

Be received and referred to a Committee of the House to report thereon.—Ordered to lie on the table.

Mr. Simonds moved for leave to bring in a Bill to revise and consolidate in one Act, all the Laws relating to Public Registries of Deeds, Conveyances, Wills; Judgment, &c.; and took occasion briefly to refer to some inconveniences and difficulties arising from the present state of those acts, which required amendment, and on which he intended more fully to remark, when the Bill came before the House.—Leave given.

Mr. S. Humbert moved for leave to bring in a Bill to alter and amend an Act, entitled an Act for the support and maintenance of the Light House on Patridge Island, at the entrance of the harbour of St. John.—Leave given.

Mr. Weldon thought that this Bill might stand over until a Committee for the regulation of Light Houses was appointed, and then referred to them

Thursday, February 10.

A message from the President. The Treasurer's accounts sent down from His Honor to the Lower House.

Mr. S. Humbert moved for leave to bring in a Bill to provide for the due performance of the Statute Labour throughout the Province.—Leave granted.

Mr. Cunard presented two petitions, annexed to each other, the one being from certain freeholders of the County of York, and the other from George Frederick Street, Esq. of the same county praying that the house would institute an inquiry into the qualification of John Allen, Esq. a member returned for said county, vacant the seat of the said John Allen, Esq. and order the name of the said George F. Street, Esq. to be inserted in the return, and allow him to take his seat accordingly.

The Petition was read.

Mr. Scott moved for leave to bring in a bill for defraying the expenses of the Members of this House.

Friday, February 11.

Mr. Partelow moved for leave to bring in a Bill to alter and amend the Militia Law of this Province.

Mr. Scott had much pleasure in seconding this motion. He was well aware a great deal of time is lost by the present mode of training; which was very injurious to the inhabitants of the country. The present Militia Law was a great evil. It wasted an immensity of time to no good effect, and had drawn from the Provincial Treasury much public money, while no good had arisen from it. While the law exists, the evil is increasing. It caused an expense of £22 to be added to the expenses of the country for every new battalion raised under it.

Mr. Simonds thought this a very important question. A militia system was certainly in some degree necessary, as it tended to show the physical force of the Province. It was highly necessary that all the duties of militia-men should be defined by law. But the present system was very defective in this respect. It caused a vast annual expense to the country; an expense which might in a great measure be saved, and every good effect be produced which has ever been produced. In calculating the number of battalions and regiments, the number of adjutants, serjeant-majors, &c. it would be found that they caused an expense to the country, annually, of £1200 or £1300, or perhaps a little over. This was a very great portion of the provincial revenue. If an adequate benefit were produced by this expenditure, it would not be thought so much of, but he (Mr. S.) believed it was quite the contrary. There was very little better discipline in the militia than formerly. What were three days in the year for drilling, of which one had of late years been dispensed with, and two days for general inspection? Nothing but a constant perseverance in the business would enable a man to understand the duty. If the present system does not tend to the good of the community, to what good does it tend? Every militia-man knows that two days drill cannot be effective. It was time absolutely lost to them and to the country. He (Mr. S.) thought a plan might be devised to produce a very beneficial effect, at a fifth part of the expense of the present system. A plan that he would propose was, first to do away with the sums now granted for the militia service. He could never see a reason why an adjutant or serjeant-major should get so much money for their services, while their duty was no equal to that of a captain of a company. It was necessary the executive should know the state of the militia, and that the necessary documents should be forwarded to his Majesty's government at home. Let then, every captain muster his men, at a short distance from their own house. Let him call over the roll of his company, and see that all the names are entered on the roll, then let him know the state of the company; and then let him report in to the commanding officer. Let every adjutant do the same, and send in a report of the state of the company. Thus the commanding officer will know the strength of the militia force in the country. Let there be an inspector, to inspect all the returns thus made; and let him consolidate them all into a general return of the militia of the province. Let this return be given in to the President, or to the commander-in-chief; and from it let a report be made to his Majesty's government. This plan, in the opinion of the hon. member, would answer every purpose, and the expense of it, would not, perhaps, amount to more than £250 a year. He begged to call the attention of the members to this matter—it was a very important thing. £200 or £250 would cause a great change in the country. There was no difficulty in the way. No doubt, the house might easily find a gentleman to do the duty required by this plan mentioned, at a comparatively trifling expense.

Mr. Clinch approved of what had fallen from the hon. member who spoke last. The militia system was extremely burdensome to the country. The loss of time occasioned by it to the men, was so much lost to the country. They might be much more profitably employed. A great many years had been spent, under the present system in drilling; and some idea might be formed of what good had been done by it, by considering the fact, that the militia were now in about the same state as they were 30 years ago. Look at the proceedings of the drill day. The men came to drill as awkward and rough as could be. They were put through a few movements, received the compliments of their inspecting officers, and were then dismissed. This was not the way to be prepared for war. The people of this province are men of bone and muscle; men of as good courage as any under the sun. If they should be called out, they would prove themselves as effectual as trained men. All that was required was a simple enumeration,

in order that the province might know the strength of its militia, and that his Majesty's government might know it also.

Mr. Gilbert was happy to hear the hon. Member for Charlotte county express his sentiments as he had done. There was no object within his knowledge, which more required a change, than the present militia system, he should entirely be for abolishing it altogether, and adopting the measures proposed by the hon. member for St. John—leave granted.

Mr. Cunard presented a petition from Joseph Russell, of Chatham, in behalf of the Fire Engine Company of Miramichi, praying that the company might be exempted from serving on juries and from the militia service.

Mr. S. Humbert heartily agreed with the prayer of this petition. The firemen were a most serviceable body of men, and ought to be exempt from all such duties. Their presence were absolutely necessary on the spot where they belonged. If a fire should break out, and the firemen should be absent from their residence, there is no knowing what would be the consequence. He would readily vote for all exemptions for such men.

Mr. Cunard stated, that if the petition were received, he would prepare a bill to provide for the regulation of Firewards and Firemen, and to give them a power which they did not now possess. He meant, the power of destroying a building contiguous to premises on fire, for the purpose of arresting its progress. He had lately seen an instance, where the destruction of a small building might have saved much property. He would himself, if he had the means, have been almost inclined to have effected the desirable purpose, but he knew that by so doing he should render himself amenable to the law. He thought that such a discretionary power was requisite for firemen, as a little destruction might often save immense property.

Mr. Simonds was very glad to hear this determination of the hon. member. It was highly necessary that firewards should have such a power in order to prevent the spreading of a fire. He was aware that firewards were often placed in a very awkward situation; when they were convinced that the destruction of one small building would stop a fire, they yet could not incur the risk of pulling it down, because the law did not authorize them to do so. The loss of a building in this way would surely be far better than the destruction of extensive property by fire. Individuals must sometimes suffer for the good of the public. Such a discretion should certainly be given to the fire wardens. Petition received, and ordered to lie on the table.

Saturday, Feb. 12.

On the motion of Mr. Cunard, the resolution of the House for taking into consideration the petition of Samuel Freeze and others, freeholders, of King's County, against the return of J. C. Vail, Esquire, on Thursday, the 24th Feb. inst. was ordered to be taken off the Journals.

It was resolved, that the House take the said Petition, into consideration on Tuesday the 1st day of March next.

Mr. End presented a petition from P. G. Dollar, of Tracadie, Gloucester, praying remuneration for teaching in a Parish school. The hon. member stated that the allegations of this petition were of a most peculiar nature. The Petitioner was a Roman Catholic. The competency of this person to his office was certainly deducible from the fact of his having for the last two or three years taught not less than 45 children. The petitioner had formerly been respectably engaged in business in Canada, where he had been unfortunate, and being reduced in the world, and hearing that encouragement was given in this Province, to those who were competent to conduct parish schools, he came here for the purpose of seeking a livelihood in that way. Mr. Dollar settled in Tracadie, and procured the establishment of a school there. There was no other within 30 miles. The people were very indigent, and unable to support the teacher. He, however, was led to believe by the people, that no Roman Catholic would be allowed any portion of the Provincial encouragement given to parish schoolmasters. This information hindered him from applying for a license, and he was not therewith legally entitled to any remuneration till he had produced one. The moment, however, that he became undecieved in regard to this erroneous impression, he took immediate steps to redeem his lost opportunity; and he now petitioned for remuneration for his past labours. He had taught 45 children for the last two years, and had discharged his duty faithfully. The hon. member hoped the house would take the petition into consideration, as the Petitioner was induced at first to believe that as a Roman Catholic he would not be entitled to any provincial allowance. Petition received and referred to the Committee of Supply.

According to the order of the day, the House went into a Committee of the whole, on the bill, to regulate Inns, Taverns, and houses for selling strong liquors, and to repeal all the laws now in force, relating to the same.

Mr. J. Humbert in chair of Committee. Bill read third time.

Mr. Brown moved for leave to bring in a bill to regulate the appointment of Parish officers in several Parishes of this Province.—Mr. B. approved greatly of the remarks which he had already heard in regard to the consolidation of the laws; and this bill might, therefore, on its introduction, be objected to an addition to the act already in force. He would, however, make a few remarks on the subject. A great proportion of parish duties fall on the parish officers, and it was often found, after officers were appointed, that they were incompetent to discharge these duties. Parish officers are now appointed by the Justices of the Peace. Formerly, when the country was but very thinly inhabited, Justices of the Peace were acquainted with not only every person in their parish, but almost every individual in their county; whence they were thoroughly aware of the merits and competency of persons whom they might appoint as parish officers. But the state of the population of the province is now altered. The Justices had not that individual knowledge in their parish. The consequence is, that very incompetent persons are very often appointed to parish offices, which, undoubtedly, is injurious to the welfare of the people.—The hon. member read a part of the proposed bill, for the purpose of pointing the remedy therein devised for the inconvenience he had stated. The substance of the plan was, that it should be the duty of the Justices of the Peace of the county at the second Quarter Sessions in each year, to appoint one Justice from each parish, who should before the next Quarter Sessions call a meeting of the inhabitants of his parish; at which meeting, he should publicly inquire of the inhabitants, the conduct of those persons who were then serving as parish officers, or who had during the past year so served, and also into the con-

duct of such persons as the said Justice might himself think eligible for the parish offices; and that every household of the parish should be entitled to declare what he knew of the conduct of the said persons; and that, upon such information being thus acquired, the said Justice should nominate such persons to fill the said offices if he should deem most fit, which appointment should be subject to the confirmation of the next Quarter Sessions. The hon. member added a few further remarks on existing irregularities in the appointment of parish officers, which in his opinion, rendered an alteration necessary.

The Bill was received after considerable discussion, and read a first time by its title.

Upon Mr S. Humbert presenting a petition from Wm. Cross, praying for remuneration for loss sustained in building the College at Fredericton, some opposition was offered by some of the members, on the ground of the said College having already been so great an expense to the Province, and of its being in possession of ample means for defraying all its own expenses; and also, on the ground that the petition had no right to come before the House but ought to apply to the Contractors for relief. The hon. member of the Petition observed, that the relief if prayed for was not claimed as a matter of right, but sought as a matter of mere mercy and justice, and therefore entitled to the consideration of the house.—Mr S. Simonds in the course of his observations, took occasion to inform the house, that a though from the first endowment of the College, he had had the honor of being a Member of its council, yet for a long time past he had not been summoned to attend any of the sittings of the council; neither could he by any exertions obtain information respecting the funds of the college. He (Mr S) therefore stated, that if he did not speedily obtain such information, it was his intention to apply to His Majesty's Council for aid in obtaining such information. He should therefore propose an address from that house to his Honor the President and Council, requesting them to order that accounts of all the funds of the College, and of their application for the last 7 or 8 years. If such application to His Majesty's Council should fail of the desired effect, he hoped the house would devise some other means of ascertaining whether a proper use were made of the College funds.—The Petition was negatively.

Mr. S. Humbert by leave, presented a petition from John Ward, Esq. and others, Inhabitants of the city of St. John, praying an Act may pass to regulate the fees of Attorneys and others, in the Supreme Court, and other Courts in this Province, and also to extend the Jurisdiction of the Courts of Common Pleas; which he read.—Ordered, That the said Petition be received and lie on the table.

Monday, February 14.

Mr. Simonds moved for leave to bring in a Bill to repeal an act, entitled, "An Act to provide for the conviction and punishment of criminals who refuse to plead when arraigned, and for the trial of those who challenge more than 20 jurymen."

Mr. Chandler had understood that it was the intention of another branch of the Legislature, on the recommendation of the Judges of the Supreme Court, to send down a bill for the repeal of such useless parts of the criminal law, and for the consolidation of those laws. If such a bill, however, should not come down, he (Mr. C.) would certainly agree with the hon. member from St. John. In the mean time, it would perhaps be well to ascertain whether such a bill was preparing above.

Mr. Simonds thought it better not to wait for such a bill. If it should come down, then that which he proposed might be dropt.—Leave granted.

Mr. Partelow gave notice, that, as the English mail had arrived, and as it was most probable that by it despatches of importance had been received by His Honor the President, if no notice on the subject should be received from His Honor before Friday next, he (Mr. P.) should on that day move, that the Civil List be immediately brought under the consideration of the House.

Mr. Chandler informed the house, that the Committee appointed to examine what Laws had expired, or were near expiring had done so; and by leave he read their report to the house. After which

Mr. S. Humbert begged leave to call the attention of the House to a very odious law which still disgraced the Statute Book. He should move for leave to bring in a bill, to repeal an Act for preventing certain persons therein described from serving as Representatives in the House of Assembly. This Act, the hon. member observed, prevents all Clergymen who dared to give a single word of advice to any individual, even though it might be in a dying hour, from serving their country as Members of that House. He should therefore move, as above stated.—Leave granted.

Mr. Brown, by leave, presented a Petition from Harris Hatch, Esq. and others, Inhabitants of St. Andrews, in the County of Charlotte, for setting forth