

tion took the chair of the committee. Mr. Speaker resumed the chair.

A Message from His Excellency the Lieutenant-Governor.

Mr. Secretary Odell delivered the Message—as follows:

“New-Brunswick.

“Message to the House of Assembly,
“4th March, 1823.

“G. S. SMYTH.

“The Lieutenant-Governor directs to be laid before the House of Assembly, a copy of a letter addressed by him to Earl Bathurst, under date of 29th March last, and of His Lordship's answer thereto, dated 12th June, 1822.

“G. S. S.”

The following are the letters alluded to in His Excellency's Message:

“Fredericton, New-Brunswick,
29th March, 1822.

“MY LORD,—I have the honor to report to your Lordship, that the Session of the General Assembly of this Province, was concluded on the 22d inst. and I herewith transmit copies of a Message and Resolutions that were entered on the Journals.

“It will be necessary to state, that the usage alluded to by the House respecting the appropriation of public monies, in their Resolve of the 18th March, 1822, has been for some years past as follows, viz.

“The several items of appropriation are sent at different times to the Legislative Council for concurrence, and at the close of the Session are generally all brought up in one Bill, for the Lieutenant-Governor's assent, which Bill contains the supply for services recommended, as well as those that are not recommended, the payment of debts for the year preceding, and the appropriations for the year ensuing; by which arrangement the Crown is obliged to approve of much expenditure that may be objectionable, or, by refusing to pass the Bill, prevent the payment of the public creditors, and the necessary services of Government would remain unprovided for.

“I have for some Sessions past protested against this mode, though without taking any decided step, until the present time, and which I now considered it more particularly my duty to do, upon observing an appropriation for the payment of the services of the Speaker and Members of the Lower House, notwithstanding I communicated to them that His Majesty had disallowed a similar remuneration.

“My Message to the House of Assembly of 13th March, was advised by His Majesty's Privy Council, and that Body, in its Legislative capacity, has entered upon its Journals, on the 22d of the same month, a resolution as a pledge for supporting the advice thus given.

“It will be proper to add, that I have principally objected to the appropriation for providing for the services of the Speaker and the House of Assembly, agreeably to an Act, chap. 5, passed in 1821, on the presumption that His Majesty would be advised to disallow this Bill, being entirely similar in its nature to the one passed in 1818, chap. 17, on which the Royal veto has already been communicated.

“I have the honor to be, my Lord,
“&c. &c.

(Signed) “G. S. SMYTH.”

(EXTRACT.)

“Downing-Street, 12th June, 1822.

“SIR,—I have the honour to acknowledge the receipt of your letter of the 29th March last, enclosing the copy of a Message which you had sent to the House of Assembly, on the subject of the privilege claimed by them of appropriating the public monies without the intervention of the other branches of the Legislature.

“In the event of the House of Assembly renewing in the ensuing Session the objectionable system of uniting in one Bill matters which have been recommended, with those which are objectionable, and which have no relation to each other: I am to desire that you will take care to have it well understood, that you have received His Majesty's instructions not to allow for the future so informal and unconstitutional a proceeding.

“I have the honor to be, Sir,

“Your most obedient humble Servant,

(Signed) “BATHURST.”

“Major-General SMYTH.”

Mr. Johnston resumed the chair of the committee. Mr. Speaker resumed the chair. Mr. Johnston, from the committee, re-

ported that they had gone into consideration of the bill to them referred, and agreed to the same without any amendment.

Ordered that the report be accepted and the bill as amended be engrossed.

On motion of Mr. Fraser, resolved that the House do go into Committee of the whole House, in consideration of the Message received this day from His Excellency the Lieutenant Governor, on Friday next.

On motion of Mr. Ritchie, resolved that a Committee be appointed to search the Journals of the Honourable the Legislative Council, and ascertain what resolution was entered upon the same on the 22d day of March last, and which is alluded to in the letter of His Excellency the Lieutenant-Governor, of the 29th March, 1822, to the Right Honourable Lord Bathurst, one of His Majesty's Principal Secretaries of State, as communicated to the House with His Excellency's Message of this date.

Ordered that Mr. Ritchie and Mr. R. Simonds, be a Committee to carry the said resolution into effect.

Read a second time, a bill, “to alter and amend an Act intituled “An Act to regulate the cutting of Saw Logs on the river Magaguadavic and its various branches.”

Ordered that the said bill be committed to morrow.

Read a second time, a bill “to continue an Act intituled “An Act for raising a Revenue in this Province.” Ordered that the said bill be now committed.

Mr. Speaker left the chair. Mr. Stubs, took the chair of the committee. Mr. Speaker resumed the chair.

Mr. Stubs, from the committee, reported that they had made progress in the bill to them referred, and that he was directed to move for leave to sit again. Ordered that the report be accepted and leave granted.

Read a second time, a bill, “to alter and amend an Act intituled “An Act to provide for the support of a Light House to be built on Partridge Island.” Ordered that the said bill be now committed.

Mr. Speaker left the chair. Mr. Fraser took the chair of the committee. Mr. Speaker resumed the chair.

Mr. Fraser, from the Committee, reported that they had gone into consideration of the bill to them referred, and agreed to the same without any amendment. Ordered that the report be accepted and the bill engrossed.

Mr. Stubs, by leave, presented a Petition from John Paterson, of Campo Bello, in the County of Charlotte, praying that the sum of £154 15s, may be endorsed on a bond given by him as security with one Isaac Barnes, for duties on a cargo of rum, wine, and sugar, imported into this Province in the month of September, 1821, and which was exported to the United States at that time.

Which he read in his place. Ordered that the same be received and referred to the Committee of Supply.

On motion of Mr. Smith, the House resolved itself into a Committee of the whole House, upon the recommendation of the bill, for the establishment of Schools in this Province.”

Mr. Speaker left the chair. Mr. Allen took the chair of the committee. Mr. Speaker resumed the Chair.

Mr. Allen, from the committee, reported that they had gone into consideration of the bill to them referred, and agreed to the same with an amendment. Ordered that the report be accepted and the bill as further amended engrossed.

Read a third time, as engrossed, a bill “to continue and amend the Acts for regulating the Fisheries in the County of Northumberland.”

Resolved that the bill pass.—And ordered that Mr. R. Simonds and Mr. Vail, carry the same to the Council, and desire their concurrence thereto.

Read a third time, as engrossed, a bill “to repeal an Act intituled “An Act to increase the Revenue of this Province, by imposing a duty on certain Merchandise.”

Resolved that the bill pass.—And that Mr. Stubs and Mr. Campbell, carry the same to the Council, and desire their concurrence thereto.

Adjourned.

From the Quebec Mercury, of Jan. 22.

Yesterday the following Resolutions were passed in a committee of the whole House

in the Legislative Council, after a long and able discussion—contents 15, non-contents, 5.

Resolved, 1.—That our Constitution, as happily established by the 31st Geo. III. cap. 31, has eminently promoted the welfare and prosperity of this Province; has secured the peace and happiness of all classes of His Majesty's subjects, and has strengthened the bond of union with the Mother Country.

Resolved, 2.—That the union of the Legislature of Upper and Lower Canada will, in our opinion, be attended with inevitable evil—will be productive of fears and apprehensions, and excite jealousies and discontent in a people warmly attached to their present Constitution.

Resolved, 3.—That as Councillors, chosen by His Majesty, in this Province, we feel that we should be guilty of a dereliction of our solemn duty, did we not declare, as our firm opinion, that the union of the two Legislatures will have a direct tendency to weaken and embarrass the administration of His Majesty's Government, and ultimately to create discontent in the minds of His Majesty's subjects in this Colony.

Resolved, 4.—That an humble Address be presented to His Majesty, expressive of the lively gratitude of this House for the opportunity His Majesty has been graciously pleased to give, of expressing their sentiments upon the contemplated changes to the Act of the 31st George the third, Cap. 31, and to convey to the foot of the Throne, their opinion thereon.

They are to be reported to the House this day, together with an humble Address to His Majesty, and no doubt is entertained of their meeting a large majority.

The following Resolutions were also passed in the House of Assembly, after long debates, which lasted from 5 to 12 o'clock at night, when a division took place. Yeas, 32—Nays, 3.

RESOLVED, That this House participates in the surprise and grief felt by a very large majority of His Majesty's subjects in this Province, on learning that His Majesty's Ministers have proposed to Parliament, alterations in the Act 31 Geo. III. Cap. 31, chiefly with a view of uniting the two Legislatures of Upper and Lower Canada.

RESOLVED, That the Constitution conferred on this Province by the said Act, and the separation of this Province from Upper Canada were, on the part of the Imperial Parliament, an act of justice as well of benevolence towards the Inhabitants of both Provinces, by giving to each the means of preserving entire the rights and privileges which were guaranteed and secured to them by the faith of Government.

RESOLVED, That the passing of the said Act, hath been one of the most effectual methods of acquainting the Inhabitants of this Province with the justice and magnanimity of the British character, and hath for ever secured to his Majesty's Government the inviolable confidence, affection and fidelity, of all classes of His Majesty's subjects in this Colony.

RESOLVED, That the said Act, modelled on the Constitution of the Mother Country by some of its greatest and wisest Statesmen, establishes powers sufficient to remedy abuses, redress injuries, allay discontents, and provide for the general welfare of the Province.

RESOLVED, That not only do the reasons which occasioned the passing of the said Act still exist in full force, but they have even gained additional strength, from the happy experience therein acquired by the Inhabitants of this Province, and from their regarding the same with reason as the perpetual basis of their Laws, their Institutions, and most dearly cherished rights.

RESOLVED, That were the proposed alterations adopted by Parliament the result would be, that two Provinces, having Laws, civil and religious Institutions and usages, essentially different, would be submitted to one and the same Legislature, whose decisions would alternately menace the Laws and Institutions of either Province.—That there would thence result well founded inquietudes respecting the stability of those Laws and Institutions, fatal doubts of the future lot of these Colonies, and a relaxation of the energy and confidence of the people, and of the bonds which so strongly attach them to the Mother Country.

List of Members of the Legislative Council who voted for the Petition against the Union of the Legislatures:

The Hon. the Chief Justice, the Catholic Bishop, Messrs. Duchesnay, Caldwell, Cuthbert, Debartzch, Perrault, L. De Saaberry, Taschereau, De Lery, Turgeon, Gury, C. De Salaberry, and Coffin.

By the following Protest it will be seen who the Gentlemen were that opposed the measure:

PROTEST entered in the Legislative Council, 23d January, 1823, on the Vote for an Address to His Majesty, praying that the Union of the Provinces of Upper and Lower Canada, under one Legislature, may not take place.

DISSENTIENT.

First.—Because the Union of Upper and Lower Canada, under one Legislature, would afford satisfactory constitutional and effectual means of removing those fiscal difficulties which have hitherto existed, and which under the present order of things, must continue to exist and excite jealousy and dissension between the two Provinces.

Secondly.—Because such Union would encourage the introduction of a numerous population from the Parent State, and give to the Province of Lower Canada a British character.

Thirdly.—Because such Union would greatly increase the physical strength of both Provinces, and facilitate, above all other measures, their power of resisting the attacks of a common enemy.

Fourthly.—Because such Union, by encouraging the settlement of the Waste Lands (as well Seigniorial as others) would greatly augment our Commercial resources, increase the value of all Real Property, and give an impetus in the prosperity and improvement of both Provinces, which would render them one of the most valuable appendages of the British Empire.

(Signed)

JOHN RICHARDSON,
HERMAN W. RYLAND,
CHARLES W. GRANT,
JAMES IRVINE,
RODOLPH MCKENZIE,
WILLIAM B. FELTON.

LATE FROM BRAZILS.

We are indebted to the politeness of Mr. Williamson, for the following late information from Brazil—*Hal. Jour.*

All the Brazilians are now in the possession of the Brazilians, except the City of St. Salvador (commonly called Bahia.) Montevideo.—There are 4000 Portuguese troops in the former place, under command of General Madina, besieged by a strong force of Brazilians (said to be 10000) under the command of General L'Abaque, formerly a Bonaparteian; skirmishes were daily taking place, but no great advantage has been gained by either party: it was said that the Portuguese soldiers were cruel in the extreme to their Brazilian prisoners, torturing them in various ways—such as cutting off their ears, noses, &c. &c.; in consequence of which, General L'Abaque had notified the Consuls of the different Nations, residing at Bahia, that his Troops were so much exasperated at the savage barbarities of the Portuguese soldiers, that he could not be accountable for their conduct towards the Inhabitants of that City if he got possession of it. Trade is of course, for the present, ruined: the British, French, and American merchants, were leaving it for Rio de Janeiro and other places.

Sir Thomas Hardy was at Bahia, in his Majesty's ship Doria, with a sloop of war, giving protection to the British residents. France has a small squadron there for the same purpose; but the Americans have not any at present—they embark themselves and properties on board of merchant vessels.

It was the prevailing opinion at Rio, that the Portuguese would have to abandon the country, if they did not receive great aid from Portugal, of which there was no probability.

Monte Video was considered of much less importance than Bahia; it was blockaded by a small Brazilian squadron, commanded by one Jewett, an American.

At Rio Janeiro they have a ship of 28 guns ready for sea, and a fine 74 fitting out, they are greatly at a loss for seamen, and give large bounties to foreigners.

The Portuguese have a line of battle ship and some corvettes, cruising off Bahia.

The Deputies from the different Provinces and Cities, had arrived at Rio Janeiro, amounting to about sixty, and were expected to have their first meeting on the 9th January, for the purpose, it was said, of forming a new Constitution.—Portuguese property of every description, had been put under sequestration, and a Decree had been issued forbidding the exportation of Specie, to prevent, as much as possible, the Portuguese from getting their valuables out of the country.

The Prince Don Pedro, now Emperor, is very young (24 years.) he seemed to be well liked by the Brazilians. He married about four years ago, a daughter of the Emperor of Austria, and has three children by her.

Maria Louisa, the Ex-Empress of France, it is reported, has been invited to England.