

ROYAL GAZETTE.

FREDERICTON, JULY 19, 1837.

Central Bank

NEW BRUNSWICK.

HENRY G. CLOPPER, Esq. President. Director this week, G. J. DIBBLEE, 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.

Bank of Fredericton.

ASA COY, President. Director this week, CHARLES FISHER, Esq. Discount days—Mondays and Thursdays. Notes or Bills for discount are to be left at the Bank, enclosed to the Cashier, before 3 o'clock on Saturdays and Wednesdays.

SAVINGS BANK.

Trustees for next week: JAMES TAYLOR, Esq. Mr. PETER FISHER.

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

BENJAMIN WOLHAUPT, PRESIDENT. Committee for the present month:

W. D. HARTT and THOMAS T. SMITH.

ALMS HOUSE AND WORK HOUSE. Commissioner for next week:

F. P. ROBINSON, ESQUIRE.



By Authority.

CIVIL APPOINTMENTS.

James Albee to lay out £75 for improving the navigation of the River Saint Croix between Cheputaticook Falls and the Grand Lake.

Henry Sealye to expend the sum of £27 to blow rocks on the Magaguadavic River. Cavalier H. Joubert to expend the sum of £25 (granted in 1828, and re-appropriated the last Session,) on Deer Island.

David Faulkner and Jonathan Titus to expend the sum of £100, granted at the last Session, for clearing Rocks and other obstructions in the Hammond River, King's County.

John A. S. Street, Esq. King's Counsel. Neville Parker, Esq. do. William B. Kinnear, Esq. do. Edward B. Chandler, Esq. do. Lemuel A. Wilmot, Esq. do.

Crown Land Office. 17th July, 1837.

NOTICE is hereby given, that the sale of Portage Island is postponed until further notice.

T. BAILLIE, C. C. Lands.

LEGISLATURE OF NEW BRUNSWICK.

HOUSE OF ASSEMBLY

Friday, July 7.

Mr. Hill moved the following Resolution:—Resolved, That this House will at the next Session of the Legislature make a reasonable compensation to the person reporting the debates thereof during the present Session.

To which Mr. Weldon moved as an amendment, to strike out all after the word "Resolved," and insert, "That it is inexpedient for this House to make provision for the services of a Reporter of the Debates of this House, unless the same can be published in Fredericton." And upon the question for adopting the amendment, it was decided in the negative.

The question was then taken on the original Resolution, and it passed in the affirmative.

Monday, July 10.

On motion of Mr. Partelow. Whereas certain Resolutions passed this House on the 28th February last, relative to the accounts connected with the King's Casual Revenue, which, together with the Report from the Select Committee on which the same were founded, were directed by the House to be brought under the consideration of His Majesty by the Deputation who had been dispatched to England on the public affairs of this Province: And whereas it is desirable that the House should be in possession at an early day of information as to the results produced by such submission to His Majesty; therefore

Resolved, That a humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will inform this House whether any directions have been received from His Majesty's Government touching the subject matter of the said Resolutions and Report; and if so, that he will be pleased to communicate the same to the House.

Ordered, That Mr. Partelow, Mr. Hayward and Mr. Hill, be a Committee to wait upon His Excellency with the Address.

Mr. L. A. Wilmot, from the Deputation appointed at the last Session to proceed again to England, with an Address to His Majesty resulting from the rejection of the Civil List Bill by the late Lieutenant Governor, with

instructions to bring the same under His Majesty's most gracious consideration, as also other important matters involving the interests of the Province, submitted a Report of their proceedings up to the 6th of April last; and Mr. Wilmot at the same time informed the House that his colleague, Mr. Crane, remained in London to attend to such further objects connected with their mission as might afterwards be considered advisable to bring under the notice of His Majesty's Government.

The Report being first read by Mr. Wilmot, was then handed in at the Clerk's Table, and there again read.

Ordered, That the same be accepted, and lie on the Table; and

On motion of Mr. Partelow; further Ordered, That One thousand Copies of the said Report be forthwith printed, and that the same form a part of the Appendix to the Journals of this present Session.

Mr. Partelow then moved the two following Resolutions, which were unanimously adopted by the House:—

1. Resolved, That this House deem it their indispensable duty again to express their high sense of the attention of the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonial Department, to the Deputation during their late mission on the public affairs of the Province.

2. Resolved, That the ability, zeal and diligence displayed by William Crane and L. A. Wilmot, Esquires, the Members comprising the said Deputation, deservedly entitle them to the reiterated thanks of this House, and that they do now receive the same.

Mr. L. A. Wilmot, by leave, presented a Petition from Mark Needham, William Wilmot, William Dell Hartt and John A. Beckwith, Firewards of the Town of Fredericton, and Edward W. Miller, H. G. Clopper, and 120 inhabitants of the said Town, praying an amendment in the Act regulating Statute Labour by exempting the Members of the Union Fire Company from the performance of such labour; which he read.

Ordered, That the said Petition be received, and lie on the Table.

On motion of Mr. L. A. Wilmot, Whereas the North Eastern Boundary between the United States of America and this Province remaining so long unsettled, is highly injurious to the interests and prosperity of His Majesty's Subjects, and it is desirable that the same should be brought to as speedy an issue as possible; therefore

Resolved, That an humble Address be presented to His Majesty upon the subject, and that the Legislative Council be requested to join this House in such Address.

Ordered, That Mr. L. A. Wilmot communicate the said Resolution to the Council.

On motion of Mr. Freeze, Whereas the Bridge on that part of the great road of communication between Saint John and the Nova Scotia line which crosses Trout Creek in the Parish of Sussex, in King's County, is in a ruinous state;

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to cause directions to be given to the Supervisor of the said Road to take a contract this autumn for rebuilding the said Bridge early next season; and that this House will provide for the same out of the grant which may be made for the said Great Road at the next Session of the Legislature.

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

Mr. Partelow, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this day, praying that His Excellency would be pleased to lay before the House any directions he may have received from His Majesty's Government on the subject matter of the accounts connected with the King's Casual Revenue, reported, that they had attended to that duty, and that His Excellency was pleased to say he would communicate the same to the House.

Mr. End, by leave, presented a Petition from William Stevens, of Bathurst, in the County of Gloucester, setting forth that he has been engaged in a Mineralogical exploration in that County, and is desirous of continuing the same, and praying some Legislative protection to secure him in the result of his labours; which he read.

Ordered, That the said Petition be received, and referred to a Select Committee to report thereon by Bill or otherwise; and further

Ordered, That Mr. End, Mr. L. A. Wilmot and Mr. Street, do compose the said Committee.

On motion of Mr. Partelow, Resolved, That the Report submitted by the Deputation be printed under the direction and superintendence of a Select Committee, and when published delivered to the Clerk of this House, to be by him distributed.

Ordered, That Mr. Partelow, Mr. D. L. Robinson and Mr. Woodward, do compose the said Committee.

Tuesday, July 11.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Baillie, a Member of the Executive Council, by command of His Excellency, delivered the following Message:—

"J. HARVEY. "The Lieutenant Governor lays before the House of Assembly detailed accounts of all receipts and payments by the Commissioner of Crown Lands, for the two quarters commencing 1st January and ending 30th June, 1837, with their proper vouchers.

"The Commissioner will be ready to attend any Committee of the House, for the purpose of affording any further explanation

relative to the accounts of his office which may be required.

"J. H.

"Government House, July 11, 1837." The following copy of a Letter from the Commissioner of Crown Lands to His Excellency, accompanied the accounts—

"Crown Land Office, Fredericton, 5th July, 1837.

"SIR—I have the honor to transmit herewith detailed accounts, induplicate, of all receipts and payments of this Department for the two quarters ending the 30th of June last, and numbered from one to four inclusive, together with the proper vouchers, to be laid before the two branches of the Legislature, in accordance with a Despatch from the Right Honorable Lord Glenelg to Sir Archibald Campbell; and I confidently trust the same will meet the approval of Your Excellency and of the Legislature.

"I have the honor to be, Sir, "Your most obedient humble servant, (Signed) "T. BAILLIE, C. C. L." Major General Sir J. HARVEY, &c. &c. &c.

On motion of Mr. Weldon, Resolved, That the said accounts, as also all others relating to the Casual Revenue, be referred to a Select Committee to examine and report thereon.

Ordered, That Mr. Partelow, Mr. Johnston, Mr. Rankin, Mr. Taylor, Mr. Woodward, Mr. Weldon and Mr. Brown, being the same Committee appointed at the last Session to examine and report upon the accounts then before the House, be continued.

A Message from His Excellency the Lieutenant Governor.

The Honorable Mr. Frederick P. Robinson, a member of the Executive Council, delivered the following Message:—

"The Lieutenant Governor sends down to the House of Assembly copies of two Despatches from the Right Honorable the Secretary of State for the Colonies, under date the 4th and 13th May, 1837, which he trusts will be found to contain the information sought by their Address to him of yesterday.

"J. H. "Government House, July 11, 1837."

The Despatches being severally read at the Clerk's Table, are as follow:—

"Downing Street, 4th May, 1837.

"SIR—I have received Sir Archibald Campbell's Despatch, dated 10th March last, No. 15, enclosing various documents from the Commissioner of Crown Lands of New Brunswick. I have not read them without great regret. It is very painful to learn that an Officer who has served the public so long, and with such frequent testimonies of the approbation of his employers, should have incurred so severe a censure from a select Committee of the House of General Assembly of the Province. It is my earnest hope that your mediation will be successfully employed to replace Mr. Baillie in the more favorable and indulgent judgment of the Representatives of the People.

"If any thing had been wanting to convince me of the sound policy of placing the receipt and expenditure of the Crown Land Department under the superintendence of the Assembly, I should have found such additional evidence in these documents. They demonstrate the impossibility of effectually avoiding jealousy and misunderstanding respecting so important a branch of the public service when conducted by the Executive Government, without any interference or control on the part of the Provincial Legislature. Retaining an unshaken reliance in Mr. Baillie's zeal, talents and fidelity, I yet cannot be surprised that the Assembly, or that a select Committee of that House should have reviewed his official conduct with some disavowal. His office is perhaps inferior in importance to none but that of the Governor and the Chief Justice, and places him in relations of a delicate and invidious nature with almost every Landholder and Merchant in New Brunswick, yet hitherto it has been conducted by rules framed and varied at the pleasure of the Executive Government alone. The responsibility of the Commissioner of Crown Lands has been acknowledged as due only to the King and to His Majesty's Officers, and the local Legislature has possessed only an occasional and imperfect acquaintance with the proceedings of his office. That they should have regarded with suspicion, and that the officer himself should have been the victim of censures which were really due not to him but to the system he had been appointed to administer—these are results so natural and so much to have been anticipated, that the concern with which I regard them is unmingled with any surprise.

"I am not entitled to comment on the language in which, in discharge of their public duty, a select Committee of the Assembly of New Brunswick have remarked upon the conduct of the Commissioner of Crown Lands. Yet, without any infringement of the respect due from me to that House, I may perhaps venture to express my conviction, that had they been in possession of the explanations which Mr. Baillie has addressed to me, they would have softened or perhaps have entirely discarded the language in which their censure has been expressed. Whenever a Committee shall be reappointed for the same object, Mr. Baillie will, I am convinced, perceive the necessity and propriety of yielding to all their requisitions for accounts and other information, not merely a constrained obedience, but a frank and cheerful compliance. If any dissatisfaction has been produced by a supposed wish on his part to frustrate or embarrass their inquiries, it will be most effectually removed by the proofs which I am persuaded he will afford of alacrity to meet and even to anticipate their wishes. Having in truth no reason to dread, but every motive to court, inquiry into his public conduct, Mr. Baillie will best consult for

his own welfare by repressing the sense of injury under which he appears to labour, and by zealously co-operating with any Committee which may be appointed to pursue this investigation.

"On the other hand, whatever jealousy the Committee of the last Session may have entertained of the Crown Land Department will infallibly be diminished, and as I trust, altogether removed by the complete explanations which will thus be given, and by the spirit in which they will be afforded.

"The revival of such distrusts hereafter will be obviated by the new and intimate relation in which the Land Department will be brought with the two Houses of local Legislators.

"I cannot quit this part of the subject without observing that the question raised respecting the production of Mr. Baillie's vouchers seems to me to have been founded on an evident misapprehension. He supposed that the House had it in contemplation permanently to deprive him of the custody of them—a construction which the mere words of the requisition may perhaps have justified, but which the subsequent report of the Committee satisfactorily repels. Their object was only to examine and not to detain the vouchers, and had Mr. Baillie attended with them before the Committee, he would have been permitted to remove them for safe custody to his own office whenever they were not in actual use. If he had understood the Address of the House in this sense, his objection would not have been reasonable, and I am therefore well convinced would not have been made. Of course therefore it will not be repeated.

"It only remains for me to declare my conviction, that the Assembly of New Brunswick cannot have entertained the design which Mr. Baillie attributes to them, of denying the full benefit of the audits through which his accounts have already passed, and of the acquittances which he has already received.

"To whatever extent the House of Commons may be bound by the decisions of the Lords of the Treasury, founded on the reports of the Auditors of public accounts, in reference to the Revenues of this country, to the same extent the Assembly of New Brunswick will doubtless acknowledge itself to be bound by similar decisions, founded on similar Reports, in reference to the receipt and expenditure of the Land Revenue of the Province as formerly administered. To that extent Mr. Baillie has the most decided claim on His Majesty's Government for protection and support, because if the former system of audit was imperfect or unsatisfactory, the responsibility rests not with him, but with them.

"You will communicate a copy of this Despatch to Mr. Baillie.

"I have the honor, &c. (Signed) "GLENELG." Major General Sir JOHN HARVEY, &c. &c. &c.

"Downing Street, 13th May, 1837.

"SIR,—I consider it so important that the good feeling which I trust will be the result of the proposed financial arrangement with the House of Assembly of New Brunswick, should not be exposed to any chance of interruption, that I cannot help again addressing you on the subject of my Despatch of the 4th instant, No. 11. I wish to impress upon you, and I request you to impress upon the officers under you, how material it is that there should be no difficulty or delay in communicating to the House of Assembly all the information which they may desire respecting financial affairs. The repeated directions to this effect, which have issued from my predecessors in this office, seem to have been misunderstood, or not understood in their proper force. I am therefore induced to request that you will convey to the officers concerned, my desire that they will furnish the Assembly not only with the required accounts, but also with the vouchers that may be called for by the Assembly. They may either attend in person (as I before suggested) with those documents, or may supply copies of them. I must repeat that it is quite out of the question to imagine that in so doing they run any risk of being deprived of papers which it is so essential for them to have in their possession.

"I have the honor to be, Sir, "Your most obedient servant, (Signed) "GLENELG." Major General Sir JOHN HARVEY, &c. &c. &c.

Wednesday, July 12.

On motion of Mr. Weldon, That the House proceed to the Order of the Day of the 10th instant, to go into Committee of the whole on the several Documents connected with the surrender of the Casual and Territorial Revenues, referred to in the Speech of His Excellency the Lieutenant Governor, and which were communicated to the House on the 7th inst.

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

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

The Chairman reported, that the Committee having the matters referred to them under their consideration, they had passed several Resolutions, which he read, and handed the same in at the Clerk's Table, where they were again read, and are as follow:—

1. Resolved, unanimously, as the opinion of this Committee, That the House should entertain the deepest feelings of gratitude to His Majesty for the additional proof of His solicitude for the welfare and happiness of His loyal subjects in this Province, as expressed in the Despatches from the Right Honorable Lord Glenelg of the 2d March and 6th April last, now under consideration.

2. Resolved, as the opinion of this Committee, That the House should pass the Civil List Bill in exact conformity with the draft transmitted by the Right Honorable

Lord Glenelg to Sir Archibald Campbell, on the 31st day of October last, and agreed to by the Assembly and Legislative Council at the last Session.

To which Resolution an amendment was moved, by adding thereto the following words—"With the exception of inserting therein the usual Parliamentary clause, that it is to be subject to such qualification as may be thereafter enacted during the present or any subsequent Session; and further, that the said Bill shall be made permanent instead of for the period of ten years."

An amendment was then moved to the said amendment to expunge the following words—"And further, that the said Bill shall be made permanent instead of for the period of ten years."

Upon which last amendment, the Committee divided as follows:—

Yeas.—Messrs. Speaker, Ford, Hanington, Weldon, Partelow, Johnston, J. M. Wilmot, Burns, Woodward, Morehouse, L. A. Wilmot, Connell, McLeod, Gilbert, Hill, Hayward, Wver, Brown and Rankin.

Nays.—Messrs. End and Street. And it was carried in the affirmative.

The question was then taken upon the amendment as amended, when the Committee again divided—

Yeas.—Messrs. Hanington, Ford, End, Street, McLeod and Wver.

Nays.—Messrs. Speaker, Weldon, Partelow, Johnston, J. M. Wilmot, Burns, Morehouse, Connell, Gilbert, Woodward, Hill, Hayward, Brown and Rankin.

Which was decided in the negative. The question being then taken upon the original Resolution, it passed in the affirmative.

3. Resolved, as the opinion of this Committee, That any modification of the fifth section of the Civil List Bill to meet particular or special cases, should as before, form the subject of a separate Bill containing regulations respecting the Crown Land Department.

And the Chairman then further reported, that he was directed to ask leave to sit again.

Ordered, That the Report be accepted, and leave granted.

On motion of Mr. Woodward, Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct the Clerks of the Peace of the several Counties in this Province, to make returns to the Provincial Secretary, for the information of the Legislature, of the amount of assessments made in the different Parishes in each County in the year 1836, for the support of the poor therein.

Ordered, That Mr. Woodward, Mr. Burns and Mr. Rankin, be a Committee to wait upon His Excellency with the Address.

Mr. Allan, by leave, presented a Petition from Charles Lee, Aaron Hartt, and 50 others, of the Parish of Kingsclear, in the County of York, praying that the proposed alteration in that part of the Great Road from Fredericton to the Canada Line which lies between Camber's Creek and Burgoyne's Ferry, may be suspended until such time as some further exploration be made by Commissioners; to be appointed for that purpose; which he read.

Ordered, That the said Petition be received, and lie on the Table.

On motion of Mr. Weldon, The House went into Committee of the whole, on a Bill for the support of the Civil Government in this Province.

Mr. Hanington in the Chair of the Committee.

Mr. Spenser resumed the Chair. The chairman reported, that the Committee having the Bill referred to them under their consideration, had agreed to the same.

Ordered, That the Report be accepted, and the Bill engrossed.

Mr. Partelow moved for leave to bring in a Bill, to empower the Executive in certain cases to authorise the suspension of specie payments by the incorporated Banks in this Province.

Leave granted.

Mr. L. A. Wilmot, by leave, presented a Petition from Holmes S. Daggett, of Fredericton, in the County of York, praying Legislative enactment to encourage the construction of a Steam Passage Boat for facilitating the communication between Fredericton and Woodstock; which he read.

Ordered, That the said Petition be received, and lie on the Table.

Mr. Taylor, by leave, presented a Petition from Timothy Killeen, and 17 others, poor settlers on the Hanwell road, in the Parish of Kingsclear, in the County of York, setting forth that the Statute Labour in the district is of small amount, and praying a grant in aid thereof, to be expended between that settlement and Fredericton; which he read.

Ordered, That the said Petition be received, and referred to the same Committee.

Monday, July 17.

A Message from His Excellency the Lieutenant Governor.

The Gentleman Usher of the Black Rod requiring the attendance of the House in the Council Chamber—

The House attended, and being returned, Mr. Speaker reported, that he had addressed His Excellency to the following effect:—

May it please Your Excellency: From the commencement of this Session, the most anxious attention has been given by the Assembly to the highly gratifying Despatches from the Right Honorable Lord Glenelg, which were at an early period submitted to them by Your Excellency.

The measures of the Executive Government, and of the two deliberative branches of the Legislature, relative to the surrender, by our most Gracious Sovereign, of the proceeds of all His Casual and Territorial Revenues to the control of the Legislature, have since the last Session been submitted