

LEGISLATURE OF NEW BRUNSWICK.
HOUSE OF ASSEMBLY.
Tuesday, January 26.
"NEW BRUNSWICK."
"Message to the House of Assembly."
25th January, 1836.

"ARCHIBALD CAMPBELL."
"The Lieutenant Governor lays before the House of Assembly a Copy of a Dispatch from the Right Honorable the Colonial Secretary of State, with a Copy of a Treasury Minute therein inclosed, relating to the erection of Light Houses at the entrance of the Gulf of Saint Lawrence, and on the Islands of Scatterie and Saint Paul's, and recommends the same to the consideration of the House, in full confidence that the views of His Majesty's Government will be cordially met upon a subject involving so many considerations of humanity as well as of Commercial advantage." "A. C."

"Downing Street, 4th November, 1835.
"Sir—His Majesty's Government have recently had under their consideration the representations which have been, at different times addressed to them by parties interested in the trade of the North American Provinces upon the subject of the dangerous navigation of the Gulf of Saint Lawrence. The numerous Shipwrecks which annually occur there, attended in some instances with considerable loss of life and property, are too notorious to require mention; and you will therefore understand the anxiety of His Majesty's Government to adopt any precautions by which such melancholy occurrences may be prevented for the future.

"With a view therefore of ascertaining the most effectual means for this purpose, the Lords Commissioners of His Majesty's Treasury have endeavoured to obtain the opinions of scientific persons experienced in the navigation of those Seas, and acquainted with the circumstances of the neighbouring Provinces. The result of their enquiries, as communicated in the Letter and Minute of which copies are enclosed, appears to be, that if Light Houses were erected upon the Islands of Scatterie and Saint Paul, off the coast of Cape Breton, many of the Shipwrecks which now occur might be prevented. Anxious therefore to contribute as much as possible to an object, which their Lordships consider as of national rather than of local interest, they have announced their readiness to apply to Parliament for the funds necessary to the erection of Light Houses, provided that the Colonies, whose trade is to be benefited by the measure, will engage to defray the expenses of their future maintenance. It is the object of my present Dispatch to direct you to take an early opportunity of bringing the subject under the consideration of the House of Assembly of New Brunswick, and I cannot allow myself to doubt that that Body will be anxious to co-operate with the Home Government and with the neighbouring Colonies in promoting a measure so important to the Commercial interests of the whole of British North America.

"Adverting to the details of the arrangement by which the effectiveness of their Light Houses is to be secured, the Lords Commissioners of the Treasury have recommended that they should be placed under the management of the Board for the direction of such matters which already exists in Nova Scotia; and they also suggest, that as a preliminary to any further proceedings, that Board should be requested to report upon the measures to be adopted. To the former part of their Lordships suggestion, I do not apprehend any objection; from the latter I have been induced to deviate in so far as to bring the subject at once under the consideration of the respective Legislatures, because, were I to await a Report from Nova Scotia, it would be impossible to submit it to those Bodies during their approaching Sessions. No advantage sufficient to compensate for this delay could, I think, be expected from the Report in question. The expense to which each of the Provinces will become liable by their acceptance of the offer of the Lords Commissioners of the Treasury cannot, under any circumstances, be otherwise than inconsiderable; and they will at the same time have at hand greater facilities for estimating its amount than I can hope to obtain. Under these circumstances, I am induced to present the matter for the consideration of the House of Assembly of New Brunswick in its present incomplete form.

"The other Colonies to which it is intended to apply for a contribution towards the erection of those Light Houses are Lower Canada, Nova Scotia and Prince Edward's Island; and I have suggested to the Earl of Gosford the expediency of his Lordship's communicating directly with yourself and the Lieutenant Governors of the other Colonies interested in the measure, for the purpose of maturing any arrangements which may be common to all. Among these the principal will be the apportionment of the annual expense; and it has occurred to me that this object might perhaps be conveniently effected by means of a Commission of Arbitration, of which the Members should be appointed by the respective Legislatures, with power of adopting a final award. This, however, is a point upon which I desire only to offer a suggestion. If any other arrangement should appear to the Legislatures interested in the measure to be better adapted to the circumstances of the case, I need hardly state that I shall be ready to co-operate with them for giving effect to it."

"I have the honor to be, &c. &c."
(Signed) "GLENELG."
"Major General Sir A. Campbell, Bart. G. C. B. &c. &c."

"Treasury Minute, dated 6th Oct. 1835.

"Read a Letter from Sir George Grey, referring to the Communications from the Secretary of State's Department of 11th September and 29th October, 1834, on the subject of the erection of Light Houses at the entrance of the Gulf of Saint Lawrence, and on the Island of Scatterie on the north east Coast of Cape Breton, stating that Lord Glenelg has received information by a Despatch from the Lieutenant Governor of Nova Scotia, that three more Vessels have recently been lost on that part of the Coast of North America, and requesting this Board will have under early consideration the suggestions that have been submitted to His Majesty's Government respecting the establishment of Lights on the most dangerous points of that Coast, and the aid that should be afforded by this Country for that purpose.

"My Lords having now before them the Report called for by their Minutes of 3d and 24th March last, from the Elder Brethren of the Trinity House and from the Commanding Officers of the Royal Engineers in Nova Scotia, respecting the nature of the Lights it would be advisable to exhibit and the means that might be found in the Province for constructing Light Houses, resume the consideration of the circumstances represented in the Address to His Majesty from the House of Assembly of Nova Scotia, and in report of the Hydrographer of the Admiralty forwarded to them by direction of the Secretary of State in the Communication of 11th September, 1834, already adverted to.

"My Lords observe that the report of the Hydrographer of the Admiralty drawn up with reference to the information relating to the Light Houses on the Coasts of the British North American Colonies, which had been procured in consequence of representations from British Merchants and Ship Owners engaged in the Trade with those Colonies, represented the great importance, in addition to the Lights already established by the local Government for objects more immediately connected with the Trade and Navigation of the separate Provinces, of placing Lights on the Islands of Saint Paul and Scatterie at the northern and north eastern extremity of Cape Breton, for the guidance of all Shipping bound for the Gulf of Saint Lawrence or for other parts of British North America, and that the Board of Admiralty have expressed their concurrence in the suggestions submitted in this Report.

"The address of the House of Assembly of Nova Scotia, dated in April 1834, likewise urges the great importance of establishing Lights at these points: it enumerates ten Vessels, comprising a tonnage of 2766 Tons, and having on board 603 persons, and being with the exception of two small Colonial Schooners, the property of British Owners, which had been wrecked in the course of the previous year, represents, that although few if any of these Vessels were bound for the Port of Nova Scotia, the heavy charge attending the relief and providing for the numerous individuals thus thrown on shore in a state of destitution, had been defrayed from the funds of the Province; and states that the local Legislature would be anxious and willing to contribute towards the expense of the proposed Lights, although their establishment much more nearly concerned the trade to and from the other British North American Provinces. My Lords further observe, that all succeeding Communications from the Secretary of State notice the receipt of intelligence of further wrecks and losses of life and property, and unequivocally evince the urgent necessity, on the score of humanity and of every consideration connected with the safety of the maritime trade with the North American Colonies, or of His Majesty's Ships employed in those Seas, for the adoption of every practicable means of protecting Shipping from the dangers which attend their navigation between Cape Breton and Newfoundland.

"That the proposed Lights on Saint Paul's and Scatterie Islands would most materially tend to effect this desirable object, appears to be the concurrent opinion of all the parties conversant with the navigation of that part of North America, who have been consulted upon the subject. But although those Islands are within the Jurisdiction of the Government of Nova Scotia, my Lords cannot but admit that the allegation on the part of the House of Assembly at Nova Scotia, that the adoption of precautions with respect to the dangers in question concerns the trade of the other British Provinces in North America fully as much as the trade to Nova Scotia, is well founded. My Lords are however, not prepared to approve of the suggestion of the House of Assembly in regard to the imposition by the Parliament of the United Kingdom of dues for defraying any expenditure for this purpose, to be levied either in the Ports of the Colonies concerned or on shipping clearing from British Ports for those Colonies. But it appears to my Lords that provided the Legislatures of those Colonies can be brought to concur in making provision for the future current expenses of maintaining the proposed Lights on the Islands of Saint Paul's and Scatterie, the important consideration to which they have adverted, would justify an application to Parliament for the grant of such sum as would defray the charge of erecting Light Houses, and of fitting them in the first instance with the requisite apparatus and machinery.

"I transmit copies of the report of the Commanding Engineer in Nova Scotia, of the letter from the Secretary of the Trinity House, and of this Minute to the Secretary of the Admiralty, in order that they may be submitted for the information of that Board, and for any further suggestions the Lords of the Admiralty may see occasion to offer with respect to the subject to which these papers relate."

"Treasury Chambers, 12th Oct. 1835.

"Sir—The Lords Commissioners of His Majesty's Treasury having had under consideration your Letter of the 22d August last, upon the subject of the erection of Light Houses along the Coast of North America, I am commanded to transmit to you a copy of their Lordships Minute of the 6th instant, thereon, together with copies of the report of the Commanding Royal Engineer in Nova Scotia, and of a letter from the Secretary of the Trinity House on the subject, in order that they may be submitted to the Communications from his Lordship's Department of 11th September and 29th October, 1834, and I am to request you will state to Lord Glenelg, that my Lords can entertain little doubt but that the Legislatures of the North American Colonies will readily co-operate in the promotion of an object in which the interests of their respective Provinces are so deeply concerned, and my Lords would accordingly suggest that communications should be made to the respective Colonial Governments on the subject, and will be prepared upon the concurrence of the several Legislatures in the proposed arrangements to submit the requisite application to Parliament, for carrying into effect that part of it which is to depend upon this Country; at the same time you will also state to Lord Glenelg, that adverting to the position of those contemplated Lights, it appears to my Lords, that their future supervision and management may be most advantageously vested in the Commission already existing in Nova Scotia for the management of all matters relating to the Light Houses established by the Legislature of that Province; and my Lords would therefore propose as a further preliminary to any proceedings that may be adopted, that the reports, both of the Commanding Engineer and of the Trinity Board, may be referred to that Commission for their consideration, and with a request that they will report their opinion upon the several suggestions contained in these documents relative to the position of the Light Houses, and the description of Light that should be exhibited, and likewise, respecting the most eligible mode of erecting the requisite Buildings; and that they will cause my Lords to be furnished with detailed Estimates of the expenditure they conceive it will be necessary to incur for this last mentioned purpose, with the understanding that the Lanterns and Apparatus might be forwarded from this Country, and that separate Estimates would accordingly be procured for these portions of the charge."

"I am, &c."
(Signed) "J. STEWART."
"Sir Geo. Grey, Bart. &c. &c. &c."

"NEW BRUNSWICK."
"Message to the House of Assembly,"
26th January, 1836

"ARCHIBALD CAMPBELL."
"The Lieutenant Governor submits to the House of Assembly, a Communication which he received in the month of October last, from the Chief Justice of the Province, on the subject of the Circuit Courts. He has deferred taking the advice of the Executive Council on the new arrangement of such Courts, recommended by the Judges, until he could have an opportunity of laying the matter before the Legislature; and he earnestly recommends to the House the making of permanent provision for defraying the expenses of the Judges performing these duties, which are of such acknowledged importance to every part of the Province."

"A. C."
"Frederickton, 27th October, 1835.
"Sir—I have the honor to represent to Your Excellency in behalf of the Judges of the Supreme Court, that in January, 1825, an Ordinance was passed by the Lieutenant Governor in Council, establishing Circuit Courts to be held at stated times in each year, in every County of the Province, twice in the City and County of Saint John, and once in every other County; and that Circuit Courts have accordingly been regularly held by the Judges in every County of the Province at the times specified in that and other subsequent Ordinances, from the date of the first mentioned Ordinance until the present time.

"In the Session of 1826, the Lieutenant Governor recommended by Message, to the General Assembly, to make permanent provision for defraying the travelling charges of the Judges performing these duties, by enabling the Lieutenant Governor to make payment for the same from time to time, by Warrant on the Province Treasury. In that Session, an Act was passed, (7 G. 4, C. 18,) making such provision, by granting the Lieutenant Governor a sum not exceeding Two hundred and fifty pounds annually, for this purpose, payable out of any monies in the Treasury, not otherwise specifically appropriated. This Act was limited to the period of five years, and was continued in 1831 for two years, by 1st W. 4, C. 27, and again in 1833, for two years, by the 3d W. 4, C. 22, and not having been further continued, expired in the month of March last. The Judges have therefore performed their Circuit Duties the present year, without any provision for their expenses for so doing.

"The increased business of the Country renders it even more necessary than when stated Circuits were first established in 1825, that they should be continued in every County of the Province. Three new Counties have been erected since that time, and the Circuit Courts extended to each of them, and the business of the County of Charlotte now requires, in the opinion of the Judges, that there should be two Circuit Courts in the year in that County.

"Under these circumstances, the Judges cannot but consider the stoppage of the allowance for their expenses on the Circuits to be a peculiar hardship; and they have full confidence that Your Excellency will be pleased to adopt measures to provide for them. I am sure Your Excellency will

pardon me for adding that the Judges are deeply impressed with the feeling that the dignity and independence of the Judicial Office require, that the pecuniary provisions for all their services should be permanent. "I beg leave to suggest, that instead of an allowance of a sum in gross, it would better provide for the services as they might vary from year to year, and would be equally satisfactory to the Judges, to allow them one Guinea per diem for their expenses in travelling and attendance on the Circuits, allowing twenty miles for each day's travel, as is usual in similar cases.

"I have further to represent to Your Excellency, that in consequence of the appointment of *Nisi Prius* sittings for the County of York, under an Act of Assembly for the present year, for the more convenient administration of Justice in the Supreme Court, a new arrangement of the Circuits in Court some of the other Counties becomes necessary; and as it will be convenient to have all the Circuits included in one appointment, I beg leave, in behalf of the Judges, humbly to recommend that Your Excellency in Council may be pleased to appoint Circuit Courts to be annually held in all Counties of the Province, according to the inclosed Table, which includes two Circuits in the year for the County of Charlotte.

"It is of course to be understood, that this arrangement is not intended to extend to the County of York.

"I have the honor to be, &c. &c."
(Signed) "WARD CHIPMAN."

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

"TABLE OF CIRCUIT COURTS."

"SAINT JOHN—21 Tuesday in January 1st Tuesday in August.

"CHARLOTTE—4th Tuesday in April, Tuesday after the 4th Tuesday in October.

"KING—4th Tuesday in January.

"KENT—Last Tuesday in August.

"WESTMORELAND—1st Tuesday in September.

"GLOUCESTER—Wednesday before the 1st Tuesday in September.

"NORTHUMBERLAND—2d Tuesday in September.

"CARLETON—Last Tuesday in September.

"SUNBURY—Last Tuesday in February.

"QUEEN'S—1st Tuesday in March."

And the Honorable Mr. Secretary Odell, also laid before the House, the following Copies of Despatches from the Right Honorable Lord Glenelg, Colonial Secretary.

"Downing Street, 20th August, 1835.

"Sir—I have had under my consideration your Despatches of the dates and numbers mentioned in the margin; the two 1835, former relating to the proceedings of the House of Assembly of New Brunswick, 17th " with reference to the collection of the Quit Rents; the latter reporting the separation of the Legislature without the usual provisions having been made for the services of the year. I have since had the honor to receive your Despatch of 28th June, and I beg to convey to yourself and to the Legislature of New Brunswick, my satisfaction at the intelligence which it conveys.

"The King has commanded me to express to you the gratification which he has derived from the measures adopted by the Assembly in their last Session, to relieve him from the necessity of collecting the Quit Rents within the Province. Although the sum now offered in exchange for that Revenue is less than the amount originally specified by Sir George Murray, and although the grant of it is coupled with certain limitations as to its appropriation, His Majesty, ever anxious to meet the wishes of His faithful Subjects, has not hesitated to accept it. It will be my duty at an early date to transmit to you an order in Council, specially confirming and finally enacting the Act passed by the Legislature for the Commutation of the Quit Rents. In the mean time, I beg to convey to you my approval of your conduct in having suspended their collection until the decision of His Majesty's Government upon the offer of the Legislature could be ascertained.

"Nor must I omit to express to you my satisfaction at the passing of the annual Appropriation Bill. I could not but anticipate such a result from the further deliberations of the Legislature of New Brunswick; and it was in this hope that I have hitherto refrained from answering your Despatches of the 16th and 17th March. It is very gratifying to me to be thus relieved from the necessity of adverting in terms of regret to the proceedings of the Colonial Legislature, and at the same time, to feel that the Inhabitants of the Province have been thereby saved from the inconveniences which must inevitably have attended the omission to vote the usual supplies.

"I have the honor to be, &c. &c."
(Signed) "GLENELG."

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

"Downing Street, 8th October, 1835.

"Sir—With reference to the Duke of Wellington's Dispatch of the 1st December, 1834, I have the honor to inform you, that it having appeared that in the Copies of the Record Publications presented to the Colony under your Government, there was an omission of some Volumes which had been presented to Public Libraries in the United States, I thought it necessary to bring the subject under the notice of the Record Commissioners. In reply I have been informed that the Volumes in question are at present out of print, but that directions have been given to the King's Printers to procure Copies of them to be transmitted to New Brunswick. At the same time there will be forwarded some additional Volumes recently printed, and which have not as yet been presented to any Libraries in the United States.

"I have to request that you will make known the intention of the Record Commissioners to the Gentleman entrusted with the care of the Institution in which the Record Publications presented to New Brunswick are deposited. "I have the honor to be, Sir, your most obedient Servant,
(Signed) "GLENELG."
"Major General Sir A. Campbell, G. C. B. &c. &c. &c."

missioners to the Gentleman entrusted with the care of the Institution in which the Record Publications presented to New Brunswick are deposited.

"I have the honor to be, Sir, your most obedient Servant,
(Signed) "GLENELG."
"Major General Sir A. Campbell, G. C. B. &c. &c. &c."

Wednesday, January 27.
"NEW BRUNSWICK."
"Message to the House of Assembly,"
26th January, 1836.

"ARCHIBALD CAMPBELL."
"The Lieutenant Governor submits to the House of Assembly, Extracts from Dispatches from the Right Honorable the Colonial Secretary of State, relating to the Inspecting Field Officer of the Militia, which, in obedience to the instructions therein contained, he recommends to the favorable consideration of the House."

"A. C."
"Extracts of a Dispatch from the Right Honorable the Colonial Secretary of State, Lord Glenelg, dated 7th May, 1835.

"I have had the honor to receive a Memorial from Lieutenant Colonel Turner, Inspecting Field Officer of Militia in the Province, under your Government, stating that the Provincial Legislature have again omitted to make any provision for his Salary."

"The refusal of the Assembly of New Brunswick to provide a Salary for the Inspecting Officer of Militia is not, I regret to observe, without precedent. On two former occasions, viz: in the years 1831 and 1833, the Colonial Salary of this Officer was refused. In those instances you were directed by my Predecessor in Office to make a representation on the subject to the Legislature, pointing out to them the inexpediency of abolishing an Office so indispensable to the proper organization of the Provincial Militia; and your remonstrances appear to have been effectual in so far as at least as to procure from them the payment of Lieutenant Colonel Turner's allowances for the current years. I am sorry that I have no power to do more than to direct you to pursue a similar course in the present instance. Alas as His Majesty's Government are to the importance of placing the Provincial Militia upon an efficient footing, and with every confidence, that to such an end Lieutenant Colonel Turner's services would be eminently conducive, they cannot help feeling that it would be hopeless to continue his appointment, should the disposition which the Legislature has latterly evinced in regard to the organization of the Militia Force continue unchanged."

"Extract of a Dispatch from the Right Honorable the Colonial Secretary of State, Lord Glenelg, dated May 18th, 1835.

"I have the honor to acknowledge the receipt of your Dispatch of the 9th March. No. 12, reporting that the House of Assembly of New Brunswick have refused to vote the usual Salary of £200 for the Inspecting Field Officer of Militia. You will observe from my Dispatch of the 7th instant, that I had previously received a representation upon the subject from Lieutenant Colonel Turner himself, and that having communicated with the General Commanding in Chief, I had felt myself compelled to follow the course adopted in 1831 under similar circumstances by the Earl of Ripon. I yet entertain some hopes that the representation which I have directed you to make upon the subject to the Provincial Legislature will not be ineffectual, and that they will not deprive themselves of the services of an efficient Officer towards the important object of the organization of the Militia."

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

"NEW BRUNSWICK."
"Message to the House of Assembly,"
27th January, 1836.

"ARCHIBALD CAMPBELL."
"The Lieutenant Governor, by direction of the Right Honorable the Colonial Secretary of State, lays before the House of Assembly, Reports of a Select Committee of the House of Lords, appointed to enquire into the present state of the several Gaols and Houses of correction in England and Wales; together with an Act of Parliament relating to the Government and Inspection of those Prisons, which he submits to the consideration of the House."

"A. C."
"Mr. L. A. Wilmot, from the Committee appointed to present the Address to His Excellency on the subject of the Casual and Territorial Revenues, reports, that they had attended to that duty, and that His Excellency was pleased to answer the same as follows:—

"GENTLEMEN,
"In answer to this Address, I beg that you will inform the House of Assembly, that I do not feel myself authorized to comply with their request to the full extent, some of the particulars asked for being under the consideration of His Majesty's Government, and others not under my control but I will direct to be laid before the House a statement of the Receipts and Expenditure of the Casual Revenue for the past year."

Friday, January 29.
On motion of Mr. Partelow, That the House proceed to the Order of the Day, passed the 26th instant, to go into Committee of the whole, on the several Messages received from His Excellency the Lieutenant Governor.

The Order of the day being read, the House accordingly resolved itself into said Committee.

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

The Chairman reported, that having gone into consideration of the matters referred to them, he was directed to report as follows:—

1st. "That the Committee had passed the following Resolution:—
"Resolved, As the opinion of this Committee, that His Excellency's Message of the