

of the law will meet, and could only be settled between them by resort to a Court of Equity, a most dilatory and expensive proceeding in this Country.

As the object of His Majesty's Government, in proposing to carry into effect His Majesty's most gracious intentions in this respect, by an Act of the Legislature in place of a Royal Grant, of each *locus in quo* to each respective individual, was, I humbly conceive, to save expence on the grantees, and not with any view of submitting to the sense and judgment of the General Assembly in Legislative discussion, any question as to nature or extent of the proffered boon, it cannot be considered an unreasonable requisition that any person interested and desirous to participate in the proffered gracious offer, shall make known the nature and extent of the benefit or privilege the possible deprivation of which by any grant hereafter to be made may be deemed a hardship, as being contrary to what he may have understood to be within the intent, scope and meaning of the original grant, and no injury can arise to the holders of such lands by postponing the preparation of the proposed draft of a law, until full and satisfactory information can be obtained, as it appears to be the intention of His Majesty's Government that no grant shall pass or sale be made of Water Fronts, which may be deemed contrary to the reasonable expectations of a former grantee; and in all future grants care will be taken to prevent ambiguity or uncertainty; and further as in the leading case referred to in the Royal Instructions on this subject—to wit, the case of Messrs. Hazen, Simonds and White, those original Grantees many years since applied for, obtained and now hold a license of occupation from the Government for the entire space between the lines of high and low water mark, in such part of their grant as can on any principle consistent with the terms of that grant, the public interest and other grants from the Crown be conceded to them.

CHARLES J. PETERS, Attorney General

February 13. Mr Simonds moved for leave to bring in a Bill, to amend the Laws for the organization and regulation of the Militia. Leave granted. The said Bill being brought in, was read a first time.

Mr Street, by leave, presented a Petition from Benjamin Dawson, of Bathurst, in the County of Gloucester, praying an allowance may be granted him, as Tide Surveyor at that port for the year 1833, which he read. And upon the question that the said petition be received and referred to the Committee of Supply—it was decided in the negative.

On motion of Mr Partelow, Resolved, that a humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will direct to be laid before the House, a detailed Account shewing the income of the Casual and Territorial Revenue for the year 1833; also the charges upon that fund for the same period; a detailed account shewing the charges upon the Survey fund for 1833, and a particular account of the number of acres of land disposed of during the same time, the names of the parties purchasing, the counties in which the sales took place, and the prices obtained per acre for each lot.

Read a third time as engrossed, a bill to provide for the erecting of Fences and Gates across highways in this Province.

A bill to divide the parish of Hopewell, in the county of Westmorland, into two parishes.

A bill in addition to, and in amendment of an act, intitled, an Act for relief against absconding debtors. Resolved, that the above Bills do pass.

Mr Kinnear moved for leave to bring in a Bill to Incorporate sundry persons by the name of the President, Directors and Company of the Commercial Bank of New Brunswick. Leave granted. The said bill being brought in, was read a first time.

February 14. Mr Partelow moved for leave to bring in a bill to provide for the further increase of the Capital Stock of the Bank of New Brunswick, and to amend and continue the Act for Incorporating the said Bank. Leave granted. The bill being brought in, was read a first time.

Read a third time as engrossed: a bill in addition to and in amendment of an Act, made and passed in the 50th year of the Reign of his late Majesty Geo. III. intitled an Act to regulate the proceedings in actions of Replevin, and to enable the sale of Goods distrained for Rent, in case the rent be not paid in a reasonable time, and for the more effectual securing of Rents and preventing frauds by tenants. Whereupon an engrossed clause was offered to be added to the bill by way of Ryder, and to stand as the IV. section thereto.

And the 3d section being thrice read, and the question put thereupon, it was agreed to by the house to be made part of the bill by way of Ryder. Resolved that the bill do pass.

On motion of Mr Street, the house went into committee of the whole, on a bill to repeal all the Laws

now in force relative to the performance of Statute Labour in this Province, and to make more effectual provision for the performance of the same. Mr J. Humbert in the chair of the committee. The chairman reported that having gone into consideration of the bill referred to them, it was moved: that the further consideration of the bill be postponed for six months. Whereupon the committee divided—Yeas 13—Nays 10; and it was carried in the affirmative.

On motion of Mr Street, Resolved, that a committee of seven Members be appointed to examine into the present Road Laws now in force, and report thereon at the next Session of the Legislature, Ordered, that Messrs. Street, Weldon, Vail, Scott, Brown, Hayward and Harrison, be a committee for that purpose.

Mr Rankin, by leave, presented a petition from Jacob Carvell, Courier on the Route from Fredericton to Miramichi, praying a grant may pass to him as a compensation for his services during the current year, in addition to the allowance from the Post Office establishment; which he read. Ordered that the said petition be received, and referred to the Committee of Supply.

LEGISLATIVE COUNCIL,  
Fredericton, Friday Feb. 7.

The Lieutenant Governor communicates to the Legislative Council a copy of a Dispatch addressed to him by the Secretary of State for the Colonial Department, in Answer to the Address of the Legislative Council, which was transmitted to the Secretary of State during the last Session, for the purpose of being laid at the foot of the Throne.

Downing Street, 27th July, 1833.

Sir—I have received and laid before the King, your Dispatch No. 22, the 19th March last, enclosing certain Resolutions of the Legislative Council, and also an Address from that Body to His Majesty on the subject of the relative Rank to be held by Members of the Executive and Legislative Councils, and on the right of succession to the Administration of the Government of the Province, in the event of the death or absence of the Lieutenant Governor.

With respect to the latter point, I think, that the existing instruments under the Royal Sign Manual, are sufficient to place it beyond the reach of doubt. By letters patent, bearing date the 3d of December, 1832, the Council of New Brunswick was divided into two distinct Councils, to be styled the Legislative Council, and the Executive Council. The Legislative Council was to have those powers of the original and joint Council, which respected the enactment of Laws; but all other Powers and Authorities whatsoever belonging to the original Council, were to be vested in the Executive Council. It necessarily follows, that the privilege of succeeding to the Administration of the Government must belong to the Senior Member of the Executive Council. I may add, that this provision was no more than consistent with the nature of the two Bodies which His Majesty was creating, in dividing the Councils. It was natural that the advisers of the Governor, in the ordinary discharge of his Office, should be presumed to be better prepared to succeed, on an emergency, to the same office, than those who were confined to the separate, though highly important, business of Legislation.

The solution of the question referred to in the preceding observations, appears to me to answer the question respecting the relative Rank of Members of the Executive and Legislative Councils. As the succession to the Government belongs to the Senior Member of the Executive Council, the Members of that Council ought to have precedence of all other persons; for it would be a manifest inconvenience, that an Officer called upon to administer the Government, should thereby supersede a previous superior in rank.

E. G. STANLEY.

NOTICE TO EMIGRANTS.

Emigrants arriving and desirous of settling, will immediately receive Crown Lands upon the Terms prescribed by Government. Copies and Plans of Surveyed Lands from Shediac to Ristigouche, can be seen by applying to Mr. James Ingram, Bathurst, Mr. Ward McDonald, at Richibucto, and the Undersigned, to whom all application must be made. (If by letter post paid)

HENRY CUNARD

Govrnt. Agent for Emigrants.

Chatham, Miramichi, 10th July, 1832

NOTICES.

PREROGATIVE COURT,

COUNTY OF NORTHUMBERLAND.

The several and respective Creditors in particular and all other persons in general, having or pretending to have, any Interest or Claim against the Estate and Effects of the late WILLIAM J. MUNROE, late of the Parish of Saumarez, in the now County of Gloucester, late part of the County of Northumberland, deceased, and the heirs of the said deceased, are hereby notified and required to be and appear before me, Thomas H. Peters, Surrogate for the said County of Northumberland, at my Office in Chatham, on Friday, the fourteenth day of February next, at twelve o'clock, noon, to object to and shew cause (if any they have) against the allowing and passing of the Accounts of Administration, exhibited by the Administratrix on the said Estate, and now on file in the Registry of the said Court.

Given under my hand and seal of the said Court, at Chatham, the twenty-eighth day of January, in the year of our Lord one Thousand Eight Hundred and Thirty-four.

THOMAS H. PETERS, Surrogate.

J. A. STREET, Depty. Reg. Pro.

At a General Sessions of the Peace of our Lord the King, held at Newcastle in and for the County of Northumberland, on Tuesday, the 27th day of August, in the year of our Lord 1833.

Ordered, That the following rules be established for regulating the BASS FISHERY in the several Rivers in the County of Northumberland.

1. That no person or persons be allowed to Spear Bass during the time or Season of spawning.
2. That no person or persons be allowed to Spear, Net, or take Bass between Sunset on Saturday night and Sunrise on Monday morning, at any time during the winter season, or while the rivers or streams are frozen.
3. That any person cutting a hole or holes in the ice for the purpose of fishing, shall set six evergreen bushes firmly in the ice round each hole, at equal distances, not less than ten feet high, with the branches and leaves on, so as to be plainly and readily seen, and secure the same so that they will remain standing, at all times while the said hole or holes continue open, or the ice thereon unsafe.
4. That any person or persons cutting a hole in the ice, for the purpose of fishing, shall not be interrupted by any other person cutting a hole for the like purpose within the distance of 30 fathoms of the hole first cut as aforesaid.
5. That no set nets shall be allowed, set, or put down, for the purpose of taking Bass, during the winter season, or while the Rivers remain frozen.
6. That any person infringing or violating any of the foregoing rules, shall be liable to the penalty of Three Pounds for each and every offence, to be recovered and applied according to Law.

Extract from the Minutes.

(Signed)

THOMAS H. PETERS, CLERK.

BREWERY

The Subscriber's BREWERY is now in full operation where good strong Ale, Porter, Table Beer, &c. may be had on reasonable terms, in quantities to suit purchasers.

The Subscriber intends carrying on the WHEEL WRIGHT business, in its different branches, comprising, Carts, Waggon, Gigs, Sleighs, Ploughs, and all other articles of Husbandry; which will be of the first quality, always having on hand a supply of best American White Oak, and seasoned hickory wood of other denominations; he will furnish on reasonable terms. He will take Barley, and other country produce in barter  
Miramichi, February 26.

GAVIN RAINNIE.

NOTICE.—The Subscribers beg leave to intimate that, as they intend to leave the Province, the Co-partnership heretofore existing between them at Miramichi, under the firm and style of GILBERT & ROBERT HENDERSON, is this day dissolved by mutual consent. All persons therefore having any claims against the firm, may settle with Gilbert Henderson, Jun. and those indebted to them are requested to make immediate payment unto him.

GILBERT HENDERSON.  
ROBERT HENDERSON.

Miramichi, 20th November, 1833.

NOTICE.—All persons having any legal claims against the Estate of JAMES MURRAY, Jun. late of the parish of Newcastle, deceased, are hereby requested to present the same, duly attested to, within three months from the date hereof, and all persons indebted to the said Estate are requested to make immediate payment.

MARGARET MURRAY, Executrix.  
GLOUD MORRIS, Admr

Douglstown, December 23, 1832.

NOTICE.—The Co-partnership heretofore existing in Newcastle, under the firm of BROAD and FOWLER, having been this day dissolved by mutual consent, all persons indebted to said firm are hereby requested to make immediate payment to Willard Broad; and those having claims upon the said firm will present them to the same for liquidation.

WILLARD BROAD,  
WILLIAM FOWLER,

Newcastle, 12th December, 1833.

NOTICE.—The Subscribers again request all persons indebted to the late firm of FROST & RAINNIE, to make payment without delay to Shepherd J. Frost, as all accounts standing open the 31st instant, will be put into suit for RECOVERY. Persons having just demands against the said firm will please call on the said Shepherd J. Frost for settlement.

S. J. FROST, for self and Gavin Rainnie.

Chatham, 10th December, 1833

BLANKS

Of various kinds for Sale at this Office.