



# JOURNAL

OF THE

*HOUSE OF ASSEMBLY*

OF HIS MAJESTY'S

ISLAND PRINCE EDWARD.

*ANNO QUINTISSIMO*

REGIS GEORGII III.

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FOURTH SESSION OF THE EIGHTH GENERAL ASSEMBLY.

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CHARLOTTE-TOWN, PRINCE EDWARD ISLAND :

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1810.

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

FOURTH SESSION OF THE EIGHTH GENERAL ASSEMBLY.

MONDAY, JULY 30, 1810.

“ **A** GREEABLE to his Excellency the **LIEUTENANT GOVERNOR'S** Proclamation the House met.

“ A Message from the Lieutenant Governor requiring the Attendance of the House immediately in the Council Chamber; the House accordingly attended and having returned, the **SPEAKER** reported that his Excellency had been pleased to deliver the following Speech to both Houses, viz.

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

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

“ **I** Congratulate you most sincerely upon the General Success which since our last meeting continues to attend his Majesty's Fleets and Armies, and which under the Blessing of Divine Providence seems to predict at no very distant period the overthrow of a Despot who seeks to enchain mankind.

“ While rapacity and insurrection have spread their desolating flame in every quarter of the Globe, Great Britain enjoys her Religion her Laws and her Liberty under the Government of a revered Monarch, whose reign, during half a century, has been marked by prosperity and success.

“ Although this unexampled state of foreign distraction has necessarily created accumulated claims upon the attention of the King's Ministers, yet their goodness has not left us unnoticed; and I have the satisfaction to announce that his Majesty has been pleased to adopt the recommendation of the Lords of the Committee of his Most Honourable Privy Council, and to declare his Royal Allowance of an Act passed by the Legislature of this Colony, at its last Session, intituled “ An Act for raising the Sum of Sixteen Hundred Pounds for the purpose of Erecting Buildings for the Meetings of the General Assembly, the Supreme Court, and its Offices, in Charlotte-Town, and for Building Two Gaols, one in Prince County, and one in King's County, in this Island.

“ The Act for the Relief of the Loyalists still remain under the consideration of the Lords of the Committee; in the mean time I have every hope that the proofs of the laborious exertions of that most deserving class of Colonists, in the original settlement and improvement of this Island, and of their acknowledged claims, will not fail to operate the just result of adequate redress and compensation.

“ The several other acts which passed last Session have been considered by his Majesty's Ministers, and are reported as not being objectionable.

“ It would have afforded me infinite pleasure to announce to you that the several objects of your former consideration and provision, had been executed: but from a number of concurrent obstructions, I can report but very little progress towards their completion. The demand for Timber in this Colony having, during the last year, doubled the price of labour and caused not only a decrease in the crops but an increase in the consumption, accompanied by two successive unfavourable seasons, has rendered it impracticable to effect these objects, under the mode of carrying on public works, which has usually been adopted in this country: as an improvement of that mode, I have deemed it necessary to

make a temporary appointment of Two Inspectors of High Ways for the purpose of carrying more effectually into execution the Road Act of 1795; and also of expending, with great advantage, such monies as may be appropriated in aid thereof. Contracts for Road Works have been repeatedly but ineffectually advertised for, I have still hopes of making some progress this season, and can only say, that in the direction of this or any other affair of public concern, my utmost exertions have not been wanting.

“The Commissioners for building a Gaol have, in like manner, been unsuccessful in advertising for contracts.

“The Colonial Statutes have been revised and will soon be printed, and measures have been adopted towards the establishment of a meridional line to regulate Surveyors. In the promotion of this latter object a temporary delay has occurred from the non-performance of a contract entered into for part of the necessary materials in Nova-Scotia.

*Gentlemen of the House of Representatives,*

“The care which has been lately evinced by your House in providing for the sundry works of public exigency, leaves no doubt with me of your laudable continuance in the exercise of that well-directed public spirit which has so conspicuously characterised the present General Assembly.

“The roads, the agriculture, the fishery, and commerce of this colony are objects which strongly claim your support. But one great primary establishment, I am persuaded, will not escape your attention—the internal defence of the Colony. Whilst the forces of our august Sovereign protect our shores from the invasion of hostile fleets and armies, it is but reasonable that we should place ourselves in a competent situation effectually to repel all eventual attempts of straggling or desperate marauders, and to protect our lives, our property, our colonial credit.

“The Militia has been organized by the executive authority; proper Officers, as far as practicable, have been appointed, and every man knows his post. It remains with the Legislature to provide the means of affording competent discipline and some exigent aid for the equipment of the officers and men; and probably, upon consideration, some amendment may appear necessary in the Militia Laws.

“It will be found that a further supply will be required to defray the expences of erecting the public buildings alluded to in the Land Assessment Act, for which it is expedient to provide the requisite amount before any contract can, with propriety, be entered into. The buildings for the Courts of Law and Assembly has already occupied my attention, and that of his Majesty's Colonial Council; Plans, Elevations, Descriptions, and Proposals on the subject will be laid before you; and I have no doubt you will provide for these deficiencies in the mode least burthensome and most eligible to be adopted.

“I have directed the public accounts to be laid before you; you will therein observe the great increase which has unavoidably taken place in the expence of various services, and which I believe will be found to bear a proportion adequate at least to the increase of the permanent revenue. I beg leave to suggest, that by a small amendment in the statute, the collection of that revenue might be placed upon more productive, effectual, and equitable footing.

“Permit me to recommend, as highly deserving your consideration, the establishment and regulation of Assizes and Quarter-Sessions throughout the Colony—essential objects—which, at an earlier period, from the want of a sufficient population, could not opportunely be carried into effect, are now anxiously called for, and will afford great accommodation and advantage, prevent much expence, loss of time and fatigue in travelling, particularly in the more remote settlements.

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

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

“Relying on your discretion, activity, and promptitude, in the discharge of your Legislative duty, I am fully persuaded that you will conduct the public business with harmony, efficacy, and dispatch, and enable me soon to release you from your attendance by closing this session. To you is committed the representation, the care, the advancement of this infant colony, the permanent establishment of its public welfare and of your individual interests. It is an arduous task to perform, and Gentlemen, I anticipate the happiest result from your labours.”

On Motion, Ordered, That Mr. Ewen Cameron be appointed Clerk of this House in the stead of Mr. John Lobban, the late Clerk, being absent from the Island, and he accordingly took the usual oaths, and took his place at the table.

The House adjourned till Half past Five o'Clock this Evening.

MONDAY, JULY 30, 1810.

THE House met at Half past Five o'Clock according to adjournment.

Mr. Speaker took the Chair.

*Ordered, on motion.* That the Speaker of the House report to his Excellency the Lieutenant-Governor, that in consequence of the death of the late William Creed, Esq. a vacancy of a Member to represent George Town took place, that the writ of election by which William Hazard, Esq. was elected, not having been issued according to law, the said election is void, and a vacancy therefore still remains open.

*Ordered, on Motion made,* That Mr. William Roubel having interrupted the proceedings of this House by addressing the Speaker outside the Bar, without leave first obtained, is guilty of a breach of the privileges of this House.

The House then adjourned till to-morrow at Ten o'Clock.

TUESDAY, JUNE 31, 1810.

THE House met according to adjournment.—Mr. Speaker took the Chair.

*Ordered, on Motion,* That a Committee be appointed to prepare an Address in Answer to his Excellency the Lieutenant-Governor's Speech. Mr. HOLLAND, Mr. SOLICITOR-GENERAL, and Mr. BRECKEN were then chosen a Committee for that purpose.

*Ordered, on motion,* That the House resolve itself into a Committee of Privileges and Elections to-morrow morning.

The Speaker having communicated to the House a letter received from Mr. James Bagnall, acquainting him that he had resigned his situation in the House of Assembly—

*Ordered, on motion,* That his resignation be reported by the Speaker to his Excellency the Lieutenant-Governor, in order that a writ may issue for electing a member for George Town, instead of Mr. Bagnall.

*Ordered,* That the Clerk notify the Chaplain to attend the House each day as usual.

Adjourned till to-morrow morning at Ten o'Clock.

WEDNESDAY, AUGUST 1, 1810;

THE House met according to adjournment.—PRAYERS.

*Ordered, on motion,* That William Roubel, Esq. having made an apology to this House for the breach of privileges committed by him the first day of this Session, the same be considered as sufficient; after which Mr. Roubel was introduced to the House, and took the usual oaths as Representative for Charlotte-Town.

*Ordered, on motion.* That a Committee be appointed to revise the Journals of the House each day immediately after the adjournment. Mr. HOLLAND, Mr. ROUBEL, and Mr. SOLICITOR-GENERAL were appointed.

The Order of the Day being read, Mr. SPEAKER left the Chair. The House then resolved itself into a Committee of the whole House as a Committee of Privileges and Elections, Mr. SOLICITOR-GENERAL in the Chair, and after some time spent therein, Mr. SPEAKER took the Chair, and the Chairman reported progress, and asked leave to sit again to-morrow.

*Ordered, on motion,* That a Committee be appointed to prepare an Address to be presented to his Excellency the Lieutenant-Governor, praying that he would be pleased to lay before this House such part of the Dispatches from his Majesty's Ministers as he may think proper relative to the Loyalist Bill now under their consideration.—Mr. M' AULAY, Mr. ROUBEL and Mr. MURKAY were appointed a Committee for that purpose.

The House adjourned till Ten o'Clock to-morrow morning.

THURSDAY, AUGUST 2, 1810.

THE House met according to adjournment.—PRAYERS.

Mr. M' AULAY, from the Committee appointed to prepare an Address to his Ex-

excellency the Lieutenant-Governor relative to the Loyalist Bill now before his Majesty's Ministers, presented a Draft of the following Address, which was agreed to, viz.

" To his Excellency **JOSEPH FREDERICK WALLET DES BARRES**, Lieutenant-Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and the Territories thereunto adjacent, &c. &c. &c.

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

MAY IT PLEASE YOUR EXCELLENCY,

" **WE** his Majesty's dutiful and loyal subjects, the Representatives of this Island in General Assembly convened, beg leave to request your Excellency will be pleased to lay before the House such part of the Dispatches from his Majesty's Ministers as your Excellency may think proper, relative to the Loyalist Bill now under the consideration of his Majesty's Ministers.

(Signed)

" **ROBERT HODGSON**, Speaker.

" Assembly-Room, August 2, 1810."

Ordered, That the Committee wait on his Excellency and present the same.

Ordered, on motion, That a petition from **Thomas Sims**, praying for certain relief therein stated, should be read and laid upon the table,

The Order of the Day being read, Mr. Speaker left the Chair and Mr. Solicitor-General took the Chair. The House again resolved itself into a Committee of the whole House, as a Committee of Privileges and Elections, and after some time spent therein, Mr. Speaker took the Chair, and Mr. Solicitor-General reported, that having had under their consideration the return and election of **Mr. William Hyde**, and the question being put that it is the opinion of this Committee that **Mr. Hyde** is duly returned and elected a Member for **Queen's County** in the stead of **Alexander M'Donnel, Esq.** deceased, the same passed in the negative. On motion that that Report be agreed to, the House divided:

For the Report, **Messrs. HOLLAND, SOLICITOR-GENERAL, STEWART, E. COFFIN, B. COFFIN, and BRECKEN.**

Against it **Messrs. ROUBEL, RANKIN, MURRAY, MONTGOMERY, and M'AULAY**, and so it passed in the affirmative.

**Mr. HOLLAND** obtained leave to bring in a Bill intituled "an Act" in addition to an Act passed in the 48th year of his Majesty's reign, intituled "an Act for raising a Fund to Make and Keep in Repair the Pumps, Wells, and Streets of Charlotte Town.

**Mr. ROUBEL** moved for leave to bring in a Bill intituled "An Act to prevent the committing of frauds by such Persons as may hereafter become Bankrupts, and for the Relief of Creditors, which was granted.

Ordered, on motion, That the Speaker of the House report to his Excellency the Lieutenant-Governor, that in consequence of the death of the late **Alexander M'Donnel, Esq.** a vacancy of a Member to represent **Queen's County** took place, that a writ issued, whereby **William Hyde, Esq.** was returned for same County, but due notice, as required by law, not having been given, the election of the said **William Hyde, Esq.** is therefore declared void, and the vacancy still remains open.

The Committee appointed to wait on his Excellency the Lieutenant-Governor with an Address relative to the Loyalists Bill now before his Majesty's Ministers, reported that his Excellency was pleased to say he would comply with the wishes of this House, with as much expedition as possible.

Ordered, on motion, That the House resolve itself into a Committee of the whole House to take into consideration the Address in Answer to his Excellency the Lieutenant-Governor's Speech at the opening of this Session. The Speaker left the Chair. **Mr. Holland** took the Chair. Mr. Speaker resumed the Chair, and **Mr. HOLLAND**, Chairman of the Committee, reported that the Committee had agreed to the Address in Answer to his Excellency the Lieutenant-Governor's Speech, and the same was ordered to be engrossed.

The House adjourned till Ten o'Clock to-morrow morning.

FRIDAY, AUGUST 3, 1810.

THE House met according to adjournment.—PRAYERS.

Ordered, on motion, That the Committee appointed to correspond with the Colo-

nial Agent, do on Monday next lay before this House all their proceedings and letters to and from the Colony Agent

The Address to his Excellency the Lieutenant-Governor was read and agreed to, viz.

“ To his Excellency **JOSEPH FREDERICK WALLET DES BARRES**, Lieutenant-Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and the Territories therewith adjacent, &c &c. &c.

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

MAY IT PLEASE YOUR EXCELLENCY,

“ **WE** his Majesty's most dutiful and loyal subjects the Representatives of Prince Edward Island, in General Assembly convened, return your Excellency our sincere thanks for your speech at the opening of this Session of the General Assembly.

“ The information your Excellency has been pleased to communicate to us of the success which it has pleased Divine Providence to afford his Majesty's Fleets and Armies in the Arduous Contest in which the nation is engaged, calls forth our utmost gratitude; and it affords us great satisfaction and comfort to find that amidst the desolating Tyranny which pervades the Continent of Europe, our Mother Country continues to enjoy a state of Prosperity and Success, under the government of our Most Gracious Sovereign, whose long reign has been uniformly marked by a constant paternal regard for the peace and happiness of all his subjects.

“ We also return your Excellency our thanks for the communication you have been pleased to make to us on the subject, of the several Acts which passed the Legislature last Session; the Act relating to the Loyalists still remaining under the consideration of the Lords of the Committee of His Majesty's most Honourable Privy Council, we confide in their wisdom and justice that such a report will be made by them to His Majesty as will not fail to operate the just result of adequate redress and compensation to that deserving class of our fellow subjects which they have for many years ineffectually endeavoured to obtain, and we regret the state of the country has been such, as to have prevented the several Public Works provided for at the last Session from being carried into Execution and relying on your Excellency's disposition to promote the welfare and prosperity of the Island, we trust that the same will be carried into full effect with as little delay as possible, as well as the Printing of the Laws, the great injury and inconvenience arising to the Country for want of which, has been much felt.

“ We beg leave to return our sincere thanks to your Excellency for your care and attention evinced towards this Colony by your Excellency's communication, relative to the high roads, the Meridional line and the Militia of this Island, and also for your recommendation of Assizes and Quarter Sessions.

“ We agree with your Excellency that the Agriculture, the Fisheries, and Commerce of the Island are objects which deserve our utmost support, and we lament that the season of the year will not enable us to bestow that attention to these, as well as the other objects recommended by your Excellency, which their importance demands; at the same time we beg leave to assure your Excellency that in every measure, tending to promote the Honor of his Majesty's Government, the welfare and Advancement of the Colony, and the ease of your Excellency's Administration, the House of Assembly will always be found disposed cheerfully to concur.

(Signed)

“ ROBERT HODGSON, Speaker.

“ Assembly-Room, August 3, 1810.”

Ordered, That a Committee be appointed to wait on his Excellency the Lieutenant-Governor to know when his Excellency would be pleased to receive the Address of this House, in Answer to his Speech at the opening of this Session—Messrs. BRECKEN, M'AU-LAY, and SOLICITER GENERAL, were accordingly appointed, who having waited on his Excellency and returned, reported that his Excellency had been pleased to say he would receive the same at 1 o'clock to-morrow.

His Excellency the Lieutenant-Governor sent down Extracts of Letters from his Majesty's Principal Secretary of State, the Right Honourable the Earl of Liverpool, on the subject of the Loyalist Bill now before the Lords of the Committee of his Majesty's most Honourable Privy Council.

Ordered, That the same be read.

Mr. Roubel obtained leave to bring in a Bill to amend an Act Intituled an Act to prevent the malicious killing, wounding or maiming of cattle, the same received the first and second reading.—Adjourned till Ten o'clock to-morrow Morning.

SATURDAY, AUGUST 4, 1810.

**PRAYERS**—The Speaker having come to the House and not finding a sufficient number to make a House, the same was adjourned till Half past Twelve o'Clock.

The House met at Half past Twelve o'Clock according to Adjournment.

The Speaker informed the House that he had received official communications from his Excellency the Lieutenant Governor, *Ordered*, That the same be read and laid upon the Table.

The House having waited on his Excellency the Lieutenant Governor with the Address in answer to his Speech at the opening of this Session, and having returned, the Speaker reported that his Excellency had been pleased to return the following answer, viz.

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

**I** BEG you will accept my cordial thanks for the Loyal and obliging expressions contained in the Address with which you are pleased to honor me.

“Contemplating you Gentlemen, in the dignified light as the guardians and principal trustees of the Interests, just rights, and inestimable Constitutional Blessings of your Constituents, I deem it reasonable to expect, that, in the important task you have sacredly pledged yourselves to perform, you will with harmonious earnestness cheerfully exert your utmost efforts to preserve, foster, and enhance, the pleasing enjoyment to them, of those interests, just rights, and inestimable Constitutional Blessings; and I must hope, that neither seasons nor any other inferior Considerations, will ever be observed to restrain your laudable ardour and magnanimity in so essential an object of your pursuit and incumbent duty.

“The best mode which occurs to me of evincing my gratitude for the distinguished confidence of my beloved Sovereign, is to endeavour by vigilance and the unremitting exertion of my slender abilities, and by the aid of such enabling means, and judicious Rules as may be judged expedient to devise, to fulfil his Most Gracious intentions in promoting the prosperity of his infant Colony, and the interests, welfare, comfort, security and permanent happiness of his good subjects, inhabitants thereof or concerned therein.

“On such conduct alone, and in the upright and candid prosecution of benedict measures, I take all my hopes of enjoying, Gentlemen your approbation, your esteem, and your support.

(Signed)

“ J. F. W. DES BARRES.”

*Ordered*, On Motion, That the Collector of the Assessment on Town Lots be called on to lay before this House an account of the amount of the several sums received by virtue of the said Assessment, distinguishing each years amount seperately, together with an account of the several sums drawn for by the Overseers of Streets, specifying the names of the persons who have received Sums, and for what purposes.

Mr. ROUBEL obtained leave to bring in a Bill Intituled An Act, to amend An Act, Intituled “ An Act to impower the Governor, Lieutenant Governor, or Commander in Chief, for the time being to appoint a Sheriff or Sheriff's for this Island also to regulate the Office of Sheriff's and the manner in which they shall return and pass their accounts of all fines and forfeitures levied by them, for the use of the Crown.

On Motion, That an humble Address be presented to his Excellency that he would cause to be laid before this House such Information as he may be in possession of, either by correspondence or otherwise, that relate to the nominees for the Office of Sheriff for the present year. The House divided

For the Motion, Messrs. MAULAY, RANKIN, ROUBEL, MURRAY, and MONTGOMERY.

Against it, Messrs. SOLICITOR-GENERAL, BRECKEN, HOLLAND, STEWART, E. COFFIN, and B. COFFIN.

And so it passed in the Negative.

A Journal till Ten o'Clock, on Monday Morning.

MONDAY, AUGUST 6, 1810.

THE House met according to adjournment.—PRAYERS.

*Ordered*, on Motion, That an Address be presented to the Lieutenant Governor praying that his Excellency would be pleased to order the proper officer to lay before this House, such information as can be obtained from the Council Books, or otherwise, as relates to the Locations of the Loyalists Lands—Messrs. ROUBEL, M'AULAY, and SOLICITOR-GENERAL, were appointed as a Committee to prepare the same.

*Ordered*, on Motion, That a petition from the Inhabitants of Charlotte-Town, praying that they would enact such Laws as to enable the Inhabitants to keep the Streets free and clear of incumbrances, be read and laid upon the table.

*Ordered*, on Motion, That the House resolve itself into a Committee of the whole House to take into consideration a Bill, Intituled an Act to amend an Act to prevent the Malicious Killing, Wounding, or Maiming of Cattle. Mr. SPEAKER left the Chair, Mr. ROUBEL took the Chair, and after some time spent therein, Mr. SPEAKER, took the Chair, and the Chairman of the Committee reported, that the Bill was agreed to.

On Motion that the report be agreed to, the House divided, and there appeared For the Report, Messrs. ROUBEL, MURRAY, STEWART, BRECKEN, HOLLAND, and SOLICITOR-GENERAL.

Against it, Messrs. M'AULAY, E. COFFIN, B. COFFIN.

On Motion the Bill Intituled "An Act, to amend An Act, Intituled An Act to prevent the Malicious, Killing, Wounding or Maiming of Cattle" was read the Third time and passed.

Mr. ROUBEL, from the Committee appointed to prepare an Address to his Excellency, relative to the Locations of the Loyalists Lands, reported the same, which was agreed to, and is as follows, viz.

"To his Excellency JOSEPH-FREDERICK WALLET DESBARRES, Lieutenant Governor and Commander in Chief in and over his Majesty's Island Prince Edward, and the territories thereunto adjacent, &c. &c. &c.

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

MAY IT PLEASE YOUR EXCELLENCY,

"WE his Majesty's most dutiful and loyal subjects the Representatives of Prince Edward Island, in General Assembly convened, beg leave to request that your Excellency would be pleased to lay before the House, such information as can be obtained from the Council Books or otherwise, as relates to the Locations of the Loyalists Lands to the end that their Grievances (if any exist) may with all convenient speed be redressed.

(Signed)

"ROBERT HODGSON, Speaker.

"Assembly-Room, August 6, 1810.

*Ordered*, that Messrs. ROUBEL, M'AULAY, and SOLICITOR-GENERAL, do present the same.

*Ordered*, on Motion, That a Committee be appointed to meet a Committee of his Majesty's Council on the public accounts; and that a Copy of this resolution be sent to the Council—Messrs. BRECKEN, HOLLAND, B. COFFIN, ROUBEL, and M'AULAY, were accordingly appointed for that purpose.

*Ordered*, on Motion, That a Committee be appointed to examine into such Laws as have expired since the last Session of the General Assembly, and also those that will expire at the end of this Session, and report the same to the House. Messrs. SOLICITOR-GENERAL, M'AULAY, and ROUBEL, were appointed a Committee for that purpose.

*Ordered*, on Motion, That an Address be presented to his Excellency praying that he would be pleased to order the proper Officers to lay before this House an account of his Majesty's regular and Militia Forces now in this Colony, together with the quantity of Arms and Ammunition now forth coming for the Militia Establishment—Messrs. RANKIN, ROUBEL, and SOLICITOR-GENERAL, were appointed a Committee for that purpose.

On Motion, *Resolved*, That the House will on Friday next, resolve itself into a Committee of the whole House to enquire into, and report upon, the different sums of money paid to the various persons carrying the Mail and Expresses to and from Halifax, and on other matters relative thereto.

A Message from his Majesty's Council by their Clerk reported that the Honorable WILLIAM TOWNSHEND, JAMES L. DESBARRÉS, and JAMES B. PALMER, be a Committee to meet the Committee of the House of Assembly for the purpose of inspecting the Public Accounts.

The House then adjourned till to-morrow at Twelve o'Clock.

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## TUESDAY, AUGUST 7, 1810.

THE House met according to adjournment.

*Ordered*, on Motion, That in consequence of a petition presented by the Inhabitants of Charlotte-Town, praying that a Law might be enacted to have the Streets of Charlotte-Town kept free and clear of incumbrances of every kind, That a Committee be appointed to draft and report a Bill to this House for the carrying the same into effect—Messrs. SOLICITOR-GENERAL, HOLLAND, M'AULAY, ROUBEL, and RANKIN, were accordingly appointed a Committee for that purpose.

*Ordered*, on Motion, That the Collector of the Assessment on Town Lots, lay before this House an account of the monies received by, and paid by virtue of said Act, specifying the amounts collected and paid in each year separately.

Mr. M'AULAY obtained leave to bring in a Bill for the relief of certain Insolvent Debtors, the same received the first reading.

The House Adjourned till Ten o'Clock to-morrow morning.

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## WEDNESDAY, AUGUST 8, 1810.

PRAYERS --The Speaker having come to the House and not finding a sufficient number to make a House the same was adjourned till Ten o'Clock to-morrow morning.

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## THURSDAY, AUGUST 9, 1810.

THE House met according to adjournment.—PRAYERS.

The Speaker reported that he had received official communications from his Excellency the Lieutenant Governor, relative to the Location of the Loyalist's Lands; being read were *Ordered* to lie on the Table. The order of the day being read Mr. SOLICITOR-GENERAL, from the Committee appointed to examine into the Laws that have expired since the last Session of the General Assembly and those that will expire at the end of the present Session, reported that the following Acts have expired, viz. An Act made and passed in the 41st year of his Majesty's Reign Intituled "An Act for Granting Bounty for Growing and Cultivating Hemp for the purpose of Exportation. And An Act made and passed in the 43d year of his present Majesty's Reign Intituled An Act for the better preventing accidents by fire and for appointing Fire-Wards in Charlotte-Town and the suburbs thereof. And An Act made and passed in the 48th year of his said Majesty's Reign, Intituled An Act for raising a fund for defraying the Expences of Printing the Laws of the Island and for other purposes therein mentioned. And also that the following Act will expire at the end of the present Session, viz. An Act made and passed in the 48th year of his said Majesty's Reign Intituled An Act for raising a fund for the purpose of defraying Contingent Expences of the General Assembly of this Island.

The Bill Intituled An Act for the relief of certain insolvent Debtors received the second reading and on Motion the House resolved itself into a Committee of the whole House to take the same into consideration. Mr. Speaker left the Chair, Mr. Roubel took the Chair and after some spent therein, the Speaker resumed the Chair, and Mr. Roubel the Chairman of the Committee reported progress and asked leave to sit again.

A Message from his Majesty's Council, by their Clerk, with the Bill intituled an Act to amend an Act intituled "An Act to prevent the Malicious Killing, Wounding, or Maiming of Cattle," agreed to with proposed Amendments.

On motion, The House agreed to the Amendments proposed by his Majesty's Council on the Bill intituled an Act to amend an Act intituled "An Act to prevent the Malicious Killing, Wounding, or Maiming of Cattle."

Mr. SOLICITOR-GENERAL obtained leave to bring in a Bill intituled "An Act for Revising two several Acts of the General Assembly lately expired; same received first and second reading.

*Ordered*, on motion, that the Clerk of Council or his Deputy be called to-morrow to the Bar of this House to answer such Questions as the House shall require relative to the Council Books reported to have been lost concerning the Loyalist's Locations.

The House adjourned till Ten o'Clock to-morrow morning.

## FRIDAY, AUGUST 10, 1810.

THE House met according to adjournment.

*Ordered*, on motion, That the Surveyor-General, Thomas Wright, Esq. and his Deputy, John Plaw, Esq. do, on Monday next, appear at the Bar of this House with the Plans relative to Loyalist's Locations, to answer such Questions as the House will require concerning such Locations and Loyalists.

The Order of the Day being read, the House resolved itself into a Committee of the whole House to inquire into and report upon the different Sums of Money paid to the various Persons carrying the Mail and Expresses to and from Halifax, and other matters relative thereto.

Mr. Speaker left the Chair, Mr. M'Aulay took the Chair, and after some time spent therein, the Speaker resumed the Chair, and Mr. M'Aulay, the Chairman of the Committee, reported progress, and asked leave to sit again.

*Ordered*, That the Clerk of the Council appear before this House to-morrow instead of this day.—Adjourned till Ten o'Clock to-morrow morning.

## SATURDAY, AUGUST 11, 1810.

THE House met according to adjournment.—PRAYERS.

*Ordered*, on motion, that the Sum of Ten Pounds be allowed to Cornelius Higgins, Esq. late Sheriff of this Island, for Losses formerly sustained in discharge of the Office of Sheriff, out of the monies in the Treasury, raised by virtue of an Act passed in the 48th year of his Majesty's reign, intituled "An Act for raising a Fund for the purpose of defraying the Expence of Printing the Laws, and for other purposes.—*Ordered*, That the said Resolution be sent up to his Majesty's Council for their concurrence.

The Order of the Day being read, the House again resolved itself into a Committee of the whole House to inquire into and report upon the different Sums of Money paid to the various Persons carrying the Mail and Expresses to and from Halifax, and other matters relative thereto. Mr. Speaker left the Chair, Mr. M'Aulay took the Chair, and after some time spent therein, the Speaker took the Chair, and Mr. M'Aulay, the Chairman of the Committee, reported, that the Committee had agreed to the following Report, "That an humble Address be presented to his Excellency the Lieutenant-Governor, stating, that the annual Expences incurred in sending various persons with the Mail to and from Halifax, amount to a very considerable Sum, and the Public, nevertheless, do not receive any abatement in postage, but that the full charge is paid upon letters, notwithstanding the transmission is uncertain and irregular, and requesting that his Excellency would be pleased to take such measures for the better regulation thereof, as he in his wisdom may think proper, either by application to his Majesty's Secretary of State or otherwise, to the removal of this just cause of dissatisfaction and complaint on the part of the Public.

Thomas Desbrisay, Esq. Clerk of his Majesty's Council, attended the House in consequence of an order to that purpose, and being examined at the Bar informed the House that he never had the Council Books in his possession, that Governor Patterson recommended Mr. Swan, who was appointed Deputy Clerk of the Council, and that during Governor Patterson's Administration examinant never had the Books, and during Governor Fanning's Administration the Council Books were kept in an Escrutoire in a parlour

in General Fanning's House, that Mr. Stewart and other persons acted at various times as Clerks of the Council; he had not the Council Books since Governor Des Barres took the command except for a short time, when he took the command the Council Books were sent to examinant in a Trunk, who handed them to James Des Barres, Esq.

Then witness withdrew.

Mr. Serani, Deputy Clerk of the Council, then appeared at the Bar, and being examined, informed the House that he had not the Books that are deficient. He got the Books, he has got, from Mr. Palmer—Does not know of any Council Books now in existence but those he has got. Mr. Palmer told him that he saw a Book which the examinant has not got, and to the best of his recollection the book from the year 1784 to the year 1786; thinks Mr. Palmer had it in his own hand at the Supreme Court, does not know of any other Books being deficient, does not know of any thing at all of this to his own knowledge only by hearsay from Mr. Palmer, is not sure that there were ever any such minutes of Council as from the 6th February 1798 to the 9th June 1798. He always wished to make his duty his study, when the Council Books were delivered into his possession that no blame might hereafter be imputed to him, he thought it his duty to take a correct List of the Books, which he accordingly did, also that he should take a List of what he thought was deficient, knows nothing during that period whether there were any Council or not—he never troubled his head about it, received the Council Books from Mr. Palmer and at that time he made the List, Mr. Palmer said he saw several things in that Book concerning the Loyalist's Locations, it appeared to him they were in Mr. Palmer's possession as he had them in his own hands.

Witness was then ordered to withdraw.

Mr. RANKIN, obtained leave to bring in a Bill to prevent the harbouring Deserters from his Majesty's Navy or Army, and for giving a reward for apprehending Deserters, the same received a first reading.

*Ordered*, on Motion that Mr. Palmer Deputy Clerk of his Majesty's Council be requested to attend this House on Monday 13th day of August 1810, at Ten o'Clock in the forenoon, to give such information as he may be in possession of, relative to the deficiencies in the Council Books, and the Locations of Loyalist's Lands.

*Ordered*, on motion, That on Monday next Mr. Le Page be heard at the Bar of this House, either in person or by his Counsel, against the Insolvent Bill.

*Ordered*, on motion, That this House resolve itself into a Committee of the whole House on Monday next, to take into consideration, and otherwise enquire, what steps have been taken relative to the Parliamentary grant of Three Thousand Pounds, on the subject of which several Resolutions appeared to be entered on the Journals of the House of Assembly.

A Message from his Majesty's Council by their Clerk, with the Bill intituled an Act to amend an Act, intituled "an Act to prevent the Malicious Killing, Wounding, or Maiming of Cattle," agreed to.

On leave given, Mr. HOLLAND presented a Petition from Francis Garobbo, praying for certain relief as therein stated, which was read and ordered to lie on the table.

On leave given, Mr. ROUBEL presented a Petition from John Stowe, a Prisoner for Debt in his Majesty's Gaol at Charlotte-Town, praying for Relief, which was read, and ordered to be laid upon the table.

Adjourned till Ten o'Clock Monday morning.

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## MONDAY AUGUST 13, 1810.

THE House met according to adjournment.—PRAYERS.

The Speaker informed the House that he had received the following official communications from his Excellency the Lieutenant Governor, viz. :—

“ Prince Edward Island, 11th of August, 1810.

“ SIR,

“ I BEG you will have the goodness to move and recommend for the serious consideration of the House of Assembly, the obvious necessity of providing for the Exigencies of the Militia, and the Deficiencies of the Sum required for the Public Buildings,

partly only provided for by the Land Assessment Bill of last Session. I hope the House will feel it to be their indispensable as well as their laudable duty of creating a specific Provision for these very essential objects. I beg leave to enclose the sentiments of the principal Officers on the subject of the Drill, Discipline, and Equipment of the Militia; and I have the honour to be,

“ SIR,

“ Your most obedient and most humble Servant,  
(Signed) “ J. F. W. DES BARRES.

“ Robert Hodgson, Esq. Speaker of the House of Assembly.”

Ordered, on motion, That the House resolve itself into a Committee of the whole House to take the said Official Communication into consideration. The Speaker left the Chair, Mr. Solicitor-General took the Chair, and after some time spent therein, Mr. Speaker took the Chair, and Mr. Solicitor-General, Chairman of the Committee, reported, That it is the opinion of this Committee that provision be made for defraying the Expence of Drilling Thirteen Companies of Militia at £5 . . . . . £65  
Also for Defraying the Expence of Purchasing Forty Drums and Fifes . . . . . 50  
Also for the Purchase of One Hundred and Twenty Pikes . . . . . 45  
For Contingencies for the Service of the Militia . . . . . 40

£200

And also that provision be made for Raising the Sum of £805 for Completing }  
the Public Buidings . . . . . } 805

TOTAL . . . . . £1005

Ordered, on motion, That the Report be agreed to.

Mr. BRECKEN, from the Committee appointed to Examine Public Accounts, reported, That they have examined the Accounts of the Treasurer and Collector of Charlotte-Town District, and find the several Items therein Correct with some trivial Exceptions, which are marked with a Pencil: that it appears, That on the 20th of March, 1809, there was a Balance in the Treasury of £1027. 13s. 11d.: That from the last mentioned period to the 3d of August instant, it appears, That a Sum of £2643. 16s. 8d. has been received, and a Sum of £2002. 13s. has been paid by the Treasurer, and that a Balance of £1668. 17s. 7d. now remains in the Treasury, in Cash and Securities: that during the before-mentioned period, the Collector of Richmond Bay District had not rendered any Account, or paid a greater Sum than £209. 6s. 8d. notwithstanding the Committee have every reason to believe that he must have received a much greater Sum, independent of the former Balance due by that Officer; but your Committee submit to the House the propriety of addressing his Excellency the Lieutenant-Governor upon the subject of the Sum of £60 paid to J. B. Palmer, Esq. Adjutant-General of Militia, on which subject the House of Assembly had addressed his Excellency the Lieutenant-Governor in the year 1808.

Ordered, on motion, That a Committee be appointed to prepare an Address to his Excellency the Lieutenant-Governor, on the subject of the Sum of £60, charged in the Public Accounts, as paid to J. B. Palmer, Esq. Adjutant-General of Militia—Mr. HOLLAND, Mr. BRECKEN, and Mr. SOLICITOR-GENERAL, were accordingly appointed a Committee for that purpose.

The House adjourned till Ten o'Clock to-morrow morning.

TUESDAY, AUGUST 14, 1810.

THE House met according to adjournment.—PRAYERS:

The House agreed to an Address to his Excellency the Lieutenant-Governor relative to the Sums paid for carrying the Mail to and from Halifax, and the Payment of Postage, and Mr. ROUBEL, Mr. RANKIN, and Mr. SOLICITOR-GENERAL, were appointed a Committee to present the same,

The Bill to prevent the Harboursing Deserters from his Majesty's Navy or Army, and for giving a Reward for Apprehending Deserters, received the second reading.

Mr. ROUBEL, from the Committee appointed to present an Address to his Excellency the Lieutenant-Governor relative to the Post-Office, reported, That the Committee had waited on his Excellency the Lieutenant-Governor, and that he had been pleased to say, he would make a Communication to the House on that subject.

Mr. HOLLAND, from the Committee appointed to prepare an Address to his Excellency the Lieutenant-Governor on the subject of the Sum of £60, charged in the Public Accounts as paid to J. B. Palmer, Esq. Adjutant General of Militia, brought in an Address to that effect, which was read and ordered to lie on the table.

Mr. Palmer attended to give information relative to the Deficiencies in the Council Books 14th August, 1810.

*Question.* Do you know any thing about a Council Book from the year 1784 to 1786?

*Answer.* I saw the Letter Mr. Serani wrote, and there are not any Minutes of Council forthcoming for the period mentioned in that letter.

The same question proposed.

*A.* I know something about a Book deficient, and believe it to be that Book.

*Q.* Pray relate what you know about that Book?

*A.* I believe that Council Book was put into my hand by the former Governor, General Fanning. It remained with me some hours, during which time a very remarkable circumstance, as minuted and recorded in the Book, attracted my observation: it was a letter written on a delicate occasion, and enables me to say, that Book is not forthcoming, and is not now in my possession, or in that of Governor Des Barres.

*Q.* In the book deficient were there any of the Locations of the Loyalist's Lands contained?

*A.* A great many of them.

*Q.* What Year did you see the Book?

*A.* In the Year 1803.

*Q.* On what occasion?

*A.* It was handed to me by General Fanning, to produce as Evidence in a Court of Law.

*Q.* Are you enabled to enumerate the Locations?

*A.* No; but there were a great many Locations in it.

*Q.* To whom did you return the Book?

*A.* To General Fanning, or his Servant, I cannot tell which.

*Q.* Can you specify any particular Individuals referred to in that Book?

*A.* I believe the Loyalists in Lot 50 some of them were in that Book. The Book was to be given in Evidence in an Action where the Son of General Fanning was Lessor of the Plaintiff, and Mr. Laird and Mr. Young Defendants.

*Q.* Did you see the Book afterwards?

*A.* No; I am sure I did not; I made a regular Inventory upon being appointed Deputy Clerk of Council; found out the Deficiencies in the Council Books, and reported the same to Colonel Desbrisay and Governor Des Barres: Colonel Desbrisay said he never did keep the Books; I assisted Colonel Desbrisay in assorting the Books, when I discovered the Deficiency.

*Q.* Did you apply to any one for the Books?

*A.* I advised Colonel Desbrisay to apply to Mrs. Fanning, in the absence of General Fanning; he did so, and Mrs. Fanning took time to Examine, and returned for answer, the Books were all given up, she had no such Book in her possession.

*Q.* How long was that after you had seen the Book?

*A.* Near Three Years after I had seen it, I made out a List of the Books for Colonel Desbrisay; after then, I applied to Mr. Charles Stewart for the Books, understanding that he had once had them in his possession; Mr. Stewart told me he had not the Books in his possession, and was polite enough to go up Stairs, and bring down some rough Entries, and took a good deal of trouble to look for it, but could not find it.

*Q.* Were there nothing concerning the Loyalists in these Sheets?

*A.* There were no Entries concerning them in these rough Sheets.

*Witness then withdrew.*

*Ordered,* on motion, that Mr. Lobban, late Deputy Clerk of Council, be called to the Bar of this House to-morrow morning, to answer such Questions as the House may think proper, relative to the Council Book reported to have been lost.

*Ordered,* on motion, that General Fanning be requested to attend this House to-

to-morrow, to answer such Questions as may be asked him, relative to the Council Books reported to have been lost.

*Ordered*, on motion, That William Townshend, Esq. member of his Majesty's Council, be requested to attend this House to-morrow, to answer such questions as the House may think proper to ask relative to the Council Books, reported to have been lost.

Mr. Plaw, Deputy Surveyor General appeared at the Bar with some Plans, and informed the House, That his Principal, Thomas Wright, Esq. was prevented by illness from attending at the Bar according to order.

*Ordered*, on motion, That the House resolve itself into a Committee of the whole House as a Committee of Ways and Means: Mr. Speaker left the Chair, Mr. Solicitor-General took the Chair, and after some time spent therein, the Speaker resumed the Chair, and Mr. Solicitor-General, Chairman of the Committee, reported, That it is the opinion of this Committee, that the Sum of £605. 10s. 6d. ought to be raised in order to Pay each Militia-man the Pay of his rank, while called out to attend the Musters appointed by the Militia Laws of this Island.

*Ordered*, that the Report be agreed to.

The House again resolved itself into a Committee of Ways and Means; Mr. Speaker left the Chair, Mr. Solicitor-General took the Chair, and after some time spent therein, Mr. Speaker resumed the Chair, Mr. Solicitor-General, Chairman of the Committee, reported the following Resolutions, viz. That it is the opinion of this Committee, that a Bill be brought into the House, to raise, by way of Assessment on the Lands of this Island, the Sum of £1610. 10s. 6d. for the Service of the Militia, and to finish the Public Buildings.

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

For the Report, Messrs. BRECKEN, STEWART, ROUBEL, M'AULAY, and RANKIN.

Against it, Messrs. HOLLAND, SOLICITOR-GENERAL, MURRAY, E. COFFIN, and B. COFFIN.

The House being equally divided, the Speaker voted in favour of the Report.

*Ordered*, on motion, That a Committee be appointed to prepare and bring in a Bill to raise, by way of Assessment on Lands, the Sum of £1610. 10s. 6d. for the Service of the Militia, and to finish the Public Buildings—Messrs. M'AULAY, ROUBEL, and BRECKEN, were appointed a Committee for that purpose.

Adjourned till Ten o'Clock to-morrow morning.

### WEDNESDAY, AUGUST 15, 1810.

THE House met according to adjournment.—PRAYERS.

A Letter from J. F. Holland, Esq. relative to the Post-Office, was read, and laid on the table.

Mr. Lobban, late Clerk of the Council, attended at the Bar of the House, and was Examined as follows, viz.

Q. Did you Act as Clerk of the Council?

A. I did.

Q. Were the Council Books ever in your Possession?

A. They were not; they were always in the Possession of Governor Des Barres.

Q. Where were the Books kept?

A. I don't know what part of the Governor's House they were kept in, they were brought to me when I wanted them.

Q. Had you any occasion to look on the Locations of the Loyalists' Lands?

A. I had many a time.

Q. Did you see any Books containing Locations of Loyalists' Lands in the year 1785?

A. As to Date I will not be positive, but I took an Extract from a Council Book of the 6th of November, 1784, which was at the Commencement of a Book about the Size of a Quire of Paper.

Q. Do you recollect if that was the time—when the Government of the Island was changed from the Governor to the Lieutenant Governor?

A. I do not recollect.

Q. Do you recollect Mr. Towshend ever applying to you concerning the Minutes of Council?

A. I recollect a circumstance taking place, in which Mr. Townshend applied to me respecting the Time he was called to the Council.

Q. Can you take upon yourself to be exact about the Date?

A. I know considerable search was made, and I gave an Extract to Mr. Townshend, respecting the Date, when he was first admitted to the Council, in or about the Year 1784 or 1785.

Q. Were the Books numbered in succession?

A. I cannot tell, I think they were, but the covers of a good many were lost.

Q. Do you Remember by Name what Loyalists applied to you?

A. I recollect perfectly well Mr. Hazard applied to me respecting his Father's Location, and to get the minutes of Council regarding his Land at Cascumpeque; Mr. McAusline applied to me also.

Q. Was you able to give him any Satisfaction on looking in these Books?

A. I was never able to find Mr. Hazard's Name, although I found some others who were settled at the same time.

Q. How do you know they were settled at the same time?

A. I was informed so by Mr. Hazard.

Q. Do you recollect any Individual Names that were settled at that time?

A. I recollect Jacob Hartz, Tailor, and some others.

Q. Would you know the Book now if you was to see it?

A. I would.

Q. Whether was it William or Thomas Hazard that applied to you?

A. It was Mr. Thomas Hazard.

Ordered, on motion, That Mr. Palmer be requested to produce the Council Books, who did so, and Mr. Lobban's Examination continued.

In consequence of a call having been made to Inspect several minutes of Council, Governor Des Barres ordered me to call on General Fanning, to enquire of him whether or not General Fanning had in his Possession any of the old minutes of Council; I called on General Fanning who said he had not, that he had delivered up the whole minutes of Council that were in his possession.

Q. Did he say to whom he delivered them?

A. I cannot say.

Q. Did General Fanning deny having any in his possession?

A. He did.

Mr. Palmer here produced the Council Books.

Q. Are these the identical Books you saw when you was in the Island before?

A. They are.

Q. Did you ever see any other Council Books but those?

A. I cannot say; I think it was in consequence of Mr. Thomas Hazard's applying to me, that Governor Des Barres directed me to apply to General Fanning.

Q. Do you recollect any thing of the Locations of Lot 16 of the Names of Strickling, Cameron, Campbell, and others?

A. I cannot recollect.

Mr. Lobban was then ordered to withdraw.

General Fanning then attended, and was examined as follows, viz.

Q. Do you remember a Council Book of the Year 1784 or 1785?

A. Yes; a good deal of the Book was in the hand-writing of Mr. Nesbit, which I delivered to Mr. Turner, Secretary to Governor Des Barres.

Q. Do you recollect delivering the Book of 1785?

A. Yes.——A Council Book being produced beginning March 1784, and shewn to General Fanning.

Q. Do you think you delivered that Book to Mr. Turner?

A. I am positive I did; there was one Book with a Marble Cover particularly, about the size of a Quire of Paper, that I delivered to Mr. Turner, which is not here.

Q. Did an Inventory accompany the Books?

A. No; Mr. Turner said, I am a man of leisure, I will make an Inventory of the Books.

Q. Is it the same Book which you gave Mr. Palmer on a former occasion which is lost?

A. I believe it to be the same Book, and that it is not among these here at present.

General Fanning withdrew.

Mr. Townshend then attended at the bar, and was examined also, viz.

Q. Please be so good as to relate what you know concerning the Books, reported to be lost? A. I recollect previous to Mr. Lobban's going away, I had occasion to examine the books, from 1784 to 1787, I think some time in December 1784, to April 1787; this was the first year I saw them, I went regularly through the Books, and shewed Mr. Lobban every meeting of Council, and that Col. Desbrisay had never sat in Council from my being appointed a member on the 2d December 1784 to the 10th April 1787. I can swear it as in the handwriting of Mr. Swan, a young man I brought with me to the country; I shewed it also to Col. Howe.

Q. Where did you inspect the Books? A. At the Council Room, at the House of Governor Des Barres.

Q. Do you recollect seeing the Books from December 1784 to April 1787. A. I remember the Books very well, they were then there; in fact Mr. Lobban gave me a note them.—Mr. Townshend then withdrew.

On Motion, Ordered, That Mr. Palmer, Mr. Townshend, and Mr. Lobban be called together again and examined.

Q. Mr. Townshend, do you recollect if there were any Books from the period 2d December 1784 to April 1787? A. I went through the whole of them, and shewed Mr. Lobban, that it appeared from the Books, that Col. Desbrisay had not been in Council for two years.

Mr. Lobban here observed, that Mr. Townshend applied to him, and told him (turning over some leaves) that Colonel Desbrisay was not in Council from the 2d December, 1784, to the 10th April 1787. Mr. Lobban's examination continued.

Q. Is it in that period you gave the note to Col. Townshend? A. I believe so.

Q. Are all the books there that you saw before? A. I cannot say.

Q. Does it appear that Colonel Desbrisay was not in the Minutes of Council for two years. A. I recollect that Col. Townshend clearly proved to me that Col. Desbrisay did not sit in Council during the space of two years.

Q. Is all the information here which you received from these Books, when the inspection took place at the Governor's, and can you tell now, by these books before you, that the same appears? A. I cannot tell.

Q. Could you give the same extracts from the Books now on the table? A. I could exactly give the same extracts.

Q. Have you any recollection of having seen any other Books? A. I have no recollection of any.

Q. Do you recollect seeing a marble coloured book? A. I recollect seeing no marble coloured book, except this book (laying his hand on one).

Q. You have had access to these books always? A. I always had.

Q. Do you recollect seeing any books from 1785 to 1787? A. I do.

Q. Do you recollect at the inspection at the Governor's, any other Book with marble cover, but the one now before you? A. I am confident there were no marble covered books, but this one; I think there was a book, I know not of what year, with larger letters on the back of it. Mr. Townshend and Mr. Lobban withdrew.

Q. Mr. Palmer, do you recollect at what period you received the Council Books? A. It was early in the year 1806.

Q. Are you positive these are the identical books you received then? A. Yes; I am, never received a marble coloured book.

Q. Was it a marble covered book you got from Gen. Fanning at Court? A. It was a marble covered book, consisting of about two quires of paper.

Q. You had this book from Gen. Fanning? A. Yes; I had it for five or six hours.

Q. Did it contain any Locations of Loyalists' Lands? A. Yes; it contained those of half Lot 50.

Q. What year was that you received that Book from General Fanning? A. I received it in the Spring 1803; I think in February; I took an inventory of all the Books, and the same Books are here now every one, except it might be a few odd sheets.

Mr. Palmer withdrew.

On motion, That an Address be presented to his Excellency the Lieutenant-Governor, requesting he would be pleased to state to this House, on what grounds the Payment of £50 to J. F. Holland, Esq. the late Sheriff, was made; the House divided, and there appeared—

For the motion, Messrs. ROUBEL, SOLICITOR-GENERAL, M'AULAY, and RANKIN.

Against it, Messrs. STEWART, HOLLAND, E. COFFIN, and BRECKEN.  
 The House being equally divided, the Speaker voted against the motion.  
 The House Adjourned till Ten o'Clock to-morrow morning.

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THURSDAY, AUGUST 16, 1810.

**P**RAYERS.—The Speaker having come to the the House and not finding a sufficient number to form a House, the same was adjourned till one o'clock in the afternoon.

The House met at one o'clock according to adjournment.

The House having taken into consideration the services of the late Peter Macgowen, Esq. his Majesty's Attorney-General, of this Island, resolved, That the Sum of One Hundred Pounds be paid to his Widow out of the monies in the Treasury raised by virtue of an Act passed in the 48th year of his Majesty's Reign, intituled "an Act for raising a Fund for the purpose of defraying the expence of Printing the Laws, and other purposes."

*Ordered*, That the foregoing Resolution be sent to his Majesty's Council, for their concurrence.

*Ordered*, on motion, that the consideration of the Insolvent Bill be postponed till Monday next.

Adjourned till Six o'Clock this Evening.

The House met at Six o'Clock according to adjournment.

*Ordered*, on motion, that the House resolve itself into a Committee of the whole House to take into consideration the Bill to prevent the Harboring Deserters from his Majesty's Navy or Army, and for giving a reward for apprehending Deserters, the Speaker left the Chair, Mr. Solicitor-General took the Chair, and after some time spent therein, Mr. Speaker took the Chair, and Mr. Solicitor-General, Chairman of the Committee, reported progress, and asked leave to sit again to-morrow.

*Ordered*, that the Report of the Committee be agreed to.

The House adjourned till Ten o'Clock to-morrow morning.

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FRIDAY, AUGUST 17, 1810.

**T**HE House met according to adjournment.—PRAYERS.

Mr. M'AULAY, Chairman of the Committee appointed to prepare and bring in a Bill to raise, by way of Assessment on Lands, the Sum of £1610. 10s. 6d. for the Service of the Militia, and to finish the Public Buildings, reported the same, and, on motion received the first reading.

On motion, that the above Bill be rejected, the House divided, and there appeared—

For the motion Messrs. SOLICITOR-GENERAL, HOLLAND, MURRAY, E. COFFIN, and STEWART.

Against the motion Messrs. M'AULAY, ROUBEL, and RANKIN.

And so it passed in she affirmative.

*Ordered*, on motion, That the Clerk of this House be directed to write to Thomas Wright, Esq. Surveyor-General, requesting his attendance at the Bar of this House on Tuesday next, to give information relative to the Locations of Loyalists' Lands, and other matters connected therewith.

*Ordered*, on motion, That the House again resolve itself into a Committee of the whole House, to take into consideration the Bill to prevent the Harboring of Deserters from his Majesty's Navy or Army, and for giving a reward for apprehending Deserters. The Speaker left the Chair, Mr. Solicitor-General took the Chair, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Solicitor-General, Chairman of the Committee, reported progress, and asked leave to sit again.

*Ordered*, on motion, That the Sum of One Hundred Pounds be advanced, by way of loan, to Mr. Francis Garobbo, for the space of four years, to assist him in the erection of a Public Inn, the same to be secured by Mortgage on the Premises, he paying lawful Interest for the same, and that the above Resolution be sent to his Majesty's Council for their concurrence.

A Message from his Majesty's Council, by their Clerk, reported, That they had concurred to a Resolution of this House, in voting the Sum of One Hundred Pounds to the widow of the late Peter M'Gowan, Esq. Attorney-General of this Island.

Mr. HOLLAND obtained leave to bring in a Bill for continuing an Act intituled "An Act for Defraying Contingent Expences of the General Assembly of this Island; said received the first and second reading.

On motion, the Bill intituled "An Act for reviving two several Acts of the General Assembly lately expired," was read the third time, passed, and ordered to be engrossed.

*Ordered*, on motion, That the House again resolvè itself into a Committee of the whole House, to take into consideration the Bill to prevent the Harbouring of Deserters from his Majesty's Navy or Army, and for giving a reward for apprehending Deserters; Mr Speaker left the Chair, Mr. Solicitor-General took the Chair, and after some time spent therein, the Speaker resumed the Chair, and Mr. Solicitor-General, Chairman of the Committee, reported, That the Bill was agreed to.

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

On motion, the Bill for preventing the Harbouring of Deserters from his Majesty's Navy or Army, and for giving a reward for apprehending Deserters, was read the third time, passed, and ordered to be engrossed.

Adjourned till Ten o'Clock to-morrow morning.

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## SATURDAY, AUGUST 18, 1810.

**T**HE House met according to adjournment.—PRAYERS.

On motion, That the Bill for continuing an Act of the General Assembly, made and passed in the 47th year of his present Majesty's Reign, intituled "An Act for defraying Contingent Expences of the General Assembly of this Island, be read the third time, the House divided, and there appeared—

For the motion, Messrs. B. COFFIN, HOLLAND, E. COFFIN, STEWART, and SOLICITOR-GENERAL.

Against it, Mess. ROUBEL, M'AULAY, BRECKEN, and RANKIN.

And so it passed in the affirmative.

On motion, That the said Bill do pass the House, the question was put, the House divided, and there appeared—

For the question, Messrs. HOLLAND, E. COFFIN, B. COFFIN, STEWART, and SOLICITOR-GENERAL.

Against it, Messrs. ROUBEL, M'AULAY, BRECKEN, and RANKIN.

And so it passed in the affirmative, and was ordered to be engrossed.

*Resolved*, on motion, That the Sum of Fifty Pounds be issued from the Treasury for the purpose of erecting a Bridge across the Dog River; and that this Resolution be sent up to his Majesty's Council for their concurrence.

*Ordered*, on motion, that an Address be presented to his Excellency the Lieutenant-Governor, setting forth, that the Wharf in Charlotte-Town is in a ruinous state, and humbly to request his Excellency would be pleased to give orders for the Repairs thereof; the said Address being brought in and agreed to, *Ordered*, That Messrs. Rankin, Solicitor-General, and Mr. B. Coffin be a Committee to present the same.

Mr. SOLICITOR-GENERAL was ordered to carry the following Bills to his Majesty's Council, for their concurrence, viz. A Bill intituled "An Act for Reviving two several Acts of the General Assembly lately expired."

Also a Bill, intituled "An Act to prevent the Harbouring Deserters from his Majesty's Navy or Army, and for giving a Reward for apprehending Deserters; and to prevent Harbouring Deserters from Ships in the Merchant Service."

And also a Bill, intituled "An Act for continuing an Act of the General Assembly made and passed in the 47th year of his present Majesty's Reign, intituled an Act for the purpose of Defraying Contingent Expences of the General Assembly of this Island;" and having returned; *Reported*, That he had delivered the same.

Adjourned till Ten o'Clock Monday morning.

## MONDAY AUGUST 20, 1810.

**T**HE House met according to adjournment.

The Committee appointed to present an Address to his Excellency the Lieutenant-Governor, relative to the Wharf in Charlotte-Town, *Reported*, That they had waited on his Excellency, and that he had been pleased to say, he would give orders for the Repairs thereof as soon as possible.

On Motion, *Resolved*, That it is the opinion of this House, that the Sum of Twenty Pounds be allowed Dr. Benjamin De St. Croix, out of the Monies in the Treasury raised by virtue of an Act passed in the 48th year of his Majesty's Reign, intituled "An Act for raising a Fund for the purpose of Defraying the Expence of Printing the Laws, and for other purposes," as a small remuneration for Five Months Professional attendance on the late Attorney-General, Peter M'Gowan, Esq. and that this Resolution be sent to his Majesty's Council for their concurrence.

*Ordered*, on motion, That the Address to his Excellency the Lieutenant-Governor, on the subject of the sum of Sixty Pounds, charged in the public accounts as paid to J. B. Palmer, Esq. Adjutant-General of Militia, be agreed to, and that Messrs. Brecken, M'Aulay, and Holland, be a Committee to present the same.

*Ordered*, on motion, That the House resolve itself into a Committee of the whole House, to take into consideration the Bill for the Relief of certain Insolvent Debtors; Mr. Speaker left the Chair, Mr. Roubel took the Chair, and after some time spent therein, the Speaker resumed the Chair, and Mr. Roubel, Chairman of the Committee, reported progress, and asked leave to sit again.

On motion, the House again resolved itself into a Committee of the whole House, to take into consideration the Bill for the Relief of certain Insolvent Debtors; Mr. Speaker left the Chair, Mr. Roubel took the Chair, and after some time spent therein, Mr. Roubel, Chairman of the Committee, reported progress, and asked leave to sit again.

A Message from his Majesty's Council, by their Clerk, with the following Bills agreed to, viz.

A Bill, intituled "An Act to revive two several Acts of the General Assembly, lately expired."

Also, a Bill, intituled "An Act to prevent the Harboursing Deserters from his Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent Harboursing Deserters from Ships in the Merchant Service."

And also, a Bill, intituled "An Act for continuing an Act of the General Assembly, made and passed in the 47th year of his present Majesty's Reign, intituled an Act for Defraying Contingent Expences of the General Assembly of this Island."

A Message from his Majesty's Council, by their Clerk, requesting a conference with a Committee of the House of Assembly, on the subject of the Orders and Resolutions from the Lower House to his Majesty's Council, and that they had appointed the Hon. Robert Gray and J. B. Palmer for the purpose, to meet at the Council Chamber instanter.

*Resolved*, That the House agree to the conference proposed by his Majesty's Council, and that Messrs. Solicitor-General, Roubel, and M'Aulay, do manage the same, who withdrew, and afterwards returned, when the Chairman reported the substance of what had passed at the conference.

Adjourned till Ten o'Clock to-morrow morning.

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 TUESDAY, AUGUST 21, 1810.

**T**HE House met according to adjournment.—PRAYERS.

The Committee appointed to present an Address to his Excellency the Lieutenant Governor, on the subject of the Sum of Sixty Pounds, charged in the public accounts, as paid to J. B. Palmer, Esq. Adjutant General of Militia, *Reported*, that they had waited on his Excellency with the same, and that he had been pleased to say, he would send an answer.

On motion, the House came to the following Resolution:—

*Resolved*, That an Address be presented to his Excellency the Lieutenant-Governor, acquainting him, that the House had taken his Excellency's Message, relative to the Exigencies of the Militia, and the Deficiencies necessary to be provided for completing

the Public Buildings, into their most serious consideration, and had agreed that it is necessary provision should be made for the Exigencies of the Militia, as soon as possible, but the House extremely lament, that they cannot at this time adopt any measure for carrying the same into effect, assuring his Excellency that they will early the next Session resume a subject of so much importance, in full expectation of being able to accomplish the same with satisfaction to his Excellency and their Constituents, and stating that the House further beg leave to assure his Excellency, that with respect to any sum that may be requisite to complete the Public Buildings, he may rely on the disposition of the House to make good the same, when the Buildings shall be in such a state of forwardness, that his Excellency will be enabled to ascertain the sum necessary for completing thereof. An Address to that effect being brought in and agreed to, Mr. Solicitor-General, Mr. M'Aulay, and Mr. Holland were appointed a Committee to present the same.

Mr. M'AULAY informed the House that he had seen and heard a gross attack made upon one of the Members of this House, by Mr. Elisha Le Page the elder.

Ordered, on motion, That Mr. Le Page be heard at the Bar of this House.

On motion, That Thomas Haszard and Peter M'Auslane be examined as evidences on the above subject; on the question being put, the same was negatived.

On motion, That Mr. Gardner be called to the Bar of this House to give evidence on the same subject, the House divided, and there appeared—

For the motion, Messrs. HOLLAND, E. COFFIN, and SOLICITOR-GENERAL.

Against it, Messrs. BRECKEN, M'AULAY, ROUBEL, RANKIN, and STEWART.

And so it passed in the negative.

On motion, that Elisha Le Page the elder, having insulted, and threatened with arrest Coundouly Rankin, Esq. a Member of this House, and reflected on his conduct as such, is guilty of a breach of the privileges of this House, be committed for his said offence to the custody of the Serjeant at Arms; the question was put, and negatived.

On motion, that Elisha Le Page the elder be sent for to this House, and ordered to make an apology to the House, for reflecting on the conduct of a member thereof, the question was put; the House divided, and there appeared—

For the motion, Messrs. ROUBEL, M'AULAY, RANKIN, and BRECKEN.

Against it, Messrs. HOLLAND, SOLICITOR-GENERAL, E. COFFIN, and STEWART.

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

The messenger being ordered to desire Mr. Elisha Le Page the elder to attend accordingly, and having returned, informed the House that he had seen Mr. Le Page, and that his answer was, that where he had given no offence, he would make no apology, and would not attend.

Adjourned till Nine o'Clock to-morrow morning.

WEDNESDAY, AUGUST 22, 1810.

THE House met according to adjournment.

The SPEAKER informed the House that he had received the following Letter from his Excellency the Lieutenant-Governor, viz.

*“ Prince Edward Island, 21st of August, 1810.*

“ SIR,

“ WITH a deep and painful concern, I feel the disappointment of my reliance on the justice and candor of the House of Representatives. I shall, however, pay every attention in my power to the Militia, the Buildings, and all objects of public duty: looking over the past with an indulgent eye, I will not consider the complexion of its late proceedings, as a criterion for estimating the merits of the professions and assurances contained in its address of this day; being inclined to entertain better hopes from the more mature reflection of such as have erred.

“ I have the honor to be,

“ SIR,

“ Your most obedient and most humble Servant,

“ J. F. W. DES BARRES.

“ Robert Hodgson, Esq. Speaker of the House of Assembly, &c. &c.”

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

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

I. A Bill intituled "An Act to amend an Act intituled an Act to prevent the Malicious Killing, Wounding, or Maiming of Cattle."

II. A Bill, intituled "An Act to Revive two several Acts of the General Assembly lately expired."

III. A Bill, intituled "An Act to prevent the Harboursing Deserters from his Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent Harboursing Deserters from Ships in the Merchant Service."

IV. A Bill, intituled "An Act for continuing an Act, intituled an Act for Defraying Contingent Expences of the General Assembly of this Island;" after which his Excellency was pleased to deliver the following Speech to both Houses, viz,

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

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

"THE obviously pressing exigency of our Militia, to render its force efficient for the essential purpose of ascertaining the security of his Majesty's Infant Colony, claiming aloud your immediate attention, and your liberal aid, in the necessary procurement of adequate relief, encouragement, and support, was the primary object, which, with other cogent reasons, induced me to convene this Session of the General Assembly of this Island. Confiding in your fidelity, ability, and discretion, having submitted the merits of the important subject to your investigation and serious consideration, with such relative information, and collected remarks as had occurred, and thus dutifully consigned the whole to your good management, I indulged the hopes of a desirable result.

"It were not to be conceived that an object, on which the lives and fortunes of a loyal people, and all the inestimable enjoyments of its Constitutional rights, under the happy Government of the best of Sovereigns on earth, may eventually depend, could possibly have failed to excite the most lively and interesting attention in the breasts of the Responsible Guardians, appointed by that People, for the preservation of these Rights, and the peaceable tenure of their lives and fortunes. And, Gentlemen, in the pursuit of an object so universally interesting, were it reasonable to have entertained a solitary doubt of the ready and unanimous co-operation of responsible Trustees, whose bounden duty it is steadily to follow the pure impulse of innate sentiments of loyalty, candor, and rectitude, and who, placed in elevated and confidential public situations, must be deemed inaccessible to indignified influence or perversion.

"My grateful acknowledgements are due for the pains which some of you, Gentlemen, have laudably taken, and for the solicitude and perseverance you have evinced in the laborious course of this Session, to gratify the Public's just expectation.

"Being perfectly assured that the happiness arising from conscious rectitude can be enjoyed only by those whose conduct is candid, upright, and honourable, I trust, therefore, that in the actual conjuncture of things, I may be allowed kindly and earnestly to recommend cool reflection to those Gentlemen whose weak propensities may, in any degree, have misled their conduct.

"Feeling how essentially requisite your presence must be in the direction of your respective Agricultural, and other domestic pursuits, I will now close the present Session, most cordially wishing you all manner of gratifying success and happiness therein.

"Prince Edward Island, 22d of August, 1810.

The President of his Majesty's Council, by his Excellency's command, then said—

"GENTLEMEN—It is his Excellency the Lieutenant-Governor's will and pleasure, That this General Assembly be Prorogued to Monday, the 1st Day of October next, to be then here holden, and this General Assembly is accordingly Prorogued to Monday, the first day of October next."