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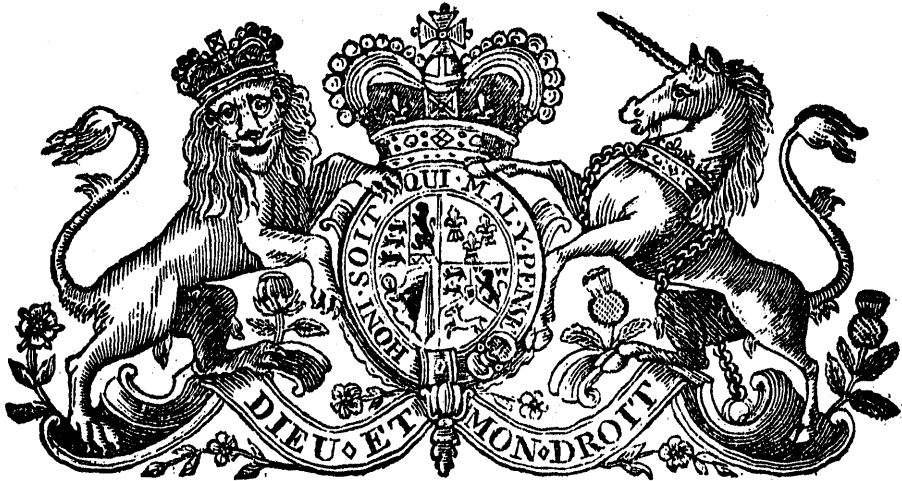
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JOURNAL
OF THE
VOTES and PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY
OF THE
PROVINCE of NEW-BRUNSWICK:

From TUESDAY the 9th of FEBRUARY, to SATURDAY
the 12th of MARCH, 1796.



F R E D E R I C T O N :
Printed by CHRISTOPHER SOWER, Printer to the
KING'S MOST EXCELLENT MAJESTY, 1796.



By HIS EXCELLENCY

THOMAS CARLETON,

*Esquire, Lieutenant Governor and Com-
mander in Chief of the Province of New-
Brunswick, &c. &c. &c.*



A PROCLAMATION.

THO^s. CARLETON.

WHEREAS the General Assembly of this province stands prorogued to the *second Tuesday of September* next; I have thought fit, by and with the advice of HIS MAJESTY'S Council, to dissolve the said General Assembly; and the same is hereby accordingly dissolved: Whereof all Persons whom it may concern will take due notice.

*Genl. Assembly
dissolved.*

GIVEN under my hand and seal at *Frederickton* the *twenty fourth* day of *July* in the year of our Lord *one thousand seven hundred and ninety five*, and in the *thirty fifth* year of HIS MAJESTY'S reign.

By HIS EXCELLENCY'S command,

JONN. ODELL.



By HIS EXCELLENCY THOMAS CARLETON, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

A P R O C L A M A T I O N.

THOS. CARLETON.

Genl. Assembly
prorogued.

WHEREAS a General Assembly of this Province has been summoned to meet at *Fredericton* on the *second Tuesday* in *October* next; I have thought fit, by and with the advice of HIS MAJESTY'S Council, to prorogue the said General Assembly; and the same is hereby prorogued to the *second Tuesday* in *December* next ensuing, whereof all persons whom it may concern will take due notice and govern themselves accordingly.

GIVEN under my hand and seal at *Fredericton* the *twenty fifth* day of *September* in the year of our LORD *one thousand seven hundred and ninety five* and in the *thirty fifth* year of HIS MAJESTY'S reign.

By HIS EXCELLENCY'S command,

JONN. ODELL.



By HIS EXCELLENCY THOMAS CARLETON, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick &c. &c. &c.

A P R O C L A M A T I O N.

THOS. CARLETON.

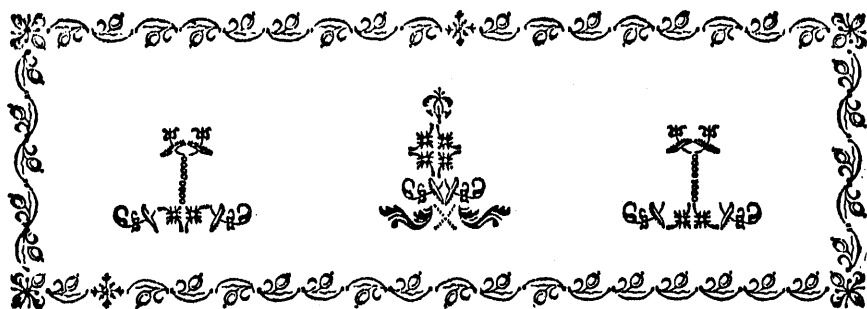
Genl. Assembly
prorogued to the
said Tuesday in
February, then
to meet for the
dispatch of bu-
siness.

WHEREAS the General Assembly of this Province stands prorogued to the *second Tuesday* in *December* next: I have thought fit, by and with the advice of HIS MAJESTY'S Council further to prorogue the said General Assembly; and the same is hereby prorogued to the *second Tuesday* in *February* next ensuing, then to meet at *Fredericton* for the dispatch of business.

GIVEN under my hand and seal at *Fredericton* the *thirtieth* day of *November* in the year of our LORD *one thousand seven hundred and ninety five* and in the *thirty sixth* year of HIS MAJESTY'S reign.

By HIS EXCELLENCY'S command,

JONN. ODELL.



Journal and Votes
OF THE
House of Assembly
Of the PROVINCE of
NEW-BRUNSWICK.

HOUSE OF ASSEMBLY,

FREDERICTON, *Tuesday 9th February, 1796.*

HIS EXCELLENCY the Lieutenant Governor having been pleased, by his Proclamation hereunto prefixed, bearing date the *twenty fourth* day of *July* last, to dissolve the late House of Assembly; and writs having been issued from Chancery for electing an House of Assembly to meet on the *second* Tuesday of *October* last past: And the same having been, by *two* several Proclamations hereunto prefixed, prorogued to this day—

Reference to
prefixed Proclai-
mations.

The Clerk of the Crown delivered to the Clerk of the Assembly the returns made by the Sheriffs of the several Counties, by which the following persons appeared to be duly elected,
viz.

B.

Williams.

Return of
Members elect-
ed.

William Pagan, Jonathan Blifs, James Simonds, and Bradford Gilbert, Esquires, for the county of Saint John.

Amos Botsford, Samuel Gay, Ralph Siddall, and Thomas Dixon, Esquires, for the county of Westmorland.

Robert Pagan, James Campbell, David Owen, and David Mowatt, Esquires, for the county of Charlotte.

James Frazer and Samuel Lee, Esquires, for the county of Northumberland.

John Coffin and David Fanning, Esquires, for King's county.

James Peters and John Yeamans, Esquires, for Queen's county.

Daniel Murray, Jacob Ellegood, Archibald M'Lean, and James French, Esquires, for the county of York.

James Glenie and Samuel Denny Street, Esquires, for the county of Sunbury.

George Younghusband and Nathan Smith, Esquires, for the city of Saint John.

Members sworn
in.

The following members appeared and took the oaths prescribed by law and made and subscribed the Declaration required before the Honorable *John Saunders, Esquire, the Commissioner appointed for that purpose attending in the House, viz. William Pagan, Jonathan Blifs, James Simonds, Bradford Gilbert, Amos Botsford, Samuel Gay, Ralph Siddall, Thomas Dixon, Robert Pagan, James Campbell, David Mowatt, James Frazer, Samuel Lee, John Coffin, David Fanning, James Peters, John Yeamans, Daniel Murray, Jacob Ellegood, Archibald M'Lean, James French, James Glenie, Samuel Denny Street, George Younghusband and Nathan Smith, Esquires.*

WHEREUPON they took their seats.

Message from
His Excellency.

HIS EXCELLENCY the Lieutenant Governor was pleased by Message, to direct the House to proceed to the choice of a Speaker and present him as soon as convenient.

Speaker chosen.

The House accordingly proceeded to the choice of a Speaker—when *Amos Botsford, Esquire, being nominated, was unanimously elected, and conducted to the chair.*

Speaker present-
ed.

The House then waited upon HIS EXCELLENCY the Lieutenant Governor and presented their Speaker.—

And

And being returned Mr. Speaker, *Reported*, That HIS EXCELLENCY was pleased to approve of their choice of him to be their Speaker.

Report of the Speaker.

After which he had in the name of the House of Assembly most humbly demanded the Privileges of the House, that the members should be allowed freedom of debate in their deliberations, access to him on occasion of the public business as HIS MAJESTY'S representative, to be free from molestation, with the power of punishing their own members.

And that HIS EXCELLENCY was pleased to say he would grant to the House of Assembly all such Privileges as he was authorised to do by HIS MAJESTY'S Instructions.

A message from HIS EXCELLENCY the Lieutenant Governor requiring the attendance of this House in the Council Chamber.

Message from His Excellency.

The House attended accordingly—and being returned, Mr. Speaker *Reported*, that HIS EXCELLENCY had been pleased to make a Speech to both Houses of which he had procured a copy as follows, viz.

Report of the Speaker.

“ *Gentlemen of the Council,*

“ *and Gentlemen of the Assembly,*

His Excellency's speech to the Council and Assembly.

HIS MAJESTY having been pleased by his order in Council of the 3rd of June last, to approve and confirm the act ‘ *For regulating Elections of Representatives in General Assembly and for limiting the Duration of Assemblies in this Province*’, I thought it expedient to give the Inhabitants, without delay, the full enjoyment of their legal right, to be represented by members chosen according to those regulations, which were then become a fundamental part of our Colonial Constitution.

Gentlemen of the Assembly,

To the Assembly.

“ The persevering loyalty and firm attachment to the British Government, by which the people, whom you have the honor to represent, have been animated under the most trying circumstances, are sure pledges of their endeavours to convey the same sentiments to their posterity. They will also transmit a lasting remembrance of the National Munificence, with which their sacrifices have been compensated; and although they must expect to be long indebted to the same
“ bountiful

“ bountiful source, for the principal means of their defence and
 “ the chief support of their Government, yet they will doubtless
 “ be ambitious, at all times, to do what they can for them-
 “ selves, and not to depend on the aids of the Parent State be-
 “ yond the exigencies of real necessity.

“ In pursuance of this principle, so just and reasonable, and so
 “ essential to the honor and future prosperity of the colony,
 “ some expences have been, by my direction, incurred for the
 “ Public Defence, the payment of which I recommend to your
 “ consideration. Accounts of those expences, together with
 “ the Treasurer’s accounts, and such other papers as may be
 “ requisite for your further information, shall be laid before
 “ you.

“ I also recommend it to you to make permanent provision,
 “ as soon as it may be conveniently practicable, for suitable Sa-
 “ laries to such Public Officers as have hitherto been paid on-
 “ ly by occasional grants.

To the Council
 and Assembly.

“ *Gentlemen of the Council,*

“ *and Gentlemen of the Assembly,*

“ You cannot but be sensible of the importance of the du-
 “ ties incident to your station as Members of the Legislature;
 “ nor can I doubt your zeal, to contribute your utmost to the
 “ advancement and security of the PUBLIC WELFARE.

“ I take this opportunity to communicate to you the informa-
 “ tion which has been transmitted to me by one of HIS MAJES-
 “ TY’S principal Secretaries of State, that HIS MAJESTY has
 “ been pleased to order Letters of Marque to be issued against
 “ the ships goods, and subjects of the United Provinces of
 “ Holland; and I congratulate you on the important successes
 “ which have lately attended the arms of HIS MAJESTY’S
 “ Allies.”

Bill read.

Read, the first time a bill “ *To prevent Trespasses.*”

Resolve.

Resolved, That an address be presented to HIS EXCEL-
 LENCY the Lieutenant Governor in answer to the foregoing
 speech.

Committee ap-
 pointed.

Ordered, That Mr. *Peters,* Major *Murray,* Mr. *Street,*
 Mr. *Gay* and Mr. *Simonds,* be a committee to prepare the
 said address.

Petition of Stair
 Agnew, Esquire
 presented.

A petition of *Stair Agnew,* Esquire,—complaining of the
 undue Return of *James French,* Esquire, one of the members
 for

for the county of *York*, and containing sundry charges against the Sheriff of the said county, and against the said *James French*, Esquire—was presented to the House and read.

Thereupon ordered, That the Sheriff of the county of *York* be served with a copy of the petition—and that the parties be heard on Thursday next.

The House then adjourned until to-morrow morning at *ten* House adjourn. o'clock.

W E D N E S D A Y, 10th *February*, 1796.

A petition of *William Hubbard*, Esquire, complaining of an undue election for the county of *Sunbury* upon sundry charges and allegations contained in the said petition—was presented to the House and read—

Petition of William Hubbard, Esquire, presented.

Thereupon ordered, That the said petition be taken into consideration on Thursday the 18th instant.

It is also ordered, That *William Taylor*, *Rebecca Underhill*, *Nathaniel Underhill*, Junior, and *Peter Ryerson*, do attend as Witnesses in the said cause before the House.

Ordered, That the Treasurer of the Province be directed to attend and lay his accounts before the House.

Order for the Treasurers accounts.

Mr. Frazer, by leave, brought in a bill “*To amend an Act intituled An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province*” so far as the same respects the Fisheries in that part of the County of *Northumberland* which are within the Bay and River *Miramichi* and its Branches—

Bill brought in and read the first time.

Which was read the *first* time.

The committee appointed to correspond with the Agent of the Province, during the recess of the General Assembly, laid before the House the said correspondence—

Correspondence with the Agent of the Province read.

Which was read.

A petition of the Inhabitants of the county of *Charlotte* on the subject of the Western boundary line of that county—was presented to the House and read—and on motion made and seconded—*Ordered*, That the same be referred to a select committee.

Petition from Charlotte county presented and read.

Mr. Robert Pagan, Mr. Campbell, Mr. Mowett, the Attorney General, Mr. Street, Major Murray, and Mr. Simonds, are appointed for that purpose.

House adjourn. The House then adjourned until to-morrow morning at ten o'clock.

T H U R S D A Y, 11th February, 1796.

Bill brought in and read the first time.

Mr. Glenie, by leave, brought in a bill “*For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court*” —

Which was read the first time.

Bill read the second time

Read the second time—a bill ‘*To amend an Act intituled An Act for regulating the Fisheries in the different Rivers Coves and Creeks of this Province*’ so far as the same respects, ‘*the Fisheries in that Part of the County of Northumberland which are within the Bay and River Miramichi and its Branches*’.

and committed.

Ordered, That the said bill be committed to a committee of the whole House.

Bill brought in and read the first time.

The Attorney General, by leave, brought in a bill “*For preventing unnecessary Expense and Delay in the Process of barring Entails and for establishing a plain and easy Form of conveying and assuring Estates-Tail.*”

Which was read the first time.

Accounts laid before the House

An account of expenses incurred in the purchase of a lot of ground on which a battery has been built in the city of *Saint John*—and also accounts of expenses incurred in the erection of Fortifications at *Saint Andrews*, were laid before the House by direction of HIS EXCELLENCY the Lieutenant Governor.

Ordered, That the same be referred to be taken into consideration, with HIS EXCELLENCY’S speech, in a committee of the whole House.

Report of a committee.

The committee appointed to prepare an address in answer to His EXCELLENCY’S speech Reported, a draft of the same—which, being read, was ordered to be taken into consideration in a committee of the whole House.

The Speaker left the chair—and—

House in committee.

The *Attorney General* was appointed chairman of the committee.

The Speaker resumed the chair—

The chairman *Reported*, That the committee had taken into consideration the address in answer to HIS EXCELLENCY'S speech as reported by the committee appointed to prepare the same—and had agreed thereto.

Report of the chairman.

Ordered, That the consideration of the said report be postponed until to-morrow.

Consideration of report postponed.

The order of the day, for hearing the parties upon the petition of *Stair Agnew*, Esquire, is postponed until Saturday next.

Order of the day postponed.

The House then adjourned until to-morrow morning at ten o'clock.

House adjourned.

F R I D A Y, 12th February, 1796.

The address in answer to HIS EXCELLENCY'S speech being read as reported by the committee of the whole House yesterday—was agreed to by the House—and is as follows---to wit.

Address read and agreed to.

“ *To His Excellency THOMAS CARLETON, Esquire,*
“ *Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.*”

Address of the Assembly.

The Humble Address of the House of Assembly.

“ *May it please Your Excellency!*”

“ HIS MAJESTY having been pleased by his order in
“ Council, to approve and confirm the act “ *For regulating Elections of Representatives in General Assembly and for limiting the Duration of Assemblies in this Province*’ we thank
“ Your EXCELLENCY, that in consequence thereof, and from
“ its appearing expedient to Your EXCELLENCY, you have without delay given to the Inhabitants the full enjoyment of their
“ legal right, to be represented by members chosen according
“ to those regulations which were then become a fundamental
“ part of our Colonial Constitution.

“ We

“ We feel with Your EXCELLENCY the firmest confidence in
 “ the unshaken loyalty of our Constituents, and review their virtu-
 “ ous, steady, and firm attachment to the British Government
 “ under the severest trials as indubitable pledges of their zeal
 “ and affection to the best of KINGS---We fully confide that
 “ they will transmit to their posterity those sentiments and
 “ principles which reflect so much honor on themselves; and
 “ that gratitude for the National Munificence so amply extend-
 “ ed to them heretofore, will assuredly urge them to every ex-
 “ ertion in their power for easing the Parent State, being sensi-
 “ ble at the same time, that, from their inability and infant
 “ state, they must be long indebted to the same bountiful
 “ source for the principal means of their defence and the chief
 “ support of their Government.

“ The provisions hitherto made for raising a Provincial Re-
 “ venue having been less productive the last, than in any pre-
 “ ceeding year, our ability is consequently proportionably less
 “ adequate to the public exigencies than at any former period,
 “ and the checks to cultivation and improvement throughout
 “ the province, for *two* years past, principally from the want of
 “ labourers in husbandry, and the various losses sustained in the
 “ prosecution of its commerce from captures by the Enemy,
 “ have been severely felt by many individuals to the essential in-
 “ jury and impoverishing of the whole—We shall however pay
 “ all due attention to such papers and accounts as Your Ex-
 “ CELLENCY may please to order to be laid before us.

“ We are fully impressed with the importance of Your Ex-
 “ CELLENCY's recommendation of making provision for the
 “ several Public Officers who have heretofore been paid by oc-
 “ casional grants, and we shall continue to make suitable pro-
 “ vision for them as occasion may require.

“ We are sensible of the importance of the duties incident to
 “ our station as Members of the Legislature, and we hope our
 “ zeal and exertion in the advancement and security of the Pub-
 “ lic welfare will ever be honored with Your EXCELLENCY's
 “ approbation.

“ We thank Your EXCELLENCY for communicating the in-
 “ formation transmitted to you by one of HIS MAJESTY's
 “ Principal Secretaries of State, that ‘ His MAJESTY has
 “ *been pleased to order Letters of Marque to be issued against the
 “ ships goods, and subjects of the United Provinces of Holland*
 “ although we lament that the Nation is still involved in a
 “ very

“ very expensive war yet we are satisfied of the necessity of continuing the vigorous prosecution thereof, and we most heartily join Your EXCELLENCY in congratulations upon the important successes which have added lustre to the Arms of His MAJESTY and his Allies; and we anxiously anticipate such further successes as we hope will soon be followed by an honorable and lasting peace.”

Resolved, That the said Address be presented to His EXCELLENCY the Lieutenant Governor by the whole House. Resolve.

Ordered, That Colonel *Ellegood*, and Mr. *Simonds*, wait upon His EXCELLENCY to know when he will be pleased to receive this House with the same.

A bill “ *For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court* ”—and a bill “ *For preventing unnecessary Expense and Delay in the Process of barring Entails, and for establishing a plain and easy Form of conveying and assuring Estates-Tail* ”—were read the second time. Bills read the second time.

Ordered, That the said bills be committed to a committee of the whole House.

Mr. *William Pagan* moved for leave to bring in a bill “ *To revive and continue an Act intituled, “ An Act for the Support and Relief of confined Debtors* ”. Motion for leave to bring in a Bill.

Leave was accordingly granted.

Ordered, That Mr. *Robert Pagan*, Mr. *Campbell*, and Mr. *Lee*, be a committee to examine and report such laws as have expired or are near expiring. Committee appointed.

The House then resolved itself into a committee of the whole upon the consideration of His EXCELLENCY’S speech together with the several papers referred therewith— House in committee.

Mr. *Street*, in the chair.

The *Speaker* resumed the chair—

The chairman *Reported*,—That the committee had made a progress in the business to them referred— Report of the chairman.

And requested leave for the committee to sit again.

Ordered, That the said report be accepted---and that the further consideration of His EXCELLENCY’S speech be postponed until Monday next. Report accepted

D,

Resolved,

Resolve. *Resolved*, That this House will on Tuesday next resolve itself into a Committee of Supply.

House adjourn. The House adjourned until to-morrow morning at ten o'clock—

S A T U R D A Y, 13th February, 1796.

Bill brought in and read the first time.

The *Attorney General*, by leave, brought in a bill “*To prevent Acts of the General Assembly from taking effect from a Time prior to the passing thereof*” —

Which was read the *first* time.

The House resolved into a committee on the consideration of a bill “*For preventing unnecessary Expense and Delay in the Process of barring Entails and for establishing a plain and easy Form of conveying and assuring Estates-Tail*” ---

House in committee.

Mr. *Robert Pagan* in the chair.

The *Speaker* resumed the chair—

Report of the chairman.

The chairman *Reported*,—That the committee had taken the said bill into consideration and had agreed to the same.

Report accepted

Ordered, That the said report be accepted—and that the bill be engrossed.

Report of a committee.

The committee appointed to wait upon HIS EXCELLENCY the Lieutenant Governor to know when he will be pleased to receive this House with their Address in answer to HIS EXCELLENCY'S speech; *Reported*, That they had waited upon HIS EXCELLENCY accordingly—and that he was pleased to say he would receive the House with the same on Monday next at three o'clock.

Order of the day postponed.

The order of the day, for hearing the parties upon the petition of *Stair Agnew*, Esquire, is again postponed until Monday next.

On motion made and seconded—

Ordered, That the bill “*For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court*” —which stands committed to a committee of the whole House, be referred to a select committee.

Mr.

Mr. *Glenie*, the *Attorney General*, Mr. *Street*, and Mr. *William Pagan* are appointed for that purpose. Committee appointed.

Mr. *Street*, by leave brought in a bill “*For preserving the Bank of the River Saint John in Front of the Parish of Burton in the County of Sunbury*”— Bill brought in and read the first time.

Which was read the *first* time.

It being suggested to this House that *Thomas Everitt* and *James Bell* will be material witnesses on the hearing of the parties upon the petition of *Stair Agnew*,— Order for Witnesses to attend the House.

Ordered, That the said *Thomas Everitt* and *James Bell* do attend as witnesses in the said cause before the House on Monday next.

The House adjourned until Monday next at ten o'clock. House adjourns.

M O N D A Y, 15th February, 1796.

Read, the *third* time as ingrossed—a bill “*For preventing unnecessary Expense and Delay in the Process of barring Entails and for establishing a plain and easy Form of conveying and assuring Estates-Tail.*” Bill read as engrossed.

Ordered, That the said bill pass—and be sent up for concurrence.

The committee to whom was referred the petition of the Inhabitants of the county of *Charlotte* on the subject of the Western boundary line of that county, Reported, That they were of opinion that an Address should be presented to His EXCELLENCY the Lieutenant Governor; and that the committee had agreed to a draught of the same as follows, viz.— Report of a committee.

“*To His Excellency THOMAS CARLETON, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.*” Draught of an address to His Excellency.

“*The humble Address of the House of Assembly.*”

“*May it please Your Excellency!*”

“**T**HE House of Assembly are seriously alarmed at that part of the late Treaty of Amity, Commerce and Navigation between *Great Britain* and the *United States of America,*”

“ *America*, which may leave it to chance to determine whether
 “ the rivers *Scoodiac* or *Magaguadavic* shall be the boundary
 “ line between this province and the *United States of America*.

“ All the Settlers in the county of *Charlotte* (a few families
 “ excepted) are to the Westward of the *Magaguadavic* river,
 “ and a line drawn from the source of that river will cut off,
 “ in it's course, a very valuable and considerable part of the set-
 “ tlements in the county of *York*.

“ The Settlers in general in both these places removed to this
 “ province from the States at the late Peace leaving their situation
 “ there, because they could not reconcile it to themselves to
 “ transfer their allegiance to a foreign State, or renounce the
 “ inestimable privileges of British Subjects—and we beg leave
 “ to assure Your EXCELLENCY that any compensation for the
 “ property they now possess, will (in case they should be cut off
 “ from this province by that line) be but a small consolation to
 “ them for the transfer of that allegiance and the privation of
 “ their privileges as British subjects.

“ We beg leave further to represent to Your EXCELLENCY
 “ that the tract of country in question is invaluable to *Great*
 “ *Britain* from the Forests of Pines, &c. fit for Masts for
 “ HIS MAJESTY'S Navy, and Lumber for the *British* and
 “ *West-India* markets with which it is covered, from the ex-
 “ tensive and increasing fisheries carried on within it's limits,
 “ and from the valuable improvements for the purposes of trade
 “ and husbandry which it comprehends.

“ These circumstances we most humbly beg leave to offer
 “ for Your EXCELLENCY'S consideration, not doubting, you
 “ will be pleased to make such representations on the subject
 “ to HIS MAJESTY'S Ministers as their importance requires.”

Report accept-
ed.

Ordered, That the said report be accepted.

The House resolved itself into a committee on the conside-
 ration of a bill ‘ *To amend an Act intituled “ An Act for regu-
 “ lating the Fisheries in the different Rivers, Coves and Creeks
 “ of this Province” so far as the same respects the Fisheries in
 “ that Part of the County of Northumberland which are within the
 “ Bay and River Miramichi and its Branches’*—

House in com-
mittee.

Mr. *Peters* in the chair.

The *Speaker* resumed the chair—

Report of the
chairman.

The chairman *Reported*, That the committee had taken the
 said bill into consideration—and had made a progress therein—
 and

And requested leave to sit again.

Ordered, That the said report be accepted.

Report accepted

The House waited upon HIS EXCELLENCY the Lieutenant Governor with their Address in answer to HIS EXCELLENCY'S speech—and, being returned, Mr. *Speaker Reported*, That the House had presented their said address—and that HIS EXCELLENCY was pleased to make the following reply thereto—viz.

An Address presented.

Report of the Speaker.

“ Gentlemen,

His Excellency's answer.

“ I THANK you for this address, and shall at all times
“ be happy in bearing testimony to every instance of your
“ zeal and exertion for the advancement and security of the
“ PUBLIC WELFARE.”

According to the order of the day—the House proceeded to the hearing of the parties upon the petition of *Stair Agnew*, Esquire,—and after hearing Counsel thereon—

Ordered, That the further consideration of the same be postponed until to-morrow.

Ordered, That the further consideration of HIS EXCELLENCY'S speech be postponed until Friday next.

Consideration of His Excellency's speech postponed

The House then adjourned until to-morrow morning at ten o'clock.

House adjourned

T U E S D A Y, 19th February, 1796.

Ordered, That Mr. *Robert Pagan*, Mr. *Campbell*, and Mr. *Mowatt* be a committee to present the address to HIS EXCELLENCY the Lieutenant Governor on the subject of the Western boundary line of the county of *Charlotte*.

Committee appointed.

The further hearing of the parties upon the petition of *Stair Agnew*, Esquire, is again postponed until to-morrow.

Ordered, That *Lothrop Hammond*, *John Martin*, and *Tenas Lincoln* do attend as witnesses in the said cause.

Order for witnesses to attend the House.

Ordered, That the *Attorney General*, Mr. *Gilbert*, Mr. *Peters*, Mr. *Robert Pagan*, and Mr. *Glenie* be a committee to bring in a bill “ *For regulating and establishing a Table of Fees.*”

Committee appointed.

E.

Read,

Bill read the second time.

Read, the second time, a bill "*To prevent Acts of the General Assembly from taking effect from a Time prior to the Passing thereof.*"

Ordered, That the said bill be committed to a committee of the whole House.

Order for witnesses to attend the House.

It being suggested to this House that *David Burpe*, Esquire, *Hiel Camp*, Esquire, *Samuel Wilmot*, Esquire, *Israel Perley*, *Samuel Wilmot*, *John Wilmot*, *Walter Dibble*, *Joseph Ryerson*, *John Cuffman*, *Robert Campbell*, *Stephen Clarke*, *George Hayward*, *Nathaniel Underbill*, junior, *William M'Keen*, and *Oliver Peabody* will be material witnesses on the hearing of the parties upon the petition of *William Hubbard*, Esquire, on Thursday next—

Ordered, That the said persons do attend accordingly.

The House again resolved itself into a committee on the bill "*To amend an Act intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province" so far as the same respects the Fisheries in that Part of the County of Northumberland which is within the Bay and River Miramichi and its Branches*".

House in committee.

Mr. *Peters* in the chair.

The Speaker resumed the chair—

Report of the chairman.

The chairman Reported, That the committee had agreed to the said bill with amendments.

Report accepted.

Which report was accepted—and Ordered, That the said bill be ingrossed.

Motion for leave to bring in a Bill.

Mr. *Robert Pagan*, moved for leave to bring in a bill "*For regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for repealing all the Laws now in force relating to the same.*"—

Leave was given—and the said bill being brought in accordingly, was read the first time.

Committees appointed.

Ordered, That Mr. *William Pagan*, Captain *M'Lean* and Major *Dixson*, be a committee to bring in a bill "*To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly of this Province.*"

And that Colonel *Ellegood*, Colonel *Coffin*, Mr. *Smith* and Mr.

Mr. Siddall be a committee to bring in a bill to amend "An Act intituled 'An Act to regulate and provide for the Support of the Poor in this Province'".

The order of the day, for the House resolving itself into a Committee of Supply, being read—Ordered, That the same be postponed until Friday next. Order of the day postponed.

The House then adjourned until to-morrow morning at ten o'clock. House adjourn.

W E D N E S D A Y, 17th February, 1796.

Read, the third time as ingrossed, a bill 'To amend an Act intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province" so far as the same respects the Fisheries in that Part of the County of Northumberland which is within the Bay and River Miramichi and its Branches.'— Bill read as engrossed.

Ordered, That the said bill pass—and be sent up for concurrence.

The House resolved itself into a committee on the consideration of a bill "To prevent Acts of the General Assembly from taking effect from a Time prior to the Passing thereof."

Major Murray in the chair.

House in committee.

The Speaker having resumed the chair—

The chairman Reported, That the committee had agreed to the said bill. Report of the chairman.

Which report was accepted—and Ordered, That the said bill be ingrossed. Report accepted

Read the second time, a bill "For regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for repealing all the Laws now in force relating to the same." Bill read the second time

Ordered, That the said bill be committed. and committed.

The committee to whom was referred the bill "For regulating and establishing the Times and Places for holding the Terms" Report of a committee.
"and

“ *and Sittings of the Supreme Court* ”—*Reported*, That they had agreed to the said bill—which was read, and *Ordered*, To be taken into consideration in a committee of the whole House.

Order of the day postponed.

The order of the day, for hearing the parties upon the Petition of *Stair Agnew*, Esquire, is again postponed until to-morrow.

Consideration of W. Hubbard's petition postponed.

Ordered, That the consideration of the petition of *William Hubbard*, Esquire, which stands for Thursday the 18th instant, be postponed until Friday the 19th.

The House resolved itself into a committee on the consideration of the bill “ *For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court* ”—

House in committee.

Mr. *Robert Pagan* in the chair.

The *Speaker* resumed the chair—

Report of the chairman.

The chairman *Reported*, That the committee had agreed to the said bill.

Report accepted

Ordered, That the said report be accepted—and that the bill be ingrossed.

It being suggested to this House that *Abel Thatcher*, *William Stewart*, and *Benjamin Sloat* will be material witnesses on the hearing of the parties upon the petition of *Stair Agnew*, Esquire, to-morrow.

Order for Witnesses to attend the House.

Ordered, That the said *Abel Thatcher*, *William Stewart*, and *Benjamin Sloat* do attend accordingly.

Treasurers accounts laid before the House

The Treasurer of the Province, according to order, attended and laid his accounts before the House.

Committee appointed.

Ordered, That Mr. *William Pagan*, Mr. *Frazer*, and Mr. *Gay* be a committee to examine the same and report thereon.

House in committee—

House in committee.

Mr. *Campbell* in the chair—

Took into consideration a bill “ *For regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for repealing all the Laws now in force relating to the same* ”.

The

The *Speaker* resumed the chair—

The chairman *Reported*,—That the committee had taken the said bill into consideration and had made a progress therein—

Report of the chairman.

And requested leave to sit again.

Ordered, That the said report be accepted.

Report accepted

The House then adjourned until to-morrow morning at ten o'clock.—

House adjourn.

T H U R S D A Y, 18th February, 1796.

A bill “*To prevent Acts of the General Assembly from taking effect from a Time prior to the passing thereof*”—and a bill “*For regulating and establishing the Times and Places for holding the Terms and Sitzings of the Supreme Court*”—were read the *third* time, as ingrossed.

Bills read as grossed.

Ordered, That the said bills pass—and be sent up for concurrence.

A petition of *William Thomson* was presented to the House and read—complaining of an undue election in *King's* county, and containing charges against *John Coffin* and *David Fanning*, Esquires, the sitting members for the said county—and praying to be heard by counsel, &c.

Petitions presented and read.

Ordered, That the said petition be taken into consideration on Saturday the 27th instant.

A petition of *Pierre Duperrè* on behalf of himself and *nineteen* other French Accadians, complaining that they were prevented from giving their votes at the late election in the county of *York* by improper representations being made to them respecting the oaths required by law to be taken.

Which was read—and *Ordered*, to lie on the table.

According to the order of the day—the House proceeded to the hearing of the parties upon the petition of *Stair Agnew*, Esquire.

Hearing of the parties upon the petition of Stair Agnew, Esqr.

And after hearing the said parties by their counsel—and the counsel being withdrawn from the Bar.—

Resolved, That it is the opinion of this House that *James French*

Resolve.

F.

French

French, Esquire, is not duly elected a member to serve for the county of *York* in this Assembly.

Resolved.

Resolved, That *Stair Agnew*, Esquire, is duly elected to serve as a member for the county of *York* in this Assembly.

Ordered, That the Clerk of the Crown do now attend this House to amend the return for the county of *York* by erasing the name of *James French*, Esquire, and inserting in it's stead the name of *Stair Agnew*, Esquire.

Order for witnesses to attend the House.

It being suggested to this House that *Robert Guthrie* and _____ *Guthrie* his wife, *Thomas Mullen* and *Walter Bates* will be material witnesses on the consideration of the petition of *William Thomson* on Saturday the 27th instant.

Ordered, That the said persons do attend accordingly.

A message from HIS EXCELLENCY the Lieutenant Governor was delivered to the House—which was read and is as follows, to wit:

Message from His Excellency.

“ *New-Brunswick*,

“ 18th February, 1796.

“ MESSAGE from HIS EXCELLENCY the Lieutenant Governor to the House of Assembly”.

THOS. CARLETON.

“ HIS EXCELLENCY recommends it to the House to make
“ provision for defraying the expense of printing, by
“ his order, the acts passed in the last session of the General
“ Assembly and the act ‘ *For regulating Elections*’ an account of
“ which, amounting to £30 13 8 HIS EXCELLENCY has di-
“ rected to be herewith laid before the House.

“ HIS EXCELLENCY has also directed to be herewith laid be-
“ fore the House, a letter addressed by *Robert Pagan*, *Daniel*
“ *M’Master*, *Henry Goldsmith*, and *James Campbell*, Esquires,
“ to Major *Mackay* (now Lieutenant Colonel) of the *Char-*
“ *lotte* county militia, together with an abstract for a detach-
“ ment of the said militia employed on that occasion on actual
“ service, amounting to £28 10 9 which HIS EXCELLEN-
“ CY recommends to the consideration of the House.

“ HIS EXCELLENCY also directs to be laid before the House,
“ and refers to their consideration, a return, which he has re-
“ ceived from Captain *Nathan Frink*, of persons employed in
“ the capture of fugatives belonging to the French privateer

La

“ *La Solide* between the *eleventh* and *fourteenth* of *September*
“ 1795, together with a letter on the subject from Captain
“ *Frink* to the Secretary of the Province.

“ HIS EXCELLENCY also recommends it to the House to
“ provide for payment of the Adjutants of militia for the year
“ past.

By HIS EXCELLENCY's command,

JONN. ODELL.”

Ordered, That the said Message, with the papers accompanying the same, be referred to the Committee of Supply.

Ordered, That Mr. *William Pagan* and Colonel *Ellegood* attend *Stair Agnew*, Esquire, to see him qualified before the Commissioner appointed for that purpose. Member sworn in.

On motion made and seconded—*Ordered*, That the petitioner on the *King's* county election do furnish the sitting members with allegations in writing of the times and places where meat, drink, and provisions were furnished by them; and that the petitioner be confined to such allegations.

The members appointed to attend *Stair Agnew*, Esquire, to see him qualified *Reported*, That they had attended accordingly and that he had taken the usual oaths before the Commissioners appointed for that purpose.

Thereupon ordered, That he take his seat.

The House then adjourned until to-morrow morning at ten o'clock. House adjourned

F R I D A Y, 19th *February*, 1796.

The committee appointed to present to HIS EXCELLENCY the Lieutenant Governor the Address of this House on the subject of the Western boundary line of the county of *Charlotte*—*Reported*, That they had waited upon HIS EXCELLENCY with the said Address, and that he was pleased to say he would return an answer thereto as soon as convenient. Report of a committee.

A petition of the freeholders of the county of *Sunbury* was presented to the House and read—setting forth that the petitioners did not receive meat, drink, and entertainment in order to induce Petition from Sunbury county presented and read.

induce

induce them to give their votes for *James Glenie* and *Samuel Denny Street*, Esquires, at the late Election for the county of *Sunbury*—and praying that this House will discountenance the petition presented by *William Hubbard*, Esquire.

Ordered, That the said petition lie on the table.

A message from HIS EXCELLENCY the Lieutenant Governor was delivered to the House, which was read, and is as follows, to wit :

Message from
His Excellency.

“ *New-Brunswick*.

“ 19th February, 1796.

“ ANSWER of HIS EXCELLENCY the Lieutenant Governor to the ADDRESS of the House of Assembly this day presented.

“ THOS. CARLETON.

“ HIS EXCELLENCY informs the House that full representations, on the subject of the boundary between this Province and the United States of America, were transmitted by HIS EXCELLENCY, and were laid before HIS MAJESTY, and assurances thereupon returned by the Secretary of State for the Home Department, previous to the signing of the Treaty in England, that all due attention would be given to those representations.

“ *By HIS EXCELLENCY's command*,

“ JONN. ODELL.

W. Hubbard's
petition under
consideration.

According to the order of the day—The House proceeded to the consideration of the petition of *William Hubbard*, Esquire—and after the examination of witnesses at the Bar of the House, and hearing the parties by their counsel, the counsel were directed to withdraw from the Bar.

Ordered, That the further consideration of the said petition be deferred until to-morrow.

Order of the day
postponed.

The order of the day, for the House resolving itself into a Committee of Supply is again postponed until to-morrow.

Consideration of
His Excellency's
speech referred.

Ordered, That the further consideration of HIS EXCELLENCY's speech be referred to the Committee of Supply.

House adjourn.

The House then adjourned until to-morrow morning at ten o'clock.

SATURDAY,

S A T U R D A Y, 20th February, 1796.

Ordered, That the committee to whom was refered the petition of the Inhabitants of the county of *Charlotte*, do prepare a draught of a representation, to be transmitted to the Agent of the Province, on the subject of the Western boundary line of that county.

Mr. *Peters*, presented to the House an account of Expenses incurred in the purchase of Drums for the *Queen's* county militia amounting to *nine pounds five shillings and one penny*—

Account presented.

Ordered, That the same be refered to the Committee of Supply.

According to the order of the day—the House resumed the consideration of the petition of *William Hubbard*, Esquire—

Consideration of W. Hubbard's petition resumed

On motion made and seconded—that it be *Resolved*, That the allegations contained in the said petition have been supported—The House divided—

Y E A S.

Division of the House.

Colonel *Coffin*,
Mr. *Yeamans*,
Colonel *Fanning*,
Major *Murray*,

Mr. *Peters*,
Captain *M'Lean*,
Mr. *Siddall*,
Colonel *Ellegood*.

N A Y S.

Mr. *William Pagan*,
Mr. *Robert Pagan*,
Mr. *Blifs*,
Mr. *Lee*,
Mr. *Simonds*,
Mr. *Gilbert*,
Mr. *Younghusband*,

Major *Dixon*,
Captain *Agnew*,
Mr. *Mowatt*,
Mr. *Frazer*,
Mr. *Campbell*,
Mr. *Gay*.

And on motion made and seconded—that it be *Resolved*, That *James Glenie*, and *Samuel Denny Street*, Esquires, are duly elected to serve as members for the county of *Sunbury* in this Assembly—The House again divided—

Y E A S.

Division of the House.

Mr. *William Pagan*,
Mr. *Robert Pagan*,
Mr. *Blifs*,
Mr. *Lee*,
Mr. *Simonds*,
Mr. *Gilbert*,
Mr. *Younghusband*,

Major *Dixon*,
Captain *Agnew*,
Mr. *Mowatt*,
Mr. *Frazer*,
Mr. *Campbell*,
Mr. *Gay*.

G;

NAYS.

N A Y S.

Colonel Coffin,
Mr. Yeamans,
Colonel Fanning,
Major Murray,

Mr. Peters,
Captain M'Lean,
Mr. Siddall,
Colonel Ellegood.

The House again resolved itself into a committee on the bill
“ For regulating, laying out and repairing Highways and
“ Roads, and for appointing Commissioners and Surveyors of
“ Highways within the several Towns or Parishes in this Pro-
“ vince, and for repealing all the Laws now in force relating to
“ the same.”—

House in com-
mittee.

Mr. Campbell in the chair.

The Speaker resumed the chair—

Report of the
chairman.

The chairman Reported, That the committee had agreed to
the said bill.

Report accepted

Ordered, That the said report be accepted—and that the bill
be engrossed.

Order of the day
postponed.

The order of the day, for the House resolving itself into a
Committee of Supply, is again postponed until Monday next.

The committee appointed to examine the Treasurer's accounts
made the following report, viz.

Report of the
committee on
the Treasurer's
accounts.

“ **W**E the committee appointed to examine the Treasurer's
“ accounts beg leave to report—

“ That we have attended to that duty, examined the several
“ accounts furnished by *Abraham De Pyster*, Esquire, Province
“ Treasurer, find them correct and accurately stated agreeable
“ to the respective vouchers.

“ No. 1. contains a particular account of Merchandize im-
“ ported into the port of *Saint John* from the 1st day of *Feb-*
“ *ruary* 1795 to the 9th day of *February* 1796 inclusive.

“ No. 2. is a general account of merchandize imported and
“ of duties collected in the province from the 1st day of *Feb-*
“ *ruary* 1795 to the 9th day of *February* 1796 inclusive—the
“ net amount of which is, viz.

“ County of SAINT JOHN, - - -	£563	8	10½
“ NORTHUMBERLAND, - - -	59	8	3
“ CHARLOTTE - - - - -	4	1	0

£626 18 1½

“ *Note. There is no return from any of the other counties.*

“ No. 3. is an account of monies collected on the Tonnage
“ of Vessels passing the Light House into the Harbour of *Saint*
“ *John* from 1st *February* 1795, to 9th *February* 1796, a-
“ mounting to 133l. 14s. 4d.

“ No. 4. is an account of disbursements for the Light House
“ on Partridge Island amounting to 154l. 2s. 3d. which in-
“ cludes a commission of *five per cent* charged by the Treasurer
“ 7l. 6s. 9d. and deducting therefrom 2l. 10s. proceeds of dregs
“ of oil, leaves the sum of 151l. 12s. 3d. a charge against the
“ Light House for the payment of which a warrant has been
“ issued by HIS EXCELLENCY the Lieutenant Governor.

“ No. 5. is an account of warrants issued by HIS EXCEL-
“ LENCY the Lieutenant Governor and paid by the Treasurer
“ from the 23rd *January* 1795, to the 9th *February* 1796
“ inclusive.

“ No. 6. is an account current with the Province by
“ which it appears that there remained in the hands of the
“ Treasurer the 9th day of *February* instant 1079l. 12s. 10d. $\frac{3}{4}$
“ besides a bond unpaid for 27l. 7s. and a note of hand for
“ 15l. in this account the Treasurer has credited the Province
“ for the ballance remaining in his hands last year 359l. 10s. 9d.
“ and the sum of 229l. 1s. 5d. amount of bonds charged in
“ that account.

“ For further particulars we beg leave to refer the papers
“ themselves to this Honorable House.

“ Fredericton, 20th Feb. 1796.

“ *William Pagan,*

“ *James Fraser,*

“ *Samuel Gay.*”

† (No. 1.)

(No. 2.)

(No. 2.)

A GENERAL ACCOUNT of the Revenue of the Province of *New-Brunswick*, from the 1st February 1795 to the 9th February 1796, both days included, arising as under---

In the CITY and COUNTY of SAINT JOHN.

Goods sold at auction 862l. 10s. 4d. at 2½ pr Ct.	£	21	11	3
Transient accts. 1188l. 1s. 1d. at 5 pr. Ct.		59	8	0½
233 Punch. & 24 Hhds. Rum containing 28206 Gallons at 2d.	}	235	1	0
17 Hhds. 1 Pipe, 1 Keg and 2 Cafes of Brandy containing 1839 Gallons at 2d.	}	15	6	6
66 Pipes and Butts 8 Hhds. & 5 Small Casks & Casks of bottled Wine, contain- ing 9118 Gallons at 3d.	}	113	19	6
30 Hhds. 1 Tierce & 30 Bbls. of Sugar, 432 Cwts. 3qrs. 4lb. at 2s. pr. Cwt.	}	43	5	6¾
748½ Bbls. Flour, at 2s.		74	17	0

Total amount for City and County of SAINT JOHN. £563 8 10½

In the COUNTY of NORTHUMBERLAND.

Transient accts. 993l. 6s. 4d.½ at 5 pr. Ct.	£	49	13	3½
14 Punch. 4 Hhds. & 2 Bbls. Rum, con- taining 1820 Gallons, at 2d.	}	15	3	4
1 Keg Aniseed 7 Gallons, at 2d.			1	2
1 Keg Wine, containing 9 Gallons, at 3d.			2	3
1 Bbl. Sugar, 1½ Cwt. at 2s.			3	0
15 Barrels Flour, at 2s.		1	10	0

66 13 0½

Deduct for collectg. Commission } £6 13 3½
at 10 per Cent.

Gauging & weighing 23 Casks at 6d 11 6

7 4 9½

Total amount for NORTHUMBERLAND County. 59 8 3

In the COUNTY of CHARLOTTE.

Transient accounts 60l. at 5 per Ct.	£	3	0	0
15 Barrels Flour imported at 2s.		1	10	0
		4	10	0
Deduct Commission 10 per Ct. for collectg.		9	0	

Total amount for CHARLOTTE County. 4 1 0

£626 18 1½

SAINT JOHN, *New-Brunswick*, 9th Feb. 1796.

A. DE PEYSTER, P. *Treasurer*.

(No. 6.)

Dr.	The Province of <i>New-Brunswick</i> in account current with <i>Abraham De Peyster</i> .		Cr.
To Cash paid fundry Warrants of His EXCELLENCY THOMAS CARLE- TON, Esquire, as per acct. No. 5. }	£ 242 4 9	By Balance due as per Account rendered the House of Assembly last Session. }	£ 359 10 9
To amount of a Bond remaining in the Hands of the Treasurer unpaid. }	27 7 0	By amount of fundry Bonds remaining in the Hands of the Treasurer last Session. }	229 1 5
To Balance due the Province.	1079 12 10 $\frac{1}{4}$	By amount of Light Money collected on the Tonnage of Vessels, as per Acct. No. 3. }	133 14 4
	<hr style="width: 100%;"/>	By amount of duties raised in the Province as per Account No. 2. of this date. }	626 18 1 $\frac{1}{2}$
	<hr style="width: 100%;"/>		<hr style="width: 100%;"/>
	£ 1349 4 7 $\frac{1}{4}$		1349 4 7 $\frac{1}{4}$

N. B. Besides the above Bond the Treasurer holds a Note of Hand of *Arthur Nicholson*, Esquire, dated 13th MARCH, 1793 for £15 - - in favour of *I. M. C. Delesdormier*, late Treasurer of *Northumberland*, on account of duties formerly collected by him in that country, which, when paid, will be placed to the credit of the province.

SAINT JOHN, *New-Brunswick*, 9th FEBRUARY, 1796.

A. DE PEYSTER, P. Treasurer.

House adjourn. The House then adjourned until Monday morning at ten o'clock.

M O N D A Y, 22d February, 1796.

Bill read the third time as engrossed.

Read the *third* time as engrossed, a bill “*For regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for repealing all the Laws now in force relating to the same.*”

Ordered, That the said bill pass—and be sent up for concurrence.

Motion for leave to withdraw a petition.

On motion of the member who presented the petition of *William Thomson*—

Ordered, That the said petitioner have leave to withdraw his petition.

Ordered, That Mr. *Glenie*, the *Attorney General*, and Mr. *Street* be a committee to bring in a bill ‘*In amendment of an Act intituled “An Act for regulating Juries and declaring the Qualifications of Jurors.”*’

According to the order of the day—the House resolved itself into a committee on the consideration of the Supplies to be granted for the Public Service—

House in committee.

Captain *Agnew* in the chair.

The *Speaker* having resumed the chair—

Report of the chairman.

The chairman *Reported*, That the committee had made a progress in the business to them referred—and had voted the following sums, to wit :

“*To the Speaker of the House of Assembly for his services during the last session, and for his travelling charges the sum of fifty pounds.*”

“*To the other members of the House of Assembly for defraying their expenses of attendance during the last session and travelling charges, reckoning twenty miles to each day’s travel, to be certified by the Speaker, the sum of seven shillings and six pence per diem.*”

“*To the Heirs of the late Chaplain of the House of Assembly ten shillings per diem during the last session.*”

“ To the Clerk of the Council in General Assembly - -

“ To the Clerk of the Assembly for his services during the last session *ten shillings per diem* and for other services the sum of *forty pounds*.

“ To the Serjeant at Arms attending the Council in General Assembly *ten shillings per diem* during the last session.

“ To the Serjeant at Arms attending the Assembly *ten shillings per diem* during the last session.

“ To the Door-keeper of the Council in General Assembly *five shillings per diem* during the last session.

“ To the Door-keeper of the Assembly *five shillings per diem* during the last session.

“ To the Messenger during the last session *three shillings per diem*.

“ To the Clerk of the Assembly for House rent for the accommodation of the General Assembly and Courts of Justice for one year ending the *first* day of *February* one thousand seven hundred and ninety six the sum of *forty pounds*.

“ To the Clerk of the Assembly for fuel, stationary and other expenses of the last session the sum of *twenty pounds five shillings and seven pence*.

“ To the Treasurer of the Province for his services for one year ending the *first* day of *March* one thousand seven hundred and ninety five the sum of *one hundred and thirty five pounds*.

“ To the Tide Surveyor in the city of *Saint John* for his services to the *first* day of *March* one thousand seven hundred and ninety five the sum of *forty pounds*.

“ To *William Pagan*, Esquire, for books imported by him for the use of the Assembly the sum of *twenty four pounds three shillings and four pence*.

TO HIS EXCELLENCY the Lieutenant Governor for the payment of the Adjutants of the several regiments of Militia for the year one thousand seven hundred and ninety five a sum not exceeding *one hundred and sixty pounds*.

“ TO HIS EXCELLENCY the Lieutenant Governor for defraying an expense incurred by the Mayor, Aldermen and Commonalty of the city of *Saint John* in maintaining and securing divers prisoners apprehended in the *United States*,
“ and

“ and conveyed to the Gaol of *Saint John*, charged with
 “ having committed piracy in this province the sum of *twelve*
 “ *pounds six shillings and seven pence*.

“ To the Honorable *George Leonard*, Esquire, *Joshua*
 “ *Gidney* and *James Hughson* for completing the road from
 “ *Kennebeckacis* to *Jimsieg* in order to establish a communication
 “ between *Fredericton* and the city of *Saint John* the sum of
 “ *fifty pounds*.

“ To the Sheriff of the city and county of *Saint John* for
 “ his extra trouble in keeping the prisoners committed to the
 “ gaol of *Saint John* from the other parts of the province the
 “ sum of *twenty pounds*.

“ To *Thomas Wetmore*, Esquire, for services performed by
 “ him under the directions of a committee of this House the
 “ sum of *ten pounds*.

“ To HIS EXCELLENCY the Lieutenant Governor for de-
 “ fraying the contingent expenses of the province for the year
 “ one thousand seven hundred and ninety five a sum not
 “ exceeding *one hundred pounds*.

“ And requested leave for the committee to sit again.

Report accepted
 Committees ap-
 pointed.

“ *Ordered*, That the said report be accepted—and that Mr.
 “ *William Pagan*, Major *Dixson*, and Captain *M'Lean* be a
 “ committee to prepare a bill to provide for the payment of
 “ debts incurred and services performed previous to and during
 “ the last session of the late General Assembly of this pro-
 “ vince.

“ *Ordered*, That the *Attorney General*, Mr. *Robert Pagan*,
 “ Mr. *Gay*, Colonel *Coffin*, Mr. *Peters*, Mr. *Frazer*, Mr.
 “ *Glenie*, Captain *M'Lean*, and Mr. *Gilbert*, be a committee
 “ of WAYS and MEANS.

Petition of C.
 Sower presented
 and read.

A petition of *Christopher Sower*, complaining of an undue
 election in *King's* county—was presented to the House, and read.

Ordered, That the said petition lie on the table.

House adjourn.

The House then adjourned until to-morrow morning at ten
 o'clock.

TUESDAY.

T U E S D A Y, 23d February, 1796.

On motion made and seconded—

Ordered, That all accounts for payment of expenses incurred under the act for regulating the militia—be refered to a select committee to examine and report thereon.

Major Murray, Colonel Coffin, Mr. Peters, and Captain M'Lean are appointed for that purpose. Committee appointed.

Read, the second time—a bill “ For preserving the Bank of the River Saint John in front of the Parish of Burton in the County of Sunbury.” Ordered, That the said bill be committed. Bill read the second time and committed.

A bill “ For reviving and continuing an Act intituled “ An Act for the Support and Relief of confined Debtors” —and a bill “ To remove Doubts respecting the Functions of Juries in Cases of Libel” —were read the first time. Bills read the first time.

An account of expenses incurred by the county of Charlotte in securing and maintaining divers prisoners who had mutined on board of the ship Roman Emperor amounting to £7 16 3 was presented to the House. Account presented.

Ordered, That the same be refered to the Committee of Supply.

The House resolved itself into a committee on the bill “ For preserving the Bank of the River Saint John in front of the Parish of Burton in the County of Sunbury—

Mr. Glenie in the chair.

House in committee.

The Speaker resumed the chair—

The chairman Reported, That the committee had agreed to the said bill. Report of the chairman.

Ordered, That the said report be accepted—and that the bill be ingrossed. Report accepted

The House again resolved itself into a committee on the further consideration of the Supplies to be granted for the Public Service—

Captain Agnew in the chair.

House in committee.

The Speaker resumed the chair—

The chairman Reported, That the committee had made a further progress in the business to them refered— Report of the chairman.

I.

And

And requested leave to sit again.

Report accepted

Ordered, That the said report be accepted.

Petition presented.

A petition of *Ephraim Betts* and others was presented to the House and read, praying that this House will grant them some allowance to enable them to complete the road from *Fredericton* to *Miramichi*.

Ordered, That the said petition be referred to the Committee of Supply.

Motions on the petition of C. Sower.

A motion was made and seconded—that it be *Resolved*, that the petition of *Christopher Sower* does not contain sufficient matter on which to ground an inquiry in this House—

Upon which a motion was made and seconded that it be *Resolved*, that counsel be heard upon the question whether the said petition contains sufficient matter on which to ground an inquiry.

And the question being put upon the said motion—it passed in the negative.

And the question being then put upon the original motion—it passed in the affirmative.

A motion was then made and seconded—that the petition of *Christopher Sower* be dismissed.

And the question being put on the said motion—it passed in the affirmative.

House adjourn.

The House then adjourned until to-morrow morning at ten o'clock.

W E D N E S D A Y, 24th February, 1796.

Bill read as engrossed.

Read the *third* time as ingrossed—a bill “*For preserving the Bank of the River Saint John in front of the Parish of Bur-ton in the County of Sunbury.*”

Ordered, That the said bill pass—and be sent up for concurrence.

Bills read the second time

Read the *second* time—a bill “*To revive and continue an Act intituled “ An Act for the Support and Relief of confined Debtors”* and a bill “*To remove Doubts, respecting the Functions of Juries in Cases of Libel.*”

and committed.

Ordered, That the said bills be committed.

A

A bill "*To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly of this Province*"—being brought in by the committee appointed for that purpose—was read the first time. Bills brought in and read the first time.

A bill "*To prevent bringing infectious Distempers into the City of Saint John*"—and a bill "*To prevent the growth of Thistles*"—being brought in by leave—were read the first time.

The committee appointed to consider of **WAYS and MEANS** made a *Report*,—which was read—and *Ordered*, to be taken into consideration in a committee of the whole House. Report of a committee.

A message from the Council informing the House that the Council have concurred in passing the bill "*To amend an Act intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province" so far as the same respects the Fisheries in that Part of the County of Northumberland which is within the Bay and River Miramichi and its Branches.*"— Message from the Council.

The committee to whom was referred the accounts of expenses incurred under the militia act—made a *Report*—which was read and *Ordered*, to be referred to the Committee of Supply. Report of a committee.

A bill "*In amendment of an Act intituled "An Act to regulate and provide for the Support of the Poor in this Province."*" being brought in by the committee appointed for that purpose—was read the first time. Bills brought in and read the first time.

Major *Dixson*, by leave, brought in a bill "*For altering the Time of holding the Courts of General Sessions of the Peace in the County of Westmorland*"—Which was read the first time.

A message from the Council informing the House that the Council have concurred in passing a bill "*For preventing unnecessary Expense and Delay in the Process of barring Entails and for establishing a plain and easy Form of conveying and assuring Estates-Tail.*" Message from the Council.

Ordered, That the accounts of the Sheriffs of the different counties, for their services at the late General Election be referred to a select committee.

Captain *M'Lean* Mr. *Youngusband*, Mr. *Siddall*, Colonel *Fanning*, Mr. *Campbell*, Mr. *Street*, Mr. *Lee*, and Mr. *Yeamans* are appointed for that purpose. Committee appointed.

The

The House again resolved itself into a committee on the further consideration of the Supplies to be granted for the Public Service—

House in committee.

Captain *Agnew* in the chair.

The *Speaker* resumed the chair—

Report of the chairman.

The chairman *Reported*, That the committee had made a further progress in the business to them referred—

And requested leave to sit again.

Report accepted.

Ordered, That the said report be accepted.

House adjourns.

The House then adjourned until to-morrow morning at eleven o'clock.

T H U R S D A Y, 25th February, 1796.

Bills read the 2d time

Read the second time—a bill “*To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly of this Province*”—A bill “*To prevent bringing infectious Distempers into the City of Saint John*”—a bill “*To prevent the growth of Thistles*”—a bill “*For altering the Times of holding the Courts of General Sessions of the Peace in the County of Westmorland*”—and a bill “*In amendment of an Act intituled ‘An Act to regulate and provide for the Support of the Poor in this Province’*”.

and committed.

Ordered, That the said bills be committed.

Bills brought in and read the first time.

Captain *Agnew*, by leave, brought in a bill “*To remove Doubts respecting the Period or Time down to which Acts of Parliament, in which the Colonies or Plantations are not named, extend to, and are to be deemed a Part of the Laws of this Province*”.

And Colonel *Coffin*, by leave, brought in a bill “*In Addition to an Act intituled ‘An Act for regulating Elections of Representatives in General Assembly and for limiting the Duration of Assemblies in this Province’*”.

Which bills were read the *first* time.

Member added to a committee.

Ordered, That Captain *Agnew*, be added to the committee appointed to bring in a bill “*For regulating and establishing a Table of Fees*”.

House in committee—

The *Attorney General* in the chair—

House in committee.

Took into consideration a bill “ *To remove Doubts respecting the Functions of Juries in Cases of Libel.*”

The *Speaker* resumed the chair—

The chairman *Reported*, That the committee had agreed to the said bill. Report of the chairman.

Ordered, That the said report be accepted--- and that the bill be engrossed. Report accepted

House in committee—

Mr. *Peters* in the chair—

House in committee.

Took into consideration a bill “ *To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly of this Province.*”

The *Speaker* resumed the chair—

The chairman *Reported*,—That the committee had agreed to the said bill. Report of the chairman.

Which report was accepted—and *Ordered*, That the said bill be ingrossed. Report accepted

House in committee—

Mr. *Smith* in the chair.

House in committee.

Took into consideration a bill ‘ *For reviving and continuing an Act intituled An Act for the Support and Relief of confined Debtors.*’

The *Speaker* resumed the chair—

The chairman *Reported*, That the committee had agreed to the said bill. Report of the chairman.

Ordered, That the report be accepted—and that said bill be ingrossed. Report accepted

House in committee—

Colonel *Ellegood* in the chair—

House in committee.

Took into consideration a bill ‘ *In amendment of an Act intituled An Act to regulate and provide for the Support of the Poor in this Province.*’

The *Speaker* resumed the chair---

- Report of the chairman. The chairman *Reported*,—That the committee had agreed to the said bill by the title of a bill “*For regulating the Settlement of the Poor and for making further provision for their Relief and Support.*”
- Report accepted. *Ordered*, That the said report be accepted---and that the bill be ingrossed.
- Bills brought in and read the first time. Mr. *Glenie*, by leave, brought in a bill ‘*To revive and continue an Act intituled “An Act for preserving the Bank of the River Saint John in front of the Parishes of Magerville, Sheffield, and Waterborough”*—which was read the first time.
- House in committee. House in committee. Mr. *Glenie* in the chair—
- Took into consideration a bill “*To prevent bringing infectious Distempers into the City of Saint John.*”
- The *Speaker* resumed the chair—
- Report of the chairman. The chairman *Reported*, That the committee had agreed to the said bill with amendments.
- Report accepted. *Ordered*, That the said report be accepted---and that the said bill be ingrossed.
- Message from the Council. A message from the Council informing the House that the Council have concurred in passing the bill “*For regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for repealing all the Laws now in force relating to the same*”—with amendments.
- Report of a committee. The committee, to whom were referred the accounts of the Sheriffs of the different counties for their services at the late General Election, made a *Report*, which was read—and *Ordered*, To be referred to the Committee of Supply.
- Message from the Council. A message from the Council informing the House that the Council have concurred in passing the bill “*To prevent Acts of the General Assembly from taking Effect from a Time prior to the Passing thereof.*”
- House in committee. House in committee. Colonel *Fanning* in the chair.

Took

Took into consideration a bill “ *For altering the Times of holding the Courts of General Sessions of the Peace in the County of Westmorland.*”

The *Speaker* resumed the chair---

The chairman *Reported*,—That the committee had made a progress in the said bill—

Report of the chairman.

And requested leave to sit again.

Ordered, That the said report be accepted.

Report accepted

The House then adjourned until to-morrow morning at eleven o'clock.

House adjourn.

F R I D A Y, 26th February, 1796.

Read the *third* time as ingrossed—a bill “ *To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly of this Province*”—and a bill “ *For reviving and continuing an Act intituled “ An Act for the Support and Relief of confined Debtors.*”

Bills read as engrossed.

Ordered, That the said bills pass—and be sent up for concurrence.

Read the *second* time a bill “ *To revive and continue an Act intituled “ An Act for preserving the Bank of the River Saint John in front of the Parishes of Magerville, Sheffield, and Waterborough.*”

Bill read the second time

Ordered, That the said bill be committed.

and committed.

A message from HIS EXCELLENCY the Lieutenant Governor was delivered to the House which was read—and is as follows—to wit.

“ 26th February, 1796.

Message from His Excellency.

“ *New-Brunswick.*

“ *Message from HIS EXCELLENCY the Lieutenant Governor to the House of Assembly.*

“ THOS CARLETON.

“ HIS EXCELLENCY recommends it to the House to provide for the payment of rent of the House which has been, by his order, hired for the accommodation of the Ge-

“ neral Assembly and the Courts of Justice, of which an account, amounting to *forty pounds*, will herewith be laid before the House.

By HIS EXCELLENCY'S command,

JONN. ODELL.”

Resolved.

Resolved, That an humble address be presented to HIS EXCELLENCY the Lieutenant Governor to inform him that this House have already provided for the payment of the rent of the House which has been hired for the accommodation of the General Assembly and the Courts of Justice, recommended by his message of this day, in a bill passed this House “ *To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly.*”

Ordered, That Colonel *Ellegood* and Mr. *Frazer* do present the same.

Members appointed to search the Journal of the Council.

Ordered, That some members be appointed to search the Journals of the Council as to their proceedings upon the bill “ *For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court*”—and report the same to this House.

Major *Murray* and Mr. *Peters* are appointed for that purpose.

House in committee—

House in committee.

The *Attorney General* in the chair—

Took into consideration a bill “ *To prevent the growth of Thistles.*”

The *Speaker* resumed the chair.

Report of the chairman.

The chairman *Reported*—That the committee had directed him to report it as their opinion that the said bill be referred to a select committee.

Report accepted

Ordered, That the said report be accepted—and that the said bill be referred to Colonel *Coffin*, Mr. *Peters*, Mr. *Siddall*, Colonel *Ellegood*, Mr. *Street*, Mr. *Frazer*, Mr. *Simonds*, and Mr. *Campbell*.

The House again resolved itself into a committee on the further consideration of the Supplies to be granted for the Public Service—

Captain

Captain *Agnew* in the chair.

House in committee.

The *Speaker* resumed the chair—

The chairman *Reported*, That the committee had made a further progress in the business to them referred.

Report of the chairman.

And requested leave to sit again.

Ordered, That the said report be accepted.

Report accepted

Resolved, That this House will not hereafter provide for the payment of any accounts of expenses incurred by any Colonel or Commanding Officer of Militia, unless it shall appear that the same have been incurred under the authority of the militia act, and that the militia has been embodied according to law; also that it is the opinion of this House that the sum of £14 7 6 granted for paying a number of the inhabitants of the county of *Charlotte*, who voluntarily turned out in the Public Defence, on account of the necessity of the case, ought never to be drawn at any time hereafter into a precedent.

Resolve.

The House then adjourned until to-morrow morning at eleven o'clock.

House adjourns

S A T U R D A Y, 27th February, 1796.

Read the *third* time as ingrossed—a bill “*For regulating the Settlement of the Poor and for making further Provision for their Relief and Support*”—and a bill, “*To prevent bringing infectious Distempers into the City of Saint John.*”

Bill read as engrossed.

Ordered, That the said bills pass—and be sent up for concurrence.

The members appointed to search the Journals of the Council as to their proceedings upon the bill “*For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court*”—*Reported*, That upon searching the said Journals they found the following entry made on Monday the 22d February, 1796.

Report of a committee.

Read a bill from the Assembly “*For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court*”—on motion, *Resolved*, that the further consideration of this bill be put off for *three months*.

L.

Mr.

Bill brought in
and read the
first time.

Mr. Street, by leave brought in a bill "For preserving the Bank of the River Saint John in front of that Part of the Parish of Burton in the County of Sunbury comprehended between the Lower Line of the said County on the River Saint John and the Public High Roads of Burton where the same descends to the River Oromocto nearest it's Mouth or Entrance"—which was read the first time.

The House again resolved itself into a committee on the further consideration of the Supplies to be granted for the Public Service—

House in com-
mittee.

Captain Agnew in the chair.

The Speaker having resumed the chair.

Report of the
chairman.

The chairman Reported, That the committee had agreed to the following resolutions, viz.

"Resolved, That there be granted to the Speaker of the House of Assembly for his services during the present session and for his travelling charges the sum of fifty pounds.

"To the other Members of the House of Assembly for defraying their expenses of attendance during the present session and travelling charges reckoning twenty miles to each day's travel to be certified by the Speaker the sum of seven shillings and six pence per diem.

"To the Clerk of the Assembly for his services during the present session the sum of ten shillings per diem and for other services forty pounds.

"To the Serjeant at Arms attending the Council in General Assembly ten shillings per diem during the session.

"To the Serjeant at Arms attending the Assembly ten shillings per diem during the session.

"To the Door-keeper of the Council in General Assembly five shillings per diem during the session.

"To the Door-keeper of the Assembly five shillings per diem during the session.

"To the Messenger during the session five shillings per diem.

"To the Clerk of the Assembly for fuel, stationary and other extra expenses of the session the sum of sixteen pounds and twelve shillings.

"To

“ To the Treasurer of the Province for his services for *one*
“ year ending the *first* day of *March* one thousand seven hundred
“ and ninety six the sum of *one hundred and twenty five pounds*.

“ To the Tide Surveyor in the city of *Saint John* for his ser-
“ vices to the *first* day of *March* one thousand seven hundred and
“ ninety six the sum of *forty pounds*.

“ To the Clerk of the Council in General Assembly for sta-
“ tionary and other expences relating to the Session the sum of
“ *twenty five pounds* on account.

“ To HIS EXCELLENCY the Lieutenant Governor for de-
“ fraying the contingent expenses of the Province for the cur-
“ rent year a sum not exceeding *one hundred pounds*.

“ To the Sheriff of the several counties for returning the
“ members to serve in General Assembly the following sums
“ to-wit: To the Sheriff of the city and county of *Saint John*
“ *fourteen pounds one shilling and eight pence*; To the Sheriff of
“ the county of *Westmorland*, *eleven pounds ten shillings and four*
“ *pence*; To the Sheriff of the county of *Charlotte*, *fifteen pounds*
“ *ten shillings and four pence*; To the Sheriff of the county of
“ *Northumberland*, *seven pounds eighteen shillings and four pence*;
“ To the Sheriff of *King's* county *thirteen pounds ten shillings*
“ *and four pence*; To the Sheriff of *Queen's* county, *eight pounds*
“ *two shillings and four pence*; To the Sheriff of *York* county,
“ *sixteen pounds fifteen shillings and four pence*; To the Sheriff
“ of the county of *Sunbury*, *four pounds seventeen shillings and*
“ *four pence*.

“ To the Treasurer of the county of *Charlotte* for defraying
“ the expenses incurred by the said county in securing and
“ maintaining divers prisoners who had mutined on board of
“ the ship *Roman Emperor* the sum of *seven pounds sixteen*
“ *shillings and three pence*.

“ To *John Chalonier* for gauging dutiable articles in the city of
“ *Saint John* the sum of *nine pounds two shillings and six pence*.

“ To *Charles M'Pherson* for weighing dutiable articles in
“ the said city the sum of *five pounds and seven shillings*.

“ To *John Ryan* for printing manifests and other blanks for
“ the use of the Treasurer of the Province and also for station-
“ ary the sum of *ten pounds and ten shillings*.

“ To the Colonel of *Queen's* county militia for defraying the
“ expense of purchasing Drums the sum of *nine pounds five*
“ *shillings and one penny*.

To Captain *Stephen Jarvis* of the *York* county militia for
 “ defraying the expense of a Drum the sum of *two pounds eight-*
 “ *een shillings and nine pence.*

“ To the members for the county of *Charlotte* for defraying
 “ the expense of *two hundred and fifty four* days service of
 “ privates, *nineteen* days service of Sergeants, and *four* days
 “ service of Drummers of the militia of that county, or such
 “ part of the same as they may apply for and receive, to be
 “ accounted for at the next session of the General Assembly
 “ the sum of *fourteen pounds seven shillings and six pence.*

“ To Captain *Nathan Frink* for expenses incurred the sum of
 “ *ten pounds.*

“ To any of HIS MAJESTY'S Justices of the Supreme Court
 “ who shall reside at the city of *Saint John* towards defraying the
 “ expenses of House-rent, fuel and other extraordinary charges
 “ for *one* year commencing the *first* day of *May* next, to be
 “ provided for in a separate bill, the sum of *fifty pounds.*

“ To *Christopher Sower* for printing the Journal of the Votes
 “ and Proceedings of the House of Assembly the sum of *thirty*
 “ *nine pounds eighteen shillings and eight pence*—and for print-
 “ ing the acts passed in the last session of the General Assembly
 “ and the act “*for regulating Elections*” the sum of *thirty pounds*
 “ *thirteen shillings and eight pence.*

Resolved:

“ Resolved, That a sum not exceeding *seven pounds* be granted
 “ for further exploring the road from *Salmon* river to the river
 “ *Petcutiac* and that this House will provide for the payment of
 “ the same in some future session of the General Assembly.

“ Resolved, That the Laws of this Province be re-printed and
 “ that a sum not exceeding *one hundred and twenty pounds* be
 “ granted to HIS EXCELLENCY the Lieutenant Governor for
 “ that purpose to be provided for in a separate bill.

“ And that a motion had been made and seconded—that it be
 “ resolved that the sum of *one hundred pounds* be granted to the
 “ Treasurer of the Province for his services for *one* year, ending
 “ the *first* day of *March* one thousand seven hundred and ninety
 “ six—Upon which the committee had divided—

Division of the
 committee.

Y E A S.

Mr. *Glenie,*
 Mr. *Smith,*
 Mr. *Gilbert,*

Mr. *Campbell,*
 Mr. *Younghusband.*

NAYS.

N A Y S.

Colonel Coffin,
Mr. William Pagan,,
Mr. Frajer,
Mr. Gay,
Colonel Fanning,,
Captain M'Lean,,
Major Murray,
Mr. Speaker,
Mr. Robert Pagan,.

Mr. Simonds,
Mr. Yeamans,
Mr. Mowatt,,
Mr. Street,
Mr. Lee,,
Major Dixon,,
Mr. Siddall,
Mr. Blifs,
Colonel Ellegood.

Division of the committee.

Ordered, That the said report be accepted.

Report accepted

Read the first time, a bill "To enable the Justices of the Peace of the County of York to raise by Assessment a Sum of Money to satisfy the Amount of a Judgment lately recovered against the Sheriff of the said County for an involuntary Escape of a Prisoner confined for Debt."

Bills brought in and read the first time.

A bill "In amendment of an Act intituled, "An Act for regulating Juries and declaring the Qualifications of Jurors"—being brought in by the committee appointed for that purpose—was read the first time.

Resolved, That all charges attending the collection of Provincial Duties shall in future be paid by the Treasurer; and also such accounts as may be unpaid for duties already collected—and that the same be included in his accounts to be submitted to the consideration of this House.

Resolved

House in committee—

The Attorney General in the chair—

House in committee.

Took into consideration a bill "To revive and continue an Act intituled "An Act for preserving the Bank of the River Saint John in front of the Parishes of Magerville, Sheffield and Waterborough."

The Speaker resumed the chair—

The chairman Reported, That the committee had agreed to the said bill.

Report of the chairman.

Ordered, That the said report be accepted—and that the bill be ingrossed.

Report accepted

Ordered, That the Attorney General, Major Murray, and Mr. Lee be a committee to bring in a bill for defraying the extraordinary charges and expenses to be incurred by any one

Committee appointed.

of HIS MAJESTY'S Justices of the Supreme Court who shall reside at the city of *Saint John* for one year—

Committees appointed.

And that Mr. *Robert Pagan*, Mr. *Peters* and Mr. *Gilbert* be a committee to bring in a bill for defraying the expenses of re-printing the Laws of the Province—

Agreeable to the resolutions of the committee of supply.

On motion made and seconded—Ordered, That Mr. *Street*, Captain *Agnew*, Mr. *Frazer* and Mr. *Gilbert* be a committee to inquire into the expenditure of all monies heretofore granted by this House and vested in Trustees named for applying such monies to the purposes for which the same have been granted, and to call such persons to account therefor.

House adjourn.

The House then adjourned until Monday next at eleven o'clock.

M O N D A Y, 29th February, 1796.

Amendments read & concurred in.

The amendments made, by the Council, to the bill “*For regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for repealing all the Laws now in force relating to the same*”—being twice read—on the question put—the House concurred therein—

Thereupon ordered, That the said bill be returned to the Council.

Bill read as engrossed.

Read the *third* time as ingrossed— a bill “*To revive and continue an Act intituled “An Act for preserving the Bank of the River Saint John in front of the Parishes of Magerville, Sheffield and Waterborough.”*”

Ordered, That the said bill pass—and be sent up for concurrence.

Bill read the second time.

Read the *second* time a bill “*To enable the Justices of the Peace of the County of York to raise by Assessment a Sum of Money to satisfy the Amount of a Judgment lately recovered against the Sheriff of the said County for an involuntary Escape of a Prisoner confined for Debt.*”

On

On motion made and seconded—*Ordered*, That the further consideration of the said bill be postponed for *three months*.

Ordered, That some members be appointed to search the Journals of the Council as to their proceedings upon the bill “*For preserving the Bank of the River Saint John in front of the Parish of Burton in the County of Sunbury*”—and report the same to this House.

Members appointed to search the Journal of the Council.

Captain *M^cLean*, and Mr. *Siddall* are appointed for that purpose.

Read the second time—a bill “*In amendment of an Act intitled ‘An Act for regulating Furies and declaring the Qualifications of Furors.’*”

Bills read the 2d time

Ordered, That the said bill be committed:

and committed.

Read the *third* time as ingrossed—a bill “*To remove Doubts respecting the Functions of Furies in Cases of Libel.*”—

Bill read as engrossed.

On motion made and seconded—*Ordered*, That the further consideration of the said bill be postponed to the next session of the General Assembly.

Resolved, That when this House shall judge any petition touching Elections to be frivolous and vexatious, the House will order satisfaction to be made to the person petitioned against.

Resolved

The House resolved itself into a committee on the consideration of the report of the select committee of WAYS and MEANS—

Mr. *Peters* in the chair.

House in committee.

The *Speaker* resumed the chair.

The chairman *Reported*, That the committee had agreed to the following resolution, viz.

Report of the chairman.

“*Resolved*, That there be granted to HIS MAJESTY the following duties of import to-wit: On every pound of Loaf Sugar *one penny*; on every Hoghead of Porter containing *sixty three* gallons *five shillings*; on every barrel of Porter containing *forty two* gallons *three shillings and four pence*; on every pack of Playing Cards *six pence*; on every gallon of Rum, Brandy, and other Spirits *four pence*; on every gallon of Wine *six pence*; on every hundred weight of Brown Sugar *two shillings*; on every barrel of Flour *two shillings*; and on all Goods imported by non-residents *two and an half per Cent.*”

The

The said Report being read—a motion was made and seconded to strike out these words, to-wit, *on every barrel of "four two shillings"*—upon which the House divided—

Y E A S.

Division of the House.

Mr. Smith,	Mr. Lee,
Mr. Youngusband,	Mr. Fraser,
Mr. Robert Pagan,	Mr. Mowatt,
Mr. William Pagan,	Mr. Glenie,
Mr. Gilbert,	Captain Agnew,
Mr. Simonds,	Mr. Campbell.
Mr. Blijs,	

N A Y S.

Mr. Peters,	Colonel Ellegood,
Colonel Coffin,	Colonel Fanning,
Captain M ^c Lean,	Mr. Siddall,
Major Murray,	Major Dixson,
Mr. Yeamans,	Mr. Gay.

On motion made and seconded—*Ordered*, That a committee be appointed to prepare a draught of a letter to *William Knox*, Esquire, Agent of the Province on the subject of the bill "*For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court.*"

Committee appointed.

"Mr. Glenie, Mr. Robert Pagan, Captain Agnew, Mr. Campbell, and Mr. Simonds are appointed for that purpose.

Report of a committee.

The committee appointed to prepare a draught of a letter to *William Knox*, Esquire, on the subject of the Western boundary line of the county of *Charlotte*—*Reported*, a draught of the same which was read.

House adjourn.

The House then adjourned until to-morrow morning at eleven o'clock.

T U E S D A Y, 1st March, 1796.

Committee appointed.

The members appointed to search the Journals of the Council as to their proceedings upon the bill "*For preserving the Bank of the River Saint John in front of the Parish of Burton in the County of Sunbury*"—*Reported*, That upon searching the
said

said Journals they found the following entry made on *Thursday* 25th *February* 1796. "Read a second time a bill 'For preserving the Bank of the River Saint John in front of the Parish of Burton in the County of Sunbury' Resolved, That the further consideration of this bill be put off for *three months*."

Read the second time—a bill "For preserving the Bank of the River Saint John in front of that Part of the Parish of Burton in the County of Sunbury comprehended between the Lower Line of the said County on the River Saint John and the Public High Road of Burton where the same descends to the River Oromosto nearest it's Mouth or Entrance."

Bill read the second time,

On motion made and seconded—Ordered, That the further consideration of the said bill be postponed to the next session of the General Assembly and that a copy thereof be publicly read at the next Court of General Sessions of the Peace in the county of Sunbury—and also that a copy of the bill be lodged with the Clerk of the Peace in the said county and with the Clerk of the said Parish of Burton—in order that all persons interested may shew cause at the next session of the General Assembly why the same should not pass into a law.

and further consideration thereof postponed.

A bill "For defraying the extraordinary charges and Expenses to be incurred by any one of His Majesty's Justices of the Supreme Court who shall reside at the City of Saint John for one Year"—being brought in by the committee appointed for that purpose—was read the first time.

Bills brought in and read the 1st time.

And a bill "For defraying the Expenses of re-printing the Laws of the Province"—was brought in by the committee appointed for that purpose—and read the first time.

House in committee—

Major Murray in the chair—

House in committee.

Took into consideration a bill "In amendment of an Act intituled "An Act for regulating Juries and declaring the Qualifications of Jurors."

The Speaker resumed the chair—

The chairman Reported,—That the committee had made a progress in the said bill—

Report of the chairman.

And requested leave to sit again.

Ordered, That the said report be accepted.

Report accepted

N.

A message

Message from
the Council.

A message from the Council informing the House that the Council have concurred in passing the bill 'For revising and continuing an Act intituled "An Act for the Support and Relief of confined Debtors."'

Resolved.

Resolved, That a sum not exceeding *thirty pounds* be granted for the purpose of defraying the expense of levelling and bridging the Portage Road which is opened across the Peninsula that separates the rivers *Kennebeckacis* and *Saint John*—and that *John Knutton* and *Thomas Causand* be appointed Commissioners to contract with any person or persons willing to effect the said work on the lowest terms so as to make the said road sufficiently safe and convenient---and that the said person or persons contracting be entitled to the sum for which they may undertake the same on producing a certificate to this House from the said Commissioners that the said work has been fully completed---**PROVIDED**, That such sum for completing the same do not exceed the said sum of *thirty pounds*.

Committees appointed.

Ordered, That the *Attorney General*, *Mr. William Pagan*, and *Mr. Fraser* be a committee to bring in a bill "For raising a Revenue in this Province."—

And that *Major Murray*, *Mr. Robert Pagan*, and *Mr. Lee* be a committee to bring in a bill "For appropriating and disposing of the Public Monies."

House adjourn.

The House then adjourned until to-morrow morning at eleven o'clock.

W E D N E S D A Y, 2d March, 1796.

Draught of a
letter to Wm.
Knox, Esquire,
read.

The committee appointed to prepare a draught of a letter to *William Knox*, Esquire, on the subject of the bill "For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court"—Reported, a draught of the same—which was read.

Bills brought in
and read the first
time.

A bill "For raising a Revenue in this Province"—being brought in by the committee appointed for that purpose—was read the first time.

Bills read the 2d
time

Read the second time—a bill "For defraying the extraordinary Charges and Expenses to be incurred by any one of HIS MAJESTY'S Justices of the Supreme Court who shall reside at

" the

“ *the City of Saint John for one year*” and a bill “ *For defraying the Expenses of re-printing the Laws of the Province.*”

Ordered, That the said bills be committed.

and committed.

Mr. Robert Pagan, by leave, brought in a bill “ *To enable the Justices of the Peace for the County of Charlotte to dispose of certain Lands therein mentioned*”—which was read the first time.

Bill brought in and read the first time.

A petition of the Justices of the Peace for the county of Sunbury in General Sessions—was presented to the House and read—setting forth—That the Gaol of the said county being insufficient and useless the petitioners are about to erect a new Gaol for the said county—and praying that an act may be passed to provide for the security of the prisoners of the said county in some other Gaol until the new Gaol of Sunbury shall be in a state of sufficient security for their reception.

Petition presented.

And on motion of Mr. Glenie,—Ordered, That he have leave to bring in a bill agreeable to the prayer of the said petition.

House in committee.

Mr. Robert Pagan in the chair.

House in committee.

Took into consideration a bill “ *For defraying the Expenses of re-printing the Laws of the Province.*”

The Speaker resumed the chair.

The chairman Reported, That the committee had agreed to the said bill.

Report of the chairman.

Ordered, That the report be accepted—and that the said bill be ingrossed.

Report accepted

A message from the Council informing the House that the Council have concurred in passing the bill “ *To prevent bringing infectious Distempers into the City of Saint John*”—also the bill “ *To revive and continue an Act intituled, ‘An Act for preventing the Bank of the River Saint John in front of the Parishes of Magerville, Sheffield and Waterborough.*”

Message from the Council.

The committee appointed to inquire into the expenditure of the public monies—made a report, which was read—and Ordered, to lie on the table.

Report of a committee.

Ordered, That some members be appointed to search the Journals of the Council as to their proceedings upon the bill “ *To provide for the Payment of Debts incurred and Services performed*”

Members appointed to search the Journal of the Council.

“formed previous to and during the last Session of the late General Assembly of this Province”—and report the same to this House.

Colonel Coffin, and Mr. William Pagan, are appointed for that purpose.

House in committee—

House in committee.

Major Murray in the chair—

Took into consideration a bill “For defraying the extraordinary Charges and Expenses to be incurred by any one of HIS MAJESTY’S Justices of the Supreme Court who shall reside at the City of Saint John for one Year.”

The Speaker resumed the chair—

Report of the chairman.

The chairman Reported,—That the committee had made some progress in the said bill—

And requested leave to sit again.

Report accepted.

Ordered, That the said report be accepted.

Resolved.

Resolved, That, as the residence of the Judges at inconvenient, and at some seasons of the year, inaccessible places, far removed from the sea ports and commercial towns and other most valuable and ancient settlements in this province, may occasion great expense and delay and sometimes a failure of justice, an address be presented to HIS EXCELLENCY the Lieutenant Governor humbly requesting that he will be pleased to direct one at least of the Judges of the Supreme Court to reside at Saint John for the furtherance of justice and the accommodation of the public.

Ordered, That the above resolution be presented to HIS EXCELLENCY the Lieutenant Governor by Mr. William Pagan, Mr. Gilbert, and Mr. Youngusband.

House adjourn.

The House then adjourned until to-morrow morning at eleven o’clock.

T H U R S D A Y, 3d March, 1796.

Read the third time as ingrossed.

Read the third time as ingrossed—“A bill for defraying the Expenses of re-printing the Laws of the Province.”

Ordered.

Ordered, That the said bill pass—and be sent up for concurrence.

The committee appointed to search the Journals of the Council as to their proceedings upon the bill "To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly of this Province"—Reported, That upon searching the said Journals they found the following entry made on Wednesday 2d March, 1796. "Read a third time the bill "To provide for the Payment of Debts incurred and Services performed previous to and during the last Session of the late General Assembly of this Province." on motion that this bill do pass—the Council divided—

Report of a committee.

CONTENT.

- " Mr. G. G. Ludlow, " Mr. Blifs.
- " Mr. Justice Upham,

NOT CONTENT.

- " Mr. Justice Allen, " Mr. Robinson,
- " Mr. Winslow, " Mr. Leonard,
- " Mr. Odell, " Mr. Justice Saunders.

" Thereupon resolved, That this bill do not pass."

Read the second time—a bill. "For raising a Revenue in this Province."

Bill read the second time,

Ordered, That the said bill be committed:

and committed.

The House then resolved itself into a committee on the consideration of the said bill.

Mr. Campbell in the chair.

House in committee.

The Speaker having resumed the chair.

The chairman Reported, That the committee had taken into consideration a bill "For raising a Revenue in this Province"—and had agreed to the same under the title of a bill "For raising a Revenue in this Province and for appropriating the Same, together with the Monies now in the Treasury."

Report of the chairman.

Which report was accepted—and Ordered, That the said bill be engrossed.

Report accepted.

The committee appointed to present to His EXCELLENCY the Lieutenant Governor the resolutions of this House request-

Report of a committee.

ing that he will be pleased to direct one of the Judges of the Supreme Court to reside at *Saint John*,—*Reported*, That they had waited upon HIS EXCELLENCY with the same.

House adjourns. The House then adjourned until to-morrow morning at ten o'clock.

F R I D A Y, 4th March, 1796.

Resolves. On motion made and seconded—*Resolved*, That this House will re-appropriate in the next session of the General Assembly all sums of money not expended on the services for which they were granted.

Bills read the 2d time. Read the second time—a bill “*To enable the Justices of the Peace for the County of Charlotte to dispose of certain Lands for the Purposes therein mentioned.*”

Consideration of the said bill postponed. *Ordered*, That the consideration of the said bill be postponed until the next session of the General Assembly—and that the same be publicly read at the next Court of General Sessions of the Peace for the county of *Charlotte*—and that a copy thereof be lodged with the Clerk of the Peace in the said county in order that all persons interested may shew cause why the said bill should not be passed into a law.

House in committee—

House in committee. Mr. *Frazer* in the chair—

Took into consideration a bill “*To prevent the Growth of Thistles.*”

The *Speaker* resumed the chair—

Report of the chairman. The chairman *Reported*,—That the committee were of opinion that the further consideration of the said bill be postponed for *three months*.

Report accepted. *Ordered*, That the said report be accepted.

Bills read as engrossed. Read the *third* time as engrossed—a bill “*For raising a Revenue in this Province and for appropriating the Same together with the Monies now in the Treasury.*”

Ordered, That the said bill pass—and be sent up for concurrence.

The draught of a letter to *William Knox*, Esquire, Agent of the Province on the subject of the bill "*For regulating and establishing the Times and Places for holding the Terms and Sittings of the Supreme Court*." ---being read a second time--- on the question, severally put, the House agreed to the *first, second, third, and fourth* paragraphs of the same.

Draught of a letter to Wm. Knox, Esquire, read the second time.

And upon the question that the House do agree to the *fifth* paragraph thereof as follows, viz--- "In all our endeavors to obtain a due and equal administration of justice we have studiously avoided every cause of dispute with the Council, and it is with infinite regret that we feel ourselves under the necessity of observing to you, that in His Majesty's Council in this province the legislative and judicial powers are more united than they usually have been in other colonies; that, exclusive of several Justices of the Courts of Common Pleas who have seats there, the Judges of the Supreme Court constitute one *third* part of the Council when full, and frequently form a majority of that board when sitting in their legislative capacity; and that after the repeated attempts which have been unsuccessfully made by successive Houses of Assembly to have a bill passed in the Council '*For regulating the Times and Places of holding the Terms and Sittings of the Supreme Court*,' we despair of seeing justice duly and equally administered in this province without the aid and interposition of our most gracious Sovereign in this behalf."

The House divided---

Y. E. A. S.

Mr. Robert Pagan,
Mr. Mowatt,
Mr. Campbell,
Mr. William Pagan,
Mr. Simonds,
Mr. Bliss,
Mr. Gilbert,
Mr. Smith,
Mr. Younghusband,

Mr. Siddall,
Mr. Gay,
Major Dixon,
Mr. Lee,
Mr. Fraser,
Captain Agnew,
Mr. Glenie,
Mr. Street.

Division of the House.

N. A. Y. S.

Major Murray,
Colonel Ellegood,
Captain M'Lean,

Colonel Panning,
Mr. Yeamans.

Resolve.

Thereupon Resolved, That the said letter be signed by the Speaker, by the order of the House and transmitted to the said *William Knox*, Esquire.

House adjourn.

The House then adjourned until to-morrow morning at ten o'clock.

SATURDAY, 5th March, 1796.

A message from HIS EXCELLENCY the Lieutenant Governor was delivered to the House, which was read, and is as follows, to wit:

Message from His Excellency.

“ *New-Brunswick.* ”

“ 4th March, 1796. ”

“ *Message from HIS EXCELLENCY the Lieutenant Governor in answer to the Address yesterday presented to HIS EXCELLENCY from the House of Assembly respecting the Residence of the Judges.* ”

THOMAS CARLETON.

“ HIS EXCELLENCY observes that the Judges in England reside at or near the Capital, and the want of resident Judges in the many large and populous Towns and cities in that part of *Great Britain* has never been the subject of complaint; that Commissioners for taking bail and affidavits being appointed in every county, HIS EXCELLENCY sees no reason to apprehend any failure of justice from the want of resident Judges at the city of *Saint John*, or at any other particular place in this province; and that he conceives he has not any authority to give directions to the Judges respecting the places of their residence: ”

“ *By HIS EXCELLENCY's command,* ”

“ *JONN. ODELL.* ”

Bill read the 2d time.

A bill “ *To remove Doubts respecting the Period or Time down to which Acts of Parliament, in which the Colonies or Plantations are not named, extend to, and are to be deemed a Part of the Laws of this Province.* ” — being read the second time.

Resolve.

A motion was made and seconded — that it be Resolved, That the committee for corresponding with the Agent be directed to transmit to him a copy of this bill, and to request him to take the

the opinion of His MAJESTY'S *Attorney and Solicitor General* on the principles and provisions of the same—Upon which the House divided.

Y. A. Y. S.

Mr. *Bliss*,
Mr. *William Pagan*,
Mr. *Simonds*,
Mr. *Gilbert*,
Mr. *Smith*,
Mr. *Youngbusband*,
Mr. *Robert Pagan*,
Mr. *Campbell*,
Mr. *Mowatt*,

Mr. *Siddall*,
Mr. *Gay*,
Major *Dixson*,
Mr. *Lee*,
Mr. *Frazer*,
Captain *Agnew*,
Mr. *Street*,
Mr. *Glenie*.

Division of the House.

N. A. Y. S.

Major *Murray*,
Colonel *Coffin*,
Colonel *Ellegood*,

Mr. *Yeamans*,
Colonel *Fanning*,
Mr. *Peters*.

Ordered, That the committee for corresponding with the Agent be directed to request him to transmit an account of expenses incurred by him in the service of this Government in order that the same may be laid before the House.

The *Attorney General*, Mr. *William Pagan*, and Colonel *Coffin* are appointed a standing committee to correspond with the Agent of the Province.

Committees appointed.

The draught of a letter to *William Knox*, Esquire, on the subject of the Western boundary line of the county of *Charlotte*, being read a *second* time, was agreed to by the House—and *Ordered*, That the same, together with a duplicate thereof, be signed by the *Speaker* and transmitted as early as possible.

Draught of a letter to Wm. Knox, Esquire, read the second time.

A bill "*To enable the Justices of the Peace in the County of Sunbury to send Persons charged with Grand Larceny and other Offences of a higher Nature to the Goal of the County of York*"—being brought in by leave, was read the *first* and *second* time—and *Ordered*, To be committed.

Bill brought in and read the first and second time and committed.

Ordered, That no copies be taken of any public letter or draught of any public letter reported to this House or to be hereafter reported, and that such of the members as have taken copies do return the same to the Clerk.

Resolved, as the opinion of this House that any Wines, which may be imported into this province and subject to a duty, which

Resolved.

shall hereafter be exported out of the same, ought to be entitled to a drawback in the same proportion as Rum—such Exporter complying with the regulations respecting exportation of Rum, and shewing the same to the next Session of the General Assembly.

House in committee—

House in committee,

Major *Murray* in the chair—

Took into consideration a bill “*To enable the Justices of the Peace in the County of Sunbury to send Persons charged with Grand Larceny and other Offences of a higher Nature to the Gaol of the County of York.*”

The *Speaker* resumed the chair—

Report of the chairman.

The chairman *Reported*, That the committee had made a progress in the said bill—

And requested leave to sit again.

Report accepted

Ordered, That the said report be accepted.

Message from the Council.

A message from the Council as follows to wit—“*Council Chamber, Saturday 5th March, 1796. Resolved*, That the Council requests a conference with the Assembly on the subject matter of the bill now before the Council ‘*For raising a Revenue in this Province and for appropriating the Same, together with the Monies now in the Treasury*’ and for that purpose will appoint a committee to meet a committee from the Assembly on Monday next.

“*Ordered*, That Mr. *Leonard* communicate this resolution to the House of Assembly.”

Resolved.

Resolved, That this House do agree to the said conference as requested by the Council.

Ordered, That Major *Murray* and Mr. *Frazer* acquaint the Council with the foregoing resolution.

Committee appointed.

Ordered, That Major *Murray*, Mr. *Glenie* and Mr. *Robert Pagan* be a committee to attend and manage the said conference.

House adjourn.

The House then adjourned until Monday next at ten o'clock.

MONDAY,

M O N D A Y, 7th March, 1796.

On motion made and seconded—*Ordered*, That the further consideration of the bill ‘*In amendment of an Act intituled “An Act for regulating Juries and declaring the Qualifications of Jurors”*—be postponed to the next session of the General Assembly.

Consideration of two bills postponed.

And on like motion—*Ordered*, That the further consideration of the bill ‘*To enable the Justices of the Peace in the County of Sunbury to send Persons charged with Grand Larceny and other Offences of a higher Nature to the Gaol of the County of York*’—be also postponed to the next session of the General Assembly.

Ordered, That two hundred copies of the Journals of the Votes and Proceedings of this House in the present session be printed; and that the *Attorney General*, Mr. *William Pagan* and Mr. *Simonds* be a committee to contract for and superintend the printing of the same.

Order for printing the Journal of the House.

The committee appointed to manage the conference with the Council on the subject matter of the bill ‘*For raising a Revenue in this Province and for appropriating the Same, together with the Monies now in the Treasury,*’ Reported, That they had been at the said conference, which was managed on the part of the Council by the Honorable Chief Justice *Ludlow* the Honorable Judge *Allen*, and the Honorable Mr. *Odell*—who stated the following objections to the said bill—viz.

Report of a committee.

‘ I. That different objects and services are so mixed in this bill as to preclude that free and distinct consideration, without which the Council cannot discharge their public duty; and, without a perfect union of sentiment between the two branches of the Legislature, which cannot be always expected, on each service provided for and on each article taxed, the whole bill must be rejected, the *Revenue* lost, the public business impeded, and all persons employed in the service of the province must suffer unjust delay in receiving, and perhaps eventually be deprived of their just dues.

‘ II. That this bill nominates persons for the performance of public services, which is an interference with the Executive Power, and tends to destroy the ballance of the constitution.

‘ III. That this bill provides for the wages of the members of the House of Assembly in an unconstitutional manner, taking out

‘ out of the Public Treasury those wages which acts of Par-
 ‘ liament have directed to be levied on their respective constitu-
 ‘ ents; and that mixing the wages with all the other services, as
 ‘ in this bill, compels the Council either to agree to whatever
 ‘ sums they may vote to themselves, or to incur all the public
 ‘ inconveniences before stated; an alternative which the Coun-
 ‘ cil suppose the House would not wish to impose in a matter
 ‘ in which the Members of that House are individually so im-
 ‘ mediately concerned.

‘ IV. That by this bill duties are laid upon *British* products
 ‘ and manufactures.

‘ V. That to empower Courts of Oyer and Terminer to hold
 ‘ plea in civil suits, as in this bill, is against the constitution of
 ‘ those Courts.

‘ VI. That the sum of *ten pounds* granted in this bill to
 ‘ *Thomas Wetmore*, Esquire, appears to be for services directed
 ‘ by one branch of the Legislature and performed by a person
 ‘ appointed by that branch, without the knowledge or sanction
 ‘ of either of the other branches; and that the said services ap-
 ‘ pear to have been unnecessary.

‘ VII. That the sum of *twenty four pounds three shillings and
 ‘ four pence*, granted in this bill to *William Pagan*, Esquire,
 ‘ “for Books imported on the subjects of the Laws of Nature and
 ‘ “Nations, of the Constitution of Great Britain, and Rules and
 ‘ “Proceedings of the British Parliament, purchased for the Use
 ‘ “and Benefit of the Legislature” is an unnecessary expense, and
 ‘ does not appear to have been incurred by any public direction
 ‘ whatever.

objections re-
 ferred.

Ordered, That the said objections be referred to the mem-
 bers who managed the said conference to draw up reasons to be
 offered, at a conference, in answer thereto.

House adjourn.

The House then adjourned until to-morrow morning at nine
 o'clock.

T U E S D A Y, 8th March, 1796.

Report of a
 committee

Major *Murray* from the committee appointed to draw up rea-
 sons to be offered at a conference in answer to the objections stat-
 ed by the Council to the bill “ *For raising a Revenue in this
 ‘ Province and for appropriating the Same, together with the
 ‘ Monies*

“*monies now in the Treasury*”—*Reported*, a draught of the same, which he read in his place, and then delivered in at the Clerk's table, where the same, being again read, were agreed to by the House, and are as follows, viz.

“In answer to the first objection offered by the committee of conference on the part of the Council we have to observe, that it is couched in such vague and general terms as to render it impossible for us to speak specifically to the objects and services which are alledged in it, to be mixed in this bill—it may naturally be inferred from some words and expressions in it, that the Council expected that each service provided for and each article taxed, should have been sent up to them in a distinct and separate bill for their approbation or rejection—This mode of proceeding however would be contrary to all Parliamentary precedents as well as to those which appear in our own Journals. If the mixture of objects and services generally alluded to in it, be meant to refer to the appropriation of the revenue of this year in the act which raises it, and of the unappropriated sums in the Treasury for the services therein mentioned, we cannot help considering the assertion as an infringement of the Privileges of the House of Assembly who “*alone possess the right of disposing as well as raising the public money and in such manner as they only think proper*”—This bill is confined to one general object the grant of Supplies for the ordinary services and expenses of Government, and many acts of Parliament comprehend a much greater variety of objects and services than are included in the present bill.

“In answer to the second objection we have to observe that the appointing of Commissioners by act of Assembly to superintend the expenditure of money, and take account of the same has been uniformly practised by every House of Assembly in this province, and is a right inherent in that House from which it can never depart, as it is founded on the most unquestionable parliamentary authorities. That the nominating Commissioners not only in money bills but also in bills which impose any burdens on the people “*is in the House of Assembly only*” besides the Honorable George Leonard, Joshua Gidney and James Hughson were nominated in an act of Assembly passed in the year *one thousand seven hundred and ninety two* as Commissioners for the performance of the services alluded to—It might with equal propriety be urged by the Council that the power delegated by act of Assembly to the sessions in each county to appoint Assessors and other Parish Officers “*is an interference with the Executive Power and*”

Q. tends

‘tends to destroy the ballance of the Constitution’—‘This objection therefore is altogether unconstitutional; for the House of Lords are not allowed to alter Commissioners names--- Commissioners of Public Accounts, American Claims &c. have been named by the Commons and appointed by act of Parliament.’

‘In answer to the *third* objection we observe—1st. That the only Estimate of expenses for the Public Service of the Province of *New-Brunswick*, viz. for the year *one thousand seven hundred and ninety three*, recommends the pay of the Speaker and the Members of the House as the *first* articles of provision—It would therefore be a reflection on HIS EXCELLENCY the Lieutenant Governor to accede to this objection of the Council.’

‘2^{dly}. That the 6 Hen. 8. c. 15. was made long before there were any *English* colonies in America and therefore could not have had them in contemplation and is consequently altogether inapplicable to the case in question.’

‘3^{dly}. That it is the sole and inherent right of the House of Assembly to judge of the expediency and to direct the mode and manner of providing for this service as well as for all other services. The House of Assembly is therefore utterly at a loss to account for the wonderful inconsistency between this reason offered by the Council and the recommendation of services to be provided for in 1793—It is certainly strange that what HIS EXCELLENCY recommended in 1793, should be called unconstitutional by the Council in 1796. The allusions to personal advantage best become those who indulge such unworthy motives—the House think this part of the objection deserves no other answer.’

‘To the *fourth* objection they reply—that a large drawback is allowed on the exportation from *Great-Britain* of the articles of Loaf Sugar, Porter and Playing Cards alluded to in this objection—that the duties proposed do not impose any burden on HIS MAJESTY’S subjects in *Great-Britain* or *Ireland* other than is imposed on HIS MAJESTY’S subjects in this province—that the particular restrictions in HIS EXCELLENCY’S instructions have been dispensed with in an act passed in the *twenty eighth* year of HIS MAJESTY’S reign intituled ‘*An Act to provide for the Support of a Light House to be built upon Partridge Island*’—‘that in our sister colonies of *Canada* and *Nova-Scotia* as well as in the *British-West-India-Islands*’

‘duties

' duties are laid by their respective Legislatures on many articles
 ' of *British* product and manufacture—That the low state of
 ' the revenue made it necessary for the House of Assembly to
 ' impose additional duties on the former articles of impost, and
 ' also to propose such new ones as would not materially injure
 ' their constituents—That they do not think it possible any re-
 ' striction can be continued in the instructions of the Lieutenant
 ' Governor of this province which have been dispensed with in
 ' our sister provinces—But if the Council are persuaded such re-
 ' strictions still continue, to the particular prejudice of this pro-
 ' vince, they will agree to leave out the articles of Loaf Sugar,
 ' Porter and Playing Cards, and will apply thro' their Agent
 ' for the removal of a restriction which they are convinced was
 ' never intended to be continued to the detriment of this pro-
 ' vince.

' To the *fifth* objection the House observe that the clause
 ' which gave jurisdiction to the Courts of Oyer and Terminer was
 ' adopted in the session of 1792 by the Crown Lawyers then of
 ' the House, viz. a *Judge* of HIS MAJESTY'S Supreme Court
 ' and the *Solicitor General*, which clause has been retained
 ' *verbatim* in every revenue act since that period—That those
 ' learned Gentlemen and the House at that time gave the power
 ' to that Court because all the Terms and Sittings of the Su-
 ' preme Court were held at *Frederickton*—That the Council
 ' have uniformly concurred in passing such clause—That after
 ' such repeated sanctions by the concurrence of all branches of
 ' the Legislature for so many years and no inconvenience hav-
 ' ing ever been found from the provisions for recovering penalties
 ' by any or either of the former acts, the House cannot see the
 ' impropriety of continuing the jurisdiction of the same Court
 ' while all the Sittings of the Supreme Court are confined to
 ' *Frederickton*—nor do they conceive it illegal or improper that
 ' the *Attorney General*, should prosecute by information in the
 ' Court of Oyer and Terminer for penalties to be incurred by
 ' this act—But if the Council think they have discovered any
 ' new light in this matter, the House, for maintaining harmony,
 ' will agree to leave out the clause.

' To the *sixth* objection we answer that the services per-
 ' formed by *Thomas Wetmore*, Esquire, being immediately con-
 ' nected with the proceedings of the late House of Assembly,
 ' could only be ordered by that House—and although the sum
 ' voted for them is trifling the House cannot recede from that
 ' article of appropriation as it is their sole right to judge and
 ' determine what services are necessary and expedient and what
 ' are not, and to provide for them accordingly.

‘ In answer to the last objection we observe that “ *it is the sole and inherent right of the House of Assembly both to raise the public money and to direct and limit the ends, purposes and services to which it is to be applied*”—That the British Legislature are provided with the most valuable and useful publications on the Laws of Nature, Nations, &c.—That these are provided for by Votes or Resolves of the House of Commons—That the same laudable desire of Constitutional Information has induced similar purchases for the use and by the direction of every legislature we have yet heard of—That the purchase of the Books refered to was by the direction of the House of Assembly—That a similar purchase was made and provided for in the session of 1788—That this House found it necessary to incur such expense for their information although the Council from their being more enlightened may not think it necessary to consult the authorities this House refer to on constitutional questions. They therefore cannot admit of the Council’s objection to this article of appropriation.

‘ The House of Assembly forbear unnecessarily to retort the expressions the Council so improperly make use of by alleging the House preclude them from freely discharging their public duty, &c.

The untenable grounds on which the Council have rejected former appropriation bills, most of which they now do not so much as mention, as well as the hasty and undigested objections which are the subject of the present conference, are sufficient proofs that the Council have been and continue to be the means of preventing the House of Assembly from expediting the public business and from paying off the public debts of the Province—and that they subject them to the distressing mortification of not being able to pay off the pressing demands even of the Officers and Servants necessarily attending both the former and present Houses of Assembly.

‘ The House of Assembly further declare, that they, with heart felt satisfaction, review the steady and constitutional conduct of the former Houses of Assembly—that they feel an exultation in having steadily followed the same steps—and that they are resolved to continue to assert the Privileges of the House of Assembly and the Honor of their Constituents.

‘ The House of Assembly therefore leave the bill with the Council, together with the ill consequences that may attend the not passing this bill.”

Resolved,

Resolved, That this House will desire a present conference
with the Council on the subject matter of the last conference.

Resolved.

Ordered, That Mr. *Frazer* and Mr. *Gay* do acquaint the Council with this resolution.

A message from the Council as follows—viz—“ Council Chamber, Tuesday 8th March, 1796. *Resolved*, That the Council do agree to the present conference requested by the House of Assembly on the subject matter of the last conference.”

Message from the Council.

“ *Ordered*, That Mr. *Winslow* acquaint the House of Assembly with this resolution.”

Ordered, That the committee who managed the former conference do attend and manage this present conference.

Managers appointed,

The managers *Reported*, That they had been at the conference with the Council on the subject matter of the last conference and had delivered to the committee who managed the said conference on the part of the Council, the reasons agreed upon by the House to be offered in answer to the objections of the Council.

Their report

Ordered, That the committee of correspondence be directed to represent to the Agent the impediments to the settlement of the province arising from the restrictions upon granting lands: And also to transmit to him a copy of the address of this House to His EXCELLENCY the Lieutenant Governor on the subject of the residence of one of the Judges of the Supreme Court at *Saint John*, and of His EXCELLENCY'S answer thereto—And to request him to take such means as he may think proper for obtaining the purposes of the said address.

Order thereon.

The House then adjourned until to-morrow morning at ten o'clock.

House adjourn.

W E D N E S D A Y, 9th March, 1796.

A message from the Council as follows—viz—

“ Council Chamber, Wednesday 9th March, 1796. *Resolved*, That the Council desire a free conference on the subject of the last conference.”

Message from the Council.

R.

“ *Ordered*,

“ Ordered, That Mr. Robinson acquaint the House of Assembly, with this resolution.”

Resolve.

Resolved, That this House do agree to the free conference desired by the Council.

Ordered, That Mr. Peters and Mr. Street acquaint the Council with this resolution.

Managers appointed.

Ordered, That the same members who managed the last conference, with the Attorney General, Captain Agnew and Mr. Peters, do attend and manage the said free conference.

House adjourn.

The House then adjourned until to-morrow morning at ten o'clock.

T H U R S D A Y, 10th March, 1796.

Order respecting the re-appropriation of certain monies.

Ordered, that the Clerk of this House do furnish copies of the resolution of the *fourth* day of *March* instant, respecting the re-appropriation of all sums of money not expended on the services for which they were granted, to the following persons viz—To the person or persons to whom the warrant was granted for *forty four pounds eight shillings and six pence* in the year *one thousand seven hundred and eighty eight*; to the Honorable *Gabriel G. Ludlow*, Esquire, in whose hands a ballance remains of *seven pounds one shilling and four pence*; to the Honorable *George Leonard*, Esquire, or the members for *Saint John* for an account of the execution of *Justus Sherwood's* contract for *one hundred and twenty five pounds*; to *John Coffin*, Esquire, for an account of *thirty five pounds* ballance of the sum of *fifty pounds* granted to the members for *KING's* county in *one thousand seven hundred and eighty nine*, and of *twenty four pounds ten shillings and two pence* ballance of monies granted in *one thousand seven hundred and eighty nine* and *one thousand seven hundred and ninety one*; to *John Teamans*, Esquire, for an account of a ballance of *nine pounds and ten shillings*; and to the Honorable *John Saunders*, Esquire, for an account of *one hundred pounds* granted in *one thousand seven hundred and ninety two*.

Report of a committee.

The committee appointed to manage the free conference desired by the Council on the subject of the last conference Reported, That they had been at the said free conference, which was managed

managed on the part of the Council by the same members who managed the former conference—and that the committee of Council had delivered the following reply to the reasons given by the committee of the House at the last conference—viz.—

‘ We first have to make one general observation, that, in the
 ‘ answer made on the part of the House of Assembly to the
 ‘ objections stated in conference to the bill in question, the
 ‘ Council, with much concern, perceive a studied asperity of
 ‘ language, utterly inconsistent with public decorum and with
 ‘ that spirit of harmony and mutual respect which ought to pre-
 ‘ vail between the several branches of the Legislature. With
 ‘ serious concern also we perceive that the Assembly entertains
 ‘ a groundless and unreasonable jealousy and distrust of the
 ‘ Council respecting the Privileges of that House. And we
 ‘ conceive that nothing stated or suggested in conference ought
 ‘ to be considered as a breach of any privilege, but merely as
 ‘ reasons or objections offered either for or against whatever
 ‘ points may be the subject of such conference.

‘ I. The Council do not mean, in their *first* objection, to
 ‘ suggest that “ *each service provided for, and each article taxed,*
 ‘ *should have been sent up in a distinct and separate bill for their*
 ‘ *approbation or rejection*” but that the provisions and appro-
 ‘ priations should have been so separated as to prevent the in-
 ‘ conveniences enumerated, namely the loss of the revenue, the
 ‘ impeding of the public business, and the delay or eventual
 ‘ failure of Justice respecting the ordinary services of the Go-
 ‘ vernment. Nor do we say that “ *the appropriation of the re-*
 ‘ *venue of this year in the act which raises it*” is strictly unpar-
 ‘ liamentary, but it has never before been done in this province,
 ‘ and we think such a practice, if adopted in this country, would
 ‘ lead to serious inconveniences, as the loss of both the revenue and
 ‘ appropriation would be the consequence whenever there should
 ‘ be a disagreement in opinion between the two Houses upon any
 ‘ one article of either. The same inconveniences are not to be ap-
 ‘ prehended in England, where the civil list is granted for the
 ‘ *King’s* life, the public creditors are secured by established
 ‘ funds, and all annual Estimates are made to anticipate the
 ‘ year for which they are granted.

‘ II. Respecting the answer to the second objection, we have
 ‘ to observe, that irregular appointments heretofore made, how-
 ‘ ever uniformly practiced hitherto in this province, ought no
 ‘ longer to be sanctioned; that the Council cannot consider

' the nominating of Commissioners in all bills imposing burthens
 ' on the people as being solely in the House of Assembly; that the
 ' nomination of the Honorable George Leonard, Joshua Gidney
 ' and James Hughson in the act mentioned of 1792 as Commis-
 ' sioners for the performance of the services therein allotted to
 ' them was irregular, and the money ought in that and in all such
 ' cases, as it has been in many instances in former appropriation
 ' bills, to have been granted " to such person as the Lieutenant
 ' Governor or Commander in Chief, for the time being should ap-
 ' point"—for the express purpose intended; that the appoint-
 ' ment of commissioners of public accounts is for a service of a
 ' peculiar nature within the province of the Commons, who
 ' have a right to be fully informed of all expenditures of public
 ' money; and lastly that Commissioners of American Claims
 ' were appointed for a service altogether new and unknown be-
 ' fore requiring an Act of Parliament to authorise it, and the no-
 ' mination of those Commissioners we suppose must have been
 ' made by direction of HIS MAJESTY through his Chancellor
 ' of the Exchequer, or at least with his approbation.

' III. Respecting the observations made in the answer to the
 ' third objection, we conceive that the recommendation by HIS
 ' EXCELLENCY in 1793, to provide for the pay of the Speaker
 ' and the Members of the Assembly, cannot be supposed to have
 ' been intended to justify or propose any unconstitutional mode;
 ' but rather ought then to have suggested the expediency of
 ' the measure which we now think indispensably necessary. For
 ' the Statute of the 6. Hen. 8. having been made long before
 ' the existence of the colonies, was part of the English Law
 ' which every Subject of the Realm must have brought with
 ' him on his emigration, and must continue to be a part of the
 ' law of this land, until some new law be enacted for the ex-
 ' press purpose of authorising the mode of providing for the ser-
 ' vice in question which is preferred by the Assembly and to
 ' which, in such case, we should have no objection.

' IV. As there can be no doubt of the continuance of the
 ' Royal Instruction, alluded to in the fourth objection, we have
 ' only to observe, on that head, that no part of that Instruction
 ' was dispensed with in the act " to provide for the Support of
 ' a Light House."

' V. The Council, in stating their fifth objection, supposed
 ' the naming of Courts of Oyer and Terminer to have been an
 ' oversight, and they acknowledge it had in former instances e-
 ' scaped their notice. The objection however, is certainly well
 ' founded.

‘ VI. To the answer of the Assembly to the *sixth* objection the Council reply, that it is not to the amount of the sum in question, but to the power assumed by the Assembly of ordering the service, and of appointing and paying the person employed therein, a power of serious importance, uniting in that one branch the whole legislative and executive authority, and giving to the Assembly the uncontrolled disposition of the whole property of the province. And the Council observe that if they are compelled to give their assent to all sums directed to be paid by the Assembly, without judging whether the service was necessary or advantageous to the public, or whether the sum paid for such service was greater than ought to have been paid, they must acknowledge they are at a loss to know how they can be considered as a free and independent branch of the legislature, or what check they can give to any Grant, however extravagant, or to any service, however unnecessary.

‘ VII. In reply to the answer to the *seventh* and last objection, the Council observe, that it does not appear in the bill in question, that the service objected to was directed by the late House of Assembly, and the Council cannot dissemble their surprise to see a sum of money directed to be paid for Books purchased for the use of the Legislature, when the first knowledge they have had of the transaction is on their being called upon to give their assent to the payment of the sum expended; and when they consider the low state of the treasury, and that the books, in their opinion, will be of no public advantage, they cannot but think themselves warranted in objecting to so improvident a Grant.’

Thereupon ordered, That the same be referred to the committee who managed the said conference to prepare further reasons to be offered at a free conference in answer thereto.

Order thereupon.

Major *Murray* from the committee appointed to prepare further reasons to be offered in answer to the reply given by the committee of Council at the free conference—*Reported*, A draught of the same which he read in his place and then delivered in at the Clerks table—where the same, being again read, were agreed to by the House—and are as follows, to wit:

Report of a committee.

‘ The House of Assembly are not sensible that in their answers to the objections of the Council they indulged any asperity of language—It must naturally be expected from the strong impressions on their minds of the difficulties, and inconveniences which have arisen to the province from the Council having last session,

' as well as the present, negatived the bills providing for the payment
 ' of the just debts of the province and the necessary Officers of both
 ' Houses, that they were hurt at the Council's asserting these ill
 ' consequences to have arisen on the part of the House, who, in
 ' originating those bills, were actuated by motives directly con-
 ' trary. And the Council having inferred that motives of per-
 ' sonal advantage actuated the House in the discharge of their
 ' duty, we conceive is utterly inconsistent with public decorum
 ' and the spirit of Harmony which the House have ever been
 ' anxious, on their part, to maintain; and shews that the
 ' Council entertain a groundless and unreasonable jealousy of the
 ' motives by which the House are actuated in the discharge of
 ' their public duty.

' Any reason offered in a conference by a committee of one
 ' House, which intrenches on the privileges of the other, is,
 ' according to parliamentary usage, commonly considered, and
 ' stated as a breach of privilege.

' In answer to the *first* reason offered by the Committee of
 ' Council we have to observe, that we cannot admit that there
 ' is any mixture of objects and services in the *Revenue and ap-
 ' propriation Bill* inconsistent with strict Parliamentary usage and
 ' custom; that the appropriations in that bill do not impose any
 ' painful or disagreeable task on the Council as there are no pro-
 ' visions in it foreign to, or unconnected with the raising and ap-
 ' propriation of money, and the Council can neither diminish
 ' nor enlarge the sums therein appropriated. In this respect the
 ' Council is precisely in the same situation with the House of Lords,
 ' and their concurrence with regard to the disposition of money
 ' cannot be desired by the House of Assembly in any other form
 ' or manner than a bill without an absolute and unconstitution-
 ' al departure from parliamentary proceedings.

' To the second objection made by the Council we answer,
 ' "That even in bills which are not for the grant of supply, but
 ' "which however impose burdens on the people, such as bills for
 ' "turnpike roads, for navigations, for paving, for managing the
 ' "poor, &c. for which tolls and rates must be collected, the Lords
 ' "cannot make any alteration in the quantum of the toll or rate,
 ' "in the disposition or duration of it, or in the persons, com-
 ' "missioners, or collectors appointed to manage it."—In such bills it
 ' is the invariable practice in Great-Britain to appoint Commis-
 ' sioners and Collectors—we cannot therefore allow that the
 ' Council have hitherto acted irregularly in sanctioning such ap-
 ' pointments by act of Assembly.

' To the *third* reason we answer, that we conceive the Statute
 ' of 6. H. 8. c. 16. intituled " *An Act that no Knights of*
 ' " *Shires nor Burgeses depart before the End of the Parliament*
 ' or the provisions therein made " *that if any of the said Knights,*
 ' " *Citizens, Burgeses, or Barons do depart without leave, e-*
 ' " *very of them so departing should lose all those sums of money,*
 ' " *which he ought to have had for his wages* are not applicable
 ' to our colonial situation; and ought not to be deemed a part of
 ' the laws of this province. Neither that Statute, nor the
 ' Statute 23 H. 6. c. 10. intituled " *The Order of Levying*
 ' " *the Wages of the Knights of the Parliament* " nor any ancient
 ' Statute regulating the wages of the Knights Citizens and Burges-
 ' ses, ever were considered in force in any *British* colony, and are
 ' not applicable to the state of a colony, or the forms of our Legis-
 ' lature. But if these ancient and obsolete Statutes should be thought
 ' to be in force here, or to make a part of our general laws, the
 ' General Assembly is fully competent to make laws and regu-
 ' lations, in this respect, more suitable to our condition and cir-
 ' cumstances. This has been done by the General Assembly
 ' of this Province heretofore in many instances, and is justified
 ' by the usage of most of His MAJESTY'S, American colonies.
 ' We conceive that the recommendation of HIS EXCELLENCY
 ' the Lieutenant Governor in 1793, to provide for the pay of
 ' the Speaker and Members, &c. cannot be fairly construed o-
 ' therwise than a recommendation to make provision in the u-
 ' sual manner, which HIS EXCELLENCY had approved of by
 ' giving his assent to all the acts passed by the two Houses for
 ' that purpose. If a different mode had been in the contemplati-
 ' on of the Lieutenant Governor he would have given some in-
 ' timation thereof in his message to the House on that occasion;
 ' and his giving his assent to the act since passed for that purpose
 ' confirms this opinion of the House besides the Estimate a-
 ' bove referred to, is intituled " *Estimate of Expenses for the*
 ' " *Public Service of the Province of New-Brunswick for the cur-*
 ' " *rent year 1793, to be laid before the House of Assembly by order*
 ' " *of HIS EXCELLENCY the Lieutenant Governor.*" We there-
 ' fore insist that the provisions of this bill, in this behalf, are
 ' constitutional and expedient.

' To the *sixth* and *seventh* objections offered by the com-
 ' mittee of free conference on the part of the Council, we an-
 ' swer in the following Parliamentary language " *that it is the*
 ' " *sole, undoubted and inherent right of the Commons to give money*
 ' " *and grant aids; which are to be raised by such methods, and with*
 ' " *such provisions, and the DISPOSITION thereof to be made in such*
 ' " *manner*

“manner as the Commons ONLY think proper”—upon which
 ‘right these objections made by the Council plainly intrench—
 ‘and that “the Commons do ONLY give and grant in all bills of
 ‘aid, and have the sole right to direct to what ENDS and PUR-
 ‘POSES such aid shall be disposed; for that in common reasoning if
 ‘the Commons only can GIVE, they also must have the RIGHT
 ‘to dispose.’

House adjourn.

The House then adjourned until to-morrow morning at ten o'clock.

F R I D A Y, 11th March, 1796.

Resolve.

Resolved, That this House desire a present free conference with the Council on the subject matter of the last free conference.

Ordered, That Colonel *Coffin* and Captain *M'Lean* acquaint the Council with this resolution.

Message from the Council.

A message from the Council informing the House that the Council agree to the present free conference desired by this House on the subject matter of the last free conference.

Managers appointed,

Ordered, That the same members who managed the former free conference do attend and manage the present free conference.

Their report.

The managers went to the conference accordingly and being returned Major *Murray*, *Reported*, That the managers had been at the free conference with the Council on the subject matter of the last free conference—and that the committee of Council had delivered the following answer to the reasons offered at the said conference—viz.

‘That the Council adhere to their objections, excepting the
 ‘second, but are willing, for the sake of harmony and to prevent public inconvenience, to pass the present bill, provided the
 ‘House of Assembly will, in addition to the alterations proposed by their committee, take out of it what relates to the pay of
 ‘the members, and send up for that service a separate bill, which
 ‘in that case, the Council are willing to pass.’

Resolve.

Upon the report of the committee from the second free conference—on motion *Resolved*, That in conformity to the alterations

tions proposed by the committee of conference on the part of the House, the articles of "*Loaf Sugar, Porter and Playing Cards*" be struck out of the *first* section—that the words "*or any Court of Oyer and Terminer*" be struck out of the *third* section—and the word "*contingent*" out of the *ninth* section—and that the bill then be sent to the Council.

And the question being put, that the House do adhere to the answers they gave to the *first* reasons offered by the Council, it passed in the affirmative, *nemine contradicente*.

Resolved, That the committee of this House on the free conference be directed to close the said conference with the following reply—viz.—

Resolves.

' The House of Assembly consider the last proposition made by the Council respecting the revenue and appropriation bill as an interference in matters of supply, since it prescribes the mode and manner of proceeding, and a manifest breach of their privileges.

' They adhere to all the provisions of the bill with the exceptions specified in their answers to the objections of the Council; and therefore again leave the bill with the Council, together with all the ill consequences that may attend the not passing it into a law."

On motion made and seconded—*Resolved*, *nemine contradicente*, that the thanks of this House be given to the Committees who managed the several conferences on the part of this House with the committee of Council on the subject matter of the bill "*For raising a Revenue in this Province and for appropriating the Same, together with the Monies now in the Treasury*" for the exertion of abilities, diligence and attention with which they have discharged that important duty.

The House then adjourned until to-morrow morning at eleven o'clock.

House adjourns.

S A T U R D A Y, 12th March, 1796.

Ordered, That some members be appointed to search the Journals of the Council as to their proceedings upon the bill "*For raising a Revenue in this Province and for appropriating the Same, together with the Monies now in the Treasury*," and report the same to this House.

Members appointed to search the Journal of the Council.

T

Captain

Captain *M'Lean* and Mr. *Lee* are appointed for that purpose.

Report of a
Committee.

The said members *Reported*, That upon searching the Journals of the Council they found the following entries made on *Friday 11th March, 1796.*

' On motion made by Mr. Justice *Allen*, that the Council do make it an indispensable condition to the passing of the bill now before them " *For raising a Revenue in this Province and for appropriating the Same, together with the Monies now in the Treasury*" that what therein relates to the pay of the members be taken out, the Council divided—

" C O N T E N T .

" Mr. Justice <i>Allen</i> ,	" Mr. <i>Leonard</i> ,
" Mr. <i>Winslow</i> ,	" Mr. Justice <i>Saunders</i> .
" Mr. <i>Odell</i> ,	

" N O T C O N T E N T .

" Mr. Chief Justice,	" Mr. <i>Bliss</i> ,
" Mr. Justice <i>Upbam</i> ,	" Mr. <i>Robinson</i> .

' Read a third time the bill " *For raising a Revenue in this Province and for appropriating the Same, together with the Monies now in the Treasury*"—and on motion that this bill, as amended by the Assembly, do pass—the Council divided—

" C O N T E N T .

" Mr. Chief Justice,	" Mr. <i>Bliss</i> ,
" Mr. Justice <i>Upbam</i> ,	" Mr. <i>Robinson</i> .

" N O T C O N T E N T .

" Mr. Justice <i>Allen</i> ,	" Mr. <i>Leonard</i> ,
" Mr. <i>Winslow</i> ,	" Mr. Justice <i>Saunders</i> .
" Mr. <i>Odell</i> ,	

' *Whereupon Resolved*, That this bill do not pass.'

Motion for an
address.

Mr. *Robert Pagan* moved for an address to HIS EXCELLENCY the Lieutenant Governor which he read in his place and then delivered in at the Clerks table; where the same, being again read was agreed to by the House and is as follows—viz.—

“ To HIS EXCELLENCY THOMAS CARLETON, Address to His
Excellency.
“ Esquire, Lieutenant Governor and Commander in Chief of the
“ Province of New-Brunswick, &c. &c. &c.

“ The humble ADDRESS of the HOUSE of
“ ASSEMBLY.

“ May it please YOUR EXCELLENCY!

“ THE House of Assembly, deeply impressed with a great-
“ ful sense of YOUR EXCELLENCY’s paternal attention
“ to every thing which relates to the welfare of this province,
“ beg leave humbly and most respectfully to represent to YOUR
“ EXCELLENCY, that they have with every possible industry at-
“ tended to the passing of such bills as they have thought condu-
“ ceive to the Public Good, that they might thereby an-
“ swer the important purposes for which YOUR EXCELLENCY
“ has been pleased to call them together.

“ In executing this duty they have passed a bill *providing for the*
“ *payment of debts incurred and services performed previous to and*
“ *during the last session of the late General Assembly of this Pro-*
“ *vince* which hath been negatived by the Council.

“ A bill providing for the payment of part of the same servi-
“ ces was passed at the last session of the late House of Assembly,
“ and was also negatived by the Council. Both of those bills
“ were drawn up in the same form and on the same principles on
“ which all former bills of appropriation have been uniformly pas-
“ sed in this province, and were notwithstanding rejected by the
“ Council.

“ The House than passed another bill intituled “ *An Act for*
“ *raising a Revenue in this Province and for appropriating the*
“ *Same together with the Monies now in the Treasury.*” Upon
“ this bill some doubts appearing to exist in the minds of the Coun-
“ cil, this House, anxious to remove every difficulty and to pro-
“ mote harmony between the two branches of the legislature,
“ so essential to the dispatch of public business and the interest of
“ the province, have met the Council in repeated conferences on
“ the subjects of difference between the two Houses; and in the
“ course of those conferences, which have taken up a week, we
“ have been furnished with all the objections to passing the bill,
“ that the Council could, in that length of time, produce to
“ us: And after weighing and considering those objections with
“ the utmost deliberation, we answered them, on our part,
“ with such arguments, supported and drawn from volumes of
“ Precedents of the most constitutional and legal authority both
“ in the Parliament of Great-Britain and Legislatures of British

‘ colonies, as we humbly conceived would have justified the said
 ‘ bill and been satisfactory to the Council. But, notwithstanding
 ‘ these our endeavors, we are extremely sorry and surpris’d
 ‘ to find that bill hath also been reject’d by a majority of the
 ‘ Council.

‘ It is with deep regret we are obliged to represent to YOUR
 ‘ EXCELLENCY that we are thereby prevented from raising a
 ‘ revenue, from carrying into effect the provisions we had made
 ‘ for services recommended by YOUR EXCELLENCY, and from
 ‘ paying off the just debts of the province; and that we ex-
 ‘ perience the degrading mortification of not having it in our
 ‘ power to discharge the urgent claims even of the Officers and
 ‘ Servants necessarily attending on both Houses.

‘ Thus situated we think it a duty we owe to YOUR EXCEL-
 ‘ LENCY, to the honor of our constituents, and to our own
 ‘ characters, to present this address for the purpose of counter-
 ‘ acting any misrepresentations that may be made to you of our
 ‘ proceedings and to justify them to the world at large.

‘ And we pray YOUR EXCELLENCY to take into your confi-
 ‘ deration the advanced season of the year and the state of the
 ‘ river, and grant us a recess as soon as the public business will
 ‘ possibly admit.”

Ordered, That the said address be signed by the *Speaker* and
 presented to HIS EXCELLENCY by the whole House.

Address present-
ed.

The House then waited upon HIS EXCELLENCY the Lieu-
 tenant Governor—and being returned Mr. *Speaker*—*Reported,*
 ‘ That the House had presented to HIS EXCELLENCY the fore-
 going address.

Ordered, That communications of this House with the
 Council on the subject of the bill “ *For raising a Revenue in*
 “ *this Province and for appropriating the Same, together with*
 “ *the Monies now in the Treasury*” and also the address this day
 presented to HIS EXCELLENCY, be printed in the News-pa-
 pers under the direction of the committee appointed to superin-
 tend the printing of the Journal.

Resolve.

Resolved. That as the bill “ *For raising a Revenue in this*
 “ *Province and for appropriating the Same, together with the*
 “ *Monies now in the Treasury*” has been negatived by the
 Council and consequently no revenue will be collected after the
 first day of April next, it is the opinion of this House that the
 Salaries of all Officers employed in the collection of the revenue
 should then cease.

Ordered,

Ordered, That the Clerk of this House furnish a copy of this resolution to such persons as are concerned in collecting the revenue.

Resolved, That the resolution which the Council came to the eleventh day of this month on motion made by Mr. Justice Allen namely "that the Council do make it an indispensable condition to the passing of the bill now before them 'for raising a revenue in this province and for appropriating the same, together with the monies now in the treasury,' that what relates to 'the pay of the members be taken out'" is not only unparliamentary and not warranted by any Precedent, but is a flagrant breach of the Privileges of the House of Assembly, repugnant to the principles of the British, and subversive of those of our Colonial Constitution, and tends to destroy the independence of this House in the granting of Supplies and in the disposition of the Public Money. Resolva.

A message from HIS EXCELLENCY the Lieutenant Governor requiring the attendance of this House in the Council Chamber. McTage from
His Excellency.

The House having attended accordingly HIS EXCELLENCY was pleased to give assent to the following bills—viz. House attend.

An Act to prevent Acts of the General Assembly from taking effect from a Time prior to the passing thereof. Bills assented
unto.

An Act for reviving and continuing an Act intituled "An Act for the Support and Relief of confined Debtors."

An Act to revive and continue an Act intituled "An Act for preserving the Bank of the River Saint John in front of the Parishes of Magerville, Sheffield and Waterborough."

An Act for preventing unnecessary Expense and Delay in the Process of barring Entails and for establishing a plain and easy Form of conveying and assuring Estates-Tail.

An Act to prevent bringing infectious Distempers into the City of Saint John.

An Act to amend an act intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province" so far as the same respects the Fisheries in that Part of the County of Northumberland which is within the Bay and River Miramichi and its Branches.

And an Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors

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veyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the Same.

After which HIS EXCELLENCY was pleased to make the following Speech to both Houses—to wit:

His Excellency's
Speech.

' *Gentlemen of the Council,*

' *and Gentlemen of the Assembly,*

' **A**S it may, at this advanced season, be inconvenient to
' the members, from distant counties to be longer de-
' tained, I now close the present Session, in hopes that such
' provisions for the public service as remain unsettled will, at
' your next meeting, be resumed and completed in such man-
' ner as may be most conducive to the permanent welfare and
' prosperity of the province.'

General Assem-
bly.

And then the Clerk of the Crown, by HIS EXCELLENCY'S command, declared the General Assembly to be prorogued to the *second Tuesday in June* next.