

Legislature of New Brunswick.

[Extracts from the Journals of the House of Assembly.]
House of Assembly, 4th Feb. 1839.

The Honorable Mr. Johnston, Chairman of the General Committee on Roads, submitted a Report, which he read, and handed the same in at the Clerk's Table, where it was again read, and is as follows:—

"The Committee appointed to inquire into the state of all the Roads of Communication in the Province, and to report what sums it may be necessary to grant for repairing and improving as well the Great as By Roads, have had under their consideration the subject of the By Roads, and recommend that the sum of £15,500 be granted for the By Roads in the several Counties, and apportioned as follows, viz:—

"For the County of York.....	£1480
Do. do. Carleton.....	1480
Do. do. Queen's.....	1380
Do. do. Gloucester.....	1030
Do. do. Westmorland.....	1680
Do. do. Charlotte.....	1630
Do. do. King's.....	1580
Do. do. Saint John.....	1180
Do. do. Kent.....	1010
Do. do. Sunbury.....	825
Do. do. Northumberland.....	1555
Do. do. Restigouche.....	650
	£15,500

"HUGH JOHNSTON,
GEO. HAYWARD,
SAMUEL FREEZE,
THOS. WYER,
ALEX. RANKIN,
WILLIAM END,
WILLIAM CRANE,
J. W. WELDON,
L. A. WILMOT,
J. R. PARTELOW,
A. BARBERIE.

"Committee Room, 4th February, 1839.

Tuesday, 5th February.

Mr. Beardsley, a Member for the County of Carleton, brought under the consideration of the House a question of Privilege, and in doing so, stated that an action had been instituted against him, one of the Attorneys of the Supreme Court of Judicature of this Province, at the suit of George Jarvis Dibblee; that a copy of the Bill, purporting to have been filed in the office of the Clerk of that Court, and under an envelope, had been delivered to him on Saturday last, when in his place on the floor of this House, by William Payne, one of the doorkeepers and a servant of this House; and that he, the said William Payne, had stated to him, Mr. Beardsley, that he was aware of the contents and purport of the said document at the time of its being so delivered; whereupon.

On motion of Mr. End,
Resolved, That William Payne, one of the servants of this House, by serving a declaration on Bartholomew Crannell Beardsley, Esquire, one of the Members of this House, within the walls of this House during the present Session, is guilty of a breach of the Privileges of the House; and further
Resolved, That the said William Payne be forthwith called to the Bar.

And upon the question for adopting the Resolution, the House divided as follows:—
YEAS.—The Hon. Mr. Crane, Hon. Mr. Johnston, Messrs. Allen, M'Almon, Palmer, Stewart, End, Hanington, Jordan, J. M. Wilmot, H. T. Partelow, Woodward, Connell, Partelow, Freeze, M'Leod, Hill, Brown, Wyer, Owen, Rankin, Hayward, Gilbert.
NAYS.—Messrs. Street, Weldon, Barberie, Wilson, L. A. Wilmot.

Whereupon it was carried in the affirmative; and
On motion of Mr. End,
Ordered, That the said William Payne be forthwith brought to the Bar to answer to the said offence.

The said William Payne being brought to the Bar in the custody of the Sergeant at Arms, and questioned as to the said paper so delivered to Mr. Beardsley, stated, that it was put into his hands by Andrew Rainsford, a Student in the office of Messrs. Berton and Dibblee, in a letter unsealed, directed to Mr. Beardsley. He did not know the contents, nor did Mr. Rainsford acquaint him therewith. Mr. Rainsford desired him to be particular in delivering it; that he handed the letter to Mr. Beardsley as a servant of this House, in the manner in which he had been heretofore accustomed; that he never made any affidavit of the service of the paper, and did not nor does he expect to receive any fee or reward for delivering the said paper.

William Payne, the Prisoner, was then ordered to be taken from the Bar; and

On motion of Mr. L. A. Wilmot.
Whereas William Payne, a doorkeeper of this House, having been brought to the Bar, and interrogated by His Honor the Speaker, as to his knowledge of the contents of the paper given to him by Bartholomew Crannell Beardsley, Esquire, on Saturday last, and it appearing by the answers of the said William Payne that he had no knowledge whatever of the contents of the said paper, and gave the same to the said Bartholomew Crannell Beardsley, Esquire, in discharge of his duty as a servant of this House.
Resolved, That the said William Payne be now discharged.

On motion of Mr. Woodward,

Whereas a breach of the Privileges of this House has been committed on the person of Bartholomew Crannell Beardsley, Esquire, by the service of a law paper on him, within the walls of this House: And whereas it has been shewn that the said paper came to a messenger of the House, by one Mr. Andrew Rainsford; therefore
Resolved, That the said Mr. Andrew Rainsford be brought to the Bar of this House for the purpose of ascertaining who is the person that has been guilty of the said breach of Privilege.

To which Mr. Weldon moved as an amendment to expunge the whole of the foregoing resolutions, and substitute the following:—

Whereas from the statement of William Payne, it appears that he was not acquainted with the contents of the letter delivered to Mr. Beardsley, a Member of this House, containing the declaration alleged to be served upon him; therefore
Resolved, That no further proceedings be had respecting the same.

Upon the question for adopting the amendment, the House divided as follows:—
YEAS.—Messrs. L. A. Wilmot, Barberie, Wilson, Weldon, Street, Rankin.

NAYS.—The Hon. Mr. Johnston, Hon. Mr. Crane, Messrs. Allen, M'Almon, Palmer, Stewart, Hanington, Partelow, End, J. M. Wilmot, Jordan, Woodward, Freeze, Connell, M'Leod, H. T. Partelow, Hill, Hayward, Brown, Wyer, Gilbert, Owen.
Whereupon it was decided in the negative.

The question then being taken upon the original resolution, the House again divided—
YEAS, 22. NAYS, 6.
And it was carried in the affirmative.

Ordered, That Andrew Rainsford be taken into custody of the Sergeant at Arms, and brought to the Bar of this House.

The Sergeant at Arms having reported, that he had the said Andrew Rainsford in custody in obedience to the order of the House; thereupon
Ordered, That the said Andrew Rainsford be brought to the Bar.

The Prisoner being brought to the Bar was questioned from the Chair as follows:—
Did you deliver a paper on Saturday last to William Payne, a Doorkeeper of this House, directed to Mr. Beardsley?

I did.
Were you aware of the contents of that paper?

I was.
Did you explain to the said William Payne the nature of the said paper?

I did not; I requested Mr. Payne to be particular in delivering it.

The paper produced by Mr. Beardsley was put into the hands of the prisoner, and he was asked:—
Is that the paper handed by you to William Payne?

I decline answering that question, as it may tend to criminate myself; and in refusing to answer, I beg leave to state that I intend no disrespect to the House.

The Prisoner was then taken from the Bar, and the House having decided that the Prisoner was bound to answer the questions propounded; the Prisoner was again brought to the Bar, informed of the said decision, and the paper produced by Mr. Beardsley was again placed in his hands, and the following questions then put to him from the Chair:—

Look at this paper. Is that the paper given by you to the doorkeeper Payne, on Saturday last, to give to Bartholomew C. Beardsley, Esquire?

I decline answering any question touching any paper or thing which may hereafter criminate myself, or which may in any way injure any future proceedings which it may be necessary to adopt.

Do you refuse to give an answer to the first question?

I do.
Did you hand that paper which you stated you gave to Payne of your own mere motion or by direction of another?

I decline answering that question.

The Prisoner was then ordered to be taken from the Bar, and
On motion of Mr. Owen,
Resolved, That Andrew Rainsford having refused to answer the questions propounded to him by the Speaker, is thereby guilty of a contempt of this House; and therefore
Resolved, That he be committed to the common Gaol, in the County of York, and to stand committed during the pleasure of the House.

"Message to the House of Assembly.
February 5, 1839.

"J. HARVEY, Lt. Governor.
With reference to that part of his Speech which relates to the survey of the Port of Shediac, the Lieutenant Governor invites the favorable attention of the House of Assembly to a plan of the Bay and Harbour of that place, stated to have been carefully executed by Mr. James Milne, Harbour Master, and Mr. William Milne, Port Warden, and both of them Pilots for the Port of Shediac, after a practical acquaintance with that Port for eighteen years. Copy of a letter addressed by the Messrs. Milne to the Lieutenant Governor is also transmitted.

To His Excellency Major General Sir JOHN HARVEY, K. C. B. and K. C. H. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.
"We beg leave to lay before your Excellency, the accompanying plan of the Bay and Harbour of Shediac, in hopes that it may prove sufficient to elucidate the capabilities of the Port, which are at present, virtually speaking, in a state of nature, and susceptible of vast improvements, which will likely be made should this Isthmus ever become the link for connecting the waters of the Saint Lawrence with those of the Bay of Fundy. The Harbour is easy of access for vessels of a considerable draft of water, where they can lay very commodiously, and sheltered from all winds.

"The soundings are laid down in feet, and as the soundings are the result of eighteen years practical experience, they may be relied on as pretty accurate, and no pains have been spared to make them so. The tract of the Steamer Medea was considered as a necessary appendage thereto, in order to shew the fallacy of Justus' statement. She approached the harbour in the direction of the dotted line as exhibited on the plan, and stood to the southward until she had crossed the channel and got the bank, which now bears her name, between her and the bark Sophia, (Transport, who was turning into the Harbour at the time, the wind being out.) She then hauled up for the barque, whereupon the Pilot caused the Barque's ensign to be hoisted at the gaff end, that being the only signal he could then make to warn her of danger; but her officers either misunderstanding or unmindful of its intention, stood on until the vessel struck and forced herself, being at half speed, on the reef so far that she rested about the fore part of her engine; she now hoisted a signal for a Pilot, which signal had she shewn while she was afloat, would have saved twenty four hours in time, together with all the trouble which afterwards ensued in getting her afloat, and also the inserting in the *Acadian* an erroneous statement, in order to gloss over an error which emanated entirely from themselves.

"Should any further information be required, which we can furnish, with respect to this Port, we shall endeavour at all times to communicate it to the best of our knowledge.

"We are your Excellency's
"Most humble obedient servants,
(Signed) "JAMES MILNE,
Harbour Master.
W. MILNE,
Port Warden and Pilot.
Shediac, 24th January, 1839."

C. O. Wiggins, and a Sermon preached by the Rev. Samuel Bacon. The Archdeacon as first Vice President, took the chair.

Several other of the Vice Presidents were present, among whom was His Honor the Speaker, who had kindly adjourned the House of Assembly, that he and other members might be at liberty to attend the meeting.

The Archdeacon reported, that he had addressed a letter to the Society for the propagation of the Gospel in Foreign Parts, as he had been requested; to which he had received a favourable reply under date July 4, 1838; and that he had communicated to the Society, the resolutions of the Executive Committee, declaring their acquiescence in the proposition of the Society; in reply to which, he had received another letter under date Dec. 6, 1838, from which the following is an extract.

"I have to express the satisfaction which the Society feels in the exertions made for the benefit of the Church in your Archdeaconry; especially in the establishment of a Church Society. You will perceive, by the accompanying circular addressed to the Secretaries of our District Committees, that we are making active enquiry for men duly qualified for the service of the Colonial Church.

(Signed) "ERNEST HAWKINS,
"Assistant Secretary."

The following are among the Resolutions passed.

Whereas this General Meeting, being convinced of the paramount importance of procuring a Travelling Missionary or Travelling Missionaries, to supply the spiritual wants of the remote settlements of the Province, and having already appropriated £200 of their funds towards the support of such Missionary or Missionaries, deem it their duty, immediately on being assembled, to testify their continued anxiety on this subject; therefore Resolved, as the unanimous opinion of this Meeting, that His Lordship the Bishop of Nova Scotia be earnestly requested to extend his valuable and zealous aid and influence to the attainment of this most desirable object; and further Resolved, that a copy of this Resolution be forthwith communicated by the Secretary to His Lordship.

Resolved, that in the event of His Lordship not being able to effect this object immediately, he be requested to authorize the Archdeacon, to employ on that service one of the Missionaries at present in the employment of the Society for the propagation of the Gospel in Foreign Parts in this Province, who may be willing to be detached for a time from his present Mission.

The Resolutions of approbation of the General Committee having been read.
William J. Bedell, Esquire, was elected Treasurer.

Resolved, that the cordial thanks of the Society are due to the Rev. Frederick Coster, for his valuable services as Secretary; and that he be requested to continue to serve in that capacity for the ensuing year.

The Rev. John M. Sterling was re-elected Assistant Secretary.

Resolved, that the thanks of the Society be presented to the Rev. J. M. Sterling, for his services as Assistant Secretary for the last two years.

The following Gentlemen were re-elected Members of the Executive Committee.

George F. S. Berton, Esq. Fredericton.
George Clements, Esq. Douglas.
John T. Coffin, Esq. Westfield.
Samuel Carman, Esq. St. Mary's.
Richard Ketchum, Esq. Woodstock.
Samuel Sevil, Esq. Waterborough.
Ebenezer Smith, Esq. Hampton.
John C. Vail, Esq. Sussex.
Justus S. Wetmore, Esq. Kingston.
Chas. P. Wetmore, Esq. Fredericton.
Thomas Wyer, Esq. St. Andrews.
B. Wilmot, Esq. Fredericton.

Resolved unanimously, that this Society views with the most sincere regret, the severe indisposition of one of its most valuable members, the Rev. Dr. Somerville, and suggest to its clerical and lay Members the propriety of offering up public and private prayer to God, that he may be pleased to restore our respected and reverend brother to his usual health.

Resolved, that the cordial and respectful thanks of this Society be returned to the venerable, the Society for the propagation of the Gospel in Foreign Parts, for the additional proof afforded to this Province of its liberality, and solicitude for the prosperity and extensive usefulness of the Colonial Church, by the promise of a Travelling Missionary.

Resolved, that the several Clergymen of the Established Church be requested to preach a Sermon on the second Saturday in June, in each year, in aid of the funds of this Society.

Resolved, that the venerable the Archdeacon be authorized, if he deem it expedient, to convene an extra meeting of the Church Society during the current year, in the Parish of Saint John or Portland, as he may think proper.

Resolved, that the Anniversary Meeting of this Society shall in future take place on the 2d Thursday, instead of the 2d Friday, of February, in each and every year.

Resolved, that no one article of the Constitution of this Society shall be rescinded, altered, or amended, except with the concurrence of two thirds of the Members present at the General Meeting; and that notice of any motion for this purpose shall be given, at the General Meeting previously to the one at which such motion is to be made.

Resolved, that the thanks of the Meeting be given to the Rev. George Seymour Jarvis for his Sermon, preached this day, and that he be requested to furnish the Archdeacon with a copy, that the same may be printed.

Resolved, that the thanks of the Society be given to the Rev. Samuel Bacon for his excellent Sermon this day.

J. M. STERLING,
Assistant Secretary.
Fredericton, February 11, 1839.

We have been favoured with the following extracts, taken from letters received this morning, (12th Feb.), from Halifax.

"The *Inconstant* frigate, arrived here the day before yesterday in 22 days from Cork, with drafts for the 37th and 60th Regts. Colonel

Smith has come out in her to join his Regt. the 37th, when they arrive from the West Indies.

"The *Cork Advertiser* of 15th January has the following promotions, Major L. Estrange is Gazetted to the vacant majority 36th Regt. Lieutenant Home to be Captain, Ensign Ingent to be Lieutenant, Cadet Palmer, Ensign.

"Storms have prevailed and have proved very destructive on the English coast. At Liverpool two American liner Packets have been wrecked with many other vessels. The *Hercules 74*, had arrived in 14 days, as also the Liverpool steamer from New York in 14."

We are requested to state that the New Brunswick Artillery, will practice with service (Ball) Cartridge on Saturday next the 16th inst. at 3 o'clock in the afternoon, on a Lake about three miles from Fredericton, on the new Nashua road.

His Excellency Sir John Harvey, it is expected, will be present on the occasion.

[From the Saint John Herald, February 6.]

AGRICULTURE.—We regret that we did not receive at an earlier hour the very excellent letter of "A HUSBANDMAN," on this most important subject, which so imperatively claims the best consideration and exertion of every one amongst us to encourage and improve; and we, therefore, feel gratified that intelligent persons, in private life, seem desirous to respond to and emulate the enlightened and patriotic example set before them, in the principles expressed by His Excellency Sir JOHN HARVEY, on opening the Legislature on the 15th ult.; and we trust before much longer time has passed, not only to see an Experimental Farm in operation—but also, that in addition to the able Geological Survey now in progress, and the generous scientific instruction given at the School of Arts of Mechanics and their offspring, to behold also a school of Agricultural Chemistry for the use of our rising Husbandmen, founded upon the Lieutenant Governor's enlightened views for improving the Provincial Agriculture. We cordially join in the following expressions of another writer's philosophy, viz. that—

"Whenever those powerful agents, the physical and intellectual abilities of man have been devoted to the amelioration of the moral or natural world, a degree of success has invariably been found to attend their labours unequalled by these in another pursuit. The truth of this observation will receive the most ample testimony, by reference to the general history of the universe, wherein are displayed in the most beautiful manner, the origin and advances of those arts, sciences, and institutions, through whose instrumentality the ruggedness of the earth hath subdued and fertilized, and the condition of mankind, from age to age, received means of the most solid and permanent improvement."—[Vide WEDDERBURN'S Agricultural and Emigrant Reports.]

Since the above was in type, we have seen the Report of a Committee of the House of Assembly recommending the re-organization of Agricultural Societies in the Province; and therefore congratulate the country on beholding all Branches of the Legislature harmoniously striving to advance the interests of the People.

The Legislature of New Brunswick is in session, and in another column will be found the more essential portions of Sir John Harvey's Speech. It is remarkable that his Excellency is entirely silent on the subject of the Boundary, but this shows a laudable determination to leave the business as much as possible in the hands of the Imperial Government, whose management it legitimately belongs. The speech, in this respect, contrasts favourably with the more blustering one of His Excellency's neighbour, the Governor of Maine.—*New York Allion.*

Colonial.

There is nothing of much importance from Canada by our latest advices:

"The case for the prosecution against Nicholas and others, and adjourned till Thursday morning, when the prisoners are to enter upon their defence. The evidence against Nicholas, Narbonne, Danais, and one or two others is the most conclusive,—the first three in particular.

"It is almost certain that six or seven will suffer on Friday. The two Morins, the two Dumouchelle's, Delorimier, Prieur and Hindelang, all expect to be notified of their fate to-morrow."

THE QUEBEC CAVALRY.—On Thursday the 31st January, Captain Burnet's Troop was mustered, previous to being removed from the General Service to the Sedentary Establishment. We believe, however, that representations have been made which may cause some alteration in the latter part of this arrangement. The reduction of this Troop, which was not expected to take place till the spring, will we fear be productive of pecuniary loss to all, and to many of the number, much inconvenience.

Toronto papers of the 25th January, received this morning, announce the return of His Excellency the Lieut. Governor to the seat of government. Every thing remained quiet at that date, but reports still prevail of preparations for invasion from the Detroit Frontier, the rage of the "sympathizers" in that quarter being highly excited by the fate which has attended the miscreants who so signally failed in the Windsor expedition.

The Sandwich Herald of the 22d ult. states that an officer of the United States army, in full dress, arrived there on the 20th, bringing a despatch to the Commandant, containing intelligence of an extensive organization of brigands, whose object was again to invade our territory. Their number is said to be from nine to twelve hundred, and their intention was declared to be to effect a landing on the 20th, but up to the 22d they had not attempted it.

There has been a report in town to-day founded on a private letter, that about 3,000 armed men were marching from the interior of Michigan to Detroit, with the intention of invading the Western frontier in Upper Canada. I have heard, that in consequence of this report, that

ROYAL GAZETTE.

FREDERICTON, FEBRUARY 13, 1839.

Central Bank of New Brunswick.

JOHN SIMPSON, President.
ROBERT GOWAN, Cashier.
Discount Days.....Tuesdays and Fridays.
Director this week.....OLIVER SMITH.

Bills or Notes offered for discount must be left at the Bank, enclosed and directed to the Cashier before two o'clock on Mondays and Thursdays.

Bank of Fredericton.

ASA COY, President.
ARCHIBALD SCOTT, Cashier.
Discount Days.....Mondays and Thursdays.
Director this week.....F. E. BECKWITH.

Notes or Bills for discount are to be left at the Bank, enclosed to the Cashier, before 3 o'clock on Saturdays and Wednesdays.

Bank of British North America.

FREDERICTON BRANCH.
ALFRED SMITHERS, Manager.
Discount Days.....Wednesdays, and Saturdays.
Director this week.....HON. THOMAS BAILLIE.

Hours of business, from 10 to 3.
Notes and Bills for Discount to be left before 3 o'clock on the days preceding the Discount Days.

Saving's Bank.

Trustee for next week.....MARK NEEDHAM.

Central Fire Insurance Company.

Office open every day, at Mr. Minchin's Brick House opposite the Parade, (Sunday excepted,) from 11 to 2 o'clock.

B. WOLHAUPTEN, President.
Committee for the present month.
JOHN S. COY and THOMAS STEWART.

Alms House and Work House.

Commissioner for the week commencing to-morrow.
D. L. ROBINSON.



By Authority.

CIVIL APPOINTMENTS.

Wilford Fisher, Esquire, a Commissioner for solemnizing Marriage on Grand Manan.
Thomas Wyer, Alfred L. Street, and George D. Street, Esquires, to be added to the Board of Education for the County of Charlotte.

SUPREME COURT.

HILARY TERM, 2d VICTORIA, 1839.
Wellington Hatch, Charles E. Millidge, Patrick Coughlan, and Charles E. Beardsley, Gents., Attornies of this Court, are called to the Bar, and admitted, sworn and enrolled Barristers.

James Stanley Morse, and Theophilus Des Brisay, having produced the requisite certificates, and having been examined as to their fitness and capacity, pursuant to the Rule of Court, (Michs: 1st Victoria,) are admitted, sworn and enrolled Attornies of this Court.

CHURCH SOCIETY OF THE ARCHDEACONRY OF NEW BRUNSWICK.

In conformity with the provisions of the constitution, the "Church Society of the Archdeaconry of New Brunswick" held its general Committee Meeting on Thursday, February 7th, and its Anniversary Meeting on Friday the 8th, in the Parish Church of Fredericton.

On Thursday, prayers were read by the Rev. W. W. Walker, and a Sermon preached by the Rev. George S. Jarvis; after divine service, the General Committee proceeded to make the annual appropriation of the funds of the Society.

By the Treasurer's account, an abstract of which was then submitted, it appeared that a balance was in his hands of about four hundred pounds. Of this amount, the General Committee resolved to place at the disposal of the Executive Committee a sum for Missionary visits to neglected places; which was subsequently fixed at £200 and £100 for "aid to the building and enlarging of Churches and Chapels;" instructing the Executive Committee to comply in all cases with the recommendations of the Local Committee. They also ordered a Bill of Exchange for £60 sterling, to be remitted to the Society for promoting christian knowledge, for a supply of Books, for distribution, lending libraries and Schools.

On Friday, prayers were read by the Rev.