PROVINCIAL LEGISLATURE.

LEGISLATIVE COUNCIL,—*Fredericton, Friday, February 7.*

A Message from His Excellency the Lieutenant Governor was delivered by the Honorable Mr. Secretary Odell, who having retired, the President read the same, and it was again read by the Clerk as follows :

"NEW-BRUNSWICK.

"*Message to the Legislative Council,*
"*7th February,* 1834.

"ARCHIBALD CAMPBELL.

"The Lieutenant Governor communicates to the Legislative Council, the Copy of a Dispatch addressed to him by the Secretary of State for the Colonial Department, in answer to the Address of the Legislative Council, which was transmitted to the Secretary of State during the last Session, for the purpose of being laid at the foot of the Throne. "A. C."

"*Downing-street, 27th July,* 1833.

"SIR,—I have received and laid before the King, your Dispatch, No. 22, the 19th of March last, enclosing certain resolutions of the Legislative Council, and also an Address from that body to His Majesty on the subject of the relative rank to be held by Members of the Executive and Legislative Councils, and on the right of succession to the Administration of the Government of the Province, in the event of the death or absence of the Lieutenant Governor.

"With respect to the latter point, I think, that the existing instruments under the Royal Sign Manual, are sufficient to place it beyond the reach of doubt. By Letters Patent, bearing date the 3rd of December, 1832, the Council of New-Brunswick was divided into two distinct Councils, to be styled the Legislative Council and the Executive Council. The Legislative Council was to have those powers of the original and joint Council, which respected the enactment of Laws; but all other Powers and Authorities whatsoever belonging to the original Council, were to be vested in the Executive Council. It necessarily follows, that the privilege of succeeding to the Administration of the Government must belong to the Senior Member of the Executive Council. I may add, that this provision was no more than consistent with the nature of the two Bodies which His Majesty was creating, in dividing the Councils. It was natural that the advisers of the Governor, in the ordinary discharge of his Office, should be presumed to be better prepared to succeed, on an emergency, to the same Office, than those who were confined to the separate, though highly important business of Legislation.

"The solution of the question referred to in the preceding observations, appears to me to answer the question respecting the relative rank of Members of the Executive and Legislative Councils. As the succession to the Government belongs to the Senior Member of the Executive Council, the Members of that Council ought to have precedence of all other persons; for it would be a manifest inconvenience, that an officer called upon to administer the Government should thereby supersede a previous superior in rank.

"I have the honor to be, Sir,
"Your obedient, humble servant,
"(Signed) "E. G. STANLEY."

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

True Copy. J. CAMPBELL, *Private Sec'y.*

HOUSE OF ASSEMBLY—FREDERICTON, *Thursday, February 6.*

CRUELTY TO ANIMALS.

On motion of Mr. End, the House went into Committee of the whole, on the Bill to provide for the punishment of cruelty to animals.—Mr. J. Humbert in the Chair.

Mr. End said, that he believed it to be pretty well understood, by every member of the Committee, that very serious offences had at times been committed against humanity, in this country. Every body, possessing the common principles of humanity, must have had his feelings outraged and shocked, by witnessing acts of barbarity and cruelty to animals. He intended, by these observations, no reflection whatever on the humanity of the people of this Province; it was the same in all countries, where men of evil passions and brutal principles were to be found interspersed in society; but the fact he had stated was undeniable; and that the Province had so long remained without a law for the punishment of such barbarous actions, was most extraordinary. In looking over the former journals of the House, he found, that there had often been motions made for bringing in such a bill, but yet, from some unexplained cause, nothing further had been done. He had recently been informed, and he believed the information to be perfectly true, that, on a late occasion, the Grand Jury of a certain County in this Province, in the exercise of that sound discretion and judgment which every Grand Jury ought to exercise, in presenting every thing which militated against the morality or the well-being of the country and of society, had presented to the Circuit Judge, information of a fact, at which humanity would shudder, and the bare mention of which would convince the Committee of the absolute necessity of some such Bill as that under consideration. Two persons went into the woods with a sledge and horse; the horse had previously been ill fed and ill used, and was therefore unfit for very laborious work. In returning from the woods, the horse, being wholly unable to draw the heavy load placed on the sledge, laid down, exhausted. These persons, or, rather, these diabolical wretches in human shape, threshed the poor animal unmercifully, without effect; exasperated by their ill success, they gradually got heated with passion, began to swear and to redouble their cruelty, till at last, wholly possessed by their demoniacal fury, they actually, with a cross-cut saw, entirely sawed the poor animal's head off!—[*Here an expression of horror escaped from various hon. members.*]—No wonder he heard an expression of horror throughout the Committee; but would it be believed, that in this Christian country, when a Grand Jury had presented this infernal act to a Christian Court, the presiding Judge was compelled to inform them, that there was no law on the statute books to punish it?—The law already in existence on the subject was merely for the purpose of giving the owner of any animal a right of action for damages against any person who might maim or otherwise ill treat his property; but the present bill was expressly to prevent the owners themselves from brutally or cruelly mis-using cattle, and to punish, in a summary manner, every such outrage on humanity and mercy.—The hon. member concluded by detailing, at some length, the provisions of the bill; after which,

Messrs. Simonds, Kinnear, and S. Humbert, spoke strongly in favour of the general principle of the bill, bore personal testimony to its necessity, and expressed their hope that, with such minor amendments as might be found necessary, it would be passed without opposition.

The Chairman then proceeded to read the bill, section by section; when a very long and widely discursive discussion took place on its details, and various amendments were proposed. The principal supporters of the bill were Messrs. End, Kinnear, Simonds, and S. Humbert.—Messrs. Weldon, Street, Chandler, Vail, Gilbert, and Clinch objected respectively to various portions of its provisions; while Mr. Scott opposed it *in toto*, as wholly unnecessary. A motion for postponing it for three months, made by Mr. Scott, and a subsequent one, for six months, by Mr. Weldon, having both been negatived, the Chairman, at length, in order to give time for amending the bill, reported progress, and obtained leave to sit again.

Friday, February 7.

ABSCONDING DEBTORS.

The Bill, in addition to and in amendment of an Act, intituled, "An Act for relief against absconding Debtors," was this day committed.—Mr. Smith in the Chair.

Mr. Street stated the objects of the bill; the principal of which were, to make provisions by which the Sheriff might ascertain the right of property in goods and chattels in the possession of the debtor, but claimed by other persons; to point out more clearly the duty of the Sheriff, and to define how far the decision of the Jury summoned by him should be final, and how the expenses of the enquiry should be paid; to relieve debtors who had been proceeded against as absconding, but who could clearly prove that they had not absconded or been concealed, from the payment of the penalty to which they were now subject, in cases where they could not obtain sureties; to authorise Inferior Courts of C. P. to exercise jurisdiction in all cases, where the title to land was not called in question; and to relieve petitioning creditors from the necessity and hardship of coming or sending to Fredericton to obtain warrants against absconding debtors, by authorising the Supreme Court to appoint three Commissioners in each county, any two of whom might be competent to examine persons applying for such warrants, and to issue them where proper, at the same time transmitting the names of the debtor and petitioning creditor to a Judge of the Supreme Court.

No debate occurred on the above bill, while in Committee.

AIDING DESERTERS.

The Bill to facilitate summary proceedings before Justices of the Peace, and the execution of Warrants by Constables, was committed.

Mr. Kinnear stated the objects of the Bill, which were chiefly to provide remedies against the goods, or, in default thereof, punishment of the body by imprisonment, of persons aiding and abetting deserters from His Majesty Troops, or otherwise unlawfully dealing with Soldiers.

This Bill excited no discussion of general interest, and after receiving various amendments, was agreed to, as amended.

CRUELTY TO ANIMALS BILL.

This bill was re-committed; and again called forth a great deal of discussion; after Mr. End had repeated his arguments for the necessity of the bill, and Mr. Allen had expressed his approval of its principle, Mr. Chandler moved an amendment, declaring cruelty to animals to be a misdemeanour, punishable by indictment—which was subsequently carried. With reference to the extreme instance of cruelty alluded to yesterday by Mr. End, Mr. Street observed, that the hon. member (Mr. E.) had been requested to name parties and places, but had refused to do so, except by naming the learned Judge to whom the presentment had been made by the Grand Jury; and he had since named Northumberland as the county. Now he (Mr. S.) had lived in Northumberland forty years, and he was certain such an occurrence had never taken place while he had resided there; and his hon. colleague, Mr. Rankin, had resided there twenty years, and he had never known such an instance to take place in that county. It was true that upwards of twenty years ago he had heard something of the kind jocularly spoken of, and his hon. colleague actually knew the parties alluded to; but he had never believed that any such thing really had taken place, and did not now believe it. Both he and his hon. colleague were quite confident, that such an occurrence had never taken place in that county since they had resided there; and he thought it never had occurred in any county in the Province.—He had also been informed, that, since yesterday, the learned Judge had been spoken to on the subject, and had declared that he had no recollection of any such circumstance.

Saturday, February 8.

ELECTION LAW.

Mr. S. HUMBERT drew the attention of the House to the fact, of the Committee, appointed by the House in a former session to bring in a Bill to amend the Election Law, having omitted to do so, and the Session having terminated without any steps having been taken in the business; and observed, that he should be sorry to see another election, and especially another general election, take place, under the present law. He considered that law to be a very imperfect one, and one which gave rise to a great deal of riot, confusion, and drunkenness, as well as inconvenience to the candidates; and he therefore wished to ascertain the sense of the House, as to whether it would be advisable to bring in a Bill for its amendment.

Mr. SIMONDS would be very glad to see some amendments made in the Election Law. It was very defective, and much time was always wasted in elections, under its enactments. He would like to see a bill brought in, to make such amendments. He thought fifteen days quite unnecessary for the time of polling; the mode of taking the poll should be simplified; and he thought that by some provisions as those contained in the English Reform Bill, elections in this country might be better regulated. The poll might very well be held at several places in the same county at the same time, as is now the case in England, which would prevent the concourse of such large bodies of people in one place, and therefore do away with a great deal of that party spirit and angry feeling now so often evinced, and thus the whole election might be got over in two or three days instead of fifteen. That was a serious evil, and required amendment.

Mr. END thought, that although there were a great many good provisions in the present law, yet there were also many deficiencies, which should be rectified. In former sessions, something had repeatedly been said about effecting this object, but each session had passed away, and nothing was done. He hoped the House would not exist much longer, without rectifying the abuses which now often occurred under the present Election Law. But it did not strike him, that there was such great objection to the time allowed for holding the poll, and he did not think the proposed system, of holding the poll at different places in the county at the same time, would suit the temper of the people. But he did think, that the House should limit the discretionary powers of all judicial officers as much as possible, by written laws. A check ought always to be put on them, and their path chalked out, so as to prevent people from being exposed to the exercise of too much discretionary power. By the present law, the Sheriff was not compelled to remove the poll at all. A lazy, indolent or careless Sheriff might sit down within two or three hundred yards of his own door to take the whole poll, and might thus cause very great expense and difficulty in getting voters to the poll. This certainly was not right; justice should be at every man's door, and the Sheriff, therefore, should be compelled to remove the poll. A Committee should be appointed by the House, to ascertain in what place in every county, and in what time, the poll ought to be taken, and the Sheriff should be compelled to remove the poll accordingly. He (Mr. E.) would not keep the poll open fifteen days unnecessarily; he would not allow the poll to be kept open after a certain day, unless in a given number of hours a certain number of voters actually polled; he thought the number now required was too small; he would require more as the standard, to enable the poll to be kept open. He rejoiced the matter had been brought forward, and he hoped that a radical amendment to the election law would be effected.

Mr KINNEAR tho't it very important that some alteration should be made in the time allowed for the poll. In St John, certainly, not more than from 4 to 6 days were requisite to poll all the voters; and he was quite sure, that from the present practice and evil consequences of keeping open the poll so long, it became perfectly necessary to shorten its duration. The practice of bringing such large assemblies of persons together, and protracting the contest for so long a time, had a most dangerous effect on domestic circumstances, and a most demoralizing influence on the voters themselves. He (Mr K.) heartily accorded with the hon. member who had started the subject, and would say, that so far as any legal assistance in preparing the bill might be required, he should be very happy to afford it.

The conversation here dropped; but at some time later in the day, after some other business had been gone through, Mr. S. Humbert resumed the subject, by moving for leave to bring in a bill for the purpose intended by him in his observations; and we append the report of that motion here, although not in the order of occurrence, for the purpose of completing the subject under one head.—The hon. member, in reply to questions, stated, that his bill would principally comprehend an alteration of the time for holding the poll, &c. a limitation of the power of the sheriff, a simplification of the oaths, some provisions respecting elections on the demise of the crown, and also respecting members taking their seats. The hon. member would not pretend to bring in the bill in a perfect state; he would do his best, and leave it to the House to amend it as might be thought proper.—Leave was granted.

ACTIONS OF REPLEVIN.

The Bill to amend the Act, relative to actions of Replevin, was committed.—Mr. J. TAYLOR in the Chair.

Mr. STREET, at some length, detailed the provisions of the bill, the main object of which was, to prevent Replevin from being improperly resorted to, or oppressively used, in cases of Trespass and Trover, which now frequently occurred under the present law.

Mr. S. HUMBERT wished, that some provision might be introduced into the Bill, to provide a more effectual remedy for landlords against refractory tenants, who were unable to pay their rent and obstinate in retaining possession of the premises occupied by them, after notice to quit.

Messrs. KINNEAR and CHANDLER, in reply to Mr. Humbert, admitted the desirability of some other remedy besides an action of ejectment, but also shewed the difficulty and even impracticability of devising one; and therefore urged the propriety of passing this bill, without attempting to clog it with any such provision.

The Bill, therefore, after receiving some trifling amendments, was agreed to as amended.

STATUTE LABOUR.

Mr. STREET's Bill relative to Statute Labour was committed. The hon. member detailed its provisions at very great length, and with much minuteness; and from his extensive observations we may gather the principal features of the bill as follow:—to authorize magistrates to divide parishes in districts, to each of which districts one Commissioner of Roads should be appointed, over which district he should exercise the sole authority, although in cases were new roads were to be laid out, it should be done under the direction of a majority of the Commissioners; to authorise Commissioners to appoint their own Overseers, and direct their operations; to provide for the payment of both Commissioner and Overseers, by assessment, or out of the funds formed by fines on delinquents, as far as such funds would go, and the balance to be paid from the Provincial Treasury; to impose fines on Commissioners, neglecting their duty, and to authorize and require Magistrates to levy such fines; to raise the price of commutation for labour from 2s. 6d. to 3s. *per diem*; to hold out an inducement to prompt payment, by allowing a certain number of days, after notice, for payment, at the rate of 3s. *per diem*, beyond which time a higher rate should be enforced; to make a notice affixed to the door of a house, sufficient notice for all the inmates of such house, so as to allow no plea for want of notice to inmates of taverns or lodging houses, who could not easily be got at; to authorise Commissioners or Overseers to remove refractory or troublesome persons from the road where work was being performed, and to carry them before a Magistrate to be fined; to enlarge the time for making returns from the 1st December to the 1st January, in order that the rivers might be in a fit state to travel on, before requiring Commissioners to send in their returns; to empower Commissioners to excuse indigent and infirm persons, and to certify the names of such persons and causes of excuse to the Sessions; to simplify the specific form of returns; and to empower the Sessions to make rules and regulations relative to making holes in the ice, during winter, on rivers usually travelled. The hon. member particularly contended that the present act did not work well; that the rate of commutation was too low for country parishes, where labour was scarce; that less work was done under it than under the old law; that payment to Commissioners was necessary, as an inducement to the better performance of the work; and that Commissioners and Overseers were at present by far too independent of each other.

Mr. CHANDLER went through most of the principal features of the Bill, and expressed his conviction, after stating various objections to its several details, that although there might be some beautiful points in it, which a further inspection might more fully disclose, as a whole, the Bill would not better the present law, and that it would therefore be more advisable to let the present act stand, and merely make some few amendments to it. The hon. member's principal objection to the present act was, that its scale did not produce, in country places, quite so much work as the old law, and he therefore thought the old law, in that respect, rather better than the new; but he was not favourable to any great alteration of the law at present.

Mr. PARTELOW was not at present quite prepared to go with all the details of this bill. One thing, however, had been particularly alluded to; viz. the scale of labour. He thought the most objectionable part of the present law was, that under its scale, the road labour fell almost exclusively on the middle classes; so great was the disproportion between their state of labour and that of the rich. He believed, however, that with respect to the machinery of the Act, that it worked well generally; but there might be some parts of this bill which would be improvements, and probably something might grow out of it, which might induce an amendment of the scale of labour.

Mr. SIMONDS expressed similar opinions with Mr. Partelow, respecting the present scale of labour, observing, that the rich now paid no proportion whatever, in comparison with the middle and poorer classes; and he thought therefore, that if the House intended to sustain this bill at all, particular attention should be paid to revising the scale of labour. Some parts of this bill might be very good; but he did not approve of the proposition to put so much power into the hands of Commissioners.

Mr. VAIL briefly expressed his approbation of the operation of the present law, and his opinion that this bill was unnecessary.

Mr. ALLEN stated his conviction that the rich did not pay a sufficient proportion of the statute labour money, and that the present scale had diminished the amount of labour, and thought that unless that scale could be beneficially revised, it would be better to revert to the old law. The hon. member did not approve the propositions of the bill relative to Commissioners; with regard to the bill generally, he thought its operations would be very difficult, and that, on the whole, it would be better to allow the existing law to stand, rather than adopt this bill.

Mr. END gave great credit to the hon. mover of the bill, for the skill and care with which he had prepared it, but thought the present act, on the whole, with regard to the scale, a very good one; and although he admitted that the rich should pay more proportionately than they now do, yet he could not see how that could be effected, except by establishing turnpike gates on the roads, to take tolls for all carriages, not being employed in farming or transport of goods. The hon. member was convinced that services paid for were always better performed than those which are gratuitous; and he would therefore not object to the payment of Commissioners, provided a proper fund could be created; and whenever gratuitous services could be obtained, they should be accepted, and the amount of the commission on them should go towards paying others. He saw no reason why Commissioners of Bye Roads should be paid, and not those of Great Roads.—He thought there was much useful matter in the bill, and that it deserved great consideration.

Mr SLASON considered the bill as wholly uncalled for and unnecessary. He did not conceive that any alteration in the present law was requisite, and thought it much better to give it a further trial, than to adopt any other. He thought it suited the people generally better than any other that had ever been tried, and that this bill would only be making the machinery more complicated than ever.

Mr GILBERT said that in his county the present law was generally complained of, because it caused less work to be done, and gave great trouble to the Commissioners and overseers. He would prefer reverting to the old law, and thought the new proposition to give further discretionary power to Commissioners wholly uncalled for.—He was however, better satisfied with the existing law than with this bill, and thought it better, on the whole, to allow the former to stand its appointed time, than to adopt the bill.

Mr CLINCH agreed with Mr. Slason, that this bill was quite uncalled for; and the hon. member at some length animadverted on the evils of too frequent legislation on the same subject, and concluded with moving the postponement of the bill for three months.

This motion, however, was not seconded; and after a reply from Mr. Street, the Chairman, on motion of Mr. Partelow, reported progress and obtained leave to sit again.

Monday, February 10.

Mr. Partelow presented a Petition from Mr. T. P. Marter, Provincial Tide Surveyor, praying for remuneration for past services; which he moved might be received, and referred to the Committee of Supply.—After some remarks from Messrs. Simonds, Partelow, and S. Humbert, the petition was rejected, without a division.

SHERIFF'S SALES OF REAL ESTATES.

The Bill to alter and amend the Act "subjecting Real Estates to the payment of debts, and directing the Sheriff in his proceedings thereon," was committed.—Mr. Gilbert in the Chair.

[The debate on this bill is omitted this week, to make room for the Dispatch relative to the surrender of the Casual Revenue, &c.]

MESSAGES.—[*Militia.*]

Mr. Odell brought down from His Excellency the Lieutenant Governor, various Messages, accompanied by sundry accounts, and particularly a copy of a Dispatch from the right hon. Mr. Stanley, lamenting the disposition manifested by the House not to continue its provision for sustaining the Provincial Militia, and recommending His Excellency again to bring the subject under the consideration of the House, particularly with regard to a provision for the Inspecting Field Officers, and for the safe custody of the Militia arms. The dispatch mentioned an intention which had been entertained by His Majesty's Government at home, to send out to this Province, a further supply of arms, the expediency of which, however was now a question to be decided.

KING'S COLLEGE.

Mr. Speaker communicated to the House a proposal, transmitted to him by His Excellency the Lieut. Governor, and made by the Professors of King's College; to the effect, that, in order to promote, as far as lay in their power, the intellectual improvement of the country, and to render the Collegiate institution in this Province as generally effective as possible, they would open a class, for Young Men desirous of qualifying themselves as teachers of common schools; to whom every requisite instruction should be imparted, without fee or payment on their part; such students to be non-residents in the College, and to have a portion of their time allowed them for other pursuits. The Professors stated their opinion, that twelve months study would be sufficient to qualify such young men for all the requirements of an English school; but that no objection would be offered to their continuing a longer course of study, for the purpose of attaining higher qualifications. The Professors proposed that no religious test or attendance on any particular place of worship should be required of such students; but that the privilege should be open to all denominations; unexceptionable testimonials as to moral character, being, however, indispensable.—The above proposal was addressed to His Excellency, for his approbation, and the consideration of the Legislature.

The Cruelty to Animals Bill was again committed, and after some further discussion, the majority of the House appearing to be of opinion, that the general principle of the original bill should be returned to, with the addition of a provision, to authorise Magistrates to remove egregious cases into a higher Court; progress was again reported, to give time for such amendments.

Tuesday, February 11.

INDIAN TOWN ROAD.

Mr. Partelow presented a petition from James Gallagher, contractor for the Indian Town Road, praying for compensation, in consequence of heavy loss, sustained by unavoidable excess of expenditure in making the said road; which he moved might be received, and referred to the Committee of Supply.—After a good deal of opposition, the motion was negatived without a division.

SALE OF REAL ESTATES BILL.

The House went into Committee in further consideration of this Bill; which after some discussion, was agreed to, with amendments.

Wednesday, February 12.

MILITIA.

The Bill for exempting persons engaged in Deep Sea Fishing from Militia duties, was this day committed; but on the suggestion of Messrs. Simonds and Partelow, the hon. mover, (Mr. Brown,) consented to report progress on it, &c. for the present; in order that a Bill might be introduced for the general revision and alteration of the whole Militia System; which, if passed, would render the present bill unnecessary. With an understanding, therefore, that if such general Bill should fail, the present should be resumed, progress was reported, and leave obtained to sit again.

IMBORTANT MESSAGES.

The Hon. Mr. Secretary Odell brought down a Message from His Excellency, the Lieut. Governor; accompanied by the following documents:—

I. A copy of a Dispatch from the Right Hon. E. G. Stanley, dated Sept. 30, 1833, containing a statement of the terms on which His Majesty might be advised to surrender the Casual and Territorial Revenues.

II. A copy of another Dispatch from Mr. Stanley, dated July 31st, 1833, notifying the suspension of the collection of the Quit Rents, but also stating that should no satisfactory arrangement be made relative to the Casual Revenue and Civil List, the collection would be *resumed.*

III & IV. Instructions to the Attorney General to prepare a draft of a Bill for the settlement of *Water Lots*, and a Letter from that Officer to His Excellency, on the subject, together with the copies of Correspondence received by him from various parties, claiming Water Lots.

Of the first of the above named Dispatches, viz. that relating to the Casual Revenue and Civil List, the Reporter has obtained a copy, as follows:—

(COPY.) *Downing Street, 30th Sept.* 1833.
No. 30.

SIR,—In the present dispatch, I propose to convey to you the terms on which I should feel that His Majesty might properly be advised to place the proceeds of the Casual and Territorial Revenues, under the control of the Assembly of New-Brunswick. You are aware that the flourishing state of this Revenue, and the probability of its continuance and even increase, for many years, entitle the Crown to expect a liberal compensation for its surrender. The receipts last year appear to have been £15,888, and the fixed charges £14,003, to be reduced, however, prospectively, by the charges in the salaries of the Agents for Emigrants, to £13,693. It is possible that hereafter the fixed charges may be further reduced. In the above-mentioned receipts for the year 1832, there is only included a sum of £649 from Quit Rents; a source from which, had not His Majesty been pleased to suspend the enforcement of his rights, a much larger amount must have been derived in subsequent years. In the Revenue of £15,000, and for the power of augmenting it, by the collection of Quit Rents, I should be prepared to advise His Majesty to accept a permanent appropriation by the Legislature, duly secured, to the amount of £14,000 per annum. And I should further be willing to recommend that the Crown should undertake to charge on any such permanent Grant, the following heads of Expenditure:—

THE SALARIES OF THE
Lieutenant Governor—(including the Private Secretary,
Commissioner of Crown Lands,
Provincial Secretary,
Chief Justice,
Three Puisne Judges,
Attorney General,
Auditor,
Receiver General,
The Expenses of the In-door Establishment of the Crown Land Department,
The Grant of £1000 to the College.

None of the surplus will be applied otherwise than to objects connected with the Colony, and accounts of the appropriation will be laid periodically before the Assembly.

In contemplating the surrender of this Revenue, it is to be observed, that the promotion of Emigration to New-Brunswick, should the means of extensively encouraging it by pecuniary aid hereafter occur, will necessarily be devolved on the Legislature by this measure, instead of depending, as heretofore, on the Crown.—I cannot, however, entertain the slightest doubt that the Legislature will always be most ready to foster any growing disposition of Emigrants to resort to New-Brunswick; a disposition not less favourable to the augmentation of this particular Revenue, than conducive generally to the mutual advantage of the Colony and of this Country.

It will be necessary that any bill passed in consequence of the proposals contained in the present dispatch, should contain a suspending clause, in order that it may be submitted to His Majesty, before it is finally assented to. You will, therefore, inform the Assembly, that you are not authorized to accede to a Civil List Act, which shall not be thus reserved for His Majesty's pleasure. In order to prevent any misunderstanding and delay, it will also be proper that they should, at the same time, be apprized, that unless some other fully equivalent and sufficient security can be devised, it will be expected that the Act should provide that the stipulated annual commutation shall be payable out of the first receipts in each year, or other stated period, of any Revenues or other Monies that may be raised for the service of the Colony, whether under permanent or annual enactments, and that the Treasurer or Receiver of such Revenues should be empowered and directed to make the payments accordingly; and in the case of any default in such payment, that the whole of the rights and revenues surrendered, should revert to, and be at the disposal of the Crown, as fully and absolutely as before the passing of the Act.

Having thus explained to you the conditions on which His Majesty would be advised to give up his Casual and Territorial Revenue in New-Brunswick, I shall merely add the expression of my hope, that they may prove acceptable to the Assembly; and that in this attempt to meet their views on so important a subject, they will recognize the disposition which exists to accede to the wishes of His Majesty's faithful subjects in New-Brunswick. I have the honor to be, &c.

E. G. STANLEY.

To His Excellency Major Gen.
Sir A. CAMPBELL, G. C. B. &c.

The House will go into Committee of the whole, in consideration of the various Messages received from His Excellency, on *Monday next.*

TAVERN BILL.

The Bill to alter the Act regulating Inns, Taverns, &c. was committed, and after considerable debate, a motion was made for reporting progress, which was carried.

ASSESSMENTS.

The Bill to amend the Assessment Law was also committed. Its simple object, as stated by Mr. Kinnear, was to make the real Estates of non-residents liable to assessment, the present Act having been found defective in that respect. A good deal of very desultory discussion occurred on various minor points relative to assessments generally, suggested by different honorable members; and at length progress was reported, &c. and nothing definitive determined, in order to give time for further consideration.

EXTRACTS FROM THE JOURNALS.

Wednesday, February 5.

Mr. Speaker communicated to the House a Letter from John Bainbridge and Henry Bliss, Esquires, directed to the Clerk of this House, dated "London, 18th June, 1833," forwarding a recent Publication of Mr. Bliss' on the Colonial System and Trade, with a request that a copy be presented to each Member of the House. Ordered, that the communication lie on the table.

The House in Committee on His Excellency's Speech.—*Resolved*, In the opinion of this Committee, that that part of His Excellency's speech which relates to the Finances of the Country, be referred to a select Committee to report thereon. —*Ordered*, that Mr. Partelow, Mr. Chandler, and Mr. Brown be a Committee therefor.

Resolved, In the opinion of this Committee, that that part of His Excellency's speech relative to Schools, be referred to a select Committee.—*Ordered*, that Mr. Weldon, Mr. S. Humbert, Mr. End, Mr. Street, and Mr. Hayward be a Committee therefor.

Thursday, February 6.

Mr. S. Humbert, by leave, presented a Petition from David Gabel and others, Bakers at St. John, praying an Act may pass imposing a Duty on Ship Bread imported from the United States; which he read.—*Ordered*, that the said Petition be received and referred to the Committee of Trade.

Mr. Street moved for leave to bring in a Bill, in addition to, and in amendment of an Act made and passed in the 50th year of the Reign of His late Majesty King George III, intituled, "an Act to regulate the proceedings in actions of Replevin, and to enable the sale of goods distrained for rent, in case the rent be not paid in a reasonable time, and for the more effectual securing the payment of rents and preventing frauds by tenants.—Leave granted.—The said Bill being brought in, was read a first time.

Mr. J. Humbert moved for leave to bring in a Bill, to revive an Act, intituled "An Act to prevent Pedlars travelling and selling within this Province without Licence." Leave granted.

Saturday, February 8.

Mr. Chandler moved for leave to bring in a bill, for taking an account of the Population of the Province.—Leave granted.

Monday, February 10.

Mr. Partelow, by leave, presented a Petition from Wm. Walker, James Kirk, John Robertson, William Leavitt, Isaac Woodward, Angus M'Kenzie, John V. Thurgar, James T. Hanford, E. D. W. Ratchford, and M. H. Perley, Esquires, of Saint John, praying an Act of Incorporation may pass to them by the name of "The Saint John Mill and Canal Company;" which he read.—*Ordered*, that the said Petition be received and lie on the table.

Mr. Brown, by leave, presented a Petition from Harris Hatch, Esquire, and others, inhabitants of the County of Charlotte, praying an Act may pass for the establishment of a New Bank in the City of Saint John; which he read.—*Ordered*, that the said Petition be received and lie on the table.

COMMUNICATION.

[For the Courier.]

MR. CHUBB.—It sometimes happens that persons who write anonymously, and fancy that they are sheltering themselves under an impenetrable veil of secrecy, either from an innate stupidity, or an over-rating of their abilities, or perhaps a little of both, unintentionally unmask themselves to the most casual observer—and I think one of your correspondents has placed himself in this dilemma. It surely will not tax the discernment of your readers in any extraordinary degree, to perceive the identity between 'An Old Loyalist,' on one page of your paper of the 8th inst. and a certain Honorable name on another.—It is also obvious why the writer did not unite these two notable productions.

The bungling endeavour to gloss over a certain College transaction, and the silly attempt to throw the burthen off his own shoulders upon the College Council, I leave to the tender mercies of his friend the "Constant Reader:"—to his personal attack upon me, I shall at present confine myself.

I do not exactly understand your correspondent where he asks, "who would be so likely to play the assassin as he whose more open attempts have been repeatedly foiled?"—repeatedly foiled, indeed! Surely your correspondent could not have *intended* to allude to a very delicate subject—the taxation of a certain Bill of Costs. I would scorn to strike a prostrate foe; but if your correspondent is anxious to make the matter more public than it now is, I can furnish some curious details for the amusement of yourself and your readers.

I shall pass over the rhodomontade of "paternal claims," "talents," "education," &c. with which your correspondent has plentifully lauded himself, and at once proceed to point out some trifling aberrations from truth, in his statements:—and first, with regard to his insinuations that I am the author of the article in the Courier of 25th January, signed "A Constant Reader"—this is untrue. The public, before whom my veracity stands unimpeached, and unimpeachable, will believe me, when I positively declare, that I neither saw nor heard of that article till I read it in the Courier. I will admit, however, that your correspondent had cogent reasons for *suspecting* me; he has had ample cause to recollect against whom his official vengeance was pointed.

Then, as to the income of the Office of Clerk of the Peace, £200 or £250 per annum. This is grossly false: the income for 1833 was £40 salary, and less than £40 fees.—17 per cent. on Bear Bounties. This is also false. On the first granting this bounty, the same fees were charged as on Grain Bounties, under the Ordinance—but, latterly, not one farthing has been charged.—Then, £100 per annum, at least, as Clerk of the Common Pleas. This is grossly and wilfully false, and your correspondent knows it to be so. The whole amount of fees for the five years ending in 1831, for the Counties of York and Carleton united, did not average more than £40 per annum.—(*Vide* official returns to the Law Commissioners.)

"Register of Deeds and Wills, *with knowledge enough, derived from copying, to draw informal deeds and conveyances at half price.*" Truly, Mr. Chubb, I never aspired to the *intellectual talents, classical acquirements*, and *profound erudition* of your learned and Honorable correspondent; but I may be permitted to assure him, that if he will employ me to draw his next mortgage upon "Beachmount," (Beechmount,) I will undertake that it shall be orthographically correct.—As to the charge of "half price," I may as well come to the point at once, plead guilty, and submit to such punishment as the good people of York may inflict upon me for this heinous offence.

But, in sober seriousness, Mr. Chubb, this is a grave charge indeed—"informal deeds and conveyances." Now, I distinctly call upon your learned and Honorable correspondent, to produce his proof of one such informal instrument—and in default of such proof, I will publish him as a base and malignant slanderer.—I could speak feelingly upon the subject of *a certain informal instrument*,—the Gentleman will understand me.

To those coarse and vulgar expressions, "sloth and gluttony," I will not condescend to reply,—let your correspondent have the full benefit of them at this time; but of this he may be assured, that if he ever again presumes to apply such epithets to me, I will tell him something that will make his ears tingle.

In conclusion, Mr. Chubb, pray inform your correspondent, that if he has any further communications to make to, or concerning me, he had better come out in his own proper name, and he will still find me, as he has heretofore found me, ready and able to defend myself.

I am, Sir, your obedient servant,
H. G. CLOPPER.

Fredericton, 12th February, 1834.

PAY TO THE HONORABLES.

Mr. EDITOR.—I have this moment read the communication from His Excellency to the House, recommending PAY for the day labour of the HONOURABLES in our Legislative Council, and when I compare this *recommendation* with the SPEECH at the opening of the Session, which called forth public Hope and Expectation, I again read and compared and finally concluded, as thousands have done upon other and similar occasions that I misinterpreted the Speech—that I was mistaken—that those who put a literal construction upon it were building castles in the air from the sums saved by the proposed *Retrenchment*,—that *proposing*, *meaning* and *practising* have a peculiar explanation in Governmental vocabularies—that a *Speech* is one of those common-place-matter-of-course-sort of things, which Governors must say,—that it is a kind of Legislative *how-do-you-do* expression, a '*gracious*' effusion of words, which Gentlemen Legislators understand, and to which they respond with measured and windy gratitude,—in short, that a *Speech* is a Parliamentary salutation, somewhat like the '*go-by*' exclamation of a passing friend who tells you 'it is a fine morning,' when the threatening clouds indicate an approaching storm. The Bubble has burst, and from whose pipe this soap-bladder was puffed into existence, I know not.—But if this is one among the items of Retrenchment, we have a specimen of public economy with a witness, clearing away from the public chest, as if it was an Augean stable. Pay the Legislative Honorables this year, and the House may put by a decent and becoming appropriation for the Executive Honorables next year, and the Balance, if there should be any, may be applied to the warming of Government House, the College which requires it to prevent the students from being metamorphosed into icicles, or to any similarly important public benefit. The payment of the Representatives is a question which will admit of much argument, altho' I am disposed to negative it—but it may be urged in favor of it, that many parts of a new country would be deprived of an elective privilege without this assistance, as talents and 'the mammon of unrighteousness' are not always united, but too generally dissociated; and as to the suggestion that constituents should pay for a favourite, this is too unreasonable in a Province, where thousands are squandered upon less consequential services. Moreover the poor man may have a longing desire after some of the Honors of his Country, as well as the favorite of Fortune, and we have no *leading* examples of public disinterestedness, to authorise our expectation that the Farmer should quit his plough, and for the love of his Country feed like a Chamelion upon air in Fredericton, while the *Honourables* of the Land are faring sumptuously every day. The payment of Legislative Councillors, I consider altogether an uncalled for tax. The Governor has his choice (and it is to be presumed that he exercises it) from the intellectual and *mammon-ial* mines of the Province, for the bearers of the *blushing* honors of a Mandamus, and if these *worthies* are willing, as heretofore, to give their time and talents a few weeks, for the pleasure of affixing to their names the title of Honourable, let it be worn now as in olden days. The title neither eats nor drinks—it expends but little additional ink upon a visiting card, and like the cognominations of General, Colonel, and Captain "*down west*," it can be supported at as little expence.—As the Militia system is the phantasma of Military Governors, I would not be surprised to hear of a recommendation to remunerate the Colonels, Majors, Captains, Lieutenants, and Subs for their services, when amusing themselves with a game of "playing soldiers" through our streets, that the loss of public money, and the loss of time, which is money in well-governed countries, may go "*pari passu*" to a quick step upon the drum and fife. I would not, however, be understood to include the allowance for an Inspecting Field Officer in this supposed recommendation, as another among the many lavish expenditures. Inspecting Field Officers are useful—I highly appreciate their value—they are worthy of a liberal allowance;—pay them for the good they can do in the day of necessity, and keep them upon pay in readiness for that day; which will always be ushered in by premonitions sufficient to enable an Inspecting Field Officer, by *continued* discipline from such a period, to make soldiers of the motley materials, which now-a-days fret a few hours away in useless aukwardness upon a parade, during their triduan servitude; which in twenty years, upon the present system, will render the soldier as perfectly accomplished in military manoeuvres, as he was, when he was first enrolled, and equipped with a broom-stick or a walking cane for a gun or a sword, as his rank might require. But to return from this digression. His Excellency tells us that "*it can be no longer doubted that the finances of the country are involved in difficulties—which if not speedily met by some well digested measures of retrenchment, supported by a well ordered economy in future, must soon lead to serious embarrassments, and blight those fair prospects of internal improvement and Provincial prosperity, which with a just reliance on Divine goodness, we may have hoped to see realized.*" His Excellency relies "*entirely*" on the sound judgment, discrimination, and public spirit of the House "*for the selection of the most proper objects of retrenchment.*" The recommendation in favour of the Legislative Councillors is somewhat *mal-apropos* in point of time, following so immediately upon this official declaration of our Provincial poverty, as the expenditure of a few extra hundreds or thousands, consequent upon the success of the recommendation, would not remove the "*blight from those fair prospects*" which the guardian eye of our Governor can discover beyond the gloom of our financial difficulties. I believe it is understood that Councillors are to be chosen from the talented, and independent, and influential portion of the community, whose circumstances will enable them to sustain the expence of a few pounds for a few weeks' board and lodging during the Session of our Provincial Parliament, and if the Governor thinks proper to promote those, who would feel any pecuniary inconvenience from their attendance, it only remains for such gentlemen to resign the honour, and make room for others more able, and equally willing. It is to be hoped that our Representatives will remember the introductory warning of His Excellency, and that they will be influenced exclusively by the interests of the Province, bearing in mind, that they are accountable, not to His Excellency, nor to Mr. Stanley, but to their constituents, for the conscientious, manly, and determined prosecution of their duties. KAPPA.

MARINE INSURANCE.

Exchange and Commission Office.

THE Subscriber hereby intimates that he has established an Office, for the purpose of transacting the above business. Marine Insurance may be effected; Real or Personal Property purchased or disposed of; vessels chartered; Freights procured; Bills of Exchange or other paper negotiated on Commission, the amount and general arrangement of which, he hopes will be approved of. From his knowledge and experience, he flatters himself that he will meet with confidence and patronage.

The Business will at present be conducted at his Store in St. John Street.

SAMUEL STEPHEN, Broker.

St. John, N. B. 17th January, 1834.

Rice, Rice, Rice.

JUST received per the schr. *Sophia*, from Boston—12 Tierces RICE, for sale *very low*, if applied for immediately.

Feb. 8.—3† J. & H. KINNEAR.

The Courier.

SATURDAY, FEBRUARY 15, 1834.

From the Journals of the Legislative Council, which are now published daily, we have copied a Dispatch relative to the succession to the Presidency of this Province, in case of the absence or death of the Governor. By this document it is determined that long tried and faithful public servants are to be deprived of their just rights; and the usages in other Colonies are to be set aside, to suit the wishes of a Colonial Minister, and gratify a species of *favouritism*, in this Province.

THE CIVIL LIST.—This long expected document has at length made its appearance, and a lengthy appearance it presents. We must confess that we were prepared to read a large demand, and we have not been disappointed at its hugeness. Mr. Stanley's letter prepared us for it; and some out-door rumours of thousands for particular persons confirmed our suspicions.—£14,000 backed by the Governor's recommendation, to pay Legislative Councillors, is retrenchment with a vengeance.—Retrenchment £15,888, minus a paltry hundred or two from two or three Emigrant Agents. Retrenchment and humbug are certainly synonymous terms, if the foregoing is given as an instance. Mr. Stanley tells a very pretty little story about "flourishing revenues," "probable continuances," and "increases for many years to come."—Let us suppose this all very correct—and that those "years to come," have arrived; whence will the small sum of £14,000 be afterwards derived. Beware, Legislators, nor bite at the tinselled bait—taking Mr. Stanley's statement for fact, you gain but little, and lose a great deal, when his "*many years*" have rolled their "ceaseless course."—Matters do not appear altogether open and candid.—It would have been more satisfactory if the respective allowances to the different officers had been specified. It is true, we may give a very fair guess, and guess that a few particular interests have been regarded more than the prosperity and welfare of New-Brunswick.—We will not ask the question, whether our Representatives will accept such a proposition?—We will do the office of a Representative (and, we trust, the Representatives also) the justice to suppose that they will immediately reject it; and by a respectful and manly remonstrance assert the interests of the Province. There appears to be but little hope of mending the matter with Mr. Stanley, and unless a more economical appropriation is obtained from some other quarter, the territorial revenue with all its flourishes, continuances, and increases, is likely to enjoy uninterrupted appropriation after the manner and usage of former years.—We shall resume the consideration of this subject in a future number, as our time, and the press of other matter, limit our remarks for the present.

NEW COUNCILLOR.—Amos Edwin Botsford, Esq. of Westmorland, (son of the Hon. Judge Botsford,) having, by a Mandamus under the Royal Sign Manual, dated the 1st of January, 1833, been called to the Legislative Council of this Province, was duly qualified and took his seat at the Council Board on the 3d inst.

With much satisfaction have we learned that in so short a time, the cause of Temperance is making rapid progress in Carleton. The two societies there embrace, we understand, nearly one third of the whole population. That so large a proportion have rallied around the Temperance standard, may perhaps be attributed chiefly to the circumstance that *two* societies exist;—there being on that account a double number of office-bearers and of course a double effort, conjoined, perhaps, with a commendable rivalry. We wish them both God speed, and hope that their joint and separate exertions may be blessed to the speedy and complete expulsion of their Ardent and Devouring foe from all the families of the parish.

We understand that an interesting meeting of the first of the two societies was lately held in the spacious Madras school room. The President, Alderman BOND, occupied the chair, and, after stating that it was their practice to open their public meetings with reading a portion of Holy Scripture, commenced the business with reading the last chapter of the 2d Epistle of Peter. Having thus introduced a feeling of solemnity, he mentioned in a very appropriate and suitable manner, the object of the meeting. The audience was then addressed by the Rev. Mr. Wilson, the Rev. Mr. Miles, and Mr Paterson, to whom the moving of certain resolutions, with which we have not been favored, had been assigned by the Committee. The President subsequently stated his gratification with what had been delivered, and expressed his hope that the exposure which had been made of the evils of Intemperance and of the deleterious nature of ardent spirits, by the gentlemen who had addressed them, would confirm the Temperance bands of Carleton in their determination to resist the mighty evil which had overspread the land, and make them feel themselves more strongly armed to carry on the honorable warfare in which they had enlisted. He afterwards read a letter which he had in the mean time received from the Rev. Dr. Gray, conveying that Gentleman's apology for not attending the meeting—his unfeigned regret at the circumstance, and his ardent prayer for the success of the Institution; and stated that the Rev. Mr. Busby and the Rev. Mr. Smithson had also been prevented by attending a Missionary Meeting at some distance in the country, from fulfilling their intention of being present. After expressing his regret at the unavoidable absence of all these gentlemen, whose eloquence in pleading the paramount claims of the Temperance cause, he felt assured, would have been listened to by the audience with intense interest, he gave liberty to any in the assembly to utter their sentiments on the subject. This privilege was eagerly embraced by Mr. Till, of St. John, and Mr. Lockey, of Carleton, who added the weight of their testimony to what had been already advanced on the awful results of the introduction of ardent spirits into common use. The whole business was conducted with the greatest decorum and quietness, which was the more to be admired, as the youth of Carleton composed a great part of the assembly.—*Com.*

☞ TWO O'CLOCK.—We have just received Thursday's report from Fredericton, which we append. We learn, verbally, that the new Bank Bill was read a second time yesterday, without opposition, and is to be committed before a Committee of the whole House on Wednesday next, and that there is every probability that it will pass the different branches of the Legislature. —Mr. Hill's Bill for the general regulation of *Banks and Banking*, would be committed this day, (Saturday.)

Thursday, February 13.

Petitions were brought in from York, Sunbury, and Carleton, by Messrs. J. Taylor, Hayward, and Slason, praying for the establishment of the New Bank, with a Branch at Fredericton. The ***Assessment Law Amendment Bill*** was again committed, and agreed to without debate; except a few words from Mr. Slason, in opposition to the clause repealing ***per-centage*** to ***Assessors***, which clause, however, being generally approved of by the Committee, met with no other opposition.

IN THE SUPREME COURT, Hilary Term, 4th Wm. 4th.

Thomas S. Sayre and Charles A. Harding, Esquires, Attorneys at Law—sworn and enrolled Barristers of this Honorable Court.

LOWER CANADA.—Our Quebec papers are to the 13th inst. The discussions in the Provincial Parliament were becoming very animated.—Mr. Papineau, (the Speaker,) had declared that the House ought to do nothing until the 15th, and that on that day he would move resolutions impeaching the Governor-in-Chief!

MARRIED.

On Wednesday, in St. John's Church, by the Rev. Dr. Gray, Mr. James Proven, of Glasgow, to Elizabeth, third daughter of the late Mr. Henry Frost, of this City.

At Salisbury, on the 28th ult. by Robert Scott, Esq. (J. Q.) Major Robert Scott, Jun. to Miss Olivia Holsted, both of that place.

At Bathurst, on Tuesday, the 28th of January, by the Rev. A. C. Somerville, Samuel L. Bishop, Esq. to Catharine, youngest daughter of Mr. William Pallen, of that place.

DIED.

At Carleton, on Saturday evening, after a lingering illness, which she bore with Christian fortitude and pious resignation to the Divine will,