

LOWER CANADA.

LEGISLATIVE COUNCIL CHAMBER.

Friday, October 30th, 1835.
PRESENT: The Hon. Speaker, Felton, Moffatt, Stewart, McKenzie, Harwood, Jones, Rocheblave, Molson, Quirouet, Gagy, Debartzch, Bell, De St. Ours, Coffin, Viger, Joliette, McGill, 18.

Several Petitions were received and ordered to be laid on the Table.

The Hon. Speaker had to communicate to the House a circumstance which had taken place, leaving honorable members to consider of the course to be adopted, if it should be thought proper to take any steps. The House of Assembly having been much incommoded in its access to this House by the concourse of persons on the occasion of the opening of the session of the Legislature, the High Constable had been applied to, to take measures to remedy the inconvenience, and constables had been placed for the purpose in the avenues to that House. On the opening of the Session on Tuesday, the Officer and Messenger of the Council, having round his neck his badge of office had in the exercise of his duty occasion to represent to Mr. Desfrance that he could not give him admittance, and the latter insisted upon entering, and the Messenger merely placed his hand on Mr. Desfrance's shoulder, when that individual forced his way by the messenger, and made good his entrance without his consent. It was obvious that the officer of the House was only doing his duty, and was doing it with temper and moderation. Mr. Desfrance, however, went to the Police Office, and obtained a warrant for assault against the officer. The magistrate who granted the warrant, considering the circumstance of the case, had allowed the officer to be at large on his own bail. Thus the matter stood at present. He, the Speaker, would be happy to take any steps which might be proper on the occasion; and perhaps the House would concur with him in thinking that it would be proper to instruct the Attorney General to enter a *nolle prosequi* in the case.

The suggestion appeared to meet the opinion of the House.

Hon. G. Moffatt moved that a Committee of Accounts, consisting of five members, be named by ballot.

The following members were chosen: Messrs. Stewart, Moffatt, McGill, De St. Ours, and De Rocheblave.

Hon. P. McGill moved that the Law Clerk of the House do make out a list of all Acts which had expired between 1st May, 1835, inclusive, and the 1st day of June, 1837.—Adjourned.

Saturday, October 31st.

PRESENT: The Hon. Speaker, Hale, Debartzch, Coffin, McKenzie, Gagy, Felton, Bell, Viger, Moffatt, St. Ours, McGill, Joliette, Rocheblave, Harwood, Jones, Quirouet, Molson. The Hon. Speaker laid upon the table a Petition of L. Norcass, Messenger of the House, detailing the circumstances of the affair which happened between him and Mr. Desfrance, on the day of the opening of the Session, stating that he had been held to bail to appear at the next Quarter Session, and praying the protection of the House.

Hon. T. Coffin felt it to be his duty to move that the Petition be referred to the Committee of Privileges.

After a few words from Mr. Debartzch, it was observed by Mr. Viger, that although he was the last person in the world to stretch privilege or prerogative, still the rights of the House must be maintained, and the officers supported in the fair execution of their duty. He thought the House should proceed summarily.

Hon. T. Coffin thought the sure parliamentary course was to refer the matter to the Committee of privileges.

Hon. P. McGill said it was the first occurrence of the kind, but it might be repeated. The matter ought not to be overlooked. It ought either to be taken into consideration forthwith or referred to a Special Committee.

It was then agreed that the subject shall be taken into consideration in a Committee of the whole house on Monday next.—Adjourned.

HOUSE OF ASSEMBLY.

Wednesday, 23rd October.

Mr. Vanfelson moved for leave to introduce a Bill to repeal the Act 10 and 11 Geo. IV. cap. 58. for the relief of certain religious denominations, and to make other provisions for the same object. He stated that the Bill was the same as that introduced by him last session, and he thought the printing of it might consequently be dispensed with.

Mr. Berthelot said that as the Bill was of a most important nature, and as each member might not possess a copy at present, he considered that it ought to be printed anew.

Mr. Vanfelson said if the hon. member had lost his copy, he would be very happy to lend him one. It was certainly the rule that every Bill should be printed, but he thought that when it was necessary, an example of economy ought to be set by the House.

Mr. Berthelot persisted in his opinion; and the bill was ordered to be printed. Second reading, on Monday next.

Mr. Vanfelson said that last session he had called the attention of the House to an old ordinance which weighs heavily on the inhabitants of this Province: he alluded to that which admits members of the Bar, coming from the mother country, to practice in this Province. He would now move that the House do resolve itself into a Committee of the whole on Friday next, to consider whether it would not be expedient to amend in a part the ordinance 25 Geo. III. cap. 4.

The motion was granted.

Mr. Leslie, on introducing a Bill to remove troops from the cities during elections, stated that it was precisely the same as the one passed unanimously in several successive sessions, and the printing of it might therefore be dispensed with, which was concurred in.

Mr. Lafontaine said that he found himself under the necessity of reviving the former proceedings of the House with regard to the Law Clerk, in consequence of no steps having been taken pursuant to the Resolutions passed last session.

The Resolutions of last year were passed.

Dr. Kimber said that the restitution of the Jesuits' College and the St. Maurice Forges to their original and legitimate purpose not having been mentioned in the Speech of His Excellency the Governor in Chief, he gave notice that he would, in the course of the present session, bring the subject under the consideration of the House.

Mr. Bedard moved the reference to a Special Committee, of that part of His Excellency's Speech which relates to the payment of the purchase money of Grosse Isle.

Mr. Tessier thought that the matter ought to be referred to the Standing Sanitary Committee.

Mr. Gagy would ask for the information of the House, and thereby give Mr. Bedard an opportunity of stating the facts of the case, whether he (Mr. B.) had not become *cessionnaire* of the island himself.

Mr. Bedard most formally denied that he had.

Mr. Gagy said, this answer was perfectly satisfactory, and his (Mr. G's) object had been obtained.

Assembly Agent in London.—The only order of the day was for the second reading of the Bill to appoint an Agent for the Province in Great Britain.

Mr. Morin having asked the House to dispense with the reading at length of the Bill, it being his intention to move its reference to a Committee of the whole.

Mr. Gagy rose and said, that on any other occasion but the present, he would not oppose the principle of the bill, nor under any other circumstances but the present. It was certainly extremely necessary that an Agent for the Province should be in England, but at present when a Committee had been sent out to investigate the affairs of the country, there was no necessity for an Agent in England. There was no necessity for their appointing a person to do that in England which could be done here by themselves. That was only doing by a circuitous what could be done by direct means, and it would cause an expense which might be avoided. It would show a forgetfulness of the power with which the Commissioners are entrusted, and be the means of fomenting dissensions already too violent. He would ask for what purpose the Agent was to be named—was it for the pleasure of filling newspapers with correspondence?—Was it for the purpose of annoying the Commissioners and impeding their enquiries?—He would once more declare that he did not oppose the measure on account of its principle, but on account of the time chosen for bringing it forward. He thought that at least it ought to be postponed until they had reason to complain of the Commission.

Mr. Berthelot said, that he was of a very different opinion. According to his Excellency's speech on opening the present session there would be no decision on the affairs of the country until next year, and whilst the questions remained undecided and matters highly interesting to the country were in progress, ought they tacitly to acknowledge to Great Britain that justice had been done to the country, by neglecting to name an Agent? He thought the measure was introduced just at the proper moment, and considered it perfectly proper. The Commissioners were not the Agents of the people—they were reputed by the Imperial Government, and the people ought still to

have their Agent in England. They might as well reason, that because there were Judges in a Court there was no need for suitors to employ lawyers. (Laughter.) As to the expense, that was a minor consideration; when the liberty of a whole people was in question, pounds, shillings and pence ought not to be grudging.

Mr. Morin after making some observation which we could not distinctly hear, respecting Mr. Gagy's support of the late administration, and hostility to the present, asked whether the Lords and Commons of Great Britain; if that was shown to be the case, he would have no objection to postpone the nomination of an Agent.

Mr. Gagy in answer to Mr. Morin's first observation, said, that he was very happy to learn from the hon. member, that the King had at present a majority in the House, the more so, as His Majesty would thereby have the powerful support of the hon. member. As to his (Mr. G's) support of any administration, he denied being connected with any, and spoke his sentiments in the House without fear of government or party, and would beg of the hon. member to restrain his acerbity when speaking of his (Mr. G's) position in the House last session, which had been any thing but pleasant; but he had spoken his sentiments and would never do otherwise. Mr. Morin had asked if the Commissioners had their authority from the Imperial Legislature. In answer to this, he (Mr. G.) would say, that there appears to be one circumstance which ought to have struck Mr. Morin, but which had apparently escaped the observation of that gentleman. It was this: the person named as Agent for the Assembly of this Province had, after the appointment of the Commissioners by the British Government, been refused admittance to the Colonial Office in that capacity, and being a member of the House of Commons, he certainly would have made a complaint to that body, had he seen that the course pursued by the Government in nominating a Commission, by which means a more impartial knowledge of the affairs of this country could be obtained than through an Agent appointed by a party, was not agreeable to the House of Commons. It was, therefore, to be presumed that the House of Commons had acquiesced in the appointment of a Committee.

Mr. Morin said that Mr. Gagy had not understood his question. He (Mr. M.) meant to ask whether the Commission had been invested by the Lords and Commons of Great Britain with full power to decide upon all the grievances complained of by the people of this country. Now that could not be the case; there were a number of bad laws passed by the Imperial Parliament relating to this Province, which could only be amended by that body, and the presence of an Agent was required for that purpose. There were also some other subjects which had not been touched upon in the speech of His Excellency,—such as the destitution of certain public officers of their offices—Judge Kerr, for instance—into whose conduct an enquiry was still pending in England, and the presence of an Agent was required.

Mr. O'Callaghan got up, but was interrupted by the Speaker, who said that the debate, so far, had been irregular, there being no question before the chair. After a few more words, however, had passed between Messrs. Gagy and Morin, and the Speaker, this difficulty was obviated by Mr. Morin moving that the Bill should be referred to a Committee of the whole House on Friday next.

Mr. Gagy would offer no new observations, but beg the House to understand, that in pressing a division he did so with a perfect conviction of the result—and as perfect a conviction that it was his duty so to do. He would however say, that but for the presence of the Commission he would not have opposed the bill—leaving it to its fate elsewhere.

Mr. O'Callaghan said that Mr. Gagy had stated that Mr. Roebuck had been refused admittance to the Colonial Office as Agent of the House of Assembly; Mr. Gagy, however, by referring to the printed correspondence between that gentleman and the Speaker of the House, would perceive that he was in error, that Mr. Roebuck had been received at the Colonial Office *en qualité d'Agent*.

Mr. Berthelot had but one observation to offer. If the House omitted to name an Agent at present, it would be inferred in England that justice had been rendered to the country, which was very far from being the case.

Mr. Gagy, in answer to Mr. O'Callaghan's observations, said that he had been misunderstood by that hon. member. He, Mr. G., had stated that Mr. Roebuck had been refused admittance to the Colonial Office *en qualité d'Agent*, after the appointment of the Commission.

Mr. Clapham said that in consequence of the arrival of the Commission, the presence of an Agent in England was quite unnecessary, and the appointment would be a waste of the public money. He thought that the Commission ought to be allowed a fair chance of investigating the grievances of the country before such a measure as the present was resorted to.

The House then divided on Mr. Morin's motion, when there appeared—

For the motion, 55.

Against the motion—Messrs. Baker, Blackburn, Bowman, Clapham, Gagy, Power, Wells, Wood—8.

The House then adjourned at half past 5 o'clock, P. M.

[There was no debate in the Assembly last night on the second reading of the Agent's Bill. Mr. Morin introduced some amendments which were adopted without discussion; he eulogised Mr. Roebuck as an honest and disinterested Agent, devoted to the interests of the Canadians, and proposed to fill up the blank with the name of that

gentleman, which was concurred in without a division. The report was received and House adjourned.]

[From a Correspondent of the Quebec Gazette of November 2.]
THE ROYAL COMMISSION.

As well the Legislative Council as the Assembly seem to have much difficulty in bringing forth their Address; nor, indeed, is it surprising considering the whole matter of the Speech. One subject will, of course, occupy the attention of these august bodies. Will they recognise the Commission or not? It is impossible for them to blink this question, and it would be unbecoming in them to make the attempt. This question, in its various bearings, calls for the exercise of the best powers which either House can command, and the country has a right to look for the distinct avowal of the opinions of all classes and parties on this head; and more particularly of those gentlemen, in either House, who have had, or claim to have a lead. The frank, manly and unbiased opinion of each of the honorable Speakers of these bodies upon a question involving such large considerations and which, in truth, touches the fundamental points of Colonial polity, will of course be given; and from the probable collision of their sentiments, some bright sparks may be thrown out to illuminate the silent darkness wherewith the question hath been thus far adumbrated and over shadowed. If after all we shall be left in the dark as to the true constitutional path—and it is quite possible, perhaps probable, that such might be the case, may it not be hoped that some other "Looker-on" may light his torch, cast a rapid coup d'œil over the whole field, ascertain with a glance the strength and weakness of the various adverse positions, and combining rapid energy with skill, select his own grounds and render them,—though they should happen to be weak by nature,—impregnable with the aid of art and science.

ROYAL GAZETTE.

FREDERICTON, NOVEMBER 11, 1835.

Central Bank OF NEW BRUNSWICK.

HENRY G. CLOPPER, Esq. President.
Director this week, JAMES TAYLOR, Esq.
Discount Days, . . . Tuesdays and Fridays.
Bills or Notes offered for Discount must be left at the Bank, enclosed and directed to the Cashier, before three o'clock on Mondays and Thursdays.

SAVING'S BANK.
Trustees for { HENRY G. CLOPPER, Esq.
next Week. { JAMES TAYLOR, Esq.
JEDEDIAH SLASON, Esq.

ALMS HOUSE AND WORK HOUSE.
Commissioner for { HENRY SMITH, Esq.
next week, {



By Authority.

List of Warrants payable on demand at the Province Treasurer's Office.

No.	Payable to	Amount
176,	in favor of D. B. Wetmore,	£200 0 0
177,	in favor of John McKeel,	90 11 0
178,	" H. A. Scovil,	135 0 0
179,	" G. H. Hazen,	295 0 0
180,	" D. Crocker,	700 0 0
181,	" A. Goodfellow,	700 0 0
182,	" A. Goodfellow,	
	D. Crocker and	
183,	" R. Wasson,	100 0 0
184,	" Eben. Smith,	145 0 0
185,	" James Read,	45 0 0
186,	" Joseph Allen,	262 10 0
187,	" John Hagerman,	112 10 0
188,	" David Pickard, Jr.,	67 10 0
189,	" R. Power,	15 0 0
190,	" William Kirk,	37 10 0
191,	" T. B. Smith,	65 0 0
192,	" Andrew Little,	87 10 0
193,	" Daniel Jonett,	60 0 0
194,	" John Camber,	40 0 0
195,	" George Sterling,	25 0 0
196,	" George Long,	40 0 0
197,	" William Boyd,	25 0 0
	Trustees of Schools,	
198,	" Woodstock,	20 0 0
199,	" ditto,	10 0 0
200,	" ditto,	20 0 0
201,	" Wakefield,	10 0 0
202,	" ditto,	10 0 0
203,	" ditto,	10 0 0
204,	" Wicklow,	10 0 0
205,	" Andover,	20 0 0
206,	" ditto,	20 0 0
207,	" Perth,	10 0 0
208,	" James Ross,	50 0 0
209,	" Rev. W. E. Scovil,	50 0 0
210,	" Wm. Jenkins,	50 0 0
	Prmt. & Directors,	
211,	" Charlotte County Grammar School,	100 0 0
212,	" A. K. S. Wetmore,	4 10 0
213,	" James Sharp,	179 0 0
214,	" J. A. MacLaughlan,	188 0 0
215,	" William Hallett,	70 0 0
216,	" Christopher Craig,	20 0 0
217,	" Elisha Cunliff,	144 0 0
218,	" Andrew Blair,	29 0 0
219,	" John Dibblee,	120 0 0
	Treasurer's Office, St. John, N. B.	
	7th November, 1835.	
	R. SIMONDS, Province Treasurer.	

AT THE COURT AT SAINT JAMES'S, 30th September, 1835.

PRESENT: The King's Most Excellent Majesty, Viscount Palmerston, Lord Glenelg, Viscount Melbourne, Sir John Hobhouse, Bt. Lord Holland, Mr. Chancellor of the Exchequer.

Whereas the Governor of His Majesty's Province of New Brunswick with the Council and Assembly of the said Province, did in the month of March last, pass an Act which hath been transmitted, entitled as follows, viz:—

No. 942.
"An Act to provide for the Custom House Establishment in the Province of New Brunswick."

And whereas the said Act hath been referred to the Committee of the Lords of His Majesty's Most Honorable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to His Majesty, that the said Act should receive His Majesty's Special Confirmation, His Majesty was thereupon this day pleased by and with the advice of His Privy Council to declare His Special Confirmation of the said Act, and it is hereby specially confirmed, ratified, and finally enacted accordingly; whereof the Governor, Lieutenant Governor or Commander in Chief for the time being of His Majesty's Province of New Brunswick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. L. BATHURST.

ANNO QUINTO GULIELMI IV. REGIS.
CAP. XLIX.

An Act to provide for the Custom House Establishment of the Province of New Brunswick.

Passed 17th March, 1835.

Whereas it is one of the inherent and unquestionable rights of the General Assembly of this Province to apply and dispose of the whole amount of all duties, taxes, and supplies collected within the same:

And whereas duties are now imposed, and collected at the several Custom Houses in this Province, by virtue of certain Acts of the Imperial Parliament of the United Kingdom, made for the general regulation of Trade:

And whereas since the abolition of Custom House fees, it is expedient that the Custom House Establishment in this Province should in part be provided for out of the duties thus imposed and annually collected in this Province:

I. We His Majesty's faithful and loyal Subjects the Assembly of New Brunswick in General Assembly convened, towards providing for the Custom House Establishment in this Province, have freely and voluntarily resolved to give and grant to the King's most Excellent Majesty, His Heirs and Successors, the amount hereinafter mentioned, out of the duties annually collected in this Province by the means and powers of any Act or Acts of the Imperial Parliament now in force or hereafter to be made for the general regulation of Trade, and do therefore pray Your Excellency that it be enacted, and be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly in General Assembly convened, and by the authority of the same, that the principal Officers of the Customs in this Province may, and are hereby authorised to retain the annual sum of Four thousand two hundred and fifty pounds sterling in quarterly proportions of One thousand and sixty two pounds ten shillings out of the monies arising from the duties which may be collected in this Province during such year, by the means and powers of any Act or Acts of the Imperial Parliament now in force or hereafter to be made for the general regulation of Trade, to be applied towards providing for the expense of the Custom House Establishment in this Province.

II. And be it enacted, That the principal officers of the Customs in this Province shall within one Month after the fifth day of January in every year, render and exhibit, and have filed in the Secretary's Office in this Province, a true account of all duties by them respectively collected within the period of the year then ending, with a particular account of all merchandise upon which such duties were imposed and collected, in order that such accounts may be laid before the House of Assembly at the then sitting or next meeting of the Legislature.

III. And be it enacted, That the said principal Officers of the Customs, within one Month after each and every Quarter day in every Year, shall pay over to the Treasurer of the Province, the surplus of all monies by them respectively collected during such Quarter, for the duties so imposed and collected as aforesaid, after deducting the said quarterly proportion of one thousand and sixty two pounds ten shillings for the purposes aforesaid.

IV. And be it enacted, That no part of the monies so collected by the said principal Officers of the Customs as aforesaid, shall on any pretence whatsoever, be applied for any other purpose than as by this Act is provided, and for such other purposes as may be provided for by any Act or Acts of the General Assembly of this Province.

V. Provided always, and be it enacted, That no further sum than is herein before specially provided for shall be chargeable on the Revenues of this Province for the support of the Custom House Establishment within the same, and the same is given and granted in lieu of all Custom House Fees, exactions, or charges whatsoever.

VI. And be it enacted, That this Act shall not be in force until His Majesty's approbation be thereunto first had and declared.