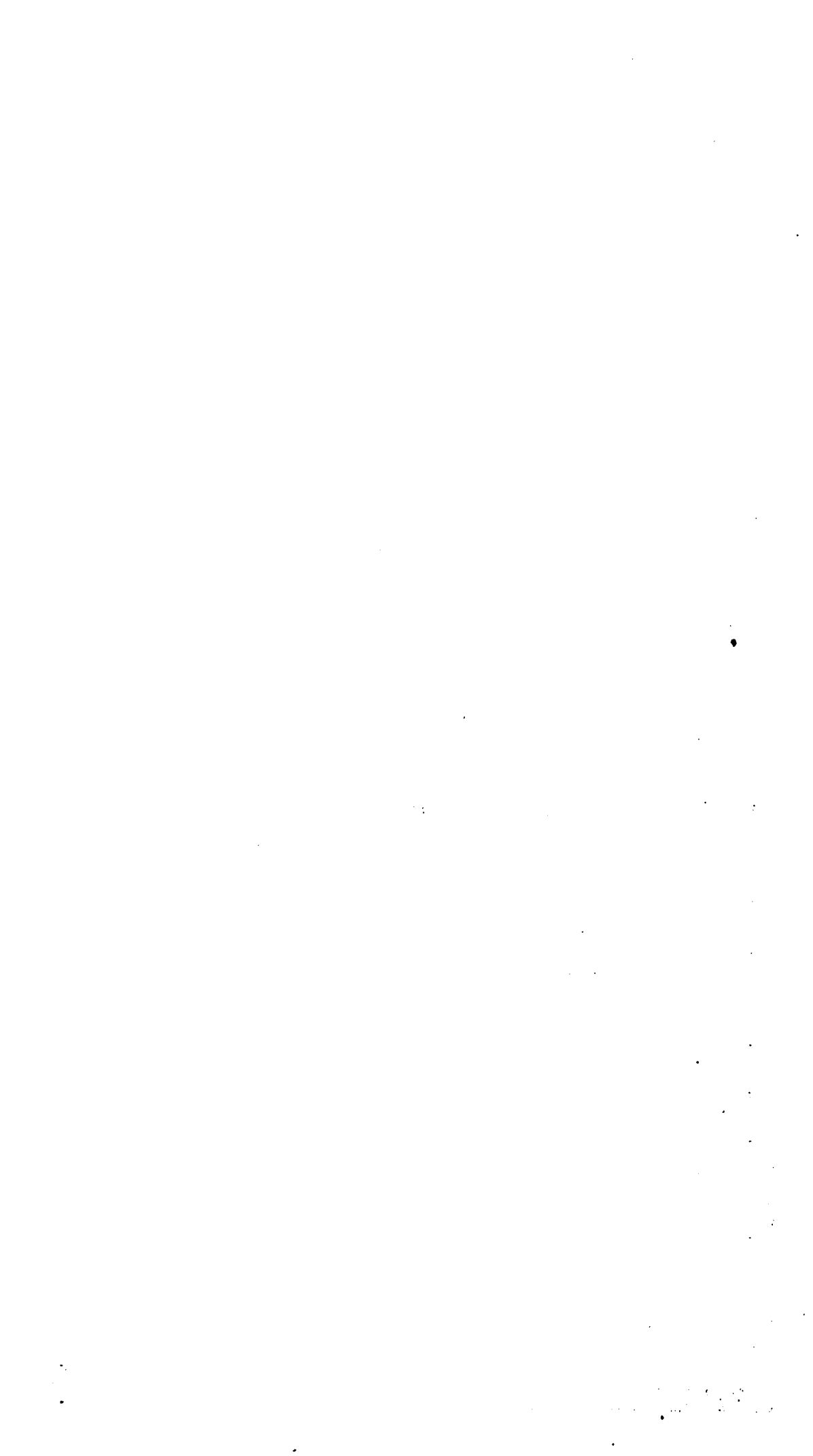


JOURNAL
OF THE
VOTES AND PROCEEDINGS
OF THE
HOUSE OF ASSEMBLY
OF THE
P R O V I N C E
OF
NEW-BRUNSWICK:

From SATURDAY the 27th day of JANUARY, to WED-
NESDAY the 14th day of MARCH, 1810.



SAINT JOHN:
PRINTED BY JACOB S. MOTT, PRINTER TO THE KING'S MOST EX-
CELLENT MAJESTY, AT THE SIGN OF THE BIBLE AND
CROWN, PRINCE WILLIAM STREET.
1810.



BY THE HONORABLE
MARTIN HUNTER, Esquire,

(L. S.) *PRESIDENT of His MAJESTY'S Council and Commander in Chief
of the Province of NEW-BRUNSWICK, &c. &c. &c.*
MARTIN HUNTER.

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

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

GIVEN under my Hand and Seal at Fredericton, the thirtieth day of October, in the year of our Lord one thousand eight hundred and nine, and in the Fiftieth year of His MAJESTY'S Reign.

By the PRESIDENT'S Command,

JON. ODELL.

BY THE HONORABLE
MARTIN HUNTER, Esquire,

(L. S.) *PRESIDENT of His MAJESTY'S Council and Commander in Chief
of the Province of NEW-BRUNSWICK, &c. &c. &c.*
MARTIN HUNTER.

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

WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to the Second Tuesday in DECEMBER next; I have thought fit, by and with the advice of His MAJESTY'S Council, further to prorogue the said General Assembly, and the same is hereby prorogued to the Fourth Tuesday in JANUARY next ensuing, then to meet at Fredericton for the dispatch of business.

GIVEN under my Hand and Seal at Fredericton, the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and nine, and in the Fiftieth year of His MAJESTY'S Reign.

By the PRESIDENT'S Command,

JON. ODELL.

BY THE HONORABLE
MARTIN HUNTER, Esquire,

(L. S.) *PRESIDENT of His MAJESTY'S Council and Commander in Chief
of the Province of NEW-BRUNSWICK, &c. &c. &c.*
MARTIN HUNTER.

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

WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to this day, I have thought fit, by and with the advice of His MAJESTY'S Council, further to prorogue the said General Assembly, and the same is hereby prorogued to Thursday the twenty-fifth day of this instant JANUARY, then to meet at Fredericton for the dispatch of business.

GIVEN under my Hand and Seal at Fredericton, the twenty-third day of January, in the year of our Lord one thousand eight hundred and ten, and in the Fiftieth year of His MAJESTY'S Reign.

By the PRESIDENT'S Command,

JON. ODELL.

JOURNAL AND VOTES

OF THE

HOUSE of ASSEMBLY

OF THE

PROVINCE OF NEW-BRUNSWICK.

HOUSE OF ASSEMBLY,

FREDERICTON, SATURDAY, 27th JANUARY, 1810.

HIS HONOR the PRESIDENT having been pleased by his Proclamation bearing date the 11th July last, to dissolve the late House of Assembly; and Writs having been issued from the Chancery for Electing a House of Assembly to meet on the Second Tuesday in November last, and the same having been by several Proclamations hereunto prefixed; prorogued to this day: The Clerk of the Crown delivered to the Clerk of the Assembly a Roll, containing the names of the several Members, which appeared by the Sheriffs returns, to have been duly Elected in the several Counties, which is as follows:—

William Pagan, Hugh Johnston, John Ward and Thomas Wetmore, Esquires, for the County of Saint John.

Amos Botsford, Titus Knapp, James Easterbrooks and John Chapman, Esquires, for the County of Westmorland.

Robert Pagan, John Dunn, Donald M'Donald and Colin Campbell, junr. Esquires, for the County of Charlotte.

James Fraser and Alexander Taylor, Esquires, for the County of Northumberland.

John Coffin and George Pitfield, Esquires, for the County of King's.

James Peters and John Yeamans, Esquires, for the County of Queen's.

Peter Fraser, John Allen, Stair Agnew and Duncan M'Leod, Esquires, for the County of York.

Samuel Denny Street and James Taylor, Esqrs. for the County of Sunbury.

And John Garrison and Stephen Humbert, Esqrs. for the City of St. John.

A Commission under the Great Seal, appointing the Honorable *Ward Chipman*, Esquire, Commissioner for the purpose of Administering the Oaths prescribed by Law, being produced, when the Commissioner attending, the following Members appeared, took the Oaths and Subscribed the declaration, to wit: *William Pagan, Hugh Johnston, John Ward, Thomas Wetmore, Amos Botsford, John Chapman, Robert Pagan, John Dunn, Donald M'Donald, Colin Campbell, junr. John Coffin, George Pitfield, James Peters, John Yeamans, Peter Fraser, John Allen, Stair Agnew, Duncan M'Leod, Samuel Denny Street, James Taylor, and Stephen Humbert, Esquires.*

Shortly

Shortly afterwards *Xenophon Jouett*, Esquire, Gentleman Usher of the Black Rod, delivered the following Message, *to wit* :

“ His HONOR the PRESIDENT commands this Honorable House to attend His HONOR immediately in the Council Chamber.”

Accordingly the House went up to attend His HONOR the PRESIDENT in the Council Chamber, when the Honorable *JONATHAN BLISS*, Esquire, Chief Justice, addressed the House as follows, *to wit* :

“ *Gentlemen of the Council,*
“ *and Gentlemen of the Assembly,*

“ His HONOR the PRESIDENT has been pleased to command me to acquaint you, that he doth not think fit to declare the causes of calling this General Assembly till there shall be a *Speaker* of the House of Assembly.

“ It is therefore His HONOR’s pleasure, that you Gentlemen of the Assembly, do immediately repair to the place where the Assembly usually sit, and there chuse a fit person to be your *Speaker*, and that you present the person who shall be so chosen to His HONOR for his approbation, on Monday morning next at Eleven of the Clock..”

The House having then returned to their Chamber,

Captain *Stair Agnew*, Member for York, rose, and addressing himself to the Clerk, said “ Mr. *Anderson*, His HONOR the PRESIDENT having directed the Members to proceed immediately to the choice of a *Speaker* : I rise to address you as the Clerk, and to propose, Sir, that *Amos Botsford*, Esq. be *Speaker* of this House of Assembly.

“ The length of service of this Gentleman, coeval with the political existence of the Province, as *Speaker* ; the zeal and respectability which has always distinguished his conduct in that character; and the professional talents which eminently qualify him to discharge the important duties of this Office, are the motives which induce me to propose him; and I trust Sir, are sufficient to prevail with Gentlemen unanimously to re-elect him their *Speaker*.”

Which Motion was seconded by General *Coffin*, Member for King’s.

Whereupon he was accordingly elected *nemine contra dicente*, and conducted to the Chair.

When standing upon the step, *Amos Botsford*, Esquire, expressed the high sense he entertained of the recent instance of the confidence of the House in nominating him to the Chair; that if his past conduct had merited their approbation, it must have arisen from the steady and uniform support he had heretofore received from the Members of the House; that he felt himself inadequate to so important an Office, and unequal to the discharge of the duties of that high station, and hoped that Gentlemen would not be so precipitate in making the Election, but think on some more proper person to fill the Chair.

He stated his utmost gratitude; that he yet wished their further deliberation; that the House would fix their attention on some other Gentleman, and permit him to do the duty of a private Member.

But the House said No, No.—Whereupon he said he should submit himself to the commands of the House; and took the Chair *nem con*.

The House Adjourned until Monday 10 o’Clock.

MONDAY,

MONDAY, 29th JANUARY, 1810.

The House met pursuant to Adjournment, when the *Speaker* elect having taken the Chair,

A Message was brought from His HONOR the PRESIDENT by the Gentleman Usher of the Black Rod, requiring the immediate attendance of this House in the Council Chamber. Accordingly Mr. *Speaker* elect, with the House, went up to attend His HONOR the PRESIDENT:

When the *Speaker* elect said, "May it please your HONOR, the House of Assembly of New-Brunswick have, in obedience to your HONOR's command, and according to their undoubted rights, proceeded to the choice of their *Speaker*, and now attend with all humility to present me to your HONOR as the effect of that choice. I am afraid, during my long services, many imperfections in my conduct must have been observed, and that I need urge no other reasons, to induce your HONOR, to give His MAJESTY's faithful House of Assembly an opportunity of presenting one worthier of their choice, and of your HONOR's approbation."

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

Esquire
"Amos Botsford, I am commanded by His HONOR the PRESIDENT to acquaint you that he hath so good an opinion of your integrity, diligence and sufficiency 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*."

Mr. *Speaker* then said, that since His HONOR the PRESIDENT was pleased to approve the choice the House had made of him for their *Speaker*—He in their name and on their behalf laid claim to all their ancient rights and privileges; particularly that they might enjoy liberty of speech and access to His HONOR's person whenever occasion should require.

To which the Honorable Mr. BLISS the Chief Justice, replied as follows:

Mr Speaker
"The PRESIDENT hath the greatest confidence in the duty and affection of this House of Assembly to His MAJESTY's person and Government, and in the wisdom, temper and prudence which will accompany all their proceedings; and His HONOR doth readily and willingly grant and allow them all their privileges, in as full and ample a manner as they have at any time been granted and allowed."

And then His HONOR the PRESIDENT made the following SPEECH to both Houses.

"Gentlemen of the Council,

"and Gentlemen of the Assembly,

"I had entertained a hope that the principal thing which, at this meeting, I should have to propose for your deliberation, would have been the continuance of our ordinary Provincial Revenue, with some few additional appropriations for the ensuing period; But, from recent occurrences, it appears to be requisite, that we should extend our regard to other and more arduous concerns; and that I should now recommend to your serious consideration, a renewal, with every practicable improvement, of the Law for regulating and training our Militia, and for enabling the Execu-

"five

“ tive Government, promptly and effectually, to call into action the force
 “ of the Country, whenever its defence or safety may require. And here I
 “ am happy to inform you, that, from my own observation of the progress
 “ made by the Militia, under the regulations appointed at the last Session
 “ of the General Assembly, I can have no doubt of their future zeal and ala-
 “ crity, on every service to which they may be called, in discharge of the
 “ duties that bind them to their King and Country.

“ In the course of last Summer, a detachment of the Troops has been em-
 “ ployed on a part of the Road between Fredericton and St. John, which,
 “ upon careful examination, appeared most to require assistance. This ser-
 “ vice I trust will be found to have been faithfully and beneficially perform-
 “ ed. Much, however, yet remains to be done on this, and on the other
 “ public Roads; to which I doubt not you will give all due attention.

“ *Gentlemen of the Assembly,*

“ I have directed the Treasurer’s Accounts, with such other documents as
 “ may be requisite for your information, to be laid before you. Among
 “ these will be found an Account of the expences lately incurred (part of
 “ which are yet unpaid) and an Estimate of what appears further to be
 “ wanted on the Road to Saint John, for which I rely on your making ade-
 “ quate Provision.

“ *Gentlemen of the Council,*

“ *and Gentlemen of the Assembly,*

“ Such further objects as I may have to propose, shall, in the course of
 “ the Session, be communicated by Message. In the mean time, I rely,
 “ with confidence, on your proceeding with zeal and mutual harmony in the
 “ dispatch of Public Business.”

The House then returned to their Chamber. Read the first time a Bill to facilitate the communication of the different Roads in this Province.

On Motion of Mr. *Wetmore*, Resolved, that an Address be presented to His HONOR the PRESIDENT, in answer to his Speech.

Ordered, that Mr. *Wetmore*, Mr. *R. Pagan*, Mr. *Allen*, and Mr. *Campbell* be a Committee to prepare said Address.

The House in Committee, Mr. *W. Pagan* in the Chair, went into consideration of His HONOR the PRESIDENT’S Speech. The *Speaker* resumed the Chair, the Chairman reported, that the Committee had gone into consideration of His HONOR the PRESIDENT’S Speech, and that it was their opinion, that a Committee should be appointed to revise the Militia Law; and also to examine what Laws are near expiring. Ordered, that Mr. *Peters*, Mr. *Ward*, Mr. *Chapman*, Mr. *M’Donald*, and Mr. *Humbert* be a Committee for revising the Militia Law. Also, that General *Coffin*, Mr. *Johnston* and Mr. *Fraser* be a Committee to examine what Laws are near expiring.

On Motion of Mr. *Wetmore*, Resolved, that the Reverend Mr. *Bisset* be appointed Chaplain to this House.

The *Speaker* stated to the House, that during recess and since the dissolution of the last House, he had received several letters from *E. G. Lutwyche*, Esquire, Agent for the Province, which were handed to the Clerk, read, and ordered to lie on the table.

Ordered, that the further consideration of His HONOR the PRESIDENT’S Speech be postponed till to-morrow.

The House Adjourned until to-morrow 10 o’Clock.

TUESDAY,

TUESDAY, 30th JANUARY, 1810.

PRAYERS.

On Motion of Mr. *Agnew* made and seconded, that he have leave to bring in a Bill to repeal an Act, intituled "an Act to render Justices of the Peace more safe in the execution of their duty." Leave was granted.

Mr. *McDonald* presented to the House a Petition of *Moses Gerrish* of the Island of *Grand-Manan*, praying for an Act for the preservation of *Moose* on that Island. Leave was granted that a Bill be brought in for that purpose. Ordered, that Mr. *McDonald* Mr. *R. Pagan*, Mr. *Agnew* and Mr. *Taylor* be a Committee to prepare the same.

Mr. *Wetmore* from the Committee appointed to prepare an Address in answer to His HONOR the PRESIDENT'S Speech, reported a draught 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 MARTIN HUNTER, President of His MAJESTY'S Council 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,*

" WE beg leave to express our sincere regret that your Honor has been disappointed in the pleasing hope you entertained of having but little more to submit to the deliberations of the General Assembly than making provision for the ordinary services of the Province.

" The recent occurrences, alluded to in your Honor's Speech, are of such a nature, as to command our most serious consideration: and we do pledge ourselves that we will, by all possible means within our power, co-operate with your Honor, in making preparation for every exigence.

" The renewal of the Law for regulating the Militia with every practicable improvement, to render it effectual for the great and highly important objects of the defence of the Province, is a measure we deem absolutely necessary, and shall receive our immediate and strict attention.

" It is highly gratifying to us that the conduct of the Militia since the recess has been so acceptable to your Honor as to leave no doubt in your mind of their future zeal and alacrity in the performance of any service to which they may be called in discharge of the duties that bind them to their King and Country. We trust your Honor will not be deceived in the favorable opinion you have formed and it is with heartfelt pleasure we can assure your Honor, that your conduct in the exercise of the power vested in the Commander in Chief has not only given entire satisfaction to the Militia, but has also inspired them with that confidence in your Honor's mild and just Government which promises the most beneficial effects when the safety of the Country may require their active service.

" We beg Sir, you will accept our sincere thanks for the personal exertions used by you, and the wise economy with which we are fully persuaded the money granted towards improving the Road between Fredericton and St. John has been lately expended, we shall always consider the Public Roads as objects which merit very great attention; and we will therefore make the most ample provision for their improvement which the state of the public Funds will admit particularly for completing the Road to St. John.

“ The Treasurer’s Accounts with the documents accompanying the same, which your Honor has been pleased to direct to be laid before us; shall receive our particular attention.

“ We intreat your Honor to be persuaded that every possible exertion on our part shall be used to promote that mutual harmony in our deliberations, which we consider so necessary for the welfare and prosperity of the Province, and that the public business shall be dispatched with zeal and diligence.”

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

General *Coffin* from the Committee appointed to inquire what Laws have expired or are near expiring, reported, “ That an Act to continue an Act made and passed in the 36th year of His Majesty’s reign, for regulating, laying out and repairing Highways and Roads, will expire the 11th day of February 1810.”

“ An Act to continue sundry Acts of the General Assembly that are near expiring, and passed in the 45th year of His Majesty’s reign, will expire on the 1st day of March 1810.”

“ An Act for the greater security of this Province by the better regulating the Militia thereof, passed in the 48th year of His Majesty’s reign, will expire on the 30th day of July 1810.”

“ An Act passed in the 48th year of His Majesty’s reign, for raising a Revenue in this Province, will expire on the 1st day of April 1810.”

“ An Act to prevent Illicit and Clandestine Trade, and for imposing a duty upon articles illegally imported and brought into this Province, to be levied and paid after condemnation and sale thereof, passed the 5th day of March 1807, will expire on the 1st day of April 1810.”

Also, an Act to continue an Act, intituled “ An Act for the more easy and speedy recovery of small debts, passed the 5th March 1802, expires the 1st day of March 1810.”

Mr. *Johnston* presented a Petition from the Mayor, Aldermen and Commonalty of the City of *Saint John*, complaining of Nets being set without the Harbour of *Saint John*, and injuring the shoals of Fish forming without the Harbour, and praying for redress. Ordered, that this Petition be taken into consideration and a Bill prepared agreeably to the prayer of the Petition. Ordered, that Mr. *Johnston*, Mr. *Coffin* and Mr. *Campbell* do prepare the same.

Mr. *Street* presented a Petition from sundry Inhabitants of the North and South Branches of the *Oromocto*. Ordered, that the Petition be received and lie on the table.

Mr. *R. Pagan* presented a Petition of *Jasper Belding*, and a number of others, complaining of an undue Election for the County of *King’s*. Ordered, that the said Petition be received, and that the Petitioner furnish the Sheriff of *King’s County* with a copy of his Petition and another copy to the sitting Members of the County—And further Ordered, that the Petitioner by his Counsel be heard at the Bar of this House on Monday the 12th of February next. And on Motion, Ordered, that *Humphry Bull*,

Brought in and read a first and second time, a Bill in amendment of an Act for regulating Fisheries. Ordered, that the said Bill be committed.

The House then Adjourned until Monday morning at 10 o'Clock.

MONDAY, 5th FEBRUARY, 1810.

PRAYERS:

On Motion of Mr. *Wetmore*—Resolved, that an humble address be presented to his HONOR the PRESIDENT, to desire that his HONOR will be pleased to order to be laid before the House a copy of so much of the Commissions to the Governors of this Province, previous to the year 1791, as relates to the calling of General Assemblies. On which Motion the previous question was moved by Mr. *Agnew* and seconded; whereupon the House divided, upon the previous question,

YEAS.

Mr. *Chapman*,
Mr. *Humbert*,
Mr. *Campbell*,
Mr. *M'Donald*,
Mr. *Pitfield*,
General *Coffin*,
Mr. *Agnew*,
Mr. *J. Taylor*.

NAYS.

Mr. *W. Pagan*,
Mr. *R. Pagan*,
Mr. *Ward*,
Mr. *Johnston*,
Mr. *Street*,
Mr. *Wetmore*,
Mr. *Peters*,
Mr. *Yeamans*,
Mr. *M'Leod*,
Mr. *P. Fraser*.

And on Motion whether the resolution do pass—the House divided,

YEAS.

Mr. *W. Pagan*,
Mr. *R. Pagan*,
Mr. *Ward*,
Mr. *Street*,
Mr. *Wetmore*,
Mr. *Peters*,
Mr. *Yeamans*,
Mr. *Johnston*,
Mr. *M'Leod*,
Mr. *P. Fraser*.

NAYS.

Mr. *Chapman*,
Mr. *Humbert*,
Mr. *Campbell*,
Mr. *M'Donald*,
Mr. *Pitfield*,
General *Coffin*,
Mr. *Agnew*,
Mr. *J. Taylor*.

The Resolution therefore passed in the affirmative.

Read a second time a “ Bill to authorise the Sheriff, or other executive Officer serving Process at the Parish of Saint Martin's, to convey any prisoner there arrested to the Gaol in the City of Saint John, by way of the public road, leading through a part of King's County.” Ordered, that the said Bill be committed.

The House in Committee Mr. *Street* in the Chair, went into further consideration of the Bill to continue and amend the “ Act for the more easy and speedy recovery of small debts.” The *Speaker* resumed the Chair, the Chairman

THURSDAY, 8th FEBRUARY, 1810.

PRAYERS.

Message was received from His HONOR the PRESIDENT as follows, to wit.
 “ NEW-BRUNSWICK, 7th FEBRUARY, 1810.

“ M. HUNTER.

“ MESSAGE TO THE ASSEMBLY.

“ The PRESIDENT having received from Lord *Castlereagh*, one of His MA-
 “ JESTY’s Principal Secretary’s of State, an extract of a Letter from his
 “ Lordship to Sir *George Prevost*, expressing a hope that, ‘ such an arrange-
 “ ment might be made as would place the Militia of the two Provinces (of
 “ Nova-Scotia and New-Brunswick) when on service, upon the same foot-
 “ ing with the Troops of the Line,’ has directed the said extract, together
 “ with an extract from his answer to Lord *Castlereagh*, to be herewith laid
 “ before the House of Assembly, and earnestly recommends the subject to
 “ their consideration. “ M. H.”

Read as engrossed the “ Bill to authorise the Sheriff or other executive
 Officer, serving Process at the Parish of Saint Martin’s, to convey any pri-
 soner there arrested to the Gaol in the City of Saint John, by way of the
 public road, leading through a part of King’s County.” Ordered, that the
 said Bill pass, and be sent up to the Council for concurrence.

House in Committee, Mr. *Wetmore* in the Chair, went into consideration
 of the “ Bill for regulating, laying out, and repairing highways and roads,
 and for appointing Commissioners and Surveyors of highways within the
 several Towns and Parishes in this Province.” The *Speaker* resumed the
 Chair, the Chairman reported that the Committee had gone into considera-
 tion of the Bill before them, had made some progress, and asked leave to
 sit again.

The House then Adjourned until to-morrow morning at 12 o’Clock.

FRIDAY, 9th FEBRUARY, 1810.

PRAYERS.

Mr. *Campbell* by leave brought in a “ Bill to lay an *ad valorem* duty on
 importations from the United States,” which was read a first time.

House in Committee, Mr. *Wetmore* in the Chair, went into further con-
 sideration of the “ Bill for regulating, laying out, and repairing highways
 and roads, and for appointing Commissioners and Surveyors of highways,
 within the several Towns and Parishes in this Province.” The *Speaker* having
 resumed the Chair, the Chairman reported that the Committee had gone into
 consideration of the Bill before them, and had agreed to the same with
 amendments; and that in Committee a motion was made and seconded for
 inserting a clause in the said Bill in the words following, to wit,

“ And whereas the Mayor, Aldermen and Commonalty of the City of St.
 “ John, are by their Charter ratified by Act of Assembly, impowered to lay
 “ out, alter, amend, and repair the streets and highways, throughout said
 “ City

“ City and the vicinity thereof; and also beyond the limits of the said City
 “ on either side thereof, throughout the County of Saint John: and by the
 “ same Charter, the Citizens of said City, during the time of their being In-
 “ habitants, shall not be compelled to perform any duty without the limits
 “ of said City, except for the laying out roads and highways in other parts
 “ of the City and County, and the working, clearing, amending and repair-
 “ ing the same: And whereas it is equitable, just, and expedient, that the
 “ Inhabitants and Freemen of said City should do and perform, an equal
 “ number of days work as the other Inhabitants of the Province for the
 “ purpose of completing the public roads into said City, and for that pur-
 “ pose it is necessary to enlarge the powers of the Mayor, Aldermen, and
 “ Commonalty in the same City:

“ *Be it further enacted,* That the Mayor, Aldermen, and Commonalty of
 “ the said City, be, and they are hereby authorised and impowered, to act as
 “ Commissioners of roads and highways, not only within the limits of said
 “ City, but within the limits of the said County; and that within those
 “ limits all powers granted by this Act to any Commissioner in any Parish
 “ shall cease and determine, and the same power be, and are hereby vested
 “ in the said Mayor, Aldermen, and Commonalty, and all Surveyors by
 “ them to be appointed shall be subject to such orders in the same manner
 “ as the Surveyors in other Parishes; and the said Inhabitants and Freemen,
 “ shall be liable to do and perform the same labour, according to the pro-
 “ portion in this Act established, and be subject to the same penalties, to
 “ be recovered in the same manner, and applied to the same purposes and
 “ uses as already provided for by this Act.”

Upon which the Committee divided,

YEAS.

Mr. Agnew,
 Mr. Allen,
 Mr. J. Fraser,
 Mr. Speaker,
 Mr. Pitfield,
 General Coffin.

NAYS.

Mr. W. Pagan;
 Mr. R. Pagan;
 Mr. Dunn,
 Mr. Chapman,
 Mr. Humbert,
 Mr. Ward,
 Mr. Johnston,
 Mr. Peters,
 Mr. Yeamans,
 Mr. M'Leod,
 Mr. P. Fraser,
 Mr. Campbell,
 Mr. M'Donald,
 Mr. Taylor.

It therefore passed in the negative—and further it was resolved, that it was the opinion of the Committee, that the provisions for regulating the highways in the City and County of Saint John, should be provided for in a separate Bill. Which report was accepted—And the said Bill being read was agreed to, and ordered to be engrossed.

The House then Adjourned until to-morrow morning at 10 o'Clock.

SATURDAY, 10th FEBRUARY, 1810.

PRAYERS.

Mr. *Peters* by leave brought in a petition from sundry Inhabitants of Queen's County, which was read, and ordered to lie on the table.

The House then Adjourned until Monday morning at 10 o'Clock.

MONDAY, 12th FEBRUARY, 1810.

PRAYERS.

Read as engrossed, "A Bill for laying out and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several Towns and Parishes in this Province." Ordered that the said Bill pass and be sent up to the Council for concurrence.

The House went into the order of the day for going into consideration of the Petition of *Jasper Belding* and others, complaining of an undue Election for the County of King's. And after hearing of evidence in behalf of the Petitioners, adjourned until to-morrow 10 o'Clock.

TUESDAY, 13th FEBRUARY, 1810.

PRAYERS.

Read as engrossed the Bill to continue and amend the "Act for the more easy and speedy recovery of small debts." Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

The House then went into the order of the day for the going into the consideration of the petition of *Jasper Belding* and others, complaining of an undue Election for the County of King's. And a question arising whether *Hezekiah Hoyt* can be a competent witness in support of the said Petition, being a Petitioner: After hearing of Counsel on both sides of the question; Ordered, that the said Counsel and Parties withdraw from the bar of this House: And after due consideration, resolved, that the said *Hezekiah Hoyt*, be heard at the bar, and that the Counsel and parties be re-admitted and proceed in the hearing; which was again ordered to be adjourned till to-morrow.

Ordered, that Mr. *J. Fraser*, Mr. *Peters*, and Mr. *P. Fraser*, be a Committee to bring in a Bill for regulating the highways of the County of Saint John.

The House then Adjourned until to-morrow morning at 10 o'Clock.

WEDNESDAY, 14th FEBRUARY, 1810.

PRAYERS.

Counsel were ordered to be admitted on the hearing of the Petition of *Jasper*

Also a Message from His HONOR the PRESIDENT as follows,

“ NEW-BRUNSWICK, 15th FEBRUARY, 1810.

“ M. HUNTER.

“ MESSAGE TO THE ASSEMBLY.

“ The PRESIDENT directs to be herewith laid before the House of Assembly, and recommends to their consideration a memorial of *John Mount*, a respectable farmer of the County of Saint John, and well known as a loyalist of distinguished zeal and activity, who by an unfortunate accident in the month of September 1808, received a wound by which he has irrecoverably lost the use of his right arm; and though the prayer of his memorial is, that his case may be recommended to the gracious consideration of His MAJESTY, the PRESIDENT is persuaded that the House of Assembly will gladly embrace the opportunity of granting on the spot, and without delay, such relief to this petitioner as his case may appear to require.

“ M. H.”

Ordered, that the said Message be referred to the Committee of supply.

House in Committee, Mr. *Agnex* in the Chair, went into consideration of the Bill to continue and amend an Act, intituled “ An Act for the better securing the navigation of Passamaquoddy Bay within Deer Island.”—The *Speaker* resumed the Chair. The Chairman reported that the Committee had agreed to the same, and had ordered him to report it, which was read as reported, agreed to, and ordered to be engrossed.

A Message from the Council requesting a conference immediately on the subject of the road law. The House agreed to the conference requested by the Council. Ordered, that Mr. *R. Pagan*, Mr. *Peters*, and Mr. *Dunn*, attend on the part of the House to manage said conference.

A Message was received from the Council as follows. “ Ordered, that Mr. *Chipman* and Mr. *Odell*, be a Committee to meet the Committee of Assembly in conference upon the road Bill.”

Mr. *Wetmore* by leave brought in a Petition from the Justices of the Peace for the City and County of Saint John, praying that they may be empowered by Law to raise by assessment, a sum not exceeding 500*l.* for the purpose of completing, repairing, and amending the Gaol of the City and County of Saint John. Ordered, that said Petition be received, and that a Bill be brought in pursuant to the prayer of the said petition.

Mr. *Wetmore* in pursuance to the Resolution of the 5th of February, presented to the House a draught of the Address, which was read and agreed to, and is as follows,

To His Honor MARTIN HUNTER, Esquire, President of His MAJESTY's Council, and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

“ *May it please your Honor,*

“ The House of Assembly finding it necessary to enable them more fully to discharge their duty, to be furnished with copies of so much of the

“ Royal

The House in Committee, Mr. *J. Fraser* in the Chair;—went into consideration of the Bill for regulating the Militia. The *Speaker* resumed the Chair; the Chairman reported, that the Committee had gone into consideration of the Bill before them, had made some progress therein, and asked leave to sit again. The report accepted.

On the report of the Committee of conference, upon the subject of the Road Bill:—Resolved, that this House request a free conference. Ordered; that Mr. *Agnew* and Mr. *M'Donald*, do acquaint the Council therewith.

The House then Adjourned until to-morrow morning at 10 o'Clock.



SATURDAY, 17th FEBRUARY, 1810.

PRAYERS.

Read, as engrossed, the Bill to continue and amend the “ Act for regulating the Fisheries in the County of Northumberland.” Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

On Motion of Mr. *Street*, ordered, that the petition from the Inhabitants of the North and South branches of the Oromocto, be referred to the Committee of Supply.

On Motion of Mr. *Peters*, for leave to bring in a Bill, to authorise the erection of fences and gates across certain roads in the several Counties in this Province, where the same shall be found necessary: Leave granted.

On Motion of Mr. *J. Fraser*, for leave to bring in a Bill, to authorise the erecting of Beacons and Buoys, and otherwise improving the Navigation of the bay and harbour of Miramichi: Leave granted.

House in Committee, Mr. *J. Fraser* in the Chair;—went into the consideration of the Bill for regulating the Militia. The *Speaker* resumed the Chair: the Chairman reported, that the Committee had gone into the consideration of the Bill before them, and had made progress therein, and asked leave to sit again. The report accepted.

The order of the day for going into a Committee of Supply, postponed until Monday next.

The House then Adjourned until Monday morning at 11 o'Clock.



MONDAY, 19th FEBRUARY, 1810.

PRAYERS.

A Message was received from His HONOR the PRESIDENT as follows,

“ NEW-BRUNSWICK, 17th FEBRUARY, 1810.

“ M. HUNTER.

“ MESSAGE TO THE ASSEMBLY.

“ The PRESIDENT, in compliance with the request of the House of Assembly, directs to be herewith laid before them, an extract of so much of
“ His

addition to and in amendment of an Act intituled an Act for the regulation of Seamen." Ordered that the said Bill be committed.

Mr. *Street*, by leave, brought in a Bill for making the River Oromocto a lawful fence from its mouth or entrance to the upper line of Captain *Hiel Camps* lands in Lincoln: which was read a first time. Also a petition of sundry inhabitants of the Parish of Lincoln, praying for aid to enable them to rebuild two bridges in that Parish; which is referred to the Committee of Supply.

Mr. *Humbert*, by leave, brought in a petition of sundry inhabitants on the West side of Saint John harbour respecting the Fishery in said harbour, &c. Referred to the Committee on the Bill.

House in Committee, Mr. *Dunn* in the Chair;—went into the consideration of the Bill in amendment of an Act for regulating Fisheries. The *Speaker* resumed the Chair, the Chairman reported, that the Committee had taken into consideration the business before them, had made some progress, and asked leave to sit again. The House agreed to the report.

A Message was received from His HONOR the PRESIDENT as follows, to wit,

“ NEW-BRUNSWICK, 19th FEBRUARY, 1810.

“ M. HUNTER.

“ MESSAGE TO THE ASSEMBLY.

“ The PRESIDENT informs the House of Assembly, that the arrangements respecting the Militia throughout the Province, have occasioned, and will continue to occasion, a great deal of laborious employment to the Adjutant-General of the Militia, who has hitherto discharged his duty without any compensation. The PRESIDENT therefore recommends it to the House to make some suitable provision for the services of this Officer.”

Also another Message from His HONOR the PRESIDENT as follows, to wit,

“ NEW-BRUNSWICK, 19th FEBRUARY, 1810.

“ M. HUNTER.

“ MESSAGE TO THE ASSEMBLY.

“ The PRESIDENT directs to be herewith laid before the House of Assembly two accounts of *Jacob S. Mott* for printing public papers; and recommends to the House to provide for payment of the same.”

Ordered, that the said Messages be referred to the Committee of Supply.

House in Committee, Mr. *J. Fraser* in the Chair;—went into consideration of the Bill for the better regulating the Militia. The *Speaker* resumed the Chair, the Chairman reported, that the Committee had gone into the consideration of the business before them; and that in the discussion, a question arose, whether the blanks in the 8th Section for the number of days drilling should be filled up with the word *three*—upon which the House divided, and that the numbers stood as follows,

FOR

certain harbours in the County of Northumberland. Ordered, that the said Bill pass; and be sent up to the Council for concurrence.

Mr. *James Taylor*, by leave, brought in a petition from sundry inhabitants of the River St. John, praying that this House will institute an inquiry, what the effect may be, should the Split Rock in the Falls at the mouth of the River be removed, and praying for aid to do the same. Ordered, that the petition be received, and lay on the table.

Mr. *Wetmore*, by leave, brought in a Bill to continue an Act intituled "An Act to prevent illicit and clandestine trade, and for imposing a duty upon articles illegally imported and brought into this Province to be levied and paid after the condemnation and sale thereof."—Which was read a first time.

House in Committee, Mr. *James Fraser* in the Chair;—Went into consideration of the Bill for better regulating the Militia in the Province. The *Speaker* resumed the Chair, the Chairman reported, that the Committee had gone into consideration of the business before them, had made some progress therein, and asked leave to sit again; and that in the Committee, the following provision was moved for and seconded, to wit,

Provided always, that all such persons whose various avocations shall or may interfere with and prevent their attendance on the days and times above appointed for the drill, shall be at liberty to attend at any time and times convenient to themselves and the persons under this Act appointed to drill them, within one month from the times by this Act prescribed, paying the persons so appointed to drill them *four shillings* per day for each days attendance, to be paid equally by the person so drilled; and any person deficient in, or who shall delay payment of such drills after their service is from time to time completed, shall be liable to the same fine as he would have incurred by non appearance altogether at the regular days and times appointed by this Act for the drilling the Militia.

Upon which the Committee divided, as follows,

FOR THE PROVISION.

Mr. *Humbert*,
Mr. *Johnston*,
Mr. *Street*,
Mr. *M'Leod*,
Mr. *P. Fraser*,
Mr. *J. Taylor*,
Mr. *Agnew*.

AGAINST IT.

Mr. *W. Pagan*,
Mr. *R. Pagan*,
Mr. *Dunn*,
Mr. *Chapman*,
Mr. *Ward*,
Mr. *Speaker*,
Mr. *Wetmore*,
Mr. *Yeamans*,
Mr. *Allen*,
Mr. *Campbell*,
Mr. *M'Donald*,

And that it therefore passed in the negative. Which report is accepted.

Message from the Council requesting a conference with the House of Assembly on the subject of the Bill for the more easy and speedy recovery of small debts. The House agreed to the conference requested, and ordered that Mr. *Agnew* and Mr. *Chapman* acquaint the Council therewith; and that they be a Committee to manage the said conference.

Also

Read a second time the Bill for laying an *ad valorem* duty on certain importations from the United States. Ordered, that the said Bill be committed.

The House in Committee, Mr. *J. Fraser* in the Chair;—Went into the consideration of the Bill for the better 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. Which report is accepted.

The House then Adjourned until to-morrow morning at 10 o'Clock.

FRIDAY, 25d FEBRUARY, 1810.

PRAYERS.

Mr. *Agnew* Chairman of the Committee appointed to examine the Treasurer's Accounts, reported as follows—

The Committee appointed to examine the Accounts of the Treasurer of the Province, report that they have attended to that duty and find, that,

“ No. 1. Contains a General Account Current of the Province of New-Brunswick, whereby it appears that there was on the 1st day of January, 1810, Cash, Bonds, and Treasury Notes, in the Chest to the amount of £5122:9:0½, of which sum there are redeemed Notes now in the Treasury to the amount of £1582:0:5¼. In this Account there appears an error of £1, in the sum charged. Treasury Notes redeemed of 1st May, 1805, viz. £22:9 instead of £21:9, the real amount of the Notes redeemed.— There appears also a charge of £1:10 paid *William Whitney* for Clerkship. This charge the Committee are unanimously of opinion is improper, because unauthorised, on former occasions; and because the Treasurer's Salary ought to cover all contingent expences. The Committee remark that besides the sum of £1000:3 remitted from Charlotte, there remains in the hands of the Deputy Treasurer of that County, the sum of £656:17:7 in Bonds, subject to drawbacks. The Committee further remark that besides the sum of £84:3 remitted from Westmorland, there remained on the 24th November, 1808, in the hands of the Deputy Treasurer of that County the sum of £150 in Bonds; since which period he has transmitted by *Amos Botsford*, Esquire, the sum of £160. The Committee further remark that besides the sum of £466:3:4, remitted up to the 25th November, 1808, by the Deputy Treasurer of Northumberland, there appears, by his Letter to Mr. *Oliver*, as also by the statement of Mr. *James Fraser*, the further sum of £462:2:6½ remitted on account of duties since that period. The Committee submit to the House the irregular conduct of the Deputy Treasurer of Northumberland, and of Westmorland, in not forwarding any account to the Treasurer of the Province since November 1808; and also that of Mr. *Crookshank*, in not rendering an account of Sales at Auction since the 30th September 1808, thereby preventing the Committee making a full report; but with respect to other particulars in this Account mentioned, the Committee find them regularly stated and vouched.

“ No. 2. Contains an account of Duties in the Port of Saint John, from the 19th July 1808, to the 1st January 1810, amounting to £6709:4:9½; and also contains the Auction Account of Mr. *Crookshank* to the 30th September 1808, and that of Messrs. *Peters & Wiggins* to the 1st November 1809, amounting to the sum of £192:9:3.

No.

“ No. 3. Contains the Light-House Account—balance credited in General Account Current £71 : 5 : 4½.

“ No. 4. Contains an Account of Drawbacks paid on Goods exported, amounting to the Sum of £1029 : 1 : 3.

“ No. 5, 6, 7. Contain the Gaugers' Accounts against the Province, amounting to £70 : 2 : 6 between the 20th July 1808, and 1st January 1810.

“ No. 8. Contains the Treasurer's Account of Stationary and postage against the Province between the 1st August 1808, and the 1st January 1810, amounting to the Sum of £7 : 11 : 5. The Committee report that the Treasury Notes and Interest redeemed thereon amount to £1582 : 0 : 5½, which Mr. *Oliver* proposes to have destroyed by order of the House. The Committee further report that one of the Deputy Treasurers charges 10 per cent Commission on the Gross amount of duties collected, and another Deputy Treasurer charges only 10 per cent Commission on the Neat amount of duties collected after deducting the Drawback.

(Signed)

“ S. AGNEW,

“ P. FRASER,

“ J. WARD,

“ COLIN CAMPBELL, Jun.”

Ordered, that the Treasury Notes sent up by the Treasurer amounting as reported by the Committee to £21 : 9, be destroyed—which was done accordingly.

Mr. *R. Pagan*, by leave, brought in a Petition from *R. Pagan & Co.* stating that they had imported a large quantity of Coffee, which is under the care of the Collector of the Customs ; that the duty on the same amounted to a considerable sum ; and praying that they may be relieved therefrom on exportation. Ordered, that the Petition lay on the table.

Ordered, that Mr. *Agnew* and Mr. *Chapman* be a Committee of this House to request a free conference with the Council on the Bill to continue and amend an Act for the more easy and speedy recovery of small debts.

A Message from the Council informing the House, that the Council have agreed to the Bill for the better security of the Navigation of certain Harbours in the County of Northumberland : and that they had passed a Bill to provide for the more easy partition of lands in Co-parcenary, Joint-Tenancy, and Tenancy in Common. Which Bill was read a first time.

The House in Committee, Mr. *Dunn* in the Chair ;—Went into the consideration of the Bill in amendment of an Act for regulating Fisheries. The *Speaker* resumed the Chair, the Chairman reported, that the Committee had gone into the consideration of the business before them, and had made progress therein ; and asked leave to sit again. Which report is accepted.

On Motion of Mr. *Street*, Resolved, that an humble address be presented to His HONOR the PRESIDENT, requesting that he will be pleased to appoint Commissioners for the purpose of enquiring into the practicability of removing the Rock called the Split Rock on the east side of the entrance of the Falls near the City of Saint John, to a depth sufficient to prevent interference with the river navigation ; and also to enquire into and ascertain, as nearly as may be, any effect likely to be thereby produced on the low lands

agreed to the report. Ordered, that the said Bill be engrossed and sent up to the Council for concurrence.

Mr. *Street* brought in by leave, a Bill to compel the sealing of Leather; which was read a first time.

Mr. *Humbert* brought in by leave a Bill to alter and amend an Act intituled "An Act for regulating marriage and divorce and for punishing Incest, Adultery and Fornication."

The House in Committee; Mr. *R. Pagan* in the Chair;—Went into the consideration of the Bill to enable the Justices in their General Sessions to make such regulations relating to streets, market-houses, and other public places in the different Towns in this Province, as they may judge necessary. The *Speaker* resumed the Chair, the Chairman reported, that the Committee had agreed to the Bill. Ordered, that the report be accepted and that the Bill be engrossed.

The House in Committee; Mr. *M'Donald* in the Chair;—Went into the consideration of the Bill to authorise the erection of fences and gates across certain roads in the several Counties in this Province, where the same shall be found necessary. The *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.

Resolved, that the Committee of conference on the Road Bill be instructed to propose to the Committee of Council that the labour apportioned by the fifth Section of that Bill, be regulated by the Commissioners, requiring each person in their respective parishes, to give in by a limited time a schedule or statement of their property for the government of the Commissioners in making such assessment; and that the Commissioners proceed in their discretion in assessing such a neglect or refusal, to give in such schedule or statement; and that they propose that the Bill, if so regulated, shall continue by way of experiment for two years.

The House in Committee, Mr. *Humbert* in the Chair;—Went into the consideration of the Bill to continue an Act intituled "An Act to prevent illicit and clandestine trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof." The *Speaker* resumed the Chair, the Chairman reported, that the Committee had gone into the consideration of the Bill, and had made progress therein, and asked leave to sit again. Which report is accepted.

The House in Committee, Mr. *Peters* in the Chair;—Went into the consideration of the Bill in addition to an Act, for assessing, collecting and levying County rates. The *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 then Adjourned until Monday morning at 10 o'Clock.

MONDAY,

MONDAY, 26th FEBRUARY, 1810.

PRAYERS.

Read, as engrossed, a Bill to authorise the erection of fences and gates across certain roads in the several Counties in this Province where the same shall be found necessary. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Read, as engrossed, a Bill to enable the Justices in their General Sessions to make such regulations, relating to streets, market-houses and other public places in the different Towns in this Province as they may judge necessary. Ordered, that the said Bill pass and be sent up to the Council for concurrence.

The House in Committee, Mr. *Campbell* in the Chair;—Went into the consideration of the Bill in addition to the Act to prevent the incumbering and filling up of harbours. 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 in addition to the Act to prevent the incumbering and filling up of harbours. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Read a second time the Bill to compel the sealing of leather. Ordered, that the said Bill be committed.

The House in Committee, Mr. *McDonald* 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 made some further progress by coming to the following resolutions thereon, to wit,

Resolved, that there be allowed and paid out of the Province Treasury unto the several persons hereafter mentioned, to wit,

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 days 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*.

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

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

To the Serjeant at Arms attending the Council in General Assembly *ten shillings per diem* during the present Session.

To

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

To the Door Keepers and Messengers attending the Council and Assembly, *five shillings* per diem each, during the present Session.

To the Treasurer of the Province for his services from the 1st day of March, 1808, to the 1st day of March, 1809, the sum of *two hundred and twenty pounds*, and from the 1st day of March, 1809, to the 1st day of March, 1810, the like sum of *two hundred and twenty pounds*.

To the Tide-Surveyor in the City of Saint John, from the 1st of March, 1808, to the 1st of March 1809, for his services, and expences in performing the same, the sum of *forty pounds*.

To Edward Goldstone Lutwyche, Esquire, for his past services as Agent for the Province, the sum of *two hundred pounds* sterling.

To His Honor the President or Commander in Chief, for defraying the Contingent expences of this Province, a sum not exceeding *one hundred pounds*, for the year 1810.—Also

A sum not exceeding *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 the President and Directors of the Grammar School in the City of Saint John the sum of *one hundred pounds*; for the salary of the Master of the same for the year 1810.

To the Governor and Trustees of the College in Fredericton, to be applied by them towards the tuition of the pupils of said College, the sum of *one hundred pounds* for the year 1810.

To the Justices of the Peace of the different counties in this Province, the sum of *three hundred and seventy five pounds* for County Schools, agreeably to a law of this Province, for the year 1810.

To the Adjutants of the Militia in the different Counties in this Province, a sum not exceeding *one hundred and eighty five pounds*, agreeably to a Law of this Province, for the year 1810.

To His Honor the President or Commander in Chief for the time being, 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 His Honor the President or Commander in Chief, a sum not exceeding *thirty guineas* for the purpose of procuring the Royal Arms, to be placed in the Council Chamber, the House of Assembly, and the Supreme Court; in the Province Hall.

To His Honor the President or Commander in Chief, the sum of *one hundred and fifty four pounds eighteen shillings and two pence* for discharging the expences already incurred in facilitating a military communication by opening and repairing roads from Fredericton towards Saint John.

The House in Committee, Mr. *McDonald* in the Chair;—Went into the further consideration of the Supplies to be granted to His Majesty. The *Speaker* having resumed the Chair; the Chairman reported that the Committee had come to the following resolutions for the appropriation of monies for roads and bridges, viz.

Resolved, that the sum of *four hundred and twenty five pounds* be granted for the purpose of completing the public road between Saint John and Saint Andrews through the settlements from Saint Stephens to Beaver Harbour, as follows, to wit.

For aid in building a bridge across Dennis' Stream to shorten the main road from Saint Stephens to Saint Andrews: *fifty pounds*.

For aid in building a bridge across an arm of the sea at Oak Bay: *twenty-five pounds*.

For aid in building a bridge across the arm of the sea called Buckabeck, and opening the road from thence to Digadiguash River; *one hundred and fifty pounds*.

For aid in building a bridge across the arm of the sea called Wahwig: *one hundred pounds*.

For aid in completing the communication from Magagaudavic portage, to the settlements in Penfield; *seventy-five pounds*.

To enable the Highland emigrants settled on Bass-ridge, to build a bridge across Moannas Stream to communicate with the settlement of Saint Stephens: *twenty-five pounds*.

And Resolved, that the following sums be granted towards improving the road through the County of Westmorland, to wit.

For repairing the road from the bend of the river Petcoudiac to Chediack harbour, the sum of *two hundred pounds*.

For repairing the road from Chediack to Memramcook bridge; *one hundred pounds*.

For repairing the road from David Blakeney's, through the upper part of the township of Monckton; *one hundred pounds*.

For repairing the road from said Blakeney's towards Robert Carlisle's; *seventy-five pounds*.

For repairing the road from Blakeney's to New Canaan settlement; *fifty pounds*.

And Resolved, that the following sums be granted towards improving the roads in Queen's-County, to wit.

For completing the road from the Grand Lake to the Washademoack Lake a little above the narrows; *twenty pounds*.

For enabling the settlers on the Grand Lake to erect a floating bridge across the waters of the Thoroughfare leading from the said Lake to the Maquapit Lake, and for making several small bridges and causeways across certain low meadows or intervale lands, through which the road passes to the river Saint John; *eighty pounds*.

Towards opening a road from the settlement at New Canaan on the Washademoack river to enable them to communicate with the road leading to Saint John from Westmorland, at or near a certain small river that empties itself into the river Kennebeckacis, generally known by the name of Studholme's Mill Stream; the sum of *fifty pounds*.

And Resolved, that the following sums be granted towards improving the roads through the County of York.

For completing the roads and bridges from Fredericton to Presque-Isle; *one hundred and fifty pounds*.

To be laid out on the road through the Parish of Wakefield; *thirty pounds.*
 For building a bridge across Phillis's Creek; *forty pounds.*
 For facilitating the navigation of the Maducic falls; *fifty pounds.*
 For building a bridge across the Madamkeswick; *twenty-five pounds.*
 For completing the gaol of the County of York; *seventy-five pounds.*
 Towards rebuilding the bridge across the Nashwacsis Creek; *fifty pounds.*

And Resolved, that the following sums be granted for repairing the roads in the County of Sunbury, as follows, to wit.

For repairing two bridges in the Parish of Lincoln between Fredericton and the Oromocto; *seventy pounds.*

For repairing the causeway in Burton across Mr. Street's meadow; *seventy pounds.*

To be laid out on the road and bridges on the south side of the Oromocto, from Richard Kemble's, to Daniel Smith's on the south branch of that river; *seventy pounds.*

For erecting a bridge across the Creek near Loder's in the Parish of Sheffield; *thirty pounds.*

To be laid out on the road from Little River to the road on the French Lake; *ten pounds.*

And Resolved, that the following sums be granted for opening and repairing roads in the County of Northumberland.

To be laid out on the road between the settlements on the River Nashwaack and Betts' on the S. W. branch of the river Miramichi; *one hundred pounds.*

To be laid out in repairing the road on the north side of that branch from Lewis Mitchell's, to John Astle's near the forks or Etienne's river; *fifty pounds.*

For opening a road and erecting bridges from the forks or Etienne's river on the north side of the said S. W. branch to the Elm Tree on the said river; *one hundred and fifty pounds.*

For opening a road from Buctouche to Cocagne; *twenty pounds.*

And from Buctouche to Richibucto; *forty pounds.*

And Resolved, that the following sums be granted for repairing roads, &c. in the County of Saint John.

To be laid out from Manawagonish to John Mount's; *fifty pounds.*

For a bridge across Musquash river; *one hundred pounds.*

To be laid out on the road from Tabor's leading to the Parish of Hopewell; *fifty pounds.*

From Tabor's on Hammond river to the settlements at Quaco; *forty pounds.*

From Hopewell road to Martin's Head; *twenty pounds.*

To be laid out on the road from the City of Saint John to Frog pond, *ten pounds;* and from Frog pond to the French Village in King's County, *ten pounds.*

To be laid out from Dipper Harbour to the settlements at Musquash; *forty-five pounds.*

And Resolved, that the following sums be granted for repairing the roads in the County of King's.

To be laid out on that part of the public road, between Dorebester Manor and the road leading from the City of Saint John to Musquash, with which it communicates; *one hundred pounds.*

To be laid out in improving the road leading from Gondola Point in King's County, to the Westmorland road near Mount Aston; *fifty pounds.*

To be laid out on the road near Robert Carlisle's where most wanted, the sum of *twenty-five pounds*.

That in the said Committee the following Resolutions was moved and seconded, to wit.

Resolved, that the Commissioners to be appointed by His Honor the President to enquire into the practicability of removing the Rock called the Split Rock, on the east side of the entrance of the Falls near the City of Saint John, to a depth sufficient to prevent interference with the River navigation; and also to enquire into, and ascertain as nearly as may be, any effect likely to be thereby produced on the low lands bordering on the River St. John, will not at this advanced period have it in their power to report to this House during the present Session—Resolved therefore, that their report of their proceedings in such enquiry to His Honor the President, shall be considered by this House as conclusive—And Resolved, (that if such report to His Honor the President should in his judgment justify the further proceeding to effect an object so important and desirable to the Province at large, and to this River in particular) that to prevent any delay therein, the sum of *two hundred pounds* be granted to His Honor the President of this Province, to be laid out under his direction, in aid of such subscriptions as may be raised for the same purpose of removing such Split Rock and amending and improving the navigation of the River Saint John.

And on which Resolution the Committee divided as follows,

YEAS.

Mr. J. Taylor,
Mr. Campbell,
Mr. Allen,
Mr. P. Fraser,
Mr. Speaker,
Mr. Street,
Mr. Johnston,
Mr. Humbert,
Mr. Chapman,
Mr. J. Fraser.

NAYS.

Mr. W. Pagan,
Mr. R. Pagan,
Mr. Dunn,
Mr. Ward,
Mr. Wetmore,
Mr. Peters,
Mr. Yeamans,
Mr. M^cLeod,
Mr. Agnew.

And that it therefore passed in the affirmative:

And that the Committee agreed upon the further resolutions, as follows, to wit.

Resolved, that a sum not exceeding *one hundred and fifty pounds*, be granted to such persons as His Honor the President or Commander in Chief for the time being may appoint for the purpose of establishing for the year 1810, by a sufficient Packet the communication between St. John, and St. Andrews under such regulations as His Honor the President shall think fit to direct; and the like sum for the year 1811. And that two Commissioners in St. John, and one in St. Andrews, (not being owners of the vessel) be named for regulating such Packet, which should go every ten days, wind and weather permitting, and that such Commissioners advertise for a suitable vessel as early as may be.

Resolved, that the sum of *one hundred pounds* be granted to the Adjutant General of the Militia for his past services, for stationary and other expences.

Resolved,

“ had, in compliance with their request, invited a Priest to reside among them, and assigned him a salary of *fifty pounds* sterling, which being reported and explained to the Secretary of State; was approved, and the salary, payable to the Priest under the title of *Indian Agent*, was included in the accounts of military contingent expences incurred in this Province, and continued until the Priest was removed to another mission.

“ The PRESIDENT further informs the House, that soon after his taking charge of this Government, he was importuned by the Savages to procure for them another Missionary, and, with the unanimous advice of His MAJESTY'S Council, made application for that purpose to the Catholic Bishop of Quebec, promising a renewal of the salary formerly allowed for the same service; that a Missionary has accordingly been appointed who appears to be not unworthy of the confidence of Government; and to whom it was hoped the payment of the salary above mentioned might have been again authorised as a military contingent expence, but this, on application to the Commander in Chief, has been found inadmissible— The PRESIDENT therefore recommends it to the House of Assembly to make provision for this service.

“ Extracts and copies of Letters on this subject, numbered 1 to 6, are herewith laid before the House for their more particular information.

“ M. H.”

Which was referred to the Committee of Supply.

Mr. *R. Pagan* brought in by leave a Bill to continue and amend an Act intituled “ An Act for regulating pilots.” Which being read a first and second time: Ordered, that the said Bill be committed.

Mr. *Allen* by leave brought in a Bill to alter and amend an Act to regulate the winter roads in the Counties of York and Sunbury, which was read a first and second time.

Mr. *J. Taylor* by leave brought in a Bill to alter and amend an Act against the profanation of the Lord's-day. Which was read a first time.

Mr. *Agnew* by leave brought in a Bill in addition to an Act, intituled “ An Act for encouraging and extending literature in this Province.”— Which was read a first time.

Mr. *Johnston* brought in by leave a Bill to subject non residents of this Province to a duty on all importations by them to be made. Which was read a first and second time, and ordered to be committed.

Read a second time, a Bill to alter and amend an Act, intituled “ An Act for regulating Marriage and Divorce, and for preventing and punishing incest Adultery and Fornication.” Ordered that the said Bill be committed.

On motion of Mr. *P. Fraser*, for leave to prepare a Bill to secure certain of His MAJESTY'S Subjects, Freeholders of this Province, professing the Roman Catholic Religion, in the exercise of their Franchises as Electors of Representatives to serve in the General Assembly of this Province: Ordered accordingly.

A Message was received from His HONOR the PRESIDENT as follows, to wit,

“ NEW-

“ NEW-BRUNSWICK, 1st MARCH, 1810.

“ M. HUNTER.

“ MESSAGE TO THE ASSEMBLY.

“ The PRESIDENT informs the House of Assembly that, in compliance with the request contained in their Address of the 23d of February, he has appointed the commanding Royal Engineer, with Mr. *Robert Smith*, and Mr. *Alpheus Pine* to make the enquiry proposed, and to report as soon as may be practicable. “ M. H.”

Mr. *Wetmore* from the Committee appointed to conduct the free conference with the Committee of the Council on the amendments proposed by the Council to the Bill for the more easy and speedy recovery of small debts, reports that they did on the 25th ult. attend the conference, which was managed by the Honorable Mr. Justice *Saunders* and Mr. Justice *Chipman* on the part of the Council: That they stated to the said Committee that the principal objections on the part of the House of Assembly to the amendments proposed to the said Bill were the reducing the jurisdiction of the Justices of the Peace below *five pounds* and restricting that jurisdiction to debt only; and that the Assembly wished to know whether the Council would recede from those parts of the amendments.

That on the 26th they met the same Committee again who requested a statement in writing of all the objections on the part of the House of Assembly to the said amendments proposed by the Council.

That the next day the Committee again met the same Committee of the Council, and delivered to them a paper containing all the objections, a copy of which is as follows, to wit.

“ The House of Assembly have instructed their Committee of free conference with the Committee of the Council on the Bill for the more easy and speedy recovery of small debts to make, in addition to the two principal objections state' yesterday, the following, that is to say,

“ 1. To the expunging the third Section they cannot consent.

“ 2. They object to that part of the proposed amendment to the sixth Section which authorises the Justice to direct payment to be made by installments; but are willing to concur in such an amendment as will enable the Justice to stay execution, in cases where he may think it expedient, for any time not exceeding three months, upon the defendant's giving security not to depart the Jurisdiction.

“ 3. They consider the restoration of the seventh Section will not be resisted by the Council if the Justices jurisdiction continues the same as it has been and now is under the existing law, but they admit that this Section may be amended.

“ 4. As to the new Sections proposed by the amendments to be introduced after the seventh Section of the Bill, the House consider several of them to be unnecessary as they are only declaratory of the Laws now in force; but the House are not inclined to persist in objections upon this ground, if the Council continue of opinion that such amendments are necessary.

“ That the fourth of the new sections proposed, numbered in pencil 10, and also the sixth numbered in pencil 12, the House cannot concur in; indeed they

they consider those Sections inapplicable to the enlarged jurisdiction of the Justice.

"5. The House are of opinion that the first six of the new Sections proposed by the amendments to be introduced after the tenth Section of the Bill can be better supplied by the provisions of the Law for the support of confined Debtors; being extended to the Justices Court.

"6. The House object to the new Section marked in pencil 23, as a substitute for the tenth Section, no farther than as it may abridge the Clerk's Court of the City of Saint John of a part of its present jurisdiction."

27th February, 1810.

That the said Committee of the Council yesterday delivered to them a paper containing the answer of the Council to the objections, which is in the following words,

"The Committee of free conference on the part of the Council on the Bill "for the more easy and speedy recovery of small debts," are instructed to state to the Committee on the part of the Assembly, in answer to the objections of the Assembly to the amendments proposed by the Council to the same Bill.

"1. That the Council for the sake of preserving harmony, so much to be desired at all times, between the several branches of the Legislature, consent to extending the jurisdiction of Justices of the Peace to *five* instead of *three* pounds, and that *five* be accordingly inserted instead of *three* in the several and respective amendments proposed, but upon condition only,

"2. That this jurisdiction be restricted to the recovery of debts agreeably to the professed object in the title of the Bill itself, and the invariable usage in similar institutions and jurisdictions in England, to which the Council conceive that the Acts of Assembly ought on all occasions, so far as may be practicable, to conform; for these and other cogent reasons, the Council after the most mature deliberation, consider this addition to be indispensable, and therefore that the first Section of the Bill be as proposed in the amendments.

"3. That, consequently, the Council adhere to the fourth of the new Sections proposed, numbered in pencil 10, and also to the sixth numbered in pencil 12.

"4. That although the Council conceive the proposed amendment to the sixth Section authorising the Justice to direct payments to be made by installments to be an advisable and salutary provision, they nevertheless yield to the proposal of the Assembly that this be struck out, and that instead thereof, if the Assembly deem it expedient, the Justice be enabled to stay execution as proposed in the written objection on the part of the Assembly No. II.

"5. The Council continue of opinion that the Section proposed in the amendments in lieu of Section VII of the Bill, and the following Sections in the amendments numbered in pencil 8, 9, 11, 13, are necessary, in order to prevent doubts or difficulties that might otherwise arise on the subject, matter of these Sections respectively.

"6. The Council will not persist in the six Sections of the proposed amendments, numbered in pencil 16, 17, 18, 19, 20, 21, if the Assembly shall continue to be of opinion that they may be better supplied by the Provisions of the Law for the support of confined debtors being extended to the Justices Court.

“7. It follows from the foregoing particulars that the Council must adhere to their rejection of the Section in the Bill numbered VII. and must also retain the new Section marked in pencil 23; as a substitute for the Section in the Bill numbered X.

“8. The Council conceive the third Section in the Bill to be altogether inadmissible, and that it is their indispensable duty to persist in expunging it, as being contrary to the established principle of English Law, that every subject may appear by his Attorney, and as operating most unjustly and injuriously in cases of sickness, and many other casualties and incapacities to attend, and particularly in cases of strangers who may be suddenly arrested when under the necessity of immediately going out of the jurisdiction of the Justice.

“9. As no objections are made on the part of the Assembly to the other amendments proposed, the Council take it for granted that they will be acceded to by the Assembly, if the Bill should be sustained upon the principle of the amendments insisted upon in the foregoing answer to the objections made on the part of the Assembly.” By Order of the Council,

28th February, 1810.

W. M. F. ODELL, Clerk.

The question being thereupon put whether the House will concur with the Council in the amendment proposed by expunging the third Section of the Bill which is as follows, viz.

“And be it further enacted, that no person whatsoever shall be permitted by any Justice to prosecute, defend, plead or counsel in any suit or action, to be tried by virtue of this Act, to which such person is not a party, unless such person so offering or appearing to prosecute, defend, plead or give counsel as aforesaid, shall previously swear before such Justice that he has not received or taken any fee or reward for the same either directly or indirectly, nor any other person to or for his use, and that he will not directly or indirectly receive or take any fee or reward for the same, either by himself or by any other person to or for his use;” It passed in the affirmative.

And the question being then put whether the House will concur with the Council in the amendment proposed by restricting the jurisdiction of the Justices Court, to the recovery of debts only, it passed unanimously in the negative. Thereupon ordered, that the Committee of free conference prepare reasons to be assigned to the Committee of the Council in support of their resolution to adhere to their objection against the amendment proposed by the Council for restricting the jurisdiction of the Justices Court, to the recovery of debts only.

The House then adjourned until to-morrow morning at 10 o'Clock.

FRIDAY, 2d MARCH, 1810.

PRAYERS.

Message from the Council informing the House of Assembly, that the Council have agreed to the Bill for regulating, laying out, and repairing highways, &c.

The House in Committee Mr. R. Pagan in the Chair; went into consideration

deration of the Bill to provide for the more easy partition of lands in Coparcenary, Joint-Tenancy, and Tenancy in common. The *Speaker* having resumed the Chair, the Chairman reported that the Committee had concurred in the said Bill, with an amendment, and ordered, that the same be returned to the Council.

Mr. *Chapman* brought in by leave and read a first and second time a Bill for the preservation of Oysters in the Counties of Westmorland and Northumberland. Ordered, that the said Bill be committed.

The House in Committee, Mr. *Agnew* in the Chair; went into consideration of the Bill to compel the Sealing of leather. The *Speaker* having resumed the Chair, the Chairman reported, that it was the opinion of the Committee that the consideration of this Bill be postponed for three months. The House agreed to the report.

The House in Committee Mr. *J. Fraser* in the Chair; went into the consideration of the Bill for the regulation of the renting of houses, lands and tenements. The *Speaker* having resumed the Chair; the Chairman reported, that the Committee had gone into consideration of the Bill, had made progress therein, and asked leave to sit again. The report accepted.

The House in Committee, Mr. *Humbert* in the Chair; went into the consideration of the Bill to continue and amend an Act, intituled "An Act for regulating Pilots." The *Speaker* having resumed the Chair; the Chairman reported that the Committee had gone into consideration of the Bill, had agreed to the same, and had desired him to report it. The House agreed to the report, and ordered the Bill to be engrossed.

The House in Committee, Mr. *P. Fraser* in the Chair: went into the consideration of the Bill for laying a duty on certain articles imported from the United States. The *Speaker* having resumed the Chair; the Chairman reported that the Committee had gone into the consideration of the Bill; had agreed to the same, and had desired him to report it. The House agreed to the report, and ordered the Bill to be engrossed.

A Message was received from His HONOR the PRESIDENT as follows;

"NEW-BRUNSWICK, 2d MARCH, 1810.

"M. HUNTER.

"MESSAGE TO THE ASSEMBLY.

"The PRESIDENT recommends it to the Assembly to make Provision for defraying the expences of all such arms and accoutrements as shall hereafter be furnished from His MAJESTY'S Stores for the use of the Militia of the Province.

"M. H."

Mr. *Wetmore* from the Committee of free conference, with the Committee of Council on the Bill for the more easy and speedy recovery of small debts, reports a draft of reasons to be assigned in support of the objection to the amendment proposed by the Council, which would restrict the jurisdiction of the Justices Courts to the recovery of debts only, which is, as follows, to wit,

"The Committee of free conference on the part of the House, on the Bill for

for the more easy and speedy recovery of small debts, are instructed to state to the Committee on the part of the Council, that the House, from a sincere desire to preserve harmony, and for no other reason, have concluded to wave their objection to that part of the amendment proposed, which goes to the expunging of the third Section of the Bill.

“ That after mature consideration, the House cannot consent, that the jurisdiction of the Justices’ Court, shall be restricted to the recovery of debts only, for the following reasons,

“ 1. That by the Laws of England, the Sheriffs in their several County-Courts have held, and do now in many places hold, plea of all personal actions where the debt or damages do not amount to *forty shillings*.

“ 2. That by the Charter of the City of Saint John, and the Charters or Letters Patent for erecting and constituting the several Counties in this Province, Courts were established, having jurisdiction of all actions, cases and causes wherein the sum or thing demanded should not exceed the sum or value of *forty shillings*, to be proceeded in and determined before a Justice of the Peace and the County-Clerk, agreeably to the usage and practice of the County-Courts in England.

“ 3. That by an Act passed in the first Session of the first General Assembly of this Province “ It is enacted that no person whatsoever shall commence “ any suit or action, by bill, plaint, or in any other manner whatsoever, “ or shall pursue or prosecute any such bill, plaint, action or suit, where the “ sum or thing in demand, suit or controversey, does not exceed the sum of “ *forty shillings*, in any Court of Law within this Province, except the “ Clerk’s Courts of the respective Counties, or the City Court of the City of “ Saint John.” That by an Act passed afterwards, the powers of the Clerk’s Courts were taken away, and transferred to the several Justices of the Peace, who had power to hear and determine all causes whatsoever cognizable in the said Clerk’s Courts: That this power has been by several Laws of the Province continued in the said Justices to this time.

“ 4. That the amendment now proposed, of restricting the Jurisdiction of the Justice to the recovery of debts only, if concurred in, would leave the Province without any Court, having power to try all other causes usually cognizable before the County Courts in England, where the damages are under *forty shillings*.

“ 5. That if the Bill does not pass into an Act, the Clerk’s Courts will, upon the expiration of the Law for the recovery of small debts, be repossessed of their former powers and jurisdiction, which extend to all cases and causes cognizable before the county Courts in England; and the amendments now under consideration must, in that case, be lost.

“ The Council, having concurred in opinion with the House of Assembly, that the sum or value of the action cognizable before a Justice, should continue at the sum of *five pounds*, it is the earnest hope and expectation of the Assembly, that upon re-consideration, the proposed amendment (being an alteration of the Law which has existed so long, and which is so perfectly consonant to the English Constitution) will not be persisted in, to the loss of the Bill, as the House cannot, for the reasons before assigned, concur with the Council in the amendment.”

Ordered, that the same be communicated to the Committee of free conference on the part of the Council.

cil request it may be distinctly understood that this is not to be regarded as a precedent on any future occasion.

2. "The Council, from an anxious desire to preserve a perfect harmony between the two Houses; reluctantly yielded their assent to the extension of the jurisdiction of the Justices to sums not exceeding *five pounds*, but upon the express and indispensable condition that this jurisdiction should be restricted to the recovery of debts only.

3. "The Council cannot account for the reference made by the Assembly on this occasion to the Sheriffs Courts in England, in which *the Freeholders of the County are the real Judges* and the Sheriff the ministerial officer, and which in many other very important respects bear so little resemblance to the Justices Courts contemplated in the present Bill.

4. "With regard to the observation of the Assembly 'that the amendment now proposed of restricting the jurisdiction of the Justice to the recovery of debts only, if concurred in, would leave the Province without any Court having power to try all other causes usually cognizable before the County Courts in England when the damages are under *forty shillings*;' the Council beg leave to observe,

"That a perpetual Act was passed in the twenty-sixth year of the reign of his present Majesty intituled 'An Act for regulating the Courts of Law established in the several Counties for the trial of Actions to the value of *forty shillings*;

"That these Courts by the City Charter and the Letters Patent erecting the several Counties had jurisdiction of *all actions, cases, and causes wherein the sum or thing demanded should not exceed the sum or value of forty shillings*;

"That the foregoing Act was repealed by the 18th Section of a temporary Act passed in the 35th year of His Majesty's reign, for two years, intituled 'An Act for the more easy and speedy recovery of small debts,' which gave to a Justice of the Peace jurisdiction of *all actions of debt, detinue, account, covenant, trespass, and trespass on the case, wherein the sum due or thing demanded should not exceed the value of three pounds*;

"That the foregoing temporary Act was continued by the Act 37, Geo. 3, passed 18th February, 1797, for five years;

"That on the 18th February, 1802, the same temporary Act expired, by which the foregoing perpetual Act 26, Geo. 3, C. 10, was revived and became in full force;

"That on the 5th March, 1802, an Act was passed intituled, 'An Act for the easy and speedy recovery of small debts, and for regulating the proceedings thereon,' by which it was enacted, 'that all actions wherein the sum or thing in demand should not exceed *five pounds*, should be heard and determined before any one of His Majesty's Justices of the Peace in the respective Counties in this Province, and that no other Court should hold Plea or jurisdiction of the same';

"This Act left the foregoing perpetual Act of the 26, Geo. 3, C. 10, in full force, excepting so far as it might be *virtually* repealed by the provisions of this Act of the 42, Geo. 3, as there was no *express* repeal or mention of it in the same Act;

"That this Act of the 42, Geo. 3, was continued by the Act of the 45, Geo. 3, until the 1st day of this instant month of March, when it expired by its own limitation, and left the said Act of the 26, Geo. 3, as it still remains, in full force.

"If then the Clerk's Courts of the respective Counties and the City Court of the City of St. John, referred to in the Act of the 26, Geo. 3, by virtue of their power

power and authority to hear and determine *all actions, cases and causes wherein the sum or thing demanded should not exceed the value of forty shillings*, had (as the Assembly seem to suppose) power to try besides causes for the recovery of debts only, '*all other causes usually cognizable before the County Courts in England, where the damages are under forty shillings.*' These Courts being revived by the expiration of the temporary Acts above-mentioned, still retain the same power and authority, which power and authority the Bill now under consideration, as proposed to be amended, in no degree alters or in any manner affects.

"By the first section of this Bill, as proposed to be amended, it is provided 'that all and every person and persons who now have or hereafter shall have any debt or debts owing unto him, her, or them, not exceeding *five pounds*, shall or may cause the debtor or debtors to be proceeded against for the recovery of such debt or debts before any one of His Majesty's Justices of the Peace in the several and respective Counties in this Province, in which such debtor or debtors respectively shall reside or may be found.'

"This clause merely gives to the Justices of the Peace a concurrent jurisdiction with the Clerk's Courts of the Counties, and the City Court of Saint John in causes *for the recovery of debts not exceeding forty shillings*, and so far as respects the recovery of debts exceeding *forty shillings* and not exceeding *five pounds*, a concurrent jurisdiction with other Courts, leaving the authority of all the other Courts established by Law in the Province, exactly as it would be, if this Bill should not be enacted; the Bill providing in the 11th section as amended 'that in case of the commencement of any action or suit, *in any other than the Justices Court*, for any debt not exceeding *five pounds*, and recoverable by virtue of the provisions in the Bill, the plaintiff by reason of a verdict or judgment in his favor or otherwise, shall not have or be intitled to any costs whatsoever,' and making adequate provision for the defendants indemnity, if the verdict or judgment should be in his favor; thus leaving to the suitor, agreeably to the true principle of the English constitution and Laws in such cases, 'the choice of the Tribunal before which he would institute his action.'

5. "The Council think it not altogether irrelevant to observe on this occasion that the County Court, like the Hundred Court and Court Baron, have fallen into disuse in England with regard to the trial of actions therein; and that in the only instance in which the proceedings in those Courts for the trial of actions have been attempted to be revived by the establishment of a special county Court in the county of Middlesex, under the statute of the 23, Geo. 2, '*for the easy and speedy recovery of small debts in that county where the debt or damages shall not amount to the sum of forty shillings*, twelve suitors in rotation and the county Clerk are made the Judges of the Court; the times of holding the Court in the several districts in the county are established; it is required 'that the Clerk shall be of the degree of an utter Barister of three years standing at the Bar, and be approved by the Lord Chancellor, the Lord Chief Justice of the Court of King's Bench, and the Lord Chief Justice of the Court of Common Pleas for the time being, or two of them, and that each of the Clerks deputies, shall be likewise of the degree of an utter Barister of three years standing at the bar; and that it is only in cases of *actions of debt or actions upon assumpsit to be brought in the Superior Courts*, against persons within the jurisdiction of the special County Court, in which the jury upon the trial shall find the damages under *forty shillings*, that the plaintiff is not to be intitled to his costs, unless

The House in committee, Mr. J. Fraser in the Chair; went into consideration of the Bill to continue several Acts of the General Assembly that have expired or are near expiring. The *Speaker* having resumed the Chair, the Chairman reported, that the committee had agreed to the Bill and had desired him to report, that it was the opinion of the House, that the title of this Bill should be a "Bill to make perpetual an Act for the further and better support of the Poor in the City of St. John." And had desired him to report the same. The House agreed to the report, and ordered the Bill to be engrossed.

Message from the Council, informing the House, that the Council have agreed to the Bill, to continue and amend the Act for raising a Revenue:

Also that the Council had agreed to the Bill, to provide for the more effectually repairing the streets, roads, and bridges in the City and County of Saint John, with amendments; which being read were concurred in; and thereupon ordered, that the said Bill be returned to the Council.

Also that the Council had agreed to the Bill for the preservation of Oysters, in the Counties of Westmorland and Northumberland, with amendments; which being read were concurred in; and thereupon ordered that the Bill be returned to the Council.

The House in Committee, Mr. J. Fraser in the Chair; went into the consideration of the Bill to prevent the destruction of Moose on the Island of Grand-Manan. The *Speaker* having resumed the Chair; the Chairman reported, that the Committee had agreed to the Bill, and desired him to report the same. The House agreed to the report, and ordered the Bill to be engrossed.

Mr. R. Pagan from the Committee on private accounts reported as follows:—

"The Committee of Accounts beg leave to report, that they have examined and adjusted the Sheriffs accounts for holding the late Elections, and find the following sums due to them respectively, viz.

"To the Sheriff of the City and County of St. John, *twenty-nine pounds ten shillings.*

"To the Sheriff of Westmorland County, *seven pounds five shillings.*

"To the Sheriff of Charlotte County, *fifteen pounds ten shillings.*

"To the Sheriff of Northumberland County, *sixteen pounds five shillings.*

"To the Sheriff of Queen's County, *nine pounds ten shillings.*

"To the Sheriff of York County, *seventeen pounds ten shillings.*

"To the Sheriff of Sunbury County, *sixteen pounds five shillings.*

"They have examined also the following accounts, viz,

"Jacob S. Mott's, for Printing the Laws, Journals, Advertisements, &c. and find a balance due to him of *thirty-six pounds seven shillings and six pence*, after deducting the sum of *sixty pounds* received by him by two Warrants of *thirty pounds* each on the Treasury.

"Ryan and Durant's account for Printing blank Commissions, Life Certificates, &c. and find the sum of *ten pounds ten shillings* due to them.

"Francis M'Beath's account for work on the Province Hall, and Lumber, &c. furnished by him, and find a balance due to him of *thirty-eight pounds eighteen shillings and four pence*, after deducting the sum of *one hundred and twenty pounds* received by him by Warrant on the Treasury.

"The

“The Clerk’s account for fuel, stationary and other expences of the present Session, with the respective vouchers, which amount to *one hundred and six pounds eight shillings and six pence.*

“They have also perused the following reports from Road-Commissioners, viz.

“James M’Nabb and Thomas Fraser’s report of expenditure of *one hundred and sixty-five pounds* (with the numerous vouchers) in repairing the road from the Nashwalk to Miramichi, and find the chargs to be very reasonable. There appears to be a balance of *twenty-one shillings and two pence* of that appropriation remaining in the hands of Peter Fraser, Esq. until called for.

“William Campbell and James White’s, Jun. report of the expenditure of *twenty-five pounds*, on the road from James White’s to Black River, and find correct vouchers to that amount.

“Isaiah Smith’s report and account of expenditure by him, as one of the Commissioners for surveying and marking the road from Hammond river to Hopewell. It appears by this report that *fifty pounds* has been allotted for that purpose; that he has received *thirty-one pounds* of that money, and has expended *thirty-five shillings* more than that amount.

“He states that Mr. Akerly who appears to be the other Commissioner, has received *nineteen pounds* of the sum allotted, no account or report has been exhibited to us of the expenditure of that sum.

“The above report is respectfully submitted by your Committee.

“ROBERT PAGAN,

“HUGH JOHNSTON,

“JOHN ALLEN.”

*Fredericton, 7th
March, 1810.*

The House in Committee, Mr. Agnew in the Chair; went into the consideration of the Bill in amendment of the Act for regulating the exportation of Fish and Lumber. The *Speaker* having 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 facilitate the roads of communication in the Province. Ordered; that the said Bill be committed.

Read a second time, a Bill in addition to, and in amendment of the Act for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John. Ordered, that the said Bill be committed.

Read a first and second time, a Bill to annex certain Settlers to the Parishes nearest to where they reside. Ordered, that the said Bill be committed.

The House then adjourned until to-morrow morning at 10 o’Clock.

FRIDAY, 9th MARCH, 1810.

PRAYERS.

Read, as engrossed, a Bill to prevent the destruction of Moose on the Island of Grand-Manan. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Read, as engrossed, a Bill to make perpetual an Act for the farther and better

better support of the Poor in the City of Saint John. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Read a first and second time, a Bill in addition to an Act intituled "An Act for the more effectual prevention of desertion from His Majesty's forces." Ordered, that the same be committed.

Resolved, that an address be presented to His Honor the President to request that he will be pleased to direct, that such persons as have been intrusted with the expenditure of the public money, and have not yet furnished accounts of the expenditure thereof, render in accounts of the same, at the next meeting of the General Assembly for examination.

Ordered, that Mr. *Peters*, and Mr. *J. Fraser*, be a Committee to present the above address.

The House in Committee, Mr. *Dunn* in the Chair; went into the consideration of the Bill to annex certain Settlers to the Parishes nearest to where they reside. The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had agreed to the Bill, and had directed him to report the same. The House agreed to the report, and ordered the Bill to be engrossed.

The House in Committee, Mr. *Humbert* in the Chair; went into the consideration of the Bill to facilitate the roads of communication in the Province. The *Speaker* having resumed the Chair, the Chairman reported that the Committee had agreed to 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. *J. Fraser* in the Chair; went into consideration of the Bill to repeal an Act intituled "An Act to render Justices of the Peace more safe in the execution of their duty." The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had agreed to the Bill, and had desired him to report the same. The House agreed to the report, and ordered the Bill to be engrossed.

Mr. *Street* brought in by leave a Bill for the better securing the town of Fredericton from fire, which was read a first and second time. Thereupon ordered, that the said Bill be committed.

A Message from the Council, informing the House, that the Council have concurred with the Bill for the more easy and speedy recovery of small debts with amendments. Which being read the amendments were agreed to; and thereupon ordered that the Bill be returned to the Council.

Read, as engrossed, the Bill to alter and amend an Act intituled "An Act for regulating the exportation of Fish and Lumber." Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Mr. *R. Pagan* brought in by leave, a Bill for the support and relief of confined debtors and for repealing all the Laws now in force relating to the same; which being read a first and second time, thereupon ordered, that the said Bill be committed.

The House in Committee of Supply, Mr. *McDonald* in the Chair; went into consideration of the further supplies to be granted to His Majesty, the
Chairman

Chairman reported that the Committee had agreed to certain further resolutions, and had desired him to ask leave to sit again, and that the Committee had desired him to report, the following Resolves, to wit.

Resolved that the following sums be granted to the several Sheriffs of this Province for holding the late Election, to wit:

To the Sheriff of the City and County of Saint John, the sum of *twenty-nine pounds ten shillings.*

To the Sheriff of the County of Westmorland, *seven pounds five shillings.*

To the Sheriff of the County of Charlotte, *fifteen pounds ten shillings.*

To the Sheriff of the County of Northumberland, *sixteen pounds five shillings.*

To the Sheriff of Queen's County, *nine pounds ten shillings.*

To the Sheriff of York County, *seventeen pounds ten shillings.*

To the Sheriff of the County of Sunbury, *sixteen pounds five shillings.*

Resolved that the sum of *thirty-six pounds seven shillings and six pence,* be paid to Jacob S. Mott, for printing Laws and Journals, &c. being a balance due him.

Resolved that the sum of *thirty-eight pounds eighteen shillings and four pence,* be paid to Francis M'Beath, for work and materials at the Province Hall.

Resolved that the sum of *one hundred and six pounds eight shillings and six pence,* be allowed to the Clerk, being the amount of his account for fuel, stationery, and other expences of the present Session.

Resolved that a sum not exceeding *fifty pounds* be granted for the purpose of procuring the Statutes at large, and such other Books as a joint Committee of the Council and House may think proper, for the use of the Legislature.

Resolved that the further sum of *five pounds* be granted to the Chaplain of the House of Assembly to defray the expences of travelling.

The House agreed to the report.

Ordered, that the deputy Clerk of the Crown attend at the Bar of this House to-morrow morning with the Writs of Election for the County of Northumberland; and that the Sheriff of the said County or his deputy, do also attend at the same time for the purpose of amending the said return, agreeably to a former order of this House:

The House in Committee, Mr. R. Pagan in the Chair; went into the consideration of the Bill to repeal the Act for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John. The *Speaker* having resumed the Chair; the Chairman reported; that the Committee had gone into the consideration of the Bill, and had agreed to the same.—The House agreed to the report, and ordered the Bill to be engrossed.

Message from the Council, informing the House, that the Council have concurred with the Bill to make perpetual the Act for the further and better support of the Poor in the City of Saint John.

Also informing the House that the Council have agreed in passing a Bill to regulate the proceedings in actions of Replevin and to enable the sale of goods distrained for rent, &c. and requesting the concurrence of the House therein, which being read a first and second time. Ordered, that the said Bill be committed.

Also

Also a Message, informing the House, that the Council have concurred in passing the Bill in amendment of an Act for regulating fisheries, with amendments.

The House then Adjourned until to-morrow morning at 10 o'Clock.

SATURDAY, 10th MARCH, 1810.

PRAYERS.

Read, as engrossed, the Bill to annex certain Settlers to the Parishes nearest to where they reside. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Read, as engrossed, the Bill to repeal an Act, intituled "An Act to render the Justices of the Peace more safe in the execution of their duty." Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Read, as engrossed, the Bill to facilitate the roads of communication in the Province. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

The House in Committee, Mr. *Humbert* in the Chair; went into the consideration of the Bill to subject non-residents of this Province, to a duty of five per cent. on all Importations by them to be made. The *Speaker* having resumed the Chair; the Chairman reported, that the Committee had gone into consideration of the Bill, had made some progress therein, and asked leave to sit again. The report accepted.

The House in Committee, Mr. *McLeod* in the Chair; went into the consideration of the Bill, in addition to an Act, intituled "An Act for the more effectual prevention of desertion from His Majesty's Forces." The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had agreed to the Bill, and had desired him to report the same. The House agreed to the report, and ordered the Bill to be engrossed: which being read as engrossed. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

House in Committee, Mr. *J. Fraser* in the Chair; went into consideration of the Bill for regulating Marriage and Divorce, &c. The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had gone into consideration of the same, and, that it was the opinion of the Committee, that the further consideration of the Bill be postponed until the next meeting of the General Assembly. Which report was agreed to.

Message from the Council informing the House that the Council have concurred with the Bill in addition to the Act to empower the Justices of the Sessions in the several Counties, &c. to make regulations respecting Markets and Ferries, within such Counties as may be found necessary.

Also informing the House that the Council, have concurred in passing the Bill to prevent the destruction of Moose on the Island of Grand Manan, with amendments, which being read, were agreed to, and thereupon ordered that the Bill with the amendments be returned to the Council.

The

The amendments sent down yesterday by the Council, to the Bill for regulating the Fisheries being read, were agreed to, and ordered that the said Bill, with the amendments, be returned to the Council.

House in Committee, Mr. *Wetmore* in the Chair; went into the consideration of the Bill to regulate the proceedings in actions of Replevin, &c. The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had concurred with the Bill, and had desired him to report the same. The House agreed to the report, and ordered the Bill to be returned to the Council.

Message from the Council informing the House, that the Council have concurred in passing the Bill to alter and amend an Act for regulating the exportation of Fish and Lumber, &c. with amendments, which being read, were agreed to. Ordered, that the said Bill with the amendments, be returned to the Council.

Also informing the House that the Council had passed a Bill to declare the qualifications of Church Wardens and Vestrymen in the several Parishes in the Province, and of the persons having voices in their election; which Bill was read a first and second time, and ordered to be committed.

Ordered; that Mr. *J. Fraser*, Mr. *Agnew*, and Mr. *Campbell*, be a Committee to bring in a Bill for appropriating the monies in the Treasury.

A Message from the Council informing the House that the Council have concurred in the Bill to repeal the Act to render Justices of the Peace more safe in the execution of their duty; and have also concurred in the Bill for the more effectual prevention of desertion from His Majesty's Forces.

The House in Committee, Mr. *P. Fraser* in the Chair; went into the consideration of the further supplies to be granted to His Majesty. The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had come to certain further resolutions, as follows, to wit.

Upon the petition of Robert Pagan, & Co. representing that in the month of August last, they imported in the Brigantine William, from Jamaica, by way of New-York, 32,443 lbs. Coffee, which was reported for exportation at His Majesty's Custom-House, and at the Office of the Province Treasury, and security given for payment of the duties amounting to *one hundred and thirty-five pounds three shillings and seven pence*; that said Coffee was intended to be landed at New-York, and there sold; but owing to American restrictions it could not be done, only a part being yet exported; praying relief as per petition on file: and it appearing in proof to this House that said Coffee is deposited in the Custom-House for exportation and not intended for consumption in this Province, thereupon

Resolved that upon due proof of said Coffee being exported, the Bond given for security of said duties may and ought to be cancelled.

Resolved that the sum of *eighty pounds* be granted to the keeper of the Light-House on Partridge Island: such sum to be paid on the certificate of the Commissioners of the Light-House; that said Light-House has been well and faithfully kept.

Resolved; that the sum of *sixteen pounds* be granted to Charles M^cAlpine; for building a bridge over Akerley's Brook.

Resolved; that should it be thought necessary to remove Samuel Duffy, the present Keeper of the Light-House, from his situation in consequence of his advanced years and infirmities, the sum of *twenty-five pounds* be allowed him annually for the years 1810 and 1811, to be paid quarterly out of the Treasury on the Certificate of two or more of the Commissioners appointed to superintend the Light-House.

Whereas the Honorable Justice Upham now deceased, did nearly at the close of his life at great inconvenience and expence leave his family and go to Great-Britain, for the purpose of soliciting an augmentation to the salaries of the Judges, which were then much too small for their support: and whereas there is good reason to believe, that principally by his solicitations and representations the late addition was made, so necessary for the dignity and independence of the Judges: and whereas the said Justice Upham closed his life in England, shortly after the augmentation took place, and received no reimbursement for his expences or any compensation for his services: Therefore Resolved unanimously, that the sum of *two hundred pounds* be granted to Mrs. Mary Upham, the widow of the said Justice Upham; and also the further sum of *one hundred pounds* to Miss Elizabeth Upham; his eldest daughter.

That *one hundred pounds* be granted for the contingent expences of the Province for the year 1811.

That the sum of *twenty-five pounds* be allowed Mrs. Tilton, in consideration of her situation represented in her petition to the Legislature.

That the sum of *seven pounds ten shillings* be paid to William Pagan, Esq. to reimburse him for sundry postages of public Letters.

That the sum of *twenty pounds* be granted towards assisting the Inhabitants of Sussex Vale, in erecting a bridge over the brook near Hallett's, lately carried away.

That the additional sum of *thirty pounds* be granted for improving the road from the City of St. John to the French Village, and that the *fifty pounds* voted for the road from Gondola Point to Mount Aston, ought to be re-appropriated for that purpose.

Resolved, that provision be made at the next Session of the General Assembly, to the utmost ability of the Province, for defraying the expences of such Arms and Accoutrements, as shall be furnished from His Majesty's Stores, for the use of the Militia.

Resolved, that the sum of *fifty pounds* sterling, be granted to His Honor the President or Commander in Chief for the purpose of paying a Missionary to the Indians, for the year 1810, and the like sum for the year 1811.

That the sum of *one hundred pounds* be granted to the Honorable Mr. Odell, for Provincial services.

That a sum not exceeding *one hundred and fifty pounds*, instead of *one hundred pounds* be granted to His Honor the President for apprehending deserters.

That

That the sum of *one hundred pounds* be granted to the Surveyor General of the Province for past services.

That the sum not exceeding *thirty pounds* be granted for printing the Votes and Journals of this House.

And asked leave to sit again.

The foregoing resolutions were agreed to, and ordered to be carried up to the Council for concurrence.

Message from the Council informing the House that the Council have agreed to the several resolutions of appropriation sent up by the House.

A Message was received from His HONOR the PRESIDENT as follows;

“ NEW-BRUNSWICK, 9th MARCH, 1810.

“ M. HUNTER.

“ MESSAGE TO THE ASSEMBLY.

“ The PRESIDENT directs to be laid before the House and recommends to their consideration a petition of James Brittain, Esq. Lieut. Colonel of King's County Militia. “ M. H.”

Referred to the Committee of Supply.

Mr. *Peters* brought in by leave, a Bill to authorise the erection of fences with gates across certain highways in Queen's County, leading through intervale lands, where the same should be found necessary. Which was read a first time.

Resolved; that an address be presented to His Honor the President, requesting that His Honor will be pleased to appoint Commissioners to superintend the Light-House on Partridge Island, with power to appoint a keeper of the said Light-House and perform all the duties incumbent on said appointment; and also to examine and liquidate all accounts relating thereto. Ordered that the said resolution be sent up to the Council for their concurrence.

The House adjourned until Monday morning at 10 o'Clock.



MONDAY, 12th MARCH, 1810.

PRAYERS.

Read, the third time, the Bill to declare the qualification of Church Wardens and Vestrymen, &c. and of the persons having voices in their election. Ordered, that the said Bill pass, and be returned to the Council.

The House in Committee, Mr. *P. Fraser* in the Chair; went into consideration of the Bill to continue sundry Acts, that are near expiring. The *Speaker* having resumed the Chair; the Chairman reported, that the Committee had taken into consideration the said Bill, and had agreed to the same. The House agreed to the report, and ordered the Bill to be engrossed.

Read a second time, the Bill to authorise the erection of fences with gates across certain intervale lands in Queen's County, &c. Ordered, that the said Bill be committed.

The

The House in Committee, Mr. *McDonald* in the Chair; went into consideration of the Bill for the relief of confined debtors. The *Speaker* having resumed the Chair, the Chairman reported, that the House had agreed to the same by the following title, "A Bill to revive and make perpetual an Act, intituled an Act for the support and relief of confined debtors, and further to extend the provisions of the same." The House agreed to the report, and ordered the Bill to be engrossed.

Message from the Council, informing the House, that the Council have concurred in the address to His Honor the President, requesting His Honor to appoint Commissioners to superintend the Light-House on Partridge Island, and that Mr. *Leonard* be a committee to attend with the committee of this House in presenting the same. Ordered, that Mr. *W. Pagan*, and Mr. *Johnston* be a committee for that purpose.

The House in Committee, Mr. *Wetmore* in the Chair; went into consideration of the Bill to authorise the erection of fences with gates across certain highways in Queen's County, leading through intervale lands, where the same shall be found necessary. The *Speaker* having resumed the Chair; the Chairman reported, that the Committee had gone into consideration of the Bill, and had agreed to the same. The House agreed to the report, and ordered the Bill to be engrossed.

Read, a second time, a Bill to secure certain of His Majesty's subjects, freeholders of this Province, professing the Roman Catholic Religion, in the exercise of their Franchises as electors of representatives to serve in the General Assembly of this Province. Ordered, that the said Bill be committed.

Mr. *Campbell* brought in by leave, a Bill to regulate the trade in the Western part of this Province, which was read a first and second time, and thereupon ordered, that the said Bill be committed.

A Message from the Council informing the House that the Council have concurred in passing the Bill for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John, with amendments; which being read, were agreed to, and ordered, that the Bill be returned to the Council.

Read, a first and second time, a Bill to grant and appropriate certain sums of money for roads and bridges. Ordered, that the said Bill be committed.

The House in Committee, Mr. *J. Fraser* in the Chair; went into consideration of the above Bill. The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had gone into consideration of the Bill, and had agreed to the same. The House agreed to the report, and ordered the Bill to be engrossed.

Read, as engrossed, the Bill to continue and revive sundry Acts of the General Assembly that have expired. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

The House in Committee, Mr. *R. Pagan* in the Chair; went into consideration of the Bill to secure certain subjects freeholders of this Province professing the Roman Catholic Religion, in the exercise of their Franchises. The

A General Account of Merchandize Imported into the Harbour of St. John, New-Brunswick,

subject to the Provincial Duties at the TREASURER'S OFFICE, from the 1st day of July, 1808, to the 1st day of January, 1810.

No. of Returns Tide-Surveyor, &c.	Time of Entry.	Vessel's Names.	Master's Names.	Where-From.	Auction Account			Wine at 9d.		Wine at 1s.		Rum at 7½d.		Rum at 9d.		Coffee at 1d.		Geneva and Brandy at 9d.		Brown Sugar at 2s. 6d. per cwt.				Brown Sugar at 4s. per cwt.				Total Amount.				
					£	S	D	Casks.	Gallons.	Casks.	Gallons.	Casks.	Gallons.	Casks.	Gallons.	Casks.	Pounds.	Casks.	Gallons.	Casks.	Gallons.	Casks.	Cwts.	Qrs.	Lbs.	Casks.	Cwts.	Qrs.	Lbs.	£	S	D
1	1808—July 19	Sloop Dart,	John M'Dowall,	St. Vincents,								82	7907							9	905					25	48	2	0	309	19	8
2	19	Schooner Union,	John Roxby,	Shelburne,																						9	19	0	0	3	16	
3	22	Schooner Mary-Ann,	James Beateay,	Halifax,			10	58												12	1196	16	51	1	0					14	5	9½
4	23	Ship James,	John Gray,	Halifax,			8	324						4	400	2	12			1	28	5	32	3	0	8	16	0	0	25	14	6½
5	26	Brig Lord Nelson,	John Richards,	Demarara,					3	302										9	862	23	58	0	0					20	5	7
6	August 2	Brig Bell,	Jesse Garrison,	St. Kitts,					89	9324										38	3489	21	118	0	0					320	13	3
7	8	Schooner Three Sisters,	Eldad Nickerson,	Newfoundland,			2	120												2	227									14	10	3
8	11	Schooner Margaret,	Andrew Gemmit,	Halifax,			2	216						5	1100	5	509									2	16	0	0	37	13	5
9	15	Sloop Industry,	David Way,	Halifax,			3	394																		20	80	1	0	37	15	
10	17	Ship Pandora,	Thomas Johnston,	New-Providence,										2	650											110	185	1	10	39	15	6
11	17	Schooner William,	John Wilson,	Shelburne,										3	505											10	20	0	0	6	2	1
12	24	Brig Venus,	William Ward,	St. Lucia,					22	2270				5	850					30	2842	112	450	0	0					142	11	5
13	September 2	Schooner Lark,	James Holly,	Dominique,					80	8546											91	244	1	7					297	12		
14	8	Brig Swift,	Alexander M'Lacklan,	Jamaica,					148	15838				11	4996					10	1077	25	142	0	16					538		1½
15	19	Sloop Industry,	David Way,	Halifax,			4	432																					21	12		
16	19	Schooner Lily,	Caleb Seely,	St. Croix,					6	654										12	1162								25	5	7	
17	28	Brig Ann,	Thomas Rawleigh,	St. Croix,					87	9316											31	215	0	0					318			
18	October 10	Schooner Tight Match,	John Leavitt,	Halifax,			3	160																					8			
19	27	Brig Phillis,	James Smith,	London,			6	608									20	2428											121	9		
20	November 2	Ship Crown,	Robert Hewland,	Halifax,			3	76																					3	16		
21	19	Brig Olive Branch,	Neil Kennedy,	St. Kitts,					183	19628				14	1562	14	3900			14	1369	19	69	0	5					622		1
22	22	Brig Tartar,	John M'Dougall,	Barbadoes,																									80	10	7	
23	December 3	Schooner Thomas,	William Allan,	Halifax,			3	369	2	208																4	47	1	0	31	8	9
24	1809—January 10	Sloop Betsey,	William Bradshaw,	Halifax,					11	235																			21	14	8	
25	11	Brig Dromedary,	James Mackie,	Jamaica,					86	9580											5	550				10	61	2	5	21	14	8
26	February 22	Schooner Resolution,	Thorndick Corning,	Jamaica,					82	8727											2	1350				25	284	1	0	340	10	7½
27	April 29	Ship Rosina,	James Potter,	Groenock,					7	917											5	3200				26	233	2	0	315	4	9½
28	29	Brig Jane,	Michael Walker,	Liverpool,			3	339																					45	17		
29	May 4	Schooner Hercules,	Felix Thomas,	Tobago,						200	19566																		611	8	9	
30	8	Schooner Two Brothers,	Abraham Cockeren,	Shelburne,																3	188					11	83	0	0	17	7	8
31	8	Schooner Juniper,	Willet Carpenter,	Halifax,					4	212				10	1686														32	3	1½	
32	8	Schooner James and Edward,	James Cunningham,	Shelburne,																18	1809					7	52	0	0	17	18	9
33	15	Schooner Mary-Ann,	Henry Wort,	Exuma,																	2	6	0	0					15			
34	19	Ship Triumvirate,	William Green,	London,					5	669																			33	9		
35	June 8	Schooner Civility,	William Taylor,	Halifax,					1	60				6	655														27	11	3	
36	8	Brig Olive Branch,	Neil Kennedy,	Jamaica,						109	12178	45	5146																573	10	9	
37	19	Schooner Margaret,	Robert W. Crookshank,	Jamaica,						126	13362	25	2493	9	1958					2	172	26	99	0	5				532	6	1½	
38	July 3	Ship Venus,	Robert Berton,	Halifax,					30	3591									20	2634									278	6	6	
39	8	Brig Dromedary,	James Mackie,	Halifax,					4	202	27	3040									5	99	3	306	8	82	0	18	119	9	6½	
40		Custom House Sales,							1	14										5	534	10	1014					4	8	3		
41	August 22	Schooner Hercules,	John Woodworth,	Halifax,																									24	5		
42	30	Ship Bee,	George Stonehouse,	Halifax,					4	462																			23	2		
43	September 11	Schooner Two Sisters,	Ebenezer Parry,	Halifax,					6	342																			21	19	6	
44	28	Schooner Lily,	Rodney Drinkwater,	Jamaica,							44	4889																	165	5	7½	
45	October 9	Schooner Lily,	Caleb Seely,	Halifax,																10	1049	6	36	1	10				8	18	3	
46	26	Schooner Heary,	John Harris,	Passamaquoddy,									29	3075															115	6	3	
47	November 4	Ship Suspence,	Charles Simonds,	London,					17	1550										5	675								102	16	3	
48	8	Brig Douglas,	James Holly,	Bahamas,							19	2009																	62	15	7½	
49	12	Ship Mary,	Henry Harvey,	Greenock,										2	133														4	19	9	
50	December 4	Brig Pandora,	Michael Walker,	St. Kitts,							46	4685	1	50						12	1074	1	11	2	0				154	3	10½	
51		Andrew Crookshank's Auction Account, ending 30th September, 1807.							71	17	6																					
52		ditto ditto ending 30th September, 1808.							110	10	8																					
53		Peters & Wiggins' ditto ending 1st November, 1809.							10	1	1																					
					192	9	3	6	648	133	10850	1366	145914	204	21021	82	24825	64	7118	193	18542	474	2350	0	10	206	557	1	10			

Dr.

The Province of New-Brunswick in General Account Current with William S. Oliver.

Cr.

1808		£	S	D
August 20	To Jacob S. Mott's Bill for Printing Blanks,	4	10	
November 2	John Chaloner's Bill for Gauging,	30	10	6
1809—July 10	John Chaloner's Bill for Gauging,	31	5	6
December 31	Jacob S. Mott's Bill for Printing Blanks, &c.	7	7	
	Account for Stationary, &c. to this date,	7	11	5
	Warrants paid since 1st July, 1808,	3845	13	1½
	Drawback on Goods exported since 1st July 1808,	1029	1	3
	John Chaloner's Bill for Gauging, &c.	8	6	6
	Treasury Notes redeemed of 1st May, 1805,	22	9	
	Treasurer's Salary, 1 year to 1st March 1808,	200		
	Cash paid Wm. Whitney, 6 days making up the Accounts,	1	10	
	Cash, Bonds, and Treasury Notes in the Chest,	5122	9	½
		<u>10310</u>	<u>13</u>	<u>4</u>

Errors Excepted.

1808		£	S	D
July 1	By old Account, Cash, and Bonds in the Chest,	1759	14	7
August 11	Cash from G. Clopper, Esq. a fine for buying Soldiers necessary's,	5		
December 7	Cash from W. Chipman, Esq. a fine from Elizabeth Wade,	10		
1809—Jan. 9	Cash from ditto, a fine from Hannah Wise,	10		
	Cash from ditto a fine from ditto,	2	10	
December 31	Balance of Light House Account,	71	5	4½
	Amount received on account of Duties at Charlotte	847	19	
	Ditto on ditto at Westmorland,	84	3	
	Duties at Northumberland, 1808,	466	3	4
	Ditto at Saint John,	6901	14	½
	Received on account of Duties at Charlotte,	152	4	
		<u>10310</u>	<u>13</u>	<u>4</u>

Saint John, 1st January, 1810.

WILLIAM S. OLIVER, TREASURER.

N. B. The difference of 2d. is owing to the Fractions on the calculation of the Sugar.

ABSTRACT OF DUTIES at SAINT JOHN, 1st JANUARY, 1810.		£	S	D
WINE	618 gallons at 9d.			
VINE	10850 gallons at 1s.			
RUM	143914 gallons at 7½d.			
COFFEE	21021 gallons at 9d.			
BRANDY	21825 pounds at 1d.			
MOLASSES	7118 gallons at 9d.			
SUGAR	18542 gallons at 1d.			
SUGAR	2350 cwt. 10lb. at 2s. 6d.			
SUGAR	577 cwt. 1qr. 10lb. at 4s.			
Amount of Auction Accounts,				
		6901	14	2½
		192	9	3
		<u>6901</u>	<u>14</u>	<u>2½</u>

tree to join the Committee of Council, in corresponding with the Agent of the Province, and making such other communications as they may think proper.

House in Committee, Mr. *Peters* in the Chair: went into consideration of the Bill for the better security of the Town of Fredericton from fire. The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had gone into consideration of the Bill, and had agreed to the same. The House agreed to the report, and ordered the Bill to be engrossed.

House in Committee, Mr. *R. Pagan* in the Chair; went into consideration of the Bill to appropriate a part of the Public Revenue. The *Speaker* having resumed the Chair, the Chairman reported, that the Committee had come to the following resolution, to wit,

Resolved, that the sum of *two shillings and six pence* be added to the daily pay of the Door Keepers and Messengers of the Council and Assembly, during the present Session—Which resolution is agreed to, and thereupon ordered that the same be communicated to the Council for their concurrence, and that the Committee have leave to sit again.

Read, as engrossed, a Bill for the better security of the Town of Fredericton from accidents by fire. Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Read, as engrossed, a Bill to continue the establishment of County Schools as provided for by an Act, intituled “An Act for encouraging and extending Literature in this Province.” Ordered, that the said Bill pass, and be sent up to the Council for concurrence.

Message from the Council informing the House, that the Council have concurred in passing the Bill for the relief of confined debtors, &c. with amendments.

Also informing the House that the Council have concurred in passing the Bill to grant and appropriate certain sums of money for roads and bridges in this Province.

Also another Message from the Council informing the House, that they have concurred with the Assembly in the Bill for the erection of fences with gates, in the Counties of Queen’s and Sunbury.

Also a Bill to continue the establishment of County Schools, as provided for by an Act intituled “An Act for encouraging and extending Literature in this Province.”

Also a Bill for regulating the Importation of certain articles into this Province.

Resolved, that this House do request a conference with the Council on the Bill for the relief of confined debtors, &c. Ordered, that Mr. *R. Pagan*, and Mr. *Wetmore* communicate this request to the Council.

Message from the Council informing the House that the Council have agreed to the conference requested by the House, on the Bill for the support and relief of confined debtors, &c. and that Mr. *Odell*, and Mr. *Chipman* be a Committee for that purpose.

House in Committee, Mr. *R. Pagan* in the Chair; went into further consideration of the Bill to appropriate a part of the Public Revenue. The *Speaker* having resumed the Chair, the Chairman reported that the Committee

larger for that purpose; and that he have four sets of the Journals of this House bound for the use of the Assembly.

Ordered, that Mr. *Wetmore*, and Mr. *W. Pagan*, be a Committee to join a Committee of Council for the purpose of purchasing such books, &c. as may be deemed necessary, agreeably to a vote of this House.

Message from His Honor the President, by *Xenophen Jouett*, Esq. the Gentleman Usher of the Black Rod, commanding the immediate attendance of this House in the Council Chamber. The House attended accordingly; when Mr. *Speaker* spoke to this effect:

“ *May it please your Honor,*

“ The faithful Commons of New-Brunswick ever attentive to the recommendations received from the Executive Government, have diligently proceeded in their deliberations to provide for the important objects pointed out in your Speech at the opening of the Sessions. They have provided for the safety and defence of the Province, by an Act for better regulating the Militia; for opening and extending the different roads of communication throughout the Province: They have attended to the encouragement of Literature; and have passed sundry other Acts, which they trust will prove very beneficial to His Majesty’s subjects in the Province, by their operation.

“ In providing for these important objects, large and liberal supplies have been found requisite. They are provided for in several Bills. The House beg your Honor’s acceptances of the grants of the monies for these purposes, and have the fullest confidence they will be applied providentially, and the result prove highly beneficial, as they have lately experienced to their great satisfaction.”

His Honor was pleased then to give his assent to the following Bills; to wit,

1. “ An Act to authorise the Sheriff or other Executive Officer serving process at the Parish of Saint Martin’s, to convey any prisoner there arrested to the Gaol in the City of Saint John by way of the public Road leading through a part of King’s County.”

2. “ An Act for making further provisions to prevent the destroying and murdering of Bastard Children, and for the further prevention of the malicious using of means to procure the miscarriage of women.”

3. “ An Act to revive, continue and amend An Act for the better securing the Navigation of Passamaquoddy Bay within Deer Island.”

4. “ An Act to continue for a limited time an Act passed in the Thirty-ninth year of His Majesty’s Reign, intituled an Act for regulating the Fisheries in the County of Northumberland.”

5. “ An Act for the better security of the Navigation of certain Harbours in the County of Northumberland.”

6. “ An Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province.”

7. “ An Act to provide for the more easy partition of Lands in coparcenary, joint-tenancy, and tenancy in common.”

8. “ An Act in addition to the Act to prevent the encumbering or filling up of Harbours.”

9. “ An Act for the better regulating the Militia in this Province.”

10. “ An

10. "An Act to continue an Act, intituled an Act to prevent illicit and clandestine Trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof."

11. "An Act to authorise the Justices of the Sessions in the City and County of Saint John, to levy an assessment for the purpose of repairing and adding to the Gaol of the said City and County."

12. "An Act in amendment of the Acts now in force for regulating Seamen."

13. "An Act to continue and amend an Act, intituled an Act for regulating Pilots."

14. "An Act to continue and amend an Act, intituled an Act for raising a Revenue in this Province."

15. "An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland."

16. "An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."

17. "An Act for the more easy and speedy recovery of small debts."

18. "An Act in addition to an Act, intituled an Act to empower the Justices of the Sessions, in the several Counties in this Province, to make such regulations respecting Markets and Ferries within such Counties as may be found necessary."

19. "An Act to make perpetual an Act, for the further and better support of the Poor in the City of Saint John."

20. "An Act for the further regulation of Fisheries, and for preventing their decay."

21. "An Act to regulate the proceedings in actions of Replevin, and to enable the sale of goods distrained for Rent, in case the Rent be not paid in a reasonable time, and for the more effectual securing the payments of Rents, and preventing fraud by Tenants."

22. "An Act to prevent the destruction of Moose on the Island of Grandmanan."

23. "An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber."

24. "An Act to authorise the Justices of the Peace in their General Sessions, to establish Ferries in their respective Counties."

25. "An Act to repeal an Act, intituled an Act to render Justices of the Peace more safe in the execution of their duty."

26. "An Act in addition to an Act; intituled an Act for the more effectual prevention of desertion from His Majesty's Forces."

27. "An Act to declare the qualification of Church Wardens and Vestrymen, in the several Parishes in this Province, and of the Persons having voices in their election."

28. "An Act to repeal an Act, intituled an Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John."

29. "An Act to revive and continue sundry Acts of the General Assembly, that have expired."

30. "An Act in amendment of an Act, intituled an Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province."

31. "An Act to revive and make perpetual an Act, intituled an Act for the support and relief of confined debtors, and further to extend the provisions of the same."

32. " An Act to provide for the erection of Fences, with gates across Highways, leading through intervale lands in Queen's County, and the County of Sunbury, where the same may be found necessary."

33. " An Act for regulating the Importation of certain Articles into this Province."

34. " An Act to continue the establishment of County Schools, as provided for by an Act, intituled an Act for encouraging and extending Literature in this Province."

35. " An Act to appropriate a part of the Public Revenue for the services therein mentioned."

36. " An Act to grant and appropriate certain sums of money for Roads and Bridges."

After which His Honor was pleased to make the following Speech to both Houses;

" *Gentlemen of the Council, and*

" *Gentlemen of the Assembly,*

" The business before you being completed, I have the satisfaction to close the present Session in the confident persuasion, that the loyal inhabitants of this Province, whose peace and prosperity we are all ambitious to secure and promote, will derive important and lasting benefits from the Laws now enacted. I have also much satisfaction in observing the liberal provisions made for the several objects recommended to your consideration, and it shall be my endeavor to give the utmost effect to the means intrusted to my administration for the public welfare."

The Chief Justice then said,

" *Gentlemen of the Council, and*

" *Gentlemen of the Assembly,*

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

