

by the Speaker agreeably to a Law of the Province.

To Patrick Henderson, the sum of sixty-eight pounds seven shillings, to relieve from an Extent now standing against him at the suit of His Majesty, as surety for one Charles Mills, for Duties which it appears the said Patrick Henderson has been called upon to pay in consequence of lenity having been extended by the Executive in the year one thousand eight hundred and twenty-five, to the principal Charles Mills. *Resolved*, That the Petition of Gavin Rainnie be not complied with.

MARCH 3.—Read a third time as engrossed. A Bill to continue the Acts now in force for the relief of insolvent confined Debtors. *Resolved*, That the Bill do pass. Ordered, That Mr End take the said Bill to the Council, and desire their concurrence thereto.

The Chairman reported, that they had gone into consideration of the matters referred them, and he was directed to report as follows:—*Resolved*, As the opinion of this Committee, that the present Revenue Law should be continued and amended, and that a small Ad-valorem duty should be imposed on goods of British Manufacture. Whereupon the Committee divided—Yeas 17. Nays 7. And it was carried in the affirmative.

Resolved, In the opinion of this Committee, it is expedient that the Treasurer of the Province issue Treasury Debentures bearing interest, redeemable in not less than 18 months, to an amount of £ in payment of Warrants tendered for payment at the Treasury, for appropriations for the past and present year.

To which the following was proposed as an amendment—By striking out all after the word 'Committee' and insert 'that all Warrants actually presented to the Treasurer of the Province, and not paid for want of money in the Treasury, should bear interest at the rate of six per cent per annum, for a period of six months from the time of such presentment, and if not paid on demand after the expiration of such time, the same shall still bear interest for a further period of six months, and so on from time to time after new presentments.' And upon the question for adopting the amendment, the Committee divided—Yeas 13. Nays 9. And it was carried in the affirmative.

A Message from His Majesty's Legislative Council. Mr Putnam, master in Chancery informed the House, that the Council had agreed to 'A Bill to facilitate Summary Proceedings before Justices of the Peace, and the Execution of Warrants by Constables,' without any amendment.

Mr Rankin, by leave, presented a Petition from James Christopher, and 61 others, resident at Campbell Town, on the River Restigouche, praying that a new line of Road may be explored and opened between that place and Bathurst; which he read; And satisfactory reasons being assigned for not presenting the Petition within the time limited by order of the House for receiving Petitions, Ordered, That the said Petition be received and referred to the Committee of Roads.

MARCH 4.—Mr Putnam, Master in Chancery, informed the House that the Council had agreed to the following Bills, without any amendment:—

A Bill to authorize the Justices of the Peace of the several Counties in this Province to make assessments for the payment of County Officers, and also to authorize the Justices of the Peace for the County of Northumberland, to make further provisions for the payment of the Treasurer of that County:

A Bill in addition to and amendment of the several Acts now in force to provide for sick and disabled Seamen, not being Paupers, belonging to this Province, so far as the same relate to the County of Gloucester.

Downing-Street, 1st January, 1834.

"SIR—

I have the honor to acquaint you, that it has not been deemed proper to confirm, in its present shape, an Act passed by the Legislature of New-Brunswick, in March, 1832, intitled "An Act to extend the privilege of solemnizing Marriage to Ministers of certain Religious Congregations in this Province, and to make further Regulations on this subject." It is not without great regret that His Majesty has been advised to withhold his assent from this Law, and His Majesty trusts that the Legislative Council and Assembly will concur with you in the enactment of a further Bill, which will remove the obstacles that oppose the confirmation of the one now under consideration.

"The present Act is confined in its operation to four denominations of Christians, namely—the Wesleyan Methodists, the Baptists, the Presbyterian Seceders from the Kirk of Scotland, and the Independents:—It requires that, before a Minister of any of these persuasions may solemnize Marriages, he shall obtain a Licence for the purpose from the Governor—and the applicant must satisfy the Governor that he really belongs to one of the Bodies, for whose relief the Act has been passed, and must produce to the Governor his Certificate or Letters of Ordination, which must "be derived from some British Convocation, Synod, Conference, or Association, and be according to the forms and usages of the denomination of Christians to which the Minister belongs."

"To these Enactments there appear to be two objections:—

"The first objection is, that the Governor, unless he possessed a most unusual acquaintance with a very obscure branch of Ecclesiastical History, could not determine whether a Minister had been regularly ordained, according to the forms of the denomination to which he belongs. In Churches which the Law has established, the Law has also ascertained what Ordinations are valid;—but in dissenting Societies, opinions and the usages to which they give birth, are in a state of ceaseless change.—What are the authorities, written or oral, to which the Governor must resort, in case of dispute, to determine whether the Petitioner for a Licence was regularly Ordained or not?

"The second objection is—that there appears no sufficient reason to select four Bodies of Christians, for the exclusive enjoyment of the Privileges to be conferred by this Act. The particular Sects which the Act is designed to benefit, regard the Established Marriage Service as a burthensome and improper form; but there are persons dissenting from the Church of England, who regard that service as a mode of Worship repugnant to true Religion.—Yet by the limitations in the proposed Law, he is indulged, whose conscience is not wounded by compliance, and he is compelled to comply who thinks his conformity a grievous sin.

"Both the objections that I have pointed out, would be removed, by enacting that the power of solemnizing marriages, should be enjoyed, under Licence from the Governor, by all religious Teachers engaged in no secular calling.

"In that manner no body of persons dissenting from the Church of England, would be excluded from a benefit of which none would not desire the enjoyment; and the fact of which the Governor would need to be satisfied before granting his Licence, would be simple and a matter of common notoriety.

"Besides the two provisions on which it has been my duty to offer the foregoing remarks, there is one more part of the Act, to which I have to call your attention. The third clause prohibits the solemnization of the Marriage of any person under twenty-one years, until after the consent of Parents or Guardians shall be first had—Now there are many persons, especially among the poorer classes, who have neither Parent nor Guardian, and who could not afford the expence of obtaining the appointment of a Guardian for that express purpose from the Court of Chancery. In such cases there is a Virtual Interdict against Marriage before the completion of the twenty-first year—a prohibition which, in a new Country, is not recommended by any obvious policy, and of which in any Country the influence on good morals must be very questionable.

"I have received His Majesty's commands to desire that you will submit the foregoing observations to the Legislative Council and Assembly of New-Brunswick, and that you will recommend to them to pass such an amended Act, more especially with reference to the two points first noticed as will obviate the existing objections to the proposed Law."

E. G. STANLEY.

MARCH 5.—On motion of Mr Simonds, The House went into Committee of the whole, in further consideration of the several Messages from His Excellency the Lieutenant Governor. Mr Smith in the Chair of the Committee. Mr Speaker resumed the Chair. The Chairman reported that the Committee had had under their further consideration the several Messages from His Excellency on the subject of the surrender of the King's Casual and Territorial Revenues, and that in the Committee the following resolution was moved:—

Resolved, As the opinion of this Committee, that the sum of £14,000, is much too large, as a provision for a Permanent Civil List, and more than is required to pay the Salaries of all Officers of the Civil and Judicial Departments—the grant to King's College and all necessary contingent expedient to pass a Bill with a suspending clause, till His Majesty's Royal Assent be had thereto, in which ample provision shall be made for the Salaries of all the Officers of Government, which are, or can be properly chargeable upon the Civil Establishment, the grants to King's College, and for all necessary contingent expences of the Province.

And further—*Resolved*, That a Petition should be preferred to His Majesty, setting forth, at large, the reasons which the House of Assembly have to urge against so large a grant as £14,000, and stating in detail what sums are necessary as Salaries to the several and respective Officers, which are to be chargeable upon the Civil List, and what sum would be necessary for contingent expences; and praying that all deductions which shall hereafter be made discontinuing offices, which may become useless, and by curtailing the expences of the several Departments may fall into, and become a part of the aggregate Revenue of the Province, and that in taking the whole charge of the Civil List, it should be a condition, that the entire regulation and management of the Crown Lands and Forests be in the Legislature.

To which the following was moved as an amendment—To strike out all after the word *Resolved*, and insert—That while it is the opinion of this Committee, that the sum of £14,000, required by His Majesty's Government as a permanent Grant for the surrender of the Casual and Territorial Revenues in this Province, is greater than the charges contemplated to be made therein required; yet the great desire of the House of Assembly, to have this important subject finally

settled with the Government, should, in the opinion of this Committee, induce the House of Assembly to accept of the proposal contained in the Dispatch from the Right Hon. the Secretary of State for the Colonies, communicated to the House, by the Message of His Excellency the Lieut. Governor of the 12th Feb. last: And further resolved, as the opinion of this Committee, that a Select Committee should be appointed to prepare a Bill agreeably to the foregoing resolution, with suitable enactments, to ensure the full and efficient controul and management of these Revenues by the Legislature, as also over the disposal and regulation of sales of Crown Land, and also the balance due and unpaid on all Crown Lands heretofore sold, with all other sources from such Revenues have arisen, or may hereafter arise. And upon the question for adopting the amendment the Committee divided as follows:—Yeas 16. Nays 10. So it passed in the affirmative. The question was then taken on the resolution as amended—And it likewise passed in the affirmative.

Mr Vail from the Road Committee, appointed on the 3d Feb., made a Report which he read, and as followeth:—

The Committee appointed to take into consideration what sums it will be expedient to grant for the Road Services, are of opinion that in the present circumstances of the Country, a small Appropriation only should be made, and they therefore, recommend the following sums in order to keep the Roads and Bridges in repair, viz:—

From St. John to the Nova Scotia Line	£250 0 0
do. to St. Andrews,	212 10 0
Fredericton to St. John, via.	
Nerepis,	150 0 0
Dorchester to Shediac, and Shediac to the Bend of Peticodiac,	75 0 0
Shediac to Richibucto,	150 0 0
Richibucto to Chatham,	200 0 0
Newcastle to Restigouche,	225 0 0
Fredericton to Newcastle,	200 0 0
Fredericton to Canada Line,	200 0 0
Fredericton to the Finger Board,	75 0 0
Bellisle to Saint John,	25 0 0
Dorchester Great Marsh,	25 0 0
Saint John Great Marsh,	25 0 0
	£1,812 10 0

Your Committee are of opinion that a small sum should be given for the exploration of a new Line of Road from Bathurst to Restigouche, conformably to the prayer of the Petition from that quarter.

Extract of a Dispatch from the Right Honorable E. G. Stanley.

Downing Street, 4th January, 1834.

"In your Message, communicating to the Assembly the proposal contained in my Dispatch of the 30th September, you will take care distinctly to explain, that the payments expected from the New Brunswick Land Company, are not included in the Revenue, which is offered to the acceptance of the Assembly.

CASUAL REVENUE AND CIVIL LIST.

March 4. Mr Simonds, after referring to the proceedings of the house, which had caused the Colonial Minister to forward the Dispatch, containing the terms proposed for the surrender of the Casual Revenue, &c. observed, that it was the duty of the house to meet the proposition fairly and liberally. The question for consideration now was, whether the house could afford to make a permanent grant of £24,000 per annum. He thought that sum much too large: it was far more than was necessary, even according to the scale of salaries heretofore charged on the civil list, some of which would most likely fall into the aggregate revenues of the Province, after the demise or removal of the present holders. He thought the house ought not to grant such a sum as £14,000 per annum; but that they should pass a bill to provide for the civil list, with a suspending clause, upon a scale suitable to their own ideas, and should forward with such bill a petition to His Majesty, stating the reasons and grounds on which they had framed such a scale, and why they considered £14,000 too large a sum, and praying His Majesty's Royal assent. In his opinion it would never do in the present condition of the Province, to entail upon their posterity such a heavy permanent charge: there was no kind of reason for believing that the Casual Revenue would always be so productive as it had been; indeed the Revenue of the past year had been forced by extraordinary and improper means; it might flourish, perhaps, for a few years more, but various causes might lessen it; the mere breath of the Ministry at home might equalise the Timber Duties, which would both ruin the trade of this Province, and materially affect the sale and value of Crown Lands as well as the receipts derived from stumpage, &c. and thus cause the Casual Revenue rapidly to dwindle away. Then, if the revenue fell short of the Civil List, the deficiency must be made up out of the ordinary revenues of the Province. It appeared to him that this proposition had been made up in consequence of the information derived by Mr Stanley, from the Journals of the House; the Report of the Committee on the Casual Revenue Accounts, he thought, had furnished the ground work for this proposition; but whatever might have been the sources of calculation, the amount proposed was,