therein, where those fish usually resort at their season of spawning, and also by the improper and injudicious mode of erecting Wears, Fish-Garths, and other obstructions whereby the young fry are destroyed, to the manifest injury of individuals and of the community at large. For remedy whereof,

I. *Be it enacted by the Lieutenant-Governor Council and Assembly*, That no seine or seines, net or nets, shall be across the mouth of any haven, river, creek or harbour, in the Parishes of Wet-Isles, Campo-Bello, Pennfield, or Saint George, aforesaid, and that no seine or net shall be set in any of the said havens, rivers, creeks or harbous, which shall extend more than one-third of the distance across the same, or be within forty fathom distance of each other, or which shall be set within twenty fathom of the shore, at low water mark of the same; and any person or persons who shall set a seine or seines, net or nets, across the mouth of any haven, river. creek or harbour aforesaid, or shall set such seines or nets within the same, contrary to the provisions of this Act, shall forfeit and pay the sum of *ten pounds*, upon due conviction thereof, by the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace in the County where such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods --rendering the overplus, if any, after deducting costs and charges, to such offender; and *twenty pounds* for the second offence, to be recovered with costs, by action of debt, bill, plaint or information, in any Court of Record in this Province; and *fifty pounds* for the third and every subsequent offence, to be recovered with costs in the manner last mentioned; one half of which penalties shall on conviction be paid to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor, and the other half to the Informer.

II. *And be it further enacted*, that all wears or fish-garths, now built, or hereafter to be built in any of the havens, rivers, creeks or harbours before mentioned, shall have a space of forty feet wide left open in the centre, or where the water is deepest, at said wear of fish-garth, for the ingress and egress of the fish, except at such time or times when the said wear or fish-garth shall be attended by the owner or occupier, or some other competent person, when it shall and may be lawful to stop the said space with a net, for the purpose of taking such fish as the owner, occupier, or other person attending the same may be prepared to cure, use for bait, or take care of in any other manner: and any person erecting, owning, or occupying any such wear of fish-garth, contrary to this Act, shall forfeit and pay the sum of *ten pounds*, to be recovered before any two of His Majesty's Justices in the County where such offender may reside, and applied as specified in the first section of this Act.

III. *And be it further enacted*, that the Justices of the Peace for the County of Charlotte, in their General Sessions, may, and are hereby required to appoint two or more fit persons in each Parish herein before described, to be Overseers of the herring fisheries in the said Parish, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish-garth, seine, or other incumbrances that shall be found in any haven, river, creek or harbour, in their respective Parishes, contrary to the provisions of this Act.

IV. *And be it further enacted*, that if any net, hedge, wear, fish-garth, seine, or other incumbrance, shall be found in any haven, river, creek or harbour, as herein before mentioned, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same; and if no owner shall appear to claim the same in ten days, such net, seine or fish-garth, shall, together with the fish, if any found therein, be forfeited, and sold by the said Overseers, to satisfy the respective penalties in this Act mentioned and inflicted; and the overplus, if any, shall be paid to the Overseers of the Poor, for the use of the Poor of the Town or Parish where such offence shall be committed.

V. *And be it further enacted*, that the said Overseers of the Fisheries shall be entitled to demand and receive *two shillings* and *six pence*, and no more, for each net to be set in the districts to which they shall be respectively appointed, from the proprietors of such nets, as a compensation for their trouble.

VI. *And be it further enacted*, that if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect, or refuse to be sworn forthwith, to the faithful discharge of his duty, or after being so sworn shall neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence, the sum of *five pounds*; to be sued for, recovered, and applied in the same manner as the penalty of *ten pounds* herein before mentioned, can or may be sued for, recovered and applied.

VII. *And be it further enacted*, that if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to any Sheriff or Constable, who are hereby authorised and required to take up and remove any such incumbrances forthwith; and if no person or persons appear to claim the same within ten days, the said net or nets so taken up and removed as aforesaid, shall be considered, the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff or Constable who may take up and remove the said nets or other incumbrances.

VIII. *And be it further enacted*, that this Act shall continue and be in force for three years, and thence to the end of the then next Session of the General Assembly.

QUEBEC.

LEGISLATIVE COUNCIL.

Sketches of debates on the Civil List, in the Legislative Council, 21st April, 1819.

The following sketches are not given as an accurate report of the debates---in substance, however, they will probably be found nearly correct; particularly the calculations or *resumé* made by the Receiver-General.

Mr. RYLAND moved the Resolves that appeared in the Suppliment of the Mercury of the 23d ult.

The CHIEF JUSTICE entered largely into the subjects, which he conceived to be a matter deeply interesting to His Majesty's Government. He quoted from Pownal and others on the Colonies, whose opinions he thought were, entitled to respect. The Bill of appropriation sent up from the House of Assembly he considered to be unconstitutional in form, and such as ought to prevent the Legislative Council from giving its assent to it. The Assembly had not pursued the usage of the Mother Country in its appropriation for the support of the Civil Government. Here the Assembly had gone into items so small as ten pounds, and in one instance to three pounds. This minute provision for the several Public Offices of the Colonial Government interfered with the Royal prerogative, as instead of looking to the King as their master, the attention of every servant of His Majesty would be turned to the Assembly as the source from whence all his emoluments would flow. To sanction the Bill would be to wrest the Crown from the head of the Sovereign and place it on the Mace of the Assembly. It would deprive the Crown of the constitutional patronage belonging to it, and invest the Popular Branch with that authority which appertained solely to the Executive Government. Not only had the salaries of several Offices been diminished, but some Offices had been entirely obliterated from the List; this was not an accomplishment of what had been asked, on the reverse; it was an assumption of that which solely belonged to the Royal prerogative. He was aware that in some of the British Colonies a system similar to that at present tried by the Assembly had been introduced and had grown into usage. It should, however, be remembered that it was in those Colonies which had at length revolted---the custom had proved dangerous, and was among the causes which led to the rebellion that terminated in the dismemberment of the United States from the Parent Country. The causes which first led to the adoption of so unconstitutional a precedent in those Colonies, had never existed in this Province. Instances of rapacity had been there so frequent, that to prevent the Governors from putting the salaries of the Public Officers in their own pockets, (a circumstance not uncommon) that the Colonial Legislatures had found it indispensably requisite to suppress such abuses by appropriating annually the salaries allowed to the several Officers of Government. If the Civil List were annually provided for in the manner at present proposed, could it be supposed that any Public Officer could feel that independence in the exercise of his functions requisite for the faithful discharge of them? In every situation of life human nature is no more than human nature. The situation of a Judge, for instance, might be adverted to, to exemplify the danger that would result from the state of dependence in which every Public Officer would be placed were the present Bill to pass into a Law. Might not the dread of becoming obnoxious to the Popular Branch render the Judge subservient to their purposes or timid in the discharge of his important functions? Might not such a state of precarious dependence drive him from his post, and leave the Judiciary of the Country in the hands of an inferior description of persons,---for men of honor would spurn the post which had been abandoned as untenable by honorable men. The Chief Justice went largely into the consequences that might result from the adoption of the Bill in its present shape, and supported his position by an able discourse turning chiefly on general principles.

Mr. CALDWELL considered the subject before the House, as of the greatest importance, and on which no Member, anxious to discharge his duty to his Country ought to give a silent vote. The Bill be considered essentially unconstitutional, as under the specious pretext of providing for the wants of Government, the patronage of the Crown was assumed by the Assembly. Were this mode of paying the servants of the Crown adopted, each individual would feel his dependence on the Members of the Lower House for the greater or less amount of his salary. It was not to be supposed that His Majesty's servants were uninfluenced by those feelings of self interest which in every age had guided mankind. An old Member of the Legislature, now no more, had well observed "*Que le chemin le plus court au cœur de l'homme étoit par la bouche.*" His maxim, be believed, would be found tolerably correct by those who had any experience in the affairs of this life. The power assumed by the Assembly would be particularly dangerous in this Province where the representation fluctuated so considerably. The constitution of Lower-Canada had been incorrectly compared to that of the Mother Country. The representation might indeed bear some comparison to that of England, in the days of the Edwards and the Henrys; but it ought to be remembered that the prerogative was then powerful, and that the Crown was possessed of an hereditary revenue. In this Province the representation was, if he might so term it, more *popular* than in England; but there was no due representation of property; no necessary connection between the constituents and the representatives, so as to ensure pemanancy or consistency to any system of action. In England three-forths of the House of Commons might always safely calculate upon a re-election. In this Country that was not the case. The Bill was bottomed on a fallacy: it seemed to give from fifty to sixty thousand pounds, whereas had it granted all that was asked it would have amounted to no more than eighteen thousand pounds. According to the estimate of last year, no more than from thirteen to fourteen thousand pounds were in truth granted to the Imperial Government. To understand this clearly it was only necessary to take up the estimate of last year. In examining the various heads or chapters into which the public services were divided, some would be found to belong to the Imperial Government, which, in case the revenues of the 14th of the King, and the five thousand pounds permanently appropriated for the Judicature of the Province, with the casual and territorial revenue were inadequate, would be paid in the usual manner from the military chest, unless the deficiency were supplied by the Province. The chapters in the estimate of the Civil List under the head of the expences of the Legislature, militia, insane persons, Foundlings &c. would be found to be exclusively Provincial, to provide for which the Legislature must of course, as heretofore it had done, make further appropriations.

Mr. C—— here went into the different chapters from the estimate of last year, which he recapitulated as follows:

Officers of Government not included under the head of any Department.— These he considered as of the Imperial Government		£9965	7 7
Executive Council		1909	6 0
Provincial. Legislative Council	£4467 0 0		
Provincial. House of Assembly	5789 10 0		
Salaries of Judges and other expences attending the Administration of Justice	£20700 11 9		
Less than last year inconsequence of expences of prosecutions between Hudson-Bay and N. West Companies	2000 0 0		
		£18700	14 9
School Masters		1874	19 8
Pensions		4002	9 8
Surveyor-General's Office		900	0 0
Provincial. Militia Staff	1833 12 1		
Provincial. Roads and Posts-Houses	1140 0 0		
Provincial. Insane Persons and Foundlings	3071 2 1		
Provincial. Trinity House	611 0 0		
Provincial. Agricultural Society	1440 0 0		
Expences of the Casual and Territorial Revenue not likely to be again incurred, such as the redemption of *Constitutes*, &c.			
Army Bill Office at an end			
Provincial. Expences of collecting the Revenue, less probably about £950, for the collection of the Permanent Revenue	£3950 0 0		
Provincial. Elections	23 1 3		
Provincial. Health Office	1499 5 7		
Provincial. Repair of Public Buildings	1795 9 11		
Provincial. House of Correction.	167 10 8		
Provincial. Printing, &c	819 17 10		
Provincial. Expences under no particular Head,	1384 4 5		
Provincial. Supplementary Account	6000 0 0		

From this statement, though there might possibly be some error in the details, the sum required from the Province to make up the amount requisite to discharge the demands of the Civil List, heretofore paid by the Mother Country, may be nearly calculated.

"Upon adding up the expences which he had enumerated, as of the Imperial Government, it would be found they amounted to £37,361, to defray which, the Government were, at a fair average, annually possessed of the following sums:

Casual and Territorial Revenue.	£3600
Revenue from the 14th Geo. III.	11500
Licences under the same.	3700
Appropriation for the administration of Justice.	5555
Making a Total of	£24355
Less about £950 for the Collection	950
	£23405

Leaving, as he had before stated, a deficit of about Fourteen Thousand Pounds, which was the whole sum required of the Province last year.

This year, perhaps, about Eighteen Thousand in all were wanted, a portion of which might be considered as expences purely Provincial. The Forty Thousand Pounds, voted by the Assembly last Session, it was to be borne in mind, comprehended several Provincial charges, such as contingencies of the Legislature, and the sums annually given for the relief of insane persons, &c. the funds heretofore appropriated for those purposes having been found inadequate. Could it then be endured that this Province, which had thriven with the trade it enjoyed with the Mother Country, should hesitate to provide so trifling a sum. The whole revenue of the Colony was levied upon its commerce. The Inhabitants are totally unacquainted with direct taxes. The prosperity of the Province was owing solely to the fostering care of the Mother Country, which gave us a qualified monopoly in the Corn and Lumber trade, by a system of protecting duties.---He did not pretend as, a political conomist to say how far such a system might be wise. To us however it was beneficial, and for it we ought to be grateful. It was owing to this policy and the number of vessels that frequented our ports that we owed the prosperity of the Province.---And was this the return which Great Britain had to expect for past and for existing favors? While Britain had been prodigal of her treasure and her blood, in crushing the most alarming combinations that ever threatened the freedom of mankind, Canada had been growing rich on the monopoly of her trade. Suppose for a moment