

Provincial Legislature

HOUSE OF ASSEMBLY.

Wednesday, February 7.

ASSESSMENTS.

This Bill was again committed, for further consideration. Mr. Palmer in the Chair.

Mr. Brown, agreeably to the understanding of the Committee yesterday, moved an amendment, to come in as the 7th section of the bill, providing the mode of recovery of taxes due from non-residents, living beyond the county where the rateable property might be situated.

Mr. J. M. Wilmot and Mr. Gilbert opposed the section altogether, on the grounds that non-residents' property was generally worthless land, of little or no value; that there was seldom any body residing on it, by whom assessments could be paid; that it would be very hard to sell such land in the absence and without the knowledge of the owner, for a trifling assessment of a few shillings; and that the expense and trouble of advertising such sales, and paying costs attendant on the process of selling under distress, would be far more onerous than the amount of the assessment would be beneficial.

Messrs. Weldon, Brown and Fisher replied to Messrs. J. M. Wilmot and Gilbert; urging that it was but right and just that all property should be assessed in the parish where it was situated; that if the land was good and under cultivation, there would be some tenant or occupier thereof, who could pay the assessment; that if it were wilderness land, there would most probably be some person in the neighbourhood who had the charge of looking after the timber on the land, which timber must be of some value, and such person would see to the payment of the assessment, or in default thereof, there would pretty generally be some friend in the neighbourhood who would step forward and pay it, rather than suffer a seizure to be made; that if the land was really worth nothing, it would not be assessed at all; that the bill did not provide for seizing or selling any portion of the land itself for default of payment of taxes, but merely for taking a portion of the timber or other moveable property thereon; that non-residents' property did not always consist of wilderness land, but sometimes of good and cultivated farms, or of large stores on wharves in cities, either of which ought to be proportionally assessed; that proprietors were pretty generally sure to be met with about their property at some period or other in each year, when they might easily be called upon to pay their assessments; and that when it was once generally known that non-residents' property would be subject to this rule of taxation, proprietors would take care to arrange for the payment of their rates, rather than risk the seizure of any part of their property.

Mr. Hayward also supported the principles of the bill, very emphatically observing, that none of the evils or inconveniences complained of by the two Hon. opponents need ever exist at all, because they might easily be avoided by the mere payment of the money. "Only pay the money," observed the Hon. Member, "and there will be no trouble or difficulty about the matter; there need be no fear of inconvenience, if the money is paid; only pay the money."

[Great laughter.]

Mr. Gilbert said, but suppose the owner is not there to pay?

Mr. Partelow replied, that the Hon. Member for Queen's (Mr. Gilbert) was sure to be in Saint John four times in each year; and as the assessors there would have the pleasure of rating him for his property on the South Market Wharf, they would be especially careful to call on him on those opportunities for the amount of his assessment.

The section was agreed to, and several other amendments added; especially one, to give tenants a lawful claim on their landlords for the amount of assessments that they might be required to pay for property in their occupation; and finally, the bill was agreed to with amendments.

TAVERN-KEEPERS, &c.

The Bill to amend the Act, relative to Tavern-keepers and Retailers of Spirituous Liquors, was committed. Mr. Wilson in the Chair.

Mr. Connell stated that the object of the bill was, to afford a more summary and efficient punishment for offences against the law by Tavern-keepers and Retailers of spirituous liquors. By the present law, all such persons were compelled to give bonds, by themselves and two sureties, in the sum of £40 each, for their good behaviour and orderly regulation of their houses; and the only remedy against them for any offences against the law was, by executing their recognizances in the Court of Exchequer, which would cost the parties from £40 to £50. But, from the extreme severity of that mode of proceeding, such a remedy was seldom resorted to, and thus it frequently happened that minor offences against the law, which merited punishment, but which did not seem to call for the enforcement of that extreme measure, wholly escaped punishment. This bill, therefore, was intended to supply the deficiency, by authorising any two Magistrates, upon sufficient evidence, to fine the offending parties; and upon further delinquency, to enable any special Sessions of the Peace to annul the offender's licence.

Mr. Partelow and Mr. Weldon opposed the bill, as totally unnecessary, and as tending to destroy the very salutary and efficient provisions of the present Act. A proper remedy for all offences by Tavern-keepers and Retailers was already in force, and if it had not been put in force in Carleton County, it either proved that there was no need of it there, or else that it was wholly the fault of the local authorities, who did not sufficiently look after offenders. The penalties under the present Act were quite sufficient for all purposes; and this bill, instead of promoting the punishment of offences, would in fact introduce an undue laxity in the law, and encourage the commission of offences, by lessening the penalties. In Saint John, the present law was rigidly enforced, and its penalties had on several occasions been exacted, which was attended with the best effects; and altogether this bill was quite unnecessary.

Mr. Allen also opposed the bill, contending that the same power only that granted licences

should be authorised to revoke them; and that no special Sessions should have that power.

Hon. Mr. Speaker contended, that the trade of a Tavern-keeper and the article he dealt in were both injurious to society, and were productive of every imaginable kind of evil. The very reason why a licence was given at all for such a trade, was, that it was a very dangerous thing, and that the article of spirituous liquors was so injurious to society, that people ought not to be allowed to dispense it indiscriminately. It was notorious, that people under the influence of liquor frequently committed every kind of crime, and were prepared for any outrage; and therefore if Tavern-keepers or others would persist in supplying such dangerous stimulants to persons who were apt to make a bad use of them, or if they would continue to foster drunkenness by allowing people to drink to intoxication, that would be a very sufficient reason for depriving them of their licence. Such persons made a great deal of money out of the distresses and miseries of their fellow-creatures; and that too with very little labour or exertion, and therefore they ought to be kept under the most rigid rules, with respect to their conduct. This bill was intended to increase the rigour of the regulations respecting dealers in spirituous liquors, by affording proportionate punishments for many offences which the present law failed to reach; and therefore he was quite surprised to hear any objection to it. If the trade of a dealer in spirituous liquors was a harmless and useful trade, as most other ordinary trades were, there would be no need of such strictness of regulation; but he defied any body to point out a single instance of benefit to mankind, arising from dealing in spirituous liquors; but on the contrary, the annals of the world were full of records of the evils resulting from it. It was matter of necessity for the safety of society, that the strictest rules should be applied to the government of that trade and those engaged in it, because of its highly dangerous nature. A bad crop was nothing to a country, in comparison to it, because that was only a temporary evil; but the dealing in spirituous liquors was a continual blight to the most prosperous community.

Mr. End moved some amendments to the details of the bill, and then supported the general principles; and after a few desultory remarks from several Hon. Members, in the course of which Mr. Gilbert supported the views of the Hon. Speaker, the bill was agreed to with amendments.

Colonial.

UPPER CANADA.

House of Assembly, January 23.

Captain Dunlop gave notice that he would move an humble Address to Her Majesty, to grant 100 acres of land to all officers, militiamen, and volunteers, who took up arms on the 4th, 5th 6th and 7th, of Dec. last, in defence of the Liberties of this Province, and to all officers, non-commissioned officers, privates, and others throughout the Province, who so nobly stood to their arms in supporting the authority of our Sovereign Lady the Queen, and defending this Province alike from domestic treason and foreign invasion.

Mr. Kearnes gave notice that he would move the House to return a vote of thanks to the Province of New Brunswick, and more especially to the two Regiments of Militia who have so nobly volunteered their services for the defence of Canada.

The House was again put into Committee on the report recommending pensions to the sufferers by the late rebellion, and the committee reported several resolutions.

The first Resolution was put as follows:—Resolved, That if any Officer, non-commissioned Officer, private, or teamster of the Militia, or other provincial corps, or detachment raised in this Province, in any engagement, or by any accident or casualty which had occurred, or which hereafter may occur while performing any duty or actual service, shall be killed, or die of any disease contracted on service, and leave a widow, child or children lawfully begotten, his widow, shall be entitled to receive during her widowhood, and in case of her death or marriage, then to the eldest child, or Guardian, for the use of such child or children of such Officer, non-commissioned officer, private, or teamster, until the youngest thereof shall have attained the age of twenty-one years, an annuity of £40 of lawful money of this Province.—Yeas, 23. Nays, 3.

The second Resolution was then put as follows:—

Resolved—That there be granted to Her Majesty one hundred pounds yearly, to enable Her Majesty to grant an annuity to the widow and children of the late Col. Moodie.

Carried.

Resolved—That the sum of £200 be granted to Her Majesty annually, to enable Her Majesty to pay Col. Coffin, Adjutant Gen. of Militia, a retired allowance during his life.—Yeas, 29. Nays, 2.

HEAD QUARTERS.

Chippewa, January 20, 1838.

Sir,—The services of the Militia and Naval Force under my command being no longer required upon this Frontier, and having received the commands of His Excellency the Lieutenant Governor to permit them to return to their homes, I have issued an order to that effect.

I think it due to those brave and loyal men, to express to you, for the information of His Excellency the Lieutenant Governor, the high sense I entertain of the services which they have rendered to their country. It was to me (who have the pleasure of a personal acquaintance with nearly all the Men of Gore, and with many of the Officers and men of the other Militia Regiments and the Naval Force) a most gratifying spectacle indeed, to observe in the ranks, men, whose aggregate private property cannot fall short of a million sterling—and serving with all the zeal and alacrity of youth—enduring privation and fatigue which nothing but the highest sense of duty and patriotism could induce men to undergo.

So excellent and praiseworthy has been the conduct of all those gallant men, that it would

be invidious in me, even were it possible, to mention the name of one who has, more than another, shown greater zeal in the service,—devotion to our beloved Queen, and to the institutions of our dearly prized country.

Whilst the noble spirit which now animates the brave Militia of Upper Canada continues to exist, (and sure I am that it will only cease in death,) we can have no fears for our present or future safety. The undaunted Militia of this Province will always be found prepared to take their place by the side of Her Majesty's Regular Forces; and, with the best understanding existing between them, it is not too much to say, that Upper Canada is unconquerable.

Allow me, in the name of the Militia lately under my command, to express to you their readiness at all times to take the field, to put down rebellion or to repel invasion—and I beg leave to add, that so far as my own poor services are concerned, they are altogether and heartily at the disposal of the Government, in whatever situation they may be required.

I cannot but express my admiration of the conduct of the Indian Force under Captain Kerr, an old and valued officer. They have been under my command upwards of five weeks,—and during the whole of that period, such has been their exemplary behaviour, that I have not heard a single complaint against them.

I have the honor to be, Sir,

Your obedient humble servant,

ALAN N. MACNAB.

Col. Com'g. M. & N. B.

Lieutenant Colonel Strachan,

Military Secretary, &c. &c. &c.

From the Niagara Reporter, Jan. 26.

AMERICAN NEUTRALITY.—We have received intelligence, from unquestionable authority, that Captain Clarke, of the Coburg volunteers, went over to Buffalo the other day on business, and some ruffians having recognized him, made affidavit (the Buffaloes are capital hands at affidavits) that they had heard him using threats to burn that city. He is now in Gaol there to answer to this absurd charge. We would advise the "free citizens," for their own sakes, to let them alone, and give up such ridiculous pranks. There is a point beyond which it is not quite safe to tamper with the forbearance of John Bull. If Captain Clarke is demanded and released, there will be something more about it than such blustering tom-fodory as they are displaying in regard to the supporters of the Caroline, against whom their sagacious Grand Jury have perpetrated the ludicrous farce of finding a "true bill" for murder and all that sort of thing.

It is stated in the Buffalo papers that there never were more than 510 enrolled in the "patriot army." How does this accord with their former accounts of the vast numbers daily flocking to Mackenzie's standard? It is plain, they never could have had more than nine or ten pieces of ordnance mounted.

The following precious document, we have received from a gentleman at the Falls of Niagara. He states in an accompanying note that it was found on Navy Island after its evacuation, by the "patriots."

"A donation from the Patriotic Ladies of Middleport, Niagara County, New York, to the Patriots of Navy Island."

32 Shirts,

12 Pair Socks,

1 Pair Boots,

"And one cannon ball for McNab. Don't give up the ship,—32 cheers for Mackenzie."

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LOWER CANADA.

Two companies of the 85th, under Captains Power and Brockman, left town yesterday morning, for Napierville.

The whole or greater part of the 43d have been ordered from Chambly to St. John's.

Mr. Labelmondiere, 83d regiment, proceeded yesterday to Washington, with despatches from the British Ministry.—Montreal, Feb. 3.

THE ARMY.—Three companies of the 34th regiment have arrived since Friday, and the last company is expected here to-morrow. The following officers arrived on Saturday and yesterday:—Major G. Ruxton, Captain J. H. Mathews, Lieutenants Harford and Kelly, Adjutant James, and Quarter Master Duke. It is said that the four companies will proceed to the upper districts about the close of the week.—Quebec Gazette, Feb. 5.

A private letter which we have received from New York, announces Drs. R. Nelson and O'Callaghan as being at the Clinton Hotel, in that city, and Papineau as in the neighbourhood of Albany.—Montreal papers state that he was lately seen at Keeseville, in the State of New York, but this, we understand, as very doubtful.

From the Halifax Royal Gazette, Jan. 31.

We have much pleasure in making the following extract from the Journal of the proceedings of the Legislative Council. The Resolutions are well timed. The tribute paid to the loyal People of the British North American Colonies, is as just as it is deserved. Sir Francis Bond Head merits not only the praise but the gratitude of the British People. Col. McNab and the gallant Militia of Upper Canada have indeed behaved nobly, and exhibited a devotion to Government highly creditable to them.

COUNCIL CHAMBER.

Halifax, 29th January, 1838.

On motion of the Honourable Mr. Stewart, seconded by the Honourable Mr. Ousley.

Resolved unanimously, That while the Members of this House view with the deepest regret the existence of Rebellion in the Provinces of Lower and Upper Canada, they cannot refrain from expressing the gratification they have derived from those warm and animating displays of universal Loyalty and attachment to the British Constitution and Government to which it has given occasion throughout the British North American Colonies.

Resolved unanimously, That the grateful acknowledgements of this House ought to be immediately conveyed to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada, for the penetration with

which he discovered, and the firm, prompt and energetic manner, by which he baffled and defeated the mad designs of the traitorous men to rob and murder those who prefer the blessings of the British Government to Republican Institutions, but more especially for the noble minded reliance upon the courage and loyalty of the population by which he was enabled to render most important aid towards the suppression of the unnatural Rebellion in Lower Canada.

Resolved unanimously, That the thanks of this House are also due to Colonel Allen Napier McNab, and the Loyal Militia of Upper Canada, for their gallant conduct in crushing in its infancy the rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American Subjects are determined to preserve their connexion with their Mother Country, and to put down all endeavours to weaken or destroy it.

Resolved unanimously, That this House view with astonishment and regret the support and assistance which, in a time of profound peace and amity between the two Governments, have been afforded to the expatriated Rebels by many Citizens of the American Union, and this House trust that the efforts of the General Government of the United States will not be remitted until such of its Citizens as have been guilty of so unjustifiable a violation of the existing Treaty, and the Law of Nations, shall be punished with that severity which they deserve.

Resolved unanimously, That while this House recognise in the British Soldier that devotion to his Sovereign and Country which has led to the effectual suppression of the Rebellion in Lower Canada, and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the Troops from the Upper Province has afforded gratifying and irresistible evidence of the deep rooted attachment of the People to the British Constitution.

Resolved unanimously, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada.

ROYAL GAZETTE.

FREDERICTON, FEBRUARY 14, 1838.

Central Bank of New Brunswick.

HENRY G. CLOPPER, Esq. President.

Director this week, J. A. BROWN, 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 two o'clock on Mondays and Thursdays.

Bank of Fredericton.

ASA COY, President.

Director this week, Mr. JOSIAH DUNN.

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.

Saving's Bank.

Trustee for next week, Mr. JOHN T. SMITH

Central Fire Insurance Company.

Office open every day, at Mr. Minchin's Brick House, opposite the Parade, (Sunday excepted,) from 10 to 2 o'clock.

B. WOLHAUPT, President.

Committee for the present month.

JOHN S. COY and THOMAS STEWART.

Alms House and Work House.

Commissioner for the week commencing to-morrow.

THOMAS GILL, ESQUIRE.



By Authority.

Government House,

12th Feb. 1837.

All Communications for the Private Secretary, to be addressed to Captain TRYON, Government House.

CIVIL APPOINTMENT.

His Excellency the Lieutenant Governor has been pleased to appoint Boyerle Robinson Jouett, Esquire, to be Sergeant at Arms, attending the Legislative Council in General Assembly, in the room of Isaac Woodward Jouett, Esquire, deceased.

CHURCH SOCIETY OF THE ARCHDEACONRY OF NEW BRUNSWICK.

In conformity with the provisions of the Constitution, the "Church Society of the Archdeaconry of New Brunswick," held its general Committee Meeting on Thursday, February 8th; and its Anniversary Meeting on Friday, the 9th, in the Parish Church of Fredericton.

On Thursday, prayers were read by the Rev. H. Jarvis, and a Sermon preached by the Rev. Dr. Somerville. After Divine Service, the General Committee proceeded to make the annual appropriation of the funds of the Society. By the Treasurer's account then submitted, it appeared that a balance was in his hands of £329 8 4, which was increased by monies paid at the meeting to £389 6 7; of this amount the General Committee resolved to place at the disposal of the Executive Committee £200, for "Missionary visits to neglected places;" £50 for "aid to Sunday and other Schools, in which Church principles are taught;" £50 for a "supply of Books and Tracts in strict conformity with the principles of the Established Church;" and £80 for aid to the building and enlarging of Churches and Chapels—instructing the Executive Committee to comply in all cases with the recommendations of the local Committees.

On Friday, prayers were read by the Rev. S. D. Lee Street, after which, the Venerable the Archdeacon delivered an Address to the Society, which will be printed in the Report. The Archdeacon, as first Vice President, took the Chair; when the Report of the appropriations of the General Committee having been

read, the same were confirmed, and the following Resolutions passed:—

That an application be made to the Society for the Propagation of the Gospel in foreign parts, on behalf of this Society, to aid in the maintenance of one or more visiting Missionaries; and that they be made acquainted with the exertions of this Society, to provide for the wants of neglected places.

That each Local Committee of the Society be requested to furnish a list of such Sunday Schools as are now, or may be within the next three months, set on foot within their respective districts, and which they may deem worthy of assistance from the Society; and that on or about the 1st of June next, the Executive Committee do consider such returns of this kind, as may be by that time in their hands, and divide among them the sum appropriated to this object—allocating to each School its share of the amount, either in money or books, as the Local Committee may desire.

That the Archdeacon, Dr. Somerville, Mr. Berton and Mr. Dibblee, be a Committee to purchase books to the prescribed amount; and that the Executive Committee do dispose of them with due attention to the recommendations of the Local Committees.

That an advertisement twice inserted in the Royal Gazette, (the last time ten days before the Meeting,) be deemed sufficient notice for a Meeting of the Executive Committee to the Members thereof.

That the subscriptions to the society be considered as becoming due at each anniversary Meeting.

That His Excellency the Lieutenant Governor be respectfully requested to accept the office of Patron of the Society.

That Her Majesty's Attorney General, and Solicitor General, and William F. W. Owen, Esquire, Captain, R. N., be nominated Vice Presidents of the Society.

That Henry G. Clopper, Esq., be re-elected Treasurer.

That the Rev. Frederick Coster, be re-elected Secretary.

That the Rev. John M. Sterling, be re-elected Assistant Secretary.

That the following Gentlemen be elected Members of the Executive Committee:—

George F. S. Berton, Esq.	Fredericton,
George Clements,	Douglas,
John T. Coffin,	Westfield,
Samuel Carman,	Saint Mary's,
Richard Ketchum,	Woodstock,
Samuel Scovil,	Waterborough,
Eleazer Smith,	Hampton,
John C. Vail,	Sussex,
Justus S. Wetmore,	Kingston,
Charles P. Wetmore,	Fredricton,
Thomas Wyer,	Saint Andrews,
Benjamin Wolhaupter,	Fredricton.

That the unanimous thanks of this Meeting be given to the Venerable the Archdeacon, for the Address delivered this day to the Society, and that he be requested to allow the same to be printed in the Report.

That the thanks of the Meeting be also given to the Rev. Dr. Somerville, for the Sermon preached yesterday before the General Committee; and that he be requested to allow the same to be printed.

(Signed) F. COSTER, Sec'y.

Fredricton, February 10, 1838.

At the close of the proceedings on Friday, the Archdeacon and Clergy, went, by appointment, to Government House, and presented to His Excellency the Lieutenant Governor, the following Address:—

To His Excellency Major General Sir John Harvey, K. C. H. and C. B. Lieutenant Governor and Commander in Chief, of the Province of New Brunswick, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, the Archdeacon and the undersigned Clergymen of the Archdeaconry and Province of New Brunswick, avail ourselves of the first clerical meeting which we have held since Your Excellency's assumption of the Government of this Province, to add one more to the many testimonies of respect which you have received.

It were almost superfluous for us (even if a shorter time had elapsed since those events took place,) to declare our full participation in the sorrow which filled the hearts of all his subjects at the demise of His late Majesty, King William the Fourth; as well as in the hope and delight with which all hailed the accession of our present Most Gracious Sovereign; for we belong to a Church, whose glory it has been from the earliest ages, that her Clergy, both in their principles and practice, have been ever unquestionably loyal.

This proved distinction Your Excellency may be well assured that we shall under all circumstances maintain; nor shall we be found less zealous in our endeavours to support that glorious Constitution in Church and State, which has come down to us from our forefathers, from whatever quarter it may be assailed.

From Her Majesty's present advisers we have no particular favours to acknowledge. Our Church has for some years ceased (but from no defect of duty on our part) to be distinguished from other religious bodies by any exclusive instances of ministerial bounty; and no hope is held out to us of being any more regarded as we used to be under Her Majesty's revered Predecessors. But our loyalty was not bought by favour and patronage, and it can exist independently of their continuance. We feel that our powers to render valuable service to the State is circumscribed and diminished by the circumstances to which we have been reduced; but the Land and the Institutions of our Fathers are as dear to us as ever; and our prayers shall be constantly offered up, that our latest posterity may continue blessed, as we and our Sires have been, in an intimate and inviolable connection with them; and may never incline to those who are given to change.

Although we doubt not in the least Your Excellency's willingness, as an avowed Member of the Church of which we are Ministers, and a regular and exemplary attendant upon her ordinances, to befriend us—we have no complaints to make, nor any favour to ask which, even without solicitation, we are not