

LEGISLATURE OF NEW-BRUNSWICK.

EXTRACTS FROM THE JOURNAL OF THE HOUSE OF ASSEMBLY.

WEDNESDAY, 18th February, 1835.

Mr. Partelow, from the Committee appointed under a Resolution of this House, at the last Session of the General Assembly, to join a Committee of the Legislative Council in pursuance of the provisions of an Act, intituled "An Act to Incorporate sundry persons by the name of *The President, Directors and Company of the Bank of New Brunswick*, to examine into the proceedings of the said Corporation, made a report, which he read, and is as follows:—

The Committee appointed at the last Session of the Legislature, for the purpose of examining into, during the recess, the Books, Vaults, and Proceedings of the Bank of New Brunswick, having attended thereto, beg leave to report, that on the 21st July last, the affairs of the Bank stood as follows:—

Amount of Capital Stock paid in,	£50,000	0	0
Bank Notes in Circulation,	53,597	15	0
Discounts due Stockholders, which accrued since the declaration of the last dividend, (1st April),	1,634	2	9
Surplus after paying dividends to 1st April last,	430	3	1
Amount of individual deposits bearing no Interest,	11,004	7	10
Total,	£116,666	8	8

By the following assets, viz:—			
Real Estate, Bank, and Furniture,	£3,242	16	1
Amount due the Bank for Notes discounted on personal security,	87,685	3	8
Gold and Silver Coin in Vault,	£15,896	9	5
Specie deposited in United States' Bank, New York,	5,604	11	3
Amount in Agent's hands in New York,	1,706	3	2
Do. do. in Boston,	934	11	6
Do. do. in London,	1,596	13	7
	25,738	8	11
	£116,666	8	8

Of the above amount of £87,685 3 8 due the Bank for Notes discounted, the thirteen Directors and the Mercantile Establishments with which they were connected in business, were collectively Promissors to the amount of

	£11,464	14	10
Endorsers	15,166	16	4
	£26,631	11	2

They were at the same time Owners of 331 Shares of the Capital Stock. Since the Bank went into operation, a period of upwards of fourteen years, only about forty pounds have been lost by bad debts. The amount now outstanding is all considered good, and no real estate is held as collateral security for any part of it—a circumstance alike creditable to the Bank and the Community.

Your Committee having had free and full access to all the Books and Discount Sheets, investigated particularly the proceedings of the Bank for the last two years, as regarded its transactions with the Public in loaning money, and they deem it their duty to state, that so far as they could discover, no undue preference has been given, but on the contrary, many instances appeared where accommodation had been refused to the Directors, and afforded to others.

With a view to shew the Public the causes which led the Bank to press upon the Commercial Community during the last Winter, to such an extent, for a proportion of the amount then due, Your Committee examined the Books to ascertain how the Bank stood on the 1st November, 1833, and they found, that at that period

There was due the Bank for Notes discounted on personal security, the sum of	£123,923	15	6
It had paper afloat to the amount of	71,749	10	0
The deposits amounted to about	12,000	0	0
While the whole amount of Cash in the Vaults was only	5,752	14	7
And in London and New York,	3,541	0	0

Without giving an opinion on the conduct of the Directors in loaning to such an extent, and allowing themselves to be so inconveniently situated, it cannot but be admitted, that it was at least a prudential measure to curtail the discounts below the weekly dues, until matters assumed a more healthy appearance.

The last three semi-annual Dividends have been 5, 6, and 4½ per cent. The weekly discounts average from £7,000 to £10,000.

Respectfully submitted,

F. P. ROBINSON,
Committee of Council.

J. R. PARTELOW,
Chairman Committee House of Assembly.

The Report being handed in at the Clerk's Table, was there again read.
Ordered, That the Report be accepted.

THURSDAY, 19th February.

Mr. L. A. Wilmot, from the Committee to whom was referred the Laws regulating Elections, submitted a report, which he read, and is as followeth:—

"The Select Committee appointed to examine into the Laws regulating the Election of Members to serve in General Assembly in this Province, and to report what alterations they deem it expedient to make therein,—are of opinion, that the following alterations and amendments should be made in the said Laws:

"That the Poll be kept open not to exceed eight days, exclusive of Sundays, in any County.

"That it be made imperative on the Sheriff to move the Poll to any part of the County, by the request of at least one half of the Candidates.

"That the form of Oath of a Freeholder's qualification be altered, and that he be required to state whether he holds by purchase, descent, marriage, or by what other tenure, and in what Parish his Freehold is situate.

"That in case the qualification of any Candidate be publicly questioned at the Poll, by two or more Freeholders, he shall, within twenty-four hours thereafter, at the Poll, state on Oath to the Sheriff his qualification—where situate—and by what tenure he holds the same, and that it is worth the amount required by Law, for the qualification of a Candidate, over and above all incumbrances; and in default thereof, the Sheriff shall erase the name of such Candidate from the Poll Book.

"That that part of the third Section of 31 Geo. III cap. 17, and that part of the

9 Geo. IV cap. 36, relating to incumbrances on the real estate of Candidates, shall not be construed to extend to any other incumbrances than Mortgages and Deeds of Trust.

"That any person who may vote at any Election without being duly qualified, shall be liable to a penal Action at the suit of any one of the Candidates; which Action shall be brought within six months next after the close of such Election;—and the Defendant in such actions shall be liable to a penalty not exceeding Twenty pounds, nor less than Forty shillings.

"That such part of the 4th Section 9 Geo. IV cap. 36, as relates to a Certificate of a vacancy occurring in the Representation of Kent or Gloucester, and requires such Certificate from a Member of the House in the County of Northumberland, be repealed.

"That any Member may at any time vacate his seat by letter to the Speaker, which letter is to be signed in the presence of, and attested by a Judge of the Supreme Court, or Justice of the Inferior Court of Common Pleas; and that upon a Seat being thus vacated, the Speaker do forthwith issue his Warrant for the Election of a Member to fill such vacancy.

"That the 10, 11 and 13 Sections of the 31 Geo. III cap. 17, and the 5 Section 9 Geo. IV cap. 36, be repealed.

"That the Sheriff deposit the Poll Book with the Clerk of the Peace, within ten days after the return day of the Writ of Election.

L. A. WILMOT, Chairman.
WILLIAM END,
J. W. WELDON,
THOS. O. MILES,
W. M'LEOD.

"Committee Room, 19th February, 1835."

The Report being handed in at the Clerk's Table was there again read.
Ordered, That the Report be accepted.

THURSDAY, 19th February.

A Message from His Excellency the Lieutenant Governor.
The Honorable Mr. Secretary Odell, by command of His Excellency, delivered the following Messages:— "**New Brunswick**,

"Message to the House of Assembly, 19th February, 1835.

"ARCHIBALD CAMPBELL.

"THE Lieutenant Governor informs the House of Assembly, that he has received His Majesty's commands to resume the collection of the Quit Rents in this Province, from the period to which they were relinquished by His Majesty, namely, Midsummer 1831.

"The Lieutenant Governor, however, entertains the confident hope that the Assembly will, upon due consideration of this important subject, relieve him from the discharge of this duty, and their Constituents from the inconveniences that must necessarily attend the collection, by making such provision for the redemption of these Rents as will be acceptable to His Majesty's Government. "A. C."

New Brunswick.

"Message to the House of Assembly, 19th February, 1835.

"ARCHIBALD CAMPBELL.

"THE Lieutenant Governor directs to be laid before the House of Assembly Accounts of the travelling and attendance of Officers and Men at a Court Martial, which he felt himself, though reluctantly, obliged to order for the investigation of charges involving the character and discipline of the Militia; and he recommends to the House to make provision for remunerating these services. "A. C."

New Brunswick.

"Message to the House of Assembly, 19th February, 1835.

"ARCHIBALD CAMPBELL.

"THE Lieutenant Governor recommends to the House of Assembly a Copy of a Dispatch from the Right Honorable Earl of Aberdeen, on the subject of the joint Address of the Council and Assembly, respecting the naturalization of Aliens. "A. C."

"SIR, [COPY.] "Downing Street, 20th December, 1834.
I HAVE had under my consideration your Dispatch, No. 15, of the 5th of March last, accompanied by an Address of the Assembly drawing attention to a former joint Address of the Legislative Council and Assembly, praying that Aliens, desirous to become naturalized in New Brunswick, might be relieved from the necessity of taking the sacramental Test, as prescribed by the 2d Section of the Act 13 Geo. 2, cap. 7.

"His Majesty's Government feels itself precluded from acceding to the suggestion that it should recommend the Repeal of this Clause by Parliament. In order however to afford relief to persons of foreign birth who have been long resident in the Colony, with the wish to be deemed British Subjects, there will be no objection to consent to Provincial Law enacting that individuals who have had their settled place of abode in New Brunswick for seven years or more, previous to the passing of the Statute, may become entitled to the privileges of natural born subjects by taking the Oath of Allegiance within three years after the passing of the Act, if they be of the full age of 16 at that time; if not, within three years from their attaining that age. The Oath of Allegiance administered under any such Provincial Act might also be made to include a Declaration that the party had been an actual resident for seven years, according to the intention of the Statute. I annex the form of an Oath which would meet both objects. It must be understood, that no Bill of the nature in question could be assented to unless it were entirely retrospective—neither could any provision be admitted respecting the renunciation of any allegiance, or supposed allegiance, to any foreign State. That question must be decided by the general Law of Nations, without being made the subject of any enactment, either remedial or declaratory. Finally, you will not be at liberty to assent to any Act on the present important and difficult subject, unless it contain a clause suspending its operation until the pleasure of His Majesty be signified.

"I do not propose, by the foregoing communication, to urge upon the Legislative Council and Assembly any particular measure respecting Aliens as a course recommended by His Majesty's Government. I feel that the Legislature itself must be the best judge what local circumstances may admit of or require on this subject. But in stating the inability of His Majesty's Government to adopt one particular mode of proceeding suggested by the Council and Assembly, I was unwilling to abstain from pointing out another expedient which occurred to me as a means of enabling the Legislature to accomplish the object it has in view.

"You will have the goodness to transmit a copy of this Dispatch, by Message, to both Houses of the Provincial Parliament. I have the honor to be, Sir, Your most obedient humble servant. "ABERDEEN."

FORM OF OATH.

"I do swear (or being one of the Persons allowed by Law to affirm in civil cases, do affirm) that I have resided seven years in His Majesty's Dominions, without having been, during that time, a stated Resident in any Foreign Country; and that I will be faithful, and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as dependent thereon."

New Brunswick.

"Message to the House of Assembly, 19th February, 1835.

"ARCHIBALD CAMPBELL.

"THE Lieutenant Governor directs to be herewith laid before the House of Assembly, an Extract from a Dispatch from the Right Honorable The Earl of Aberdeen, one of His Majesty's principal Secretaries of State, in answer to the Address of the House on the subject of the Proceeds of the Crown Revenues. "A. C."

Extract of a Dispatch from the Right Honorable Earl of Aberdeen to His Excellency Sir Archibald Campbell, Bart. dated "Downing Street, 24th December, 1834.

"I HAVE had under my serious consideration your Dispatch, No. 17, of the 24th March last, accompanied by an Address to His Majesty from the House of Assembly, respecting the recent offer which had been made to them of the Proceeds of the Crown Revenues in New Brunswick.

"From various parts of the Address, I infer that the proposals conveyed to the Assembly, through my Predecessor, must have been misapprehended in more than one important particular; and I have especially remarked the erroneous assumption that, in offering to surrender the proceeds of the Crown Lands, it was intended also to give up their management, and to place them under the control of the Legislature.

"From the course of their proceedings, as well as the tenor of the present expression of their sentiments, the Assembly must be understood to consider it an indispensable condition that the payments of the Land Company should be comprised among the objects to be surrendered to them. This is a condition to which His Majesty's Government cannot agree. His Majesty's Government would also be unable to recognize the interpretation which was placed on their former offer, so far as regards the control over the Lands belonging to the Crown in New Brunswick. Under these circumstances, I can only desire you to convey to the Assembly His Majesty's regret, that the objects of their Address cannot be complied with; and adverting to the wide difference between the views entertained by the Government and those manifested by the Assembly on this subject, it seems to me that no advantage could be anticipated from making any further proposals at present, respecting the cession of the Territorial Revenue."