

to grant to the Legislature of this Province a surrender of the above mentioned Rights and Revenues, with a full control of the sale of Crown Lands, and Your Majesty's other territorial rights in this Province, upon a permanent grant to Your Majesty, Your Majesty's Heirs and Successors, secured on all the Provincial Revenues, of the annual sum of fourteen thousand pounds, current money of the Province, charged with the payment of the Salaries mentioned in the said Dispatch; a measure of all others the best calculated to promote the interest and prosperity of Your Province, and the happiness and contentment of Your Majesty's most faithful and loyal subjects, the inhabitants of New Brunswick."

MARCH 21.—Mr End gave notice, that in the course of the next Session, he would bring under the consideration of this House the state of the College of this Province, its steady and progressive advance towards general usefulness, and the many benefits which have already been realized by the labors of its Professors, and the liberality of its foundation, notwithstanding the many and groundless prejudices by which it has been assailed.

Legislative Council Chamber, 21st March, 1834.

Whereas, in the Revenue Bill of this present Session, sent up for the concurrence of the Council, new subjects of taxation have been inserted therein without previously submitting the same for their distinct consideration, in violation of the course of proceeding which has been for many years adopted between the two Houses

Thereupon—Resolved, that although they are induced to pass the present Revenue Bill in order to avoid the great injury to the public service and individual distress that would ensue from its rejection, they do so with a firm determination to resist in future every proceeding of a similar tendency, or in any way at variance with the customs of the Imperial Parliament or the established rights and privileges of this House.

On motion of Mr J. Humbert, Whereas, an appropriation of £1611 3 1 has been made by the House of Assembly and concurred in by the Legislative Council, towards alleviating the distress of many of the inhabitants of this Province, occasioned by the late failure of the crops—which appropriation waits His Excellency's approval to become a Law; and whereas, in case His Excellency should assent to said grant it is highly desirable that a Warrant for the amount should issue, on an early day, to enable it to be applied to the purposes for which it is intended, viz:—the purchase of seed of various descriptions to be distributed among the poor in the different Counties in this Province; therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that under the special circumstances of this Grant he will direct the Warrant to be issued, and give the necessary direction for its prompt payment.

Mr Wyer from the Committee on Light Houses made the following Report, which he read:—

That the Committee had under consideration the long contemplated measure of erecting two Light Houses upon the Island of St. Paul's, at the entrance of the Gulf of St. Lawrence, and that they beg leave to submit the following Resolutions, for the consideration of this Honorable House:—

Whereas, The negotiations with the Government of Lower Canada, relative to the erection of Light Houses on St. Paul's Island, in the Gulf of St. Lawrence, hitherto carried on by the Commissioners appointed for that purpose, through the medium of the Government of this Province, have not led to any final or conclusive arrangement, upon the subject; and whereas the want of Light Houses in the above situation is attended annually with the most disastrous consequences to both life and property, therefore

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to open a correspondence with the Governor General of Canada, embodying the terms of this Resolution, to be laid before the Legislature of Canada, viz:—

That this House considers it expedient and necessary that two Light Houses should be forthwith erected upon the Island of St. Paul's, under the superintendance of the Commissioners appointed by the Lieutenant Governor of this Province, the cost of erection and of subsequent maintenance to be apportioned between Canada and New Brunswick, in a degree corresponding to the benefit which each may be expected to derive from these erections, or in any other way that may be hereafter decided.

That the Commerce of Canada, in 1833, as shown by the Return of vessels outwards bound, is to that of the Ports of Miramichi, Dalhousie, Richibucto and Shediac in this Province, as 3 to 1, viz:—

Canada,	Square Rigged Vessels.	Tonnage.
	1,007	271,147

Miramichi,
Dalhousie,
Richibucto,
Shediac.

281

82,315

That this Province will accept of a sum not less than £1,500 from Canada, towards the erection of the said Light Houses, and £600 annually towards their support; or the Province of Canada shall contribute towards the erection of the said Lights in proportion to the Tonnage of vessels that have left the Ports of this Province, during the year 1833, and towards their future support in proportion to the Tonnage of vessels that may hereafter annually enter inwards at the ports of Canada, as compared with the Tonnage of vessels that may hereafter enter inwards, annually, at the Ports of Miramichi, Dalhousie, Bathurst, Richibucto, and Shediac, in this Province; Provided the rate of duty on the Tonnage inwards entered at the aforesaid ports in this Province shall not exceed one penny on each and every Ton for the support of the said Lights: The surplus of such duty after paying the expence of erecting and maintaining the said Lights, to be applied towards the building and supporting of other establishments of a similar nature within the Gulf of Saint Lawrence: or that the Province of Canada shall contribute towards the erection and future support of the said Lights in the proportion of three fourths of the total cost; and further

Resolved, That if the Legislature of Canada do agree to any of the aforesaid propositions, His Excellency the Lieutenant Governor of this Province, upon the receipt of such, their decision, may authorize the Commissioner of Light Houses in the Gulf of St. Lawrence, to proceed forthwith to advertize for the work, so that the lights may be put in operation without any unnecessary delay; and further

Resolved, That if the Legislature of Canada do not agree to any of the propositions contained in the present Resolutions of this House, that they be invited to propose to His Excellency the Lieutenant Governor of this Province, the terms upon which they will consent to the erection and support of Light Houses on Saint Paul's Island. The Report being handed in, was again read, and ordered to be accepted.

MARCH 22.—His Excellency, attended by the principal Officers of Government, proceeded to the Council Chamber, and having commanded the attention of the House of Assembly, gave his assent to all the Bills passed during the present Session; the three following Bills with a suspending clause.

A Bill to increase the representation of the Counties of Carleton, Gloucester and Kent.

A Bill to authorize the sale or Mortgage of the Estates of persons found lunatic by inquisition in this Province, the granting of Leases of the same, and the conveyance of Estates held in trust by Lunatics or Idiots.

A Bill to extend the privilege of Solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province.

After which His Excellency closed the Session with the following Speech:—

Mr President and Honorable Gentlemen of the Legislative Council;

Mr Speaker and Gentlemen of the House of Assembly: The Session, which is now brought to a close, has been distinguished by discussions upon various questions confessedly of high importance; and I earnestly desire that the result of your labors may be productive of solid benefit to the country.

Mr Speaker, and Gentlemen of the House of Assembly;

The proceedings of this Session have been viewed with intense interest by the people of this Province, who will now judge how far your deliberations and decisions may have coincided with the views or realized the expectations, of your intelligent and loyal Constituents:—There is, however, one point—acknowledged to be of deep and general interest to the Country, which I cannot but regret that you should have passed over without notice,—I allude to the Dispatch from His Majesty's Secretary of State, relative to the resumption of the Collection of Quit Rents—a point which I had hoped would have been deemed of sufficient importance, to have received some separate and specific consideration; and that some provisions would have been made for the relief of your Constituents, in the event of the proposals respecting the surrender of the Casual and Territorial Revenue, not being acceded to;—the more especially so, as the prudent foresight could in no degree have militated against the acceptance of any propositions to be made for that end.

I thank you, in the King's name, for the supplies which you have voted for public purposes; and I will take care that such of them as are placed at my disposal, shall be applied with economy and effect, to the several objects for which they are intended.

His Honor the President of the Legislative Council then said,

Gentlemen of the Legislative Council,

Mr Speaker and Gentlemen of the House of Assembly; It is His Excellency's will and pleasure, that this General Assembly be prorogued until the first Monday in June next, and this General Assembly is accordingly prorogued until the first Monday in June next, then here to be holden.

MARCH 17.—Mr Wyer, having moved that the house should go into Committee of the whole in consideration of the Answer given by his Excellency to the Address of the house of the 10th inst.

Mr End hoped the 'standing order' would not be moved, an hon. member (Mr Weldon) had said he should move the standing order when that question came up—but he (Mr E.) thought the public should hear the discussion.

Mr Brown said, that as the matter concerned the public at large it should be discussed publicly.

Mr Simonds said, if the standing order were moved he would beg leave to retire from the house during the discussion, as he would not be concerned in debating such a question with closed doors. He had no objection to the public hearing his opinion on the subject.

Mr Weldon, with a good deal of warmth, said that whenever a question concerned the privileges of that house the doors should be closed during the discussion of it—and he did not care what hon. members or the public thought of it; when he thought it proper so to do he would move the standing order.

Mr Chandler said, that as to the opinion of hon. members, what the house put on the Journals was their opinion—it was not the speeches made there which was the opinion of the house.

The Speaker informing the hon. members that they were premature—the house went into committee.

The Chairman having read the Address to his Excellency upon the Marriage Bill, and his Answer thereto—

Mr Brown opened the Debate; he had voted for the previous question on the resolution moved by the venerable member from St. John. When that resolution was moved there was but one copy of the Address and Answer before the house, and they had not the same advantage as now when each member had a copy. In the course of his reading he had discovered a parallel case in the first volume of the Journals of that house. In that case a doubt existed in the house whether the Governor could pass a bill without a suspending clause, and the house then addressed his Excellency (Governor Carleton) upon the subject, praying him to inform them whether he had authority to pass a certain Bill without a suspending clause. His Excellency informed the committee who waited upon him that he would send an answer to the house in writing, which he did, informing them that he could not give his assent to the bill mentioned by the house. His Excellency then had given the same kind of information which the house wanted now. In his Excellency's reply before the house, he said—'the question put to me is, in my opinion, unconstitutional and unconstitutional.' In 1797, his Excellency then had come to a very different conclusion on a similar question, and had given an answer in the negative. The house had a right to presume that his Excellency would have pursued a similar course to his predecessor, and that they had no right to expect such an answer as they had received. He (Mr B.) then begged leave to propose a Resolution, lest there should be no better.

[The Resolution will be found among our extracts from the journals.]

Mr Humbert.—The House had simply asked his Excellency whether he had the power to give his assent to a certain Bill—the Address was humble and respectful, and to the question therein contained his Excellency had been pleased to say—it was 'unconstitutional and unparliamentary.' The house should look to the particular meaning of those words. He thought that the word 'constitutional' referred to an act, not to the mode of doing an act: the word 'parliamentary' was derived from the French *un Parle*, (!!) a speech, (!!) and meant something.—If the house had done any thing unconstitutional it was illegal, and they had gone beyond their power, (for even the omnipotence of the house might go beyond its bounds.) If his Excellency was still of the same opinion as when he wrote that answer—and if he was right in his opinion—he had no other alternative but to dissolve the house—and in such case he would not be discharging his duty faithfully to his Majesty unless he did so. (cheers.) In a case where the Governor had dissolved the house in this Province some years ago, the house had invaded the King's rights, and it was then his Excellency's duty to dissolve them. It appeared that the Journals of that House furnished a precedent—and the House had a right to proceed as they had. They had not deserved such an answer as had been given—it should have been in affectionate terms and not in terms of reproach. They should not quietly submit to such an answer—they should express their opinion on their Journals. As to their proceedings: the house said they were parliamentary—the Governor said they were not: who was to prove it—it must be settled by precedent, and that had been adduced. The Journal was their political Bible; by that they must be guided as to modes of proceeding. They had followed the parliamentary course, though the Governor was pleased to call it unparliamentary. He (Mr. H.) was disposed to think that his Excellency had written the answer in a moment of irritation.

Mr. End was against the Resolution, because it did not state facts. Although an hon. member had called the Journals the Bible of the house, yet it was not always infallible. It is contended (said Mr. E.) by those who are favorable to the resolution, that the case cited from the Journals of 1797 is directly in point, and supports the resolution, and therefore this house was justified in presenting the address to his Excellency. It will appear, upon examination, that the case cited is not in