

FREDERICTON.

PROVINCIAL LEGISLATURE.

Extracts from the Journals of the House of Assembly.

February 25, 1828.

A Message from His Excellency the Lieutenant-Governor.

Mr. Secretary Odell delivered the following Message.

NEW-BRUNSWICK.

MESSAGE TO THE HOUSE OF ASSEMBLY. 25th February, 1828.

HOWARD DOUGLAS.

"The Lieutenant-Governor lays before the House of Assembly, the reports and accounts of the Supervisors of the Great Roads, shewing the general condition of their respective Roads, of the work done, and the money laid out during the last year.

"The Lieutenant-Governor recommends to the House to take into their consideration the expediency of making provision for proceeding to a gradual completion of the Roads now in progress, in the substantial and careful manner, which he hopes soon to see generally and uniformly observed, before any fresh and extensive undertaking of this nature shall be commenced; and also for enabling the Lieutenant-Governor to cause careful explorations and Surveys to be made of such Roads, as are not under immediate and substantial execution, and may not be considered as laid out in the most advantageous manner; in order, that the best lines may be thus ascertained and definitively fixed, and Reports of those explorations and surveys, with estimates formed upon them, may be submitted to the Legislature, for consideration and approval, before the work be actually commenced."

March 5.

Mr. Chandler moved the following Resolution.—Whereas it appears to this House on hearing Stephen Humbert a petitioner complaining of the proceedings of the High Sheriff of the City and County of St. John at the last General Election for the said County, and on hearing the evidence by him produced in support of the Petition of the said Stephen Humbert; and also on hearing the Counsel for the said Sheriff, and the evidence by him produced, that although in some instances, votes were taken by the said Sheriff in the manner stated in the said petition; yet that it clearly appears the same were taken in the presence of the said petitioner, without any objection being made by him at the time, and that in no instance, of such voting, does it appear that any of the said votes would have been given for the said petitioner.

Thereupon resolved, that the petition of the said Stephen Humbert, be dismissed.

Further resolved, that the conduct of the High Sheriff in the proceeding of the said Election was truly impartial and disinterested.

And upon the question for passing the said Resolution, the House divided as follows, viz.

YEAS. Mr. Clarke, Mr. Palmer, Mr. Humbert, Mr. Crane, Mr. Chandler, Mr. Harrison, Mr. Taylor, Mr. Ketchum, Mr. Miles, Mr. Hayward, Mr. Freeze, Mr. Scott, Mr. Rankin, Mr. Van Horne, Mr. Munro, Mr. Dow.

NAYS. Mr. Wyr, Mr. Weldon, Mr. Allen, Mr. Johnston, Mr. McKay, Mr. Peters, Mr. Campbell.

It was therefor carried in the affirmative.

March 6.

A Message from His Majesty's Council.

Mr. Robinson delivered the following Message.

"Mr. Speaker—I am directed to inform the House, that the Council have agreed to the Bill to authorise the justices of Saint John to raise a sum of money for completing the Court-House, and

The Bill to continue and amend the Act for the better securing of the Navigation of the Inner Bay of Passamaquoddy,

"And I am further directed to inform the House that the Council have agreed to a Bill to authorize the Mayor, Aldermen and Commonalty of the City of Saint John, to open a street from the Wharf on the South side of the Market Slip, to the Wharf owned by Charles I. Peters, Esquire," with an amendment, to which they desire the concurrence of this Honorable House."

March 7.

A Message from His Majesty's Council.

Mr. Street delivered the following Message.

"Mr. Speaker—I am directed to inform the House, that the Council have agreed to the following Bills.

"A Bill to continue the Acts for more effectually repairing the Streets and Bridges in the City and County of Saint John.

"A Bill relative to the Streets and Squares in the City of Saint John.

"And a Bill to authorize the justices of the County of Gloucester, to assess the said County for erecting a Court House and Gaol therein.

"And I am further directed to inform the House, that the Council have agreed to a Bill to regulate the manner of driving and riding upon the public Roads," with amendments; to which they desire the concurrence of this Honorable House.

March 8.

A Message from His Excellency the Lieutenant-Governor.

Mr Secretary Odell delivered the following Message.

NEW-BRUNSWICK.

MESSAGE TO THE HOUSE OF ASSEMBLY.

8th March 1828.

HOWARD DOUGLAS.

"The Lieutenant-Governor has great pleasure in acquainting the House of Assembly, that His Majesty has been graciously pleased to sanction a Grant of Five thousand pounds from the funds of the Crown, towards the purchase of Arms for the Militia, and the Lieutenant-Governor has every reason to expect that a similar Grant will be made for this important purpose in the ensuing year.

"The Lieutenant-Governor at an early period of his Administration represented the deficient and defective state in which he had found the Militia with respect to its armament, and the regret which he had experienced, at seeing such fine bodies of men assembled for exercise, under such discouraging circumstances.

"His Majesty's Government, fully impressed with the expediency of rendering the Militia as efficient in its armament and equipment, as it is able in its personal, and steadfast in its principles, directed the Lieutenant-Governor to recommend to the House of Assembly, to make provision for these important objects; and had it not been for the heavy charges brought upon the Provincial finances, by the great conflagration which had then recently occurred, it is probable that the Lieutenant-Governor would have recommended to the House of Assembly to make suitable provision for a purpose so essential to the efficiency of the Constitutional and defensive force of their Country. But upon due consideration of the liberality with which a large portion of the Revenue had been appropriated to the relief of sufferers and the restoration of public buildings; the Lieutenant-Governor renewed his application, and has not been disappointed in the expectation that His Majesty's Government would shew paternal and liberal regard to a recommendation made under such circumstances.—The Lieutenant-Governor is persuaded that the House of Assembly will learn with gratitude, this fresh instance of the Royal disposition to devote these funds to purposes of utility in the Province, and has no doubt that this particular application of them will afford very general satisfaction and be productive of much advantage.

"The Lieutenant-Governor with a lively consideration to interrupt as little as possible the industrious and laborious pursuits and occupations of the people, and desirous of promoting the gradual improvement which he contemplates, in the instruction and training the Militia, with the least possible inconvenience to the people and the Country, has often regretted that the Militia Act does not give to the Commander-in-Chief discretionary power to remit the whole or such portion of the attendance, required by Law, for exercise, and inspection, as might occasionally be dispensed with, under special circumstances, without much detriment or disadvantage to the Militia service.

"If such a discretionary power were vested in the Commander-in-Chief, by an Act to amend the permanent Law, He might be enabled to dispense, in this way, acts of grace, and so afford great relief to the people.—This would be done upon reports and recommendations from the Officers commanding Battalions, and the Inspecting Field Officers, submitting the fitness and expediency of granting such indulgence, in alternation of Companies or Divisions; and these recommendations being made by Officers of much distinction, subject to the sanction of the Commander-in-Chief, would be so regulated, as never to interfere with, but rather to promote the means of bringing to a requisite degree of efficiency, considerable portions of the Militia Forces, particularly in the more important quarters, dense settlements, and Military points of the Province.

"Much good, some sensible relief to the people, in thinly dispersed and remote settlements, and no detriment whatever, would result from such a power of alternate selections and exemptions. The meetings for training would, when the contemplated arrangements for armament and instruction are completed, and fully acted upon, always be productive of the full benefit which the Law contemplates in calling the Militia men together for training; and when these objects could not be accomplished at present, on account of deficiency of means, and the great dispersion of the population in young settlements, or other incidental circumstances, suitable relaxations, at the discretion of the Commander-in-Chief, might be permitted to exempt the people, so circumstanced, from some of those calls upon their time, which the Law, as it now stands, peremptorily exacts, but which cannot in all cases be applied, with much profit to the Martial exercises."

"H. D."

March 10.

A Message from His Majesty's Council. Mr. Justice Botsford delivered the following Message.

"Mr. Speaker—I am directed to inform the House, that the Council have agreed to a Bill to encourage the destruction of Bears in this Province, with amendments, to which they desire the concurrence of this Honorable House."

A Message from His Excellency the Lieutenant-Governor.

Mr. Secretary Odell, by command of His Excellency, laid before the House a copy of a Dispatch from one of His Majesty's Principal Secretaries of State, with its inclosures, to the Lieutenant Governor, recommending that in any bill which may be passed by the Legislature of New-Brunswick, imposing Colonial duties upon the importation of certain goods, a clause should be introduced exempting goods intended to be Warehoused from the payment of Colonial Duties upon the first entry thereof.

March 11.

A Message from His Majesty's Council.

Mr. Black delivered the following Message.

"Mr. Speaker—I am directed to inform the House, that the Council have agreed to the following Bills:—

"A Bill for altering the times of holding the Inferior Courts of Common Pleas and Sessions in the County of Kent.

"A Bill to alter the division line between the Parishes of Dundas and Wellington.

"A Bill to continue certain acts relative to Highways and Roads.

"A Bill to continue an Act to provide for the erection of Fences and Gates across the Highways, leading through Deer Island.

"And a Bill to continue the Acts for the better regulation of licences to Inns, Taverns, and Houses for selling strong liquors by retail."

"I am likewise directed to acquaint the House that Mr. Robinson, and Mr. Justice Chipman, are appointed a Committee to correspond with the Agents of the Province in England."

March 12.

A Message from His Majesty's Council.

Mr. Baillie delivered the following Message.

"Mr. Speaker—I am directed to communicate to the House, that the Council have passed the following Resolution.

"Whereas from the advanced state of the population of this Province, and the consequent increase of crime, the punishment of offenders by imprisonment in the County Goals has become burthensome and expensive to the inhabitants.

"And whereas it may happen that with the view of relieving the Countries from the maintenance of criminals, and the insufficiency of the County Goals, the periods of their imprisonment may not be proportionate to their crimes.

"And it being the opinion of the Council, that not only the punishment and prevention of crime would be obtained, but that the cause of humanity would be oftentimes aided by the reformation and amendment of the criminal, if a public Penitentiary were established in this Province.

"Thereupon resolved, that a Committee be appointed, whose duty it shall be during the recess of the Legislature, to look out for a site for a Provincial Penitentiary, and to collect information from those places where establishments of a similar nature have been made, as to the best mode of managing the same; and that the Committee do make their report at the next Session of the General Assembly.

"Further resolved, that the House of Assembly be requested to appoint a Committee to join the Committee of the Councils for carrying the above Resolution into effect."