

FREDERICTON.

PROVINCIAL LEGISLATURE.

Observations on the Proceedings of the House of Assembly, and Extracts from the Journals.

Circumstances prevented our noticing the transactions of the Legislature, now in Session, at an earlier period: but as the delay was occasioned by the indispensable publication of matter of, perhaps, no less importance, any other apology would be superfluous.

We now advert to the subject, and intend to continue our notes and extracts during the sitting of the House, in as regular a manner as the arrangements of our Paper will permit. The Proceedings must of necessity be abridged, altho' we will endeavour to publish all that may appear to concern the more particular interests of the Province.

Our readers already know that the House met on the 8th ult.: they have also been furnished with His Excellency's Speech at the opening of the Legislature; the Addresses of the Council and House of Assembly in reply; together with His Excellency's Answers: and the spirit of unanimity that prevailed these addresses, with the general disposition of the Legislative Body to second, by their best exertions, measures which have been dictated by sound wisdom, and an enlightened perception of the advantages as well as necessities, of this Province, have doubtless met with that warm approbation from the Inhabitants of New-Brunswick, which their loyal and affectionate tone so justly merit. It is, consequently, useless for us to make any other remarks thereon. We proceed then to the Journals.

Thursday 8th Feb. 1827.

Mr. Johnston moved for leave to bring in a bill to amend an Act intitled "An Act for ascertaining damages on Protested Bills of Exchange." Leave granted.

On this subject we take the following Extract from a Letter to the Editor of the St. John Courier on the 24th ult.

"As to the damages as assessed by our Provincial Law, I never heard an objection, say 10 per cent.; but as Bills for two or three years past, have been disposed of at a premium, a question has arisen, whether such premium, together with the legal damages, and all other necessary expenses, should, in case of a Bill being dishonoured, be paid back with what is called the face of the Bill, to the purchaser. In Law, my opinion is, the purchaser is not entitled to have the premium returned to him. It is well known that Bills, like other merchantable commodities, fluctuate in value;—Sometimes they bear a premium, and sometimes they are sold at a discount. Our existing Law provides no remedy in either case.—So far, I contend that it is defective. As regards equity, that is another consideration.

"I am not aware of the nature of the proposed amendment to the Law respecting Bills of Exchange:—My opinion on the subject, however, is simply this—that the purchaser of a Bill of Exchange, should, in the event of its being dishonoured, be borne harmless on its return, as to its value in the place on which it is drawn, exclusive of the expences necessarily incurred in returning it, interest, and reasonable damages:—When I say reasonable damages, I mean such damages as may by our Legislature be fixed upon: for if a Law be made at all, a line in this instance must be drawn, otherwise there is no use of a Law at all on the subject;—for in that case, every merchant when he buys or sells a Bill of Exchange, can for himself have a written agreement signed, sealed and delivered,

just as he could have upon any other contract:—I will suppose a case—A, of St. John, draws a Bill for £100 s/g. on his correspondent B, of London: C purchases this Bill, at the rate of ten per cent premium, and pays A for it accordingly £122 4 5 1/2 currency. The Bill is dishonoured, and by the time it returns here the current rate of exchange on London is ten per cent discount. Would it be fair, in such case, to demand a return of the ten per cent premium? I should think not. This would be making A pay too dearly for his misfortune, and at the same time, putting twenty per cent of clear profit into the pocket of C; which (if damages are allowed besides) is surely more than the nature of such a transaction could be expected to yield.—The principle of equity, I think, would require of A, on the return of the Bill, either to furnish C with another Bill of £100 s/g. (and such Bill as C should consider good,) or else pay him such sum of money as will purchase one at the Current rate of Exchange, besides Interest, expences, together with such reasonable damages as a Law made to assess them, may direct.

No one could object in justice to paying damages; but as the actual amount of damages sustained, may vary according to circumstances, it will require a good deal of consideration to fix the amount by Law, in order to answer the purposes and nature of the general Trade of the Province."

The Act alluded to by the honourable Member for St. John, runs thus—

"I. Be it enacted by the Governor, Council and Assembly, that from and after the first day of April, one thousand seven hundred and eighty-six, all Bills of Exchange drawn from and after said time by persons residing within this Province upon Persons in Europe, that may be sent back protested, shall be subject to ten per cent. damages, together with the accustomed charge of protesting and postage, and also six per cent. per annum interest on the amount of principal, damages and charges, to commence from the day of the date of the protest on said Bill for non-payment; and continue till the same is paid.

"II. And be it further enacted, That all Bills of Exchange drawn by persons residing within this Province after said time, on persons in any part of America and the West Indies, and sent back protested, shall be subject to five per cent. damages, together with the accustomed charges of protest and postage, and also six per cent. per annum interest &c.

"III. And be it further enacted, That all Bills drawn, or endorsed by persons not residing in this Province, and who at any time may be found therein, shall be subject to the same damages charges, and interest, as if the same had been drawn or endorsed by persons who actually did reside in the Province.

On motion of Mr. C. Simonds—Resolved, that a Committee of Trade be appointed, to take in consideration all matters which may effect the Commercial Interests of this Province, and to report thereon from time to time to the House.

Ordered, that Mr. C. Simonds, Mr. Johnston, Mr. Slason, Mr. Parker, and Mr. Crane, be a Committee for that purpose.

Friday 9th Feb.

On motion of Mr. Parker—Ordered, that a Committee be appointed, to examine what Laws have expired since the last Session, and now near expiring, and report hereon to the House.—And further Ordered, that Mr. Parker, Mr. Smith, and Mr. Wetmore, be a Committee for that purpose. Mr. Secretary Odell, by command of His Excellency, laid before the House the Treasurer's accounts for the last year.

Ordered, that Mr. Johnston, Mr. Smith and Mr. Slason, be a Committee to examine the Treasurer's accounts, and report hereon to the House.

Mr. M. Wilmot by leave presented a Petition from the Inhabitants of the Parishes of Dorchester and Sackville, in the County of Westmoreland, praying that the North-eastern parts of the said Parishes may be erected into a separate Town or Parish.

Which he read in his place. Ordered that the said Petition be received and lie on the table.

Mr. M. Wilmot moved for leave to bring in a bill to erect the North-eastern parts of the Townships of Dorchester and Sackville in the County of Westmoreland into a distinct town or Parish. Leave granted.

And the said bill being brought in, was read a first time.

Mr. Campbell moved for leave to bring in a Bill, to render and make valid, certain Marriages, heretofore solemnized before Magistrates and other Lay persons.

Leave granted. And the said Bill being brought in, was read a first time.

Mr. Crane by leave presented a Petition from Thomas Estabrooks, praying to be remunerated for the work done on the Great Road leading to Nova Scotia, under and by direction of the late Benjamin Wilson, Esquire, a Supervisor of that Road.

Which he read in his place. Ordered that the said Petition be received and referred to a Committee of Supply.

Saturday 10th Feb.

Mr. Parker from the Committee appointed to examine what Laws have expired, or are near expiring, made the following Report: Which he read in his place:—

"An Act to maintain an armed Cutter for the protection of the Revenue of the Province."—Passed the 7th March, 1826, will expire on the 31st day of March next.

"An Act to authorize the Justice of the County of Northumberland, to regulate the grazing and depasturing of certain tracts of Land within that County."—Passed the 7th March 1826, will expire on the 7th March next.

"An act for the better examining and auditing the Public Accounts of this Province."—Passed the 17th March 1825, will expire on the 31st March next.

"An Act to regulate the Herring Fisheries in the Parishes of West Isle, Campo Bello, Penfield, and Saint George, in the County of Charlotte."—Passed the 24th March, 1819.

And also, "An Act in addition thereto."—Passed the 21st March, 1821; which Acts were continued by Act 5 Geo. 4, c. 2, will expire at the end of the present Session.

"An Act for raising a Revenue in this Province."—Passed 21st March, 1822.

Also, "An Act to continue and amend an Act intitled, "An Act for raising a Revenue in this Province."—Passed the 11th of March, 1824.

Also "An Act to continue and revise the Revenue Laws of the Province."—Passed the 7th March, 1826.

Also, "An Act to impose a duty on Horses imported into this Province, and for other purposes."—Passed the 7th March, 1826, will expire on the 1st April next.

"An Act for regulating the inspection of Fish, to be consumed within the Province."—Passed 27th March 1823, will expire at the end of the present Session.

"An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews."—Passed 20th March, 1820, and continued by Act 4, Geo. 4, c. 15, will expire at the end of the present Session.

"An Act to provide for calling in the Arms issued to the Militia of this Province."

passed 27th March 1823, will expire at the end of the present Session.

"An Act to provide for, and encourage the settlement of Emigrants in this Province."—Passed 29th March, 1820, and continued by Act 3, Geo. 4, c. 10, will expire at the end of the present Session.

"An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews."—Passed the 20th March, 1821, will expire at the end of the present Session.

"An Act for the preservation of the and follow Deer."—Passed the 20th March, 1821, will expire at the end of the present Session.

"An Act to provide for the Services of the Speaker of the House of Assembly, and for defraying the expences and travelling charges of the Members of the said House, attending in General Assembly."—Passed 20th March, 1821, will expire at the end of the present Session.

The Report being again read at the Clerk's Table, Ordered that it be received and lie on the table.

Read a second time, a bill to erect the North-eastern parts of the Townships of Dorchester and Sackville in the County of Westmoreland into a distinct Town or Parish.

Ordered that the said bill be referred to a Committee of the whole House on Monday next.

Mr. R. Simonds by leave presented several Petitions from Gilmour, Rankin, and Co. Wm. Abrams, and Co., Saltor, Robson, and Salter, and Gilbert Henderson, Merchants of Miramichi, praying for remission of Duties on articles consumed by Fire, on the 7th Oct. 1825; also, a Petition from Thomas C. Allan, Merchant, of Miramichi, praying for remission of Duties on articles consumed by Fire on the 7th October, 1825, and 4th July, 1826;—And a Petition from Leeden and Abbot, Merchants of Miramichi, praying for remission of duties on articles consumed by Fire, on the 10th December, 1826:—And having read the said Petitions severally in his place.

Ordered that they be received and referred to the Committee of Supply.

Mr. Johnston, pursuant to leave brought in a bill to amend an act, intitled "An Act for ascertaining Damages on Protested Bills of Exchange." Which he read a first time.

Mr. Dow by leave presented a Petition from Nicholas Cunliffe, of the Parish of Woodstock, in the County of York, praying for a Premium on Agricultural improvement in addition to that allowed under and by virtue of the Acts of the General Assembly, now in force for granting Bounties on Grain raised on new Land. Which he read in his place.

And upon the question that the said Petition be received and referred to the Committee of Supply, the House divided, and it was carried in the affirmative.

The Speaker laid before the House a Report from the Committee of Correspondence, stating that during the recess they had been in correspondence with the Agents for the Province, for the purpose of obtaining information upon subjects of great importance to this Colony; and that they had received in reply, a Letter from them accompanied by Documents of an interesting nature.

Ordered, that the Report, with the Letter and Documents referred to, lie on the Table for the information of the House.

Read a second time a Bill, to render and make valid, certain Marriages, heretofore solemnized before Magistrates and other Lay persons.

Ordered, that the said Bill be referred to