LEGISLATURE OF NEW-BRUNSWICK.

[*Extracts from the Journals of the House.*]

WEDNESDAY, 21st January.

Mr. Parker, from the Committee appointed to wait on his Excellency the Lieutenant-Governor, with the address of this House, praying that His Excellency would direct to be laid before the House, a particular statement of the sums of money, drawn from the Treasury for Bounties on Grain raised on New land from the year 1817 to 1827 inclusive: And also for Bounties on vessels engaged in the Cod and Scale Fisheries during the same period.

Reported, that the committee have attended to that duty, and His Excellency was pleased to say, he would give immediate directions for the necessary information, to be furnished to the House.

Mr. Parker, from the Committee appointed to wait on His Excellency the Lieutenant-Governor, with the address of the House, praying that His Excellency would be pleased to direct regular accounts to be furnished by the Attorney-General, from year to year; and also that the Executors of the late Attorney-General render an account.

Reported, that the said committee have attended to that duty, and His Excellency was pleased to say he should comply with the wishes of the House as expressed in their address.

Mr. Parker from the Committee appointed to wait on His Excellency the Lieutenant-Governor, with the address of the House praying His Excellency would be pleased to give directions to the Province Treasurer, to call for accounts and payment of duties from Auctioneers, reported, that they had attended to that duty, and His Excellency was pleased to say, he would give the necessary directions as requested by the House.

On motion of Mr. Taylor.—Whereas it is expedient that the House should be informed as to the yearly income of the College previous to the Endowment thereof:

Therefore Resolved, that an humble address be presented to His Excellency the Lieutenant-Governor, praying that his Excellency will be pleased to direct an account of the present annual income of the College, derived from rents of Lands, interest of money, or from any other source, to be laid before the House.

Ordered, that Mr. Taylor, Mr. Harrison, and Mr. Barlow, be a committee to present the address.

Mr. Crane, from the Committee, to examine and Report upon the Treasurer's Accounts, submitted a further report, relative to the accounts of the present Province Treasurer, Richard Simonds, Esquire; which he read, and is as follows:

A. Is Richard Simonds, Esquire, Province Treasurer's General Account, shewing a balance in the Province Treasury, in Bonds and Cash on the 31st of December, 1828, £12,205 17 5

B. Is a List of Bonds remaining in the Treasury at St. John, 31st of Dec. 1823 - - - £8599 8 6

Leaving a balance in Bonds, Cash, and Warrants in part paid - £3,606 8 11

£12,205 17 5

No. 1. Is an account of sums received from the Attorney-General on account of Bonds put in suit from 21st October to 31st December, 1828, amounting to £962 8 10.

No. 2. Is an account of Light House Duty collected at Saint John, from 21st October, to 31st December, 1828, amounting to £167 17 3.

No. 3. Is an account of Ordinary Duties collected at Saint John, from 21st October to 31st December, 1828, amounting to £1 166 3 7.

No. 4. Is an account of ad valorem Duty collected at Saint John, from 21st October to 31st December 1828, amounting to £73 11 10½.

No. 5. Is an account of duty on a horse, 5*l*.

No. 6. Is an account of Auction Duty paid by Carey & Trenholm of Westmorland, for 1828, amounting to £4 10 7.

No. 7. Is an account of money paid to the Province Treasury by the Collector and Comptroller of His Majesty's Customs, from duties collected under the Acts of Parliament, from 21st October to 31st December, 1828, amounting to 1,269*l* 1 10.

No. 8. Is an account current of the Savings Bank at St. John with the Province Treasurer, shewing a balance due to that Institution on the 1st January, 1829, amounting to £1,123 12 0.

No. 9. Is an abstract of Warrants paid at the Province Treasury at St. John from 21st October to 31st Dec. 1828, amounting to £13,621 12 0.

No. 10. Is an account of Drawbacks allowed and paid at the Province Treasury from 21st October to 31st December, 1828, amounting to £392 14 9.

No. 11. Is a List of Bonds placed in the hands of C. I. Peters, Esquire, Attorney-General, for collection between the 20th October and 31st December, 1828, amounting to £2,169 17 1.

No. 12. Is a statement of the Revenue of New-Brunswick, between the 20th October and 31st December, 1828, including the amount received from the Collector and Comptroller of Customs, amounting to £4,771 1 11.

No. 13. Is an abstract of contingent expenses incurred at the Province Treasury at St. John for the year 1828, viz.

B. C. Chaloner's account for weighing and guaging dutiable articles, from January to 20th Oct. 1828, amounting to - - - - - - -	£94	17	0
Do. Do's. account from 21st October to 31st December, 1828, amounting to - - - - - - - -	22	13	0
Henry Thomas as Tide Waiter from 24th March to 22d September, 1828, since which the Duty has been performed by Messrs. Chaloner & Clarke, amounting to	91	5	4
The Treasurer's account for Stationary, Printing, Postages, &c. -	45	2	4
	£253	17	4

The above amount is not included in the Treasurer's account for the preceding year.

No. 14. Is an account current of the Deputy Treasurer at Saint Andrews, from the 21st October to the 31st December, 1828, shewing a balance in his hands in Bonds and Cash, at the latter period, of - - - £2,623 5 5

It also appears by a note attached to this account, that the Deputy Treasurer has an additional sum of 1000*l*. in his hands deposited by the St. Andrew's Savings Bank, - - - - - 1,000 0 0

Total in his hands 31st Dec. - £3,623 5 5

No. 15. Is an account of Bonds remaining in the hands of the Deputy Treasurer at Saint Andrews, on the 31st December last, amounting to - - - 3,105 14 0

Leaving cash in his hands at that period, - - - - - - £522 11 5

No. 16. Is an account of sums received from the Attorney-General by the Deputy Treasurer at Saint Andrews, between the 21st October and the 31st December, 1828, amounting to 47*l* 7 11.

No. 17. Is an account of Merchandize imported into St. Andrews between the 21st of October and 31st December, 1828, subject to the Ordinary Provincial Duties,—which Duties amount to £1,177 11 7.

No. 18. Is an account of Merchandise imported into Saint Andrews, from the United States, subject to the Provincial duties between the 21st October and 31st December 1828, which duties amount to 48*l* 1 5.

No. 19. Is an account of duties collected at St. Andrews on horses from the United States between the 21st October and 31st Dec. 1828, amounting to 45*l*.

No. 20. Is an account of duty received by the Deputy Treasurer at St. Andrews on Goods sold by Auction, between the 21st Oct. and 31st Dec. 1828, amounting to £11 16 8.

No. 21. Is an account of Bonds sent to the Attorney General for collection by the Deputy Treasury at St. Andrews, between 21st Oct. and 31st Dec. 1828, amounting to 948*l*. 15 10.

No. 22, Is an account of Sums paid for Drawbacks by the Deputy Treasurer at St. Andrews, between the 21st Oct. and 31st Dec. 1828, amounting to 359*l*. 9 5.

No. 23, Is the sick and disabled Seaman's Hospital Account with the Deputy Treasurer at St. Andrews, between the 1st Jan. and 31st Dec. 1828, shewing a balance in the hands of the Deputy Treasurer, at the last period of 419*l*. 10 5.

No. 24, Is the account current of the Deputy Treasurer at Miramichi with the Province Treasurer, between the 20th Oct. and 31st Dec 1828, shewing a balance in his hands, at the latter date, in Bonds and Cash amounting to 2143*l*. 10 4.

No. 25, Is a particular account and abstract of the Ordinary Provincial Duties collected at Miramichi, between 20th Oct. and 31st Dec. 1828, amounting to 697*l*. 14 2.

No. 26, Is an account current of the Deputy Treasurer at Miramichi with the Commissioners of the Fund for sick and disabled Seamen, between 20th Oct. and 31st Dec. 1828, shewing a balance in the hands of Mr. Peters, at the latter period of 202*l*. 19 2.

Accompanying this account, is an account of money collected at Miramichi, during the above period, under the Act to provide for sick and disabled Seamen, not being Paupers, amounting to 1 16 6, which sum is included in the said account current. No list of Bonds in hand has been furnished since first November last.

No. 27. Is an account of Provincial duties secured at Liverpool from the 21st day of October to the 31st day of Dec. amounting to £102 17 8

From which deduct the Deputy Treasurer's commission of 10 per ct. 10 5 9

£92 11 11

No. 28. Is the account current of the Deputy Treasurer at Liverpool, shewing a balance in his hands, in Bonds and Cash, amounting to the sum of £384 2 11¼.

No. 29. Is a list of Bonds remaining in the hands of J. W. Weldon, Esq. Deputy Treasurer at Liverpool, on the 31st Dec. £286 11 11½

Leaving a balance of Cash in hand, 97 11 0¼

£384 2 11¼

No. 30. Is an account of J. W. Weldon, Deputy Treasurer at Liverpool with the Province Treasury, for duties collected by him for relief of sick and disabled Seamen, shewing a balance in his hands of £40 15 4½.

No. 31. Is the account of William Hannington, Esquire, Deputy Treasurer at Chediac, of the Duties secured at that place between 20th day of Oct. 1828, to the 31st December following, amounting to £12 1 0.

No. 32. Is the account current of William Hannington, Esq. Deputy Treasurer at Chediac, with the Province Treasurer, shewing a balance due the said Deputy Treasurer of £1 19 8.

No. 33. Is an account of Expences incurred for protection of the Revenue in 1828, accompanied with the necessary vouchers, amounting to £845 12 8.

The Committee observe that in the abstract of Warrants paid previous to the 20th October last, the sum of £1,000, granted in 1827, has been paid for protection of the Revenue, but no account has been furnished shewing the expenditure of the same.

No. 34. Is David W. Jack's account for Guaging and Weighing, from 1st Jan. to 31st December, 1828, amounting to £41 9 6.

No. 35. Is the account of George Henderson, Miramichi, for Guaging for the Province, from the year 1821 to 1828, amounting to £15 4 6.

No. 36. Is an account of the Deputy Treasurer at Fredericton, shewing a balance in his hands on the 31st December, 1828, of £36 3 5¾ The sum of £33 18 5¾ of the above balance, appears to have been in this Officer's hands since 31st December, 1827.

The Deputy Treasurer of York has produced a receipt from the late Treasurer for the sum of 41*l* 6 8, reported by the Committee of last Session to have been omitted in the Province Treasurer's General Account. This sum therefore remains to be accounted for.

There are no returns from Bathurst and Restigouche, for the year 1828, or from West Isles and Westmorland, since 20th Oct. last.

It appears by the list of Bonds sent to the Attorney-General for collection, that some of them are of long standing: the Committee think it necessary to call the attention of the House to this subject.

The aforegoing accounts appear to be correctly stated.

All which is respectfully submitted to this Honorable House.

W. CRANE,
JOHN WARD, Jun.
ALEX. RANKIN,
THOMAS BARLOW,
W. TAYLOR.

Ordered, that the Report be accepted.

Mr. Speaker laid before the House accounts put into his hands by Mr. Secretary Odell by command of His Excellency the Lieutenant-Governor, from Richard Simonds, Esquire, Secretary to the New-Brunswick Agricultural and Emigrant Society, furnished in pursuance of an address to His Excellency of the 12th December last.

The joint address of the Council and House of Assembly, to His Majesty, praying a repeal of a part of the Act of the Imperial Parliament of 18 Geo. 2, c. 7, as reported by the Committee of the House this day, was again read.

Whereupon ordered, that the said address be engrossed and signed by the Speaker.

The House went into Committee of the whole, on a Bill in amendment of an Act for the relief of confined Debtors.

Mr. Scott in the Chair of the Committee.

The Chairman reported, that they had made progress therein, and that he was directed to ask leave to sit again.

Ordered, that the Report be accepted and leave granted.

On motion of Mr. Wyer.—The House went into Committee of the whole, on a Bill to repeal an Act, intituled "An Act for erecting and maintaining a Light House upon one of the Islands or Rocks near the South East Coast of the Island of Grand Manan.

Mr. Humbert in the Chair of the Committee.

The Chairman reported, that having gone into consideration of the said Bill, they had agreed to the same.

Ordered, that the report be accepted, and the Bill engrossed.

THURSDAY, 22d January.

Mr. Freeze moved the following Resolution. Whereas the Sheriff and Deputy Sheriff of King's County, are now in Fredericton, and it is necessary that they should be examined touching the matter contained in the Petition of Daniel Green.

Therefore Resolved, that the said Sheriff and Deputy Sheriff of King's County be forthwith called to the Bar of this House, to answer such questions as may be put to them respecting the imprisonment and other proceedings against the said Daniel Green, in King's County.

And upon the question the House divided.

YEAS.—Messrs. Palmer, Humbert, Scott, Ward, Gilbert, Taylor, Ketchum, Hayward, Freeze, Dow, Munro.

NAYS.—Messrs. Parker, Crane, Partelow, Barlow, Weldon, Harrison, M'Kay, Allen, Clinch, Rankin, Wyer, Campbell.

It was thereupon decided in the negative.

Mr. Taylor, from the Committee appointed to wait upon his Excellency the Lieutenant-Governor, with the Address of the House of the 21st inst. praying that His Excellency would be pleased to direct an account of the present annual income of the College to be laid before the House. Reported, that they had attended to that duty, and His Excellency was pleased to say, he would direct the proper officers to prepare such an account, and that so soon as it could be prepared he would comply with the wishes of the House.

On motion of Mr. Scott.—The House reconsidered the Resolution submitted this day, for calling in the Sheriff and Deputy Sheriff of King's County, to the Bar of the House, to answer questions respecting the imprisonment and other proceedings against Daniel Green.

And upon the question for sustaining the Resolution, the House divided.

YEAS.—Messrs. Humbert, Scott, Palmer, Ward, Harrison, Gilbert, Taylor, Ketchum, Hayward, Freeze, Rankin, Clinch, Munro, Dow.—NAYS.—Messrs. Weldon, Parker, Crane, Partelow, Barlow, M'Kay, Wyer, Campbell, Allen.

It was thereupon carried in the affirmative.

Mr. Bates, High Sheriff for King's County, was then admitted, and being examined therein, was ordered to withdraw.

Mr. Davidson, the Deputy Sheriff, was then admitted, and being examined was likewise ordered to withdraw.

A Message from His Excellency the Lieutenant Governor.

Mr. Secretary Odell, by command of His Excellency, laid before the House the following communication from George F. Street, Esquire, Treasurer and Clerk of the College Council, in compliance with an Address of yesterday.

"Annual Income of King's College, New-Brunswick, independent of the Provincial Grants.

Interest of Monies invested on Real Estates, - - - - - £151 14 0

LAND RENTS.

The nominal amount of these Rents as they stand on the Books is £141 13 2, but owing to the poverty of many of the Tenants, and the absconding of others without paying their rents, or leaving any improvements or property on the Lands, to cover the arrears, the total amount that has been realized in the last three years, including the arrears that have been, during that period collected, has not exceeded the sum of £254 10 0, which makes an average per annum of 84 13 7

And in the present state of the College Lands, I do not think there is much probability of the Land Rents greatly exceeding this amount for some years to come.

The annual rent of the Fredericton Ferry, may be averaged at about 30 0 0

Total, £266 7 7

Against which must be sett off the Debts now due from the Old Corporation of the Governor and Trustees of the College of New-Brunswick, amt'g in the whole to about £2,400, for the payment of which the property from which the above Income is derived, is answerable, taking then the Interest on these debts from the above Income, say, - - - - - - - 144 0 0

Balance of Income at the disposal of the Corporation of King's College, after payment of the Debts independent of the Government Grants, - - - 122 7 7

To which is be added the Grant from the Crown conditionally on the Provincial Legislature making an equal Grant, amounting to £1000 stg. which in currency is - - 1,111 2 2

It will be to be recollected, that the support of the English and Grammar Schools, independant of the College Establishment, has heretofore cost the Corporation £325 a year besides contingencies.—And the great amount of Debts now due from the old Corporation has arisen from their Expenditure having necessarily so much exceeded the amount of their income in keeping up the old Establishment. GEO. F. STREET,

22d Jan. 1829. Treasurer & Clerk of the College.

On motion of Mr. Parker.—Ordered, that the House do to-morrow, go into Committee of the whole, on a Bill for the Endowment of King's College, at Fredericton, in the Province of New-Brunswick.

On motion of Mr. Crane.—The House went into Committee of the whole, on the Reports from the Auditor of Provincial accounts.

Mr. Taylor in the Chair of the Committee.

The Chairman from the Committee, reported, that they had gone into consideration of the matter referred to them, and submitted the following report, which he read—

No. 14. Is the audit of H. Johnston, Jun. and C. I. Peters' account for the expenditure of money, as Commissioners for the Marsh Road near the City of St. John, in 1827. This account appears by the Auditor's Report to be correct. And no commission is charged.

No. 18. Is the audit of J. W. Weldon's account for 1827. (Supervisor of the Great Road between Richibucto and Chediac River.) This account appears by the Auditor's Report to be correct, and no Commission is charged.

No. 11. Is the audit of Supervisor William Hannington's accounts for 1824, 1825, and 1826. This account appears by the Auditor's report to to be correct, and a balance due to him of £65 19 3½, which balance is to be paid by the Supervisor of the Great Road from Chediac to Richibucto, agreeably to a Resolution of the House at the last Session. There is no commission charged in this account.

Nos. 9 & 10. Is the audit of Hon. W. Botsford's accounts for 1825 and 1826. These accounts appear by the Auditor's Report to be correct. Balance due the Province £58 13 2. It is proper to observe, with respect to the accounts of the Hon. Judge Botsford, that the whole amount of incidental charges in the expenditure of £1,363,–19 9½, is only £17, and no commission is charged by him, a circumstance, in the opinion of your Committee, worthy of observance and imitation.

FRIDAY, 23d January.

Ordered, that Mr. Weldon communicate to the Council, a Resolution of the House of the 17th instant, transmitting to the Council, returns and papers relative to the sale of Crown Lands under the new system.

On motion of Mr. Parker.—The House, according to the order of the day, went into Committee of the whole, on a Bill for the endowment of King's College at Fredericton, in the Province of New-Brunswick.

Mr. Miles in the Chair of the Committee.

The Chairman reported, that they had gone into consideration of the said Bill, and that upon the question for passing the first section thereof, the Committee divided.

YEAS.—Messrs, Speaker, Parker, Crane, Clinch, Partelow, Ward, Weldon, Barlow, Taylor, Ketchum, M'Kay, Hayward, Wyer, Campbell, Allen.

NAYS.—Messrs. Humbert, Palmer, Harrison, Gilbert, Scott, Freeze, Rankin, Munro, Dow.

It was thereupon carried in the affirmative.

And the Chairman further reported, that the Committee had agreed to the Bill with amendments.

Upon the question for accepting the report, the House divided,

YEAS.—Messrs, Parker, Crane, Clinch, Partelow, Ward, Weldon, Barlow, Taylor, Ketchum, M'Kay, Hayward, Wyer, Campbell, Allen, Miles,

NAYS.—Messrs, Humbert, Palmer, Harrison, Gilbert, Scott, Freeze, Rankin, Munro, Dow.

It was carried in the affirmative.

Ordered, that the report be accepted, and the Bill engrossed as amended.

A Message from His Majesty's Council.

Mr. Bliss, Master in Chancery, informed the House, that the Council had agreed to the Bill in amendment of the Act for establishing Parish Schools.

On motion of Mr. Campbell.—Resolved, that a Committee be appointed to search the Journals of the Honourable the Legislative Council, to ascertain what proceedings have been had on "a Bill in amendment of the several Acts for establishing Grammar Schools."

On motion of Mr. Crane.—The House went into Committee of the whole, in further consideration of the Reports from the Provincial Auditor.

Mr. Taylor in the Chair of the Committee.

The Chairman reported, they had made further progress in the matter referred to them, and submitted a report, which he read, and being handed in at the Clerk's Table, was there again read, and is as follows.

Nos. 1 & 3. Are the Audits of the accounts of James A. M'Lauchlin, Supervisor of the Great Road from Fredericton to the Canada Line, from 1823 to 1826, inclusive: By which there appears a Balance due the Province of £89 3 4½. These accounts appear by the Auditor's Report to be correct.

It appearing by the contingent account furnished by the Supervisor, that many articles and implements were purchased by him for carrying on the work, under his direction; it is the opinion of the Committee he should furnish an account of the manner in which they have been disposed of.

SATURDAY, 24th January.

Read a third time, as engrossed, A Bill to repeal an Act, intituled "An Act for erecting and maintaining a Light House upon one of the Islands or Rocks near the southeast coast of the Island of Grand Manan. Resolved, that the Bill do pass.

Mr. Campbell, from the Committee appointed to take into consideration and ascertain what sums may be necessary for the improvement of all the communications throughout the Province, and for opening roads to new Settlements, submitted the following report, which he read.

The Committee are of opinion that the sum of £1,150 should be applied for the purpose of repairing the Great Roads throughout the Province, which your Committee recommend to be apportioned as follows:

From St. John to the Nova Scotia line,	£200	
" " to Saint Andrews,	200	
" " to Fredericton, via Nerepis,	100	
" Fredericton to Newcastle,	100	
" " to St. Andrews,	100	
" " to the Canada line,	100	
" " to the Finger Board,	50	
" Newcastle to Bathurst,	150	
" Richibucto to Chatham,	75	
" Chediac to Richibucto,	75	
	£1,150	

Your Committee respectfully suggest the propriety of making no appropriation for Bye-Roads, as nearly all the grants for the last year remain unpaid, owing to the distressed state of the Treasury.

Your Committee recommend a sum of money should be appropriated for the opening and improving of a Road from the N. E. Branch of Magaguadavic to Prince William in the County of York; and that the Petition of John Wilson be complied with, so far as relates to the money advanced by him.

COLIN CAMPBELL, THOMAS BARLOW,
JOHN DOW, WILLIAM CRANE,
GEORGE HAYWARD, J. W. WELDON,
CHARLES HARRISON, ALEX. RANKIN,
JOHN HUMBERT, H MUNRO.

The Report being handed in at the Clerk's Table, was again read.

Ordered, that the report be accepted.

On motion of Mr. Humbert.—Whereas great delay has yearly taken place in printing and distributing the Acts of Assembly, whereby serious difficulties and inconveniences are frequently experienced by Magistrates and others, particularly as most of the Laws take effect from the time of the passing the same.

Thereupon resolved, that an humble Address be presented to His Excellency the Lieutenant-Governor, praying that His Excellency will be pleased to direct that the Acts of the present Session, be printed and distributed as early as possible, after the close thereof.

Ordered that Mr. Humbert, Mr. Dow, and Mr. Crane, be a Committee to present the Address.

On motion of Mr. Crane.—The House went into Committee of the whole, in further consideration of the Provincial Auditor's reports.

Mr. Taylor in the Chair of the Committee.

The Chairman from the Committee, submitted a further report, which he read, and being handed in, was again read, and is as follows:

No. 4, Is the audit of the account of L. B. Rainsford, acting Supervisor of the Great Road from Fredericton to the Canada Line, for 1827.

By which audit there appears to be due to the Province the sum of £36 12 0.

The accounnt is correctly stated, and the Committee recommended that Mr. Rainsford be directed to pay over the said balance to the Supervisor.

Ordered, that the report be accepted.

MONDAY, 26th January.

Mr. Partelow, Chairman of the Committee to examine into the Scrutiny pending between Patrick Clinch, Esq. the Sitting Member, and Joseph N. Clarke, Esq. a candidate at the last Election for Charlotte County, reported, that they had gone through the evidence adduced by both parties, and submitted a report, accompanied by minutes of the evidence taken in the course of the investigation: The Report being read, and handed in at the Clerk's Table, was again read, and is as follows:—

"That on the 31st December, the Committee met and adjourned from day to day, until the 2d instant, when they commenced to hear and to take testimony adduced by both parties, and have from time to time proceeded in the business, until both parties declared they had no further testimony to adduce.

"That on reference to the original Poll Book, the committee found that the Sitting Member, Patrick Clinch, Esquire, had 423 votes, and that the Petitioning Candidate, Joseph N. Clarke, Esq. had 420 votes, at the close of the Poll.

"The Petitioning Candidate alledged that 247 out of the 423 votes, given for the Sitting Member, were improperly polled, the voters not having the requisite qualifications, and the objections against each vote were particularised in a list handed to your Committee, a copy of which the Sitting Member acknowledged to have received, agreeably to a resolution of the House at the last Session; of these 75 were admitted to be good by the Petitioning Candidate, and 125 were admitted to be bad by the Sitting Member, and proof was adduced, to the satisfaction of your Committee, that they were so.

"Two of the Persons objected to did not vote for the Sitting Member, and the remaining 42 are doubtful.

"The Sitting Member alledged, that 178 of the 420 votes, polled for the Petitioning Candidate were bad, the voters not having the necessary qualifications; and a copy of a list was handed to your Committee by the sitting member, particularising the nature of the objections to each vote respectively, the original of which, the Petitioning Candidate acknowledged to have received in exchange for the list of objected votes delivered by him to the sitting member; of these 46 were admitted to be good by the sitting member, and 68 were acknowledged to be bad by the Petitioning Candidate; and satisfactory proof was adduced to your Committee that they were so.

"One of the persons objected to, is not on the Poll Book, and the remaining 63 are doubtful.

"All the evidence taken in the course of the investigation, and this report, are respectfully submitted to the consideration of the House."

January 26, 1829.

JOHN R. PARTELOW,
THOMAS GILBERT,
RICHARD KETCHUM,
PHILIP PALMER.

Ordered, that the report be accepted.

On motion of Mr. Rankin,—Resolvrd, that the Clerk of the Crown in Chancery, or his Deputy, do attend this House with the last Writ issued to the Sheriff of the County of Northumberland, for the election of a member to serve in General Assembly for the said County, together with the Sheriff's return thereto.

The House proceeded to take into consideration the report from the Committee upon the Scrutiny between Patrick Clinch and Joseph N. Clarke, Esquires, and to examine into the evidence adduced before the said Committee.

Resolved, that the Sitting Member be heard at the Bar of the House touching any matters which may arise in the course of the investigation, and not in his place as a Member.

And further resolved, that the Petitioning Candidate be admitted and heard at the Bar of the House touching the said Scrutiny.

Mr. Clarke the petitioning candidate was admitted.

The petitioning Candidate was ordered to withdraw.

The Clerk of the Crown in Chancery attended with the writ issued to the Sheriff of the County of Northumberland, for the Election of a member to serve in General Assembly for the said County, together with the Sheriff's return thereto, by which it appeared that Joseph Cunnard, Esquire, was duly elected a Member for that County.

Ordered, that Mr. Rankin and Mr. Munro attend the Commissioners and see Mr. Cunnard qualified.

Mr. Clarke, the petitioning Candidate, was readmitted.

The Committee appointed to attend the Commissioners, with Mr. Cunnard and see him qualified, report that Mr. Cunnard had taken the oaths prescribed by Law.

Ordered, that Mr. Cunnard be allowed to take his seat.

The House having gone through the doubtful votes given in favour of the said Patrick Clinch, as contained in the report of the Select Committee, The petitioning candidate withdrew.

On Motion of Mr. Weldon.—Whereas 14 of the 42 votes given for Patrick Clinch, and reported as doubtful, are considered bad by this House.

Therefore resolved, that in the opinion of this House, Patrick Clinch, Esquire, is not duly elected a Member to serve in General Assembly, for the County of Charlotte, but that Joseph Nehemiah Clarke, Esquire, is duly elected a member to serve in General Assembly, for the County of Charlotte, but that Joseph Nehemiah Clarke, Esquire, is duly elected a member for the said County, he having a Majority of votes upon the Scrutiny.

Thereupon ordered, that the Clerk of the Crown in Chancery, do attend this House with the last writ of Election for the County of Charlotte with the return of the Sheriff thereto, in order that the same may be amended.

Mr. Humbert, from the Committee appointed to wait on His Excellency the Lieutenant-Governor with the address of the House, relative to the publication and distribution of the Acts of this present Session of the Legislature, having attended to that duty, reported, His Excellency was pleased to say, he would attend to the wishes of the House, and give the necessary directions.

Mr. Weldon, pursuant to leave, brought in a bill to prevent Pedlars travelling and selling within the Province without Licence.

Which was read the first and second times.

The Committee appointed to examine what amount of former appropriations remain unpaid, in order to ascertain the disposable funds of the Province for the Current year; made the following report, which he read.

"That it appears from the report on the Treasurer's accounts, and the statements of the Provincial Auditor, that the aggregate amount of unpaid appropriations is about £64,700, from which may be deducted about £14,700, being an excess of appropriations over what may be actually required to meet those services; Leaving about 50,000*l* to be provided for; from this may be deducted the amount of securities in the hands of the Treasurer and his Deputies, and the balance on the late Treasurer's accounts, amounting together to 24,000*l*, which sums, when deducted from the 50,000, as above stated, will leave the sum of 26,000*l*, to be paid out of the Revenue for the year 1829. Your Committee therefore recommend that the appropriations of the present Session, should be on a very limited scale.

"All which is respectfully submitted to this Honorable House.

JOHN WARD, Jun.
W. CRANE,
WM. TAYLOR,
THOS. O. MILES"

The report being again read at the Clerk's Table, was ordered to be accepted.

The Clerk of the Crown in Chancery, attended with the last writ of Election for Members to serve in General Assembly for the County of Charlotte with the Sheriff's return thereto, when the same, in obedience to the order of the House, was altered by erasing the name of Patrick Clinch, and inserting that of Joseph Nehemiah Clarke.

Ordered, that Mr. Campbell, and Mr. Wyer, attend the Commissioner and see Mr. Clarke qualified.

TUESDAY, 27th January.

Mr. Campbell, from the Committee appointed to search the Journals of the Honorable the Legislative Council, to ascertain what proceedings had been had upon a Bill in amendment of the several Acts for establishing Grammar Schools, having attended to that duty, reported, they found the following entry.

"*Council Chamber*, 22d *Jan.* 1829.

PRESENT.

The Chief Justice,	Mr. Baillie,
Mr. Justice Bliss,	Mr. Hurd,
Mr. Black,	Mr. Peters.
Mr. Justice Botsford,	Mr. Robinson.

"Read a second time, the Bill in amendment of the several Acts for establishing Grammar Schools.

"On motion resolved, (Judge Bliss dissenting) that the further consideration of this Bill be put off for 3 months."

A Message from His Majesty's Council.

Mr. Putnam, Master in Chancery, informed the House, that the Council had agreed to 'A Bill to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same, with amendments, to which they request the concurrence of this House.

"And that the Council had passed a Bill to ascertain all ungranted Lands in the Township of Sackville in the County of Westmorland, and to vest all the vacant and unlocated wilderness Lots within the same, in the Crown.

To which they likewise request the concurrence of the House.

And further that the Council had agreed to 'A Bill further to continue and amend the several Acts for raising a Revenue in this Province."

And that he was directed to communicate to the House, that the Council had passed the following resolution.

"Resolved, that the Council have observed, that by this "Bill, sundry articles are made subject to duty which have "not been previously submitted to their consideration, "which the Council consider as a measure highly dangerous "and unconstitutional and a departure from the mode which "has been adopted and acted upon for many years by the "two Houses.

"The Council however have concurred in the present Bill, "but hope this concurrence will not in future be drawn in- "to a precedent."

In the Committee of Supply it was moved:—

That there be granted to the New-Brunswick Agricultural and Emigrant Society, the sum of £—, for the promotion of Agriculture throughout the province, during the present year.

And upon the question for sustaining the Resolution, the Committee divided—

YEAS.—Messrs. Speaker, Parker, Crane, Campbell Ward, Gilbert, Ketchum, M'Kay, Cunard, Miles, Allen, Rankin, Wyer, Dow, Clark, Munro.

NAYS.—Messrs. Chandler, Palmer, Humbert, Scott, Barlow, Weldon, Harrison, Hayward, Freeze.

It was thereupon carried in the affirmative.

And upon the question for granting the sum of £300, it was likewise carried in the affirmative.

That the Committee then proceeded to take into their consideration the Petition of James Taylor, Senr. and Co. and William Cross, Contractors for building the College.

When the following Resolution was moved.

Resolved that there be granted to James Taylor, Senr. & Co. and William Cross, the sum of £ to remunerate them for extra expence incurred in the erection of the College building, in consequence of the very imperfect plans and specifications upon which they were called upon to make their estimates, it appearing that such extra expense has been incurred in consequence of the superior qualities of the materials used by them, and the superior style in which the work has been executed, £ part of the said sum to be paid in the present year, £ another part thereof to be paid in the year 1830, and the remaining sum of £ to be paid in the year 1831, without interest.

To which the following amendment was moved:—

"Resolved, that the Petition of James Taylor, Senr. and others, be not complied with, it being the opinion of this Committee, that whatever compensation the Petitioners are entitled to receive, for the reasons stated in their Petition, should be paid by the College Corporation, with whom the contract was made, and that if it is proper for the Legislature to grant any sum, in addition to what has already been provided for the erection of the College the Grant therefore should be made to the College Corporation.

And for adopting the amendment the Committee divided.

YEAS.—Messrs. Parker, Chandler, Palmer Humbert, Crane, Barlow, Ward, Weldon, Freeze, Scott.

NAYS.—Messrs Speaker, Harrison, Gilbert, Allen, Ketchum, Miles, Cunard, Rankin, Wyer, M'Kay, Munro, Dow, Campbell,

It was thereupon decided in the negative.

And upon the question being then put for sustaining the original Resolution, the Committee again divided. YEAS 13. NAYS 10.

It was thereupon carried in the affirmative.

And upon the question that the Grant of the sum of £1,500 be made the Committee again divided.

YEAS.—Messrs. Speaker, M'Kay, Ketchum, Hayward, Miles, Allen, Cunard, Rankin, Wyer, Munro, Dow, Campbell, Clarke,

NAYS.—Messrs. Freeze, Gilbert, Harrison, Ward, Barlow, Scott, Crane, Weldon, Humbert, Palmer, Parker, Chandler.

It was likewise decided in the affirmative.

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

Which was granted.

The report being then handed in, and the question put for accepting the same, the House divided as follows:—

YEAS.—Messrs. Ketchum, Hayward, Miles M'Kay, Cunard, Rankin, Wyer, Allen, Munro, Clarke, Dow, Campbell.

NAYS.—Messrs. Chandler, Parker, Palmer, Humbert, Partelow, Crane, Scott, Barlow, Weldon, Ward, Harrison, Gilbert, Freeze.

It was thereupon decided in the negative.

WEDNESDAY, 28th January.

Mr. Parker moved for leave to bring in a Bill relative to the Grammar Schools in this Province. Leave granted.

On motion of Mr. Parker.—Resolved, that the Resolution of His Majesty's Council on the subject of the Revenue Bill, communicated to this House on the 27th inst. be referred to the Committee of Privileges to report thereon; and that the Committee be instructed to examine into the previous practice of the General Assembly as to imposing new Duties; and also into the usage of Parliament on such occasions.

The House proceeded to take into consideration the amendments made by the Council to the Bill to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same.

The said amendments being read, and the questions severally put thereon. Resolved that the House do concur therein.

Ordered, that Mr. Campbell return the Bill with the amendments to the Council, and acquaint them therewith,

A Message from His Excellency the Lieutenant-Governor.

"NEW-BRUNSWICK.

"*Message to the HOUSE OF ASSEMBLY,*

"*27th January*, 1829.

"HOWARD DOUGLAS.

"The Lieutenant-Governor acquaints the House of Assembly, that he has been directed by His Majesty's Government to make the following communication to the Assembly on the subject of the Salaries to the Officers of His Majesty's Customs.

"His Majesty's Government have had under their consideration the Address of the House of Assembly of New-Brunswick, and also the representations which have been made from the other North American and the West-India Colonies, with respect to the mode of paying such Salaries.

"The main object of His Majesty's Government in the abolition of Fees upon shipping, from which the Officers of the Customs had, for a long course of years derived their emolument, being colonial relief, it must be considered unfortunate that this abolition should have taken place, before some satisfactory arrangement had been made with the Colonies for permanently providing for the Salaries of those Officers.

"Although it might have been better to have made the abolition contingent upon the maintenance of that exclusive dependance of the officers abroad on the department at Home, which has always hitherto been maintained and which appears essential to the satisfactory discharge of their duties, both as regards the Mother Country and the Colony in which they may be stationed, His Majesty's Government cannot believe that the circumstance of the relief having been given in the first instance by the immediate abolition of the fees, can operate upon the Colonial Legislature, to the disadvantage of the officers themselves, or can be considered a ground for throwing a further burthen on the Mother Country, or for invading the just and acknowledged right of the Crown, to appoint Officers of the Customs, and to assign to them a reasonable and proper remuneration.

"On the contrary, His Majesty's Government have the fullest confidence, that when the Colonial Legislature shall have had under their consideration the actual circumstances of the case, and the real nature of the authority given to the Officers to pay their Salaries, out of the gross Revenue which may come into their hands, they will not be disposed to resist an arrangement, which cannot but be for their own advantage.

"It appears to His Majesty's Government to be without a doubt, that under the Statute 18, Geo. 3, C. 12, the power to deduct, (from the Revenue levied under the Acts of Parliament, and paid over to the Receiver-General of the Colony,) the expense of collection is expressly reserved to the Crown.

"The Section directs "the nett produce to be applied to the use of the Colony," "and although the 6 Geo. 4, Cap. 14, directs that the produce of the duties raised under that Act should be paid over for the use of the Colony, yet the 10th Section of the same act expressly declares, that nothing in that Act shall extend to alter the provisions of the 18th Geo. 3, c. 12, which authorized the previous deduction of the expense of collection. The opinion of the Law Officers of the Crown is express, that the salaries of the Officers, in the case of the duties raised under 6 Geo. 4, c. 114, as in that, of those received under former Acts, are legally payable out of the gross produce, and that the balance alone, after such payment, is to be paid over to the Colonial Officers.