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JOURNAL
OF THE
HOUSE OF ASSEMBLY
OF HIS MAJESTY'S
ISLAND PRINCE EDWARD.

Anno Primo

REGIS GEORGIIV.

First Session of the Eleventh General Assembly.



CHARLOUITE-TOWN, PRINCE EDWARD ISLAND:

PRINTED BY JAMES BAGNALL,

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1820.

JOURNAL

OF THE HOUSE OF ASSEMBLY

OF HIS MAJESTY'S

ISLAND PRINCE EDWARD.

First Session of the Eleventh General Assembly.

Tuesday, July 25, 1820.

A GREABLE to His Excellency the Lieut. Governor's Proclamation, the undermentioned Representatives, (returned to serve in the General Assembly of this Colony) met at their apartment in the Colonial Building, viz.

KING'S COUNTY.

CHARLES WORRELL,
BENJAMIN COFFIN,
DAVID M'EWEN, Esquires.

QUEEN'S COUNTY.

ANGUS M'AULAY,
WILLIAM HYDE,
LEMUEL CAMBRIDGE,
EWEN CAMERON, Esquires.

PRINCE COUNTY.

DAVID MURRAY,
ALEXANDER CAMPBELL,
DONALD MONTGOMERY, Esqrs.

GEORGE-TOWN.

THEOPHILUS CHAPPELL,
SAMUEL BAGNALL, Esquires.

CHARLOTTE-TOWN.

SAMUEL NELSON,
PAUL MABEY, Esquires.

PRINCE-TOWN.

DUGALD STEWART, Esquire.

The Members returned but not present, are, for King's County, WILLIAM JOHNSTON, Esq. for Prince County, WILLIAM M'NEILL, Esq. for Prince Town, JAMES TOWNSEND, Esq.

The customary Oaths were administered to the Members present by the Honorable *Thomas Tremlett*, Chief Justice, the Hon. *Robert Gray*, and the Hon. *George Wright*, three of His Majesty's Council, appointed by *Dedimus Potes-tatem*, for that purpose.

A Message from His Excellency the Lt. Governor, by *Thomas Heath Haviland*, Esq. Usher of the Black Rod:

Gentlemen,

It is His Excellency the Lt. Governor's command that the Members of

the Lower House of Assembly do attend His Excellency immediately in the Council Chamber; and the House having accordingly attended the President of His Majesty's Council addressed the House as follows:

Gentlemen,

I am commanded by His Excellency the Lieut. Governor, to acquaint you that His Excellency does not intend to declare the cause of calling this General Assembly, until there be a Speaker of the House of Assembly, and therefore, you Gentlemen of the House are to repair to the place where the House of Assembly usually sit, and there proceed to the election of a fit person to be your Speaker, whom you are to present to His Excellency here immediately for his approbation.

The Members returned accordingly, to the Lower House, when *Lemuel Cambridge*, Esq. one of the Members for Queen's County, stood up in his place, and addressing *Mr. Bagnall*, Clerk of the late House, proposed Doctor *Angus M'Aulay*, a Member for Queen's County, to be their Speaker, which was seconded by *Alexr. Campbell*, Esq. and the question being put was carried *nem. con.*

The Clerk having declared Doctor *M'Aulay*, duly elected, he was led to the Chair by *Mr. Cambridge*, and *Mr. Campbell*, whereupon he addressed the House, as follows, viz.

Gentlemen,

The confidence you have placed in me by electing me your Speaker is the best assurance to my public feelings that my former intentions in that situation, to promote the Parliamentary usages of the House, are flatteringly evinced by your re-election, and will be met on my part with a renovated desire to pursue a similar line of conduct—and at the same

time claim your united assistance to render me your best support in aid of my slender abilities to maintain the Order, Rules, and Dignity of the House.

A Message was sent from the House to inform His Excellency that the House had elected a Speaker, whereupon,

A Message was received from His Excellency by the Usher of the Black Rod, as followeth :

“Gentlemen,

“His Excellency the Lieut. Governor commands the immediate attendance of this Honorable House in the Council Chamber.”

Accordingly Mr. Speaker with the House, went up to attend His Excellency in the Council Chamber, where Mr. Speaker elect informed His Excellency that the House had chosen him their Speaker, and humbly trusted their election would meet His Excellency's approbation.

After which the President of His Majesty's Council said,

“Gentlemen of the House of Assembly,

“I am commanded by His Excellency the Lieut. Governor to acquaint you that His Excellency is satisfied with the choice you have made of *Angus M'Aulay*, Esq. to be your Speaker, and therefore His Excellency doth allow of and confirm you *Angus M'Aulay*, Esq. to be Speaker of the House of Assembly.”

The Speaker then addressed His Excellency as follows, viz.

“May it please your Excellency,

“As you have had the goodness to approve of the choice of the Lower House of Assembly in appointing me to be its Speaker, it now becomes my duty, as such, to request of your Excellency, as the privilege of the House, that the Members thereof, during the Session may be freed from molestation, that they may have freedom of Speech in their debates, have the power of punishing their own Members; have free and easy access to your Excellency on all occasions; and I do also in their name and behalf beg leave to claim all their ancient Rights and Privileges.”

The President of His Majesty's Council then replied as follows :

“I am commanded by His Excellency the Lieut. Governor, to say, that His Excellency being fully assured of the prudence, loyalty, and good affection of

the House of Assembly, does most willingly grant to them all their privileges in as full a manner as they have been at any time granted or allowed by His Excellency, or any former Governor of this Island.”

The House having returned Mr. Speaker reported, that when the House attended this day in the Council Chamber, His Excellency the Lieut. Governor was pleased to deliver the following Speech to both Houses of the Assembly, of which Mr. Speaker said he had to prevent mistakes, obtained a Copy which he read and delivered in at the Clerk's Table, and is as followeth, viz.

“*Mr. President, and Gentlemen of His Majesty's Council,*

“*Mr. Speaker, and Gentlemen of the House of Assembly,*

“UPON Constitutional principles I have felt it my duty thus early to convene you, thereby offering this new General Assembly an opportunity of addressing His Majesty on his Accession, and of expressing the sentiments natural on such an occasion.

“The proceedings in Great-Britain against the disturbers of the public tranquility, having terminated in the well merited punishment of the guilty, and that in exact due proportion to their delinquency, cannot but afford satisfaction to every loyal Subject of the British Crown, as it may now reasonably be hoped that leaders of sedition and partakers of conspiracy will no longer be found, to dare to propagate that political fanaticism, which has been so productive of mischievous effects.

“Adverting to the happy situation of this Colony, and feeling as I do the most lively interest in its welfare, it cannot but afford me great gratification the being enabled to enumerate several circumstances, which under the blessing of Divine Providence, are likely to continue to promote the public prosperity.

“An increase of population has been attended with a more than proportionate increase and improvement in Agriculture.

“The calling upon the holders of Town Lands to fulfil the terms of their tenure, (a measure which will be steadily pursued) has already produced an increase of Building, attended with very beneficial effects.

“Standard Weights and Measures having been procured at a very considerable expence, the existing Statute on that head may now be considered as in full

force and actively operating at length to public good.

"The requisite steps are now taking for carrying into effect the establishing a Meridian Line, under the Statute so long since passed for that purpose, the intended salutary consequences of which measure cannot fail to produce advantage to landed property, by identifying it and thereby rendering it secure to the possessor.

"A commencement is about to take place without delay of a system of necessary Education on the National plan, highly conducive to the interests of the rising generation, and which will be supported on my part in every reasonable degree that the pecuniary means at my disposal may be considered equal to.

"Mr. Speaker, and Gentlemen of the House of Assembly,

"I have directed that every information you can desire may be furnished you relative to the Public Accounts. The economy with which the slender Revenue of the Colony has been administered, enables me to state that a considerable sum is now under actual appropriation for the use of the Public Roads. That expenditure has actually commenced and will be liberally continued this year as far as can be spared from the other branches of the public service.

"Mr. President, and Gentlemen of His Majesty's Council,

"Mr. Speaker, and Gentlemen of the House of Assembly,

"I am not aware that the Legislative matters of moment press for immediate attention, and as a long attendance at this season may be productive of inconvenience, should that be the case, a representation to that effect, would assuredly meet with due regard, but in so saying, I am desirous to be understood, that the long or short duration of the present Session may be very much regulated by your own wish.

C. D. SMITH,
Lt. Govr."

July 25th, 1820.

On Motion of Samuel Nelson, Esq. seconded by Theophilus Chappell, Esq. Mr. James Bagnall, was chosen Clerk to the House, and took the usual Oaths and his seat.

Ewen Cameron, Esq. moved that the Revd. Theophilus Desbrisay, be appointed Chaplain to this House, and that the Clerk do wait upon him and request his attendance to read Prayers each morning before the House proceed to business

which motion being seconded by Mr. Montgomery, was ordered accordingly.

On Motion of Alexr. Campbell, Esq. seconded by David Murray, Esq. Mr. John Robinson, was appointed Sergeant at Arms.

On Motion of David Murray, Esq. seconded by Alexr. Campbell, Esq. Mr. George Mabey, was appointed Messenger to the House.

On Motion of Mr. Mabey, seconded by Mr. Worrell, Ordered, that a Committee be appointed to draw up an Address in answer to His Excellency's Speech, Mr. Mabey, Mr. Cameron, Mr. Campbell, Mr. Worrell, and Mr. Cambridge, were appointed for that purpose.

On Motion of Mr. Montgomery, seconded by Mr. Worrell, Ordered, That the Standing Rules of the late House of Assembly be read, which was accordingly done by the Clerk.

On Motion of Mr. Campbell, seconded by Mr. Murray, That ten Members and the Speaker, do form a House for the Dispatch of Business, the House divided,

For the Motion,

Mr. Campbell, Mr. Murray,
Mr. Mabey, Mr. Cambridge,
Mr. Montgomery,

Against the Motion,

Mr. Hyde, Mr. Worrell,
Mr. Cameron, Mr. Nelson,
Mr. M'Ewen, Mr. Chappell,
Mr. Bagnall, Mr. Stewart,
Mr. Coffin,

So it was carried in the negative.

The following Rules were then read and adopted :

FIRST.—That Eight Members and the Speaker shall constitute and form a full House for the Dispatch of Business.

SECOND.—When the Speaker assumes the Chair, every Member to take his place, privileged to keep his head covered when seated only.

THIRD.—No Member upon coming into the House, or in removing from his place, is to pass between the Speaker and any other Member then speaking.

FOURTH.—When any Member intends to speak, he is to stand up with his head uncovered, and address himself to the Speaker.

FIFTH.—If two or more Members stand up and Address the Chair, the Speaker is to determine the prior right of Speech in favour of him who stood up first.

SIXTH.—No Member to interrupt another while speaking to the end that regularity and good order may prevail.

SEVENTH.—That no Bill shall pass this House, until the same be three times aloud and distinctly read.

EIGHTH.—If any Member shall propose any Bill to this House, such Member shall produce the heads thereof in writing.

NINTH.—Upon any material question or Business being agitated in the House, and it is deemed necessary that a Committee of the whole House shall be formed, and the same being made by Motion, and agreed to by a majority, the Speaker shall leave the Chair, and a Chairman shall be chosen, who is to report the proceedings of such Grand Committee in the body of the House upon the Speakers re-assuming the Chair.

TENTH.—That all Bills presented from the upper House, as well as those originating in this House, may be

read twice in one day, and referred for a third reading to a future day, except such Bills as may require a more particular attention from the House, to be reserved for one reading only, on succeeding days.

ELEVENTH.—That all Petitions to this House complaining of undue Elections and Returns, be presented on or before the second day of the Session.

TWELFTH.—That when a division at any time takes place, at the request of a single Member, the names of the Members dividing shall be inserted in the Journal.

THIRTEENTH.—That no Paper which has been ordered to lie on the Table, shall be copied by any person, but by the Clerk, or by his Deputy, but any Member may take an abstract of dates or sums in such Document, to qualify him as a public Speaker.

On Motion of Mr. *Worrell*, seconded by Mr. *Cameron*, Ordered, That a Committee be appointed to revise the Journals of the House each day after its adjournment, and Mr. *Worrell*, Mr. *Cameron*, Mr. *Stewart*, Mr. *Cambridge*, and Mr. *Mabey*, were accordingly appointed for that purpose.

Adjourned till 10 o'clock to morrow.

WEDNESDAY, July 26th, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion of Mr. *Cameron*, seconded by Mr. *Chappell*, Ordered, That a Copy of the Journals be sent to His Excellency the Lieutenant Governor, each day as soon as possible after the Adjournment, and that a Copy be also sent to the Printer, and that he do furnish each Member with a printed Copy thereof as soon as possible.

On Motion of Mr. *Campbell*, seconded by Mr. *Nelson*, That the Speaker do issue his Warrant to the Sergeant at Arms, to compel *James Townsend*, Esq. a Member returned for Prince-Town, to attend his public duties in this House, the House divided,

For the Motion,

| | |
|---------------|-----------------|
| Mr. Campbell, | Mr. Chappell, |
| Mr. Bagnall, | Mr. Hyde, |
| Mr. Murray, | Mr. Coffin, |
| Mr. Nelson, | Mr. M'Ewen. |
| Mr. Stewart, | Mr. Montgemery, |

Against it,

| | |
|--------------|----------------|
| Mr. Cameron, | Mr. Worrell, |
| Mr. Mabey, | Mr. Cambridge, |

So it was resolved in the affirmative.

The Honorable *Robert Gray*, Colonial Treasurer, presented to the House the Public Accounts, from November 18th, 1818, to the 26th July, 1820, which were ordered to lie on the Table.

A Message from His Majesty's Council:

“ Mr. Speaker,

“ His Majesty's Council have appointed a Committee to meet a Committee of the House of Assembly for the purpose of inspecting the Public Accounts, and the Honorables *George Wright*, *William Pleace*, and *Ambrose Lane*, are appointed a Committee for that purpose.”

On Motion of Mr. *Cameron*, seconded by Mr. *Campbell*, Ordered, that a Committee be appointed to meet the Committee of His Majesty's Council for the purpose of inspecting the Public Accounts: Mr. *Cameron*, Mr. *Campbell*, Mr. *Cambridge*, Mr. *Stewart*, Mr. *Worrell*, and Mr. *Murray*, were appointed for that purpose.

Mr. Mabey Chairman of the Committee appointed to prepare an Address in answer to His Excellency's Speech, presented the same to the House which was read.

On Motion of Mr. Cameron, seconded by Mr. Stewart, the House resolved itself into a Committee of the whole House to take into consideration the Address in answer to His Excellency's Speech,

Mr. Speaker left the Chair,

Mr. Mabey took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Mabey Chairman of the Committee, Reported, That they had gone through the same and agreed thereto.

On Motion the Address was agreed to and is as followeth :

" To His Excellency CHARLES DOUGLASS SMITH, Lieutenant Governor and Commander in Chief, in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice Admiral of the same, &c. &c. &c.

" The Address of the House of Assembly of Prince Edward Island, in General Assembly convened,

" May it please your Excellency,

" **WE** His Majesty's dutiful and loyal Subjects the Representatives of Prince Edward Island, in General Assembly convened, beg leave to thank your Excellency for your Speech at the opening of this Session.

" We concur with your Excellency in opinion of the expediency of early convening us to Address His Majesty King George the Fourth, on his accession to the Throne of his Ancestors, and to express our sentiments on the occasion.

" In common with every other class of His Majesty's liege Subjects, we trust the merited punishment inflicted on the late disturbers in Great-Britain, of the public tranquility, will suppress the career of those misguided people, who are evidently the dupes to designing men, and a prey to faction, and that it will also prevent their mad attempts to subvert a Constitution, duly administered, the most perfect and glorious.

" We warmly participate in the interest which your Excellency is pleased

to express towards the welfare of this Colony, and we have just cause to be grateful to Providence, for the many blessings bestowed on it by nature.

" We hope that the increased population will improve its Agriculture and Commerce, and we view with pleasure the increase of Building in Charlotte-Town, as the natural consequence thereof.

" The Standard Weights and Measures procured, as your Excellency justly observes, at a very considerable expence, it is to be hoped, will operate to the public good.

" We are extremely happy to learn that the requisite steps are about to take place for establishing a Meridian Line under an Act so long since passed, and have no doubt, it will be attended with very salutary consequences.

" We feel ourselves highly interested in any measure that has for its object the education of Youth, so essential to the interest of Society and the happiness of the rising generation, only lamenting that the benefits arising from the National system will extend to so very few in this Colony.

" We thank your Excellency for ordering the Public Accounts to be laid before us, with the requisite information, and are highly gratified to learn that no inconsiderable part of the Revenue is to be appropriated to its original purpose, which the state of the Roads and Bridges have so long demanded.

" We shall be happy to have the Session terminated as soon as public Business will admit, and shall do our best endeavours to get through the most urgent part of our duty without any unnecessary delay.

" ANGUS M'AULAY,
Speaker."

" Assembly Room, July 26th, 1820."

On Motion of Mr. Stewart, seconded by Mr. Nelson, Ordered, That a Committee be appointed to wait on His Excellency the Lient. Governor to know when His Excellency will be pleased to receive the Address of this House in answer to His Excellency's Speech, Mr. Stewart, Mr. Cameron, and Mr. Worrell, were appointed for that purpose.

Adjourned 'till 10 o'clock to-morrow.

THURSDAY, July 27th, 1820.

THE House met pursuant to adjournment.—PRAYERS.

William McNeill, Esq. a Member for Prince County, appeared inside of the Bar of this House, and being requested to attend at the Clerk's Table, the usual Oaths were administered, and he took his seat.

On Motion of *Mr. Cameron*, seconded by *Mr. Campbell*, Ordered, That a Committee be appointed to draft an Address to His Majesty King George the Fourth, on his accession to the Throne of His Ancestors:—*Mr. Cameron*, *Mr. Campbell*, *Mr. Worrell*, *Mr. Stewart*, *Mr. McNeill*, and *Mr. Murray*, were accordingly appointed for that purpose.

On Motion of *Mr. Mabey*, seconded by *Mr. Stewart*, Ordered, that a Com-

mittee be appointed to examine into the expiring Laws and to report thereon: *Mr. Mabey*, *Mr. Cameron*, and *Mr. Chappell*, were appointed for that purpose.

Mr. Worrell, moved for leave to bring in a Bill for appointing and empowering NATHANIEL ATCHERSON, Esq. Colony Agent for His Majesty's Island Prince Edward, and leave being granted, the Bill on Motion received the first and second reading.

Mr. Stewart, Chairman of the Committee appointed to wait upon His Excellency the Lieut. Governor to know when His Excellency would be pleased to receive the Address of this House in answer to His Speech, Reported, that His Excellency had appointed two o'clock to-morrow.

Adjourned till 10 o'clock to-morrow.

FRIDAY, July 28th, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion of *Mr. Bagnall*, seconded by *Mr. Stewart*, the House resolved itself into a Committee of the whole House to take into consideration the Bill intituled "An Act appointing *Nathaniel Atcherson*, of Winchester Street, London, Esq. Colony Agent for His Majesty's Island Prince Edward."

Mr. Speaker left the Chair,

Mr. Bagnall took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Bagnall Chairman of the Committee, Reported, That they had gone through the Bill paragraph by paragraph and had agreed to the same, and that the Committee had directed him to move that the Report of the Committee be now received by the House, which was accordingly done.

Ordered, that the Bill be read a third time.

Resolved, that the Bill do pass, be engrossed, and sent up to His Majesty's Council for their concurrence.

Mr. Joseph Robinson, Deputy Sergeant at Arms, appeared at the Bar of the House and reported, That in obedience to the Speaker's Warrant, he had gone to New-London, the residence of *James Townsend*, Esq. and was there informed by *Mrs. Townsend*, that *Mr. Townsend*,

had left the Island on Wednesday morning last, for St. Johns, Newfoundland.

By Order, *Mr. Nelson*, carried to His Majesty's Council, the Bill intituled "An Act for appointing *Nathaniel Atcherson*, Esq. to be Colony Agent for His Majesty's Island Prince Edward."

The House waited upon His Excellency according to appointment, with their Address in answer to His Excellency's Speech, and having returned the Speaker informed the House, that His Excellency had been pleased to make the following Reply, which was read and ordered to be inserted on the Journals, and is as followeth, viz.

"*Mr. Speaker*, and Gentlemen of the House of Assembly,

IT is very gratifying to me to be enabled to express my satisfaction at receiving your present Address; for admiring (as I most sincerely do,) the Constitution in all its parts, I cannot but be aware of the mutual importance, and salutary effects of regular Parliamentary intercourse between the Branches of the Legislature, which in my own person I shall ever encourage, and I fail not to embrace the present opportunity of declaring my Constitutional respect for your Honorable House.

"C. DOUGLASS SMITH,

"July 28th, 1820." Lt. Govr.

Adjourned till 4 o'clock in the afternoon.

The House met at 4 o'clock pursuant to adjournment.

Mr. Cameron, Chairman of the Committee appointed to draft an Address to His Majesty King George the Fourth, upon His Accession to the Throne of his Ancestors, presented the same to the House, which he read in his place, and delivered the same in at the Clerk's Table.

On Motion the House resolved itself into a Committee of the whole House, to take the said Address into considera-

tion,

Mr. Speaker left the Chair,

Mr. Cameron took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Cameron Chairman of the Committee, Reported, that they had made a progress in the Address and asked leave to sit again.

Adjourned till 10 o'clock to-morrow.

SATURDAY, July 29th, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion the House resolved itself into a Committee of the whole House to resume the consideration of the Address to His Majesty King George the Fourth,

Mr. Speaker left the Chair,

Mr. Cameron took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Cameron Chairman of the Committee, Reported, that they had agreed to the draft of the Address, and that the Committee had directed him to move to the House that their Report be now received. Ordered accordingly.

On Motion the said Address was read and adopted by the House, *nem. con.* and is as followeth, viz.

“TO THE KING'S
“MOST EXCELLENT MAJESTY.

“*May it please your Majesty,*

“**W**E your Majesty's dutiful and loyal Subjects the Representatives of Prince Edward Island, in General Assembly convened, beg leave to offer your Majesty our sincere condolence on the lamented demise of our late venerable and most gracious Sovereign, whose virtues had so long afforded the brightest example, and who had so uniformly reigned in the hearts of his faithful people: And we assure your Majesty we shall never cease to cherish in our memories the recollection of the many blessings, which this Island, in common with the whole of the British Empire, had enjoyed, under his mild and paternal Government.

“We also offer our unfeigned tribute of sorrow to the memory of your Majesty's Brother, His late Royal Highness the Duke of Kent, whose transcendent virtues, and shining talents endeared

him to the whole of His late Majesty's loyal Subjects, and particularly to the Inhabitants of this Colony for the lively interest His Royal Highness was pleased to take in all that related to its welfare and prosperity.

“We feel at the same time most anxious to tender our heartfelt congratulations on your Majesty's Accession to the Throne of your Ancestors, as we have long been accustomed to consider the security of our Constitution and Liberties as co-existent with the prosperity of your illustrious family.

“We cordially rejoice in the opportunity which is now presented to us of conveying to your Majesty the dutiful assurance of our loyal and affectionate attachment to your Majesty's sacred person; and we entreat your Majesty to believe that we derive from the experience of the past, evinced by the brilliancy of your Regency, as well as from our confidence in your Majesty's character and virtues, the firm conviction that your Reign will be marked by a constant endeavour to promote the general prosperity and happiness of your people.

“ANGUS M'CAULAY, Speaker.

“Assembly Room, Prince Edward
Island, July 29th, 1820.”

On Motion of Mr. Campbell, seconded by Mr. Nelson, Ordered, That the Speaker be requested to lay before the House the Communication made to him as Speaker of the late House by His Excellency the Lt. Governor, inclosing the Extract of a Dispatch from Earl Bathurst, dated November 30th, 1819, and the answer if any, he has received from His Grace the late Duke of Richmond, on the subject of the Address to the Prince Regent, now His Majesty King George the Fourth.

Mr Speaker accordingly delivered in at the Clerk's Table, the following Papers, viz.

"A Letter from Angus M'Aulay, Esq. late Speaker, to the late Duke of Richmond, and His Grace's answer thereto.

"A Message from His Excellency to the Speaker of the late House, enclosing an Extract of a Despatch from Earl Bathurst, dated Downing-Street, Nov. 30th, 1819," which Papers were read by order of the House, and ordered to lie on the Table.

On Motion of Mr. *Cameron*, seconded by Mr. *Nelson*, Ordered, That a Committee be appointed to draw up an Address to His Excellency the Lt. Governor praying that His Excellency would be pleased to lay before the House, a Copy of the Declaration alluded to in the Extract of a Dispatch, from Earl Bathurst, dated Downing Street, Nov. 30th, 1819: Mr. *Cameron*, Mr. *Montgomery*, and Mr. *Cambridge*, were appointed for that purpose, who having retired, returned, and presented an Address which was read, and on Motion was agreed to by the House, and is as follows:

"To His Excellency CHARLES DOUGLASS SMITH, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor and Vice Admiral of the same, &c. &c. &c.

"The Address of the House of Assembly in General Assembly convened,

"May it please your Excellency,

"**W**E His Majesty's dutiful and loyal Subjects the Representatives of Prince Edward Island, in General Assembly convened, beg leave to request your Excellency will be pleased to cause to be laid before this House, a Copy of the Declaration of persons present in the House of Assembly, on the 15th Dec. 1818, alluded to in the Extract of a Dispatch from Earl Bathurst, dated 30th day of November 1819, which your Excellency was pleased to communicate to the Speaker of the last House of Assembly, on the 9th May last.

"ANGUS M'AULAY, Speaker.

"Assembly Room, July 29th, 1820."

Mr. *Stewart*, Mr. *M'Ewen*, and Mr. *Mabey*, were appointed a Committee to wait upon His Excellency with the foregoing Address.

Mr. *Mabey* from the Committee appointed to examine what Laws are near expiring, Reported, that there are two passed in the Session commencing the 8th July 1817, viz.

"An Act to enable Creditors more easily to recover their Debts from Co-Partners and joint Debtors, and

"An Act for repealing certain parts of an Act made and passed in the 14th year of His Majesty's Reign, intituled an Act for regulating the measure of Boards and all kinds of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed Merchantable Timber for exportation," which were to be in force for three years and from thence to the end of the next Session, and no longer.

Mr. *Cameron* moved for leave to bring in the draft of a Bill to amend the Act for the more easy and speedy recovery of Small Debts, and leave being granted the same was ordered to lie on the Table.

Mr. *Stewart*, Chairman of the Committee appointed to wait upon His Excellency the Lieut. Governor, with the Address of the House, praying that His Excellency would be pleased to cause to be laid before this House a Copy of the Declaration alluded to in the Extract from the Despatch of Earl Bathurst, Reported, That His Excellency was pleased to say he would take it into consideration, and would communicate with the House on Monday next.

Mr. *Cameron*, moved for leave to bring in a Petition from Andrew M'Donald & Sons, Duncan M'Kay & Co. and sundry other Merchants of the Colony, praying that the House may enact a Law to alter the present mode of surveying Ton Timber for exportation, and leave being granted it was read and ordered to lie on the Table.

Adjourned 'till 11 o'clock on Monday next.

MONDAY, July 31st, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion of Mr. Cambridge, seconded by Mr. Cameron, Ordered, That a Committee be appointed to draft an Address to the Lieut. Governor, praying that His Excellency would be pleased to forward the Address of this House of the 29th inst. to His Majesty King George the Fourth: Mr. Cambridge, Mr. Cameron, and Mr. Nelson, were appointed for that purpose.

Mr. Nelson, moved for leave to bring in a Petition of certain Inhabitants of Charlotte-Town and its vicinity, praying "that an amendment in the present Laws relating to the recovery of Small Debts is absolutely necessary," and leave being given, it was read and ordered to lie on the Table.

A Message from His Excellency the Lieut. Governor,

"To the Speaker,

"Message in answer to the Address of the House of Assembly on the 29th inst.

"C. DOUGLASS SMITH, Lt. Govr.

"The Lt. Governor on the most mature consideration, is of opinion that he ought not to give any further information to the present House of Assembly, than he felt it his duty to give to a former House, on a matter peculiarly relating to themselves. And feeling also the most anxious wish to transact all necessary public Business with the General Assembly, harmoniously, he is the more desirous not to enter into unnecessary retrospect, as that would certainly tend to lessen the good understanding, which he is so anxious should constantly subsist between all the Branches of the Legislature.

"July 31st, 1820."

Mr. Cameron, moved for leave to bring in a "Bill to continue An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors," and leave being given, on Motion the said Bill received the first reading.

On Motion the Bill received a second reading.

On Motion of Mr. Cameron, seconded by Mr. Nelson, the "Bill to amend the Act for the more easy and speedy

recovery of Small Debts," received the first reading.

Mr. Cambridge, Chairman of the Committee appointed to frame an Address to His Excellency the Lt. Governor praying that His Excellency would be pleased to forward the Address of this House of the 29th inst. to His Majesty King George the Fourth, presented the same to the House, which was agreed to, and is as followeth, viz.

"To His Excellency CHARLES DOUGLASS SMITH, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor and Vice Admiral of the same, &c. &c. &c.

"The Address of the House of Assembly in General Assembly convened,

"May it please your Excellency,

"**W**E His Majesty's dutiful and loyal Subjects the Representatives of Prince Edward Island, in General Assembly convened, beg leave to request that your Excellency will be pleased to forward, as soon as convenient, to His Majesty King George the Fourth, the Address of this House to His Majesty, on his accession to the Throne.

"ANGUS M^cAULAY, Speaker.

"Assembly Room, July 31st, 1820."

On Motion of Mr. Cambridge, seconded by Mr. Murray, Ordered, That a Committee be appointed to wait on His Excellency the Lieut. Governor with the said Address, and hand to His Excellency the Address of this House of the 29th inst. to his Majesty: Mr. Cambridge, Mr. Montgomery, Mr. Cameron, Mr. Murray, and Mr. Nelson, were appointed for that purpose.

Mr. Cambridge Chairman of the Committee appointed to wait upon His Excellency with the said Address, having returned, Reported, that His Excellency was pleased to say he would forward the Address with great pleasure.

On Motion, Ordered, That a copy of the Journals be sent when printed to His Majesty's Council.

Adjourned till 10 o'clock to-morrow.

TUESDAY, August 1, 1820.

THE House met pursuant to adjournment.—PRAYERS.

Mr. *Mabey*, a Representative for Charlotte-Town, moved for leave to bring in a Memorial from a Sheriff's Meeting of the Inhabitants of Charlotte-Town, complaining of various inconveniences tending to obstruct the prosperity of the Colony at large, which they humbly submit to the consideration of the House,

"That they consider the Gaol in a dangerous state, not only as regards the probability of the Debtor escaping, but also the risk the Sheriff is liable to, in being amenable to the Law in compensating the Creditor for the demand for which the Debtor was immersed in prison, the miserable state of which the Memorialists complain of "that the poor unfortunate Prisoners suffer as much as any person committed in England for the most heinous offence." Also that the Felons apartment must cause the most poignant distress to the unfortunate beings who are imprisoned for Felony.

"That the practice of Forestalling in the Market and blowing of Meat, and the Assize weight of Bread, as well as the state of most of the Pumps and Wells of Charlotte-Town, loudly call for the intervention of the Legislature.

"Memorialists also beg leave to state that a shameful practice has prevailed of clandestinely milking Cows, the property of other people, and humbly submit that this offence may be taken into the serious consideration of this Honorable House.

On Motion of Mr. *Cameron*, seconded by Mr. *M'Neill*, the House resolved itself into a Committee of the whole House to take into consideration the Bill intituled "An Act to continue an Act to enable Creditors more easily to recover their Debts from Co-Partners and joint Debtors."

Mr. Speaker left the Chair,

Mr. *Cameron* took the Chair of the Committee,

Mr. Speaker resumed the Chair, Mr. *Cameron* Chairman of the Committee, Reported, that they had gone through the same clause by clause, and had agreed thereto, and that the Committee had directed him to move that their Report be now received by the House. Ordered accordingly.

Ordered, that the Bill be read a third time.

Resolved, that the Bill do pass, and be engrossed.

Mr. *Mabey*, moved for leave to bring in a "Bill to prevent the clandestine milking of Cows," and leave being granted, it was delivered in at the Clerk's Table, and read.

On Motion of Mr. *Stewart*, seconded by Mr. *M'Neill*, Ordered, That a Committee be appointed to consider the several Documents laid before this House, on Saturday last, relative to Earl Bathurst's Despatch to His Excellency the Lt. Governor, and also His Excellency's Message of yesterday in answer to the Address of the House, on the subject of said Despatch, and that the Committee do report to this House thereon: Mr. *Stewart*, Mr. *Campbell*, Mr. *Cambridge*, Mr. *Cameron*, Mr. *Chappell*, Mr. *Mabey*, and Mr. *Murray*, were appointed for that purpose.

On Motion of Mr. *Nelson*, seconded by Mr. *Cameron*, the House resolved itself into a Committee of the whole House to take into consideration the Memorial of a Sheriff's Meeting of the Inhabitants of Charlotte-Town,

Mr. Speaker left the Chair,

Mr. *Nelson* took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. *Nelson*, Chairman of the Committee, Reported, That they had taken the Memorial into consideration, and had made a progress therein, and asked leave to sit again.

Adjourned till 3 o'clock in the afternoon.

The House met at 3 o'clock pursuant to adjournment.

On Motion of Mr. *Mabey*, seconded by Mr. *M'Neill*, the Bill intituled "An Act to prevent the clandestine milking

of Cows," received a second reading.

Adjourned till 10 o'clock to-morrow.

WEDNESDAY, August 2d, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion of Mr. *McNeill*, seconded by Mr. *Mabey*, the House resolved itself into a Committee of the whole House to resume the consideration of the Memorial of the Sheriff's Meeting of the Inhabitants of Charlotte-Town,

Mr. Speaker left the Chair,

Mr. Nelson, took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Nelson, Chairman of the Committee, Reported, that they had duly considered the Memorial, and agreed to several Resolutions thereon, and that the Committee had instructed him to report the same to the House, which were read, and are as followeth, viz.

Resolved, That it is the opinion of the Committee that the Gaol in Charlotte-Town is in a most miserable state, which the Committee in common with Memorialists deeply regret, but a Law having passed the last Session of the General Assembly for the purpose of Building Gaols in the different Counties of the Colony, and that Act being now before His Majesty's Minister for the Colonial Department to receive the Royal Allowance, the Committee do not think it expedient to do any thing upon that head until His Majesty's pleasure be known relative to the Act in question.

That it is the opinion of the Committee that the House should take into consideration the present state of the Pumps and Wells of Charlotte-Town, and that a Law be passed for the purpose of providing for the keeping the same in repair.

That it is the opinion of the Committee, in the infant state of the Colony that an alteration of the present mode of vending Bread cannot be attended with any salutary effect.

That notwithstanding the wish of the Committee to alleviate the injury likely to be sustained from instances of Forestalling, they consider under the existing state of Commerce, and the scarcity of a circulating Medium, Legislative interference might tend to create a much greater injury than the one complained of.

That your Committee find there is a Bill now under the consideration of this House, relative to milking Cows (the property of other people) clandestinely, which they hope, if passed, will have salutary effects.

Resolved, that the Report of the Committee be agreed to.

By Order, Mr. *Nelson*, carried to His Majesty's Council, the Bill intituled "An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors," and requested their concurrence thereto.

On Motion the Bill intituled an Act to amend an Act made and passed in the 13th year of the Reign of His late Majesty George the Third, intituled "An Act for the more easy and speedy recovery of Small Debts," received a second reading.

On Motion of Mr. *Cameron*, seconded by Mr. *Mabey*, Ordered, That a Committee be appointed to bring in the heads of a Bill for making and keeping in repair the public Pumps and Wells of Charlotte-Town: Mr. *Mabey*, Mr. *Cameron*, and Mr. *Nelson*, were appointed for that purpose.

Mr. *Stewart*, Chairman of the Committee appointed to consider the several Documents laid before this House on Saturday last, relative to Earl Bathurst's Despatch to His Excellency the Lieut. Governor, and His Excellency's Message of the 28th ult. in answer to the Address of the House on the subject of said Despatch, Reported, That your Committee having taken the same into their deliberate consideration, find that the Resolutions made and entered into by the late House of Assembly, on the 15th Dec. 1818, alluded to in the said Despatch, were made and passed by that House, in a regular and Constitutional manner, previous to an Adjournment, with the consent of the House, and not by the Members subsequently assembled in an irregular and unconstitutional manner, as allledged in a private Declaration of Persons transmitted to Earl Bathurst, and your Committee find that the Address of the late House of the 5th January 1819, to His Royal Highness the Prince Regent, now his present most gracious Majesty King George the Fourth, referring to the said Resolutions, was *nem. con.* agreed to by the House, at which time His Excellency Lt. Governor SMITH, did not suggest that House to have been unconstitutionally convened.

On Motion of Mr. *McNeill*, seconded by Mr. *Cameron*, the House resolved it-

self into a Committee of the whole House to take the said Report into consideration,

Mr. Speaker left the Chair,

Mr. Stewart took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Stewart, Chairman of the Committee, Reported, That the Committee of the whole House had taken the same into consideration and had agreed thereto without any alteration.

Resolved, That the Report of the Committee be agreed to.

A Message from His Majesty's Council by J. E. Carmichael, Esq. their Clerk, viz.

" Mr. Speaker,

" His Majesty's Council have passed a Bill for more effectually securing the Title of Purchasers and Incumbrancers of Real Estates against claims of Dower.

" Mr. Speaker,

" His Majesty's Council request a conference with the House of Assembly in the Grand Jury Room instanter, on the subject of the Bill for appointing a Colony Agent, for His Majesty's Island Prince Edward, and have appointed the Honorables *William Pleace,*

and *Ambrose Lane,* to manage the same."

Ordered, That a Committee be appointed to meet the Committee of His Majesty's Council in the Grand Jury Room instanter, on the subject of the Colony Agent Bill, and that Mr. *Cameron,* Mr. *Worrell,* Mr. *Murray,* and Mr. *Mabey,* do manage the same.

Ordered, That the Clerk do carry to His Majesty's Council, the foregoing order.

The Clerk returned and informed the House that the President of His Majesty's Council, stated that that House would consider before they would receive the Message by the Clerk of this House.

Resolved, That it is the opinion of this House, that in refusing the said Message by the Clerk of this House, His Majesty's Council are assuming new privileges: And that this House do adhere to their former order, it having been heretofore frequently done by former Houses of Assembly in this Colony, and it is the common practice of the House of Assembly of Nova-Scotia, to send Messages by the Clerk of the House, to His Majesty's Council.

Adjourned 'till 10 o'clock to-morrow.

THURSDAY, August 3d, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion the House resolved itself into a Committee of the whole House to take into consideration the Bill "for more effectually securing the Titles of Purchasers and Incumbrancers of Real Estate against claims of Dower."

Mr. Speaker left the Chair,

Mr. Cameron, took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Cameron Chairman of the Committee, Reported, That they had gone through the Bill clause by clause, and agreed thereto without any amendment, and that he had been directed by the Committee to move that the Report be now received by the House. Ordered accordingly.

On Motion the Bill received the third reading.

Resolved, That the Bill do pass.

Mr. *Mabey,* Chairman of the Committee appointed to draw up the heads of a Bill for the purpose of keeping in

repair the Pumps and Wells of Charlotte-Town produced the same, which on Motion received the first reading.

On Motion the Bill received a second reading.

On Motion the House resolved itself into a Committee of the whole House, to take into consideration the Petition of Andrew M'Donald and Sons, Duncan M'Kay & Co. and several other Merchants of the Colony,

Mr. Speaker left the Chair,

Mr. Cameron took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Cameron Chairman of the Committee, Reported, That they had taken into consideration the said Petition, and that they are of opinion it is expedient that a Bill be brought into this House to amend and continue the Lumber Act.

By Order, Mr. *Mabey,* carried to His Majesty's Council the " Bill for more effectually securing the Title of Purchasers and Incumbrancers of Real Estate against claims of Dower." and requested their concurrence thereto.

On Motion of Mr. Chappell, seconded by Mr. Nelson, Ordered, That a Committee be appointed to draft the heads of a Bill to alter and continue the Lumber Act: Mr. Chappell, Mr. Cameron, and Mr. Stewart, were appointed for that purpose.

Mr. Cameron, Chairman of the Committee appointed to meet a Committee of His Majesty's Council to examine the Public Accounts, Reported, That they had the Public Accounts before them but not having Documents accompanying the Accounts, stating for what Services the items were paid, and having twice requested the Clerk of the Council to furnish them with the Warrant Book, as on former occasions, he informed your Committee that he had directions from His Excellency not to submit the Warrant Book to them without his own personal presence in the body of your Committee, which we beg leave to remark is a novel mode of proceeding, and renders it impossible for your Committee to make any investigation of the Accounts.

A Message from His Majesty's Council by their Clerk.

“ Mr. Speaker,

“ His Majesty's Council have agreed to the Bill intituled “ An Act to continue An Act to enable Creditors more easily to recover their Debts from Co-Partners and Joint Debtors,” without any amendment.

“ Council Chamber, Aug. 3d, 1820.”

Ordered, That the “ Bill to prevent the clandestine milking of Cows,” receive the second reading.

On Motion the House resolved itself into a Committee of the whole House to take into consideration the said Bill,

Mr. Speaker left the Chair,

Mr. Mabey took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Mabey Chairman of the Committee, Reported, That they had gone through the Bill clause by clause, and agreed to the same, and that he had been directed by the Committee to move that the Report be now received by the House. Ordered accordingly.

Ordered, That the Bill receive the third reading.

On Motion that the Bill do pass, the House divided,

For the Motion,

| | |
|-----------------|--------------|
| Mr. Mabey, | Mr. Worrell, |
| Mr. Chappell, | Mr. Murray, |
| Mr. Hyde, | Mr. Nelson, |
| Mr. Coffin, | Mr. Cameron, |
| Mr. M'Ewen, | Mr. M'Neill, |
| Mr. Montgomery, | |

Against it,

Mr. Campbell, Mr. Stewart,

So it was carried in the affirmative.

Ordered, That the Bill be engrossed.

On Motion the House resolved itself into a Committee of the whole House, to take into consideration the Bill intituled “ an Act to amend an Act made and passed in the 13th year of the Reign of His late Majesty George the Third, intituled an Act for the more easy and speedy recovery of Small Debts,”

Mr. Speaker left the Chair,

Mr. Cameron took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Cameron Chairman of the Committee, Reported, That they had made a progress in the Bill and had directed him to move for leave to sit again.

On Motion, Ordered, That the Report of the Committee be agreed to.

On Motion of Mr. Cameron, seconded by Mr. Murray, Ordered, That a Committee be appointed to prepare an Address to His Excellency Lieut. Governor SMITH, praying that His Excellency will be pleased to order the Warrant Book, to be laid before this House, to enable them to enter into the examination of the Public Accounts: Mr. Campbell, Mr. Cameron, and Mr. Montgomery, were appointed for that purpose, who having retired, returned, and reported the following Address, which was read and agreed to by House, viz.

“ To His Excellency CHARLES DOUGLASS SMITH, Lieutenant Governor and Commander in Chief, in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice Admiral of the same, &c. &c. &c.

“ The Address of the House of Assembly of Prince Edward Island, in General Assembly convened,

“ May it please your Excellency,

“ **W**E His Majesty's dutiful and loyal Subjects the Representatives of Prince Edward Island, in General Assembly convened, beg leave to request your Excellency will be pleased to direct the Warrant Book to be laid before this House, in order to enable them to proceed in the examination of the Public Accounts.

“ ANGUS M'AULAY, Speaker.

“ Assembly Room, August 3d, 1820.”

On Motion, Ordered, that Mr. M'Neill, Mr. Montgomery, and Mr. Nelson, be appointed to wait upon His Excellency with the said Address.

Adjourned till 10 o'clock to-morrow.

FRIDAY, August 4th, 1820.

THE House met pursuant to adjournment.—PRAYERS.

Mr. *M'Neill*, Chairman of the Committee appointed to wait upon His Excellency with the Address of this House, praying that His Excellency would be pleased to order that the Warrant Book might be sent to the House, Reported, that His Excellency was pleased to say, that he judged it highly proper that every necessary information should be afforded to the House of Assembly, on the subject of the Public Accounts, and that he had given orders, that a Copy of the Warrant Book should be laid before the House.

On Motion the House resolved itself into a Committee of the whole House to take into consideration the Bill intitled "An Act to keep in repair the public Pumps and Wells of Charlotte-Town, and for the preservation of Sheep, throughout the Island,"

Mr. Speaker left the Chair,

Mr. Mabey, took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Mabey, Chairman of the Committee, Reported, That they had gone through the same, clause by clause, and had agreed thereto.

Resolved, That the Report be received by the House.

On Motion the Bill received the third reading.

On Motion, That the Bill do pass, the House divided,

For the Motion,

| | |
|-----------------|----------------|
| Mr. Campbell, | Mr. Murray, |
| Mr. Mabey, | Mr. Cambridge, |
| Mr. Montgomery, | Mr. Nelson, |
| Mr. Stewart, | Mr. M'Neill, |
| Mr. Cameron, | |

Against the Motion,

| | |
|-------------|-------------|
| Mr. Hyde, | Mr. Coffin, |
| Mr. M'Ewen, | |

So it was carried in the affirmative.

Ordered, That the Bill be engrossed.

A Message from His Majesty's Council, by Mr. Carmichael, their Clerk, viz.

"Mr. Speaker,

"His Majesty's Council are at all times desirous of promoting the most perfect harmony and good understanding with the House of Assembly, that the Public Business may not be impeded, but conducted with regularity and correctness, and therefore cannot with propriety

receive any Messages from the House of Assembly, unless by a Member of that Honorable House."

And then the Messenger withdrew.

On Motion, Resolved, That the of House of Assembly are actuated by the same desire of promoting harmony and good understanding with His Majesty's Council, and of not impeding the Public Business, but the House can see no reason why they should deviate from the usage of the House of Assembly, in this Colony, as well as that of of Nova-Scotia, of transmitting Messages to the Legislative Council, through their Clerk.

On Motion of Mr. *M'Neill*, seconded by Mr. *Stewart*, Ordered, That a Committee be appointed to draft an Address to His Excellency praying that he would be pleased to inform this House, what answer, if any, His Excellency has received from His Majesty's Secretary of State for the Colonial Department, relative to the Address of the late House of Assembly, of the 8th December, 1818, respecting Chief Justice *Tremlett*: Mr. *M'Neill*, Mr. *Stewart*, and Mr. *Worrell*, were appointed for that purpose, who having retired, returned, and reported, the following draft, which was read, approved of, and is as followeth, viz.

"To His Excellency CHARLES DOUGLASS SMITH, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor and Vice Admiral of the same, &c. &c. &c.

"The Address of the House of Assembly in General Assembly convened,

"May it please your Excellency,

"THE House of Assembly beg leave to request that your Excellency will be pleased to communicate to them, what answer, if any, your Excellency has received from His Majesty's Secretary of State, for the Colonial Department, respecting the Address of the late House of Assembly, of the 8th Dec. 1818, presented to your Excellency, relative to Chief Justice *Tremlett*.

"ANGUS M'AULAY, Speaker.

"Assembly Room, August 4th, 1820."

On Motion, Mr. *McNeill*, Mr. *Hyde*, and Mr. *Stewart*, were appointed a Committee to wait upon His Excellency with the same.

to amend the Act for the more easy and speedy recovery of Small Debts," be the Order of the day for to-morrow.

On Motion, Ordered, That the "Bill

Adjourned till 10 o'clock to-morrow.

SATURDAY, August 5th, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion, for the Order of the day, the House resolved itself into a Committee of the whole House to resume the consideration of the Bill intituled "An Act to amend an Act made and passed in the 13th year of the Reign of late Majesty George the Third, intituled "An Act for the more easy and speedy recovery of Small Debts,"

Mr Speaker left the Chair,

Mr. Cameron took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Cameron Chairman of the Committee, Reported, that they had taken the Bill into consideration, and that the Committee had directed him to report progress and ask leave to sit again this day six months.

Resolved, that the Report of the Committee be agreed to.

By Order, Mr. *Stewart*, carried to His Majesty's Council, the engrossed "Bill to prevent the clandestine milking of Cows," and requested their concurrence thereto.

Mr. *Chappell*, Chairman of the Committee appointed to draft a Bill to amend and continue the Lumber Act, Reported, That the Committee had directed him to submit to the House the expediency of bringing in the heads of a new Bill in place of one for amending the Act in question, whereupon, on Motion, the House gave the Committee leave to bring in a new Bill.

On Motion of Mr. *Worrell*, seconded by Mr. *Cambridge*, Ordered, That the Resolution of this House founded on the Message from his Majesty's Council, relative to a Message of the House delivered by the Clerk, and not by a Member, be sent up for the information of his Majesty's Council, By Order, Mr. *Worrell*, carried the same.

By Order, Mr. *Mabey*, carried to His Majesty's Council the engrossed "Bill for making and keeping in repair the

public Pumps and Wells of Charlotte-Town, and for the preservation of Sheep throughout the Island," and requested their concurrence to the same.

On Motion of Mr. *McNeill*, seconded by Mr. *Hyde*, the following Resolutions being separately put from the Chair, were agreed to by the House, viz.

I. *Resolved*, That the Lower House of Assembly of Prince Edward Island, are the sole Judges of what shall be considered a breach of their acknowledged Privileges, and have at all times a right to complain to their most gracious Sovereign, when any such breach has been, or is by the House, supposed to have been committed by the Lt. Governor, or any other whom the House cannot bring to account by their immediate process.

II. *Resolved*, That the Journals of the said House must and ought to have been received by the Lieut. Governor, and His Majesty's Government at large, ascertaining correct and true statements of the proceedings of the House.

III. *Resolved*, That the convening of the Members of the last House of Assembly, and laying at the same time before them the Extract of Earl Bathurst's Dispatch, for their information, and then instantly dissolving them, without affording them any opportunity of making a reply, or of convincing Earl Bathurst of the facts, and also, His Excellency's refusal to this House of complying with their Address, requesting that he would be pleased to furnish them with a copy of the Declaration of Persons alluded to in Earl Bathurst's Despatch, clearly evince to this House, His Excellency's total disinclination fairly to enter into merits; and that he has attempted virtually to disfranchise the loyal Inhabitants of this Colony, by allowing the Declaration of officious unauthorised Persons to be sent to His Majesty's Ministers, in contradiction to the fair Representations of the Legislative Assembly of this Island.

IV. *Resolved*, That the conduct of His Excellency Lt. Governor SMITH, in

these matters, have tended much to withdraw from His Excellency, the confidence of the Inhabitants of this Colony.

V. Resolved, That an humble Address be presented to his Majesty, beseeching His Majesty to refer to the Address of the last House, dated the 5th Jan. 1819, to His Majesty (then Prince Regent) and the Documents accompanying said Address, and also to these Resolutions, and to the report of the Committee of the whole House, dated 31st July, on which Report said Resolutions are founded; humbly praying that His Majesty would be graciously pleased to make such order in the matter, as will in future secure to this Colony, the Constitutional Rights of its Inhabitants.

On Motion of Mr. *Mabey*, seconded by Mr. *Murray*, Ordered, That a Committee be appointed to frame an Address to His most gracious Majesty King

George the Fourth, on the subject of the foregoing Resolutions: Mr. *Mabey*, Mr. *Campbell*, Mr. *Cambridge*, Mr. *Murray*, and Mr. *Cameron*, were appointed for that purpose.

Mr. *Chappell*, Chairman of the Committee appointed to bring in a "Bill to regulate the measure of Ton Timber, Boards and all kinds of Lumber, and to repeal two certain Acts made and passed in the 14th and 57th years of His late Majesty's Reign, and also for declaring what shall be deemed Merchantable Timber, and for appointing Officers to survey the same," Reported, the same to the House, which on Motion, received the first reading.

On Motion, the Bill received the second reading.

Adjourned 'till 10 o'clock on Monday next.

MONDAY, August 7th, 1820.

THE House met pursuant to adjournment.—PRAYERS.

On Motion the House resolved itself into a Committee of the whole House to take into consideration the "Bill to regulate the measure of Ton Timber, Boards and all other kinds of Lumber, and to repeal two certain Acts, made and passed in the 14th and 57th years of his late Majesty's Reign, and also for declaring what shall be deemed Merchantable Timber, and for appointing Officers to survey the same,"

Mr. Speaker left the Chair,

Mr. *Chappell*, took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. *Chappell*, Chairman of the Committee, Reported, that the Committee had the Bill under consideration, and was directed to move that they had made a progress in the same, and to beg for leave to sit again.

Ordered, That the Report be agreed to.

Mr. *M'Neill*, Chairman of the Committee appointed to wait upon His Excellency with the Address of this House relative to Chief Justice *Fremlett*, Reported, That His Excellency was pleased to make the following written answer, viz.

"WILLIAM M'NEILL, Esq. Chairman of the Deputation, which presented an Address to the Lt. Governor on Saturday August 5th.

"SIR,

"IN reply to the Address this day presented to me by a Deputation on the part of the House of Assembly, I have to state, that I find on reference to Despatches, I received one from Earl Bathurst, Secretary of State for the Colonial Department, on the subject in question bearing date, 11th May, 1819, in substance as follows:

"His Lordship entirely approves of my having forborne to comply with the Address of the House of Assembly, which prayed for the suspension of the Chief Justice: he remarks on the absence of the evidence against him, upon which the Assembly state themselves to have proceeded, and adds, that unless some grave and serious criminality be proved against the Chief Justice, he should consider himself bound to refuse his acquiescence to any proposal for his removal."

"Having thus made known the official reply I have received, you will feel yourself authorised to communicate it in the most regular manner for the information of the House.

"I remain, Sir,

"Your most obdt. Servt.

"C. D. SMITH,

"Lt. Govr.

"Charlotte-Town, Saturday Night,
August 5th, 1820."

Mr. *Mabey*, Chairman of the Committee appointed to frame an Address to His Majesty our most gracious So-

vereign King George the Fourth, on the subject of the Resolutions of this House on Saturday last, the 5th inst. Reported the same to the House, which

On Motion, was submitted to the consideration of the Committee of the whole House,

Mr. Speaker left the Chair,

Mr. Mabey took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Mabey, Chairman of the Committee, Reported, That they had taken the Address into consideration, and that

he had been directed by the Committee to say that they had made a progress in the same, and moved for leave to sit again.

Ordered, That the Report of the Committee be agreed to.

Mr. Cameron, Chairman of the Committee of this House, appointed to examine into the Public Accounts, informed the House that the Clerk of His Majesty's Council, had delivered to him a Copy of the Warrant Book, which he delivered in at the Clerk's Table.

Adjourned till 10 o'clock to-morrow.

TUESDAY, August 8, 1820.

THE House met pursuant to adjournment.

A Communication was received from the Revd. THEO. DESBRISAY, informing the House that in consequence of indisposition he was unable to attend Divine Service at the House this day.

On Motion the House resolved itself into a Committee of the whole House, to resume the consideration of the "Bill to regulate the measure of Ton Timber, Boards and all other kinds of Lumber, and to repeal two certain Acts, made and passed in the 14th and 57th years of his late Majesty's Reign, and also for declaring what shall be deemed Merchantable, and for appointing Officers to survey the same,"

Mr. Speaker left the Chair,

Mr. Campbell, took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. Campbell, Chairman of the Committee, Reported, that they had resumed the consideration of the Bill, and had gone through the same, clause by clause, and had agreed thereto, and that he had been directed to move that the Report be received by the House: Ordered accordingly.

On Motion the Bill received the third reading.

Resolved, That the Bill do pass, and be engrossed.

On Motion the House resolved itself into a Committee of the whole House to resume the consideration of the Address to His Majesty on the subject of the Resolutions of this House, on the 5th instant,

Mr. Speaker left the Chair,

Mr. Mabey, took the Chair of the

Committee,

Mr. Speaker resumed the Chair,

Mr. Mabey, Chairman of the Committee, Reported, that they had resumed the consideration of the said Address and had agreed to the same with amendments, and that he had been directed by the Committee to move that their report be received by the House. Ordered accordingly.

On Motion, the Address was read and agreed to *nem. con.* and is as followeth, viz.

" TO THE KING'S

" MOST EXCELLENT MAJESTY,

" *Most Gracious Sovereign,*

" WE your Majesty's dutiful and loyal Subjects, the Representatives of Prince Edward Island, in General Assembly convened, beg leave to approach your Majesty with sentiments of the most profound respect, humbly praying your Majesty's paternal attention to our Address.

" Aware that we are a distinct Colony with a Legislative Government, subordinate to your Majesty's great British Empire, and that we derive this blessing from your Majesty's Illustrious Father of blessed Memory, during the latter part of whose glorious Reign, and your Majesty's uparalleled Regency, this Island has increased in population and Commerce, which we in common with all other your Majesty's loyal Subjects the Inhabitants of this Colony acknowledge with heartfelt sincerity and gratitude.

" A difference unfortunately existing between two branches of the Legislature in this Colony, we with the most loyal attachment to your Majesty's person and Government, humbly beg to refer your Majesty to a certain Address of

the last House of Assembly bearing date the 5th January, 1819, to your Majesty (then Prince Regent) complaining of the conduct of His Excellency CHARLES DOUGLASS SMITH, Lieut. Governor of this Colony, and certain Resolutions of that House dated 15th December, 1818, accompanying the same, which in consequence of some misrepresentation had not been submitted to your Majesty's gracious consideration.

"We also humbly beg leave farther to submit to your Majesty the Report of a Committee of the whole House, dated the 2d August, and certain Resolutions grounded thereon, dated the 5th August inst. which accompany this Address.

"We beg leave to assure your Majesty that we deeply regret the painful necessity of thus troubling your Majesty,

humbly praying that your Majesty will be graciously pleased to take these matters into consideration, and to make such order on the subject as your Majesty shall deem proper.

"ANGUS M'AULAY,

"Speaker.

"Assembly Room, August 8th, 1820."

On Motion of Mr. *Stewart*, seconded by Mr. *Mabey*, Ordered, That the Speaker do by Letter respectfully request, the Right Honorable the Earl of DALHOUSIE, Governor General and Commander in Chief of His Majesty's North American Colonies to transmit the said Address with the Documents referred to therein, to His most gracious Majesty King George the Fourth.

Adjourned till 10 o'clock to-morrow.

WEDNESDAY, August 9, 1820.

THE House met pursuant to adjournment.—PRAYERS.

By Order, Mr. *McNeill*, carried to His Majesty's Council the engrossed "Bill to regulate the measurement of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts made and passed in the 14th and 57th years of His late Majesty's Reign, and also for declaring what shall be deemed Merchantable, and for appointing Officers to survey the same," and requested their concurrence thereto.

Mr. *Cameron*, Chairman of the Committee appointed to examine the Public Accounts made a Report to the House, which on Motion was referred to a Committee of the whole House,

Mr. Speaker left the Chair,

Mr. *Montgomery*, took the Chair of the Committee,

Mr. Speaker resumed the Chair,

The Chairman, Reported, That they had taken the Report into consideration and have agreed to the same with an amendment, which he read, and is as follows, viz.

"The Committee on the Public Accounts beg leave to state that they have examined the Treasurer's Accounts, and find them correct, leaving a Balance in the Treasury of £1845 16s. 10d. but in the application of the Monies, there appear to your Committee many payments which are of an unprecedented nature, but as the House of Assembly have no controul whatever over any part

of the disposal thereof, your Committee deem it unnecessary at present to make any farther remarks thereon, more especially as the representations of former Houses on that subject have had no salutary effect."

Resolved, that the Report of the Committee be agreed to.

On Motion, the House resolved itself into a Committee of the whole House to take into consideration the Message from His Excellency the Lieut. Governor in answer to an Address of this House, requesting to know what answer, if any, His Excellency had received in answer to the Address of the late House, respecting Chief Justice *Tremlett*,

Mr. Speaker left the Chair,

Mr. *Mabey*, took the Chair of the Committee,

Mr. Speaker resumed the Chair,

Mr. *Mabey*, Chairman of the Committee, Reported, That they had taken the same into consideration, and had agreed to the following Resolution, which he read and is as followeth, viz.

Resolved, That this Committee deeply lament that His Excellency Lt. Governor SMITH, in transmitting to His Majesty's Secretary of State, for the Colonial Department, the Address of the last House of Assembly, praying His Excellency to suspend the Chief Justice, did not transmit along with the same the Resolutions upon which that Address was founded, after the solemn and unequivocal manner in which that House of Assembly,

declared their opinion concerning the Chief Justice, upon the clearest and fullest evidence of facts adduced before them on that subject, so highly important to the administration of Justice in this Colony.

- On Motion, That the Report be agreed to, the House divided,

For the Motion,

| | |
|---------------|-----------------|
| Mr. Hyde, | Mr. Coffin, |
| Mr. Mabey, | Mr. Cambridge, |
| Mr. Cameron, | Mr. Murray, |
| Mr. Stewart, | Mr. M'Neill, |
| Mr. M'Ewen, | Mr. Montgomery, |
| Mr. Chappell, | |

Against the Motion,

| | |
|---------------|-------------|
| Mr. Campbell, | Mr. Nelson, |
|---------------|-------------|

So it was carried in the affirmative.

On Motion of Mr. Murray, seconded by Mr. M'Neill, That a Committee be appointed to draft an Address

to His Excellency the Lt. Governor, informing his Excellency that the House have gone through the most urgent Business before it, and to pray His Excellency for a release from further attendance, the House divided,

For the Motion,

| | |
|----------------|-----------------|
| Mr. Hyde, | Mr. M'Ewen, |
| Mr. Cambridge, | Mr. Coffin, |
| Mr. Campbell, | Mr. Montgomery, |
| Mr. Murray, | Mr. Stewart, |
| Mr. Nelson, | Mr. M'Neill, |

Against it,

| | |
|---------------|--------------|
| Mr. Mabey, | Mr. Cameron, |
| Mr. Chappell, | |

So it was carried in the affirmative.

Mr. Murray, Mr. M'Neill, and Mr. Stewart, were appointed a Committee for that purpose.

Adjourned till 11 o'clock to-morrow.

THURSDAY, August 10, 1820.

THE House met pursuant to adjournment.

From the indisposition of the Revd. Theophilus Desbrisay, Prayers were not read to the House this day.

A Message from His Majesty's Council, by Mr. Carmichael, their Clerk, viz:

"Mr. Speaker,

"His Majesty's Council have agreed to the Bill to regulate the measure of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two Acts made in the 14th and 57th years of His late Majesty's Reign, and also declaring what shall be deemed Merchantable, and for appointing Officers to survey the same."

And then the Messenger withdrew.

Mr. Murray, Chairman from the Committee appointed to draw up an Address to His Excellency, informing him that the House wished to be released from further attendance, Reported, the same to the House, which was read and agreed to, and is as followeth, viz.

"To His Excellency CHARLES DOUGLASS SMITH, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the

Territories thereunto belonging, Chancellor and Vice Admiral of the same, &c. &c. &c.

"The Address of the House of Assembly in General Assembly convened,

"May it please your Excellency,

"WE the Representatives of Prince Edward Island, in General Assembly convened, beg leave to inform your Excellency, that having gone through the most urgent Business of the Colony before us, and the attention of many of the Members being required to their Agricultural concerns, (particularly at this season of the year, humbly request your Excellency to release us from further attendance at this time.

"ANGUS MAULAY, Speaker.

"Assembly Room, August 10th, 1820."

Mr. M'Ewen, Mr. Hyde, and Mr. Montgomery, were appointed a Committee to wait upon His Excellency with the foregoing Address, who having waited upon His Excellency, returned, and Reported, That His Excellency would pay immediate attention to their Address and that he would attend at the Council Chamber, this day at two o'clock.

Adjourned till One o'clock.

The House met at 1 o'clock pursuant to adjournment.

A Message from His Excellency the Lieut. Governor by Thomas H. Haviland, Gentleman Usher of the Black Rod.

"Mr. Speaker,—His Excellency the Lt. Governor commands the immediate

attendance of this Honorable House in the Council Chamber."

Accordingly Mr. Speaker, with the House went to attend His Excellency in the Council Chamber, where His Ex-

cellency was pleased to give His assent to the following Bills, viz.

I. A Bill intituled "An Act for more effectually securing the Titles of Purchasers and Incumbrancers of Real Estates, against claims of Dower."

II. A Bill intituled "An Act to continue an Act to enable Creditors more easily to recover their Debts from Co Partners and Joint Debtors."

III. A Bill intituled "An Act to regulate the measure of Ton Timber, Boards, and all other kinds of Lumber, and to repeal two certain Acts, made and passed in the 14th and 57th years of his late Majesty's Reign, and also for declaring what shall be deemed Merchantable, and for appointing Officers to survey the same."

After which His Excellency was pleased to make the following Speech, viz.

"Mr. President, and Gentlemen of his Majesty's Council,

"Mr. Speaker, and Gentlemen of the House of Assembly,

HAVING convened you for the purpose mentioned at the opening of the Session, which has been duly regarded on your parts, and having been given to understand, that no further public Business requires attention, I feel disposed, to relieve you, from the inconvenience of further application to the affairs of the Colony, at a distance from the homes and the avocations of several of you. But I cannot allow the General Assembly to separate, without expressing my grateful sentiments to you Gentlemen Members of His Majesty's Council, for your constant œconomical care of the Public Revenue, and for the assistance I have ever received from you in your executive capacity, on that important point, well acquainted as I must be, with your integrity and sound judgment, on such matters, I must not withhold from you, this my most public testimony to that effect, ascribing to your assistance, the actual state of the pecuniary affairs of the Colony, which may well challenge scrutiny, and need not shrink from remark.

"I am happy to have had in my power to concur with both Houses on the Bills which have been presented, but it is impossible for me to pass unnoticed some of the proceedings of the Lower House, which have formally come to my knowledge, through the Copies of their Journals, which have been communicated. From them it appears, that certain Resolutions, reflecting upon me, have been adopted, and an Address to His Majesty framed and founded on them, which is to be transmitted through his Excellency the Governor in Chief, a measure equally extraordinary and unnecessary, in as much, as I should myself, if I had been applied to, readily co-operated in any such measure, that would have attracted His Majesty's attention to my conduct, whose faithful Servant I am.

"The Address in question would thus have reached the Throne, unquestionably much sooner, and let me add, with more certainty, as it remains to be seen, what conduct His Lordship may feel it consistent with his duty to adopt, on so delicate a point as the interposing in the political concerns of a distant Colony.

"Under any circumstances my hearty and earnest desire to promote the public welfare will continue undiminished, feeling as I trust I ever shall, superior to all party politics, and necessarily regarding with both regret and wonder, those who allow themselves to be hurried away by them.

"C. DOUGLASS SMITH,

"Lt. Govr.

"August 10th, 1820."

After which the President of His Majesty's Council, by His Excellency's command, said,

"Gentlemen,

"It is his Excellency the Lieut. Governor's will and pleasure, that this General Assembly be prorogued to Tuesday the Fourth day of September next, to be then here held, and this General Assembly is accordingly prorogued to the Fourth day of September next."

God save the King.