

THE GLEANER.

And Northumberland, Kent, Gloucester, and Restigouche Schediasma.

Volume XII:1

Nec aranearum sane textus ideo melior, quia ex se fila gignunt, nec noster vilior quia ex alienis libamus ut apes.

Number 25.

Miramichi, Tuesday Morning, March 2, 1841.

THE GLEANER.

LEGISLATIVE NEWS. NEW BRUNSWICK.

EXTRACTS FROM THE JOURNALS.

LEGISLATIVE COUNCIL CHAMBER, February 17.

The hon. Mr Baillie, by leave, presented the following Petitions.—

A petition from Joseph Read, and fifty eight other inhabitants of Bathurst, praying a part of the Legislative assistance may be granted Robert Matheson for teaching a Grammar School in the said Town; A petition from the said Robert Matheson, with the like prayer; and a petition from Hugh A. Caine, and one hundred and forty three other persons, praying a special grant to the road from Pokemouche to Shippegan. Ordered, That the said petitions be received and lie on the Table.

February 18.

NEW BRUNSWICK.

Message to the Legislative Council,
17th February, 1841

J. HARVEY, Lt. Governor.

With a view to bring under the notice of the Council a subject so deeply affecting the interests of the Province as the proposed modifications of the Charter of King's College, of which the object is to increase its popularity and usefulness, the Lieutenant Governor lays before the House an extract of a Despatch from the Right Hon. the Secretary of State, pointing out the mode of proceeding which his Lordship recommends to be adopted for effecting this object.

To this document the Lieutenant Governor adds the copy of a Memorial from certain leading Members and Ministers of the Scottish, Wesleyan, and Baptist Congregations, which has been laid by the Lieutenant Governor before the College Council, but upon which no definitive action has yet been adopted by that body.

It is proper to state, that a clause has been adopted by the College Council, with a view to its being introduced into the new Charter, giving full effect to the suggestion contained in the concluding paragraph of Lord John Russell's Despatch.

J. H.

(Extract.)

[No. 87]

Downing Street, 3rd, Nov. 1840.

SIR,—I have received your Despatch, No. 67, of the 10th September, requesting my decision as to the mode in which the proposed modification of the Charter of King's College shall be effected.

Under all circumstances, I consider the better course to be to issue a new Charter from the Crown.

You will accordingly invite the Council to execute a formal surrender of the existing Charter, and to prepare the Draft of the new one which they would desire. With a view to avoid the necessity of altering the Draft after its receipt here, or the delay of a reference back to the Colony, I think it desirable that it should in the first instance be submitted to you, in order that you may have an opportunity of suggesting and effecting any amendments which may appear to you necessary. The Council should also nominate some person in this country as their Agent, with authority to assent to, or dissent from any modifications of the terms of the Draft, for which, on behalf of the Crown it may be thought fit to stipulate, and to defray the expenses attending the issue of a Charter under the Great Seal.

As the object of this measure is to increase the popularity and usefulness of the College, it will be for you to determine, when the terms of the Draft are matured, whether it would be desirable to submit them for the approval of the House of Assembly. But if the Assembly moves in the question at all, it ought to do so by Address and not by Bill.

With regard to the exemption of Students from compulsory attendance on Divine Service, according to the rites of the Church of England, I beg to observe that the Statutes do not effect the object which I had in view.

They merely confer a dispensing power on the President or Vice President, whereas I intended that conscientious Dissenters should have a right to such exemption. You will use your best endeavours to obtain this privilege for them.

I have, &c.

(Signed) J. RUSSELL.

Major Gen. Sir J. Harvey.

His Excellency Major General Sir JOHN HARVEY, K.C.B. and K.C.H., Lieutenant Governor, &c. &c. &c.

May it please Your Excellency,

The undersigned having maturely considered the modifications proposed to be made in the Charter of King's College, of date the 18th February, 1840, find that the exclusive character of the Council under these would still remain, inasmuch as that Board would be composed wholly of members of the Established Church of England.

That to remedy this, in the opinion of the undersigned, four members at least should be added to those proposed by the Council, and also that the tests for degrees in Divinity in this University should be the same as the tests for Divinity degrees in the Universities of Oxford and Edinburgh, and that it should be in the power of the University nevertheless, to confer a degree in Divinity on any Protestant Clergyman whose talents, piety and erudition might, in the opinion of the University, entitle him to such a mark of distinction, upon his signing a declaration in his belief in the Trinity, and the authenticity of the Holy Scriptures. Should these equitable and moderate concessions be made, the undersigned have no hesitation in saying that, in their belief, the numerous Members of the Church of Scotland, and of the Methodist and Baptist persuasions in this Province would be satisfied—a fruitful cause of dissension among Christians would be removed, and this Collegiate Institutions, built and munificently endowed at the public expense, would be likely to prove a general benefit, instead of being, as heretofore, a source of discord and contention.

With the sincere desire of promoting so desirable a consummation these propositions are now submitted to your Excellency, with a request that your Excellency will be pleased to lay them before the College Council at their first meeting.

The undersigned have the honor to be, with great respect,

Your Excellency's, &c.
JOHN BIRKMYRE, D. D.
JAMES SOUTER, A. M.
W. B. KINNEAR,
L. A. WILMOT,
JOHN M. WILMOT.

DISSENTIENT.—To the amendments to the Bill to continue and amend an act to restrain the provisions of the fifth Section of an Act, intituled 'an Act for the support of the Civil Government in this Province, and to establish sundry regulations for the disposal of Crown Lands and Timber in certain cases.'

Because, by the speech of his Excellency the Lieutenant Governor at the opening of the present Session of the Provincial Parliament the important subject of Immigration was strongly recommended to the favorable consideration of the Legislature, which the present system of obliging Settlers to pay all money down for the Land they may wish to purchase, tends almost entirely to defeat, very few of that class of Immigrants who resort to this Province being possessed of sufficient means to enable them to do so.

Because, although the price of two shillings and sixpence appears to be a reasonable sum for Wilderness Land, yet a heavy addition is made thereto by the Settlers being obliged in very many cases (in consequence of so small a portion of the Lands of the Province being surveyed for settlement,) to pay for an isolated Survey of the piece of Land he may wish to obtain, thus actually making the price of his Land equal to four or five shillings per acre.

THOMAS BAILLIE
THOMAS WYER.

HOUSE OF ASSEMBLY,

February 16.

On motion of Mr Parleau, The House went into committee of the whole, in further consideration of supplies to be granted for the public service. Resolved, That there be granted to the Lieutenant Governor the following sums—£40 for a Tide Waiter at Dalboissia, in the County of Restigouche, for the year 1841. £30 for a Tide Waiter at Bathurst, in the County of Gloucester, for the year 1841. £20 for the services of a Tide Waiter at Richibecto for the year 1841. £350 for the purpose of remunerating Dr Gesser for his services for the past year in continuing the Geological Survey of the Province. £50 in aid of the Grammar School presently taught at Newcastle, by John Sewewright, to whom the same shall be paid in part of his salary for teaching said School the present year, on its being certified to the Lieutenant Governor by W. Abrams, Esq. and the Rev. J. Souter, that the same is due to the said John Sewewright for such service. £30 for a Tide Surveyor at Shippegan and Caraquet for 1841.

£—in full for the services of a Ganger up to the 31st December, 1840, at Miramichi. Upon the question for sustaining the Resolution, the committee divided. Yeas 11, Nays 10. And

so it was carried in the affirmative, and the blank filled up with £25.

February 17.

On motion of Mr End, The House went into committee of the whole, on a bill further to amend the law relating to Bastardy. Resolved, That the further consideration of said bill be postponed for three months. And upon the question the committee divided—Yeas 16—Nays 6. Whereupon it was carried in the affirmative.

February 18.

On motion of the hon. Mr Johnston, Ordered, That the several accounts of Income and Expenditure of King's College, now laid before the house by command of the Lieutenant Governor, be referred to the committee appointed on the 16th instant to take under consideration the subject of the modification of the Charter of the said College, to report thereon.

On motion of Mr Street, The House went into committee, on a bill to authorise the appointment of commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate Public Landings in the said Town. Mr Palmer in the chair of the committee. Mr Speaker resumed the chair. The chairman reported that the committee having the bill referred to them under their consideration, had made progress therein, and he was directed to ask leave to sit again. Ordered, That the Report be accepted and leave granted.

On motion of Mr Fisher, The House went into committee of the whole to compel non-resident proprietors of Wilderness Lands to contribute towards the improvement of the Roads. The committee went through the bill, and after making amendments thereto, agreed to the same, under the Title of—a bill to impose a tax on Wilderness Land, for the improvement of Roads. Ordered, That the report be accepted, and the bill engrossed, as amended, under the amended Title.

Mr L. A. Wilmot, from the committee appointed on the second day of February instant, to take into consideration the subject of the claim against the Nova Scotia and New Brunswick Land Company, submitted their Report; and he having then read the same, handed it in at the Clerk's table, where it was again read and is as follows:

The select committee to whom were referred the various Despatches and documents laid before the house on the 6th ultimo, and 12th instant, by command of his Excellency the Lieutenant Governor, on the subject of the Nova Scotia and the New Brunswick Land Company's purchase, Report:

The committee cannot avoid expressing their surprise and displeasure at several of the observations upon the Report of the select committee of the last Session, contained in the letter of Messrs. Bainbridge & Aggas to Lord John Russell, under date the 9th of June last; and while the committee are well satisfied with the fair and correct character of that report, they are nevertheless inclined, for the reasons hereinafter stated, to reconsider the whole question, not from any claims of right on the part of the company, but purely from a desire to afford every facility to their prospective operations, for the encouragement and extension of Immigration and Agriculture, and to set at rest all causes of discontent and complaint on the part of the company.

Passing by the correspondence between the Board of Directors and the Colonial Office, the committee would refer to the letter of the company's commissioner to his Excellency the Lieutenant Governor, under date the 6th inst. wherein the propositions submitted for the consideration of the committee are distinctly set forth.

The company having thrown itself by this letter, upon the liberality of the Legislature, and made it appear to the satisfaction of the committee that they have already expended upwards of £200,000 in the prosecution of their operations, and that preparations have been made for the expenditure of further large sums for the immediate cultivation and settlement of their lands; and also that the sum of £16,000 sterling, has been paid on account of the purchase money, during the past year, the committee have great pleasure in unanimously recommending to the favorable consideration of the House the following propositions, which, if adopted by the House and accepted by the company, shall for ever after be deemed to be in full for all claims heretofore made by the company or its agents:—

- 1.—That all claims for interest heretofore accrued be remitted.
- 2.—That a deduction of £2,500 stg. including the sum of £485 for tonnage money as recommended by the committee of the last Session be made from the balance now due; and
- 3.—That the balance, after making this deduction, shall be paid in two equal annual in-

stalments, on the 30th November, 1841, and 30th November, 1842.

In conclusion, the committee must express their high satisfaction with the manner in which the Right Hon. the Secretary of State for the Colonies has adhered to the spirit of the arrangement between this Province and the home Government, with regard to the surrender of the Casual and Territorial Revenue; and the committee indulge the hope, that by the liberal concessions herein recommended to the House, the company, the government, and the world will duly appreciate the disposition which prevails in the Assembly of this Province to hold out every reasonable encouragement for the advancement of Immigration and Agriculture.

Respectfully submitted.

L. A. WILMOT,
J. R. PARTELOW,
CHARLES FISHER,
WILLIAM M'LEOD,
JAMES TAYLOR.

Fredericton Sentinel, Feb. 20.

LEGISLATIVE SUMMARY.

The house resolved itself into a committee for the consideration of a bill for granting another member to the County of Restigouche, Mr Hanington in the chair; which was negatively.

On Thursday the House resolved itself into a committee on a bill regulating the office of Coroner. There was no debate on the general principles of the bill, it being confined to the details, principally with reference to the various charges.

A bill authorizing the erection of a Lock up House at Chatham, came under consideration in committee on Wednesday. There was nothing new in the debate and which we reported most fully during the last session of the Assembly. Mr Street moved as an amendment that the house should be built at the expense of the Town of Chatham, and be supported at the expense of the county; which was lost. Mr Rankin moved that the House should not be built, unless a majority of the freeholders of Chatham should be found to be in favor of the measure; which was also lost. The same gentleman then proposed that his learned colleague and himself should agree to withdraw the bill; but the house being of opinion that the measure should be decided, the question was decided, to assess the entire county for the erection, and was passed in the affirmative.

On Thursday the bill to tax wilderness lands under another title, and altered in its principle, enabling persons residing on lands to pay the tax in labour on the road, was taken up in committee. A motion was made to exempt the Lancaster Mill Company, which was carried 12—10. Mr Hill's motion that lands should not be subject to taxation, unless roads pass through the same, was negatived 14—12. Other amendments were proposed, which were unnecessary or which would defeat the bill, or were lost.

The house passed a bill yesterday for the imposing a tax on dogs generally throughout the Province, whenever it shall be deemed necessary by the Justices of any county. A bill for regulating the sale of Grain and Vegetables by weight; and another for making the Shediac river, the boundary line to a certain extent between the Counties of Kent and Westmorland, were postponed for three months. The house were occupied in committee during the remainder of the day, in consideration of a bill relating to Debtors and Creditors, which is the English Bankrupt Law as applicable to the circumstances of this Province.

Mr Rankin moved yesterday afternoon to have the Chatham Lock-up house bill recommitted; the House again went into a committee, and passed a Bill limiting the assessment for purchasing the ground and erecting the building to the town of Chatham.

[We think it an act of justice to insert the following remarks of Mr. BARBARIE, in a debate which occurred in the Assembly, on a Resolution proposed by that gentleman, that any future compensation to be allowed a Reporter, shall be passed in Supply, and not in the Contingent Bill as formerly; to remove any false impression which may be made in the minds of his constituents from the imperfect manner in which his sentiments or the subject to which he alludes, were reported.]

Mr BARBARIE wished to disabuse the mind of the hon. member of Westmorland, who was under an impression that he was induced to bring the subject forward from motives of animosity to Mr Ward; and he would state for his information that he was actuated by no such feeling.—As well might the hon. member himself be charged with partiality. It had been suggested that he should withdraw his Resolution, with an understanding that the vote for Re-