



LEGISLATURE OF NEW BRUNSWICK.

HOUSE OF ASSEMBLY.

Friday, February 12.

On motion of Mr. Taylor,
"Whereas that part of the Great Road from Fredericton to the Canada Line, lying between Phillis' Creek and Burgoine's Ferry, is extremely hilly and attended with very great expense in keeping it in repair; and whereas, it is believed that a much better line of Road may be found nearer the River Saint John; and whereas, it is highly desirable to have this line thoroughly examined and explored; therefore
"Resolved, That a humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to appoint a fit and proper person to examine and explore the same; and further, that no part of the present year's appropriations be expended on the old Line of said Road until such exploration be made."

Ordered, That Mr. Taylor, Mr. Connell and Mr. Morehouse, be a Committee to wait upon His Excellency with the Address.

Saturday, February 13.

On motion of Mr. Rankin,
"Whereas communications from His Majesty's Government have recently been made to the Provinces of Lower Canada, Nova Scotia, Prince Edward's Island and New Brunswick, on the subject of the erection of Light Houses on the Islands of Saint Paul and Scatterie; and whereas this House, being aware of the impious necessity of such erection, and anxious that the benevolent intentions of the Home Government should be carried into immediate effect, has resolved to erect one or more Light Houses on Saint Paul's Island as soon as permission for that purpose can be obtained from the Government of Nova Scotia; and as this measure is of great importance to the Trade of Lower Canada, this House is desirous that the Government of that Province be requested to co-operate with New Brunswick in the erection of such Light Houses; therefore
"Resolved, That a Communication be made to the Legislature of Lower Canada, expressive of the wishes and intentions of this House in reference to the proposed erection of the Lights on Saint Paul's Island, and requesting from the Government of that Province such information and suggestions connected with the said measure, as may be deemed proper and necessary."

"Resolved, As the opinion of this House, that a Tonnage Duty of One Penny per ton, should be imposed upon all Vessels entering the Ports of Lower Canada and the various Ports of this Province situated in the Gulf of Saint Lawrence, and that the amount thereof should be set apart as a Fund for the sole purpose of providing for the proportion which Lower Canada and New Brunswick ought to contribute towards the expense of maintaining and supporting the Lights to be erected on the Islands of Saint Paul and Scatterie; and the surplus of such Fund (if any) should be applied towards the erection and support of a Light on Cape Ray, and such other like Establishments in the Gulf of Saint Lawrence, as may be considered necessary for the protection of Vessels navigating the said Gulf."

"Resolved, That if the Legislature of Lower Canada assent to the foregoing propositions, this House will pass an Act for imposing the said Tonnage Duty upon Vessels entering the Ports of this Province in the Gulf of Saint Lawrence; but in case the Canadian Legislature do not agree in such opinion, then it is the anxious desire of this House that they communicate to His Excellency the Lieutenant Governor of this Province, upon what terms they will consent to co-operate with this House in the erection and support of Light Houses on Saint Paul's Island."

"Resolved, That a humble Address be presented to His Excellency the Lieutenant Governor praying that His Excellency will be pleased to communicate to the Government of Lower Canada, for the purpose of being submitted to the Legislature of that Province, the foregoing Resolutions as well those made and passed by this House on the same subject, on Saturday the 6th and on Monday the 8th instant."

Ordered, That Mr. Rankin, Mr. Crane, and Mr. Wier, be a Committee to wait upon His Excellency with the Address.
On motion of Mr. Johnston,
Whereas there is reason to expect that it is intended, in the course of the present year, to run one or more Boats on the River, between Saint John and Fredericton, for the conveyance of passengers, to be propelled by Steam on the high pressure principle; and whereas Steam Boats of this description are altogether novel in this Province, and serious apprehensions are entertained by many persons as to the safety of Travellers in Boats so propelled; therefore
"Resolved, That a Committee be appointed to take the subject into their consideration, with power to make all necessary enquiries, and report the result of the same to this House."

Ordered, That Mr. Johnston, Mr. L. A. Wilmot, Mr. Woodward, Mr. Connell, Mr. Brown, Mr. End, and Mr. Rankin be a Committee for that purpose.
Mr. Wier, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, requesting His Excellency to communicate with the Government of Lower Canada upon the subject of the contemplated Light Houses on Saint Paul and Scatterie Islands, and at the same time to forward Copies of a certain Address and Resolutions adopted by this House on the 6th and 8th

instant, reported, that they had attended thereto, and that His Excellency was pleased to say, that he should comply with the wishes of the House by to-morrow's Mail.

Mr. Taylor, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of the House, on the subject of an exploration of that part of the Great Road between Fredericton and the Canada line lying between Phillis' Creek and Burgoine's Ferry, report, that they had attended to that duty, and that His Excellency was pleased to say, that the wishes of the House in that respect should be immediately attended to.

Tuesday, February 16.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Secretary Odell, by command of His Excellency, laid before the House the Custom House Returns, for the year ending 5th January last, as requested by the Address to His Excellency of the 8th instant.

And he also delivered the following Message:—

"NEW BRUNSWICK.
"Message to the House of Assembly,
16th February, 1836."

"ARCHIBALD CAMPBELL.
"The Lieutenant Governor lays before the House of Assembly, a Copy of a Letter from His Excellency Sir Colin Campbell, Lieutenant Governor of Nova Scotia, with a Copy of a Resolution of the House of Assembly of that Province, on the subject of the Boundary Line between the two Provinces, and recommends the same to the consideration of the House."

"A. C."

"Government House, Halifax,
9th February, 1836."

"SIR—I have the honor to transmit to Your Excellency, the Copy of a Resolution of the House of Assembly of this Province, presented to me on the 8th instant, relative to the necessity of selecting Commissioners for running out and establishing the Lines between the Provinces of Nova Scotia and New Brunswick."

"I have the honor to be &c. &c.
C. CAMPBELL."

"His Excellency Major General Sir Archibald Campbell, G. C. B. &c. &c. &c."

"In the House of Assembly,
6th February, 1836."

"RESOLVED, That a Committee be appointed to wait upon His Excellency the Lieutenant Governor, and request that he will be pleased to call the attention of His Excellency the Lieutenant Governor of New Brunswick to the necessity of selecting Commissioners to be appointed under the authority of Acts to be passed for the purpose, by the Legislature of this and the Province of New Brunswick, to run out and establish the Line of Division between the said two Provinces."

"J. WHEDDEN."

On motion of Mr. Chandler, the House went into Committee of the whole, in further consideration of the Messages from His Excellency the Lieutenant Governor.

Mr. Hayward in the Chair of the Committee. Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had under consideration the Message received this day, upon the subject of the Boundary Line between Nova Scotia and this Province, together with the Documents accompanying the same, and passed the following Resolution:—

"Resolved, As the opinion of this Committee, that a humble Address should be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to appoint Commissioners to meet, and act with such Commissioners as may be appointed by the Government of Nova Scotia, in order to run out and ascertain the Line of Division between this Province and the Province of Nova Scotia; and that the concurrence of the Legislative Council should be requested to the Resolution."

COMMITTEE OF SUPPLY.

Wednesday, February 17.

Resolved, That there be granted to the Commissioners of Light Houses in the Bay of Fundy, the sum of £200, to be applied by them towards the support of Cape Sable Seal Island Light House; and also the sum of £100, towards the support of the Light House on Brier Island, in the Province of Nova Scotia, for the year 1836.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding £ , to pay the Adjutants of Militia of the different Counties of this Province for the last year, and a further sum not exceeding £ , to pay the Sergeant Majors of the Militia of this Province for the time being, who are actually employed for the same period; provided that each Sergeant Major who shall appear by a Certificate from his Commanding Officer, to have faithfully performed his duty, shall receive a sum not exceeding £

On the question for passing this Resolution, the Committee divided—Yeas 14; Nays 11. It therefore passed in the affirmative.

And the first blank filled up with £435, the second with £217 10, and the third with £7 10.

To the Trustees of the Savings Bank of the City of Saint John, the sum of £ to reimburse them for the embezzlement made by its late Cashier of its funds, including the claim for annual services made by him, which had not been provided for.

Upon the question for sustaining the Resolution, the Committee divided:—Yeas 18; Nays 10.

And it was passed in the affirmative, and the blank then filled up with £1,293 10 10.

To His Excellency the Lieutenant Governor, the sum of £20, for exploring a line of Road from Salmon River to Richibucto River.

To His Excellency the Lieutenant Governor, the sum of £50, to be expended in

exploring a line of Road from Boise's on the Miramichi to Woodstock.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £1,750, for the improvement of the Great Road between Saint John and the Nova Scotia Line, to be laid out as follows:—On the Saint John Great Marsh, £300; between the Marsh and Hammond River, £200; between Hammond River and Hayward's mills, £450; between Hayward's mills and the Nova Scotia line, £600; on the Westmorland Marshes, £200.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding £300, to encourage the destruction of Bears, agreeably to a Law of this Province.

The sum of £1,100, for the Great Road from Saint John to Saint Andrews, including a new Bridge over the River Le Prole.

The sum of £500, for the Great Road from Fredericton to Saint John via Nerepis.

The sum of £175, for the Great Road from Dorchester to Shediac.

The sum of £200, for the Great Road from Shediac to the Bend of Petitcodiac.

The sum of £600, for the Great Road from Shediac to Richibucto, and for the Bridges on the said Road.

The sum of £450, from Fredericton to the Finger Board, £350 of which sum to be laid out in opening the new line of Road explored by Messrs. Earle & Foshay.

The sum of £1,560, for the Great Road from Fredericton to the Canada Line.

The sum of £125, for the Great Road from Bellisle to Saint John, to be laid out between Bellisle and Andrew Hennigar's.

The sum of £800, for the Great Road from Fredericton to Saint Andrews.

The sum of £350, for the Road from Richibucto to Chatham, £65 of this sum to be appropriated for the repairs of the Bridge over Blanchard's Creek, in lieu of any other sum; so much of the balance as may be necessary to be applied to complete the Road, from the North West to Richibucto River, by the line of Road now partly made, which when completed to be considered the Great Road.

The sum of £250, for the improvement of the Road from Oromocto to the Nerepis via Gage Town; £50 of the above sum to be expended between the Oromocto and Gage Town.

The sum of £200, for the opening and improvement of a new line of Road from Saint John to Sussex Vale via Loch Lomond, formerly explored by Hazen and others, and again explored by Jordan, Payne and Parlee.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of £2,250, for the Great Road from Fredericton to Newcastle; of which £975, to be expended from the Nashwaak River to Craig's on the Portage; and £150 between the North West Ferry and Bergen's on the South West; the residue to be expended as follows:—£1,000 between Craig's on the Portage and Swim's Ferry; and £125 from Bergen's on the South West to Swim's Ferry; all the money which is to be expended between the Nashwaak and Swim's Ferry, to be laid out upon the line of Road as near as may be explored and recommended to this House by Alex. Goodfellow, David Croker and Robert Wasson, the Commissioners, appointed by His Excellency the Lieutenant Governor, to examine and explore the line of Road between Fredericton and Swim's Ferry last year.

The sum of £50, for the Road from the Nerepis Road to the Oromocto.

The sum of £200, for the improvement of the Road from Saint John to Hopewell.

The sum of £60, for the improvement of the Road from Connick's at Waweg to the Bridge at Saint Stephen.

Mr. J. M. Wilmot, from the Committee appointed to enquire into the expediency of improving the Navigation of the Rivers, Harbours and Creeks in this Province, 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:—

"That the Committee have taken into consideration the Report of the Commissioners appointed to ascertain, during the recess, the practicability and expediency of connecting the Waters of the River Saint John and Gage Town Creek, by means of a Canal at or near Grimross Neck, also the Plan and estimate of the proposed Canal; and are of opinion, that a Canal at that place would be attended with great advantage to all description of Craft plying on the River, as, independently of the distance saved, they will be enabled by means of the Canal to avoid the difficulties and delays they encounter in that part of the River, called No Man's Friend, in the spring and autumn:—They therefore recommend that the sum of one thousand pounds be granted by the Province towards the accomplishment of this object, payable five hundred pounds when the contract is entered into by the Commissioners, and five hundred pounds when the Canal is completed:—They also submit a Bill, intituled 'A Bill to provide for making and maintaining a Canal across Grimross Neck in Queen's County.'

"The Committee had also under their consideration, a Petition from sundry Inhabitants of York and Sunbury, praying Legislative aid towards improving the navigation of the Oromocto Shoals, and a Petition from sundry Persons resident in Saint John and Queen's County, praying aid for removing a Bar or Shoal at the mouth of the Jemseg:—These applications the Committee recommend being referred to Commissioners, during the recess, to ascertain the practicability and expediency of effecting the same, and report the result to this House at the next Session."

"The Committee had also under consideration, the Petition of Peter Frazer and other Persons, Inhabitants of the Counties of York and Carleton, praying Legislative aid for removing Rocks and other obstructions in the River Saint John between Fredericton and the Grand Falls; for which purpose the Committee think a sum of money could be advantageously applied, and therefore recommend that a Grant be made at the present Session of three hundred and fifty pounds. They also recommend that the sum of one hundred and fifty pounds be granted for removing obstructions in the County of Charlotte, to be divided as may be agreed upon by the Members for that County, and the sum of one hundred pounds for removing the Rocks between Indian Town and the Forks of the Miramichi River in the County of Northumberland."

"And whereas, in consequence of the numerous Saw Mills erected or about to be erected upon the banks of the navigable Rivers in the Province, it is apprehended that the navigation of many of them may be seriously injured by means of Slabs and other refuse wood being thrown into the said Rivers, the Committee are therefore of opinion, that some Legislative enactment is necessary to protect the navigation of the respective Rivers from such obstructions, and respectfully recommend the subject to the House."

"All which is respectfully submitted.
JOHN M. WILMOT, Chairman.
Mr. End, from the Committee appointed to examine into the state of Government House, 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 find that the House is very generally out of repair; that the roof is so leaky as to endanger the safety of the building; they are of opinion that a new roof is indispensable, which should project two feet or more beyond the walls, and that the covering material should be tin. The necessary repairs of the building, both inside and outside are so multifarious that the Committee cannot enumerate them, but they respectfully submit, that a sum not less than one thousand pounds should be placed at the disposal of the Commissioners, to be appropriated as circumstances may require."

"WM. McLEOD,
JAMES TAYLOR,
JAMES BROWN, Jun.
E. B. CHANDLER.
Mr. J. M. Wilmot, from the Committee of Trade, submitted a Report which he read, and handed the same in at the Clerk's Table; when it was again read, and is as follows:—
"The Committee of Trade, to whom were referred sundry Petitions, report, that they have had under consideration the Petition of Robert Keltie and George Younger, praying that the Provincial duty on Hops, imported into this Province may be repealed: also
"The Petition of M. L. Backhouse, Deputy Treasurer, for the County of Westmorland, praying aid in consequence of the appropriation of the proceeds of a seizure made by him, as Deputy Treasurer, the same being transmitted, by order of the Provincial Treasurer, to the Collector of His Majesty's Customs at Saint John, and from whom he only received £12 17 2½, instead of the amount he was intitled to under the Provincial Revenue Law, say the difference of £6 8 7.
"Your Committee cannot recommend that the prayers of the foregoing Petitions be complied with.
"Also the Petition of W. H. Street, Ezekiel Barlow, Robert Rankin & Co. and 19 others, praying an alteration in the Duties on Wines, Whisky and Geneva.
"Your Committee recommend that no reduction be made in the Duty on Whisky and Geneva, but they strongly recommend that the alteration prayed for in the Duties on Wine, that is by substituting an Ad-valorem Duty instead of the present specific Duty, be complied with. Your Committee are of opinion that such an alteration would make the Duties on high and low priced Wines, much more equitable, and would encourage a trade in the low priced Wines, and they are in hopes it would have the effect of reducing the consumption of ardent Spirits in this Province."

"All which is respectfully submitted.
J. M. WILMOT, Chairman."

"FOR SALE.
THE HOUSE and premises in King Street, owned by the Subscriber, next above Mr. James Camerons.
Also—THE HOUSE and premises in Saint John Street, for particulars apply to the owner. Possession will be given on the 1st May next and liberal terms offered.
BERNARD CARROLL,
Fredericton, Feb. 9th 1836."

"HOUSE FOR SALE.
THE Subscriber offers for sale that well known HOUSE and Premises on Regent Street, fronting the College Green now owned and occupied by Mr. CHARLES McPHERSON. The House is 39x29, three Stories high including the basement story—is a new building and has just been fitted up in the best style; attached to the house is a good Stable, woodhouse and well. The Premises will be sold on advantageous terms if applied for soon—possession given on the 2d day of May next. The Land is right of soil, and a clear title will be given.
If not disposed of by the 4th of April next, it will then be sold by auction. Apply to the owner, or to ASA COY, Auctioneer.
Fredericton, Jan. 24th, 1836."

"WANTED, for the service of the NEW BRUNSWICK MILL COMPANY, ONE HUNDRED MEN, including eight or ten Blacksmiths, with Mechanics and Labourers, to whom the highest wages will be given. Apply to THOMAS BOIES.
Boiestown, December 7th, 1835."

ROYAL GAZETTE.

FREDERICTON, FEBRUARY 17, 1836.

Central Bank OF NEW BRUNSWICK.

HENRY G. CLOPPER, Esq. President.
Director this week, MA. OLIVER SMITH.
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.
HENRY SMITH Esq.

ALMS HOUSE AND WORK HOUSE.
Commissioner for { F. P. ROBINSON Esq.
next week, {



By Authority.

PUBLIC NOTICE.

SECRETARY'S OFFICE,
23d February 1836.
All Departments and public Officers having Accounts or Returns to render to the Legislature, or for the Blue Book to be transmitted to England, are hereby required, by Order of His Excellency the Lieutenant Governor, to forward the same in future to this office by the time appointed for the opening of the Session of the Legislature in every year.
WM. F. ODELL,
Prov. Sec.

Civil Appointments.

John Hamilton Grey, Edward Wiliston, and Stephen R. Thorne, Esquires, to be Public Notaries in this Province.

John Haviland, Esquire, to be a Coroner in King's County, in the room of Henry Naso, Esquire, resigned.

Crown Land Office,
Fredericton, 23d Feb. 1836.

PUBLIC NOTICE is hereby given, that the tract of Eighty Thousand Acres of Land applied for by Moses H. Perley, Esquire, in June last, and situate east of the Chipewicook Lakes, is open for application; the conditions of Mr. Perley's application not having been complied with by him.

THOMAS BAILLIE,
Commissioner and Surveyor General.

IN THE SUPREME COURT.

Hilary Term, 6th Wm. 4th.
James White Peters, Gentleman, having produced the usual Certificates, is called to the Bar, sworn and enrolled an Attorney of this Honorable Court.
Pro. Office.

SUPREME COURT.

HILARY TERM, 6th Wm. 4th.

ANNO DOMINI, 1836.

GENERAL RULES.

I. It is Ordered that in future the Clerk of the Pleas do keep a paper to be called the Motion Paper, in which shall be entered all Motions of which notice may have been given; such entries to be made on or before the first day of each Term, and to stand in the said Paper in the order in which they may be made; and the matters contained in such Motion Paper shall come on to be heard on the second day of the Term, before the Special Paper is gone into.

II. It is further Ordered, that if notice of any Motion and a Copy of the affidavit or affidavits on which it is intended to be grounded shall be served on the opposite party, his Attorney or Agent as the case may be, fourteen days before the term at which the motion is intended to be made, a rule absolute may be made in the first instance, if the Court shall see fit; and in all such cases the cause shall be entered on the Motion Paper.

III. It is further Ordered, that no motion shall be made for Judgment as in case of a nonsuit; pursuant to the statute 14 G. 2, C. 17, without notice having been first given thereof to the Plaintiff, his Attorney or Agent, as the case may be, together with a Copy of the affidavit on which the same is grounded, at least fourteen days before the Term at which such motion is intended to be made, and without entering the same on the Motion Paper.

IV. It is further Ordered, that on motion made in open Court, pursuant to the said entry; and on due proof of the service of notice, and Copy of affidavit as directed by the preceding Rule, the Defendant shall be entitled to a Rule absolute for Judgment as in case of a nonsuit, unless the Court on just cause and reasonable terms shall allow a further time for the trial of the issue, or unless the Court should think fit to enlarge the time for shewing cause to the next Term.

V. It is further Ordered, that no Judgment of non pros. shall be signed for want of a Declaration, Replication or other subsequent Pleading, until ten days next after a demand thereof shall have been made in writing upon the Plaintiff, his Attorney or Agent as the case may be.

VI. It is further Ordered, that Demurrer Books be delivered to the Judges on or before the first day of the Term at which