and its Inhabitants, should be used as well by Protestants as Roman Catholics, instead of the Oaths of Abjuration and Supremacy now in use:

Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said

Oaths

Oaths of Supremacy and Abjuration, appointed by an Act, passed in the Imperial Parliament, in the First Year of the Reign of His late Majesty King George the First, entitled, "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," or by any Act or Acts of the Imperial Parliament, passed in amendment thereof, and the said Oath appointed to be used by the Roman Catholic Subjects of the Kingdom, in and by an Act of the Imperial Parliament, passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled, "An Act for the Relief of His Majesty's Roman Catholic Subjects," and appointed to be used in this Province, by an Act, passed therein, in the Eleventh Year of the Reign of His said late Majesty King George the Fourth, shall, after the passing of this Act, not be required or used within this Province: And that instead thereof, and without distinction as to Religious Belief, every Person hereafter who may be appointed to Her Majesty's Executive or Legislative Council, or elected to the House of Assembly, and all other Persons acquiring or entering upon any office, post, employment, occupation, or place or honor, distinction or degree whatsoever, or exercising any Profession within this Province, in respect of which in any manner it hath been required and accustomed to administer any or either of the said Oaths; and also, all Persons who, if this Act had not passed, would be bound, or ought to take any or either of the said Oaths, shall hereafter take and subscribe the following Oath:

I, A, B, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my power against all conspiracies, and endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and Traitorous Conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown: which Succession, by an Act, entitled, "An Act for the further limitation of the Crown, and better securing the Rights and Liberties of the Subject," is, and stands limited to the Princess Sophia, Electress of Hanover, and the Heirs of Her Body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other Person claiming or pretending a Right to the Crown of this Realm. And I do declare that I do not believe that any Foreign Prince, Prelate, Person, State or Potentate, Civil or Ecclesiastical, hath, or ought to have, any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this Realm or its Dependencies, or any authority or control over the allegiance, duty, or service of Her Majesty's Subjects—to Her Person or Government. And I declare that I make this declaration, and every part thereof, in the plain and ordinary sense of the words of this Oath, without any evasion or mental reservation whatsoever. And I do make this recognition, acknowledgement and promise, heartily, willingly and truly, upon the true faith of Christian—So help me God.

And be it further enacted, That whenever, in the said Oath, the name of Her present Majesty is expressed or referred to, the name of the Sovereign for the time being, by virtue of the Act for the further limitation of the Crown and better securing the Rights and Liberties of the Subject shall be substituted, from time to time, with proper words of reference. *Provided always*, that all other Oaths now used before entering upon any office or employment within this Province, or required by Law, shall remain in force, and be administered, and taken as heretofore, whether as a qualification for office or otherwise howsoever; *And provided always*, that the same Oaths shall hereafter be required from Roman Catholics as from Protestants, and no other whatsoever.

And be it further enacted, and declared by the Authority aforesaid, That every Person of the Persuasion of the People called Quakers, and every Moravian, shall and may be permitted to make his or her solemn affirmation or declaration, instead of taking an Oath for all purposes whatsoever for which an Oath is or shall be required upon entering upon or for obtaining or holding any office, post, employment, occupation or place, or honor, distinction or degree whatever, or exercising any Profession: which affirmation or declaration shall be of the same force and effect, and subject the Party making the same to the same liabilities for Forfeiture and Penalties, in case of the falsehood or violation thereof, as if he or she had taken an Oath in the usual form.

And be it further enacted, That this Act shall not be of any force or effect until Her Majesty's Assent thereto shall have been duly signified.

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