

VIII. And be it further enacted, That in case no person be resident on any Lands allotted and assigned as aforesaid, nor any goods and chattels thereon, whereout the sum due as aforesaid may be levied, and any non resident proprietor shall neglect or refuse to pay his or her proportion of any such assessment made as aforesaid, it shall and may be lawful upon the petition of such collector and receiver as aforesaid to the said Supreme Court, setting forth such refusal or neglect, to direct a sale to be made at public auction to the highest bidder, of so much of such non resident proprietor's Lands or Timber thereon as shall be sufficient to pay his or her proportion of such assessment, together with the charges arising from such sale, and good and sufficient Deeds of conveyance of the Land so sold, to be made and executed, by and in the name of the Sheriff of the County, in which such Lands may respectively lie, reasonable means having been previously used by the said Court, according to its discretion, for the ascertaining of such proprietor, and for the enabling him; by due notice, to prevent the necessity of such sale, by satisfying the said charges and expenses, with the costs attending such Inquiry and notice as aforesaid.

CAP. VIII.

An ACT in addition to the Act to prevent the encumbering or filling up of Harbours. Passed the 14th of March, 1810.

WHEREAS in and by an Act, made and passed in the thirty-third Year of His Majesty's Reign, intituled "An Act to prevent the encumbering or filling up of Harbours," no person is appointed to sue for the penalties therein mentioned.

BE it therefore enacted by the President, Council and Assembly, That it shall be the duty of the Port Wardens of the respective Ports, in which such offences may be committed, to sue for, and prosecute for the recovery of the said penalties, and any one of such Port Wardens is hereby authorized and required to prosecute for such penalties, and when recovered to apply the same in manner, as in and by the said Act is directed.

QUEBEC, MARCH 1.

Provincial Parliament of Lower Canada. LEGISLATIVE COUNCIL, Monday, February 26.

This Day at 3 o'Clock, His Excellency the GOVERNOR IN CHIEF, came in State, to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was sent to the Assembly, requiring the immediate attendance of that House in the Legislative Council Chamber; and the Speaker with the Members of the Assembly having come up accordingly, His Excellency was pleased to give the Royal Assent to several Bills:

After which His Excellency was pleased to deliver to both Houses of the Provincial Parliament, the following SPEECH:

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

"I am come down here, for the purpose of proroguing the present Parliament.—And, upon a mature consideration of the circumstances that have taken place, I am to inform you, of my determination of again referring to the sense of the people, by an immediate dissolution."

"Called again to the unpleasant exercise of one of the functions of His Majesty's prerogative with which I am entrusted, I feel it to be again expedient, that I should state to you, and that through you, which is indeed the only channel of communication that I have with them, the people may be distinctly informed of the motives by which I am actuated."

"Whatever might be my personal wishes, or however strong might be my desire, that the public business should suffer no interruption, I feel, that, on this occasion, nothing is left to my discretion; it has been rendered impossible for me to act otherwise, than in the way I am proposing."

"The House of Assembly has taken upon themselves, without the participation of the other branches of the Legislature, to pass a vote, that a Judge of His Majesty's Court of King's Bench, cannot sit, nor vote, in their House. However I might set aside the personal feelings which would not be unnatural in me, as to the mode in which this transaction has been conducted towards myself; there is another, and infinitely higher consideration, arises out of it, which I must not overlook."

"It is impossible for me to consider what has been done, in any other light, than as a direct violation of an Act of the Imperial Parliament;—of that Parliament which conferred on you the Constitution, to which you profess to owe your present prosperity; nor can I do otherwise, than consider the House of Assembly as having unconstitutionally, disfranchised a large portion of His Majesty's Subjects, and rendered ineligible, by an authority which they do not possess, another not inconsiderable class of the community."

"Such an assumption, I should, at any rate, feel myself bound by every tie of duty to oppose; but in consequence of the Expulsion of the Member for the County of Quebec, a vacancy, in the representation for that County, has been declared; and it would be necessary that a new writ should issue, for the Election of another Member. That writ would be to be signed by me. Gentlemen, I cannot—dare not, render myself a partaker in a violation of an Act of the Imperial Parliament; and I know no other way, by which I can avoid becoming so, but that which I am pursuing."

"When we met, I felt much satisfaction in the consciousness of having taken such steps, as I thought most likely to facilitate, indeed, I thought, would do away, every possible objection to a measure, that seemed to be wished for, and that, in itself, met my entire concurrence. But my objection, and the only objection that can, I think, exist in the mind of any reasonable man, to the eligibility of the Judges, arises from the possible effect that may be produced by the necessity it puts them under of soliciting the votes of the Electors. No well-grounded objection can be offered to their sitting in the House, when they are elected. On the contrary, their talents and superior knowledge, must

render them highly useful; and, were it not for other considerations, highly desirable Members. I cannot but exceedingly lament that a measure, which I consider as beneficial to the country, should not have taken effect. The people, however, in the disappointment of their expectations, will do me the justice to acquit me, of being the cause of it; as they must equally acquit me of being the cause that so little of the public business has been done."

Then the Honorable Speaker of the Legislative Council said:

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

"It is His Excellency the Governor in Chief's will and pleasure that this Provincial Parliament be prorogued until Monday the 26th of March next, and this Provincial Parliament is prorogued until the twenty-sixth day of March next, accordingly."

HOUSE OF ASSEMBLY.

FRIDAY, February 23.—Mr. Speaker and the House went up to the Castle of St. Lewis with the several addresses of the House, to the King, the House of Lords, and the House of Commons, and to His Excellency the Governor in Chief, which addresses are as followeth:

TO THE KING'S MOST EXCELLENT MAJESTY: The most humble Address of the Assembly of Lower Canada in Provincial Parliament convened:

We, your Majesty's most dutiful and loyal Subjects, the Representatives of the Commons of Lower Canada, in Assembly met, humbly beg leave to approach your Majesty's Throne, with hearts full of loyalty and gratitude.

We humbly beseech your Majesty to be assured of the sentiments of affection entertained by your Majesty's Subjects of Lower Canada; and also to be persuaded, that the people of this Colony, ever attached to their Sovereign, will never be surpassed by any others within your Majesty's empire, in the sentiments of regard and affection, which they feel for your sacred person.

We humbly beg leave to express to your Majesty, the lively gratitude which we feel, on a recollection of all your Majesty's favors, and on a view of the state of prosperity to which this Province has attained, under your Majesty's paternal government and the happy constitution which has been granted to us, by the liberality of your Majesty, and of the British Parliament.

This state of prosperity is become such, as to enable us to engage to pay, in the course of the present Session of the Legislature, the Civil expenditure of the Provincial Government, which has hitherto been chiefly defrayed by your Majesty; and this effect of our prosperity is the more gratifying to us, as your Majesty's people of Great-Britain have been so long burthened with the expenses of a war, undertaken for the protection of every part of your Majesty's vast empire.

Under these circumstances, your Majesty's Subjects in this Province, feel themselves happy, in being now able, to acquit themselves of an obligation imposed upon them, by duty and gratitude.

To the Honorable THE COMMONS of Great-Britain in Parliament assembled. The humble Address of the House of Assembly of Lower Canada, in Provincial Parliament assembled.

We, His Majesty's most dutiful and loyal Subjects, the Representatives of the Commons of Lower Canada in Assembly met, beseech the Commons of Great-Britain to be assured of the sentiments of affection entertained by the people of Lower Canada, and the lively gratitude they feel on the high state of prosperity to which this Province is raised, under the happy constitution it pleased Parliament to grant them.

(Then follow two paragraphs similar in substance to the two last in the Address to the King.)

(The Address to the House of Lords is similar to the one to the Commons with only the necessary alterations.)

To His Excellency Sir JAMES HENRY CRAIG, Knight of the most honorable Order of the Bath, Captain General and Governor in Chief, in and over the Provinces of Lower Canada, Upper Canada, Nova-Scotia, New-Brunswick and their several dependencies, Vice-Admiral of the same, General and Commander of all His Majesty's Forces, in the said Provinces of Lower Canada, and Upper Canada, Nova-Scotia, New-Brunswick, and their several dependencies, and in the Island of Newfoundland, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's most dutiful and loyal Subjects, the Representatives of the Commons of Lower Canada, in Provincial Parliament met, beg leave to inform your Excellency, that the House of Assembly has resolved to vote in this Session, the necessary sums for defraying all the Civil Expenses of the administration of the Government of this Province, and humbly request that your Excellency may be pleased to transmit to His Majesty's Ministers, to be presented to the King, the House of Lords and the House of Commons, our most humble and dutiful Addresses of thanks, which we have now the honor of presenting to your Excellency.

To which his Excellency was pleased to make the following answer:

GENTLEMEN, The Addresses which you have presented to me, are all under such peculiar circumstances of novelty, that they have demanded and received a considerable degree of consideration from me.

The constitutional usage of Parliament, fully recognized by the wisdom of the House of Commons of the United Kingdom, forbids all steps, whatever, on the part of the people, towards grants of money, upon the public or private grounds, which are not recommended from the Crown. And, although by the same Parliamentary usage, all grants and aids do originate in the Lower House, yet it is scarcely necessary for me to observe that they are wholly ineffectual, without the concurrence of the Upper House. I must observe, also, that of Addresses to the House of Lords, or to the House of Commons separately, by a single branch of a Colonial Legislature (as far as my information goes) no former example exists. And, I must request you to notice,

that the Address which I have now received from you, intended for the House of Commons of the United Kingdom, is made to a part only of that House.

For these reasons, I cannot but consider those Addresses to be unprecedented; to be imperfect in form; to be founded upon a resolution, which, until it has received the concurrence of the Legislative Council, must be wholly ineffectual; (except as a spontaneous offer on the part of the Commons of Canada) that they are consequently premature; and I regret that I cannot therefore, under the impression which I feel of my official duty, take upon myself to transmit them to His Majesty's Ministers. I may add, that His Majesty's Ministers, are not the regular organs of communication, with Houses of Parliament, unless by His Majesty's Command. I could not therefore, pledge myself for the delivery of these Addresses were I to transmit them through that channel.

Under some of these considerations, I should equally feel myself, bound, upon ordinary occasions, to decline transmitting any Address to His Majesty, that might be under circumstances similar to the present. But, upon this occasion, and after mature deliberation, I think it right that it should be laid before him. I think it right that by an Act of their own, His Majesty should be informed of the good disposition, gratitude and generous intentions of his Subjects in this Province. I think it right, also, that His Majesty, by their own Act, should be formally apprized, of the ability and of the voluntary pledge, and promise, which the people of this Province, by this Address to their Sovereign, and by the resolution upon which it is founded, have given to His Majesty, to pay the entire Civil expenditure of the Province, when required so to do. And, consequently, without repugnance, demand from them, the performance of this solemn undertaking on their part, whenever he may, in his wisdom think it expedient so to do.

For these reasons, I shall transmit your Address to the King, as you have requested.—I desire, however, that it may be, distinctly understood, that as I ought not, by any act of mine, to compromise the rights of His Majesty, of the Imperial Government, or of the Legislative Council of this province; so I do not, by this compliance with your request, concede to the Assembly of this Province, or admit, that any step, on their part, towards grants of money, which are not recommended by the Crown, can be Constitutional, or that any such step, can be effectual, without the concurrence of the Legislative Council, and the final approbation of the King.

The expressions of affection, and of gratitude, towards His Majesty, and the two Houses of the Imperial Parliament, for the favors conferred on this Province, under which it has attained its present state of prosperity, which you so warmly and so explicitly profess, in your Addresses, will not permit a moment's doubt, of the sincerity of your wishes, to carry into complete effect, the resolution which is the object of them. So commendable a purpose entitles you to every acknowledgement, and I cannot but lament exceedingly, that any circumstances should exist, which, under a sense of duty have compelled me to express myself on the subject, in a way, that may carry with it, even an appearance, however little intended, of opposing any check, to the manifestation of the sentiments, under which, I persuade myself, you have acted.

BRIDGE-TOWN, BARBADOES, FEBRUARY 17.

Gallant and decisive as the operations of the Army at Guadaloupe, unquestionably were, their result was considerably facilitated by the very prompt and vigorous movements of the Division under Brigadier General Harcourt, which had effected its landing on the 30th ult. in a small Bay called Merigot, about two miles N. W. of Balleterre, and had been fired at from thence as the vessels proceeded along the coast to this Bay. The landing, however, took place without interruption, a party of Marines having previously driven the enemy from the batteries that defended it; but it presented a dangerous Beach, from a strong surf and very rocky shore. The road leading to the interior was also found there, very difficult, and might have been well defended, but no opposition was made for the first three miles of our advance (which had instantly commenced), and then a body of about 200 of the enemy presented themselves, but were driven back in the most dashing style by the Light Battalion under that distinguished Officer Lieut. Col. Stewart, the loss on either side being but trivial. The army pushed forward next morning at day-light, from a sugar plantation where they had halted the first night, and reached a ridge, by actual climbing, about three quarters of a mile in front of Beau Pain, from whence they had a view of the enemy's entrenchments at Belair, a most commanding eminence, and presenting works in forts, redoubts and entrenchments—the principal work on their right, of which Belair was in direct front, but separated by awful ravines that may well have been considered impassable. It was here that this part of the Army was most embarrassed, the attempt to make this passage threatening inevitable destruction; deliberation and caution became necessary, and Captain Kennedy and Lieutenant Moody, with 12 men, were sent to reconnoitre.—They succeeded in approaching close under Belair, and traced out a road for the army to follow; but narrowly escaped the enemy's picquet, who fired at them at almost 500 yards from their works. To cover the proceedings of the troops, the whole of the 2d was employed in erecting a battery of two 6 pounders and two howitzers; and during the night the first Grenadier Battalion under Major Brown, and the 4th W. I. Regiment, under Lieut. Col. Buchan, descended the ravine, and gained the opposite height by the most difficult and fatiguing clambering; which was also effected at day-light on the morning of the 3d, by the W. I. Rangers, under Lieut. Col. Stewart, which took up to the right of the 4th W. I. Regt. it being intended that the 15th Regt. and the rest of the army of this division should act in reserve. Some 6 pounders being got up, an active commencement of attack on Belair, took place at half past 6 P. M. by throwing Shrapnell shells into the works; the enemy vigorously returning the fire from two 12 pounders, although he seemed evidently thrown into confusion by an attack so unexpected from a point he could never have thought we would have attempted. Lieut. Elliott of the Sceptre, acting with this division, was killed in the cannonading, which lasted several hours, until the enemy, about 400 strong, at nine o'clock (our 1st brigade being in motion to join the advance) came down upon this division in a cool and apparently determined manner, when the riflemen were thrown out to meet them, but from a heavy fire of grape were compelled to retreat; the enemy still approaching, and about ten yards distance from our line, commenced a steady fire. This in a short time made the left of the Grenadier Battalion Companies of the 60th Regt. give way,