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JOURNAL
OF THE HOUSE OF ASSEMBLY
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JOURNAL
OF THE HOUSE OF ASSEMBLY
OF HIS MAJESTY'S
ISLAND OF SAINT JOHN,
ANNO TRICESIMO SEXTO
REGIS GEORGII III.

FIFTH SESSION OF THE SIXTH GENERAL ASSEMBLY.



CHARLOTTE TOWN, ISLAND OF SAINT JOHN:

PRINTED BY WILLIAM ALEXANDER RIND,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1796.



JOURNAL

OF THE HOUSE OF ASSEMBLY

OF HIS MAJESTY'S ISLAND OF SAINT JOHN:

FIFTH SESSION OF THE SIXTH GENERAL ASSEMBLY.

TUESDAY, FEBRUARY 2, 1796.

THE House having met agreeable to his Excellency the Lieutenant Governor's Proclamation,

Peter Macgowan, Esq. and Mr. John Webster, who were returned as Members to serve in this present Assembly for King's County, appeared, and having taken the usual Oaths, were admitted to their Seats. And Mr. Ralph Brecken, Merchant, who was returned as a Member to serve in this present Assembly, for Charlotte Town, also appeared, and having taken the usual Oaths, was admitted to his Seat.

His Excellency the Lieutenant Governor sent a Message to the House by the Deputy Secretary, requiring their Attendance in the Council Chamber.

Accordingly Mr. Speaker with the House attended—and being returned, Mr. Speaker reported, that his Excellency was pleased to deliver the following Speech to both Houses:

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

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

IT is with great Satisfaction, at all Times, that I convene the Legislature of this Government for the Dispatch of Public Business; but it is with additional Pleasure that I now meet you in General Assembly, when, by the late Election of several new Members to supply the vacant Seats in the House of Assembly, the Representation of the People is rendered compleat, and an Opportunity thereby afforded me of receiving the most full and certain Information of the Interest and Wishes of his Majesty's dutiful and loyal Subjects in this Island, to which I am ever disposed, both from Duty and Inclination, to pay the utmost Attention and Regard.

Not having received any late official Information respecting the Operations of the War, or had any Thing in immediate Command from his Majesty's Ministers to lay before you at this Time, I am left to felicitate you on that condescending Notice and encouraging Attention which has been paid by his Royal Highness Prince Edward, his Majesty's Commander in Chief, to the better Defence of this Town, and on the Enjoyment of that local Tranquility and Security, which, under Divine Providence, has during the War been afforded to this Island, by the extensive Protection and operating Influence of his Majesty's Arms.—And to recom-

I mend

ment to you a wise and discreet Use and Improvement of those fortunate Circumstances by a closer Attention to the enacting of such salutary Laws, and concerting such judicious Measures, as may be thought most conducive to the mutual Interest of his Majesty's Service, and the Prosperity of this Island.—the flourishing State of which, it must be acknowledged, is most conspicuously evident, from the greatly improved Aspect and Appearance of the Face of the Country in Point of Cultivation and Agriculture, but more unequivocally certain from the vast annual Increase of our Exports of various Kinds of Produce, and most distinguishingly so in the valuable Articles of Wheat and black Cattle.

The erecting of a Church in this Town since the last Session of the General Assembly, for the more decent and devout Public Worship of Almighty God, begun and so far carried on by private Subscription, I persuade myself cannot be either unobserved by you, or regarded with Indifference.—And while contemplating the Means of affording some Assistance towards the completing an Edifice for religious Worship, suffer me, Gentlemen, once more to recal to your Recollection the great Duty which we owe to the present rising and succeeding Generations, of making some Provision and Endowments for the permanent Establishment of a Public School, or Academy, for the better Education and Instruction of the Youth of this Island.—The transcendant Benefits and Advantages of a polished and liberal Education have too often been made the well chosen Theme of both ancient and modern Declamation to receive any additional Elucidation, or Encomium, from any Thing that I am able to say upon the Subject. I, however, do not hesitate to believe, that Religion and Learning are, at this enlightened Period and Age of the World, universally acknowledged to be not only the highest Ornament and Glory, but the principal Source and Basis of substantial Happiness in every Government, and of every People. And under such Impressions it is, that I now submit the Consideration of those truly important and lastingly interesting Subjects, to the liberal Result of your deliberate and united Consultations,

Gentlemen of the House of Assembly,

I SHALL give Directions to the proper Officers to lay before you the Public Accounts of this Government; whereby you will be enabled to discover how far the Public Revenue of this Island has fallen short of discharging the Public Debts, and defraying the current unavoidable Expenditures of the Year, and consequently you will perceive the Propriety of devising some Ways and Means of paying or otherwise doing Justice to the Demands of Public Creditors.

Gentlemen of his Majesty's Council, and Gentlemen of the House of Assembly,

REPOSING an entire Confidence in your Loyalty and Affection to our Most Gracious Sovereign and his Royal and illustrious Family, and of your Zeal for his Majesty's Interests, and Attachment to his Government, I will only add, that I shall at all Times most cheerfully and cordially concur with you in every proper Measure and Effort which may tend to a Manifestation of such laudable Principles, or that can in any Manner or Degree promote the Prosperity and Happiness of his Majesty's faithful Subjects in this Island.

EDMUND FANNING.

Council Chamber, Charlotte Town, Island Saint John, 2d February, 1796.

On Motion of Mr. Hodgson for a Committee to be appointed to prepare an Address in answer to his Excellency's Speech,

Mr. Hodgson, Mr. C. Stewart, Jun. and Mr. Macgowan, were accordingly appointed.

Adjourned till Eleven o'Clock To-morrow.

WEDNESDAY, FEBRUARY 3, 1796.

THE House met according to Adjournment.

On Motion of Mr. Hodgson, a Petition of Mr. Thomas R. Haszard, Merchant, complaining of an undue Election and Return for King's County, was read and ordered to lie on the Table.

Mr. Macgowan moved for Leave to bring in a Bill intituled "An Act to render valid Conveyances of real Estates of married Women, by them made, or to be made, during their Coverture."

Leave being given accordingly, the same was read a first and second Time, and ordered to be committed for To-morrow.

On Motion of Mr. Macgowan, Leave was given to bring in a Bill intituled "An Act for the better Regulation of Elections"—which was read a first Time.

Ordered to be read a second Time on Tuesday next.

Moved by Mr. Macgowan, that a Committee be appointed to examine the Laws that are near expiring, and report the same to the House.

Mr. Macgowan, Mr. Brecken, and Mr. Hodgson, were accordingly appointed for that Purpose.

On Motion of Mr. Hodgson, Leave was given to bring in a Bill intituled "An Act for repealing two several Acts, that is to say, an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled "An Act for the Preservation of High-Ways; also an Act made and passed in the twenty-fifth Year of his present Majesty's Reign, intituled "An Act to explain and amend an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled, "An Act for the Preservation of High-Ways." Read a first and second Times, and committed for To-morrow.

Adjourned till Eleven o'Clock To-morrow.

THURSDAY, FEBRUARY 4, 1796.

THE House met according to Adjournment.

On Motion of Mr. Hodgson, the House came to the following Resolution:

That it be added to the standing Rules and Orders of this House, That any Member of the same who absents himself for two Sessions successively, without Leave first obtained of the House for that Purpose, his Seat shall be declared vacant—which Vacancy may be declared on the last Day of the second Session.

Pursuant to order the House went into a Committee of the whole House on the Bill intituled "An Act to render valid Conveyances of real Estates of married Women, by them made, or to be made, during their Coverture;" and also the Bill

intituled "An Act for repealing two several Acts, that is to say, an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled "An Act for the Preservation of High-Ways," also an Act made and passed in the twenty fifth Year of his present Majesty's Reign, intituled "An Act to explain and amend an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled "An Act for the Preservation of High-Ways." After some Time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had gone through the said Bills, and made Amendments thereto.

Read third Time, passed, and ordered to be engrossed.

Mr. Macgowan moved for Leave to bring in a Bill intituled "An Act to lay a Tax on Dogs within the Town and Royalty of Charlotte Town, and for the Preservation of Sheep throughout the Island."—Leave being given accordingly, the same was read a first and second Time,

A Message from his Majesty's Council with a Bill intituled "An Act to prevent lawless Persons from taking and riding or driving the Horses of others without their Leave or Permission;" also a Bill intituled "An Act to prevent the Robbing of Gardens and Orchards, Potatoe and Turnip Fields, and the throwing down of Fences;" and also a Bill intituled "An Act for vesting the Supreme Court of Judicature of this Island with a compulsive Power for the producing of Deeds, Books, Papers, and Writings, in the Possession of Parties to Suits in the said Court."

Received first and second Readings.

The Committee appointed to prepare an Address in answer to his Excellency's Speech at the Opening of the Session, reported the same; which being read and agreed to, was ordered for engrossing.

Adjourned till Eleven o'Clock To-morrow.

FRIDAY, FEBRUARY 5, 1796.

THE House met according to Adjournment.

A Message from his Majesty's Council with a Bill intituled "An Act for preventing, and the more exemplarily punishing, the robbing of Barns, Stables, and other out Buildings, within this Island."

On Motion, The said Bill received a first Reading.

And on a Motion being made, and the Question put, that the same be rejected, it was carried in the Affirmative.

The Committee appointed to wait on his Excellency the Lieutenant Governor, to know when he would be pleased to receive the Address of this House, in answer to his Speech, reported, that his Excellency was pleased to say, That he would receive the same this Day at Three o'Clock.

Ordered, That Mr. Stewart, Jun. do carry the Bill intituled "An Act to render valid Conveyances of real Estates of married Women, by them made, or to be made, during their Coverture;" and also a Bill, intituled "An Act for repealing two several Acts, that is to say, an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled "An Act for the Preservation of High-Ways,"

Ways," also an Act made and passed in the twenty-fifth Year of his present Majesty's Reign, intituled "An Act to explain and amend an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled "An Act for the Preservation of High-Ways," to his Majesty's Council, and acquaint them that the said Bills have passed this House:

On Motion,

The House resolved itself into a Committee of the whole House, to take into Consideration a Bill intituled "An Act to lay a Tax on Dogs within the Town and Royalty of Charlotte Town, and for the Preservation of Sheep throughout the Island;"—also a Bill intituled "An Act to prevent lawless Persons from taking and riding or driving the Horses of others without their Leave or Permission;"—also a Bill intituled "An Act to prevent the Robbing of Gardens and Orchards, Potatoe and Turnip Fields, and the throwing down of Fences;"—and also a Bill intituled "An Act for vesting the Supreme Court of Judicature of this Island with a compulsive Power for the producing of Deeds, Books, Papers, and Writings, in the Possession of Parties to Suits in the said Court." Mr. Hodgson, Chairman, reported, That the Committee had gone through the Bill intituled "An Act to lay a Tax on Dogs within the Town and Royalty of Charlotte Town, and for the Preservation of Sheep throughout the Island," and made several Amendments thereto; and desired Leave to sit again To-morrow, to take into Consideration the other Bills to them referred. Ordered accordingly.

On Motion, The Bill intituled "An Act to lay a Tax on Dogs within the Town and Royalty of Charlotte Town, and for the Preservation of Sheep throughout the Island," was read the third Time, passed, and ordered for engrossing.

On Motion of Mr. Stewart, Jun. Leave was given to bring in a Bill, intituled "An Act to explain and amend an Act made and passed in the thirtieth Year of his Majesty's Reign, intituled "An Act to oblige the respective Proprietors of Lots or Townships of Land, or of Parts of Lots or Townships of Land, in this Island, and who have contributed Nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated State, to pay their Proportion of the Public Charges for the making and repairing of the High-Ways, Roads, and Bridges of the said Island."

The House waited on his Excellency the Lieutenant Governor with the following Address, in answer to his Excellency's Speech:

To his Excellency Major General EDMUND FANNING, LL. D. Lieutenant Governor and Commander in Chief in and over his Majesty's Island of Saint John, and the Territories thereunto adjacent, Chancellor and Vice Admiral of the same, &c. &c. &c.

The ADDRESS of the HOUSE of ASSEMBLY in General Assembly convened,

May it please your Excellency,

WE, his Majesty's most dutiful and loyal Subjects, the Representatives of this his Island of Saint John, in General Assembly convened, beg Leave, with all Deference and Respect, to offer you our sincere Acknowledgments for your Speech at the Opening of this Session of the General Assembly.

The additional Satisfaction which your Excellency is pleased to express at meeting us, now that the late vacant Seats are occupied, and thereby the Representation of the People at large rendered compleat, furnishes us with a fresh Instance, in Addition to many before experienced and indelibly stamped on our Minds, of your scrupulous Regard for, and Protection of, the Rights and Liberties of the Inhabitants of this Island, and your steady Adherence to the fundamental Principles of the Constitution, under which we have at this Time the Happiness to be assembled.

At this interesting Period of Public Commotion abroad, and whilst so many Thousands are suffering under the Calamities of War, we cannot be sufficiently grateful for the Enjoyment of that local Tranquility and Security, which, under Divine Providence, has been afforded this Island, by the Protection and Influence of his Majesty's Arms, as well as for that condescending Notice and encouraging Attention which has been paid to the Defence of this Town by his Royal Highness Prince Edward. And we beg Leave to assure your Excellency, that it is our earnest Desire to improve those fortunate Circumstances by a close Attention to the enacting such salutary Laws, and concerting such judicious Measures, as may be thought most conducive to the mutual Interest of his Majesty's Service, and the Prosperity of this Island—the progressive Advancement of which is evident, from the Aspect of the Country in Point of Cultivation and Improvement, as well as from the general Benefit arising by the large annual Exports of Wheat black Cattle, and other valuable Articles.

The erecting of a Church in this Town for the more devout and public Worship of Almighty God, we have seen with the greatest Pleasure advance so far by private Subscription, and acknowledge that it merits our serious Attention.— And whilst contemplating our Duty in this Particular, we assure your Excellency, that we shall not neglect that which we owe to the rising Generation; but endeavour to make some Provision for the Establishment of a public School—as the Benefits and Advantages of a liberal Education are justly acknowledged to be the principal Source and Basis of the Happiness of every People.

When the Public Accounts come before us, every Measure, consistent with our Duty, shall be duly attended to, and Ways and Means devised of doing Justice to the Demands of Public Creditors.

And now permit us to assure your Excellency of the warmest Solicitude on our Part, to concur in every Measure calculated to promote the Prosperity and Happiness of his Majesty's Subjects on this Island, and our cordial and hearty Wishes for the Ease and Honor of your Excellency's Administration.

JOHN STEWART, Speaker.

Assembly Room, February 5, 1796.

The House having returned, the Speaker reported, That his Excellency was pleased to make the following Answer:

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

I RETURN you my sincerest Thanks for an Address so expressive of your Loyalty and Affection to our Most Gracious Sovereign, and his Royal and illustrious Family, and of your Zeal for his Majesty's Interest, and Attachment to his Government.

The

The Manner, Gentlemen, in which you are pleased to express your Approbation of my Conduct, and your Concurrence in Opinion with Respect to the several Matters which I have recommended to your Consideration, cannot be otherwise than highly pleasing and gratifying to me, and the more so, as it encourages me to hope for the happiest Issue to your united Consultations for the Interest of his Majesty's Government; the Ease of my Administration, and the permanent Prosperity and Happiness of his Majesty's faithful Subjects in this Island.

EDMUND FANNING,

Adjourned till Eleven o'Clock To-morrow:

SATURDAY, FEBRUARY 6, 1796.

THE House met according to Adjournment.

Pursuant to Order, the House went into a Committee of the whole House (Mr. Hodgson in the Chair) to resume the Consideration of the Bill intituled "An Act to prevent the Robbing of Gardens and Orchards, Potatoe and Turnip Fields, and the throwing down of Fences." After some Time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had gone through the same, and made several Alterations and Amendments; which being read and agreed to by the House, the Title of the said Bill stands as follows:

"A Bill intituled "An Act to prevent the Robbing of Gardens and Orchards, Potatoe and Turnip Fields, and the throwing down of Fences, and for the amending an Act made and passed in the twentieth Year of his present Majesty's Reign, intituled "An Act for preventing Trespasses by unruly Cattle and Sheep, and for preventing the Running of Hogs at large through the Town of Charlotte Town."

On Motion, The said Bill as amended in the Committee was read a third Time, and passed.

Ordered, That Mr. Brecken do carry the Bill intituled "An Act to lay a Tax on Dogs within the Town and Royalty of Charlotte Town, and for the Preservation of Sheep throughout the Island," to his Majesty's Council, and inform them that the same has passed this House.

Mr. Hodgson, as Chairman of the Committee of the whole House, reported, that a Majority of the Committee were for rejecting the Bill intituled "An Act for vesting the Supreme Court of Judicature of this Island with a compulsive Power for the producing of Deeds, Books, Papers, and Writings, in the Possession of Parties to Suits in the said Court."

On Motion of Mr. Hodgson, that the Report of the Committee be agreed to.

For the Motion, Mr. Hodgson, Mr. Brecken, Mr. McKie, Mr. Clark, and Mr. Beers,

Against it, Mr. Stewart, Jun. Mr. Maegowan, and Mr. Webster.

The House went again into Committee of the whole House (Mr. Hodgson in Chair) on the Bill intituled "An Act to prevent lawless Persons from taking and riding or driving the Horses of others, without their Leave or Permission." After

some Time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had gone into the Consideration of the same, and made Alterations and Amendments thereto; which was ordered to be received on Monday next.

On Motion of Mr. Hodgson, Ordered, That the Reverend Theophilus Desbri- say, Chaplain to this House, do perform Divine Service on Tuesday next at Eleven o'Clock; and that the Clerk do acquaint him therewith.

Adjourned to Monday next, Eleven o'Clock

MONDAY, FEBRUARY 8, 1796.

THE House met according to Adjournment.

Pursuant to Order, the House took into Consideration the Report of the Committee of the whole House on the Bill intituled "An Act to prevent lawless Persons from taking and riding or driving the Horses of others, without their Leave or Permission," and agreed to the Amendments and Alterations proposed by the Committee.

On Motion, The said Bill as amended, was read the third Time, and passed, and ordered to be engrossed—the Title of which now stands as follows: A Bill, intituled "An Act to prevent disorderly Persons from taking and riding or using the Horses of others, without their Leave or Permission."

On Motion of Mr. Hodgson, Leave was given to bring in a Bill intituled "An Act to explain and amend an Act made and passed in the twentieth Year of his present Majesty's Reign, intituled "An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into Execution."

On Motion, the same was read a first and second Times.

Ordered, That Mr. Macgowan and Mr. Brecken do carry up to his Majesty's Council, the Bill intituled "An Act to prevent the Robbing of Gardens and Orchards, Potatoe and Turnip Fields, and the throwing down of Fences, and for amending an Act made and passed in the twentieth Year of his present Majesty's Reign, intituled "An Act for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town."

A Message from his Majesty's Council, with a Bill intituled "An Act for appointing Commissioners of Sewers."

Pursuant to Leave given, Mr. Stewart, Jun. brought in a Bill intituled "An Act to explain and amend an Act made and passed in the thirtieth Year of his Majesty's Reign, intituled "An Act to oblige the respective Proprietors of Lots or Townships of Land, or Parts of Lots of Townships of Land, in this Island, and who have contributed Nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated State, to pay their Proportion of the Public Charges for the making and repairing the High-Ways, Roads, and Bridges of the said Island."

On Motion, the same was read a first and second Time; On

On Motion of Mr. Stewart, Jun. the House resolved itself into a Committee of the whole House on the said Bill, (Mr. Stewart, Jun. in the Chair). After some Time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had gone through the same, and made several Amendments thereto.

On Motion, The Bill intituled " An Act for appointing Commissioners of Sewers," received a first Reading.

On Motion, Mr. Hodgson, Mr. Stewart, Junior, and Mr. Breecken, were appointed a Committee to meet a Committee of his Majesty's Council, to state the Public Accounts; upon which Mr. Webster was ordered to acquaint his Majesty's Council therewith.

A Member of his Majesty's Council came down and acquainted the House that they requested a Conference with this House on the Subject Matter of two Bills, viz:

A Bill intituled " An Act to render valid Conveyances of real Estates of married Women by them made, or to be made, during their Coverture," and also a Bill intituled " An Act to prevent the Robbing of Gardens and Orchards, Potatoe and Turnip Fields, and the throwing down of Fences, and for amending an Act made and passed in the twentieth Year of his present Majesty's Reign, intituled " An Act for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town." And then withdrew.

On Motion, Mr. John Webster was ordered to go up to the Council, and acquaint them that this House agreed to a Conference on the Subject abovementioned, and were ready to proceed therein immediately. He withdrew accordingly.

Having returned, the House immediately proceeded to the Council Chamber, where a Conference was held.

The House having returned, the Speaker read the Alterations proposed to be made by his Majesty's Council in the two Bills last mentioned, and having put the Question thereon severally, the same were agreed to.

Ordered, That Mr. Macgowan do acquaint his Majesty's Council therewith.
Adjourned till Eleven o'Clock To-morrow.

TUESDAY, FEBRUARY 9, 1796.

THE House met according to Adjournment,

And (the Reverend Theophilus Desbrisay, Chaplain to this House, having performed Divine Service) proceeded to Business,

On Motion, was read a second Time, the Bill intituled " An Act for appointing Commissioners of Sewers."

Pursuant to Leave given, Mr. Hodgson brought in a Bill intituled " An Act in Addition to, and to supply some Defects in, an Act made and passed in the sixteenth Year of his present Majesty's Reign, intituled " An Act for regulating Fees."

On Motion, the same was read a first and second Times.

On

On Motion, The Bill, intituled " An Act to explain and amend an Act made and passed in the thirtieth Year of his Majesty's Reign, intituled " An Act to oblige the respective Proprietors of Lots or Townships of Land, or of Parts of Lots or Townships of Land, in this Island, and who have contributed Nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated State, to pay their Proportion of the Public Charges for the making and repairing of the High-Ways, Roads, and Bridges of the said Island," was read the third Time, and passed, and ordered to be engrossed.

Moved by Mr. Clark for Leave to bring in a Bill intituled " An Act to prevent the running at-large of Boars at improper Seasons."

On Motion, the same was read a first Time.

Mr. Stewart, Jun. moved for Leave to bring in a Bill intituled " An Act to enable the Creditors of Government to receive Interest on such Warrants as shall be drawn on the Treasury, which by a Scarcity of Money the Treasurer shall not be able to discharge."

On Motion, the same received first Reading.

The House resolved itself into a Committee of the whole House (Mr. Hodgson in the Chair) to take into Consideration the Bill intituled " An Act to explain and amend an Act made and passed in the twentieth Year of his present Majesty's Reign, intituled " An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into Execution;" and also the Bill intituled " An Act for appointing Commissioners of Sewers " After some Time spent therein, the Speaker resumed the Chair, and the Chairman reported, That the Committee had agreed to the said Bills.

On Motion of Mr. Hodgson, the same were severally read the third Time, and passed.

Adjourned till Eleven o'Clock To-morrow.

WEDNESDAY, FEBRUARY 10, 1796.

THE House met according to Adjournment.

Mr. Hodgson moved for Leave to bring in a Bill intituled " An Act for the Preservation of Sheep throughout the Island."

On Motion, the same was read a first and second Time:

Ordered, That Mr. Macgowan do carry the Bill intituled " An Act to explain and amend an Act made and passed in the twentieth Year of his Majesty's Reign, intituled " An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into Execution," and the Bill intituled " An Act to explain and amend an Act made and passed in the thirtieth Year of his Majesty's Reign, intituled " An Act to oblige the respective Proprietors of Lots or Townships of Land, or of Parts of Lots or Townships of Land, in this Island, and who have contributed Nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated State, to pay their Proportion of the Public Charges for the making and repairing

pairing the High-Ways, Roads, and Bridges of the said Island," and also the Bill intituled "An Act for appointing Commissioners of Sewers," to his Majesty's Council, and acquaint them that the same have passed this House.

On Motion, the Bill intituled "An Act to prevent the running at large of Boars at improper Seasons," was read a second Time.

Mr. Stewart, Jun. moved for Leave to bring in the Heads of a Bill for establishing a Public School in the Town of Charlotte Town. And the Question being thereupon put, it passed in the Negative:

For the Motion, Mr. Stewart, Jun. Mr. Beers, and Mr. Clark.

Against it, Mr. Hodgson, Mr. Macgowan, Mr. M'Kie, Mr. Lawson, and Mr. Brecken.

Moved by Mr. Hodgson, That a Committee be appointed to meet a Committee of his Majesty's Council, to concert Measures, during the Recess, for building, establishing, and supporting a Public School in the Town of Charlotte Town, and to make their Report at the next Session of the General Assembly.

For the Motion, Mr. M'Kie, Mr. Lawson, Mr. Brecken, Mr. Macgowan, Mr. Webster, Mr. Beers, and Mr. Hodgson. Against it, Mr. Clark.

Mr. Macgowan, Mr. Hodgson, and Mr. Stewart, Junior, were accordingly appointed.

Received from the Deputy Secretary and Register, a Report on the State of the Register Office, which was ordered to lie on the Table.

Adjourned to Eleven o'Clock To-morrow.

THURSDAY, FEBRUARY II, 1796.

THE House met according to Adjournment.

The Committee appointed to examine into such Laws as are near expiring, reported, that they had, according to Order, proceeded therein, and find that none will expire this Session.

On Motion of Mr. Hodgson, the Bill intituled "An Act for the Preservation of Sheep throughout the Island," was read the third Time, passed, and ordered to be carried to his Majesty's Council.

A Member of his Majesty's Council came down with the Bill intituled "An Act to explain and amend an Act made and passed in the thirtieth Year of his Majesty's Reign, intituled "An Act to oblige the respective Proprietors of Lots or Townships of Land, or of Parts of Lots or Townships of Land, in this Island, and who have contributed Nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated State, to pay their Proportion of the Public Charges for the making and repairing the High-Ways, Roads, and Bridges of the said Island," with proposed Amendments. And then withdrew.

The House having taken the proposed Amendments into Consideration,

Resolved, That they do adhere to the original Bill as it passed this House; and that Mr. Macgowan do carry the same to his Majesty's Council, and acquaint them therewith.

The

The House resolved itself into a Committee of the whole House to take into Consideration the Bill intituled "An Act to prevent the running at large of Boars at improper Seasons." After some Time spent therein, the Speaker resumed the Chair, and the Chairman reported, that the Committee had gone through the same, and made several Alterations and Amendments thereto; which Report was agreed to by the House.

On Motion, the said Bill, as amended, was read the third Time, and passed.

Ordered, That the same be carried to his Majesty's Council.

A Message from his Majesty's Council with the Bill intituled "An Act for the Preservation of Sheep throughout the Island," with proposed Amendments; which being agreed to by the House, the Bill as amended, was carried back to his Majesty's Council.

On Motion of Mr. Clark, received and read a Petition of Alexander Richardson, praying to be reimbursed Monies heretofore advanced by him in Support of the Poor of the Parish of Charlotte. Ordered to lie on the Table.

On Motion of Mr. Brecken, received and read a like Petition of Benjamin Chappell. Ordered to lie on the Table.

Ordered, That both Petitions be taken into Consideration To-morrow.

Ordered, Thatt he House go into a Committee of the whole House To-morrow, on the different Bills on the Table.

Adjourned till To-morrow Eleven o'Clock.

FRIDAY, FEBRUARY 12, 1796.

THE House met according to Adjournment.

The House, pursuant to Order, resolved itself into a Committee of the whole House (Mr. Hodgson in the Chair) to take into Consideration the Bill intituled "An Act in Addition to, and to supply some Defects in, an Act made and passed in the sixteenth Year of his present Majesty's Reign, intituled "An Act for regulating Fees," and also the Bill intituled "An Act to enable the Creditors of Government to receive Interest on such Warrants as shall be drawn on the Treasury, which by a Scarcity of Money the Treasurer shall not be able to discharge." The Speaker resumed the Chair, and the Chairman reported, that the Committee had had the said Bills under Consideration, had rejected the first of the above Bills, and made Amendments to the other; which Report was agreed to by the House.

On Motion, The Bill intituled "An Act to enable the Creditors of Government to receive Interest on such Warrants as shall be drawn on the Treasury, which by a Scarcity of Money the Treasurer shall not be able to discharge," received a third Reading, passed, and was ordered to be carried to his Majesty's Council.

On Motion of Mr. Hodgson, it was resolved, that a Committee be appointed to wait upon his Excellency the Lieutenant Governor, and to request his Excellency will be pleased to give Orders, that the Overseers of the High-Roads, in future, be expressly directed, within a short Time after their respective Appointments, to apply to the nearest Justice or Justices of the Peace, to carry into Execution the Act of the General Assembly of this Island, passed at the Session in March, 1790, intituled

intituled " An Act to oblige the respective Proprietors of Lots or Townships of Land, or of Parts of Lots or Townships of Land, in this Island, and who have contributed Nothing towards the Settlement or Improvement of this Island, and whose Lands lie in a waste and uncultivated State, to pay their Proportion of the Public Charges for the making and repairing the High-Ways, Roads, and Bridges of the said Island," which has received his Majesty's Royal Approbation, and which has never yet been carried into Execution, chiefly owing (as this House is informed) to the Overseers neglecting that necessary Part of their Duty.

Mr. Macgowan, Mr. Brecken, and Mr. Webster, were appointed, and withdrew accordingly. And having returned, Reported, That they had waited on his Excellency, who was pleased to say, that he would direct such Orders to be given as the House requested.

Adjourned till To-morrow Eleven o'Clock.

SATURDAY, FEBRUARY 13, 1796.

THE House met according to Adjournment.

Agreeable to the standing Rules and Orders of the House, on Motion, The Seat of James Campbell, Esq. Member for Queen's County, was declared vacant.

On Motion of Mr. Beers, it was resolved, That a Committee be appointed to prepare an Address to his Excellency the Lieutenant Governor, praying that a new Writ may issue for the Election of a Member for Queen's County, in the Room of James Campbell, Esq. whose Seat has been declared vacant, agreeable to the standing Rules and Orders of this House.

Mr. Beers, Mr. Macgowan, and Mr. Brecken, were accordingly appointed—reported the following Address, which was agreed to, and ordered to be presented by them to his Excellency:

To his Excellency Major General EDMUND FANNING, LL. D. Lieutenant Governor and Commander in Chief in and over his Majesty's Island of Saint John, &c. &c. &c.

An ADDRESS of the House of Assembly of said Island in General Assembly convened;

May it please your Excellency,

AGREEABLE to the standing Rules and Orders of this House, the Seat therein of James Campbell, Esquire, a Member for Queen's County, has been declared vacant.

We therefore pray that your Excellency will be pleased to order a new Writ to be issued for the Election of a Member to represent Queen's County, in the Room of said James Campbell.

JOHN STEWART, Speaker.

Assembly Room, February 13, 1796.

The Committee appointed to wait on his Excellency the Lieutenant Governor with the above Address, reported, That his Excellency was pleased to say, he would comply with the Desire of the House.

On

The House took into Consideration and allowed to the following Persons :

To William Alexander Rind, Printer to the Government, from 1st January, 1796, to 1st January, 1797,	£. 40 0 0
To Samuel Bagnall, for Rent of his House from 9th June, 1795, to 9th June, 1796,	£. 30 0 0
☞ But in future only £. 20 per Annum to be allowed as Rent.	
To the Clerk of the Assembly, for his Services at this Session, .	£. 18 13 6
To Ditto, for a Copy of the Journals of the Session in February, 1795, for his Excellency the Lieutenant Governor,	£. 5 0 0
To the Reverend Theophilus Desbrisay, Chaplain of the House, .	£. 5 0 0
To Samuel Bagnall, Serjeant at Arms,	£. 1 0 0
To James Marshall, Serjeant at Arms, for ten Days Attendance at 6s. .	3 0 0
To William A. Rind, Clerk of the Council,	£. 11 14 0
To John Gillaspie, Messenger to the Council, for 11 Days,	2 15 0
To James Park, for Assembly Fuel, &c. &c.	£. 3 0 0

A Message from his Excellency the Lieutenant Governor, acquainting the House that his Excellency was then in the Chair, and desired the Attendance of the House at the Council Chamber.

The House waited on his Excellency, who was pleased to give his Assent to the following Bills, viz.

A Bill intituled " An Act to prevent the Robbing of Gardens and Orchards, Potatoe and Turnip Fields, and the throwing down of Fences, and for amending an Act made and passed in the twentieth Year of his present Majesty's Reign, intituled " An Act for preventing Trespasses by unruly Horses, Cattle, and Sheep, and for preventing the running of Hogs at large through the Town of Charlotte Town."

A Bill intituled " An Act to render valid Conveyances of real Estates of married Women by them made, or to be made, during their Coverture."

A Bill intituled " An Act for repealing two several Acts, that is to say, an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled " An Act for the Preservation of High-Ways ; also an Act made and passed in the twenty-fifth Year of his present Majesty's Reign, intituled " An Act to explain and amend an Act made and passed in the twenty-first Year of his present Majesty's Reign, intituled, " An Act for the Preservation of High-Ways."

A Bill intituled " An Act to prevent disorderly Persons from taking and riding or using the Horses of others, without their Leave or Permission."

A Bill intituled " An Act for appointing Commissioners of Sewers."

A Bill intituled “ An Act to explain and amend an Act made and passed in the twentieth Year of his present Majesty’s Reign, intituled “ An Act to enable Proprietors to divide their Lands held in common, and for ascertaining the Mode of carrying such Division into Execution.”

A Bill intituled “ An Act for the Preservation of Sheep throughout the Island.”

His Excellency then made the following Speech to both Houses :

Mr. President, and Gentlemen of his Majesty’s Honorable Council,

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

IT is with peculiar Satisfaction that I am enabled, at this early Period, by your Unanimity and unprecedented Dispatch of Public Business, to put an End to the Session, by dismissing you from any further Attendance at this Time.

I have so often, Gentlemen, expressed my entire Approbation of your Conduct when assembled in your legislative Capacities, and so repeatedly declared my Opinion of the just Claim which you have to the Confidence and Gratitude of your Constituents, that I cannot conceive how I can possibly more satisfactorily close the Business of the present Session, or more fully illustrate the Estimation of your public Merit and Services, than by communicating to you a Paragraph in a Public Dispatch which I lately had the Honor of receiving from his Grace the Duke of Portland, one of his Majesty’s Principal Secretaries of State, dated at Whitehall, the 5th of last August, wherein the Duke, after acknowledging the Receipt of my Letters, transmitting to his Grace the Speech, Addresses, Journals, and Acts, of the last Session, and informing me of his having laid my Letters before his Majesty, adds his official Approbation on the Occasion in the following condescending and flattering Terms, that “ It is with great Satisfaction that he observes a zealous Attention on my Part, seconded by the united Concurrence of the Council and Assembly of Saint John’s, in support of his Majesty’s Interests and those of the Island, which are inseparable.”

EDMUND FANNING.

Council Chamber, Charlotte Town, 13th February, 1796.

Then the Secretary, by his Excellency’s Command, said, “ It is his Excellency the Lieutenant Governor’s Pleasure, that this General Assembly be prorogued to the first Tuesday in June next, to be then here holden; and this General Assembly is accordingly prorogued to the first Tuesday in June next.”

