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# JOURNAL

OF THE

*HOUSE OF ASSEMBLY*

OF HIS MAJESTY'S

## ISLAND PRINCE EDWARD.

*ANNO QUINQUAGINTO SECUNDO*

REGIS GEORGII III.

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FIRST SESSION OF THE NINTH GENERAL ASSEMBLY.

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CHARLOTTE-TOWN, PRINCE EDWARD ISLAND :

PRINTED BY JAMES BAGNALL,

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.....  
1812.

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

FIRST SESSION OF THE NINTH GENERAL ASSEMBLY.

MONDAY, August 10, 1812.

**A** GREEABLE to His Excellency the Lieutenant Governor's Proclamation, the undermentioned Representatives were returned to serve in General Assembly, viz.

CHARLOTTE-TOWN.

SAMUEL NELSON Esq.

GEORGE BIRNIE Esq.

GEORGE-TOWN.

FADE GOFF, Esq.

JOHN GARDINER, Esq.

PRINCE-TOWN.

CHARLES STEWART, Esq.

JAMES TOWNSEND, Esq.

QUEENS COUNTY,

RALPH BRECKEN, Esq.

WILLIAM HYDE, Esq.

ANGUS MAULAY Esq.

WILLIAM DUCKENDORFF, Esq.

KINGS COUNTY.

LEMUEL CAMBRIDGE, Esq.

JAMES CURTIS, Es.

BENJAMIN COFFIN, Esq.

CHARLES WORRELL, Esq.

PRINCE COUNTY.

J. B. PALMER, Esq.

WILLIAM CLARK, Esq.

DAVID MURRAY, Esq.

DANL. MONNTGOMERY, Esq.

The whole of the above number being present (except James Townsend, Esq.) were sworn, the customary Oaths being administered by the Honorable Harry Compton, Esq. and the Honorable Augustus Wallet Des Barres, Esq. two of His Majesty's Council appointed by *Dedimus Potestatem* for that purpose, after which a Message was delivered by the Secretary from His Excellency the Lieutenant Governor, informing the Members that it was His Excellency's command that they should immediately proceed to appoint a Speaker, and attend His Excellency in the Council Chamber.

*James Curtis*, Esq. one of the Members for Kings County, stood up, and addressing the Clerk, proposed to the House *Ralph Brecken*, Esq. as their Speaker, which was seconded by the Solicitor General *James B. Palmer*, Esq. Member for Prince County, and being carried *nem. con.* Mr. *Brecken* was led to the Chair by Mr. *Curtis*, whereupon he said,

*Gentlemen*,—I return you my sincere thanks for the honor you have conferred upon me, in appointing me Speaker of this Honorable House. I hope and trust, Gentlemen, you will support the Chair, and I shall to the extent of my abilities endeavour to discharge the duty of Speaker, with honor to the House and advantage to the Public.

## JOURNAL OF THE HOUSE OF ASSEMBLY

A Message was then sent to His Excellency the Lieutenant Governor informing him that the Lower House of Assembly had chosen *Ralph Brecken*, Esq. to be their Speaker, on which His Excellency was pleased to send a Message, and say he approved their choice.

According to His Excellency's command Mr. Speaker with the Members of the House went up to the Council Chamber, and spoke to the following effect, vizt.

*May it please Your Excellency,*

It now becomes my duty, as Speaker of the House of Assembly, in their behalf to request of your Excellency, as the privilege of this house, that the Members thereof, during the Session, may be freed from molestation, that they may have freedom of Speech in their debates, that they may have the power of punishing their own members, and have free and easy access to your Excellency as His Majesty's Representative, on all occasions, and I do also in their name and on their behalf, beg leave to claim all their ancient rights and privileges.

His Excellency was then pleased to make the following answer:—

*Mr. Speaker,*

To protect and secure the House of Assembly in the free and full enjoyment of all its rights and privileges, is no more than my absolute duty. Its Members shall always meet with a cordial reception from me, and they may rely on my sincere endeavors to facilitate the success of their exertions, for the welfare of the Colony, and their own respective comfort, prosperity and happiness.

The House having resumed its sitting, Mr. Speaker reported that when the house attended this day in the Council Chamber, His Excellency was pleased to deliver to both houses of Assembly a speech, of which, to prevent mistakes, he had obtained a copy, which was ordered to be read and is as follows, vizt.:

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

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

ON receiving intelligence of a War having been declared by the Government of the United States of America, against the United Kingdom of Great Britain, Ireland, and her Dependencies, His Majesty's Colonial Council was convened, and I deemed proper in compliance with the advice thereof, to send an officer charged with confidential Dispatches to his Majesty's neighbouring Colony of Nova-Scotia.

“ It is with peculiar satisfaction, that, in result of that mission, I am enabled of announcing to you, the cordial assurances, on the part of his Excellency the Lieutenant General Commanding, and the Admiral at Halifax, of affording for the service, and protection of this Island, such means as the actual conjuncture, of affairs may occasionally require.

“ These hostile occurrences rendering it imperiously necessary that some prompt and vigorous measures be immediately adopted to ascertain the efficient defence and security of this Colony against all eventual attempts of an enterprising enemy, I beg leave to recommend, as the primary and most pressing object of your duty a revision and improvement of our Militia Laws and Regulations.

“ The faithful prosecution and discharge of that important duty will, no doubt, afford you, not only a gratifying opportunity of evincing your zeal and attachment to our most gracious Sovereign and the best of Constitutions on earth; but also of fostering the seeds of the similar zeal and attachment, amongst all Ranks of individuals which compose our several Militia Corps, whose laudible disposition, I con-

template with heart felt satisfaction, and from whose genuine, spirit and activity, I am led to entertain the most sanguine hopes, that in critical occurrences they will prove themselves amply deserving the encouragement and rewards apportioned to them by your justice and liberality:

“To the end that due deliberation may take place, and that the appropriate time for your Agricultural pursuits might not unnecessarily be entrenched upon, I designed this present meeting of the General Assembly, rather merely to propose, and deliberate than finally to determine on all the various important subjects, which appear to me indispensibly incumbent on your duty, and that any Bill or matters of consequence, except such as may relate to the present momentous crisis, be printed for mature consideration during a Recess or Prorogation.

“The permanent arrangement and internal state of the Colony, I am well persuaded, cannot escape your attention: Religious Establishments and enforcing the observance of divine ordinances, facilitating the Administration and Execution of the Laws, and establishing schools or seminaries, for the Education, of youth are each of them objects of great urgency. Your Agriculture, your Fisheries, your Roads of Communication are also essentially requisite, to be attended to, and to supply the temporary want of cash, some adequate substitute, ought to be considered.

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

“I have directed the officers of the Revenue to lay the accounts of the receipts and expenditures of the public money before you.

“Fully relying on your experience, knowledge and liberality, I am persuaded that you will judiciously, and by the most eligible and efficacious mode make the necessary provision for the support of the extraordinary expences obviously requisite to be incurred, in the present critical circumstances, particularly for the equipment, and support of the embodied Militia, and summarily to place the King's Island together with your landed and commercial concerns in a state of security, against all manner of hostile depredations.

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

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

“To your wise, able and unanimous exertions, a great task is consigned, the accomplishment of which, cannot fail to evince, the true spirit with which, the King's subjects in this Island, are warmly impressed, and incontestibly to prove, that they are worthy of the blessings, hitherto enjoyed by them, under the gracious Reign, of a pious and revered Monarch, and which they are qualified, and shall therefore continue to enjoy, under the benign and happy Government of an active, dignified and august Regent.”

*Ordered, On Motion of Mr. Curtis, seconded by Mr. Gardiner, that a Committee be appointed, to prepare an Address, in answer to his Excellency the Lieutenant Governor's Speech, and that Messrs. Curtis, Goff, and Birnie, do compose the same.*

The House then proceeded to the choice of their officers, when

*Mr. Ewen Cameron, was chosen Clerk.*

*The Rev. Theophilus Desbrisay, Chaplain.*

*Mr. Thomas Alexander, Serjeant at Arms.*

*Mr. George Mabey, Messenger.*

Moved by *Mr. Solicitor General*, That a Committee be appointed, to revise the Journals, from day to day; which Motion being seconded by *Angus M'Anlay, Esq.* was put and carried in the Affirmative, and the following members were appointed to compose the same, *Messrs. Solicitor General, Worrell, and Birnie.* B

*Ordered*, On Motion, that the Clerk do notify the Chaplain to attend the House each morning as usual.

*Ordered*, on Motion of *Mr. Solicitor General*, That the standing Rules and Regulations be read and continued in force (the 9th and 15th Rules being excepted) likewise that the Clerk collect from the several Journals all such Rules and Regulations as heretofore were made permanent, and submit them to the House for their Inspection.

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Angus M'Aulay, Esq.* that the House do at its sitting tomorrow, resolve itself into a Committee to consider of a Bill lately passed by the Legislature of this Island, entitled "An Act to confirm the Titles and quiet the possessions and Locations in this Colony of the American Loyal Emigrants and disbanded troops," and which Bill has not received, his Majesty's Royal Allowance, and that the Clerk do then lay before the House, such paper as he may have in his possession, relative to the said Bill.

Adjourned till 10 o'clock to-morrow morning.

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TUESDAY, 11th AUGUST, 1812.

THE House met pursuant to adjournment. The Chaplain attended agreeable to orders and said Prayers.

The order of the day being read, on motion the house resolved itself into a committee of the whole house to take into consideration a Bill, entitled an Act to confirm the Titles and quiet the possessions and Locations, in this Colony, of the American Loyal Emigrants (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, "That the Committee deem it expedient that Witnesses should be examined, and other proofs produced before the House to substantiate the charges brought forward by the Loyalists, that an early day should be appointed for such examination; Ordered that the Report of the Committee be agreed to.

Moved by the Solicitor General, and seconded by Mr. Hyde, that this House do, at its sitting on Saturday next, enter into an examination of Witnesses and other proofs, to substantiate the charges brought forward by the Loyalists, with liberty for any of the Members to apply in the mean time for the Speaker's Summons, desiring the attendance of witnesses, which motion was carried nem. con.

Ordered, On motion of Dr. M'Aulay, seconded by Mr. Nelson, that a committee be appointed to examine and report upon the Expiring Laws; and that Dr. M'Aulay, Mr. Solicitor General, and Mr. Worrell, do compose the said Committee.

On Motion of Mr. Solicitor General, seconded by Dr. M'Aulay, that a Committee be appointed to correspond with the Colony Agent; and that His Majesty's Council be requested to name a Committee to act conjunctly with them, and the house divided and there appeared

for the motion.

Mr. M'Aulay, Mr. Solicitor Gen.  
Mr. Clark Mr. Coffin  
Mr. Nelson, Mr. Duckendorff  
Mr. Stewart

Against it.

Mr. Murray, Mr. Montgomery  
Mr. Cambridge Mr. Goff  
Mr. Worrell Mr. Hyde,  
Mr. Curtis Mr. Birnie

So the motion was carried in the negative,

Ordered on motion of Mr. Solicitor General, seconded by Mr. Aulay, That the house do now resolve itself into a Committee relative to the Communications of His Excellency the Lieut. Governor, to this House, dated 13th December 1809, on the subject of a dispatch from Viscount Castlereagh, dated December 9th, 1809, requiring information as to a Bill, passed by the Legislature of this colony in 1808, respecting High Roads, the house accordingly resolved itself into a Committee (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the Chair and the Chairman reported progress and begged leave to sit again on Monday next, which was ordered.

Ordered, on Motion of Mr. Solicitor General, seconded by Mr. Nelson, That a Committee be appointed to inspect the public accounts, conjunctly with a Committee of his Majesty's Council, and that Messrs. Solicitor General, Bernie and Goff, do compose the said Committee, and also that this Resolution be sent up to his Majesty's Council, for their concurrence.

Ordered, on Motion of Mr. Solicitor General, seconded by Mr. Birnie, That an Address be presented, to his Excellency the Lieut. Governor, praying that he would be pleased to order that any Communications, which have been made to him, from the Colony Agent of this Island, relative to Bills or Resolutions, which have passed this House, since the Session of 1806, may be laid before the House; and that Messrs. Solicitor General, Nelson, and Murray, be appointed a Committee to draw and present the said Address.

On Motion of Dr. M<sup>r</sup> Aulay seconded by Mr. Solicitor General, leave was given, to bring in the Petition of William Roubel, Esq. complaining of an undue Election, of the Town and Royalty of Charlotte-Town; the same having been read; Ordered, on Motion, that this House do, on Friday next, resolve itself into a Committee of the whole House, as a Committee of privileges and Elections, to take into consideration the merits of the said Petition, and that the Secretary or his Deputy do then attend with the Writ of Election, and Return; and further ordered, that the Members of this House, do, before they proceed, take an Oath that they will well and truly try, the merits of said Petition.

The like order was made on Motion of Mr. M<sup>r</sup> Aulay seconded by Mr. Solicitor General, on the Petition of Mr. James Bagnall, complaining of an undue Election for George-Town, the matter thereof to be heard on Friday next.

The like order was made on Motion of Mr. M<sup>r</sup> Aulay, seconded by Mr. Solicitor General on the Petition of Elisha Le Page, Esq. complaining of an undue Election, for George-Town, the matter thereof to be heard on Friday next.

The like order was made on Motion of Mr. Birnie, seconded by Mr. Gardiner on the Petition of George Wright, Esq. complaining of an undue Election for Queens County, the matter thereof to be heard on Saturday next.

The like order was made, on Motion of Mr. Curtis seconded by Mr. Worrell, on the Petition of John Frederick Holland, Esq. complaining of an undue Election, for Charlotte-Town, the matter thereof to be heard on Monday next.

Mr. Solicitor General Chairman of the Committee appointed to draw and present an Address to his Excellency the Lieut. Governor, requesting that he would be pleased to order to be laid, before this House any Communications, which have been made to His Excellency from the Colony Agent of this Island, relative to any Bills or Resolutions which have passed this House, since the Session of 1806, brought in an Address which was agreed to, and is as follows, viz.

To His Excellency Joseph Frederick Wallat Des Barres, Lieutenant Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and its Dependancies, &c. &c. &c.

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

*May it please your Excellency,*

The House of Assembly in General Assembly convened, beg leave to pray that your Excellency may be pleased, to order, that any Communications which have been made to your Excellency from the Colony Agent of this Island, relative to any Bills or Resolutions, which have passed this House, since the Session of 1806 may be laid before the House.

RALPH BRECKEN, Speaker.

Assembly Room, August 11, 1812.

Adjourned till 6 o'clock this evening.

The House met at 6 pursuant to adjournment.

Mr. Speaker laid before the House a Letter from His Excellency the Lieutenant Governor, transmitting returns of the Militia Forces of this Colony, with the arms, Accoutrements and Ammunition, already distributed, and also those wanting to complete that body; together with plans annexed of the different Districts, and remarks thereon.

*Ordered*, on Motion of Mr. Solicitor General, seconded by Mr. Murray, that the House do at its sitting to-morrow morning resolve itself into a Committee of the whole House, to take into consideration the internal defence of the Colony.

Adjourned till 9 o'clock to-morrow morning.

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WEDNESDAY, August 12th, 1812.

THE House met pursuant to adjournment.—PRAYERS.

The order of the day being read, Mr. Speaker left the Chair, the House resolved itself into a Committee of the whole House (Mr. Goff in the Chair) to take into consideration the internal defence of the Colony, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and begged leave to sit again to-morrow, which was ordered.

A message from his Majesty's Council by their Clerk.

On Motion, *Ordered*, That the Honorable Harry Compton, and James Luttrell Des Barres, be a Committee to meet the Committee of the House of Assembly, for the purpose of inspecting the public accounts.

Council Chamber, August 12, 1812.

On Motion of Mr. Birnie, seconded by Mr. Curtis, leave was given to bring in the Petition of certain inhabitants of the Eastern District of Charlotte-Town, complaining of grievances for want of a Pump.—*Ordered* that the same be read, and laid on the Table.

*Ordered*, on Motion of Mr. Solicitor General, seconded by Mr. Coffin, That an Address be presented to His Excellency the Lieutenant Governor praying that he would be pleased to inform this House, whether any, and what pay, or Allowances,



would be made by his Majesty's Government, to such Militia men as might be called out, to do duty in the respective Counties, or act as a disposable force, and that Mr. Solicitor General, Mr. *Murray* and Mr. *M<sup>c</sup>Aulay*, be appointed a Committee to draw and present the same; who brought in an Address, which was agreed to, and and is as follows, viz.

“To his Excellency JOSEPH FREDERICK WALLET DES BARRES, Lieutenant Governor and Commander in Chief of his Majesty's Island Prince Edward, and its Dependancies, &c. &c. &c.

The Address of the Lower House of Assembly of said Island,

May it please your Excellency,

“THE House of Assembly in General Assembly convened, beg leave to request, that your Excellency may be pleased to afford information to this House whether any and what pay or allowances would be made by his Majesty's Government to such Militia, as might be called out to do duty in the respective Counties or act as a disposable force.

RALPH BRECKEN, Speaker.”

“Assembly Room, August 12, 1812.”

Adjourned till 10 o'clock to-morrow morning.

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THURSDAY, August 13, 1812.

THE House met pursuant to Adjournment.—PRAYERS.

Mr. *Curtis*, Chairman of the Committee appointed to prepare an Address, in answer to His Excellency the Lieutenant Governor's Speech, at the opening of the Session, reported the draft of an Address.—*Ordered*, on Motion that the House resolve itself into a Committee of the whole House, to take the same into consideration, (Mr. *Curtis* in the Chair) and after some time spent therein, the Speaker resumed the Chair and the Chairman reported progress and begged leave to sit again.

*Ordered*, on Motion that orders be given, for the attendance of Donald Manson, John Hawkins, Martin Hartz, William Rind, Lewis Clark, Thomas Sims, Thomas Robinson, John Lobban, Esq. with the Poll Books, Angus Cummins, Nathan Davies, Robert Jones, Albert Desbrisay, ——— Detters, James Riddle, and William Knight, as Witnesses to give evidence before the Committee on the subject of William Roubel's Petition, on Friday the 14th instant.

On Motion of Mr. *Worrell*, seconded by Mr. *Cambridge*, leave was given to bring in a Bill for the relief of John Stowe, an insolvent Debtor; the said Bill being presented, was ordered to be read, and laid on the Table.

*Ordered*, on Motion, that orders be given for the attendance of Ewen Cameron, James Wilson, Robert Stewart, James M<sup>c</sup>Donnell, John Summers and James Bagnall, as Witnesses to give evidence, before the Committee on the subject of Mr. Le Page's Petition, on Friday the 14th inst.

*Ordered*, on Motion, That orders be given for the attendance of Mr. James Williams, Belfast, Mr. Donald Nicholson, Piquette Portage, and Mr. Donald Manson, Deputy Sheriff, as witnesses to give evidence, before the Committee on the subject of Mr. Wright's Petition, on Saturday next the 15th instant.

On motion of Mr. Solicitor General, seconded by *Doctor M'Aulay*, that it be a standing Rule of the House, that every person presenting a Petition, against an Election shall enter into security, himself in £20. and two sureties in £10 each, for the payment of the costs attending the said Petition, and the proceedings to be had thereunder, in case that the Petition shall be dismissed; and that all the present Petitioners do comply with this Resolution, the House divided, and there appeared,

For the Motion,		Against the Motion,	
Dr. M'Aulay	Mr. Coffin	Mr. Murray	Mr. Worrel
Mr. Clark	Mr. Nelson	Mr. Cambridge	Mr. Gardiner
Mr. Hyde	Mr. Dukendorff	Mr. Montgomery	Mr. Stewart
Mr Palmer		Mr. Goff	Mr. Curtis

So the Motion was carried in the negative.

Moved by Mr. *Murray*, seconded by Mr. *Worrell*, that it be a standing Rule of the House, that every person presenting a Petition against an Election, shall enter into security himself in £20, and two sureties in £15 each, for the payment of the costs, attending the said Petition, and the proceedings to be had thereunder, in case that the Petition shall be dismissed;—and that all the present Petitioners do comply with this Resolution, which motion was carried, *nem. con.*

On Motion the House Resolved itself into a Committee of the whole House, to take into consideration the internal defence of the Colony, (Mr. Goff in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, that it is the opinion of the Committee that a Bill should be drawn, to amend the Militia Laws, and the Chairman asked leave to sit again.

*Ordered*, on Motion of Mr. Solicitor General, seconded by Mr. *Nelson*, That a Bill be drawn to amend the Militia Laws; and that the following Gentlemen be appointed a Committee to draw and report the same, Messrs. Solicitor General, *Goff, Montgomery, Curtis, and Murray*.

On Motion, the House resolved itself into a Committee of the whole House, (Mr. Curtis in the Chair) to resume the consideration of the Address, in answer to His Excellency the Lieutenant Governor's Speech, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had agreed to the draft of an Address, which he then presented; *Ordered*, That the report of the Committee be agreed to, and the Address was ordered to be engrossed which is as follows, viz.

*To His Excellency Joseph Frederick Wallet Des Barres, Lieutenant Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and its Dependancies, &c. &c. &c.*

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

*May it please your Excellency,*

WE his Majesty's most dutiful and Loyal Subjects, the Representatives of Prince Edward Island in General Assembly convened, beg leave to return your Excellency, our thanks for your Speech at the opening of this Session.

Individually attached to His Majesty's Royal Person, Family and Government, and the welfare of his Dominions in General, we have heard with sentiments of indignation, and regret, that the American Government has dared to declare war against his Majesty; and we beg leave to assure your Excellency of our determination, to support his most gracious Government, as far as our abilities will permit us.

"We feel highly grateful for your Excellency's care and vigilance, in sending a confidential dispatch to Halifax, as well as for the kind and cordial assurances of His Excellency the Lieutenant General commanding there, and the Admiral, that this Island shall have such protection, as the conjunctures of affairs may require.

"We shall immediately turn our attention to that primary and most pressing object, of our duty, a revision and improvement of our Militia Laws, and Regulations; and we shall endeavor not only to evince our zeal and attachment to our most Excellent Sovereign, and our inestimable constitution, but also to foster the seeds of similar zeal and attachment, amongst all ranks of individuals comprising the Militia corps of this Island, whose spirit and activity, we are extremely gratified to find, has met your Excellency's approbation.

"The remaining objects pointed out by your Excellency for our consideration, we shall regard with due attention, and we shall particularly attend to the making necessary provision for any extraordinary expences, which may be requisite to be incurred, in the present critical circumstances; and to place as far as our limited means will permit, this his Majesty's Island, together with the landed and commercial concerns thereof, in a state of security against all manner of hostile depredations—willing, as we are; to shew ourselves worthy of the blessings hitherto enjoyed by us, under the gracious Reign of a pious and revered Monarch and the benign and happy Government of an active, dignified and August Regent.

RALPH BRECKEN, Speaker.

"Assembly Room, August 13, 1812."

*Ordered*, On Motion that a Committee be appointed to wait on His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address of the House of Assembly; and that Mr. Solicitor General, *Mr. Hyde*, and *Mr. Curtis*, do compose the said Committee.

*Ordered*, on Motion, That *Mr. Birnie*, be allowed to plead in defence, by himself, and Counsel, at the Bar of the House, on Friday next, and that orders be given for the attendance of John Frederick Holland, Captain George Shore, George Wright, Thomas A. Stayner, Caleb Sentiner, Thomas Alexander, Major Fitzmaurice, Samuel Hood, L. Shuttleworth, John Lewis, and William Knight, 104th Regiment, and Martin Hertz, as witnesses to give evidence, before the Committee on the subject of *Mr. Roubel's* Petition, on Friday next the 14th inst.

Adjourned till 10 o'clock to-morrow morning.

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FRIDAY, 14th AUGUST, 1812.

THE House met pursuant to adjournment.—PRAYERS.

Mr. Solicitor General from the Committee appointed to present an Address to his Excellency the Lieutenant Governor respecting the Communications from the Colony Agent, and an Address respecting Militia allowances reported that the said Addresses had been presented, and His Excellency was pleased to say he would take the same into consideration, and afford to the House such information as was within his power on the subject.

*Mr. Solicitor General*, from the Committee appointed to wait on his Excellency the Lieutenant Governor to know when he would be pleased to receive the Address of the House, in answer to his Speech, reported that they had waited on his Excellency the Lieut. Governor, and he was pleased to say, he would be ready to receive the same, at 3 o'clock this afternoon.

On Motion, leave was given to withdraw Mr. Le Page's Petition.

The Order of the day being read, the House resolved itself into a Committee of the whole House, as a Committee of Privileges and Elections (Mr. *M<sup>r</sup> Aulay*, in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and begged leave to sit again.

On Motion of Mr. *Solicitor General*, seconded by Mr. *Murray*, That the order of the day as it now stands on the Journals, be varied, and do stand as follows, that this House except such members thereof as are disqualified, resolve itself into a Committee of Privileges and Elections, upon the Petition of William Roubel, Esq. The House divided and there appeared

for the motion.

Against it.

Mr. Solicitor Gen.	Mr. Duckendorff	Mr. Goff	Mr. Cambridge
Mr. Murray,	Mr. Clark	Mr. Stewart	Mr. Curtis
Mr. Nelson,	Mr. M <sup>r</sup> Aulay, and	Mr. Montgomery	Mr. Gardiner
Mr. Hyde,	Mr. Coffin.	Mr. Worrell	Mr. Birnie

The House being equally divided, the Speaker voted against the motion.

On Motion leave was given to withdraw Mr. James Bagnall's Petition.

The *Solicitor General*, presented the Heads of a Bill for the better Regulation of Elections, and to promote a due attendance of the Members of the House of Assembly, and moved for leave to bring in a Bill to that effect, which Motion being seconded by Mr. *Curtis*, was carried *nem. con.*

*Ordered*, on Motion, That two additional Members be added to the Committee appointed to inspect the Public Accounts, conjunctly with a Committee of His Majesty's Council, and accordingly Mr. *Curtis* and Mr. *Cambridge*, were appointed: *Ordered*, That this Resolution be sent to his Majesty's Council for their concurrence.

*Ordered*, on Motion of Mr. *Solicitor General*, seconded by Mr. *Birnie*, That an Address be presented to the Lt. Governor, praying that His Excellency would be pleased to afford information to this House, as to the progress which has been made in the establishment of a Meridional Line, and the obstacles if any, which have prevented the accomplishment of the same, and that a Committee be appointed to draw and present an Address accordingly, and Mr. *Solicitor General*, Mr. *Worrell*, and Mr. *Birnie*, were appointed a Committee for that purpose; and a draft of the said Address being presented, was agreed to, and is as follows, viz,

"To His Excellency JOSEPH FREDERICK WALLÉT DES BARRES, Lieutenant Governor and Commander in Chief of His Majesty's Island Prince Edward, and its Dependencies, &c. &c. &c.

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

"May it Please Your Excellency,

"THE House of Assembly in General Assembly convened, beg that your Excellency may be pleased to afford information, to this House, as to the progress which has been made, in the establishment of a Meridional Line; and the obstacles if any, which have prevented the accomplishment of the same.

"Assembly Room, Aug. 14, 1812.

RALPH BRECKEN, Speaker."

*Ordered*, on Motion of Mr. *Solicitor General*, seconded by Mr. *Nelson*, That the House do resolve itself into a Committee of the whole House to consider of the propriety of establishing a Paper Currency, to supply in some degree the deficiency of Cash in this Colony—Mr. Speaker left the Chair, Mr. *Solicitor General* took the

Chair, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and begged leave to sit again.

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

“Ordered, on Motion, that an additional member of His Majesty's Council, be added to the Committee appointed, to inspect the Public Accounts, conjointly with a Committee of the House of Assembly, and accordingly the Honorable *Augustus Wallet Des Barres* was appointed.

“Council Chamber, *Aug.* 14th 1812.”

The House waited on his Excellency the Lieutenant Governor with their Address, and having returned, the Speaker informed the House, that his Excellency had been pleased to make an answer, which was ordered to be entered on the Journals, and is as follows, viz.

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

66 **Y**OUR inviolable attachment to His Majesty's Royal person and family, and your Loyal determination to support his most Gracious Government to the full extent of your abilities, is peculiarly gratifying to me; and I cheerfully concur with you, in the sentiments of gratitude universally excited by the favourable dispositions of the Lieutenant General and Vice Admiral Commanding, to afford, for the protection of this valuable Island, such aids, as in the conjuncture of affairs, is requisite, and may be practicable.

“I applaud your anxiety to be deserving of his Majesty's most Gracious approbation. I gratefully receive your spontaneous Assurances, seriously to apply your attention to the several, and in particular, to the very pressing and important objects, recommended to your immediate consideration. I shall fully rely on your liberal and patriotic exertions, for the necessary provisions, to defray the extraordinary expenses, which in the present critical circumstances must unavoidably be incurred, for placing this Colony, together with the landed and commercial concerns thereof, in a state of security against all hostile attempts.”

*Ordered, On Motion of Mr. Solicitor General, seconded by Dr. Mc Aulay, That a Bill should be drawn and presented to the House for the Establishment of a paper currency in this Island, to a limited amount, to remedy the deficiency of cash; and that Mr. Solicitor General, Dr. Mc Aulay, and Mr. Goff, be appointed a Committee to draw and present the same.*

Adjourned till 9 o'clock to-morrow morning.

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SATURDAY, August 15, 1812.

THE House met according to Adjournment.—PRAYERS.

The order of the day being read, the House resolved itself into a Committee of the whole House (Mr. Montgomery in the Chair) to take into consideration the subject of the Loyalist Bill, and after some time spent therein the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

*Mr. Solicitor General, from the Committee appointed to wait on His Excellency the Lieutenant Governor with an Address on the subject of the Meridional Line, reported, that his Excellency had been pleased to say that he would give such information to the House, as was in his power on the subject.*

*Ordered*, on Motion of Mr. *Solicitor General*, seconded by Mr. *Murray*, That the House do on Tuesday next at its sitting, resolve itself into a Committee, to resume the consideration of the Loyalist Bill, and that the Honorable Thomas Desbrisay, Secretary and Registrar of the Province, be requested then to attend, with the original Proclamation of Governor Patterson in Council bearing test the 13th day of October, 1783, respecting Loyalist Lands.

Adjourned 'till Ten o'clock Monday Morning.

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MONDAY, August 17, 1812.

THE House met pursuant to Adjournment.—PRAYERS.

The Speaker informed the House that he had received a letter from His Excellency the Lieutenant Governor, inclosing communications, from Lord Liverpool, dated 22d May 1811, which were ordered to be read, and laid upon the Table.

Mr. *Solicitor General*, from the Committee appointed to draw the Militia Bill, reported, that they had frequently sat upon the same, and had began to prepare the Draft of the Bill, but felt themselves at a loss to proceed without having received previous instruction as to the specific points which were to be enacted, the disposable force if any which was to be raised, and the means of providing for the same, therefore prayed, the further instruction of the House on the subject.

*Ordered*, on Motion of Mr. *Solicitor General*, seconded by Mr. *Curtis*, That the House do now resolve itself into a Committee of the whole House (Mr. *Solicitor General* in the Chair) to take the same into consideration, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

On Motion leave was given to bring in the Petition of Elisha Le Page, Merchant, against the Bill, entitled, "An Act for the relief of John Stowe, an insolvent Debtor," passing into a Law—*Ordered*, that the same be laid on the Table.

*Ordered*, on Motion, That a copy of the petition of Elisha Le Page, against the passing of a Bill, to discharge John Stowe, be furnished to the said John Stowe.

The Speaker informed the House that he had received a Message from His Excellency the Lieutenant Governor, which was ordered to be read; on Motion the same was ordered to be inserted on the Journals, and is as follows, viz.

"Government House, Charlotte-Town,  
17th August 1812.

"SIR,

"IN answer to the Requisition of the House of Assembly, desiring to know "If any and what pay and allowances would be made, by His Majesty's Government to such Militia Men, as might be called out to do duty, in the respective Counties, or act as a disposable Force;" I have to reply, that I am unable at present to lay before the House, any perfect scheme on the subject, which it is my desire, however should, correspond with the measures adopted, by his Majesty's Government in Nova-Scotia, and in order to ascertain exactly what those measures are, I propose immediately dispatching an express to Halifax for the purpose of obtaining from Lieutenant General Sir JOHN SHERBROKE, the necessary information on this head; but in the mean time, being extremely anxious to afford the House, all the intelligence I am possessed of, which I hope, may enable it, to make a provision for the object in view

until a perfect Plan can be submitted for approval, I have to inform you, that I understand the allowance made to the embodied Militia, in Nova-Scotia, is as follows, viz.

To Privates 1s. 3d. Currency per diem, 1s. of which is drawn for upon His Majesty's Government at home, and the 3d. (called extra pay) is defrayed from the Colonial Chest. Out of this 1s. 3d. the Soldier pays 6d. Sterling, for his ration, which ration is the same, as issued to troops of the Line.

“ Officers receive pay as the same Rank do in the regular Service.—The only difference is Currency instead of Sterling, and pay 2½ Sterling for their Ration.

“ It is to be understood, that the above pay and allowances, cannot be extended to Militia that are not regularly embodied, and doing actual duty as soldiers.

“ I have the honor to be,

Sir, your most obedient, and

Most humble Servant,

“ RALPH BRECKEN, Esq. Speaker  
of the House of Assembly.

(Signed) J. F. W. DES BARRES.

On Motion the House resolved itself into a Committee of the whole House, to resume the consideration of the Bill, (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

Ordered, on Motion that the Speaker be requested to write a Letter of thanks to His Excellency, in behalf of the House, for his Communications to this House, relative to the Militia, and inform him, that the House, deem it highly expedient, that an Express should be forwarded to Halifax, for the information mentioned therein.

Adjourned till 12 o'clock to-morrow morning.

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TUESDAY, August 18, 1812.

THE House met pursuant to adjournment.—PRAYERS.

James Townshend, Esquire, returned as a Member for Prince Town appeared, and having taken the Oaths prescribed by Law, in presence of the Commissioners, appointed by His Excellency, was admitted to his seat.

Mr. Solicitor General, presented the Bill, entitled “ An Act to amend an Act made and passed in the forty-sixth year of his present Majesty's Reign, entitled “ An Act to repeal an Act made and passed in the forty-first year of his present Majesty's Reign entitled an Act for the better regulation of Elections, and to regulate Elections for Members to serve in General Assembly in future, and also to promote the effectual attendance of Members to serve in the General Assembly;” which on Motion received the first reading.

The Speaker produced a Letter received by him from the Honorable the Secretary and Registrar of the Province in consequence of an application made to that Officer, to produce a Proclamation, relative to the Loyalists; Ordered, on Motion of Doctor M<sup>r</sup>. Aulay, seconded by Mr. Murray, that the above Letter be entered on the Journals, which is as follows, viz.

“ THE Provincial Secretary presents his respectful compliments to the Honorable the Speaker of the House of Representatives.

“ The Secretary begs leave to acquaint Mr. Speaker, Deputy has searched the Office, and cannot find the Proclamation in question, nor does he know that he ever

saw it, since it was issued by Governor Patterson, who, the Secretary is inclined to think kept it himself, in the Office of his private Secretary.

“The Secretary requests to say, the same kind of Proclamation is recited in full, in two acts of the General Assembly, one of which received the Royal Assent, and the authenticity of it, the Secretary apprehends, cannot be disputed.

“Charlotte-Town, 17th August, 1812.”

*Ordered*, on Motion, of *Mr. Nelson*, seconded by *Dr. M<sup>r</sup> Aulay*, that the House do resolve itself into a Committee to consider of the appropriation of the sum raised by an Act imposing an Assessment on the Town Lots, in Charlotte-Town Royalty (*Mr. Nelson*, in the Chair) and after some time spent therein, the Speaker resumed Chair, and the Chairman reported progress and, and asked leave to sit again.

*Ordered*, on Motion of *Mr. Nelson*, seconded by *Mr. Birnie*, That *Mr. Speaker* do request the Clerk of the Supreme Court of Judicature to furnish this House with a Copy of such accounts as have been presented to that Court since the year 1808, in pursuance of an act, entitled, “An Act for raising a fund, to make and keep in repair, the Pumps, Wells, and Streets of Charlotte-Town.”

*Ordered*, on Motion of *Dr. M<sup>r</sup> Aulay*, seconded by *Mr. Hyde*, That an Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased, to cause to be laid before this House, such information as he may be in possession of, by correspondence, or otherwise, as relates to the Office of Sheriff, for the years 1809 and 1810, together with the List of Nominees of fit and proper Persons for those two years.

Moved by *Mr. Curtis*, seconded by *Mr. Goff*, That in the Address presented to His Excellency the Lieutenant Governor for such information, to be communicated to this House, as respects the nomination of the Sheriffs in the years 1809 and 1810, that he be requested, to give the same as to the nomination of the Sheriffs in the years 1811 and 1812, which motion was carried, *nem. con.* *Ordered*, That Doctor *M<sup>r</sup> Aulay*, *Mr. Solicitor General*, and *Mr. Murray*, be appointed a Committee to draw and present the same.

On Motion the Petition of *Elisha Le Page, Esq.* was ordered to be read.

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Mr. Nelson*, That an Address be presented to His Excellency, praying that he would be pleased to direct, that a Copy of the Agreement entered into, on behalf of His Majesty's Government of this Island, with *Mr. James Bagnall*, Printer to the Government, may be laid before the House; and that the aforesaid Committee be appointed to draw and present the same.

*Ordered*, on Motion of *Mr. Birnie*, seconded by *Mr. Worrell*, That an Address be presented to His Excellency, praying that he would be pleased to lay before the House such information, as he may have in his possession respecting the House lately occupied as a House of Assembly, and whether the same has been given up: *Ordered*, likewise that the said Committee be appointed to draw and present the same: and the Committee having retired, presented the following Addresses, which were approved of, *viz.*

“To His Excellency *JOSEPH FREDERICK WALLET DES BARRES*, Lieutenant Governor and Commander in Chief of His Majesty's Island Prince Edward, and its Dependencies, &c. &c. &c.

“The Address of the House of Assembly in General Assembly convened.

“May it Please Your Excellency,

“THE House of Assembly in General Assembly convened, beg leave to request that your Excellency will be pleased, to cause to be laid before the House



such information, if any, as your Excellency may be in possession of, by Correspondence or otherwise as relates to the Office of Sheriff for the years 1809 and 1810, together with the List of fit and proper persons to serve the said Office of Sheriff for those two years; and information to the like effect, as to the years 1811 and 1812.

RALPH BRECKEN, Speaker."

"Assembly Room, August 18, 1812."

"To His Excellency JOSEPH FREDERICK WALLET DES BARRES, Lieutenant Governor and Commander in Chief of His Majesty's Island Prince Edward, and its Dependencies, &c. &c. &c.

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

"May it Please Your Excellency,

"THE House of Assembly in General Assembly convened, beg leave to request that your Excellency would be pleased to direct, that a Copy of the Agreement entered into, on behalf of His Majesty's Government of this Island, with Mr. James Bagnall, Printer to Government, may be laid before the House.

"Assembly Room, Aug. 18, 1812.

RALPH BRECKEN, Speaker."

"To his Excellency JOSEPH FREDERICK WALLET DES BARRES, Lieutenant Governor and Commander in Chief of his Majesty's Island Prince Edward, and its Dependencies; &c. &c. &c.

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

May it please your Excellency,

"THE House of Assembly in General Assembly convened, beg leave to request that your Excellency will be pleased to lay before this House, such information as you may have relative to the House lately occupied as a House of Assembly, and whether the same has been given up.

"RALPH BRECKEN, Speaker.

"Assembly Room, August 18th, 1812.

Adjourned till 12 o'clock to-morrow.

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### WEDNESDAY, August 19th, 1812.

THE House met pursuant to adjournment.

#### PRAYERS.

Doctor M<sup>r</sup> Aulay, from the Committee appointed to present the Addresses of yesterday, reported, that they had waited on His Excellency, and that he had been pleased to say he would comply with the different requests of the House, as soon as possible.

On Motion of Mr. Solicitor General, seconded by Mr. Coffin, the Bill entitled "An Act to amend an Act, made and passed in the forty-sixth year of his present Majesty's reign, entitled "an Act to repeal an Act made and passed in the forty-first year of His present Majesty's reign, entitled an Act for the better regulation of Elections and to regulate Elections for Members to serve in General Assembly in

“future,” and also to promote the effectual attendance of Members to serve in General Assembly,” received a second reading.

*Ordered*, on Motion, that the House do resolve itself into a Committee of the whole House to take the same into consideration (Mr. *Solicitor General*, in the Chair) and after some time spent therein, the Speaker resumed the Chair and the Chairman reported, that the Bill had been read Paragraph by Paragraph, and that the Committee had agreed thereto, with some amendments; *Ordered*, on Motion, that the Report of the Committee be agreed to.

Adjourned 'till Ten o'clock to-morrow Morning.

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THURSDAY, August 20, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

On Motion of *Mr. Curtis*, seconded by *Mr. Stewart*, That the Bill entitled “An Act to amend an Act, made and passed in the forty-sixth year of His Majesty’s Reign, entitled “an Act to repeal an Act made and passed in the forty-first year of His Majesty’s Reign, entitled an Act for the better regulation of Elections and to regulate Elections for Members to serve in General Assembly in future,” and also to promote the effectual attendance of Members to serve in the General Assembly,” be recommitted, the House divided, and there appeared,

For the Motion,		Against the Motion,	
Mr. Curtis	Mr. Montgomery	Mr. Solicitor General	Mr. Townsend
Mr. Stewart	Mr. Coffin	Mr. Clark	Mr. Nelson
Mr. Goff	Mr. Birnie	Mr. Hyde	Mr. Dukendorff
Mr. Worrel	Mr. Cambridge	Mr. Murray	

So the Motion was carried in the affirmative.

The House resolved itself into a Committee accordingly to resume the consideration of the said Bill (Mr. *Solicitor General* in the Chair) and after some time spent therein, the speaker resumed the Chair, and the Chairman reported that the Committee had taken the same into consideration paragraph by paragraph and they had agreed thereto; *Ordered*, that the report of the Committee be agreed to.

On Motion the aforesaid Bill received the third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty’s Council for their concurrence.

On Motion, leave was given to bring in the Petition of John Stowe an insolvent Debtor, in answer to the Petition of Elisha Le Page, Merchant; *Ordered*, that the same be read, and laid on the Table.

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Mr. Coffin*, that the House do now resolve itself into a Committee to consider of the Petitions of Elisha Le Page and John Stowe now lying on the Table (Mr. Goff in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the said Committee had entered into the examination, heard the Petitioner Elisha Le Page, and examined a witness on his behalf, and asked leave to sit again.

The House adjourned till 12 o'clock to-morrow,

FRIDAY, 21st AUGUST, 1812.

THE House met according to Adjournment.  
PRAYERS.

On Motion of *Mr. Birnie*, seconded by *Mr. Murray*, leave was given to bring in a bill entitled "an Act to prevent the Clerk of His Majesty's Supreme Court of Judicature of this Island for the time being, from acting as an attorney of that Court;" which bill on motion, received the first reading.

On motion of *Mr. Solicitor General* seconded by *Mr. Duckendorff*, that the house do, at a future day resolve itself into a Committee, to consider of the mode of keeping the Records of the Supreme Court of Judicature, and carrying on the proceedings thereof.

The Speaker informed the house that he had received a message from His Excellency the Lieutenant Governor, inclosing Communications relative to the Nominees for the office of Sheriff, for the years 1809 and 1810, and the like communications for the years 1811 and 1812; ordered that the same be read.

On motion of *Dr. M' Aulay*, seconded by *Mr. Townsend*, Ordered, that the house do, on a future day, resolve itself into a committee of the whole House to take the said correspondence into Consideration.

*Mr. Solicitor General* produced an Affidavit made by Charlotte Bagnall, relative to Mr. Le Page's petition, which on motion was ordered to be read, and laid before the committee to consider of the petitions of Elifha Le Page, and John Stowe, now lying on the table.

Ordered on motion of *Mr. Worrel*, seconded by *Dr. M' Aulay*, that some letters and other papers relative to Mr. Stowe's petition be read; and laid before the said committee.

Adjourned till 10 o'Clock to-morrow morning.

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SATURDAY, August 22, 1812.

THE House met according to adjournment.

The Speaker informed the House, that he had received a Message from His Excellency the Lieutenant Governor inclosing communications relative to the engagements entered into between the government of this Island and Mr. James Bagnall, the printer, which on Motion were ordered to be read.

Ordered, on Motion, That the same be laid on the Table, for the further consideration of the House.

*Mr. Solicitor General*, Chairman of the Committee appointed to inspect the Public Accounts, presented the report of the said Committee, and on Motion, the House resolved itself into a Committee of the whole House to take the same into consideration, (*Mr. Solicitor General* in the Chair) and after some time spent therein the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

The House adjourned till Monday Morning at 10 o'clock.

MONDAY, August 24, 1812.

PRAYERS.—The Speaker attended, and there not being a sufficient number of Members to form a House,

Adjourned till 9 o'clock to-morrow morning.

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TUESDAY, August 25, 1812.

THE House met according to adjournment.—  
PRAYERS.

The Speaker informed the House that he had received a letter from His Excellency the Lieutenant Governor, inclosing a draft of a Lease of the House lately occupied, as a Court House and House of Assembly: *Ordered*, that the same be laid on the Table.

On Motion of Mr. *Solicitor General*, seconded by Dr. *M'Aulay*, that a conference be requested with his Majesty's Council by Committee, relative to a Bill lately passed by this House, entitled "An Act to amend an Act made and passed in the forty-sixth year of his present Majesty's Reign, entitled an Act to repeal an Act made and passed in the forty-first year of his present Majesty's reign, entitled an Act for the better regulation of Elections, and to regulate Elections for Members to serve in General Assembly in future, and also to promote the effectual attendance of Members to serve in General the Assembly,"—the House divided, and there appeared,

For the Motion,

Mr. Solicitor General	Mr. Nelson
Mr. Hyde	Mr. Murray
Dr. M'Aulay	Mr. Duckendorff
Mr. Clark	Mr. Townsend.

against it,

Mr. Worrell	Mr. Cambridge
Mr. Montgomery	Mr. Goff
Mr. Coffin	Mr. Birnie
Mr. Curtis	Mr. Stewart.

The House being equally divided, the Speaker voted against the Motion.

The Order of the day being read, the House resolved itself into a Committee of the whole House to resume the consideration of the Public Accounts (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the Chair and the Chairman reported progress and asked leave to sit again.

Moved by Mr. *Solicitor General*, seconded by Dr. *M'Aulay*, that an original Motion having been made and seconded, before the Committee lately sitting, and an amendment having been moved and seconded, and the Chairman having put the question upon the amendment before the question on the original Motion, This House do now resolve that the Chairman was correct, in such his conduct; which motion was carried, *nem. con.*

Adjourned till 6 o'clock this evening.

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Tuesday Evening, 6 o'clock.

THE Speaker and some of the Members having met at six o'clock according to adjournment, but there not being a sufficient number present to form a House, adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, August 26th, 1812.

THE House met pursuant to adjournment.  
PRAYERS.

The Speaker informed the House, That he had received a letter from the Clerk of the Supreme Court of Judicature inclosing a Copy of such accounts as have been presented to that Court since the year 1808 in pursuance of An Act entitled, "An Act for raising a fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town," according to the order of this House, to that effect; the same were ordered to be laid upon the Table.

Ordered, on Motion of Dr. M<sup>r</sup> Aulay, seconded by Mr. Nelson, That the House do on a future day, resolve itself into a committee of the whole House, to investigate in what manner, the money received by the land assessment, has been expended, as also why the whole of it has not been paid to the Collector of said Assessment; and who are the defaulters.

On Motion, an affidavit made by John Stowe, an Insolvent Debtor was read, and ordered to be laid before the Committee to take the Petitions into consideration.

On Motion of Mr. Solicitor General, seconded by Mr. Townshend, that the following Resolution be sent to His Majesty's Council, viz.

The House of Assembly beg leave to represent, that a Bill entitled "An Act to amend an Act, made and passed in the forty-sixth year of his present Majesty's reign, entitled "an Act to repeal an Act made and passed in the 41st year of his present Majesty's reign, entitled an Act for the better regulation of Elections and to regulate Elections for Members to serve in General Assembly in future and also to promote the effectual attendance of Members to serve in the General Assembly," has passed this House and has been sent up for the consideration of his Majesty's Council; and although the Bill relates to a subject of great and immediate urgency, yet information has not been sent to this House whether it has been passed or rejected; this House therefore request some information on the subject, the House divided, and there appeared,

For the Motion,		against it,	
Mr. Solicitor General	Mr. Montgomery	Mr. Worrell	Mr. Curtis
Dr. M <sup>r</sup> Aulay	Mr. Coffin	Mr. Gardiner	Mr. Cambridge
Mr. Townsend	Mr. Clark	Mr. Goff	Mr. Birnie.
Mr. Murray	Mr. Duckendorff	Mr. Stewart	
Mr. Hyde	Mr. Nelson		

So the Motion was carried in the affirmative.

The order of the day being read, the House resolved itself into a Committee of the whole House, to resume the consideration of the Public Accounts (Mr. Solicitor General in the Chair) and after some time spent therein, the speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

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

"Mr. Speaker—His Majesty's Council have sent down the Bill, entitled "An Act to amend an Act, made and passed in the forty-sixth year of His Majesty's Reign, entitled "an Act to repeal an Act made and passed in the forty-first year of His Majesty's Reign, entitled an Act for the better regulation of Elections and to regulate Elections for Members to serve in General Assembly in future," and also to

“ promote the effectual attendance of Members to serve in the General Assembly,”  
not agreed to.

Adjourned till 5 o'clock this evening.

### The House met at 5 o'clock pursuant to adjournment.

Dr. *M'Aulay*, having addressed the Speaker in a manner which was deemed by the House disorderly, he made an apology, to Mr. Speaker at the Bar, which was considered by the House as sufficient, and Dr. *M'Aulay* resumed his seat accordingly.

On Motion of *Mr. Solicitor General*, seconded by *Mr. Duckendorff*, That it be a standing rule of this House, that every Member shall attend in his place, at the hour appointed for the sitting of the House; and any member who shall fail to attend accordingly, or who shall absent himself, or remain absent from the House or a Committee of which he shall be a Member, without leave of the Speaker first obtained, or without making a sufficient excuse for such non-attendance, to be approved of by the House, shall pay such fine not exceeding Ten Shillings for each offence, as the House shall think proper to order: and that any Member declining to pay the said fine on demand, shall be forthwith committed to the custody of the Sergeant at arms—The House divided and there appeared,

For the Motion,	Against the Motion,
Mr. Solicitor General	Mr. Birnie      Mr. Murray      Mr. Cambridge
Mr. Hyde	Mr. Worrel      Mr. Clark
Mr. Dukendorff	Mr. Goff      Mr. Curtis
Dr. M'Aulay	Mr. Montgomery      Mr. Stewart

So the Motion was negatived.

Adjourned 'till 9 o'clock to-morrow Morning.

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### THURSDAY, August 27, 1812.

**T**HE House met pursuant to Adjournment.

PRAYERS.

On motion of *Mr. Townsend*, seconded by *Mr. Curtis*, leave was given to bring in the petition of James Warren, praying for relief to enable him to keep a house of Entertainment on the Prince-Town road; the same was ordered to be read and laid on the Table.

The order of the day being read, the house resolved itself into a committee of the whole house, to resume the consideration of the Public Accounts, (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the chair, and the chairman reported progress and asked leave to sit again.

The House adjourned till 4 o'clock this evening.

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

On motion of *Mr. Townsend*, seconded by *Mr. Curtis*, That it be a standing rule of this house, 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—the house divided and there appeared,

For the motion			Against it
Mr. Townsend	Mr. Murray	Mr. Hyde	Dr. M'Aulay
Mr. Clark	Mr. Coffin	Mr. Duckendorff	
Mr. Montgomery	Mr. Nelson	Mr. Worrell	
Mr. Goff	Mr. Birnie	Mr. Cambridge	
Mr. Stewart	Mr. Solr. Gen.	Mr. Curtis,	

So the motion was carried.

On motion the House resolved itself into a committee of the whole house to resume the consideration of the public accounts (Mr. Solicitor General in the chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairmen reported progress, and asked leave to sit again.

Ordered on motion that Mr. James Bagnall, Government printer, be requested to attend at the Bar of this house to-morrow morning at 9 O'clock, to give information as to the progress which has been made in the printing of the Laws of this colony..

Adjourned till 9 o'clock to-morrow morning.

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FRIDAY, AUGUST 28, 1812.

THE House met according to Adjournment.

PRAYERS.

The order of the day being read, on Motion, the House resolved itself into a Committee of the whole House, to resume the consideration of the Public Accounts (Mr. Solicitor General in the Chair) and after some time spent therein the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

On Motion, the House resolved itself into a Committee of the whole House to resume the consideration of the loyalist Bill (Mr. Montgomery in the Chair) and after some time spent therein and two witnesses being examined thereon, the speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again on a future day.

Ordered on Motion of Mr. Goff, seconded by Dr. M'Aulay, that the correspondence between His Excellency the Lieutenant Governor and the Chief Justice, on the subject of the nomination for the office of Sheriff, be taken into consideration on Monday next.

Ordered, on Motion, That two affidavits, one made by Elisha Le Page, Merchant, and another made by John Nicholas Le Page, be read and laid before the Committee to take the Petitions into consideration.

Adjourned till 9 o'clock to-morrow Morning.

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SATURDAY, August 29, 1812.

THE House met according to adjournment.

PRAYERS.

Ordered, on Motion of Mr. Nelson, seconded by Mr. Bernie. That this House do

on Wednesday next, resolve itself into a Committee relative to the Assesment Bill, on the town Lots in Charlotte-Town.

*Ordered*, on Motion of *Mr. Nelson*, seconded by *Mr. Birnie*, That a Committee be appointed to wait on the Treasurer of the Colony, to obtain from him such accounts as may be necessary to lay before the said Committee; and that Messrs. *Birnie*, *Nelson*, and *Goff*, be a Committee for that purpose.

*Ordered*, on Motion, That the House resolve itself into a Committee, on Wednesday next, to take into consideration the Correspondence between the Governor and the Chief Justice; and that the former order for that purpose be discharged.

The Order of the day being read, on Motion, the House resolved itself into a Committee of the whole House to resume the consideration of the Public Accounts (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

*Mr. Solicitor General*, Chairman of the Committee appointed to draft a Militia Bill, reported the same, and on motion of *Mr. Birnie* seconded by *Mr. Montgomery*, the said Bill received its first reading.

Adjourned till 10 o'clock Monday morning.

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MONDAY, August 31, 1812.

THE House met according to adjournment.—

PRAYERS.

*Mr. Birnie*, Chairman of the Committee appointed to wait on the Treasurer of the Colony, reported that they had waited on him, and that he had furnished them with some of the accounts, which were ordered to be laid on the Table.

*Mr. Solicitor General*, moved for leave to bring in a Bill, entitled "An Act to alter and amend two several Acts of the General Assembly, viz. "An Act entitled "an Act to amend, render more effectual, and to reduce into one Act the several "Laws made by the General Assembly of this Island relative to the duties of impost "on Wines, Rum, Brandy, and other distilled spirituous Liquors, and for allowing "a Draw Back on all Wines, Rum, Brandy, and other distilled Spirituous Liquors "exported from this Island"—and an Act entitled "An Act for raising a duty on "Wine, Rum, Brandy, and other distilled spirituous Liquors, and for imposing a "duty on Porter, Ale, and Strong Beer, and for the encouragement of a trade, to "and with His Majesty's West India Colonies:"

On Motion the said Bill received the first reading.

*Mr. Solicitor General* moved for leave to bring in a Bill entitled "An Act for emitting certain Bills or Debentures of Public Credit, within this Island."

On Motion the said Bill received the first reading.

On Motion, the Draft of the Lease of the House lately occupied as a Court House was ordered to be read, and the following gentlemen were appointed a Committee to confer and examine into the nature of this agreement, and to report thereon, viz. *Mr. Birnie*, *Mr. Solicitor General*, and *Mr. Nelson*.

On Motion, the Bill entitled "An Act in addition to and amendment of an Act "passed in the twentieth year of the reign of his present Majesty, entitled an Act "for the establishing and regulating a Militia," received a first reading.



*Ordered*, on Motion, That the House resolve itself into a Committee of the whole House to take the same into consideration (Mr. Solicitor General in the Chair) and after some time spent therein, the speaker resumed the Chair, and the Chairman reported progress, and asked leave to sit again.

Mr. *Solicitor General*, moved for leave to bring in a Bill, entitled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication." On motion the said Bill received the first reading.

Adjourned till 4 O'clock this afternoon.

### Monday Evening.

**T**HE Speaker and some of the Members having met at 4 o'clock according to adjournment, but there not being a sufficient number present to form a House adjourned till 10 o'clock to-morrow morning.

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### TUESDAY, September 1, 1812.

**T**HE House met pursuant to Adjournment.

PRAYERS.

*Ordered*, On Motion of Mr. *Solicitor General*, seconded by Mr. *Dockendorff*, That James Curtis, Lemuel Cambridge, and Daniel Montgomery, Esquires, having yesterday afternoon been required by the Sergeant at Arms, in consequence of the Speaker's order, to attend their duty in this House, and having declined to do so, and sent an improper message by said officer, those persons be now required to answer in custody, at the Bar of this House for such breach of privilege.

The said Members accordingly made an apology at the Bar which was declared satisfactory, and resumed their seats.

*Ordered*, on Motion of Dr. *M. Aulay*, seconded by Mr. *Nelson*, That a Committee be appointed to enquire into and report upon the best mode for printing of the Laws and that Mr. *Birnie*, Dr. *M. Aulay*, and Mr. *Solicitor General*, be a Committee for that purpose.

Dr. *M. Aulay*, Chairman of the Committee appointed to enquire and report on such statutes as had lately expired, or were about to expire, reported that they have duly examined the statutes and beg to report that the following Laws have expired, that is to day:

An Act entitled "An Act in addition to and amendment of an Act, passed in the twentieth Year of the Reign of His present Majesty, entitled an Act for the establishing and regulating a Militia."

Also, An Act entitled "An Act in addition to and amendment of an Act passed in the twentieth year of his present Majesty's Reign, entitled an Act for the establishing and regulating a Militia," also an Act made and passed in the thirty-fifth year of his present Majesty's Reign, entitled an Act in addition to and amendment of an Act passed in the twentieth year of his present Majesty's Reign, entitled "an Act for the establishing and regulating a Militia."

Also, an Act entitled "An Act for repealing certain parts of an Act made and passed in the fourteenth year of his present Majesty's Reign, entitled an Act for regulating the measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed, merchantable Timber for exportation."

And also, an Act, entitled "An Act for raising a Fund to keep in repair the Pumps, Wells and Streets, of Charlotte-Town."

And that the following Acts will expire with this Session, viz.

An Act, entitled, "*An Act appointing and empowering Philip C dd, of Kensington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward.*"

And an Act, entitled "*An Act for continuing an Act of the General Assembly made and passed in the forty-seventh year of his present Majesty's Reign, entitled an Act for the purpose of defraying contingent expences of the General Assembly of this Island.*"

The Speaker presented to the House a letter from His Excellency the Lieutenant Governor enclosing the several Communications relative to the Militia Regulations in Canada and Nova-Scotia; also some propositions, made by Mr. James Bagnall, Government Printer, for the publishing and distributing of some Rules and Regulations for the Militia Corps of this Colony.

*Ordered*, on Motion, That the said Communication be read and submitted to the consideration of the Committee for considering the Militia Bill.

The Order of the day being read, on Motion the House resolved itself into a Committee of the whole House to resume the consideration of the Militia Bill (Mr. Solicitor General in the Chair) and after some time spent therein the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

Adjourned till 4 o'clock this afternoon.

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

On Motion of Mr. *Solicitor General*, seconded by Mr. *Nelson*, The Bill, entitled "*An Act for emitting certain Bills or Debentures of Public Credit, within this Island,*" received the second reading.

On Motion, That the said Bill be now committed, the House divided, and there appeared,

For the Motion,

Against the Motion,

Mr. Solicitor General	Mr. Coffin	Mr. Cambridge
Mr. Clark	Mr. Nelson	Mr. Stewart
Mr. Townsend	Mr. Montgomery	Mr Curtis
Mr. Murray	Mr. Goff	Mr. Gardiner
Mr. Hyde	Mr. Dukendorff	Dr. M'Aulay,

Mr. Worrel
Mr. Birnie.

So the Motion was carried in the affirmative.

The House accordingly resolved itself into a Committee of the whole House to take the said Bill into consideration (Dr. *Aulay*, in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

On Motion, That the Bill, entitled "*An Act to alter and amend two several Acts of the General Assembly, of this Island viz. "An Act entitled "an Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the duties of impost on Wines, Rum, Brandy, and other distilled spirituous Liquors, and for allowing a Draw Back on all Wines, Rum, Brandy, and other distilled Spirituous Liquors exported from this Island"—and an Act entitled "An Act for raising a duty on Wine, Rum, Brandy, and other distilled spirituous Liquors, and for imposing a duty on Porter, Ale, and Strong Beer, and for the encouragement of a trade, to and with His Majesty's West India Colonies,"* received a second reading—the House divided, and there appeared,

For the Motion,

against it,

Mr. Solicitor General	Mr. Nelson	Mr. Cambridge
Dr. M'Aulay	Mr. Clark	Mr. Curtis
Mr. Hyde	Mr. Coffin	Mr. Stewart
Mr. Duckendorff	Mr. Montgomery	Mr. Townsend.
Mr. Murray	Mr. Worrell	

Mr. Birnie
Mr. Goff.

So the Motion was carried and the Bill accordingly received a second reading.

Adjourned 'till 9 o'clock to-morrow Morning.

WEDNESDAY, September 2, 1812.

THE House met pursuant to adjournment.

PRAYERS.

*Ordered*, on Motion, That the Order of the day relative to the Pumps and Wells in Charlotte-Town, as it now stands, be discharged and be taken into consideration on Friday next.

The like order was made on the correspondence between His Excellency the Lieutenant Governor and the Chief Justice.

The Speaker laid before the House two letters from Vice Admiral Sawyer to His Excellency Governor Des Barres, which were ordered to be read.

On motion of *Mr. Solicitor General* seconded by Dr. M'Aulay, That a Committee be appointed to wait on His Excellency the Lieutenant Governor immediately, expressing our gratitude for his Excellency's anxious attention and prudent measures adopted, relative to the protection and prosperity of the trade and commerce of Prince Edward Island;

That we feel highly honored, by His Excellency's considering the opinion of the House as material upon a question of such magnitude as the sailing of a large fleet without convoy:

That we are fully confident of the care of the Vice Admiral commanding at Halifax, as also of the correctness of the intelligence upon which he founds his expectations of the momentary arrival of a squadron, and having the highest deference for the judgment of the Vice Admiral, we humbly beg leave to advise that his recommendation be adopted, notwithstanding we are aware that the delay of the Merchant fleet, is attended with most serious inconvenience, owing to their want of provisions the desertion which daily takes place from their crews, and the probable approach of a tempestuous season—The house divided, and there appeared,

For the Motion,		Against the Motion,	
Mr. Solr. General	Mr. Montgomery	Mr. Worrell	Mr. Stewart
Dr. M'Aulay	Mr. Curtis	Mr. Goff	Mr. Nelson.
Mr. Murray	Mr. Clark	Mr. Birnie	
Mr. Townsend	Mr. Coffin	Mr. Cambridge	

So the motion was carried in the affirmative, and *Mr. Solicitor General*, *Mr. Townsend*, and *Mr. Murray*, were appointed a Committee for that purpose, and having returned, reported, That they had waited on His Excellency, and he had been pleased to say, he highly approved of the advice of the House.

On Motion, That the House resolve itself into a Committee of the whole House, to resume the consideration of the Militia Bill, the House divided, and there appeared,

For the Motion,

Against the Motion,

Mr. Curtis      Mr. Birnie

Mr. Solicitor General      Mr. Clark

Mr. Cambridge      Mr. Goff

Mr. Hyde      Mr. Nelson

Mr. Worrell      Mr. Stewart

Mr. Coffin      Dr. M'Aulay

Mr. Montgomery      Mr. Murray

Mr. Townsend      Mr. Duckendorff

The House being equally divided, the Speaker voted for the Motion. The House accordingly resolved itself into a Committee, to resume the consideration of the Militia Bill (Mr. Solicitor General in the Chair) and after some time spent therein the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

A Message was then read from his Excellency the Lieutenant Governor by Captain Des Barres with some Communications relative to the Militia of Nova Scotia which was ordered to be submitted to the Committee for taking the Militia Bill into consideration.

Adjourned till 4 o'clock this afternoon.

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

On Motion the House resolved itself into a Committee of the whole House to resume the consideration of the Militia Bill (Mr. Solicitor General in Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

Adjourned till 9 o'clock to-morrow morning.

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THURSDAY, September, 3, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

The Order of the day being read, on motion, the House resolved itself into a committee of the whole house to resume the consideration of the Militia Bill, (Mr. Solicitor General in the chair) and after some time spent therein, the Speaker resumed the chair and the chairman reported progress, and asked leave to sit again.

The House adjourned till 5 o'clock this evening

The House met at 5 o'clock pursuant to adjournment.

On motion of Mr. Cambridge seconded by Mr. Curtis, leave was given to bring in the petition of certain ship-owners, and captains of vessels, in the harbour of Charlotte-Town, praying that this house would address His Excellency that they might have liberty to sail; on motion the same was ordered to be read and laid on the table.

On motion of Mr. Birnie, seconded by Mr. Stewart, That an humble address be presented to His Excellency on the subject of the said petition, praying that he would take the same into his most serious consideration and grant the petitioners such relief as he in his wisdom may seem meet, the house divided and there appeared,

For the motion

Against it

Mr. Birnie      Mr. Gardiner Mr. Goff  
 Mr. Worrell    Mr. Curtis  
 Mr. Cambridge   Mr. Stewart  
 Mr. Montgomery Mr. Nelson

Mr. Clark      Mr. Coffin  
 Mr. Solr. Gen. Mr. M<sup>c</sup>Aulay  
 Mr. Townsend Mr. Duckendorff  
 Mr. Murray    Mr. Hyde

So the motion was carried in the affirmative.

On motion that a Committee be appointed to draw an address to that effect, the same division took place, and Mr. Birnie, Mr. Worrell, and Mr. Curtis were appointed a Committee for that purpose.

Mr. *Birnie*, moved for leave to bring in a Bill entitled "an Act appointing commissioners for expediting the printing of the laws of this Island," and on motion the same received the first reading.

On Motion the Bill intitled 'an Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication,' received the second reading.

On Motion of Dr. *M<sup>c</sup>Aulay*, leave was given to bring in the petition of Cornelius Higgins, Esquire, praying for certain relief as therein stated, for losses sustained by him in the office of Sheriff for this Island, the same was ordered to be read and laid on the table.

Adjourned 'till 9 O'clock to-morrow morning

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FRIDAY, September 4, 1812.

THE House met according to adjournment.—

PRAYERS.

*Ordered*, on Motion of Mr. *Nelson*, seconded by Doctor *M<sup>c</sup>Aulay*, That J. F. Holland, Esquire, the acting Overseer under the assessment Act, respecting the Pumps, Wells, and Streets of Charlotte-Town, be requested to attend this House, as soon as convenient this day, with his Accounts and Vouchers in the discharge of such Office.

The order of the day being read, the House resolved itself into a Committee of the whole House to take into consideration the expenditure of monies raised by virtue of an Act, entitled "An Act for raising a fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town" Mr. *Nelson* in the Chair) and after some time spent therein the Speaker resumed the Chair and the Chairman reported, That this Committee consider the perusal of the following accounts, and documents, as necessary to qualify them to make a proper report, viz.

The accounts of the Overseers to the Supreme Court for the years 1808, 1809 and 1810, with the vouchers as required by the same Act.—The Return of the provincial Register containing Town Lots granted to 1st May, 1808, the same to 1st May 1809, and the same to 1st May 1810.—The Collectors annual Accounts to the Supreme Court of all his receipts and payments specifically for the three years above mentioned; and begged leave to sit again on Monday next.

*Ordered*, on Motion, That the said Report be agreed to, and entered on the Journals; and that the Chairman of the Committee be requested to apply to the proper persons, before mentioned.

On Motion the House resolved itself into a Committee of the whole House to take into consideration the correspondence between his Excellency the Lieutenant Governor and the Chief Justice; on the subject of the nominations for the Office

of Sheriff (Dr. M<sup>c</sup>Aulay in the Chair) and after some time spent therein the Speaker resumed the Chair, and the Chairman reported, that the Committee had taken the Correspondence into consideration and had agreed to the following Resolutions, viz.

*Resolved*—That it is the opinion of this Committee, that the Office of Sheriff of this Island is an Office, in the important and upright execution of the duties of which, the Lives, Liberties and Properties of His Majesty's subjects are deeply interested.

*Resolved*—That having considered attentively the Correspondence laid before this Committee between His Excellency the Lieutenant Governor and the Chief Justice of this Island, We, from delicate and respectful motives decline to make any minute comment thereon, but we are humbly of opinion, that the subject thereof is of such a nature as renders it highly necessary, that an amendment should take place in the Act for the appointment of a Sheriff.

*Ordered*, on Motion, That the report of the Committee be agreed to, and entered on the journals.

Adjourned 'till 9 o'clock to-morrow Morning.

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SATURDAY, September 5, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

Mr. *Birnie*, moved for leave to bring in a Bill, entitled "An Act respecting Aliens coming to this Island or residing therein;" and on motion the said Bill received the first reading.

The Order of the day being read, on motion, the House resolved itself into a committee of the whole house to resume the consideration of the Militia Bill, (Mr. Solicitor General in the chair) and after some time spent therein, the Speaker resumed the chair and the chairman reported progress, and asked leave to sit again.

On Motion, the Bill entitled, "An Act appointing Commissioners for expediting the printing of the Laws of this Island," received a second reading.

On motion of Mr. *Birnie*, seconded by *Nelson*, leave was given to bring in a Bill entitled "An Act for raising a fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte Town, and preventing nuisances and obstructions therein," which was ordered to be laid on the Table.

A Message was received from his Excellency the Lieutenant Governor with several Documents, relative to the Militia, which, on Motion, were ordered to be laid before the Committee for taking the Militia Bill into consideration.

On Motion the House resolved itself into a Committee of the whole House to resume the consideration of the Militia Bill (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, That the Committee had taken the same into consideration paragraph by paragraph, and they had agreed thereto with some amendments: *Ordered*, on Motion, that the report of the Committee be agreed to.

On Motion, the aforesaid Bill received the third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

*William Hyde, Esquire*, a Member for Queens County informed the House, that he had been this moment, during the sitting of the House, served with a written process under the signature of two Magistrates, by a constable of the name of Joseph Smith Wood—Whereupon the *Solicitor General*, moved, that the Speaker's Warrant should issue, for taking the said Joseph Smith Wood forthwith into custody, for a breach of the privilege of this honorable House, which being seconded by David Murray, Esquire, was ordered accordingly.

Mr. *Birnie*, Chairman of the Committee appointed to draw an Address to His Excellency, respecting the Petition of the ship owners and Captains reported the Draft of an Address, which was read and is as follows, viz.

“ To His Excellency JOSEPH FREDERICK WALLLET DES BARRES, Lieutenant Governor and Commander in Chief of His Majesty's Island Prince Edward, and its Dependencies. &c. &c. &c.

“ The Address of the lower House of Assembly in General Assembly convened.

“ May it Please Your Excellency,

“ THE House of Assembly in General Assembly convened, with sentiments of profound respect, beg leave to address your Excellency on the subject of a Petition laid before the Members of this honorable House, signed by the Owners and Captains of several vessels detained in the Port of Charlotte-Town, after they had regularly cleared out at the Custom House, and received permission to sail, a copy of which said Petition is hereunto annexed.

“ At all times feeling a readiness to attend to the grievances of our fellow Subjects, we deeply lament, that in the present instance, we do not conceive ourselves at liberty to interpose on their behalf further than by complying with the prayer of the Petition in addressing your Excellency, and submitting to your Excellency's serious consideration, under all the circumstances of the case, the propriety of permitting the several Owners and Captains to sail, or of granting them a license so to do.  
RALPH BRECKEN, Speaker ”

“ Assembly Room, September 5th, 1812.”

On Motion that a Committee be appointed to present the same, the House divided and there appeared,

For the Motion,		Against the Motion,	
Mr. Birnie	Mr. Montgomery	Dr. M'Aulay	Mr. Clark.
Mr. Worrell	Mr. Curtis	Mr. Solr. General	
Mr. Coffin	Mr. Stewart	Mr. Murray	
Mr. Goff	Mr. Gardiner	Mr. Hyde	
Mr. Cambridge	Mr. Nelson.	Mr. Dockendorff	

So the motion was carried in the affirmative. The Address was ordered to be engrossed, and Mr. *Birnie*, Mr. *Nelson*, and Mr. *Cambridge* were appointed a Committee for the purpose of presenting the same.

Ordered on Motion of Mr. *Solicitor General*, seconded by Mr. *Birnie*, That the House do on Monday next, resolve itself into a Committee of Ways and Means, for the support of the Militia of this Island and for other purposes.

Adjourned till 10 o'clock to-morrow morning.

MONDAY, September 7th, 1812.

**T**HE House met pursuant to Adjournment.  
PRAYERS.

Mr. Cambridge from the committee appointed to present the address respecting the petition of the Ship-owners and Captains, reported that they had waited on His Excellency, and that he had been pleased to say, he would take the same into consideration, and would call a Council this forenoon.

The Order of the day being read, on motion the House resolved itself into a committee of the whole House, to resume the consideration of the expenditures of monies, raised by virtue of an Act entitled "an Act for raising a fund to make and keep in repair, the Pumps, Wells and Streets of Charlotte-Town," (Mr. Nelson in the Chair,) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

Adjourned till 4 o'clock this afternoon.

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

On motion of Mr. Solicitor General, seconded by Mr. Mr. Nelson, the House resolved itself into a committee of the whole House, to resume the consideration of the Bill entitled "an Act for emitting certain Bills or Debentures of public credit within this Island," (Mr. Solicitor General in the Chair) and after some time spent therein, the Speaker resumed the chair, and the Chairman reported, that the Committee had agreed to the same with amendments.

Ordered on Motion that the report of the Committee be agreed to.

Adjourned till 9 o'clock to-morrow morning.

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TUESDAY, September 8, 1812.

**T**HE House met pursuant to adjournment.  
PRAYERS.

On Motion of Mr. Solicitor General, seconded by Mr. Nelson, The Bill entitled "An Act for emitting certain Bills or Debentures of Public Credit, within this Island," received the third reading, was passed; ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

Mr. Goff, moved, That that the Thanks of this House be presented to the honorable Chief Justice Colclough for the firm and dignified conduct he has evinced in his judicial capacity, since his arrival in this Island; and that the same be communicated to him by the Speaker, which was seconded by Mr. Worrell, and,

Mr. Murray, moved for the order of the day, which was seconded by Mr. Solicitor General, and the question being put for the order of the day, the House divided and there appeared,

For the order of the day.			Against it.
Mr. Solicitor General	Mr. Clark	Mr. Montgomery	Mr. Goff Mr. Wourel Mr Curtis Mr. Birnie.
Mr. Murray	Mr. Coffin	Mr. Stewart	
Dr. M'Aulay,	Mr. Townsend	Mr. Nelson	
Mr. Hyde	Mr. Dukendorff	Mr. Cambridge,	



So the prior motion was negatived, and ordered to be taken into consideration on Saturday next.

On Motion the House resolved itself into a Committee of the whole House as a Committee of Ways and Means (*Mr. Solicitor General* in the chair,) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

On Motion of *Dr. M<sup>r</sup> Aulay*, seconded by *Mr. Hyde*, leave was given to bring in the Petition of sundry inhabitants of New London and other places, praying for a Land Tax; which was ordered to be read and laid upon the Table.

On Motion of *Mr. Nelson*, seconded by *Mr. Curtis*, leave was given to bring in the Petition of sundry inhabitants of Charlotte-Town, and Royalty, praying for the opening of the Roads from Charlotte-Town Royalty to the Hillsborough River; which was ordered to be read and laid on the Table.

On Motion of *Mr. Solicitor General*, seconded by *Mr. M<sup>r</sup> Nelson*, The Bill entitled "An Act respecting Aliens coming to this province or residing therein," received a second reading.

Joseph Smith Wood attended at the Bar of this House, in the custody of the Sergeant at Arms, and having pled ignorance, and asked pardon of the House for the Breach of Privilege committed by him, on Saturday last, was dismissed accordingly.

On Motion of *Mr. Nelson*, seconded by *Dr. M<sup>r</sup> Aulay*, That the Sergeant at Arms be ordered to notify Benjamin De St. Croix, and John Plaw, Esquires, to attend at the Bar of the House this afternoon at 4 o'clock.

Adjourned till 4 o'clock this afternoon.

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

John Plaw, Esquire, attended at the Bar of the House, according to orders, and having made answers to the satisfaction of the House, was informed by Mr. Speaker, that he was released from further attendance.

On Motion, the House resolved itself into a Committee of the whole House, as a Committee of Ways and Means (*Mr. Solicitor General* in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

A Message was received from His Excellency the Lieutenant Governor, which, on Motion, was ordered to be read and entered on the Journals, and is as follows, viz.

"SIR,

"THE House of Assembly in General Assembly convened having, in an Address dated 18th August, 1812, required to be laid before it "*Such Information as I might be possessed of by Correspondence or otherwise, relative to the Office of Sheriff for the years 1809 and 1810, together with the list of fit and proper persons, to serve the said Office of Sheriff for those two Years; and information to the like effect, as to the Years 1811 and 1812*"—accordingly such documents as were in my possession relative to the office of Sheriff, and the nomination of proper persons for said office, have been transmitted to you, Sir, for the required information of your said House.

In the course of perusing an official copy of yesterday's transactions of your House, I had to observe, among other matters, the following statement, viz. "On

“ motion the house resolved itself into a committee of the whole house to take  
 “ into consideration the correspondence between His Excellency the Lieutenant  
 “ Governor and the Chief Justice, on the subject of the nomination for the office of  
 “ Sheriff (Mr. M'Aulay in the chair) and after some time spent therein, the Speak-  
 “ er resumed the chair, and the Chairman reported, That it is *the opinion of this Com-*  
 “ *mittee, that the office of Sheriff of this Island is an office in the important and upright*  
 “ *execution of the duties of which, the lives, liberties and properties of His Majesty's*  
 “ *Subjects are deeply interested!!* which opinion is self evidently just; the Journal  
 continues, “ That having considered attentively the correspondence laid before  
 “ this committee, between His Excellency the Lieutenant Governor and the  
 “ Chief Justice of this Island, *we from delicate and respectful motives, decline to make*  
 “ *any minute comment thereon, but we are humbly of opinion, that the subject*  
 “ *thereof, is of such a nature as renders it highly necessary, that an amendment*  
 “ *should take place in the Act for the appointment of a Sheriff.”*

Here, Sir, I confess myself utterly unable to form the least idea of the existency of any species of delicate and respectful motives that could possibly exempt any House of Legislature from the indispensable duty, of making all such minute and proper comments as may be requisite on beneficial subjects submitted for investigation and consideration, but more principally, on a subject on which, (as justly stated in your Journals) the lives, the liberties, and the properties of His Majesty's subjects are deeply interested. I have strong reasons to request you will move your House, to revise the first part of the extraordinary paragraph here alluded to, and I trust that upon the slightest reconsideration, they will feel its incongruity with the immutable principles and dignified spirit of candour—Conscious rectitude abhors concealment—I would most readily acknowledge my error, were I in the least degree sensible of having erred. The sequel of this paragraph seems clearly to imply that there has been some fault, or impropriety somewhere. Let it be enquired into. Let impartial discrimination pronounce where that fault lies, and let justice be done.

I have the honor to be, Sir,  
 your most obedient and  
 most humble Servant,

J. F. W. DES BARRES.

RALPH BRECKEN, Esquire,  
 Speaker of the House of Assembly.

5th September, 1812.

On Motion of Mr. Solicitor General, seconded by Mr. Townsend, That William Hyde, Esquire, during his attendance in performance of his duty as a Member of this House, having been served with Process by a Constable, requiring his attendance before two Magistrates pending the sitting of the House, That the Constable serving such process and any other person being accessory thereto, have been guilty of a Breach of the privileges of this House—The House divided, and there appeared,

For the Motion,

Mr. Clark  
 Mr. Townsend  
 Mr. Solicitor General  
 Mr. Coffin  
 Mr. Murray

Dr. M'Aulay  
 Mr. Duckendorff  
 Mr. Hyde  
 Mr. Montgomery

Against the Motion,

Mr. Cambridge  
 Mr. Birnie  
 Mr. Goff  
 Mr. Worrell

Mr. Curtis  
 Mr. Stewart.

So the Motion was carried in the affirmative.

Benjamin De St. Croix, Esquire, then attended at the Bar, and having made an Explanation to the House, which was deemed satisfactory, was informed by Mr. Speaker that he was released from further attendance.

*Ordered*, on Motion, That the Message received from His Excellency this evening, be taken into consideration at the sitting of the House on Saturday next.

Adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, September 9, 1812.

THE House met according to adjournment.—

PRAYERS.

On Motion, the House resolved itself into a Committee of the whole House, to take into consideration, the Bill entitled "An Act appointing Commissioners for expediting the printing of the laws of this Island," (Mr. Birnie in the Chair) and after sometime spent therein the Speaker resumed the Chair, and the Chairman reported, That the Committee had agreed to the said Bill: *Ordered*, That the report of the Committee be agreed to.

On Motion the said Bill received the third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

*Ordered*, on Motion of Mr. Birnie, seconded by Mr. Curtis, That the House do at its sitting to-morrow morning, resolve itself into a Committee of the whole House, to resume the consideration of the Public Accounts.

Agreeable to the Order of the day, The House resolved itself into a Committee of Ways and Means (Mr. Solicitor General, in the Chair) and after some time spent therein the Speaker resumed the Chair and the Chairman reported progress and asked leave to sit again.

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

Mr. SPEAKER—His Majesty's Council have sent down the Bill, entitled "An Act for emitting certain Bills or Debentures of Public Credit, within this Island,"—not agreed to,

On Motion, The House resolved itself into a Committee of Ways and Means, (Mr. Solicitor General, in the Chair) and after some time spent therein the Speaker resumed the Chair, and the Chairman reported the following Resolution, viz.

*Resolved*, That it is the sense of this Committee, that a sum of money should be raised by Assessment upon Land, amounting to two shillings for each one hundred acres, and paid into the Hands of Treasurers, to be appointed in the different Counties, for the use of the Militia, and for making, repairing and improving High Roads and Bridges, in this Island; *Provided*, That the sum to be applied to the use of the Militia, shall not exceed £1000.

On Motion, That the report of the Committee be agreed to, the House divided, and there appeared,

For the Motion,

Dr. M'Aulay	Mr. Coffin
Mr. Solicitor General	Mr. Montgomery
Mr. Townsend	Mr. Hyde
Mr. Nelson	Mr. Duckendorff.
Mr. Murray	

Against it,

Mr. Curtis
Mr. Cambridge
Mr. Goff
Mr. Birnie
Mr. Worrell.

So the Motion was carried in the affirmative, and Mr. Solicitor General, Dr. M'Aulay, and Mr. Nelson, were accordingly appointed, a Committee to draft a Bill to that effect.

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

Mr. SPEAKER—His Majesty's Council have sent down the Bill, entitled "An Act appointing Commissioners for expediting the printing of the Laws, of this Island" agreed to.

On Motion of *Mr. Solicitor General*, seconded by *Doctor M<sup>c</sup>Aulay*, The House resolved itself into a Committee of the whole House to take into consideration the Bill, entitled "An Act to alter and amend two several Acts of the General Assembly, of this Island, viz. "An Act, entitled an Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the duties of impost on Wines, Rum, Brandy, and other distilled spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other distilled Spirituous Liquors exported from this Island"—and an Act entitled "An Act for raising a duty on Wine, Rum, Brandy, and other distilled spirituous Liquors, and for imposing a duty on Porter, Ale, and Strong Beer, and for the encouragement of a trade, to and with His Majesty's West India Colonies,"—(*Mr. Solicitor General*, in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, That the Committee had agreed to the same, with some alterations in the Title and other parts thereof.

On Motion, the said Bill received the Third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty's Council to-morrow, for their concurrence.

Ordered, on motion of *Dr. M<sup>c</sup>Aulay*, seconded by *Mr. Solicitor General*, That a Committee be appointed to enquire into the Account of Monies paid by defaulters under the Land assessment Law of 1809; and that *Dr. M<sup>c</sup>Aulay*, *Mr. Solicitor General*, and *Mr. Townsend*, be a Committee for that purpose.

Adjourned till 10 o'Clock to-morrow morning.

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THURSDAY, September, 10, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

On Motion of *Mr. Birnie*, seconded by *Mr. Curtis*, leave was given to bring in a Bill, entitled "An Act for reviving an Act of the General Assembly of this Island lately expired, entitled "An Act for repealing certain parts of an Act made and passed in the fourteenth year of his present Majesty's Reign, entitled an Act for regulating the measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed, merchantable Timber for exportation." On Motion, The said Bill received the first reading.

On Motion of *Mr. Birnie*, seconded by *Mr. Solicitor General*, The House resolved itself into a Committee of the whole House, to take into consideration, the Bill entitled "an Act respecting Aliens coming to this Island or residing therein," (*Mr. Birnie*, in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had agreed to the same, with amendments.

Ordered, on Motion, That the Report of the Committee be agreed to, and that the said Bill receive the Third reading, be passed, engrossed, and sent up to His Majesty's Council for their concurrence.

*Ordered*, on Motion of Mr. *Birnie*, seconded by Dr. *M. Aulay*, That an Address be presented to His Excellency the Lieutenant Governor, on the subject of a Petition of fundry inhabitants of Charlotte-Town and Royalty, now laying before this House, praying for the opening of the Roads through the said Royalty; and that Messrs. *Birnie*, *Nelson*, and *Hyde*, be appointed a Committee to draw and present the same.

Adjourned till 3 O'clock to-morrow afternoon.

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FRIDAY, September 11, 1812.

**T**HE Speaker and some of the Members having met at 3 o'clock according to adjournment, but there not being a sufficient number present to form a House, Adjourned till 10 o'clock to-morrow morning.

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SATURDAY, September 12, 1812.

**T**HE Speaker and some of the Members having met pursuant to adjournment, but there not being a sufficient number present to form a House, Adjourned till 10 o'clock on Monday next.

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MONDAY, September 14th, 1812.

**T**HE Speaker attended, but there not being a sufficient number of Members present to form a House, Adjourned till 10 o'clock to-morrow morning.

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TUESDAY, September 15, 1812.

**T**HE Speaker and some of the Members having met pursuant to adjournment, but there not being a sufficient number present to form a House, Adjourned 'till 10 O'clock to-morrow morning.

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WEDNESDAY, September 16, 1812.

**P**RAYERS.—The Speaker and some of the Members having met pursuant to adjournment, but there not being a sufficient number present to form a House, Adjourned till 3 o'clock this afternoon.

**T**HE Speaker and some of the Members having met at 3 o'clock pursuant to adjournment, but there not being a sufficient number present to form a House, Adjourned till 10 o'clock to-morrow morning.

THURSDAY, Séptember, 17, 1812.

THE House met pursuant to Adjournment.  
PRAYERS.

On Motion of *Mr. Solicitor General*, seconded by *Mr. Nelson*, The House came to the following Resolutions, viz.

*Resolved*, That the Representatives in General Assembly are at all times bound to obey the King's Summons calling them to meet together for the dispatch of business, but at this important moment, when the Defence of the Colony is committed to their Care, such His Majesty's Commands have a peculiar claim on the obedience of every Representative who regards his Allegiance to his Sovereign, his Compact with his Constituents, or his duty to the Country.

*Resolved*, That *James Curtis, Lemuel Cambridge, Charles Worrell, Fade Goff, George Birnie, and Charles Stewart, Esquires*, having retreated from their duty in the Assembly, at a time when the House were about to vote the supplies for the defence of the Country, and when it was supposed that a House could not be formed without the attendance of twelve Members and the Speaker, and consequently that the absence of these six defaulters would frustrate and render ineffectual the proceedings of the remaining Twelve, and several of those persons having on Tuesday last secreted themselves in town when the Messenger of this House was sent to require their attendance: The said Messrs. *Curtis, Cambridge, Worrell, Goff, Birnie, and Stewart* have been guilty of gross contumacy and failure in their parliamentary duty, and a dangerous attack upon the Privileges and Character of this honorable House.

*Resolved*, That *Mr. Speaker* be required, forthwith to issue his Warrant for taking these Members into custody, and bringing them to the Bar of the House.

*Mr. Solicitor General*, Chairman of the Committee, appointed to draft a Bill for raising a Land Assessment, reported the same to the House.

On Motion of *Mr. Solicitor General*, seconded by *Mr. Murray*, the Bill entitled "An Act for raising a Fund towards the support of the Militia of Prince Edward Island, and to assist in making and improving Roads of Communication therein," received the first reading.

Two Bills having, in consequence of the previous order of this House, been sent up to His Majesty's Council for their approbation, viz.

A Bill, entitled "An Act to alter and amend two several Acts of the General Assembly, of this Island, viz. "An Act, entitled an Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the duties of Impost on Wines, Rum, Brandy, and other distilled spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other distilled Spirituous Liquors exported from this Island"—and an Act entitled "An Act for raising a duty on Wine, Rum, Brandy, and other distilled spirituous Liquors, and for imposing a duty on Porter, Ale, and Strong Beer,"

And a Bill entitled "An Act respecting Aliens coming into this Island or residing therein."

And the Clerk of his Majesty's Council having brought down the said Bills with a verbal Message to this effect—"That they could not be received, inasmuch as there was not then a sufficient number of Members sitting in this House." It was, on Motion of *Mr. Solicitor General*, seconded by *Mr. Nelson*, Ordered, That the said Bills should be sent a second time to his Majesty's Council by a Member, who should

be directed to inform that Honourable House, verbally, that the said Bills had been previously ordered to be sent, when this House was sitting.

On Motion of *Mr. Solicitor General*, seconded by *Mr. Murray*, The Bill entitled "An Act for raising a Fund towards the Support of the Militia of Prince Edward Island, and to assist in making and improving Roads of Communication therein," received a second reading.

On Motion, the House resolved itself into a Committee of the whole House, to take the said Bill into Consideration (*Mr. Solicitor General*, in the Chair,) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again,

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Dr. M<sup>c</sup>Aulay*, That two additional Members be added to the Committee, for revising the Journals; and that proofs of the printed Sheets thereof be furnished by the Printer to the said Committee, previously to the same being finally printed; and *Dr. M<sup>c</sup>Aulay*, and *Mr. Montgomery* were accordingly added.

*Ordered*, on Motion of *Dr. M<sup>c</sup>Aulay*, seconded by *Mr. Clark*, That the standing Rules and Regulations of this House be printed and published on the Journals, which are as follow, viz.

FIRST.—That *Twelve* Members and the Speaker shall constitute a full House for the despatch of business.

Altered 21st March, 1809, in the following entry, viz.

Moved by *Dr. M<sup>c</sup>AULAY*, That the Rule appointing Twelve Members and the Speaker to constitute a full House for the despatch of business, be altered, and that the number of Eight Members and the Speaker be inserted in the place of Twelve—The House divided, and the same was carried in the affirmative.

SECOND.—When the Speaker assumes the Chair, every Member to take his place, privileged to have 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 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 good order and regularity 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 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 each Grand Committee, in the body of the House, upon the Speaker resuming 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; except such Bills as may require a more particular attention from the House, and may be deemed proper by a Majority of the House, to be reserved for one reading only, on succeeding days.

ELEVENTH.—That any Member who absents himself for two Sessions successively, without leave first obtained of the House for that purpose, his seat may be declared vacant on the last day of the second Session.

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

THIRTEENTH.—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 Journals.

Adjourned till 4 o'clock this afternoon.

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

On Motion, The House resolved itself into a Committee of the whole House to resume the consideration of the Bill entitled "An Act for raising a Fund towards the support of the Militia of Prince Edward Island, and to assist in making and improving Roads of communication therein," (Mr. *Solicitor General*, in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported Progress and asked leave to sit again.

*Dr. McAulay*, Chairman of the Committee appointed to enquire into the accounts of Monies paid, and defaulters under, the Land Assessment Bill of 1809, Reported, That they had waited on the Treasurer, and that he had given them some Documents relative thereto; which, on Motion, were ordered to be read and laid on the Table.

On Motion of *Mr. Solicitor General*, seconded by *Mr. Townsend*, leave was given to bring in a Bill, entitled "An Act to alter and amend an Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island, also to regulate the Office of Sheriff, and the manner in which they shall return and pass their accounts of all Fines and Forfeitures levied by them for the use of the Crown.

On Motion of *Dr. McAulay*, seconded by *Mr. Coffin*, the said Bill received the first reading.

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FRIDAY, September 18, 1812.

THE House met according to adjournment.  
PRAYERS.

The order of the Day being read, on Motion the House resolved itself into a Committee of the whole House, to resume the consideration of the Bill, entitled "An Act for raising a Fund towards the support of the Militia of Prince Edward Island, and to assist in making and improving Roads of Communication therein," (Mr. *Solicitor General*, in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had agreed to the same with amendments.



On Motion, the said Bill received the third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

On Motion of Dr. *M<sup>r</sup>. Aulay*, seconded by *Mr. Coffin*, the Bill entitled "An Act for reviving an Act of the General Assembly lately expired, entitled an Act for repealing certain parts of an Act made and passed in the fourteenth Year of His present Majesty's Reign, entitled an Act for regulating the measure of Boards and all other kinds of Lumber and for appointing officers to survey the same, and for declaring what shall be deemed merchantable Timber for exportation," received a second reading.

On Motion, the said Bill received the third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

On Motion of *Mr. Mr. Montgomery*, seconded by *Mr. Clark*, leave was given to bring in a Bill entitled "An Act for continuing an Act of the General Assembly, made and passed in the Forty-seventh year of his present Majesty's Reign, entitled "an Act for the purpose of defraying contingent expences of the General Assembly of this Island." On Motion the said Bill received the first and second reading.

On Motion of *Mr. Nelson*, seconded by *Mr. Duckendorff*, The Bill entitled "An Act to alter and amend an Act intitled an Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island, also to regulate the office of Sheriff, and the manner in which they shall return and pass their accounts of all Fines and forfeitures levied by them for the use of the Crown," received a second reading.

Adjourned till 4 o'clock this afternoon.

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

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Mr. Coffin*, That the following Address be adopted by the House, and be presented to His Excellency the Lieutenant Governor, and *Mr. Solicitor General*, *Mr. Coffin* and *Mr. Murray*, were appointed a Committee to present the same, viz.

"To His Excellency JOSEPH FREDERICK WALLET DES BARRÉS, *Lieutenant Governor and Commander in Chief of His Majesty's Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.*

"The Address of the lower House of Assembly in General Assembly convened.

"May it Please Your Excellency,

66 THE House of Assembly in General Assembly convened, beg leave under the most embarrassing and painful circumstances to make their humble Address and representation to Your Excellency.

"In pursuance of his Majesty's Summons the Members attended on the Tenth day of August last, and have already sat as a House, Thirty-One Days, they have paid great attention to the investigation of the Public Accounts, and they have passed Bills to encrease, improve and facilitate the collection of the Public Revenue, to give some degree of efficacy to the Militia Laws, and other Bills tending to the security of the Colony, and the carrying into effect matters of immediate public utility therein, reserving for mature consideration, during a recess or prorogation, several subjects essentially requisite to be attended to, after due advice and deliberation.

“Your Excellency has been pleased in your gracious Speech, at the opening of the Session, to demand with peculiar energy, the summary discharge of a great and arduous duty on our part; and we hoped to have found in the proceedings of His Majesty’s Council, that general unison with your Excellency’s feelings, which would have promoted a prompt, efficient, and zealous prosecution of their duty, that so the three Estates, might in the present momentous Crisis of public affairs, have proceeded with harmony, unanimity, and vigour, but deeply do we regret to present to His Majesty’s Representative, any statement which may indicate disunion and want of zeal, when and where effectionate concord and fervent loyalty, should appear pre-eminently conspicuous: Yet a sense of that loyalty, our duty to our constituents, and regard of our own Reputation all demand that we should release our Character from the imputation of debility or indecision, which with too much justice, has been bestowed on the proceedings of both Houses of Assembly during the present Session.

“Under those impressions, we take the liberty to state, that from the Fifth day of September, instant, being the day on which, the Militia Bill passed this House, His Majesty’s Council have sat, as a House but Three times until this Day; and that such their sittings seldom last half an hour—That the Militia Bill has not yet been committed in that House—That a Bill to establish a paper Currency, and a Bill relating entirely to the privileges of this House, were both sent up and rejected without a Conference having been demanded—That an Alien Bill (passed at Your Excellency’s express recommendation) and a Bill to amend and increase the Revenue (both which Bills had passed this House and were sent up to His Majesty’s Council for their concurrence) have been returned, for this alledged reason, that we had not a full House, when the Bills were sent up, although they had been regularly passed, and had been previously ordered to be sent up, but His Majesty’s Council were not then sitting, to receive them—That the Bill for the Supplies, now lays in this House waiting for His Majesty’s Council to receive it; and although it was mentioned to two of the Members of Council, before their sitting this Day, that the Bill would be ready in a few minutes, yet their honors did not sit above ten minutes to day; and have not yet taken into consideration sundry Bills now before them. Thus may it please Your Excellency are we kept from our Families and private pursuits, at an immense and unavailing expense to the Country,—The public service is obstructed, and His Majesty’s Colony remains undefended.

“We should be equally degenerate and ungrateful if we omitted to bear testimony of the full sense we entertain of Your Excellency’s dignified conduct, and indefatigable zeal, and lively attention to meet the wishes of this House, and of the Public, at all times, and while we lament most deeply, the necessity which compels us to lay this remonstrance before You, we have a perfect confidence, that in Your Excellency’s Wisdom and Discretion, you will release us from Censure, and will adopt such measures, as may operate speedily to relieve us from further attendance at this time, when our agricultural pursuits so strongly demand our personal superintendance.

RALPH BRECKEN, Speaker.”

“*Assembly Room, Sept. 18, 1812.*”

Adjourned till 10 O’clock to-morrow Morning.

SATURDAY, September 19, 1812.

THE House met pursuant to Adjournment.  
PRAYERS.

On Motion of *Mr. Montgomery*, seconded by *Mr. Clark*, the Bill entitled "An Act continuing an Act of the General Assembly, made and passed in the forty-seventh year of His present Majesty's Reign, entitled an Act for the purpose of defraying contingent expences of the General Assembly of this Island," received the third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

The House having taken into consideration his Excellency's letter, respecting the Correspondence between his Excellency and the Chief Justice.

*Dr. M'Aulay* moved, seconded by *Mr. Hyde*, That the House should come to the following Resolutions.

*Resolved*, That this House is deeply concerned, to find, that any Resolution upon its Journals, should give His Excellency a moment's uneasiness, or cause him to form a supposition, that the Members had ceased to think of his conduct with approbation and gratitude; and particularly as his regard to Justice, is manifest, in this Correspondence with the Chief Justice.

*Resolved*, That the Subject matter of the said Correspondence is of such magnitude, that we deem it necessary, that the same should be printed for the information of our Constituents, and mature discussion of the Members during the Recess; upon which the House divided, and there appeared,

For the motion

Mr. Townsend	Mr. Hyde
Mr. Coffin	Mr. Clark
Dr. M'Aulay	Mr. Duckendorff
Mr. Murray	Mr. Nelson.

Against it,

Mr. Montgomery
Mr. Gardiner.

*Ordered* accordingly, That the said Correspondence be printed.

*Mr. Montgomery* moved for leave of absence, on account of very particular circumstances requiring his attendance at home, on which the question being put, the House divided, and there appeared,

For the Motion,

Mr. Coffin	Mr. Duckendorff.
Mr. Townsend	Mr. Nelson
Mr. Hyde	Mr. Gardiner
Mr. Clark	Mr. Murray

Against it,

Dr. M'Aulay.
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*Mr. Montgomery* obtained leave of absence accordingly.

*Ordered*, on Motion of *Dr. M'Aulay*, seconded by *Mr. Nelson*, That another Member be added to the Committee of Revision, in the place of *Mr. Montgomery*, gone home with leave, and *Mr. Nelson* was accordingly added.

On Motion of *Dr. M'Aulay*, seconded by *Mr. Nelson*, leave was given to introduce a Bill, to revive and amend a Bill, appointing PHILIP COOD, of Kensington, Esquire, Colony Agent of this Island.

*Ordered*, on Motion of *Mr. Nelson*, seconded by *Dr. M'Aulay*, That another Member be added to the Committee appointed to confer, and examine into the nature of the Agreement respecting the House lately occupied as a Court House, and to report thereon in the room of *Mr. Birnie*, absent from the Island, *Mr. Hyde*, was accordingly added.

On Motion of Mr. *Nelson*, seconded by Dr. *M<sup>c</sup>Aulay*, leave was given to bring in a Bill entitled "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned."

On Motion the said Bill received the first and second reading.

A Message was received from His Excellency the Lieutenant Governor, relative to the establishment of a Meridional Line, which was ordered to be read, and laid on the Table.

On Motion of Mr. *Solicitor General*, seconded by Mr. *Hyde*, the House resolved itself into a Committee of the whole House, to take into consideration the Bill entitled "An Act to alter and amend an Act, entitled an Act to empower the Governor, Lieutenant Governor or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriff and the manner in which they shall return and pass their accounts of all fines and forfeitures levied by them for the use of the Crown," Mr. *Solicitor General* in the Chair, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress and asked leave to sit again.

Mr. *Solicitor General*, Chairman of the Committee appointed to wait on His Excellency the Lieutenant Governor, with the Address of yesterday, reported, That the Committee had presented the same, and that his Excellency had been pleased to say he would take the Subject into consideration and give such directions as would appear to him, most likely to meet the wishes of the House.

Adjourned til 10 o'clock on Monday next.

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MONDAY, September 21, 1812.

THE House met according to adjournment.

PRAYERS.

On Motion of Dr. *M<sup>c</sup>Aulay*, seconded by Mr. *Hyde*, the House resolved itself into a Committee of the whole House to resume the consideration of the Bill, entitled "An Act to alter and amend an Act, entitled an Act to empower the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island, also to regulate the Office of Sheriff, and the manner in which they shall return and pass their accounts of all Fines and Forfeitures levied by them for the use of the Crown," (Dr. *M<sup>c</sup>Aulay*, in the Chair) and after some time spent therein the Speaker resumed the Chair, and the Chairman reported, That the Committee had agreed to the Bill.

On Motion the said Bill received the Third reading, was passed, ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

On Motion of Dr. *M<sup>c</sup>Aulay*, seconded by Mr. *Nelson*, the Bill entitled "An Act to amend and continue an Act, entitled an Act appointing and empowering *Philip Codd*, of Kensington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward, received the first and second reading.

On Motion of Mr. *Nelson*, seconded by Dr. *M<sup>c</sup>Aulay*, The House resolved itself into a Committee of the whole House, to take into consideration the Bill entitled, "An Act for raising a Fund to make and keep in repair the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned," (Mr. *Solicitor General* in the Chair) and after some time spent therein, the Speaker resumed the

Chair, and the Chairman reported Progress, and asked leave to sit again.

A Message from His Majesty's Council by their Clerk,—“ Mr. Speaker, His Majesty's Council have sent down the Bill entitled “ An Act for reviving an Act of the General Assembly lately expired, intituled an Act for repealing certain parts of an Act made and passed, in the 14th year of His present Majesty's Reign, entitled an Act, for regulating the Measure of boards and all other kinds of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed merchantable Timber for Exportation,” agreed to.

Also the Bill intituled “ an Act to alter and amend two several Acts of the General Assembly of this Island, viz,—an Act intituled an Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the duties of Impost on Wines, Rum Brandy, and other distilled spirituous Liquours and for allowing a Drawback on all Wines, Rum, Brandy and other distilled Spirituous Liquours exported from this Island. And an Act intituled an Act for raising a Duty on Wine, Rum and other distilled Spirituous Liquours, and for imposing a Duty on Porter, Ale and Strong Beer,” with certain amendments proposed thereto.

Ordered, On Motion; that this House do agree to the amendments proposed by His Majesty's Council, and that the said Bill be re-engrossed, with the proposed amendments; and that it be sent up again to His Majesty's Council for their concurrence.

On Motion, the House resolved itself into a Committee of the whole House, to resume the consideration of the Bill entitled “ An Act for raising a Fund to make and keep in repair, the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned” (*Mr. Solicitor General* in the Chair,) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had agreed to the same, with amendments.

On Motion the said Bill received the third reading, was passed, Ordered to be engrossed, and to be sent up to His Majesty's Council for their Concurrence.

A Message from His Majesty's Council by their Clerk;—“ Mr. Speaker,—His Majesty's Council have sent down the Bill intituled “ An Act for continuing an Act of the General Assembly made and passed in the 47th year of His present Majesty's Reign, entitled an Act for the purpose of defraying contingent Expences of the General Assembly of this Island” agreed to.

The Speaker informed the House, that he had received a Letter from James Curtis, Esquire, one of the Members of this House, which was ordered to be read, and entered on the Journals, and is as follows viz.

POPLAR GROVE, 18th September, 1812.

MR. SPEAKER BRECKEN,

SIR,—This instant I received your Summons to attend the House of Assembly which I would cheerfully obey if I was any way well, but after being several days very sick with a sore throat and head ach, attending my Duty as a Member, I was obliged to come home last Monday, and have mostly kept my bed since—but the instant I get better, I shall go to Charlotte-Town, and I have to intreat you, Sir,

and the Honourable House to believe, nothing but sickness, prevents my instantly going with the Messenger.

I am with great respect,  
Your most Obedient Humble Servant,  
JAMES CURTIS.

RALPH BRECKEN Esquire, Speaker of the Honourable House of Assembly, Charlotte-Town.

The Solicitor General informed the House that he had just received information of a very gross Contempt having been offered to the dignity and privilege of this House by some of its Members, and now moved, that William Gardner, Gentleman, present, be called to the Bar and examined.

Mr. William Gardener was accordingly examined, and deposed, that he had taken Mr Speaker's Warrants to the Houses of Messrs. Worrel and Goff, Members of this House—That those Gentlemen had come to Town, and met him in Town, having first promised to attend the House but that they afterwards refused to come with him to the House, saying, that the House had not the Power of issuing Warrants to Compel their attendance.

Mr. William Gardiner, was then released from further attendance.

Adjourned till 4 o'clock this afternoon.

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

THE Speaker being much indisposed, the House requested him to Adjourn. Adjourned accordingly till 10 o'clock to-morrow morning.

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TUESDAY, September, 22, 1812.

THE House met pursuant to adjournment.

PRAYERS.

On Motion, of Mr. Nelson, seconded by Mr Coffin, the Bill entitled "An Act to amend and continue an Act entitled an Act appointing and empowering Philip Codd, of Kensington, Esquire to be Colony Agent for His Majesty's Island Prince Edward" received the third Reading was passed, Ordered to be engrossed, and to be sent up to His Majesty's Council for their Concurrence.

George Procter, attended at the Bar, and reported, that he had brought down Charles Stewart, Esquire, on Saturday last to Charlotte-Town, by Virtue of Mr. Speaker's Warrant, and that Mr Stewart promised to see Procter again, on which promise Procter had let Mr. Stewart go at large, but he has not since, been able to find Mr. Stewart,

*William Clark*, Esquire, a Member, was examined and deposed, that *Mr. Stewart* had, on Saturday Evening last, told *Mr. Clark*, that he would not attend this House.

*James Townsend*, Esquire, a Member, also deposed, that *Mr. Stewart*, had on Saturday Evening, last, told *Mr Townsend*, he would be damned if he would attend the House.

On Motion of *Dr. M<sup>r</sup> Aulay*, seconded by *Mr. Hyde*, That an Humble Address be presented to His Excellency the Lieutenant Governor, praying that he would be pleased to afford information to this House, whether certain Affidavits made by

*Angus M. Aulay, William Roubel and William Hafzard, Esquires*, in the matter of a certain charge of a State Nature, then depending against the Society of Loyal Electors, were given up to the Judges of the Supreme Court of Judicature by His Excellency's order for the purpose of being produced in Court upon a charge of a Criminal nature to be brought against the persons, who made the said Affidavits or any of them; and upon whose application, such order, if any, was made, or such other official information as he may think fit to lay before this House, upon the subject.

Moved by *Mr. Dockendorff*, seconded by *Mr. Hyde*, that, before the House, enter into any discussion on the foregoing motion, the Deputy Clerk of His Majesty's Council be requested to attend at the Bar to give such information on the subject, as he can state with propriety, which was ordered accordingly.

On Motion, the House resolved itself into a Committee of the whole House to resume the consideration of the public accounts (*Mr. Solicitor General*, in the Chair) and after some time spent therein, the Speaker resumed the Chair and the Chairman reported Progress and asked leave to sit again.

Adjourned till 4 o'clock this afternoon.

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

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Mr. Nelson*, that a Committee be appointed to call upon the Colonial Treasurer, and procure from him the abstract of such items in the accounts of, and previous to 1810, as may be necessary for the information of the House, as a Committee upon the Public Accounts, *Mr. Solicitor General*, *Mr. Nelson*, and *Mr. Murray*, were accordingly appointed.

*Mr. Serani*, Deputy Clerk of the Council attended at the Bar, and declined to answer the Question asked of him, until he should have the Concurrence of both His Excellency the Lieutenant Governor, and his Principal.

*Mr. Serani*, was then released from attendance and was requested to attend tomorrow morning at 10 o'clock.

Adjourned till 10 O'clock to-morrow Morning.

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WEDNESDAY, September 23, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

*Mr. Curtis*, attended at the Bar, and having made a Satisfactory apology to the House for his Non-attendance resumed his seat accordingly.

A Messege from His Majesty's Council by their Clerk,—*Mr. Speaker*, His Majesty's Council have sent down the Bill intituled "an Act to continue and amend " an Act intituled an Act appointing and empowering PHILIP CODD, of Kensington, " Esquire, to be Colony Agent for His Majesty's Island Prince Edward," with certain amendments proposed thereto.

And the Bill intituled " an Act respecting aliens coming into this Island, or residing " therein" with certain amendments proposed thereto.

On Motion, the said amendments were ordered to be read.

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Mr. Murray*, that a conference be requested with His Majesty's Council, on the subject of the amendments proposed to the Bill intituled "an Act respecting aliens coming into this Island, or residing therein;" and that this resolution be sent up to His Majesty's Council for their concurrence.

*Mr. Serani*, Deputy Clerk of the Council attended at the Bar, and being examined, deposed, that three Affidavits were filed by him as Deputy Clerk of the Council, having been given him by the Lieutenant Governor, they are not now in his possession as Clerk of the Council, the Chief Justice called on him at the Council Office, told him he had the Governor's permission to have the Affidavits in consequence of which he gave him them. There is not any order or Resolution of Council to that effect. They are now filed in the Clerk of the Court's Office, by authority, as will appear in the Minute Book.

*Dr. M<sup>r</sup>. Aulay's* Motion of Yesterday for the Address was reconsidered, and the Question thereon being put, the same was unanimously Ordered.

Moved by the *Solicitor General*, seconded by *Mr. Nelson*, that *Charles Worrel* Esquire, one of the Representatives for King's County now at the Bar, having been brought higher by *Mr. Speakers* Warrant, and declining to address *Mr. Speaker* in a parliamentary manner or to apologize for his misconduct, as already stated in the Resolutions of this House, be now committed to the Custody of the Serjeant at Arms, which was Ordered accordingly.

The *Solicitor General*, informed the House, that he had received information that a professional Gentleman, who has lately arrived in this Island has said to one or more of the Members of this House certain words to this effect, that the Speaker and Members then sitting were not a House but a Convention, and Moved that *Benjamin Coffin*, Esquire, a Member be requested to state what he knew relative to the charge.

*Mr. Coffin*, thereupon stated, that on Monday last he had seen *Mr. Johnston* of this Town, who had asserted to the effect that this House was not a House but a Convention.

*Mr. Johnston* being sent for, appeared at the Bar, and asserted that he was not bound to declare any professional opinion he might have given.

*Mr. Coffin* stated that *Mr. Johnston* had not been professionally employed, but had made the declaration before mentioned to several people in the street at *Mr. Sim's* Door.

*Mr. Johnston* said, that such was his Opinion, and said he might have so expressed himself, and it still is his opinion.

*Mr. Solicitor General*, Moved, seconded by *Mr. Nelson*, that *Mr. Johnston* has been Guilty of a High Crime and Misdemeanor in such his Language, and that an humble Address be presented to His Excellency, praying that he would order His Majesty's Attorney General to prosecute *Mr. Johnston* for such Offence, which was unanimously resolved, and *Dr. M<sup>r</sup>. Aulay*, *Mr. Nelson*, and *Mr. Murray* were accordingly appointed a Committee to draw and present both Addresses, who having retired, reported the same, which were agreed to, and are as follows; viz.



“To His Excellency JOSEPH FREDERICK WALLET DES BARRES, Lieutenant Governor and Commander in Chief of His Majesty's Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

The Address of the lower House of Assembly in General Assembly convened.

“May it Please Your Excellency,

WE His Majesty's most dutiful and Loyal Subjects, the Representatives of Prince Edward Island in General Assembly convened, beg leave to request that your Excellency would be pleased to afford Information to this House, whether, certain Affidavits made by *Angus McAulay*, *William Roubel* and *William Haszard*, Esquires, in the matter of a certain Charge of a State Nature, then depending against the Society of Loyal Electors, were given up to the Judges of the Supreme Court of Judicature by your Excellency's order for the purpose of being produced in Court upon a Charge of a Criminal Nature to be brought against the persons who made the said Affidavits; or any of them, and upon whose application, such order if any was made; and such other official Information as your Excellency may think fit to lay before this House upon the subject.

“RALPH BRECKEN, Speaker.

“Assembly Room, Sept. 23, 1812.”

“To His Excellency Joseph Frederick Wallet Des Barres, Lieutenant Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and its Dependencies, &c. &c. &c.

“The Address of the House of Assembly in General Assembly convened.

“May it please your Excellency,

INFORMATION having been laid before this House that Mr. *Johnston* who lately arrived in this Island has publicly declared in the Streets of Charlotte-Town at the Door of *Sim's* Tavern, on Monday last, that this House which had been just then sitting was not a House but a Convention. The House of Assembly considering that the said Mr. *Johnston* has been guilty of a High Crime and Misdemeanor, by using such Language, humbly beg leave to offer this their unanimous Address, praying, that your Excellency may be pleased to direct that His Majesty's Attorney General may forthwith institute a prosecution against Mr. *Johnston*, for the said offence.

“RALPH BRECKEN, Speaker.

“Assembly Room, September 23, 1812.”

James Coles attended and stated, that, by virtue of Mr. Speaker's Warrant, he had taken *Charles Worrell*, Esquire, a Member of this House into Custody, and brought him to Town, but that on the road from St. Peters, Mr. *Worrell* offered him his fees if he would let him go, which *Coles* refused to take; and Mr. *Worrell*, said he (*Coles*) might do so as well as *Gardiner*, who had done so before; and, that if *Coles* took the Fees, he would have more fees to receive, by being ordered to go again after Mr. *Worrell*. And further said that he would not have suffered himself to be taken if he had known that *Coles* would not take his fees and discharge him.

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

On Motion, Ordered, that His Majesty's Council do agree to the conference as requested by the House of Assembly on the Subject of the amendments proposed to the Bill entitled "an Act respecting aliens coming into this Island or residing therein," and that the Honorable *Robert Gray*, and *Harry Compton*, be a Committee to manage the same, at the Council Chamber instanter.

Council Chamber, Sept. 23d, 1812.

On Motion, the House came to the following resolution.

The House of Assembly considering the amendments proposed to the alien Bill as involving matter of great moment to the character and safety of this Colony have therefore proposed a Conference with His Majesty's Council as a House, and that this resolution be sent up to His Majesty's Council.

A Message from His Majesty's Council by their Clerk. On Motion, Ordered, that His Majesty's Council do adhere to the nomination of the Members named in their former Message of this day, and do not agree to a conference of the whole House on the Alien Bill with the House of Assembly, it being needless in itself and unprecedented in its nature.

Council Chamber Sept. 23d, 1812.

Ordered, On Motion, that the House of Assembly do agree to the conference as proposed by His Majesty's Council; and that *Mr. Solicitor General*, *Dr. M<sup>r</sup> Aulay*, *Mr. Murray* and *Mr. Dockendorff*, be a Committee to manage the same at the Council Chamber instanter.

*Mr. Solicitor General*, Chairman of the said Committee having returned, reported the subject of the conference,

*James Curtis*, Esquire, being much indisposed obtained leave of absence from the House.

Ordered, On Motion of *Mr. Solicitor General*, seconded by *Mr. Nelson*, that a Committee be appointed to propose a written Statement of our reasons and propositions respecting the alien Bill for the consideration of His Majesty's Council pursuant to their desire,

Ordered, On Motion, that the Clerk of this House be directed to furnish the PRINTER with a Coy of the Correspondence, between His Excellency and the Chief Justice.

Adjourned till 11 O'clock to-morrow.

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THURSDAY, September 24, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

*Dr. M<sup>r</sup> Aulay* Chairman of the Committee appointed to present the Addresses of yesterday reported, that they had waited on his Excellency with them, and that he had been pleased to say he would comply with the request of the House in both Addresses.

*Ordered*, on Motion, That this House do agree to the amendments proposed by his Majesty's Council, to the Bill entitled "An Act to amend and continue an Act entitled an Act appointing and empowering Philip Codd, of Kensington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward," and that the said Bill be re-engrossed, with the amendments and to be sent up again to His Majesty's Council.

On Motion of Mr. *Solicitor General*, seconded by Mr. *Hyde*, the house resolved itself into a Committee of the whole to resume the consideration of the Loyalist Bill (Mr. *Solicitor General*, in the Chair,) and after some time spent therein, the Speaker resumed the Chair, and the Chairman made the following report:

The Committee of the whole House for the purpose of considering of a Bill lately passed by the Legislature of this Island, entitled "An Act, to confirm the Titles and quiet the possessions and Locations, in this Colony, of the American Loyal Emigrants and disbanded troops," which Bill has not received his Majesty's Royal allowance, beg leave to report, that they have sat several days and examined a number of Witnesses whose depositions are hereunto annexed,—and from which it appears to be indubitably established that the Loyalists have laboured, under hardships, privation and deception of a most singular and aggravated nature, and by their general good conduct and laborious industry, they have been instrumental in a great measure to the first establishment and future progress of this Colony in Agriculture and improvement.

The Committee further report, that the Legislature having been called to assemble at this time principally on matters relating to the defence of the Colony, it was not now considered advisable to trespass on the business of the House by proceeding further in the examination of Witnesses, but the Committee beg leave to recommend that such examination, should be proceeded on immediately after the recess or prorogation of the Assembly.

*Ordered*, on Motion of Mr. *Solicitor General*, seconded by Mr. *Murray*, That the said Report be agreed to, and entered on the Journals, and that a copy of the report, be sent to the Colony Agent, also that the Committee of correspondence be instructed to make all necessary Communications to that Officer, on the subject.

A Message from his Majesty's Council by their Clerk: Mr. Speaker, His Majesty's Council have sent down the Bill entitled, "An Act for raising a Fund to make and keep in repair, the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned," with certain amendments proposed thereto.

*Ordered*, on Motion, that this House do agree to the amendments proposed by his Majesty's Council to the Bill entitled, "An Act for raising a Fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned" and that the said Bill be re-engrossed with the amendments, and be sent up again to his Majesty's Council.

The Committee appointed to prepare a written statement of the reasons and propositions of this house, respecting the alien Bill, for the consideration of his Majesty's Council, reported the draft of the same, which was agreed to, and Ordered to be engrossed, and to be sent up to his Majesty's Council.

Adjourned till 10 o'clock to-morrow morning.

FRIDAY, September 25, 1812.

**T**HE House met pursuant to adjournment.  
PRAYERS.

A Message from His Majesty's Council by their Clerk,—“ Mr. Speaker, His Majesty's Council have sent down the Bill entitled an Act in addition to, and amendment of an Act passed in the 20th year, of the Reign of His present Majesty, entitled an Act for the establishing and regulating a Militia,” with certain amendments proposed thereto.

On Motion of Mr. *Curtis*, seconded by Mr. *Gardiner*, the Petition of sundry Creditors of *John Stowe* an Insolvent Debtor, was ordered to be read, and laid on the Table.

A Message from His Majesty's Council by their Clerk,—On Motion, His Majesty's Council have taken the substance of the conference, relative to the Alien Bill, into consideration, adhere to the amendments, proposed to the Lower House of Assembly, and a Message was accordingly ordered to be sent down to the House of Assembly acquainting that House therewith.

Council Chamber Sept. 25th 1812.

*Ordered*, On Motion of Mr. *Curtis* seconded by Mr. *Gardiner*, that the Bill entitled “ an Act for the relief of *John Stowe*, an Insolvent Debtor,” be laid over until the next Session.

Adjourned till 4 o'clock this afternoon.

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

*Ordered*, On Motion of Mr. *Clark*, seconded by Mr. *Nelson*, that the amendments proposed by His Majesty's Council to the Bill entitled “ an Act in addition to and amendment of an Act passed in the Twentieth year of the Reign of His present Majesty, entitled an Act for the establishing and regulating a Militia,” be rejected, the said Bill being a money Bill.

*Ordered*, On Motion of Mr. *Murray*, seconded by Dr. *M<sup>r</sup> Aulay*, that the amendments proposed by His Majesty's Council to the Bill entitled “ an Act respecting aliens coming into this Island, or residing therein,” be rejected, and that those resolutions be sent to His Majesty's Council.

On Motion of Mr. *Solicitor General*, seconded by Mr. *Nelson*, leave was given to bring in a Bill entitled “ an Act for reviving two several Acts of the General Assembly lately expired viz. An Act made and passed in the 53th year of his present Majesty's Reign, entitled an Act in addition to and amendment of an Act passed in the 20th year of the Reign of his present Majesty, entitled an Act for the establishing and regulating a Militia; and an Act made and passed in the 37th year of the Reign of his present Majesty, entitled an Act in addition to and amendment of an Act made and passed in the 20th year of his present Majesty's Reign, entitled an Act for the establishing and regulating a Militia; also an Act made and passed in the 35th year of his present Majesty's Reign entitled an Act in addition to and amendment of an Act passed in the 20th year of his present Majesty's Reign entitled an Act for the establishing and regulating a Militia.”

On Motion the said Bill received the first and second reading.

Mr. Speaker, informed the House that he had received a Letter from His Excellency the Lieutenant Governor, relative to the Affidavits of *Angus McAulay*, *William Roubel* and *William Hazzard*, Esquires, which on Motion, was ordered to be read, and entered on the Journals, and is as follows,

GOVERNMENT HOUSE, *Prince  
Edward Island, Sept. 25, 1812.*

SIR,

I HAVE attentively considered the Address of the House of Assembly, requesting information "whether certain Affidavits made by ANGUS MAULAY WILLIAM ROUBEL and WILLIAM HASZARD, Esquires, in the matter of a certain Charge of a State Nature, then depending against the Society of Loyal Electors, were given up to the Judges of the Supreme Court of Judicature, by my order, for the purpose of being produced in Court upon a Charge of a Criminal Nature, to be brought against the persons who made the said Affidavits or any of them, and upon whose application, such order, if any, was made, or such other official information as I may think fit to lay before the House on the subject."

In reply I beg you will have the goodness to communicate to the House, that no order whatever, relative to the delivery of the Affidavits in Question, has been given by me.

What I recollect is, that on the Monday before the sitting of the Supreme Court of Judicature in Michaelmas Term 1811, the three Judges called at Government House. I understood from what the Chief Justice said, that the Affidavits might have a tendency to discredit the Administration of Justice among the people in the country, and that he was well persuaded, I wished to give every requisite support for upholding the respect due to the Courts of Law, and the administration of Justice.—The Chief Justice requested to know, whether I had any objection to their having access to these Affidavits, and mentioned that Mr. SERANI had them. I informed them that Mr. SERANI had been directed to furnish a complete Copy of these papers, to the Attorney General, for the purpose of obtaining his opinion thereon, but that the Original Papers remained in Mr. SERANI'S hands, and I had no objection to their having access thereto. I had not the most distant idea of the possibility of these Affidavits being applied to the purpose of carrying on any criminal prosecution against the persons who made them; these Affidavits were given in by the parties by way of Justificative proofs, against charges preferred before me in Council, sitting as a Court of Inquiry on the subject matter of which no official decision has, as yet been made.

This enquiry into the proceedings of the Loyal Electors was deemed advisable to be conducted with that secrecy, usually observed, in State affairs.—The opinion of the Attorney General had not been received, and it was expected, nothing immaterially, would be promulgated.

Willing to convey all the information which the House requires, I have no objection to the whole of the Papers, being laid before it.

I have the Honor to be,  
SIR,

Your Most Obedient,  
Most Humble Servant,

J. F. W. DES BARRES.

RALPH BRECKEN, Esquire.  
Speaker of the House of Assembly.

*Ordered*, on Motion of *Dr. M<sup>e</sup> Aulay*, seconded by *Mr. Nelson*, That an humble address be presented to his Excellency, thanking him for the communication he has been pleased to make on the Subject of the Affidavits relative to the Society of Loyal Electors, and praying that he would be pleased to cause the papers relative to the said Society referred to in his Excellency's Letter to be laid before the House, and that a Committee be appointed to draw and present the same; *Dr. M<sup>e</sup> Aulay*, *Mr. Clark*, and *Mr. Murray* were accordingly appointed, who having retired, reported the draft of an Address which was agreed to, and is as follows, viz.

“ *To His Excellency Joseph Frederick Wallat Des Barres, Lieutenant Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and its Dependancies, &c. &c. &c.*

“ The Address of the House of Assembly in General Assembly convened.

“ *May it please your Excellency,*

66 **W**E the Members of the House of Assembly in General Assembly convened, beg leave to return your Excellency our sincere and grateful acknowledgments, for the Communication you have been pleased to make on the subject of the Affidavits, relative to the Society of Loyal Electors, and we humbly pray, that your Excellency may be pleased to cause the papers relative to the said Society referred to in your Excellency's Letter, to be laid before this House.

“ RALPH BRECKEN, Speaker.

“ *Assembly Room, Sept. 25, 1812.*”

Adjourned till 10 o'clock to-morrow morning.

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SATURDAY, September 26, 1812.

**T**HE House met pursuant to Adjournment.

PRAYERS.

*Dr. M<sup>e</sup> Aulay*, Chairman of the Committee appointed to present the Address relative to the papers of the Loyal Electors, reported, that they had waited on his Excellency, and that he had been pleased to say, he would give directions to *Mr. Serani* to lay the said papers, before this House.

*Ordered*, on Motion of *Mr. Solicitor General*, seconded by *Mr. Coffin*, that a conference be requested with his Majesty's Council by Committee, on the subject of the Militia Laws, and that this resolution be sent up to his Majesty's Council, for their concurrence.

A Message from his Majesty's Council, for their Clerk. On Motion, the following Message was sent to the House of Assembly—There being no Militia Bill before his Majesty's Council, a conference with the lower House of Assembly is deemed unnecessary.

Council Chamber Sept. 26th, 1812.

A Message from His Majesty's Council by their Clerk.—*Mr. Speaker*, his Majesty's Council, have agreed to the Bill entitled “An Act to amend and continue an Act entitled an Act appointing and empowering Philip Codd, of Kenfington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward,” and to

A Bill entitled, "An Act for raising a Fund to make and keep in repair, the Pumps, Wells and Streets of Charlotte-Town, and for other purposes therein mentioned,"

On Motion, of *Mr. Solicitor General*, seconded by *Mr. Townsend*, that a Message be sent to his Majesty's Council, stating, that, this House, at present has it in its contemplation to establish a mode for disciplining the Militia, and to provide a fund of 400l. to defray the Expenses, to be incurred thereby, provided that an immediate issue of Paper Currency by Government, equally to the amount of the Fund, so to be raised, payable in one year shall be approved of by his Majesty's Council. And this House requests a conference with his Majesty's Council, by Committee on the subject, the Question being put, the House divided, and there appeared,

For the Motion,		Against it.
Mr. Solicitor General	Mr. Clark	Mr. Murray
Mr. Townsend	Mr. Duckendorff	Mr. Coffin
Mr. Hyde	Mr. Gardiner	
Dr. M'Aulay	Mr. Curtis	
Mr. Nelson		

Which was ordered accordingly.

A Message from His Majesty's Council by their Clerk,—On Motion, the following Message was sent to the Lower House of Assembly—His Majesty's Council will readily agree to a conference with the House of Assembly, whenever any thing specific, is laid before them, wherein a conference is deemed necessary.

Council Chamber, Sept, 26th 1812.

Agreeable to his Excellency's directions *Mr. Serani* Deputy Clerk of the Council, laid before this House, such papers as he had in his possession, as Deputy Clerk of the Council, relative to the Society of Loyal Electors.

*Dr. M'Aulay* produced copies of five Affidavits, made relative to the said Society, which were certified by *Charles Serani, C. C.*

*Ordered*, on Motion, that the said papers and Affidavits be read, and laid on the Table.

On Motion, the Bill entitled "an Act for reviving two several Acts of the General Assembly lately expired, viz. An Act made and passed in the 35th year of his present Majesty's Reign, entitled an Act in addition to and amendment of an Act passed in the 20th year of the Reign of his present Majesty, entitled an Act for the establishing and regulating a Militia; and an Act made and passed in the 37th year of the Reign of his present Majesty, entitled an Act in addition to and amendment of an Act made and passed in the 20th year of his present Majesty's Reign, entitled an Act for the establishing and regulating a Militia; also an Act made and passed in the 35th year of his present Majesty's Reign entitled an Act in addition to and amendment of an Act passed in the 20th year of his present Majesty's Reign entitled an Act for the establishing and regulating a Militia," Received the third reading was passed, Ordered to be engrossed, and to be sent up to His Majesty's Council for their concurrence.

Adjourned till 4 o'clock this afternoon.

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

Mr. *Roubel*, attended at the Bar, and was examined on the subject of the papers laid before this House relative to the Society of Loyal Electors.

Moved by Dr. *M'Aulay*, seconded by *Mr. Nelson*, that the House do come to the following resolutions ;

*Resolved,*

That this House having perused with due consideration, the papers laid before them, in consequence of His Excellency the Lieutenant Governor's order, relative to the Society of Loyal Electors together with His Excellency's Letter, are deeply concerned to observe, that the conduct of the Honorable CÆSAR COLCLOUGH, Esquire, His Majesty's Chief Justice, in procuring through misrepresentation and by indirect means, certain Affidavits made relative to a charge of a State Nature, at that time depending before His Excellency in Council against the Society, and in making use of those Affidavits, by causing them to be filed in the Supreme Court of Judicature, without the order or knowledge of His Excellency and causing prosecutions and other proceedings to be taken upon sundry of the said Affidavits. (the charge against the said Society, being then undecided) was arbitrary, disrespectful, and illegal.

That the House regarded with silence the correspondence between His Excellency and the Chief Justice relative to the appointment of Sheriffs, solely from an unwillingness on the part of the Members to comment at this particular time upon the nature of that correspondence, but when the House observes, that by the former proceedings the Chief Justice would have the Choice of Judges and by the later papers, that he became Solicitor, Prosecutor and Judge, the Members can for those and other reasons, no longer refrain from declaring that such conduct is dangerous to the Lives, Liberties and Properties of His Majesty's Subjects, in such a degree, as to render it unadvisable, that the Chief Justice should be any longer continued in the discharge of the Functions of his Office, which he hath proved himself unworthy of being entrusted with.

That an humble Address be framed, and presented to His Excellency the Lieutenant Governor, praying that he would be pleased to suspend the Chief Justice from the exercise of his Office until His Majesty's pleasure shall be known, on which Motion, the Question being put, the House divided, and there appeared,

For the motion		Against it
Mr. Townsend	Mr. Nelson.	Mr. Curtis
Mr. Solicitor General	Mr. Dockendorff	Mr. Clark
Dr. M'Aulay	Mr. Murray	
Mr. Hyde		

The motion was carried in the affirmative and Mr. *Townsend*, Mr. *Solicitor General* and Mr. *Murray*, were appointed a Committee to draw and present the same, who having retired reported the draft of an Address, which was ordered to be read.

On Motion, that the same be agreed to, the House divided, and there appeared,

For the Motion,		against it.
Mr. Townsend	Mr. Nelson	Mr. Curtis
Mr. Solicitor General	Mr. Duckendorff.	Mr. Clark.
Dr. M'Aulay	Mr. Murray	
Mr. Hyde.		

The Address was accordingly agreed to, and is as follows viz.



“To His Excellency JOSEPH FREDERICK WALLET DES BARRES, Lieutenant Governor and Commander in Chief of His Majesty's Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

The Address of the lower House of Assembly in General Assembly convened.

“ May it Please Your Excellency,

“ WE the Members of the house of Assembly in General Assembly convened, having regarded with silence the correspondence between your Excellency, and the Chief Justice, relative to the appointment of Sheriffs, solely from an unwillingness on our part, to comment at this particular time, upon the nature of that correspondence; but when we observe that by the former proceedings, the Chief Justice would have the choice of Juries, and by the latter papers, that he became Solicitor, Prosecutor and Judge, we can for those reasons no longer refrain from declaring that such conduct is dangerous to the Lives, Liberty and Property of His Majesty's subjects, in such a degree as to render it unadvisable, that the Chief Justice, should be any longer, continued in the discharge of the functions of his Office which he hath proved himself unworthy of being entrusted with.

Therefore we humbly pray that Your Excellency may be pleased to suspend the Chief Justice from the exercise of his Office until His Majesty's pleasure shall be known.

“ RALPH BRECKEN, Speaker.

“ Assembly Room, September 26, 1812.”

Adjourned till 10 o'clock to-morrow morning.

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MONDAY, September 28, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

Mr. Townsend Chairman of the Committee appointed to present the Address of Saturday last, reported, that they had waited on His Excellency, and that he had been pleased to say he would take the same into consideration.

On Motion of Dr. *M. Aulay*, seconded by Mr. *Townsend*, the House resolved itself into a Committee of the whole House, to resume the consideration of the Public Accounts (Mr. *Solicitor General* in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported Progress, and asked leave to sit again.

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

Mr. Speaker,—his Majesty's Council, have sent down the Bill entitled “ an Act for reviving two several Acts of the General Assembly lately expired, viz. An Act made and passed in the 35th year of his present Majesty's Reign, entitled an Act in addition to and amendment of an Act passed in the 20th year of the Reign of his present Majesty, entitled an Act for the establishing and regulating a Militia; and an Act made and passed in the 37th year of the Reign of his present Majesty, entitled an Act in addition to and amendment of an Act made and passed in the 20th year of his present Majesty's Reign; entitled an Act for the establishing and regulating a Militia; also an Act made and passed in the 35th year of his present Majesty's Reign entitled an Act in addition

“to and amendment of an Act passed in the 20th year of his present Majesty’s Reign entitled an Act for the establishing and regulating a Militia,” with certain amendments proposed thereto.

*Ordered*, On Motion, of Dr. *M<sup>c</sup>Aulay* seconded *Mr. Townsend*, that this House do agree to the amendments proposed by His Majesty’s Council, to the said Bill, and that the same be re-engrossed with the amendments, and be sent up again to His Majesty’s Council.

*Ordered*, On Motion, that a Message be sent to His Majesty’s Council, requesting to know, whether the Bill for amending the Sheriff Act, has received their concurrence.

*Ordered*, On Motion, that a Message be sent up to His Majesty’s Council requesting to know if they have disposed of a Bill for the establishment of a Land Assessment, sent up by this House.

On Motion, the House resolved itself into a Committee of the whole House to resume the consideration of the Public accounts (*Mr. Solicitor General*, in the Chair) and after some time spent therein, the Speaker resumed the Chair, and the Chairman made the following report.

The Committee of this House, for the purpose of examining the Public Accounts, beg leave to report, that after an attentive and careful Examination of the same, they have found the different amounts thereof to be correct, but as the various charges of expenditure, contained in the Treasurer’s account Current did not explain for what service they were made; your Committee have classed them under their proper heads, which they beg leave to submit to the House, with such remarks to each as they deemed proper to communicate.

Your Committee have also, as far as in their power made out a statement of the different Funds, now in the Treasurer’s hands, with the several demands thereon so as to enable the House, to have at one view the balance, that will remain after those demands are paid, which the Committee trust, will be found correct, the same being stated from such Documents as were delivered them.

Remarks upon the different heads of public Expenditure.

#### STATISTICAL SURVEYS.

The Sum of £130 0 0 charged under this head of Expenditure for the purpose of taking Statistical Survey’s, your Committee with all possible deference, cannot avoid submitting to the House. However praiseworthy may have been the intention of Government in ordering those Surveys to be taken, yet we feel it an unavoidable duty on our part to state that the advantage resulting from those Surveys has not kept pace with the Expence incurred thereby, in such proportion, as to render it advisable, that they should be continued annually, during the present limited state of the Revenue.

#### HIGHWAY EXPENDITURE.

There appeared to be expended upon the Highways and Baidges, &c, of the Island as pr. abstract £850 8 0 your Committee do not feel themselves competent to remark fully upon the Items under this head of Expenditure, but beg leave to submit for the consideration of the House, whether the Revenue of the Island is at present adequate to follow up the plan lately adopted of widening and clearing the Public Roads to the extent of thirty feet. It must certainly be con-

sidered a very High Improvement if our finances can afford it; but it appears to the Committee, that the money would in future be expended, more to the advantage of the Public in making the present Roads to the Principal Settlements, passable. Cutting down the Trees to the extent of twenty feet in breath, and clearing the Road of Stumps for half that distance, carrying on this System of improvement, through the Principal Roads of the Island, which when completed might then be again improved upon. And that the Bridges and Causeways should be made good and exposed to the sun and air.

#### CONTINGENT EXPENDITURE.

Your Committee observe a Charge for procuring Stones suitable for establishing a Meridian Line, and a further charge on the same account for clearing the ground previous to their Erection; this object they conceive of the highest public utility, and trust the same will speedily be carried into full effect.

Your Committee next advert to the Sum of £125 expended in the Conveyance of Mails, and beg leave to submit if a Superior arrangement could not be easily formed for that essential purpose, the regular conveyance of the Mails, to and from Halifax.

The Sum of Twenty Pounds appears to have been paid to the Honorable *William Townshend*, as a remuneration for his boat lost on Government Service, your Committee are informed, that about one third of the above Sum has been recovered from the sale of the Wreck, but not yet handed to the Treasurer,

Your Committee further remark, upon the Charge for inclosing Charlotte-Town Burial Ground and the Interment of a Lunatic deceased, which they conceive properly belong to Parochial matters, and ought not to be sustained by the Public.

The Charges under Warrants, No. 71, £25 and No. 123, £20, being Sums paid on account of Plans, and Estimates furnished for Public Buildings, your Committee are of opinion, should have been defrayed from the Fund raised for that purpose, and not introduced into the present account rendered by the Treasurer. That it appears to the Committee as a measure highly necessary that the arrears of the Land Assessment under the Act of 1809, should be recovered, as soon as practicable.

In addition to the remarks which your Committee have submitted to the consideration of the House, they conceive it their duty to state that the Commission charged on the receipt of the Public money and transactions relative thereto by the Officers of Government, amounting to the Sum of 15 pr. Cent is an object deserving the serious attention of the Legislature, for the purpose of endeavouring to establish a more economical system of management in future. Your Committee are assured that a reduction of two thirds of the charge above stated, might be obtained as well as sufficient security given to the Public.

Your Committee also cannot avoid making some observations, upon the necessity of establishing a more regular mode of stating the Public accounts, than has heretofore been the practice—much time must naturally be expended in their investigation and arrangement for the Public satisfaction, by the Committees appointed for that purpose, if the Expenditure is not ordered to be classed under different heads, and funds appropriated for particular purposes, kept completely distinct from interference with any others. Your Committee also observed a considerable degree of irregularity in the dates and numbering of the warrants, having found several instances, of two being issued of the same number, and several amounts paid without any number, they also are of opinion, that the form formerly followed of inserting in the body of the warrant, the particular service for which the same was ordered to be issued, was more correct, than the present one, which does not

state those particulars. Your Committee have thus endeavoured faithfully to discharge their duty in laying before the House, the forgoing Remarks in Addition to the other Documents, which they trust will meet with the approbation of the House, and finally beg leave to add, the mode of appropriating the monies raised by the Impost Act, has been the subject of creating much discontent and want of Harmony in the Colony— and an alteration in the Act, giving the House of Assembly its share in the appropriation of that money, would, in the opinion of the Committee conduce in a great degree to the prosperity of the Island, and most certainly would, produce in the House, a spirit of liberality to meet the future Exigencies of Government.

*Ordered*, On Motion, that the report of the Committee be agreed to, and entered on the Journals.

*Ordered*, On Motion of Mr. *Townsend*, seconded by Mr. *Gardiner*, that an humble Address be presented to His Excellency praying that he would be pleased to take the subject of James Warren's Petition, into consideration, and to afford him such relief as to His Excellency in Council, shall seem meet, for the purpose of assisting him to purchase Blankets, Window Glass and other necessaries, at the Commencement of a long Winter, in a remote situation; and Mr. *Townsend*, Dr. *McAulay*, and Mr. *Curtis*, were appointed a Committee to draw and present the same.

Adjourned till 4 o'clock this afternoon.

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

Mr. *Curtis* from the Committee appointed to draw an Address to his Excellency relative to the Petition of James Warren, reported the draft of an Address, which was agreed to, *Ordered* to be engrossed, and is as follows, viz.

“ To His Excellency Joseph Frederick Waller Des Barres, Lieutenant Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and its Dependancies, &c. &c. &c.

“ The Address of the House of Assembly in General Assembly convened.

“ May it please your Excellency,

66 **W**F the Members of the House of Assembly, beg leave to state, that, James Warren residing on Lot Twenty Two, having presented a Petition to this House, praying for such relief, as in their power to grant.

The House therefore respectfully beg leave to recommend the said James Warren, to the attention of His Excellency the Lieutenant Governor, and His Majesty's Council, to grant him such Sum, as will enable him, to purchase Blankets, window glass, and other necessary articles, for fitting up the habitation he now occupies, for a Public Inn, as the House conceives, that such an Establishment would be of great Service to travellers; agreeable to the subject of the Petition hereunto annexed.

“ RALPH BRECKEN, Speaker.

“ *Assembly Room, Sept. 28, 1812.*”

On Motion of Mr. *Solicitor General*, seconded by Mr. *Nelson*, the House came to the following resolutions.

*Resolved*, That this House having passed a Militia Bill, and a Bill of Supply, A Bill to facilitate the Collection and disbursements of the Public Revenue by introducing a Paper Currency; and sundry other Bills, to which His Majesty's Coun-

cil have not Concurred, we beg leave to declare that while it affords us infinite regret to observe, that our deliberations and exertions towards the defence of the Colony, have been ineffectual, we nevertheless feel it an imperious duty on our part, to devise every means in our power, in order to provide the necessary supplies, for that important object.

*Resolved*, That the unprecedented length of the Session renders it strongly desirable, that the country Members should be permitted to enjoy, a short recess during the remainder of the Harvest Season, and we humbly hope, that by the revival of the former Militia Laws, the Country will not in the Interim suffer any material disadvantage, during which time, we pledge ourselves to consult with our Constituents, as to different measures of finance, which have been proposed, and to come forward, at our next meeting (in case it shall be the pleasure of the Lieutenant Governor to call us together again,) with such ways and means as we can best devise, to meet the present exigencies of Government for the Militia, and we humbly hope that His Excellency may be pleased to give orders for the requisite discipline of the Militia, not doubting our readiness, towards raising as far as in our power lays, an adequate sum to defray the necessary expence, thereby to be incurred, and our personal exertions to carry such orders into execution.

*Resolved*, that an humble Address to the forgoing effect be presented to the Lieutenant Governor praying that he would be pleased to allow us such recess from our attendance in the General Assembly, as in His Excellency's wisdom, he shall deem proper. And that a Committee be appointed to draw and present the same; Mr. Solicitor General, Mr. Hyde and Mr. Nelson, were accordingly appointed; who having retired, reported the draft of an Address which was agreed to, ordered to be engrossed, and is as follows, viz.

“ *To His Excellency Joseph Frederick Wallat Des Barres, Lieutenant Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and its Dependancies, &c. &c. &c.*

“ The Address of the House of Assembly in General Assembly convened.

“ *May it please your Excellency,*

66 **T**HE House of Assembly in General Assembly convened, humbly beg leave to represent to your Excellency, that having passed a Militia Bill and a Bill of supply—A Bill to facilitate the Collection and disbursement of the Public Revenue by introducing a Paper Currency; and sundry other Bills to which His Majesty's Council have not concurred, we the Members entreat permission to assure your Excellency, that, while it affords us infinite regret to observe that our deliberations and exertions, towards the defence of the Colony, have been in a great measure, rendered ineffectual, we nevertheless feel it, an imperious duty on our part, to devise every means in our power in order to provide the necessary supplies for that important object.

“ That the unprecedented length of the Session renders it strongly desirable that the Country Members should be permitted to enjoy a short recess during the remainder of the harvest Season; and we humbly hope, that by the revival of the former Militia Laws, the Country will not, in the interim suffer any material disadvantage; during which time we pledge ourselves to consult with our Constituents, as to different measures of finance which have been proposed, and to come forward, at our next meeting (in case it shall be the pleasure of your Excellency to call us together again,) with such ways and means, as we can best devise, to meet the present exigencies of Government for the Militia; and we humbly hope, that your Excellency may be pleased to give orders for the requisite discipline of the Militia; not doubting our readiness towards raising, as far as in our power lays, an adequate sum

to defray the necessary expence thereby to be incurred, and our personal exertions, to carry such orders into execution.

“ We therefore humbly pray, that your Excellency may be pleased to allow us such recess, from our attendance in the General Assembly, as in your Excellency’s wisdom, you shall deem proper.

“ RALPH BRECKEN, Speaker.

“ *Assembly Room, Sept. 28, 1812.*”

On Motion of *Dr. M<sup>c</sup>Aulay*, seconded by *Mr Solicitor General*, that the papers produced by the Deputy Clerk of the Council, on Saturday last, and the correspondence, relative to the appointment of Sheriffs, be returned to his Excellency, and that the Clerk retain a copy of the same; also that the Copy of the five Affidavits produced on Saturday last, attested by the Clerk of the Court, be sent to his Excellency and that the Clerk retain a copy of the same, the Question being put, the House divided, and there appeared,

For the motion		Against it
Mr. Solicitor General	Mr. Nelson.	Mr. Gardiner,
Mr. Murray	Mr. Dockendorff	
Mr. Clark	Dr. M <sup>c</sup> Aulay	
Mr. Hyde	Mr. Curtis	

The Motion was carried in the affirmative, and the same was ordered accordingly.

On Motion of *Mr. Solicitor General*, seconded by *Mr. Nelson*, that the expence of printing the correspondence, relative to the nomination of Sheriffs, be defrayed by this House, the question being put, the House divided, and there appeared,

For the Motion,		Against it.
Mr. Solicitor General	Mr. Nelson	Mr. Curtis
Mr. Clark	Mr. Duckendorff	Mr. Murray
Mr. Hyde	Dr. M <sup>c</sup> Aulay	

The Motion was carried in the affirmative.

Adjourned till 11 o'clock to-morrow.

## TUESDAY, September 29, 1812.

THE House met pursuant to Adjournment.

PRAYERS.

Ordered, on Motion of *Mr. Solicitor General*, seconded by *Mr. Nelson*, that the House do adopt the following Address, and *Mr. Solicitor General*, *Mr. Nelson*, and *Dr. M<sup>c</sup>Aulay*, were appointed a Committee to present the same, which is as follows, viz.

“ To His Excellency JOSEPH FREDERICK WALLET DES BARRES, Lieutenant Governor and Commander in Chief of His Majesty’s Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

The Address of the lower House of Assembly in General Assembly convened.

“ May it Please Your Excellency,

“ HIS Majesty’s Government having been pleased to grant to this Colony, the Sum of Three Thousand Pounds, being the amount of a Parliamentary Grant which had been misappropriated, and was ordered to be repaid out of His

Majesty's Quit Rents, and applied to the use of the Colony, together with a further sum, being part of the Quit Rent fund, as appears by a Minute of the Lords Commissioners of his Majesty's Treasury bearing date the seventh day of August one Thousand Seven Hundred and Seventy Six, a copy of which is hereunto annexed.

"And no part of the said sum except about one hundred and fifty pounds, having been yet paid or expended for the use of the Colony; the House of Assembly humbly requests that your Excellency may be pleased to make application for the same, either to his Majesty's Ministers, or the Parliament of the United Kingdom, as in your Excellency's wisdom shall seem meet.

"RALPH BRECKEN, Speaker.

"Assembly Room, September 29, 1812."

*Extract of the Minutes of the Treasury, 7th August, 1776.*

"My Lords are of opinion, that the arrears of the Quit Rents now due, and the growing Quit Rent until the 1st of May, 1799, to which time, his Majesty has relinquished the same, for the benefit of the Island, should be applied, in the first place to the payment of arrears of Salaries, due to the officers on the civil establishment of that Island, up to the first day of January next, and if after discharging and satisfying the arrears of Salaries, to the first day of January, 1777, there shall remain any surplus, their Lordships order, that the same be applied to the making of Roads, and other Public Works, within the Island. And my Lords direct the former, as well as the present Receiver General of the Island, to apply all such sums of money, as shall be in their hands to the above purposes and to take all proper means to enforce payment of the arrears and the accruing Quit Rents, and recover the same. And my Lords, direct, that such of the Civil Officers, as shall have received any money out of the Sum of Three Thousand Pounds, granted by Parliament, for the benefit of the Island, after receipt of their arrears, do refund the Sums, they shall have so received, in order that the whole of that sum, may be applied, to the purposes for which the same was granted."

On Motion of Mr. *Solicitor General*, seconded by Dr. *M<sup>c</sup>Aulay*, the House came to the following Resolution.

*Resolved*, that it be an instruction from this House to the Committee of Correspondence, to transmit to the Colony Agent, a copy of an Address, this day ordered to be presented to His Excellency, relative to a Parliamentary Grant, and sundry arrears of Quit Rents, which were to be expended in this Island under the order of His Majesty's Government; together with such information, on the subject, as the said Committee can obtain, and most earnestly to request the solicitation and assistance of the Colony Agent, towards effecting the object, in said Petition contained.

On Motion, of Mr. *Solicitor General*, seconded by Dr. *M<sup>c</sup>Aulay*, that a Committee be appointed to draw, during the recess, a Bill for the purpose of raising an Assessment upon Land and Houses, and a bounty upon grain and produce and that such Committee be required to correspond, if they shall think proper, from time to time, with the country Members, for the purpose of procuring their sentiments on the subject, previously communicating to them, the heads of such Bill, and the Bill shall be presented to the House, the first day after the recess or prorogation, the same was carried *nem. con.* and Mr. *Solicitor General*, Dr. *M<sup>c</sup>Aulay*, Mr. *Nelson*, Mr. *Dockendorff*, and Mr. *Hyde*, were accordingly appointed.

*Ordered*, On Motion, of Mr. *Solicitor*, seconded by Mr. *Nelson*, that *Lemuel Cambridge*, *Charles Worrel*, *George Birnie*, *Fade Goff*, and *Charles Stewart*, Esquires, having absented themselves from their duty, and failed to attend as Members of

the House of Assembly, during a great part of the Session, without permission obtained, it be an instruction and order of this House, that Mr. Speaker do not certify, for the pecuniary pay or allowance of those persons.

The *Solicitor General*, gave notice that he intended on the first day after the recess to move that *Lemuel Cambridge*, *Charles Worrell*, *George Birnie*, *Fude Goff*, and *Charles Stewart*, Esqrs. be expell'd this House, for the reasons already appearing on the Journals; and Moved that this Notice be entered on the Journals, which was ordered accordingly,

On Motion of Mr. *Solicitor General*, seconded by Mr. *Nelson*, the House came to the following resolution.

*Resolved*, that this House having unanimously witnessed, with much satisfaction, the upright, impartial, and correct conduct of *Ralph Brecken*, Esquire, as Speaker, desire, that such their approbation and high sense of his rectitude, be entered on the Journals.

A Message from His Excellency the Lieutenant Governor by the Secretary, requiring the attendance of this House, immediately in the Council Chamber.

The House having attended, His Excellency was pleased to give his Assent to the following Bills viz.

I. A Bill entitled "An Act appointing Commissioners for expediting the Printing of the Laws of this Island."

II. A Bill entitled "An Act for reviving two several Acts of the General Assembly lately expired, viz. "An Act made and passed in the 35th year of His present Majesty's Reign, entitled an Act in addition to, and amendment of, an Act passed in the 20th year of the Reign of His present Majesty, entitled an Act for the establishing and regulating a Militia" And an Act made and passed in the 37th year of the Reign of His present Majesty entitled an Act in addition to, and amendment of an Act made and passed in the 20th year of His present Majesty's Reign, entitled "an Act for the establishing and regulating a Militia:" also an Act made and passed in the 35th year of His present Majesty's Reign entitled an Act in addition to, and amendment of an Act passed, in the 20th year of his Present Majesty's Reign entitled "an Act for the establishing, and regulating a Militia."

III. A Bill entitled "an Act to amend and continue an Act, entitled an Act appointing and empowering Philip Codd, of Kensington, Esquire, to be Colony Agent for His Majesty's Island Prince Edward."

IV. A Bill entitled an Act for reviving an act of the General Assembly lately expired, entitled an Act for repealing certain parts of an Act made and passed in the 14th year of His present Majesty's Reign, entitled an Act for regulating the measure of Boards, and all other kinds of Lumber, and for appointing Officers to survey the same, and for declaring what shall be deemed merchantable Timber, for exportation."

V. A Bill entitled "an Act for raising a fund to make and keep in repair, the Pumps, Wells, and Streets of Charlottee Town, and for other purposes therein mentioned."

VI. A Bill entitled "an Act to alter and amend two several Acts of the General Assembly of this Island viz. an Act entitled an act to amend, render more effectual and to reduce into one act the several Laws made by the General Assembly



“ of this Island, relative to the duties of Impost on Wines, Rum, Brandy and other distilled Spirituous Liquours, and for allowing a drawback on all Wines, Rum, Brandy, and other distilled Spirituous Liquours exported from this Island. And an Act entitled an Act for raising a duty on Wine, Rum and other distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer.”

VII. A Bill entitled “ an Act for continuing an Act of the General Assembly made and passed in the Forty seventh year of his present Majesty's Reign, entitled an Act for the purpose of defraying contingent expences of the General Assembly of this Island.”

After which His Excellency was pleased to deliver the following speech to both Houses,

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

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

66 **W**HEN the Hostile Spirit and aggression of the United States of America, imposed on me the duty of Convening the Legislature of this Island, to provide requisite means, for ascertaining the Public safety, I sorrowly beheld the necessity of meeting you, at a season of the year, in which I well knew, that your agricultural pursuits, and your Commercial Engagements, more than at any other, required your personal attentions, and presence.

“ Contemplating the momentous Crisis before us, to the importance and eventual consequence of which, all inferior considerations ought to give way, I looked forward to the animation of your zeal and loyalty, and relying on your alacrity, in the dispatch of the most immediately pressing objects of your Legislative Duties, I indulged the hopes of being enabled, to afford you, a speedy relief, by an early prorogation.

“ These hopes however have been disappointed, by various intervening interruptions, in the prosecutions of the pressing objects just alluded to. Among the number of those interruptions, I have to notice, that you deemed it a primary and inevitable object of your Legislative duty, after a scrutiny of Elections, an examination of the Public Accounts, &c. &c. diligently to investigate the ground and Causes of sundry matters and proceedings, appearing to you essentially to effect, the internal peace and tranquility, and the Lives, Liberties and Properties, of His Majesty's Loyal Subjects in this Island.

“ While I deeply lament the inadequate efficacy of your Labours, I cordially acknowledgde the candour, assiduity, and sollicitude with which, several among you, Gentlemen, have, at the sacrifice of personal interests, endeavoured to discharge your incumbent duties, in the protracted course of this now expiring Session.

“ No Exertion of mine shall be wanting to bring our Militia Force in a course of Improvement by means of Drill and Discipline, to render it qualified and efficient, in the ascertainment of the Public safety.

“ Trusting to the fulfilment of your promises, to provide for its support, I have only to recommend to you, that in return to your several Counties, you will inculcate obedience to the Laws, and a due regard to that admirable Constitution which we owe to the Divine Inspiration of the all bounteous providence, and upon which the Glory and Happiness of the British Empire, have, so long and successfully depended; and let us make our lives happy, in the enjoyment arising, from a pious observance of our Laws, being fully convinced of this truth, that, *when the Laws are violated, life itself grows insecure, and property ceases to be advantageous.*”

Prince Edward Island, September 29th, 1812.

The President of His Majesty's Council by His Excellency's Command, then said, Gentlemen, it is His Excellency the Lieutenant Governor's will and pleasure, that this General Assembly be prorogued, to Tuesday the Tenth Day of November next, to be then here holden, and this General Assembly is accordingly prorogued to the Tenth day of November next.