

JOURNALS
OF THE
HOUSE OF ASSEMBLY
OF THE
PROVINCE
OF
NEW-BRUNSWICK:

From TUESDAY the 12th day of JANUARY, to WEDNES-
DAY, the 3d day of MARCH, 1813.



SAINT JOHN:
PRINTED BY JACOB S. MOTT, PRINTER TO THE KING'S MOST
EXCELLENT MAJESTY, AT THE SIGN OF THE BIBLE AND
CROWN, PRINCE WILLIAM STREET—1813.

John Robinson, Esquire, was elected Speaker *nemine contra dicente*, and conducted to the Chair: When on the step, *Mr. Robinson* expressed his gratitude to the House for the confidence reposed in him, but begged that they would upon further consideration confer the honor on some other of its Members and suffer him to do the duty of a private Member, but the House persisting in their choice, *Mr. Robinson* submitted himself to their commands, and took the Chair *nem con*.

The House adjourned until to-morrow morning at 11 o'clock.

THURSDAY, the 14th day of JANUARY, 1813.

The House met pursuant to adjournment, when the *Speaker* elect having taken the Chair. The Clerk of the House proposed the appointment of *Samuel Denny Street*, Esquire, as his Deputy in the execution of the duties of the Clerkship of the House, and the House having assented to and approved of the said *Mr. Street* as a proper person to be appointed, the said *Samuel Denny Street* took his seat at the Clerk's table accordingly.

A Message was brought from His Honor the PRESIDENT by *Xenophon Jouett*, Esquire, Gentleman Usher of the Black Rod, requiring the attendance of this Honorable House in the Council Chamber, upon which the *Speaker* elect with the House, immediately attended his Honor in the Council Chamber, when the *Speaker* elect said,

“ May it please your Honor,

“ The House of Assembly of this Province having been deprived of their
“ Speaker by the death of the late *Amos Botsford*, Esquire, (who so long and
“ worthily filled that office) have in obedience to your Honor's command,
“ and according to their acknowledged right, proceeded to the election of
“ another to supply his place, and now humbly attend to present me to your
“ Honor as the person chosen; but your Honor knowing how inadequate
“ my abilities are to so arduous a station, will I trust disapprove their choice
“ and command them to elect another therefor more capable of fulfilling its
“ important duties.”

Whereupon the Honorable *Mr. Bliss*, the Chief Justice, spoke as follows:

“ *John Robinson*, Esquire, I am commanded by His HONOR the PRESIDENT, to acquaint you that he is so confident of your loyalty to His MAJESTY, of your integrity and ability for executing the important office into which you are elected, that His Honor is perfectly satisfied with the choice which the House of Assembly have made and doth allow and confirm you to be their Speaker;”—and then His HONOR the PRESIDENT made the following Speech to both Houses:—

“ Gentlemen of the Council, and

“ Gentlemen of the Assembly,

“ The Declaration of War on the part of the United States against Great-Britain, has rendered it necessary for me to require your attendance in General Assembly at an earlier period than the ordinary exigencies of the Province would have demanded; and while we deplore the infatuation that has induced our neighbours (blind to their own true interests) to lend their aid in support of that spirit of tyranny and universal dominion which Great-Britain has so long gloriously resisted; we are called upon vigorously to exert ourselves in defence of all that is dear and valuable to men; and the principal object that presents itself for your consideration upon this occasion is the revision of the Militia Law, with such additions and amendments as may be requisite to enable us most effectually to counteract any hostile attempts of the enemy.

“ Gentlemen.

" *Gentlemen of the Assembly,*

" Sundry expences have been necessarily incurred towards the defence of
 " the Province, of which a particular Account, together with the Treasurer's
 " Accounts, and such other papers as may be necessary for your information
 " shall be laid before you, and I have the fullest confidence in your zeal and
 " readiness, as far as the means in your power will enable you, to make pro-
 " vision for the public exigencies. I have thought it expedient for the pre-
 " sent to withhold the Warrants for such of the appropriations for Roads,
 " and some other services, as had not been drawn from the Treasury, previ-
 " ous to the Declaration of War, excepting in some few instances where the
 " services had been actually performed, or where they appeared to be in-
 " dispensably necessary.

" *Gentlemen of the Council, and*

" *Gentlemen of the Assembly,*

" The Act passed at the last Session for granting an aid to His Majesty,
 " towards the defence of the Province, has been laid before His Royal
 " Highness the PRINCE REGENT, who has expressed the most lively satis-
 " faction in witnessing your readiness to contribute in aid of those exertions
 " which His Royal Highness will make in defence of His MAJESTY'S Pro-
 " vinces, and His confidence in your liberality, and in the known courage
 " and determined spirit of resistance of the loyal Inhabitants of New-
 " Brunswick.

" A Copy of the Letter written by command of His Royal Highness upon
 " this occasion, shall be laid before you.

" I most sincerely congratulate with you on the signal successes which
 " have hitherto attended His MAJESTY'S Arms, in repelling the attempts
 " which have been made by the enemy on the Canadas. In these several
 " contests the Militia have borne a conspicuous part, and I have no doubt
 " that the Militia of this Province, animated by such an example, and by
 " that spirit of loyalty and attachment to His MAJESTY, for which they
 " have been so uniformly distinguished, will whenever the occasion shall of-
 " fer, discharge their duty with equal zeal, and I trust from the goodness of
 " our cause with equal success."

The House then returned to their Chamber.

Read the first time, a Bill in addition to the Laws for the support of the
 poor in this Province.

On motion of Captain *Agnew*, resolved, that an address be presented to
 His Honor the President in answer to his Speech. Ordered, that the *Attor-
 ney General*, Captain *Agnew*, Mr. *Peters*, and Mr. *Johnston*, be a committee
 to prepare the same.

Resolved that the exigencies of the Militia service requiring the atten-
 dance of Major *M'Donald*, and Captain *Campbell*, in the County of Char-
 lotte. Ordered therefore, that leave be given to Major *M'Donald*, and
 Captain *Campbell*, of the Militia of Charlotte County, to depart from this
 House for the purpose of attending to their several duties in that County.

The House in committee, Mr. *Leonard* in the Chair, went into considera-
 tion of His Honor the President's Speech. The *Speaker* resumed the chair,
 and the chairman reported progress, and that the committee were of opini-
 on, that a select committee of three be appointed to revise the Militia Law,
 and to report by Bill, or otherwise, as they may see fit. Whereupon or-
 dered, that the *Attorney General*, Major *Ward*, and Mr. *Fraser*, be a com-
 mittee for that purpose, and that the further consideration of His Honor
 the President's speech be postponed until to-morrow.

On motion of Captain *Agnew*, ordered, that the *Speaker* issue his war-
 rant to the Clerk of the Crown in Chancery, to issue a new Writ directed to
 the

the Sheriff of Westmorland, commanding him to warn and assemble all the legal voters of the said County to meet at the usual place of holding elections, and to cause an able and discreet person, qualified as the Law directs, to be chosen a Representative for the said County, in General Assembly, in the place of their late Representative *Amos Botsford, Esq.* lately deceased.

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

FRIDAY, the 15th day of JANUARY, 1813.

PRAYERS,

On motion of Mr. *Attorney General*, for leave to bring in a Bill for the more effectual prevention of desertion from His Majesty's navy; leave was granted, and the Bill read a first time.

On motion of Mr. *Leonard*, ordered, that the order of the day for going into the further consideration of His Honor the President's speech, be discharged, and that the further consideration of the same be postponed until to-morrow.

The *Attorney General* from the committee appointed to prepare an address in answer to His Honor the President's speech, reported a draft thereof, which he read in his place, and the same being delivered in and read at the Clerk's table, was agreed to, and is as follows:—

To His Honor Major General GEORGE STRACEY SMYTH, President 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 HONOR,

“The House thank your Honor for calling together the General Assembly at this conjuncture, and have great satisfaction in assuring you that the people of this Province, sensible of their true interests, are ready and determined to repel every aggression which the insatuated policy of the American Government may induce it to commit on the soil of New-Brunswick.

“This determination on our part is fortified by the conduct of their Government, palpably in support of the spirit of tyranny and universal dominion so happily alluded to by your Honor.

“The House of Assembly in compliance with your Honor's recommendation, will immediately revise the Militia Law, and give their aid in forming such amendments as the joint wisdom of the Legislature may approve most effectually to counteract the hostile attempts of the enemy.

“The detailed account of expences incurred by your Honor towards the defence of the Province, the Treasurer's accounts and such other papers as may be thought necessary to be laid before us for our information, shall receive our immediate attention, and we will with every means in our power, justify that confidence which you are pleased to repose in our zeal and readiness to make provision for the public exigencies.

“The House entirely concur with your Honor in the expediency of withholding (since the American Declaration of War) the late appropriations for the Roads and other services, with the exceptions stated.

“The House beg leave to express how highly they are gratified in having their conduct approved of by His Royal Highness the PRINCE REGENT, relating to the aid granted to His Majesty in the last Session of the General Assembly, and that His Royal Highness should have been pleased to express an opinion so very favourable of the inhabitants of this Province, by an assurance of those exertions which he will make in their defence.

“The House reciprocate the congratulations of your Honor on the successes

“cesses of His Majesty’s arms in the Canadas, and assure you this country is highly animated by the example of those Provinces, nor will it be left behind in emulating their deeds whenever the occasion shall offer to its loyal inhabitants, to discharge their duty to their King and Country; and the House most humbly implore the divine assistance to crown those exertions with success.”

Resolved, that the foregoing Address be engrossed, and signed by the *Speaker*, and presented to His Honor the President by the whole House.

The House then adjourned until to-morrow morning at 11 o’clock.

SATURDAY, the 16th day of JANUARY, 1813.

PRAYERS.

Mr. *Robert Pagan*, and Mr. *Leonard*, are appointed a committee to wait on His Honor the President, to know when he will be pleased to receive the House with their Address.

Mr. *Robert Pagan*, of the committee appointed to wait on His Honor the President, to know when he will be pleased to receive the House with their Address, reported, that His Honor the President said he would receive the same on Monday next, between the hours of twelve and one o’clock, in the Council Chamber.

The Treasurer’s accounts by order of His Honor the President were laid before the House. Mr. *William Pagan*, Mr. *Dunn*, and Mr. *Humbert*, are appointed a Committee to examine the Treasurer’s accounts.

The House adjourned until Monday next at 11 o’clock.

MONDAY, the 18th day of JANUARY, 1813:

PRAYERS.

The House waited upon His Honor the President with their Address, in answer to His Honor’s Speech, and being returned, Mr. *Speaker* reported that the House had presented their Address, and that His Honor was pleased to make the following reply, viz.

“Gentlemen,

“The assurance which you give me in this Address are highly satisfactory; and lead me with confidence to anticipate the happiest result from your deliberations at this important crisis.”

Mr. *Attorney General* presented a petition from the Corporation of the City of St. John, praying for a re-appropriation of the sum of *two hundred and fifty pounds* granted the last session to the Mayor, Aldermen, and Commonalty of the City of St. John, for the purpose of assisting in erecting a Pier or Breakwater, for the better securing the harbor of St. John, which was received and read and ordered, to be referred to the committee of supply.

Mr. *Attorney General* brought in by leave, a Bill for the more effectual prevention of desertion from His Majesty’s navy, which was read a first and second time and ordered to be committed.

The House then adjourned until to-morrow morning at 11 o’clock.

TUESDAY, the 19th day of JANUARY, 1813.

PRAYERS.

On motion of Captain *Agnew*, resolved, that the House do go into a committee of supply to-morrow.

confinement of non-commissioned officers and soldiers of His Majesty's forces under sentence of a court martial in the County gaol, which is granted.

The committee appointed to revive the Militia Law, brought in a Bill for regulating the Militia of this Province, which upon being read a first time it is ordered, that the said Bill be read a second time to-morrow.

The House in committee Mr. *Leonard* in the chair, went into the further consideration of the Bill for the more effectual prevention of desertion from His Majesty's navy. The *Speaker* resumed the chair, the chairman reported that the committee had gone into the consideration of the business before them, and had desired him to report the Bill with amendments. The House agreed to the report and ordered, that the said Bill be engrossed.

A Message from His Honor the President.

“NEW-BRUNSWICK, 21st JANUARY, 1815.

“G. S. SMYTH.

“MESSAGE to the HOUSE of ASSEMBLY.

“The President informs the House of Assembly, that His Majesty's Ministers have declined employing the sloop *Brunswicker*, on the part of His Majesty's Government, and he therefore directs to be laid before the House, an estimate of the expence which will be requisite to equip her properly for sea, and submits to the consideration of the House whether it be expedient to continue her on service at the expence of the Province.”

Ordered, that the above message of His Honor the President, be referred to the committee of supply.

Read an engrossed bill for annexing small settlements made without the limits of any town, or parish, within the County of Charlotte, to the next and nearest adjacent town, or parish, where any such settlements may be.

Ordered, that the said bill pass and that Mr. *R. Pagan*, and Mr. *Humbert*, do carry the same up to the Council for concurrence.

The House adjourned until to-morrow morning at 11 o'clock.

FRIDAY, the 22d day of JANUARY, 1815.

PRAYERS.

Resolved, that the House go into a committee of supply.

The House in committee, Mr. *Peters* in the chair, went into the consideration of the supplies to be granted to His Majesty for the public service. The *Speaker* resumed the chair, and the chairman of the committee reported that the committee had come to the following resolutions, and that they asked leave to sit again, viz.

Resolved, that the following sums be allowed and paid out of the Province Treasury, to the following persons, viz.

To the Speaker of the House of Assembly, the sum of *fifty pounds*.

To the Members of the House of Assembly, for defraying the expences of their attendance during the present Session, and for travelling charges, reckoning twenty miles for each day's travel, to be certified by the Speaker, *ten shillings per diem*.

To the Chaplain of the Council in General Assembly, the sum of *twenty pounds*.

To the Chaplain of the House of Assembly, the sum of *twenty pounds*, and the further sum of *five pounds*, for travelling charges.

To the Clerk of the Council in General Assembly, the sum of *fifty pounds*, and *twenty shillings per diem*, during the present Session.

To the Clerk of the House of Assembly, the sum of *fifty pounds*, and *twenty shillings per diem*, during the present Session.

To

To the Sergeant at Arms attending the Council in General Assembly, *fifteen shillings* per diem, during the present Session.

To the Sergeant at Arms attending the House of Assembly during the present Session, *fifteen shillings* per diem.

To the Door keepers and Messengers attending the Council and Assembly *seven shillings*, and *six pence* per diem, during the present Session.

To the Treasurer of the Province, for his services from the first day of March, 1812, to the first day of March, 1813, the sum of *two hundred and fifty pounds*.

To the Tide Surveyor in the City of St. John, from the first day of March, 1812, to the first day of March, 1813, for his services and expences in performing the same, the sum of *fifty pounds*.

To Edward Goldstone Lutwyche, Esquire, for services as Province Agent for the year 1812, the sum of *one hundred pounds* sterling.

To His Honor the President, or Commander in Chief, for defraying the contingent expences of this Province, for the year 1813, a sum not exceeding *one hundred and fifty pounds*, on account of the war in addition to the sum granted at the last Session.

To the Adjutants of the Militia in the different Counties in this Province, a sum not exceeding _____, in addition to the sum already granted for the year 1813.

To the Clerk of the House of Assembly the sum of _____, for Stationary, Fuel, and other expences of the present Session. Ordered, that the report be received.

An engrossed bill for the more effectual prevention of desertion from His Majesty's navy, was read a third time. Resolved, that the bill do pass. Ordered, that Mr. *Peters*, and Mr. *Johnston*, do carry the Bill to the Council and desire their concurrence.

The House then adjourned until to-morrow morning at 11 o'clock.

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SATURDAY, the 23d day of JANUARY, 1813.

PRAYERS.

The House in committee, Mr. *Leonard* in the chair, went into consideration of a Bill for regulating the Militia. The *Speaker* resumed the chair, and the chairman reported progress, and asked leave to sit again, which was granted.

The House then adjourned until Monday morning next at 11 o'clock.

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MONDAY, the 25th day of JANUARY, 1813.

PRAYERS.

Mr. *Dunn* presented a petition from James Paul, for remuneration for services performed by him with his vessel, in conveyance of despatches between the City St. John and St. Andrews, which was received and read. Ordered, that the said petition be referred to the committee of supply.

Mr. *Attorney General*, by leave brought in a Bill in addition to, and in amendment of an Act, intituled, an Act for transferring to, and vesting in the Crown such lands and tenements of any person, or body politic, on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for the uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners.

On motion of Mr. *Robert Pagan*, ordered, that Mr. *Humbert* be added to the

the standing committee appointed to examine, liquidate, and report on all public and private accounts presented to the House.

Mr. *Peters* presented a petition from Robert Cumming, to be allowed a drawback on eighty eight puncheons of Rum, which was ordered to be referred to the committee of supply.

Mr. *William Pagan*, communicated to the House the purport of a letter he had received from Mr. *James Fraser*, one of the Members for Northumberland, apologizing to the House for his non-attendance this session, arising from sickness in his family.

The House in committee, Mr. *Leonard* in the chair, went into the further consideration of a Bill for regulating the Militia. The *Speaker* resumed the chair, the chairman reported, that the committee had gone into the consideration of the business before them, had made some progress therein, and asked leave to sit again, and that in the said committee the following resolution was moved and seconded, to wit.

Resolved, that it is expedient to fix the times when the drill shall take place in the several Counties; and on which resolution the committee divided, as follows:

YEAS.	YEAS.	NAYS.
Mr. <i>Easterbrooks</i> ,	Mr. <i>Peters</i> ,	Mr. <i>Humbert</i> ,
Mr. <i>W. Pagan</i> ,	Mr. <i>Yeamans</i> ,	Mr. <i>Ward</i> ,
Mr. <i>R. Pagan</i> ,	Mr. <i>Speaker</i> ,	Mr. <i>Johnston</i> ,
Mr. <i>Dunn</i> ,	Mr. <i>P. Fraser</i> ,	Mr. <i>Attorney General</i> ,
Mr. <i>Chapman</i> ,	Mr. <i>Taylor</i> ,	Mr. <i>Allen</i> ,
Mr. <i>Belding</i> ,	Mr. <i>Street</i> .	Mr. <i>Agnew</i> .

and it therefore passed in the affirmative, which report was accepted.

Mr. *Yeamans* moved for leave of absence on account of a part of his family being sick, and it was granted.

The House adjourned until to-morrow morning at 11 o'clock.



TUESDAY, the 26th day of JANUARY, 1813.

PRAYERS.

Read a first and second time, a Bill to enlarge the limits of the parish of St. Stephen, in the County of Charlotte. Ordered, that the said Bill be committed.

The House in committee, Mr. *Agnew* in the chair, went into the consideration of the Bill to enlarge the limits of the parish of St. Stephen, in the County of Charlotte. Mr. *Speaker* resumed the chair, the chairman reported that the committee had gone into the consideration of the Bill, and had desired him to report the same, the House agreed to the report, and ordered the Bill to be engrossed.

The House in committee, Mr. *Leonard* in the chair, went into the consideration of a Bill for regulating the Militia. The *Speaker* resumed the chair, and the chairman reported progress, and asked leave to sit again, and that in the said committee the following words were, on motion of Mr. *Street*, proposed to be added as an amendment to the section of the said Bill, after the close thereof, as it at present stands, viz.

“ And that the Commander of every Regiment or Battalion, shall also every six months file a copy of such account under oath, so rendered by him to the Commander in Chief, with the Clerk of the Peace of the County to which such Regiment shall belong;” and on which amendment the committee divided as follows:

C

YEAS.

YEAS.

Mr. Agnew,
Mr. P. Fraser,
Mr. Street.

NAYS.

Mr. Easterbrooks,
Mr. R. Pagan,
Mr. W. Pagan,
Mr. Dunn,
Mr. Chapman,
Mr. Humbert,

NAYS.

Mr. Ward,
Mr. Johnston,
Mr. Attorney General,
Mr. Peters,
Mr. Speaker,
Mr. Allen,
Mr. Taylor.

and that it therefore passed in the negative, which report was accepted.

Message from the Council informing the House that the Council have agreed to the Bill for the more effectual prevention of desertion from His Majesty's navy, with amendment.

The House then adjourned until to-morrow morning at 11 o'clock.

WEDNESDAY, the 27th day of JANUARY, 1813.

PRAYERS.

Mr. Johnston presented a petition from Mr. John Ward, Mr. George D. Berton, Mr. James Fraser, Mr. Robert Smith, and Mr. James C. F. Bremner; praying, that some provision may be made by the Legislature for extending the operation of the condition of a Bond executed by them the last Session and of an Act, intituled an Act, to encourage the erection of a passage boat to be worked by steam, for facilitating the communication between the City of St. John, and Fredericton, until some reasonable given period after a peace may take place between Great-Britain, and the U. States, or otherwise, to provide in the premises, &c. which was read, and ordered to lie on the table.

Mr. Attorney General by leave brings in a Bill to provide for the confinement of non-commissioned officers and soldiers of His Majesty's Forces under sentence of Courts Martial, which was read a first and second time, and ordered to be committed.

On motion of Mr. Leonard, that a select committee be appointed to ascertain and report to the House the proper times for drilling the Militia in the different Counties, and that Mr. W. Pagan, Mr. Dunn, Mr. Chapman, Mr. Leonard, Mr. Peters, Mr. Allen, and Mr. Taylor, be a committee for that purpose; and upon which motion the House divided, as follows;

YEAS.

Mr. Easterbrooks,
Mr. W. Pagan,
Mr. Chapman,
Mr. Belding,
Mr. Allen,
Mr. Taylor,

YEAS.

Mr. R. Pagan,
Mr. Dunn,
Mr. Leonard,
Mr. Fraser,
Mr. Peters,
Mr. Street.

NAYS.

Mr. Humbert,
Mr. Ward,
Mr. Johnston,
Mr. Attorney General,
Mr. Agnew.

and that it therefore passed in the affirmative.

The House proceeded to take into consideration the amendments made by the Council to the Bill, intituled a Bill, for the more effectual prevention of desertion from His Majesty's navy, and the said amendments being severally read. On motion of Mr. Attorney General, resolved, that the said amendments be referred to a committee of the whole House.

The House in committee, Mr. P. Fraser in the chair, went into the consideration of the amendments proposed by the Council to the Bill intituled a Bill, for the more effectual prevention of desertion from His Majesty's navy. The Speaker resumed the chair, and the chairman reported, that the committee had gone into the consideration of the business before them, and

that

that they had concurred in the following amendments proposed by the Council to the said Bill, viz.

To the second, fifth, sixth, and seventh; to the eighth with the exception of the words "dwelling house or other building;" to the thirteenth, with the exception of the words "dwelling house or other building;" to the twenty-first, and twenty-fourth; and that the committee had not concurred in any of the remaining proposed amendments to the said Bill. Ordered, that the said report be accepted.

On motion of Mr. *Attorney General*, resolved, that this House do request a conference with the Council on the amendments by them proposed to the said Bill and that Mr. *Attorney General*, and Mr. *Leonard*, do acquaint the Council therewith.

Message from the Council, as follows:—

" COUNCIL CHAMBER, 26th JANUARY, 1813.

" Resolved, that the Council do agree to the conference proposed by the House of Assembly on the navy desertion Bill and that Mr. *Odell* and Mr. *Chipman*, be a committee to manage the same."

Read as engrossed the Bill to enlarge the limits of the parish of Saint Stephen, in the County of Charlotte. Resolved, that the Bill do pass. Ordered, that Mr. *Dunn* and Mr. *Chapman*, do carry the Bill to the Council and desire their concurrence.

Resolved that Mr. *Attorney General*, Mr. *Leonard* and Mr. *Agnew*, be a committee to manage on the part of this House the conference agreed to by the Council on the Bill for the more effectual prevention of desertion from His Majesty's navy, and that they communicate this resolution to the Council.

On motion of the *Attorney General*, resolved, that an humble address be presented to His Honor the President, requesting that he will be pleased to direct to be laid before this House the accounts which may have been rendered by the commanding officer of the several Regiments and Battalions of Militia, of the fines and sums of money collected under the Laws for better regulating the Militia, and of the application of the same, and that the *Attorney General* and Mr. *P. Fraser* do carry up the same.

The House adjourned until to-morrow morning at 11 o'clock.

 THURSDAY, 28th day of JANUARY, 1813.

PRAYERS:

The House in committee, Mr. *Agnew* in the chair, went into the consideration of a Bill to provide for the confinement of non-commissioned officers and soldiers of His Majesty's forces under the sentence of Courts Martial. The *Speaker* resumed the chair, the chairman reported that the committee had taken the said Bill into consideration and had agreed to the same with amendments.

Upon a question whether the report should be received, a motion was made that the first clause of the said Bill be amended by striking out the words, *two pounds* and substituting the words, *ten pounds*; in the same clause, in their stead, upon which question the House divided,

YEAS.

YEAS.

NAYS.

Mr. *Easterbrooks*,
 Mr. *W. Pagan*,
 Mr. *Leonard*,
 Mr. *Street*,
 Mr. *Allen*,
 Mr. *Agnew*,

Mr. *R. Pagan*,
 Mr. *Dunn*,
 Mr. *Belding*,
 Mr. *P. Fraser*,
 Mr. *Taylor*.

Mr. *Chapman*;
 Mr. *Humbert*,
 Mr. *Ward*,
 Mr. *Johnston*,
 Mr. *Peters*,
 Mr. *Attorney General*.

whereupon the question passed in the affirmative.

On

On motion that the words formal notice in writing of such failure and intention of discharge being first given to the commanding Officer of the Regiment or Detachment to which such non-commissioned officer or soldier may belong, be inserted at the end of, and added to the provision at the close of the said Bill, the same passed in the affirmative. Ordered, that the report be accepted and that the Bill with the amendments be engrossed.

On motion the House resolved itself into a committee on the further consideration of a Bill for regulating the Militia. Mr. *Leonard* in the chair, the *Speaker* resumed the chair, the chairman reported that the committee had gone into the business before them, had made progress therein, and asked leave to sit again, which report is accepted.

The committee appointed to ascertain, and report to the House the proper times of drilling the Militia in the different Counties, reported that it is their opinion that if the times of drilling the different Battalions of the Militia can be effected between the 20th June and the 25th July, it will answer all the purposes intended, and will generally speaking, give an opportunity for the agricultural and other interests of the Country to be attended to, which report is accepted, and thereupon ordered that the same be referred to the committee of the whole House on the Bill for regulating the Militia.

On motion the House resolved itself into a committee of the whole on the consideration of His Honor the President's Message to the House of the 19th January instant: Mr. *Dunn* in the chair, the *Speaker* resumed the chair, the chairman reported that the committee had gone into the consideration of the business before them, and had directed him to report their opinion, that a committee be appointed to prepare a Bill for the accommodation and Billeting of His Majesty's Troops when on their march from one part of the Province to another, which report is accepted and Mr. *Attorney General*, Mr. *Agnew*, and Mr. *Chapman*, are appointed a committee to prepare a Bill for such purposes.

The House adjourned until to-morrow morning at 11 o'clock.

FRIDAY, the 29th day of JANUARY, 1813.

PRAYERS.

The House in committee, Mr. *Leonard* in the chair, went into the further consideration of a Bill for regulating the Militia. The *Speaker* resumed the chair, the chairman reported that the committee had gone into the further consideration of the said Bill, and had made progress therein, and asked leave to sit again, which report is accepted.

Read a first and second time a Bill to repeal an Act, intituled an Act, to encourage the erection of a passage boat to be worked by steam for facilitating the communication between the City of St. John and Fredericton, and to relieve the persons named in the same Act from the penalty of a bond given by them to His Majesty in pursuance of the provisions of the same Act. Ordered, that the said Bill be committed.

Message from the Council informing the House of Assembly that the Council have agreed to the Bill to enlarge the limits of the parish of St. Stephen, in the County of Charlotte.

Papers and accounts respecting the Militia fines and the expenditure thereof applied for by address of the 27th inst. were laid before the House by order of His Honor the President. Ordered, that Mr. *Agnew*, Mr. *Ward*, and Mr. *Humbert*, be a committee to examine and report on the same.

Read a second time a Bill in amendment of, and in addition to an Act, intituled an Act, for transferring to, and vesting in the Crown, such lands
and

and tenements of any person or body politic, on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof and making compensation for the same to the former owners. Ordered, that the said Bill be committed.

Mr. *W. Pagan* chairman of the committee appointed to examine the Treasurer's accounts, reported as follows, to wit:—

The committee appointed to examine the Treasurer's accounts beg leave to report that they have attended to that duty, found the accounts correct, and that,

No. 1, contains a particular account of all the dutiable articles imported into St. John, from the 5th January, 1812, till the 31st December, following, the gross amount £6456:5:5, including the duty on articles sold at vendue.

No. 2, is an account of the dutiable articles imported into the County of Charlotte, from the 11th January, 1812, till the 30th of July, following, gross amount £2023:17:2, out of which sum and the balance remaining last year in the Hands of the Deputy Treasurer there has been paid to the Treasurer £2649:13:8½, which is credited in his account; there appears to be a balance in the hands of the Deputy Treasurer in bonds unpaid of £1592:15:1, including a bond in suit of £228:7; no commission has been charged by him on the amount of duties in the last year, neither is there any credit given on the amount of drawbacks for the years 1810, and 1811, his commissions were then charged on the gross amount.

No. 3, are the accounts of the Deputy Treasurer for the County of Westmorland, by which it appears that from the 25th November, 1811, till the 1st December, 1812, the duties amounted to £314:1:5¾, out of which and the former balance in his hands he has paid the Treasurer of the Province £94:1:0¾, which is credited in his account; there is a balance due from the Deputy Treasurer of £347:19:3½, which appears to have remained long in his hands, and no reasons assigned to the committee that in their opinion justifies the detention.

No Return appears to have been furnished to the Treasurer of the Province by the Deputy Treasurer for Northumberland, since the 30th November, 1812, but the sum of £724:7:2, is credited by the Treasurer as received from the Deputy Treasurer of that County.

There are no returns from the Deputy Treasurer of the other Counties nor any monies credited by the Treasurer as received from either of them.

No. 4, contains the Light House accounts from the 10th April, 1812, till the 31st December, following, by which there appears a balance in favor of the Province of £16:10:8½, which is also credited by the Treasurer; there is since a warrant for £90 charged in his account for making addition to, and repairing the House for the Keeper of the Light House, which is not included in the Light House accounts.

No. 5, is an account of warrants paid by the Treasurer from the 10th April, 1812; till the 31st December following, amounting to £7398:5:7, which is charged in his general account.

No. 6, contains an account of drawbacks paid by the Treasurer at Saint John, since February last, amounting to £32:1:10, which is charged to the Province.

No. 7, are Mr. Chaloner's accounts for gauging, &c. of dutiable articles, since the 12th of January last, amounting to £64:7:6, also charged.

No. 8, is an account of Stationary for the use of the Treasurer's office amount £8:1:5.

No. 9, is the Treasurer's general account current with the Province from the 9th January, 1812, till the 31st December, following, by which there appears a balance in the chest in cash and bonds of £8108:8:10 $\frac{1}{2}$; there is a charge in the Treasurer's general account of £61:5:4 paid to the Attorney General being a commission of 4 per cent on the sum of £1531:17:8, amount of Bonds prosecuted for and collected by him; this charge appearing to the committee unusual, they respectfully submit the same for the consideration of the House, with some memorandums that were handed to them by the Treasurer; this charge is exclusive of the sum of £5 advanced to the Attorney General as a fee and £3:10 for preparing form of bonds; and opinion in the case of Coffee imported in the ship Anderson.

Signed

WILLIAM PAGAN,

JOHN DUNN,

STEPHEN HUMBERT.

Fredericton, 29th January, 1813.

The Attorney General from the committee of conference with the committee of Council on the Bill for the preventing of desertion from His Majesty's navy, reports a draft of reason to be assigned in support of the objections to the amendments proposed by the Council, which are as follows, to wit.

The committee of conference on the part of the House on the navy desertion Bill, are instructed to state to the committee on the part of the Council.

“ That the House have concurred with the Council in the amendments “ by them proposed under the numbers 2, 5, 6, 7, 21, and 24, as well as “ those proposed under numbers 8 and 13, excepting in the said last men- “ tioned amendments, the House object to the introduction of the words “ ‘ *dwelling house or other building*,’ for the reasons herein after specified in “ answer to the amendment proposed under No. 3.

“ The House object to the amendment proposed under No. 1, because “ they conceive the words ‘ *Stop Clothes*’ are definite and (when applied to “ seamen) as well understood as the term ‘ *soldiers necessaries*’ when applied “ to a soldier, and because the substitution of the words ‘ *clothing or slops*’ “ would (so far as regards the first of these words) be going beyond the in- “ tention of the House in passing the Bill, and with respect to the second “ of those words, the adoption and use of it, disjoined from the word cloath- “ ing would from its general import and signification render that provision “ of the law nugatory, or subject persons to a penalty who are wholly with- “ out the scope and design of the Bill.

“ The House likewise object to the amendment proposed under No. 3, be- “ cause the words ‘ *dwelling or outhouse*’ made use of the Bill are technical “ words, well known in the law and as such well understood, and concern- “ ing the import and meaning whereof no doubt or difficulty can arise, “ whereas the words ‘ *other building*’ in the proposed amendment are not “ recognized in legal proceedings, and as the House conceive are much too “ vague to be used in the formation of a law, for the infraction of which an “ heavy penalty is imposed.

“ The House do not accede to the amendment proposed under No. 4, be- “ cause the insertion of the words ‘ *constable or*’ after the word ‘ *more*’ in the “ opinion of the House, cannot be warranted by the rules of grammar, and “ for a like reason the House object to the amendment proposed under “ No. 10.

“ The House likewise object to the amendment proposed under No 9, “ because the insertion of the words ‘ *proprietor or occupant*’ in place of the “ words ‘ *master or mistress*’ in many instances might subject an innocent “ person to the penalty imposed by the Bill, as it frequently happens that “ the

munication between the City of St. John and Fredericton, and to relieve the persons named in the same Act from the penalty of a Bond given by them to His Majesty in pursuance of the Provisions of the same Act, was read a third time. Resolved that the Bill do pass. Ordered that Mr. *Johnston*, and Mr. *Ward*, do carry the Bill to the Council and desire their concurrence.

An engrossed Bill, in amendment of and in addition to an Act, intituled an Act for transferring to and vesting in the Crown such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof and making compensation for the same to the former owners, was read a third time. Resolved that the Bill do pass. Ordered that Mr. *Johnston*, and Mr. *Ward*, do carry the Bill to the Council and desire their concurrence.

The House in committee, Mr. *Peters* in the chair, went into the further consideration of the supplies to be granted to His Majesty for the public service, the *Speaker* resumed the chair, the chairman reported, that the committee had agreed to certain further resolutions and had desired him to report the same, to wit,

Resolved, that the petition of Robert Cumming, praying for a drawback on eighty eight puncheons of rum and sixty three barrels of sugar, cannot be granted.

Resolved, that the petition of John Barss, & Co. of Liverpool, in Nova-Scotia, praying for a drawback on rum, cannot be granted.

Resolved, that the petition of John and Sim Leo Perkins of Liverpool, in Nova-Scotia, praying for a drawback on rum, cannot be granted.

Resolved, that the following sums be allowed and paid out of the Province Treasury to the following persons, to wit,

To His Honor the President or Commander in Chief for the time being, (for the year 1813) a sum not exceeding *one hundred and fifty pounds* for rewarding such persons as shall apprehend deserters from His Majesty's service according to a Law of this Province.

To Charles I. Peters, Esq. Solicitor to the House of Assembly, the sum of *fifty pounds* for his services during the present Session, and the further sum of *ten shillings* per diem for defraying his expences.

To James Paul for services with his sloop between the ports of St. John and St. Andrews, for the six months last past, the sum of *twenty-five pounds* agreeable to the prayer of his petition.

To Jacob S. Mott, the sum of *twenty-five pounds* towards printing the Journals of the House of Assembly of the present Session, and the further sum of *twenty-five pounds* towards printing the Laws of the present Session.

Resolved, that in answer to the Message of the 21st of January, relative to the sloop Brunswicker, it be recommended to His Honor the President to discharge the said sloop from the public service, and as soon as he shall deem it expedient dispose of her, the committee conceiving that the expences of employing her will be greater than the funds of the Province can bear in addition to those for the other services more necessary to be provided for at the present crisis, as there is now a naval force at the command of the Admiral upon the station, of sufficient magnitude to justify a well grounded expectation that the Province will be thereby sufficiently protected.

Upon taking into consideration the petition of the Mayor, Aldermen and Commonalty of the City of St. John, praying permission to apply the sum of *two hundred and fifty pounds* granted the last Session, for the purpose of erecting a pier or breakwater for the improvement of the Harbor of St. John, at another place than that mentioned in the Law granting the same. Resolved that it is expedient to comply with the prayer of the petition, and

that the committee requested leave to sit again. The report is accepted, and ordered that the above mentioned resolutions of appropriation be sent up to the Council for their concurrence.

Ordered that the Clerk of the House do get four sets of the Journals, and four sets of the Laws bound, commencing from the termination of the last volume of each.

Ordered that the Clerk do also procure curtains to be made of moreen for the four windows of the House, as soon as conveniently may be.

Resolved that the House will go into a committee of ways and means to-morrow.

The House then adjourned until to-morrow morning at 11 o'clock.

WEDNESDAY, the 3d day of FEBRUARY, 1813.

PRAYERS.

Mr. *Attorney General* from the committee appointed to conduct the conference with the committee of the Council, on the amendments proposed by the Council, to the Bill for the more effectual prevention of desertion from His Majesty's navy, reports that they have attended the conference which was managed by the Hon. Mr. *Odell*, and Mr. *Justice Chipman*, on the part of the Council; that the said committee of the Council have this day delivered to them a paper containing the answer of the Council to the objections on the part of the House, to such of the amendments proposed by the Council, as the House of Assembly have not concurred in, which is in the following words, to wit:

To the statements made on the part of the House of Assembly, in conference on the navy desertion Bill, the committee on the part of the Council are instructed to answer as follows:

1st. To the objection stated to the proposed amendment No. 1, it is answered that by this amendment it was intended to prohibit the purchase of any clothing whatever from a deserter, and it is hoped that the House of Assembly will concur in this prohibition, otherwise the Council will not adhere to the amendment.

2d. The Council adhere to the amendment No. 3, because it is presumed to have been the intention of the House of Assembly to authorise the pursuit and apprehension of every deserter, in whatever place of concealment he may be suspected to have sought for shelter.

3d. The Council cannot relinquish the amendment No. 4, because the phrase "*one or more constables*" however current, as an elliptical expression in common parlance, is wanting in that exact precision and fulness, which in terms of Law are universally indispensable, and the same reason applies to the objections made to the amendments No. 10, 11, 12, and 18.

4th. The Council are persuaded that the House of Assembly on reconsidering the objection stated against the amendments No. 9, and 15, will perceive it to be unfounded; the Bill here inflicts no penalty, but simply authorizes the proper officer in search of a deserter, to enter any dwelling house or other building, notwithstanding the refusal of the respective proprietor or occupant.

5th. The Council are still of opinion that the amendments proposed under No. 14, and 17, ought to be adopted; the Law ordains that in all future time during its continuance the proper officer shall have authority to enter any dwelling house, &c. where any deserter shall be suspected to be concealed, and that such deserter shall be imprisoned for a time to be limited, or until proof of his guilt shall be made, and these amendments stand precisely upon the same ground with the amendment No. 24, to which the House have agreed.

6th.

6th. To the objection against the proposed amendment No. 16, and 19, the committee are instructed to answer that some limitation of time is in both places indispensably necessary; but the Council will not insist on the limitation of thirty days.

7th. The Council do not adhere to the amendments No. 20, in the substitution of the words, "*the gaolers*" for all "*keepers of gaols*" was not intended.

8th. The Council adhere to the amendments No. 22, and 23, because the Act referred to in the objection, ordains that the first County therein described, shall be known and distinguished by the name of the City and County of St. John.

The Council further find it their duty here to remark that on a deliberate review of this bill, they perceive that the following additional amendments which are evidently necessary, have escaped the notice of both Houses; and are therefore now proposed to the consideration of the House of Assembly, viz.

Sect. I. at A. insert "shall"—B. dele "such"—C. insert "from any of His Majesty's ships of war."

Sect. II. at D. dele "any" and insert "the."

Sect. IV. at E. dele "or their:"

2d February, 1813.

WM. F. ODELL, Clerk.

The House resolved itself into a committee of the whole on the consideration of ways and means of providing the necessary supplies for the public service agreeable to the resolution of yesterday. Mr. *Humbert* in the chair, the *Speaker* resumed the chair, the chairman reported that the committee had taken into consideration the business to them referred and that the following resolve was moved and seconded, to wit:

Resolved that an additional duty of _____ per gallon on wine _____ per gallon upon rum and _____ per gallon upon brandy, and other distilled spirituous liquors, be imposed for one year upon all such articles which may be imported into this Province, after the 1st day of _____ next, in aid of His Majesty, towards the extraordinary expences to be incurred in the defence of the Province, in the present war with the United States of America; upon which the committee divided,

YEAS.

NAYS.

Capt. *Agnew*,
Mr. *Taylor*,
Mr. *Allen*,
Mr. *P. Fraser*,
Mr. *Peters*,
Mr. *Attorney General*,
Mr. *Belding*,
Mr. *Chapman*,
Mr. *Easterbrooks*,
Mr. *Street*,

Mr. *R. Pagan*,
Mr. *W. Pagan*,
Mr. *Dunn*,
Mr. *Ward*,
Mr. *Johnston*,
Mr. *Leonard*,
Mr. *Speaker*.

It therefore passed in the affirmative; and that a motion had been then made and seconded that the blank in the said resolve, laying an additional duty on rum be filled up with the sum of *one penny half penny*, upon which the committee again divided,

YEAS.

YEAS.

NAYS.

Mr. *Agnew*,
Mr. *Taylor*,
Mr. *Speaker*,
Mr. *Johnston*,
Mr. *Chapman*,
Mr. *W. Pagan*,

Mr. *Allen*,
Mr. *P. Fraser*,
Mr. *Leonard*,
Mr. *Ward*,
Mr. *Dunn*,
Mr. *R. Pagan*,

Mr. *Peters*,
Mr. *Belding*,
Mr. *Attorney General*,
Mr. *Easterbrooks*,
Mr. *Street*.

and the same passed in the affirmative; that the committee had also agreed that the blank in the said resolve laying an additional duty on wine, be filled up with the sum of *three pence*, and that the blank in the said resolve laying an additional duty on brandy, and other distilled spirituous liquors, be filled up with the sum of *six pence*; that the committee had also agreed to the following resolution, to wit:

Resolved, that a duty of two and half per cent advalorem, be laid on all goods imported into this Province by persons not resident within the same. Ordered that the said report be accepted.

The House adjourned until to-morrow morning at 11 o'clock.

 THURSDAY, 4th day of FEBRUARY, 1813.

PRAYERS.

Resolved that the House do not concur with the Council in such of the amendments proposed by them to the Bill for the more effectual prevention of Desertion from His Majesty's navy, as have been heretofore negatived by the House.

Resolved that the receiving of the answer yesterday from the committee of the Council, by the committee of conference of the House, on the navy desertion Bill was an irregularity, and contrary to the usage of Parliament, because that conference was at an end when the committee of this House delivered to the committee of Council the reasons in support of the non-concurrence of the House to the amendments to the said Bill.

The House resumed the consideration of that part of the report of the committee of supply of the 2d instant, which relates to the sloop Brunswick, and thereupon resolved, that an humble address be presented to His Honor the President, praying that he will be pleased to give directions for discharging the said sloop from the public service, and for the sale of her (as soon as he shall deem it expedient;) the House being of opinion that the expence of employing her will be greater than the funds of the Province can bear, in addition to those for other services more necessary to be provided for at the present crisis, as there now is a naval force at the command of the Admiral upon the station of sufficient magnitude to justify a well grounded expectation that the Province will be thereby sufficiently protected. Ordered that Mr. *W. Pagan* and Mr. *Johnston*, do carry up the said address to His Honor the President.

The House resolved itself into a committee of the whole on the further consideration of ways and means of providing for the supplies granted for the public service. Mr. *Humbert* in the chair, the *Speaker* resumed the chair, the chairman reported that the committee had taken into consideration the business to them referred, and had agreed to the following resolution, to wit:

Resolved that for the purpose of providing for punctuality in payments at the Treasury, and of preventing as far as possible any delay in issuing of the warrants for sums granted, and to be granted for the public services, it is the opinion of this committee, that under proper regulations Treasury notes to the amount of *six thousand pounds* be prepared to be issued in discharge of such sums so granted to be made receivable at the Treasury in payment of duties; and upon the question whether the said report be accepted, the House divided,

YEAS.

Mr. *W. Pagan*,
 Mr. *Dunn*,
 Mr. *Ward*,

NAYS.

Mr. *Easterbrooks*,
 Mr. *R. Pagan*,
 Mr. *Chapman*,

YEAS.

YEAS.

Mr. *Johnston*,
 Mr. *Belding*,
 Mr. *Attorney General*,
 Mr. *Peters*,
 Mr. *Taylor*,
 Mr. *Agnew*.

NAYS.

Mr. *Humbert*,
 Mr. *Leonard*,
 Mr. *P. Fraser*,
 Mr. *Allen*,
 Mr. *Street*.

and the same passed in the affirmative. Ordered therefore that the said report be accepted.

Ordered that Mr. *Attorney General* and Mr. *W. Pagan* be a committee to prepare and bring in a Bill agreeable to the reported resolve by the committee of ways and means this day, and that Mr. *R. Pagan* and Mr. *P. Fraser*, be a committee to prepare Bills agreeable to the resolves reported by the same committee yesterday.

Mr. *Agnew* from the committee appointed to examine the accounts and returns of the commanding officers of the several Regiments of Militia, laid before the House by order of His Honor the President, in compliance with the address of the House to His Honor therefore, reported as follows, viz.

The committee appointed to examine the returns from the commanding officers of the several Regiments of the Militia report, that there is no return whatever from the commanding officer of the two battalions of the County of York; that there is no regular return from the commanding officer of the Sunbury Regiment; there is, however, a Letter signed Elijah Miles, Colonel, stating that there is a Balance in the Hands of the Quarter Master of £12:8.

The committee report that there appears an account of Regimental funds from Colonel Peters of the Queen's County Regiment, which the committee approve, leaving a balance in the Quarter Master's hands of £17:14. Col. Leonard has submitted an abstract account of fines recovered in the two battalions of the King's County, which appears correct; it is accompanied with a Letter alluding to two accounts of Mr. Justice Coffin, before whom the delinquent fines appear to have been collected to the amount of £10:10.

The committee remark that in these accounts the fees of recovery appear to have been taken from the amount of the fines which the committee think incorrect, and that the individual delinquents were liable for them.

Quarter Master Hendrick's account, with the vouchers of fines and disbursements of the St. John County Militia, certified by the commanding officer, appear to be fairly stated and correct.

Colonel M'Kay has presented an account of fines and disbursements of the two battalions of the Charlotte County Militia.

On these accounts the committee remark that there have been none collected by him for the year, 1811; that the exempt fines to the amount of £7. remain in the hands of the Widow of the late Clerk, who refuses to pay the same, and that the balance due him amounts to £8:4:10.

From Westmorland there appears no account.

From Northumberland there is a return from one of the battalions signed by the Quarter Master, stating a balance in his hands of £2:4:8½.

The committee are impressed with an idea that the omissions and irregularities alluded to by them in this report, ought in some shape to be noticed by the House, or else their labor has been in vain.

Signed

STAIR AGNEW,
 JOHN WARD,
 STEPHEN HUMBERT.

Ordered that the said report with the papers and accounts therein referred to, do lie on the table.

A Message from the Council informing the House, that the Council have concurred in passing the Bill to repeal an Act, intituled an Act to encourage the erection of a passage boat to be worked by steam, for facilitating the communication between the City St. John and Fredericton, and to relieve the persons named in the same Act from the penalty of a bond given by them to His Majesty, in pursuance of the provisions of the same Act, with amendments; and also, that the Council have concurred in passing the Bill, in amendment of, and in addition to an Act intituled an Act, for transferring to and vesting in the Crown, such lands and tenements of any person or body politic, on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof and making compensation for the same to the former owners, with amendments. The House accordingly proceeded to take into consideration the amendments made by the Council to the Bill, intituled a Bill to repeal an Act, intituled an Act, to encourage the erection of a passage boat to be worked by steam, for facilitating the communication between the City of St. John and Fredericton, and to relieve the persons named in the same Act from the penalty of a bond given by them to His Majesty, in pursuance of the provisions of the same Act; and the same were read, and are as follow, viz.

Title, at A. dele "repeal" and insert "to alter and extend the provisions of."—Preamble, B. insert "at present".—Enacting clause, C, dele the remainder of the section, and insert, "bond so given as aforesaid by the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser, and Laughlan Donaldson, shall be void on the erection of a good sufficient and convenient boat to be worked by steam, agreeable to the provisions of the said herein before recited Act, within two years after peace shall be restored between His Majesty, and the said United States; and that the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser, and Laughlan Donaldson, shall so soon as such boat shall be completed and furnished agreeable to the provisions of the said herein before recited Act, and of this Act, have, possess, and enjoy to themselves, their executors, administrators and assigns, the sole right of carrying passengers, and transporting freight of different kinds, in such boat for the term of ten years, and that no other person or persons whomsoever, other than the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser, and Laughlan Donaldson, their executors, administrators or assigns, shall use or employ any boat or boats to be worked by steam upon the said river St. John, for any purpose whatsoever during such term of ten years.

II. "And be it further enacted, that the said herein before recited Act, and every clause, matter and thing therein contained, except wherein the same is hereby altered and extended, shall be, and remain in full force in every respect, any thing herein contained to the contrary thereof in any wise notwithstanding." The said amendments being severally read a second time, whereupon the question severally put thereupon agreed unto by the House. Ordered that the said Bill with the amendments be returned to the Council.

The House then proceeded to take into consideration the amendments made by the Council to the Bill intituled a Bill in amendment of and in addition to an Act intituled an Act for transferring to, and vesting in the Crown such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners; and the same were read, and are as follow, viz.

Preamble

Preamble at A. insert "made and passed in the forty third year of His Majesty's reign."—Sect. I. at B. insert "and that every inquisition made and returned under and by virtue of this Act, shall be proceeded upon, and have the like force and effect in all respects as any inquisition made and returned under and by virtue of the said herein before recited Act." The said amendments being severally read a second time, were upon the question severally put thereupon, agreed unto by the House. Ordered that the said Bill with the amendments be returned to the Council.

Read a first and second time, a Bill to provide for the accommodation and billeting of His Majesty's troops when on their march from one part of the Province to another part thereof. Ordered that the same be committed.

The House in committee, Mr. *Agnew* in the chair, went into the consideration of the report of the committee on the Treasurer's accounts. The *Speaker* resumed the chair, Mr. *Agnew* from the committee reported that he was directed by the committee to report progress on the business before them, and ask leave to sit again to-morrow. Ordered that the report be accepted.

The House adjourned until to-morrow morning at 11 o'clock.

FRIDAY, the 5th day of FEBRUARY, 1813.

PRAYERS.

The House in committee, Mr. *P. Fraser* in the chair, went into the consideration of the Bill to provide for the accommodation and billeting of His Majesty's troops when on their march from one part of the Province to another part thereof. The *Speaker* resumed the chair, the chairman reported that the committee had agreed to the Bill with amendments, and had desired him to report the same. The House agreed to the report, and ordered the Bill to be engrossed.

Read a first and second time a Bill to provide for the issuing of Treasury notes, in aid of the public service. Ordered that the said Bill be committed.

Mr. *R. Pagan* from the standing committee appointed to examine, liquidate, and report on all public and private accounts, reported as follows:

The standing committee of accounts, report that they have examined the accounts of James M'Nabb, and Thomas Fraser, commissioners for repairing the roads and bridges between the Nashwalk settlement and Bett's on the Miramichi river, from which it appears that they in October last received £100 out of the public Treasury for that purpose, for the expenditure of £97:9 of which sum, full and distinct vouchers have been produced, and affidavit made to the account of expenditure; they propose that the balance of £2:11 be reserved for the purpose of clearing windfalls, as they may occur to injure the said road.

They have also examined the report of John Mount, and Ebenezer Scott, commissioners for building a bridge across the south west branch of Musquash river, and the vouchers accompanying that report which are full and distinct, and affidavit made to the amount.

It appears that the sum of £75 has been received out of the public Treasury, and that the sum of £74:1:3 has been expended leaving a balance of eighteen shillings and nine pence, in the commissioners hands.

No. 1, is a statement of the Honorable George Leonard, Esq. Quarter Master General of Militia Forces, of the outfit, Provisions and portage Bill of the sloop Brunswicker, made up to the 2d January, 1813, accompanied with full and satisfactory vouchers; by which it appears that the sum of £771:11 has been expended, that £605:19:1 of this amount has been received

ceived out of the public Treasury, and that a balance of £165:11:11 remains due to him.

No. 2, is the Secretary of the Province's account of fees for issuing seventy eight warrants amounting to £19:10.

No. 3, is an account of the costs of the Chair of State provided by order of the Legislature, amounting to £54:13:9.

No. 4, is Jacob S. Mott's account for printing and advertising Acts, and sundry public advertisements amounting to £84:0:6.

No. 5, is his account for printing Journals, amounting to £51:15, and, No. 6, is his account for sundry advertisements relating to the Militia Forces, amounting to £10:8:3, which three accounts are correctly calculated, and in all amount to £146:3:9.

The House then adjourned until to-morrow morning at 11 o'clock.

SATURDAY, the 6th day of FEBRUARY, 1813.

PRAYERS.

The House in committee, Mr. *Peters* in the chair; the committee went into the further consideration of the supplies to be granted to His Majesty, for the public service. The *Speaker* resumed the chair. Mr. *Peters* from the committee reported that he was directed by the committee to report that they had come to the following further resolutions, viz.

Resolved, that the sum of £19:10 be granted to the Secretary of the Province, for fees due him for drawing warrants on the Province Treasury agreeable to his account.

Resolved that the sum of £19:13:9, be granted to His Honor the President, being the balance due in addition to a former grant of *thirty guineas* for the purpose of procuring a suitable Chair of State for the accommodation of the King's Representative in the Council Chamber, of the Province Hall.

To Jacob S. Mott the sum of £79:0:6, for printing and advertising Acts and sundry public Advertisements; also the sum of £21:15 for the balance of his account for printing Journals, and a further sum of £10:8:3, for sundry Advertisements relating to the Militia.

Resolved that a sum of *thirty pounds* be granted to His Honor the President towards erecting two or more huts on the road for the accommodation of persons, passing and repassing between Fredericton and the lines. Ordered that the said report be accepted.

Read as engrossed, the Bill for regulating the Militia, when the following addition and amendment was on motion of Mr. *R. Pagan* added as a rider to the fifth clause of the same Bill, viz.

Provided also that no person shall be required to travel more than thirty miles from his usual place of residence to attend the training of the battalion or division thereof to which he may belong. And on motion of Mr. *Street*, the following addition and amendment was proposed to be added as a rider to the 44th clause of the same Bill, to wit:

And that the commanding officers of every Regiment or Battalion, shall also every six months file a copy of such account under oath, so rendered by him to the Commander in Chief with the Clerk of the Peace of the County to which such Regiment shall belong; upon which motion the House divided as follows,

For the proposed amendment—Mr. *Street*, Mr. *P. Fraser*.—against it—Mr. *Easterbrooks*, Mr. *R. Pagan*, Mr. *W. Pagan*, Mr. *Dunn*, Mr. *Chapman*, Mr. *Humbert*, Mr. *Johnston*, Mr. *Leonard*, Mr. *Belding*, Mr. *Attorney General*
Mr.

Mr. *Peters*, Mr. *Allen*, Mr. *M'Leod*, and the same passed in the negative. That the following addition and amendment was on motion of Mr. *Attorney General* added also, as a rider and additional clause to the same Bill, and numbered 54, viz.

LIV. And be it further enacted that no non-commissioned officer or private, shall be liable to be arrested upon any process, or execution whatsoever (other than for some criminal matter) whilst attending any training of the battalion or division thereof, to which he may belong or doing duty upon real service or marching to, or returning from the place appointed for such training or duty; except the original sum due, for which he may be arrested, shall amount to the value of *twenty pounds*.

That the following alteration and amendment was also on motion of Mr. *R. Pagan* proposed to be made to the Bill, viz.—55 clause, strike out “during the present war with the United States of America and no longer,” and insert “until the end of the next session of the General Assembly of this Province, and no longer,” and the same was upon the question put, thereupon agreed to by the House; and the Bill was amended at the table accordingly.

Mr *Peters* then moved a further amendment, and that the Bill be recommended upon which the House divided,

YEAS.

Mr. *Easterbrooks*;
Mr. *Chapman*,
Mr. *Humbert*;
Mr. *Leonard*,
Mr. *Belding*,
Mr. *Peters*,
Mr. *M'Leod*,
Mr. *Allen*.

NAYS.

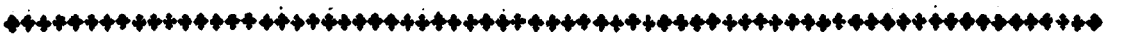
Mr. *R. Pagan*;
Mr. *W. Pagan*,
Mr. *Dunn*,
Mr. *Ward*,
Mr. *Johnston*,
Mr. *Attorney General*,
Mr. *Street*,
Mr. *P. Fraser*.

upon which the *Speaker* decided the same in the negative. Resolved that the Bill do pass and that the title be, a Bill for regulating the Militia. Ordered that Mr. *Ward* and Mr. *Humbert*, do carry the Bill to the Council and desire their concurrence.

Read a first and second time a Bill for laying a duty upon goods imported into this Province by non-residents. Ordered that the Bill be committed.

Read a first and second time a Bill for laying additional duties on certain Articles imported into this Province. Ordered that the Bill be committed.

The House adjourned until Monday next at 11 o'clock.



MONDAY, the 8th day of FEBRUARY, 1813.

PRAYERS.

Read a third time an engrossed Bill to provide for the accommodation and billeting of His Majesty's Troops and the Militia when on their march. Resolved that the Bill do pass. Ordered that Mr. *Dunn* and Mr. *Chapman* do carry the Bill to the Council and desire their concurrence.

The House in committee, Mr. *Leonard* in the chair, went into the consideration of a Bill for laying additional duties on certain Articles imported into this Province. The *Speaker* resumed the chair, the chairman reported that the committee had agreed to the Bill with amendments, which report was received. Ordered that the Bill be engrossed.

The House in committee, Mr. *Dunn* in the chair, went into the consideration of a Bill for laying a duty upon goods imported into this Province by non-residents. The *Speaker* resumed the chair, the chairman reported

that the committee had agreed to the Bill with amendment, which report was received. Ordered that the Bill be engrossed.

The House in committee, Mr. *Agnew* in the chair, went into the consideration of a Bill to provide for the issuing of Treasury notes in aid of the public service. The *Speaker* resumed the chair, the chairman reported that the committee had gone into the consideration of the Bill, and, that on the question whether the first section of the Bill under consideration of the committee should stand and be a part of the same Bill, the House divided,

YEAS.	NAYS.
Mr. <i>Taylor</i> ,	Mr. <i>Allen</i> ,
Mr. <i>Peters</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Attorney General</i> ,	Mr. <i>Speaker</i> ,
Mr. <i>Belding</i> ,	Mr. <i>Leonard</i> ,
Mr. <i>Johnston</i> ,	Mr. <i>Chapman</i> ,
Mr. <i>Ward</i> ,	Mr. <i>Easterbrooks</i> ,
Mr. <i>Dunn</i> ,	Mr. <i>R. Pagan</i> ,
Mr. <i>W. Pagan</i> .	Mr. <i>Street</i> ,
	Mr. <i>Humbert</i> .

and the same passed in the negative; and that the committee had directed him further to report that they had taken the Bill before them into consideration, and that it was their opinion that the further consideration thereof should be postponed for three months. Ordered that the House not agreeing to the report, the Bill be re-committed.

The House in committee, Mr. *R. Pagan* in the chair, resumed the consideration of a Bill to provide for the issuing of Treasury notes in aid of the public service. The *Speaker* resumed the chair, Mr. *R. Pagan* from the committee, reported that the committee had agreed to the Bill with an amendment, which report was received. Ordered that the Bill be engrossed.

The House adjourned until to-morrow morning at 11 o'clock.



TUESDAY, the 9th day of FEBRUARY, 1813.

PRAYERS.

An engrossed Bill for laying a duty upon goods imported into this Province by non-residents, was read a third time. Resolved that the Bill do pass. Ordered that Mr. *W. Pagan* and Mr. *Johnston* do carry the Bill to the Council and desire their concurrence.

An engrossed Bill for laying additional duties on certain Articles imported into this Province, was read a third time. Resolved that the Bill do pass. Ordered that Mr. *W. Pagan*, and Mr. *Johnston*, do carry the Bill to the Council and desire their concurrence.

On motion of Mr. *Street*, the following resolutions are agreed to by the House, to wit:

Resolved that it appears to this House, by the report of the committee on Militia accounts, that the commanding officers of the two battalions of the Regiment of York County; the commanding officers of the Regiments of Sunbury, Westmorland, and of the first and third battalions of the Northumberland Militia, have neglected their duty in not rendering an account of their receipt and appropriation of fines in compliance with the 41st section of the Act, for the better regulating the Militia in this Province. And that it is the opinion of this House that a uniform adherence to the Laws for regulating the Militia is absolutely necessary to the preservation of that discipline which alone can add to its strength and utility.

Resolved therefore that an humble address be presented to His Honor the

further that such directions may be given to the several Deputies as will require them in future to render annually to the Treasurer a general account of the transactions of the past year, and of the state of the funds in their hands, respectively, and to remit at least quarterly to the Treasurer all monies received by them.

And that the committee had also agreed to the following resolution, to wit:

Resolved, that it is the opinion of this committee that the charge of four per cent, paid to the Attorney General on monies collected by him, on bonds given at the Province Treasury for duties is irregular and not authorized by law or usage. Ordered that the report be accepted.

The House adjourned until to-morrow morning at 11 o'clock.

THURSDAY, 11th day of FEBRUARY, 1813.

PRAYERS.

A message from the Council informing the House that the Council have concurred in passing the Bill for laying additional duties on certain articles imported into this Province.

The House in committee, Mr. *Leonard* in the chair, went into the further consideration of the Bill authorizing the President and Commander in Chief to accept of a certain number of volunteer Militia for the defence of the Province. The *Speaker* having resumed the chair, the chairman reported that upon motion made and seconded, the committee had agreed, and directed him to report it as their opinion, that the further consideration of the said Bill be postponed for three months; that upon the said motion the House had divided,

YEAS.

Mr. *Easterbrooks*,
Mr. *W. Pagan*,
Mr. *Dunn*,
Mr. *Chapman*,
Mr. *Humbert*,
Mr. *P. Fraser*,
Mr. *Taylor*,
Mr. *Agnew*,
Mr. *Street*.

NAYS.

Mr. *Allen*,
Mr. *Speaker*,
Mr. *Attorney General*,
Mr. *Belding*,
Mr. *Johnston*,
Mr. *R. Pagan*,
Mr. *Peters*.

and the same passed in the affirmative. The House agreed to the report.

Message from the Council informing the House of Assembly that the Council have agreed to the Bill to provide for the accommodation and billeting of His Majesty's troops and the Militia, when on their march, with amendments, and also,

That the Council have agreed to the Bill for laying a duty upon goods imported into this Province by non-residents, with amendment, and also,

That the Council do request a conference with the House of Assembly on the subject of the resolutions of supply. The House agreed to the conference requested, and ordered that Mr. *R. Pagan*, Mr. *Agnew* and Mr. *Leonard* do acquaint the Council therewith, and that they be a committee to manage the said conference.

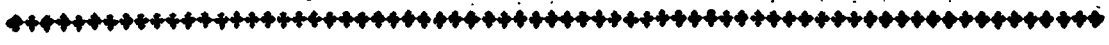
A Message from the Council requesting a conference with the House of Assembly on the subject of the Militia Bill.

The House of Assembly agree to the conference requested, and ordered, that Mr. *Attorney General*, Mr. *Ward*, and Mr. *P. Fraser*, do acquaint the Council therewith, and that they be a committee to manage the said conference.

Ordered

Ordered that Mr. *W. Pagan* and Mr. *Johnston* do carry up to the President the address conveying the resolution of the House, agreed to yesterday relative to the neglect of duty on the part of the Deputy Treasurer's of Westmorland and Northumberland.

Read a first and second time a Bill in addition to an Act intituled an Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trial of certain actions. Ordered that the same be committed: The House adjourned until to-morrow morning at 11 o'clock.



FRIDAY, the 12th day of FEBRUARY, 1813.

PRAYERS.

A Message from the Council with the following resolution, to wit:
COUNCIL CHAMBER, 11th FEBRUARY, 1813.

Resolved that Judge *Chipman*, and General *Coffin* be a committee to meet the committee of the Assembly in conference on the Militia Bill. Ordered that Judge *Chipman* communicate the same to the Assembly.

Wm. F. ODELL, Clerk.

The House in committee, Mr. *Leonard* in the chair, went into the consideration of the Bill in addition to an Act intituled an Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trial of certain actions. The *Speaker* resumed the chair. The chairman reported that the committee had agreed to the said Bill with amendments. Ordered that the Bill be engrossed.

On motion of Mr. *Street*, a letter to John Robinson, Esq. Speaker of this House, was read, stating the losses by fire on the 20th January last of Peter Duperee of Madawaska, and on motion by Mr. *Street*, that some relief be extended to the said Peter Duperee. Ordered that the same be referred to the committee of supply.

A Message from the Council with the following resolution, to wit:
COUNCIL CHAMBER, 11th FEBRUARY, 1813.

Resolved that Mr. *Odell* and Mr. *Robinson* be a committee to meet the committee of the Assembly in conference on the resolutions of supply. Ordered that Mr. *Robinson* notify the same to the Assembly.

Wm. F. ODELL, Clerk.

The committee of conference of the Assembly on the subject of the Resolutions of supply, report that they have had this day a conference with the committee of Council and received from them in writing, reasons in support of their objections to certain articles which are as follow, viz.

The Council instruct the committee of conference on the resolutions of supply, to state,

1st. that the Council agree to all the resolutions, excepting the resolution granting an allowance to Charles I. Peters, Esq. as *Solicitor to the House of Assembly.*

2d. to the following items in the account of Jacob S. Mott No. 4, viz.
April 13, 1812,—Advertising the whole of the Acts of Assem-

		by, by order of the Attorney General,	£ 10:0:0
May 2,	„	Printing 6 quires Marriage Certificates at 10s.	3:0:0
„ 12,	„	8 Royal Gazettes, delivered to the Attorney General, at 6d.	0:4:0

1st. To the first of the resolutions here specified, the Council object, because the office of Solicitor to either House in General Assembly is un-

known and unprecedented, and in the opinion of the Council unnecessary; the Council however will not dissent to the allowance in question if made expressly for services performed by Mr. *Peters* by direction of the Assembly.

2d. To the abovementioned items in Mr. Mott's account, because these charges are for services not duly authorised. Wm. F. ODELL, Clerk.

The committee of conference of the Assembly on the subject of the Militia Bill, report that they have had this day a conference with the committee of Council, and received from them in writing reasons in objection to the said Bill which are as follow, viz.

The committee of the Council in conference on the Militia Bill are instructed to state,

That the provision made in the Bill for ordering out the Militia for six days, and for furnishing them with rations of provisions during that time may be rendered ineffectual, unless the Bill shall also provide for the payment of this expence out of the Province Treasury, in case the same shall not be provided for by His Majesty's Government.

That the Council are of opinion that all expences arising under the Bill, the payment of which out of the Province Treasury is contemplated by the Legislature, should be expressed in the Bill to be so payable, and they conceive the bounty mentioned in the 27th section of the Bill to be of this nature.

That the operation of the present Bill by repealing the former Militia Acts without other provisions than are contained in it, might possibly be to disband and discharge from further attendance the Militia now called into actual service, under those Acts.

That some of the abovementioned provisions as well as many others which it may be expedient to adopt in order to render the Militia Laws more effectual for the public defence, the Council conceive can only originate constitutionally with the House.

That the Council foresee insuperable difficulties in their attempting by way of amendment to introduce such provisions as would render it more effectual than the existing Laws on the subject, and have therefore thought it advisable in a matter of so great moment to make this communication to the Assembly before any final question shall be taken by them upon the Bill.

Wm. F. ODELL, Clerk.

The House resolved itself into a committee of the whole on the amendments proposed by the Council to the Bill to provide for the accommodation and billeting of His Majesty's troops and the Militia when on their march. Mr. *P. Fraser* in the chair. The *Speaker* resumed the chair, and the chairman reported that the committee had gone into the consideration of the said proposed amendments, and had concurred with the amendment in section 2d, marked B. which is as follows, viz.—dele “or City and County,” but that they had not concurred in any other of the amendments proposed by the Council to the said Bill.

Ordered that the House do request a conference with the Council on the subject of the amendments by them proposed to the Bill to provide for the accommodation and billeting of His Majesty's troops and Militia when on their march, and that the *Attorney General*, Mr. *Ward*, and Mr. *Dunn*, be a committee to acquaint the Council therewith.

A Message from the Council with the following resolution, to wit:

COUNCIL CHAMBER, 12th FEBRUARY, 1813.

Resolved that the Council do agree to the conference proposed by the Assembly on the subject of the amendments to the billeting Bill, and that Judge *Saunders* and Judge *Chipman* be a committee to manage the same. Ordered that Judge *Saunders* notify the same to the Assembly.

Wm. F. ODELL, Clerk.

Resolved

Resolved that *Mr. Attorney General*, *Mr. Ward*, and *Mr. Dunn*, be a committee to manage the conference on the part of this House upon the subject of the amendments proposed by the Council, to the billeting Bill; and ordered that they do acquaint the Council therewith.

Read as engrossed the Bill in further addition to an Act intituled an Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions. Ordered that the said Bill do pass, and that *Mr. R. Pagan* and *Mr. Easterbrooks* do carry the same up to the Council and desire their concurrence.

Ordered that the committee appointed to manage the conference on the amendments by the Council proposed to the billeting Bill do prepare reasons to be offered in objection thereto for the consideration of the House.

Resolved that a conference be requested with the Council on the subject matter of the last conference with them on the Militia Bill and that the committee appointed on the former conference do acquaint the Council therewith, and manage the same on the part of the House.

Resolved unanimously, that the House will not go into the consideration of the amendments proposed by the Council to the Bill for laying a duty upon goods imported into this Province by non-residents, because this House cannot admit it to be the right of His Majesty's Council to amend a money Bill.

A Message from the Council with the following resolution; to wit:

COUNCIL CHAMBER, 12th FEBRUARY, 1813.

Resolved that the Council do agree to the conference proposed on the subject matter of the last conference on the Militia Bill and that Judge *Chipman* and General *Coffin* be a committee to manage the same. Ordered that General *Coffin* notify the same to the Assembly.

WM. F. ODELL, Clerk.

Resolved that a conference be requested with the Council upon the subject of the conference held upon the resolutions of supply, and that the committee appointed on the former conference do acquaint the Council therewith, and manage the same on the part of the House.

The House of Assembly direct their committee of conference upon the subject matter of the last conference with the Council upon the Militia Bill to state to the committee of conference on the part of the Council, that the House will take into consideration without any unnecessary delay the important matter suggested upon the former conference by the Council, and further to request that the Bill may be returned to the House.

Mr. Attorney General from the committee appointed to prepare reasons to be laid before the House in reply to the amendments proposed by the Council to the Bill to provide for the accommodation and billeting of His Majesty's troops and the Militia when on their march, reported as follows, to wit:

The House of Assembly direct their committee of conference upon the subject of the amendments proposed by the Council to the Bill to provide for the accommodation and billeting of His Majesty's troops and Militia when on their march, to state that the House are willing to concur with the Council in the amendment proposed in the second section, at B. although they are satisfied that the expression "City and County" is the more correct, but that the House cannot concur in either of the other proposed amendments for the following reasons, to wit:

1st. Tavern Keepers appear to be the only description of publicans who are by Law bound to provide for travellers, and no persons of any other description can sell spirituous or strong liquors of any kind to be drank in their Houses.

of the former conference on the resolutions of supply, reported for the consideration of the House the following reasons, in answer to the objections of the Council to a part of such resolution, viz.

1st. That the House will in the Bill of appropriations, so express the grant to Charles I. Peters, Esq. for services performed by him as to correspond with the proposal of the Council.

2d. That as to the other articles objected to, namely the three sums contained in the account of Jacob S Mott, the King's Printer, it appeared by a communication from the Attorney General a Member of this House, before the resolution passed that the services for which the charges were made, were performed by the Command of His Honor Mr. President *Hunter*, communicated to the Printer by the Attorney General, who in obedience to the President's directions prepared the abstract of several of the Laws for the press, and distributed the blank certificates of marriage throughout the Province, and wrote letters upon the subject to the clergy of the Romish Church, inclosing to them the newspapers containing a copy of the Act for registering marriages.

That as these services appeared and still do appear to the House to have been necessary, and duly authorised, they therefore hope the Council will agree to these appropriations.

On motion of Mr. *Street* that the first of the foregoing reasons on the grant to Charles I. Peters, Esq. as "*Solicitor of this House*" would go to admit an interference on the part of the Council in the mode of appropriation, and would therefore be injurious to the privilege of this House to prescribe the mode in all articles of appropriation.

The House resolved itself into a committee of the whole on the reasons offered by the select committee for the consideration of the House. Mr. *Allen* in the chair, the *Speaker* resumed the chair, and Mr. *Allen* from the committee reported that they had gone into the consideration of the business to them referred, and had directed him to report that they had agreed to the following resolution, to wit:

Resolved that to the first objection of the Council the House cannot agree, as the Council by their proposal direct the mode of appropriation, and prescribe conditions on which they will give their assent thereto, which is altogether unparliamentary; and that to the second objection they agree to the reasons offered by the select committee for the consideration of the House; which report was accepted. Ordered therefore that the select committee do acquaint the Council with the said resolution in answer to their first objection, and state the reasons agreed to by the committee in reply to their second objection.

A Message to the House from His Honor the President, by the Gentleman Usher of the Black Rod, as follows, to wit:

"NEW-BRUNSWICK, 13th FEBRUARY, 1813.

"G. S. SMYTH.

"MESSAGE to the HOUSE of ASSEMBLY.

"The President directs to be herewith laid before the House of Assembly an estimate of the probable amount of expences which for the defence of the Province may be unavoidably necessary to render effectual the services of the Militia in the course of the current year, and he recommends it to the House to make provision for such part of these expences as cannot be defrayed out of the balance remaining of the sum of *ten thousand pounds*, granted at the last Session of the General Assembly.

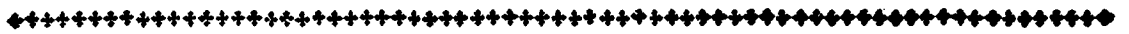
"The President cannot but indulge the hope that the representatives of a brave and loyal people, will on this most urgent occasion employ every practicable means in aid of the exertions made by the mother country for the safety and protection of this colony.

G. S. S.
Estimate

Estimate of expences which are considered as probably necessary in the course of the current year in aid of the exertions made by the mother country towards the defence of the Province ; such pay as may be made to embodied Militia in addition to the pay and allowances made to His Majesty's regular troops for such number of non-commissioned officers and privates as may for any time be necessarily employed, probably equivalent in the whole to eight hundred men for twelve months, which at the present bounty of one shilling per day to each man, will amount to *fourteen thousand six hundred pounds.*

A Message from the Council informing the House that the Council have agreed to the Bill in further addition to an Act, intituled an Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions, with amendments.

The House adjourned until Monday next at 11 o'clock.



MONDAY, the 15th day of FEBRUARY, 1813.

PRAYERS.

The House in committee, Mr. *Leonard* in the chair, went into the re-consideration of the Bill for regulating the Militia. The *Speaker* resumed the chair, the chairman reported that the committee had directed him to report that it is their opinion that the Bill should be referred to a select committee, and that upon that question the committee had divided,

YEAS.	YEAS.	NAYS.
Mr. <i>Easterbrooks,</i>	Mr. <i>R. Pagan,</i>	Mr. <i>Allen,</i>
Mr. <i>W. Pagan,</i>	Mr. <i>Dunn,</i>	Mr. <i>Fraser,</i>
Mr. <i>Chapman,</i>	Mr. <i>Humbert,</i>	Mr. <i>Belding,</i>
Mr. <i>Ward,</i>	Mr. <i>Johnston,</i>	Mr. <i>Attorney General.</i>
Mr. <i>Street,</i>	Mr. <i>Peters,</i>	
Mr. <i>Speaker,</i>	Mr. <i>Taylor.</i>	
Mr. <i>Agnew,</i>		

and the same passed in the affirmative. Ordered therefore that the further re-consideration of the Bill for regulating the Militia be referred to Mr. *R. Pagan,* Mr. *Humbert,* Mr. *Agnew,* Mr. *Peters,* and Mr. *Chapman,* as a select committee appointed by the House for that purpose.

The House proceeded to take into consideration the amendments proposed by the Council to the Bill in further addition to an Act, intituled an Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions, and the same were read and are as follow, viz.

Preamble, at A. dele the remainder of the Bill, and insert "in and by an Act made and passed in the thirty fifth year of His Majesty's Reign, intituled an Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions ;" no times were appointed for holding the additional terms of the Inferior Courts of Common Pleas for the County of Northumberland.

Be it therefore enacted by the President, Council and Assembly that the additional terms of the said Court in the said County, shall be held on the third Tuesday in May, and the first Tuesday in November, in each and every year. The said amendments being severally read a second time, upon the question severally put thereupon, were not concurred in by the House.

That

That the following resolution was moved by Captain *Agnew*, and seconded, to wit:

Resolved that the House of Assembly of New-Brunswick cannot view the departure of the 104th Regiment from this Province, without feeling every solicitude for a corps raised in this Country, and destined they trust long to continue its pride and ornament, the House have observed with peculiar pleasure that the merit of the officers and men of this regiment, has been such as to have induced His Majesty to confer upon it a high mark of His favor and approbation, in numbering it with the line; and the House take this occasion to express the high sense they have of the propriety of conduct observed by this regiment during its continuance in this Province, upon which motion the House divided,

YEAS.

Mr. *R. Pagan*,
 Mr. *W. Pagan*,
 Mr. *Dunn*,
 Mr. *Leonard*,
 Mr. *Belding*,
 Mr. *Attorney General*,
 Mr. *Allen*,
 Mr. *Taylor*,
 Mr. *Agnew*.

NAYS.

Mr. *Easterbrooks*,
 Mr. *Chapman*,
 Mr. *Humbert*,
 Mr. *Ward*,
 Mr. *Johnston*,
 Mr. *Peters*,
 Mr. *Fraser*,
 Mr. *Street*.

and the same passed in the affirmative. Resolved that the above resolution be presented by the *Speaker*.

The House adjourned until to-morrow morning at 11 o'clock.



TUESDAY, the 16th day of FEBRUARY, 1813.

PRAYERS.

The *Speaker* reported that in compliance with the resolution of the House of yesterday, he had presented to Col. Halket, commanding the 104th regiment, the resolution of yesterday agreed to on the expected departure of the said regiment for Canada, and that he had received from Col. Halket, the following reply thereto on behalf of himself and the said regiment, to wit:

FREDERICTON, 15th FEBRUARY, 1813.

“SIR.—I have this day had the honor to receive through you, their *Speaker* the resolution of the House of Assembly of this Province, expressive of their sentiments upon the removal of the regiment under my command from the Country, and also their marked approbation of its general good conduct whilst in it.

“Such honorable testimony of merit must always dwell on the recollection of every individual of the corps to whom I have communicated the same, and serve for the future to create an emulation amongst them for its long continuance, in the certain hope of rendering themselves worthy of such marked distinction from the Country in which they were formed. I have therefore united with our sincere regret at parting to offer you the uniform thanks of myself, the officers, non-commissioned officers, and privates of the 104th regiment, and to remain, with the greatest respect,

“ Sir,

“ Your most obedient servant, &c. &c. &c.

“ A. HALKET, Colonel, Lieut. Col. 104th regiment.

“ To *John Robinson*, Esq. Speaker of the House of Assembly, &c. &c.”

Mr. *R. Pagan* from the select committee appointed to go into the further re-consideration of the Bill for regulating the Militia, reported that the committee

committee had re-considered the said Bill, and had directed him to report sundry amendments by them proposed thereto. The House accordingly resolved itself into a committee of the whole to take into consideration the said proposed amendments. Mr. R. Pagan in the chair, the *Speaker* resumed the chair, the chairman reported that the committee had taken into consideration the business to them referred, had agreed to the said amendments, and directed him to report the said Bill with such amendments. Resolved that the House do accept the report, and ordered that the said Bill with the amendments be engrossed.

A Message from the Council with the following resolution, to wit:

COUNCIL CHAMBER, 16th FEBRUARY, 1813.

Resolved that the Council do request a conference with the Assembly on the subject matter of the last conference, on the subject of the resolutions of supply. Ordered that Mr. Odell communicate the same to the Assembly, and at the same time inform the House that the Council have appointed the committee on the last conference to manage the same.

WM. F. ODELL, Clerk.

Resolved that the House of Assembly do agree to the conference proposed by the Council on the subject matter of the the last conference, on the subject of the resolutions of supply. Ordered that Mr. R. Pagan and Mr. Agnew be a committee to manage the same, and acquaint the Council therewith.

The House in committee, Mr. W. Pagan in the chair, went into the consideration of a Bill for the further increase of the Revenue of this Province, the *Speaker* resumed the chair, the chairman reported that the committee had agreed to the said Bill with amendments. Ordered that the Bill be engrossed.

Mr. R. Pagan from the committee appointed to conduct the conference with the committee of the Council on the subject matter of the last conference, on the subject of the resolutions of supply, reported that they had conferred this day with the committee of the Council thereon, from whom they had received the following reasons in support of their former objection, to wit:

The Council instruct their committee in conference on the subject of the last conference, on the subject of the resolutions of supply to state,

That the Council observe with concern that they are charged by the Assembly with unparliamentary conduct, in discharging what they conceive to be their indispensable duty by declining to recognize an office hitherto unknown in the constitution, and to the erection and establishment of which they conceive neither the Council nor the Assembly to be competent, leaving at the same time the power of the Assembly uncontrouled in making express provision for the services in question, as performed by their direction, and the Council are persuaded that on a re-consideration of the subject the Assembly will not insist upon making the provision in question in terms to which the Council feel it to be their duty to object.

That with regard to the objections to the items of expence in Mr. Mott's account, as the Assembly are satisfied that they were actually incurred by the command of the late President, the Council will not adhere to these objections, although the Council deem it necessary to observe that expences incurred by order of the President or Commander in Chief of the Province should be so expressed in the accounts to be laid before the General Assembly.

WM. F. ODELL, Clerk.

The House then adjourned until to-morrow morning at 11 o'clock.

WEDNESDAY,

Dr. **The Province of New-Brunswick in General Account Current with WILLIAM S. OLIVER.** Cr.

1812		£	S	D	1812		£	S	D
May 11	To John Chaloner's Bill for Guaging, No. 1, - - - - -	35	19	6	February 9	By old Account, Cash and Bonds in Chest, - - - - -	6188	7	
December 28	John Chaloner's (second) Bill for Guaging, No. 2, - - - - -	28	8		December 31	Balance of Light House Account, No. 6, - - - - -	16	10	8½
31	Account for Stationary, Office Desk, and Postage, No. 3, - - - - -	8	1	5		Thomas Wetmore, Esq. Attorney General, for interest (he } received on Bonds, &c. per duties) put into his hands, }	51	15	4
	Warrants paid since first January, 1812, No. 4, - - - - -	7398	5	7		Amount received from Mr. M'Donald, on Account of Duties } at Charlotte, - - - - - }	2649	13	8½
	Drawback on Goods exported since first January, 1812, No. 5, - - - - -	32	1	10		Amount received from Mr. Titus Knapp, on account of Duties } at Westmorland, - - - - - }	94	1	½
	Thomas Wetmore, Esq. for collecting Bonds, &c. for Duties } £ 1480 : 2 : 4, interest £ 51 : 15 : 4, making £ 1531 : 17 : 8 } at 4 per cent. }	61	5	2		Amount received from Alexander Taylor, on account of Duties } at Northumberland, - - - - - }	724	7	2
	Thomas Wetmore, Esq. Attorney General, advanced him as a fee, - - - - -	5				Amount of Duties at Saint John, No. 7, - - - - -	6456	5	5
	Treasurer's Salary, two years, from first March, 1810, to } first March, 1812. }	500							
	Thomas Wetmore, Esq. Attorney General, for preparing forms } of Bonds and opinion in case of Coffee in the Ship Henderson, }	3	10						
	Cash and Bonds in Chest, - - - - -	8108	8	10½					
		16181		4½			16181		4½

Saint John, New-Brunswick, 31st December, 1812.

Signed,

WILLIAM S. OLIVER, Province Treasurer.

ABSTRACT OF DUTIES AT SAINT JOHN, 31st DECEMBER, 1812.

	at	9d.	1s.	7d.	9d.	1d.	2s.	6d.	4s.
WINE, - - - - -	2002	gallons,							
WINE, - - - - -	7591	gallons,							
RUM, - - - - -	86046	gallons,							
RUM, - - - - -	34782	gallons,							
COFFEE, - - - - -	229639	pounds,							
GENEVA and BRANDY, - - - - -	3019	gallons,							
MOLASSES, - - - - -	17968	gallons,							
SUGAR, - - - - -	6064	cwt. 3qrs. 15lb.							
SUGAR, - - - - -	118	cwt. 3qrs. 1lb.							
Amount of Auction Accounts, - - - - -									
	6456								
	176								
	5								
	5								

F. W. P.

WEDNESDAY, the 17th day of FEBRUARY, 1813.

PRAYERS.

The House in committee, Mr. *Peters* in the chair, went into the further consideration of the supplies necessary to be granted for the public service. The *Speaker* resumed the chair, the chairman reported that the committee had agreed to the two following resolutions, to wit:

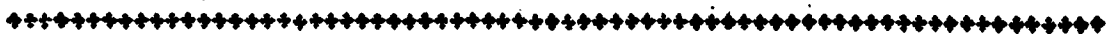
Resolved that the sum of *ninety seven pounds* be granted to re-imburse in part the extra expences of the Militia on their late march to Fredericton and St. John, which sum is calculated at the rate of *six pence* per day to each man, and,

To His Honor the President or Commander in Chief, a sum not exceeding *five thousand pounds* to be appropriated to the payment of such part of the bounties to the Militia as cannot be paid out of the sum of *ten thousand pounds* granted to His Majesty at the last Session of the Legislature. Ordered that the report be accepted.

Ordered that Mr. *Leonard* and Mr. *Dunn* do carry up to the Council for their concurrence the resolutions of supply of Tuesday the 9th of February, instant, and this day.

An engrossed Bill for regulating the Militia, was read a third time, resolved that the Bill do pass. Ordered that Mr. *Ward* and Mr. *Dunn* do carry the same up to the Council and desire their concurrence.

The House adjourned until to-morrow morning at 11 o'clock.

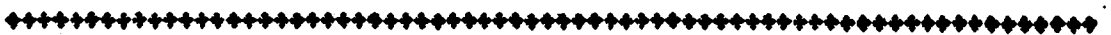


THURSDAY, the 18th day of FEBRUARY, 1813.

PRAYERS.

Read as engrossed the Bill for the further increase of the Revenue of this Province. Ordered that the said Bill do pass and that Mr. *Peters* and Mr. *Easterbrooks* do carry the same up to the Council and desire their concurrence. Ordered that Mr. *R. Pagan* and Mr. *P. Fraser* be a committee to prepare a Bill to appropriate a part of the public Revenue for the services therein mentioned.

The House adjourned until to-morrow morning at 11 o'clock.



FRIDAY, the 19th day of FEBRUARY, 1813.

PRAYERS.

Resolved on account of the great additional expence incurred on the march of the Militia from the County of Northumberland, that the further sum of *one hundred and eighty pounds* be granted to His Honor the President, towards defraying the expence attending that march, which sum is calculated at *one shilling* per day to each man.

A Message from the Council with the following resolutions and orders, to wit: COUNCIL CHAMBER, 18th FEBRUARY, 1813.

Resolved that the Council do agree to the resolution of appropriation sent up this day by the Assembly. Ordered that Mr. *Robinson* notify the same to the Assembly. Wm. F. ODELL, Clerk.

COUNCIL CHAMBER, 19th FEBRUARY, 1813.

Resolved that the Council do agree to the resolutions for providing for the additional expence of the march of the Militia from Northumberland. Ordered that Mr. *Robinson* notify the same to the Assembly.

Wm. F. ODELL, Clerk.

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COUNCIL

MONDAY; the 22d day of FEBRUARY, 1813.

PRAYERS.

Ordered that Mr. *R. Pagan* and Mr. *Dunn* do carry up to His Honor the President the address by resolution of Friday last, relative to the friendly Indians of this Province.

A Message from the Council informing the House of Assembly that the Council have concurred in passing the Bill to appropriate the public money.

Mr. *R. Pagan* by leave brought in a Bill to explain an Act, intituled an Act for regulating the Militia, which was read a first time.

The House then adjourned until to-morrow morning at 11 o'clock.



TUESDAY, the 23d day of FEBRUARY, 1813.

PRAYERS.

Read a second time the Bill to explain an Act intituled an Act for regulating the Militia. Ordered that the said Bill be committed.

The House in committee, Mr. *Attorney General* in the chair, went into the consideration of the Bill to explain an Act, intituled an Act for regulating the Militia. The *Speaker* resumed the chair, the chairman reported that the committee had agreed to the same, the House agreed to the report and ordered the Bill to be engrossed:

Read as engrossed the Bill to explain an Act, intituled an Act for regulating the Militia. Ordered that the said Bill pass, and that Mr. *Attorney General*, and Mr. *Peters*, do carry the same up to the Council and desire their concurrence.

A Message from the Council informing the House that the Council have concurred in passing the Bill to explain the Act for regulating the Militia.

The House then adjourned until to-morrow at 12 o'clock.



WEDNESDAY, the 24th day of FEBRUARY, 1813.

The House met agreeable to the adjournment of yesterday.
The House adjourned until to-morrow at 12 o'clock.

THURSDAY, the 25th day of FEBRUARY, 1813.

The House met agreeable to the adjournment of yesterday.
The House adjourned until to-morrow at 12 o'clock.

FRIDAY, the 26th day of FEBRUARY, 1813.

The House met agreeable to adjournment.
The House adjourned until to-morrow at 12 o'clock.

SATURDAY, the 27th day of FEBRUARY, 1813.

The House met agreeable to adjournment.
The House then adjourned until Monday morning at 12 o'clock.

MONDAY, the 1st day of MARCH, 1813.

The House met agreeable to adjournment.
The House adjourned until to-morrow at 12 o'clock.

TUESDAY,

TUESDAY, the 2d day of MARCH, 1813.

The House met agreeable to adjournment.

Ordered that there be printed two hundred copies of the Journals of the present Session of this House.

The House adjourned until to-morrow morning at 11 o'clock.

WEDNESDAY, the 3d day of MARCH, 1813.

The House met agreeable to adjournment.

A message from His Honor the President requiring the attendance of this Honorable House, upon His Honor at the Government House.

Accordingly Mr. *Speaker* with the House went up to attend His Honor at the Government House, where the *Speaker* delivered the following Bills, as engrossed upon parchment, to the Clerk of the Council, viz.

A Bill to appropriate the public money.

A Bill for laying additional duties on certain articles imported into this Province.

A Bill for the further increase of the Revenue of this Province.

His Honor the President was then pleased to give his assent to the several public and private Bills, as follows, viz.

A Bill for regulating the Militia.

A Bill to enlarge the limits of the parish of Saint Stephen in the County of Charlotte.

A Bill in amendment of and in addition to an Act, intituled an Act, for transferring to, and vesting in the Crown such lands and tenements of any person or body politic, on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value and making compensation for the same to the former owners.

A Bill to alter and extend the provisions of an Act, intituled an Act to encourage the erection of a passage boat to be worked by steam, for facilitating the communication between the City of St. John and Fredericton, and to relieve the persons named in the same Act from the penalty of a bond given by them to His Majesty in pursuance of the provisions of the same Act.

A Bill for laying additional duties on certain articles imported into this Province.

A Bill to provide for the accommodation and billeting of His Majesty's troops, and Militia when on their march.

A Bill for the further increase of the Revenue of this Province.

A Bill to appropriate the public money.

A Bill to explain an Act, intituled an Act for regulating the Militia.

After which the Honorable *Jonathan Odell* by His Honor the President's Command, said,

Gentlemen of the Council, and

Gentlemen of the Assembly.

It is His Honor the President's will and pleasure that this General Assembly be prorogued to the first Tuesday in June next, to be then here holden, and the General Assembly is accordingly prorogued to the first Tuesday in June next.